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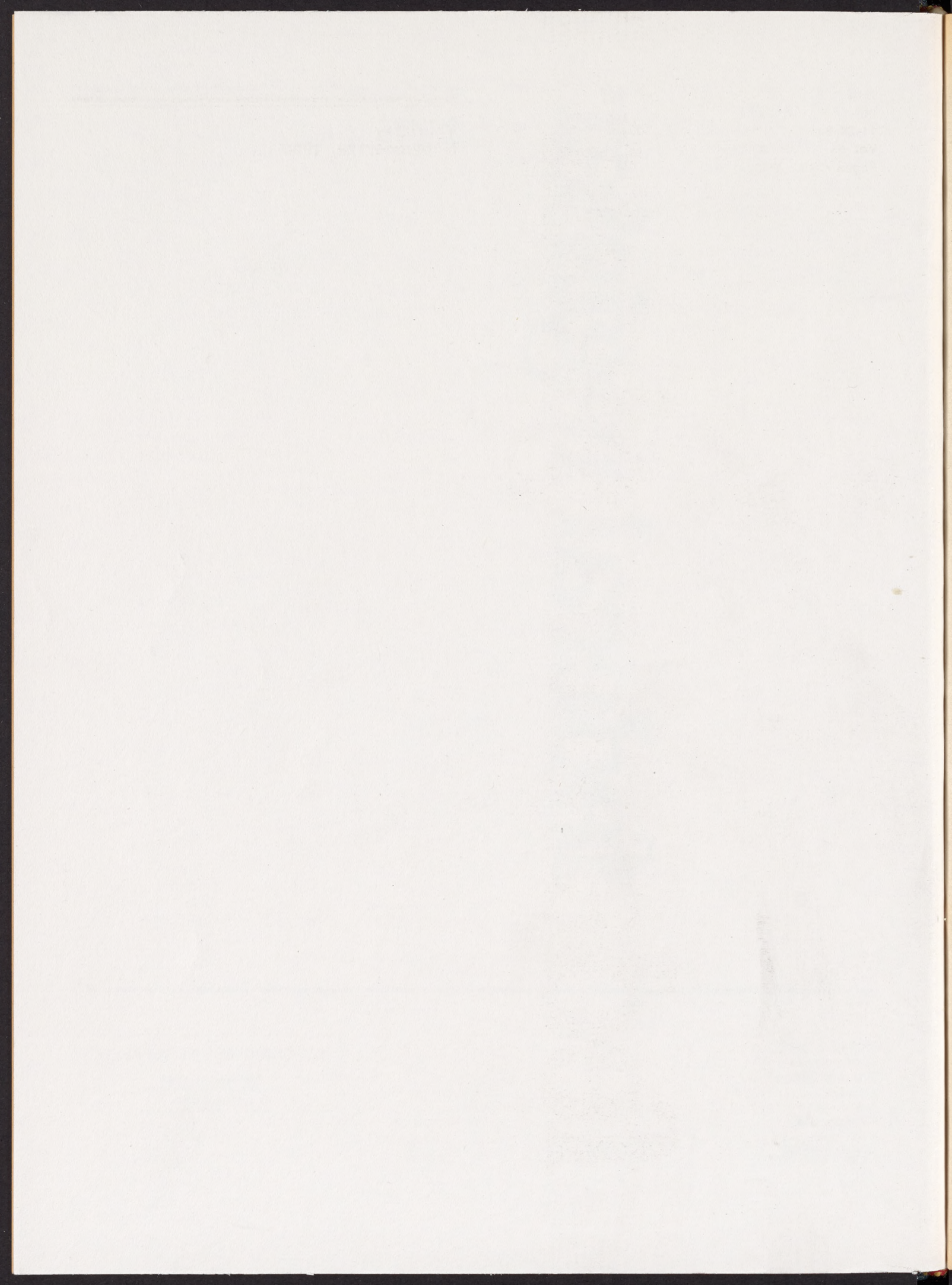
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FEDERAL REGISTER

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The President

Presidential Determination No. 90-37 of August 28, 1990

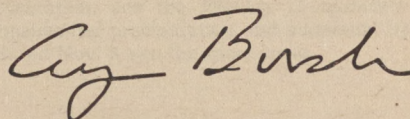
Determination Pursuant to Section 2(c)(1) of the Migration and Refugee Assistance Act of 1962, as Amended

Memorandum for the Secretary of State

Pursuant to Section 2(c)(1) of the Migration and Refugee Assistance Act of 1962, as amended, 22 U.S.C. 2601(c)(1), in order to meet unexpected urgent refugee and migration needs around the world, I hereby determine that it is important to the national interest that \$18,350,000 be made available from the U.S. Emergency Refugee and Migration Assistance Fund (Emergency Fund) to meet unexpected urgent needs of refugees and conflict victims in Africa, Asia and the Near East/South Asia. Of this \$18,350,000, \$8,050,000 will be contributed to the United Nations High Commissioner for Refugees (UNHCR); \$6,500,000 will be contributed to the International Committee of the Red Cross (ICRC); \$800,000 will be contributed to the League of Red Cross and Red Crescent Societies; and \$3,000,000 will be contributed to the United Nations Border Relief Operation (UNBRO). A portion of the funds authorized to support UNHCR efforts in Africa may be used to finance directly assistance provided through private voluntary organizations or other international organizations as required to meet specific needs.

You are directed to inform the appropriate committees of the Congress of this Determination and the obligation of funds under this authority. This Determination shall be published in the **Federal Register**.

THE WHITE HOUSE
Washington, August 28, 1990.



[FR Doc. 90-28222

Filed 11-27-90; 2:53 pm]

Billing code 3195-01-M

Presidential Documents

Presidential Determination No. 91-8 of November 7, 1990

Presidential Determination Waiving Worker Rights Criteria With Respect to Nicaragua Pursuant to Section 212(b) of the Caribbean Basin Economic Recovery Act

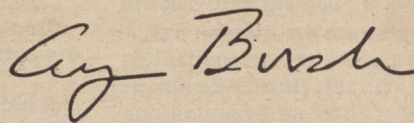
Memorandum for the Secretary of State

By virtue of the authority vested in me by the Caribbean Basin Economic Recovery Act, as amended (19 U.S.C. 2701 *et seq.*) (hereinafter "the Act"), I hereby determine, pursuant to section 212(b) of the Act (19 U.S.C. 2702(b)), that the designation of Nicaragua as a beneficiary country under the Act will be in the national security interest of the United States. Accordingly, I waive the application of paragraph (7) of section 212(b) of the Act.

You are authorized and directed to publish this determination in the **Federal Register**.

THE WHITE HOUSE

Washington, November 7, 1990.



[FR Doc. 90-28223

Filed 11-27-90; 2:54 pm]

Billing code 3195-01-M

Editorial note: For the President's letter to the Speaker of the House and the President of the Senate, dated Nov. 7, on the determination, see the *Weekly Compilation of Presidential Documents* (vol. 26, no. 45). For the Presidential proclamation and statement by Press Secretary Fitzwater on the determination, both dated Nov. 8, see the same issue.

Presidential Documents

9

Presidential Proclamation No. 3450 of November 7, 1958
The National Transportation Working Week Act
With respect to various Federal and State of the
California State Highway Board of the
Administration and the Secretary of State
By order of the President, I have signed the following
Executive Order, as amended (E.O. 12901-1 and 12901-2), which
hereby directs the President to exercise his authority under the Act
that the designation of National Transportation Working Week shall
be in the national security interest of the United States. Accordingly, I have
the application of paragraph (c) of section 2352 of the Act.
You are authorized and directed to publish this Proclamation in the Federal
Register.

John F. Kennedy

JOHN F. KENNEDY
President, November 7, 1958

Whereas the President, in the exercise of his authority under the Act, has designated
National Transportation Working Week, and the National Transportation Working Week
has been designated for the purpose of promoting the national security interest of the
United States, and the President has determined that it is in the national security
interest of the United States that the President should exercise his authority under the
Act to designate National Transportation Working Week;

Rules and Regulations

Federal Register

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

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each week.

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

7 CFR Part 301

[Docket No. 90-221]

Citrus Canker Regulations; Quarantined Areas

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Interim rule.

SUMMARY: We are amending the citrus canker regulations by adding an area in Highlands County, Florida, to the list of areas quarantined because of citrus canker. This action is necessary on an emergency basis to prevent the spread of citrus canker into noninfested areas of the United States. This action imposes certain restrictions on the interstate movement of regulated articles from this area.

DATES: Interim rule effective November 21, 1990. Consideration will be given only to comments received on or before January 28, 1991.

ADDRESSES: To help ensure that your written comments are considered, send an original and three copies to Chief, Regulatory Analysis and Development, PPD, APHIS, USDA, room 866, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782. Please state that your comments refer to Docket Number 90-221. Comments received may be inspected at USDA, room 1141, South Building, 14th Street and Independence Avenue SW., Washington, DC, between 8 a.m. and 4:30 p.m., Monday through Friday, except holidays.

FOR FURTHER INFORMATION CONTACT: Stephen Poe, Operations Officer, Domestic and Emergency Operations, PPQ, APHIS, USDA, room 661, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, 436-6365.

SUPPLEMENTARY INFORMATION:

Background

Citrus canker is a plant disease caused by strains of the bacterium *Xanthomonas campestris* pv. *citri* (Hasse) Dye. The disease is known to affect plants and plant parts, including fruit, of citrus and citrus relatives (Family Rutaceae). It can cause defoliation and other serious damage to the leaves and twigs of susceptible plants. It may also make the fruit of infected plants unmarketable by causing lesions on the fruit. Infected fruit may also drop from trees before reaching maturity. The aggressive A (Asiatic) strain of *Xanthomonas campestris* pv. *citri* can infect susceptible plants rapidly and lead to extensive economic losses in commercial citrus-producing areas.

In the United States, Florida is the only State where citrus canker exists. Regulations to prevent the interstate spread of citrus canker from Florida are contained in 7 CFR 301.75 *et seq.*, "Subpart—Citrus Canker" (referred to below as the regulations). The most recent revisions to the regulations are contained in a final rule published in the *Federal Register* on September 11, 1990 (55 FR 37442-37453, Docket Number 90-114), and effective September 18, 1990.

The regulations designate certain areas in Florida as quarantined areas and impose restrictions on the interstate movement of regulated articles from the through quarantined areas. The regulations also designate survey areas, which surround the quarantined areas. Survey areas undergo close monitoring for citrus canker and serve as containment or buffer zones against the disease.

The regulations in § 301.75-4(c) state that any State or portion of a State where an infestation is detected will be designated as a quarantined area and will remain so until the area has been without infestation for 2 years.

The regulations in § 301.75-4(d) state that less than an entire State will be designated as a quarantined area only if certain conditions are met. The conditions include the establishment of a survey area surrounding the quarantined area and, with certain exceptions, the periodic inspection of regulated plants and trees within the survey area. Additionally, the State must—with certain specified

exceptions—enforce restrictions on the intrastate movement of regulated articles from the quarantined area that are at least as stringent as those being enforced on the interstate movement of regulated articles from the quarantined area.

Prior to the publication of this document, a portion of Manatee County was the only area in Florida designated as a quarantined area. We have determined that an additional area in Florida, in Highlands County, is infested with citrus canker. Additionally, we have determined that the State of Florida is enforcing restrictions on the intrastate movement of regulated articles from the infested areas in Manatee County and Highlands County, and that the restrictions are at least as stringent as those being enforced on the interstate movement of regulated articles from the quarantined areas.

Accordingly, we are amending the regulations by designating a portion of Highlands County, Florida, as a quarantined area, and by designating an area surrounding the quarantined area as a survey area. The exact description of the newly quarantined area and the survey area can be found in this rule portion of this document.

Immediate Action

James W. Gloser, Administrator of the Animal and Plant Health Inspection Service, has determined that there is good cause for publishing this interim rule without prior opportunity for public comment. Immediate action is necessary to prevent citrus canker from spreading into noninfested areas of the United States.

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

Executive Order 12291 and Regulatory Flexibility Act

We are issuing this rule in conformance with Executive Order 12291, and we have determined that it is not a "major rule." Based on information compiled by the Department, we have determined that this rule will have an effect on the economy of less than \$100 million; will not cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; and will not cause a significant adverse effect on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

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

As a result of this rule, an additional area in Florida, in Highlands County, is designated as a quarantined area, and restrictions are being imposed on the interstate movement of regulated articles from the quarantined area. The entities in the quarantined area affected by this action are three citrus grove owners, only one of whom would be considered a small entity. This small entity owns one fruit-producing grove, and a grove consisting of citrus plantings. Of the other two entities, one owns a grove of citrus plantings and a fruit-producing grove, and the other owns a grove of citrus plantings where the citrus canker was found. In the grove where citrus canker was found, all infected trees—as well as suspect trees in the vicinity of the infected trees—have been destroyed. The trees represent a loss of approximately \$14,000 to the owner.

We estimate that the regulations will require all three grove owners to spend approximately \$25 per acre, per year—until the quarantine is lifted—for sanitizing vehicles, equipment, and personnel leaving their groves. These costs represent a very small percentage of their overall production expenses.

The owners of the two fruit-producing groves should be able to continue marketing fruit from these two groves at or near the same level of profit they realized prior to the introduction of the regulations. The regulations allow regulated fruit to be shipped interstate, under certain conditions, from a quarantined area into any area of the United States except commercial citrus-producing areas. Also, the regulations do not prohibit the owners from moving

their fruit intrastate, provided the fruit is not intended for the fresh fruit market, and provided certain other conditions are met.

The effect of the regulations on the owners of the two fruit-producing groves is further muted by the fact that they also own groves outside the quarantined area. Their quarantined groves represent only a portion of the total acreage they own.

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

Paperwork Reduction Act

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

Executive Order 12372

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

List of Subjects in 7 CFR Part 301

Agricultural commodities. Citrus canker, Plants (Agriculture), Plant diseases, Plant pests, Quarantine, Transportation.

PART 301—DOMESTIC QUARANTINE NOTICES

Accordingly, 7 CFR part 301 is amended as follows:

1. The authority citation for part 301 continues to read as follows:

Authority: 7 U.S.C. 150bb, 150dd, 150ee, 150ff, 161, 162, and 164-167; 7 CFR 2.17, 2.51, and 371.2(c).

2. Paragraph (a) of § 301.75-4 is amended by adding a description of the quarantined area for "Highlands County," Florida, immediately after the entry for "Manatee County," to read as follows:

§ 301.75-4 Quarantined areas.

(a) * * *

Florida

* * * * *

Highlands County. That portion of Highlands County consisting of T. 37 S., R. 29 E., secs. 25, 26, 27, 28, and 29, secs. 32, 33, 34, 35, and 36; and T. 38 S., R. 29 E., secs. 1, 2, 3, 4, and 5, secs. 8, 9, 10, 11, and 12, secs. 13, 14, 15, 16, and 17, and secs. 20, 21, 22, 23, and 24.

* * * * *

3. Paragraph (d)(1) of § 301.74-4 is amended by adding a description of the new survey area immediately after the description that begins, "Hillsborough County . . .", to read as follows:

§ 301.75-4 Quarantined areas.

* * * * *

(d) * * *

(1) * * *

Florida

* * * * *

T. 37 S., R. 28 E., secs. 22, 23, 24, 25, 26, and 27, and secs. 34, 35, and 36; R. 29 E., secs. 19, 20, 21, 22, 23, and 24, and secs. 30 and 31; R. 30 E., those portions of secs. 17, 19, 20, 28, and 29 situated west of U.S. Highway 27, and all of secs. 18, 31, 32, and 33. T. 38 S., R. 28 E., secs. 1, 2, and 3, secs. 10, 11, 12, 13, 14, and 15, secs. 22, 23, 24, 25, 26, and 27, and secs. 34, 35, and 36; R. 29 E., secs. 6, 7, 18, and 19, and secs. 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, and 36; R. 30 E., secs. 3, 4, 5, 6, 7, 8, 9, and 10, secs. 15, 16, 17, 18, 19, 20, 21, and 22, and secs. 27, 28, 29, 30, 31, 32, 33, and 34. T. 39 S., R. 28 E., secs. 1, 2, and 3; R. 29 E., secs. 1, 2, 3, 4, 5, and 6; R. 30 E., secs. 3, 4, 5, and 6.

* * * * *

Done in Washington, DC, this 21st day of November 1990.

James W. Glosser,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 90-28015 Filed 11-28-90; 8:45 am]

BILLING CODE 3410-34-M

7 CFR Part 301

[Docket No. 90-223]

Peach Fruit Fly

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Interim rule and request for comments.

SUMMARY: We are quarantining an area in Orange County, California, because of the peach fruit fly, and restricting the interstate movement of regulated articles from the quarantined area. This emergency action is necessary to prevent the spread of the peach fruit fly to noninfested areas of the United States.

DATES: Interim rule effective November 21, 1990. Consideration will be given only to comments received on or before January 28, 1991.

ADDRESSES: To help ensure that your comments are considered, send an original and three copies of written comments to Chief, Regulatory Analysis and Development, PPD, APHIS, USDA, room 866, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782. Please state that your comments refer to

Docket Number 90-223. Comments received may be inspected at USDA, room 1141, South Building, 14th Street and Independence Avenue SW., Washington, DC, between 8 a.m. and 4:30 p.m., Monday through Friday, except holidays.

FOR FURTHER INFORMATION CONTACT: Michael B. Stefan, Operations Officer, Domestic and Emergency Operations Staff, PPQ, APHIS, USDA, room 642, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, 301-436-8247.

SUPPLEMENTARY INFORMATION:

Background

We are amending the "Domestic Quarantine Notices" in 7 CFR part 301 by adding a new subpart 301.96, "Peach Fruit Fly" (referred to below as the regulations). These regulations quarantine a portion of Orange County, California, because of the peach fruit fly, and restrict the interstate movement of regulated articles from the quarantined area.

The peach fruit fly, *Bactrocera zonatus* (Saunders), is a very destructive pest of tropical and subtropical fruits, including mangos, guavas, tomatoes, apples, peaches, and loquats. This pest can cause serious economic losses by lowering the yield and quality of these fruits. Heavy infestations can result in complete loss of these crops.

Recent insect trapping surveys near the Fountain Valley area of Orange County, California have established that a portion of Orange County is infested with the peach fruit fly. The peach fruit fly is not known to occur anywhere else in the United States.

In cooperation with the Animal and Plant Health Inspection Service (APHIS), a unit within the U.S. Department of Agriculture (USDA), officials of State agencies of California have begun an intensive peach fruit fly survey and eradication program in the infested area. Also, as explained below, California has restricted the intrastate movement of certain articles from the quarantined area to prevent the spread of the peach fruit fly within California. However, Federal regulations are also necessary to restrict the interstate movement of certain articles from the quarantined area to prevent the spread of the peach fruit fly to noninfested areas in other States. This interim rule establishes those Federal regulations, which are described below.

Section 301.96 Restrictions on Interstate Movement of Regulated Articles

This section prohibits any person from moving any regulated article interstate

from any quarantined area except in accordance with conditions prescribed in the regulations. For informational purposes, a footnote (number 1) has been added to reference the authority of an inspector to stop and inspect persons and means of conveyance, and to seize, quarantine, treat, apply remedial measures to, destroy, or otherwise dispose of regulated articles as provided in section 10 of the Plant Quarantine Act (7 U.S.C. 164a) and sections 105 and 107 of the Federal Plant Pest Act (7 U.S.C. 150dd, 150ff).

Section 301.96-1 Definitions

This section contains, for informational purposes, definitions of the following terms: "Administrator," "Certificate," "Compliance agreement," "Infestation," "Inspector," "Interstate," "Limited permit," "Moved," "Peach fruit fly," "Person," "Quarantined area," "Regulated article," and "State."

Section 301.96-2 Regulated Articles

Certain articles present a significant risk of spreading the peach fruit fly if they are moved from quarantined areas without restriction. We call these articles regulated articles. This section designates as regulated articles a number of fruits, nuts, vegetables, and berries, and soil within the drip line of plants that produce the fruit, nuts, vegetables, and berries.

In addition, this section allows designation of any other product, article, or means of conveyance as a regulated article, if an inspector determines that it presents a risk of spread of the peach fruit fly and notifies the person in possession of the product, article, or means of conveyance that it is subject to the restrictions in the regulations. This provision for "any other product, article, or means of conveyance" allows an inspector who discovers a risk of spreading peach fruit fly (e.g., a truck with peach fruit fly pupae in cracks in the floorboards) to regulate the product, article, or means of conveyance immediately, by informing the person in possession of the product, article, or means of conveyance that it is being regulated.

Fruits, nuts, vegetables, or berries that are canned, or dried, or frozen below -17.8 °C (0 °F) are not included as regulated articles, since the peach fruit fly could not survive under those conditions.

Section 301.96-3 Quarantined Areas

This section states that it is necessary to quarantine areas in which the peach fruit fly has been found by an inspector, areas in which the Administrator has reason to believe the peach fruit fly is

present, and areas the Administrator considers necessary to quarantine because of their proximity to the peach fruit fly or their inseparability for quarantine enforcement purposes from localities where peach fruit flies have been found.

This section also provides that less than an entire State will be designated as a quarantined area only if the Administrator determines that (1) the State has adopted and is enforcing restrictions on the intrastate movement of the regulated articles that are equivalent to those imposed by our regulations with respect to the interstate movement of these articles; and (2) quarantining less than the entire State will prevent the interstate spread of the peach fruit fly. These determinations would indicate that infestations are confined to the quarantined areas and eliminate the need for designating an entire State as a quarantined area.

In accordance with these criteria, we are designating as a quarantined area an area in Orange County in California. This area is as follows:

Orange County: That portion of Orange County in the Fountain Valley area bounded by a line drawn as follows: Beginning at the point where Springdale Street intersects with State Highway 22; then easterly along this highway to its intersection with Garden Grove Boulevard; then easterly along this boulevard to its intersection with State Highway 22; then northeasterly along this highway to its intersection with Main Street; then southerly along this street to its intersection with State Highway 55; then southwesterly along this highway to its intersection with Newport Boulevard; then southwesterly along this boulevard to its intersection with 17th Street, then westerly along this street to its intersection with Superior Avenue; then southwesterly along this avenue to its intersection with State Highway 1; then northwesterly along this highway to its intersection with Golden West Street, then northeasterly and northerly along this street to its intersection with Slater Avenue; then westerly along this avenue to its intersection with Springdale Street; then northerly along this street to the point of the beginning.

It is necessary to designate this portion of Orange County as a quarantined area because it is an area in which the peach fruit fly has been found, or in which the Administrator has reason to believe the peach fruit fly is present, or an area necessary to regulate because of its inseparability for quarantine enforcement purposes from localities where the peach fruit fly has been found.

There does not appear to be any reason to designate any other quarantined areas in California other than those areas specified above.

California has adopted and is enforcing regulations imposing restrictions on the intrastate movement of the regulated articles that are equivalent to those imposed on the interstate movement of regulated articles under this subpart.

Section 301.96-3 also provides that the Administrator or an inspector may temporarily quarantine an area without publication in the *Federal Register* if there is a basis for listing the area as a quarantined area under this section and if the owner or person in possession of the area to be quarantined is given written notice of this action. This is necessary in order to prevent the spread of the peach fruit fly before restrictions can be published in the *Federal Register* concerning the interstate movement of regulated articles from the designated area.

Section 96-4 Conditions Governing the Interstate Movement of Regulated Articles From Quarantined Areas

Section 301.96-4(a) requires regulated article moved interstate from quarantined areas to be accompanied by a certificate or limited permit issued and attached as prescribed by §§ 301.96-5 and 301.96-8, unless moved as prescribed in § 301.96-4(b).

Section 301.96-4(b) allows a regulated articles to move interstate without a certificate or limited permit if the article originates outside of a quarantined area, it is moved through the quarantined area without stopping except for refueling or for traffic conditions such as traffic lights and stop signs, if it is shipped in an enclosed vehicle or is completely covered so as to prevent access by peach fruit flies, if the point of origin is indicated on the waybill, and if the enclosed vehicle or the enclosure which contains the regulated article is not opened, unpacked, or unloaded in the quarantined area.

Also, § 301.96-4(c) allows the Department to move regulated articles interstate without a certificate or limited permit for experimental or scientific purposes. However, the regulated articles must be moved in accordance with a permit issued by the Administrator, under conditions that prevent the spread of peach fruit fly.

Section 301.96-4 contains a footnote (number 2) to remind persons of other applicable domestic plant quarantine and regulation requirements that need to be met for interstate movement.

Section 301.96-5 Issuance and Cancellation of Certificates and Limited Permits

Under Federal domestic plant quarantine programs, there is a difference between the use of

certificates and limited permits.

Certificates are issued for regulated articles when an inspector finds that, because of certain conditions (e.g., the article is free of the peach fruit fly), there is no pest risk before movement. Regulated articles accompanied by a certificate can be moved interstate without further restrictions being imposed. Limited permits are issued for regulated articles when an inspector determines that, because of a possible pest risk, the article may be safely moved interstate only subject to further restrictions, such as movement to limited areas and movement for limited purposes. Section 301.96-5 explains the conditions for issuing a certificate or limited permit.

Specifically, § 301.96-5(a) provides that a certificate will be issued by an inspector for the movement of a regulated article if the inspector determines that the article: (1) is free of peach fruit fly, has been treated under the direction of an inspector in accordance with § 301.96-10, or comes from a premises of origin that is free of peach fruit fly and has not been exposed to peach fruit fly; (2) will be moved in an enclosed vehicle or is completely enclosed by a covering adequate to prevent access by peach fruit fly; (3) the regulated article will be moved interstate in compliance with any additional emergency conditions deemed necessary to prevent the spread of peach fruit fly under section 105 of the Plant Quarantine Act (7 U.S.C. 150dd); and (4) is eligible for unrestricted movement under all other Federal domestic plant quarantines and regulations applicable to that article.

We have included a footnote (number 3) that provides an address for securing the addresses and telephone numbers of the local Plant Protection and Quarantine offices at which services of inspectors may be requested. We have also included a footnote (number 4) that explains that the Secretary of Agriculture may, under 7 U.S.C. 150dd, take emergency actions to seize, quarantine, treat, destroy, or apply other remedial measures to articles that the Administrator has reason to believe are infested or infected by or contain plant pests.

Section 301.96-5(b) provides for the issuance of a limited permit (in lieu of a certificate) by an inspector for interstate movement of a regulated article if the inspector determines that the article is to be moved to a specified destination for specified handling, utilization or processing, and that the movement will not result in the spread of peach fruit fly.

Section 301.96-5(c) allows any person who has entered into and is operating

under a compliance agreement to issue a certificate or limited permit for the interstate movement of a regulated article after an inspector has determined that the article is eligible for a certificate or limited permit under § 301.96-5 (a) or (b).

Also, § 301.96-5(d) contains provisions for the withdrawal of a certificate or limited permit by an inspector if the inspector determines that the holder of the certificate or limited permit has not complied with conditions for the use of the document. This section also contains provisions for notifying the holder of the reasons for the withdrawal and for holding a hearing if there is any conflict concerning any material fact.

Section 301.96-6 Compliance Agreement and Cancellation

This section provides for the issuance and cancellation of compliance agreements. Compliance agreements can be entered into by any person engaged in growing, handling, or moving regulated articles who agrees in writing to comply with the provisions of subpart 301.96. Compliance agreements are provided for the convenience of persons who are involved in shipments of regulated articles from quarantined areas; they are written to ensure that persons issuing certificates or limited permits are knowledgeable with respect to the requirements of subpart 301.96 and have agreed to comply with them.

A footnote (number 7) explains how compliance agreements may be arranged.

Section 301.96-6 also provides that an inspector supervising enforcement of a compliance agreement may cancel the agreement upon finding that a person who has entered into the agreement has failed to comply with any of the provisions of the regulations. The inspector will notify the holder of the compliance agreement of the reasons for cancellation and offer an opportunity for a hearing to resolve any conflicts of material fact.

Section 301.96-7 Assembly and Inspection of Regulated Articles

This section provides that any person who desires a certificate or limited permit to move regulated articles must, as far in advance of movement as possible but no less than 48 hours before the desired movement, request that an inspector issue a certificate or limited permit. This provision ensures that persons desiring inspection services can obtain them before the intended movement date. A footnote (number 8) is added for informational purposes to

indicate how to contact the inspectors for inspection or how to obtain additional information from offices of the Animal and Plant Health Inspection Service.

Section 301.96-8 Attachment and Inspection of Regulated Articles

Section 301.96-8 requires the certificate or limited permit issued for the movement of the regulated article to be attached to the regulated article, or to a container carrying the regulated article, or to the accompanying waybill during the interstate movement. This provision is necessary for enforcement purposes.

Section 301.96-9 Costs and Charges

Section 301.96-9 explains the APHIS policy that services of an inspector that are needed to comply with the provisions of the regulations in subpart 301.96 are provided without cost during normal business hours (8 a.m. to 4:30 p.m., Monday through Friday, except holidays), but that we will not be responsible for any other costs or charges.

Section 301.96-10 Treatments

Section 301.96-10 sets forth a treatment schedule that qualifies soil for the issuance of a certificate as provided in § 301.93-5. Research has determined that this treatment would destroy the peach fruit fly.

The treatment schedule for soil in § 301.96-10 is as follows:

Soil within the drip area of plants that are producing or have produced the fruits, nuts, vegetables, and berries listed in § 301.96-2(a) of this subpart: Apply diazinon at the rate of 5 pounds active ingredient per acre to the soil within the drip area with sufficient water to wet the soil to at least a depth of ½ inch. Both immersion and pour-on treatment procedures are acceptable.

Emergency Action

James W. Glosser, Administrator of the Animal and Plant Health Inspection Service, has determined that an emergency situation exists, which warrants publication of this interim rule without prior opportunity for public comment. Immediate action is necessary to prevent the peach fruit fly from spreading to noninfested areas of the United States.

Since prior notice and other public procedures with respect to this interim rule are impracticable and contrary to the public interest under these conditions, there is good cause under 5 U.S.C. 553 to make it effective upon signature. We will consider comments that are received within 60 days of

publication of this interim rule in the **Federal Register**. After the comment period closes, we will publish another document in the **Federal Register**, including a discussion of any comments we receive and any amendments we are making to the rule as a result of the comments.

Executive Order 12291 and Regulatory Flexibility Act

We are issuing this rule in conformance with Executive Order 12291, and we have determined that it is not a "major rule." Based on information compiled by the Department, we have determined that this rule will have an effect on the economy of less than \$100 million; will not cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; and will not cause a significant adverse effect on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

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

The regulation affects the interstate movement of regulated articles from a portion of Orange County, California. Within the regulated area there are approximately 330 entities that may be affected, including retail outlets, wholesalers, a processor, a packing house, fruit stands, swap meets, mobile vendors, a farmers market, nurseries, and a commercial grower of cucumbers. Those entities affected comprise less than one half of one percent of the total of similar enterprises operating in the State of California. These are small entities; they sell regulated articles primarily for local intrastate, not interstate, movement. The effect on those few persons who do move regulated articles interstate is minimized by the availability of a treatment that in most cases will permit the interstate movement of regulated articles with very little additional cost. Also many of these entities sell other items in addition to the regulated articles so that the effect, if any, of this regulation on these entities would be minimal. Further, the number of affected entities is small compared with the thousands of small entities that move these articles interstate from nonquarantined areas in California and other States.

Under these circumstances, the Administrator of the Animal and Plant Health Inspection Service has

determined that this action will not have a significant economic impact on a substantial number of small entities.

Paperwork Reduction Act

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

Executive Order 12372

This program/activity is listed in the Catalog of Federal Domestic Assistance under 10.025 and is subject to Executive order 12372, which requires intergovernmental consultation with State and local officials. (See 7 CFR part 3015, subpart V.)

List of Subjects in 7 CFR Part 301

Agricultural commodities, Peach fruit flies, Plant diseases, Plant pests, Plants (Agriculture), Quarantine, Transportation.

PART 301—DOMESTIC QUARANTINE NOTICES

Accordingly, 7 CFR part 301 is amended to read as follows:

1. The authority citation for part 301 continues to read as follows:

Authority: 7 U.S.C. 150bb, 150dd, 150ee, 150ff; 161, 162, and 164-167; 7 CFR 2.17, 2.51, and 371.2(c).

2. Part 301 is amended by adding a new "Subpart—Peach Fruit Fly" to read as follows:

Subpart—Peach Fruit Fly

Sec.

- 301.96 Restrictions on interstate movement of regulated articles.
- 301.96-1 Definitions.
- 301.96-2 Regulated articles.
- 301.96-3 Quarantined areas.
- 301.96-4 Conditions governing the interstate movement of regulated articles from quarantined areas.
- 301.96-5 Issuance and cancellation of certificates and limited permits.
- 301.96-6 Compliance agreement and cancellation.
- 301.96-7 Assembly and inspection of regulated articles.
- 301.96-8 Attachment and disposition of certificates and limited permits.
- 301.96-9 Costs and charges.
- 301.96-10 Treatments.

Subpart—Peach Fruit Fly

§ 301.96 Restrictions on interstate movement of regulated articles.

No person shall move interstate from any quarantined area any regulated

article except in accordance with this subpart.¹

§ 301.96-1 Definitions.

In this subpart the following definitions apply:

Administrator. The Administrator, Animal and Plant Health Inspection Service, or any person authorized to act for the Administrator.

Certificate. A document in which an inspector or person operating under a compliance agreement affirms that a specified regulated article is free of peach fruit fly and may be moved interstate to any destination.

Compliance agreement. A written agreement between the Animal and Plant Health Inspection Service and a person engaged in growing, handling, or moving regulated articles, wherein the person agrees to comply with the provisions of this subpart and any conditions imposed pursuant to it.

Infestation. The presence of peach fruit fly or the existence of circumstances that make it reasonable to believe that the peach fruit fly is present.

Inspector. Any employee of the Animal and Plant Health Inspection Service, U.S. Department of Agriculture, or other person authorized by the Administrator to enforce this subpart.

Interstate. From any State into or through any other State.

Limited permit. A document in which an inspector or person operating under a compliance agreement affirms that the regulated article identified on the document is eligible for interstate movement in accordance with § 301.96-5(b) of this subpart only to a specified destination and only in accordance with specified conditions.

Moved (Move, Movement). Shipped, offered for shipment, received for transportation, transported, carried, moved, or allowed to be moved by any means.

Peach fruit fly. The insect known as peach fruit fly (*Bactrocera zonatus* (Saunders)) in any stage of development.

Person. Any association, company, corporation, firm, individual, joint stock company, partnership, society, or other entity.

Quarantined area. Any State, or any portion of a State, listed in § 301.96-3(c) of this subpart or otherwise designated

as a quarantined area in accordance with § 301.96-3(b) of this subpart.

Regulated article. Any article listed in § 301.96-2(a) or (b) of this subpart or otherwise designated as a regulated article in accordance with § 301.96-2(c) of this subpart.

State. The District of Columbia, Puerto Rico, the Northern Mariana Islands, or any State, territory or possession of the United States.

§ 301.96-2 Regulated articles.

The following are regulated articles:

(a) The following fruits, nuts, vegetables, and berries:

- Apple, Crabapple (*Malus sylvestria*)
- Avocado (*Persea americana*)
- Bael (*Aegle marmelos*)
- Balsam pear, Bitter cucumber (*Momordica charantia*)
- Bell pepper (*Capsicum annuum*)
- Ber, Chinese date, Jujube (*Zizyphus spp.*)
- Bottle gourd, Calabash gourd (*Lagenaria siceraria*)
- Cantaloupe, Honeydew, Casaba melon (*Cucumis melo*)
- Chinese hibiscus, China rose, Rose-of-China (*Hibiscus rosa-sinensis*)
- Citrus (*Citrus spp.*) (except smooth-skinned lemon of commerce that is cleaned and waxed)
- Common guava (*Psidium guajava*)
- Custard apple (*Annona reticulata*)
- Custard apple, Sugar apple (*Annona squamosa*)
- Date palm (*Phoenix dactylifera*)
- Eggplant (*Solanum melongena*)
- Fig (*Ficus carica*)
- Grape (*Vitis vinifera*)
- Ivy gourd (*Coccinea grandis*)
- Kumquat (*Fortunella japonica*)
- Long melon (*Cucumis utilissimus*)
- Loquat (*Eriobotrya japonica*)
- Ma-kok-nam (*Elaeocarpus madopetalus*)
- Mahua (*Madhuca latifolia*)
- Mango (*Mangifera indica*)
- Okra (*Abelmoschus esculentus*)
- Papaya (*Carica papaya*)
- Peach, plum, cherry, nectarine, apricot, almond, cherry laurel (*Prunus spp.*)
- Pear (*Pyrus communis*)
- Persimmon (*Diospyros spp.*)
- Phalao (*Grewia asiatica*)
- Pomegranate (*Punica granatum*)
- Quince (*Cydonia oblonga*)
- Sand pear, Japanese pear (*Pyrus pyrifolia*)
- Sapodilla (*Manilkara zapota*)
- Sapote, Mamey colorado (*Pouteria sapota*)
- Tabasco pepper (*Capsicum frutescens*)
- Tomato (*Lycopersicon esculentum*)
- Tropical almond (*Terminalia catappa*)
- Walnut (*Juglans spp.*)
- Watermelon (*Citrullus lanatus*)
- Wild olive (*Putranjiva roxburghii*)
- Careya arborea*

Eugenia spp.

Luffa spp.

Fruits, nuts, vegetables, or berries that are canned, or dried, or frozen below -17.8 °C (0 °F) are not included as regulated articles, since the peach fruit fly could not survive under those conditions.

(b) Soil within the drip area of plants that are producing or have produced the fruits, nuts, vegetables, or berries listed in paragraph (a) of this section.

(c) Any other product, article, or means of conveyance not covered by paragraph (a) or (b) of this section, that presents a risk of spread of the peach fruit fly and an inspector notifies the person in possession of it that the product, article, or means of conveyance is subject to the restrictions of this subpart.

§ 301.96-3 Quarantined areas.

(a) Except as otherwise provided in paragraph (b) of this section, the Administrator shall list as a quarantined area in paragraph (c) of this section, each State, or each portion of a State, in which the peach fruit fly has been found by an inspector, in which the Administrator has reason to believe that the peach fruit fly is present, or that the Administrator considers necessary to regulate because of its proximity to the peach fruit fly or its inseparability for quarantine enforcement purposes from localities in which the peach fruit fly has been found. Less than an entire State will be designated as a quarantined area only if the Administrator determines that:

(1) The State has adopted and is enforcing restrictions on the intrastate movement of the regulated articles that are equivalent to those imposed by this subpart on the interstate movement of regulated articles; and

(2) The designation of less than the entire State as a quarantined area will prevent the interstate spread of the peach fruit fly.

(b) The Administrator or an inspector may temporarily designate any nonquarantined area in a State as a quarantined area in accordance with the criteria specified in paragraph (a) of this section for listing such area. The Administrator will give a written notice of this temporary designation, to the owner or person in possession of the nonquarantined area; thereafter, the interstate movement of any regulated article from an area temporarily designated as a quarantined area is subject to this subpart. As soon as practicable, this area will be added to the list in paragraph (c) of this section or the designation shall be terminated by

¹ Any properly identified inspector is authorized to stop and inspect persons and means of conveyance, and to seize, quarantine, treat, apply other remedial measures to, destroy, or otherwise dispose of regulated articles as provided in section 10 of the Plant Quarantine Act (7 U.S.C. 164a) and sections 105 and 107 of the Federal Plant Pest Act (7 U.S.C. 150dd, 150ff).

the Administrator or an inspector. The owner or person in possession of an area for which designation is terminated will be given notice of the termination as soon as practicable.

(c) The area described below is designated as a quarantined area:

California

Orange County

That portion of Orange County in the Fountain Valley area bounded by a line drawn as follows: Beginning at the point where Springdale Street intersects with State Highway 22; then easterly along this highway to its intersection with Garden Grove Boulevard; then easterly along this boulevard to its intersection with State Highway 22; then northeasterly along this highway to its intersection with Main Street; then southerly along this street to its intersection with State Highway 55; then southwesterly along this highway to its intersection with Newport Boulevard; then southwesterly along this boulevard to its intersection with 17th Street, then westerly along this street to its intersection with Superior Avenue; then southwesterly along this avenue to its intersection with State Highway 1; then northwesterly along this highway to its intersection with Golden West Street, then northeasterly and northerly along this street to its intersection with Slater Avenue; then westerly along this avenue to its intersection with Springdale Street; then northerly along this street to the point of beginning.

§ 301.96-4 Conditions governing the interstate movement of regulated articles from quarantined areas.

Any regulated article may be moved interstate from a quarantined area² only if moved under the following conditions:

(a) With a certificate or limited permit issued and attached in accordance with §§ 301.96-5 and 301.96-8 of this subpart;

(b) Without a certificate or limited permit, if:

(1) The regulated article originated outside of any quarantined area and is moved through (without stopping except for refueling, or for traffic conditions, such as traffic lights or stop signs) the quarantined area in an enclosed vehicle or is completely enclosed by a covering adequate to prevent access by peach fruit fly (such as canvas, plastic, or closely woven cloth) while moving through the quarantined area, and

(2) The point of origin of the regulated article is indicated on the waybill and the enclosed vehicle or the enclosure which contains the regulated article is not opened, unpacked, or unloaded in the quarantined area.

(c) Without a certificate or limited permit, if the regulated article is moved:

(1) By the United States Department of Agriculture for experimental or scientific purposes;

(2) Pursuant to a permit issued by the Administrator for the regulated article;

(3) Under conditions specified on the permit and found by the Administrator to be adequate to prevent the spread of peach fruit fly; and,

(4) With a tag or label bearing the number of the permit issued for the regulated article attached to the outside of the container of the regulated article or attached to the regulated article itself if not in a container.

§ 301.96-5 Issuance and cancellation of certificates and limited permits.

(a) An inspector³ will issue a certificate for the interstate movement of a regulated article if the inspector determines that:

(1) (i) The regulated article has been treated under the direction of an inspector in accordance with § 301.96-10 of this subpart; or

(ii) Based on inspection of the premises of origin, that the premises are free from peach fruit flies; or

(iii) Based on inspection of the regulated article, that it is free of the peach fruit fly; and

(2) The regulated article will be moved through the quarantined area in an enclosed vehicle or is completely enclosed by a covering adequate to prevent access by peach fruit fly; and

(3) The regulated article will be moved interstate in compliance with any additional emergency conditions the Administrator may impose under section 105 of the Plant Quarantine Act (7 U.S.C. 150dd) to prevent the spread of the peach fruit fly;⁴ and

(4) The regulated article is eligible for unrestricted interstate movement under all other Federal domestic plant quarantines and regulations applicable to the regulated article.

(b) An inspector⁵ will issue a limited permit for the interstate movement of a

regulated article if the inspector determines that:

(1) The regulated article is to be moved interstate to a specified destination for specified handling, utilization, or processing (the destination and other conditions to be listed in the limited permit), and this interstate movement will not result in the spread of the peach fruit fly because life stages of the peach fruit fly will be destroyed by the specified handling, utilization, or processing;

(2) The regulated article is to be moved interstate in compliance with any additional emergency conditions the Administrator may impose under section 105 of the Federal Plant Pest Act (7 U.S.C. 150dd),⁶ to prevent the spread of the peach fruit fly; and

(3) The regulated article is eligible for interstate movement under all other Federal domestic plant quarantines and regulations applicable to the regulated article.

(c) Certificates and limited permits used for interstate movement of regulated articles may be issued by an inspector or person operating under a compliance agreement. A person operating under a compliance agreement may issue a certificate for the interstate movement of a regulated article if an inspector has determined that the regulated article is otherwise eligible for a certificate in accordance with paragraph (a) of this section. A person operating under a compliance agreement may issue a limited permit for interstate movement of a regulated article when the inspector has determined that the regulated article is eligible for a limited permit in accordance with paragraph (b) of this section.

(d) Any certificate or limited permit that has been issued may be withdrawn by an inspector orally or in writing, if the inspector determines that the holder of the certificate or limited permit has not complied with all conditions under this subpart for the use of the certificate or limited permit. If the withdrawal is oral, the withdrawal and reasons for the withdrawal will be confirmed in writing as promptly as circumstances allow.

Any person whose certificate or limited permit has been withdrawn may appeal the decision, in writing, within ten days after receiving the written notification of the withdrawal. The appeal must state all of the facts and reasons upon which the person relies to show that the certificate or limited permit was wrongfully withdrawn. As promptly as circumstances allow the Administrator will grant or deny the appeal, in writing,

³ Services of an inspector may be requested by contacting local offices of Plant Protection and Quarantine, which are listed in telephone directories. The addresses and telephone numbers of local offices may also be obtained from the Administrator, c/o Domestic and Emergency Operations, Plant Protection and Quarantine, Animal and Plant Health Inspection Service, Federal Building, 6505 Belcrest Road, Hyattsville, Maryland 20782.

⁴ Section 105 of the Federal Plant Pest Act (7 U.S.C. 150dd) provides that the Secretary of Agriculture may, under certain conditions, seize, quarantine, treat, destroy, or apply other remedial measures to articles that the Administration has reason to believe are infested or infected by or contain plant pests.

⁵ See footnote 3 to § 301.96-5(a).

⁶ See footnote 4 to § 301.96-5(e)(3).

² Requirements under all other applicable Federal domestic plant quarantines and regulations must also be met.

stating the reasons for the decision. A hearing will be held to resolve any conflict as to any material fact. Rules of practice concerning a hearing will be adopted by the Administrator.

§ 301.96-6 Compliance agreement and cancellation.

(a) Any person engaged in growing, handling, or moving regulated articles interstate may enter into a compliance agreement when an inspector determines that the person understands this subpart.⁷

(b) Any compliance agreement may be cancelled orally or in writing by an inspector whenever the inspector finds that the person who has entered into the compliance agreement has failed to comply with this subpart or with conditions imposed pursuant to this subpart. If the cancellation is oral, the cancellation and the reasons for the cancellation shall be confirmed in writing as promptly as circumstances allow. Any person whose compliance agreement has been cancelled may appeal the decision, in writing, within ten days after receiving written notification of the cancellation. The appeal must state all of the facts and reasons upon which the person relies to show that the compliance agreement was wrongfully cancelled. As promptly as circumstances allow, the Administrator will grant or deny the appeal, in writing, stating the reasons for the decision. A hearing will be held to resolve any conflict as to any material fact. Rules of practice concerning a hearing will be adopted by the Administrator.

§ 301.96-7 Assembly and inspection of regulated articles.

(a) Any person (other than a person authorized to issue certificates or limited permits under § 301.96-5(c) of this subpart) who desires to move interstate a regulated article accompanied by a certificate or limited permit must notify an inspector,⁸ as far in advance of the desired interstate movement as possible, but no less than 48 hours before the desired interstate movement.

(b) The regulated article must be assembled at the place and in the manner the inspector designates as necessary to comply with this subpart.

⁷ Compliance agreement forms are available without charge from the Administrator, c/o Permit Unit, Plant Protection and Quarantine, Animal and Plant Health Inspection Service, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, and from local offices of the Plant Protection and Quarantine, which are listed in telephone directories.

⁸ See footnote 3 to § 301.96-5(a).

§ 301.96-8 Attachment and disposition of certificates and limited permits.

(a) A certificate or limited permit required for the interstate movement of a regulated article must, at all times during the interstate movement, be attached to the outside of the container containing the regulated article, attached to the regulated article itself if it is not in a container, or attached to the consignee's copy of the accompanying waybill: Provided however, that the requirements of this section may be met by attaching the certificate or limited permit to the consignee's copy of the waybill only if the regulated article is sufficiently described on the certificate, limited permit, or waybill to identify the regulated article.

(b) The certificate or limited permit for the interstate movement of a regulated article must be furnished by the carrier to the consignee at the destination of the regulated article.

§ 301.96-9 Costs and charges.

The services of the inspector during normal business hours (8 a.m. to 4:30 p.m., Monday through Friday, except holidays) will be furnished without cost. The United States Department of Agriculture will not be responsible for any other costs or charges.

§ 301.96-10 Treatments.

Treatment for soil within the drip area of plants that are producing or have produced the fruits, nuts, vegetables, and berries listed in § 301.96-2(a) of this subpart: Apply diazinon at the rate of 5 pounds active ingredient per acre to the soil within the drip area with sufficient water to wet the soil to at least a depth of ½ inch. Both immersion and pour-on treatment procedures are acceptable.

Done in Washington, DC, this 21st day of November 1990.

James W. Glosser,
*Administrator, Animal and Plant Health
Inspection Service.*

[FR Doc. 90-28016 Filed 11-28-90; 8:45 am]

BILLING CODE 3410-34-M

Agricultural Marketing Service

7 CFR Parts 907 and 908

[FV-88-115 FR]

Navel Oranges Grown in Arizona and Designated Part of California; Valencia Oranges Grown in Arizona and Designated Part of California; Revised Nomination Procedures for Membership on the Navel and Valencia Orange Administrative Committees

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: The U.S. Department of Agriculture (Department) is adopting as a final rule, with appropriate corrections, the provisions of an interim final rule which established revised nomination procedures for membership on the Navel and Valencia Orange Administrative Committees (committees), which are responsible for local administration of their respective marketing orders. An interim final rule published in the September 2, 1988, issue of the *Federal Register* (53 FR 34022) allowed the Department to conduct nominations for both committees using the interim nomination procedures described in that rule. A second interim final rule, which revised those procedures in order to clarify and improve this operation, was published in the November 30, 1989, issue of the *Federal Register* (54 FR 49261). This final rule adopts, with appropriate corrections, the interim final rule published on November 30, 1989.

EFFECTIVE DATE: December 31, 1990.

FOR FURTHER INFORMATION CONTACT:

Maureen T. Pello, Marketing Specialist, Marketing Order Administrative Branch, F&V, AMS, USDA, room 2525, South Building, P.O. Box 96456, Washington, DC 20090-6456; telephone: (202) 447-8139.

SUPPLEMENTARY INFORMATION: This final rule is issued under Marketing Order Nos. 907 and 908 (7 CFR parts 907 and 908), as amended, regulating the handling of navel and Valencia oranges, respectively, grown in Arizona and designated parts of California. These orders are effective under the Agricultural Marketing Agreement Act of 1937, as amended, (7 U.S.C. 601-674), hereinafter referred to as the Act.

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

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

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 navel oranges and 115 handlers of Valencia oranges subject to regulation under the respective orders and approximately 4,070 producers of navel oranges and 3,500 producers of Valencia oranges 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 California-Arizona navel and Valencia orange producers and handlers may be classified as small entities.

The navel and Valencia orange marketing orders were amended, effective September 2, 1988 (53 FR 34026), to change the committee's structure and the basis for industry representation on the committees. The amendments were intended to provide a more flexible framework for apportioning committee membership among segments of the industries.

A September 2, 1988, interim final rule (53 FR 34022) revised sections 907.102 and 908.102 of the marketing orders' rules and regulations to provide interim nomination procedures for membership on the committees and allow the Department to conduct initial nominations for both committees. These interim procedures were used to select a new Navel Orange Administrative Committee (NOAC) on November 8, 1988, and a new Valencia Orange Administrative Committee (VOAC) on March 7, 1989.

In addition, comments on this interim final rule were invited from interested persons until November 1, 1988. One comment was received from Mr. James A. Moody, counsel for Sequoia Orange Co., Inc.

A second interim final rule, which revised those procedures in order to clarify and improve nominations of the committee's members and, which discussed Mr. Moody's comment, was published in the November 30, 1989, issue of the *Federal Register* (54 FR 49261). The nomination procedures in that interim final rule were used to select a new VOAC on March 21, 1990, and a new NOAC by October 1, 1990. This final rule adopts that interim final rule, with appropriate corrections.

The amended orders and this final rule provide for nomination procedures involving three nominating entities. Nominating entity 1 is the cooperative marketing organization which disposed

of the largest percentage of the total volume of navel or Valencia oranges disposed of by all handlers in all outlets during the current year in which nominations are made. Nominating entity 2 groups are composed of individual handlers or groups of handlers not affiliated with nominating entity 1 who declare themselves to be nominating entities. These groups or coalitions may be made up solely of cooperative handlers, a combination of cooperative and independent handlers, or solely independent handlers. Nominating entity 3 is comprised of growers not affiliated with handlers in nominating entities 1 or 2.

The September 2, 1988, interim final rule revised §§ 907.102(a)(1) and 908.102(a)(1) of the marketing orders' rules and regulations to state that the Secretary will notify all handlers of their percentage of the total volume of navel or Valencia oranges disposed of by all handlers in all outlets during the fiscal (navel oranges) or marketing (Valencia oranges) year in which nominations are made.

The November 30, 1989, interim final rule clarified this so that only individual handlers not affiliated with nominating entity 1 will be notified of their percentages of total orange dispositions. Handlers affiliated with nominating entity 1 do not need to know their individual percentage of dispositions since they are already committed to nominations through their cooperative marketing organization. The cooperative marketing organization which qualifies as nominating entity 1 will be notified of the total percentage of dispositions of all of its handlers at the same time that nominating entities 2 and 3 are notified of dispositions.

In addition, §§ 907.102(a)(1) and 908.102(a)(1) were revised to provide that designated employees of the committees will inform all handlers not affiliated with nominating entity 1 of their percentage of total orange dispositions in the current fiscal (navel oranges) or marketing (Valencia oranges) year and the minimum percentages required to be allocated grower and/or handler members on the committees. The September 2, 1988, interim final rule had provided that the Secretary would inform all handlers of the percentage of total dispositions. However, this method proved inefficient and time consuming. Designated employees of the committees have this information readily available. Therefore, designated employees of the committees, rather than the Secretary, shall inform handlers not affiliated with nominating entity 1 of their percentages of total dispositions.

Sections 907.102(a)(1) and 908.102(a)(1) were further revised in the November 30, 1989, interim final rule in order to clarify to whom the notice of coalition formation was to be sent. This revision implied but did not specifically require nominating entity 2 groups to notify the committees of their formation. However, the Secretary needs such information in order to notify the nominating entities of their percents of total disposition and the number of handler and grower members they are allowed. Therefore, this final rule changes the November 30, 1989, interim final rule to provide that nominating entity 2 groups shall notify the Secretary of their formation.

In addition, the November 30, 1989, interim final rule provided that each handler of record be provided with a list of the names and addresses of all navel or Valencia orange handlers. This should be changed to reflect that only navel or Valencia orange handlers not affiliated with nominating entity 1 be provided with a list of the names and addresses of all navel or Valencia orange handlers not affiliated with nominating entity 1. Handlers affiliated with nominating entity 1 do not need to know the names and addresses of, or be known to, other navel or Valencia orange handlers since they are already committed to nominations through their cooperative marketing organization. Therefore, this final rule changes the November 30, 1989, interim final rule to provide that navel or Valencia orange handlers of record not affiliated with nominating entity 1 be provided with a list of the names and addresses of all navel or Valencia orange handlers not affiliated with nominating entity 1.

The November 30, 1989, interim final rule revised §§ 907.102(a)(1) and 908.102(a)(1) to require employees of each handler or individual designated by the handler as its representative in a nominating entity 2 group to submit a signed statement indicating the handler's willingness to participate in the nominating entity for the purpose of nominating members to the committees. This information is necessary to insure that the handler in fact belongs to that nominating entity 2 group.

The interim final rule also revised §§ 907.102(a)(1) and 908.102(a)(1) to require designated employees of the committees to submit grower lists for all nominating entities to the Department, upon request, even if the entity nominates its slate of candidates through action of its board of directors. This is necessary to insure that no grower votes more than once in the nomination process.

The September 2, 1988, interim final rule required nominating entity 2 handlers to submit grower lists to the Department. During the nominations, however, the Department encountered difficulty in receiving timely responses from nominating entity 2 handlers. Therefore, the November 30, 1989, interim final rule provided that, in the future, the Department would obtain grower lists for nominating entity 2 handlers from designated employees of the committees. This helps expedite the nomination process. In the event that the committees' employees are not able to provide grower lists in a timely manner, individual handlers will then be required to submit their grower lists to the Department.

The September 2, 1988, interim final rule required the Department to hold candidate selection meetings for nominating entity 3 growers in all districts of the production area. A slate of grower candidates would be developed at such meetings. Provision was also made for growers to propose candidates for nomination without attending the candidate selection meetings by submitting candidates names on an approved form. In practice, the Department found that few growers attended the recent navel and Valencia orange nomination meetings. Instead, growers, for the most part, chose to propose candidates for nomination by submitting nominations on the approved forms without attending the candidate selection meetings. Therefore, under the November 30, 1989, interim final rule, candidate selection meetings are no longer required for nominating entity 3 growers. Growers propose candidates by submitting the names on an approved form to the AMS's California marketing field office. Such forms must be signed by at least 10 eligible growers. Thus, paragraphs (3) of §§ 907.102(a) and 908.102(a) were revised accordingly.

The November 30, 1989, interim final rule further revised §§ 907.102(a) and 908.102(a). The September 2, 1988, interim final rule required growers of nominating entity 3 to submit the names of proposed candidates on a form approved by the Secretary to the AMS California marketing field office. Such submission, if mailed, had to be postmarked at least 10 days prior to a date established by the Secretary and, if hand delivered, had to be received at least five days prior to such date. In practice, in the nomination process, the Department found such time frames to be too restrictive and lacking in flexibility. Therefore, the forms, whether posted or hand delivered, now are

required to be received prior to or on a date established by the Secretary.

The interim final rule published in the November 30, 1989, issue of the *Federal Register* (54 FR 49261) requested comments from interested persons until January 2, 1990. One comment was received from Mr. James A. Moody and is discussed herein. Most of the issues raised in this comment were also raised in his comment on the September 2, 1988, interim final rule.

In his comments, Mr. Moody reiterated an issue in his previous comment that small growers and handlers suffer a severe disadvantage under the interim procedures because they are not notified of the market share of Sunkist Growers, Inc. (Sunkist), the market share for each handler, and the names and addresses of growers eligible to vote. He further alleges that Sunkist knows its own and other handlers' percentages of total disposition (market share), as do members of the committees.

Sections 907.73(d) and 908.73(d) of the navel and Valencia orange marketing orders, respectively, prohibit the release of confidential or financial information submitted by a handler which include individual navel or Valencia orange handler's total dispositions. These sections state that all reports and information submitted by handlers shall be received by and at all times be in the custody of one or more designated employees of the committees. Such employees shall not disclose to any person, other than the Secretary upon request therefor, data or information obtained or extracted from such reports and records which might affect the trade position, financial condition, or business operation of the particular handler from whom received. Therefore, the market share or percentage of total dispositions of an individual handler may not be released to other handlers.

It is true that Sunkist should know the market share of each handler affiliated with Sunkist, as it is to be expected that a cooperative marketing organization would know the market share of those handlers whom it represents. Sunkist would not know the market share of handlers not affiliated with the organization. The nominating procedures provide that all nominating entities are notified of their percentage of total dispositions of navel or Valencia oranges at the same time.

Mr. Moody's comments state that members of the committees have been provided with individual navel or Valencia orange handlers' market share. However, current procedures provide, in accordance with §§ 907.73(d) and

908.73(d), that committee members not receive this information in their capacity as committee members. Members of the committees are provided with handlers' market shares in the aggregate. In the course of the nominating procedures, navel and Valencia orange handlers are advised only of their own percentages of total navel or Valencia orange dispositions, and nominating entity 1, (which was Sunkist during both of the most recent committee nominations) was advised of its aggregate market share, and not the individual market share of its affiliated handlers. The market share, or percentages of total navel or Valencia orange dispositions, for any handler have not been disclosed to any other individual handler or to Sunkist.

Mr. Moody also states that small growers and handlers suffer a severe disadvantage because they are not notified of names and addresses of growers eligible to vote. As stated in the November 30, 1989, interim final rule, there is no demonstrated need for growers and handlers to be notified of the names and addresses of growers. Growers do not form coalitions under the nomination procedures, handlers do. In addition, within a voting coalition, handlers are aware of the names and addresses of the growers who deliver fruit to them.

In his earlier comment, Mr. Moody stated that the AMS's consideration of the economic impact of the September 2, 1988, interim final rule was deficient as the Administrator of the AMS did not "certify" that the interim final rules would not have a substantial economic impact on small entities. In addition, Mr. Moody now states that Sunkist, which has over 50 percent of the market share in navel oranges and 50 handlers, is not a small entity.

The entities regulated pursuant to the marketing orders are handlers of oranges. The majority of the approximately 130 handlers of navel oranges and 115 handlers of Valencia oranges are small entities as that term is defined by the Small Business Administration. The Department and the AMS have adhered to the requirements of the navel and Valencia orange marketing orders, the Act, the RFA, the Paperwork Reduction Act, the Administrative Procedure Act, and the Department's Guidelines for Fruit, Vegetable and Specialty Crop Marketing Orders in this rulemaking proceeding. In both the September 2, 1988, and November 30, 1989, interim final rules, the Administrator of the AMS determined that issuance of the interim final rules will not have a significant

economic impact on a substantial number of small entities. In addition, in answer to Mr. Moody's comment regarding Sunkist, Sunkist is a cooperative marketing organization, not a handler.

In the third issue of his comment, Mr. Moody stated that Sunkist enjoyed simplified nominating procedures. The recent amendment of the navel and Valencia orange marketing orders changed the provisions of the marketing orders concerning the structure of the committees. These amendments were approved by navel and Valencia orange producers in a referendum and the Final Order Amending the Orders was published in the September 2, 1988, issue of the *Federal Register* [53 FR 34026]. The amendments provided for three nominating entities of which nominating entity 1 is the cooperative marketing organization which disposed of the largest percentage of the total volume of navel or Valencia oranges disposed of by all handlers in all outlets during the current year. Sunkist was the cooperative marketing organization which disposed of the largest percentage of the total volume of navel and Valencia oranges and qualified as nominating entity 1 for nomination purposes for both committees. As a cooperative marketing organization, Sunkist may decide to nominate members through its Board of Directors, an option open to any cooperative marketing organization in nominating entity 1 and 2. Therefore, the simplification of nominating procedures rises from the organization and nature of the cooperative marketing organization, and not from the identity of that organization.

For the reasons stated above, Mr. Moody's exceptions to the interim final rule are denied.

After consideration of all available information, including the amendatory proceedings relative to these orders, it is found that this regulation, as hereinafter set forth, will tend to effectuate the declared policy of the Act.

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

In accordance with the Paperwork Reduction Act of 1980 (44 U.S.C. 3504), the additional information collection provisions that are required by this final rule have been approved by the Office of Management and Budget (OMB) and assigned OMB Nos. 0581-0116 (navel oranges) and 0581-0121 (Valencia oranges). It is estimated that these changes will require 0.083 of an hour

response time per handler every two years.

List of Subjects

7 CFR Part 907

Marketing agreements and orders, Oranges, Reporting and recordkeeping requirements.

7 CFR Part 908

Marketing agreements and orders, Oranges, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, 7 CFR parts 907 and 908 are amended as follows: (These sections will appear in the Code of Federal Regulations.)

1. The authority citation for 7 CFR parts 907 and 908 continues to read as follows:

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

PART 907—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Subpart—Rules and Regulations

2. The interim final rule amending the provisions of § 907.102 which was published in the November 30, 1989, issue of the *Federal Register* (54 FR 49263) is adopted as a final rule except that paragraph (a)(1) of § 907.102 is revised to read as follows:

§ 907.102 Nomination procedures.

(a) * * *

(1) All handlers not affiliated with nominating entity 1 shall be notified by one or more designated employees of the committee of their percentage of the total volume of navel oranges disposed by all handlers in all outlets during the marketing year in which nominations are made: *Provided*, That concurrent with such notification, such employees shall provide each handler of record not affiliated with nominating entity 1 with a list of the names and addresses of all Valencia orange handlers not affiliated with nominating entity 1. For the purposes of forming nominating groups, such employees will state in such notification the minimum percentages required for a nominating entity to be allocated member positions and will, by a date specified in that notice, request notification by such entities to the Secretary of their formation: *Provided*, That nominating entity 2 handlers shall furnish to the Secretary an agreement signed by all the handlers in the declared group indicating each handler's willingness to participate in the nominating entity for the purpose of nominating members to the committee:

Provided further, That a list containing the names and addresses of all growers by handler shall also be submitted, upon request of the Secretary, by designated employees of the committee. In the event that such employees of the committee cannot provide such a list, the Department may request a grower list from each handler affiliated with each nominating entity.

* * * * *

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Subpart—Rules and Regulations

3. The interim final rule amending the provisions of § 908.102 which was published in the November 30, 1989, issue of the *Federal Register* (54 FR 49264) is adopted as a final rule except that paragraph (a)(1) of § 908.102 is revised to read as follows:

§ 908.102 Nomination procedures.

(a) * * *

(1) All handlers not affiliated with nominating entity 1 shall be notified by one or more designated employees of the committee of their percentage of the total volume of navel oranges disposed by all handlers in all outlets during the marketing year in which nominations are made: *Provided*, That concurrent with such notification, such employees shall provide each handler of record not affiliated with nominating entity 1 with a list of the names and addresses of all Valencia orange handlers not affiliated with nominating entity 1. For the purposes of forming nominating groups, such employees will state in such notification the minimum percentages required for a nominating entity to be allocated member positions and will, by a date specified in that notice, request notification by such entities to the Secretary of their formation: *Provided*, That nominating entity 2 handlers shall furnish to the Secretary an agreement signed by all the handlers in the declared group indicating each handler's willingness to participate in the nominating entity for the purpose of nominating members to the committee: *Provided further*, That a list containing the names and addresses of all growers by handler shall also be submitted, upon request of the Secretary, by designated employees of the committee. In the event that such employees of the committee cannot provide such a list, the Department may request a grower list from each handler affiliated with each nominating entity.

* * * * *

Dated: November 23, 1990.

Robert C. Keeney,

Deputy Director, Fruit and Vegetable Division.

[FR Doc. 90-27972 Filed 11-28-90; 8:45 am]

BILLING CODE 3410-02-M

7 CFR Part 971

[Docket No. FV-90-210]

South Texas Lettuce; Expenses and Assessment Rate

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This final rule authorizes expenditures and establishes an assessment rate under Marketing Order 971 for the 1990-91 fiscal period. Authorization of this budget will allow the South Texas Lettuce Committee to incur expenses that are reasonable and necessary to administer the program. Funds to administer this program will be derived from assessments on handlers. **EFFECTIVE DATE:** August 1, 1990, through July 31, 1991.

FOR FURTHER INFORMATION CONTACT: Caroline C. Thorpe, Marketing Order Administration Branch, Fruit and Vegetable Division, AMS, USDA, P.O. Box 96456, room 2525-S, Washington, DC 20090-6456, telephone 202-447-2020. **SUPPLEMENTARY INFORMATION:** This rule is issued under Marketing Agreement No. 144 and Marketing Order No. 971 [7 CFR part 971], regulating the handling of lettuce grown in the Lower Rio Grande Valley of South Texas. The marketing agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended [7 U.S.C. 601-674], hereinafter referred to as the Act.

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

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

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

Thus, both statutes have small entity orientation and compatibility.

There are approximately 10 handlers and 20 producers of South Texas lettuce covered under this marketing order. Small agricultural producers have been defined by the Small Business Administration [13 CFR 121.601] 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 the handlers and producers may be classified as small entities.

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

Budget and production estimates are lower this season than a year ago because a freeze damaged the South Texas lettuce crop during the 1989-90 season. As a result, some producers have cut back on production for the 1990-91 season to avoid losses similar to last year.

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

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

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

While this final action will impose some additional costs on handlers, the costs are in the form of uniform assessments on all handlers. Some of

the additional costs may be passed on to producers. However, these costs will be offset by the benefits derived from the operation of the marketing order. Therefore, the Administrator of the AMS has determined that this action will not have a significant economic impact on a substantial number of small entities.

A proposed rule was published in the Federal Register on November 1, 1990 (55 FR 46072). That document contained a proposal to add § 971.230 to authorize expenses for the committee, and provided that interested persons could file comments through November 13, 1990. No comments were received.

It is found that the specified expenses are reasonable and likely to be incurred and that such expenses and the specified assessment rate to cover such expenses will tend to effectuate the declared policy of the Act.

This action should be expedited because the committee needs to have sufficient funds to pay its expenses which are incurred on a continuous basis. The 1990-91 fiscal period began in August, and the marketing order requires that the rate of assessment apply to all assessable lettuce handled during the fiscal period. In addition, handlers are aware of this action which was recommended by the committee at a public meeting. Therefore, it is also found that good cause exists for not postponing the effective date of this action until 30 days after publication in the Federal Register (5 U.S.C. 553).

List of Subjects in 7 CFR Part 971

Lettuce, Marketing agreements, Reporting and recordkeeping requirements.

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

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

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

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

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

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

§ 971.230 Expenses and assessment rate.

Expenses of \$25,864 by the South Texas Lettuce Committee are authorized and an assessment rate of \$0.05 per carton of lettuce is established for the fiscal period ending July 31, 1991.

Unexpended funds may be carried over as a reserve.

Dated: November 23, 1990.

Robert C. Keeney,

Deputy Director, Fruit and Vegetable Division.

[FR Doc. 90-27971 Filed 11-28-90; 8:45 am]

BILLING CODE 3410-02-M

7 CFR Part 985

[FV-89-107 FR]

Spearmint Oil Produced in the Far West; Salable Quantities and Allotment Percentages for "Class 1" Scotch and "Class 3" Native Spearmint Oil for the 1990-91 Marketing Year

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: The Agricultural Marketing Service is adopting, without modification, as a final rule the provisions of an interim final rule which increased the quantity of "Class 1" (Scotch) and "Class 3" (Native) spearmint oils produced in the Far West that may be purchased from, or handled for, producers by handlers during the 1990-91 marketing year which began on June 1, 1990. This action is taken under the marketing order for spearmint oil produced in the Far West to avoid extreme fluctuations in supplies and prices and, thus, help maintain stability in the spearmint oil market. This action was unanimously recommended by the Spearmint Oil Administrative Committee (Committee), which is responsible for local administration of the order.

EFFECTIVE DATE: November 29, 1990.

FOR FURTHER INFORMATION CONTACT: Sheila A. Young, Marketing Specialist, F&V, AMS, USDA, room 2524-S, P.O. Box 96456, Washington, DC, 20090-6456; telephone: (202) 475-5992.

SUPPLEMENTARY INFORMATION: This final rule is issued under Marketing Order No. 985 (7 CFR part 985), as amended, regulating the handling of spearmint oil produced in the Far West. The order is effective under the Agricultural Marketing Agreement Act of 1937, as amended, (7 U.S.C. 601-674), hereinafter referred to as the Act.

This final rule has been reviewed by the U.S. Department of Agricultural (Department) in accordance with Departmental regulation 1512-1 and the criteria contained in the 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 final action on small entities.

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

The Far West spearmint oil industry is characterized by primarily small producers whose farming operations generally involve more than one commodity and whose income from farming operations is not exclusively dependent on the production of spearmint oil. The production of spearmint oil is concentrated in the Far West, primarily Washington, Idaho, and Oregon (part of the area covered under the marketing order). Spearmint oil is also produced in the Midwest. The production area covered by the marketing order normally accounts for more than 75 percent of U.S. production of spearmint oil annually.

There are approximately nine handlers of Far West spearmint oil subject to regulation under the spearmint oil marketing order and approximately 253 spearmint oil producers in the regulated area. Of the 253 producers, 160 producers hold "Class 1" oil (Scotch) allotment base and 136 producers hold "Class 3" oil (Native) allotment base. Small agricultural producers have been defined by the Small Business Administration (13 CFR 121.2) as those having annual receipts for the last three years 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 Far West spearmint oil may be classified as small entities.

The initial salable quantities and allotment percentages for Scotch and Native spearmint oils for the 1990-91 marketing year were unanimously recommended by the Committee at its September 20, 1989, meeting. The committee recommended salable quantities of 678,800 pounds and 806,498 pounds for Scotch and Native oils, respectively, and allotment percentages of 40 percent and 43 percent for Scotch and Native oils, respectively. The salable quantity is the total quantity of each class of oil which handlers may purchase from or handle on behalf of producers during a marketing year. Each

producer is allotted a share of the salable quantity by applying the allotment percentage to the producer's allotment base for the applicable class of spearmint oil. A proposed rule incorporating the Committee's recommendations was published in the November 14, 1989, issue of the *Federal Register* (54 FR 47366). Written comments were invited from interested persons until December 14, 1989. One comment was received in the form of a recommendation from the Committee.

This recommendation from the Committee was to increase the salable quantity for Scotch oil from 678,800 to 882,440 pounds and the allotment percentage from 40 to 52 percent. On January 8, 1990, the Committee also made a recommendation to the Secretary to increase the salable quantity for Native oil from 806,498 to 937,789 pounds and the allotment percentage from 43 percent to 50 percent.

Accordingly, based upon analysis of available information, these recommendations were adopted in an interim final rule in the *Federal Register* on March 9, 1990 (55 FR 8905). One comment was received from the Committee to increase, again, the salable quantity for Native oil from 937,789 to 1,125,347 pounds and the allotment percentage from 50 to 60 percent. Upon analysis of available information, this revision was then reflected in another interim final rule published in the *Federal Register* on May 22, 1990 (55 FR 21006). No comments were received. Therefore, on July 25, 1990, a final rule was published in the *Federal Register* (55 FR 30194). This established the salable quantities for Scotch and Native oils at 882,440 and 1,125,347 pounds, respectively, and established allotment percentages at 52 and 60 percent for Scotch and Native oils, respectively.

At its July 19, 1990, teleconference meeting, the Committee unanimously voted to recommend that the Secretary make more Scotch and Native spearmint oils available to the market by further increasing the 1990-91 salable quantities and allotment percentages. The Committee reported that the last two and a half years have shown record demand levels for Far West Scotch and Native spearmint oils. This began with the Midwest drought in 1988 and has continued with what has been reported as a marked increase in consumption of spearmint products both domestically and abroad. The result of this increase in demand has been the depletion of Scotch oil reserves, a large reduction of Native oil reserves, and an effort on the

part of producers to produce enough oil to meet this increased demand. The spearmint oil industry is experiencing near record production levels, and input from all handlers indicates that there will again be a record year of sales and that the need for the oil is immediate.

As a result, the Department issued an interim final rule which was published in the *Federal Register* on September 6, 1990 (55 FR 36605) which increased the Scotch spearmint oil allotment percentage from 52 to 90 percent, resulting in an increase in the salable quantity from 882,440 to 1,526,848 pounds. However, the Committee stated that most producers will not produce 90 percent of their individual base. This action, then, made available only 1,100,000 pounds, the estimated trade demand, of Scotch oil.

The following table summarizes the computations used in arriving at the Committee's recommendation for Scotch oil which was the basis for the September 6 interim final rule.

	Recommendation November 28, 1989	Recommendation July 19, 1990
(1) Carryin.....	0	20,000
(2) Total supply available.....	882,440	¹ 1,100,000
(3) Desirable carryout.....	0	0
(4) Total allotment base for Scotch oil.....	1,697,000	1,696,498
(5) Allotment percentage.....	52	90
(6) Salable quantity.....	882,440	1,526,848

¹ This figure is the estimated trade demand and represents the anticipated production of Scotch oil.

The September 6 interim final rule also increased the Native spearmint oil allotment percentage from 60 to 66 percent, resulting in an increase in the salable quantity from 1,125,347 to 1,237,872 pounds. By increasing the allotment percentage to 66 percent, this made available a salable quantity of 1,125,872 pounds of Native oil.

The following table summarizes the computations used in arriving at the Committee's recommendation for Native oil which was the basis for the September 6 interim final rule.

	Recommendation March 7, 1990	Recommendation July 19, 1990
(1) Carryin.....	20,000	48,176
(2) Total supply available.....	1,145,347	1,286,048
(3) Desirable carryout.....	0	0
(4) Total allotment base for Native oil.....	1,875,577	1,875,563
(5) Allotment percentage.....	60	66

	Recommendation March 7, 1990	Recommendation July 19, 1990
(6) Salable quantity.....	1,125,347	1,237,872

The interim final rule was issued on August 30, 1990, and published in the *Federal Register* on September 6 (55 FR 36605). That rule provided that interested persons could file written comments through October 9. No comments were received. Accordingly, salable quantities and allotment percentages for Scotch and Native spearmint oils as established by that interim final rule are adopted as a final rule without change.

Thus, based upon analysis of available information, the Department has determined that allotment percentages of 90 percent and 66 percent are adopted without change for Scotch and Native spearmint oils, respectively, for the 1990-91 marketing year. These increased percentages provide salable quantities of 1,526,848 pounds and 1,237,872 pounds of Scotch and Native spearmint oils, respectively.

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

After consideration of all relevant matter presented, including that contained in the prior interim and final rules in connection with the establishment of the salable quantities and allotment percentages for Scotch and Native spearmint oils for the 1990-91 marketing year, the Committee's recommendation and other available information, it is found that to revise § 985.210 (55 FR 30194) so as to change the salable quantities and allotment percentages for Scotch and Native spearmint oils as set forth below will tend to effectuate the declared policy of the Act.

Pursuant to 5 U.S.C. 553, it is also found and determined that good cause exists for not postponing the effective date of this action until 30 days after publication in the *Federal Register* because: (1) This action adopts without change the provisions of the interim final rule which increased the quantities of Scotch and Native oils that may be marketed; (2) handlers need no additional time to comply with this action; and (3) no comments were received concerning the establishment of a salable quantity and allotment percentage for either Scotch or Native spearmint oils in the September 6, 1990, interim final rule.

List of Subjects in 7 CFR Part 985

Marketing agreements, Oils and fats, Reporting and recordkeeping requirements, Spearmint oil.

For the reasons set forth in the preamble, 7 CFR part 985 is amended as follows:

PART 985—SPEARMINT OIL PRODUCED IN THE FAR WEST

1. The authority citation for 7 CFR part 985 continues to read as follows:

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

2. Accordingly, the interim final rule revising paragraphs (a) and (b) of § 985.210, which was published in 55 FR 36607 on September 6, 1990, is adopted as a final rule without change.

Dated: November 23, 1990.

Robert C. Keeney,
Deputy Director, Fruit and Vegetable
Division.

[FR Doc. 90-27973 Filed 11-28-90; 8:45 am]

BILLING CODE 3410-02-M

DEPARTMENT OF THE TREASURY

Customs Service

19 CFR Part 4

[T.D. 90-89]

Coastwise Transportation of Certain Articles by Vessels of the Marshall Islands

AGENCY: Customs Service, Treasury.

ACTION: Final rule.

SUMMARY: This document amends the Customs Regulations by adding the Republic of the Marshall Islands to the list of nations whose vessels may transport empty cargo vans, empty lift vans, and empty shipping tanks between points embraced within the coastwise laws of the United States. Based upon evidence supplied by the Department of State that the Marshall Islands places no restrictions on transportation of certain articles by vessels of the U.S., this amendment recognizes U.S. granting of reciprocal privileges.

DATES: The reciprocal privileges for vessels registered in the Republic of the Marshall Islands became effective on June 15, 1990. This amendment is effective November 29, 1990.

FOR FURTHER INFORMATION CONTACT: Jeffrey Whalen, Carrier Rulings Branch (202-566-5706).

SUPPLEMENTARY INFORMATION:**Background**

Section 27, Merchant Marine Act of 1920, as amended (46 U.S.C. App. 883), the "Act"), provides generally that no merchandise shall be transported by water, or by land and water, between points in the United States except in vessels built in and documented under the laws of the United States and owned by U.S. citizens. However, the 6th proviso of the Act, as amended, states that, upon a finding by the Secretary of the Treasury (pursuant to information obtained and furnished by the Secretary of State) that a foreign nation does not restrict the transportation of certain articles between its ports by vessels of the United States, reciprocal privileges will be accorded to vessels of that nation, and the prohibition against the transportation of those articles between points in the United States will not apply to its vessels.

Section 4.93(b)(1), Customs Regulations (19 CFR 4.93(b)(1)), lists those nations found to extend reciprocal privileges to vessels of the United States for the transportation of empty cargo vans, empty lift vans, and empty shipping tanks.

On June 15, 1990, the Department of State advised the Chief, Carrier Rulings Branch, Customs Service Headquarters, that the Republic of the Marshall Islands places no restrictions on the transportation of empty cargo vans, empty lift vans, and empty shipping tanks by vessels of the United States between ports in that country.

The authority to amend this section of the Customs Regulations has been delegated to the Chief, Regulations and Disclosure Law Branch.

Finding

On the basis of the information received from the Department of State, it has been found that the Republic of the Marshall Islands places no restrictions on the transportation of empty cargo vans, empty lift vans, and empty shipping tanks by vessels of the United States between ports in that country. Therefore, appropriate reciprocal privileges are accorded to vessels registered in the Republic of the Marshall Islands as of June 15, 1990.

Inapplicability of Public Notice and Delayed Effective Date Requirements, the Regulatory Flexibility Act and Executive Order 12291

Because this amendment merely implements a statutory requirement and confers a benefit upon the public, pursuant to 5 U.S.C. 553(b)(B), notice

and public procedure thereon are unnecessary; further, for the same reasons, good cause exists for dispensing with a delayed effective date under 5 U.S.C. 553(d) (1) and (3). Since this document is not subject to the notice and public procedure requirements of 5 U.S.C. 553, it is not subject to the provisions of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). This amendment does not meet the criteria for a "major rule" as defined in E.O. 12291, and accordingly, a regulatory impact analysis is not required.

Drafting Information

The principal author of this document was Earl Martin, Regulations and Disclosure Law Branch, U.S. Customs Service. However, personnel from other offices participated in its development.

List of Subjects in 19 CFR Part 4

Cargo vessels, Coastwise trade, Customs duties and inspection, Maritime carriers, Vessels.

Amendment to the Regulations

To reflect the reciprocal privileges granted to vessels registered in the Republic of the Marshall Islands, part 4, Customs Regulations (19 CFR part 4), is amended as set forth below:

PART 4—VESSELS IN FOREIGN AND DOMESTIC TRADES

1. The authority citation for part 4 is amended in part by revising the authority citation for § 4.93 to read as follows:

Authority: 5 U.S.C. 301; 19 U.S.C. 66, 1624; 46 U.S.C. App. 3;

* * * * *

§ 4.93 also issued under 19 U.S.C. 1322(a), 46 U.S.C. App. 883;

* * * * *

§ 4.93 [Amended]

2. Section 4.93(b)(1) is amended by adding "Marshall Islands Republic of the in appropriate alphabetical order to the list of nations entitled to reciprocal privileges.

Dated: November 15, 1990.

Kathryn C. Peterson,
Chief, Regulations and Disclosure Law Branch.

[FR Doc. 90-27642 Filed 11-28-90; 8:45 am]

BILLING CODE 4820-02-M

DEPARTMENT OF STATE**Bureau of Finance and Management Policy****22 CFR Part 139**

[Public Notice 1295]

Collection of Debts by Federal Tax Refund Offset

AGENCY: Department of State.

ACTION: Final rule.

SUMMARY: The Department of State amends its regulations by adding part 139 to establish a procedure whereby delinquent debts owed to the Department of State will be referred to the Internal Revenue Service for collection by offset against Federal Income Tax refunds. These regulations are being issued pursuant to 31 U.S.C. 3720A, which authorizes Federal agencies to notify the Internal Revenue Service of a past-due legally enforceable debt for the purpose of offsetting the debtor's tax refund. These regulations affect taxpayers who made an overpayment of taxes and who owe a past-due legally enforceable debt to the Department of State resulting from erroneous benefit or loans made under statutes administered by the Department of State. These regulations apply to refunds payable under section 6402 of the Internal Revenue Code of 1986 after December 31, 1988, and on or before January 10, 1994.

EFFECTIVE DATE: These regulations are effective November 29, 1990 and expire January 10, 1994.

FOR FURTHER INFORMATION CONTACT: Bruce Crippin, Department of State, P.O. Box 9487, Rosslyn Station, Arlington, VA 22209, (703) 875-6755.

SUPPLEMENTARY INFORMATION: Title 31 U.S.C. 3720A authorizes the Internal Revenue Service to reduce a refund of a taxpayer's overpayment of tax by the amount of any legally enforceable debt which is owed to a Federal Agency and is at least three months overdue. Section 3720A also requires the agency to give taxpayer-debtors at least 60 days notice of the agency's intention to use the provisions of this section. Under this authority, the Department of State may refer to the Internal Revenue Service for collection by tax refund offset from refunds otherwise payable, past-due legally enforceable debts owed to the Department of State if: (i) The debts are eligible for offset pursuant to 31 U.S.C. 3720A, section 6402(d) of the Internal Revenue Code, 26 CFR 301.6402T, and the agreement between the Department of State, the Internal Revenue Service,

and the Financial Management Service, and (ii) the Department of State provides the information required by the agreement for each debt. This temporary rule and the agreement set forth terms under which the Department of State is identified by the Commissioner of Internal Revenue as eligible to participate in the tax refund offset program for each calendar year.

In order to participate in the Federal Tax Refund Offset Program in calendar year 1990, the Department of State must promulgate regulations that are effective upon publication.

The Department of State has determined that this is not a major rule under Executive Order 12291. Therefore, no regulatory impact analysis is required. There are no information collections associated with this proposed rule within the meaning of the Paperwork Reduction Act of 1980.

List of Subjects in 22 CFR Part 139

Administrative practice and procedure, Income tax.

For the reasons set out in the preamble, title 22, chapter I, subchapter N of the Code of Federal Regulations, is amended by adding thereto a new part 139 to read as follows (This regulation will expire January 10, 1994):

PART 139—COLLECTION OF DEBTS BY FEDERAL TAX REFUND OFFSET

Sec.

139.1 Notification to Internal Revenue Service.

139.2 Past-due legally enforceable debt.

139.3 Reasonable attempt to notify.

139.4 Notification to debtor.

139.5 Consideration of evidence.

139.6 Change in notification to Internal Revenue Service.

139.7 Sunset provision.

Authority: 22 U.S.C. 2658; 31 U.S.C. 3720A.

139.1 Notification to Internal Revenue Service.

Upon entering into an agreement with the Internal Revenue Service and the Financial Management Service with regard to its participation in the tax refund offset program the Department of State may notify the Internal Revenue Service, pursuant to the terms of such agreement of past-due legally enforceable debts owed to the Department of State that are to be collected by tax refund offset. The Department of State's notification to the Internal Revenue Service will be as prescribed by the Internal Revenue Service in regard to information included and format, and will be made by such dates as prescribed by the Internal Revenue Service. The Department of State will provide the

Internal Revenue Service with a toll-free or collect telephone number which the Internal Revenue Service may furnish to individuals whose refunds have been offset for use in obtaining information from the Department of State concerning the offset.

139.2 Past-due legally enforceable debt.

A past-due legally enforceable debt which may be referred to the Internal Revenue Service is a debt:

(a) Which resulted from erroneous benefit or loan made under statutes administered by the Department of State;

(b) Which is an obligation of a debtor who is a natural person;

(c) Which except in the case of a judgment debt, has been delinquent at least three months but not more than ten years at the time the offset is made;

(d) Which is at least \$25.00;

(e) With respect to which either:

(1) The Department of State's records do not contain evidence that the person owing the debt (or his or her spouse) has filed for bankruptcy under title 11 of the United States Code; or

(2) The Department of State can clearly establish at the time of the referral that the automatic stay under section 362 of the Bankruptcy Code has been lifted or is no longer in effect with respect to the person owing the debt or his or her spouse, and the debt was not discharged in the bankruptcy proceeding;

(f) Which cannot currently be collected pursuant to the salary offset provisions of 5 U.S.C. 5514(a)(1);

(g) Which is not eligible for administrative offset under 31 U.S.C. 3716(a) by the Department of State against amounts payable to the debtor by the Department of State;

(h) With respect to which the Department of State has notified, or has made a reasonable attempt to notify, the individual that the debt is past due, and that unless the debtor repays the debt within 60 days, will be referred to the Internal Revenue Service for offset against any overpayment of tax; and

(i) With respect to which the Department of State has given the debtor at least 60 days from the date of the notification required in paragraph (h) of this section to present evidence that all or part of the debt is not past due or legally enforceable, has considered evidence, if any, presented by such individual, and has determined that an amount of such debt is past due and legally enforceable.

139.3 Reasonable attempt to notify.

In order to constitute a reasonable attempt to notify the debtor the

Department of State must have used a mailing address for the debtor obtained from the Internal Revenue Service pursuant to section 6103 (m)(2) or (m)(4) of the Internal Revenue Code within a period of one year preceding the attempt to notify the debtor, whether or not the Department of State has used any other address maintained by the Department of State for the debtor.

139.4 Notification to debtor.

The notification provided by the Department of State to the debtor will inform the debtor how he or she may present evidence to the Department of State that all or part of the debt is not past due or legally enforceable.

139.5 Consideration of evidence.

Evidence submitted by the debtor will be considered only by officials or employees of the Department of State and a determination that an amount of such debt is past-due and legally enforceable will be made only by such officials or employees.

139.6 Change in notification to Internal Revenue Service.

If, after submitting to the Internal Revenue Service notification of liability for a debt, the Department of State:

(a) Determines that an error has been made with respect to the information contained in the notification,

(b) Receives a payment or credits a payment to the account of the debtor named in the notification that reduces the amount of the debt referred to the Internal Revenue Service for offset, or

(c) Receives notification that the individual owing the debt has filed for bankruptcy under title 11 of the United States Code or has been adjudicated bankrupt and the debt has been discharged, the Department of State will promptly notify the Internal Revenue Service. However, the Department of State will make no notification to the Internal Revenue Service to increase the amount of a debt owed by a debtor named in the Department of State's original notification to the Internal Revenue Service. If the amount of a debt is reduced after referral by the Department of State and offset by the Internal Revenue Service, the Department of State will refund to the debtor any excess amount and will promptly notify the Internal Revenue Service of any refund made by the Department of State.

139.7 Sunset provision.

This section applies to refunds payable under section 6402 of the Internal Revenue Code after December

31, 1988, and on or before January 10, 1994.

Dated: January 12, 1990.

Jill E. Kent,

Chief Financial Officer.

[FR Doc. 90-27864 Filed 11-28-90; 8:45 am]

BILLING CODE 4710-37-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 165

[CCGD7-90-102]

Safety Zone Regulations: Charleston Harbor, Charleston, SC

AGENCY: Coast Guard, DOT.

ACTION: Temporary rule.

SUMMARY: The Coast Guard is establishing a safety zone for an annual fireworks display to be held December 1, 1990. The fireworks will be discharged from the new city park adjacent to the James Island Yacht Club at Lat. 32-45.3N, Long. 79-55.1W. The safety zone will extend approximately 1000 feet offshore from the launch site. The zone is needed to protect spectators and vessels from hazards associated with a fireworks display. Entry into this zone is prohibited unless authorized by the Captain of the Port, Charleston, South Carolina.

EFFECTIVE DATES: This regulation becomes effective at 5:45 p.m. EST, December 1, 1990. It terminates at the conclusion of the event, approximately 7 p.m. EST, December 1, 1990.

FOR FURTHER INFORMATION CONTACT: LT Steven J. Boyle, Port Operations Officer, U.S. Coast Guard Marine Safety Office, 196 Tradd Street, Charleston, S.C. 29401-1899, (803) 724-7689.

SUPPLEMENTARY INFORMATION: In accordance with 5 U.S.C. 553, a notice of proposed rulemaking was not published for this regulation and good cause exists for making it effective in less than 30 days after *Federal Register* publication. Publishing an NPRM and delaying its effective date would be contrary to the public interest since immediate action is needed to respond to the potential hazard to any spectators and vessels in the area of the event.

Drafting Information

The drafters of this notice are LT Steven J. Boyle, project officer, U.S. Coast Guard Marine Safety Office, Charleston, SC, and LT Genelle Tanos, project attorney, Seventh Coast Guard District Legal Office.

Discussion of Regulation

The circumstances requiring this regulation will occur on December 1, 1990 when the organizers of the fireworks display will sponsor this annual event as part of the celebration of Christmas. A safety zone is needed to prevent damage to vessels or injury to personnel from hazards associated with a fireworks display. The safety zone will be box shaped and extend approximately 1000 feet from the discharge area of the fireworks (Lat. 32-45.3N, Long. 79-55.1W). The safety zone will extend west 1000 feet along the shore to Lat. 32-45.3N, Long. 79-55.3W. It will then extend north into the harbor to Lat. 32-45.5N, Long. 79-55.3W, thence east to Lat. 32-45.5N, Long. 79-54.9W, and thence south back to shore at Lat. 32-45.3N, Long. 79-54.9W. The safety zone will be in effect from 5:45 p.m. EST, December 1, 1990, until the end of the event, approximately 7:00 p.m. EST, December 1, 1990. Coast Guard vessels will patrol and enforce the safety zone.

This regulation is issued pursuant to 33 U.S.C. 1225 and 1231 as set out in the authority citation for all of part 165.

Federalism

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

List of Subjects in 33 CFR Part 165

Harbors, Marine Safety, Navigation (water), Vessels, Waterways.

Regulation

In consideration of the foregoing, subpart C of part 165 of title 33, Code of Federal Regulations, is amended as follows:

1. The authority citation for part 165 continues to read as follows:

Authority: 33 U.S.C. 1225 and 1231; 50 U.S.C. 191; 49 CFR 1.46 and 33 CFR 1.05-1(g), 6.04-1, 6.04-6, and 160.5.

2. A temporary § 165.T07102 is added to read as follows:

§ 165.T07102 Safety Zone: Establishment of Temporary Safety Zone, Charleston Harbor, Charleston, South Carolina

(a) *Location.* The following area is a safety zone: An area extending at least 1000 feet from the launch area of the fireworks (Lat. 32-45.3N, Long. 79-55.1W). The safety zone will extend west along the shore to Lat. 32-45.3N, Long. 79-55.3W. It will then extend north into the harbor to Lat. 32-45.5N,

Long. 79-55.3W, thence east to Lat. 32-45.5N, Long. 79-54.9W, and thence south to shore at Lat. 32-45.3N, Long. 79-54.9W.

(b) *Effective Date.* This regulation becomes effective on December 1, 1990, at 5:45 p.m. EST. It terminates on December 1, 1990, at the conclusion of the event, approximately 7 p.m. EST.

(c) *Regulation.* In accordance with the general regulations in § 165.23 of this part, entry into this zone is prohibited unless authorized by the Captain of the Port, Charleston, South Carolina.

Dated: November 9, 1990.

R.L. Storch, Jr.,

Captain, U.S. Coast Guard, Captain of the Port Charleston, SC.

[FR Doc. 90-28062 Filed 11-28-90; 8:45 am]

BILLING CODE 4910-14-M

33 CFR Part 165

[COTP Tampa, FL. Regulation 07-90-103]

Safety Zone Regulations; Old Tampa Bay, FL

AGENCY: Coast Guard, DOT.

ACTION: Temporary rule.

SUMMARY: The U.S. Coast Guard has designated the area with a 200 yard radius centered on the main span of the Howard Franklin Bridge, Old Tampa Bay, Florida as a slow minimum wake zone. Construction of the new span to the Howard Franklin Bridge has placed construction personnel and equipment in and around the navigation channel thus necessitating this regulation.

EFFECTIVE DATE: This regulation becomes effective on 1 November 1990. It terminates on 28 February 1991 or when construction is complete whichever is earlier.

FOR FURTHER INFORMATION CONTACT: Lt. P.J. MacDonald, Coast Guard Marine Safety Office, Tampa, FL at (813) 228-2189.

SUPPLEMENTARY INFORMATION: In accordance with 5 U.S.C. 553, a notice of proposed rule making was not published for this regulation and good cause exists for making it effective in less than 30 days after *Federal Register* publication. Publishing an NPRM and delaying its effective date would be contrary to the public interest since immediate action is required to prevent damage to construction equipment and transiting vessels and to prevent injury to construction personnel.

Drafting Information

The drafters of this regulation are Lt. P.J. MacDonald, project officer for the

Captain of the Port and Lt. G. Tanos, project attorney, Seventh Coast Guard District Legal Office.

Discussion of Regulation

This regulation is necessary due to the construction of a new span to the Howard Franklin Bridge. Construction equipment and workers will be in around the navigation channel at the main bridge span between the hours of 6 a.m. and 7:30 p.m. seven days a week until the project is complete. Concern that vessels transiting the area may damage construction equipment or injure personnel or be damaged themselves makes immediate action necessary.

Federalism

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

Economic Assessment and Certification

The regulation should have no economic impact because traffic is not being stopped or diverted.

List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Security measures, Vessels, Waterways.

Regulation

In consideration of the foregoing, part 165 of title 33, Code of Federal Regulations, is amended as follows:

1. The authority citation for part 165 continues to read as follows:

Authority: 33 U.S.C. 1225 and 1231; 50 U.S.C. 191; 49 CFR 1.46 and 33 CFR 1.05-1(g), 6.04-1, 6.04-6, and 160.5.

2. A temporary § 165.T07-90-103 is added to read as follows:

§ 165.T07-90-103 Slow Minimum Zone: Old Tampa Bay, Florida

(a) *Location*: The following is a slow minimum wake zone: The area with a 200 yard radius centered on the main span of the Howard Franklin Bridge in Old Tampa Bay, Florida.

(b) *Effective date*: This regulation becomes effective on 1 November 1990. It terminates on 28 February 1991 or when construction is complete whichever is earlier.

(c) *Regulations*: In accordance with the general regulations in § 165.23 of this part: Vessels transiting Old Tampa Bay are required to proceed at a slow minimum wake speed while within the area within a 200 yard radius centered

on the main span of the Howard Franklin Bridge.

Dated: November 1, 1990.

M.J. Schiro,

Captain, U.S. Coast Guard, Captain of the Port, Tampa, Florida.

[FR Doc. 90-28027 Filed 11-28-90; 8:45 am]

BILLING CODE 4910-14-M

DEPARTMENT OF VETERANS AFFAIRS

38 CFR Part 1

RIN 2900-AE34

Department of Veterans Affairs Official Seal and Distinguishing Flag

AGENCY: Department of Veterans Affairs.

ACTION: Final rule.

SUMMARY: The Department of Veterans Affairs (VA) is amending its regulations specifying the description and authorized use of its official seal and distinguishing flag. These amendments describe how the VA Official Seal and Distinguishing Flag are used and displayed.

EFFECTIVE DATE: November 29, 1990.

FOR FURTHER INFORMATION CONTACT: Priscilla B. Carey, Director, Office of Administration (03), Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420 (202-233-2672).

SUPPLEMENTARY INFORMATION: On March 15, 1989, the Veterans Administration became an Executive Department pursuant to the Department of Veterans Affairs Act, Pub. L. 100-527 (38 U.S.C. 201 Note). The VA official seal shall be noticed judicially (38 U.S.C. 202). The Secretary is adopting a new Department seal, which shall also be displayed on the Department's distinguishing flag and is amending 38 CFR 1.9 to describe the seal and flag, and provide for their use and display.

VA finds that good cause exists for making these regulations final without previous publication of a notice of proposed rulemaking. The changes contained in these regulations are statements of policy or rules of VA procedure or practice. Public participation in this rulemaking is therefore unnecessary (5 U.S.C. 553(b) (A), (B) and 38 CFR 1.12).

Since a notice of proposed rulemaking is unnecessary and will not be published, these amendments do not come within the term "rule" as defined in the Regulatory Flexibility Act, 5 U.S.C. 601(2); the changes are therefore not subject to the requirements of that

Act. Nevertheless, these amendments concern primarily internal VA matters and will not have a significant economic impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act, 5 U.S.C. 601-612.

These regulations do not contain a major rule as that term is defined by Executive Order 12291, entitled Federal Regulation. The regulations will not have a \$100 million annual effect on the economy, and will not cause a major increase in costs and prices for anyone. They will have no significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of the United States-based enterprises to compete in domestic or export markets.

List of Subjects in 38 CFR part 1

Administrative practice and procedure, Flags, Seals and insignia.

Approved: November 8, 1990.

Edward J. Derwinski,

Secretary of Veterans Affairs.

38 CFR part 1, General Provisions is amended to read as follows:

PART 1—[AMENDED]

1. The undesignation center heading preceding § 1.9 is revised to read as follows: "Department of Veterans Affairs Official Seal and Distinguishing Flag".

2. § 1.9 is revised to read as follows:

§ 1.9 Description, use, and display of VA Seal and Flag.

(a) *General*. This section describes the official seal and distinguishing flag of the of the Department of Veterans Affairs, and prescribes the rules for their custody and use.

(b) *Definitions*.

(1) VA means all organizational units of the Department of Veterans Affairs.

(2) *Embossed seal* means an image of the official seal made on paper or other medium by using an embosser with a negative and positive die to create a raised impression.

(3) *Official seal* means the original(s) of the VA seal showing the exact form, content, and colors thereof.

(4) *Replica* means a copy of the official seal displaying the identical form, content, and colors thereof.

(5) *Reproduction* means a copy of the official seal displaying the identical form and content, reproduced in only one color.

(6) *Secretary* means the Secretary of Veterans Affairs.

(7) *Deputy Secretary* means the Deputy Secretary of Veterans Affairs.

(c) *Custody of official seal and distinguishing flags.* The Secretary or designee shall:

(1) Have custody of:

(i) The official seal and prototypes thereof, and masters, molds, dies, and other means of producing replicas, reproductions, and embossing seals and

(ii) Production, inventory, and loan records relating to items specified in paragraph (c)(1)(i) of this section, and

(2) Have custody of distinguishing flags, and be responsible for production, inventory, and loan records thereof.

(d) *Official Seal.*

(1) Description of official seal. The Department of Veterans Affairs prescribes as its official seal, of which judicial notice shall be taken pursuant to 38 U.S.C. 202, the imprint illustrated below:



(i) The official seal includes an American eagle clutching a cord in its talons. The cord binds a 13-star U.S. flag and a 50-star U.S. flag. In the field over the eagle is a pentagon formation of stars, with one point down. The words Department of Veterans Affairs and United States of America surround the eagle, stars, and flags. A rope motif makes up the outermost ring of the seal.

(ii) The eagle represents the eternal vigilance of all our nation's veterans. The stars represent the five branches of military service. The crossed flags represent our nation's history. The gold cord that binds the two flags, which is shown clutched in the eagle's talons is symbolic of those who have fallen in the defense of liberty. Each of the various individual items placed together in the seal is a salute to the past, present, and future.

(iii) The colors used in the configuration are gold, brown, blue, white, silver, yellow, black, and red.

(iv) The colors are derived from the American flag and from nature. By

invoking this symbolism, the color scheme represents the Nation's commitment to its veterans.

(2) Use of the official seal, replicas, reproductions, and embossing seals.

(i) The Secretary or designees are authorized to affix replicas, reproductions, and embossed seals to appropriate documents, certifications, and other material for all purposes as authorized by this section.

(ii) Replicas may be used only for:

(A) Display in or adjacent to VA facilities, in Department auditoriums, presentation rooms, hearing rooms, lobbies, and public document rooms.

(B) Offices of senior officials.

(C) Official VA distinguishing flags, adopted and utilized pursuant to paragraph (e)(2) of this section.

(D) Official awards, certificates, medals, and plaques.

(E) Motion picture film, video tape, and other audiovisual media prepared by or for VA and attributed thereto.

(F) Official prestige publications which represent the achievements or mission of VA.

(G) For other similar official purposes.

(H) For such other purposes as will tend to advance the aims, purposes and mission of the Department of Veterans Affairs as determined by the Secretary or Deputy Secretary.

(iii) Reproductions may be used only on:

(A) VA letterhead stationery.

(B) Official VA identification cards and security credentials.

(C) Business cards for VA employees.

(D) Official VA signs.

(E) Official publications or graphics issued by and attributed to VA, or joint statements of VA with one or more Federal agencies, State or local governments, or foreign governments.

(F) Official awards, certificates, and medals.

(G) Motion picture film, video tape, and other audiovisual media prepared by and for VA and attributed thereto.

(H) For other similar official purposes.

(I) For such other purposes as will tend to advance the aims, purposes and mission of the Department of Veterans Affairs as determined by the Secretary or Deputy Secretary.

(iv) Use of the official seal and embossed seals:

(A) Embossed seals may be used only on VA legal documents, including interagency or intergovernmental agreements with States, foreign patent applications, and similar official documents.

(B) The official seal may be used only for those purposes related to the

conduct of Departmental affairs in furtherance of the VA mission.

(e) *Distinguishing flag.*

(1) Description of distinguishing flag.

(i) The base or field of the flag shall be blue and a replica of the official seal shall appear on both sides thereof.

(ii) A Class 1 flag shall be of nylon banner, measure 4'4" on the hoist by 5'6" on the fly, exclusive of heading and hems, and be fringed on three edges with nylon fringe, 2½" wide.

(iii) A Class 2 flag shall be of nylon banner, measure 3' on the hoist by 5' on the fly, exclusive of heading and hems, and be fringed on three edges with nylon fringe, 2½" wide.

(iv) Each flag shall be manufactured in accordance with Department of Veterans Affairs Specification X-497G. The replica of the official seal shall be screen printed or embroidered on both sides.

(2) Use of distinguishing flag.

(i) VA distinguishing flags may be used only:

(A) In the offices of the Secretary, Deputy Secretary, Assistant Secretaries, Deputy Assistant Secretaries and heads of field locations designated below:

(1) Regional Offices.

(2) Medical Centers and Outpatient Clinics.

(3) Domiciliaries.

(4) Marketing Centers and Supply Depots.

(5) Data Processing Centers.

(6) National Cemetery Offices.

(7) Other locations as designated by the Deputy Assistant Secretary for Administration.

(B) At official VA ceremonies.

(C) In Department auditoriums, official presentation rooms, hearing rooms, lobbies, public document rooms, and in non-VA facilities in connection with events or displays sponsored by VA, and public appearances of VA officials.

(D) On or in front of VA installation buildings.

(E) Other such official VA purposes or purposes as will tend to advance the aims, purposes and mission of the Department of Veterans Affairs as determined by the Deputy Assistant Secretary for Administration.

(f) *Unauthorized uses of the seal and flag.*

(1) The official seal, replicas, reproductions, embossed seals, and the distinguished flag shall not be used, except as authorized by the Secretary or Deputy Secretary, in connection with:

(i) Contractor-operated facilities.

(ii) Souvenir or novelty items.

(iii) Toys or commercial gifts or premiums.

- (iv) Letterhead design, except on official Departmental stationery.
- (v) Matchbook covers, calendars and similar items.
- (vi) Civilian clothing or equipment.
- (vii) Any article which may disparage the seal or flag or reflect unfavorably upon VA.
- (viii) Any manner which implies Departmental endorsement of commercial products or services, or of the commercial user's policies or activities.

(2) Penalties for unauthorized use. Any person who uses the distinguishing flag, or the official seal, replicas, reproductions or embossed seals in a manner inconsistent with this section shall be subject to the penalty provisions of 18 U.S.C. 506, 701, or 1017, providing penalties for their wrongful use, as applicable.

(Authority: 38 U.S.C. 202, 38 U.S.C. 210(c))

[FR Doc. 90-27877 Filed 11-28-90; 8:45 am]

BILLING CODE 8320-01-M

38 CFR Part 3

RIN 2900-AE24

Failure to Report for VA Examination

AGENCY: Department of Veterans Affairs.

ACTION: Final rule.

SUMMARY: The Department of Veterans Affairs (VA) has amended its adjudication regulations concerning failure to report for VA examinations. These changes are necessary to clarify current rules and due process procedures. The effects of these amendments are to clarify the requirement that individuals must report for VA examinations and to require that VA issue an advance notice before taking adverse action because of failure to report.

EFFECTIVE DATE: These amendments are effective December 31, 1990.

FOR FURTHER INFORMATION CONTACT: Joel Drembus, Regulations Staff, Compensation and Pension Service, Veterans Benefits Administration, Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420 (202) 233-3005.

SUPPLEMENTARY INFORMATION: On pages 4199-4201 of the Federal Register of February 7, 1990, VA published a proposal to amend §§ 3.326, 3.327 and 3.655, and to remove § 3.329. Interested persons were invited to submit comments, suggestions, or objections by March 9, 1990. Two comments were received.

One commenter objected to using examples of "good cause" in § 3.655(a), stating they should be confined to policy or procedural manuals, but that in the event they are retained in the regulation, commenter suggested the term "illness" be changed to "incapacitating illness."

VA does not concur. We find no sound basis for excluding examples from the regulation. The decision as to whether or not a claimant fails to report for good cause is a judgment matter for the adjudicator, and it is appropriate that the regulation contain guidelines for adjudicators to follow in their deliberations. For the sake of consistency, we are retaining the language used in the proposed rule because it is identical to that used in the recently amended § 3.105(b)(2), as published in the Federal Register on April 11, 1990.

The same commenter suggested that the term "pretermination" be replaced by "predetermination" wherever it appears in the proposed § 3.655(c) because "pretermination" implies that VA has already decided to reduce or terminate the benefit being paid.

The commenter is correct in his assessment of the meaning of the term "pretermination." When a pretermination notice is issued, VA has determined that benefits should be reduced or terminated. We are retaining the language used in the proposed rule because such notice is sent to satisfy the advance notice requirement of § 3.103(b)(2), as published in the Federal Register of April 11, 1990.

The other commenter stated that the current regulations provide that reexamination can be required only if there is some basis, at the time of the rating decision, for anticipating that the condition may improve. Commenter applauded VA's intent to incorporate due process procedures, but strongly opposed VA's intent to give blanket authority to compel reexaminations without providing any regulatory guidelines. Commenter further stated that under current regulations, VA cannot arbitrarily schedule a punitive examination when a claimant expresses views contrary to those of VA, but that under the proposed regulation, a claimant could be scheduled for examination after examination, as punishment.

VA does not concur. This amendment contains no substantive change to the current regulation regarding reexaminations. As set forth in the preamble to the proposed amendments, § 3.327 is being amended to reorganize the material in a more logical manner. The current paragraph (d), which provides authority to request

examinations as necessary, as well as the current § 3.329, which provides that claimants are required to report for examinations when requested, are being incorporated in the amended paragraph (a). Contrary to the commenter's assertion of providing no regulatory guidelines, amended paragraph (a) expressly refers to the general guidelines for requesting reexaminations set forth in paragraphs (b) and (c). Moreover, neither the current regulation nor this amendment authorizes the scheduling of a reexamination for punitive reasons. Such an improper practice is not VA policy and would not be in the best interest of the Government.

The same commenter also stated that the current rule makes no provision for reexamination when there is a basis for anticipating a condition will worsen. The commenter is correct. Generally, we would have no basis for such an anticipation. Claimants are encouraged to file claims for increased benefits if they believe a condition has become more disabling. When a claimant presents evidence indicating a reasonable probability that a condition has worsened, VA will conduct an examination to determine whether an increased evaluation is warranted.

That commenter stated that VA and claimant are bound by an appellate period commencing with promulgation of a decision and that where the law (38 U.S.C. 4006) contemplates some final resolution of claims, the proposal substitutes impermanency. Although the cited law limits administrative appeals by VA to the Board of Veterans' Appeals to one year, § 4006, in fact, is unrelated to the issues dealt with by the proposed amendments. Except in limited circumstances, the statutory scheme governing VA compensation does not contemplate final, permanent establishment of the degree of a veteran's disability. Rather, implicit in the scheme is recognition of the possibility that a disability may improve or worsen. The scheme contemplates adjustments in the amount of benefits paid based upon the veteran's current degree of disability. The only exception would be the protection of ratings explicitly authorized by 38 U.S.C. 110.

The same commenter asked how the proposed regulations will affect veterans who have protected ratings and those who are hearing-impaired. Generally, examinations will not be requested for disabilities protected under 38 U.S.C. 110 and 38 CFR 3.951. However, the provisions of that law and regulation do not apply upon a showing that a rating was based on fraud, and

examinations may be requested in such cases. As to hearing-impaired veterans, reexaminations, when deemed necessary by VA, will be requested in accordance with the same guidelines provided in amended § 3.327 as for veterans with any other service-connected disability.

That commenter stated that review of treatment records should suffice in those few cases in which medical advances warrant reevaluation. VA does not concur. Treatment records are generally not sufficient for rating purposes because they do not contain the detailed findings and observations which a disability examination is designed to elicit.

Without explanation or rationale, the same commenter also stated that due process would appear to require that VA advise veterans as to whether or not reexamination is anticipated. VA does not concur. The core concept of procedural due process is the government's duty to give notice and an opportunity to be heard to an individual whose life, liberty or property is adversely affected by governmental action. Establishing a future control for examination on a rating decision does not necessarily mean that an examination will be requested when the control matures. Accordingly, matters such as establishing future controls to determine whether reexaminations are to be scheduled simply do not involve a life, liberty or property interest and invoke no due process protection.

We appreciate the comments and suggestions of those who responded to publication of the proposed regulations. The proposed regulations are adopted without change, except for the deletion of the second sentence of the proposed § 3.655(b), as it appeared in the *Federal Register* of February 7, 1990, which was printed erroneously, and the deletion of the words "as to running awards" from the last sentence of the proposed § 3.655(c)(4).

The Secretary hereby certifies that these regulatory amendments will not have a significant economic impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act, 5 U.S.C. 601-612. The reason for this certification is that these amendments would not directly affect any small entities. Only VA beneficiaries could be directly affected. Therefore, pursuant to 5 U.S.C. 605(b), these amendments are exempt from the initial and final regulatory flexibility analysis requirements of sections 603 and 604.

In accordance with Executive Order 12291, Federal Regulation, the Secretary has determined that these regulatory

amendments are non-major for the following reasons:

(1) They will not have an annual effect on the economy of \$100 million or more.

(2) They will not cause a major increase in costs or prices.

(3) They will not have significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

The Catalog of Federal Domestic Assistance program numbers are 64.104, 64.105, 64.109 and 64.110.

List of Subjects in 38 CFR Part 3

Administrative practice and procedure, Claims, Handicapped, Health care, Pension, Veterans.

Approved: November 8, 1990.

Edward J. Derwinski,
Secretary of Veterans Affairs.

38 CFR part 3, Adjudication, is amended as follows:

PART 3—[AMENDED]

1. In § 3.326 in paragraphs (a) and (d) remove the words "widow, widower" wherever they appear and insert in their place the words, "surviving spouse".

2. In § 3.326 introductory text is added, a sentence is added at the end of paragraph (a) and a cross-reference is added after paragraph (d) to read as follows:

§ 3.326 Examinations.

For purposes of this section, the term examination includes periods of hospital observation when required by VA.

(a) * * * Individuals for whom examinations have been authorized and scheduled are required to report for such examinations.

* * *

Cross reference: Failure to report for VA examination. See § 3.655.

3. In § 3.327 paragraph (a) is revised, in paragraph (b)(2) the first sentence and the text preceding the colon are revised, paragraph (c) is revised, a cross reference is added and paragraph (d) is removed as follows:

§ 3.327 Reexaminations.

(a) *General.* Reexaminations, including periods of hospital observation, will be requested whenever VA determines there is a need to verify either the continued existence or the current severity of a disability.

Generally, reexaminations will be required if it is likely that a disability has improved, or if evidence indicates there has been a material change in a

disability or that the current rating may be incorrect. Individuals for whom reexaminations have been authorized and scheduled are required to report for such reexaminations. Paragraphs (b) and (c) of this section provide general guidelines for requesting reexaminations, but shall not be construed as limiting VA's authority to request reexaminations, or periods of hospital observation, at any time in order to ensure that a disability is accurately rated.

(Authority: 38 U.S.C. 210(c))

* * *

(b) *Compensation cases.* * * *

(2) No periodic future examinations will be requested. In service-connected cases, no periodic reexamination will be scheduled:

* * *

(c) *Pension cases.* In nonservice-connected cases in which the permanent total disability has been confirmed by reexamination or by the history of the case, or with obviously static disabilities, further reexaminations will not generally be requested. In other cases further examination will not be requested routinely and will be accomplished only if considered necessary based upon the particular facts of the individual case. In the cases of veterans over 55 years of age, reexamination will be requested only under unusual circumstances.

Cross reference: Failure to report for VA examination. See § 3.655.

§ 3.329 [Removed]

3a. Section 3.329 is removed.

4. § 3.655 is revised in its entirety as follows:

§ 3.655 Failure to report for Department of Veterans Affairs examination.

(a) *General.* When entitlement or continued entitlement to a benefit cannot be established or confirmed without a current VA examination or reexamination and a claimant, without good cause, fails to report for such examination, or reexamination, action shall be taken in accordance with paragraph (b) or (c) of this section as appropriate. Examples of good cause include, but are not limited to, the illness or hospitalization of the claimant, death of an immediate family member, etc. For purposes of this section, the terms "examination" and "reexamination" include periods of hospital observation when required by VA.

(b) *Original or reopened claim, or claim for increase.* When a claimant fails to report for an examination scheduled in conjunction with an original compensation claim, the claim

shall be rated based on the evidence of record. When the elimination was scheduled in conjunction with any other original claim, a reopened claim for a benefit which was previously disallowed, or a claim for increase, the claim shall be denied.

(c) *Running award.* (1) When a claimant fails to report for a reexamination and the issue is continuing entitlement, VA shall issue a pretermination notice advising the payee that payment for the disability or disabilities for which the reexamination was scheduled will be discontinued or, if a minimum evaluation is established in part 4 of this title or there is an evaluation protected under § 3.951 of this part, reduced to the lower evaluation. Such notice shall also include the prospective date of discontinuance or reduction, the reason therefor and a statement of the claimant's procedural and appellate rights. The claimant shall be allowed 60 days to indicate his or her willingness to report for a reexamination or to present evidence that payment for the disability or disabilities for which the reexamination was scheduled should not be discontinued or reduced.

(2) If there is no response within 60 days, or if the evidence submitted does not establish continued entitlement, payment for such disability or disabilities shall be discontinued or reduced as of the date indicated in the pretermination notice or the date of last payment, whichever is later.

(3) If notice is received that the claimant is willing to report for a reexamination before payment has been discontinued or reduced, action to adjust payment shall be deferred. The reexamination shall be rescheduled and the claimant notified that failure to report for the rescheduled examination shall be cause for immediate discontinuance or reduction of payment. When a claimant fails to report for such rescheduled examination, payment shall be reduced or discontinued as of the date of last payment and shall not be further adjusted until a VA examination has been conducted and the report reviewed.

(4) If within 30 days of a pretermination notice issued under paragraph (c)(1) of this section the claimant requests a hearing, action to adjust payment shall be deferred as set forth in § 3.105(h)(1) of this part. If a hearing is requested more than 30 days after such pretermination notice but before the proposed date of discontinuance or reduction, a hearing shall be scheduled, but payment shall nevertheless be discontinued or reduced as of the date proposed in the

pretermination notice or date of last payment, whichever is later, unless information is presented which warrants a different determination. When the claimant has also expressed willingness to report for an examination, however, the provisions of paragraph (c)(3) of this section shall apply.

Cross references:

Procedural due process and appellate rights.	See § 3.103.
Examinations	See § 3.326.
Reexaminations	See § 3.327.
Resumption of rating when veteran subsequently reports for VA examination.	See § 3.330.

(Authority: 38 U.S.C. 210(c))

[FR Doc. 90-27878 Filed 11-28-90; 8:45 am]

BILLING CODE 8320-01-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Public Land Order 6817

[CA-940-4214-10; CACA-26066]

Partial Revocation of the Secretarial Order dated October 16, 1931; California

AGENCY: Bureau of Land Management, Interior.

ACTION: Public Land Order.

SUMMARY: This order revokes the Secretarial Order dated October 16, 1931, insofar as it affects a 0.45 acre parcel of public land withdrawn for the Bureau of Reclamation's Colorado River Storage Project. This action will open the land to surface entry and mining. The land has been and will remain open to mineral leasing.

EFFECTIVE DATE: December 31, 1990.

FOR FURTHER INFORMATION CONTACT: Viola Andrade, BLM California State Office, room E-2845, Federal Office Building, 2800 Cottage Way, Sacramento, California 95825, 916-978-4820.

By virtue of the authority vested in the Secretary of the Interior by section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is ordered as follows:

1. The Secretarial Order dated October 16, 1931, which withdrew land as part of the Bureau of Reclamation's Colorado River Storage Project is hereby revoked as to the following described land:

San Bernardino Meridian

T. 9 N., R. 22 E.,
Sec. 13, lot 7.

The area described contains 0.45 acre in San Bernardino County.

2. At 10 a.m. on December 31, 1990, the land will be opened to the operation of the public land laws generally, subject to valid existing rights, the provision of existing withdrawals, other segregations of record, and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on December 31, 1990, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

3. At 10 a.m. on December 31, 1990, the land will be opened to location and entry under the United States mining laws, subject to valid existing rights, the provision of existing withdrawals, and other segregations of record. Appropriation of the land described in this order under the general mining laws prior to the date and time of restoration is unauthorized. Any such attempted appropriation, including attempted adverse possession under 30 U.S.C. Sec. 38, shall vest no rights against the United States. Acts required to establish a location and to initiate a right of possession are governed by State law where not in conflict with Federal law. The Bureau of Land Management will not intervene in disputes between rival locators over possessory rights since Congress has provided for such determinations in local courts.

Dated: November 20, 1990.

Dave O'Neal,

Assistant Secretary of the Interior.

[FR Doc. 90-27961 Filed 11-28-90; 8:45 am]

BILLING CODE 4310-40-M

43 CFR Public Land Order 6818

[NV-930-91-4214-10; N-50507]

Withdrawal of Public Land for Administrative Site; Nevada

AGENCY: Bureau of Land Management, Interior.

ACTION: Public Land Order.

SUMMARY: This order withdraws 5 acres of public land from surface entry and mining for a period of 20 years for the Bureau of Land Management to protect an Administrative Site in Nye County. The land has been and remains open to mineral leasing.

EFFECTIVE DATE: November 29, 1990.

FOR FURTHER INFORMATION CONTACT: Vienna Wolder, BLM, Nevada State Office, P.O. Box 12000, Reno, Nevada 89520, 702-785-6526.

By virtue of the authority vested in the Secretary of the Interior by section 204

of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is ordered as follows:

1. Subject to valid existing rights, the following described public land is hereby withdrawn from settlement, sale, location, or entry under the general land laws, including the United States mining laws (30 U.S.C. ch. 2), but not from leasing under the mining leasing laws, to protect the Bureau of Land Management's Tonopah Administrative Site:

Mount Diablo Meridian

T. 2 N., R. 42 E.,

Sec. 1, W $\frac{1}{2}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$.

The area described contains 5 acres in Nye County.

2. The withdrawal made by this order does not alter the applicability of those public land laws governing the use of the lands under lease, license, or permit, or governing the disposal of their mineral or vegetative resources other than under the mining laws.

3. This withdrawal will expire 20 years from the effective date of this order unless, as a result of a review conducted before the expiration date pursuant to section 204(f) of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1714(f), the Secretary determines that the withdrawal shall be extended.

Dated: November 20, 1990.

Dave O'Neal,

Assistant Secretary of the Interior.

[FR Doc. 90-27963 Filed 11-28-90; 8:45 am]

BILLING CODE 4310-HC-M

43 CFR Public Land Order 6819

[CA-940-4214-10; CACA 17620]

Withdrawal of Public Land for the Protection of the Calico Early Man Site; California

AGENCY: Bureau of Land Management, Interior.

ACTION: Public Land Order.

SUMMARY: This order withdraws 662.50 acres of public land from surface entry and mining for a period of 20 years for the protection of the Calico Early Man Site, an area of archaeological, historical, geological, and recreational significance.

EFFECTIVE DATE: November 29, 1990.

FOR FURTHER INFORMATION CONTACT:

Judy Bowers, BLM California State Office, 2800 Cottage Way, Sacramento, California 95825, 916-978-4820.

By virtue of the authority vested in the Secretary of the Interior by section 204 of the Federal Land Policy and

Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is ordered as follows:

1. Subject to valid existing rights, the following described public land is hereby withdrawn from settlement, sale, location, or entry under the general land laws, including the United States mining laws (30 U.S.C. ch. 2), for the protection of the Calico Early Man Site:

San Bernardino Meridian

T. 10 N., R. 2 E.,

Sec. 15, S $\frac{1}{2}$ S $\frac{1}{2}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$, and W $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$;

Sec. 22, SW $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$, and N $\frac{1}{2}$ S $\frac{1}{2}$;

Sec. 23, SW $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$, and W $\frac{1}{2}$ E $\frac{1}{2}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$.

The area described contains 662.50 acres of public land in San Bernardino County.

2. The withdrawal made by this order does not alter the applicability of those public land laws governing the use of the land under lease, license, or permit, or governing the disposal of its mineral or vegetative resources other than under the mining laws.

3. This withdrawal will expire 20 years from the effective date of this order unless, as a result of a review conducted before the expiration date pursuant to section 204(f) of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1714(f), the Secretary determines that the withdrawal shall be extended.

Dated: November 20, 1990.

Dave O'Neal,

Assistant Secretary of the Interior.

[FR Doc. 90-27962 Filed 11-28-90; 8:45 am]

BILLING CODE 4310-40-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 89-439; RM-6805]

Radio Broadcasting Services; Ozark, AL

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document substitutes Channel 280C3 for Channel 280A at Ozark, Alabama, and modifies the license of Sunrise Broadcasting Corp. for Station WNER(FM), as requested, to specify operation on the higher powered channel, thereby providing that community with an expanded coverage area FM service. See 54 FR 41467,

October 10, 1989. Coordinates used for Channel 280C3 at Ozark are 31-23-46 and 85-30-01. With this action, the proceeding is terminated.

EFFECTIVE DATE: January 7, 1991.

FOR FURTHER INFORMATION CONTACT:

Nancy Joyner, Mass Media Bureau, (202) 634-6530.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 89-439, adopted October 31, 1990, and released November 23, 1990. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, (202) 857-3800, 2100 M Street NW., Suite 140, Washington, DC 20037.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

PART 73—[AMENDED]

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

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

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments for Alabama, is amended by removing Channel 280A and adding Channel 280C3 at Ozark.

Federal Communications Commission.

Beverly McKittrick,

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

[FR Doc. 90-28049 Filed 11-28-90; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 90-228; RM-7293]

Radio Broadcasting Services; Healdsburg, CA

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document allots FM Channel 240A to Healdsburg, California, as that community's second local FM broadcast service, in response to a petition for rule making filed on behalf of E & E Communications. See 55 FR 21402, May 24, 1990. Coordinates used for Channel 240A at Healdsburg are 38-37-47 and 122-56-04. (See Supplementary Information, *infra.*) With this action, the proceeding is terminated.

DATES: Effective January 10, 1991, the window period for filing applications on Channel 240A at Healdsburg, California, will open on January 11, 1991, and close on February 10, 1991.

FOR FURTHER INFORMATION CONTACT: Nancy Joyner, Mass Media Bureau, (202) 634-6530. Questions related to the window application filing process should be addressed to the Audio Services Division, FM Branch, Mass Media Bureau, (202) 632-0394.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 90-228, adopted October 30, 1990, and released November 26, 1990. The full text of this Commission decisions available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors International Transcription Service, (202) 857-3800, 2100 M Street NW., Suite 140, Washington, DC 20037.

Interested parties should note that the petition for rule making in this proceeding was filed after October 2, 1989, and, therefore, applications for Channel 240A at Healdsburg must conform with the minimum distance separation requirements set forth in § 73.207(b) of the Commission's Rules.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

PART 73—[AMENDED]

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

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

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under California, is amended by adding Channel 240A at Healdsburg.

Federal Communications Commission.

Beverly McKittrick,

*Assistant Chief, Policy and Rules Division,
Mass Media Bureau.*

[FR Doc. 90-28050 Filed 11-28-90; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 90-12; RM-7087]

Radio Broadcasting Services; Thousand Palms, CA

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document allots FM Channel 234A to Thousand Palms,

California, as that community's first local FM broadcast service, in response to a petition for rule making filed on behalf of Jeffrey Rochlis. See 55 FR 4206, February 7, 1990. Additionally, since Thousand Palms is located within 320 kilometers (199 miles) of the United States-Mexico border, Mexican concurrence in the proposal was obtained. Coordinates used for Channel 234A at Thousand Palms are 33-49-20 and 116-21-57, with a site restriction of 3 km (1.9 miles) east to avoid a short-spacing to Station KTWV-FM, Channel 234B, Los Angeles, California. (See Supplementary Information *infra*.) With this action, the proceeding is terminated.

DATES: Effective January 10, 1991, the window period for filing applications on Channel 234A at Thousand Palms, California, will open on January 11, 1991, and close on February 10, 1991.

FOR FURTHER INFORMATION CONTACT: Nancy Joyner, Mass Media Bureau, (202) 634-6530. Questions related to the window application filing process should be addressed to the Audio Services Division, FM Branch, Mass Media Bureau, (202) 632-0394.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 90-12, adopted November 8, 1990, and released November 26, 1990. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, (202) 857-3800, 2100 M Street NW., Suite 140, Washington, DC 20037.

Interested parties should note that the petition for rule making in this proceeding was filed prior to October 2, 1989. Therefore, applicants for Channel 234A at Thousand Palms may avail themselves of the provisions of § 73.213(c) of the Commission's Rules. See 47 CFR 73.213(c).

List of Subjects in 47 CFR Part 73

Radio broadcasting.

PART 73—[AMENDED]

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

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

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments, is amended under California by adding Channel 234A at Thousand Palms.

Federal Communications Commission.

Beverly McKittrick,

*Assistant Chief, Policy and Rules Division,
Mass Media Bureau.*

[FR Doc. 90-28051 Filed 11-28-90; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 90-203; RM-7228]

Radio Broadcasting Services; Plymouth, IN

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document substitutes Channel 232B1 for Channel 232A at Plymouth, Indiana, and modifies the license of Community Service Broadcasters, Inc., for Station WNZE(FM), as requested, to specify operation on the higher powered channel, thereby providing that community with an expanded coverage area FM service. See 55 FR 15248, April 23, 1990. Coordinates used for Channel 232B1 at Plymouth are 41-30-18 and 86-17-55. With this action, the proceeding is terminated.

EFFECTIVE DATE: January 7, 1991.

FOR FURTHER INFORMATION CONTACT:

Nancy Joyner, Mass Media Bureau, (202) 634-6530.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 90-203, adopted October 30, 1990, and released November 23, 1990. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (room 230), 1919 M Street NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, (202) 857-3800, 2100 M Street NW., Suite 140, Washington, DC 20037.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

PART 73—[AMENDED]

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

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

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments for Indiana, is amended by removing Channel 232A and adding Channel 232B1 at Plymouth.

Federal Communications Commission.

Beverly McKittrick,

*Assistant Chief, Policy and Rules Division,
Mass Media Bureau.*

[FR Doc. 90-28053 Filed 11-28-90; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 89-404; RM-6895; RM-7133]

Radio Broadcasting Services; Greenwood, SC; Gibson, GA

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Commission, at the request of United Community Enterprises, Inc., substitutes Channel 278C3 for Channel 278A at Greenwood, South Carolina, and modifies its license for Station WMTY-FM to specify operation on the higher powered channel. See 54 FR 40138, August 29, 1989. At the request of Heart of Dixie Broadcasting, Inc., the Commission also allots Channel 234A to Gibson, Georgia, as the community's first local FM service. Channel 278C3 can be allotted to Greenwood with a site restriction of 4.8 kilometers (3.0 miles) southeast to avoid a short-spacing to Station WRIX-FM, Channel 276A, Honea Path, South Carolina, and to Channel 277A at Greer,

South Carolina, which is unoccupied but applied for. The coordinates for Channel 278C3 at Greenwood are North Latitude 34-04-28 and West Longitude 82-07-42. Channel 234A can be allotted to Gibson in compliance with the Commission's minimum distance separation requirements with a site restriction of 8.4 kilometers (5.2 miles) northwest to avoid a short-spacing to Station WBYZ, Channel 233C, Baxley, Georgia, Station WAAW, Channel 234A, Williston, South Carolina, and the proposed allotment of Channel 235C3 to Millen, Georgia. The coordinates for Channel 234A at Gibson are North Latitude 33-15-41 and West Longitude 82-40-47.

The Commission also notifies the licensee of Station WAAW, Williston, South Carolina, that it will be required to amend its spending application (BMPH-8910021IK) to specify a transmitter site which does not conflict with the Gibson allotment. With this action, this proceeding is terminated.

DATES: Effective January 10, 1991. The window period for filing applications for Channel 234A at Gibson, Georgia, will open on January 11, 1991, and close on February 10, 1991.

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

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report

and Order, MM Docket No. 89-404, adopted November 8, 1990, and released November 28, 1990. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, (202) 857-3800, 2100 M Street NW., Suite 140, Washington, DC 20037.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

PART 73—[AMENDED]

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

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

§ 73.202 [Amended]

2. Section 73.202(b), that FM Table of Allotments under Georgia, is amended by adding Channel 234A at Gibson, and under South Carolina by removing Channel 278A and adding Channel 278C3 at Greenwood.

Federal Communications Commission.

Beverly McKittrick,

*Assistant Chief, Policy and Rules Division,
Mass Media Bureau.*

[FR Doc. 90-28052 Filed 11-28-90; 8:45 am]

BILLING CODE 6712-01-M

Proposed Rules

Federal Register

Vol. 55, No. 230

Thursday, November 29, 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 58

[DA-90-006]

Grading and Inspection, General Specifications for Approved Plants and Standards for Grades of Dairy Products; Proposed Revision of United States Standards for Grades of Bulk American Cheese for Manufacturing

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This document proposes revisions in the United States Standards for Grades of Bulk American Cheese for Manufacturing. This proposal would make a number of changes in the standards to improve the grading criteria for bulk American cheese. These changes would be the first major revision of the standards since 1971.

The proposed revisions would expand the quality factor categories, reflect changes in production technology and marketing practices, and allow the use of antimycotics, as recently authorized by the Food and Drug Administration (FDA). The Agency believes this proposal would provide improved accuracy in grading and better assurance in obtaining the desired quality of cheese for government and commercial purchasers.

DATES: Comments must be received on or before January 28, 1991.

ADDRESSES: Comments should be sent to: Director, Dairy Division, Agricultural Marketing Service, U.S. Department of Agriculture, room 2968, South Building, P.O. Box 96456, Washington, DC 20090-6456.

FOR FURTHER INFORMATION CONTACT: Diane D. Lewis, Dairy Products Marketing Specialist, Dairy

Standardization Section, USDA/AMS/ Dairy Division, room 2750, P.O. box 96456, Washington, DC, 20090-6456, (202) 447-7473.

SUPPLEMENTARY INFORMATION: This proposed rule has been reviewed under USDA guidelines implementing Executive Order 12291 and Departmental Regulation 1512-1 and has been classified as a "non-major" rule under the criteria contained therein.

The proposed rule also has been reviewed in accordance with the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.* The Administrator, Agricultural Marketing Service, has determined that the proposed rule, if promulgated, would not have a significant economic impact on a substantial number of small entities because use of the standards is voluntary and the revisions would not increase costs to those utilizing the standards.

This document proposes the following changes in the grade standards:

1. Provide Criteria for Evaluating the Potential Suitability of the Cheese for the Intended Period of Storage

Bulk American cheese refers to a single piece of American cheese weighing more than 100 pounds (usually packed in 500- to 640-pound containers). Under the present grade standards, bulk cheese has three grade levels—Extra, Standard and Commercial. Extra grade bulk cheese is often placed in storage for extended periods of time. However, due to poor storability, excessive amounts of cheese have been subsequently downgraded. This proposed revision would give the grader more guidance in identifying cheese that has the best keeping-quality characteristics for long-term storage. The Extra grade classification would be separated into two subparts—short-hold and long-hold. Extra grade short-hold cheese should be processed within 4 months of the time of grading. Extra grade long-hold cheese is considered suitable to be held longer than 4 months before use. Long-hold cheese possesses characteristics which should allow it to maintain its quality longer than short-hold cheese. It is still possible that some cheese designated as long-hold cheese may not maintain the Extra Grade quality throughout the curing process.

2. Permit the Use of Safe and Suitable Antimycotics on the Surface of Bulk Forms of Cheese During Curing and Storage, as Sanctioned by FDA

The FDA recently amended the standards of identity for several cheeses to permit the use of antimycotics on the exterior of bulk cheeses during curing and aging (21 CFR part 133). The National Cheese Institute, a trade association representing U.S. cheese manufacturers, had petitioned FDA to permit the broader use of safe and suitable antimycotics. Previously, use was permitted only on cuts and slices in consumer-size packages for a number of standardized cheeses.

Bulk American-type cheeses are often packaged in large barrels and the packaging methods used result in the cheese curd being loosely filled into the container. The loosely packed curd increases the exposed surface area of the curd, thus increasing the opportunity for mold growth. Provision for the use of antimycotics will be beneficial in preventing or inhibiting mold development on bulk cheese.

3. Add the Quality Factors "Finish and Appearance" in Determining Final Grade

When the bulk grade standard was first developed, bulk cheese was usually stored for only short periods of time before further processing. Consequently, exterior characteristics such as rough surface and whey and moisture droplets on the cheese surface were not considered significant defects during the grading process. More recently, government practice is to store the product for much longer periods of time as large purchases are made. Finish and appearance characteristics thus are more significant in determining the final grade of cheese intended to be aged.

4. Redefine Packaging Requirements

Presently, the construction designs of acceptable secondary containers vary significantly. The general-type packaging requirements outlined in this proposed revision will provide considerable latitude for new developments in packaging technology.

5. Add "Flat" and "Rancid" Flavors to the List of Flavor Characteristics

When off-flavors not referenced in the grade standards are encountered during

grading activities, the cheese is classified "Below U.S. grade requirements." Flat and rancid flavors are not encountered often; however, the standards should make provision for them and for the appropriate corresponding grade. The revised standards would more accurately evaluate these off-flavor characteristics.

6. Change the Title of These U.S. Grade Standards

The current title is "United States Standards for Grades of Bulk American Cheese for Manufacturing." The proposed title is "United States Standards for Grades of Bulk American Cheese. The revisions would change the title of the standard and the definition of the product to accurately describe the cheeses identified within these standards.

USDA grade standards are voluntary standards that are developed pursuant to the Agricultural Marketing Act of 1946 (7 U.S.C. 1621 *et seq.*) to facilitate the marketing process. Manufacturers of dairy products are free to choose whether or not to use these grade standards. USDA grade standards for dairy products have been developed to identify the degree of quality in the various products. Quality in general refers to usefulness, desirability, and value of the product—its marketability as a commodity. When bulk cheese is officially graded, the USDA regulations and standards governing the grading of manufactured or processed dairy products are used. These regulations also require that fees and charges be assessed for grading services provided by USDA. The Agency believes this proposal would provide improved accuracy in grading and better assurance in obtaining the desired quality of cheese for government and commercial purchasers.

All written submissions made pursuant to this notice will be made available for public inspection at the Dairy Division, Agricultural Marketing Service, U.S. Department of Agriculture, room 2750 South Building, Washington, DC, during regular business hours.

List of Subjects in 7 CFR Part 58

Dairy products, food grades and standards, food labeling, reporting and recordkeeping requirements.

For the reasons set forth in the preamble, it is proposed that 7 CFR part 58 be amended as follows:

PART 58—[AMENDED]

1. The authority citation for 7 CFR part 58 continues to read as follows:

Authority: Secs. 202–208, 60 Stat. 1087, as amended; 7 U.S.C. 1621–1627, unless otherwise noted.

2. Subpart H—United States Standards for Grades of Bulk American Cheese for Manufacturing is revised to read as follows:

Subpart H—United States Standards for Grades of Bulk American Cheese

Definitions

Sec.	
58.2455	Bulk American cheese.
58.2456	American cheese.
58.2457	Packaging.
58.2458	Degree of curing.
58.2459	Length of hold.

U.S. Grades

58.2460	Nomenclature of U.S. grades.
58.2461	Basis for determination of U.S. grades.
58.2462	Specifications for U.S. grades.
58.2463	U.S. grade not assignable.

Explanation of Terms

58.2464	Explanation of terms.
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Subpart H—United States Standards for Grades of Bulk American Cheese¹

Definitions

§ 58.2455 Bulk American cheese.

Bulk American cheese is American cheese which is packaged in bulk form. No single piece of cheese, whatever its shape, shall weigh less than 100 pounds.

§ 58.2456 American cheese.

American cheese includes the following varieties of cheese:

(a) Cheddar cheese and cheddar cheese for manufacturing shall conform to the provisions of 21 CFR 133.113 and 133.114, respectively, "Cheeses and Related Cheese Products," as issued by the Food and Drug Administration.

(b) Washed curd cheese (soaked curd cheese) and washed curd cheese for manufacturing shall conform to the provisions of 21 CFR 133.136 and 133.137, respectively, "Cheeses and Related Cheese Products," as issued by the Food and Drug Administration.

(c) Granular cheese (stirred curd cheese) and granular cheese for manufacturing shall conform to the provisions of 21 CFR 133.144 and 133.145, respectively, "Cheeses and Related Cheese Products," as issued by the Food and Drug Administration.

(d) Colby cheese and colby cheese for manufacturing shall conform to the provisions of 21 CFR 133.118 and 133.119, respectively, "Cheeses and

Related Cheese Products," as issued by the Food and Drug Administration.

§ 58.2457 Packaging.

(a) The primary container (liner) shall be new, in good condition, unbroken, fully protective of all surfaces of the cheese, and properly closed or sealed so as to protect the cheese from damage, contamination or excessive desiccation. If the cheese is handled and stored in only a primary container after cooling, there shall be a satisfactory system for cooling the cheese, retaining the desired shape, and providing reasonable protection of the cheese during transportation, storage, and handling.

(b) The secondary container, when used, shall be in good condition and shall satisfactorily protect the cheese. If the secondary container is made of material such as fiberboard, it shall be of such construction and be filled to a sufficient level so as not to cause handling, stacking, or storage problems.

(c) If antimicrobials are used, they shall be used in accordance with the provisions of Food and Drug Administration regulations (21 CFR part 133).

§ 58.2458 Degree of curing.

(a) *Fresh (Current)*—Cheese which is in the early stages of the curing process, usually 10 to about 90 days old.

(b) *Cured (Aged)*—Cheese which has the more fully developed flavor and body attributes which are characteristic of the curing process, generally over 90 days old. (The rapidity of the curing process is also influenced by moisture content, pH, temperature of storage, etc.)

§ 58.2459 Length of hold.

(a) *Short-hold*. The cheese quality indicates it should be used within 4 months from the date of grading.

(b) *Long-hold*. The cheese has storability characteristics and the potential to maintain its U.S. Extra Grade quality longer than 4 months from the date of grading.

U.S. Grades

§ 58.2460 Nomenclature of U.S. grades.

The nomenclature of U.S. grades is as follows:

(a) U.S. Extra Grade.

(1) Long-hold.

(2) Short-hold.

(b) U.S. Standard Grade.

(c) U.S. Commercial Grade.

§ 58.2461 Basis for determination of U.S. grades.

(a) The determination of U.S. grades of bulk American cheese shall be based

¹ Compliance with these standards does not excuse failure to comply with the provisions of the Federal Food, Drug and Cosmetic Act.

on the rating of the following quality factors:

(1) Flavor.

(2) Body and Texture.

(3) Finish and Appearance (as determined by examination of at least the filling end).

(b) The rating of each quality factor shall be established on the basis of characteristics present in a randomly selected sample representing a vat of cheese. If the cheese in a container is derived from more than one vat, the container labeling shall so indicate by showing both vat numbers, and the grade shall be determined on the basis of the lowest grade of either vat. The cheese shall be graded no sooner than 10 days after being placed into the primary container.

(c) The final U.S. grade shall be established on the basis of the lowest rating of any one of the quality factors.

§ 58.2462 Specifications for U.S. grades.

(a) *U.S. Extra Grade.* U.S. Extra Grade shall conform to the following requirements (also see tables I, II, and III of this section):

(1) *Flavor:* Shall be pleasing and characteristic of the variety and type of cheese. For detailed specifications and classification of flavor characteristics according to length of hold, see table I.

(2) *Body and Texture:* A sample drawn from the cheese shall be firm and sufficiently compact to draw a plug for examination. For detailed specifications and classification of body and texture characteristics according to length of hold, see table II.

(3) *Finish and Appearance:* For detailed specifications and classification of finish and appearance characteristics according to length of hold, see table III.

(b) *U.S. Standard Grade.* U.S. Standard Grade shall conform to the following requirements (also see table I, II, and III of this section):

(1) *Flavor:* Shall be pleasing but may possess certain flavor defects to a limited degree. For detailed specifications and classification of flavor characteristics, see table I.

(2) *Body and Texture:* The cheese shall be sufficiently compact to draw a plug for examination; however, it may have large and connecting mechanical

openings. In addition to four sweet holes, the plug sample may have scattered yeast holes and other scattered gas holes. For additional detailed specifications and classification of body and texture characteristics, see table II.

(3) *Finish and Appearance:* For detailed specifications and classification of finish and appearance characteristics, see table III.

(c) *U.S. Commercial Grade.* U.S. Commercial Grade shall conform to the following requirements (also see tables I, II, and III of this section):

(1) *Flavor:* May possess certain flavor defects to specified degrees. For detailed specifications and classification of flavor characteristics, see table I.

(2) *Body and Texture:* A plug drawn from the cheese may appear loosely knit with large and connecting mechanical openings. For detailed specifications and classification of body texture characteristics, see table II.

(3) *Finish and Appearance:* For detailed specifications and classification of finish and appearance characteristics, see table III.

TABLE I.—CLASSIFICATION OF FLAVOR WITH CORRESPONDING U.S. GRADE

Flavor characteristics	U.S. grade designation						
	Fresh or Current			Cured or Aged			
	Extra	Standard	Commercial	Extra	Standard	Commercial	
	¹ LH	SH					
Acid.....	VS	S	D	P	S	D	P
Barry.....	—	—	S	D	—	S	D
Bitter.....	—	VS	S	D	VS	S	D
Feed.....	S	S	D	P	S	D	P
Flat.....	—	—	S	D	—	S	D
Fruity.....	—	—	S	D	VS	S	D
Malty.....	—	—	S	D	—	S	D
Metallic.....	—	—	—	VS	—	—	VS
Old Milk.....	—	—	S	D	—	S	D
Onion.....	—	—	VS	S	—	VS	S
Rancid.....	—	—	S	D	—	S	D
Sour.....	—	—	—	VS	—	—	VS
Sulfide.....	—	—	S	D	VS	S	D
Utensil.....	—	—	S	D	—	S	D
Weedy.....	—	—	S	D	—	S	D
Whey Taint (Whey).....	—	—	S	D	VS	S	D
Yeasty.....	—	—	S	D	—	S	D

(—) — Not permitted; VS—Very Slight; S—Slight; D—Definite; P—Pronounced.

¹—Long-hold—(LH); —Short-hold—(SH).

TABLE II.—CLASSIFICATION OF BODY AND TEXTURE WITH CORRESPONDING U.S. GRADE

Body and texture characteristics	U.S. Grade Designation						
	Fresh or Current			Cured or Aged			
	Extra	Standard	Commercial	Extra	Standard	Commercial	
	¹ LH	SH					
Coarse	S	S	D	P	S	D	P
Corky	—	—	S	P	—	S	P
Crumbly	—	S	D	P	S	D	P
Curdy	D	D	D	P	S	D	P
Gassy	—	—	S	D	—	S	D
Mealy	S	S	D	P	S	D	P

TABLE II.—CLASSIFICATION OF BODY AND TEXTURE WITH CORRESPONDING U.S. GRADE—Continued

Body and texture characteristics	U.S. Grade Designation						
	Fresh or Current			Cured or Aged			
	Extra	Standard	Commercial	Extra	Standard	Commercial	
* Open.....	S	D	P	P	S	P	P
Pasty.....	—	—	D	P	—	D	P
Pinny.....	—	—	VS	S	—	VS	S
Short.....	S	S	D	P	S	D	P
Slitty.....	—	—	S	D	—	S	D
Sweet holes.....	—	S	D	P	S	D	P
Weak.....	S	S	D	P	S	D	P

(—) — Not permitted; VS—Very Slight; S—Slight; D—Definite; P—Pronounced.

¹ — Not applicable for Colby cheese.² — Long-hold—(LH); —Short-hold—(SH).TABLE III.—CLASSIFICATION OF FINISH AND APPEARANCE WITH CORRESPONDING U.S. GRADE
(AS DETERMINED BY EXAMINATION OF AT LEAST THE FILLING END)

Finish and appearance characteristics	U.S. grade designation						
	Fresh or Current			Cured or Aged			
	Extra	Standard	Commercial	Extra	Standard	Commercial	
	¹ LH	SH					
Free Whey.....	S	S	D	P	—	S	D
Mold.....	—	S	D	D	S	D	D
Rough Surface.....	S	S	D	P	S	D	P
Rough Surface.....	D	D	P	P	D	P	P
Soiled Surface.....	S	S	D	P	S	D	P

(—) — Not permitted; S—Slight; D—Definite; P—Pronounced.

¹ — Long-hold—(LH); —Short-hold—(SH).² — Unsealed primary container.³ — Sealed primary container or cheese surface treated with antimicrobials.**§ 58.2463 U.S. grade not assignable.**

Bulk American cheese shall not be assigned a U.S. grade for one or more of the following reasons:

- (a) Fails to meet the requirements for U.S. Commercial grade.
- (b) Produced in a plant which is rated ineligible for USDA grading service.
- (c) Produced in a plant which is not USDA-approved.

Explanation of Terms**§ 58.2464 Explanation of terms.**

- (a) With respect to flavor:
 - (1) *Very slight*.—Detected only upon very critical examination.
 - (2) *Slight*.—Detected only upon critical examination.
 - (3) *Definite*.—Not intense but detectable.
 - (4) *Pronounced*.—So intense as to be easily identified.
 - (5) *Undesirable*.—Identifiable flavors in excess of the intensity permitted, or those flavors not listed.
 - (6) *Acid*.—Sharp and puckery to the taste, characteristic of lactic acid.
 - (7) *Barney*.—A flavor characteristic of the odor of a cow barn.
 - (8) *Bitter*.—Distasteful, similar to the taste of quinine.

(9) *Feed*.—Feed flavors (such as alfalfa, sweet clover, silage, or similar feed) in milk carried through into the cheese.

(10) *Flat*.—Insipid, practically devoid of any characteristic cheese flavor.

(11) *Fruity*.—A fermented fruit-like flavor resembling apples.

(12) *Malty*.—A distinctive, harsh flavor suggestive of malt.

(13) *Metallic*.—A flavor having qualities suggestive of metal, imparting a puckery sensation.

(14) *Old Milk*.—Lacks freshness.

(15) *Onion*.—This flavor is recognized by the peculiar taste and aroma suggestive of its name. Present in milk or cheese when cows have eaten onions, garlic, or leeks.

(16) *Rancid*.—A flavor suggestive of rancidity or butyric acid, sometimes associated with bitterness.

(17) *Sour*.—An acidly pungent flavor resembling vinegar.

(18) *Sulfide*.—A flavor of hydrogen sulfide, similar to the flavor of water with a high sulfur content.

(19) *Utensil*.—A flavor that is suggestive of improper or inadequate washing and sterilization of milking machines, utensils, or factory equipment.

(20) *Weedy*.—A flavor present in cheese when cows have eaten weedy hay or grazed on weed-infested pasture.

(21) *Whey-Taint (Whey)*.—A slightly acid flavor and odor characteristic of fermented whey caused by too slow expulsion of whey from the curd.

(22) *Yeasty*.—A flavor indicating yeasty fermentation.

(b) With respect to body and texture:

(1) *Very Slight*.—An attribute which is detected only upon very critical examination and present only to a minute degree.

(2) *Slight*.—An attribute which is barely identifiable and present only to a small degree.

(3) *Definite*.—An attribute which is readily identifiable and present to a substantial degree.

(4) *Pronounced*.—An attribute which is markedly identifiable and present to a large degree.

(5) *Curdy*.—Smooth but firm; when worked between the fingers is rubbery and not waxy or broken down.

(6) *Coarse*.—Feels rough, dry, and sandy.

(7) *Corky*.—Hard, tough, over-firm cheese which does not readily break down when rubbed between the thumb and fingers.

(8) *Crumbly*.—Tends to fall apart when rubbed between the thumb and fingers.

(9) *Gassy*.—Gas holes of various sizes, which may be scattered.

(10) *Mealy*.—Short body, does not mold well; looks and feels like corn meal when rubbed between the thumb and fingers.

(11) *Open*.—Mechanical openings that are irregular in shape and are caused by workmanship and not by gas fermentation.

(12) *Pasty*.—Usually weak body; when the cheese is rubbed between the thumb and fingers it becomes sticky and smeary.

(13) *Pinny*.—Numerous very small gas holes.

(14) *Short*.—No elasticity in the cheese plug; when rubbed between the thumb and fingers, it tends toward mealiness.

(15) *Slitty*.—Narrow elongated slits generally associated with a cheese that is gassy or yeasty. Sometimes referred to as "Fish-eyes."

(16) *Sweet holes*.—Spherical gas holes, glossy in appearance; usually about the size of BB shots; also known as shot holes.

(17) *Weak*.—Requires little pressure to crush, is soft but is not necessarily sticky like a pasty cheese.

(c) With respect to finish and appearance:

(1) *Free whey*.—Whey or moisture which comes from the cheese or has not been incorporated into the curd. The intensity is described as slight when droplets are detected on the cheese or liner upon critical examination; definite when the droplets are easily identifiable; and pronounced when the droplets run together and pool.

(2) *Mold*.—Mold spots or areas that have formed on the surface of the cheese. The intensity is described as very slight when the total top surface area covered with mold is not greater than a dime; slight when the area covered is not greater than ten dimes; definite when the area is more than slight, but not greater than one-fourth of the top surface area; and pronounced when greater than one-fourth of the top surface area.

(3) *Rough surface*.—Lacks smoothness. The intensity is described as slight when the defect is easily detected; definite when readily detected; and pronounced when obvious.

(4) *Soiled surface*.—Discoloration on the surface of the cheese due to poor production or handling practices. The intensity is described as slight when the defect is detected upon critical examination; definite when easily detectable; and pronounced when easily

identified and covers more than one-half of the surface.

Signed at Washington, DC on: November 23, 1990.

D.M. Holbrook,

Acting Administrator.

[FR Doc. 90-27982 Filed 11-28-90; 8:45 am]

BILLING CODE 3410-02-M

Agriculture Marketing Service

7 CFR Parts 907 and 908

[FV-91-214PR]

Expenses and Assessment Rates for the 1990-91 Fiscal Year for California-Arizona Navel and Valencia Oranges and Increased Expenses for the 1989-90 Fiscal Year for Navel Oranges

AGENCY: Agricultural Marketing Service.

ACTION: Proposed Rule with request for comments.

SUMMARY: This proposed rule would authorize expenditures and establish assessment rates under Marketing Order Nos. 907 and 908 for California-Arizona navel and Valencia oranges, respectively, for the 1990-91 fiscal years established for each order. This action would also authorize increased expenditures for the 1989-90 fiscal year for the navel orange marketing order. Funds to administer these programs are derived from assessments on handlers. This action is needed in order for the Navel and Valencia Orange Administrative Committees, which are responsible for local administration of the respective orders, to have sufficient funds to meet the expenses of operating the programs. Expenses are incurred on a continuous basis.

DATES: Comments must be received by December 10, 1990.

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

FOR FURTHER INFORMATION CONTACT: Sheila A. Young, Marketing Specialist, MOAB, F&V, AMS, USDA, P.O. Box 96456, room 2525-S, Washington, DC 20090-6456; telephone: (202) 475-5992.

SUPPLEMENTARY INFORMATION: This proposed rule is issued under Marketing

Order Nos. 907 (7 CFR part 907) and 908 (7 CFR part 908), both as amended, regulating the handling of California Arizona navel and Valencia oranges, respectively. Both orders are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), hereinafter referred to as the Act.

This proposed rule has been reviewed by the U.S. Department of Agriculture (Department) in accordance with Departmental Regulation 1512-1 and the criteria contained in the 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.

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 navel oranges and 115 handlers of Valencia oranges subject to regulation under the navel and Valencia orange marketing orders. There are approximately 4,070 producers of navel oranges and 3,500 producers of Valencia oranges in the respective production areas. Small agricultural producers have been defined by the Small Business Administration (13 CFR 121.2) as those having annual receipts for the last three years 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 California-Arizona navel and Valencia orange producers and handlers may be classified as small entities.

The navel and Valencia orange marketing orders require that assessment rates for a particular fiscal year shall apply to all assessable navel or Valencia oranges handled from the beginning of such year. An annual budget of expenses is prepared by the Navel Orange Administrative Committee (NOAC) and the Valencia Orange Administrative Committee (VOAC) and submitted to the Department for approval. The members of the NOAC and VOAC are handlers and producers of navel and Valencia oranges. They are familiar with the

NOAC's and VOAC's needs and with the costs for goods, services, and personnel in their local areas and are thus in a position to formulate appropriate budgets. The budgets are formulated and discussed in public meetings. Thus, all directly affected persons have an opportunity to participate and provide input.

The assessment rate recommended by each committee is derived by dividing anticipated expenses by expected shipments of navel or Valencia oranges. Because that rate is applied to actual shipments, it must be established at a rate which will produce sufficient income to pay each committee's expected expenses. The recommended budget and rate of assessment is usually acted upon by each committee shortly before a season starts, and expenses are incurred on a continuous basis. Therefore, budget and assessment rate approvals must be expedited so that the committees will have funds to pay their individual expenses.

The NOAC met on October 16, 1990, and unanimously recommended 1990-91 fiscal year expenditures of \$1,525,075 and an assessment rate of \$0.0296 per carton of navel oranges. In comparison, 1989-90 fiscal year budgeted expenditures were \$1,377,425 and the assessment rate was \$0.027 per carton. Major expenditure categories in the 1990-91 budget are \$405,590 for program administration, \$239,410 for compliance activities, \$698,570 for the field department, \$178,000 for direct expenses, and \$3,505 for a salary reserve. This compares to \$367,525, \$188,805, \$646,350, \$171,300, and \$3,445, respectively, for the 1989-90 fiscal year. Expenditures for the 1990-91 fiscal year are greater than for 1989-90 because of increases in salary and benefits for the NOAC's personnel, the hiring of additional personnel for the compliance department, and office relocation expenses. Assessment income for 1990-91 is expected to total \$1,391,200, based on shipments of 47 million cartons of oranges. Interest and incidental income is estimated at \$58,500. The NOAC may expend operational reserve funds of \$75,375 to meet budgeted expenses. The increase in the assessment rate was recommended to minimize the expected shortfall in income. Additional reserve funds may be used to meet any other unanticipated deficit in assessment income.

The VOAC also met on October 16, 1990, and unanimously recommended 1990-90 fiscal year expenditures of \$743,215 and an assessment rate of \$0.032 per carton of Valencia oranges. In comparison, 1989-90 fiscal year budgeted

expenditures were \$709,730 and the assessment rate was \$0.028 per carton. Major expenditure categories in the 1990-91 budget are \$172,590 for program administration, \$101,870 for compliance activities, \$297,260 for the field department, \$170,000 for direct expenses, and \$1,495 for a salary reserve. This compares to \$166,050, \$85,300, \$292,025, \$164,800, and \$1,555, respectively, for the 1989-90 fiscal year. Assessment income for 1990-91 is expected to total \$640,000 based on shipments of 20 million cartons of oranges. Interest and miscellaneous income is estimated at \$28,000. The VOAC may expend operational reserve funds of \$75,215 to meet budgeted expenses. The increase in the assessment rate was recommended to offset the expected shortfall in income. Additional reserve funds may be used to meet any unanticipated deficit in assessment income.

At the October 16, 1990, meeting, the NOAC unanimously to increase its 1989-90 budgeted expenditures from \$1,377,425 to \$1,524,780—a \$147,355 increase. The 1989-90 expenditures of \$1,377,425 were established by a final rule published in the *Federal Register* on January 10, 1990 [55 FR 841]. The increase is needed due to costs associated with relocation of the NOAC office and increased expenses by its field and compliance departments.

During the 1989-90 fiscal year, actual income was \$1,558,375, \$252,375 more than the \$1,306,000 estimate included in the January 10 final rule. The higher 1989-90 income was due to increased shipments of navel oranges. Thus, funds are available to meet the higher expenses as proposed by this rule. An increase in the \$0.027 rate of assessment established by the January 10 final rule for the 1989-90 fiscal year is not needed.

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

Based on the foregoing, it is found and determined that a comment period of less than 30 days is appropriate because the budget and assessment rate approval for these programs need to be expedited. The NOAC and VOAC need to have sufficient funds to pay their

expenses, which are incurred on a continuous basis.

List of Subjects

7 CFR Part 907

Marketing agreements, Oranges, Reporting and recordkeeping requirements.

7 CFR Part 908

Marketing agreements, Oranges, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, it is proposed that 7 CFR part 907 and 7 CFR part 908 be amended as follows:

1. The authority citation for both 7 CFR parts 907 and 908 continues to read as follows:

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

PART 907—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

2. A new § 907.228 is added to read as follows:

§ 907.228 Expenses and assessment rate.

Expenses of \$1,525,075 by the Navel Orange Administrative Committee are authorized and an assessment rate of \$0.0296 per carton of navel oranges is established for the fiscal year ending on October 31, 1991. Unexpended funds from the 1990-91 fiscal year may be carried over as a reserve.

§ 907.227 [Amended]

3. Section 907.227 is amended by changing "\$1,377,425" to "\$1,524,780."

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

4. A new § 908.230 is added to read as follows:

§ 908.230 Expenses and assessment rate.

Expenses of \$743,215 by the Valencia Orange Administrative Committee are authorized and an assessment rate of \$0.032 per carton of Valencia oranges is established for the fiscal year ending on October 31, 1991. Unexpended funds from the 1990-91 fiscal year may be carried over as a reserve.

Dated: November 23, 1990.

Robert C. Keeney,

Deputy Director, Fruit and Vegetable Division.

[FR Doc. 90-27975 Filed 11-28-90; 8:45 am]

BILLING CODE 3410-02-M

Agricultural Marketing Service**7 CFR Part 920**

[Docket No. A0-89-A1; FV-90-100 PD]

Kiwifruit Grown in California; Recommended Decision and Opportunity To File Written Exceptions to Proposed Amendments of Marketing Agreement and Order No. 920**AGENCY:** Agricultural Marketing Service, USDA.**ACTION:** Proposed rule.

SUMMARY: This recommended decision proposes amendments to the marketing agreement and order which cover kiwifruit grown in California. The proposed amendments were submitted by the Kiwifruit Administrative Committee (committee), the agency responsible for local administration of the marketing order program. The proposed changes would reduce the terms of office from 2 years to 1 year for certain committee members, clarify the way in which grower membership is allocated, revise committee tenure requirements, authorize committee nominations to be conducted by mail, authorize a change in the terms of office which now begin August 1, and authorize a late payment charge on delinquent handler assessments. These changes are being recommended to improve the administration, operation and functioning of the marketing order program.

DATES: Written exceptions to this recommended decision must be received by December 31, 1990.

ADDRESSES: Four copies of written exceptions should be sent to the Hearing Clerk, room 1079, South Building, U.S. Department of Agriculture, Washington, DC 20250. All written submissions will be made available for public inspection at the office of the Hearing Clerk during regular business hours. Exceptions should reference the docket numbers and the date and page number of this issue of the *Federal Register*.

FOR FURTHER INFORMATION CONTACT: Anne M. Dec, Marketing Order Administration Branch, Fruit and Vegetable Division, AMS, USDA, P.O. Box 96456, room 2525-S, Washington, DC 20090-6456, telephone (202) 447-2020; or Gary D. Olson, California Marketing Field Office, USDA, AMS, 2202 Monterey Street, suite 102-B, Fresno, California 93721, telephone (209) 487-5901.

SUPPLEMENTARY INFORMATION: Prior documents in this proceeding: Notice of Hearing—Issued December 6, 1989, and

published in the *Federal Register* on December 11, 1989 (54 FR 50765).

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 and Departmental Regulation 1512-1.

Preliminary Statement

Notice is hereby given of the filing with the Hearing Clerk of this recommended decision with respect to proposed amendments of the marketing agreement and order regulating the handling of kiwifruit grown in California.

This recommended decision and opportunity to file written exceptions is issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), hereinafter referred to as the Act, and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR part 900).

The proposed amendments of the marketing agreement and order (hereinafter referred to collectively as the order) were formulated on the record of a public hearing held in Fresno, California on January 19, 1990. Notice of the hearing was published in the December 11, 1989, issue of the *Federal Register*. The notice set forth proposed amendments of the order submitted by the Kiwifruit Administrative Committee (committee) on behalf of kiwifruit growers in California. Additionally, the notice included a proposal by the U.S. Department of Agriculture that it be authorized to make any necessary conforming changes.

Small Business Considerations

In accordance with the provisions of the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*), the Administrator of the Agricultural Marketing Service (AMS) has determined that this action would not have a significant economic impact on a substantial number of small entities. Small agricultural producers have been defined by the Small Business Administration (SBA) (13 CFR 121.2) as those having annual receipts of less than \$500,000. Small agricultural service firms, which include handlers under this order, are defined as those with annual receipts of less than \$3.5 million.

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 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 the RFA and the Act have small entity orientation and compatibility. Interested persons were invited to present evidence at the hearing on the probable impact that the proposed amendments to the order would have on small businesses.

The record indicates that there are approximately 100 handlers and 1,200 growers of California kiwifruit. While there is a variance in the size of individual growing and handling operations, the record indicates that the majority of the kiwifruit growers and 30 to 40 percent of the handlers would be classified as small businesses under the SBA's definitions.

This recommended decision proposes several amendments to the order pertaining to committee member appointments and nominations. Also proposed is adding authority to establish late payment charges on delinquent handler assessments. The record indicates that these changes would improve the administration and operation of the program to the benefit of all kiwifruit growers and handlers.

One recommendation is to change the terms of office of three grower members of the committee from 2 years to 1 year. The order currently provides that the committee consist of 11 growers and 1 public member, each with an alternate. One grower is selected to represent each of the eight established geographic districts, and the three districts with the highest levels of production are each entitled to a second grower member position. All members now serve 2-year terms of office. However, a determination is made each year as to which three districts are entitled to a second grower member position, and the three additional grower member seats are allocated annually. The record supports continuing the annual allocation of grower membership so that the frequent shifts in kiwifruit volumes are promptly reflected in committee representation. Although this change could result in more frequent nominations, the costs to the committee and to the growers who participate in the nomination process would be minimal. This change would facilitate equitable allocation of committee membership. Accordingly, it would benefit all kiwifruit growers and handlers. This benefit should outweigh any additional costs relating to additional nominations.

This recommended decision also proposes clarifying the way in which grower membership is allocated among the districts. The record indicates that

the districts with the highest levels of shipments in the previous fiscal year should be allocated a second grower member position to reflect current procedures, rather than those with the greatest production during that year. The record indicates that the committee currently collects and compiles shipment data by district, which accurately reflect the relative volumes of kiwifruit grown in the various districts. This change would impose no additional costs on growers or handlers, but would merely clarify the way in which the committee currently determines grower member allocation among the districts.

This recommended decision also proposes revising tenure requirements so that a committee member who has served for six consecutive years on the committee could then serve as an alternate member. The record indicates that this amendment would enable growers who have become knowledgeable of the marketing order and committee operations to continue participating in committee deliberations. Tenure requirements would still apply to voting member positions to promote participation by a larger number of California kiwifruit growers in administering the order. No additional costs would be imposed as a result of this change.

Currently, the order provides that nominations for grower members be conducted at grower meetings held in each of the order's eight geographic districts. The record indicates that adding authority to conduct nominations by mail would increase grower participation in the nomination process. This proposed change would also reduce the administrative costs associated with conducting nomination meetings, as well as the costs incurred by individual growers in travelling to and attending the meetings. This change should therefore have a positive impact on both large and small kiwifruit growers and handlers.

Currently, committee members serve terms of office which begin August 1. The record indicates that since complete shipment data may not be available until July or August in some years, the mail nomination process may not be completed prior to August 1. Therefore, the record supports adding authority to change the terms of office. To the extent that this change would facilitate the nomination process, it would have a positive impact on growers and handlers. No additional costs would be imposed as a result of this change.

Finally, it is being proposed that authority be added to the order to provide for the establishment of a late

charge on delinquent handler assessments. This would provide handlers with an incentive to make assessment payments in a timely manner. This change would not impose additional costs on those handlers who remit their assessments on time.

Each of the proposed changes set forth in this document is designed to enhance the administration, operation and functioning of the order, and would not have a significant economic impact on the effected small entities. Further, the proposed amendment would have no significant impact on the reporting and recordkeeping requirements imposed on small businesses. Of the proposed amendments, that pertaining to mail nominations could result in additional reporting by growers. However, participation would be voluntary, and the record indicates that the cost of completing a ballot would be substantially less than that to attend a nomination meeting. In compliance with Office of Management and Budget (OMB) regulations (5 CFR part 1320) which implement the Paperwork Reduction Act of 1980 (144 U.S.C. chapter 35), any reporting and recordkeeping provisions that are included in the proposed order would be submitted to OMB for approval. The proposed amendment include authority for mail nominations. There are approximately 1,200 growers who would be affected by mail nominations, if implemented. Further, regulations would be promulgated to implement this provision. Accordingly, any information collected or recordkeeping requirements that may result from these amendment would be submitted to the OMB for approval and would not become effective prior to OMB approval.

Material Issues

The material issues presented on the record of the hearing are as follows:

- (1) Whether the terms of office of certain committee members should be reduced from 2 years to 1 year;
- (2) Whether the basis for allocating grower membership among districts should be clarified to more accurately reflect current procedures;
- (3) Whether tenure requirements should be revised;
- (4) Whether to authorize nominations for grower members of the committee to be conducted by mail;
- (5) Whether authority should be added to revise the date on which committee members' terms of office begin; and
- (6) Whether to authorize late payment charges on past due handler assessments.

Findings and Conclusions

The following findings and conclusions on the material issues are based on the record of the hearing:

(1) Section 920.21 of the order should be amended to reduce the terms of office of certain committee members from 2 years to 1 year.

Under the terms of the order, a committee consisting of 11 grower members and 1 public member is established to locally administer the program. Each member has an alternate, who serves as member in the absence of the member for which such alternate is appointed to the committee. One grower member is selected to represent each of the eight established geographic districts that comprise the production area. An additional grower member is selected from each of the three districts with the greatest levels of production in the prior fiscal period. All committee members serve 2-year terms of office.

The record indicates that kiwifruit is a relatively new crop in California. Acreage and production have increased in recent years, and continued growth is projected. In 1985, 37.1 million pounds of fruit were grown on 3,122 acres. By 1989, production had risen to 63.0 million pounds and acreage totalled 3,932 acres. It is projected that production in 1995 will reach 107.1 million pounds, grown on 4,539 acres.

Due to the fact acreage and production levels are not stable, and that weather, soil and water conditions which affect production vary among the districts, the record indicates that kiwifruit production in each of the districts differs from year to year. Additionally, the percentage of the total production accounted for each district varies frequently. For example, in the 1985-86 season, District 8 was the largest producer with 20.4 percent of the total, followed by District 7 with 18.6 percent and District 3 with 15.1 percent. During the 1986-87 season, District 3 was first with 19.8 percent of the total, followed by District 7 (18.1 percent) and District 6 (15.4 percent). In 1987-88, District 7 ranked number 1, followed by District 2 and District 3, which accounted for, respectively, 18.3, 17.9 and 15.2 percent of the total volume of kiwifruit. The largest producing district changed in each of these three seasons. Only Districts 3 and 7 were entitled to a second grower member position in all three years, while the third additional grower member position was allocated to District 8 following the 1985-86 season, District 6 following the 1986-87 season, and District 2 following the 1987-88 season.

The record indicates that the order should continue to provide that an annual determination be made as to which of the districts are entitled to the three additional grower member positions, given the frequent shifts in the relative volumes of kiwifruits accounted for by the various districts. Committee membership should promptly reflect these changes to provide the most equitable grower representation on the committee.

Witnesses testified that this annual reallocation of committee membership would be facilitated by providing that the three additional grower members serve 1-year terms of office rather than 2-year terms. The record supports reducing the terms of office for the three additional grower members to 1-year terms in order to facilitate the nomination and selection process.

(2) Section 920.20 of the order should be amended to clarify the manner in which it is determined which three districts are entitled to two grower members on the committee.

The order currently provides that the three districts with the highest production in the previous fiscal year are entitled to be represented on the committee by two grower members.

Under the provisions of the order, handlers are required to report to the committee the volume of kiwifruit they ship each month for all uses. This includes fruit shipped to fresh commercial markets as well as to other outlets (e.g. processors). The data is used by the committee for billing and statistical purposes. The information supplied by handlers is easily compiled on a district-by-district basis. The record indicates that the level of shipments from a district is an accurate indicator of the relative percentage of production in that district. That is, the percentage of production in each district that is actually shipped is fairly constant, and the three districts with the largest shipment totals will therefore also be the three largest producing districts. For this reason, the shipment totals for each fiscal year are used to determine which three districts are entitled to two grower member positions on the committee.

Since the shipment totals are reflective of actual production and shipment data are readily available, the record indicates that this should be the basis for allocation of committee membership. The revision in § 920.20 would more accurately describe the basis upon which grower membership of the committee is now determined.

(3) Section 920.21 of the order should be amended to revise the current tenure

requirements applicable to committee members and their alternates.

Currently, the order provides that committee members and alternates may serve up to three consecutive 2-year terms on the committee. Any person who has served for three consecutive terms in either a member or alternate member position may not be selected to serve as a member or as an alternate for the next term.

Given the proposed change in the order to provide that certain grower members serve 1-year terms of office, the record supports revising the tenure requirements to provide that members may serve as members of the committee and alternate members may serve as alternate members of the committee for up to three consecutive 2-year terms, six consecutive 1-year terms, or a combination of 1- and 2-year terms not to exceed six consecutive years. The record also supports revising the current tenure requirements to enable a committee member who has served as a member for six consecutive years to then be eligible to serve as an alternate member. Likewise, a person who has served six consecutive years as an alternate member of the committee would be able to then serve as a member of the committee.

The record indicates that there is a significant difference between a committee member position and an alternate member position. Alternate members are not able to vote at committee meetings, unless their respective members are not in attendance. In addition, alternate members may not serve as committee officers or as subcommittee chairmen, in accordance with the committee's by-laws. Alternates are encouraged to attend all committee meetings so that they become knowledgeable about the marketing order and its operation. While alternates can participate in committee discussions, they are unable to vote on committee actions.

Witnesses testified that since alternate members gain expertise during their tenure as alternates, but are unable to vote on issues before the committee, they should be precluded from serving as full members after serving six years as an alternate member. Likewise, the record supports allowing members who have served six consecutive years to then serve as alternates. The experience and expertise of these members would be beneficial to the committee as a whole in that they could continue to provide insight and assistance to committee deliberations as alternate members.

In addition, the record indicates that there is a limited number of kiwifruit

growers who are willing or able to take the time away from their own businesses to attend committee meetings. Witnesses supported allowing those growers who are willing to serve to remain on the committee in some capacity if nominated by their peers. The record supports this amendment as a way in which to encourage an increase in the number of growers who serve as voting members of the committee, while recognizing that there is a limited number of California kiwifruit growers who are interested and willing to fill the 22 grower member and alternate positions on the committee.

(4) Section 920.22 should be amended to add authority to conduct grower member and alternate grower member nominations by a mail balloting procedure.

Currently, the order requires the committee to hold at least one grower meeting in each of the districts in which a position is to be filled for the purpose of nominations. The record indicates that kiwifruit is grown throughout the State of California, which encompasses a large geographic area. Some of the individual districts are also quite large. For example, it takes approximately 4 hours to drive from the north border to the south border of District 8. This makes it difficult to select a nomination meeting location which is readily accessible to all growers in a district. Depending on the location selected, for example, one grower may have a 10-minute round trip to the meeting, while another could have to travel a total of 8 hours. Besides the differences in travel time and expenses, the timing of the nomination meetings may not be convenient for individual growers. The record indicates that the cost and inconvenience of attending nomination meetings has resulted in low grower participation in the nomination process. Witnesses indicated that less than 10 percent of the eligible growers participate in nominating members to serve on the committee.

In addition to the costs incurred by growers to attend the meetings, the committee incurs administrative costs in holding these meetings. Since all administrative costs are funded by handler assessments, the cost of conducting these meetings is borne by the industry. The committee staff must arrange for a location, time and date for each meeting, and notices must then be mailed to all growers to inform them of the scheduled meetings. Finally, a member of the committee staff must travel throughout the State of California to attend the meetings. The record indicates that the average cost to the

committee staff to conduct these district meetings is \$334 per meeting.

The record supports a small balloting procedure as a means of reducing costs and increasing grower participation. Costs to individual growers would be reduced in that they would not have to travel to attend meetings, but would merely have to complete and mail a ballot at their convenience. By not having to attend a meeting, growers would be provided with more opportunity to participate in the process. The cost to the committee staff to conduct a mail balloting procedure is estimated to be less than \$200 per district, which would represent a reduction in administrative costs. For these reasons, the record supports authorizing grower member nominations to be conducted by mail. The public member and alternate are now nominated by the grower members on the committee and would continue to be so nominated. Paragraph (e) of § 920.22 would be changed to reflect that procedure.

The record indicates that the committee should have the authority to recommend, for the Secretary's approval, the procedures to be followed in such a proceeding. This would provide maximum flexibility in implementing the authority to conduct nominations by mail. However, witnesses did suggest possible procedures that could be used to conduct mail nominations.

As discussed by witnesses at the hearing, a nomination request letter would be mailed to all eligible growers in a district in which there were positions to be filled. The letter would request names of growers to be included on the nomination ballot, and a postage-paid envelope would be provided to facilitate the return of such names. An election subcommittee, appointed by the committee chairman, would determine whether those persons whose names were submitted are eligible to serve as grower members of the committee. All eligible growers would then be listed on the nomination ballot, and the ballot would be mailed to all growers, again with a return envelope. Growers would be given about two weeks in which to cast a vote, and would be entitled to cast one vote for each position to be filled. The committee staff would then review the returned ballots to assure that only eligible voters participated and tally the results. The names of the persons with the greatest number of votes for each position would be submitted to the AMS for appointment to the committee. In the event of a tie, a run-off ballot would be mailed.

While this procedure is, in general, the method envisioned by the committee, the record does not support incorporating these procedures into the order. As experience with the mail nomination process is gained, it may be necessary to make changes not contemplated at this time. Therefore, the order should provide maximum flexibility by authorizing implementing rules to be promulgated through informal rulemaking procedures.

(5) Section 920.21 of the order should be revised to authorize a change in the beginning date of committee members' terms of office.

At the hearing, testimony was received to further modify § 920.21 of the order. Currently, committee members serve terms of office beginning August 1, and nomination meetings must be held no later than July 15. The record indicates that, due to the amount of time a mail nomination process may take, it could be necessary to have the terms of office begin later in the year.

According to the record evidence, kiwifruit harvest in California typically begins in late September or early October. Light shipments begin in October, and the industry is shipping in significant volumes by the first of November. Most of the crop is marketed by late April or early May, although in some years, light shipments continue through June and even into early July.

As previously discussed, grower membership on the committee should be apportioned among the districts on the basis of the prior fiscal year's shipments. Typically, final shipment figures for a season are available in June. However, if the shipping season extends past early May, those figures may not be available until July or August. The record indicates that since the shipping season appears to be lengthening, and since the mail nomination process may take more time than current nomination procedures, the order should be amended to authorize the Secretary, upon committee recommendation, to establish a term of office other than the currently established August 1 to July 31 period. Since the committee typically meets in January, April and July each year to plan for the season which begins the following September or October, beginning the terms later in the year to provide additional time for nominations should not materially affect committee operations. Beginning the terms of office later would also benefit the industry because grower membership on the committee would be allocated based on the most recent data available.

A conforming change should be made in paragraph (a) of § 920.22 which currently requires that nomination meetings be held no later than July 15 of each year. If the committee members' terms of office are changed to begin later in the year to enable the committee to use the most complete data possible in allocating the three additional grower member positions, a later nomination meeting date would be necessary for the same reason. The order should therefore be amended to authorize the Secretary to specify a date other than July 15 as the date by which nomination meetings must be held. Any date specified should be at least 15 days prior to the beginning of the terms of office as is now the case. However, the Secretary should be able to specify an earlier date if necessary to provide sufficient time between the nomination meetings and the beginning of the terms of office to ensure that committee members are appointed prior to the time their terms of office begin.

(6) Section 920.41 of the order should be amended to authorize the establishment of late charges on delinquent handler assessment.

The order authorizes the committee to incur expenses necessary to administer the program, and provides that those costs be covered by handler assessments. The order now authorizes the establishment of an interest charge on delinquent handler assessments, but not a late payment charge.

The record indicates that a late payment charge would provide more incentive for handlers to pay their assessments on time. Overdue assessments have increased over the years, from 0.5 percent of total billings in 1986 to 3.6 percent in 1989. Testimony indicated that a late charge could assist in reversing this trend.

Any late charge recommended by the committee should require the approval of the Secretary. Such a charge would be established through informal rulemaking procedures.

Rulings on Briefs of Interested Persons

At the conclusion of the hearing, the Administrative Law Judge fixed February 3, 1990, as the final date for interested persons to file proposed findings and conclusions and written arguments or briefs based on the evidence received at the hearing. None were filed.

General Findings

Upon the basis of the record, it is found that:

(1) The findings hereinafter set forth are supplementary to, and in addition to, the previous findings and determination

which were made in connection with the issuance of the marketing agreement and order. Except insofar as such findings and determinations may be in conflict with the findings and determinations herein, they are hereby ratified and affirmed;

(2) The marketing agreement and order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(3) The marketing agreement and order, as hereby proposed to be amended, regulate the handling of kiwifruit grown in the production area in the same manner as, and are applicable to, persons in the respective classes of commercial and industrial activity specified in the marketing agreement and order upon which hearings have been held;

(4) The marketing agreement and order, as hereby proposed to be amended, are limited in their application to the smallest regional production area which is practicable, consistent with carrying out the declared policy of the Act, and the issuance of several orders applicable to subdivisions of the production area would not effectively carry out the declared policy of the Act;

(5) The marketing agreement and order, as hereby proposed to be amended, prescribe, so far as practicable, such different terms applicable to different parts of the production area as are necessary to give due recognition to the difference in the production and marketing of kiwifruit grown in the production area; and

(6) All handling of kiwifruit grown in the production area as defined in the marketing agreement and order, as hereby proposed to be amended, is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects such commerce.

List of Subjects in 7 CFR Part 920

Kiwifruit, Marketing agreements, Reporting and recordkeeping.

Recommended Amendment of the Marketing Agreement and Order

The following amendment of the marketing agreement and order is recommended as the detailed means by which the foregoing conclusions may be carried out:

PART 920—KIWIFRUIT GROWN IN CALIFORNIA

The authority citation for 7 CFR part 920 continues to read as follows:

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

1. Section 920.21 is revised to read as follows:

§ 920.21 Term of office.

The term of office of each member and alternate member of the committee shall be for two years from the date of their selection and until their successors are selected; except that the term of office of the three additional grower members and their alternates selected from the three districts shipping the greatest volumes of kiwifruit in the prior fiscal period shall be for one year. The terms of office shall begin on August 1 and end on the last day of July, or such other dates as the committee may recommend and the Secretary approve. Members may serve up to three consecutive 2-year terms or six consecutive 1-year terms on the committee or a combination thereof not to exceed 6 consecutive years as members. Alternate members may serve up to three consecutive 2-year terms or six consecutive 1-year terms or a combination thereof not to exceed 6 consecutive years as alternate members.

2. Section 920.22 is revised to read as follows:

§ 920.22 Nomination.

(a) Except as provided in paragraph (b) of this section, the committee shall hold, or cause to be held, not later than July 15 of each year, or such other date as may be specified by the Secretary, a meeting or meetings of growers in each district for the purpose of designating nominees to serve as grower members and alternates on the committee. Any such meetings shall be supervised by the committee, which shall prescribe such procedures as shall be reasonable and fair to all persons concerned.

(b) Nominations in any or all districts may be conducted by mail in a manner recommended by the committee and approved by the Secretary.

(c) Only growers may participate in the nomination of grower members and their alternates. Each grower shall be entitled to cast only one vote for each position to be filled in the district in which such grower produces kiwifruit. No grower shall participate in the election of nominees in more than one district in any one fiscal year.

(d) A particular grower shall be eligible for membership as member or alternate member to fill only one position on the committee.

(e) The public member and alternate shall be nominated by the grower members of the committee.

23. Section 920.41 is amended by revising the last sentence of paragraph (a) to read as follows:

§ 920.41 Assessments.

(a) * * * If a handler does not pay any assessment within the time prescribed by the committee, the assessment may be subject to an interest or late payment charge, or both, as may be established by the Secretary upon recommendation of the committee.

* * * * *

Kenneth C. Clayton,
Acting Administrator.

[FR Doc. 90-27974 Filed 11-28-90; 8:45 am]

BILLING CODE 3410-02-M

7 CFR Parts 1106, 1120, 1126, 1132, and 1138

[Docket Nos. AO-335-A34, et al; DA-89-033]

Milk in the Rio Grande Valley and Certain Other Marketing Areas; Extension of Time for Filing Exceptions on Proposed Amendments to Tentative Marketing Agreements and to Orders

7 CFR Parts	Marketing Area	Docket Nos.
1138	Rio Grande Valley	AO-335-A34
1106	Southwest Plains	AO-210-A50
1120	Lubbock-Plainview, Texas	AO-328-A28
1126	Texas	AO-231-A58
1132	Texas Panhandle	AO-262-A38

AGENCY: Agricultural Marketing Services, USDA.

ACTION: Extension of time for filing exceptions to proposed rule.

SUMMARY: This notice extends the time for filing exceptions to a recommended decision issued October 22, 1990, concerning proposed amendments to the Rio Grande Valley and certain other milk marketing orders. Counsel for a regulated handler requested the additional time to complete exceptions to the recommended decision.

DATES: Exceptions now are due on or before December 17, 1990.

ADDRESSES: Exceptions (four copies) should be filed with the Hearing Clerk, room 1081, South Building, United States Department of Agriculture, Washington, DC 20250.

FOR FURTHER INFORMATION CONTACT: John F. Borovics, 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: Prior documents in the proceeding:

Notice of Hearing: Issued November 21, 1989; published November 27, 1989 [54 FR 48753].

Recommended Decisions: Issued October 22, 1990; published October 29, 1990 (55 FR 43345).

Notice is hereby given that the time for filing exceptions to the recommended decision with respect to the proposed amendments to the tentative marketing agreements and to the orders regulating the handling of milk in the Rio Grande Valley and certain other marketing areas which was issued on October 22, 1990, is hereby extended to December 17, 1990.

This notice is issued 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 governing the formulation of marketing agreements and marketing orders (7 CFR part 900).

List of Subjects in 7 CFR Parts 1106, 1120, 1126, 1132 and 1138

Milk marketing orders.

The authority citation for 7 CFR parts 1106, 1120, 1126, 1132 and 1138 continues to read as follows:

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

Signed at Washington, DC, on: November 23, 1990.

Kenneth C. Clayton,
Acting Administrator.

[FR Doc. 90-27976 Filed 11-28-90; 8:45 am]

BILLING CODE 3410-02-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 165

[CGD11-90-07]

Regulated Navigation Area: San Diego Bay, CA

AGENCY: Coast Guard, DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard is considering the establishment of a regulated navigation area in San Diego Bay, California, consisting of the water area adjacent to the Naval Submarine Base at Ballast Point and extending eastward across the channel to the shore at the North Island Naval Air Station. This regulated navigation area is necessary to protect U.S. Naval vessels and personnel during submarine docking/undocking operations at the Ballast Point location. If this regulation is adopted, entry into the regulated navigation area will be permitted during these operations, but vessels must travel at a speed such that they will not produce a wake. The Coast Guard has

been enforcing a no-wake restriction in this area for submarine docking/undocking operations since December 1985. This has been done by establishing a temporary safety zone for each operation. However, since it is the intention of the Coast Guard to regulate transit through the area rather than to limit entry into this area, a Regulated Navigation Area is considered a more appropriate regulatory tool than a safety zone. In addition, establishing a permanent regulated navigation area will reduce recurring administrative workload and clarify the Coast Guard's intentions for the public.

DATES: Comments must be received on or before January 14, 1991.

ADDRESSES: Comments should be mailed to Commander (oan), Eleventh Coast Guard District, 400 Oceangate, Long Beach, California 90822-5399. The comments and other materials referenced in this notice will be available for inspection and copying at 400 Oceangate, suite 702, Long Beach, CA. Normal office hours are between 8 a.m. and 4 p.m., Monday through Friday, except holidays. Comments may also be hand delivered to this address.

FOR FURTHER INFORMATION CONTACT: Lieutenant Edward Sinclair, Eleventh Coast Guard District Office, Aids to Navigation and Waterways Management Branch, 400 Oceangate, Long Beach, CA 90822-5399, telephone (213) 499-5410.

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in this rulemaking by submitting written views, data or arguments. Persons submitting comments should include their names and addresses, identify this notice (CGD11-90-07) and the specific section of the proposal to which their comments apply, and give reasons for each comment.

The regulations may be changed in light of comments received. All comments received before the expiration of the comment period will be considered before final action is taken on this proposal. No public hearing is planned, but one may be held if written requests for a hearing are received and it is determined that the opportunity to make oral presentations will aid the rulemaking process.

Drafting Information

The drafters of this notice are Lieutenant Pat Keene, Project Officer, Marine Safety Office San Diego, and Lieutenant Commander J. J. Jaskot, Project Attorney, Eleventh Coast Guard District Legal Office.

Discussion of Proposed Regulations

These proposed regulations are intended to address the ongoing need for safety precautions during U.S. Naval submarine docking and undocking operations at Ballast Point. Past operations have been hazarded, and serious damage has occurred, due to the wake of passing vessels. Notices to Mariners had been published for those operations, but a number of vessels ignored these advisories and transited the area at speeds which caused damaging wakes. As a result, since December 1985, temporary safety zones have been established to eliminate wakes during docking/undocking operations. However, the regulatory intent of safety zones is generally to limit access to an area rather than to regulate transit through it. Since the intention of this regulation is to eliminate wakes and not to limit entry, use of a regulated navigation area is considered more appropriate than a safety zone and will help to reduce confusion on the part of the public.

The intent of this proposed regulation is to slow vessels down and reduce the hazard to Naval vessels and personnel involved in submarine docking/undocking operations. If adopted, the regulated area will be in effect only during actual docking/undocking operations. These operations occur approximately four times per month. The actual time will vary depending on the operation; however, the large majority take place early in the morning or early in the afternoon. Public notification of the operations will be made by marine broadcasts and, time permitting, Local Notice to Mariners.

Regulatory Evaluation

This proposed regulation is considered to be non-major under Executive Order 12291 and nonsignificant under the DOT policies and procedures (44 FR 11034; February 26, 1979). The economic impact of this proposal is expected to be so minimal that a full regulatory evaluation is unnecessary. This regulated navigation area will only be in effect during actual docking/undocking operations, and the impacts on routine navigation are expected to be minimal. The Coast Guard certifies that this proposal will not have a significant economic impact on a substantial number of small entities.

Paperwork Reduction Act

This proposed rule contains no information collection or recordkeeping requirements.

Federalism Assessment

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

Environmental Assessment

The Coast Guard has considered the environmental impact of this proposal and concluded that under section 2.B.2.c of Commandant Instruction M16475.1B, it will have no significant environmental impact and it is categorically excluded from further environmental documentation.

List of Subjects

33 CFR Part 165

Harbors, Marine safety, Navigation (water), Security measures, Vessels, Waterways.

In consideration of the foregoing, the Coast Guard proposes to amend part 165 of title 33, Code of Federal Regulations, as follows:

PART 165—[AMENDED]

1. The authority citation for part 165 continues to read as follows:

Authority: 33 U.S.C. 1231; 50 U.S.C. 191; 33 CFR 1.05-1(g), 6.04-1, 6.04-6, and 160.5, 49 CFR 1.46.

2. Section 165.1108 is added to read as follows:

§ 165.1108 Regulated Navigation Area: San Diego Bay, California.

(a) *Location.* The area encompassed by the following geographic coordinates is a regulated navigation area:

32°41'24.6" N	117°14'21.9" W
32°41'34.2" N	117°13'58.5" W
32°41'34.2" N	117°13'37.2" W

Thence south along the shoreline to

32°41'11.2" N	117°13'31.3" W
32°41'11.2" N	117°13'58.5" W

Thence north along the shoreline to the point of origin.

Datum: NAD 1983.

(b) *Regulations.* (1) During submarine docking/undocking operations at the U.S. Naval Submarine Base on Ballast Point, San Diego Bay, California, mariners transiting within the regulated navigation area shall proceed at a speed that generates no wake from their vessel.

(2) The Coast Guard will issue a Broadcast Notice to Mariners, and if time permits a Local Notice to Mariners, to inform the maritime community of the dates and times of the submarine docking/undocking operations covered by paragraph (b)(1).

(3) The master and/or operator of a vessel within the regulated navigation area shall comply with any other orders or directions issued by the Coast Guard as required for the safety of the submarine docking/undocking operations covered by paragraph (b)(1).

Dated: September 26, 1990.

M.E. Gilbert,

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

[FR Doc. 90-28029 Filed 11-28-90; 8:45 am]

BILLING CODE 4910-14-M

33 CFR Part 165

[CGD2-90-04]

Regulated Navigation Area; Arkansas River, Mile 118.2 to 125.4, Vicinity of Little Rock, AR

AGENCY: Coast Guard, DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard is proposing to establish a Regulated Navigation Area (RNA) on the Arkansas River from mile 118.2 to 125.4 in the vicinity of Little Rock, Arkansas. This action will impose mandatory operating requirements during high flow periods in order to ensure the safety of vessels transiting the area. This action has the potential to reduce the likelihood of a marine casualty, thus preventing loss of life and property, and harm to navigable waters, existing structures and the environment.

DATES: Comments must be received on or before January 14, 1991.

ADDRESSES: Comments should be mailed to Commander(dl), Second Coast Guard District, Robert A. Young Federal Building, 1222 Spruce Street, Room 2.102E, St. Louis, Missouri 63103-2832, Attention: Docket CGD2-90-04. The comments and other materials referenced in this notice will be available for inspection and copying at the mailing address. Normal business hours are from 7:45 a.m. to 4:15 p.m., Monday through Friday, except holidays. Comments may also be hand-delivered to this address.

FOR FURTHER INFORMATION CONTACT: Commander John D. Koski, Project Officer, at commercial telephone number (314) 539-2655 or FTS telephone number 262-2655.

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in this rulemaking by submitting written views, data or arguments. Persons submitting comments should include their name and address, identify this notice [CGD2-90-04] and the specific section of the proposal to which their comments apply,

and give reasons for each comment. Receipt of comments will be acknowledged if the comment requests acknowledgement.

The proposed regulations may be changed in light of comments received. All comments received before the expiration of the comment period will be considered before final action is taken on this proposal. No public hearing is planned but one may be held if sufficient written requests for a hearing are received and it is determined that the opportunity to make oral presentations will aid the rulemaking process.

Drafting Information

The drafters of this notice are Commander John D. Koski, Project Officer, Commander(m), Second Coast Guard District, Robert A. Young Federal Building, 1222 Spruce Street, Room 2.102G, St. Louis, Missouri 63103-2832; Lieutenant R. B. Litterell, Coast Guard Marine Safety Office, Suite 1301, 200 Jefferson Avenue, Memphis, Tennessee 38101-2300; and, Lieutenant Michael A. Suire, Project Attorney, Commander(dl), Second Coast Guard District, Robert A. Young Federal Building, 1222 Spruce Street, Room 2.102E, St. Louis, Missouri 63103-2832.

Discussion of Proposed Regulations

This proposal would impose mandatory operating restrictions on towboats transiting the Arkansas River between miles 118.2 and 125.4 during periods when the flow rate, as determined by the Army Corps of Engineers, reaches or exceeds 70,000 cubic feet per second at the Murray Lock and Dam at mile 125.4 of the McClellan-Kerr Arkansas River Navigation System. Since 1982, 70,000 cubic feet per second at Murray Lock and Dam has been the benchmark for implementing a voluntary Vessel Management System (VMS) for the area for which a regulated navigation area is now being proposed. The VMS as it is currently implemented, however, is more properly a regulated navigation area, as defined in 33 Code of Federal Regulations section 165, subpart B. Accordingly, this action proposes conversion of the VMS to a regulated navigation area with identical activation parameters and operating restrictions. Apart from the fact that the VMS is a voluntary program whereas the regulated navigation area will impose mandatory restrictions, vessel operators will experience no difference between the two approaches. The VMS was established in cooperation with commercial interests due to the

difficulties encountered by downbound towboats while navigating through the Baring Cross bridge at mile 119.6, the Junction bridge at mile 118.7, and the Rock Island railroad bridge at mile 118.2. Specifically, there are no tie-off areas above or between these bridges and insufficient room for maneuvering or turning about between the bridges. Once a downbound vessel is committed to a transit of the Little Rock Harbor and these bridges, the vessel cannot stop. While developing the regulations for the proposed regulated navigation area, the following organizations were contacted: Little Rock Corps of Engineers, Little Rock Port Commission, Jantran Inc., Arkansas River Co., Magnolia Marine Co., and Brent Transportation Inc. All parties contacted thus far expressed no objection to the basic proposal and confirmed the need for operational requirements during high flow conditions.

Economic Assessment and Certification

The proposed regulations have been reviewed under the provisions of Executive Order 12291 and have been determined not to be a major rule. In addition, these regulations are considered to be nonsignificant under the guidelines of DOT Order 2100.5 dated May 22, 1980, Policies and Procedures for Simplification, Analysis, and Review of Regulations. An economic evaluation has not been conducted and is deemed unnecessary as the impact of these regulations is expected to be minimal. The above conclusions follow from the fact that this action will simply codify the voluntary vessel management system used successfully since 1982 by the majority of towboat owners and operators transiting the proposed regulated area. There is no reason to believe that codifying the existing operating limitations will significantly change the impact on the owners and operators. Whatever impacts which may have occurred have been mollified by eight years of voluntary participation. Pursuant to 5 U.S.C. 601, et seq., Regulatory Flexibility Act, it is certified that these regulations will not have a significant economic impact on a substantial number of small entities.

Environmental Assessment and Certification

This action is being reviewed by the Coast Guard. Preliminary analysis indicates this action will qualify for a Finding of No Significant Impact in accordance with paragraph 2.B.5 of the NEPA Implementing Procedures, COMDTINST M16475.1B. Interested persons are nonetheless invited to

participate in this rulemaking by submitting written views, data, or arguments in accordance with the procedures outlined earlier in this preamble. Copies of all documents being reviewed will be available on the docket for public review.

Federalism Assessment and Certification

This action is being analyzed in accordance with the principles and criteria outlined in Executive Order 12612, and it is expected that the proposed action does not have sufficient federalism implications to warrant preparation of a Federalism Assessment. As noted above, this rulemaking simply codifies an existing, eight-year-old, voluntary vessel management system.

List of Subjects in 33 CFR Part 165

Harbors, Marines safety, Navigation (waters), Security measures, Vessels, Waterways.

Proposed Regulations

In consideration of the foregoing, the Coast Guard proposes to amend part 165 of title 33, Code of Federal Regulations as follows:

PART 165—[AMENDED]

1. The authority citation for part 165 will continue to read as follows:

Authority: 33 U.S.C. § 1225 and § 1231; 50 U.S.C. § 191; 49 CFR § 1.46 and 33 CFR §§ 1.05-1(g), 6.04-6, and 160.5.

2. Section 165.203 is added to read as follows:

§ 165.203 Arkansas River, Mile 118.2 to 125.4, Little Rock Arkansas—regulated navigation area.

(a) The following is a regulated navigation area (RNA): The waters of the Arkansas River between mile 118.2 and mile 125.4.

(b) Transit of the RNA is limited during periods of high velocity flow, defined as the flow rate of 70,000 cubic feet per second or more at the Murray Lock and Dam, mile 125.4. The flow rate at this location is calculated by the U.S. Army Corps of Engineers on a regular and routine basis. This information will be distributed by one or more of the following forms of communication;

(1) Announcements by Coast Guard Marine Information Broadcasts;

(2) Publication in Coast Guard Local Notice to Mariners; and/or,

(3) Telephone or radio contact with the drawtenders at Baring Cross, Junction, or Rock Island railroad bridges, or the Lockmaster at Murray Lock and Dam.

(c) Transit of the RNA during periods of high velocity flow may only occur under the following conditions:

(1) Vessels may not meet or pass in the RNA.

(2) No vessel shall anchor, stop, remain or drift without power at any time in the RNA.

(3) All vessels shall continually monitor VHF-FM channel 13 on their radiotelephone while in or approaching the RNA.

(4) Downbound vessels shall contact the drawtenders on VHF-FM channel 13 before departing Murray Lock and Dam or the mooring cells at mile 121.5 to ensure that the Baring Cross bridge at mile 119.6, the Junction bridge at mile 118.7, and the Rock Island railroad bridge at mile 118.2 are in the open position and will remain in the open position until the vessel has passed through each bridge.

(5) Prior to transiting the RNA, downbound vessels shall make a broadcast in the blind on VHF-FM channel 13 announcing their estimated time of departure from Murray Lock and Dam or the mooring cells at mile 121.5 to ensure there are no upbound vessels within the RNA. If there is upbound traffic within the RNA, the downbound vessel shall not depart until the upbound vessel has passed through the RNA. After departing, vessels will proceed through the RNA, including all three bridges, without delay.

(6) When upbound vessels reach mile 116, they shall make a broadcast in the blind on VHF-FM channel 13 announcing their estimated arrival time at the Rock Island railroad bridge, mile 118.2.

(7) When a downbound vessel is already in the RNA, an upbound vessel shall adjust her speed so as to avoid a meeting situation in the RNA.

(d) Pursuant to this regulation, drawtenders at the Baring Cross, Junction, and Rock Island railroad bridges will:

(1) Maintain an alert communication watch on VHF-FM channel 13.

(2) Accept radiotelephone and/or telephone calls from vessels or lock masters.

(3) Raise lift spans as required and furnish information regarding lift span positions.

(4) Advise vessels contacting them if the lift span cannot be raised and furnish estimated time when it can be safely raised.

(5) Immediately make a broadcast in the blind on VHF-FM channel 13 if the lift span malfunctions while being raised or lowered. Upon restoration of services, the drawtender will make a broadcast

on VHF-FM channel 13 advising vessels the bridge is back in operation.

Dated: November 21, 1990.

W. J. Ecker,

Rear Admiral (Lower Half), United States Coast Guard Commander, Second Coast Guard District.

[FR Doc. 90-28028 Filed 11-28-90; 8:45 am]

BILLING CODE 4910-14-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 228

[FRL-3865-3]

Ocean Dumping; Proposed Site Modification

AGENCY: U.S. Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA today proposed to modify the designation of an Ocean Dredged Material Disposal Site (ODMDS) in the Atlantic Ocean offshore Charleston, South Carolina. This proposed modification is the alteration of the restrictions for the Charleston Harbor Deepening Project ODMDS. This proposed action is necessary to provide an environmentally acceptable ocean disposal site for projects other than the Charleston Harbor Deepening Project.

DATES: Comments must be received on or before December 31, 1990.

ADDRESSES: Send comments to: Wesley B. Crum, Chief, Wetlands and Coastal Programs Section, Water Management Division, U.S. Environmental Protection Agency, Region IV, 345 Courtland Street, NE., Atlanta, Georgia 30365.

FOR FURTHER INFORMATION CONTACT: Gary W. Collins, 404/347-2126 or FTS 257-2126.

SUPPLEMENTARY INFORMATION:

Background

Section 102(c) of the Marine Protection, Research, and Sanctuaries Act (MPRSA) of 1972, as amended, 33 U.S.C. 1401 *et seq.*, gives the Administrator of EPA the authority to designate sites where ocean disposal may be permitted. On December 23, 1986, the Administrator delegated the authority to the Regional Administrator of the Region in which sites are located. The EPA Ocean Dumping Regulations promulgated under MPRSA (40 CFR chapter I, subchapter H, 228.11) state that use of disposal sites may be modified.

The Charleston Harbor Deepening Project site was designated on August 3, 1987 along with the smaller Charleston

ODMDS. A decision to designate a small site for permanent use at Charleston was based on projected future disposal volumes and the ease of monitoring. The larger Harbor Deepening Project site, which was the interim site, was designated for a seven-year period and restricted to use for Harbor Deepening material only. The smaller, permanent Charleston ODMDS lies within the boundaries of, and completely in the western portion of, the larger Charleston Harbor Deepening Project ODMDS. The sites are defined by the following coordinates:

Charleston Harbor Deepening Project

ODMDS:

32°38'06" N,	79°41'57" W;
32°40'42" N,	79°47'30" W;
32°39'04" N,	79°49'21" W;
32°36'28" N,	79°43'49" W.

Charleston ODMDS:

32°40'27" N,	79°47'22" W;
32°39'04" N,	79°44'25" W;
32°38'07" N,	79°45'03" W;
32°39'30" N,	79°46'00" W.

Recent on-site investigations have revealed the presence of significant live bottom resources within and around both Charleston ODMDSs. These resources are located primarily in the western half of the smaller site and along the southern boundary of the larger site. While the effects of burial by dredged material disposal are apparent, the effects of nearby disposal (particularly of fine material) on these resources is yet to be determined. Ongoing studies are being conducted to determine whether recently disposed fine materials are impacting these resources. Until these studies are complete, further disposal of all fine material will be limited to the eastern portion of the Charleston Harbor Deepening Project ODMDS to prevent interference with these studies and to minimize further potential impacts.

The need to limit disposal of fines to the eastern half of the Charleston Harbor Deepening Project ODMDS and the restrictions on use of this area (only Harbor Deepening Project material) have effectively eliminated the only ocean disposal alternative to all other dredging projects in the Charleston area. Modification of its designation would make the Charleston Harbor Deepening Project ODMDS available for use by these other entities.

EIS Determination

EPA has voluntarily committed to prepare Environmental Impact Statements (EIS) in connection with the designation of ocean disposal sites [35 FR 16186 (May 7, 1970)]. The need for an EIS in the case of modifications is addressed in 39 FR 37420 (October 21, 1974), section 1(a)(4). If the change is

judged sufficiently substantial by the responsible official, an EIS is needed.

The type and nature of material that does come and could come from the Harbor Deepening Project is not significantly different from other types of dredged material that may come from the Charleston area. The primary difference between Harbor Deepening Project material and all other material from the Charleston area is the authorization and resources allocated to the respective projects.

EPA believes this difference does not warrant the preparation of an Environmental Impact Statement (EIS).

Once studies are complete, EPA will dedesignate the smaller Charleston ODMDS and redefine the boundaries of the Charleston Harbor Deepening Project ODMDS through further rulemaking. Such measures would remove all disposal activities from the immediate vicinity of the significant resources and reduce the potential for adverse impacts. However, taking such measures before all studies are complete is considered by EPA to be premature and ill-advised. EPA's major concern at this time is to provide an environmentally feasible ocean disposal site for all dredging parties.

Proposed Site Modification

The proposed site modification for the Charleston Harbor Deepening Project ODMDS is the alteration of the restriction on site use. The present restriction on site use is the limitation on disposal to dredged material from the Charleston Harbor Deepening Project. EPA proposes to change the restriction to disposal of dredged material from the greater Charleston area and to limit, for the time being, the geographic area within which fine materials can be disposed. Once the studies on the resources are complete, additional areas within the larger site may be available for disposal of certain types of dredged material.

Regulatory Assessments

Under the Regulatory Flexibility Act, EPA is required to perform a Regulatory Flexibility Analysis for all rules that may have a significant impact on a substantial number of small entities. EPA has determined that this proposed action will not have a significant impact on small entities since the modification will only have the effect of providing an environmentally acceptable disposal option for dredged material from non-Harbor Deepening projects. Consequently, this rule does not necessitate preparation of a Regulatory Flexibility Analysis.

Under Executive Order 12291, EPA must judge whether a regulation is "major" and therefore subject to the requirement of a Regulatory Impact Analysis. This proposed action will not result in an annual effect on the economy of \$100 million or more or cause any of the other effects which would result in its being classified by the Executive Order as a "major" rule. Consequently, this rule does not necessitate preparation of a Regulatory Impact Analysis.

This proposed rule does not contain any information collection requirements subject to office of management and Budget review under the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 *et seq.*

List of Subjects in 40 CFR Part 228

Water pollution control.

Approved by:

Joe R. Franzmathes,

Acting Regional Administrator.

In consideration of the foregoing, subchapter H of chapter I of title 40 is proposed to be amended as set forth below.

PART 228—[AMENDED]

1. The authority citation for part 228 continues to read as follows:

Authority: 33 U.S.C. 1412 and 1418.

2. In § 228.12 paragraph (b)(34) "Restriction" is revised to read as follows:

§ 228.12 Delegation of management authority for interim ocean dumping sites.

* * * * *

(b) * * *

(34) * * *

Restriction: Disposal shall be limited to dredged material from the Charleston Harbor Area. Disposal of fine materials shall be limited to that part of the site east of the line between coordinates 32°39'04" N, 79°44'25" W and 32°37'24" N, 79°45'30" W.

* * * * *

[FR Doc. 90-28019 Filed 11-28-90; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

Federal Insurance Administration

44 CFR Part 67

[Docket No. FEMA-6997]

Proposed Flood Elevation Determinations

AGENCY: Federal Emergency Management Agency.

ACTION: Proposed rule; correction.

SUMMARY: This document corrects a Notice of Proposed Modified

Determinations of base (100-year) flood elevations previously published at 55 FR 34294 on August 22, 1990. This correction notice provides a more accurate representation of the Flood Insurance Study and Flood Insurance Rate Map for the Township of Hope, Warren County, New Jersey.

FOR FURTHER INFORMATION CONTACT:

John L. Matticks, Chief, Risk Studies Division, Federal Insurance Administration, Federal Emergency Management Agency, Washington, DC 20472, (202) 646-2767.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency gives notice of the correction to the Notice of Proposed Modified Determinations of base (100-year) flood elevations for selected locations in the Township of Hope, previously published at 55 FR 34294 on August 22, 1990, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 44 CFR part 67.

List of Subjects in 44 CFR Part 67

Flood insurance, Floodplains.

On page 34294, in the August 22, 1990 issue of the **Federal Register**, the entries under Hope (Township), Warren County, are corrected to read as follows:

Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD0)	
		Existing	Modified
Beaver Brook.....	Downstream corporate limits.....	None.....	*353
	Downstream of Interstate 80.....	None.....	*424

Issued: November 20, 1990.

C.M. "Bud" Schauerte,
Administrator, Federal Insurance
Administration.

[FR Doc. 90-28012 Filed 11-28-90; 8:45 am]

BILLING CODE 6718-03-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 90-563; RM-7444]

Radio Broadcasting Services; Thomasville, AL

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a petition for rule making filed on behalf of WJDB Radio, Inc., licensee of Station WJDB(FM), Channel 237A, Thomasville, Alabama, seeking the substitution of FM Channel 238C3 for Channel 237A and modification of its license accordingly. Coordinates for this proposal are 31-46-07 and 87-45-53.

DATES: Comments must be filed on or before January 14, 1991 and reply comments on or before January 29, 1991.

ADDRESSES: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner's counsel, as follows: Jeffrey D. Southmayd, Esq., Southmayd, Simpson & Miller, P.C., 1233-20th St., NW., Suite 205, Washington, DC 20036.

FOR FURTHER INFORMATION CONTACT:

Nancy Joyner, Mass Media Bureau, (202) 634-6530.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 90-563 adopted October 30, 1990, and released November 23, 1990. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (room 230), 1919 M Street NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, (202) 857-3800, 2100 M Street NW., Suite 140, Washington, DC 20037.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contact.

For information regarding proper filing procedures for comments, See 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

Beverly McKittrick,

*Assistant Chief, Policy and Rules Division,
Mass Media Bureau.*

[FR Doc. 90-28054 Filed 11-28-90; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 89-362; RM-6694; RM-6893]

Radio Broadcasting Services; Thomasville and Monroeville, AL

AGENCY: Federal Communications Commission.

ACTION: Proposed rule; dismissal of proposals.

SUMMARY: This document dismisses two inter-related petitions for rule making. The first petition, filed on behalf of WJDB Radio, Inc., licensee of Station WJDB(FM), Channel 237A, Thomasville, Alabama, proposed the substitution of Channel 244C2 for Channel 237A and modification of its license accordingly (RM-6694). The proposal is dismissed based upon a technical deficiency with respect to Channel 243C, Fort Walton Beach, Florida. The second petition, filed on behalf of Hub City Broadcasting Corporation, proposed the allotment of Channel 237C3 to Monroeville, Alabama, as that community's second local FM service, contingent upon the relinquishment of Channel 237A at Thomasville (RM-6893). See 54 Fed. Reg. 35356, August 25, 1989. The proposal is dismissed based upon the petitioner's withdrawal of interest. With this action, the proceeding is terminated.

ADDRESSES: Federal Communications Commission, Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Nancy Joyner, Mass Media Bureau, (202) 634-6530.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 89-362, adopted October 30, 1990, and released November 26, 1990. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (room 230), 1919 M Street NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors International Transcription Service, (202) 857-3800, 2100 M Street NW., Suite 140, Washington, DC 20037.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

Beverly McKittrick,

*Assistant Chief, Policy and Rules Division,
Mass Media Bureau.*

[FR Doc. 90-28055 Filed 11-28-90; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 90-580; RM-7503]

Radio Broadcasting Services; Dorrrington, CA

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a petition for rule making filed by Matthew J. Cullen seeking the allotment of FM Channel 291A to Dorrrington, California, as that community's first local broadcast service. Coordinates for this proposal are 38-18-05 and 120-16-34.

DATES: Comments must be filed on or before January 17, 1991, and reply comments on or before February 1, 1991.

ADDRESSES: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, as follows: Matthew J. Cullen, P.O. Box 2177, Arnold, CA 95223.

FOR FURTHER INFORMATION CONTACT: Nancy Joyner, Mass Media Bureau, (202) 634-6530.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 90-580 adopted November 8, 1990, and released November 28, 1990. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Docket Branch (Room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's

copy contractors, International Transcription Service, (202) 857-3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

Beverly McKittrick,

*Assistant Chief, Policy and Rules Division,
Mass Media Bureau.*

[FR Doc. 90-28056 Filed 11-28-90; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 90-565; RM-7536]

Radio Broadcasting Services; Deer River, MN

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a petition filed by Radio Ingstad Minnesota, Inc., requesting the substitution of Channel 288C1 for Channel 288A at Deer River, Minnesota, and modification of the construction permit for Station KXCP to specify the higher class channel. Canadian concurrence will be requested at coordinates 47-23-00 and 93-24-10.

DATES: Comments must be filed on or before January 14, 1991, and reply comments on or before January 29, 1991.

ADDRESSES: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows: Clifford M. Harrington, David D. Oxenford, Fisher, Wayland, Cooper and Leader, 1255 23rd Street, NW., Suite 800, Washington, DC 20037 (Counsel for the petitioner).

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

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 90-565, adopted October 31, 1990, and released November 23, 1990. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, (202) 857-3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR section 1.1204(b) for rules governing permissible *ex parte* contacts. For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

Beverly McKittrick,

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

[FR Doc. 90-28057 Filed 11-28-90; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 90-562; RM-7525]

Radio Broadcasting Services; Ballston Spa and Saratoga Springs, NY

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Commission requests comments on a petition by Saratoga Radio Corporation seeking the reallocation of Channel 272A from Saratoga Springs to Ballston Spa, New York, and the modification of its license for Station WQQY(FM) to specify Ballston Spa as its community of license. The allotment of Channel 272A to Ballston Spa could provide that community with its first local FM service. Channel 272A can be allotted to Ballston Spa in compliance with the Commission's minimum distance separation requirements with a site

restriction of 14.2 kilometers (8.8 miles) south of the community to avoid a short-spacing to Stations WJIV, Channel 270B, Cherry Falls, New York, and WEQX (FM), Channel 274B, Manchester, Vermont, as well as to accommodate petitioner's desired transmitter site. The coordinates for Channel 272A are North Latitude 42-52-44 and West Longitude 73-51-47. Canadian concurrence is required since Ballston Spa is located within 320 kilometers (200 miles) of the U.S.-Canadian border. In accordance with § 1.420(i) of the Commission's Rules, we will not accept competing expressions of interest in use of Channel 272A at Ballston Spa or require the petitioner to demonstrate the availability of an additional equivalent class channel for use by such parties.

DATES: Comments must be filed on or before January 14, 1991, and reply comments on or before January 29, 1991.

ADDRESSES: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows: Richard R. Zaragoza, Esq., John Joseph McVeigh, Esq., Fisher, Wayland, Cooper and Leader, 1255-23rd Street, NW., Suite 800, Washington, DC 20037-1125 (Counsel to petitioner).

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

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 90-562, adopted October 30, 1990, and released November 23, 1990. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, (202) 857-3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

Beverly McKittrick,

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

[FR Doc. 90-28058 Filed 11-28-90; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 90-564; RM-7469]

Radio Broadcasting Services; Waynesboro, TN

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Commission requests comments on a petition by Pioneer Radio FM, Inc., seeking the substitution of Channel 235C3 for Channel 235A at Waynesboro, Tennessee, and the modification of Station WTNR-FM's construction permit to specify operation on the higher powered channel. Channel 235C3 can be allotted to Waynesboro in compliance with the Commission's minimum distance separation requirements and can be used at the transmitter site specified in Station WTNR-FM's outstanding construction permit. The coordinates for Channel 235C3 are North Latitude 35-14-04 and West Longitude 87-42-50. In accordance with § 1.420(g) of the Commission's Rules, we will not accept competing expressions of interest in use of Channel 235C3 at Waynesboro or require the petitioner to demonstrate the availability of an additional equivalent class channel for use by such parties.

DATES: Comments must be filed on or before January 14, 1991, and reply comments on or before January 29, 1991.

ADDRESSES: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows: Eugene F. Mullin, Esq., Mark N. Lipp, Esq., Mullin, Rhyne, Emmons and Topel, P.C., 1000 Connecticut Avenue, NW., Suite 500, Washington, DC 20036 (Counsel to petitioner).

FOR FURTHER INFORMATION CONTACT: Fawn Wilderson, Mass Media Bureau, (202) 634-6530.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 90-564, adopted October 31, 1990, and released November 23, 1990. The full text of this Commission decision is

available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, (202) 857-3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

Beverly McKittrick,

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

[FR Doc. 90-28059 Filed 11-28-90; 8:45 am]

BILLING CODE 6712-01-M

INTERSTATE COMMERCE COMMISSION

49 CFR Part 1103

[Ex Parte No. 55 (Sub-No. 70)]

Practitioners; Licensing

AGENCY: Interstate Commerce Commission.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Commission proposes to change its policies and procedures regarding the licensing of nonattorney ICC practitioners' to ensure that the practitioners' examination is conducted as cost-effectively as possible. The Commission requests comments on the proposal enumerated below, which is intended to provide the Commission with greater flexibility in administering this examination and to streamline the examination process.

DATES: Comments must be received by December 19, 1990.

ADDRESSES: An original and 15 copies of comments (and any replies) should be sent to:

Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423.

FOR FURTHER INFORMATION CONTACT:

Janie A. McCutchen, Office of Vice Chairman Phillips, (202) 275-7535.
Kathleen King, Assistant Secretary, (202) 275-7429, [TDD for hearing impaired (202) 275-1721].

SUPPLEMENTARY INFORMATION: The number of applicants for the annual practitioner's examination (see 49 CFR 1103.3) has decreased dramatically in recent years. In 1990, for example, there were only eight applicants for this year's examination, compared to 204 in 1980. Because the preparation, administration, and grading of the examination require the use of substantial Commission resources at a time when Commission resources are becoming increasingly scarce, the Commission seeks to make certain that the practitioner's examination is conducted in the most cost-effective manner possible while, at the same time, ensuring that the quality of the examination is not compromised.

In December 1988, the Commission issued an Advance Notice of Proposed Rulemaking (ANPR) presenting several alternatives to address this situation. (53 FR 53029, December 30, 1988) Specifically, the ANPR solicited comments on the following proposals:

1. Continuing to offer an examination each year, but reducing the expenditure of Commission resources associated with it;
2. Amending the Commission's present regulations to allow the annual examination to be cancelled when the demand for the examination is insufficient to justify the staff resources involved;
3. Allowing the examination to be administered by the ICC practitioners bar, rather than the Commission;
4. Eliminating the examination requirement for practitioners and instead requiring general standards of fitness; and
5. Discontinuing the licensing of new nonattorney practitioners.

Comments were received from the Association of Transportation Practitioners and the Transportation Lawyers Association, jointly, and 22 other parties. The primary focus of the comments was that the Commission should do its utmost to preserve the integrity and credibility of its practitioners. Reflecting this view, a majority of the comments did not support eliminating the examination and instead requiring general standards of fitness because it would be difficult to determine appropriate standards that would guarantee an applicant's

knowledge of the law. In addition, most of the comments did not support eliminating the licensing of new nonattorney practitioners. Recognizing the Commission's budgetary constraints, a majority of the comments supported reducing Commission resources used to administer the examination and allowing the annual examination to be cancelled when the demand for it is too low to justify the costs. Most comments also supported allowing the examination to be administered by the ICC practitioners bar. Due to the risk of possible lawsuits, however, the Association of Transportation Practitioners and the Transportation Lawyers Association stated that they would not be able to administer the examination, but offered to assist the Commission in the preparation of the examination and to allow their facilities to be used as alternative locations for the examination. The American Society of Transportation and Logistics, Inc. offered to prepare and administer the examination for a fee.

After review of the comments received in response to the ANPR, the Commission has determined that the licensing of new nonattorney practitioners and the examination requirement should be retained. Further, the Commission will continue to administer the examination, rather than shifting this responsibility to a party outside the agency. Whenever possible, however, without adversely affecting the quality of the examination, the Commission will seek to reduce the expenditure of Commission resources associated with the examination. As part of this effort, the Commission will undertake certain internal procedural modifications to streamline further the examination process.

The Commission proposes two modifications to the regulations at 49 CFR 1103.3 concerning nonattorney practitioners:

1. The Commission will amend the regulations to allow the annual examination to be canceled when the demand is insufficient to justify the staff resources involved. The Commission would take such action only in extreme circumstances where the cost of administering the examination for so few applicants was exceptionally high. The examination would be offered in the year immediately following a year in which the examination was cancelled.

2. The Commission will retain the July examination date currently in the regulations. To allow more time for preparation and review of the examination within the Commission, however, the regulations will be

amended to change the May 15 registration deadline to May 1. Should the Commission determine that the examination will be cancelled in a given year, the Commission will notify any applicants by June 15 of that year and refund their application fees at that time.

Environmental and Energy Considerations

We conclude that the proposed action will not significantly affect either the quality of the human environment or the conservation of energy resources.

Regulatory Flexibility Analysis

Pursuant to 5 U.S.C. 603, the Commission is required to examine specifically the impact of the proposed action on small business and small organizations. We conclude that this decision will not have a significant impact on a substantial number of small entities.

List of subjects in 49 CFR Part 1103

Administrative practice and procedure, Lawyers.

Decided: November 23, 1990.

By the Commission, Chairman Philbin, Vice Chairman Phillips, Commissioners Simmons, Emmett, and McDonald.

Sidney L. Strickland, Jr.,

Secretary.

For the reasons set forth in the preamble, title 49, chapter X, part 1103 of the Code of Federal Regulations is proposed to be amended as set forth below:

PART 1103—PRACTITIONERS

1. The authority citation for part 1103 continues to read as follows:

Authority: 49 U.S.C. 10308 and 10321; 5 U.S.C. 559; 21 U.S.C. 853a.

2. Section 1103.3 is amended in paragraph (c)(1) by revising the date

"May 15" to read "May 1"; redesignating paragraphs (i) through (o) as paragraphs (j) through (p) and adding a new paragraph (i) to read as follows:

§ 1103.3 Persons not attorneys-at-law—qualifications and requirements for practice before the Commission.

* * * * *

(i) *Cancellation of examination.* If the Commission determines that there is an insufficient number of applicants to warrant conducting the examination, the Commission will cancel the examination for that year. Notice of the cancellation will be mailed to applicants on or before June 15 and the application fee will be refunded. The Commission will conduct the examination the next year following the cancellation of the examination.

* * * * *

[FR Doc. 90-28039 Filed 11-28-90; 8:45 am]

BILLING CODE 7035-01-M

Notices

Federal Register

Vol. 55, No. 230

Thursday, November 29, 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

Commodity Credit Corporation

1990 Crop Soybeans

AGENCY: Commodity Credit Corporation, USDA.

ACTION: Notice of Determinations with respect to 1990-Crop Soybeans.

SUMMARY: The purpose of this notice is to affirm the announcement that the level of price support for the 1990 soybean crop is \$4.50 per bushel. This announcement is made pursuant to section 201(i) of the Agricultural Act of 1949, as amended (the "1949 Act"). In accordance with section 1009 of the Food Security Act of 1985, as amended, any determinations with respect to implementation of cost reduction options will be made at a later date.

EFFECTIVE DATE: September 28, 1990.

FOR FURTHER INFORMATION CONTACT: Orville I. Overboe, Agricultural Economist, Commodity Analysis Division, ASCS-USDA, P.O. Box 2415, Washington, DC 20013, Telephone (202)447-4417. An impact analysis has been prepared and is available from the above named individual.

SUPPLEMENTARY INFORMATION: This notice has been reviewed under Department of Agriculture procedures established in accordance with Executive Order 12291 and Departmental Regulation No. 1512-1 and has been designated as "major". It has been determined that these program provisions will result in an annual effect on the economy of \$100 million or more.

The title and number of the federal assistance program to which this notice applies are: Title—Commodity Loans and Purchases; Number—10.051 as found in the Catalog of Federal Domestic Assistance.

It has been determined by an environmental evaluation that this action will have no significant impact on

the quality of the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is needed.

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

Section 1017 of the Food Security Act of 1985 provides that the Secretary of Agriculture shall determine the rate of loans, payments and purchases under a program established under the 1949 Act for any of the 1986 through 1990 crops without regard to the requirements for notice and public participation. Accordingly, public comments are not requested with respect to the level of loans and purchases under the price support program for the 1990 crop of soybeans.

It has been determined that the Regulatory Flexibility Act is not applicable to this notice since the Commodity Credit Corporation is not required by 5 U.S.C. 553 or any other provision of law to publish a notice of proposed rulemaking with respect to the subject matter of this notice.

Section 201(i)(1)(A) of the 1949 Act provides that the price of soybeans for each of the 1986 through 1990 marketing years shall be supported through loans and purchases. Section 201(i)(1)(C) provides that the support price for each of the 1988 through 1990 crops shall be established at a level equal to 75 percent of the simple average price received by producers for soybeans in the preceding 5 marketing years excluding the years with highest and lowest prices, except that the level of support may not be reduced by more than 5 percent in any year and in no event below \$4.50 per bushel. Calculation of 75 percent of the simple average market price received by producers for soybeans for the 5 marketing years preceding the 1990 marketing year, excluding the years with the highest and lowest prices, yields a price of \$4.32 per bushel. Since this price is below the minimum level permitted by law, the level of support for the 1990 crop of soybeans is \$4.50 per bushel.

If the Secretary of Agriculture determines in accordance with section 201(i)(2) that the price support level for soybeans computed for a marketing year would discourage the exportation of

soybeans and cause excessive stocks of soybeans in the United States, the Secretary may reduce the price support level for soybeans by the amount the Secretary determines necessary to maintain domestic and export markets for soybeans, except that the price support level cannot be reduced by more than 5 percent in any year nor below \$4.50 per bushel. Any reduction in the price support level for soybeans made in accordance with section 201(i)(2) is not considered in determining the price support level for soybeans for subsequent years.

Section 201(i)(5) of the 1949 Act provides that the Secretary shall make a preliminary announcement of the level of price support for a crop of soybeans not earlier than 30 days prior to September 1, the beginning of the soybean marketing year, based upon the latest information and statistics then available. The Secretary must make a final announcement of such level as soon as full information and statistics are available. The final level of price support must be announced no later than October 1 of the marketing year to which the announcement is applicable. Since the level of support computed under section 201(i)(1)(C) was the same whether preliminary or final information and statistics were used, the preliminary and final levels of price support for the 1990 crop of soybeans are both established at \$4.50 per bushel.

Section 201(i)(3) of the 1949 Act provides that, if the Secretary determines that such action will assist in maintaining the competitive relationship of soybeans in domestic and export markets after taking into consideration the cost of producing soybeans, supply and demand conditions, and world prices for soybeans, the Secretary may permit a producer to repay a loan for a crop at a level that is the lesser of (1) The announced loan level determined for such crop or (2) the prevailing world market price for soybeans, as determined by the Secretary. If the Secretary permits a producer to repay a loan as described above, the Secretary shall prescribe by regulation (1) A formula to define the prevailing world market price for soybeans and (2) a mechanism by which the Secretary shall announce periodically the prevailing world market price for soybeans. No marketing loan program is being offered

for 1990-crop soybeans since it has been determined that such action will not affect the competitive position of soybeans.

Section 1009(a) of the Food Security Act of 1985 provides that whenever the Secretary determines that an action authorized by Section 1009 (c), (d) or (e) will reduce the total of the direct and indirect costs to the Federal Government of a commodity program administered by the Secretary without adversely affecting income to small and medium sized producers participating in such programs, the Secretary shall take such action with respect to that commodity program. These actions include: (1) The commercial purchase of commodities by the Secretary; (2) the settlement of nonrecourse loans at an amount less than the total of the principal amount, if such action will result in: (A) Receipt of a portion rather than none of the accumulated interest, (B) avoidance of default, or (C) elimination of storage, handling and carrying charges on the forfeited loan collateral; and (3) the reopening of a production control or loan program established for a crop at any time prior to harvest of such crop for the purpose of accepting bids from producers for the conversion of acreage planted to a program crop to diverted acreage in return for in-kind payments if the Secretary has determined that: (1) Changes in domestic or world supply or demand conditions have substantially changed after announcement of the program for the crop and (2) without action to further adjust production, the Federal Government and producers will be faced with a burdensome and costly surplus. Such payments are not subject to the maximum payment limitation provision of section 1001 of the Food Security Act of 1985 but are limited to \$20,000 per year producer for any one commodity.

Any determinations with respect to implementation of cost reduction options in accordance with section 1009 of the Food Security Act of 1985 will be made at a later date.

A press release was issued on August 28, 1990, which made an announcement of the loan and purchase level of \$4.50 per bushel for the 1990 crop of soybeans. Since the level of support has not been changed, this \$4.50 per bushel support price constitutes the preliminary and final loan and purchase level for the 1990 crop of soybeans. The purpose of this notice is to affirm that determination.

Determinations

A. Loan and Purchase Level

The announcement with respect to the loan and purchase level for the 1990 crop of soybeans is that it shall be \$4.50 per bushel.

B. Cost Reduction Options

The decision to implement any cost reductions will be made at a later date.

Authority: Section 201 of the Agricultural Act of 1949, as amended, 63 Stat. 1052, as amended (7 U.S.C. 1446(i)).

Signed at Washington, DC on November 19, 1990.

John A. Stevenson,
Acting Executive Vice President, Commodity Credit Corporation.

[FR Doc. 90-28045 Filed 11-28-90; 8:45 am]

BILLING CODE 3410-05-M

Forest Service

Rocky Mountain Region; Exemption of Fire Recovery Projects From Appeal; Black Hills National Forest, SD

AGENCY: Forest Service, USDA.

ACTION: Notification that certain rehabilitation decisions related to the sale of dead, dying and intermixed green trees within the Cicero Recovery Project area are exempt from appeals under provisions of 36 CFR part 217.

SUMMARY: This is a notification that certain rehabilitation decisions pertaining to recovery from the Swedlund Fire on the Black Hills National Forest are exempted from appeal. This is in conformance with provisions of 36 CFR 217.4(a)(11) as published January 23, 1989, at Vol. 54, No. 13, page 3342.

EFFECTIVE DATE: Effective on issuance.

FOR FURTHER INFORMATION CONTACT: Darrel Kenops, Forest Supervisor, Black Hills National Forest, RR 2, Box 200, Custer, SD 57730. (605) 673-2251.

SUPPLEMENTARY INFORMATION: National Forest resources affected by devastating wildfires require urgent rehabilitative attention. The loss of timber and vegetation presents an immediate threat of flooding and damage to water quality from stream siltation in many areas. Additionally, fires result in substantial losses of fish and wildlife habitat and of other facilities.

The Forest Service has an obligation to rehabilitate National Forest System lands and resources damaged by wildfires. With full consideration given to environmental values, specific management objectives for resource recovery and rehabilitation are to:

1. Allow regeneration of burned-over areas to ensure watershed and soil quality and to provide for future timber needs;
2. Protect watershed and soil values;
3. Restore wildlife and fisheries habitat;
4. Salvage burned timber; and
5. Remove bark beetle infested trees and those trees highly susceptible to bark beetle attack which were associated with the fire.

The accomplishment of these objectives can involve not only harvest of the timber but also road construction and reconstruction; reconstruction of physical facilities installed for wildlife and fisheries habitat, and range management; and other nonstructural wildlife habitat improvements. Environmental analysis of proposed actions related to the rehabilitation are currently underway. Pursuant to 40 CFR 1501.7, scoping is now in progress. Scoping is being conducted by the Custer District Ranger to determine the issues to be addressed in the environmental analysis.

The Custer Ranger District is expected to complete the environmental analysis and documentation by December 1990. Decisions are also expected at that time. The environmental documents will be available for public review at the Supervisor's Office located at Highway 385 North, Custer, SD 57730, and at the Custer Ranger District Office, 330 Mt. Rushmore Road, Custer, SD 57730.

Background

In September 1990, the Swedlund Fire burned approximately 9,700 acres on the Black Hills National Forest. Within that area about 3,000 acres were subject to high intensity burns which caused severe damage to vegetation, soil and water resources, and to visual quality. Habitat essential to bison, elk, deer, and turkey was also damaged. Much of the burned area is adjacent to, or visible from, the Mount Coolidge Lookout in Custer State Park and from state and Federal highways. This area receives heavy visitation by tourists and the local public.

The area within which rehabilitation activities would occur is located in Custer County, approximately four miles southeast of the City of Custer, South Dakota, and is within the Flynn and Glen Erin Diversity Units. The area, which according to the Forest Plan is to be managed primarily for timber production and for elk, has been intensively managed for many years. Large investments in commercial and precommercial thinnings and other commercial harvests created a situation where the timbered stands were nearly at regulation. There have also been investments made to manage the elk

that exist in this area, including identification of preferred old growth and cover areas, investments in water developments, and imposition of travel management restrictions. The fire has changed the area considerably.

Planned Actions

The Custer Ranger District interdisciplinary team surveyed the burned area and concluded that a substantial loss of timber values would occur if the timber was not removed soon. In addition, the risk of insect and disease infestations in both the short- and long-term was found possible. Because of the extensive damage to the timber resources here, there is need to commence salvage harvesting as quickly as possible. Some of the fire damaged trees have already deteriorated to the point where they have little commercial value, and it is anticipated that much of the remaining commercial value will be completely lost within the next 12 to 18 months. The total estimated volume of dead, dying, and green timber to be offered for sale or modified within existing contracts by January 1991 is between 10 to 30 million board feet (MMBF) on approximately 9,700 acres of National Forest System land.

If salvage operations are not completed before summer of 1991, insects will attack both the damaged and the healthy trees within the area. Salvage harvest of useable wood fiber, following guidelines set forth in the goals, policies, and direction found in the Forest Plan will help prevent a catastrophic insect infestation while at the same time providing funds and opportunities to accomplish additional Plan objectives, such as aspen regeneration. Avoiding an insect infestation will serve to facilitate the long-term goals provided for in the Forest Plan.

A detailed inventory of the timber has not been completed to date; however, all of the trees to be salvaged are ponderosa pine with an average diameter of 12 inches. Volume losses currently are less than 5 percent. Volume loss due to rot, insects, and drying weather will accelerate beginning in May 1991, and by September 1991, it is expected that salvage would no longer be practical. Without salvage there would be no money available from timber sale collections to move the area toward the desired future condition specified in the Forest Plan.

Also, standing dead timber is currently located with falling distance of numerous existing roads. These roads are used by the public for recreation and access to private land. A delay in

removing this timber will create a hazardous situation.

Further, in order to reduce any adverse impacts on the elk population within the rehabilitation area, certain connected actions, such as mitigation measures, resource developments, and other actions need to be implemented concurrently with salvage operations whenever feasible. Implementing these activities concurrently will reduce the number and duration of human entries into the area and will result in less disturbance to elk populations.

Therefore, rehabilitation salvage sales which are designed to reduce the potential for catastrophic insect infestation, to reduce hazardous situations and to offer salvage timber for sale must be undertaken as quickly as possible. Therefore, I am exempting those sales and attendant actions, including road construction and reconstruction, from appeal under provisions of 36 CFR part 217 if, through environmental analysis, it is found these actions are feasible.

The salvage sales and attendant actions to which this exemption applies will be identified in any documentation as part of the Cicero Recovery Project.

Dated: November 20, 1990.

Gary E. Cargill,
Regional Forester.

[FR Doc. 90-27958 Filed 11-29-90; 8:45 am]

BILLING CODE 3410-11-M

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[A-26-90]

Foreign-Trade Zone 151—Findlay, Ohio; Request for Manufacturing for Findlex Corporation; Extension of Public Comment Period

The extended public comment period for the above case (55 FR 26225, 6/17/90; 55 FR 35160, 8/28/90), involving a request on behalf of Findlex Corporation (subsidiary of Nissin Kogyo of Japan and Honda of America Manufacturing, Inc.) for manufacturing authority under zone procedures for the production of vehicle brakes within FTZ 151 at the Tall Timbers Industrial Park, Findlay, Ohio, closed on October 31, 1990. On the last day of the extended period, a comment was received from an interested party in opposition to the Findlex proposal, which requested a further extension of the public comment period. The request referred to information which has just recently been made public in regard to an investigation being conducted by the

Federal Trade Commission at the request of the House Judiciary Committee, which includes consideration of the relationship between Japanese auto and auto parts manufacturers, and the effect on the auto parts industry of the United States.

Consequently, in order to allow interested parties to submit additional information, the comment period is extended to December 31, 1990 for comments and for another 15 days thereafter for comments on the material submitted the first 30 days.

Comments in writing are invited during these periods. Submissions shall include 5 copies. Material submitted will be available at: Office of the Executive Secretary, Foreign-Trade Zones Board, U.S. Department of Commerce, room 4213, 14th and Pennsylvania Avenue, NW., Washington, DC 20230.

Dated: November 21, 1990.

John J. Da Ponte, Jr.,
Executive Secretary.

[FR Doc. 90-28003 Filed 11-28-90; 8:45 am]

BILLING CODE 3510-DS-M

International Trade Administration

[A-570-808]

Initiation of Antidumping Duty Investigation: Chrome-Plated Lug Nuts From the People's Republic of China

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

ACTION: Notice.

SUMMARY: On the basis of a petition filed in proper form with the U.S. Department of Commerce (the Department), we are initiating an antidumping duty investigation to determine whether imports of chrome-plated lug nuts from the People's Republic of China (PRC) are being, or are likely to be, sold in the United States at less than fair value. We are notifying the U.S. International Trade Commission (ITC) of this action so that it may determine whether imports of chrome-plated lug nuts from the PRC are materially injuring, or threaten material injury to, a U.S. industry. If this investigation proceeds normally, the ITC will make its preliminary determination on or before December 17, 1990. If that determination is affirmative, we will make our preliminary determination on or before April 10, 1991.

EFFECTIVE DATE: November 29, 1990.

FOR FURTHER INFORMATION CONTACT: Kristal Eldredge, Gary Bettger, or Ross Cotjanle, Office of Countervailing

Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone (202) 377-0631, (202) 377-2239, or (202) 377-3534, respectively.

SUPPLEMENTARY INFORMATION:

The Petition

On November 1, 1990, we received a petition filed in proper form by Consolidated International Automotive, Inc. on behalf of the U.S. industry producing chrome-plated lug nuts. The petition was supplemented on November 14, 1990, November 15, 1990, and November 16, 1990. In compliance with the filing requirements of § 353.12 of the Department's regulations (19 CFR 353.12 (1990)), petitioner alleges that imports of chrome-plated lug nuts from the PRC are being, or are likely to be, sold in the United States at less than fair value within the meaning of section 731 of the Tariff Act of 1930, as amended (the Act), and that these imports are materially injuring, or threaten material injury to, a U.S. industry.

Petitioner has stated that they have standing to file the petition because they were an interested party, as defined under section 771(9)(C) of the Act, and because they have filed the petition on behalf of the U.S. industry producing the product that is subject to this investigation. If any interested party, as described under paragraphs (C), (D), (E), or (F) of section 771(9) of the Act, wishes to register support for, or opposition to, this petition, please file written notification with the Assistant Secretary for Import Administration.

United States Price and Foreign Market Value

Petitioner's estimate of United States price (USP) is based on invoices from a company in the PRC for sales of one-piece chrome-plated lug nuts to the United States. These sales were made on a C.I.F. Los Angeles basis. From the C.I.F. price, petitioner deducted estimated freight and insurance.

Petitioner alleges that the PRC is a nonmarket economy country within the meaning of section 773(c) of the Act. Accordingly, petitioner based foreign market value (FMV) on constructed value (CV). CV was calculated using factors of production developed for the PRC. These factors were primarily valued based on a country at a stage of economic development comparable to the PRC and which is a significant producer of comparable merchandise (i.e., India). When values in India were not available, petitioner valued factors at world commodity prices. To calculate

an estimated CV for the subject merchandise, petitioner included raw materials (steel and chemicals), packing, electricity, labor, other operating costs, and depreciation costs. Petitioner added the statutory minimums of ten percent for SG&A and eight percent for profit, in accordance with section 773(e)(1)(B) of the Act.

Petitioner's methodology resulted in a margin of 154 percent for one-piece chrome-plated lug nuts. The Department determined in its review of the petition that petitioner had incorrectly calculated the alleged margin. The correct calculation results in an estimated dumping margin of 156.05 percent.

Initiation of Investigation

Under section 732(c) of the Act, the Department must determine, within 20 days after a position is filed, whether the petition sets forth the allegations necessary for the initiation of an antidumping duty investigation, and whether the petition contains information reasonably available to the petitioner supporting the allegations.

We have examined the petition on chrome-plated lug nuts from the PRC and found that the petition meets the requirements of section 732(b) of the Act. Therefore, in accordance with section 732 of the Act, we are initiating an antidumping duty investigation to determine whether imports of chrome-plated lug nuts from the PRC are being, or are likely to be, sold in the United States at less than fair value. If our investigation proceeds normally, we will make our preliminary determination by April 10, 1991. In approximately thirty days, we intend to provide a questionnaire soliciting the information necessary to make that determination to the Embassy of the People's Republic of China.

Scope of Investigation

The merchandise covered by this investigation is one-piece and two-piece chrome-plated lug nuts. The subject merchandise is used for securing wheels to cars, vans, trucks, utility vehicles, and trailers. Chrome-plated locknuts are not subject to this investigation. Chrome-plated lug nuts are currently provided for under subheading 7318.16.00.00 of the Harmonized Tariff Schedule (HTS). The HTS item number is provided for convenience and U.S. Customs Service purposes. The written description remains dispositive.

ITC Notification

Section 732(d) of the Act requires us to notify the ITC of this action and to provide it with the information we used

to arrive at this determination. We will notify the ITC and make available to it all non-privileged and non-proprietary information. We will allow the ITC access to all privileged and business proprietary information in the Department's files, provided the ITC confirms in writing that it will not disclose such information, either publicly or under administrative protective order, without the written consent of the Deputy Assistant Secretary for Investigations, Import Administration.

Preliminary Determination by ITC

The ITC will determine by December 17, 1990, whether there is a reasonable indication that imports of chrome-plated lug nuts from the PRC are materially injuring, or threaten material injury to, a U.S. industry. If its determination is negative, the investigation will be terminated; otherwise, the investigation will proceed according to statutory and regulatory time limits.

This notice is published pursuant to section 732(c)(2) of the Act (19 CFR 353.13).

Dated: November 21, 1990.

Marjorie A. Chorlins,

Acting Assistant Secretary for Import Administration.

[FR Doc. 90-28001 Filed 11-28-90; 8:45 am]

BILLING CODE 3510-DS-M

[A-583-810]

Initiation of Antidumping Duty Investigation: Chrome-Plated Lug Nuts From Taiwan

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

ACTION: Notice.

SUMMARY: On the basis of a petition filed in proper form with the U.S. Department of Commerce (the Department), we are initiating an antidumping duty investigation to determine whether imports of chrome-plated lug nuts from Taiwan are being, or are likely to be, sold in the United States at less than fair value. We are notifying the U.S. International Trade Commission (ITC) of this action so that it may determine whether imports of chrome-plated lug nuts from Taiwan are materially injuring, or threaten material injury to, a U.S. industry. If this investigation proceeds normally, the ITC will make its preliminary determination on or before December 17, 1990. If that determination is affirmative, we will

make our preliminary determination on or before April 10, 1991.

EFFECTIVE DATES: November 29, 1990.

FOR FURTHER INFORMATION CONTACT: Kristal Eldredge, Gary Bettger, or Ross Cotjanle, Office of Countervailing Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone (202) 377-0631, (202) 377-2239, or (202) 377-3534, respectively.

SUPPLEMENTARY INFORMATION:

The Petition

On November 1, 1990, we received a petition filed in proper form by Consolidated International Automotive, Inc. on behalf of the U.S. industry producing chrome-plated lug nuts. The petition was supplemented on November 14, 1990, November 15, 1990, and November 16, 1990. In compliance with the filing requirements of § 353.12 of the Department's regulations (19 CFR 353.12 (1990)), petitioner alleges that imports of chrome-plated lug nuts from Taiwan are being, or are likely to be, sold in the United States at less than fair value within the meaning of section 731 of the Tariff Act of 1930, as amended (the Act), and that these imports are materially injuring, or threaten material injury to, a U.S. industry.

Petitioner has stated that they have standing to file the petition because they are an interested party, as defined under section 771(9)(C) of the Act, and because they have filed the petition on behalf of the U.S. industry producing the product that is subject to this investigation. If any interested party, as described under paragraphs (C), (D), (E), or (F) of section 771(9) of the Act, wishes to register support for, or opposition to, this petition, please file written notification with the Assistant Secretary for Import Administration.

Under the Department's regulations, any producer or reseller seeking exclusion from a potential antidumping duty order must submit its request for exclusion within 30 days of the date of the publication of this notice. The procedures and requirements regarding the filing of such requests are contained in § 353.14 of the Department's regulations (19 CFR 353.14 (1990)).

United States Price and Foreign Market Value

Petitioner's estimate of the United States price (USP) is based on price quotes from a trading company in Taiwan offering to sell one-piece and two-piece chrome-plated lug nuts to the United States. These offers were made

on a C.I.F. Los Angeles basis. From the C.I.F. price, petitioner deducted estimated freight and insurance. For these deductions, petitioner differentiated between the one-piece and two-piece chrome-plated lug nuts.

Petitioner alleges that chrome-plated lug nuts are not sold in Taiwan or to markets other than the United States. Accordingly, petitioners based foreign market value (FMV) on constructed value (CV). CV was calculated using petitioner's 1989 production costs, adjusted for known differences in Taiwan. Petitioner added the statutory minimums of ten percent for SG&A and eight percent for profit, in accordance with section 773(e)(1)(B) of the Act.

Petitioner's methodology resulted in margins of 91 and 73 percent, for one-piece and two-piece chrome-plated lug nuts, respectively. The Department determined in its review of the petition that petitioner had incorrectly calculated the alleged margins. The correct calculation results in estimated dumping margins of 93.69 percent and 66.84 percent for one-piece and two-piece chrome-plated lug nuts, respectively.

Initiation of Investigation

Under section 732(c) of the Act, the Department must determine, within 20 days after a petition is filed, whether the petition sets forth the allegations necessary for the initiation of an antidumping duty investigation, and whether the petition contains information reasonably available to the petitioner supporting the allegations.

We have examined the petition on chrome-plated lug nuts from Taiwan and found that the petition meets the requirements of section 732(b) of the Act. Therefore, in accordance with section 732 of the Act, we are initiating an antidumping duty investigation to determine whether imports of chrome-plated lug nuts from Taiwan are being, or are likely to be, sold in the United States at less than fair value. If our investigation proceeds normally, we will make our preliminary determination by April 10, 1991.

Scope of Investigation

The merchandise covered by this investigation is one-piece and two-piece chrome-plated lug nuts. The subject merchandise is used for securing wheels to cars, vans, trucks, utility vehicles, and trailers. Chrome-plated locknuts are not subject to this investigation. Chrome-plated locknuts are not subject to this investigation. Chrome-plated lug nuts are currently provided for under subheading 7318.16.00.00 of the Harmonized Tariff Schedule (HTS). The

HTS item number is provided for convenience and U.S. Customs Service purposes. The written description remains dispositive.

ITC Notification

Section 732(d) of the Act requires us to notify the ITC of this action and to provide it with the information we used to arrive at this determination. We will notify the ITC and make available to it all non-privileged and non-proprietary information. We will allow the ITC access to all privileged and business proprietary information in the Department's files, provided the ITC confirms in writing that it will not disclose such information, either publicly or under administrative protective order, without the written consent of the Deputy Assistant Secretary for Investigations, Import Administration.

Preliminary Determination by ITC

The ITC will determine by December 17, 1990, whether there is a reasonable indication that imports of chrome-plated lug nuts from Taiwan are materially injuring, or threaten material injury to, a U.S. industry. If its determination is negative, the investigation will be terminated; otherwise, the investigation will proceed according to statutory and regulatory time limits.

This notice is published pursuant to section 732(c)(2) of the Act (19 CFR 353.13).

Dated: November 21, 1990.

Marjorie A. Chorlins,
Acting Assistant Secretary for Import Administration.

[FR Doc. 90-28002 Filed 11-28-90; 8:45 am]
BILLING CODE 3510-DS-M

[A-475-059]

Pressure Sensitive Plastic Tape From Italy; Final Results of Antidumping Duty Administrative Review in Accordance With Decision Upon Remand

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

ACTION: Notice of amendment to final results of antidumping duty administrative review in accordance with decision upon remand.

SUMMARY: As a result of a remand from the Court of International Trade (the Court), the Department of Commerce (the Department) is amending its final results of the fourth administrative review of the antidumping finding on

pressure sensitive plastic tape from Italy, published in the **Federal Register** on May 9, 1988. In accordance with the instruction of the Court, the Department has redetermined the dumping margin for entries of pressure sensitive plastic tape sold by N.A.R., S.p.A. (NAR) to the United States during the period October 1, 1985 through September 30, 1986. The original margin was 6.39 percent and the recalculated margin is 3.70 percent.

EFFECTIVE DATE: November 29, 1990.

FOR FURTHER INFORMATION CONTACT:

Simone Altfeld or John Kugelman, Office of Antidumping Compliance, International Trade Administration, U.S. Department of Commerce, Washington, DC 20230; telephone: (202) 377-3601.

SUPPLEMENTARY INFORMATION:

Background

On May 9, 1988, the Department published in the **Federal Register** (53 FR 16444) the final results of its administrative review of the antidumping finding on pressure sensitive plastic tape from Italy.

On June 26, 1990, the Court remanded the case to the Department to redetermine its difference-in-merchandise adjustment for NAR. The Court ordered the Department: (1) To explain its reasons for using the difference-in-merchandise adjustment for printed tape of another manufacturer (Manuli) as best information available (BIA), pursuant to 19 U.S.C. 1677e, when the tape at issue is not a printed tape, (2) to determine the basis for Manuli's cost differences between its home market tape and its U.S. tape, and (3) to use another tape's cost differences as BIA if the Department determines that the printed tape's cost differences were greater than they would have been if there were no printing cost differences associated with producing the printed tape.

The Department submitted its remand determination to the Court on September 27, 1990. The Department explained that it originally chose Manuli's highest reported difference-in-merchandise adjustment, one based on printed tape, as BIA for NAR because it was impossible to tell which of Manuli's reported adjustment amounts properly applied to NAR's tape. Further, the Department explained that the record did not provide a sufficiently detailed breakdown of the costs reported, to account for Manuli's claimed adjustment for difference-in-merchandise. Nevertheless, the Department did conclude that printing costs created greater cost differences than there would have been if there were no printing involved. Therefore, pursuant to

the order of the Court, the Department used another tape's cost data, an unprinted tape, as BIA.

Results of Remand

As instructed by the Court, the Department recalculated the dumping margin for NAR using as BIA Manuli's difference-in-merchandise adjustment for an unprinted tape. As a result of this recalculation, NAR's margin has changed from 6.39 percent to 3.70 percent for the period October 1, 1985 through September 30, 1986.

If this decision is not appealed to the Court of Appeals for the Federal Circuit, or if it is appealed and affirmed, the Department will instruct the Customs Service to assess antidumping duties 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 appraisal instructions directly to the Customs Service.

This amendment to the final results of the antidumping duty administrative review is in accordance with section 751(a)(1) of the Tariff Act of 1930 (19 U.S.C. 1675(a)(1)) and § 353.22 of the Department's regulations (19 CFR 353.22 (1989)).

Marjorie A. Chorlins,

Acting Assistant Secretary for Import Administration.

[FR Doc. 90-28000 Filed 11-28-90; 8:45 am]

BILLING CODE 3510-DS-M

[A-122-007]

Sheet Piling From Canada; Final Results of Antidumping Duty Administrative Review and Cancellation of Suspension Agreement

AGENCY: International Trade Administration/Import Administration, Commerce.

ACTION: Notice of final results of antidumping duty administrative review and cancellation of suspension agreement.

SUMMARY: On August 8, 1990, the Department of Commerce published the preliminary results of its administrative review and invitation for comment on the antidumping duty suspension agreement on sheet piling from Canada. The review covers Casteel, Inc., a manufacturer and exporter accounting for substantially all Canadian sheet piling shipped to the United States, and the period September 1, 1985 through August 31, 1986.

We gave interested parties an opportunity to comment on the

preliminary results. At the request of two interested parties, L.B. Foster and Casteel, Inc., we held a hearing on September 21, 1990. Based on our analysis of the comments received and the correction of certain clerical errors, we have changed the final results. Because we found sales at less than fair value during the period of review, we determine that Casteel is in violation of the suspension agreement. Therefore, we are cancelling the suspension agreement and resuming the investigation.

EFFECTIVE DATE: November 29, 1990.

FOR FURTHER INFORMATION CONTACT:

Chip Hayes or Lisa Boykin, Office of Antidumping Compliance, Import Administration, International Trade Administration, U.S. Department of Commerce, Washington, DC 20230; telephone: (202) 377-1131/5346.

SUPPLEMENTARY INFORMATION:

Background

On August 8, 1990, the Department of Commerce ("the Department") published in the **Federal Register** (55 FR 32280) the preliminary results of its administrative review and invitation to comment on the antidumping duty suspension agreement (47 FR 40683, September 15, 1982) on sheet piling from Canada. The Department has now completed the administrative review in accordance with section 751 of the Tariff Act of 1930, as amended ("the Tariff Act").

Scope of the Review

Imports covered by this review are shipments of sheet piling from Canada. During the review period this merchandise was classifiable under item numbers 609.9600 and 609.9800 of the Tariff Schedules of the United States Annotated ("TSUSA"). This merchandise is currently classifiable under item 7301.10.00 of the Harmonized Tariff Schedule ("HTS"). Item numbers are provided for convenience and Customs purposes. The written description remains dispositive.

The review covers Casteel, Inc., a manufacturer/exporter accounting for substantially all Canadian sheet piling shipped to the United States, and its U.S. subsidiary, Casteel U.S.A., Inc. The review period is from September 1, 1985 through August 31, 1986.

Analysis of Comments Received

We gave interested parties an opportunity to comment on the preliminary results. At the request of L.B. Foster, a domestic interested party, and the respondent, Casteel, Inc., we

held a public hearing on September 21, 1990. We received comments from L.B. Foster and Casteel, Inc.

Comment 1: Foster argues that Casteel's sales promotion and entertainment expenses are indirect selling expenses and therefore should not be eligible for an adjustment to FMV.

Department's position: We disagree. We verified that Casteel's promotion and entertainment expenses, which include the cost of catalogs and entertainment, are directed to the end users of sheet piling. The end users are the construction companies to which Casteel sells directly. Therefore, we consider such expenses to be directly related to sales of sheet piling and have allowed an adjustment to FMV. Unlike consumer products, which often involve many levels in the sales chain between producer and consumer and therefore require a close analysis of whether sales promotion is directed at the ultimate user or at middlemen, industrial products such as sheet piling often involve only one level in the sales chain. During the review period, there was only one level.

Comment 2: Foster argues that the Department should not allocate expenses incurred at Casteel U.S.A. over both rental and sales revenue of sheet piling, but rather over only sales revenue.

Department's position: We disagree. The SG&A expenses in question were incurred with respect to both rentals and sales of sheet piling. Therefore, the appropriate allocation is over both rental and sales revenue.

Comment 3: Foster contends that the Department should not make an adjustment for "bend test" (which measures the strength of steel) expenses in its calculation of foreign market value because such tests are performed in both the Canadian and U.S. markets. Foster alleges that Casteel has claimed an adjustment for bend test expenses on the basis that these tests are required on sales in the Canadian market but are not necessary in the U.S. market; however, Foster argues that both markets incur these costs.

Department's position: We agree with Foster that no allowance for the bend test should be made to foreign market value as a circumstance of sale adjustment because Casteel could not substantiate its claim that this expense is incurred in only the Canadian market.

Comment 4: Foster contends that difference in merchandise adjustments should be made when the Department compares similar merchandise. Foster believes that the Department neglected to make adjustments for differences in

coil costs, differences in coated vs. noncoated piling, and differences in other physical characteristics (such as height, length and width).

Department's position: We disagree with Foster. Except for fabrication costs (see Comment 9), there is no discernible difference in cost per ton in the merchandise even though the physical characteristics of the sheet piling are different. The Department's regulations provide that, "in calculating foreign market value, the Secretary will make a reasonable allowance for differences in the physical characteristics of merchandise compared to the extent that the Secretary is satisfied that the amount of any price differential is wholly or partly due to such difference." 19 CFR 353.57. Since there is no difference in cost (other than fabrication costs) due to physical differences, we are not satisfied that any price difference is due to physical differences in the merchandise.

Comment 5: Foster contends that the Department should not allow the averaging of duty and brokerage expenses because such averaging can mask actual dumping margins. Foster recommends that the Department use sales-specific data.

Department's position: We disagree. We are satisfied that the average duty and brokerage expenses reported by Casteel are an accurate measure of the actual expenses incurred on each transaction. At verification, we examined individual invoices and actual duty/brokerage expenses for four months in the review period and found that the expenses, on a per ton basis, did not vary greatly from month to month or from sale to sale.

Comment 6: Casteel argues that the Department should not have included an interest charge on a loan from Casteel's parent when computing the internal interest rate for the company's U.S. credit expenses. Casteel further argues that since the Department deducted credit expenses from USP, it should also deduct credit expenses from FMV.

Department's position: We disagree. At the U.S. verification, we found that interest had accrued on various loans, including the loan from Casteel's parent. We therefore included the interest incurred on this loan in our calculations of Casteel's credit expenses. Since Casteel did not claim any credit expenses in its home market, we made no credit adjustment to FMV.

Comment 7: Casteel argues that the Department erred in eliminating all sales to one customer in the home market based on pricing irregularities concerning only one sale. Casteel claims that there is no justification for

eliminating any sales to this customer because the sale price on the one sale was verified and the circumstances concerning that purchase were fully explained.

Department's position: We disagree. At verification, we selected one sale to this particular customer for examination. Because we found that Casteel failed to report a repurchase agreement on sheet piling sales to this one customer, we have disregarded all sales to this customer.

Comment 8: Casteel argues that the Department did not include an amount corresponding to U.S. commissions in the ESP indirect selling expense "cap."

Department's position: We agree and have adjusted our calculations to include an amount corresponding to U.S. commissions in the ESP indirect selling expense cap.

Comment 9: Casteel argues that in making adjustments to USP for state sales tax expenses, the Department failed to incorporate new information submitted in the supplemental questionnaire response and instead used the highest U.S. sales tax rate found at verification. Casteel also alleges that the Department used the highest fabrication charges found at verification as the best information available for threading and cornering charges, when the information submitted in the supplemental response should have been used.

Department's position: We agree and have recalculated both the tax adjustment and the fabrication charges. For the fabrication adjustment, we allocated an average cost to all sales, using information from Casteel's supplemental response, and added this amount to FMV as a difference-in-merchandise adjustment. Regarding the sales tax expenses, even when we recalculate the adjustment using the lowest possible tax rate on all sales, which results in a lower overall tax liability than that reported by Casteel in its supplemental response, we still find sales at less than fair value.

Comment 10: Casteel claims that the Department has made a number of data entry errors with respect to U.S. freight charges and total Canadian sales.

Department's position: We agree and have corrected the errors.

Comment 11: Casteel claims that the Department changed its methodology in calculating margins for this review from the method used at the time of the 1982 suspension agreement. Although Casteel recognizes the Department's right to change methodologies at any time, the Department failed in its obligation to inform Casteel of the changes, as provided by the implicit terms of the

suspension agreement. Furthermore, Casteel claims that since the method used in calculating margins is now different in at least two respects from that agreed upon on October 26, 1982, when Casteel was informed of the methodology that the Department would use in administering the suspension agreement, the preliminary results of review are in error and cannot be used as the foundation for a finding that Casteel is in violation of the suspension agreement. Casteel states that during the fair value investigation the Department compared sales prices on the basis of weight only, *i.e.*, the price of a short ton of sheet piling sold in the United States was compared with the price of a short ton of sheet piling sold in Canada without regard to form or shape (profile) of the piling. In the preliminary results of this review, the Department made comparisons on a profile basis. Additionally, the Department used transaction-specific FMVs in the fair value investigation rather than the monthly weighted average FMVs used in the preliminary results of this review. Casteel claims the current methodology is not in accordance with the intent of the agreement, is in error, and must be changed to the methodology in force at the time that the agreement was signed.

Department's position: We agree with Casteel that the suspension agreement may have implied that we would inform Casteel of any changes in our methodology prior to implementation. Therefore, we have revised our calculation of foreign market value using the methodologies employed during the fair value investigation, as stated by Casteel. Even after making these adjustments, we continue to find a margin of 1.64 percent.

Comment 12: Foster submitted several comments regarding Casteel's cost of production information and urges the Department to review its analysis of Casteel's costs to determine whether Casteel made any sales below cost during the review period.

Department's position: Because we have determined that Casteel made sales at less than fair value during the review period based on a price-to-price comparison and because this determination requires us to suspend liquidation at the rate found in the preliminary determination and resume the investigation, we determine that any issues related to cost are moot.

Final Results of Review and Cancellation of Suspension Agreement

Based on our analysis of the comments received and certain adjustments resulting from those comments, we determine the dumping

margin for Casteel to be 1.64 percent for the period September 1, 1985 through August 31, 1986. Based on the presence of sales at less than fair value, we determine that Casteel has violated the terms of the suspension agreement. Therefore, we are cancelling the suspension agreement and will resume the investigation of sales at less than fair value as set forth in section 734(i) of the Tariff Act.

This cancellation is effective on the date of publication of this notice in the **Federal Register**. In accordance with section 734(i), we will instruct the Customs Service to suspend liquidation on all entries of this merchandise entered, or withdrawn from warehouse, for consumption on or after the date which is 90 days before the date of publication of this notice. The rate at which such merchandise will be suspended is 2.07 percent, the rate found in the preliminary determination of sales at less than fair value (47 FR 27881, June 28, 1982).

In accordance with section 733(f) of the Act, we have notified the International Trade Commission (ITC) of our determination. In addition, we are making available to the ITC all nonprivileged and nonproprietary information relating to this investigation. We will allow the ITC access to all privileged and business proprietary information in our files, provided the ITC confirms in writing that it will not disclose such information, either publicly or under administrative protective order, without the written consent of the Deputy Assistant Secretary for Investigations.

If our final determination is affirmative, the ITC will determine whether these imports are materially injuring, or threaten material injury to, the U.S. industry before the later of 120 days after the date of this notice or 45 days after our final determination.

This administrative review, cancellation of suspension agreement, and resumption of investigation are in accordance with sections 751(a)(1) and 734(i) of the Tariff Act (19 U.S.C. 1675(a)(1) and 1673(c)(i)) and §§ 353.22 and 353.19 of the Commerce Regulations (19 CFR 353.22 and 353.19).

Dated: November 21, 1990.

Marjorie A. Chorlins,
Acting Assistant Secretary for Import Administration.

[FR Doc. 90-27999 Filed 11-28-90; 8:45 am]

BILLING CODE 3510-DS-M

International Trade Administration

Short-Supply Determination: Certain Cold Heading Quality Billets

AGENCY: Import Administration/
International Trade Administration,
Commerce.

ACTION: Notice of Short-Supply Determination on certain cold heading quality steel billets.

Short-Supply Review Number: 28.

SUMMARY: The Secretary of Commerce ("Secretary") hereby denies a request for a short-supply allowance of 15,500 net tons of certain cold heading quality steel billets for the first quarter of 1991 under the U.S.-Australia steel arrangement.

EFFECTIVE DATE: November 21, 1990.

FOR FURTHER INFORMATION CONTACT: Norbert Gannon 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; telephone (202) 377-4037 or (202) 377-0159.

SUPPLEMENTARY INFORMATION: On October 22, 1990, the Secretary received an adequate short-supply petition from American Steel and Wire Corporation ("ASW") requesting a short-supply allowance for 15,500 net tons of certain cold heading quality steel billets. The request was for material during the first quarter of 1991 under Article 8 of the Arrangement Between the Government of Australia and the Government of the United States of America Concerning Trade in Certain Steel Products. ASW is requesting a short-supply allowance because its qualified domestic supplier has expressed an unwillingness to meet ASW's needs for the subject material during this period and its qualified foreign supplier has no regular export licenses available. The Secretary conducted this review pursuant to section 4(b)(4)(A) of the Steel Trade Liberalization Program Implementation Act, Public Law 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:

Dimensions (and tolerances): 130 mm square (± 2 mm) x 9.4-10.3 meters (no shorts);

Surface condition: Seams, laps, and other linear defects shall not exceed 6.35mm as a general guideline. Harmful scabs, slivers and other point defects must be kept to an absolute minimum;

Twist: 5 degree max/length of billets;
Straightness: 13 mm max out-of-straight in any 1.5 meters, max 76 mm out-of-straight over full billet length, no hooked ends;

Squareness: Rhomboid sections with uneven diagonals more than 8 mm are unacceptable;

Ends: Perpendicular to longitudinal axis. Tapered cuts are unacceptable. Detachable saw burrs, fins, or shear lips must be minimized. Mushroomed ends must not exceed 6 mm/side, no open or split ends;

Grades: 1005 AK, 1010 AK, 1022 MOD CG, 10B24 FG, 1038 CG, 1541H FG;

Rolled billets can be produced from ingots or bloom cast, and include controlled and certified product chemical analyses. All grades have a copper residual limit of 0.10 max.

Action

On October 22, 1990, the Secretary established an official record on this short-supply request (Case Number 28) in the Central Records Unit, room B-099, Import Administration, U.S. Department of Commerce, at the above address. On June 5, 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 7, 1990, and interested parties were invited to file replies to any comments not later than five days after that date. In order to determine whether this product could be supplied to ASW during the first quarter of 1991, the Secretary sent questionnaires to Inland Steel Industries ("Inland"), Republic Engineered Steels ("Republic"), USX Corporation ("USX"), The Timken Company ("Timken"), Raritan River Steel Company ("Raritan"), Bethlehem Steel Corporation ("Bethlehem"), Copperweld Steel Company ("Copperweld"), Georgetown Steel Company ("Georgetown"), and North Star Steel Texas, Inc. ("North Star"). The Secretary received questionnaire responses from seven of the parties to which questionnaires were sent and four comments to the *Federal Register* notice.

USX forwarded its questionnaire to USS/Kobe Steel Company ("USS/Kobe"), which is the former USS-Lorain works that produces bars and billets. USX felt this facility might be able to produce the billets included in ASW's request.

Questionnaire Responses

Inland and Copperweld indicated that they do not have the capability to manufacture the types of billets included in this request. USX stated it currently

does not produce billets. Georgetown noted that it could not meet ASW's cross-sectional specification. USS/Kobe noted that it routinely sells the requested product to ASW but it cannot currently guarantee its ability to supply the requested tonnage until a labor contract settlement is reached. Republic and Timken stated that with some exceptions to the specifications, they could produce the requested product and supply it to ASW. Bethlehem offered to supply the entire request within three to four weeks of order placement. North Star and Raritan did not respond to the questionnaire.

On November 9, 1990, the Department contacted ASW to get further clarification on certain points. Specifically, ASW was asked whether or not it has attempted to qualify Bethlehem and if not, why? The Department also requested that ASW justify its extremely stringent specifications and indicate exactly how much of the requested tonnage will be used to make wire rod for the specific customers supporting this request.

On November 12, 1990, ASW provided the Department with information on the amount of the requested product needed by each of the customers supporting this request.

On November 9, 1990, the Department received comments from Bethlehem indicating that it either was selling or had sold cold heading quality rod rolled from its own billets to several of the ASW customers supporting the petition and that this implicitly qualified Bethlehem as a billet supplier to ASW.

On November 12, 1990, ASW submitted comments to Bethlehem's questionnaire response. ASW states that it must purchase its CHQ grades only from Basic Oxygen Furnace (BOF) steel producers who use either an ingot cast bottom poured or a bloom cast method of billet production. ASW cites Bethlehem's lack of BOF and direct casting capability as reasons why Bethlehem would not be a viable supplier. In addition, ASW states that Bethlehem is not one of its qualified suppliers. ASW did note, however, that Bethlehem is supplying CHQ grade material to the fastener industry.

Analysis

ASW's arguments for rejecting the offer to supply the requested material by Timken and Republic is based on exceptions to its specifications, and its argument for rejecting Bethlehem is based on qualification and specifications.

Regarding Timken and Republic, ASW notes that the specification exceptions requested will present specific problems

in its own internal processing of the steel and in the processing of the steel by its customers. These problems were not refuted by either Timken or Republic. Therefore, the Secretary must conclude that ASW cannot take exception to these specifications, and Timken and Republic cannot be recognized as potential suppliers at this time.

Regarding Bethlehem and qualification, ASW states that Bethlehem is not a qualified supplier of the billets and is not recognized as being qualified to ASW's customers as a source of steel. ASW notes that BHP and USS/Kobe both are qualified suppliers of the CHQ billets. ASW provided a detailed description of its billet supplier qualification process and states "[o]ur customers expect and demand that we purchase from a qualified supplier." However, the ASW customer letters in support of the petition do not explicitly state that only BHP and USS/Kobe are qualified suppliers. Rather, they merely indicate that "American Steel & Wire has supplied our C.H.Q. wire rod from rerolled billets from B.H.P. of Australia or from USS/Kobe Steel."

This raises questions on the issue of qualification. This implies that qualification is an issue to ASW rather than its customers. ASW provided no information on efforts to qualify Bethlehem even though Bethlehem is a recognized CHQ rod producer. In fact, Bethlehem has been producing billets for a significant period of time and ASW has made no effort to purchase this product from it. The Secretary cannot conclude that a product is not available domestically when it has not been requested of a potential supplier.

Regarding Bethlehem and specifications, ASW states that Bethlehem does not produce billets made from the BOF process, and it cannot either bottom pour its ingots or bloom cast the required billets. ASW is seeking BOF steel because it generally has lower residuals than that available from an electric furnace, and ASW's desire for bottom poured ingots or bloom cast steel is attributed to the quality of the product produced by these methods. However, the specifications provided in the petition state only that the billets can either be ingot or bloom cast, and no reference is made to the type of steelmaking furnace that must be used by a supplier. Bethlehem has indicated it can produce and supply all grades of the billets by the ingot cast method during the first quarter of 1991, and it can meet ASW's total requirements with no exceptions to the

specifications. In fact, it states it is supplying or has supplied CHQ rod to most of the same customers listed by ASW. The Secretary can only conclude that Bethlehem can meet ASW's needs with an acceptable product.

Conclusion

A potential domestic supplier of cold heading quality steel billets has stated that it is able and willing to meet ASW's total tonnage requirements of CHQ billets during the first quarter of 1991, with no exception to its specifications. Therefore, the Secretary determines that short-supply does not exist with respect to the requested product. Pursuant to section 4(b)(4)(A) of the Act, and § 357.102 of Commerce's Short-Supply Procedures, the Secretary denies a short-supply allowance for 15,500 net tons of the requested billets for the first quarter of 1991.

Dated: November 21, 1990.

Marjorie A. Chorlins,
Acting Assistant Secretary for Import
Administration.

[FR Doc. 90-28004 Filed 11-28-90; 8:45 am]

BILLING CODE 3510-DS-M

Duke University, et al., Consolidated Decision on Applications for Duty-Free Entry of Electron Microscopes

This is a decision consolidated pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897; 15 CFR 301). Related records can be viewed between 8:30 a.m. and 5 p.m. in room 4204, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, DC.

Docket Number: 90-100. *Applicant:* Duke University, Durham, NC 27710. *Instrument:* Electron Microscope, Model JEM-1200EXII. *Manufacturer:* JEOL, Ltd., Japan. *Intended Use:* See notice at 55 FR 30952, July 30, 1990. *ORDER DATE:* February 23, 1990.

Docket Number: 90-103. *Applicant:* South Dakota School of Mines and technology, Rapid City, SD 57701. *Instrument:* Electron Microscope and EDK System, Model H-7000FA. *Manufacturer:* Hitachi, Ltd., Japan. *Intended Use:* See notice at 55 FR 30952, July 30, 1990. *ORDER DATE:* March 13, 1990.

Docket Number: 90-106. *Applicant:* University of Maryland at College Park, College Park, MD 20742. *Instrument:* Electron Microscope, Model JEM-1200EX. *Manufacturer:* JEOL, Ltd., Japan. *Intended Use:* See notice at 55 FR 30952, July 30, 1990. *Application*

Received By Commissioner of Customs: June 21, 1990.

Docket Number: 90-108. *Applicant:* Michigan Technological University, Houghton, MI 49931. *Instrument:* Electron Microscope, Model JEM-4000 FX/TEMSCAN. *Manufacturer:* JEOL Ltd., Japan. *Intended Use:* See notice at 55 FR 30952, July 30, 1990. *Order Date:* January 30, 1990.

Docket Number: 90-113. *Applicant:* Loyola University Medical Center, Maywood, IL 60153. *Instrument:* Electron Microscope, Model EM 900. *Manufacturer:* Carl Zeiss, West Germany. *Intended Use:* See notice at 55 FR 30953, July 30, 1990. *Order Date:* March 21, 1990.

Docket Number: 90-114. *Applicant:* The Children's Memorial Hospital, Chicago, IL 60614. *Instrument:* Electron Microscope, Model EM 900 PC. *Manufacturer:* Carl Zeiss, West Germany. *Intended Use:* See notice at 55 FR 30953, July 30, 1990. *Order Date:* March 8, 1990.

Docket Number: 90-118. *Applicant:* Research Foundation of the State University of New York, Stony Brook, NY 11794. *Instrument:* Electron Microscope, Model JEM-1200 EXII. *Manufacturer:* JEOL, Ltd., Japan. *Intended Use:* See notice at 55 FR 32675, August 10, 1990. *Order Date:* April 27, 1990.

Docket Number: 90-121. *Applicant:* House Ear Institute, Los Angeles, CA 90057. *Instrument:* Electron Microscope, Model EM 902 PC/ST. *Manufacturer:* Carl Zeiss, West Germany. *Intended Use:* See notice at 55 FR 32675, August 10, 1990. *Order Date:* March 21, 1990.

Comments: None received.

Decision: Approved. No instrument of equivalent scientific value to the foreign instrument, for such purposes as these instruments are intended to be used, was being manufactured in the United States at the time the instruments were ordered.

Reasons: Each foreign instrument is a conventional transmission electron microscope (CTEM) and is intended for research or scientific educational uses requiring a CTEM. We know of no CTEM, or any other instrument suited to these purposes, which was being manufactured in the United States either at the time of order of each instrument or at the time of receipt of application by the U.S. Customs Service.

Frank W. Creel,

Director, Statutory Import Programs Staff.

[FR Doc. 90-28005 Filed 11-28-90; 8:45am]

BILLING CODE 3510-DS-M

University of Michigan, et al., Consolidated Decision on Applications for Duty-Free Entry of Election Microscopes

This is a decision consolidated pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897; 15 CFR 301). Related records can be viewed between 8:30 a.m. and 5 p.m. in room 4204, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, DC.

Docket Number: 90-129. *Applicant:* University of Michigan, Ann Arbor, MI 48109-2136. *Instrument:* Electron Microscope (used), Model EM 420. *Manufacturer:* N.V. Philips Electronics, The Netherlands. *Intended Use:* See notice at 55 FR 32676, August 10, 1990. *Order Date:* December 18, 1989.

Docket Number: 90-133. *Applicant:* Massachusetts Institute of Technology, Cambridge, MA 02139. *Instrument:* Electron Microscope, Model JEM 1200 EXII. *Manufacturer:* JEOL Ltd., Japan. *Intended Use:* See notice at 55 FR 32676, August 10, 1990. *Order Date:* June 15, 1990.

Docket Number: 90-135. *Applicant:* Sloan-Kettering Institute for Cancer Research, New York, NY 10021. *Instrument:* Electron Microscope, Model JEM 1200EX/SEG/DP/DP. *Manufacturer:* JEOL Ltd., Japan. *Intended Use:* See notice at 55 FR 32677, August 10, 1990. *Order Date:* May 24, 1990.

Docket Number: 90-136. *Applicant:* University of North Carolina at Chapel Hill, Chapel Hill, NC 27599. *Instrument:* Electron Microscope, Model EM 900 with Accessories. *Manufacturer:* Carl Zeiss, West Germany. *Intended Use:* See notice at 55 FR 35161, August 28, 1990. *Order Date:* May 30, 1990.

Docket Number: 90-141. *Applicant:* Colorado State University, Fort Collins, CO 80523. *Instrument:* Electron Microscope, Model JEM 2000EX. *Manufacturer:* JEOL Ltd., Japan. *Intended Use:* See notice at 55 FR 35161, August 28, 1990. *Order Date:* March 21, 1990.

Docket Number: 90-145. *Applicant:* Presbyterian-University Hospital, Pittsburgh, PA 15203. *Instrument:* Electron Microscope, CM 12. *Manufacturer:* N.V. Philips, The Netherlands. *Intended Use:* See notice at 55 FR 35162, August 28, 1990. *Order Date:* January 22, 1990.

Comments: None received.

Decision: Approved. No instrument of equivalent scientific value to the foreign instrument, for such purposes as these

instruments are intended to be used, was being manufactured in the United States at the time the instruments were ordered.

Reasons: Each foreign instrument is a conventional transmission electron microscope (CTEM) and is intended for research or scientific educational uses requiring a CTEM. We know of no CTEM, or any other instrument suited to these purposes, which was being manufactured in the United States either at the time of order of each instrument or at the time of receipt of application by the U.S. Customs Service.

Frank W. Creel,

Director, Statutory Import Programs Staff.

[FR Doc. 90-28006 Filed 11-28-90; 8:45 am]

BILLING CODE 3510-DS-M

Applications for Duty-Free Entry of Scientific Instruments

Pursuant to section 6(c) of the Educational, Scientific and Cultural Materials Importation Act of 1966 (Pub. L. 89-651; Stat. 897; 15 CFR 301), we invite comments on the question of whether instruments of equivalent scientific value, for the purposes for which the instruments shown below are intended to be used, are being manufactured in the United States.

Comments must comply with subsections 301.5(a)(3) and (4) of the regulations and be filed within 20 days with the Statutory Import Programs Staff, U.S. Department of Commerce, Washington, DC 20230. Applications may be examined between 8:30 a.m. and 5 p.m. in room 2841, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, DC.

Docket Number: 90-194. **Applicant:** University of Vermont, College of Medicine, Department of Physiology and Biophysics, Burlington, VT 05405.

Instrument: Muscle Mechanic System. **Manufacturer:** Scientific Instruments GmbH, West Germany. **Intended Use:**

The instrument will be used to examine both mechanical and chemical properties of cardiac muscle, including muscle force, length and sarcomere length. Investigations will include intracellular free calcium of intact muscles and ATPase activity and degree of calcium binding in skinned muscle. The overall objective of these studies is to further the understanding of the fundamental mechanisms of force development in cardiac muscle.

Application Received by Commissioner of Customs: October 30, 1990.

Docket Number: 90-195. **Applicant:** University of Georgia, Athens, GSA 30602. **Instrument:** Mass Spectrometer, Model Tracermass. **Manufacturer:**

Europa Scientific, United Kingdom.

Intended Use: The instrument will be used for the investigation of the ratio of carbon 12 to carbon 13 and the ratio of nitrogen 14 to nitrogen 15 in samples of plant material, soil material, and in animal materials which can be used as a non-radioactive tracer of the flows of carbon and nitrogen through ecosystems. **Application Received by Commissioner of Customs:** October 30, 1990.

Docket Number: 90-196. **Applicant:** Mount Sinai School of Medicine, One Gustave L. Levy Place, New York, NY 10029. **Instrument:** Electron Microscope, Model H-7000. **Manufacturer:** Hitachi, Japan. **Intended Use:** The instrument will be used for the investigation of subcellular structure of cells, with particular attention to organelles and to the cytoskeleton. The structure of tissues will also be investigated, with particular attention to the nervous system. This research is intended to elucidate fundamental biological mechanisms and the nature of human diseases that are caused by defects in the mechanisms. In addition, the instrument will be used to train graduate students in the fundamentals of electron microscopy. **Application Received by Commissioner of Customs:** October 30, 1990.

Frank W. Creel,

Director, Statutory Import Programs Staff.

[FR Doc. 90-28007 Filed 11-28-90; 8:45 am]

BILLING CODE 3510-DS-M

Minority Business Development Agency

Business Development Center Applications: Los Angeles, CA

AGENCY: Minority Business Development Agency, Commerce.

ACTION: Notice.

SUMMARY: The Minority Business Development Agency (MBDA) announces that it is soliciting competitive applications under its Minority Business Development Center (MBDC) program to operate an MBDC for approximately a 3-year period, subject to the availability of funds. The cost of performance for the first 12 months is \$622,000 in Federal funds and a minimum of \$109,765 in non-Federal contributions for the budget period April 1, 1991 to March 31, 1992. Cost-sharing contributions may be in the form of cash contributions, client fees for services, in-kind contributions, or combinations thereof. The MBDC will operate in the Los Angeles, California geographic service area.

The I.D. number for this project will be 09-10-91002-01.

The funding instrument for the MBDC will be a cooperative agreement. Competition is open to individuals, non-profit and for-profit organizations, state and local governments, American Indian tribes and educational institutions.

The MBDC program is designed to provide business development services to the minority business community for the establishment and operation of viable minority businesses. To this end, MBDA funds organizations that can coordinate and broker public and private resources on behalf of minority individuals and firms; offer a full range of management and technical assistance; and serve as a conduit of information and assistance regarding minority business.

Applications will be evaluated on the following criteria: (Selection Process/Procedures as required by DAO 203-26, Grants Administration); the experience and capabilities of the firm and its staff in addressing the needs of the business community in general and, specifically, the special needs of minority businesses, individuals and organizations (50 points); the resources available to the firm in providing business development services (10 points); the firm's approach (techniques and methodology) to performing the work requirements included in the application (20 points); and the firm's estimated cost for providing such assistance (20 points). An application must receive at least 70% of the points assigned to any one evaluation criteria category to be considered programmatically acceptable and responsive.

MBDCs shall be required to contribute at least 15% of the total project cost through non-Federal contributions. Client fees for billable management and technical assistance (M&TA) rendered must be charged by MBDCs. Based on a standard rate of \$50.00 per hour, MBDCs will charge client fees at 20% of the total cost for firms with gross sales of \$500,000 or less and 35% of the total cost for firms with gross sales of over \$500,000.

The MBDC may continue to operate, after the initial competitive year, for up to 2 additional budget periods. Periodic reviews culminating in year-to-date quantitative and qualitative evaluations will be conducted to determine if funding for the project should continue. Continued funding will be at the discretion of MBDA based on such factors as an MBDC's satisfactory performance, the availability of funds and Agency priorities.

Closing Date: The closing date for applications is December 19, 1990. Applications must be postmarked on or before December 19, 1990.

Proposals are to be mailed to the following address:

San Francisco Regional Office, Minority Business Development Agency, U.S. Department of Commerce, 221 Main Street, room 1280, San Francisco, California 94105, 415/744-3001.

A pre-application conference to assist all interested applicants will be held at the following address and time:

Minority Business Development Agency, U.S. Department of Commerce, 221 Main Street, room 1280, San Francisco, California 94105, November 29, 1990 at 10 a.m.

FOR FURTHER INFORMATION CONTACT: Xavier Mena, Regional Director, San Francisco Regional Office.

SUPPLEMENTARY INFORMATION:

Anticipated processing time of this award is 120 days. Executive Order 12372 "Intergovernmental Review of Federal Programs" is not applicable to this program. Questions concerning the preceding information, copies of application kits and applicable regulations can be obtained at the above address.

Applicants who have an outstanding account receivable with the Federal Government may not be considered for funding until these debts have been paid or arrangements satisfactory to the Department are made to pay the debt.

Section 319 of Public Law 101-121 generally prohibits recipients of Federal contracts, grants, and loans from using appropriated funds for lobbying the Executive or Legislative Branches of the Federal Government in connection with a specific contract, grant, or loan. A "Certification for Contracts, Grants, Loans, and Cooperative Agreements" and the SF-LLL, "Disclosure of Lobbying Activities" (if applicable), is required.

Applicants are subject to Governmentwide Debarment and Suspension (Nonprocurement) requirements as stated in 15 CFR part 26. In accordance with the Drug-Free Workplace Act of 1988, each applicant must make the appropriate certification as a "prior condition" to receiving a grant or cooperative agreement.

Awards under this program shall be subject to all Federal and Departmental regulations, policies, and procedures applicable to Federal assistance awards.

A false statement on the application may be grounds for denial or termination of funds and grounds for possible punishment by a fine or imprisonment.

Funding Authority for MBDA Awards: Executive Order 11625.

11.800 Minority Business Development (Catalog of Federal Domestic Assistance)

Dated: November 2, 1990.

Xavier Mena,

Regional Director, San Francisco Regional Office.

[FR Doc. 90-27959 Filed 11-28-90; 8:45 am]

BILLING CODE 3510-21-M

Business Development Center Applications: San Diego, CA

AGENCY: Minority Business Development Agency, Commerce.

ACTION: Notice.

SUMMARY: The Minority Business Development Agency (MBDA) announces that it is soliciting competitive applications under its Minority Business Development Center (MBDC) program to operate an MBDC for approximately a 3 year period, subject to the availability of funds. The cost of performance for the first 12 months is \$276,250 in Federal funds and a minimum of \$48,750 in non-Federal contributions for the budget period April 1, 1991 to March 31, 1992. Cost-sharing contributions may be in the form of cash contributions, client fees for services, in-kind contributions, or combinations thereof. The MBDC will operate in the San Diego, California Geographic service area.

The I. D. number for this project will be 09-10-91003-01.

The funding instrument for the MBDC will be a cooperative agreement. Competition is open to individuals, non-profit and for-profit organizations, state and local governments, American Indian tribes and educational institutions.

The MBDC program is designed to provide business development services to the minority business community for the establishment and operation of viable minority businesses. To this end, MBDA funds organizations that can coordinate and broker public and private resources on behalf of minority individuals and firms; offer a full range of management and technical assistance; and serve as a conduit of information and assistance regarding minority business.

Applications will be evaluated on the following criteria: (Selection Process/Procedures as required by DAO 203-26, Grants Administration) the experience and capabilities of the firm and its staff in addressing the needs of the business community in general and, specifically, the special needs of minority businesses, individuals and organizations (50 points); the resources available to the

firm in providing business development services (10 points); the firm's approach (techniques and methodology) to performing the work requirements included in the application (20 points); and the firm's estimated cost for providing such assistance (20 points). An application must receive at least 70% of the points assigned to any one evaluation criteria category to be considered programmatically acceptable and responsive.

MBDCs shall be required to contribute at least 15% of the total project cost through non-federal contributions. Client fees for billable management and technical assistance (M&TA) rendered must be charged by MBDCs. Based on a standard rate of \$50.00 per hour, MBDCs will charge client fees at 20% of the total cost for firms with gross sales of \$500,000 or less and 35% of the total cost for firms with gross sales of over \$500,000.

The MBDC may continue to operate, after the initial competitive year, for up to 2 additional budget periods. Periodic reviews culminating in year-to-date quantitative and qualitative evaluations will be conducted to determine if funding for the project should continue. Continued funding will be at the discretion of MBDA based on such factors as an MBDC's satisfactory performance, the availability of funds and Agency priorities.

Closing Date: The closing date for applications is December 19, 1990. Applications must be postmarked on or before December 19, 1990.

Proposals are to be mailed to the following address:

San Francisco Regional Office, Minority Business Development Agency, U.S. Department of Commerce, 221 Main Street, room 1280, San Francisco, California 94105, 415/744-3001.

A pre-application conference to assist all interested applicants will be held at the following address and time:

Minority Business Development Agency, U.S. Department of Commerce, 221 Main Street, room 1280, San Francisco, California 94105. November 29, 1990 at 10 a.m.

FOR FURTHER INFORMATION CONTACT: Xavier Mena, Regional Director, San Francisco Regional Office.

SUPPLEMENTARY INFORMATION:

Anticipated processing time of this award is 120 days. Executive Order 12372 "Intergovernmental Review of Federal Programs" is not applicable to this program. Questions concerning the preceding information, copies of application kits and applicable

regulations can be obtained at the above address.

Applicants who have an outstanding account receivable with the Federal Government may not be considered for funding until these debts have been paid or arrangements satisfactory to the Department are made to pay the debt.

Section 319 of Public Law 101-121 generally prohibits recipients of Federal contracts, grants, and loans from using appropriated funds for lobbying the Executive or Legislative Branches of the Federal Government in connection with a specific contract, grant, or loan. A "Certification for Contracts, Grants, Loans, and Cooperative Agreements" and the SF-LLL, "Disclosure of Lobbying Activities" (if applicable), is required.

Applicants are subject to Governmentwide Debarment and Suspension (Nonprocurement) requirements as stated in 15 CFR part 26. In accordance with the Drug-Free Workplace Act of 1988, each applicant must make the appropriate certification as a "prior condition" to receiving a grant or cooperative agreement.

Awards under this program shall be subject to all Federal and Departmental regulations, policies, and, procedures applicable to Federal assistance awards.

A false statement on the application may be grounds for denial or termination of funds and grounds for possible punishment by a fine or imprisonment.

Funding Authority for MBDA Awards: Executive Order 11625.

11.800 Minority Business Development (Catalog of Federal Domestic Assistance)

Dated: November 2, 1990.

Xavier Mena,

Regional Director, San Francisco Regional Office.

[FR Doc. 90-27960 Filed 11-28-90; 8:45 am]

BILLING CODE 3510-21-M

National Institute of Standards and Technology

Malcolm Baldrige National Quality Award's Board of Overseers

AGENCY: National Institute of Standards and Technology, DOC.

ACTION: Notice of partially closed meeting.

SUMMARY: Pursuant to the Federal Advisory Committee Act, 5 U.S.C. App., notice is hereby given that there will be a meeting of the Board of Overseers of the Malcolm Baldrige National Quality Award on Wednesday, December 12, 1990, from 8 a.m. to 4 p.m. The Board of Overseers is composed of seven members appointed by the Secretary of

Commerce. The purpose of this meeting is to review the activities of the Malcolm Baldrige National Quality Award Program in order to assist the Board of Overseers in reporting to the Secretary of Commerce and Director of the National Institute of Standards and Technology as required by law. The discussion on Award applicant data scheduled to begin at 3 p.m. on December 12, 1990, will be closed.

DATES: The meeting will convene December 12, 1990, at 8 a.m. and adjourn at approximately 4 p.m. on December 12, 1990. The open part of the meeting will commence at 8 a.m. and adjourn at 3 p.m. on December 12, 1990.

ADDRESSES: The meeting will be held in room 6029, Department of Commerce, Herbert Hoover Building, 14th Street and Constitution Avenue, Washington, DC 20230.

SUPPLEMENTARY INFORMATION The Assistant Secretary for Administration, with the concurrence of the General Counsel, formally determined on May 11, 1990 that the meeting of the Panel of Judges will be closed pursuant to section 10(d) of the Federal Advisory Committee Act, 5 U.S.C. App. 2, as amended by section 5(c) of the Government in the Sunshine Act, Public Law 94-409. The meeting, which involves examination of records and discussion of Award applicant data, may be closed to the public in accordance with section 552b(c)(4) of title 5, United States Code, since the meeting is likely to disclose trade secrets and commercial or financial information obtained from a person and privileged or confidential.

Dated: November 26, 1990.

John Lyons,
Director.

[FR Doc. 90-28042 Filed 11-28-90; 8:45 am]

BILLING CODE 3510-13-M

National Oceanic and Atmospheric Administration

Coastal Zone Management; Federal Consistency Appeal by Chevron U.S.A. Inc. from an Objection by the California Coastal Commission

AGENCY: National Oceanic and Atmospheric Administration, Commerce.

ACTION: Notice of secretary's decision in the Chevron U.S.A. Inc. consistency appeal.

On October 26, 1990, the Secretary of Commerce issued a decision in the consistency appeal of Chevron U.S.A. Inc. (Chevron). Chevron had applied to the Minerals Management Service

(MMS) of the Department of the Interior for a Plan of Exploration (POE) permit for drilling for oil and gas on Lease OCS-P-0525 offshore California. Pursuant to section 307(c)(3)(B) of the Coastal Zone Management Act, as amended (CZMA) 16 U.S.C. 1451 *et seq.*, the California Coastal Commission objected barring issuance of the permit. The decision finds that there are several reasonable alternatives available to Chevron that would permit it to carry out its proposed project in a manner consistent with the California Coastal Management Program and therefore Chevron's proposed project does not meet the regulatory criteria to be found consistent with the objectives or purposes of the Coastal Zone Management Act. The decision also held that there will be no significant impairment of a national defense or national security interest if Chevron's project is not allowed to go forward as proposed. Under the implementing regulations of the CZMA, this decision prohibits MMS from issuing the POE permit to Chevron necessary for it to proceed with its oil exploration activities.

FOR FURTHER INFORMATION CONTACT:

Margo E. Jackson, Assistant General Counsel for Ocean Services, National Oceanic and Atmospheric Administration, U.S. Department of Commerce, 1825 Connecticut Avenue, NW., room 603, Washington, DC 20235, (202) 673-5200.

Dated: November 26, 1990.

[Federal Domestic Assistance Catalogue No. 11.419 Coastal Zone Management Program Assistance]

Thomas A. Campbell,

General Counsel, National Oceanic and Atmospheric Administration.

[FR Doc. 90-28041 Filed 11-28-90; 8:45 am]

BILLING CODE 3510-08-M

Gulf of Mexico Fishery Management Council; Public Meetings

AGENCY: National Marine Fisheries Service, NOAA, Commerce.

The Gulf of Mexico Fishery Management Council will hold a public meeting of the Texas Habitat Protection Advisory Panel on December 12, 1990, at the Ramada Inn Hobby Airport—East, 9005 Airport Boulevard, Houston, TX. The meeting will begin at 9 a.m., and will adjourn at 5 p.m.

The Council will discuss: (1) A progress report on the Corps of Engineers and Environmental Protection Agency (EPA) Memorandum of Agreement for Mitigation; (2) the

channel into East Matagorda Bay and reasons for EPA's denial; (3) a report on a recent study for the mouth of the Colorado River project; and (4) an update on the Playa del Rio and Bahia Grande projects.

For more information contact Wayne E. Swingle, Executive Director, Gulf of Mexico Fishery Management Council, 5401 West Kennedy Boulevard, suite 881, Tampa, FL; telephone: (813) 228-2815.

Dated: November 23, 1990.

Alan Dean Parsons,

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

[FR Doc. 90-27984 Filed 11-28-90; 8:45 am]

BILLING CODE 3510-22-M

Mid-Atlantic Fishery Management Council; Public Meetings

AGENCY: National Marine Fisheries Service, NOAA, Commerce.

The Mid-Atlantic Fishery Management Council and its Committees will hold public meetings on December 11-13, 1990, at the Dunes Manor Hotel, 28th Street and the Ocean, Ocean City, MD (telephone: 1-800-523-2888). The Council will begin its meeting on December 12 at 8:30 a.m., and is scheduled to adjourn on December 13 at approximately 1 p.m.

The Council will discuss overfishing definitions for *Loligo* and *Illex* squid, and butterfish. The Council also will hear a report on activities of the International Commission for the Conservation of Atlantic Tuna and a report on the National Marine Fisheries Service (NMFS) Shark Fishery Management Plan. As necessary, other fishery management issues also will be discussed. The Council also may meet in a closed session (not open to the public), to discuss personnel and/or national security matters.

On December 11 at approximately 9 a.m., the Council's Squid/Mackerel/Butterfish, Information and Education, Shark, Scallop and Pelagic Committees will hold public meetings.

For more information contact John C. Bryson, Executive Director, Mid-Atlantic Fishery Management Council, room 2115, Federal Building, 300 South New Street, Dover, DE 19901; telephone: (302) 674-2331.

Dated: November 23, 1990.

Alan Dean Parsons,

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

[FR Doc. 90-27985 Filed 11-28-90; 8:45 am]

BILLING CODE 3510-22-M

North Pacific Fishery Management Council; Public Meetings

AGENCY: National Marine Fisheries Service, NOAA, Commerce.

The North Pacific Fishery Management Council will hold a public meeting on December 3-7, 1990, at the Hilton Hotel in Anchorage, Alaska. The meeting will begin on December 3 at 8 a.m.

The Council will consider the following agenda items: (1) Reports by the Alaska Department of Fish and Game, National Marine Fisheries Service, and the U.S. Coast Guard, and reports on current legislation and international fisheries, and foreign permit applications; (2) status report on ongoing analyses for the inshore-offshore allocation issue; (3) a NMFS report on the groundfish overfishing definition and its potential impact on the setting of acceptable biological catch and quota levels; (4) set the acceptable biological catch and quota allocations for the groundfish fisheries of the Gulf of Alaska and Bering Sea/Aleutian Islands; (5) consider an incentive program for 1991 to reduce prohibited species bycatch rates in the groundfish fisheries off Alaska; (6) allocate bycatch limits among fisheries and gear types as appropriate; (7) review a regulatory amendment which would require that groundfish pots be fished on a single line, and consider emergency action to implement the amendment in early 1991, if necessary; (8) approve the memberships of the Advisory Panel, the Scientific and Statistical Committee, and plan teams; (9) continue discussion of insurance coverage for observers on fishing vessels and the concept of pooling vessels for the purpose of sharing observer coverage and costs; (10) review and approve a regulatory amendment modifying the definition of a groundfish pot; and (11) consider a regulatory amendment to change the sablefish season in the Gulf of Alaska.

On December 1 the Council's Advisory Panel and the Scientific and Statistical Committee will begin meeting at 10:30 a.m. The Advisory Panel will meet at the Hilton Hotel in Anchorage; the Scientific and Statistical Committee will meet in the Federal Building at 605 W. 4th Avenue, 3rd floor, in Anchorage. The following day, it will move to the Hilton Hotel. Also scheduled to meet that week, on December 2, is the Council's Ad Hoc Bycatch Committee. Other meetings of workgroups and committees may be called on short notice during the meeting week. All meetings will be held at the Hilton, unless otherwise noted, and are open to the public, except Council executive

sessions and the meeting of the Advisory Panel Nominating Committee.

For more information contact Steve Davis, Deputy Director, North Pacific Fishery Management Council, P.O. Box 103136, Anchorage, AK 99510; telephone: (907) 271-2809.

Dated: November 23, 1990.

Alan Dean Parsons,

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

[FR Doc. 90-27986 Filed 11-28-90; 8:45 am]

BILLING CODE 3510-22-M

South Atlantic Fishery Management Council; Public Meeting

AGENCY: National Marine Fisheries Service, NOAA, Commerce

The South Atlantic Fishery Management Council will hold a public meeting of the Shrimp Committee and the Shrimp Advisory Panel, on December 11, 1990, at the Town and Country Inn, 2008 Savannah Highway, Charleston, SC. The meeting will begin at 1 p.m., and adjourn at 5 p.m. The Shrimp Committee and the Advisory Panel will develop options for a Shrimp Fishery Management Plan (FMP).

Some options that members will address are: (1) A definition of overfishing for shrimp, (2) allowing states to request closures of Federal waters to shrimping when state waters are closed; (3) turtle excluder devices regulations; and (4) finfish as bycatch in the shrimp industry.

For more information contact Carrie R.F. Knight, Public Information Specialist, South Atlantic Fishery Management Council, One Southpark Circle, suite 306, Charleston, SC 29407, telephone: (803) 571-4366.

Dated: November 23, 1990.

Alan Dean Parsons,

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

[FR Doc. 90-27987 Filed 11-28-90; 8:45 am]

BILLING CODE 3510-22-M

Western Pacific Fishery Management Council; Public Meeting

AGENCY: National Marine Fisheries Service, NOAA, Commerce.

The Western Pacific Fishery Management Council will hold a public meeting on December 5, 1990, from 2 p.m., until adjournment at 8 p.m., and on December 6, from 8 a.m., until adjournment at 11:30 a.m. The meeting will be held at the Dole Cannery—Wahiawa Ballroom, 735 Iwilei Road,

Honolulu, HI. The Council will meet to discuss issues concerning the entry of new longliners to the Western Pacific pelagic fisheries. In particular, the Council will discuss: (1) Action on a recommendation from its pelagics Plan Monitoring Team (PMT) that a three-year moratorium on new entry into the Hawaii longline fishery be imposed, and (2) implementation of control dates for the pelagic fisheries of American Samoa and Guam, which could be used to restrict participation in the fisheries in the future should the Council develop limited effort plans for those areas.

The Council will also review a process proposed by the PMT and the Advisory Panel to develop management measures designed to reduce gear conflicts in the pelagic fisheries of Hawaii. The meeting is open to the public and an opportunity for public comment will be provided.

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 23, 1990.

Alan Dean Parsons,
*Acting Director, Office of Fisheries,
Conservation and Management, National
Marine Fisheries Service.*

[FR Doc. 90-27988 Filed 11-28-90; 8:45 am]
BILLING CODE 3510-22-M

[Permit No. 560 (P135B)]

Endangered Marine Mammals

AGENCY: National Marine Fisheries Service, NOAA, Commerce.

ACTION: Request for Modification to Scientific Research.

SUMMARY: Notice is hereby given that Dr. James Hain, Associated Scientists at Woods Hole, Inc., P.O. Box 721, Woods Hole, MA 02543, has requested a modification to Permit No. 560 pursuant to the provisions of § 216.33(d) of the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR part 216) and § 220.24 of the Regulations Governing Endangered Species (50 CFR parts 217-222).

Permit No. 560, issued July 1, 1986 (51 FR 24737), authorized the Permit Holder to conduct surveys on an unspecified number of cetaceans and pinnipeds (except walrus), and to take an unspecified number of floating dead marine mammals, or parts thereof, during the course of the research.

This proposed modification would allow the Permit Holder to conduct research activities in all waters of the

United States, including east coast, west coast, and the Gulf of Mexico. Additionally, the Permit Holder requests authorization to conduct aerial survey activities at altitudes lower than 500 feet.

Concurrent with the publication of this notice in the *Federal Register*, the Secretary of Commerce is forwarding copies of this application to the Marine Mammal Commission and the Commission of Scientific Advisors.

Written data or views, or requests for a public hearing on this proposed modification should be submitted to the Assistant Administrator for Fisheries, National Marine Fisheries Service, U.S. Department of Commerce, 1335 East West Highway, room 7330, Silver Spring, Maryland 20910, within 30 days of the publication of this notice. Those individuals requesting a hearing should set forth the specific reasons why a hearing on this particular proposal would be appropriate. The holding of such a hearing is at the discretion of the Assistant Administrator for Fisheries. All statements and opinions contained in this proposed modification are summaries of those of the applicant and do not necessarily reflect the views of the National Marine Fisheries.

Documents submitted in connection with the above are available for review by interested persons in the following offices:

Permit Division, Office of Protected Resources, National Marine Fisheries Service, 1335 East West Highway, room 7330, Silver Spring, Maryland 20910;

Director, Alaska Region, National Marine Fisheries Service, NOAA, 709 West 9th Street, Federal Bldg., Juneau, Alaska 99802;

Director, Northeast Region, National Marine Fisheries Service, NOAA, One Blackburn Drive, Gloucester, Massachusetts 01930;

Director, Northwest Region, National Marine Fisheries Service, NOAA, 7600 Sand Point Way, NE., BIN C15700, Seattle, Washington 98115;

Director, Southeast Region, National Marine Fisheries Service, NOAA, 9450 Koger Boulevard, St. Petersburg, Florida 33702;

Director, Southwest Region, National Marine Fisheries Service, NOAA, 300 South Ferry Street, Terminal Island, California 90731-7415; and

Administrator, Western Pacific Program Office, National Marine Fisheries Service, NOAA, 2570 Dole Street, room 106, Honolulu, Hawaii 96822-2396.

Dated: November 23, 1990.

Nancy Foster,
*Director, Office of Protected Resources,
National Marine Fisheries Service.*

[FR Doc. 90-27969 Filed 11-28-90; 8:45 am]

BILLING CODE 3510-22-M

COMMODITY FUTURES TRADING COMMISSION

Chicago Board of Trade Proposed Option Contracts

AGENCY: Commodity Futures Trading Commission.

ACTION: Notice of availability of the terms and conditions of proposed commodity option contracts.

SUMMARY: The Chicago Board of Trade (CBT or Exchange) has applied for designation as a contract market in options on three year interest rate SWAP futures and options on five year interest rate SWAP futures. For the proposed futures option contracts, the CBT's applications also contain a petition for an exemption from the volume requirement for the underlying futures contract specified in the Commission's rules. The Director of the Division of Economic Analysis ("Division") of the Commission, acting pursuant to the authority delegated by Commission Regulation 140.96, has determined that publication of the proposals for comment is in the public interest, will assist the Commission in considering the views of interest persons, and is consistent with the purposes of the Commodity Exchange Act.

DATES: Comments must be received on or before December 3, 1990.

ADDRESS: Interested persons should submit their views and comments to Jean A. Webb, Secretary, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, DC 20581. Reference should be made to the CBT option on three year interest rate SWAP futures or the option on five year interest rate SWAP futures.

FOR FURTHER INFORMATION CONTACT: Please contact Steve Sherrod of the Division of Economic Analysis, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, DC 20581, at (202) 254-7227.

SUPPLEMENTARY INFORMATION: In addition to requesting comment on the terms and conditions of the proposed option contracts, the Division also is requesting comment on the merits of petitions filed by the CBT pursuant to

§ 33.11 of the Commission's rules. The petitions request exemptive relief from the trading volume tests set forth in Commission Rule 33.4(a)(5)(iii). As discussed in more detail in previous *Federal Register* notices (see for example, 52 FR 41755, October 30, 1987), the Commission has stated that it believes that a petition for exemption from the trading volume tests may be granted if the underlying cash market for the commodity exhibits a high level of liquidity evidenced by extensive and frequent trading activity, a large number of participants in the market, and tight bid/ask spreads; the terms of the futures contract ensure the opportunity for arbitrage between the cash and futures markets; and there is a reliable price series representative of values of the commodity underlying the futures contract.

Copies of the terms and conditions of the proposed contracts will be available for inspection at the Office of the Secretariat, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, DC 20581. Copies of the terms and conditions can be obtained through the Office of the Secretariat by mail at the above address or by phone at (202) 254-6314.

Other materials submitted by the CBT in support of the applications for contract market designation may be available upon request pursuant to the Freedom of Information Act (5 U.S.C. 552) and the Commission's regulations thereunder (17 CFR part 145 (1987)), except to the extent they are entitled to confidential treatment as set forth in 17 CFR 145.5 and 145.9. Requests for copies of such materials should be made to the FOI, Privacy and Sunshine Acts Compliance Staff of the Office of the Secretariat at the Commission's headquarters in accordance with 17 CFR 145.7 and 145.8.

Any person interested in submitting written data, views or argument on the terms and conditions of the proposed contracts or the related petitions, or with respect to other materials submitted by the CBT in support of the applications, should send such comments to Jean A. Webb, Secretary, Commodity Futures Trading Commission, 2033 K Street, NW., Washington DC, 20581, by the specified date.

Issued in Washington, DC on November 21, 1990.

Gerald Gay,
Director.

[FR Doc. 90-27957 Filed 11-28-90; 8:45 am]

BILLING CODE 6351-01-M

DEPARTMENT OF DEFENSE

Department of the Army

Army Historical Advisory Committee, DOD; Open Meeting

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

NAME OF COMMITTEE: Department of the Army Historical Advisory Committee.

DATE: 7 December 1990.

PLACE: Hill Conference Center, National War College Building, Fort McNair, Washington, DC 20319-6000.

TIME: 0800-1600 hours.

PROPOSED AGENDA: Review and discussion of the status of historical activities in the U.S. Army.

PURPOSE OF THE MEETING: The committee will review the past 3 years historical activities based on reports and manuscripts received throughout the period and formulate recommendations through the Chief of Military History to the Chief of Staff, U.S. Army, and the Secretary of the Army for advancing history in the U.S. Army.

Meetings of the Advisory Committee are open to the public. Due to space limitations, attendance may be limited to those persons who have notified the Advisory Committee Management Office in writing, at least five days prior to the meeting of their intention to attend the 7 December meeting.

Any members of the public may file a written statement with the Committee before, during or after the meeting. To the extent that time permits the Committee Chairman may allow public presentations of oral statements at the meeting.

FOR FURTHER INFORMATION CONTACT: All communications regarding this Advisory Committee should be addressed to Dr. Jeffrey J. Clarke, U.S. Army Center of Military History, Washington, DC 20374-5088.

Kenneth L. Denton,

Alternate Army Liaison Officer With the Federal Register.

[FR Doc. 90-28082 Filed 11-28-90; 8:45 am]

BILLING CODE 3710-08-M

Army Science Board; Open Meeting

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

Name of the Committee: Army Science Board (ASB).

Dates of Meeting: 18 December 1990.

Time: 1100-1300.

Place: International Club, Wash., DC.

Agenda: The Army Science Board (ASB) Ad Hoc Subgroup on Improving the Quality of Science and Engineering in the Army will meet to review the Terms of Reference, prepare an agenda and a proposed timetable for the meetings. This meeting will be open to the public. Any interested person may attend, appear before, or file statements with the committee at the time and in the manner permitted by the committee. The ASB Administrative Officer, Sally Warner, may be contacted for further information at (703) 695-0781/0782.

Sally A. Warner,

Administrative Officer, Army Science Board.

[FR Doc. 90-28010 Filed 11-28-90; 8:45 am]

BILLING CODE 3710-08-M

DEPARTMENT OF EDUCATION

[CFDA No. 84.087]

Indian Fellowship Program

AGENCY: Department of Education.

ACTION: Notice extending the closing date for new awards under the Indian Fellowship Program for fiscal year (FY) 1991.

SUMMARY: On November 6, 1990, the Department published a notice in the *Federal Register* inviting applications under the Indian Fellowship Program for FY 1991 (55 FR 46711). Detailed information concerning this competition was included in that notice. This is an official notice that the Office of Indian Education has extended the closing date for transmittal of OIE fellowship applications from January 11, 1991 to January 18, 1991. The extension will allow applicants sufficient time to prepare their applications.

FOR APPLICATIONS OR INFORMATION

CONTACT: Dr. John Derby, Branch Chief, Indian Education Fellowship Program, Office of Indian Education, U.S. Department of Education, 400 Maryland Avenue SW., room 2171, Washington, DC 20202. Telephone (202) 401-1902.

Program Authority: 20 U.S.C. 2623.

Dated: November 20, 1990.

John T. MacDonald,

Assistant Secretary for Elementary and Secondary Education.

[FR Doc. 90-27966 Filed 11-28-90; 8:45 am]

BILLING CODE 4000-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory
Commission

[Docket No. FA89-9-001]

**Williston Basin Interstate Pipeline Co.,
Pipeline Rates: Hearing, Accounting;
Order Establishing Hearing
Procedures**

Issued November 23, 1990.

On October 1, 1990, the Chief Accountant issued a contested audit report¹ under delegated authority noting Williston Basin Interstate Pipeline Company's (Williston) disagreement with an item contained in the staff's audit report of Williston's books and records. The report noted Williston's disagreement with the staff regarding Compliance Exception No. 1 on Schedule No. 2 concerning the procedures for computing carrying charges related to purchased gas costs. Williston was requested to advise whether it would agree to the disposition of the issues under the shortened procedures provided for by part 158 of the Commission's Regulations. 18 CFR 158.1, *et seq.*

On October 30, 1990, Williston responded that it did not consent to the shortened procedures. Section 158.7 of the Commission's Regulations provides that in case consent to the shortened procedures is not given, the proceeding will be assigned for hearing. Accordingly, the Secretary, under authority delegated by the Commission, will set these matters for hearing.

Any interested person seeking to participate in this docket shall file a protest or a motion to intervene pursuant to Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214) no later than 15 days after the date of publication of this order in the Federal Register.

It is ordered:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by section 402(a) of the Department of Energy Organization Act, the provisions of the Natural Gas Act, particularly sections 4, 5 and 8 thereof, and pursuant to the Commission's Rules of Practice and Procedure (18 CFR chapter I), a public hearing shall be held concerning the appropriateness of Williston's practices as discussed above.

(B) A Presiding Administrative Law Judge, to be designated by the Chief

Administrative Law Judge, shall convene a prehearing conference in this proceeding, to be held within 45 days of the date of this order, in a hearing room of the Federal Energy Regulatory Commission, 810 First Street, NE., Washington, DC 20426. The Presiding Judge is authorized to establish procedural dates and to rule on all motions (except motions to dismiss) as provided in the Commission's Rules of Practice and Procedure.

(C) This order shall be promptly published in the Federal Register.

Lois D. Cashell,

Secretary.

[FR Doc. 90-27977 Filed 11-28-90; 8:45 am]

BILLING CODE 6717-01-M

Office of Fossil Energy

[FE Docket No. 90-94-NG]

**Clajon Marketing, L.P., Application To
Export Natural Gas to Mexico**

AGENCY: Department of Energy, Office of Fossil Energy.

ACTION: Notice of application for blanket authorization to export natural gas to Mexico.

SUMMARY: The Office of Fossil Energy (FE) of the Department of Energy (DOE) gives notice of receipt on October 26, 1990, of an application filed by Clajon Marketing, L.P. (Clajon), requesting blanket authorization to export from the United States to Mexico up to 365 Bcf of natural gas over a two-year period commencing with the date of first delivery. Clajon intends to use existing pipeline facilities within the United States and at the international border for transportation of the exported gas. Clajon states that it will advise the DOE of the date of first delivery and submit quarterly reports detailing each transaction.

The application was filed under section 3 of the Natural Gas Act and DOE Delegation Order Nos. 0204-111 and 0204-127. Protests, motions to intervene, notices of intervention and written comments are invited.

DATES: Protests, motions to intervene, or notices of intervention, as applicable, requests for additional procedures and written comments are to be filed at the address listed below no later than 4:30 p.m., e.s.t., December 31, 1990.

ADDRESSES: Office of Fuels Programs, Fossil Energy, U.S. Department of Energy, Room 3F-056, FE-50, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 20585.

FOR FURTHER INFORMATION CONTACT: Xavier Puslowski, Office of Fuels

Programs, Fossil Energy, U.S. Department of Energy, Forrestal Building, room 3F-056, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586-4708

Lot Cooke, Natural Gas and Mineral Leasing, Office of General Counsel, U.S. Department of Energy, Forrestal Building, room 6E-042, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586-0503.

SUPPLEMENTARY INFORMATION: Clajon is a Delaware limited partnership with its principal place of business in San Antonio, Texas. Clajon is an indirect subsidiary of PSI Inc., which in turn, is a wholly owned subsidiary of UtiliCorp United, Inc.

Clajon is actively engaged in the business of purchasing and reselling natural gas in the spot market, as the marketing affiliate of Clajon Gas Company, L.P. As a marketer of natural gas, Clajon also acts as agent on behalf of both producers and purchasers in securing transportation arrangements for such gas when necessary. Clajon requests authority to export up to 500,000 Mcf per day of domestic natural gas to Mexico in order to participate in short-term or spot sales to Mexican customers. The applicant states that the requested authority is necessary to participate in the rapidly changing conditions in the U.S. and Mexican natural gas markets.

This export application will be reviewed under section 3 of the Natural Gas Act and the authority contained in DOE Delegation Order Nos. 0204-111 and 0204-127. In deciding whether the proposed export of natural gas is in the public interest, domestic need for the gas will be considered, and any other issue determined to be appropriate, including whether the arrangement is consistent with DOE policy of promoting competition in the natural gas marketplace by allowing commercial parties to freely negotiate their own trade arrangements. Parties, especially those that may oppose this application, should comment on these matters as they relate to the requested export authority. The applicant asserts that there is no current need for the domestic gas that would be exported under the proposed arrangements. Parties opposing this arrangement bear the burden of overcoming this assertion.

All parties should be aware that if this blanket export application is granted, the authorization may permit the export of the gas at any point of exit on the international border where existing pipeline facilities are located and that a total term volume may be designated,

¹ 53 FERC 62,055.

rather than a daily or annual limit, in order to provide the applicant with maximum flexibility of operation.

NEPA Compliance

The National Environmental Policy Act (NEPA) (42 U.S.C. 4321 *et seq.*) requires DOE to give appropriate consideration to the environmental effects of its proposed actions. No final decision will be issued in this proceeding until DOE has met its NEPA responsibilities.

Public Comment Procedures

In response to this notice, any person may file a protest, motion to intervene or notice of intervention, as applicable, and written comments. Any person wishing to become a party to the proceeding and to have the written comments considered as the basis for any decision on the application must, however, file a motion to intervene or notice of intervention, as applicable. The filing of a protest with respect to this application will not serve to make the protestant a party to the proceeding, although protests and comments received from persons who are not parties will be considered in determining the appropriate action to be taken on the application. All protests, motions to intervene, notices of intervention, and written comments must meet the requirements that are specified by the regulations in 10 CFR part 590. Protests, motions to intervene, notices of intervention, requests for additional procedures, and written comments should be filed with the Office of Fuels Programs at the address listed above.

It is intended that a decisional record on the application will be developed through responses to this notice by parties, including the parties' written comments and replies thereto. Additional procedures will be used as necessary to achieve a complete understanding of the facts and issues. A party seeking intervention may request that additional procedures be provided, such as additional written comments, an oral presentation, a conference, or trial-type hearing. Any request to file additional written comments should explain why they are necessary. Any request for an oral presentation should identify the substantial question of fact, law, or policy at issue, show that it is material and relevant to a decision in the proceeding, and demonstrate why an oral presentation is needed. Any request for a conference should demonstrate why the conference materially advance the proceeding. Any request for a trial-type hearing must show that there are factual issues genuinely in dispute that

are relevant and material to a decision and that a trial-type hearing is necessary for a full and true disclosure of the facts.

If an additional procedure is scheduled, notice will be provided to all parties. If no party requests additional procedures, a final opinion and order may be issued based on the official record, including the application and response filed by parties pursuant to this notice, in accordance with 10 CFR 590.316.

A copy of Clajon's application is available for inspection and copying in the Office of Fuels Programs Docket Room, room 3F-056 at the above address. The docket room is open between the hours of 8 a.m. and 4:30 p.m., e.s.t., Monday through Friday, except Federal holidays.

Issued in Washington, DC, on November 23, 1990.

Clifford P. Tomaszewski,

Acting Deputy Assistant Secretary for Fuels Programs, Office of Fossil Energy.

[FR Doc. 90-28046 Filed 11-28-90; 8:45 am]

BILLING CODE 6450-01-M

[FE Docket No. 90-96-NG]

The Montana Power Co., Application to Import Natural Gas From Canada

AGENCY: Department of Energy, Office of Fossil Energy.

ACTION: Notice of application for blanket authorization to import natural gas from Canada.

SUMMARY: The Office of Fossil Energy (FE) of the Department of Energy (DOE) gives notice of receipt on November 7, 1990, of an application filed by The Montana Power Company (MPC) requesting blanket authorization to import up to 10 Bcf of Canadian natural gas for a two-year period beginning on February 7, 1991, the day after MPC's existing authorization expires, through February 6, 1993. MPC intends to use existing facilities in the United States and states that it will notify the DOE of the date of first delivery and submit quarterly reports detailing each transaction.

The application was filed under section 3 of the Natural Gas Act and DOE Delegation Order Nos. 0204-111 and 0204-127. Protests, motions to intervene, notices of intervention and written comments are invited.

DATES: Protests, motions to intervene, or notices of intervention, as applicable, requests for additional procedures and written comments are to be filed at the address listed below no later than 4:30 p.m., e.s.t., December 31, 1990.

ADDRESSES: Office of Fuels Programs, Fossil Energy, U.S. Department of Energy, room 3F-056, FE-50, Forrestal Building, 1000 Independence Avenue SW., Washington, DC 20585.

FOR FURTHER INFORMATION CONTACT:

John S. Boyd, Office of Fuels Programs, Fossil Energy, U.S. Department of Energy, Forrestal Building, room 3F-056, 1000 Independence Avenue SW., Washington, DC 20585, (202) 586-4523
Diane Stubbs, Natural Gas and Mineral Leasing, Office of General Counsel, U.S. Department of Energy, Forrestal Building, room 6E-042, 1000 Independence Avenue SW., Washington, DC 20585, (202) 586-6667.

SUPPLEMENTARY INFORMATION: MPC, a Montana corporation with its principal place of business in Butte, Montana, is a utility company serving natural gas customers within the state. MPC currently is authorized to import Canadian natural gas under a two-year blanket authorization granted by the Economic Regulatory Administration (ERA) in DOE/ERA Opinion and Order No. 87, 1 ERA Para. 70,694 (April 30, 1987), in DOE/ERA Docket No. 87-03-NG. Under the instant proposal, MPC requests to extend its authority to import Canadian natural gas on a short-term basis from Canadian producers and exporters to serve its system supply requirements. The gas would be obtained from gas reserves in Alberta, Canada. Price, volume, transportation, and all other transaction terms will result from individual negotiations in response to market conditions. The applicant asserts gas will be purchased only if it is price competitive and therefore needed, and anticipates that many of the transactions will have terms of one to two months.

The decision on the application for import authority will be made consistent with DOE's gas import policy guidelines, under which the competitiveness of an import arrangement in the markets served is the primary consideration in determining whether it is in the public interest (49 FR 6684, February 22, 1984). Parties that may oppose this application should comment in their responses on the issue of competitiveness as set forth in the policy guidelines. The applicant asserts that the proposed imports will make competitively priced gas available to U.S. markets while the short-term nature of the transactions will minimize the potential for undue long-term dependence on foreign sources of energy. Parties opposing the arrangement bear the burden of overcoming these assertions.

NEPA Compliance

The National Environmental Policy Act (NEPA) (42 U.S.C. 4321 *et seq.*) requires the DOE to give appropriate consideration to the environmental effects of its proposed actions. No final decision will be issued in this proceeding until the DOE has met its NEPA responsibilities.

Public Comment Procedures

In response to this notice, any person may file a protest, motion to intervene or notice of intervention, as applicable, and written comments. Any person wishing to become a party to the proceeding and to have the written comments considered as the basis for any decision on the application must, however, file a motion to intervene or notice of intervention, as applicable. The filing of a protest with respect to the application will not serve to make the protestant a party to the proceeding, although protests and comments received from persons who are not parties will be considered in determining the appropriate action to be taken on the application. All protests, motions to intervene, notices of intervention, and written comments must meet the requirements that are specified by the regulations in 10 CFR part 590. Protests, motions to intervene, notices of intervention, requests for additional procedures, and written comments should be filed with the Office of Fuels Programs at the above address.

It is intended that a decisional record will be developed on the application through responses to this notice by parties, including the parties' written comments and replies thereto. Additional procedures will be used as necessary to achieve a complete understanding of the facts and issues. A party seeking intervention may request that additional procedures be provided, such as additional written comments, an oral presentation, a conference, or trial-type hearing. Any request to file additional written comments should explain why they are necessary. Any request for an oral presentation should identify the substantial question of fact, law, or policy at issue, show that it is material and relevant to a decision in the proceeding, and demonstrate why an oral presentation is needed. Any request for a conference should demonstrate why the conference would materially advance the proceeding. Any request for a trial-type hearing must show that there are factual issues genuinely in dispute that are relevant and material to a decision and that a trial-type hearing is

necessary for a full and true disclosure of the facts.

If an additional procedure is scheduled, notice will be provided to all parties. If no party requests additional procedures, a final opinion and order may be issued based on the official record, including the application and response filed by parties pursuant to this notice, in accordance with 10 CFR 590.316.

A copy of MPC's application is available for inspection and copying in the Office of Fuels Programs Docket Room, room 3F-056 at the above address. The docket room is open between the hours of 8 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, DC on November 23, 1990.

Clifford P. Tomaszewski,
Acting Deputy Assistant Secretary for Fuels Programs, Office of Fossil Energy.

[FR Doc. 90-28047 Filed 11-29-90; 8:45 am]

BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

[FRL-3864-5]

Underground Injection Control Program: Hazardous Waste Disposal Injection Restrictions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of final action to grant case-by-case extension.

SUMMARY: EPA is granting final approval to Celanese Engineering Resins, Inc., in Bishop, Texas, for a three month extension of the November 8, 1990, effective date of the hazardous waste injection restrictions applicable to injected wastewaters with the hazardous waste codes: U001, U002, U019, U031, U056, U072, U080, U112, U115, U122, U123, U133, U134, U140, U154, U159, U191, U188, U226, D001, and F039. This action responds to a petition submitted under 40 CFR 148.4 according to procedures set out in 40 CFR 268.5, which allows any person to request that the Administrator grant, on a case-by-case basis, an extension of the applicable effective date based on a showing that the petitioner has entered into a binding contractual commitment to construct or otherwise provide adequate alternative treatment, recovery, or disposal capacity for the petitioner's waste. The Agency proposed action on this request in a October 15, 1990, Federal Register notice. See 55 FR 41762 (FRL-3852-4). By granting

approval to this case-by-case petition, Celanese Engineering Resins, Inc., can continue to inject the wastestream described above at the Bishop facility until February 8, 1991, but not later than this date without being subject to the prohibitions applicable to such wastes.

DATES: This action is effective November 16, 1990.

ADDRESSES: The docket for this action is located at EPA, 1445 Ross Avenue, Dallas, Texas 75202-2733, and is available during normal business hours from 8 a.m.-4 p.m., Monday through Friday. The public can review all docket materials by visiting the EPA Library.

FOR FURTHER INFORMATION CONTACT: For information contact Oscar Cabra, Jr. at (214) 655-7110 or Ronnie Crossland at (214) 655-7160.

Petition

A. Facility Summary

Celanese Engineering Resins, Inc., in Bishop, Texas, petitioned EPA to grant them a three month extension of the effective date of the hazardous waste injection restrictions on September 24, 1990.

The specific hazardous liquid wastes for which this case-by-case extension of the November 8, 1990 injection ban date is being granted include: U001, U002, U019, U031, U056, U072, U080, U112, U115, U122, U123, U133, U134, U140, U154, U159, U161, U188, U226, D001, and F039.

EPA is granting an extension of the effective date of the applicable restrictions for three months from the hazardous waste injection restrictions effective date of November 8, 1990 for this facility.

B. Description of Petitioning Facility

Celanese Engineering Resins, Inc., is a chemical manufacturing company which operates three hazardous waste injection wells in Bishop, Texas. Celanese manufactures industrial organic chemicals by the conversion of methane to methanol and further reacting the methanol and other aliphatic organics to produce formaldehyde, methylal, esters (n-butyl, n-propyl and ethyl acetates), pentaerythritol, trimethylolpropane, paraformaldehyde, Formcel formaldehyde, alcohols, aldehydes and glycols. Additionally, Celanese produces Celcon, Nylon, and Celanex engineering resins and bulk pharmaceuticals.

C. Case-by-Case Extension Petition Demonstrations

Celanese Engineering Resins, Inc.'s application for an extension of the

effective date included the following demonstrations:

- 40 CFR 268.5(a)(1) Celanese-Bishop has made a good-faith effort on a nationwide basis to locate and contract for adequate alternative treatment, recovery, or disposal capacity, or to establish such capacity by the effective date of the applicable restrictions.
- 40 CFR 268.5(a)(2) Celanese—Bishop has entered into a binding contractual commitment to provide alternative treatment, recovery, or disposal capacity.
- 40 CFR 268.5(a)(3) Celanese—Bishop has shown that lack of alternative capacity is beyond its control.
- 40 CFR 268.5(a)(4) Celanese—Bishop has shown that there will be adequate alternative treatment, recovery, or disposal capacity for all the waste after the effective date established by the extension.
- 40 CFR 268.5(a)(5) Celanese—Bishop has provided a detailed schedule for obtaining alternative capacity, including dates.
- 40 CFR 268.5(a)(6) Celanese—Bishop has arranged for adequate capacity to manage the waste during the extension period.
- 40 CFR 268.5(a)(7) The surface impoundments or landfills used by Celanese—Bishop to manage the waste during the extension period will meet the requirements of 40 CFR 268.5(h)(2).

EPA's Action

For the reasons discussed above, the Agency believes that Celanese—Bishop's demonstration have satisfied all the requirements for a case-by-case extension of the effective date of the hazardous waste injection restrictions applicable to U001, U002, U019, U031, U056, U072, U080, U112, U115, U122, U123, U133, U134, U140, U154, U159, U161, U188, U226, D001, and F039. Therefore, EPA is granting an extension of the November 8, 1990, effective date of the restrictions on U001, U002, U019, U031, U056, U072, U080, U112, U115, U122, U123, U133, U134, U140, U154, U159, U161, U188, U226, D001, and F039 for Celanese—Bishop. The extension allows these wastes to be injected over a three month period, starting from the effective date of this action, but not later than February 8, 1991.

Celanese must submit a progress report every two weeks after the effective date that this extension is granted, addressing the progress being made to obtain alternative disposal capacity. The agency must be notified of any change in the conditions specified in the petition. The extension will remain in effect unless Celanese—Bishop fails to make a good faith effort to meet the schedule for completion, the agency denies or revokes any required permit, conditions certified in the application change or if Celanese—Bishop violates any law or regulations implemented by EPA. (sections 1006, 2002(a), 3001, and

3004 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976, as amended (42 U.S.C. 6905, 6912(a), 6921, and 6924)).

Dated: November 16, 1990.

Myron O. Knudson,
P.E., Director, Water Management Division
(6W), EPA Region 6.

[FR Doc. 90-27811 Filed 11-28-90; 8:45 am]

BILLING CODE 6560-50-M

[FRL-3865-4]

Proposed Administrative Settlement Pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act, as Amended by the Superfund Amendments and Reauthorization Act

AGENCY: Environmental Protection Agency.

ACTION: Notice; request for public comment.

SUMMARY: In accordance with section 122(i) of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), as amended by Superfund Amendments and Reauthorization Act (SARA), notice is hereby given that a proposed administrative (CERCLA) cost recovery settlement concerning the Hoag Fertilizer Site in Gage County, Beatrice, Nebraska was issued by the Agency on October 10, 1990. The settlement resolves an EPA claim under "section 107 of CERCLA" for a section 122(h)(1) agreement; against Phillips 66 Company. The settlement requires the settling party to pay \$66,090 to the Hazardous Substances Superfund.

For thirty (30) days following the date of publication of this notice, the agency will receive written comments relating to the settlement. The agency's response to any comments received will be available for public inspection at 726 Minnesota Avenue, Kansas City, Kansas 66101.

DATES: Comments must be submitted on or before December 31, 1990.

ADDRESSES: The proposed settlement and additional background information relating to the settlement are available for public inspection at 726 Minnesota Avenue, Kansas City, Kansas 66101, telephone (913) 551-7477. Comments should reference the Hoag Fertilizer Site, Gage County, Beatrice Nebraska and EPA Docket No. VII-91-F-0002 and should be addressed to Linda McKenzie, 726 Minnesota Avenue, Kansas City, Kansas 66101.

FOR FURTHER INFORMATION CONTACT: Ceil Price, 726 Minnesota Avenue,

Kansas City, Kansas 66101, telephone (913) 551-7451.

Dated: October 25, 1990.

Alan L. Wehmeyer
Acting Director, Waste Management
Division.

[FR Doc. 90-28017 Filed 11-28-90; 8:45 am]

BILLING CODE 6560-50-M

[OPTS-51755; FRL 3840-1]

Toxic and Hazardous Substances; Certain Chemicals Premanufacture Notices

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical substance to submit a premanufacture notice (PMN) to EPA at least 90 days before manufacture or import commences. Statutory requirements for section 5(a)(1) premanufacture notices are discussed in the final rule published in the Federal Register of May 13, 1983 (48 FR 21722). This notice announces receipt of 143 such PMNs and provides a summary of each.

DATES: Close of Review Periods:

- P 90-1425, September 1, 1990.
- P 90-1857, November 20, 1990.
- P 90-1939, December 10, 1990.
- P 90-1940, October 2, 1990.
- P 90-1941, 90-1942, 90-1943, 90-1944, 90-1945, 90-1946, 90-1947, 90-1948, 90-1949, 90-1950, 90-1951, 90-1952, 90-1953, 90-1954, December 11, 1990.
- P 90-1955, 90-1956, 90-1957, December 12, 1990.
- P 90-1958, 90-1959, December 15, 1990.
- P 90-1960, 90-1961, 90-1962, 90-1963, 90-1964, 90-1965, 90-1966, 90-1967, 90-1968, 90-1969, 90-1970, 90-1971, 90-1972, 90-1973, 90-1974, 90-1975, 90-1976, 90-1977, 90-1978, December 16, 1990.
- P 90-1979, 90-1980, 90-1981, December 17, 1990.
- P 90-1982, November 16, 1990.
- P 90-1983, December 17, 1990.
- P 90-1984, 90-1985, 90-1986, December 18, 1990.
- P 90-1987, December 19, 1990.
- P 90-1988, December 22, 1990.
- P 90-1989, December 23, 1990.
- P 90-1990, 90-1991, 90-1992, 90-1993, 90-1994, 90-1995, 90-1996, 90-1997, 90-1998, December 25, 1990.
- P 90-1999, 90-2000, 90-2001, 90-2002, 90-2003, December 26, 1990.

P 91-1, December 29, 1990.
 P 91-2, 91-3, 91-4, 91-5, 91-6, 91-7, 91-8, 91-9, 91-10, 91-11, 91-12, 91-13, 91-14, December 30, 1990.
 P 91-15, 91-16, 91-17, 91-18, December 31, 1990.
 P 91-19, 91-20, 91-21, 91-22, January 1, 1991.
 P 91-25, 91-26, 91-27, January 6, 1991.
 P 91-28, 91-29, 91-30, 91-32, 91-33, 91-34, 91-35, 91-36, 91-37, 91-38, 91-39, 91-40, January 7, 1991.
 P 91-41, 91-42, January 8, 1991.
 P 91-43, January 7, 1991.
 P 91-44, 91-45, January 8, 1991.
 P 91-46, January 7, 1991.
 P 91-47, 91-48, January 9, 1991.
 P 91-49, January 12, 1991.
 P 91-50, January 13, 1991.
 P 91-51, 91-52, 91-54, 91-55, 91-56, January 12, 1991.
 P 91-57, January 15, 1991.
 P 91-58, 91-59, 91-60, 91-61, 91-62, 91-63, 91-64, 91-65, 91-66, January 13, 1991.
 P 91-67, January 14, 1991.
 P 91-68, 91-69, 91-70, 91-71, 91-72, 91-73, 91-74, 91-75, 91-76, January 16, 1991.
 P 91-77, January 14, 1991.
 P 91-78, 91-79, 91-80, January 19, 1991.
 Written comments by:
 P 90-1425, August 2, 1990.
 P 90-1857, October 21, 1990.
 P 90-1939, November 10, 1990.
 P 90-1940, September 2, 1990.
 P 90-1941, 90-1942, 90-1943, 90-1944, 90-1945, 90-1946, 90-1947, 90-1948, 90-1949, 90-1950, 90-1951, 90-1952, 90-1953, 90-1954, November 11, 1990.
 P 90-1955, 90-1956, 90-1957, November 12, 1990.
 P 90-1958, 90-1959, November 15, 1990.
 P 90-1960, 90-1961, 90-1962, 90-1963, 90-1964, 90-1965, 90-1966, 90-1967, 90-1968, 90-1969, 90-1970, 90-1971, 90-1972, 90-1973, 90-1974, 90-1975, 90-1976, 90-1977, 90-1978, November 16, 1990.
 P 90-1979, 90-1980, 90-1981, November 17, 1990.
 P 90-1982, October 17, 1990.
 P 90-1983, November 17, 1990.
 P 90-1984, 90-1985, 90-1986, November 18, 1990.
 P 90-1987, November 19, 1990.
 P 90-1988, November 22, 1990.
 P 90-1989, November 23, 1990.
 P 90-1990, 90-1991, 90-1992, 90-1993, 90-1994, 90-1995, 90-1996, 90-1997, 90-1998, November 25, 1990.
 P 90-1999, 90-2000, 90-2001, 90-2002, 90-2003, November 26, 1990.
 P 91-1, November 29, 1990.
 P 91-2, 91-3, 91-4, 91-5, 91-6, 91-7, 91-8, 91-9, 91-10, 91-11, 91-12, 91-13, 91-14, November 30, 1990.

P 91-15, 91-16, 91-17, 91-18, December 1, 1990.
 P 91-19, 91-20, 91-21, 91-22, December 2, 1990.
 P 91-25, 91-26, 91-27, December 7, 1990.
 P 91-28, 91-29, 91-30, 91-32, 91-33, 91-34, 91-35, 91-36, 91-37, 91-38, 91-39, 91-40, December 8, 1990.
 P 91-41, 91-42, December 9, 1990.
 P 91-43, December 8, 1990.
 P 91-44, 91-45, December 9, 1990.
 P 91-46, December 8, 1990.
 P 91-47, 91-48, December 10, 1990.
 P 91-49, December 13, 1990.
 P 91-50, December 14, 1990.
 P 91-51, 91-52, 91-54, 91-55, 91-56, December 13, 1990.
 P 91-57, December 16, 1990.
 P 91-58, 91-59, 91-60, 91-61, 91-62, 91-63, 91-64, 91-65, 91-66, December 14, 1990.
 P 91-67, December 15, 1990.
 P 91-68, 91-69, 91-70, 91-71, 91-72, 91-73, 91-74, 91-75, 91-76, December 17, 1990.
 P 91-77, December 15, 1990.
 P 91-78, 91-79, 91-80, December 20, 1990.

ADDRESSES: Written comments, identified by the document control number 'OPTS-51755' and the specific PMN number should be sent to: Document Processing Center (TS-790), Office of Toxic Substances, Environmental Protection Agency, 401 M Street, SW., Room L-100, Washington, DC, 20460, (202) 382-3532.

FOR FURTHER INFORMATION CONTACT: Michael M. Stahl, Director, Environmental Assistance Division (TS-799), Office of Toxic Substances, Environmental Protection Agency, Room EB-44, 401 M Street, SW., Washington, DC 20460 (202) 554-1404, TDD (202) 554-0551.

SUPPLEMENTARY INFORMATION: The following notice contains information extracted from the nonconfidential version of the submission provided by the manufacturer on the PMNs received by EPA. The complete nonconfidential document is available in the Public Reading Room NE-G004 at the above address between 8 a.m. and noon, and 1 p.m. and 4 p.m., Monday through Friday, excluding legal holidays.

P 90-1425

Manufacturer. Confidential.
Chemical. (G) Acrylic polymer.
Use/Production. (S) Coatings. Prod. range: Confidential.

P 90-1857

Manufacturer. Confidential.
Chemical. (S) Substituted carboxylic acid ester.

Use/Production. (S) Intermediate.
Prod. range: Confidential.
Toxicity Data. Acute dermal toxicity: LD50 > 2 g/kg species (Rabbit).

P 90-1939

Importer. Confidential.
Chemical. (G) Modified styrene copolymer.
Use/Import. (G) Toner additive.
Import range: Confidential.
Toxicity Data. Eye irritation: none species (Rabbit). Skin irritation: negligible species (Rabbit).
Mutagenicity: negative.

P 90-1940

Manufacturer. Confidential.
Chemical. (G) Modified diphenylmethane diisocyanate.
Use/Production. (G) Adhesive. Prod. range: confidential.

P 90-1941

Manufacturer. Confidential.
Chemical. (G) Modified acrylic resin.
Use/Production. (G) Protection treatment for nylon fiber. Prod. range: Confidential.

P 90-1942

Manufacturer. Confidential.
Chemical. (G) Modified acrylic resin.
Use/Production. (G) Protective for treatment for nylon fiber. Prod. range: Confidential.

P 90-1943

Manufacturer. Confidential.
Chemical. (G) Modified acrylic resin.
Use/Production. (G) Protective treatment for nylon fiber. Prod. range: Confidential.

P 90-1944

Manufacturer. Confidential.
Chemical. (G) Modified acrylic resin.
Use/Production. (G) Protective treatment for nylon fiber. Prod. range: Confidential.

P 90-1945

Manufacturer. Confidential.
Chemical. (G) Modified acrylic resin.
Use/Production. (G) Protective treatment for nylon fiber. Prod. range: Confidential.

P 90-1946

Manufacturer. Confidential.
Chemical. (G) Modified acrylic resin.
Use/Production. (G) Protective treatment for nylon fiber. Prod. range: Confidential.

P 90-1947

Manufacturer. Confidential.
Chemical. (G) Modified acrylic resin.

Use/Production. (G) Protective treatment for nylon fiber. Prod. range: Confidential.

P 90-1948

Manufacturer. Confidential.
Chemical. (G) Modified acrylic resin.
Use/Production. (G) Protective treatment for nylon fiber. Prod. range: Confidential.

P 90-1949

Manufacturer. Confidential.
Chemical. (G) Modified acrylic resin.
Use/Production. (G) Protective treatment for nylon fiber. Prod. range: Confidential.

P 90-1950

Manufacturer. Confidential.
Chemical. (G) Modified acrylic resin.
Use/Production. (G) Protective treatment for nylon fiber. Prod. range: Confidential.

P 90-1951

Manufacturer. Confidential.
Chemical. (G) Modified acrylic resin.
Use/Production. (G) Protective treatment for nylon fiber. Prod. range: Confidential.

P 90-1952

Manufacturer. Confidential.
Chemical. (G) Modified acrylic resin.
Use/Production. (G) Protective treatment for nylon fiber. Prod. range: Confidential.

P 90-1953

Manufacturer. Confidential.
Chemical. (G) Bisphenol A, epichlorohydrin resin, reaction products with cyclic amines.
Use/Production. (G) Resin for coatings. Prod. range: Confidential.

P 90-1954

Importer. Confidential.
Chemical. (G) Blocked polyisocyanate of glycol-modified HDI trimer.
Use/Import. (G) Hardener for epoxy coating. Import range: Confidential.

P 90-1955

Manufacturer. Products Research & Chemical Corporation.
Chemical. (G) Organo silane phenolic resin adduct.
Use/Production. (S) Intermediate for sealant primer. Prod. range: 200 kg/yr.

P 90-1956

Manufacturer. Confidential.
Chemical. (G) Acrylic solution resin.
Use/Production. (S) Industrial baking finishing. Prod. range: Confidential.

P 90-1957

Manufacturer. Confidential.

Chemical. (G) Styrenated, acrylate, methacrylate polymer.

Use/Production. (G) Dispersively applied coating. Prod. range: 140,000 kg/yr.

P 90-1958

Manufacturer. Confidential.
Chemical. (S) Dicesium dodecahydrododecaborate (2-).
Use/Production. (G) Destructive use. Prod. range: Confidential.

P 90-1959

Manufacturer. Confidential.
Chemical. (S) Disodium dodecahydrododecaborate (2-).
Use/Production. (G) Destructive use. Prod. range: Confidential.

P 90-1960

Manufacturer. Confidential.
Chemical. (G) Anhydride copolymer-acrylate half ester.
Use/Production. (S) Electronic photoresist/electronic soldermask. Prod. range: Confidential.
Toxicity Data. Acute oral toxicity: LD50 5 g/kg species (Rat). Eye irritation: none species (Rabbit). Skin irritation: negligible species (Rabbit).

P 90-1961

Manufacturer. Confidential.
Chemical. (G) Methacrylated chain extended maleated polybutadiene.
Use/Production. (S) Graphic arts printing plate. Prod. range: Confidential.
Toxicity Data. Acute oral toxicity: LD50 5 g/kg species (Rat). Acute dermal toxicity: LD50 2 g/kg species (Rabbit). Eye irritation: none species (Rabbit). Skin irritation: negligible species (Rabbit).

P 90-1962

Manufacturer. Confidential.
Chemical. (G) Methacrylated chain extended maleated polybutadiene.
Use/Production. (S) Graphic arts printing plate. Prod. range: Confidential.
Toxicity Data. Acute oral toxicity: LD50 5 g/kg species (Rat). Acute dermal toxicity: LD50 2 g/kg species (Rabbit). Eye irritation: none species (Rabbit). Skin irritation: negligible species (Rabbit).

P 90-1963

Manufacturer. Confidential.
Chemical. (G) Methacrylated chain extended maleated polybutadiene.
Use/Production. (S) Graphic arts printing plate. Prod. range: Confidential.
Toxicity Data. Acute oral toxicity: LD50 5 g/kg species (Rat). Acute dermal toxicity: LD50 2 g/kg species (Rabbit). Eye irritation: none species (Rabbit). Skin irritation: negligible species (Rabbit).

P 90-1964

Manufacturer. Confidential.
Chemical. (G) Substituted polyolefin phenol.
Use/Production. (G) Open, nondispersive use. Prod. range: Confidential.

P 90-1965

Importer. Henkel Corporation, Functional Products.
Chemical. (G) Alkyl ester.
Use/Import. (S) Oil based drilling fluid. Import range: Confidential.
Toxicity Data. Acute oral toxicity: LD50 > 2,000 kg/yr species (Rat). Static acute toxicity: time LC50 > 10,000 ppm species (Brown Shrimp). Skin irritation: slight species (Rabbit). Mutagenicity: negative.

P 90-1966

Manufacturer. DowElanco.
Chemical. (G) Arylmagnesium chloride.
Use/Production. (G) Chemical intermediate. Prod. range: Confidential.

P 90-1967

Manufacturer. DowElanco.
Chemical. (G) Arylmagnesium salt.
Use/Production. (G) Chemical intermediate. Prod. range: Confidential.

P 90-1968

Manufacturer. DowElanco.
Chemical. (G) Phenyl alcohol.
Use/Production. (G) Chemical intermediate. Prod. range: Confidential.
Toxicity Data. Acute oral toxicity: LD50 > 0.5 ml/kg species (Rat). Acute dermal toxicity: LD50 > 1.0 ml/kg species (Rabbit). Eye irritation: strong species (Rabbit). Mutagenicity: negative. Skin irritation: moderate species (Rabbit).

P 90-1969

Manufacturer. DowElanco.
Chemical. (G) Substituted quinazolinone.
Use/Production. (G) Chemical intermediate. Prod. range: Confidential.
Toxicity Data. Acute oral toxicity: LD50 609 mg/kg species (Mouse). Acute dermal toxicity: LD50 > 1.0 g/kg species (Rabbit). Eye irritation: slight species (Rabbit). Skin irritation: slight species (Rabbit).

P 90-1970

Manufacturer. DowElanco.
Chemical. (G) Halogenated quinazoline.
Use/Production. (G) Chemical intermediate. Prod. range: Confidential.

P 90-1971

Manufacturer. DowElanco.

Chemical. (G) Halogenated quinazoline.

Use/Production. (G) Chemical intermediate. Prod. range: Confidential.

P 90-1972

Manufacturer. DowElanco.

Chemical. (G) Substituted quinazoline salt.

Use/Production. (S) Can lubricant. Prod. range: Confidential.

P 90-1973

Manufacturer. Mazer Chemicals.

Chemical. (G) Alkoxyated aliphatic alcohol, monostearate.

Use/Production. (S) Can lubricant. Prod. range: Confidential.

P 90-1974

Manufacturer. Confidential.

Chemical. (G) Acrylic copolymer.

Use/Production. (G) Paint. Prod. range: Confidential.

P 90-1975

Manufacturer. Confidential.

Chemical. (G) Acrylic copolymer.

Use/Production. (G) Paint. Prod. range: Confidential.

P 90-1976

Manufacturer. Confidential.

Chemical. (G) Acrylic polymer.

Use/Production. (G) Open, nondispersive use. Prod. range: Confidential.

P 90-1977

Manufacturer. Neste Resins Corporation.

Chemical. (S) Crosslinked phenol-formaldehyde polymer.

Use/Production. (S) Composite and panel adhesive. Prod. range: Confidential.

P 90-1978

Importer. Confidential.

Chemical. (G) Carboxylated styrene acrylate copolymer.

Use/Import. (G) Sizing. Import range: Confidential.

P 90-1979

Manufacturer. Minnesota Mining & Manufacturing (3M).

Chemical. (G) Acrylated polysiloxane.

Use/Production. (G) Polymeric coating. Prod. range: Confidential.

P 90-1980

Manufacturer. Minnesota Mining & Manufacturing (3M).

Chemical. (G) Acrylated polysiloxane.

Use/Production. (G) Polymeric coating. Prod. range: Confidential.

P 90-1981

Manufacturer. Minnesota Mining & Manufacturing (3M).

Chemical. (S) Polymer of ethyl acrylate, methyl methacrylate, & N-vinyl pyrrolidinone.

Use/Production. (G) Coating. Prod. range: Confidential.

P 90-1982

Manufacturer. Confidential.

Chemical. (G) Organic salt.

Use/Production. (G) Polymer intermediate. Prod. range: Confidential.

P 90-1983

Manufacturer. Confidential.

Chemical. (G) Copolyamide.

Use/Production. (G) Synthetic fibers. Prod. range: Confidential.

P 90-1984

Manufacturer. Confidential.

Chemical. (G) Fatty acid polyamine condensate, phosphate ester salt.

Use/Production. (G) Steel corrosion inhibitor. Prod. range: Confidential.

P 90-1985

Manufacturer. Confidential.

Chemical. (G) Fatty acid polyamine condensate, phosphoric acid ester salt.

Use/Production. (G) Steel corrosion inhibitor. Prod. range: Confidential.

P 90-1986

Manufacturer. Confidential.

Chemical. (G) Hydroxylamine derivative.

Use/Production. (G) Stabilizer of developing agent in a color paper developer. Prod. range: Confidential.

P 90-1987

Manufacturer. GE Plastics.

Chemical. (G) Substituted alkene-imide copolymer.

Use/Production. (G) Polymer for use in molding, extrusion or other methods to produce usable parts structure. Prod. range: 7,000-70,000 kg/yr.

P 90-1988

Manufacturer. Confidential.

Chemical. (G) Urethane acrylic dispersion in water.

Use/Production. (G) Coating component. Prod. range: 2,000-4,000 kg/yr.

P 90-1989

Manufacturer. Anchor Continental, Inc.

Chemical. (G) Biphenol glycidyl amino poly oxirane ether.

Use/Production. (S) Pressure-sensitive adhesive. Prod. range: 50,000-300,000 kg/yr.

Toxicity Data. Acute oral toxicity: LD50 11.4 g/kg species (Rat). Acute dermal toxicity: LD50 > 20 ml/kg species (Rabbit). Eye irritation: moderate species (Rabbit). Skin irritation: moderate species (Rabbit).

P 90-1990

Importer. Confidential.

Chemical. (G) Modified silane.

Use/Import. (S) Stabilizer for intermoplastics. Import range: 250-1,500 kg/yr.

P 90-1991

Manufacturer. Dow Chemical U.S.A.

Chemical. (G) Butylene oxide/ethylene oxide copolymer.

Use/Production. (S) Surfactant. Prod. range: Confidential.

Toxicity Data. Static acute toxicity: time LC50 48H155 ppm species (d. pulex).

P 90-1992

Manufacturer. Dow Chemical U.S.A.

Chemical. (G) Butylene oxide/ethylene oxide copolymer.

Use/Production. (S) Surfactant. Prod. range: Confidential.

Toxicity Data. Static acute toxicity: time LC50 48H155 ppm species (d. pulex).

P 90-1993

Manufacturer. Dow Chemical U.S.A.

Chemical. (G) Butylene oxide/ethylene oxide copolymer.

Use/Production. (S) Surfactant. Prod. range: Confidential.

Toxicity Data. Static acute toxicity: time LC50 48H155 ppm species (d. pulex).

P 90-1994

Manufacturer. Dow Chemical U.S.A.

Chemical. (G) Butylene oxide/ethylene oxide copolymer.

Use/Production. (S) Surfactant/lubricant. Prod. range: Confidential.

Toxicity Data. Acute oral toxicity: LD50 > 2,000 mg/kg species (Rat). Acute dermal toxicity: LD50 > 2,000 mg/kg species (Rabbit). Eye irritation: slight species (Rabbit). Skin irritation: negligible species (Rabbit).

P 90-1995

Manufacturer. Dow Chemical U.S.A.

Chemical. (G) Butylene oxide/ethylene oxide copolymer.

Use/Production. (S) Surfactant/lubricant. Prod. range: Confidential.

Toxicity Data. Acute oral toxicity: LD50 > 2,000 mg/kg species (Rat). Acute dermal toxicity: LD50 > 2,000 mg/kg species (Rabbit). Eye irritation: slight species (Rabbit). Skin irritation: negligible species (Rabbit).

P 90-1996

Manufacturer. Dow Chemical U.S.A.

Chemical. (G) Butylene oxide/ethylene oxide copolymer.

Use/Production. (S) Surfactant/lubricant. Prod. range: Confidential.

Toxicity Data. Acute oral toxicity: LD50 > 2,000 mg/kg species (Rat). Acute dermal toxicity: LD50 > 2,000 mg/kg species (Rabbit). Eye irritation: slight species (Rabbit). Skin irritation: negligible species (Rabbit).

P 90-1997

Manufacturer. Dow Chemical U.S.A.
Chemical. (G) Butylene oxide/ethylene oxide copolymer.

Use/Production. (S) Surfactant/lubricant. Prod. range: Confidential.

Toxicity Data. Acute oral toxicity: LD50 > 2,000 mg/kg species (Rat). Acute dermal toxicity: LD50 > 2,000 mg/kg species (Rabbit). Eye irritation: slight species (Rabbit). Skin irritation: negligible species (Rabbit).

P 90-1998

Manufacturer. Dow Chemical U.S.A.
Chemical. (G) Butylene oxide/ethylene oxide copolymer.

Use/Production. (S) Surfactant/lubricant. Prod. range: Confidential.

Toxicity Data. Acute oral toxicity: LD50 > 2,000 mg/kg species (Rat). Acute dermal toxicity: LD50 > 2,000 mg/kg species (Rabbit). Eye irritation: slight species (Rabbit). Skin irritation: negligible species (Rabbit).

P 90-1999

Manufacturer. Confidential.
Chemical. (G) Carboxylated acrylic copolymer.

Use/Production. (G) Pressure sensitive adhesive. Prod. range: Confidential.

P 90-2000

Manufacturer. Sloss Industries Corporation.

Chemical. (S) 4,4'-Methylene bis-(2,6-dimethylaniline).

Use/Production. (S) A reaction in the manufacture of epoxy resin. Prod. range: 500,000 kg/yr.

P 90-2001

Manufacturer. EMS-American Grilon, Inc.

Chemical. (S) Copolyamide of caprolactum (A), adipic acid (B), sebaic acid (D), and hexamethylenediamine.

Use/Production. (S) Adhesive for apparel/textile application. Prod. range: Confidential.

P 90-2002

Importer. Confidential.

Chemical. (G) Dimethylpolysiloxane, modified with acryl functional polyester urethane.

Use/Import. (G) Paint and plastic additive. Import range: Confidential.

Toxicity Data. Acute oral toxicity: LD50 > 6000 mg/kg species (Rat). Eye

irritation: none species (Rabbit). Skin irritation: negligible species (Rabbit).

P 90-2003

Manufacturer. Minnesota Mining & Manufacturing Co., (3M).

Chemical. (G) Substituted perfluoroalkylsulfonamide.

Use/Production. (G) Isolated intermediate. Prod. range: Confidential.

Toxicity Data. Acute oral toxicity: LD50 > 5 g/kg species (Rat). Eye irritation: none species (Rabbit). Skin irritation: negligible species (Rabbit).

P 91-1

Manufacturer. Estron Chemical, Inc.

Chemical. (G) Acrylic resin.

Use/Production. (S) Thermosetting polymer for powder coating. Prod. range: Confidential.

P 91-2

Manufacturer. Avery Chemical Division.

Chemical. (G) Nonvolatile acrylate copolymer.

Use/Production. (S) Pressure sensitive adhesive. Prod. range: Confidential.

P 91-3

Manufacturer. Lonza Inc.

Chemical. (G) Fatty acids, mixed esters with polyglycerol.

Use/Production. (G) Polymer additive. Prod. range: Confidential.

P 91-4

Manufacturer. Hitachi Chemical Company America, Ltd.

Chemical. (G) Brominated epoxy resin oligomer.

Use/Production. (S) Flame retardant for thermoplastic resin. Prod. range: 20,000-600,000 kg/yr.

Toxicity Data. Mutagenicity: negative.

P 91-5

Importer. Confidential.

Chemical. (G) Alkylated diphenyl ether.

Use/Import. (G) Oil. Import range: Confidential.

Toxicity Data. Acute oral toxicity: LD50 > 20 ml/kg. Skin irritation: slight species (Rabbit).

P 91-6

Importer. Confidential.

Chemical. (G) Alkylated diphenyl ether.

Use/Import. (G) Oil. Import range: Confidential.

Toxicity Data. Acute oral toxicity: LD50 > 20 ml/kg species (Rat). Eye irritation: slight species (Rabbit).

P 91-7

Importer. Confidential.

Chemical. (G) Alkylated diphenyl ether.

Use/Import. (G) Oil. Import range: Confidential.

Toxicity Data. Acute oral toxicity: LD50 > 20 ml/kg species (Rat). Skin irritation: slight species (Rabbit).

P 91-8

Importer. Confidential.

Chemical. (G) Alkylated diphenyl ether.

Use/Import. (G) Oil. Import range: Confidential.

Toxicity Data. Skin irritation: slight species (Rabbit).

P 91-9

Importer. Confidential.

Chemical. (G) Alkylated diphenyl ether.

Use/Import. (G) Oil. Import range: Confidential.

Toxicity Data. Acute oral toxicity: LD50 > 20 ml/kg species (Rat). Skin irritation: slight species (Rabbit).

P 91-10

Importer. Confidential.

Chemical. (G) Partially crosslinked saturated polyether with nucleolar numbers average molecular weight.

Use/Import. (G) Coating. Import range: Confidential.

P 91-11

Importer. Confidential.

Chemical. (G) Urethane acrylate.

Use/Import. (G) Coating. Import range: Confidential.

P 91-12

Manufacturer. Engelhard Corporation.

Chemical. (G) Alkali or alkaline earth containing hydrous titanium aluminosilicate molecular sieve.

Use/Production. (S) Removal of lead from potable and waste water. Prod. range: Confidential.

Toxicity Data. Static acute toxicity: time LC50 48H > 500 mg/l species (idus melanotos).

P 91-13

Manufacturer. Confidential.

Chemical. (G) Isophorone diisocyanate; (dipropyl glycol); (adipic acid); (phthalic anhydride); 2-hydroxyethyl acrylate; (diethylene glycol).

Use/Production. (S) Polymer for paper coating. Prod. range: 8,800-1,700 kg/yr.

P 91-14

Importer. Ausimont USA, Inc.

Chemical. (G) Hexafluoropropene, oxidized, polymerized.

Use/Import. (S) Heat transfer fluid. Import range: Confidential.

P 91-15

Manufacturer. Confidential.

Chemical. (S) Phosphinic acid, phenyl-, compound with 1,6, hexanediamine (2:1).

Use/Production. (S) Nylon polymer additive. Prod. range: Confidential.

P 91-16

Importer. Confidential.

Chemical. (G) Polyurethane.

Use/Import. (S) Optical brightener for photographic paper. Import range: 3,500-4,500 kg/yr.

Toxicity Data. Acute oral toxicity: LD50 > 2,500 mg/kg species (Rat). Eye irritation: none species (Rabbit). Skin irritation: negligible species (Rabbit).

P 91-17

Manufacturer. Confidential.

Chemical. (G) Crosslinked polymer.

Use/Production. (S) Adhesives and sealants. Prod. range: Confidential.

P 91-18

Manufacturer. Confidential.

Chemical. (G) Crosslinked polymer.

Use/Production. (S) Adhesives and sealants. Prod. range: Confidential.

P 91-19

Manufacturer. Confidential.

Chemical. (G) Crosslinked polymer.

Use/Production. (S) Adhesives and sealants. Prod. range: Confidential.

P 91-20

Manufacturer. Confidential.

Chemical. (G) Crosslinked polymer.

Use/Production. (S) Adhesives and sealants. Prod. range: Confidential.

P 91-21

Manufacturer. Confidential.

Chemical. (G) Crosslinked polymer.

Use/Production. (S) Adhesives and sealants. Prod. range: Confidential.

P 91-22

Manufacturer. Confidential.

Chemical. (G) Crosslinked polymer.

Use/Production. (S) Adhesives and sealants. Prod. range: Confidential.

P 91-25

Manufacturer. Confidential.

Chemical. (G) Blocked polyisocyanate.

Use/Production. (S) Fiber reactive dye for cellulose and nylon. Prod. range: 2,500-7,500 kg/yr.

P 91-26

Manufacturer. Confidential.

Chemical. (G) Reaction product of formic acid, substituted anilines, sodium carbonate, aniline, and sulfur.

Use/Production. (S) Site-limited intermediate for use in manufacture of leuco sulfur. Prod. range: Confidential.

P 91-27

Manufacturer. Confidential.

Chemical. (G) Epoxy curing agent.

Use/Production. (G) Crosslinker. Prod. range: Confidential.

P 91-28

Importer. Hoechst Celanese Corporation.

Chemical. (G) Modified acrylate.

Use/Import. (S) Binder for prints. Import range: 2,500-10,000 kg/yr.

P 91-29

Manufacturer. Hoechst Celanese Corporation.

Chemical. (G) Disubstituted naphthalene carboxylic acid.

Use/Production. (S) Fiber reactive dye for cellulose and nylon. Prod. range: 2,500-7,500 kg/yr.

P 91-30

Manufacturer. Hoechst Celanese Corporation.

Chemical. (G) Disubstituted naphthalene carboxylic acid salt.

Use/Production. (S) Fiber reactive dye for cellulose and nylon. Prod. range: 2,500-7,500 kg/yr.

P 91-32

Manufacturer. Confidential.

Chemical. (G) A polymer of acrylic acid esters, methacrylic acid esters, acrylic acid and another vinyl monomer, sodium salt.

Use/Production. (G) Textile resin size. Prod. range: Confidential.

P 91-33

Manufacturer. E.I. DuPont de Nemours & Co., Inc.

Chemical. (G) Hydroxy functional acrylic.

Use/Production. (G) Highly dispersive use. Prod. range: Confidential.

P 91-34

Manufacturer. Confidential.

Chemical. (G) Starch, 2-(Bis(substituted methyl amino)ethyl ether, sodium salt 2-hydroxy-3-trimethylammoniopropyl ether, chloride.

Use/Production. (G) Binder and wet end retentive aid for paper. Prod. range: Confidential.

Toxicity Data. Static acute toxicity: time LC50 > 1,000 mg/l species (Fathead Minnow). Eye irritation: none species (Rabbit).

P 91-35

Manufacturer. Confidential.

Chemical. (G) Starch, 2-(bis(substituted methyl amino)ethyl ether sodium salt 2-hydroxy-3-trimethylammoniopropyl ester, chloride.

Use/Production. (G) Binder and wet end retentive aid for paper. Prod. range: Confidential.

Toxicity Data. Static acute toxicity: time LC50 > 1,000 mg/l species (Fathead Minnow). Eye irritation: none species (Rabbit).

P 91-36

Manufacturer. Hoechst Celanese Corporation.

Chemical. (G) Aromatic substituted pyrazalone.

Use/Production. (S) Site-limited intermediate. Prod. range: 50,000 kg/yr.

P 91-37

Importer. Ciba-Geigy Corp.

Chemical. (G) Aliphatic polycarboxylic acid.

Use/Import. (S) Matting agent in powder coatings. Import range: Confidential.

Toxicity Data. Acute oral toxicity: LD50 > 2,000mg/kg species (Rat). Eye irritation: none species (Rabbit). Skin irritation: slight species (Rabbit).

P 91-38

Importer. Polyaryl, Inc.

Chemical. (G) Polymethacrylate copolymer.

Use/Import. (S) Emulsion paints/adhesives. Import range: Confidential.

P 91-39

Manufacturer. Confidential.

Chemical. (G) Superglycerinated mono glycerides.

Use/Production. (S) Chemical intermediate emulsify agent. Prod. range: 5,000-15,000 kg/yr.

P 91-40

Manufacturer. Confidential.

Chemical. (G) Hydrogenated (high or low erucic) rape oil.

Use/Production. (S) Raw material for commercial intermediate and lubricant additives. Prod. range: 5,000-15,000 kg/yr.

P 91-41

Manufacturer. Confidential.

Chemical. (G) Substituted acetophenone.

Use/Production. (G) Site limited chemical intermediate. Prod. range: Confidential.

P 91-42

Manufacturer. Confidential.

Chemical. (G) Phenyl substituted pyridine.

Use/Production. (G) Minor component in paper coating. Prod. range: Confidential.

P 91-43

Importer. 3M.

Chemical. (G) Aromatic amine.

Use/Import. (G) Adhesive. Import range: Confidential.

Toxicity Data. Acute oral toxicity: LD50 > 5.0 g/kg species (Rat). Eye irritation: none species (Rabbit). Skin irritation: negligible species (Rabbit). Mutagenicity: negative.

P 91-44

Importer. Ciba-Geigy Corporation.

Chemical. (G) Monoazo diammonium salt.

Use/Import. (G) Open, nondispersive. Import range: Confidential.

Toxicity Data. Acute oral toxicity: LD50 > 2,000 mg/kg species (Rat). Eye irritation: slight species (Rabbit). Skin irritation: slight species (Rabbit). Mutagenicity: negative.

P 91-45

Importer. Ciba-Geigy Corporation.

Chemical. (S) 3-Amino-2-chlorophenol.

Use/Import. (S) Chemical intermediate. Import range: Confidential.

Toxicity Data. Acute oral toxicity: LD50 > 2,000 mg/kg species (Rat). Acute dermal toxicity: LD50 > 2,000 mg/kg species (Rabbit). Inhalation toxicity: LC50 > 2,800 mg/m³ species (Rat). Static acute toxicity: time LC50 25 mg/l species (Rainbow Trout). Eye irritation: none species (Rabbit). Skin irritation: negligible species (Rabbit). Mutagenicity: positive. Skin sensitization: positive.

P 91-46

Manufacturer. Kenrich Petrochemical, Inc.

Chemical. (S) Zirconium IV tetrakis 2,2-(bis-2-propenolatomethyl)butanalato, adduct with 2 moles of ditridecyl, hydrogen phosphate.

Use/Production. (S) Process aid/bonding agent. Prod. range: Confidential.

Toxicity Data. Acute oral toxicity: LD50 > 5 g/kg species (Rat). Mutagenicity: negative.

P 91-47

Manufacturer. Hach Company.

Chemical. (G) DPD salt, i.e., salt of N,N-diethyl-P-phenylenedia mine.

Use/Production. (S) Included in powder and liquid formulation to be used as analytical reagents for determination of halogens in water. Prod. range: Confidential.

P 91-48

Importer. Reichhold Chemicals, Inc.

Chemical. (G) Fluroolefin copolymer.

Use/Import. (S) Resin for exterior coatings. Import range: Confidential.

P 91-49

Manufacturer. Confidential.

Chemical. (G) Fatty acids, reaction products with a polyethylenepolyamino.

Use/Production. (G) Epoxy terminated polymer of polyether amine and bisphenol A. Prod. range: 1,000 kg/yr.

P 91-50

Manufacturer. Dexter Adhesives and Structural Div.

Chemical. (G) Epoxy terminated polymer of polyetheramine and bisphenol A.

Use/Production. (G) Epoxy terminated polymer of polyether amine and bisphenol A. Prod. range: 1,000 kg/yr.

P 91-51

Manufacturer. Confidential.

Chemical. (G) Substituted alkanolamine.

Use/Production. (G) Destructive use. Prod. range: Confidential.

P 91-52

Manufacturer. Confidential.

Chemical. (G) Polyolefin amino ester salt.

Use/Production. (G) Destructive use. Prod. range: Confidential.

P 91-54

Importer. Nof America Corporation.

Chemical. (G) Acryl acrylate.

Use/Import. (G) Open, nondispersive use (solid). Import range: Confidential.

P 91-55

Manufacturer. Confidential.

Chemical. (G) Butylated amide.

Use/Production. (G) Chemical intermediate. Prod. range: Confidential.

P 91-56

Manufacturer. Dow Chemical U.S.A.

Chemical. (G) Ethylene oxide-butylene oxide copolymer.

Use/Production. (S) Surfactant for cleaners, lubricant, and surfactant in manmade fibers finishes. Prod. range: Confidential.

P 91-57

Manufacturer. Dow Chemical U.S.A.

Chemical. (G) Ethylene oxide-butylene oxide copolymer.

Use/Production. (S) Surfactant for cleaners, lubricant, and surfactant in manmade fibers finishes. Prod. range: Confidential.

P 91-58

Manufacturer. Dow Chemical U.S.A.

Chemical. (G) Ethylene oxide-butylene oxide copolymer.

Use/Production. (S) Surfactant for cleaners, lubricant, and surfactant in manmade fibers finishes. Prod. range: Confidential.

P 91-59

Manufacturer. Dow Chemical U.S.A.

Chemical. (G) Ethylene oxide-butylene oxide copolymer.

Use/Production. (S) Surfactant for cleaners lubricant and surfactant in manmade fibers finishes. Prod. range: Confidential.

P 91-60

Manufacturer. Dow Chemical U.S.A.

Chemical. (G) Ethylene oxide-propylene oxide-butyleneoxide copolymer.

Use/Production. (S) Surfactant for cleaners lubricant and surfactant in manmade fiber finishes. Prod. range: Confidential.

P 91-61

Manufacturer. Dow Chemical U.S.A.

Chemical. (G) Ethylene oxide-propylene oxide-butylene oxide copolymer.

Use/Production. (S) Surfactant for cleaners lubricant and surfactant in manmade fiber finishes. Prod. range: Confidential.

P 91-62

Manufacturer. Dow Chemical U.S.A.

Chemical. (G) Ethylene oxide-propylene oxide-butylene oxide copolymer.

Use/Production. (S) Surfactant for cleaners lubricant and surfactant in manmade fiber finishes. Prod. range: Confidential.

P 91-63

Manufacturer. Dow Chemical U.S.A.

Chemical. (G) Ethylene oxide-propylene oxide-butylene oxide copolymer.

Use/Production. (S) Surfactant for cleaners lubricant and surfactant in manmade fiber finishes. Prod. range: Confidential.

P 91-64

Manufacturer. Confidential.

Chemical. (G) N-[(2-Chloroethyl)iminobis (methylene)bis substituted acid).

Use/Production. (S) Surfactant for cleaners lubricant and surfactant in manmade fiber finishes. Prod. range: Confidential.

P 91-65

Manufacturer. GE Specilty Chemicals.

Chemical. (S) 3,9-bis(2,4,6-tri-t-butylphenoxy)-2,4,8,10-tetroxa-3,9-diphosphaspiro(5.5)undecane.

Use/Production. (S) Antioxidant/stabilizer in polymer. Prod. range: Confidential.

P 91-66

Manufacturer. Ranbar Technology Inc.

Chemical. (G) Vinyl toluenated high solids alkyd resin.

Use/Production. (S) Component of a coating to be applied to various articles of commerce. Prod. range: 255,000–500,000 kg/yr.

P 91-67

Manufacturer. Confidential.

Chemical. (G) Methylenediisocyanate polyester prepolymer.

Use/Production. (S) Adhesive. Prod. range: Confidential.

P 91-68

Manufacturer. Confidential.

Chemical. (S) Fatty acids, C18-unsaturated, dimers, hydrogenated, methyl esters.

Use/Production. (S) Lubricant in foaming aluminum cans. Prod. range: Confidential.

P 91-69

Manufacturer. Confidential.

Chemical. (G) Alkyl substituted pheno.

Use/Production. (G) Open, nondispersive. Prod. range: Confidential.

Toxicity Data. Acute oral toxicity: LD50 > 5,000 mg/kg species (Rat). Acute dermal toxicity: LD50 > 2,000 mg/kg species (Rabbit). Skin irritation: negligible species (Rabbit). Static acute toxicity: time LC50 > 1.0 mg/l species (Bluegill). Mutagenicity: negative. Skin sensitization: negative species (Guinea Pig).

P 91-70

Manufacturer. Confidential.

Chemical. (G) 4-Methyl benzene sulfonic acid, salt with substituted alkyl amine.

Use/Production. (G) Paint additive. Prod. range: Confidential.

Toxicity Data. Acute oral toxicity: LD50 4,500 mg/kg species (Rat). Eye irritation: none species (Rabbit). Skin irritation: negligible species (Rabbit).

P 91-71

Manufacturer. Bedoukian Research, Inc.

Chemical. (S) 13-Octadecen-1-ol, acetate, (z)-.

Use/Production. (S) Sole active ingredient in traps to achieve pest control and sole active in monitoring traps. Prod. range: Confidential.

P 91-72

Manufacturer. Confidential.

Chemical. (G) Silane treated silica.

Use/Production. (G) A reinforcing filler for polyurethanes. Prod. range: Confidential.

P 91-73

Manufacturer. Confidential.

Chemical. (S) Carboxylic acid, C7-C9 branched.

Use/Production. (G) Reactant. Prod. range: Confidential.

Toxicity Data. Acute oral toxicity: LD50 > 2 g/kg species (Rat). Acute dermal toxicity: LD50 > 3.16 g/kg species (Rabbit). Static acute toxicity: time LC50 48H > 3,000 mg/m3 species (Daphnia).

P 91-74

Manufacturer. Confidential.

Chemical. (G) Propenoate-terminated alkyl substituted silyl ester.

Use/Production. (G) A site-limited chemical intermediate for descriptive use. Prod. range: Confidential.

P 91-75

Manufacturer. Confidential.

Chemical. (G) Cyclic amine modified urethane.

Use/Production. (G) Coating with dispersive use. Prod. range: 250,000–300,000 kg/yr.

P 91-76

Importer. Kennedy & Klim Inc.

Chemical. (S) 1,1-Dimethyl-1-(2-hydroxypropyl)amine methacrylimide.

Use/Import. (S) Adhesive monomer. Import range: 5,000–10,000 kg/yr.

P 91-77

Manufacturer. Kenrich Petrochemicals, Inc.

Chemical. (S) Zirconium IV 2,2(bis-2-propenolatomethyl) butanolato, tris 2-methyl-2-propenoato-O.

Use/Production. (S) Process aid/bonding aid. Prod. range: 5,000–25,000 kg/yr.

P 91-78

Manufacturer. Monsanto Company.

Chemical. (G) Mixed alkyl and oxyalkyl ester of styrene-maleic anhydride copolymer.

Use/Production. (G) Photoresistant binder. Prod. range: Confidential.

P 91-79

Manufacturer. Confidential.

Chemical. (G) Fatty acids, C18-unsaturated, dimers, polymers with ethylenediamine, diamines, a dicarboxylic acid and a monocarboxylic acid.

Use/Production. (S) Hot melt adhesive. Prod. range: Confidential.

P 91-80

Manufacturer. Confidential.

Chemical. (S) Poly(2,5 dicumyl 4 nonyl phenol).

Use/Production. (S) Epoxy diluent resin antioxidant. Prod. range: 60,000–150,000 kg/yr.

Dated: November 21, 1990.

Steven Newburg-Rinn,

Acting Director, Information Management Division, Office of Toxic Substances.

[FR Doc. 90-28024, Filed 11-28-90; 8:45 am]

BILLING CODE 6560-50-F

FEDERAL COMMUNICATIONS COMMISSION

Public Information Collection Requirement Submitted to Office of Management and Budget for Review

November 23, 1990.

The Federal Communications Commission has submitted the following information collection requirement to the Office of Management and Budget for review and clearance under the Paperwork Reduction Act, as amended (44 U.S.C. 3501-3520).

Copies of the submission may be purchased from the Commission's copy contractor, International Transcription Service, (202) 857-3800, 2100 M Street NW., suite 140, Washington, DC 20037. Persons wishing to comment on this information collection should contact Jonas Neihardt, Office of Management and Budget, room 3235 NEOB, Washington, DC 20503, (202) 395-3785. Copies of these comments should also be sent to the Commission. For further information contact Judy Boley, Federal Communications Commission, (202) 632-7513.

OMB Number: 3060-0018.

Title: Application for Renewal of License for FM Translator, TV Translator or Low Power Television Broadcast Station.

Form Number: FCC Form 348.

Action: Revision.

Respondents: State or local governments and businesses (including small businesses).

Frequency of Response: Every 5 years for TV; every 7 years for FM.

Estimated Annual Burden: 953 responses; 642 hours total annual burden; 0.67 hours average burden per response.

Needs and Uses: FCC Form 348 is required to be filed for renewal of station licenses for TV and FM translators and low power television broadcast stations. The data is used by FCC staff to assure that necessary forms connected with renewal applications have been filed and that licensee continues to meet basic statutory requirements to remain a licensee.

Federal Communications Commission.

Donna R. Searcy,

Secretary.

[FR Doc. 90-28060 Filed 11-28-90; 8:45 am]

BILLING CODE 6712-01-M

Public Information Collection Requirement Submitted to Office of Management and Budget for Review

November 21, 1990.

The Federal Communications Commission has submitted the following information collection requirement to OMB for review and clearance under the Paperwork Reduction Act of 1980 (44 U.S.C. 3507).

Copies of this submission may be purchased from the Commission's copy contractor, International Transcription Service, (202) 857-3800, 2100 M Street NW., suite 140, Washington, DC 20037. For further information on this submission contact Judy Boley, Federal Communications Commission, (202) 632-7513. Persons wishing to comment on this information collection should contact Jonas Neihardt, Office of Management and Budget, room 3235 NEOB, Washington, DC 20503, (202) 395-3785.

OMB Number: 3060-0397.

Title: Section 15.7(a), Special Temporary Authority.

Action: Extension.

Respondents: Businesses or other for-profit (including small businesses).

Frequency of Response: Recordkeeping requirement.

Estimated Annual Burden: 2 responses; 6 hours average burden per response; 12 hours total annual burden.

Needs and Uses: For exceptional situations, the Commission will consider an individual application for a special temporary authorization to operate a device not conforming to the provisions of part 15 of the Rules. Consideration will be given to an applicant who can demonstrate that the proposed operation would be in the public interest, that it is for a unique type of station or for a type of operation which is incapable of being established as a regular service, and that the proposed operation cannot feasibly be conducted under the part 15 rules.

Federal Communications Commission.

Donna R. Searcy,

Secretary.

[FR Doc. 90-28061 Filed 11-28-90; 8:45 am]

BILLING CODE 6712-01-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

Fee Charge System for Flood Maps

AGENCY: Federal Emergency Management Agency.

ACTION: Notice of intent.

SUMMARY: This notice of intent advises that the Federal Insurance Administration intends to make more inclusive the entities who will be charged a fee for flood maps distributed beginning October 1, 1992. This is a continuing effort contributing toward making the National Flood Insurance Program self-supporting while helping into reduce the Federal budget deficit.

DATES: Comments must be received on or before February 1, 1991.

ADDRESSES: Rules Docket Clerk, Office of General Counsel, Federal Emergency Management Agency, Washington, DC 20472.

FOR FURTHER INFORMATION CONTACT: John Matticks, Telephone (202) 646-2767.

SUPPLEMENTARY INFORMATION: The National Flood Insurance Program was enacted in 1968 making flood insurance available to participating communities nationwide. Flood maps delineating flood hazard areas have been prepared for individual flood-prone communities by the Federal Insurance Administration. These maps are used by Federal, State and local governments and the private sector. Private sector users consist primarily of insurance agents, lenders, appraisers, real estate agents, engineers, builders, developers and individuals.

Since April 1, 1988, the Federal Insurance Administration has charged a fee to those organizations and individuals not directly involved with implementation of the National Flood Insurance Program. Under that arrangement, all entities except Federal, State and local governments, lending institutions, insurance agents, insurance brokers, and Write-Your-Own companies, were charged for the maps. The monies collected from map fees were deposited into the National Flood Insurance Fund which was the source of funding supporting the flood map distribution operation.

The purpose of this notice is to inform map users that the Federal Insurance Administration will begin charging more entities including lenders and insurance entities, and exempting only Federal Agencies, Federal Instrumentalities, and State and local governments. This latest decision charge lenders and insurance entities was prompted by the 101st Congress in its recent deliberations to

develop a budget plan that reduces the Federal budget deficit.

The fee structure that is currently in effect will continue to be used. The fee reiterated is \$5.00 per map order up to and including 10 panels and \$0.60 for each additional map panel over 10 panels. This fee includes printing, distribution and postage costs.

The fee payments will continue to be required in advance of shipments. The pay mechanisms are cash account, prepayment by check or money order or use of Visa or Master Card credit card.

Anyone who has an interest in this notice should provide their comments in accordance with the date and address listed above.

Issued: November 20, 1990.

C.M. "Bud" Schauerte,

Administrator, Federal Insurance Administration.

[FR Doc. 90-28013 Filed 11-28-90; 8:45 am]

BILLING CODE 6718-03-M

FEDERAL RESERVE SYSTEM

Citizens Financial Acquisition Corp., et al.; Formations of Acquisitions by and Mergers of Bank Holding Companies

The companies listed in this notice have applied for the Board's approval under section 3 of the Bank Holding Company Act (12 U.S.C. 1842) and § 225.14 of the Board's Regulation Y (12 CFR 225.14) to become a bank holding company or to acquire a bank or bank holding company. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank or to the offices of the Board of Governors. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are dispute and summarizing the evidence that would be presented at a hearing.

Unless otherwise noted, comments regarding each of these applications must be received not later than December 19, 1990.

A. Federal Reserve Bank of Atlanta (Robert E. Heck, Vice President), 104 Marietta Street, NW., Atlanta, Georgia 30303:

1. *Citizens Financial Acquisition Corporation*, Greensboro, Georgia; to become a bank holding company by acquiring 100 percent of the voting shares of Citizens Union Bank, Greensboro, Georgia.

B. Federal Reserve Bank of Chicago (David S. Epstein, Vice President), 230 South LaSalle Street, Chicago, Illinois 60690:

1. *Liberty Bancorporation*, Durant, Iowa; to acquire 100 percent of the voting shares of Bennett Bancshares, Inc., Bennett, Iowa, and thereby indirectly acquire Bennett State Bank, Bennett, Iowa.

2. *Southwestern Wisconsin Bancshares, Inc.*, Highland, Wisconsin; to become a bank holding company by acquiring 100 percent of the voting shares of Highland State Bank, Highland, Wisconsin.

C. Federal Reserve Bank of Minneapolis (James M. Lyon, Vice President), 250 Marquette Avenue, Minneapolis, Minnesota 55480:

1. *RCB Holding Co.*, Roseville, Minnesota; to become a bank holding company by acquiring at least 92.90 percent of the voting shares of Roseville Community Bank, N.A., Roseville, Minnesota.

2. *Rice Lake Bancorp, Inc.*, Rice Lake, Wisconsin; to merge with Prairie Farm Bank Shares, Inc., Prairie, Wisconsin, and thereby indirectly acquire First State Bank of Prairie Farm, Prairie, Wisconsin.

Board of Governors of the Federal Reserve System, November 23, 1990.

Jennifer J. Johnson,
Associate Secretary of the Board.

[FR Doc. 90-27992 Filed 11-28-90; 8:45 am]

BILLING CODE 6210-01-M

The First National Bankshares, Inc., Application To Engage de Novo in Permissible Nonbanking Activities

The company listed in this notice has filed an application under § 225.23(a)(1) of the Board's Regulation Y (12 CFR 225.23(a)(1)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) to commence or to engage *de novo*, either directly or through a subsidiary, in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies. Unless otherwise noted, such activities will be conducted throughout the United States.

The application is available for immediate inspection at the Federal Reserve Bank indicated. Once the

application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of 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.

Comments regarding the application must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than December 19, 1990.

A. Federal Reserve Bank of Dallas (W. Arthur Tribble, Vice President), 400 South Akard Street, Dallas, Texas 75222:

1. *The First National Bankshares, Inc.*, Tucumcari, New Mexico; to engage *de novo* through its subsidiary, First Security Trust Company, Tucumcari, New Mexico, in the activities of a trust company of a fiduciary, agency, or custodial nature pursuant to § 225.25(b)(3) of the Board's Regulation Y.

Board of Governors of the Federal Reserve System, November 23, 1990.

Jennifer J. Johnson,
Associate Secretary of the Board.

[FR Doc. 90-27993 Filed 11-28-90; 8:45 am]

BILLING CODE 6210-01-M

The Sanwa Bank, Ltd, Osaka, Japan; Application To Engage de Novo in Leasing Activities

The Sanwa Bank, Limited, Osaka, Japan ("Sanwa"), has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) ("BHC Act") and § 225.23(a)(3) of the Board's Regulation Y (12 CFR 225.23(a)(3)), for permission to engage *de novo*, directly or indirectly, through its existing subsidiary, Sanwa Business Credit Corporation, Chicago, Illinois ("SBCC"), in certain leasing activities involving the leasing of personal property, and/or acting as agent, broker, or advisor in leasing such property, pursuant to the Board's Regulation Y (12

CFR 225.25(b)(5)). These activities will be conducted throughout the United States and in foreign countries.

In this application, Sanwa proposes to expand its leasing activities to include leasing transactions that comply with all of the conditions of Regulation Y except as set out below. Sanwa is requesting the Board's prior approval to engage in leasing transactions the terms of which will allow SBCC to rely for its compensation on the estimated residual value of the property at the expiration of the initial term of the lease up to 100 percent of the acquisition cost of the property ("higher residual value leasing"). Sanwa has stated that it will limit such leases with estimated residual values in excess of 25 percent of acquisition cost to no more than 10 percent of Sanwa's total worldwide consolidated assets. Sanwa will also limit leases with estimated residual values in excess of 70 percent of acquisition cost to no more than the lesser of (i) 0.5 percent of Sanwa's total worldwide consolidated assets, or (ii) 10 percent of Sanwa's total consolidated shareholders' equity. Regulation Y currently limits residual value reliance to no more than 20 percent of the acquisition cost of the property to the lessor. 12 CFR 225.25(b)(5)(iv)(C).

Sanwa has committed to conform SBCC's leasing activities to any future Board rulemaking regarding leasing.

Section 4(c)(8) of the BHC Act provides that a bank holding company may engage in any activity which the Board has determined to be "so closely related to banking or managing or controlling banks as to be a proper incident thereto." The Board has previously determined that higher residual value leasing is closely related to banking for purposes of section 4(c)(8).

In determining whether an activity meets the second, or proper incident to banking test of section 4(c)(8), the Board must consider whether the performance of the activity by an affiliate of a holding company "can reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices."

Sanwa contends that SBCC's conduct of the proposed activities will result in significant public benefits that will outweigh possible adverse effects. Sanwa states that such public benefits will take the form of increased

competition in the leasing industry and improved services to leasing customers.

Any request for a hearing on this application must comply with § 262.3(e) of the Board's Rules of Procedure (12 CFR 262.3(e)).

The application may be inspected at the offices of the Board of Governors or the Federal Reserve Bank of San Francisco.

Any comments or requests for hearing should be submitted in writing and received by William W. Wiles, Secretary, Board of Governors of the Federal Reserve System, Washington, DC 20551, not later than December 28, 1990.

Board of Governors of the Federal Reserve System, November 23, 1990.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 90-27994 Filed 11-28-90; 8:45 am]

BILLING CODE 6210-01-M

Swea City Bancorporation, 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 19, 1990.

A. Federal Reserve Bank of Chicago (David S. Epstein, Vice President), 230 South LaSalle Street, Chicago, Illinois 60690:

1. *Swea City Bancorporation, Inc.*, Swea City, Iowa; to acquire Tietie Insurance Services, Inc., Armstrong, Iowa, and the insurance agencies of Swea City State Bank, Swea City, Iowa, and thereby engage in general insurance activities pursuant to §§ 225.25 (b)(8)(iii) and (b)(8)(vi) of the Board's Regulation Y.

2. *Valley Bancorporation*, Appleton, Wisconsin; to acquire Great American Savings Bank, FSB, Milwaukee, Wisconsin, and thereby engage in operating a savings association pursuant to § 225.25(b)(9) of the Board's Regulation Y. Subsequent to the acquisition, the savings association will be merged with Valley Bank Thiensville Mequon, Thiensville, Wisconsin, a wholly owned subsidiary bank.

Board of Governors of the Federal Reserve System, November 23, 1990.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 90-27995 Filed 11-28-90; 8:45 am]

BILLING CODE 6210-01-M

James H. Wright, et al.; Change in Bank Control; Acquisitions of Shares of Banks or Bank Holding Companies

The notificants listed below have applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire a bank or bank holding company. The factors that are considered in acting on the notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notices are available for immediate inspection at the Federal Reserve Bank indicated. Once the notices have been accepted for processing, they will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that notice or to the offices of the Board of Governors. Comments must be received not later than December 13, 1990.

A. Federal Reserve Bank of Chicago (David S. Epstein, Vice President), 230 South LaSalle Street, Chicago, Illinois 60690:

1. *James H. Wright* and Paul C. Young; to each acquire 27 percent of the voting shares of Preston Bancshares, Inc., Preston, Iowa, for a total of 54 percent, and thereby indirectly acquire Farmers Savings Bank, Preston, Iowa.

B. Federal Reserve Bank of Dallas (W. Arthur Tribble, Vice President) 400 South Akard Street, Dallas, Texas 75222:

1. *Pat S. Bolin*, Dallas, Texas, to acquire an additional 29.8 percent for a total of 35.01 percent; D. Phil Bolin, Wichita Falls, Texas, to acquire 14.9 percent for a total of 18.91 percent; Dan H. Bolin, M.D., Wichita Falls, Texas, to acquire 7.45 percent for a total of 8.43 percent; Warren T. Ayers, Wichita Falls, Texas, to acquire 7.45 percent for a total of 8.90 percent; and Eagle I, Wichita Falls, Texas, to retain 0.07 percent of the voting shares of Fidelity Resources Company, Dallas, Texas, and thereby indirectly acquire Fidelity National Bank, Dallas, Texas.

2. *Luther May, Jr.*, Big Springs, Texas; to acquire 83 percent of the voting shares of First Coleman Bancshares, Inc., Coleman, Texas, and thereby indirectly acquire First Coleman National Bank, Coleman, Texas.

Board of Governors of the Federal Reserve System, November 23, 1990.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 90-27996 Filed 11-28-90; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 90N-0393]

Drug Export; OncoTICE™ BCG Vaccine

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that Organon Teknika, Corp. has filed an application requesting approval for the export of the biological product OncoTICE™ BCG Vaccine to The Netherlands and Switzerland.

ADDRESSES: Relevant information on this application may be directed to the Dockets Management Branch (HFA-305), Food and Drug Administration, rm. 4-62, 5600 Fishers Lane, Rockville, MD

20857, and to the contact person identified below. Any future inquiries concerning the export of human biological products under the Drug Export Amendments Act of 1986 should also be directed to the contact person.

FOR FURTHER INFORMATION CONTACT: Carl J. Chancey, Center for Biologics Evaluation and Research (HFB-124), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-295-8191.

SUPPLEMENTARY INFORMATION: The drug export provisions in section 802 of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 382) provide that FDA may approve applications for the export of biological products that are not currently approved in the United States. Section 802(b)(3)(B) of the act sets forth the requirements that must be met in an application for approval. Section 802(b)(3)(C) of the act requires that the agency review the application within 30 days of its filing to determine whether the requirements of section 802(b)(3)(B) have been satisfied. Section 802(b)(3)(A) of the act requires that the agency publish a notice in the *Federal Register* within 10 days of the filing of an application for export to facilitate public participation in its review of the application. To meet this requirement, the agency is providing notice that Organon Teknika Corp., 100 Akzo Ave., Durham, NC 27704, has filed an application requesting approval for the export of the biological product OncoTICE™ BCG Vaccine to The Netherlands and Switzerland. OncoTICE™ BCG Vaccine is used as an adjuvant to transurethral resection (TUR) of primary superficial urothelial cell carcinoma of the bladder (viz. capillary carcinoma stage T_x, or T₁, grade 1, 2 or 3, and flat carcinoma in situ (T_{is})), or recidives of these carcinomas. The application was received and filed in the Center for Biologics Evaluation and Research on October 29, 1990, which shall be considered the filing date for purposes of the act.

Interested persons may submit relevant information on the application to the Dockets Management Branch (address above) in two copies (except that individuals may submit single copies) and identified with the docket number found in brackets in the heading of this document. These submissions may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

The agency encourages any person who submits relevant information on the application to do so by December 10, 1990, and to provide an additional copy of the submission directly to the contact

person identified above, to facilitate consideration of the information during the 30-day review period.

This notice is issued under the Federal Food, Drug, and Cosmetic Act (sec. 802 (21 U.S.C. 382)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated under 21 CFR 5.44.

Dated: November 8, 1990.

Thomas S. Bozzo,
Director, Office of Compliance, Center for Biologics Evaluation and Research.

[FR Doc. 90-27990 Filed 11-28-90; 8:45 am]

BILLING CODE 4160-01-M

[Docket Nos. 90F-0285 and 90P-0289]

Glenn Scott; Filing of Food Additive Petition and Citizen Petition to Prohibit Uses of Butylated Hydroxyanisole (BHA)

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that Glenn Scott, M.D., has filed a submission proposing that the food additive regulations, the generally recognized as safe (GRAS) regulations, and the prior sanction regulations be amended to prohibit the use of butylated hydroxyanisole (BHA) in food. To the extent that it requests the revocation of the food additive uses of BHA, the submission is being filed by FDA as a food additive petition; to the extent that it requests the revocation of the GRAS and prior-sanctioned uses of BHA, the submission is being treated by the agency as a citizen petition under 21 CFR 10.30.

DATES: Comments by January 28, 1991.

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

FOR FURTHER INFORMATION CONTACT: Lawrence J. Lin, Center for Food Safety and Applied Nutrition (HFF-335), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-472-5690.

SUPPLEMENTARY INFORMATION: FDA is announcing the receipt of a submission from Glenn Scott, M.D., P.O. Box 533, Cooperstown, NY 13326, requesting that all current uses of BHA be banned. Dr. Scott has designated his submission as a food additive petition. This submission requests that FDA promulgate a regulation under 21 CFR part 189, prohibiting the use of BHA in food.

The agency has considered the Scott submission and has concluded that, to the extent the submission requests the revocation of the food additive uses of BHA, the submission will be filed by FDA as a food additive petition (FAP 0A4216). Accordingly, under section 409(b)(5) of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 348(b)(5)), notice is given that Dr. Scott has submitted, and FDA has accepted for filing, a food additive petition requesting the revocation of the uses of BHA as prescribed by food additive regulations 21 CFR 172.110, 172.515, 172.615, 173.340, 175.105, and 178.3570.

In addition, FDA has considered that portion of the Scott submission that requests the revocation of the GRAS regulation for BHA (21 CFR 182.3169) and the prior sanction regulation for BHA (21 CFR 181.24). Because the act exempts GRAS substances and prior-sanctioned materials from the definition of a food additive (21 U.S.C. 321(s)), the agency has concluded that, to the extent the Scott submission requests the revocation of the GRAS and prior-sanctioned uses of BHA, the submission will be treated as a citizen petition under 21 CFR 10.30.

Although FDA is presently treating the Scott submission as both a food additive petition and a citizen petition, the agency may, for reasons of administrative efficiency and consistency, ultimately address all aspects of the submission under the procedures established in section 409 of the act (21 U.S.C. 348) and regulations promulgated under that section of the act.

The Scott submission identifies a number of animal studies to support the request that BHA be prohibited from use in food. FDA is interested in receiving comments on the potential human carcinogenicity of BHA, the animal studies contained in the Scott submission, and comments on the following conclusions based on these animal studies that are set out in the submission:

- (1) BHA causes papillomas and squamous cell carcinomas of the forestomach in F344 rats;
- (2) BHA causes forestomach papillomas and carcinomas in Syria golden hamsters;
- (3) BHA causes forestomach papillomas in B6C3F1 mice;
- (4) BHA causes liver changes and a increase in the mitotic index of esophageal epithelium in cynomolgus monkeys;
- (5) BHA causes proliferative changes in the esophagus in pigs;

(6) BHA causes adenomatous hyperplasia of the lung in Japanese house musk shrews.

The potential environmental impact of this action is being reviewed. If the agency finds that an environmental impact statement is not required and this petition results in a regulation, the notice of availability of the agency's finding of no significant impact and the evidence supporting that finding will be published with the regulation in the Federal Register in accordance with 21 CFR 25.40(c).

Dr. Scott's submission states that alternatives to BHA are available. The submission also includes several labels from food to show that fresh food can be supplied without using BHA or other preservatives. The agency is interested in receiving comments on these aspects of the submission (including the potential economic effects if BHA is prohibited from use as requested by the submission).

Because the forestomach is not present in higher mammals, including man, the relevance of the observations with BHA in rats, mice, and hamsters presents a scientific issue which may require peer review. Once FDA completes its review of the Scott submission, the comments received in response to this notice, and all other relevant information, the agency will consider whether, and to what extent, the issues raised by the Scott submission should be subject to review by a group of qualified experts from outside FDA. Accordingly, the agency specifically requests comments on the appropriateness and form of such peer review.

Any person who is interested in providing comments on the issues identified above or any other scientific or legal issues raised by the submission involving BHA, may at any time on or before January 28, 1991, file with the Dockets Management Branch (address above) written comments. Three copies of all comments and/or documents shall be submitted and shall be identified with the docket numbers found in brackets in the heading of this document. Any comments received in response to the notice may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

Dated: November 20, 1990.

Frank R. Shank,

Director, Center for Food Safety and Applied Nutrition.

[FR Doc. 90-27989 Filed 11-28-90; 8:45 am]

BILLING CODE 4160-01-M

[Docket No. 90P-0354]

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 Robinson Dairy, 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 27, 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 Robinson Dairy, Inc., 646 Bryant St., Denver, CO 80204.

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 "1/3 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 20,000 gallons (75,704 liters) of the test product. The product will be manufactured at Robinson Dairy, Inc., 2401 West Sixth Ave., Denver, CO 80204, and distributed in Colorado.

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 27, 1991.

Dated: November 15, 1990.

Fred R. Shank,

Director, Center for Food Safety and Applied Nutrition.

[FR Doc. 90-28064 Filed 11-28-90; 8:45 am]

BILLING CODE 4160-01-M

National Institutes of Health

Meeting; Advisory Committee to Director

Notice of meeting of the Advisory Committee to the Director, NIH. Pursuant to Public Law 92-463, notice is hereby given of a meeting of the Advisory Committee to the Director, NIH, on December 18, 1990, at the National Institutes of Health, Bethesda, Maryland 20892. The meeting will take place from 8 a.m. to 5 p.m. in building 31, C-Wing, conference room 10. The meeting will be open to the public.

The meeting will be devoted to discussions of "The Report of the Task Force on Medical Rehabilitation Research" and "The NIH Financial Management Plan."

The Executive Secretary, Jay Moskowitz, Ph.D., National Institutes of Health, Shannon Building, room 103, Bethesda, Maryland 20892, (301) 496-3152, will furnish the meeting agenda, rosters of Committee members and consultants and substantive program information.

Dated: November 21, 1990.

Betty J. Beveridge,

Committee Management Officer, NIH.

[FR Doc. 90-27983 Filed 11-28-90; 8:45 am]

BILLING CODE 4140-01-M

National Cancer Institute; Meeting of Cancer Center Support Review Committee

Pursuant to Public Law 92-473, notice is hereby given of the meeting of the Cancer Center Support Review Committee, National Cancer Institute, November 29, 1990, Holiday Inn Crowne Plaza, 1750 Rockville Pike, Rockville, Maryland 20852.

This meeting will be open to the public from 8:30 a.m. to 9 a.m. to review administrative details and other cancer center support review issues. Attendance will be limited to space available.

In accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), title 5, U.S.C. and section 10(d) of Public Law 92-463, the meeting will be closed to the public from approximately 9 a.m. to adjournment for the review, discussion and evaluation of individual grant applications. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

This notice is being published less than 15 days prior to the meeting due to the difficulty of coordinating the attendance of members because of conflicting schedules.

Ms. Carole Frank, the Committee Management Officer, National Cancer Institute, Building 31, room 10A06, National Institutes of Health, Bethesda, Maryland 20892 (301/496-5708) will provide summaries of the meeting and rosters of committee members, upon request.

Dr. John L. Meyer, Executive Secretary, Cancer Center Support Review Committee, National Cancer Institute, Westwood Building, room 838, National Institutes of Health, Bethesda, Maryland 20892 (301/496-7721) will furnish substantive program information.

Dated: November 23, 1990.

Betty J. Beveridge,

Committee Management Officer, NIH.

[FR Doc. 90-28141 Filed 11-27-90; 11:16 am]

BILLING CODE 4140-01-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Administration

[Docket No. N-90-3172]

Submission of Proposed Information Collection to OMB

AGENCY: Office of Administration, HUD.

ACTION: Notice.

SUMMARY: The proposed information collection requirement described below has been submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and should be sent to: Scott Jacobs, OMB Desk Officer, Office of Management and Budget, New Executive Office Building, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: David S. Cristy, Reports Management Officer, Department of Housing and Urban Development, 451 7th Street, Southwest, Washington, DC 20410, telephone (202) 708-0050. This is not a toll-free number. Copies of the proposed forms and other available documents submitted to OMB may be obtained from Mr. Cristy.

SUPPLEMENTARY INFORMATION: The Department has submitted the proposal for the collection of information, as described below, to OMB for review, as required by the Paperwork Reduction Act (44 U.S.C. chapter 35).

The Notice lists the following information: (1) The title of the information collection proposal; (2) the Office of the agency to collect the

information; (3) the description of the need for the information and its proposed use; (4) the agency form number, if applicable; (5) what members of the public will be affected by the proposal; (6) how frequently information submissions will be required; (7) an estimate of the total numbers of hours needed to prepare the information submission including number of respondents, frequency of response, and hours of response; (8) whether the proposal is new or an extension, reinstatement, or revision of an information collection requirement; and (9) the names and telephone numbers of an agency official familiar with the proposal and of the OMB Desk Officer for the Department.

Authority: Section 3507 of the Paperwork Reduction Act, 44 U.S.C. 3507; section 7(d) of the Department of Housing and Urban Development Act, 42 U.S.C. 3535(d).

Dated: November 21, 1990.

John T. Murphy,

Director, Information Policy and Management Division.

Submission of Proposed Information Collection to OMB

Proposal: Pet Ownership in Assisted Rental Housing for the Elderly or Handicapped 24 CFR parts 243.

Office: Housing.

Description of the Need for the Information and its Proposed Use: Section 227 of the Housing and Urban-Rural Recovery Act of 1983 provides that no owner or manager of federally assisted rental housing for the elderly or handicapped may prohibit a tenant from having common household pets in the tenant's dwelling unit, or discriminate against any person regarding admission to such housing because of ownership or presence of a pet in the person's dwelling unit.

Form Number: None.

Respondents: Individuals or Households, State or Local Governments, Businesses or Other For-Profit, and Non-Profit Institutions.

Frequency of Submission: On Occasion.

Reporting Burden:

	Number of respondents	×	Frequency of response	×	Hours per response	=	Burden hours
Notice to Tenants.....	6,000		1		0.167		1,002
Registration of Pets.....	20,000		1		.25		5,000
Consultation.....	500		1		1.63		815
Violation/Removals.....	2,000		1		.167		334

Total Estimated Burden Hours: 7,151.
Status: Extension.

Contact: Brenda Kay Gronewald,
HUD, (202) 708-4162, Scott Jacobs, OMB,
(202) 395-6880.

Dated: November 21, 1990.
[FR Doc. 90-27967 Filed 11-28-90; 8:45 am]

BILLING CODE 4210-01-M

Office of the Assistant Secretary for Housing—Federal Housing Commissioner

[Docket No. D-90-937; FR-2872-D-01]

Redelegation of Authority To Approve the Reservation of Funds for the Extension of Existing Grants Under the Congregate Housing Services Program

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

ACTION: Notice of redelegation of authority.

SUMMARY: This notice redelegates to the Deputy Assistant Secretary for Multifamily Housing Programs and to the Director, Office of Elderly and Assisted Housing, the power and authority of the Assistant Secretary for Housing—Federal Housing Commissioner to approve the reservation of funds for the extension of existing grants under the Congregate Housing Services Program authorized by title IV of the Housing and Community Development Amendments of 1978.

EFFECTIVE DATE: November 21, 1990.

FOR FURTHER INFORMATION CONTACT: Margaret Milner, Deputy Director, Office of Elderly and Assisted Housing, Department of Housing and Urban Development, 451 Seventh Street, SW., room 6130, Washington, DC 20410. Telephone (202) 708-0720 (this is not a toll free number).

SUPPLEMENTARY INFORMATION: By delegation published in the Federal Register on May 22, 1989, the Secretary of Housing and Urban Development delegated to the Assistant Secretary for Housing—Federal Housing Commissioner the power and authority of the Secretary to administer the programs authorized under Title IV of the Housing and Community Development Amendments of 1978 (42 U.S.C. 8001, *et seq.*). The Congregate Housing Services Program created under that statute authorizes the Department to enter into three to five year contracts with eligible Public Housing Agencies and section 202 sponsors for the provision of meals and nonmedical supportive services to their elderly and nonelderly handicapped residents. This notice redelegates authority to the Deputy Assistant Secretary for Multifamily Housing Programs and to the Director, Office of Elderly and Assisted Housing, the power and authority of the Assistant Secretary for Housing—Federal Housing Commissioner to approve the reservation of funds for the extension of

existing grants under the Congregate Housing Services Program.

Accordingly, the Assistant Secretary for Housing—Federal Housing Commissioner redelegates as follows: Section: Authority Redelegated

The Assistant Secretary for Housing—Federal Housing Commissioner redelegates to the Deputy Assistant Secretary for Multifamily Housing Programs and to the Director, Office of Elderly and Assisted Housing, the authority to approve the reservation of funds for the extension of existing grants under the Congregate Housing Services Program authorized by title IV of the Housing and Community Development Amendments of 1978 (42 U.S.C. 8001 *et seq.*).

Authority: Section 7(d), Department of Housing and Urban Development Act (42 U.S.C. 3535(d)).

Dated: November 21, 1990.

Arthur J. Hill,

Acting Assistant Secretary for Housing—Federal Housing Commissioner.

[FR Doc. 90-27997 Filed 11-28-90; 8:45 am]

BILLING CODE 4210-27-M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Availability of Finding of No Significant Impact and Final Environmental Assessment on Comprehensive Management Plan, Memorandum of Agreement, and Agreement With The Nature Conservancy for Matagorda Island, TX

AGENCY: U.S. Fish and Wildlife Service, Interior.

ACTION: Notice of finding of no significant impact.

SUMMARY: This notice advises the public that the Finding of No Significant Impact and the Final Environmental Assessment (EA) on the following agreements and plan are available for review:

Memorandum of Agreement Between the United States Department of the Interior, U.S. Fish and Wildlife Service; and The State of Texas General Land Office; and Texas Parks and Wildlife Department, Cooperative Agreement Between the Fish and Wildlife Service and The Nature Conservancy, and Matagorda Island National Wildlife Refuge and State Natural Area Comprehensive Management Plan.

DATES: Written comments are requested by December 31, 1990.

ADDRESSES: Comments should be addressed to: Regional Director, ATTN: Refuge Planner, U.S. Fish and Wildlife Service, P.O. Box 1306, Albuquerque, New Mexico 87103-1306.

FOR FURTHER INFORMATION CONTACT:

Joseph P. Mazzoni, Assistant Regional Director for Refuges & Wildlife, U.S. Fish and Wildlife Service, P.O. Box 1306, Albuquerque, New Mexico 87103-1306, 505-766-1829.

Minda Stillings, Refuge Planner, U.S. Fish and Wildlife Service, P.O. Box 1306, Albuquerque, New Mexico 87103-1306, 505-766-8041.

Individuals wishing copies of this EA for review should immediately contact Minda Stillings. Copies have been sent to all parties who requested copies of the final EA.

SUPPLEMENTARY INFORMATION: This EA was prepared jointly by the Fish and Wildlife Service, Texas General Land Office, and Texas Parks and Wildlife Department. The Fish and Wildlife Service (FWS), Department of Interior, prepared this EA on its proposal to implement an agreement between the State of Texas and FWS for cooperative management of Matagorda Island, Texas, as well as a comprehensive management plan and an agreement with The Nature Conservancy providing management guidelines for Matagorda Island.

This action is designed to efficiently manage Matagorda Island's Federal and State lands to achieve the purposes for which the State Natural Area/Refuge was established.

This action will result in benefits to the Island's endangered and threatened species, especially the whooping crane, and to migratory birds. The major alternatives that were analyzed and evaluated during planning for this Island involved different management schemes involving the two State and one Federal agencies which own lands on the Island:

No Action/Status Quo: Texas Parks and Wildlife Department (TPWD) would manage lands on the north end of the Island as a state park and wildlife management area; FWS would manage lands on the south end of the Island. All lands would remain part of the National Wildlife Refuge System (NWRS) and subject to the laws and regulations affecting the NWRS. This would maintain fragmented, inefficient management of the island.

Total State Management: The entire Island would be managed by the State of Texas; all lands would remain part of the NWRS. This would consolidate management, allowing for more

efficiency; however, it would allow the State to manage lands acquired with Federal funds.

Total Federal Management: The entire Island would be managed by FWS; all lands would remain part of the NWRs. This would consolidate management, allowing for more efficiency; however, it would allow FWS to manage lands belonging to the State of Texas.

Separate State/Federal Management Based on Ownership: Texas would manage lands owned by them on the north end of the Island and in Port O'Connor, FWS would manage lands owned by the Federal Government on the south end of the Island; all lands would remain part of the NWRs. This would also create fragmented, inefficient management of the Island.

Proposed Action, Cooperative Management of the Entire Island: Texas would have the lead responsibility for managing public use and FWS would have the lead responsibility for managing wildlife throughout the entire Island; all lands would remain part of the NWRs. This is the only alternative which offers the benefits that would result from integrated cooperative management of the Island.

Other Government agencies, as well as members of the general public, contributed to the planning and revision of the plan and agreements. Two public meetings and a written comment period allowed extensive involvement. The public meetings were held June 20, 1990, in Port Lavaca, Texas, and June 21, 1990, in Austin, Texas. Extensive comments were received at the meetings, in addition to 106 written comments. Approximately 500 agencies, organizations, and individuals requested to remain on the mailing list for the Matagorda planning effort.

Dated: November 23, 1990.

Michael J. Spear,
Regional Director.

[FR Doc. 90-28014 Filed 11-28-90; 8:45 am]

BILLING CODE 4310-55-M

Minerals Management Service

Information Collection for Subpart N— Remedies and Penalties, of 30 CFR Part 250

The collection of information contained in this rule has been submitted to the Office of Management and Budget (OMB) as required by 44 U.S.C. chapter 3501 *et seq.* Copies of the proposed information collection may be obtained by contacting the Bureau's Clearance Officer at the phone number listed below. Comments and suggestions

regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, should be made directly to the Information Collection Clearance Officer, Minerals Management Service; Mail Stop 2300; 381 Elden Street; Herndon, Virginia 22070-4817 and the Office of Management and Budget; Paperwork Reduction Project 1010-0038; Washington DC 20503, telephone (202) 395-7340, with copies to Gerald D. Rhodes; Chief, Branch of Rules, Orders, and Standards; Offshore Rules and Operations Division; Mail Stop 4700; Minerals Management Service; 381 Elden Street; Herndon, Virginia 22070-4817. Information collection requirements contained in existing rules and approved under existing number 1010-0038 will be collected until approval of collection under this amended rule has been approved.

Title: Remedies and Penalties, 30 CFR part 250, subpart N.

OMB approval number: 1010-0038.

Abstract: The Outer Continental Shelf (OCS) Lands Act, 43 U.S.C. 1331 *et seq.*, provides to the Secretary of Interior (Secretary) the responsibility for ensuring the safety and environmental protection for oil and gas and sulphur operations in the OCS. To carry out these responsibilities, the Secretary has authorized the Director of the Minerals Management Service (MMS) to issue regulations governing OCS oil and gas and sulphur lease operations. To ensure that applicable requirements are followed by operators, the rules include provisions for assessment of civil penalties. The information collection provisions under Subpart N provide the lessee with the opportunity to present information to the Reviewing Officer. The information provided is analyzed and evaluated by MMS's Reviewing Officer assigned to a particular civil penalty case.

Bureau form number: None.

Frequency: On occasion.

Description of respondents: Oil and gas lessees and operators.

Estimated completion time: 80 hours.

Annual responses: 15.5.

Annual burden hours: 1,240.

Bureau Clearance Officer: Dorothy Christopher, (703) 787-1239.

Dated: October 24, 1990.

Albert Modiano,

Deputy Director, Minerals Management Service.

[FR Doc. 90-27964 Filed 11-28-90; 8:45 am]

BILLING CODE 4310-MR-M

INTERSTATE COMMERCE COMMISSION

[No. 40473]

Armored Car Delivery and Pickup of Interstate Shipments in Delaware— Petition for Declaratory Order

AGENCY: Interstate Commerce Commission.

ACTION: Notice of institution of proceeding.

SUMMARY: In response to a request by three armored car motor carriers, the Commission has instituted this declaratory order proceeding under 5 U.S.C. 554(e) to determine whether requirements imposed by the State of Delaware on interstate armored car operations constitute undue burdens on interstate commerce and whether those requirements are preempted or precluded by the Interstate Commerce Act. An opportunity to participate in the proceeding is provided interested persons and their comments are invited.

DATES: Any person interested in participating in this proceeding as a party of record by filing and receiving written comments must file a notice of intent to do so by December 14, 1990. A copy of the notice should be sent to petitioners' representative. A service list of the parties will then be issued. Petitioners will have 10 days after service of this list to provide each party with a copy of the petition and any additional material which they may file with the Commission in support of their position. Initial written comments (an original and 10 copies) must be filed within 30 days after service of the list. All parties will have 50 days after service of the list to reply. In addition, a copy of all comments and replies must be sent to each party of record.

ADDRESSES: Send written notices of intent to participate to:

Office of the Secretary, Case Control Branch, room 1324, Attn: Docket No. 40473, Interstate Commerce Commission, Washington, DC 20423, and

Herbert Alan Dubin, 1010 Wayne Avenue, suite 1460, Silver Spring, MD 20910.

FOR FURTHER INFORMATION CONTACT: Richard Hartley (202) 275-7786 or

Richard Felder (202) 275-7291. [TDD for hearing impaired: (202) 275-1721.]

SUPPLEMENTARY INFORMATION: Armored Motor Service Corporation, Trenton, NJ; Armored Motor Service of America, Inc., East Rochester, NY; and Vets

International Armored Car Inc., d/b/a Armored Transport of New York, Brooklyn, NY, (petitioners) requested the Commission to issue a declaratory order finding that the requirements imposed by the Delaware Transportation of Money and Valuables Act (Chapter 32, title 5, of the Delaware Code) on interstate armored car operations constitute undue burdens on interstate or foreign commerce and are preempted or precluded by the Interstate Commerce Act. Petitioners contend that the Delaware Act mandates an elaborate regulatory scheme which involves an extensive application, a sizeable application fee, a sizeable surety bond, and an accounting audit of the armored car carrier's books and records, with the expense of the audit by a certified public accounting firm selected by Delaware imposed upon the armored car carrier. Petitioners further contend that the Delaware Act has been applied to their operations even though they do not perform any intrastate operations in Delaware. By decision the Commission has determined that the petition presents a controversy sufficient to warrant the institution of a proceeding under 5 U.S.C. 554(e).

Additional information is contained in the Commission's decision. To obtain a copy of the full decision, write to, call, or pick up in person from: Office of the Secretary, room 2215, Interstate Commerce Commission, Washington, DC 20423. Telephone: (202) 275-7428. [Assistance for the hearing impaired is available through TDD services (202) 275-1721.]

Decided: November 20, 1990.

By the Commission, David M. Konschnik, Director, Office of Proceedings.

Sidney L. Strickland, Jr.,

Secretary.

[FR Doc. 90-28040 Filed 11-28-90; 8:45 am]

BILLING CODE 7035-01-M

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50-277 and 50-278]

Philadelphia Electric Co., et al. (Peach Bottom Atomic Power Station, Units 2 and 3); Exemption

I.

The Philadelphia Electric Company, et al. (the licensee), is the holder of Operating License Nos. DPR-44 and DPR-56 which authorizes operation of the Peach Bottom Atomic Power Station, Units 2 and 3, at steady state reactor core power levels not in excess of 3293 megawatts thermal. The licenses

provide, among other things, that the Peach Bottom Atomic Power Station, Units 2 and 3 are subject to the rules, regulations, and orders of the Commission now or hereafter in effect.

The plants are direct cycle boiling water reactors located at the licensee's site in York County, Pennsylvania.

II.

Section 50.54(o) of 10 CFR part 50 requires that primary reactor containments for water cooled power reactors be subject to the requirements to appendix J to 10 CFR part 50. Appendix J contains the leakage test requirements, schedules, and acceptance criteria for tests of the leak tight integrity of the primary reactor containment and systems and components which penetrate the containment.

Section II.H.1 of appendix J to 10 CFR part 50 requires that Type C Local Leak Rate Tests (LLRTs), defined as tests intended to measure containment isolation value leakage rates, include containment isolation valves that provide a direct connection between the inside and outside atmospheres of the primary reactor containment under normal operation, such as purge and ventilation, vacuum relief, and instrument valves. Section II.H.4 of appendix J requires that Type C LLRTs include containment isolation valves that are in main steam and feedwater piping and other systems which penetrate containment of direct-cycle boiling water power reactors.

Section III.C.1 of appendix J to 10 CFR part 50 requires that Type C LLRTs shall be performed by local pressurization. Section III.C.2 of appendix J requires that Type C LLRTs for valves, unless pressurized with fluid from a seal system, shall be performed at a test pressure of Pa, the calculated peak containment internal pressure related to the design basis accident. Section III.C.3 of appendix J requires that the combined leakage rate for all penetrations and valves subject to Type B and C LLRTs shall be less than 0.60 of La, the maximum allowable leakage rate at pressure Pa.

III.

The licensee requested exemptions from the requirements of appendix J, sections II.H.4 and III.C.2 for local leakage rate testing of the main steam isolation valves (MSIVs). Sections II.H.4 and III.C.2 require leak rate testing of the MSIVs at the peak calculated containment pressure related to the design basis accident. The licensee requested that leak testing of the MSIVs be conducted at reduced pressure.

The main steam system design in most operating BWR plants, including Peach Bottom, necessitates leak testing of the MSIVs by pressurizing the pipes between the inboard and outboard valves resulting in test pressure acting on the inboard valve in the direction opposite to accident pressure. The MSIVs are angled in the main steam lines in the direction of flow to afford better sealing upon closure.

Consideration of this feature was included at the design stage of the facility when the original test pressure of 25 psig was established. A test pressure of Pa acting on the inboard valve in the opposite direction is sufficient to lift the valve disc off its seat and results in excessive leakage into the reactor vessel. That would be a meaningless test. The licensee proposed to test the MSIVs at a test pressure of 25 psig (about one-half of the peak post-accident pressure) to avoid lifting the inboard valve disc. The total observed leakage through both the inboard and outboard valves is then conservatively assigned to the penetration. Based on a review of the licensee's submittals, the staff concludes that testing of the MSIVs at a reduced pressure of 25 psig will result in a conservative determination of the leakage rate through the MSIVs. The staff concludes that testing the MSIVs at 25 psig is acceptable due to the unique design of the valves.

The measured leakage rate for any one main steam line through the MSIVs is limited to a maximum pathway leakage of 11.5 standard cubic feet per hour (SCFH) as specified in the facility Technical Specifications (TS). As stated above, the MSIVs in some boiling water reactor (BWR) plants are angled in the main steam lines in order to afford better sealing in the direction of accident pressure. This condition was considered when the test pressure of 25 psig was initially established for the MSIVs of many BWRs. Subsequently, industry experience in testing these valves at a pressure of 25 psig and with an acceptable criterion of 11.5 SCFH has been shown to be effective in determining the condition of these valves.

The licensee requested an exemption from the requirements of appendix J, sections II.H.1 and III.C for Type C testing on the Traversing In-Core Probe (TIP) system shear valves. The licensee proposed to exclude the TIP shear valves from Type C testing requirements.

Each of the five TIP guide tubes is equipped with two isolation valves, a ball valve that provides the primary means of containment isolation, and a

shear valve that cuts the cable and isolates the guide tube in the event that isolation is required and the drive cable can not be withdrawn. The shear valve is an explosive-type valve, direct current-operated, with monitoring of each actuating circuit provided. The ball valve is Type C tested in accordance with appendix J. It is impractical to test the shear valves since they require testing to destruction. In lieu of leak testing and ultimate destruction of the shear valves, the licensee committed to the following actions to ensure the shear valves will perform their intended function:

(1) Verification of the continuity of the explosive charge circuit which is monitored by an alarm in the control room.

(2) Initiation of one explosive squib charge at least once per operating cycle. The replacement charge for the explosive valve shall be from the same manufactured batch as the one fired or from another batch that has been certified by having one of that batch successfully fired.

(3) Replacement of all explosive charges in accordance with the manufacturer's recommended lifetime.

Based on the above justification, the staff finds that the proposed exemption for the shear valves from Type C testing will not increase radioactive leakage from the penetration because the use of the valves will be necessary only when the TIP cable fails to withdraw or the ball valve fails to close. Further, the functional capability of the TIP shear valve will be periodically checked as described above. Therefore, the proposed exemption from appendix J Type C testing for the TIP shear valves is justified.

The staff's Safety Evaluation issued concurrently with this exemption, provides additional details and bases supporting the requested exemptions.

IV.

The underlying purpose of the requirements of sections II.H.4 and III.C.2 of appendix J to 10 CFR part 50 is to ensure the integrity of the primary containment and its penetrations. The underlying purpose is achieved and served by testing at the reduced test pressure of 25 psig subject to the TS acceptance criterion of 11.5 SCFH per MSIV which allows for a meaningful test of the MSIVs. Thus, an equivalent level of protection is provided.

Therefore, the Commission's staff finds there are special circumstances in this case which satisfy the standards of 10 CFR 50.12(a)(2)(ii).

The underlying purpose of the requirements of sections II.H.1 and III. C

of appendix J to 10 CFR part 50 is to demonstrate by periodic testing that the primary reactor containment will be able to perform its function of providing a leak tight barrier against the uncontrolled release of radioactivity to the environment. The underlying purpose is achieved and served by the licensee's proposed surveillance provisions of the TIP shear valves. Thus, an equivalent level of protection is provided.

Therefore, the Commission's staff finds that there are special circumstances in this case which satisfy the standards of 10 CFR 50.12(a)(2)(ii).

V.

Based on the above evaluation, the staff considers the licensee's reduced test pressure for Type C testing of MSIVs to be justified. Accordingly, the Commission has determined that, pursuant to 10 CFR 50.12(a)(1), this exemption is authorized by law, will not present an undue risk to public health and safety, and is consistent with the common defense and security. The Commission has further determined that special circumstances, as set forth in 10 CFR 50.12(a)(2)(ii) are present, justifying the exemption; namely, that application of the regulation in this particular circumstance is not necessary to achieve the underlying purpose of the rule.

Accordingly, the Commission hereby grants the following exemption:

Philadelphia Electric Company is exempt from sections II.H.4 and III.C.2 of appendix J to 10 CFR part 50 to allow the licensee to conduct Type C LLRTs of the MSIVs at a reduced pressure of 25 psig.

The Commission further considers that the licensee's alternate surveillance provisions for the TIP shear valves to be equivalent to that achieved by conformance to appendix J to 10 CFR part 50. Accordingly, the Commission has determined that, pursuant to 10 CFR 50.12(a)(1), this exemption is authorized by law, will not present an undue risk to the public health and safety, and is consistent with the common defense and security. The Commission has also determined that special circumstances, as set forth in 10 CFR 50.12(a)(2)(ii) are present, justifying the exemption; namely that application of the regulation in this particular circumstance is not necessary to achieve the underlying purpose of the rule.

Accordingly, the Commission hereby grants the following exemption:

Philadelphia Electric Company is exempt from sections II.H.1 and III.C of appendix J to 10 CFR part 50 to exclude

the TIP shear valves from Type C testing requirements.

Pursuant to 10 CFR 50.132, the Commission has determined that the granting of this exemption will not have a significant effect on the quality of the human environment (53 FR 48710).

This exemption is effective upon issuance.

For the Nuclear Regulatory Commission.

Dated at Rockville, Maryland this 21st day of November 1990.

Steven A. Varga,

Director, Division of Reactor Projects—I/II,
Office of Nuclear Reactor Regulation.

[FR Doc. 90-28008 Filed 11-28-90; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-346]

Toledo Edison Co. and the Cleveland Electric Illuminating Co.; Consideration of Issuance of Amendment to Facility Operating License and Opportunity for Hearing

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating license No. NPF-3, issued to the Toledo Edison Company and The Cleveland Electric Illuminating Company (the licensee), for operation of the Davis-Besse Nuclear Power Station, Unit No. 1 (the facility) located in Ottawa County, Ohio.

The amendment would change the expiration date for the Davis-Besse Nuclear Power Station, Unit No. 1 (DBNPS) Operating License from March 24, 2011 to April 22, 2017; the latter date is 40 years from the date of issuance of the Operating License. The license currently expires March 24, 2011, which is 40 years from issuance of the construction permit. The Technical Specifications for the plant would not be affected.

Prior to the issuance of the proposed license amendment, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations.

By December 31, 1990, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written request for hearing and a petition for leave to intervene. Requests for a hearing and petitions for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for

Domestic Licensing Proceedings" in 10 CFR part 2. Interested persons should consult a current copy of 10 CFR 2.714 which is available at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC 20555 and at the Local Public Document Room located at the University of Toledo Library, Documents Department, 2801 Bancroft Avenue, Toledo, Ohio 43606. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition; and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to fifteen (15) days prior to the first pre-hearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions that are sought to be litigated in the matter. Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the petitioner shall provide a brief explanation of the bases of the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the petitioner intends to

rely in proving the contention at the hearing. The petitioner must also provide references to those specific sources and documents of which the petitioner is aware and on which the petitioner intends to rely to establish those facts or expert opinion. Petitioner must provide sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact. Contentions shall be limited to matters within the scope of the amendment under consideration.

The contention must be one which, if proven, would entitle the petitioner to relief. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Docketing and Service Branch, or may be delivered to the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, 20555 by the above date. Where petitions are filed during the last ten (10) days of the notice period, it is requested that the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at 1-800-325-6000 (in Missouri 1-800-342-6700). The Western Union operator should be given Datagram Identification Number 3737 and the following message addressed to John N. Hannon: Petitioner's name and telephone number; date petition was mailed; plant name; and publication date and page number of this **Federal Register** notice. A copy of the petition should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and to Gerald Charnoff, Esq., Shaw, Pittman, Potts and Trowbridge, 2300 N Street NW., Washington, DC, 20037, attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the presiding Atomic Safety and Licensing

Board that the petition and/or request should be granted based upon a balancing of the factors specified in 10 CFR 2.714(a)(1)(i)-(v) and 2.714(d).

If a request for a hearing is received, the Commission's staff may issue the amendment after it completes its technical review and prior to the completion of any required hearing if it publishes a further notice for public comment of its intent to make a no significant hazards consideration finding in accordance with 10 CFR 50.91 and 50.92.

For further details with respect to this action, see the application for amendment dated May 31, 1990, which is available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street NW., Washington, DC 20555, and at the local public document room, University of Toledo Library, Documents Department, 2801 Bancroft Avenue, Toledo, Ohio 43606.

Dated at Rockville, Maryland, this 23rd day of November 1990.

For the Nuclear Regulatory Commission.

M.D. Lynch,

Acting Director, Project Directorate III-3, Division of Reactor Projects—III, IV, V and Special Projects, Office of Nuclear Reactor Regulation.

[FR Doc. 90-28009 Filed 11-28-90; 8:45 am]

BILLING CODE 7590-01-M

OVERSIGHT BOARD

National Advisory Board; Meeting

AGENCY: Oversight Board.

ACTION: Meeting postponement.

SUMMARY: The National Advisory board meeting scheduled for Wednesday, December 5, 1990, from 1 to 4 pm, as published in the **Federal Register**, November 21, 1990, page 48714, has been postponed. Further details on the new date and location for the meeting will be published in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT:

Jill Nevius, Committee Management Officer, Oversight Board/RTC, 1777 F Street, NW, Washington, DC 20232, 202/786-9675.

Dated: November 16, 1990.

Jill Nevius,

Committee Management Officer, Oversight Board, Advisory Board Affairs.

[FR Doc. 90-28200 Filed 11-28-90; 8:45 am]

BILLING CODE 2222-01-M

PEACE CORPS**Information Collection Request Under OMB Review****AGENCY:** United States Peace Corps.

SUMMARY: In compliance with the Paperwork Reduction Act (44 U.S.C. 3502 et seq.), this notice announces that the information collection request abstracted below has been forwarded to the Office of Management and Budget for review and is available for public review and comment. A copy of the information collection may be obtained from Mr. Guy Branch, Office of Recruitment, United States Peace Corps, 1990 K Street, NW., Washington, DC 20526. Mr. Branch may be called at 202-606-3387. Comments on this information collection should be addressed to Mr. Marshall Mills, Desk Officer, Office of Management and Budget, Washington, DC 20503.

INFORMATION COLLECTION ABSTRACT:

Title: Survey of Possible Peace Corps Volunteers and Returned Volunteers Need for and use of the information: Peace Corps needs this information in order to evaluate the effectiveness of its recruitment techniques and make adjustments as necessary.

Respondents: Possible Peace Corps Volunteers and Returned Volunteers Burden on the public:

- a. *Annual reporting burden:* 700 hours
- b. *Annual recordkeeping burden:* 0 hours
- c. *Estimated average burden per response:* 30 minutes
- d. *Frequency of response:* one time survey
- e. *Estimated number of likely respondents:* 1,400

This notice is issued in Washington, DC on November 26, 1990.

Collins Reynolds,

Associate Director for Management.

[FR Doc. 90-27991 Filed 11-28-90; 8:45 am]

BILLING CODE 6051-01-M

PRESIDENT'S COMMISSION ON THE FEDERAL APPOINTMENT PROCESS**Proposed Recommendations; Availability and Request for Comments**

AGENCY: President's Commission on the Federal Appointment Process.

ACTION: Availability and request for public comment.

SUMMARY: The Commission is requesting anyone interested in addressing issues related to the appointment process to review the Commission's proposed

recommendations and share his or her thoughts in writing with members of the Commission. The recommendations can be obtained by contacting the executive director of the Commission at the address and phone listed in **ADDRESSES**.

DATES: Comments due December 5, 1990.

ADDRESSES: Comments should be sent to room, 502, the Old Executive Office Building, 17th and Pennsylvania Avenue, Washington, DC 20500, or faxed to (202) 456-2330.

FOR FURTHER INFORMATION CONTACT:

Alvin S. Felzenberg, Executive Director, President's Commission on the Federal Appointment Process, room 502, Old Executive Office Building, Washington, DC 20500, (202) 456-6490.

SUPPLEMENTARY INFORMATION: The Commission was established by Executive Order 12719 to advise the President on the best means of simplifying the Presidential appointment process through reducing the number and complexity of forms to be completed by Presidential nominees. The Commission's mandate is to give special attention to achieving coordination between forms required in the executive branch clearance process and forms required by Senate Committees for confirmation hearings.

Alvin S. Felzenberg,
Executive Director.

[FR Doc. 90-28044 Filed 11-28-90; 8:45 am]

BILLING CODE 3510-17-M

DEPARTMENT OF TRANSPORTATION**Aviation Proceedings; Agreements Filed During the Week Ended November 16, 1990**

The following Agreements were filed with the Department of Transportation under the provisions of 49 U.S.C. 412 and 414. Answers may be filed within 21 days of date of filing.

Docket Number: 47251

Date filed: November 13, 1990

Parties: Members of the International Air Transport Association

Subject: Mail Vote 436 (General Increase in Fares from Japan)

Proposed Effective Date: December 1, 1990

Docket Number: 47252

Date filed: November 13, 1990

Parties: Members of the International Air Transport Association

Subject: Mail Vote 435 (Amend Mileage Manual-Reso Olla)

Proposed Effective Date: December 1, 1990

Docket Number: 47253

Date filed: November 13, 1990

Parties: Members of the International Air Transport Association

Subject: Mail Vote 438 (Experimental Fares from Japan to Hong Kong)

Proposed Effective Date: December 1, 1990

Docket Number: 47257

Date filed: November 14, 1990

Parties: Members of the International Air Transport Association

Subject: Mail Vote 437 (Increase in Cargo Rates from Japan)

Proposed Effective Date: December 1, 1990

Docket Number: 47258

Date filed: November 14, 1990

Parties: Members of the International Air Transport Association

Subject: Mail Vote 441 (Increase in Cargo Rates from Germany)

Proposed Effective Date: December 10, 1990

Docket Number: 47259

Date filed: November 14, 1990

Parties: Members of the International Air Transport Association

Subject: Mail Vote 443 (Increase in TC1 Fares from Venezuela)

Proposed Effective Date: December 10, 1990

Docket Number: 47260

Date filed: November 14, 1990

Parties: Members of the International Air Transport Association

Subject: Mid Atlantic-Europe Resolutions R-1 To R-18

Proposed Effective Date: January 1, 1991

Docket Number: 47261

Date filed: November 14, 1990

Parties: Members of the International Air Transport Association

Subject: Europe-Africa Expedited Reso R-1 To R-7

Proposed Effective Date: December 10, 1990

Docket Number: 47262

Date filed: November 14, 1990

Parties: Members of the International Air Transport Association

Subject: Europe-Japan/Korea Expedited Resos R-1 To R-3

Europe-Japan/Korea Expedited Resos R-4 To R-6

Europe-Japan/Korea Expedited Resos R-1 To R-25

Proposed Effective Date: December 1, 1990

Docket Number: 47266

Date filed: November 16, 1990

Parties: Members of the International Air Transport Association

Subject: Mail Vote 442 (Circle Pacific-Standard Revalidation)

Proposed Effective Date: April 1, 1991

Docket Number: 47267

Date filed: November 16, 1990

Parties: Members of the International

Air Transport Association
 Subject: Europe-Africa Expedited
 Resos R-1 To R-22
 Proposed Effective Date: January 1, 1991
 Subject: Within Africa Expedited
 Resos R-23 To R-29
 Proposed Effective Date: December 10, 1990
 Docket Number: 47268
 Date filed: November 16, 1990
 Parties: Members of the International Air Transport Association
 Subject: Mail Vote 444-(Increase in fares from Zimbabwe)
 Proposed Effective Date: December 1, 1990
 Docket Number: 47269
 Date filed: November 16, 1990
 Parties: Members of the International Air Transport Association
 Subject: Mail Vote 440-(APEX fares from Japan to Canada/Mexico/USA, except Alaska/Hawaii)
 Proposed Effective Date: December 1, 1990
 Phyllis T. Kaylor
 Chief, Documentary Services Division.
 [FR Doc. 90-27978 Filed 11-28-90; 8:45 am]
 BILLING CODE 4910-62-M

Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits Filed Under Subpart Q During the Week Ended November 16, 1990

The following applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits were filed under Subpart Q of the Department of Transportation's Procedural Regulations (See 14 CFR 302.1701 et. seq.). The due date for answers, conforming applications, or motions to modify scope are set forth below for each application. Following the answer period DOT may process the application by expedited procedures. Such procedures may consist of the adoption of a show-cause order, a tentative order, or in appropriate cases a final order without further proceedings.

Docket Number: 47263.
 Date filed: November 14, 1990.
 Due Date for Answers, Conforming Applications, or Motion to Modify Scope: November 26, 1990.
 Description: Application of Delta Air Lines, Inc., pursuant to section 401 of the Act and Subpart Q of the Regulations applies for a new or amended certificate of public convenience and necessity to permit Delta to provide nonstop air transportation between the coterminals of Miami and Tampa, on the one hand, and Toronto, on the other hand.
 Docket Number: 47264.
 Date filed: November 16, 1990.
 Due Date for Answers, Conforming Applications, or Motion to Modify

Scope: December 14, 1990.

Description: Application of Delta Air Lines, Inc., pursuant to section 401 of the Act and Subpart Q of the Regulations, applies for a new or amended certificate of public convenience and necessity to permit Delta to provide scheduled air transportation of persons, property and mail between Atlanta, Georgia and Copenhagen, Denmark via London (Gatwick), England.

Docket Number: 47270.
 Date filed: November 16, 1990.
 Due Date for Answers, Conforming Applications, or Motion to Modify Scope: November 26, 1990.

Description: Application of American Airlines, Inc., pursuant to section 401 of the Act and Subpart Q of the Regulations applies for a certificate of public convenience and necessity so as to authorize scheduled foreign air transportation of persons, property, and mail between the co-terminal points Miami and Tampa, Florida, and the terminal point Toronto, Ontario, Canada.

Docket Number: 47272.
 Date filed: November 16, 1990.
 Due Date for Answers, Conforming Applications, or Motion to Modify Scope: November 26, 1990.

Description: Application of Northwest Airlines, Inc., pursuant to section 401 of the Act and Subpart Q of the Regulations, applies for a certificate of public convenience and necessity to enable it to provide scheduled, nonstop service between Tampa and Miami, Florida, and Toronto, Ontario, Canada.

Docket Number: 46828.
 Date filed: November 16, 1990.
 Due Date for Answers, Conforming Applications, or Motion to Modify Scope: November 26, 1990.

Description: Application of USAir, Inc., in response to Order 90-10-32, applies for issuance of a new or amended certificate of public convenience and necessity so as to authorize USAir to provide scheduled foreign air transportation of persons, property and mail on a nonstop basis between Miami and Tampa, Florida, on the one hand, and Toronto, Ontario, Canada, on the other hand.

Docket Number: 46804.
 Date filed: November 16, 1990.
 Due Date for answers, Conforming Applications, or Motion to Modify Scope: November 26, 1990.

Description: First Amendment to Application of Pan American World Airways, Inc., pursuant to Order 90-10-32, amends its application to apply for certificate authority "between Miami and Tampa, Florida, on the one hand, and Toronto, Ontario, Canada, on the other hand." The effect of this

amendment is to add Tampa-Toronto authority to the application and to conform fully to the scope of the Miami/Tampa-Toronto Service Investigation instituted in Docket 47224.

Phyllis T. Kaylor,
 Chief, Documentary Services Division.
 [FR Doc. 90-27979 Filed 11-28-90; 8:45 am]
 BILLING CODE 4910-62-M

[Order 90-11-36, Docket 47237]

Order Setting Procedural Schedule; Joint Application of United Air Lines, Inc. and Pan American World Airways, Inc. for Certificate Transfer

AGENCY: Department of Transportation, Office of the Secretary.

ACTION: Joint application of United Air Lines, Inc. and Pan American World Airways, Inc. for certificate transfer.

SUMMARY: On November 1, 1990, United Air Lines, Inc. and Pan American World Airways, Inc. filed a joint application seeking approval of the transfer to United, under section 410(h) of the Federal Aviation Act of 1958, as amended, of the following:

(a) Pan American's present certificate authority to serve points in the United Kingdom (except Manchester), on the one hand, and points in the United States (except Detroit and Miami), on the other hand, including the right to serve London through Heathrow Airport;

(b) Pan American's local traffic rights between the United Kingdom and third countries;

(c) Pan American's right to operate U.S. Route 2 (combination round-the-world service) under the Bermuda II Agreement;

(d) Pan American's present route authority to operate between certain U.S. gateways (Washington-Baltimore, Chicago, Los Angeles, San Francisco-Oakland-San Jose and Seattle), on the one hand, and points outside the U.S. (except points in Bermuda, the Bahamas, Central and South America, Mexico, and the Caribbean, and between Washington and Frankfurt), on the other hand.

By notice filed November 14, 1990, the Department required the joint applicants to file additional evidence and information. On November 16, 1990, the joint applicants completed their application.

The Department has established a procedural schedule for the receipt of answers and replies to answers.

DATES: Answers to the application should be filed by December 14, 1990. Replies to answers should be filed by December 21, 1990.

ADDRESSES: Answers and replies to answers should be filed in Docket 47287, addressed to the Documentary Services Division, U.S. Department of Transportation, 400 Seventh Street, SW., room 4107, Washington, DC 20590 and should be served on all parties in Docket 47237.

Dated: November 23, 1990.

Jeffrey N. Shane,

Assistant Secretary for Policy and International Affairs.

[FR Doc. 90-27980 Filed 11-28-90; 8:45 am]

BILLING CODE 4910-62-M

Coast Guard

[CGD8 90-25]

Houston/Galveston Navigation Safety Advisory Committee; Offshore Waterway Management Subcommittee Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. app. I) notice is hereby given of a meeting of the Offshore Waterway Management Subcommittee of the Houston/Galveston Navigation Safety Advisory Committee. The meeting will be held on Thursday, January 3, 1991 at West Gulf Maritime Association 1717 East Loop, suite 200, Houston, Texas. The meeting is scheduled to begin at 10:30 a.m. and end at 12 Noon. The agenda for the meeting consists of the following items:

1. Call to Order.
2. Discussion of previous recommendations made by the full Advisory Committee and the Offshore Waterway Management Subcommittee.
3. Presentation of any additional new items for consideration by the Subcommittee.
4. Adjournment.

The meeting is open to the public. Members of the public may present written or oral statements at the meeting.

Additional information may be obtained from Lieutenant Commander, E. N. Funk, USCG, Executive Secretary, Houston/Galveston Navigation Safety Advisory Committee, c/o Commander, Eighth Coast Guard District (oan), room 1209, Hale Boggs Federal Building, 501 Magazine Street, New Orleans, LA 70130-3396, telephone number (504) 589-4686.

Dated: October 30, 1990.

J.M. Loy,

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

[FR Doc. 90-28031 Filed 11-28-90; 8:45 am]

BILLING CODE 4910-14-M

[CGD8 90-26]

Houston/Galveston Navigation Safety Advisory Committee; Inshore Waterway Management Subcommittee Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. app. I) notice is hereby given of a meeting of the Inshore Waterway Management Subcommittee of the Houston/Galveston Navigation Safety Advisory Committee. The meeting will be held on Thursday, January 3, 1991 at West Gulf Maritime Association, 1717 East Loop, suite 200, Houston, Texas. The meeting is scheduled to begin at 9 a.m. and end at 10:30 a.m. The agenda for the meeting consists of the following items:

1. Call to Order.
2. Discussion of previous recommendations made by the full Advisory Committee and the Inshore Waterway Management Subcommittee.
3. Presentation of any additional new items for consideration of the Subcommittee.
4. Adjournment.

The meeting is open to the public. Members of the public may present written or oral statements at the meeting.

Additional information may be obtained from Lieutenant Commander E.N. Funk, USCG, Executive Secretary, Houston/Galveston Navigation Safety Advisory Committee, c/o Commander, Eighth Coast Guard District (oan), room 1209, Hale Boggs Federal Building, 501 Magazine Street, New Orleans, LA 70130-3396, telephone number (504) 589-4686.

Dated: October 30, 1990.

J.M. Loy,

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

[FR Doc. 90-28032 Filed 11-28-90; 8:45 am]

BILLING CODE 4910-14-M

[CGD8 90-27]

Houston/Galveston Navigation Safety Advisor Committee

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. app. I) notice is hereby given of the twenty-fifth meeting of the Houston/Galveston Navigation Safety Advisory Committee. The meeting will be held on Thursday, January 24, 1991 in the conference room of the Houston Pilots Office, 8150 South Loop East, Houston, Texas. The meeting is scheduled to begin at approximately 9 a.m. and end at approximately 1 p.m.

The agenda for the meeting consists of the following items:

1. Call to Order.
2. Presentation of the minutes of the Inshore and Offshore Waterways Subcommittees and discussion of recommendations.
3. Discussion of previous recommendations made by the Committee.
4. Presentation of any additional new items for consideration of the Committee.
5. Adjournment.

The purpose of this Advisory Committee is to provide recommendations and guidance to the Commander, Eighth Coast Guard District on navigation safety matters affecting the Houston/Galveston area.

The meeting is open to the public. Members of the public may present written or oral statements at the meeting.

Additional information may be obtained from Lieutenant Commander E.N. Funk, USCG, Executive Secretary, Houston/Galveston Navigation Safety Advisory Committee, c/o Commander, Eighth Coast Guard District (oan), room 1209, Hale Boggs Federal Building, 501 Magazine Street, New Orleans, LA 70130-3396, telephone number (504) 589-4689.

Dated: October 30, 1990.

J.M. Loy,

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

[FR Doc. 90-28033 Filed 11-28-90; 8:45 am]

BILLING CODE 4910-14-M

[CGD 90-066]

National Offshore Safety Advisory Committee

AGENCY: Coast Guard, DOT.

ACTION: Notice of meeting.

SUMMARY: Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. app. I), notice hereby is given of a meeting of the National Offshore Safety Advisory Committee (NOSAC). The meeting will be held on Thursday, February 21, 1991, in room 2415, U.S. Coast Guard Headquarters. The meeting is scheduled to run from 10 a.m. to 3 p.m. Attendance is open to the public. The agenda follows:

1. Subcommittee Reports
 - (a) Subchapter W
 - (b) Vessel Tonnage
 - (c) MODU Code Revision
 - (d) Drug Testing

(e) Ocean Tow of Jack-up Drilling Units

(f) Revisions to Regulations on Outer Continental Shelf Activities

2. Other Issues to be Discussed

With advance notice, and at the discretion of the Chairman, members of the public may present oral statements at the meeting. Persons wishing to present oral statements should notify the NOSAC Executive Director no later than the day before the meeting. Written statements or materials may be submitted for presentation to the Committee at any time; however, to ensure distribution to each Committee member, 20 copies of the written materials should be submitted to the Executive Director no later than February 10, 1991.

FOR FURTHER INFORMATION CONTACT:

Ms. Jo Pensivy, Executive Director, National Offshore Safety Advisory Committee (NOSAC), room 2414, U.S. Coast Guard Headquarters, 2100 Second St., SW., Washington, DC 20593-0001, (202) 267-1406.

Dated: November 23, 1990.

D.H. Whitten,

Captain, U.S. Coast Guard, Acting Chief, Office of Marine Safety, Security and Environmental Protection.

[FR Doc. 90-28034 Filed 11-28-90; 8:45 am]

BILLING CODE 4910-14-M

[CGD 90-065]

Loran-C Mid-Continent Expansion Project New Chain Data

AGENCY: Coast Guard, DOT.

ACTION: Notice.

SUMMARY: This notice publishes the transmitter antenna position survey data and coding delays for the Loran-C Mid-Continent Expansion Project.

FOR FURTHER INFORMATION CONTACT: LTJG Roger Barnett, U.S. Coast Guard Headquarters, Loran-C Management Branch, at telephone (202) 267-0299, (FTS) 267-0299.

SUPPLEMENTARY INFORMATION: The Loran-C Mid-Continent Expansion Project is a joint USCG/FAA project

that closes the present gap in Loran-C coverage in the mid-continental area of the United States. This project will meet the FAA's requirements for aviation use of Loran-C in the National Airspace System.

To close the gap in Loran-C coverage, the U.S. Coast Guard is expanding the Great Lakes Loran-C chain and creating two new Loran-C chains.

The two new Loran-C chains will be the South Central U.S. and the North Central U.S. chains. The South Central U.S. Chain (Rate 9610) is expected to be operational in December 1990. This date does not include the Las Cruces, NM, station which is expected to be operational in April 1991. The North Central U.S. Chain (Rate 8290) is expected to be operational in April 1991. The Great Lakes Chain (Rate 8970) is expected to begin providing expanded Loran-C coverage in April 1991.

The coordinates of the transmitter antennas and the chain coding delays are as follows:

Station	Position		Coding delay
	Latitude	Longitude	
South Central U.S. Loran-C Chain, Rate 9610			
M Boise City.....	36°30'20.783"N	102°53'59.487"W	N/A
V Gillette.....	44°00'11.305"N	105°37'23.895"W	11000
W Searchlight.....	35°19'18.305"N	114°48'16.881"W	25000
X Las Cruces.....	32°04'18.130"N	106°52'04.388"W	40000
Y Raymondville.....	26°31'55.141"N	97°49'59.539"W	52000
Z Grangeville.....	30°43'33.149"N	90°49'43.046"W	65000
North Central U.S. Chain, Rate 8290			
M Havre.....	48°44'38.589"N	109°58'53.613"W	N/A
W Baudette.....	48°36'49.947"N	94°33'17.915"W	11000
X Gillette.....	44°00'11.305"N	105°37'23.895"W	27000
Y Williams Lake.....	51°57'58.876"N	122°22'01.686"W	42000
Great Lakes Chain, Rate 8970 (Expanded)			
M Dana.....	39°51'07.658"N	87°29'11.586"W	N/A
W Malone.....	30°59'38.870"N	85°10'08.751"W	11000
X Seneca.....	42°42'50.716"N	76°49'33.308"W	28000
Y Baudette.....	48°36'49.947"N	94°33'17.915"W	44000
Z Boise City.....	36°30'20.783"N	102°53'59.487"W	59000

The surveys were performed by the U.S. Defense Mapping Agency, and are in the World Geodetic System 1984 at an achieved accuracy of 1 meter.

Dated: November 21, 1990.

J. W. Lockwood,

Captain, U.S. Coast Guard, Acting Chief, Office of Navigation Safety and Waterway Services.

[FR Doc. 90-28030 Filed 11-28-90; 8:45 am]

BILLING CODE 4910-14-M

Office of Hearings

[Docket 47149]

U.S.-U.S.S.R. North Atlantic Combination Service Case; Hearing

Notice is hereby given that the hearing in the above-entitled matter will begin at 9:30 a.m. on Tuesday, December 4, 1990, and run for the necessary days thereafter to complete the hearing. The hearing site is in room 5332, U.S. Department of Transportation, Nassif Building, 400 Seventh Street SW., Washington, DC 20590. Questions concerning this proceeding that require

a telephonic discussion should be telephoned to (202) 366-2141.

Civic parties will present their direct cases first, commencing with the Georgia/Atlanta Parties and proceeding seriatim in alphabetical order, and the intervenor associations (American Latvian Association, Lithuanian American Parties, and the Ukrainian National Association) will present their direct cases at the end of the civic parties' presentations. Then the airline applicants shall present their direct cases, followed by Public Counsel.

If certain parties wish to reverse the order of their presentation, and there is good cause for doing so, I may allow

that change. However, as provided in appendix A of my September 28, 1990 Prehearing Order, I expect that, once a party begins its direct case, it will complete its presentation and that individual witnesses will not be taken out of order, or in the middle of another party's case unless good cause, as defined in my September 28 order, is shown. Accommodating the business schedule of a witness normally does not constitute good cause.

Cross-examination shall proceed per aligned parties as provided in my November 15, 1990 Order Clarifying Alignment. Aligned parties normally should designate one attorney to cross a particular witness, but, if good reasons are shown, I will allow more than one counsel per aligned parties to cross-examine. Also, if requested prior to beginning cross-examination of a witness, and if a carrier has civic parties aligned with it, I may not restrict the set of aligned parties to fifteen minutes of cross-examination. However, aligned parties shall not be allowed to cross-examine each other's witnesses. Since even with alignment there are twelve possible cross-examinations per witness, counsel should attempt to avoid duplicative cross-examination.

Any outstanding motions not resolved prior to the hearing will be heard at the outset of the hearing before commencing with the testimony.

Dated: November 23, 1990.

Robert L. Barton, Jr.,

Administrative Law Judge.

[FR Doc. 90-28037 Filed 11-28-90; 8:45 am]

BILLING CODE 4910-62-M

Research and Special Programs Administration

International Standards on the Transport of Dangerous Goods; Public Meeting

AGENCY: Research and Special Programs Administration (RSPA), Department of Transportation.

ACTION: Notice of public meeting.

SUMMARY: This notice is to advise interested persons that RSPA, in conjunction with the International Regulations Committee (INTEREC) of the Hazardous Materials Advisory Council, will conduct a public meeting to report the results of the sixteenth session of the United Nations Committee of Experts on the Transport of Dangerous Goods.

DATES: December 20, 1990 at 9:30 a.m.

ADDRESSES: Room 6244, Nassif Building, 400 Seventh Street SW., Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT: Frits Wybenga, International Standards Coordinator for Hazardous Materials Safety, RSPA, Department of Transportation, Washington, DC 20590; (202) 366-0656.

SUPPLEMENTARY INFORMATION: This meeting will be used (1) to review the decisions made by the sixteenth session of the Committee of Experts on the Transport of Dangerous Goods and (2) to begin preparation for U.S. participation in meetings of the Committee of experts on the Transport of Dangerous Goods and its Subcommittee during the Committee's 1991-92 biennium. Topics to be covered include classification and grouping criteria for self-reactive substances; application of performance packaging test requirements to minor variations of previously tested combination packages; requirements for infectious substances; classification and grouping criteria for gases; amendments to the requirements for explosives and other amendments to the United Nations Recommendations on the Transport of Dangerous Goods.

Documents that will be discussed may be obtained for a nominal fee from HMAAC, suite 250, 1110 Vermont Ave., NW., Washington, DC 20005; (202) 728-1460.

Issued in Washington, DC on November 26, 1990.

Alan I. Roberts,

Associate Administrator for Hazardous Materials Safety.

[FR Doc. 90-28038 Filed 11-28-90; 8:45 am]

BILLING CODE 4910-60-M

DEPARTMENT OF THE TREASURY

Public Information Collection Requirements Submitted to OMB for Review

November 23, 1990.

The Department of the Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1980, Public Law 96-511. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, room 3171, Treasury Annex, 1500 Pennsylvania Avenue, NW., Washington, DC 20220.

Bureau of Alcohol, Tobacco and Firearms

OMB Number: New.

Form Number: ATF F 5300.26, ATF REC 5300/26.

Type of Review: New collection.

Title: Federal Firearms and Ammunition Excise Tax Return.

Description: Excise tax return is completed by those owing Federal excise tax on the manufacture or importation of firearms and/or ammunition. The return is prescribed by statute for the collection of these taxes. ATF uses the form to identify the taxpayer, the taxpayer's liability and adjustments affecting the amount paid.

Respondents: Businesses or other for-profit, small businesses or organizations.

Estimated Number of Respondents: 1,012.

Estimated Burden Hours Per Response/Recordkeeping: 6 hours.

Frequency of Response: Quarterly.

Estimated Total Recordkeeping/Reporting Burden: 24,289 hours.

OMB Number: New.

Form Number: ATF F 5300.29.

Type of Review: New collection.

Title: Application for Extension of Time for Payment of Tax.

Description: Under 26 U.S.C. 6161, provisions are made for ATF to grant extensions of time to pay taxes to those who are experiencing undue hardship. This application is used to implement this provision.

Respondents: Businesses or other for-profit, small businesses or organizations.

Estimated Number of Respondents: 50.

Estimated Burden Hours Per Response/Recordkeeping: 15 minutes.

Frequency of Response: On occasion.

Estimated Total Recordkeeping/Reporting Burden: 13 hours.

Clearance Officer: Robert Masarsky, (202) 566-7077, Bureau of Alcohol, Tobacco and Firearms, room 7011, 1200 Pennsylvania Avenue, NW., Washington, DC 20226.

OMB Reviewer: Milo Sunderhauf, (202) 395-6880, Office of Management and Budget, room 3001, New Executive Office Building, Washington, DC 20503.

Lois K. Holland,

Departmental Reports Management Officer.

[FR Doc. 90-27970 Filed 11-28-90; 8:45 am]

BILLING CODE 4910-31-M

Office of the Secretary

[Supplement to Department Circular—
Public Debt Series—No. 31-90]

Treasury Notes, Series D-2000

Washington, November 8, 1990.

The Secretary announced on November 7, 1990, that the interest rate on the notes designated Series D-2000, described in Department Circular—Public Debt Series—No. 31-90 dated November 1, 1990, will be $8\frac{1}{2}$ percent. Interest on the notes will be payable at the rate of $8\frac{1}{2}$ percent per annum.

Gerald Murphy,

Fiscal Assistant Secretary.

[FR Doc. 90-28063 Filed 11-28-90; 8:45 am]

BILLING CODE 4810-40-M

[Supplement to Department Circular—
Public Debt Series—No. 30-90]

Treasury Notes, Series V-1993

Washington, November 7, 1990.

The Secretary announced on November 6, 1990, that the interest rate on the notes designated Series V-1993, described in Department Circular—Public Debt Series—No. 30-90 dated November 1, 1990, will be 7 $\frac{1}{4}$ percent. Interest on the notes will be payable at the rate of 7 $\frac{1}{4}$ percent per annum.

Gerald Murphy,

Fiscal Assistant Secretary.

[FR Doc. 90-28062 Filed 11-28-90; 8:45 am]

BILLING CODE 4810-40-M

Sunshine Act Meetings

Federal Register

Vol. 55, No. 230

Thursday, November 29, 1990

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

FEDERAL ELECTION COMMISSION

DATE AND TIME: Tuesday, December 4, 1990, 10:00 a.m.

PLACE: 999 E Street, N.W., Washington, D.C. (Ninth Floor).

STATUS: The meeting will be closed to the public.

ITEMS TO BE DISCUSSED:

Compliance matters pursuant to 2 U.S.C. § 437g.
Audits conducted pursuant to 2 U.S.C. § 437g, § 438(b), and Title 26, U.S.C.
Matters concerning participation in civil actions proceedings or arbitration.
Internal personnel rules and procedures or matters affecting a particular employee.

DATE AND TIME: Thursday, December 6, 1990, 10:00 a.m.

PLACE: 999 E Street, N.W., Washington, D.C.

STATUS: This meeting will be open to the public

ITEMS TO BE DISCUSSED:

Correction and Approval of Minutes
Advisory Opinion 1990-14—Michael A. Nemeroff on behalf of the American Telephone & Telegraph Company and its subsidiary, AT&T Communications, Inc.
Administrative Matters

PERSON TO CONTACT FOR INFORMATION:

Mr. Fred Eiland, Press Officer,
Telephone: (202) 376-3155.

Delores Harris,

Administrative Assistant, Office of the Secretariat.

[FR Doc. 90-28218 Filed 11-27-90; 2:38 pm]

BILLING CODE 6715-01-M

FEDERAL DEPOSIT INSURANCE CORPORATION

Notice of a Matter To Be Withdrawn From Consideration at an Agency Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that the following matter will be withdrawn from the agenda for consideration at the open meeting of the Board of Directors of the Federal Deposit Insurance Corporation scheduled to be held at 2:00 p.m. on Thursday, November 29, 1990, in the Board Room on the sixth floor of the FDIC Building located at 550, 17th Street, NW., Washington, DC.:

Memorandum and resolution re: Final amendments to Part 325 of the Corporation's rules and regulations, entitled "Capital Maintenance," which amendments would ensure that limits are placed on the amount of purchased mortgage servicing rights that State nonmember banks and savings associations can recognize for regulatory capital purposes.

Requests for further information concerning the meeting may be directed to Mr. Hoyle L. Robinson, Executive Secretary of the Corporation, at (202) 898-3813.

Dated: November 27, 1990.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[FR Doc. 90-28173 Filed 11-27-90; 1:06 pm]

BILLING CODE 6714-01-M

FEDERAL MARITIME COMMISSION

TIME AND DATE: 10 a.m., December 4, 1990.

PLACE: Hearing Room One, 1100 L Street, N.W., Washington, D.C. 20573-0001.

STATUS: Closed.

MATTER(S) TO BE CONSIDERED:

1. Modifications to the Asia North America Eastbound Rate Agreement (202-010776-050) and the Transpacific Westbound Rate Agreement (202-010689-038).
2. Royal Caribbean Cruises Ltd.—Proposed Order of Investigation.
3. Docket No. 87-14—Banfi Products Corporation—Possible Violations of Section 16, Initial Paragraph, Shipping Act, 1916, and Section 10(a)(1) of the Shipping Act of 1984—Production of documents.

CONTACT PERSON FOR MORE

INFORMATION: Joseph C. Polking,
Secretary, (202) 523-5725.

Joseph C. Polking,

Secretary.

[FR Doc. 90-28172 Filed 11-27-90; 1:05 pm]

BILLING CODE 6730-01-M

FEDERAL RESERVE SYSTEM BOARD OF GOVERNORS

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 55 FR 48321, November 20, 1990.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 11:00 a.m., Monday, November 26, 1990.

CHANGES IN THE MEETING: Addition of the following closed item(s) to the meeting:

Issues regarding participation in the Federal Reserve System's Benefits Plans.

CONTACT PERSON FOR MORE

INFORMATION: Mr. Joseph R. Coyne,
Assistant to the Board; (202) 452-3204.

Dated: November 26, 1990.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 90-28127 Filed 11-27-90; 10:56 am]

BILLING CODE 6210-01-M

UNITED STATES PAROLE COMMISSION

Time and date for the open meeting to be held at 5550 Friendship Boulevard, Chevy Chase, Maryland, 20815; Correction.

ACTION: Notice of correction of time and date.

SUMMARY: This notice corrects the time and date previously published in the Federal Register November 26, 1990 [55 FR 49199] for an open meeting of the Commission to be held in Chevy Chase, Maryland. The time and date for the open meeting is 900 a.m., Tuesday, December 4, 1990.

Dated: November 26, 1990.

Michael A. Stover,

General Counsel, U.S. Parole Commission.

[FR Doc. 90-28174 Filed 11-27-90; 1:07 pm]

BILLING CODE 4410-01-M

UNITED STATES PAROLE COMMISSION

Time and date for the closed meeting to be held at 5550 Friendship Boulevard, Chevy Chase, Maryland, 20815; Correction.

ACTION: Notice of correction of time and date.

SUMMARY: This notice corrects the time and date previously published in the Federal Register November 26, 1990 [55 FR 49199] for a closed meeting of the Commission to be held in Chevy Chase, Maryland. The time and date for the closed meeting is 9:00 a.m., Wednesday, December 5, 1990.

Dated: November 26, 1990.

Michael A. Stover,

General Counsel, U.S. Parole Commission.

[FR Doc. 90-28175 Filed 11-27-90; 1:07 pm]

BILLING CODE 4410-01-M

NATIONAL MEDIATION BOARD

TIME AND DATE: 2:00 p.m., Wednesday, December 5, 1990.

PLACE: Board Hearing Room 8th Floor,
1425 K. Street, N.W., Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. Ratification of the Board actions taken by notation voting during the month of November, 1990.
2. Other priority matters which may come before the Board for which notice will be given at the earliest practicable time.

SUPPLEMENTARY INFORMATION: Copies of the monthly report of the Board's notation voting actions will be available from the Executive Director's office following the meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. William A. Gill, Jr.,
Executive Director, Tel: (202) 523-5920.

Date of Notice: November 18, 1990.

William A. Gill, Jr.,
Executive Director, National Mediation Board.

[FR Doc. 90-28140 Filed 11-27-90; 10:57 am]

BILLING CODE 7550-01-M

Corrections

Federal Register

Vol. 55, No. 230

Thursday, November 29, 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 85

[Docket No. 89-211]

Pseudorabies

Correction

In rule document 90-10811 beginning on page 19245 in the issue of Wednesday, May 9, 1990, make the following corrections:

§ 85.1 [Corrected]

1. On page 19252, in the first column, in § 85.1(b)(4)(iv)(B), in the eighth line, "his" should read "this".

2. On page 19253, in the first column, in the eighth amendatory statement, in the paragraph designated (a), "second" should read "section".

BILLING CODE 1505-01-D

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

Correction

In proposed rule document 90-27248 beginning on page 48137 in the issue of Monday, November 19, 1990, make the following corrections:

1. On page 48138, in the third column, in the first full paragraph, in the third line "MHTSA" should read "NHTSA".
2. In the next paragraph, third sentence, remove the words "analysis and their relative significance so that the detail of".

BILLING CODE 1505-01-D

Thursday
November 29, 1990

Final Rule

Part II

Department of Education

34 CFR Parts 201 and 222

Migrant Education Program, and Assistance for Local Educational Agencies in Areas Affected by Federal Activities and Arrangements for Education of Children Where Local Educational Agencies Cannot Provide Suitable Free Public Education; Final Rule

DEPARTMENT OF EDUCATION

34 CFR Parts 201 and 222

RIN 1810-AA48 and 1810-AA49

Chapter 1—Migrant Education Program; and Assistance for Local Educational Agencies in Areas Affected by Federal Activities and Arrangements for Education of Children Where Local Educational Agencies Cannot Provide Suitable Free Public Education**AGENCY:** Education.**ACTION:** Final regulations.

SUMMARY: The Secretary amends 34 CFR parts 201 and 222 to display and codify the control numbers assigned by the Office of Management and Budget (OMB) to information collection requirements contained in the regulations and to correct previous codifications by removing erroneous control numbers. The Department must display and codify the control numbers to comply with applicable statutory and regulatory requirements. Publication of these control numbers informs the public that OMB has approved the information collection requirements and that they have taken effect.

EFFECTIVE DATES: Sections 201.11, 201.16, 201.17, 201.25, 201.35, 201.44, 201.47, 201.55, and this amendment are effective November 29, 1990. Sections 222.25 and 222.40 were effective on November 9, 1989, when the correct OMB control numbers were published (54 FR 47076).

FOR FURTHER INFORMATION CONTACT: For the Chapter 1—Migrant Education Program, contact Ms. Marie Strahan, Office of Migrant Education, Office of Elementary and Secondary Education, U.S. Department of Education, 400 Maryland Avenue SW., room 2145 FOB-6, Washington, DC 20202-6135. Telephone: (202) 401-0744. For the Assistance for Local Educational Agencies in Areas Affected by Federal Activities and Arrangements for Education of Children Where Local Educational Agencies Cannot Provide Suitable Free Public Education program, contact Mr. Charles E. Hansen, Director, Impact Aid Programs, U.S. Department of Education, 400 Maryland Avenue SW., room 2077 FOB-6, Washington, DC 20202-6244. Telephone: (202) 401-3637.

SUPPLEMENTARY INFORMATION: Final regulations for the Chapter 1—Migrant Education Program were published in the Federal Register on October 23, 1989 (54 FR 43220). Final regulations governing eligibility, entitlement, and payment determinations under section

3(d)(2)(B) of the Impact Aid Program were published in the Federal Register as amendments to 34 CFR part 222 on September 7, 1989 (54 FR 37250). At the time of publication of the regulations, it was noted that certain sections of the regulations contained information collection requirements requiring review by the Office of Management and Budget (OMB), and those sections would become effective after approval by OMB under the Paperwork Reduction Act of 1980, as amended.

OMB has approved the information collection requirements in §§ 201.11, 201.16, 201.17, 201.25, 201.35, 201.44, 201.47, and 201.55 of the Chapter 1—Migrant Education Program regulations, and those sections of the regulations are now effective.

OMB approved the information collection requirements for the amendments to 34 CFR part 222, the Impact Aid Program regulations, and assigned controls numbers to be displayed with the appropriate amended sections to inform the public that the necessary approval had been given. Those control numbers were published in the Federal Register on November 9, 1989 (54 FR 47076). For two of the sections, however, §§ 222.25 and 222.40, the old control number also was retained when the regulations were codified. This document corrects this error by removing the incorrect control number and leaving intact the new control number published on November 9.

Waiver of Notice of Proposed Rulemaking

In accordance with section 431(b)(2)(A) of the General Education Provisions Act (20 U.S.C. 1232(b)(2)(A)) and the Administrative Procedure Act (5 U.S.C. 553), it is the practice of the Secretary to offer interested parties the opportunity to comment on proposed regulations. However, the publication of OMB control numbers is purely technical and does not establish substantive policy. Therefore, the Secretary has determined, under 5 U.S.C. 553(b)(B), that proposed rulemaking is unnecessary and contrary to the public interest and that a delayed effective date is not required under 5 U.S.C. 553(d)(3).

Executive Order 12291

These regulations have been reviewed in accordance with Executive Order 12291. They are not classified as major because they do not meet the criteria for major regulations established in the order.

Regulatory Flexibility Act Certification

The Secretary certifies that these regulations contain only technical amendments and would not have a significant impact on any entities.

List of Subjects**34 CFR Part 201**

Children, Education, Grant programs—education, Identification and recruitment, Local educational agencies, Migratory children, Special educational needs, State educational agencies.

34 CFR Part 222

Education, Education of the handicapped, Elementary and secondary education, Federally affected areas, Grant programs—education, Public housing.

(Catalog of Federal Domestic Assistance Number 84.011, Migrant Education Basic State Formula Grant Program; and Catalog of Federal Domestic Assistance Number 84.041, School Assistance in Federally Affected Areas—Maintenance and Operation)

Dated: November 21, 1990.

Lauro F. Cavazos,

Secretary of Education.

The Secretary amends parts 201 and 222 of title 34 of the Code of Federal Regulations as follows:

PART 201—CHAPTER 1—MIGRANT EDUCATION PROGRAM

1. The authority citation for part 201 continues to read as follows:

Authority: 20 U.S.C. 2781-2782, unless otherwise noted.

§ 201.11 [Amended]

2. Section 201.11 is amended by removing the second parenthetical "(Approved by the Office of Management and Budget under control number 1810-0519)" at the end of the section.

§ 201.16 [Amended]

3. Section 201.16 is amended by removing the existing OMB control number and adding, in its place, "1810-0029".

§§ 201.17, 201.25, 201.35, and 201.47 [Amended]

4. Sections 201.17, 201.25, 201.35, and 201.47 are amended by adding "(Approved by the Office of Management and Budget under control number 1810-0029)" following each section.

§ 201.44 [Amended]

5. Section 201.44 is amended by adding "(Approved by the Office of Management and Budget under control

number 1810-0548)" following the section.

§ 201.55 [Amended]

6. Section 201.55 is amended by adding "(Approved by the Office of Management and Budget under control number 1810-0519)" following the section.

PART 222—ASSISTANCE FOR LOCAL EDUCATIONAL AGENCIES IN AREAS AFFECTED BY FEDERAL ACTIVITIES AND ARRANGEMENTS FOR EDUCATION OF CHILDREN WHERE LOCAL EDUCATIONAL AGENCIES CANNOT PROVIDE SUITABLE FREE PUBLIC EDUCATION

7. The authority citation for part 222 continues to read as follows:

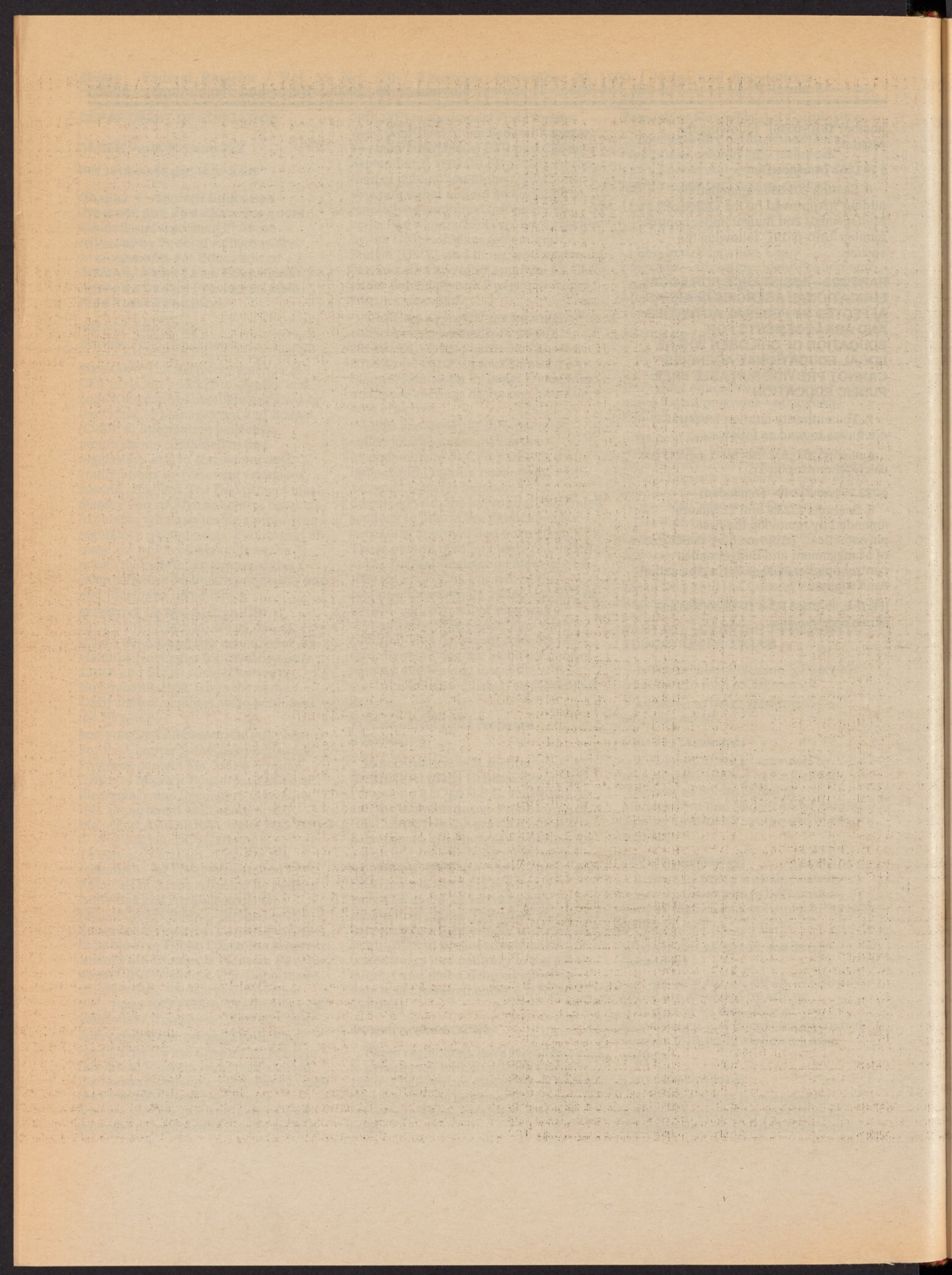
Authority: 20 U.S.C. 236-241-1 and 242-244, unless otherwise noted.

§ 222.25 and 222.40 [Amended]

8. Sections 222.25 and 222.40 are amended by removing the first parenthetical "(Approved by the Office of Management and Budget under control number 1880-0036)" at the end of each section.

[FR Doc. 90-27965 Filed 11-28-90; 8:45 am]

BILLING CODE 4000-01-M



First Look

Thursday
November 29, 1990

Part III

Department of Education

Office of Special Education and
Rehabilitative Services

Invitation To Comment on Special
Education for Children With Attention
Deficit Disorder; Notice of Inquiry

DEPARTMENT OF EDUCATION**Office of Special Education and Rehabilitative Services****Invitation to Comment on Special Education for Children With Attention Deficit Disorder****AGENCY:** Department of Education.**ACTION:** Notice of inquiry.

SUMMARY: In accordance with section 102(a) of the Education of the Handicapped Act Amendments of 1990 (1990 Amendments), Public Law 101-476 (October 30, 1990), the Secretary of Education publishes this Notice of Inquiry (Notice). This Notice solicits from all interested parties written comments on special education under part B of the Individuals with Disabilities Education Act (part B) for children with attention deficit disorder. These comments are intended to provide Congress with the widest possible range of advice on this issue, including guidance on the appropriate components of an operational definition of the term "attention deficit disorder."

INQUIRIES FOR PUBLIC COMMENT: The Secretary specifically requests public comment on the following issues:

(a) Are children with attention deficit disorder, who by reason thereof require special education and related services, currently being excluded from special education programs conducted under part B? If so, what is the extent of and what are the reasons for such exclusion?

(b) To what extent are children with attention deficit disorder, who by reason thereof require special education and related services, currently being identified within the existing disability categories in part B, such as "other health impaired," "seriously emotionally disturbed," or "specific learning disability?"

(c) Do children with attention deficit disorder have unique characteristics that are not reflected in the existing disability categories in part B? If so, to what extent do these unique characteristics require separate

evaluation criteria, special preparation for instructional and support personnel, and distinct educational programs and services?

(d) What educational programs and/or services are school districts currently providing to children diagnosed as having attention deficit disorder, either in special education programs conducted under part B or in general education programs?

(e) How should attention deficit disorder be described operationally for purposes of qualifying a child for special education and related services under part B?

(f) What criteria should be included in the definition to qualify children with attention deficit disorder whose disability is comparable in severity to other children with disabilities currently determined to be eligible for special education and related services under part B?

(g) What specific manifestations of attention deficit disorder, if any, should be included in the definition?

(h) Should the definition include references to characteristics or circumstances that produce transient inattentive behaviors that, in and of themselves, would not make a child eligible for special education and related services under the definition of attention deficit disorder?

(i) Should the definition address the concurrence of attention deficit disorder with other disabilities, such as specific learning disabilities or serious emotional disturbance, and if so addressed, how should this be accomplished?

(j) Should guidelines be provided to State and local educational agencies regarding their obligation to conduct an evaluation of a child suspected of having attention deficit disorder? If so, how should these guidelines be described?

(k) Who should be authorized to conduct an assessment of a child having or suspected of having attention deficit disorder, and should the assessment be conducted by more than one individual (such as a teacher and a psychologist)?

(l) What provisions should be included in the definition, and what additional steps, if any, not currently required by the regulations implementing part B, should be included to ensure that children who are from racial, ethnic, and linguistic minorities are not misclassified under this definition?

ADDITIONAL INFORMATION: Section 102(c) of the 1990 Amendments requires the Secretary to transmit a summary of the comments received in response to this Notice and copies of such comments, in usable form, to the Committee on Labor and Human Resources of the Senate and the Committee on Education and Labor of the House of Representatives not later than 30 days after the close of this comment period.

To facilitate the transmittal of an accurate summary, the Secretary requests that commenters identify the specific issue(s) that each comment is addressing by including a reference to the letter(s) of the issue(s) to which the comment relates prior to each specific comment.

DATES: All comments must be received on or before March 29, 1991.

ADDRESSES: Written comments should be addressed to Ms. Lucille Sleger, Program Administration Branch, Division of Assistance to States, Office of Special Education Programs, Department of Education, 400 Maryland Avenue SW., Switzer Building, room 3615, Washington, DC 20202-2720.

FOR FURTHER INFORMATION CONTACT: Mr. William D. Tyrrell, Division of Assistance to States, Office of Special Education Programs, Department of Education, 400 Maryland Avenue SW., Switzer Building, room 3611, Washington, DC 20202-2720. Telephone: (202) 732-1025; individuals who are deaf or hearing-impaired may call (202) 732-1169 for TDD services.

Dated: November 28, 1990.

Lauro F. Cavazos,
Secretary of Education.

[FR Doc. 90-28043 Filed 11-28-90; 8:45 am]

BILLING CODE 4000-01-M

Estimate of Part IV of the Environmental Protection Agency Premanufacture Notices; Monthly Status Report for May 1990; Notice

Thursday
November 29, 1990

Part IV

Environmental Protection Agency

Premanufacture Notices; Monthly Status
Report for May 1990; Notice

ENVIRONMENTAL PROTECTION AGENCY

[OPTS-53131; FRL-3841-9]

Premanufacture Notices; Monthly Status Report for May 1990

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(d)(3) of the Toxic Substance Control Act (TSCA) requires EPA to issue a list in the Federal Register each month reporting the premanufacture notices (PMNs) and exemption request pending before the Agency and the PMNs and exemption requests for which the review period has expired since publication of the last monthly summary. This is the report for MAY 1990.

Nonconfidential portions of the PMNs and exemption request may be seen in the Public Reading Room NE-G004 at the address below between 8 a.m. and noon, and 1 p.m. and 4 p.m., Monday through Friday, excluding legal holidays.

ADDRESSES: Written comments, identified with the document control number "(OPTS-53131)" and the specific PMN and exemption request number should be sent to: Document Processing Center (TS-790), Office of Toxic Substances, Environmental Protection Agency, 401 M Street, SW., Rm. L-100, Washington, DC 20460, (202) 382-3532.

FOR FURTHER INFORMATION CONTACT: Michael M. Stahl, Director, Environmental Assistance Division (TS-799), Office of Toxic Substances, Environmental Protection Agency, Rm. EB-44, 401 M Street, SW., Washington, DC 20460, (202) 382-3725.

SUPPLEMENTARY INFORMATION: The monthly status report published in the Federal Register as required under section 5(d)(3) of TSCA (90 Stat. 2012 (15 U.S.C. 2504)), will identify: (a) PMNs received during MAY; (b) PMNs received previously and still under review at the end of MAY; (c) PMNs for which the notice review period has ended during MAY; (d) chemical substances for which EPA has received a notice of commencement to manufacture during MAY; and (e) PMNs for which the review period has been suspended. Therefore, the MAY 1990 PMN Status Report is being published.

Dated: November 21, 1990.

Steven Newburg-Rinn,

Acting Director, Information Management Division, Office of Toxic Substances.

Premanufacture Notice Monthly Status Report for May 1990

I. 144 Premanufacture notices and exemption requests received during the month:

PMN No.

P 90-1291	P 90-1292	P 90-1293	P 90-1294
P 90-1295	P 90-1296	P 90-1297	P 90-1298
P 90-1299	P 90-1300	P 90-1301	P 90-1302
P 90-1303	P 90-1304	P 90-1305	P 90-1306
P 90-1307	P 90-1308	P 90-1309	P 90-1310
P 90-1311	P 90-1312	P 90-1313	P 90-1314
P 90-1315	P 90-1316	P 90-1317	P 90-1318
P 90-1319	P 90-1320	P 90-1321	P 90-1322
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P 90-1331	P 90-1332	P 90-1333	P 90-1334
P 90-1335	P 90-1336	P 90-1337	P 90-1338
P 90-1339	P 90-1340	P 90-1341	P 90-1342
P 90-1343	P 90-1344	P 90-1345	P 90-1346
P 90-1347	P 90-1348	P 90-1349	P 90-1350
P 90-1351	P 90-1352	P 90-1353	P 90-1354
P 90-1355	P 90-1356	P 90-1357	P 90-1358
P 90-1359	P 90-1360	P 90-1361	P 90-1362
P 90-1363	P 90-1364	P 90-1365	P 90-1366
P 90-1367	P 90-1368	P 90-1369	P 90-1370
P 90-1371	P 90-1372	P 90-1373	P 90-1374
P 90-1377	P 90-1378	P 90-1379	P 90-1380
P 90-1381	P 90-1382	P 90-1383	P 90-1384
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P 90-1434	P 90-1435	P 90-1436	P 90-1437
P 90-1438	P 90-1439	P 90-1440	P 90-1441
P 90-1444	P 90-1445	P 90-1446	P 90-1447
P 90-1448	P 90-1449	P 90-1450	P 90-1451
P 90-1452	P 90-1453	P 90-1454	P 90-1455
P 90-1456	P 90-1457	P 90-1458	P 90-1459
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P 90-1967	P 90-1968	P 90-1969	P 90-1970
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P 90-1997	P 90-1998	P 90-1999	P 90-2000
P 90-2007	P 90-2008	P 90-2009	P 90-2010
P 90-2017	P 90-2018	P 90-2019	P 90-2020
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P 90-2837	P 90-2838	P 90-2839	P 90-2840
P 90-2847	P 90-2848	P 90-2849	P 90-2850
P 90-2857	P 90-2858	P 90-2859	P 90-2860
P 90-2867	P 90-2868	P 90	

IV. 47 Chemical substances for which EPA has received notices of commencement to manufacture

PMN No.	Identity/Generic Name	Date of Commencement
P 82-0573	G Pentasubstituted pentanamide salt.	April 18, 1988.
P 85-0764	G 4-(Trans-4 <i>n</i> -alkylcyclohexyl)- <i>n</i> -alkylbenzene.	March 23, 1990.
P 85-0772	G 4- <i>n</i> -Alkyl-4'-(4-trans- <i>n</i> -alkyl)cyclohexyl biphenyl.	March 30, 1990.
P 85-0929	G Alkylated aromatic diamine.	November 11, 1989.
P 86-0303	Silica, ((dimethylhydro-gensilyl)oxy)-modified.	April 26, 1990.
P 86-0501	G Aromatic diamine.	August 7, 1989.
P 86-0502	G Tetraglycidylamine.	May 7, 1989.
P 86-0503	G Aromatic diamine.	April 12, 1989.
P 87-0016	G Alkylated hydroquinone.	April 10, 1990.
P 87-0104	2- <i>N</i> -Butoxyethyl, 4-(dimethylamino)benzoate.	January 30, 1987.
P 88-0217	Tetrachloroethylene (solvent).	May 26, 1988.
P 88-0602	G Azo-substituted-naphthalenedisulfonic acid.	April 25, 1990.
P 88-0606	G Trisubstituted-naphthalenedisulfonic acid.	April 25, 1990.
P 88-1136	G Alkene-substituted aromatic amine.	May 11, 1990.
P 88-2199	G Polyurethane resin.	February 23, 1989.
P 88-2574	2,2'-(2,2-Dimethyl-1,3-propanediylbis(bis)bis(5,5-dimethyl-1-1,3,2-dioxaborinane).	April 5, 1990.
P 89-0234	G Oligomeric phosphate ester.	October 26, 1989.
P 89-0577	G Metal salt of a complex inorganic oxyacid.	April 18, 1989.
P 89-0665	G Polyurethane based on polyisocyanates, polyols and polyamines.	October 10, 1989.
P 89-0669	1,1-Dimethylethyl-3-oxobutanoate.	February 4, 1990.
P 89-0700	Isobutoxy methanol or methanol, 2-methylprooxy.	April 17, 1990.
P 89-0807	G (Aromaticamine)substitutednitroheterocyclic halide.	March 26, 1990.
P 89-0919	Polymer of isophorone diisocyanate, 2-hydroxyethyl acrylate, and silicone surfactant.	April 9, 1990.
P 89-0920	G Modified bisphenol A polycarbonate.	April 26, 1990.
P 89-0976	G Acrylate/methacrylate polymer with methyl methacrylate.	April 19, 1990.
P 89-1000	G Polyamide.	April 25, 1990.
P 89-1092	G Acrylic resin.	May 9, 1990.
P 89-1134	G Sulfonated crude naphthalene oil, condensed with formaldehyde.	April 11, 1990.
P 90-0098	G Modified maleated rosin salts.	May 17, 1990.
P 90-0110	G Fluorochemical epoxide.	April 25, 1990.
P 90-0197	G Nickel isononanoate.	April 27, 1990.
P 90-0250	Aqua ammonia 26 baume; acrylic resin.	May 17, 1990.
P 90-0266	G Aromatic glycol.	April 27, 1990.
P 90-0267	G Polyurethane elastomer.	May 5, 1990.
P 90-0278	G Naphthoquinone sulfonyl ester of a phenolic.	April 6, 1990.
P 90-0280	G Perfluoroalkylacrylate copolymer.	April 26, 1990.
P 90-0338	G Elastomeric tetramonomeric polymer.	April 30, 1990.
P 90-0355	<i>N,N,N,N</i> -Tetrakis(stearamidoethyl)urea.	April 16, 1990.
P 90-0356	Tall oil fatty ester of ethoxylated-alpha-nonyl-phenyl-omega-hydroxy-polymer with formaldehyde.	April 16, 1990.
P 90-0357	Coconut fatty acid ester of ethoxylated-alpha-nonylphenyl-omega-hydroxy polymer with formaldehyde.	April 16, 1990.
P 90-0362	Lanolin fatty oil ester of ethoxylated-alpha-nonylphenyl-omega-polymer with formaldehyde.	April 16, 1990.
P 90-0363	Ammonium salt of polyoxypropylene polyoxyethylene omega-(1-phenol-2-hydroxyethyl)ether.	April 16, 1990.
P 90-0366	G Polyurethane-urea.	April 19, 1990.
P 90-0425	G Acrylic polymer.	May 14, 1990.
P 90-0444	Polymer of: Dimer fatty acids; acetic acid; 2-methylpentamethylene-diamine; ethylenediamine; 1,2-propanediamine; methyl-ethanalamine.	May 9, 1990.
Y 90-0011	Partial sodium salt of an acrylic polymer.	May 8, 1990.
Y 90-0101	G Polyester.	March 13, 1990.

V. 20 Premanufacture notices for which the period has been suspended:

PMN No.

P 88-2196 P 89-1125 P 90-0169 P 90-0440
P 90-0441 P 90-0473 P 90-0474 P 90-0475
P 90-0476 P 90-0477 P 90-0480 P 90-0496
P 90-0498 P 90-0512 P 90-0528 P 90-0558
P 90-0559 P 90-0560 P 90-0583 Y 90-0195

[FR Doc. 90-28020 Filed 11-28-90; 8:45 am]

BILLING CODE 6560-50-F

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Federal Register

Vol. 55, No. 230

Thursday, November 29, 1990

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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.

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12677 (See Memorandum of Aug. 17, 1990)	46491
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No. 91-4 of Oct. 25, 1990	46935
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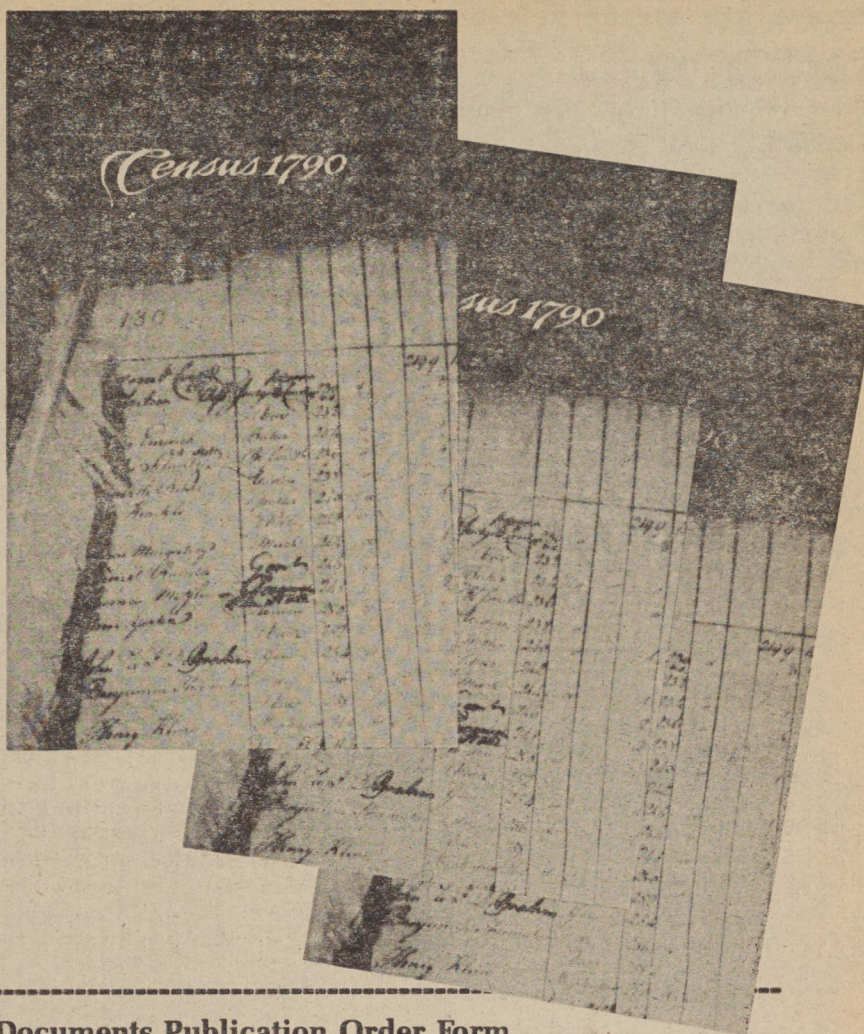
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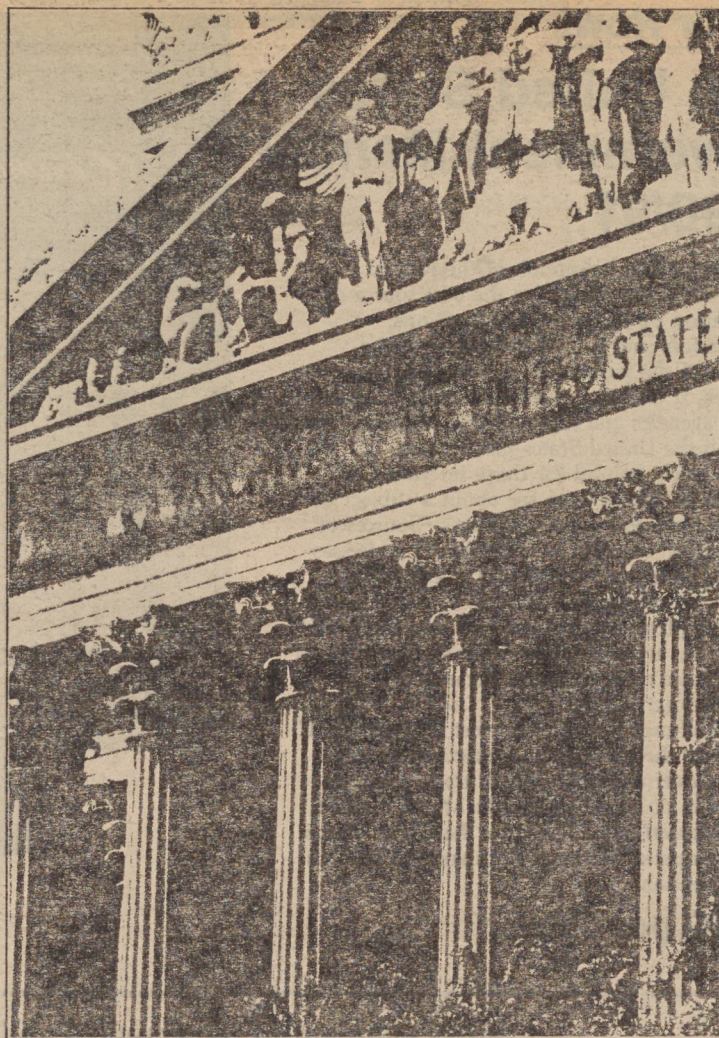
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