AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

12-19-90
Vol. 55 No. 244

federal register

Wednesday
December 19, 1990

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

OFFICIAL BUSINESS
Penalty for private use, $300

SECOND CLASS NEWSPAPER

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

12-19-90
Vol. 55 No. 244
Pages 52037-52166

federal register

Wednesday
December 19, 1990

Briefing on How To Use the Federal Register
For information on a briefing in Atlanta, GA, see announcement on the inside cover of this issue.

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

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

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THE FEDERAL REGISTER
WHAT IT IS AND HOW TO USE IT

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

WHO: The Office of the Federal Register.

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

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

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

ATLANTA, GA

WHEN: January 11, at 9:00 a.m.
WHERE: Centers for Disease Control
1600 Clifton Rd., NE.
Auditorium A
Atlanta, GA (Parking available)
RESERVATIONS: 1–800–347–1997.

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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

Farmers Home Administration

7 CFR Part 1951

Internal Revenue Service Offset

AGENCY: Farmers Home Administration, USDA.

ACTION: Final rule.

SUMMARY: The Farmers Home Administration (FmHA) amends its Internal Revenue Service (IRS) offset regulation to clarify the descriptions of several categories of accounts ineligible for IRS offset and to add a new form letter used in the IRS offset process. The intended effect of this action is to correct deficiencies in the current IRS offset regulation and to change a form to reflect recent revisions to this regulation.

EFFECTIVE DATE: December 19, 1990.

FOR FURTHER INFORMATION CONTACT: Jeanne Hudec, Financial Analyst, Farmers Home Administration, U.S. Department of Agriculture, Room 5503, South Agriculture Building, Washington, DC 20250, telephone (202) 382–6356.

SUPPLEMENTARY INFORMATION: This action has been reviewed under USDA procedures established in Departmental Regulation 1512–1, which implements Executive Order 12291, and has been determined to be exempt from those requirements because it involves only rules of agency procedure and internal agency management.

It is the policy of this Department to publish for comment rules relating to public property, loans, grants, benefits, or contracts, notwithstanding the exemption in 5 U.S.C. 553 with respect to such rules. This action, however, is not published for proposed rulemaking since it involves only rules of agency procedure and internal agency management, making publication for comment unnecessary.

This document has been reviewed in accordance with 7 CFR part 1940, subpart G, "Environmental Program." FmHA has determined that this action does not constitute a major Federal action significantly affecting the quality of the human environment and, in accordance with the National Environmental Policy Act of 1969, Public Law 91–190, an Environmental Impact Statement is not required.

The programs to which this regulation may apply are listed in the Catalog of Federal Domestic Assistance under the following:

10.404 Emergency Loans
10.405 Farm Labor Housing Loans and Grants
10.406 Farm Operating Loans
10.407 Farm Ownership Loans
10.410 Low Income Housing Loans (Section 502 Rural Housing Loans)
10.411 Rural Housing Site Loans (Sections 523 and 524 Site Loans)
10.414 Resource Conservation and Development Loans
10.415 Rural Rental Housing Loans
10.416 Soil and Water Loans (SW Loans)
10.418 Water and Waste Disposal Systems for Rural Communities
10.419 Watershed Protection and Flood Prevention Loans
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10.422 Business and Industrial Loans
10.423 Community Facility Loans
10.428 Economic Emergency Loans
10.433 Housing Preservation Grants
10.434 Nonprofit Corporations Loan and Grant Program
10.435 Agricultural Loan Mediation Program

Programs listed under numbers 10.404, 10.406, 10.407, 10.410, 10.417, 10.421, 10.428, and 10.435 are not subject to the provisions of Executive Order 12372 which requires intergovernmental consultation with State and local officials. (7 CFR 3015, subpart V, 48 FR 29115, June 24, 1983.)

Programs listed under numbers 10.405, 10.411, 10.414, 10.415, 10.416, 10.418, 10.419, 10.420, 10.422, 10.423, 10.427, 10.433, and 10.434 are subject to the provisions of Executive Order 12372 (7 CFR 3015, subpart V, 48 FR 29112, June 24, 1983; 49 FR 22675, May 31, 1984; 50 FR 14088, April 10, 1985.)

List of Subjects in 7 CFR Part 1951

Account servicing, Loan programs—Agriculture, Accounting, Credit, Low and moderate income housing loans—Servicing.

Therefore, chapter XVIII, title 7, Code of Federal Regulations is amended as follows:

PART 1951—SERVICING AND COLLECTIONS

Subpart C—Offsets of Federal Payments to FmHA Borrowers

1. The authority citation for part 1951 continues to read as follows:

Authority: 7 U.S.C. 1989; 42 U.S.C. 1480; 5 U.S.C. 301; 7 CFR 2.23; 7 CFR 2.70.

2. Section 1951.122 is amended by removing the last sentence of paragraph (a)(4), removing paragraph (b)(3), redesignating paragraphs (b)(4) and (b)(5) as paragraphs (b)(3) and (b)(4), respectively, adding paragraph (a)(8) and revising paragraph (d)(1) to read as follows:

§ 1951.122 Finance Office screening.

* * * * *

(a) * * *

(8) Account is current under a subject to approved adjustment (SAA).

* * * * *

(d) * * *

(1) Borrower has received any combination of Attachments 3 through 10 of Exhibit A of subpart S of this part; and the borrower did not request an appeal of the decision; any appeal has been concluded; or

* * * * *

3. Section 1951.125 is amended by revising the last sentence to read as follows:

§ 1951.125 Processing borrower's requests not to exercise IRS offset.

* * * After such determination, the County Supervisor will send the borrower FmHA Form Letter 1951–C–9 advising the borrower if offset will be exercised.

4. Section 1951.126 is amended by revising the fourth sentence to read as follows:

§ 1951.126 Final referral to IRS.

* * * If any of the events listed under § 1951.122 of this subpart occurs, immediately submit Form FmHA 1951–

43, "Adjustment of Accounts Referred for IRS Offset," in accordance with the FMI for that form. * * *

Dated: October 24, 1990.

La Verne Ausman,

Administrator, Farmers Home Administration.

[FR Doc. 90-29680 Filed 12-18-90; 8:45 am]

BILLING CODE 3410-07-M

Animal and Plant Health Inspection Service

9 CFR Part 92

[Docket No. 90-235]

Llamas and Alpacas Imported From Chile and Certain Other Countries Declared Free of Rinderpest and Foot-and-Mouth Disease

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule; correction.

SUMMARY: We are correcting an error that appeared in a final rule published September 28, 1990 (55 FR 39601-39608, Docket Number 89-216) and effective on October 29, 1990. The final rule amended the animal import regulations by adding health certification requirements and requirements concerning quarantine upon arrival in the United States for llamas and alpacas from Chile, and from certain other countries declared free of rinderpest and foot-and-mouth disease.

FOR FURTHER INFORMATION CONTACT: Dr. Robert Whiting, Chief Staff Veterinarian, Import-Export Animals Staff, VS, APHIS, USDA, room 764, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, 301-436-8590.

In FR Doc. 90-22998, page 39606, second column, amendment number 3 is corrected to read as follows:

Done in Washington, DC, this 13th day of December 1990.

James W. Glosser,

Administrator, Animal and Plant Health Inspection Service.

§ 92.411 [Corrected]

"3. In the first sentence of paragraph (b)(1) of § 92.411, the phrase 'other than llamas and alpacas from countries listed in § 94.1(d) of this chapter, and' is inserted immediately after 'Ruminants'."

[FR Doc. 90-29679 Filed 12-18-90; 8:45 am]

BILLING CODE 3410-34-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 90-NM-168-AD; Amdt 39-6846]

Airworthiness Directives; British Aerospace Model BAC 1-11 200 and 400 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to British Aerospace Model BAC 1-11 200 and 400 series airplanes, which requires a one-time measurement of the voltage and frequency outputs from Static Inverters No. 1 and No. 2, and recalibration, if necessary. This amendment is prompted by a report of inadvertent operation of the stick shaker and stick pusher shortly after takeoff due to a faulty static inverter. This condition, if not corrected, could result in erroneous stick shake and stick push occurrences, which could adversely affect the controllability of the airplane.

EFFECTIVE DATE: January 28, 1991.

ADDRESSES: The applicable service information may be obtained from British Aerospace, PLC, Librarian for Service Bulletins, P.O. Box 17414, Dulles International Airport, Washington, DC 20041-0414. This information may be examined at the FAA, Northwest Mountain Region, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington.

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

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations to include a new airworthiness directive, applicable to all British Aerospace Model BAC 1-11 200 and 400 series airplanes, which requires a one-time measurement of the voltage and frequency outputs from Static Inverters No. 1 and No. 2, and recalibration, if necessary, was published in the **Federal Register** on October 2, 1990 (55 FR 40195).

Interested persons have been afforded an opportunity to participate in the making of this amendment. No comments were received in response to the proposal.

After careful review of the available data, the FAA has determined that air safety and the public interest require the adoption of the rule as proposed.

It is estimated that 70 airplanes of U.S. registry will be affected by this AD, that it will take approximately 1.5 manhours per airplane to accomplish the required actions, and that the average labor cost will be $40 per manhour. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be $4,200.

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

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

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

Adoption of the Amendment

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

PART 39—[AMENDED]

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

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

§ 39.13 [Amended]

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

British Aerospace: Applies to all Model BAC 1-11 200 and 400 series airplanes, certificated in any category. Compliance is required as indicated, unless previously accomplished.

To ensure stall warning protection, accomplish the following:

A. Within 600 hours time-in-service or within 120 days after the effective date of this AD, whichever occurs first, measure the voltage and frequency outputs of Static Inverters No. 1 and No. 2, in accordance with the Accomplishment Instructions in British Aerospace Alert Service Bulletin 27–A–PM6005, Issue 1, dated March 28, 1990. If the measured voltage and/or frequency do not conform with the tolerances as detailed in the Maintenance Manual, Paragraph E, "Stall Protection—Simulated Flight Condition Check," prior to further flight, remove the inverter from the airplane and recalibrate it in accordance with the service bulletin.

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

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

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

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

This amendment becomes effective January 28, 1991.

Issued in Renton, Washington, on December 10, 1990.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 90–29657 Filed 12–18–90; 8:45 am]

BILLING CODE 4910–13–M

CONSUMER PRODUCT SAFETY COMMISSION

16 CFR Part 1500

Test Methods for Simulating Use and Abuse of Toys, Games, and Other Articles Intended for Use by Children

AGENCY: Consumer Product Safety Commission.

ACTION: Final rule.

SUMMARY: Provisions of the Federal Hazardous Substances Act authorize the Commission to issue rules banning toys and other articles intended for children which present an electrical, mechanical, or thermal hazard in normal use or when subjected to reasonably foreseeable abuse. In 1975, the Commission issued a regulation to prescribe tests to simulate use and abuse of toys and other articles intended for children 18 months of age or younger. The **Federal Register** notice published by the Commission in 1975 to issue the regulation on a final basis contained an error in its description of the equipment to be used for one of the tests prescribed by the regulation. The Commission corrected that error by publishing a second notice in the **Federal Register** the same year. However, when codified in title 16 of the Code of Federal Regulations in 1976, the regulation contained the uncorrected description of the item of test equipment. That error has been included in each subsequent edition of title 16 of the Code of Federal Regulations. The Commission is issuing this technical amendment to correct the description of the test equipment in title 16 of the Code of Federal Regulations.

EFFECTIVE DATE: This amendment is effective on December 19, 1990.

FOR FURTHER INFORMATION CONTACT: Robert G. Poth, Director, Division of Regulatory Management, Consumer Product Safety Commission, Washington, DC 20207; telephone (301) 492–6400.

SUPPLEMENTARY INFORMATION: Provisions of the Federal Hazardous Substances Act (FHSA) authorize the Commission to issue regulations to ban any toy or other article intended for use by children which presents an electrical, mechanical, or thermal hazard "in normal use or when subjected to reasonably foreseeable damage or abuse." See sections 2(r), (s), and (t), and 3(e) of the FHSA (15 U.S.C. 1261(r), (s), and (t) and 1262(e)). Section 10(a) of the FHSA (15 U.S.C. 1269(a)) authorizes the Commission to issue regulations for the efficient enforcement of the FHSA.

In the **Federal Register** of January 7, 1975 (40 FR 1480) the Commission issued final regulations to prescribe tests for simulating use and abuse of toys and other articles intended for three age groups: 18 months of age and younger; older than 18 months but not more than 36 months of age; and older than 36 months but not more than 96 months of age.

Among the tests prescribed for toys and other articles intended for children 18 months of age and younger is a torque test, which is intended to simulate the action a child would use to detach a part or component from a toy.

The equipment used for the torque test for toys and articles intended for use by children 18 months of age and younger includes a "loading device" which was described in the regulation as "a torque gauge, torque wrench, or other appropriate device having an accuracy of ±2 inch pound (±0.23 kilogram-centimeter"). See § 1500.51(e)(2)(i) on page 1484 of the **Federal Register** of January 7, 1975.

The notice of January 7, 1975, contained several errors, including the value given for the tolerance for accuracy of the loading device specified in § 1500.51(e)(2). That value should have been "±0.2 inch-pound (±0.23 kilogram-centimeter)."

In the **Federal Register** of April 10, 1975 (40 FR 16191), the Commission published a notice to correct errors in the notice of January 7, 1975. That notice included a correction of § 1500.51(e)(2) by changing "±2 inch pound" to read "±0.2 inch-pound."

However, when § 1500.51 was codified in the 1976 edition of title 16, the correction of § 1500.51(e)(2) made by the **Federal Register** notice of April 10, 1975, was not included. The error has not been corrected in any subsequent edition of title 16.

For this reason, the Commission is issuing this technical amendment of 16 CFR 1500.51(e)(2) to specify that the tolerance for the accuracy of the loading device described in that section is ±0.2 inch-pound.

Generally, the Administrative Procedure Act (APA) (5 U.S.C. 553) requires that agencies must give notice of proposed rulemaking and provide opportunity for interested parties to submit written comments on the proposal before a rule can be issued or amended. However, 5 U.S.C. 553(b)(B) provides that notice of proposed rulemaking and public participation are not required when the agency makes a finding for good cause that such notice and opportunity for comment are "impracticable, unnecessary, or contrary to the public interest."

The Commission finds for good cause that notice of proposed rulemaking and opportunity for written comment are not necessary for issuance of the technical amendment published below because its only purpose is to incorporate a correction of § 1500.51(e)(2) made on April 10, 1975, into that rule as codified in title 16 of the Code of Federal Regulations. In this instance, providing notice of proposed rulemaking and

opportunity for comment is not necessary because this change does not raise any issue for public comment.

The APA also requires at 5 U.S.C. 553 that a "substantive rule" must be published at least 30 days before its effective date, unless the agency finds otherwise, for good cause shown, and publishes that finding with the rule. The technical amendment issued below changes the text of the rule codified at 16 CFR 1500.51(e)(2) to reflect the correction of that section published by the Commission in the Federal Register of April 10, 1975 at 40 FR 16191. For this reason, the Commission finds for good cause that the amendment issued below shall become effective on the date of its publication in the Federal Register.

List of Subjects in 16 CFR Part 1500

Consumer protection, Infants and children, Toys.

Therefore, pursuant to the authority of section 30(a) of the Consumer Product Safety Act (15 U.S.C. § 2079(a)) and section 10(a) of the Federal Hazardous Substances Act (15 U.S.C. 1269(a)), the Commission amends title 16 of the Code of Federal Regulations, chapter II, subchapter C, part 1500 as follows:

PART 1500—HAZARDOUS SUBSTANCES AND ARTICLES; ADMINISTRATION AND ENFORCEMENT REGULATIONS

1. The authority citation for part 1500 continues to read as follows:

Authority: 15 U.S.C. 1261–1276.

2. Section 1500.51(e)(2)(i) is revised to read as follows:

§ 1500.51 Test methods for simulating use and abuse of toys and other articles intended for use by children 18 months of age or less.

* * * * *

(e) *Torque test*—* * *

(2) *Test equipment*—(i) *Loading device.* The loading device shall be a torque gauge, torque wrench, or other appropriate device having an accuracy of ±inch-pound (±0.23 kilogram-centimeter).

* * * * *

Dated: December 13, 1990.

Sadye E. Dunn,

Secretary, Consumer Product Safety Commission.

[FR Doc. 90–29571 Filed 12–18–90; 8:45 am]

BILLING CODE 6355-01-M

DEPARTMENT OF THE TREASURY

Customs Service

19 CFR Part 133

[T.D. 90–98]

RIN 1515–AA92

Gray Market Goods

AGENCY: U.S. Customs Service, Department of the Treasury.

ACTION: Final rule.

SUMMARY: A United States Supreme Court decision invalidated § 133.21(c)(3) of the Customs Regulations (19 CFR 133.21(c)(3)), which denies protection against imported gray market goods where the trademark or trade name on foreign-made merchandise was applied under authorization received from the U.S. owner, insofar as it interpreted 19 U.S.C. 1526(a). Because this regulatory provision interpreted and applied two statutory provisions, and to resolve any remaining ambiguity and maintain Customs longstanding practice of interpreting both underlying statutory provisions in tandem, Customs proposed revising its regulations to eliminate the provision in its entirety. Elimination of the provision will accord import protection to U.S. trademark and trade name owners from certain goods bearing recorded trademarks and trade names applied under authorization of the U.S. owner. Customs has determined to adopt the proposal as the final rule.

EFFECTIVE DATES: January 18, 1991.

FOR FURTHER INFORMATION CONTACT: Barry P. Miller, Intellectual Property Rights Task Force, U.S. Customs Service (202) 566–6956.

SUPPLEMENTARY INFORMATION:

Background

The U.S. Supreme Court issued a decision May 31, 1988, invalidating § 133.21(c)(3) of the Customs Regulations (19 CFR 133.21(c)(3)), relating to the importation of gray market goods, insofar as it implements section 526 of the Tariff Act of 1930, as amended (19 U.S.C. 1526(a)). A gray market good bears a genuine trademark and is imported into the United States without the authorization of the owner of the U.S. trademark. The Court's decision, cited as K Mart Corporation versus Cartier, et al., 47th Street Photo, Inc. versus Coalition to Preserve the Integrity of American Trademarks, et al., United States et al., versus Coalition to Preserve the Integrity of American Trademarks, et al., 486 U.S. 281 (1988), is also referred to as the COPIAT decision.

Section 526(a) makes it unlawful (with certain exceptions) to import merchandise bearing a registered trademark "owned by a citizen of, or by a corporation or association created or organized within, the United States" if a copy of the trademark registration is filed with the Secretary of the Treasury. The enforcement of this provision has been delegated to the U.S. Customs Service. The Customs Service, by regulation, implemented the statute under an interpretation that excepted from seizure articles bearing genuine trademarks applied abroad with the authorization of the owner of the U.S. trademark registration. This position was based on the Government's view of the statute's legislative history, Customs long-standing practice, and express Congressional recognition of that practice. Accordingly, § 133.21(c)(1) of the Customs Regulations denies protection against the importation of gray markets goods where "[b]oth the foreign and the U.S. trademark or name are owned by the same person or business entity". Section 133.21(c)(2) similarly denies protection where "[t]he foreign and domestic trademark or trade name owners are parent and subsidiary companies or are otherwise subject to common ownership and control". Both §§ 133.21(c)(2) were upheld by the Supreme Court, and Customs will continue its administration of these sections as in the past.

Section 133.21(c)(3) of the Customs Regulations denies protection against imports where "the articles of foreign manufacture bear a recorded trademark or trade name applied under authorization of the U.S. owner". This section deals with authorized users or licensees. The Court's opinion concluded that § 133.21(c)(3) was not a permissible construction of 19 U.S.C. 1526(a). However, the Court did not rule on whether the regulation is consistent with 15 U.S.C. 1124 (section 42 of the Lanham Act). Accordingly, although § 133.21(c)(3) was clearly invalidated as to 19 U.S.C. 1526(a), it was not so clear that the regulation is invalidated as to 15 U.S.C. 1124. To resolve any remaining ambiguity, and maintain its longstanding practice of interpreting both statutory provisions in tandem, Customs solicited comments on its position that § 133.21(c)(3) is invalid as to 15 U.S.C. 1124 as well, and on the proposal to eliminate § 133.21(c)(3) from the Customs Regulations. Import protection would thus be accorded to U.S. trademark and trade name owners from goods of foreign manufacture bearing

recorded trademarks and trade names applied under authorization of the U.S. owner. In response to this request for comments on the proposal, Customs received more than 30 responses. Many of the comments received expressed similar viewpoints on the proposal.

Analysis of Comments

Comment: Several commentors voiced support for the Customs proposal without providing additional support for their position. Others, in expressing support, stated that because the Court ruled that § 133.21(c)(3) unlawfully exempted merchandise which violated 19 U.S.C. 1526 from seizure and forfeiture, the question of whether § 133.21(c)(3) was also violative of 15 U.S.C. 1124 was no longer relevant, and that the provision should be removed.

Response: Customs agrees that § 133.21(c)(3) should be removed without regard to its validity under 15 U.S.C. 1124.

Comment: Several comments, while supporting the Customs decision to eliminate § 133.21(c)(3), stated that the proposal did not go far enough. These commentors urged elimination of §§ 133.21(c)(1) and 133.21(c)(2) in addition to § 133.21(c)(3) as proposed.

Response: Elimination of § 133.21(c)(1) and (2) is beyond the scope of this rulemaking.

Comment: Some commentors opposed the proposed removal of paragraph (c)(3). They argue that removal of § 133.21(c)(3) is premature because Customs has made no attempt to identify how removal of the section will affect enforcement of § 133.21 (c)(1) and (c)(2). The commentors also contend that Customs must ensure that the deletion of § 133.21(c)(3) will not be read as an invitation to evade § 133.21 (c)(1) and (c)(2).

Response: Removal of § 133.21(c)(3) does not require Customs to anticipate whether this change will be interpreted as an "invitation" to evade the separately valid and enforceable provisions of § 133.21 (c)(1) and (c)(2).

Comment: A commentor argues that any deletion of § 133.21(c)(3) should be based on section 526 of the Tariff Act only, and not 15 U.S.C. 1124. Only entities fully qualifying under section 526 of the Tariff Act should be eligible to restrict the entry of their genuine "authorized use" goods. The commentor recommends that Customs promulgate procedures to ensure that entities seeking to bar goods under § 133.21 (c)(1) and (c)(2) are not under common ownership or control with the foreign manufacturer. The commentor further states that Customs should refrain from removing § 133.21(c)(3) until such procedures are in place.

Response: Section 133.2 of the Customs Regulations already is specifically designed to elicit information about common ownership or control to determine whether gray market protection is available. Owners of trademarks currently recorded with Customs who have authorized independent parties to apply the mark to articles of foreign manufacture may now be eligible for protection against parallel imports ("gray market goods"). In keeping with past practice, Customs will accept notification of the circumstances believed to warrant amendment of a particular recordation. Eligible recordants should follow procedures outlined below.

Comment: Customs proposed deletion of § 133.21(c)(3) would impermissibly broaden the Supreme Court's ruling in COPIAT.

Response: It is because the Court did not reach the Lanham Act question in its decision and place any restrictions on Customs interpretation of section 42 of that Act that comments were solicited on this issue. In this rulemaking, Customs is exercising its authority to implement both the Tariff and Lanham Acts. The fact that the Court did not address the validity of § 133.21(c)(3) with regard to one of those acts, while holding it invalid with regard to the other, does not create a right to import goods which would be barred under the provision which was addressed.

Determination

After consideration of all the comments received in response to publication of the notice of proposed rulemaking, and after further review of the matter, it has been determined to adopt the regulations in final form as proposed.

Amendment of Recordations

Owners of trademarks currently recorded with Customs who have authorized independent parties to apply the mark to articles of foreign manufacture may now be eligible for protection against parallel imports ("gray market goods"). In keeping with past practice, Customs will accept notification of the circumstances believed to warrant amendment of a particular recordation. Notice should be in writing addressed to: U.S. Customs, Intellectual Property Rights Task Force (ORR), room 2137, 1301 Constitution Avenue, NW, Washington, DC 20229. Parties without independent foreign licensees need not take any action as a result of the deletion of § 133.21(c)(3) since the deletion will not affect the level of gray market protection afforded these parties.

Regulatory Flexibility Act

Pursuant to the provisions of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), it is certified that the amendment will not have a significant economic impact on a substantial number of small entities. Accordingly, it is not subject to the regulatory analysis or other requirements of 5 U.S.C. 603 and 604.

Executive Order 12291

This document does not meet the criteria for a "major rule" as specified in E.O.12291. Accordingly, no regulatory impact analysis has been prepared.

Drafting Information

The principal author of this document was Peter T. Lynch, 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 133

Trademarks, Trade names, Importations.

Amendments to the Regulations

Part 133, Customs Regulations (19 CFR part 133) is amended as set forth below:

PART 133—TRADEMARKS, TRADE NAMES, AND COPYRIGHTS

1. The authority citation for part 133 is revised to read as follows:

Authority: 17 U.S.C. 101, 601, 602, 603; 19 U.S.C. 66, 1624; 31 U.S.C. 9701.

§ 133.21 [Amended]

2. Section 133.21(c) is amended by removing paragraph (c)(3) and marking it "Reserved."

Carol Hallett,

Commissioner of Customs.

Approved: November 9, 1990.

John P. Simpson,

Acting Assistant Secretary of the Treasury.

[FR Doc. 90–29619 Filed 12–18–90; 8:45 am]

BILLING CODE 4820-02-M

DEPARTMENT OF TREASURY
Internal Revenue Service

26 CFR Part 301

[T.D. 8325]

RIN 1545-AP26

Determination of Rate of Interest—Increase in Rate of Interest Payable on Large Corporate Underpayments

AGENCY: Internal Revenue Service, Treasury.

ACTION: Temporary regulations.

SUMMARY: This document contains temporary regulations under section 6621(c), regarding an increase in the rate of interest payable on large corporate underpayments. Changes to the applicable law were made by the Omnibus Budget Reconciliation Act of 1990. The temporary regulations affect certain corporations and are necessary to provide them with guidance needed to comply with these changes. The text to the temporary regulations set forth in this document also serves as the text of the proposed regulations for the notice of proposed rulemaking on this subject in the Proposed Rules section of this issue of the **Federal Register.**

EFFECTIVE DATE: The temporary regulations contained in § 301.6621-3T are effective January 1, 1991.

SUPPLEMENTARY INFORMATION:

Background

This document contains amendments to the Procedure and Administration Regulations (26 CFR Part 301) that provide rules under section 6621(c) of the Internal Revenue Code of 1986, as amended (the "Code") relating to the increase in the rate of interest payable on large corporate underpayments of tax. Section 6621(c) of the Code was enacted as part of the Omnibus Budget Reconciliation Act of 1990 (Pub. L. No. 101-503, 104 Stat. 1388) and is effective for purposes of determining interest for periods after December 31, 1990, regardless of the taxable period to which the underpayment of tax may relate. The temporary regulations contain a special transition rule for taxpayers that receive certain letters or notices that are sent prior to January 1, 1991, and that may trigger the increase in the rate of interest imposed under section 6621(c).

Explanation of Provisions

Section 6601(a) provides that if any amount of tax imposed by the Code (whether required to be shown on a return, or to be paid by stamp or by some other method) is not paid on or before the last prescribed for payment, interest on such amount at the underpayment rate established under section 6621 shall be paid for the period from such last date to the date paid. Section 6621(a)(2) provides that the underpayment rate is the sum of the Federal short-term rate (determined under section 6621(b)) plus 3 percentage points. This standard underpayment rate is referred to hereinafter as the "section 6621(a)(2) rate." Section 6621(c), however, provides that the underpayment rate on any large corporate underpayment for periods after the applicable date is the sum of the Federal short-term rate (determined under section 6621(b)) plus 5 percentage points. This higher underpayment rate is referred to hereinafter as the "section 6621(c) rate."

Large Corporate Underpayment

As used in section 6621(c), the term "underpayment of a tax" means the excess of a tax imposed by the Code over the amount of such tax paid on or before the last date prescribed for payment. The term "tax" for such purposes generally includes interest, penalties, additional amounts, and additions to tax. *See* sections 6601(e)(1), 6665(a), and 6671(a). Accordingly, once section 6621(c) becomes applicable, the section 6621(c) rate generally applies to any interest, penalties, additional amounts, and additions to tax, as well as to the underlying tax with respect to which such amounts are imposed.

The legislative history of section 6621(c) clearly indicates that the amount of the underpayment (as opposed to the amount of a proposed deficiency, for example) determines whether or not there is a large corporate underpayment. Accordingly, the temporary regulations provide that the existence and amount of a large corporate underpayment is determined only when an assessment is made with respect to the taxable period. Payments made after the last date prescribed for payment (for example, by way of an amended return) will not prevent the occurrence of a large corporate underpayment, although such a payment will reduce the amount of interest that the taxpayer will ultimately owe.

Whether section 6621(c) is applicable depends, in part, on whether the amount of an underpayment of a tax exceeds $100,000. If the general definition of underpayment of a tax (i.e., including interest, penalties, additional amounts, and additions to tax) were used to determine whether this threshold is satisfied, the amount of an underpayment would depend in part upon how much time passes between the last date prescribed for payment and the assessment date. An underpayment that totals less than $100,000 as of the last date prescribed for payment may exceed $100,000 at the time of assessment (*e.g.*, as a result of the imposition of interest). Thus, in many instances a taxpayer would not be able to know prior to the time of an assessment whether section 6621(c) applied. In an effort to reduce the number of such cases, the temporary regulations adopt the concept of a "threshold underpayment" that will be used solely for purposes of determining whether an underpayment is a large corporate underpayment, and will have no application for any other purpose under section 6621(c) or elsewhere in the interpretation or administration of the federal tax laws.

Specifically, a large corporate underpayment is defined in the temporary regulations as any underpayment of a tax by a C corporation for any taxable period if the amount of the threshold underpayment of the tax for the taxable period exceeds $100,000. A threshold underpayment is the excess of the tax imposed by the Code (exclusive of interest, penalties, additional amounts, and additions to tax) for the taxable period over the amount of such tax paid on or before the last date prescribed for payment. In determining whether there is a threshold underpayment, different types of taxes (such as income tax and FICA tax) and amounts that relate to different taxable periods are not aggregated.

Applicable Date—General Rules

The section 6621(c) rate applies only for periods after the applicable date. The applicable date, in the case of any underpayment to which the deficiency procedures of subchapter B of chapter 63 of the Code apply, is the 30th day after the earlier of: (1) The date on which the Service sends the taxpayer the first letter of proposed deficiency that allows the taxpayer an opportunity for administrative review in the Service's Office of Appeals (commonly called a "30-day letter"); or (2) the date on which the Service sends a deficiency notice under section 6212 of the Code (commonly called a "90-day letter"). The Service is not required by section 6621 (c) or any other provision of law to issue a 30-day letter to any taxpayer. Thus, in the case of any underpayment to which the deficiency procedures apply and with respect to which no 30-day letter is issued, the applicable date will be the 30th day after the Service sends the taxpayer a 90-day letter.

Current designations of 30-day letters include Letters 950 (DO or P), 915 (DO), 569 (SC, DO or P), 953 (DO), and 955 (DO or P). Current designations of 90-day

letters include Letters 531 (C, SC, DO or P), 902 (DO or P), 895 (C, DO or P), and 896 (DO or P) and Forms 5601 and 5564.

In the case of any underpayment to which the deficiency procedures do not apply, the applicable date is the 30th day after the date on which the Service sends the first letter or notice that notifies the taxpayer of the assessment or proposed assessment of the tax. In the case of income taxes, for example, the deficiency procedures do not apply to amounts shown as due on the taxpayer's return if the taxpayer fails to remit the full amount on or before the last date prescribed for payment and to certain amounts attributable to mathematical or clerical errors on a return. Because no 30-day letter or 90-day letter is issued to the taxpayer in such cases, the applicable date is the 30th day after the date on which any letter or notice is sent that notifies the taxpayer of the assessment or proposed assessment of the tax. Often the applicable date is the 30th day after the date on which an assessment notice under section 6303 is sent. Current designations of section 6303 assessment notices include CP220, CP161, CP101, CP111, and CP121.

Applicable Date—Exception for Payment of Amount Shown as Due

Section 6621 (c)(2)(B)(ii) provides that a letter or notice shall be disregarded for purposes of determining the applicable date if the taxpayer makes a payment equal to the amount shown as due in the letter or notice within 30 days from the date that the Service sends the letter or notice. Taxpayers may find this useful in certain situations. For example, a taxpayer might receive an assessment notice resulting from a mathematical error on an income tax return. Subsequently, that return may be examined by the Service and a 30-day letter issued. If the taxpayer pays the full amount shown as due on the math error assessment notice within 30 days of the date on which the notice is sent, the applicable date will be the 30th day after the date on which the 30-day letter is sent. In the absence of such a payment, the applicable date will be the 30th day after the date on which the math error assessment notice is sent.

Applicable Date—Special Transition Rule

A special transition rule allows taxpayers that were sent a letter or notice prior to January 1, 1991, to avoid having such letter or notice trigger the section 6621(c) rate. Such a letter or notice will be disregarded by the Service for purposes of determining the applicable date if the taxpayer has made a payment on or before January 31, 1991, equal to the amount shown as due in the letter or notice plus a reasonable estimate of the interest payable on such amount (computed by applying the section 6621(a)(2) rate). In the case of an assessment notice, the payment of the amount of interest shown as due on the last assessment notice sent to the taxpayer prior to December 19, 1990, will be treated as a payment of a reasonable estimate of the interest payable on the amount shown in that assessment notice or in any prior assessment notice sent with respect to the same tax for the same taxable period. This special transition rule applies even if the payment is not made within 30 days of the date on which the Service sent the letter or notice.

A taxpayer that is sent a letter or notice after December 1, 1990, and before January 1, 1990, can make a payment under either the exception for a payment of the amount shown as due (*i.e.*, a payment of the amount shown as due within 30 days of when the letter or notice is sent) or under the special transition rule (*i.e.*, a payment of the amount shown as due plus a reasonable estimate of interest on or before January 31, 1991.

Applicable Date—Amount Shown As Due

For purposes of the exception for a payment of the amount shown as due and the special transition rule, the "amount shown as due" in any letter or notice is the total amount of tax, as well as any interest, penalties, additional amounts, and additions to tax that are set forth in the notice or letter. A deposit in the nature of a cash bond will not be considered a payment of the amount shown as due for such purposes, although such a deposit may reduce the amount of interest that the taxpayer ultimately owes.

Procedures for Making Cash Deposits

Rev. Proc. 84–58, 1984–2 C.B. 501, sets forth procedures pursuant to which a taxpayer may make a deposit in the nature of a cash bond that will operate to stop the running of interest on an equal amount of tax liability from the date that the Service receives the deposit. The Service anticipates that the enactment of section 6621(c) will result in an increase in the number of corporate taxpayers that consider making deposits in the nature of a cash bond. Interested taxpayers should consult Rev. Proc. 84–58.

Special Analyses

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

Drafting Information

The principal authors of these regulations are P. Val Strehlow and David Schneider of the Office of Assistant Chief Counsel (Income Tax & Accounting), Internal Revenue Service. However, personnel from other offices of the Internal Revenue Service and Treasury Department participated in developing these temporary regulations.

List of Subjects in 26 CFR Part 301

Administrative practice and procedure, Bankruptcy, Courts, Crime, Disclosure of information, Employment taxes, Estate tax, Excise taxes, Filing requirements, Gift tax, Income taxes, Investigations, Law enforcement, Penalties, Pensions, Statistics, Taxes.

Amendments to the Regulations

The amendments to 26 CFR, part 301, are as follows:

PART 301—PROCEDURE AND ADMINISTRATION

Paragraph 1. The authority for part 301 continues to read in part:

Authority: 26 U.S.C. 7805 * * *

Par. 2. Section 301.6621–3T is added to read as follows:

§ 301.6621–3T. Higher interest rate payable on large corporate underpayments (Temporary).

(a) *In general.* Section 6621 establishes the interest rate for purposes of computing the amount of interest that must be paid under section 6601, relating to interest on underpayments of tax. Section 6621(a)(2) provides that the underpayment rate is the sum of the Federal short-term rate (determined under section 6621(b)) plus 3 percentage points. That underpayment rate is referred to hereinafter as the "section 6621(a)(2) rate." Section 6621(c) and this section, however, provide that the underpayment rate on any large corporate underpayment is the sum of

the Federal short-term rate (determined under section 6621(b)) plus 5 percentage points. This higher underpayment rate is referred to hereinafter as the "section 6621(c) rate." The section 6621(c) rate applies only for periods after the applicable date (as determined in paragraph (c) of this section).

(b) *Large corporate underpayment*—(1) *Defined.* For purposes of section 6621(c) and this section, "large corporate underpayment" means any underpayment of a tax by a C corporation for any taxable period if the amount of the threshold underpayment of the tax (as defined in paragraph (b)(2)(ii) of this section) for that taxable period exceeds $100,000.

(2) *Underpayment of a tax*—(i) *In general.* As used in section 6621(c) and this section, "underpayment of a tax" means the excess of a tax imposed by the Code over the amount of such tax paid on or before the last date prescribed for payment. Except as provided in paragraph (b)(2)(ii) of this section, "tax" for such purposes includes interest, penalties, additional amounts, and additions to tax. *See* sections 6601(e)(1), 6665(a), and 6671(a). Thus, the section 6621(c) rate generally applies to any interest, penalties, additional amounts, and additions to tax, as well as to the underlying tax with respect to which such amounts are imposed.

(ii) *Threshold underpayment of a tax.* Solely for purposes of this section and not for any other purpose under section 6621(c) or elsewhere in the interpretation or administration of the federal tax laws, a "threshold underpyanent of a tax" is the excess of a tax imposed by the Code (exclusive of interest, penalties, additional amounts, and additions to tax) for the taxable period over the amount of such tax paid on or before the last date prescribed for payment. Thus, any payments made after the last date prescribed for payment (for example, by way of an amended return) will not affect the existence of a threshold underpayment. In determining whether there is a threshold underpayment, different types of taxes (such as income tax and FICA tax) and amounts that relate to different taxable periods are not added together.

(iii) *When determined.* The existence of a threshold underpayment of a tax and the amount of a large corporate underpayment are determined only when an assessment is made with respect to the taxable period. Thus, the amount of a deficiency or proposed deficiency set forth in a letter or notice pursuant to which the applicable date is determined (under paragraph (c) of this section) does not determine whether there is a large corporate underpayment.

(iv) *Special rule.* The section 6621(c) rate is not used to compute the interest charges that a taxpayer timely assesses against itself in return for using a method of tax accounting or reporting that defers the payment of tax, such as the interest charges relating to passive foreign investment companies under section 1291(c) and installment obligations of nondealers under section 453A(c). However, to the extent such charges are not paid on or before the last date prescribed for payment and therefore become part of an underpayment of a tax, the section 6621(c) rate will apply to such amounts for periods after the applicable date (as determined in paragraph (c) of this section).

(3) *C corporation defined.* For purposes of section 6621(c)(3)(A) and this section, "C corporation" means, with respect to any taxable period, a corporation that is a C corporation during any part of the taxable period. Interest on a large corporate underpayment for a taxable period continues to be imposed at the section 6621(c) rate even if during or after the taxable period (i) the taxpayer ceases to be a C corporation, or (ii) the underpayment becomes the liability of a successor or transferee that is not a C corporation.

(4) *Taxable period.* For purposes of section 6621(c) and this section, the "taxable period" is the taxable year in the case of any tax imposed by subtitle A of the Code. In the case of any other tax, the "taxable period" is the period to which the underpayment relates. For example, the taxable period for an underpayment of FICA taxes is the calendar quarter. If the underpayment does not relate to a particular period (for example, in the case of certain transactional excise taxes), the "taxable period" is the period covered by a return on which the tax is required to be shown.

(5) *Last date prescribed for payment.* For purposes of this section, the "last date prescribed for payment" means the last date prescribed for payment as determined, without regard to any extension of time, under section 6601(b).

(c) *Applicable date*—(1) *In general.* The section 6621(c) rate only applies to periods after the applicable date. Pursuant to the effective date of section 6621(c) and paragraph (e) of this section, however, the section 6621(c) rate will not apply prior to January 1, 1991, even if the applicable date is prior to December 31, 1990.

(2) *When deficiency procedures apply.* The applicable date, in the case of any underpayment of a tax to which the deficiency procedures of subchapter B of chapter 63 to the Code apply, is the 30th day after the earlier of—

(i) The date on which the Service sends the taxpayer the first letter of proposed deficiency that allows the taxpayer an opportunity for administrative review in the Service's Office of Appeals (commonly called a "30-day letter"); or

(ii) The date on which the Service sends a deficiency notice under section 6212 of the Code (commonly called a "90-day letter").

(3) *When deficiency procedures do not apply.* The applicable date, in the case of any underpayment of a tax to which the deficiency procedures do not apply, is the 30th day after the date on which the Service sends the first letter or notice that notifies the taxpayer of an assessment or proposed assessment of the tax. In the case of income taxes, for example, the deficiency procedures do not apply to amounts shown as due on the taxpayer's return if the taxpayer fails to remit the full amount on or before the last date prescribed for payment, to amounts attributable to mathematical or clerical errors on a return (unless a request for abatement is filed by the taxpayer under section 6213(b)), and in some cases to amounts attributable to interests in passthrough entities (*see* subchapters C and D of chapter 63 of the Code). Because no 30-day letter or 90-day letter is issued to the taxpayer in such cases, the applicable date often will be the 30th day after the day on which an assessment notice under section 6303 of the Code is sent.

(4) *Exception of payment of amount shown as due*—(i) *In general.* A letter or notice shall be disregarded for purposes of determining the applicable date if the taxpayer makes a payment equal to the amount shown as due in the letter or notice within 30 days from the date that the Service sends the letter or notice.

(ii) *Special transition rule.* A letter or notice sent by the Service prior to January 1, 1991, will be disregarded by the Service for purposes of determining the applicable date if the taxpayer makes a payment on or before January 31, 1991, equal to the amount shown as due in the letter or notice plus a reasonable estimate of the interest payable on such amount computed by applying the section 6621(a)(2) rate. In the case of an assessment notice, payment of the amount of interest shown as due on the last assessment notice sent to the taxpayer prior to

December 19, 1990, will be treated as a payment of a reasonable estimate of the interest payable on the amount shown in that assessment notice or in any prior assessment notice sent with respect to the same tax for the same taxable period. This special transition rule applies even if the payment is not made within 30 days of the date on which the Service sent the letter or notice.

(iii) *Amount shown as due.* For purposes of section 6621 (c)(2)(B)(ii) and paragraph (c)(4) of this section, the "amount shown as due" in any letter or notice means the total amount of tax, as well as any interest, penalties, additional amounts, and additions to tax that are set forth in the letter or notice. A deposit in the nature of a cash bond will not be considered a payment of the amount shown as due.

(d) *Examples.* The application of this section may be illustrated by the following examples.

Example 1. V, a C corporation, timely files Form 941 on January 31, 1991, for the fourth quarter of 1990. On September 1, 1992, the Service sends V a section 6303 notice and demand reflecting an additional FICA tax liability for that quarter of $90,000. Interest computed at the section 6621 (a)(2) rate totals $15,000 as of September 1, 1992. Accordingly, V's underpayment of FICA tax for the fourth quarter of 1990 exceeds $100,000. However, V's $90,000 threshold underpayment of FICA tax for that taxable period is less than $100,000, so that the section 6621 (c) rate will not apply to the underpayment for that taxable period.

Example 2. (i) W, a C corporation, timely files its 1990 income tax return on March 15, 1991, showing a liability of $95,000, of which W pays only $35,000 with the return. On June 1, 1991, the Service sends W an assessment notice reflecting the balance due of $60,000 plus interest computed at the section 6621 (a)(2) rate. W pays all amounts due on August 1, 1991. On July 1, 1993, the Service sends W a 90-day letter (without having sent a 30-day letter) reflecting an additional income tax deficiency of $85,000 for the taxable year 1990. W files a petition in the Tax Court within 90 days. In 1995, the Tax Court determines a $50,000 income tax deficiency (exclusive of interest, penalties, additional amounts, and additions to tax) for 1990, which the Service promptly assesses against W.

(ii) As a result of the combination of the failure to timely pay the $60,000 of income tax reported as due on the return and the Tax Court's determination of an additional deficiency of $50,000, W's threshold underpayment of income tax for 1990 is $110,000. Because W is a C corporation and the threshold underpayment for 1990 exceeds $100,000, the section 6621 (c) rate applies to W's 1990 large corporate underpayment for periods after the applicable date.

(iii) The applicable date is July 1, 1991, the 30th day after the date on which the Service sent W the first assessment notice.

(iv) From March 16, 1991, through July 1, 1991, interest on W's 1990 underpayment of income tax (including any interest, penalties, additional amounts, and additions to tax) is computed at the section 6621 (a)(2) rate. From July 2, 1991, such interest is computed at the section 6621 (c) rate.

(v) If W had paid the amount shown as due on the June 1, 1991, assessment notice on or before June 30, 1991, instead of on August 1, 1991, the applicable date would have been July 31, 1993.

Example 3. (i) X, a C corporation, filed its 1989 income tax return on September 17, 1990, pursuant to an automatic extension. W enclosed payment of the $7,500 balance reported on the return as due (plus interest). On January 1, 1992, the Service sends X a written notification that X's 1989 income tax return is being examined. This written notification also contains a request that X provide supplemental information with respect to particular deductions totalling $1.5 million. On July 1, 1993, the Service sends X a 30-day letter proposing a $450,000 deficiency (excluding penalties, additional amounts, additions to tax, and interest) with respect to 1989. On December 15, 1993, the Service sends X a 90-day letter asserting a deficiency of $300,000 (excluding penalties, additional amounts, additions to tax, and other interest). X does not file a Tax Court petition and the Service assesses the $300,000 (plus interest and penalties) on April 1, 1994. On April 5, 1994, X pays the full amount assessed. Thereafter, X timely files an administrative claim for refund and a refund suit in federal district court for refund of the amounts assessed on April 1, 1994.

(ii) The April 1, 1994, assessment establishes that X's threshold underpayment of income tax for 1989 is $300,000. Because X is a C corporation and the threshold underpayment for 1989 exceeds $100,000, X's underpayment of income tax for 1989 is a large corporate underpayment to which the section 6621 (c) rate applies for periods after the applicable date. X's decision to file a refund claim does not affect either the existence of a threshold underpayment or the amount of X's large corporate underpayment.

(iii) The applicable date is July 31, 1993, the 30th day after the date on which the Service sent X a 30-day letter. The January 1, 1992, notice of examination and request for additional information has no effect on the applicable date.

(iv) From March 16, 1990, through July 31, 1993, interest on X's 1989 underpayment of income tax (including any interest, penalties, additional amounts, and additions to tax) is computed at the section 6621 (a)(2) rate. From August 1, 1993, through April 5, 1994, such interest is computed at the section 6621 (c) rate.

Example 4. (i) Y, a C corporation, timely filed its 1989 income tax return on March 15, 1990, and enclosed payment of the amount reported on the return as due. On May 1, 1990, the Service sent to Y an assessment notice for $1,000 resulting from a math error on Y's return. Y did not request an abatement of the assessment pursuant to section 6213 (b). Instead, Y paid the $1,000, plus interest, on July 31, 1990. On March 31, 1992, the Service sends Y a 90-day letter showing an income tax deficiency for 1989 of $125,000 (exclusive of interest, penalties, additional amounts, and additions to tax). No 30-day letter had been issued previously to Y in connection with its 1989 taxable year. Y does not file a petition with the Tax Court, but files an amended return for 1989 on April 15, 1992, showing $30,000 of tax due. Y pays this amount (plus interest from March 15, 1990, computed at the section 6621(a)(2) rate) with the amended return. Shortly thereafter, the Service assesses the $125,000 deficiency (plus interest) and credits the April 15, 1992, payment against the assessment.

(ii) Y's threshold underpayment for 1989 is $125,000 notwithstanding Y's April 15, 1992, payment of $30,000. Because Y is a C corporation and the threshold underpayment for 1989 exceeds $100,000, Y has a large corporate underpayment of income tax for the taxable period 1989 to which the section 6621 (c) rate applies for periods after the applicable date.

(iii) Because Y paid the $1,000 amount shown as due on the math error assessment notice (plus interest) on or before January 31, 1991, the applicable date is April 30, 1992, the 30th day after the 90-day letter is sent.

(iv) From March 16, 1990, through April 30, 1992, interest is computed on Y's underpayment of income tax (including any interest, penalties, additional amounts, and additions to tax) at the section 6621 (a)(2) rate. From May 1, 1992, such interest is computed at the section 6621 (c) rate.

(v) If Y had not paid the $1,000 amount shown as due on the math error assessment notice (plus interest) on or before January 31, 1991, the applicable date would have been June 1, 1990, and interest would be computed at the section 6621(c) rate beginning on January 1, 1991.

Example 5. (i) Effective January 1, 1993, Y converts from a C corporation to an S corporation. On February 1, 1993, Y files its 1992 FUTA tax return and encloses a payment equal to the amount reported as due on the return. On March 15, 1993, Y files its 1992 income tax return and encloses a payment equal to the amount reported as due on the return. On August 1, 1993, the Service sends to Y an assessment notice for $150,000 of FUTA tax, plus interest, with respect to calendar year 1992. Y pays the full amount shown as due in the assessment notice on August 7, 1993. On January 1, 1995, Y files an amended income tax return for 1992 showing $15,000, of tax due. Y pays this amount with the amended return. On February 10, 1995, the Service sends Y an assessment notice for the interest payable on the $15,000. Y pays this interest on February 13, 1995.

(ii) Y's threshold underpayment of FUTA tax for 1992 is $150,000. Because Y was a C corporation in 1992 and the threshold underpayment of FUTA tax for 1992 exceeds $100,000, Y has a large corporate underpayment of FUTA tax. However, Y's threshold underpayment of income tax for the same taxable period (*i.e.*, calendar 1992) is $15,000, so that Y does not have a large corporate underpayment of income tax for that year.

(iii) Because Y pays within 30 days the amount shown as due on the August 1, 1993, assessment notice, there is no applicable date

with respect to the large corporate underpayment of FUTA tax for 1992.

(iv) All of the interest payable with respect to the 1992 underpayments of FUTA and income taxes is computed at the section 6621(a)(2) rate.

(v) If Y had not paid the amount shown as due on the August 1, 1993, FUTA tax assessment notice within 30 days, the applicable date would have been August 31, 1993 (the 30th day after the assessment notice is sent). Thus, interest would have been computed at the section 6621(c) rate after that date, even though Y is not at that time a C corporation.

(vi) If the amended 1992 income tax return Y files on January 1, 1995, had shown $115,000 of tax due instead of $15,000, Y's threshold underpayment of income tax for 1992 would have been $115,000. Because Y was a C corporation in 1992 and the threshold underpayment on income tax for that year would have exceeded $100,000, Y would have a large corporate underpayment of income tax for that year. However, because Y would have paid the amount shown as due in the February 10, 1995, assessment notice within 30 days of when that assessment notice was sent, there would have been no applicable date with respect to that large corporate underpayment and the section 6621(c) rate would have not applied.

Example 6. (i) On August 1, 1990, the Service sent to Z, a C corporation, an assessment notice for $200,000 of income tax, plus $30,000 in interest and penalties, with respect to calendar year 1986. Subsequent assessment notices were sent to Z on September 12, 1990, October 10, 1990, and November 14, 1990, each including additional interest. The November 14, 1990, assessment notice provided that the total amount of tax, interest and penalties due was $242,000. On December 31, 1990, Z pays $230,000. On February 13, 1991, the Service sends Z an assessment notice for the remaining balance (plus additional interest thereon). On December 31, 1991, Z pays all amounts owed as of that date in connection with its 1986 income tax liability.

(ii) Z's threshold underpayment of income tax for 1985 is $200,000. Because Z is a C corporation and its threshold underpayment of income tax for 1985 exceeds $100,000, Z has a large corporate underpayment for 1985 to which the section 6621(c) rate applies for periods after the applicable date.

(iii) Notwithstanding Z's payment of $230,000 on December 31, 1990, the applicable date with respect to the large corporate underpayment of 1986 income tax is August 31, 1990, the 30th day after the date on which the Service sent the first assessment notice.

(iv) From March 15, 1990, to December 31, 1990, interest is computed on Z's underpayment of income tax (including any interest, penalties, additional amounts and additions to tax) at the section 6621(a)(2) rate. From January 1, 1991, through December 31, 1991, interest is computed on that underpayment at the section 6621(c) rate.

(v) If Z had paid on or before January 31, 1991, the full $242,000 shown as due on the November 14, 1990, assessment notice, the applicable date with respect to any remaining unpaid interest would have been March 15, 1991, the 30th day after the service sent the February 13, 1991, assessment notice.

(e) *Effective Date.*. Section 6621(c) and this section are effective for determining interest for periods after December 31, 1990, regardless of the taxable period to which the underlying tax may relate and regardless of whether the applicable date is prior to December 31, 1990.

Michael J. Murphy,

Acting Commissioner of Internal Revenue.

Approved: December 7, 1990.

Kenneth W. Gideon,

Assistant Secretary of the Treasury.

[FR Doc. 90–29703 Filed 12–14–90; 2:08 pm]

BILLING CODE 4830–01–M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 3

[CGD 90–063]

RIN 2115–AD65

Realignment of Marine Inspection Zones and Captain of the Port Zones for Western Alaska and Prince William Sound Alaska

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: This final rule realigns the Marine Inspection and Captain of the Port Zones for the Coast Guard Marine Safety Offices in Anchorage and Valdez, Alaska. These changes are being made to improve the Coast Guard's command and control of marine safety activities occurring within the Gulf of Alaska. They will not adversely affect any Coast Guard services to the public.

EFFECTIVE DATE: December 19, 1990.

FOR FURTHER INFORMATION CONTACT: Lieutenant Commander David W. Jones, Project Manager, Office of Marine Safety, Security, and Environmental Protection (G–MPS–3), (202) 267–0491, between 7 a.m. and 3:30 p.m., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

Drafting Information

The principal persons involved in drafting this document are Lieutenant Commander David W. Jones, Project Manager, Office of Marine Safety, Security, and Environmental Protection, and Mr. Patrick J. Murray, Project Counsel, Office of Chief Counsel.

Background and Purpose

No notice of proposed rulemaking was prepared for this final rule, which covers "agency organization" and is therefore exempt from the requirements of 5 U.S.C. 553(b) for notice and comment. Since the rule has no substantive effect, good cause exists under 5 U.S.C. 553(d) to give it effect less than 30 days after publication. It merely realigns two Marine Inspection Zones and two Captain of the Port Zones to reduce the administrative burden and to enhance the current alignment. It will work no adverse impact on the public, since Marine Safety Units in Anchorage and Valdez, Alaska, will continue to perform all functions affecting the public that they previously performed.

Discussion

The boundaries of the Marine Inspection Zones and Captain of the Port Zones for Coast Guard Marine Safety Offices, Anchorage and Valdez, Alaska, are being adjusted to enable more efficient internal management and to enhance performance of missions. This adjustment will not impair any services by the Coast Guard to the public.

Regulatory Evaluation

This final rule is exempt from the provisions of Executive Order 12291 because it pertains to matters of "agency organization" as provided for in section 1(a)(3) of the Order. It is "nonsignificant" under DOT regulatory policies and procedures (44 FR 11040; February 26, 1979). Its economic impact has been found to be so minimal that further evaluation is unnecessary. It places no requirements on any sector of the public. It will not impair any services by the Coast Guard to the public. It streamlines and enhances internal logistics and support. As its impact is minimal, the Coast Guard certifies that it will not have a significant economic impact on a substantial number of small entities.

Collection of Information

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

Federalism

The Coast Guard has analyzed this final rule in accordance with the principles and criteria contained in Executive Order 12612 and has determined that the rule does not have sufficient implications for federalism to warrant the preparation of a Federalism Assessment.

Environment

The Coast Guard considered the environmental impact of this final rule

and concluded that, under section 2.B.2 of Commandant Instruction M16475.1B, the rule is categorically excluded from further environmental documentation. The rule is an administrative matter within the meaning of subsection 2.B.2.1. of Commandant Instruction M16475.1B that "clearly" has no environmental impact.

List of Subjects in 33 CFR Part 3

Organization and functions (Government agencies).

For the reasons set out in the preamble, the Coast Guard amends 33 CFR part 3 as follows:

PART 3—COAST GUARD AREAS, DISTRICTS, MARINE INSPECTION ZONES, AND CAPTAIN OF THE PORT ZONES

1. The authority citation for part 3 continues to read as follows:

Authority: 14 U.S.C. 633; 49 CFR 1.45, 1.46.

2. Section 3.85–15, paragraph (b), is revised to read as follows:

§ 3.85–15 Western Alaska Marine Inspection Zone and Captain of the Port Zone.

* * * * *

(b) The Western Alaska Marine Inspection Zone and the Western Alaska Captain of the Port Zone comprise the State of Alaska, except those sections of Alaska covered in §§ 3.85–10(b) and 3.85–20(b).

3. Section 3.85–20, paragraph (b), is revised to read as follows:

§ 3.85–20 Prince William Sound Marine Inspection Zone and Captain of the Port Zone.

* * * * *

(b) The Prince William Sound Marine Inspection Zone and the Prince William Sound Captain of the Port Zone comprise the State of Alaska that falls within the following boundary line: A line that starts at Cape Puget; and that runs thence northerly to latitude 61x–30'N, thence easterly to the international boundary between the United States and Canada, thence southerly along the international boundary to latitude 60°–18.7', and thence southwesterly to the sea at latitude 60°–01.3'N, longitude 142°W, including those islands of the State of Alaska south of the described area located between longitudes 142°W and 148°–26'W.

Dated: December 5, 1990.

J.D. Sipes,

Rear Admiral, U.S. Coast Guard, Chief, Office of Marine Safety, Security and Environmental Protection.

[FR Doc. 90–29637 Filed 12–18–90; 8:45 am]

BILLING CODE 4910–14–M

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33 CFR Part 100

[CGD7 90–122]

Special Local Regulations; City of Fort Lauderdale, FL

AGENCY: Coast Guard, DOT.

ACTION: Temporary rule.

SUMMARY: Special Local Regulations are being adopted for the Fort Lauderdale Jaycees New River Holiday Boat Parade. The event will be held on December 22, 1990, from 6 p.m. e.s.t. until 9 p.m. e.s.t. The regulations are needed to promote the safety of life on navigable waters during the event.

EFFECTIVE DATE: These regulations will become effective on December 22, 1990, at 5:30 p.m. e.s.t. and terminate on December 22, 1990, at 9:30 p.m. e.s.t.

FOR FURTHER INFORMATION CONTACT: ESN A. M. Palermo (305) 535–4304.

SUPPLEMENTARY INFORMATION: In accordance with 5 U.S.C. 553, a notice of proposed rulemaking has not been published for these regulations. Following normal rulemaking procedures would have been impractical as there was insufficient time to publish a proposed rule in advance of the event or to provide for a delayed effective date.

Drafting Information

The drafters of this regulation are LT Genelle G. Tanos, Project Attorney, Seventh Coast Guard District Legal Office, and ENS Andrea Palermo, Project Officer, USCG Group Miami.

Discussion of Regulations

The Fort Lauderdale Jaycees New River Holiday Boat Parade is a nighttime parade of approximately one hundred (100) boats ranging in various lengths from under thirty-five (35) feet decorated with holiday lights. The parade will form in the staging area in the New River at the Intracoastal (ICW), proceed west along the New River to the Marina Bay where the parade will disband. The regulations establish a moving regulated area of 1000 feet ahead and 1000 feet astern of the string of parade vessels. The regulated area also includes an area 50 feet north and south along the east-west axis of the regulated area as the participating vessels navigate down the New River.

Federalism

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

List of Subjects in 33 CFR Part 100

Marine safety, Navigation (water).

Regulations

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

PART 100—[AMENDED]

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

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

2. A temporary § 100.35–T07122 is added to read as follows:

§ 100.35–T07122 City of Fort Lauderdale, FL.

(a) *Regulated area.* (1) A regulated area is established surrounding the parade participants as they transit the parade route. Nonparticipating vessels will be prohibited from entering an area encompassing 50 feet on either side of the east-west axis of the parade. The axis extends from 1000 feet ahead of the lead vessel in the parade to 1000 feet astern of the last participating vessel in the parade as the parade transits west in the New River from the Intracoastal Waterway (ICW), the staging area of the parade, to the Marina Bay where the parade will disband.

(b) *Special local regulations.* (1) Entry into the regulated area is prohibited unless authorized by the Patrol Commander. After the passage of the parade participants and the regulated area, all vessels may resume normal operations.

(2) A succession of not fewer than 5 short whistle or horn blasts from a patrol vessel will be the signal for any non-participating vessel to stop immediately. The display of an orange distress smoke signal from a patrol vessel will be the signal for any and all vessels to stop immediately.

(c) *Effective date.* These regulations become effective on December 22, 1990, from 5:30 p.m. e.s.t. and terminate on December 22, 1990, at 9:30 p.m. e.s.t.

Dated: December 6, 1990

Robert E. Kramek,

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

[FR Doc. 90-29636 Filed 12-18-90; 8:45 am]

BILLING CODE 4910-14-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 90-390; RM-7176]

Radio Broadcasting Services; Larned, KS

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document substitutes Channel 295C1 for Channel 295A at Larned, Kansas, and modifies the construction permit for Station KYSG to specify the new channel, in response to a petition filed by Nancy J. Puopolo. See 55 FR 36297, September 5, 1990. The coordinates for Channel 295C1 are 38-13-07 and 98-59-14.

EFFECTIVE DATE: January 25, 1991.

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

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 90-390, adopted November 14, 1990, and released December 13, 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 72

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 Kansas, is amended by removing Channel 295A and adding Channel 295C1.

Federal Communications Commission.

Beverly McKittrick,

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

[FR Doc. 90-29641 Filed 12-18-90; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 89-164]

Radio Broadcasting Services; Ruidoso, NM

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Commission at the request of Walton Stations—New Mexico, Inc., substitutes Channel 228C3 for Channel 228A at Ruidoso, New Mexico, and modifies its license for Station KBUY-FM to specify operation on the higher powered channel. Channel 228C3 can be allotted to Ruidoso in compliance with the Commission's minimum distance separation requirements and can be used at Station KBUY-FM's licensed transmitter site. The coordinates for Channel 228C3 at Ruidoso are North Latitude 33-23-12 and West Longitude 105-40-14. Mexican concurrence has been received since Ruidoso is located within 320 kilometers (199 miles) of the U.S.-Mexican border. With this action, this proceeding is terminated.

EFFECTIVE DATE: January 25, 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. 89-164, adopted November 14, 1990, and released December 13, 1990. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (room 230), 1919 M Street NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, (202) 857-3800, 2100 M Street NW., suite 140, Washington, DC 20037.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

PART 73—[AMENDED]

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

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

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under New Mexico, is amended by removing Channel 228A and adding Channel 228C3 at Ruidoso.

Federal Communications Commission.

Beverly McKittrick,

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

[FR Doc. 90-29642 Filed 12-18-90; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 88-456; RM-6399; 6598; 6599]

Radio Broadcasting Services; Durango and Telluride, CO; Kirtland, NM

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document allots Channel 259C2 to Durango, Colorado, as that community's third local FM service, at the request of Durango Broadcasting Company. *See* 53 FR 39615, October 11, 1988. Additionally Channel 285C1 is allotted to Telluride, Colorado, as that community's first local commercial FM service, in response to a petition filed by Jerrell K. Davis. A proposal to allot Channel 275C to Telluride, as requested by Charles Fabrikant and Judith Brenner, is dismissed. Also, Channel 275C is allotted to Kirtland, New Mexico, as that community's first local broadcast service in response to a petition filed by Jeff and Joella Thomas. Coordinates for Channel 259C2 at Durango, Colorado, are 37-16-30 and 107-52-42; for Channel 285C1 at Telluride, Colorado, 37-56-06 and 107-48-36; and for Channel 275C at Kirtland, New Mexico, 37-01-45 and 108-10-36. (See Supplementary Information, *infra.*) With this action, the proceeding is terminated.

DATES: Effective January 25, 1991; the window period for filing applications on Channel 259C2 at Durango, Colorado, Channel 285C1 at Telluride, Colorado, and Channel 275C at Kirtland, New Mexico, will open on January 28, 1991, and close on February 27, 1991.

FOR FURTHER INFORMATION CONTACT: Nancy Joyner, Mass Media Bureau, (202) 634-6530, concerning the allotment proceeding. 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. 88–456 adopted November 18, 1990, and released December 13, 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 and the counterproposals in this proceeding were filed prior to October 2, 1989, and, therefore, the applicants 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 under Colorado, is amended by adding Channel 259C2 at Durango and by adding Channel 285C1 at Telluride.

§ 73.202 [Amended]

3. Section 73.202(b), the Table of FM Allotments under New Mexico, is amended by adding Channel 275C at Kirtland.

Federal Communications Commission.

Beverly McKittrick,

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

[FR Doc. 90–29643 Filed 12–18–90; 8:45 am]

BILLING CODE 6712–01–M

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47 CFR Part 73

[MM Docket No. 90–387; RM–7282]

Radio Broadcasting Services; Rainelle, WV

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: At the request of R–B Company, Inc., the Commission substitutes Channel 237A for Channel 244A at Rainelle, West Virginia, and modifies the Class A license issued to petitioner for Station WRRL–FM to specify operation on Channel 237A. *See* 55 FR 35909, September 4, 1990. Coordinates for Channel 237A at Rainelle are 37–57–28 and 80–45–45. With this action, this proceeding is terminated.

EFFECTIVE DATE: January 25, 1991.

FOR FURTHER INFORMATION CONTACT: Fawn E. Wilderson, Mass Media Bureau, (202) 634–6530.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 90–387, adopted November 21, 1990, and released December 13, 1990. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, (202) 857–3800, 2100 M Street, NW., suite 140, Washington, DC 20037.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

PART 73—[AMENDED]

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

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

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under West Virginia, is amended by removing Channel 244A and adding Channel 237A at Rainelle.

Federal Communications Commission.

Beverly McKittrick,

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

[FR Doc. 90–29644 Filed 12–18–90; 8:45 am]

BILLING CODE 6712–01–M

Proposed Rules

Federal Register
Vol. 55, No. 244
Wednesday, December 19, 1990

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

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service

7 CFR Part 246

Special Supplemental Food Program for Women, Infants and Children (WIC); Reviews of Nutritional Risk Criteria and Food Packages

AGENCY: Food and Nutrition Service, USDA.

ACTION: Proposed rules; extension and reopening of public comment periods.

SUMMARY: The Department announces the reopening of the comment period on issues related to the review of nutritional risk criteria used to determine eligibility for the Special Supplemental Food Program for Women, Infants and Children (WIC) previously announced in the **Federal Register** on September 14, 1990 (55 FR 37882). The deadline for comments pertaining to the review of WIC food packages (October 24, 1990, 55 FR 42856) is also extended. Comments relative to both reviews will be accepted through February 1, 1991. This action is taken in order to maximize the opportunity for public input on these two reviews, which were mandated by Public Law 101–147.

DATES: To be assured of consideration, comments must be received on or before February 1, 1991.

ADDRESSES: Comments should be sent to Ronald J. Vogel, Director, Supplemental Food Programs Division, Food and Nutrition Service, USDA, 3101 Park Center Drive, Alexandria, Virginia 22302, (703) 756–3746. Comments should be clearly labeled "Nutritional Risk Criteria Review" or "Review of WIC Food Packages," as appropriate, and should identify each issue addressed. All written comments will be available for public inspection during regular business hours (8:30 a.m. to 5 p.m., Monday through Friday) at the office of the Food and Nutrition Service, 3101 Park Center Drive, Alexandria, Virginia 22302.

FOR FURTHER INFORMATION CONTACT: Donna M. Hines, Supplemental Food Programs Division, Food and Nutrition Service, USDA, 3101 Park Center Drive, Alexandria, Virginia 22302, (703) 756–3730.

SUPPLEMENTARY INFORMATION: This Notice has been reviewed under Executive Order 12291 and has been classified not major. This notice will not have an annual effect on the economy of $100 million or more, nor will it cause a major increase in costs or prices for consumers, individuals, industries, Federal, State or local government agencies, or geographic regions. This action will not have significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of U.S.-based enterprises to compete with foreign-based enterprises in domestic or export markets.

The notice imposes no new reporting or recordkeeping provisions that are subject to OMB review in accordance with the Paperwork Reduction Act of 1980 (44 U.S.C. 3507).

This action is not a rule as defined by the Regulatory Flexibility Act (5 U.S.C. 601–612) and thus is exempt from the provisions of that Act.

This program is listed in the Catalog of Federal Domestic Assistance Programs under No. 10.557 and is subject to the provisions of Executive Order 12372, which requires intergovernmental consultation with State and local officials (7 CFR part 3015, subpart V, and final rule-related notice published June 24, 1983 (48 FR 29114)).

Background

Congress mandated, in section 123(b) of the Child Nutrition and WIC Reauthorization Act of 1989 (Pub. L. 101–147), that the Department, in consultation with State and local agency directors and other nutrition experts, conduct a review of the relationship between nutritional risk criteria and the participant priority system in the WIC Program. A final report of the review findings is due to Congress by June 30, 1991. The Department was further directed, in section 123(c) of Public Law 101–147, to conduct a review of the appropriateness of WIC food packages, and to provide a final report to Congress by June 30, 1992. Notices announcing the Department's intent to conduct such reviews were published in the **Federal Register** on September 14, 1990 (55 FR 37882, "Review of Nutritional Risk Criteria") and October 24, 1990 (55 FR 42856, "Review of Food Packages") respectively. Sixty-day comment periods were stipulated in each notice. Although the solicitation of comments through the **Federal Register** was not required by either legislative mandate, the Department believes that this procedure is essential to ensure broadly based, unrestricted public input on these important WIC Program issues.

The Department plans to enlist the technical and scientific expertise of graduate schools of public health or nutrition to review comments submitted in response to the Notices, and to develop technical papers summarizing comments and addressing the issues relative to each review from the scientific perspective. As indicated in the previous **Federal Register** notices, these papers will be presented for consideration by the National Advisory Council on Maternal, Infant and Fetal Nutrition (NAC) at its 1991 meeting. Section 17(k)(1) of the Child Nutrition Act of 1966 (CNA) directs the NAC to consider issues relevant to the WIC Program and to make recommendations to the President and Congress. The Council's consideration of these issues will contribute to the Department's reports to Congress on the two reviews. This report, in turn, may influence future Federal legislation with regard to the WIC program and/or regulatory action by the Department. Any program regulations issued by the Department as a result of this review would be proposed for public comment prior to promulgation in final rulemaking.

When the Notices announcing the Department's intent to conduct reviews of WIC nutritional risk criteria and the WIC food packages were published, the Department clearly stated its belief that the consideration of these important and complex issues will benefit greatly from public participation and stressed the need to obtain input from all segments of the WIC community, as well as other informed, concerned members of the public. Further, the Department wished to ensure that the reviews provide for the open and equitable consideration of these issues. The Department believes that the procedure which has been established for conducting these reviews will provide the broadest possible base

for public input, include access to technical expertise from independent, credible entities, and permit consideration of pertinent issues by a knowledgeable forum which is broadly representative of the WIC community.

However, timeframes for final reports imposed by these Congressional mandates, combined with the review procedure deemed necessary by the Department to produce optimal results, restricted the amount of time available for each step in the procedure. Therefore, the Department allowed only 60 days for public comment on review issues. The comment period for the nutritional risk criteria review closed on November 13, 1990. A significant number of commenters indicated that 60 days afforded inadequate time for them to develop comments at the desired level of detail. Although the comment period for the food package review does not expire until December 24, 1990, the Department has already received requests to extend this comment period as well.

Extension and Reopening of Comment Periods

In response to the above concerns, the Department has reorganized the review procedure to the maximum extent possible in order to accommodate longer comment periods on both **Federal Register** proposed rules. Thus the comment period on nutritional risk criteria is reopened and will end on February 1, 1991, and the comment period on WIC food packages is extended to that same date.

Dated: December 13, 1990.

George A. Braley,

Acting Administrator, Food and Nutrition Service.

[FR Doc. 90–29690 Filed 12–18–90; 8:45 am]

BILLING CODE 3410–30–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 90–NM–250–AD]

Airworthiness Directives; Boeing Model 767 Series Airplanes Equipped with Pratt and Whitney JT9D–7R4 and PW4000 Engines

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This notice proposes to adopt a new airworthiness directive (AD), applicable to certain Model 767 series airplanes that would require replacement of the engine oil filter differential pressure switches and modification of the switch on certain engines. This proposal is prompted by numerous reports of either false indication of an oil filter bypass or loss of oil quantity due to a leak in high-time pressure switches. This condition, if not corrected, could result in unnecessary engine inflight shutdowns and airplane diversions that unduly jeopardize continued safe operation of the airplane.

DATES: Comments must be received no later than February 11, 1991.

ADDRESSES: Send comments on the proposal in duplicate to the Federal Aviation Administration, Northwest Mountain Region, Transport Airplane Directorate, ANM–103, attention: Airworthiness Rules Docket No. 90–NM–250–AD, 1601 Lind Avenue SW., Renton, Washington 98055–4056. The applicable service information may be obtained from Boeing Commercial Airplane Group, P.O. Box 3707, Seattle, Washington 98124. This information may be examined at the FAA, Northwest Mountain Region, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington.

FOR FURTHER INFORMATION CONTACT: Mr. Lanny Pinkstaff, Seattle Aircraft Certification Office, Propulsion Branch, ANM–140S; telephone (206) 227–2684. Mailing address: FAA, Northwest Mountain Region, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington 98055–4056.

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

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

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this Notice must submit a self-addressed, stamped post card on which the following statement is made: "Comments to Docket Number 90–NM–250–AD." The post card will be date/time stamped and returned to the commenter.

Discussion

The FAA has received numerous reports of engine oil filter differential pressure switch leaks on Boeing Model 767 series airplanes equipped with Pratt and Whitney JT9D–7R4 engines. Many of these leaks, both internal and external to the switch, have resulted in engine inflight shutdowns due to false Engine Indication and Crew Alerting System (EICAS) indication of oil filter bypass or loss of oil quantity. The FAA has determined that the cause of these leaks is a cracked or separated vent port weld at the fluid port to body joint which allowed oil leakages either into the electrical microswitch housing or external to the pressure switch. Service records have indicated that these events occurred on high-time pressure switch units. False oil filter bypass indications or loss of oil quantity from failed pressure switches, if not corrected, could result in unnecessary engine inflight shutdowns and airplane diversions that unduly jeopardize continued safe operation of the airplane.

The JT9D–7R4 engines may contain engine oil filter differential pressure switch, P/N S332T004–2, –25, or –29. The P/N S332T004–2 and –25 oil filter differential pressure switches have similar physical features to the low oil pressure switch and can be installed at either location. Installation of the incorrect oil pressure switch could itself result in false oil filter bypass indications and unnecessary engine inflight shutdowns.

The FAA has reviewed and approved Boeing Service Bulletin 767–79–0008, dated August 11, 1988, which describes procedures for modifying the physical features and revising the electrical connection of certain JT9D–7R4 oil filter differential pressure switch configurations to prevent inadvertent installation of a low oil pressure switch in place of an oil filter differential pressure switch. The manufacturer recommends the accomplishment of this modification, if required, when replacement of the switch is accomplished every 10,000 total service hours on JT9D–7R4 engines. PW4000 engine installations, which currently possess a switch configuration that contains the described modifications,

necessitate replacement with an identical switch every 10,000 total service hours.

Since this condition is likely to exist or develop on other airplanes of this same type design, an AD is proposed which would require replacement of the engine oil filter differential pressure switch prior to the accumulation of 10,000 service hours, and modification of certain switches in accordance with the service bulletin previously described. This is considered to be interim action until final action is identified, at which time the FAA may consider further rulemaking to address it.

There are approximately 102 Model 767 series airplanes of the affected design in the worldwide fleet. It is estimated that 31 airplanes of U.S. registry would be affected by this AD, that it would take approximately 4 manhours per airplane to accomplish the required actions, and that the average labor cost would be $40 per manhour. Replacement parts would be provided by the manufacturer at no cost. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be $4,960.

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

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

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

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

PART 39—[AMENDED]

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

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

§ 39.13 [Amended]

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

Boeing: Applies to Model 767 series airplanes, as listed in Boeing Service Bulletin 767-79-0008, dated August 11, 1988, equipped with engine oil filter differential pressure switches on JT9D-7R4 engines and all Model 767 series airplanes equipped with engine oil filter differential pressure switches on PW4000 engines, certificated in any category. Compliance required as indicated, unless previously accomplished.

To prevent false oil filter bypass indication or loss of oil quantity from failed pressure switches, accomplish the following:

A. Within the next 60 days after the effective date of this AD, or prior to the accumulation of 10,000 total service hours, whichever occurs later, and thereafter at intervals not to exceed 10,000 total service hours, replace the engine oil filter differential pressure switch, as follows:

1. For Pratt & Whitney PW4000 engines: replace part number (P/N) S332T004-23 with a new -23 switch.

2. For Pratt & Whitney JT9D-7R4 engines: replace P/N's S332T004-2, -25, or -29, with a new -29 switch. If a -2 or -25 switch is currently installed, modification in accordance with Boeing Service Bulletin 767-79-0008, dated August 11, 1988, is required in order to install 1 -29 switch configuration.

Note: Reworking, modifying, or overhauling a used switch does not zero time the switch.

B. Pressure switches removed following the accumulation of 10,000 total service hours shall not be re-installed on any airplane.

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

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

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

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

Issued in Renton, Washington, on December 10, 1990.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 90-29658 Filed 12-18-90; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 90-NM-251-AD]

Airworthiness Directives; Boeing Model 737-300 and -400 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposd rulemaking (NPRM).

SUMMARY: This notice proposes to supersede an existing airworthiness directive (AD), applicable to Boeing Model 737-300 and -400 series airplanes, which currently requires the inspection of the left and right outboard flap inboard track forward support fitting attach nuts and bolts and the replacement, if necessary, of titanium bolts and aluminum nuts with steel parts. This condition, if not corrected, could result in separation of the outboard flap from the airplane, which could adversely affect controllability. This action would add eight airplanes to the applicability of the rule. This proposal is prompted by information from the manufacturer which indicated that additional airplanes were not inspected for the proper nuts before they left the factory.

DATES: Comments must be received no later than February 11, 1991.

ADDRESSES: Send comments on the proposal in duplicate to Federal Aviation Administration, Northwest Mountain Region, Transport Airplane Directorate, ANM-103, attention: Airworthiness Rules Docket No. 90-NM-251-AD, 1601 Lind Avenue SW., Renton, Washington 98055-4056. The applicable service information may be obtained from Boeing Commercial Airplane Group, P.O. Box 3707, Seattle, Washington 98124. This information may be examined at the FAA, Northwest Mountain Region, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington.

FOR FURTHER INFORMATION CONTACT: Mr. Thomas Rodriguez, Seattle Aircraft Certification Office, Airframe Branch,

ANM–120S; telephone (206) 227–2779. Mailing address: FAA, Northwest Mountain Region, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington 98055–4056.

SUPPLEMENTARY INFORMATION:

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

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

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this Notice must submit a self-addressed, stamped post card on which the following statement is made: "Comments to Docket Number 90–NM–251–AD." The post card will be date/time stamped and returned to the commenter.

Discussion

On June 19, 1990, the FAA issued AD 90–14–04, Amendment 39–6643 (55 FR 26425, June 28, 1990), to require inspection of the left and right outboard flap inboard track forward support fitting attach nuts and bolts and the replacement, if necessary, of titanium bolts and aluminum nuts with steel parts. That action was prompted by a report that aluminum nuts and titanium bolts, instead of steel nuts and bolts, may have been used to attach the outboard flap inboard track forward support fitting to the wing structure. This condition, if not corrected, could result in separation of the outboard flap from the airplane, which could adversely affect controllability.

Since issuance of that AD, the manufacturer has advised the FAA that eight airplanes left the factory before inspection of the nuts could be accomplished. Therefore, the addressed unsafe condition could exist relative to these eight airplanes.

The FAA has reviewed the approved Boeing Alert Service Bulletin 737–57A1202, Revision 1, dated April 26, 1990, which describes acceptable nuts and bolts that must be installed and procedures to inspect for steel attach nuts using eddy current techniques.

Since this condition is likely to exist on other airplanes of this same type design, and AD is proposed which would supersede AD 90–14–04 with a new airworthiness directive that would revise the applicability to include eight additional airplanes. These airplanes would be required to be inspected in accordance with the service bulletin previously described; any discrepancies found would be required to be corrected prior to further flight.

There are approximately 770 Model 737–300 and –400 series airplanes of the affected design in the worldwide fleet. It is estimated that 347 airplanes of U.S. registery, including an additional 4 airplanes addressed in this action, would be affected by this AD. It would take approximately 57 manhours per airplane to accomplish the required actions, and the average labor cost would be $40 per manhour. Based on these figures, the total cost impact of this AD on U.S. operators is estimated to be $791,160; the total cost impact of this AD relative to the 4 airplanes added to the applicability of the rule is estimated to be $9,120.

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

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

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

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

PART 39—[AMENDED]

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

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

§ 39.13 [AMENDED]

2. Section 39.13 is amended by superseding Amendment 39–6643 (55 FR 26425, June 28, 1990), AD 90–14–04, with the following new airworthiness directive:

Boeing: Applies to Model 737–300 and -400 series airplanes, line numbers 1001 through 1769 and 1771, as listed in Boeing Alert Service Bulletin 737–57A1202, Revision 1, dated April 26, 1990, certificated in any category. Compliance required as indicated, unless previously accomplished.

To prevent separation of the outboard flap from the airplane, accomplish the following:

A. For airplanes line numbers 1001 through 1762: Within the next 30 days after August 25, 1989 (the issuance date of Telegraphic AD T89–18–51), inspect the bolts used to secure the track forward support fitting of the inbord tracks to determine the bolt head designation.

B. If a bolt other than A286 CRES steel, Boeing part number BACB30LE6, BACB30LE7, BACB30US6, or BACB30US7, is found installed as a result of the inspection required by paragraph A. of this AD, replace it with a proper bolt and nut prior to next flight, in accordance with Boeing Alert Service Bulletin 737–57A1202, dated August 24, 1989, or Revision 1, dated April 26, 1990.

C. For airplanes line numbers 1001 through 1762, within the next 1,500 cycles or 6 months after August 6, 1990 (the effective date of Amendment 39–6643), whichever occurs first, visually or eddy current inspect the nuts used to secure the track forward support fitting of the inboard track to determine nut material, in accordance with Boeing Alert Service Bulletin 737–57A1202, dated August 24, 1989, or Revision 1, dated April 26, 1990.

Note: Inspection of the nuts must be accomplished even if the part numbers of the bolts were previously determined to be correct.

D. If a nut other than A286 CRES steel, Boeing part number BACN10HR, is found installed as a result of the inspection required by paragraph C. of this AD, replace it with a proper nut, prior to further flight, in accordance with Boeing Alert Service Bulletin 737–57A1202, dated August 24, 1989, or Revision 1, dated April 26, 1990.

E. For airplanes line numbers 1763 through 1769 and 1771: Within the next 1,500 cycles or 6 months after the effective date of this AD,

whichever occurs first, visually or eddy current inspect the nuts used to secure the track forward support fitting of the inboard track to determine the nut material, in accordance with Boeing Alert Service Bulletin 737–57A1202, dated August 24, 1989, or Revision 1, dated April 26, 1990.

F. If a nut other than A286 CRES steel, Boeing part number BACN10HR, is found installed as a result of the inspection required by paragraph E. of this AD, replace it with a proper nut, prior to further flight, in accordance with Boeing Alert Service Bulletin 737–57A1202, dated August 24, 1989, or Revision 1, dated April 26, 1990.

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

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

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

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

Issued in Renton, Washington, on December 10, 1990.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 90–29659 Filed 12–18–90; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TREASURY

Internal Revenue Service

26 CFR Part 301

[IA–110–90]

RIN 1545–AP27

Determination of Rate of Interest—Increase in Rate of Interest Payable on Large Corporate Underpayments

AGENCY: Internal Revenue Service, Treasury.

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

SUMMARY: In the Rules and Regulations portion of this issue of the **Federal Register**, the Internal Revenue Service is issuing temporary regulations providing guidance with respect to section 6621(c) of the Internal Revenue Code (regarding an increase in the rate of interest payable on large corporate underpayments). The text of the temporary regulations also serves as the comment document for this notice of proposed rulemaking.

DATES: Written comments and requests for a public hearing must be delivered by February 19, 1991.

ADDRESSES: Send comments and requests for a public hearing to: Internal Revenue Service, P.O. Box 7604, Ben Franklin Station, room 4429, Washington, DC 20044 (Attn: CC:CORP:T:R (IA–110–90)).

FOR FURTHER INFORMATION CONTACT: P. Val Strehlow, 202–377–9586, or David Schneider, 202–566–6438 (not toll-free numbers).

SUPPLEMENTARY INFORMATION:

Background

This document contains proposed Procedure and Administration Regulations (26 CFR part 301) providing guidance with respect to section 6621(c) of the Internal Revenue Code (regarding an increase in the rate of interest payable on large corporate underpayments). The preamble of the temporary regulations that appear in the Rules and Regulations portion of this issue of the **Federal Register** explains the reasons underlying the issuance of these proposed regulations.

Special Analyses

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

Comments and Request for a Public Hearing

Before these proposed regulations are adopted as final regulations, consideration will be given to any written comments that are submitted (preferably an original and eight copies) to the Internal Revenue Service. All comments will be available for public inspection and copying. A public hearing will be held upon written request to the Commissioner of Internal Revenue by any person who has submitted timely written comments. If a public hearing is held, notice of the time and place will be published in the **Federal Register.**

Drafting Information

The principal authors of these regulations are P. Val Strehlow and David Schneider of the Office of Assistant Chief Counsel (Income Tax & Accounting), Internal Revenue Service. However, personnel from other offices of the Internal Revenue Service and Treasury Department participated in developing these proposed regulations.

Michael J. Murphy,

Acting Commissioner of Internal Revenue.

[FR Doc. 90–29704 Filed 12–14–90; 2:08 pm]

BILLING CODE 4830–01–M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 2

[DA 90–1823; (GEN Docket No. 90–357)]

Establishment and Regulation of New Digital Audio Radio Services

AGENCY: Federal Communications Commission.

ACTION: Proposed rule; extension of reply comment period.

SUMMARY: At the request of the National Association for the Advancement of Colored People, the League of United Latin American Citizens, the National Hispanic Media Coalition, and the National Black Media Coalition (Civil Rights Organizations), the Commission is extending the reply comment period to January 7, 1991. The Civil Rights Organizations state that they have developed a mathematical model to identify minority needs for new radio service in each of the 260 rated markets for the next 20 years. However, as their resources are limited, they state that these calculations must be performed by hand, and that this task cannot be completed by the current reply comment due date of December 14, 1990. As the Commission desires as complete a record as possible to assist in formulating its proposals, and the material to be submitted by the Civil Rights Organizations may be beneficial in that regard, this request for additional time is warranted.

DATES: The reply comment period is extended to January 7, 1991.

ADDRESSES: Federal Communications Commission, Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Damon C. Ladson, Frequency Allocations Branch, Office of Engineering and Technology (202) 653–8106.

SUPPLEMENTARY INFORMATION: The notice of inquiry was published at 55 FR 34940 August 27, 1990..

Order Granting Extension of Time

In the matter of amendment of the Commission's rules with regard to establishment and regulation of new digital audio radio services.

Adopted: December 11, 1990; Released: December 12, 1990.

By the Office of Engineering and Technology:

1. The National Association for the Advancement of Colored People, the League of United Latin American Citizens, the National Hispanic Media Coalition, and the National Black Media Coalition (Civil Rights Organizations), have jointly requested an extension of the reply comment period in the above proceeding to December 28, 1990. Reply comments are currently due December 14, 1990. See Order Granting Extension of Time, GEN Docket No. 90–357, 5 FCC Rcd 5951 (1990).

2. The Civil Rights Organizations state that they have developed a mathematical model to identify minority needs for new radio service over the next 20 years, and that they are currently developing estimates of need for each of the 260 rated radio markets. However, the Civil Rights Organizations claim that as their resources are limited, calculations of the estimates must be performed by hand and cannot be completed by the current December 14, 1990, reply comment deadline. They also state that this brief extension of time will allow them to provide material that will assist the Commission in determining how much spectrum should be set aside for growth.

3. We believe that additional time for filing reply comments is warranted. The Commission desires as complete a record as possible to assist in formulating its digital audio radio service proposals. The material to be provided by the Civil Rights Organizations may assist us in that regard. Further, due to the large number of comments filed in this proceeding, we believe that an extension of time will allow other parties to formulate more meaningful replies as well. However, as the requested extension falls in the middle of the holiday season, we will extend the reply comment period by 24 days to January 7, 1991. Accordingly, pursuant to authority found in section 4(i), 302, and 303 of the Communications Act of 1934, as amended, *it is ordered*, that the reply comment period is extended to Janury 7, 1991.

Federal Communications Commission.

Bruce Franca,

Acting Chief Engineer.

[FR Doc. 90–29640 Filed 12–18–90; 8:45 am]

BILLING CODE 6712-01-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 663

[Docket No. 901225–0325]

RIN 0648–AD73

Pacific Coast Groundfish Fishery

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

ACTION: Proposed rule.

SUMMARY: NOAA issues this proposed rule to designate certain management measures as "routine" for certain species and fishing gears, as authorized under Amendment 4 to the Pacific Coast Groundfish Fishery Management Plan (FMP), and to propose an April 1 opening date for the target fishery for sablefish caught with nontrawl gear. This action is intended to allow for timely management of the groundfish resource while providing for public comment and review of the management decisions, as required under the Administrative Procedure Act.

DATES: Comments on the proposed rule must be received on or before December 28, 1990.

ADDRESSES: Comments on the proposed rule should be sent to Mr. Rolland A. Schmitten, Director, Northwest Region, National Marine Fisheries Service, 7600 Sand Point Way NE., BIN C15700, Seattle, WA 98115–0070; or Mr. E. Charles Fullerton, Director, Southwest Region, National Marine Fisheries Service, 300 S. Ferry Street, Terminal Island, CA 90731–7415.

Copies of relevant reports and information, Amendment 4 to the FMP, and the environmental assessment for the delayed opening of the nontrawl sablefish fishery are available from the Pacific Fishery Management Council, 2000 SW. First Avenue, suite 420, Portland, Oregon 97201.

FOR FURTHER INFORMATION CONTACT: William L. Robinson at 206–526–6140, Rodney R. McInnis at 213–514–6199, or the Pacific Fishery Management Council at 503–326–6352.

SUPPLEMENTARY INFORMATION:

Background

Amendment 4 to the Pacific Coast Groundfish Fishery Management Plan (FMP) was approved on behalf of the Secretary of Commerce under the Magnuson Fishery Conservation and Management Act (Magnuson Act) on November 15, 1990. It is expected to be implemented on January 1, 1991, the beginning of the next fishing year. The regulations implementing Amendment 4 were proposed at 55 FR 38105 (September 17, 1990). The actions proposed in this notice are expected to be authorized by the final regulations to implement Amendment 4. Publication at this time of the actions proposed is necessary to provide for orderly progress of the Pacific groundfish fishery at the beginning of the next fishing year. If proposing these actions were delayed until after Amendment 4 is fully implemented, not enough time would remain to finalize these actions before the fishing season begins. Therefore, NOAA is proposing these actions at this time in order to prevent the potential for overfishing and the disruptions to management of the fishery that could occur if final management measures for the 1991 fishing year are not published on time.

Amendment 4 to the FMP authorizes the designation of certain management measures as "routine," which means that, for those specific species, gear types, and management measures, implementation and further adjustment of those management measures may occur after consideration at a single meeting of the Pacific Fishery Management Council (Council), and after publication in the **Federal Register**, but only if for the same purpose, and within the scope of the analysis conducted, when the action first was designated as routine.

In order for a measure to be classified as routine, the Council is required to determine that the measure is of the type normally used to address the issue at hand and may require further adjustment to achieve its purpose. As in the case of all proposed management measures, prior to initial implementation of routine measures, the Council must determine the need for the measures, analyze their impacts and provide a rationale for their use.

At its September meeting, the Council recommended routine designations for two types of actions: (1) Trip landing and frequency limits for bocaccio, Dover

sole, and thornyheads taken with commercial gear; and (2) trip landing and frequency limits for sablefish caught with nontrawl gear to be implemented from the beginning of the fishing year until the target (unrestricted) nontrawl fishery is scheduled to begin. The second part of this rule proposes an opening date of April 1 for the target nontrawl sablefish fishery. The purposes of the proposed management measures (trip landing and trip frequency limits) are described below with a summary of the analyses prepared by the Council in support of its recommendations to designate these actions as routine.

I. Trip landing and trip frequency limits for bocaccio, Dover sole and thornyheads taken with all commercial gear. A trip limit specifies the amount of groundfish that may be taken and retained, possessed or landed from a single fishing trip. Trip landing limits (limits on the weight, or percent by weight, of fish that may be landed) and trip frequency limits (limits on the number of landings in a specified time period) are used to restrict landings to delay achievement of a quota or harvest guideline and extend the fishery, to the extent practical, over the entire year. Trip landing limits also can be used to minimize targeting on a species or species group while allowing landings of some level of incidental catch of that species. In a multispecies fishery, trip limits can discourage targeting and, at the same time, provide for landings of incidental catches of species that need a greater degree of protection than other species in the catch. Conversely, a trip limit may be needed to restrict the overall multispecies complex catch in order to provide adequate protection for a component of the catch.

The Council recommended designating trip landing and frequency limits as routine management actions for bocaccio, Dover sole, and thornyheads taken with any legal commercial groundfish gear off the coasts of Washington, Oregon, and California. Harvest guidelines have been recommended for bocaccio, Dover sole, and thornyheads in 1991 for the first time, and the management measures proposed herein are intended to keep landings within the designated harvest guidelines. All three species are caught in multispecies fisheries, bocaccio predominantly with the *Sebastes* complex in trawl, set net and recreational fisheries, and Dover sole and thornyheads with sablefish in the trawl fishery.

Bocaccio. A recent stock assessment for bocaccio indicates that the potential yield is 800 metric tons (mt) in the Eureka, Monterey, and Conception International North Pacific Fisheries Commission (INPFC) areas. The final acceptable biological catch (ABC) recommended by the Council's Groundfish Management Team also is 800 mt. Commercial and recreational landings in 1990 are projected to be about 2,000 mt. Because of the currently low spawning biomass and what appears to be relatively poor recruitment over the past decade, the bocaccio stock may be especially vulnerable to overfishing. Fishing capacity and current markets clearly encourage harvest of bocaccio in excess of the ABC. Therefore, landings of bocaccio need to be restricted so that the proposed 1991 harvest guideline for the commercial fishery will not be exceeded and the fishery can extend throughout the year.

Bocaccio is taken predominantly in trawl, set net, and recreational fisheries in the Eureka, Monterey, and Conception areas. In 1988, 70 percent of the landed catch was taken in the trawl fishery (predominantly in the Monterey area, and lesser landings in the Conception area), 20 percent in the set net fishery (with approximately equal landings in the Monterey and Conception areas), and 10 percent in the recreational fishery (predominantly in the Conception area). A similar distribution of landings occurred in 1989: Two-thirds trawl, one-sixth set net, and one-sixth recreational. In the early 1980's, commercial trawl landings peaked at 4,500 mt, falling to about 1,000 mt in 1985 where they have remained. Landings of bocaccio also have declined as a percentage of total rockfish landings in the Eureka, Monterey, and Conception areas.

Bocaccio is part of the multispecies *Sebastes* complex caught by the trawl fishery off California. Therefore, even if landings of bocaccio were prohibited once its harvest guideline is reached, bocaccio would continue to be caught and discarded in fisheries for other species in the *Sebastes* complex. Thus, it is necessary to extend the harvest of bocaccio for as long as the *Sebastes* complex fishery lasts, which is normally the entire year.

The Council has recommended that trip landing and frequency limits be designated as routine only for the commercial bocaccio fishery because the commercial fishery harvests 80 to 90 percent of the total bocaccio catch. Insufficient information is available to warrant reductions in the recreational bag limit, or differentiation between commercial gears at this time, but may be considered in the future.

Because bocaccio previously has not been managed individually with trip landing and frequency limits, such limits undoubtedly will need adjustment during the season to keep landings within the harvest guideline, discourage discards, and extend the harvest.

Impacts. If annual landings were to continue at the levels experienced in 1989 and 1990, bocaccio would be fished above the desired level of fishing mortality, delaying recovery of the stock to the level that can produce the maximum sustainable yield (MSY), and reducing potential income to the commercial fleet in the years ahead. In 1989, bocaccio was worth approximately $524,000 ($0.292 per pound) exvessel to commercial fishers.

Trip landing limits, especially if on the *Sebastes* complex as a whole, would have the greatest impact on the trawl fishery landing in the Monterey area, which accounts for the majority of bocaccio landings by weight. Because set net landings of bocaccio generally are much smaller than landings in the trawl fishery, a trip poundage limit in itself would affect the trawl fishery more than the set net fishery. A percentage limit based on the amount of the *Sebastes* complex on board is likely to affect both gear groups more equitably. A restriction on the number of landings that may be made in a specified period (trip frequency restriction) is most likely to affect the set net fleet, which conducts shorter and more frequent trips than the trawl fleet. Trip landing options (biweekly or twice weekly, for example) could reduce the differential impacts on vessels. The Council is expected to recommend a minimum level below which landings are unrestricted. This will allow some unavoidable incidental catches to be landed, and will benefit smaller vessels capable of targeting on small amounts of bocaccio or the *Sebastes* complex.

Dover sole and thornyheads. Dover sole normally are taken in combination with sablefish and thornyheads in the deepwater trawl fisheries. The 1991 stock assessment for Dover sole indicates that it has been heavily exploited in the Columbia area, and the preliminary ABC for that area is recommended to drop to 6,100 mt, 26 percent below the 1989 catch of 8,200 mt. Continued harvest of 8,000 mt annually for the next three years in the Columbia area would reduce that area's stock below the level that produces MSY.

Similarly, a new stock assessment on thronyheads supports a preliminary ABC of 5,900 mt in the Columbia, Eureka and Monterey areas, similar to landings in 1988 but much below landings in 1989.

The stock assessment also indicates that thornyheads have been heavily exploited in the Eureka and possibly Monterey areas. Fishing capacity and markets could easily accommodate landings of thornyheads in excess of the harvest guideline.

Because Dover sole, thornyheads, and sablefish are caught in combination in the trawl fishery targeting on any of those species, trip landing and frequency limits are necessary to restrict the landings of all three of these species either separately or in the aggregate. These species in the aggregate are called the "deepwater complex."

Trip landing and/or frequency limits on both the deepwater complex or one or more of the individual species making up the complex are necessary to prevent annual landings from exceeding the individual harvest guidelines for all three species. This goal is complicated by the need to reduce Dover sole and sablefish landings in the Columbia area and thornyhead landings in the Eureka and Monterey areas. Trip landing and frequency limits for trawl landings of sablefish are already designated as routine by Amendment 4. Because actual catch rates for Dover sole, thornyhead, and sablefish will likely differ from those expected, trip landing and frequency limits undoubtedly will need adjustment during the season to keep landings within the harvest guidelines.

Impacts. If annual landings were to continue at the levels experienced in 1990, Dover sole in the Columbia area and thornyheads in the Eureka and Monterey areas could be fished above an acceptable level of fishing mortality, ultimately resulting in lower ABCs and reduced income to the commercial fleet. In 1989, Dover sole was worth approximately $11.4 million ($0.275 per pound) exvessel to commercial fishers, and thornyheads were worth approximately $6,400 ($0.37 per pound) exvessel to commercial fishers.

As described in the supplemental environmental impact statement for Amendment 4, trip landing restrictions that set an upper limit per landing favor smaller vessels that are minimally restricted by the upper limit. Vessels often are able to compensate for landing limits by increasing the number of landings made. Trip frequency limits counteract this increase in effort, but favor larger vessels that traditionally conduct fewer, but longer, trips than the rest of the fleet.

Trip landing options (biweekly or twice weekly, for example) can balance, to some extent, differential impacts on different size vessels. The Council is expected to recommend a minimum level below which landings are unrestricted. This will allow unavoidable incidental catches to be landed, and will benefit smaller vessels that harvest small amounts of Dover sole, thornyheads, and sablefish.

II. *Sablefish—nontrawl gear.* This notice also proposes a delay until April 1 of the regular nontrawl sablefish season, which is unrestricted except for trip limits to protect juvenile fish. NMFS also is proposing to designate trip limits before the opening of the regular season as routine management measures. The specific date such trip limits are removed and the regular season opens is not being designated as routine, and is the subject of proposed and final rulemaking, because this action would affect fleets differently and is the subject of considerable public interest. A trip landing limit for sablefish caught with nontrawl gear will be imposed prior to April 1 to allow for a limited harvest by small vessels and to prevent discards and waste. The trip limit also would allow very small vessels that normally catch only limited quantities of sablefish to begin operating early in the year. This is especially important in some areas off California where weather is good and early fishing is not dangerous. Trip landing and frequency limits for sablefish, imposed later in the year to allow for incidental catches, to extend the season, and to reduce waste and discards as the nontrawl sablefish allocation is being reached, are designated as routine in Amendment 4.

Background. The nontrawl sablefish fishery is attracting additional fishing effort, particularly from larger vessels capable of fishing early in the year during stormy winter months. Landings data show that during 1986–1988 only 6.7 percent of the total nontrawl catch occurred during January through March, whereas during 1989, 24 percent of the total catch was landed during the same period. During 1990, 19 percent was landed during this period even though unrestricted fishing did not begin until January 31. As sablefish fisheries in Alaska have become more competitive, effort off Washington, Oregon, and California has begun to increase during the January through March period before the sablefish seasons in Alaska open. The Council is concerned that greater amounts of sablefish will be taken during the first 3 months of the year when many smaller vessels that only fish locally are unable or unwilling to fish. The Council is seeking to maintain the historical share of the nontrawl sablefish harvest and traditional fishing opportunities for small and medium-sized pot and longline vessels that have fished traditionally off Washington, Oregon, and California. Maintaining this opportunity will avoid economic disruption of local coastal communities. If the target fishery for sablefish opens on April 1 off both the west coast and Alaska, larger vessels will be forced to choose between the two areas. The Council expects many vessels will choose to start the season in Alaska.

The Council also has expressed concern over the increased safety risk to smaller vessels off Oregon and Washington if they start to fish in winter months, when they traditionally have not felt compelled to operate, in order to compete with the larger vessels.

This action is being proposed in accordance with the socio-economic framework procedures established in Amendment 4. These procedures require preparation of a report containing the proposed management measure and the reasons it is preferred, a description of other viable alternatives considered, and an analysis that addresses how the proposed action will achieve the goals and objectives of the FMP, likely impacts on other management measures and other fisheries, biological and economic impacts, and the ability of the preferred option to achieve 1 or more of 15 factors listed in the Amendment. The environmental assessment serves as this report. Any interested member of the public may obtain the environmental assessment from the Council at the address listed at the beginning of this notice. The contents of this report are summarized below.

Options. Four main options including the status quo were considered.

Option 1. Status quo. The target fishery opens on January 1 with no trip limit except on sablefish smaller than 22 inches total length.

Option 2. Proposed. Delay initiation of the target fishery until April 1 by imposing a 1,500-pound trip limit during January through March.

Option 3. The same as option 2 except a 500-pound trip limit would be imposed January through March.

Option 4. Same as option 2 except the 1,500-pound trip limit is extended through June.

Impacts—Biological impacts. The differences in biological impacts of the options are negligible.

1. None of the options would have more than a negligible impact on recruitment of sablefish. An intense nontrawl fishery just prior to spawning (in December-January off California and February off Washington) could reduce the effective spawning biomass by about 3.1 percent. Assuming a reasonable relationship between the number of spawning fish and the

number of progeny that eventually become available to the fishery, only a 1.2 percent reduction in expected recruitment, which would be undetectable, would occur.

2. If the nontrawl fishery were allowed to concentrate in the first quarter, and the seasonal changes in mean fish size continued, then the number of sablefish harvested to attain the quota would increase by 3–10 percent. However, eventually this quota would decline by about this percentage so that the harvest in numbers would remain near the optimal level.

3. Non-landed catch (which includes sablefish that are discarded because they are unmarketable or exceed trip limits, and sablefish killed due to ghost fishing by lost gear) is not expected to change significantly under any of the options. There may be some increase if the trip limit is set at 1,500 pounds and if this limit attracts a target fishery that catches more than 1,500 pounds to achieve the limit. However, since sablefish caught by pot or longline probably have a high chance of survival when returned to the sea, discarded fish should not be assumed to be dead.

Economic impacts. The status quo provides additional opportunities for larger vessels capable of fishing in the winter. The alternate options seek to maintain fishing opportunities available to current participants who do not, for the most part, rely on a winter fishery.

1. During 1986–88, a restrictive trip limit prior to April would have had little impact on the attainment date of the nontrawl quota, extending it only about 9 days. Such a trip limit in 1989 would have delayed quota attainment about 1 month, and in 1990 attainment would have been delayed about 2 weeks.

2. The size of the trip limit prior to April will have only a trivial impact on the duration of the [fully] open season. Only 6 mt would have been landed during the first 3 months of 1986–88 under a 500-pound trip limit (option 3), and 22–59 mt under a 1,500-pound trip limit (option 2). If the trip limit were extended through June (option 4) and the level of small vessel participation remained the same as in 1986–88, about 82–272 mt would be landed.

3. No firm conclusion can be drawn about the effects of the delayed opening on product quality. One report indicated best quality in early autumn, but factors other than season were more important in determining product quality.

4. If the increase in early-season sablefish effort continues (as assumed in option 1, the status quo), the entire quota could be taken in the first 3 months, effectively eliminating sablefish as a target species for many small and medium-sized longline and pot vessels currently operating in the fishery. Most of these displaced vessels are to small to operate safely in the winter months.

5. Under any of the delayed season options (options 2, 3, and 4), at least 90 percent of the quota would remain when the main season opened.

6. Longline vessels capable of fishing both in Alaska and on the Pacific coast would benefit from options that provide for different openings in each area (options 1 and 4). Pot and local longline vessels would benefit from options that lengthen the season or cause it to coincide with season openings in Alaska (options 2 and 3). Benefits to small vessels increase or are maintained under all options as long as the trip limit remains at 500 pounds or more. Some medium-size vessels could operate, probably with reduced profits, under a 1,500-pound trip limit (option 2), but not under a 500-pound trip limit (option 3).

7. Implementation of a trip limit during the first 3 months would effectively eliminate large-scale directed fishing during that period (options 2, 3, and 4). The greatest effect would be on large vessels, some of which operate in Alaska fisheries, and medium-sized vessels operating in central California where weather conditions during that period are suitable for fishing.

Although both longline (189 vessels) and pot (35 vessels) fleets contributed to the recent increases in landings during the first quarter of the year, a delay in the opening of the target fishery for sablefish would affect the two fleets differently.

The longline fleet appears more able to pursue alternate fisheries: sablefish (Alaska), halibut (Alaska, WOC), rockfish (WOC), and some switch to pot gear to fish for Dungeness crab during the winter (WOC). However, these fisheries also are fully utilized and may involve significant transit time or "gearing up" costs, and vessels probably cannot participate in all alternate fisheries in a single a year. That portion of the longline fleet that fishes along the west coast before going to Alaska would be less likely to do so if both Alaska and west coast sablefish fisheries open April 1. Therefore, because of the alternatives available to the longline fleet, the delayed season should not have a significant impact on that fleet.

Larger pot vessels appear to have fewer options. Pot gear is prohibited for sablefish in most of Alaska; few alternatives are available off WOC, although a new fishery for hagfish is developing. From 1986–1988, more than 90 percent of the revenue from the west coast groundfish fishery received by large pot vessels (over 61 feet) was derived from sablefish; vessels smaller than 61 feet derived about half their groundfish income from sablefish. Consequently, the six pot vessels longer than 61 feet (which generally make the largest landings of sablefish) are expected to experience the most severe impact of the delayed opening. Because the 1,500-pound trip limit effectively precludes operations by vessels that currently land more than that amount, and because a 3-month delay in opening the regular season would extend the season by only a month (because catch rates during the regular season would be much greater than during the first quarter), these vessels likely would have lost up to 2 months of the 6-month season in 1989. It is not known if or how these large pot vessels will compensate for the delayed opening, or if the delayed opening would shorten the regular season more than it would otherwise be shortened if effort continues to accelerate unchecked between January and March.

Impacts on vessel safety. Under the status quo (option 1), large vessels begin fishing in January, and some smaller vessels in the central California area also begin at this time. Most small and medium-size vessels in northern areas would be restricted by weather conditions and could operate only during calm periods. Increased effort by large vessels during the early period (assumed by option 1) might compel some small and medium-sized vessels to attempt to fish during marginal conditions, increasing the risk to vessels and fishers. Trip limits during January–March reduce the pressure on small and medium-sized vessels to fish during marginal and bad weather conditions (options 2, 3, and 4).

The issue is whether to discourage future expansion by large vessels capable of fishing in the winter or to substantially reduce opportunities for the smaller vessels that traditionally have harvested sablefish off Washington, Oregon, and California. The Council believes that disruption of the local fleet and economies is minimized by option 2, in large part because it forces the larger vessels to choose between concurrent openings on April 1 of the target fishery off Alaska or off Washington, Oregon, and California. This choice minimizes the possibility of large and sudden effort shifts from one area to the other.

A delayed season opening date will not deny access to the nontrawl sablefish fishery off Washington, Oregon, and California. However, assuming a concurrent season opening date in Alaska, the larger vessels will be forced to make a choice between the two areas. To date, few large vessels

have chosen to operate in both areas in April. It should be noted that if seasons or quotas for sablefish fisheries in Alaska are reduced significantly, vessels that operated in those fisheries may nonetheless be displaced into the traditional Washington, Oregon, and California fisheries for sablefish.

Trip landing or frequency limits to be imposed at the beginning of the year are expected to be announced in the **Federal Register** notice announcing the final specifications and management measures for 1991. The information and analyses that the Council used in making its final recommendations were available before and during the Council's November 13–16, 1990, meeting. Furthermore, the Council announced its consideration of adjustments to these management measures and consideration of new measures in its newsletter. Persons interested in being informed of the issues should contact the Council and request to be put on its mailing list.

Classification

This proposed rule is published under authority of section 305(g) of the Magnuson Act, 16 U.S.C. 1855(g), and was prepared at the request of the Council. The Assistant Administrator for Fisheries, NOAA (Assistant Administrator), has determined that this proposed rule is necessary for the conservation and management of the Pacific coast groundfish fishery and that it is consistent with the Magnuson Act and other applicable law. The Assistant Administrator, before publishing a final rule, will take into account the data and comments received during the comment period and during the November Council meeting.

The portion of this proposed rule that designates certain management measures as routine, if adopted, is not expected to alter the nature or intensity of environmental effects as considered in the supplemental environmental impact statement (SEIS) prepared for Amendment 4 or for the current FMP, and thus is categorically excluded from the requirement to prepare an environmental assessment by NOAA Directive 02–10. The proposed rule provides for timely, inseason adjustment of trip landing and frequency limits so that landings do not exceed the harvest guidelines or quotas (which are designed to prevent overfishing), while minimizing the impacts on the fishing industry.

The rule also provides for delaying the opening of the nontrawl sablefish target fishery until April 1, but does not change the amount of sablefish that may be landed during the year. The Council prepared an environmental assessment (EA) for this portion of the rule. You may obtain a copy of the EA from the Council (see **ADDRESSES**).

The Assistant Administrator has determined that this is not a major rule requiring a regulatory impact analysis under Executive Order 12291. The proposed action will not have a cumulative effect on the economy of $100 million or more nor will it result in a major increase in costs to consumers, industries, government agencies, or geographical regions. No significant adverse impacts are anticipated on competition, employment, investments, productivity, innovation, or competitiveness of U.S.-based enterprises.

The General Counsel of the Department of Commerce certified to the Small Business Administration that this proposed rule, if adopted, will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act, 5 U.S.C. 603 *et seq.* This conclusion, as it applies to the designation of management measures as routine, is based on the regulatory impact review and the analysis contained in Amendment 4 and the preamble to this proposed rule. The trip landing and frequency limits are imposed to avoid exceeding the harvest guidelines for bocaccio, Dover sole, thornyheads, and sablefish, and may need rapid adjustment inseason to minimize discards and economic impacts on the industry. Although there will be short-term economic costs from reduced harvest guidelines and reduced landings (which were proposed in a separate **Federal Register** notice (November 7, 1990, 55 FR 46841), long-term economic benefits are expected due to increased flexibility to establish management measures that will reduce discards and wastage and which are designed to extract maximum economic benefits from the fishery while maintaining the maximum sustainable yield from the resource.

The same conclusion also is reached for the delay in the opening of the nontrawl target fishery for sablefish, based on the analysis in the environmental assessment and in the preamble to this proposed rule. While six large pot vessels may experience a significant economic impact, this is not a substantial number of the 224 nontrawl sablefish vessels. The Assistant Administrator for Fisheries initially determined that this proposed action would not have a significant impact on a substantial number of small entities and therefore a regulatory flexibility analysis for this action was not prepared.

This proposed rule does not contain a collection of information requirement for purposes of the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.*

The Council determined that this rule does not directly affect the coastal zone of any state with an approved coastal zone management program.

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

List of Subjects in 50 CFR Part 663

Administrative practice and procedure, Fish, Fisheries, Fishing, Reporting and recordkeeping requirements.

Dated: December 14, 1990.

David S. Crestin,

Acting Assistant Administrator for Fisheries, National Marine Fisheries Service.

For the reasons set forth in the preamble, 50 CFR part 663 (as proposed in the **Federal Register** at 55 FR 38105, September 17, 1990) is proposed to be amended as follows:

PART 663—PACIFIC COAST GROUNDFISH FISHERY

1. The authority citation for part 663 continues to read as follows:

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

2. In § 663.23, the period at the end of paragraph (c)(1)(v) is changed to a comma, and paragraphs (b)(2), (c)(1) (vi), (vii), and (viii) are added, as follows:

§ 663.23 Catch restrictions.

* * * * *

(b) * * *

(2) *Nontrawl sablefish.* The regular season for the nontrawl sablefish fishery will begin on April 1. Prior to April 1, trip landing or frequency limits will be imposed under paragraph (c) of this section to allow for bycatch of sablefish in other fisheries, and to allow very small directed fisheries with nontrawl gear. Trip landing and frequency limits may be reimposed later in the year under paragraph (c). Trip limits to protect juvenile sablefish also may be imposed, at any time of year, under paragraph (c).

(c) * * *

(1) * * *

(vi) Dover sole—all gear;

(vii) Thornyheads—all gear;

(viii) Bocaccio—all gear.

* * * * *

[FR Doc. 90–29741 Filed 12–14–90; 4:53 pm]

BILLING CODE 3510–22–M

Notices

Federal Register
Vol. 55, No. 244
Wednesday, December 19, 1990

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

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[Docket No. 90-230]

Availability of Environmental Assessment and Finding of No Significant Impact Relative to Issuance of a Permit To Field Test Genetically Engineered Soybean Plants

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice.

SUMMARY: We are advising the public that an environmental assessment and finding of no significant impact have been prepared by the Animal and Plant Health Inspection Service relative to the issuance of a permit to the Upjohn Company, to allow the field testing in Isabela, Puerto Rico, of soybean plants genetically engineered to express a gene for tolerance to the phosphinothricin class of herbicides. The assessment provides a basis for the conclusion that the field testing of these genetically engineered soybean plants will not present a risk of introduction or dissemination of a plant pest and will not have a significant impact on the quality of the human environment. Based on this finding of no significant impact, the Animal and Plant Health Inspection Service has determined that an environmental impact statement need not be prepared.

ADDRESSES: Copies of the environmental assessment and finding of no significant impact are available for public inspection at Biotechnology, Biologics, and Environmental Protection, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, room 850, Federal Building, 6505 Belcrest Road, Hyattsville, MD, between 8 a.m. and 4: 30 p.m., Monday through Friday, except holidays.

FOR FURTHER INFORMATION CONTACT: Dr. Catherine Joyce, Biotechnologist, Biotechnology Permits, Biotechnology, Biologics, and Environmental Protection, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, room 841, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, (301) 436-7612. For copies of the environmental assessment and finding of no significant impact, write Mr. Clayton Givens at this same address. The environmental assessment should be requested under permit number 90-274-05.

SUPPLEMENTARY INFORMATION: The regulations in 7 CFR part 340 regulate the introduction (importation, interstate movement, and release into the environment) of genetically engineered organisms and products that are plant pests or that there is reason to believe are plant pests (regulated articles). A permit must be obtained before a regulated article can be introduced into the United States. The regulations set forth procedures for obtaining a limited permit for the importation or interstate movement of a regulated article and for obtaining a permit for the release into the environment of a regulated article. The Animal and Plant Health Inspection Service (APHIS) has stated that it would prepare an environmental assessment and, when necessary, an environmental impact statement before issuing a permit for the release into the environment of a regulated article (see 52 FR 22906, June 16, 1987).

The Upjohn Company, of Kalamazoo, Michigan, has submitted an application for a permit for release into the environment, to field test soybean plants genetically engineered to express a gene for tolerance to the phosphinothricin class of herbicides. The field trial will take place in Isabela, Puerto Rico.

In the course of reviewing the permit application, APHIS assessed the impact on the environment of releasing the soybean plants under the conditions described in the Upjohn Company application. APHIS concluded that the field testing will not present a risk of plant pest introduction or dissemination and will not have a significant impact on the quality of the human environment.

The environmental assessment and finding of no significant impact, which are based on data submitted by the Upjohn Company, as well as a review of other relevant literature, provide the public with documentation of APHIS' review and analysis of the environmental impacts associated with conducting the field testing.

The facts supporting APHIS' finding of no significant impact are summarized below and are contained in the environmental assessment.

1. A gene for herbicide tolerance, the *bar* gene, has been inserted into a soybean chromosome. The expression of this gene provides the soybean plants with tolerance to the phosphinothricin-class of herbicides. The *bar* gene was isolated from *Streptomyces hydroscopicus*, which is not a plant pest.

2. A gene encoding the enzyme beta-glucurnidase (GUS) has also been inserted into the soybean chromosome. The GUS gene, which acts as a marker for transformation, is derived from *Escerichia coli* which is not a plant pest.

3. In nature, chromosomal genetic material of soybeans can only be transferred to other sexually compatible plants by cross-pollination. In this field trial, the introduced gene cannot spread to other plants by cross-pollination because soybean is a predominantly self-pollinating plant and the field test plot is a sufficient distance from any sexually compatible plants with which it might cross-pollinate.

4. Neither of the introduced genes nor their gene products confer on soybean any plant pest characteristics. Traits that lead to weediness in plants are polygenic traits and cannot be conferred by adding a single gene.

5. Neither of the introduced genes provide the transformed soybean plants with any apparent selective advantage over nontransformed soybean in the ability to be disseminated or to become established in the environment.

6. The vector used to transfer the introduced genes to the soybean plants has been evaluated for its use in this specific experiment and does not pose a plant pest risk. Although the vector contains select noncoding regions of regulatory DNA sequence that were derived from plant pests, they do not confer on soybean any plant pest characteristics.

7. Horizontal movement of the introduced genes is not possible. The foreign DNA is stably integrated into the plant genome.

8. The field test site is small (less than 3.5 acres) and is located on a private research farm that is completely surrounded by a fence.

The environmental assessment and finding of no significant impact have been prepared in accordance with: (1) The National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4331 *et seq.*), (2) Regulations of the Council on Environmental Quality for Implementing the Procedural Provisions of NEPA (40 CFR parts 1500–1509), (3) USDA Regulations Implementing NEPA (7 CFR part 1b), and (4) APHIS Guidelines Implementing NEPA (44 FR 50381–50384, August 28, 1979, and 44 FR 51272–51274, August 31, 1979).

Done in Washington, DC, this 13th day of December 1990.

James W. Glosser,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 90–29678 Filed 12–18–90; 8:45 am]

BILLING CODE 3410–34–M

[Docket No. 90–222]

Receipt of Permit Applications for Release Into the Environment of Genetically Engineered Organisms

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice.

SUMMARY: We are advising the public that five applications for permits to release genetically engineered organisms into the environment are being reviewed by the Animal and Plant Health Inspection Service. The applications have been submitted in accordance with 7 CFR part 340, which regulates the introduction of certain genetically engineered organisms and products.

FOR FURTHER INFORMATION CONTACT: Mary Petrie, Program Analyst, Biotechnology, Biologics, and Environmental Protection, Biotechnology Permits, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, room 844, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, (301) 436–7612.

SUPPLEMENTARY INFORMATION: The regulations in 7 CFR part 340, "Introduction of Organisms and Products Altered or Produced Through Genetic Engineering Which are Plant Pests or Which There is Reason to Believe Are Plant Pests," require a person to obtain a permit before introducing (importing, moving interstate, or releasing into the environment) in the United States, certain genetically engineered organisms and products that are considered "regulated articles." The regulations set forth procedures for obtaining a permit for the release into the environment of a regulated article, and for obtaining a limited permit for the importation or interstate movement of a regulated article.

Pursuant to these regulations, the Animal and Plant Health Inspection Service has received and is reviewing the following applications for permits to release genetically engineered organisms into the environment.

Application No.	Applicant	Date received	Organism	Field test location
90–297–01	Calgene, Inc.	10–24–90	Cotton plants genetically engineered to express both a delta-endotoxin protein from *Bacillus thuringiensis* which is toxic to the larvae of some lepidopteran insects, and an enzyme that confers tolerance to the herbicide bromoxynil; and cotton plants genetically engineered to express an enzyme that confers tolerance to the herbicide bromoxynil.	Mississippi.
90–303–02	Calgene, Inc.	10–30–90	Cotton plants genetically engineered to express an enzyme that confers tolerance to the herbicide bromoxynil.	Alabama, Arkansas, Arizona, California, Georgia, Louisiana, Mississippi, Missouri, North Carolina, South Carolina, Tennessee, and Texas.
90–310–01	United States Department of Agriculture, Agricultural Research Service.	11–06–90	Potato plants genetically engineered to express a modified *Gasileria mellonella* larval serum protein.	Idaho, Maine, Minnesota, and North Dakota.
90–310–02	Calgene, Inc.	11–06–90	Tomato plants genetically engineered to express the Tmr developmental gene, which codes for an enzyme involved in the production of cytokinin.	California.
90–311–01	Frito-Lay, Inc.	11–07–90	Potato plants genetically engineered to express a metabolic enzyme.	Wisconsin.

Done in Washington, DC on this 13th day of December 1990.

James W. Glosser,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 90–29677 Filed 12–18–90; 8:45 am]

BILLING CODE 3410–34–M

[Docket No. 90–200]

U.S. Veterinary Biological Product and Establishment Licenses, and U.S. Veterinary Biological Product Permits Issued, Suspended, Revoked, or Terminated

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice.

SUMMARY: We are advising the public of the issuance, suspension, revocation, or termination of veterinary biological product and establishment licenses and veterinary biological product permits by the Animal and Plant Health Inspection Service during the month of July 1990. These actions are taken in accordance with the regulations issued pursuant to the Virus-Serum-Toxin Act.

FOR FURTHER INFORMATION CONTACT: Joan Montgomery, Program Assistant, Veterinary Biologics, Biotechnology, Biologics, and Environmental Protection, Animal and Plan Health Inspection Service, U.S. Department of Agriculture, room 838, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, (301) 436–8674.

SUPPLEMENTARY INFORMATION: The regulations in 9 CFR part 102, "Licenses For Biological Products," require that every person who prepares certain biological products that are subject to the Virus-Serum-Toxin Act (21 U.S.C. 151 *et seq.*) shall hold an unexpired, unsuspended, and unrevoked U.S. Veterinary Biological Product License. The regulations set forth the procedures for applying for a license, the criteria for determining whether a license shall be

issued, and the form of the license.

Pursuant to the regulations, the Animal and Plant Health Inspection Service (APHIS) issued the following U.S. Veterinary Biological Product Licenses during the month of July 1990:

Product license code	Date issued	Product	Establishment	Establishment license No.
1515.21	07-12-90	Equine Rhinopneumonitis-Influenza Vaccine, Killed Virus	American Home Products Corporation	112
1771.17	07-03-90	Newcastle-Bronchitis Vaccine, B_1 Type, LaSota Strain, Mass. and Conn. Types, Live Virus.	Immunogenetics, Inc.	196
2648.56	07-09-90	Escherichia Coli Bacterin	Bio Vac Laboratories, Inc	307
4915.20	07-09-90	Parvovirus Vaccine-Erysipelothrix-Rhusiopathiae-Leptospira Canicola-Grippotyphosa-Hardjo-Icterohaemorrhagiae-Pomona-Pasteurella Mulocida Bacterin, Killed Virus.	Rhone Merieux, Inc	298
5017.00	07-09-90	Canine Borrelia Burgdorferi Antibody Test Kit	IDEXX Corp.	313
E260.00	07-13-90	Reovirus Type 3 Antiserum, Murine Origin	Laboratory Animal Breeders and Services, Inc	378
E280.00	07-13-90	Sendai Virus Antiserum, Murine Origin	Laboratory Animal Breeders and Services, Inc	378
E280.01	07-13-90	Sendai Virus Antiserum, Murine Origin	Laboratory Animal Breeders and Services, Inc	378
G054.00	07-20-90	Bordetella Bronchiseptica-Erysipelothrix Rhusiopathiae-Pasteurella Multocida Bacterin-Toxoid.	Beecham, Inc	225

The regulations in 9 CFR part 102 also require that each person who prepares biological products that are subject to the Virus-Serum-Toxin Act (21 U.S.C. 151 *et seq.*) shall hold a U.S. Veterinary Biologics Establishment License. The regulations set forth the procedures for applying for a license, the criteria for determining whether a license shall be issued, and the form of the license. No. U.S. Veterinary Biologics Establishment Licenses were issued during the month of July 1990.

The regulations in 9 CFR part 104, "Permits for Biological Products," require that each person importing biological products shall hold an unexpired, unsuspended, and unrevoked U.S. Veterinary Biological Product Permit. The regulations set forth the procedures for applying for a permit, the criteria for determining whether a permit shall be issued, and the form of the permit.

Pursuant to the regulations, APHIS issued the following U.S. Veterinary Biological Product Permits during the month of July 1990:

Product Code	Date issued	Product	Permittee	Permit No.
2035.00	07-05-90	Aeromonas salmonicida bacterin	Mr. Jerry Zinn	335
2858.03	07-05-90	Vibrio anguillarum-ordalii bacterin	Mr. Jerry Zinn	335

The regulations in 9 CFR parts 102 and 105 also contain provisions concerning the suspension, revocation, and termination of U.S. Veterinary Biological Product and Establishment Licenses, and U.S. Veterinary Biological Product Permits. Pursuant to these regulations, APHIS terminated the following U.S. Veterinary Biological Product Licenses during July 1990:

Product license code	Date terminated	Product	Establishment	Establishment Licenses No.
1301.09	07-09-90	Canine distempter vaccine, modified live virus	Solvay Animal Health, Inc	195-A
1311.30	07-09-90	Canine distemper-hepatitis vaccine, modified live virus	Solvay Animal Health, Inc	195-A
18M5.20	07-09-90	Parvovirus vaccine, killed virus	Solvay Animal Health, Inc	195-A
1871.01	07-09-90	Pasteurella Multocida vaccine, avirulent live culture, avian isolate.	Solvay Animal Health, Inc	195-A
2665.00	07-09-90	Leptospira canicola-grippotyphosa-hardjo-icterohaemorrhagiae-pomona Bacterin.	Solvay Animal Health, Inc	195-A
4639.30	07-09-90	Canine distempter-adenovirus type 2-parainfluenza-parvovirus vaccine—leptospira bacterin, modified live and killed virus.	Solvay Animal Health, Inc	195-A
4689.30	07-09-90	Canine distemper-hepatitis vaccine—leptospira bacterin, modified live virus.	Solvay Animal Health, Inc.	195-A
4975.00	07-09-90	Parvovirus vaccine—leptospira canicola-grippotyphosa-hardjo-icterohaemorrhagiae-pomona bacterin, killed virus.	Solvay Animal Health, Inc	195-A
18M1.20	07-09-90	Parvovirus vaccine, modified live virus	A M Bio Techniques, Inc.	292
5028.00	07-12-90	Feline leukemia virus test kit	Microbiological Associates, Inc.	299

No establishment licenses were suspended, revoked, or terminated during July 1990; and no product licenses or product permits were suspended or revoked during July 1990.

Done in Washington, DC, this 13th day of December 1990.

James W. Glosser,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 90–29676 Filed 12–18–90; 8:45 am]

BILLING CODE 3410–34–M

Forest Service

Feather Falls Timber Sale, Plumas National Forest, California

AGENCY: Forest Service, USDA.

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

SUMMARY: Notice is hereby given that the USDA Forest Service will prepare an Environmental Impact Statement to disclose the environmental consequences of the proposed Feather Falls Timber Sale located on the LaPorte Ranger District, Plumas National Forest, Butte County, California. The Feather Falls Timber Sale is approximately 9 air miles north of the town of Challenge, California in T.20 and 21 N. and Range 6 and 7 E., Mt. Diablo Meridian. The Forest Service invites written comments on this proposal. A full environmental analysis will be conducted. The Draft Environmental Impact Statement (DEIS) will be published in July 1991 and the Final Environmental Impact Statement (FEIS) will be available for review in December 1991.

DATES: Comments concerning the scope of analysis should be received in writing by January 4, 1991.

ADDRESSES: Submit written comments and suggestions to Charles W. Smay, District Ranger, P.O. Drawer 369, Challenge, CA 95925.

FOR FURTHER INFORMATION CONTACT: Jerry Bertagna, Program Accomplishment Forester, phone 916–675–2462 (person who can answer most of the questions on the project).

SUPPLEMENTARY INFORMATION: The Plumas National Forest Land and Resource Management Plan provides direction for management of the project area located within Management Area 10, Feather Falls. The Forest Plan has designated the proposed timber sale area to be managed under the Timber Emphasis and Visual Partial Retention Prescriptions. The proposed action would use a variety of logging systems to harvest approximately 5.5 million board feet of timber. A range of alternatives for his project will be considered, one of which would be a no action alternative.

Mary J. Coulombe, Forest Supervisor, Plumas National Forest, Quincy, California, is the responsible official.

Public participation will be especially important at several points during the analysis. The first point is during the scoping process (40 CFR 1501.7). Some initial scoping and analysis have been completed for this proposed project. Comments received during the original scoping will be retained and considered in the analysis. The Forest Service will be seeking information, comments and assistance from Federal, State and local agencies, other individuals and organizations who may be interested in or affected by the proposed action. This input will be used in preparation of the DEIS. The scoping process includes:

1. Identifying potential issues.
2. Identification of issues to be analyzed in depth.
3. Elimination of insignificant issues or those which have been covered by a relevant previous environmental analysis.
4. Exploring alternatives to the proposed project.
5. Identifying potential environmental effects of the proposed action and alternatives (i.e., direct, indirect, and cumulative effects and connected actions).
6. Determining potential cooperating agencies and task assignments.

The Fish and Wildlife Service, Department of the Interior, will be invited to participate as a cooperating agency to evaluate potential impacts on threatened and endangered species habitat if any such species are found to exist in the proposed timber sale area.

The DEIS is expected to be filed with the Environmental Protection Agency (EPA) and to be available for public review by July 1991. At that time EPA will publish a notice of availability of the DEIS in the Federal Register. The comment period on the DEIS will be 45 days from the date the Environmental Protection Agency's Notice of Availability appears in the Federal Register. It is very important that those interested in the management of the Feather Falls Timber Sale participate at that time. To be most helpful, comments on the DEIS should be as specific as possible and may address the adequacy of the statement or the merits of the alternatives discussed (see the Council on Environmental Quality Regulations for implementing the procedural provisions of the National Environmental Policy Act at 40 CFR 1503.3). In addition, Federal court decisions have established that reviewers of draft EIS's must structure their participation in the environmental review of the proposal so that it is meaningful and alerts the agency to the reviewers' position and contentions, *Vermont Yankee Nuclear Power Corp.* v. *NRDC*, 435 U.S. 519, 553 (1978), and that environmental objections that could have been raised at the draft stage may be waived if not raised until after completion of the final environmental impact statement. *City of Angoon* v. *Hodel*, 803 F.2d 1016, 1022 (9th Cir. 1986) and *Wisconsin Heritages, Inc.* v. *Harris*, 490 F. Supp. 1334, 1338 (E.D. Wis. 1980). The reason for this is to ensure that substantive comments and objections are made available to the Forest Service at a time when it can meaningfully consider them and respond to them in the FEIS.

After the comment period for the DEIS ends, the comments received will be analyzed and considered by the Forest Service in preparation of the FEIS. The FEIS is scheduled to be completed by December 1991. The Forest Service is required to respond to comments received (40 CFR 1503.4). The responsible official will consider comments, responses, environmental consequences discussed in the EIS, and applicable laws, regulations, and policies in making a decision regarding this proposal. The responsible official will document the decision and reasons for the decision in the Record of Decision. That decision will be subject to appeal under 36 CFR part 217.

Dated: December 5, 1990.

Mary J. Coulombe,

Forest Supervisor.

[FR Doc. 90–29667 Filed 12–18–90; 8:45 am]

BILLING CODE 3410–11–M

DEPARTMENT OF COMMERCE

Agency Form Under Review by the Office of Management and Budget (OMB)

DOC has submitted to OMB for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35).

Agency: Bureau of the Census.

Title: Survey of Income And Program Participation—1990 Panel Wave 5.

Form Number(s): SIPP–10500, SIPP–10503, SIPP–10505(L).

Agency Approval Number: 0607–0670.

Type of Request: Revision of a currently approved collection.

Burden: 22,575 hours.

Number of Respondents: 45,150.

Avg Hours per Response: 30 minutes.

Needs and Uses: The Bureau of the Census uses the Survey of Income and Program Participation (SIPP) to gather data concerning the distribution of income received directly as money or indirectly as in-kind benefits. The SIPP is designed as a continuing series of national panels of households which are interviewed about every four months. The SIPP Wave 5 contains the following supplemental topics: (1) Annual Income and Retirement Accounts, (2) Taxes, and (3) School Enrollment Financing. Data provided by SIPP are being used by economic policymakers, the Congress, state and local governments, and Federal agencies that administer social welfare or transfer payment programs such as the Department of Health and Human Services and the Department of Agriculture.

Affected Public: Individuals or households.

Frequency: Once during the life of the panel.

Respondent's Obligation: Voluntary.

OMB Desk Officer: Marshall Mills, 395–7340.

Copies of the above information collection proposal can be obtained by calling or writing Edward Michals, DOC Clearance Officer, (202) 377–3271, Department of Commerce, room 5312, 14th and Constitution Avenue, NW., Washington, DC 20230.

Written comments and recommendations for the proposed information collection should be sent to Marshall Mills, OMB Desk Officer, room 3208, New Executive Office Building, Washington, DC 20503.

Dated: December 14, 1990.

Edward Michals,

Departmental Clearance Officer, Office of Management and Organization.

[FR Doc. 90–29708 Filed 12–18–90; 8:45 am]

BILLING CODE 3510–07–M

Bureau of Export Administration

Materials Technical Advisory Committee; Partially Closed Meeting

A meeting of the Materials Technical Advisory Committee will be held January 10, 1991, 10:30 a.m., Herbert C. Hoover Building, room 1629, 14th Street and Constitution Avenue, NW., Washington, DC. The Committee advises the Office of Technology and Policy Analysis with respect to technical questions which affect the level of export controls applicable to materials or technology.

AGENDA: General Session

1. Opening Remarks by the Chairman & Commerce Representative.

2. Introduction of Members and Visitors.

3. Presentation of Papers or Comments by the Public.

4. Discussion of Prospective Controls on Chemicals and Process Equipment for Chemical and Biological Warfare.

Executive Session

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

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

The Assistant Secretary for Administration, with the concurrence of the delegate of the General Counsel, formally determined on April 12, 1990, pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, that the series of meetings or portions of meetings of the Committee and of any Subcommittee thereof, dealing with the classified materials listed in 5 U.S.C. 552(c)(1) shall be exempt from the provisions relating to public meetings found in section 10 (a)(1) and (a)(3), of the Federal Advisory Committee Act. The remaining series of meetings or portions thereof will be open to the public.

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

Dated: December 12, 1990.

Betty A. Ferrell,

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

[FR Doc. 90–29709 Filed 12–18–90; 8:45 am]

BILLING CODE 3510–DT–M

International Trade Administration

[A–580–008]

Color Television Receivers From Korea; Preliminary Results of Antidumping Duty Administrative Review

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

ACTION: Notice of preliminary results of antidumping duty administrative review.

SUMMARY: In response to requests by the petitioners, a domestic interested party, and certain respondents, the Department of Commerce has conducted an administrative review of the antidumping duty order on color television receivers from Korea. The review covers four manufacturers and/or exporters of this merchandise for the period April 1, 1987 through March 31, 1988. As a result of the review, the Department has preliminarily determined the dumping margins to range between *de minimis* and 1.47 percent.

Interested parties are invited to comment on these preliminary results.

EFFECTIVE DATE: December 19, 1990.

FOR FURTHER INFORMATION CONTACT: Zev Primor or Maureen A. Flannery, Office of Antidumping Compliance, International Trade Administration, U.S. Department of Commerce, Washington, DC 20230; telephone: (202) 377–2923.

SUPPLEMENTARY INFORMATION:

Background

On June 27, 1990, the Department of Commerce ("the Department") published in the **Federal Register** (55 FR 26225) the final results of its last administrative review of the antidumping duty order on color television receivers from Korea (49 FR 18336, April 30, 1984). In April 1988, the petitioners, a domestic interested party, and certain respondents requested, in accordance with § 353.53a(a) (1988) of the Commerce Regulations, that we conduct an administrative review. We published a notice of initiation of the review on May 23, 1988 (53 FR 18324). The Department has now conducted that review in accordance with section 751 of the Tariff Act of 1930 ("the Tariff Act").

Scope of the Review

Imports covered by the review are shipments of color television receivers, complete or incomplete, from Korea. The order covers all color television receivers regardless of tariff classification. The merchandise is

currently classifiable under item numbers 8528.10.80, 8529.90.15, 8529.90.20, and 8540.11.00 of the Harmonized Tariff Schedule ("HTS"). During the review period this merchandise was classifiable under item numbers 684.9246, 684.9248, 684.9250, 684.9252, 684.9253, 684.9255, 684.9256, 684.9258, 684.9262, 684.9263, 684.9270, 684.9275, 684.9655, 684.9656, 684.9658, 684.9660, 684.9663, 684.9864, 684.9866, 687.3512, 687.3513, 687.3514, 687.3516, 687.3518, and 687.3520 of the Tariff Schedules of the United States Annotated ("TSUSA"). TSUSA and HTS item numbers are provided for convenience and Customs purposes. The written description remains dispositive.

The review covers four manufacturers and/or exporters for the period April 1, 1987 through March 31, 1988.

United States Price

In calculating United States price, we used purchase price or exporter's sales price (ESP), both as defined in section 772 of the Tariff Act. Purchase price and ESP were were based on the packed f.o.b., c.i.f. or delivered prices to the first unrelated purchasers in the United States.

For sales of printed circuit boards ("PCBs") and color picture tubes ("CPTs") subsequently assembled into complete color television receivers in the United States, we used the U.S. price net of all costs associated with the U.S. assembly operation, including the value of all U.S. labor, materials, selling, general and administrative expenses, and allocated profit, in order to avoid application of antidumping duties to the value added in the United States.

For sales made directly to unrelated parties prior to importation into the United States, we based the United States price on purchase price, in accordance with section 772(b) of the Tariff Act. We also used purchase price as the basis for determining United States price in those cases where sales were made through a related sales agent in the United States to an unrelated purchaser prior to the date of importation. For the latter sales, we preliminarily determine that purchase price is the most appropriate determinant of United States price because:

1. The merchandise in question was shipped directly from the manufacturers to the unrelated buyers, without being introduced into the inventory of the related selling agent;

2. Direct shipment from the manufacturers to the unrelated buyers was the customary commercial channel for sales of this merchandise between the parties involved; and

3. The related selling agent in the United States acted only as a processor of sales-related documentation and a communication link with the unrelated U.S. buyers.

Where all of the above elements are met, we regard the routine selling functions of the exporter as merely having been relocated from the country of exportation to the United States, where the sales agent performs them. Whether these functions take place in the United States or abroad does not change the substance of the transactions or the functions themselves.

For those sales to the first unrelated purchaser that took place after importation into the United States, we based United States price on ESP, in accordance with section 772(c) of the Tariff Act.

We made deductions, where applicable, for foreign inland freight, Electronics Industry Association of Korea export fees, ocean freight, marine insurance, U.S. and Korean brokerage and handling charges, Korean customs clearing fees, wharfage, export license fees, U.S. duties, U.S. forwarding and handling charges, U.S. inland freight, insurance, discounts, royalties, rebates, commissions to unrelated parties, warranty, return loss, advertising and sales promotion, after-sales warehousing, credit, and the U.S. subsidiary's selling expenses. Where applicable, we made an addition for import duties collected and rebated on imported raw materials used in merchandise exported to the United States.

We accounted for taxes imposed in Korea, but rebated or not collected by reason of exportation of the merchandise to the United States. We added to the U.S. price the amount of commodity tax that the Korean government would have assessed against the exported merchandise had such merchandise been subject to the tax. In Korea, the taxes in question are assessed on the net dealer delivered price. Since the net dealer delivered price in Korea is the price to the first unrelated party, we used the price to the first unrelated party in the United States as the U.S. tax base. We determined that this tax base is most comparable to the tax base used by Korean tax authorities. We used the commodity tax rate in effect in Korea during the review period.

No other adjustments were claimed or allowed.

Foreign Market Value

In calculating foreign market value, we used home market price or constructed value, as defined in section 773 of the Tariff Act. Home market prices were used where sufficient quantitites of such or similar merchandise were sold in the home market. Based upon available information the Department had reason to believe that Daewoo's sales were likely to have been made at prices less than the cost of production. Therefore, we requested information to determine whether Daewoo's sales were, in fact, made at prices less than the cost of production.

Subsequently, petitioners alleged that Gold Star was making home market sales at prices that were less than the cost of production during the 1987/88 period. We determined that petitioners' allegation provided insufficient grounds to initiate an investigation of possible sales below the cost of production.

Therefore, for this review, we compared home market sale prices to the cost of production only for Daewoo. Because we found that, for each model sold in the home market, more than ninety percent of sales were made at prices at or above the cost of production we considered all home market sales to provide a reliable basis for comparison with U.S. price.

Home market prices were based on the packed, delivered prices to the first unrelated purchasers in the home market. Where applicable, we made adjustments for inland freight, handling charges, rebates, commissions, discounts, warranty, technical services, advertising and sales promotion, royalties, differences in the physical characteristics of the merchandise, differences in credit expenses, and differences in packing. We also made adjustments, where applicable, for indirect selling expenses to offset U.S. commissions, and U.S. selling expenses deducted in ESP calculations, but not exceeding the amount of those U.S. expenses. Finally, we made circumstance-of-sale adjustments for commodity tax differences, where appropriate.

We disallowed a claim made by Gold Star for a level of trade adjustment. In the final results for the last administrative review, we stated that Gold Star's home market sales were made at a level of trade directly comparable to that of its U.S. sales. (*See* 55 FR 26225, June 27, 1990.) Gold Star has not presented any information for this review period which would serve to distinguish the level of trade situation for this period from that in effect during earlier review periods.

No other adjustments were claimed or allowed.

We used constructed value for Gold Star, Samsung, and Quantronics where we could not match sales of such or similar merchandise between the U.S. market and the home market. We also used constructed value as the basis of FMV for U.S. sales of PCBs and CPTs subsequently assembled in the United States, because there were no similar type sales of PCBs and CPTs in the home market. Constructed value consisted of the sum of the costs of materials, fabrication, and general expenses; profit; and the cost of packing. Where the actual amount of general expenses was below the statutory minimum of ten percent of the cost of manufacture, we added the statutory minimum amount, in accordance with section 773(e) of the Tariff Act. Where the actual amount was above the statutory minimum, we added the actual amount. Since actual profit was less than the statutory minimum of eight percent of the sum of general expenses and cost of manufacture, we added the statutory minimum.

Preliminary Results of Review

As a result of our comparison of United States price with foreign market value, we preliminarily determine the dumping margins to be:

Manufacturer/exporter	Period	Margin (percent)
Daewoo Electronics Co., Ltd.	04/01/87–03/31/88	0.27
Gold Star Co., Ltd.	04/01/87–03/31/88	0.34
Quantronics Manufacturing Korea, Ltd.	04/01/87–03/31/88	0.26
Samsung Electronics Co., Ltd.	04/01/87–03/31/88	1.47

Parties to the proceeding may request disclosure within 5 days of the date of publication of this notice. Any interested party may request a hearing within 10 days of publication. Any hearing, if requested, will be held 44 days after the date of publication of this notice, or the first workday thereafter.

Case briefs and/or written comments from interested parties may be sumitted not later than 30 days after the date of publication of this notice. Rebuttal briefs and rebuttals to written comments, limited to the issues raised in the case briefs and comments, may be filed not later than 37 days after the date of publication. The Department will publish the final results of this administrative review, including the results of its analysis of issues raised in any such written comments or a hearing.

The Department shall determine, and the Customs Service shall assess, antidumping duties on all appropriate entries. Individual differences between United States price and foreign market value may vary from the percentages stated above. The Department will issue appraisement instructions on each exporter directly to the Customs Service.

Further, as provided for by section 751(a)(1) of this Tariff Act, a cash deposit of estimated antidumping duties based on the above margins shall be required for all firms except Daewoo and Quantronics. Since the dumping margins for Daewoo, Gold Star, and Quantronics are less than 0.5 percent and, therefore, *de minimis* for cash deposit purposes, the Department shall not require a cash deposit purposes, the Department shall not require a cash deposit of estimated antidumping duties for those firms. For any future entries of this merchandise from a new exporter not covered in this or prior administrative reviews, whose first shipments occurred after March 31, 1988 and who is unrelated to any reviewed firm, or any previously reviewed firm, a cash deposit of 2.24 percent shall be required. This rate, which is the highest rate among all firms for which a review was conducted for the period April 1, 1987 through March 31, 1988, was published in the previous final results of antidumping administrative review for this order (55 FR 26225, June 27, 1990). These deposit requirements and waivers are effective for all shipments of Korean color television receivers entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results of this administrative review.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and § 353.22 of the Commerce Regulations (19 CFR 353.22) (1990).

Marjorie A. Chorlins,

Acting Assistant Secretary for Import Administration.

[FR Doc. 90–29710 Filed 12–18–90; 8:45 am]

BILLING CODE 5310–DS–M

[A–122–065, A–559–601, A–580–605, A–588–609]

Color Picture Tubes From Canada, Japan, the Republic of Korea, and Singapore; Negative Preliminary Determinations of Circumvention of Antidumping Duty Orders

AGENCY: International Trade Administration/Import Administration, Commerce.

ACTION: Notice of negative preliminary determinations of circumvention of antidumping duty orders.

SUMMARY: On August 27, 1990, the Department of Commerce initiated four inquiries into the possible circumvention of the antidumping duty orders on color picture tubes (CPTs) from Canada, Japan, the Republic of Korea, and Singapore. The anti-circumvention inquiries cover certain exporters of color television receivers (CTVs) from Mexico and their related and unrelated suppliers of CPTs. The period for each inquiry is July 1, 1989 through June 30, 1990.

We preliminarily determine that the companies investigated are not circumventing the antidumping duty orders on CPTs from Canada, Japan, the Republic of Korea, or Singapore. Interested parties are invited to comment on these preliminary determinations.

EFFECTIVE DATE: December 12, 1990.

FOR FURTHER INFORMATION CONTACT: Laurie A. Lucksinger, Office of Antidumping Compliance, or Richard Moreland, Director, Office of Antidumping Investigations, International Trade Administration, U.S. Department of Commerce, Washington DC 20230; telephone (202) 377–5253.

SUPPLEMENTARY INFORMATION:

Background

On January 7, 1988, the Department of Commerce (the Department) published in the Federal Register (53 FR 429–32) antidumping duty orders on CPTs from Canada, Japan, the Republic of Korea, and Singapore. On August 15, 1990, the petitioners in those investigations (International Association of Machinists and Aerospace Workers, the International Brotherhood of Electrical Workers, the International Union of Electronic, Electrical, Salaried Machine and Furniture Workers, Industrial Union Department, AFL–CIO, and the United Steelworkers of America) alleged that

the antidumping duty orders on CPTs from Canada, Japan, the Republic of Korea, and Singapore are being circumvented and requested that the Department investigate the matter.

The petitioners alleged that CPT producers from the four countries are circumventing, within the meaning of section 781(b) of the Tariff Act of 1930, as amended (the Tariff Act), the antidumping duty orders on CPTs by diverting the CPTs into Mexico for incorporation into CTVs subsequently imported into the United States.

The petitioners requested in accordance with 19 CFR 353.29(b) that we conduct these anti-circumvention inquiries. On August 27, 1990, pursuant to petitioners' allegations and in accordance with 19 CFR 353.29(c), the Department published in the **Federal Register** (55 FR 34950) an initiation of anti-circumvention inquiries of antidumping duty orders on CPTs from Canada, Japan, the Republic of Korea, and Singapore.

On August 28, 1990, the Department issued an initial request for information to the fourteen known CPT manufacturers in Canada, Japan, the Republic of Korea, and Singapore in order to identify those companies subject to the anti-circumvention inquiries. Based on response submitted on September 4, 1990, the Department presented anti-circumvention questionnaires to twenty-one companies on September 12, 1990. The following companies are respondents in these four anti-circumvention inquiries: Daewoo Corporation, Goldstar Company Ltd., Hitachi Ltd., Hitachi Electronic Devices (Singapore) Ltd., Matsushita Electric Industrial Company, Mitsubishi Electric Corporation, Mitsubishi Electronics Industries Canada Inc., Philips Consumer Electronics Company, Samsung Electron Devices Company Ltd., Sanyo Manufacturing Corporation, Sony Corporation, TECMA, Toshiba Corporation, and Zenith Electronics Corporation. On October 15, 1990, we received responses to our anti-circumvention questionnaires from all respondents except TECMA. Subsequently, we requested and received supplementary information from the replying respondents.

Based upon information presented in response to the Department's questionnaire, the following companies either do not ship CTVs to the United States or do not purchase CPTs from producers or exporters located in countries subject to the orders and are therfore no longer part of this inquiry: Almacenes Coppel, S.A. de C.V., Comercios Electra, S.A. de C.V., Manufacturera Electronica Sim, S.A. de C.V., Mizrachi Y Cia de Mexico, S.A. de C.V., Sears Corporacion Mexicana, TCE Electronica de Mexico, S.A. de C.V., and Television del Distrito Federal, S.A. de C.V.

Based on suppliers' information, we have determined, as best information otherwise available, that TECMA shipped CTVs containing CPTs from one of four subject countries to the United States during the period.

Throughout the course of these inquiries, the petitioners and several respondents have provided the Department with comments regarding various aspects of the proceedings.

Scope of the Antidumping Duty Orders

Products covered by the antidumping duty orders are CPTs. CPTs are defined as cathode ray tubes suitable for use in the manufacture of CTVs or other color entertainment display devices intended for television viewing (Canada: 52 FR 44161, Japan: 52 FR 44171, Republic of Korea: 52 FR 44186, Singapore: 52 FR 44191). CPTs are classifiable in the Harmonized Tariff Schedule (HTS) under item numbers 8540.11.00.10, 8540.11.00.20, 8540.11.00.30, 8540.11.00.40, 8540.11.00.50, and 8540.11.00.60. HTS item numbers are provided for convenience and Customs purposes. The written description remains dispositive.

Scope of the Anti-circumvention Inquiries

CPTS subject to these anti-circumvention inquiries are cathode ray tubes suitable for use in the manufacture of CTVs or other color entertainment display devices intended for television viewing. Parts or components attached to or shipped with the CPT are excluded from the scope of these inquiries. Our evaluations or anti-circumvention criteria such as relationship, changes in levels of CPT imports, and our calculations of value are based on data for the period July 1, 1989 through June 30, 1990. The pattern of trade analysis is based on data for the period January 1986 through June 1990.

Nature of the Anti-circumvention Inquiry

Section 781(b)(1) of the Tariff Act, as amended, provides that if:

(A) Merchandise imported into the United States is of the same class or kind as any merchandise produced in a foreign country that is the subject of any antidumping duty order,

(B) Before importation into the United States, such imported merchandise is completed or assembled in another foreign country from merchandise which (i) Is subject to such order, or (ii) is produced in the foreign country with respect to which such order applies,

(C) The difference between the value of such imported merchandise and the value of the merchandise [completed in another foreign country] is small, and

(D) The administering authority determines that action is appropriate under this paragraph to prevent evasion of such order, the administering authority, after taking into account any advice provided by the U.S. International Trade Commission, may include such imported merchandise within the scope of such order.

Thus, there are two criteria, both of which must be satisfied, for the Department to find circumvention through third country assembly: (1) The merchandise imported into the United States must be of the same class or kind as the merchandise already subject to the order; and (2) the difference in value between the product imported into the third country and the completed product imported into the United States must be small. The analysis which follows addresses both of these criteria.

Class or Kind

Section 781(b(1)(A) of the Tariff Act provides that the merchandise subject to an anti-circumvention proceeding be of the same class or kind as merchandise already subject to the order before including the merchandise subject to the proceeding within the scope of the order.

The phrase "class or kind of merchandise" appears throughout the Tariff Act. Where the same phrase is used throughout the statute, it must be given the same interpretation. Thus, when examining this issue in these inquiries, we have looked to earlier class or kind decisions by the Department in the CPT and television (TV) orders.

In the original petition requesting the application of antidumping duties to CPT imports, the class or kind of merchandise was defined as "all CPTs not incorporated in complete, fully assembled CTVs upon importation" (Petition Requesting Investigation, November 26, 1986). Thus, petitioners envisioned that CPTs which were incorporated into CTVs (as is the case with respect to the importations into the United States under inquiry here) would be addressed within the context of a TV order. The Department adopted petitioners' reasoning during the investigations. For example, in CPTs from Canada, the Department stated that:

We have determined that where a CPT is shipped and imported together with all parts necessary for assembly into a complete television receiver (i.e., as a "kit"), the CPT is excluded from the scope of this investigation. The Department has previously determined in

the Japanese and Korean television receiver cases that kits are to be treated for purposes of the antidumping statute as television receivers, not as a collection of individual parts. Stated differently, *a kit and a fully assembled television are a separate class or kind of merchandise from the CPT. Accordingly, we have determined that when CPTs are shipped together with other parts as television kits, they are excluded from the scope of this investigation* (emphasis added).

(52 FR 44181, November 18, 1987) (see also Color Picture Tubes from Singapore, 52 FR 44191, November 18, 1987)

In Color Picture Tubes from Japan (52 FR 44171 (1987)), the Department denied petitioners' request that the CPT order should include CPTs which are shipped and imported together with other parts as television receiver kits or as incomplete television receiver assemblies that contain a CPT as well as additional components. The Department determined that kits shipped to the United States from Japan were already covered by the antidumping finding on television receivers from Japan. Also included within the scope of the Japanese television finding were incomplete television receiver assemblies containing a CPT as well as additional components. What the Department did include within the CPT scope, however, were CPTs entered for customs purposes as kits and assemblies from Mexico. Among the factors contributing to the conclusion that these kits and assemblies were Japanese CPTs transshipped through Mexico were the facts that "the CPTs are not physically integrated with any other component, nor is there any value added to the CPT prior to importation into the United States" (52 FR at 44172). Significantly, the Department determined that these CPTs never entered the commerce of Mexico, thereby making it only logical that they be considered within the scope of the Japanese CPT order.

The existing CPT orders state that CPTs which are imported as incomplete television assemblies that contain a CPT as well as additional components are included within the CPT order unless (1) The CPT is "physically integrated" with other television receiver components in such a manner as to constitute one inseparable amalgam, and (2) the CPT does not constitute a significant portion of the cost or value of the items being imported. The completed CTVs being imported into the United States from Mexico are not the incomplete television receivers envisioned by the CPT orders.

The CPTs imported into Mexico are joined with parts sourced from various countries and incorporated into CTVs. The result is a Mexican CTV. Both the CPT industry and the CTV industry have successfully petitioned to have antidumping duties imposed on imports of their respective products. Prior to their request for this circumvention inquiry, petitioners carefuly distinguished CPTs from CTVs. Nothing the Department has reviewed during this inquiry suggests that this distinction should be eliminated.

Thus, we preliminarily find that the mandate of section 781(b) of the Tariff Act—that the product imported into the third country must be the same class or kind of merchandise as the product imported into the United States—has not been satisfied.

Difference in Value

As noted above, in addition to the class or kind issue, the statute requires that the Department determine if the difference between the value of the imported article and the value of the completed article exported to the United States is small. Unlike the term "class or kind" which is used elsewhere in the statute, the term "small" does not appear outside the provisions of section 781. Our examination of the legislative history indicates that the circumvention provisions are intended to address "loopholes" in the antidumping and countervailing duty laws whereby "parties subject to these orders have been able to evade the order by making slight changes in their method of production or shipment of merchandise destined for consumption in the United States" (S. Rep. No. 71, 100th Cong., 1st Sess., p. 101). In accordance with section 781(b), we calculated the difference in value between the CTVs exported to the United States and the value of the CPTs imported into Mexico for incorporation into CTVs destined for sale in the United States.

In order to determine the value of the CTVs exported to the United States, we calculated a weighted-average, monthly selling price of the CTVs on a model-specific basis for each company. Where applicable, we deducted U.S. movement expenses, U.S. profits, U.S. selling expenses and further U.S. processing in order to derive the CTV border values used in each company's final difference in value calculation.

For purposes of valuing CPTs, we used the price from the respondents' related and unrelated CPT suppliers to represent the value of Canadian, Japanese, Korean, and Singapore CPTs. We conducted market price validity tests to determine whether the selling prices represented appropriate prices for comparison purposes in the inquiries. Where necessary, we adjusted CPT prices to reflect market prices. We included in our calculation of CPT value all movement expenses that the respondents incurred on CPT purchases which were not included in the selling price of the CPT. In addition, we allocated a share of the general, selling, and administrative expenses (GS&A) and profit of the Mexican facilities to the value of CPTs using the ratio of the value of the CPTs to the cost of manufacture for the CTVs. This final CPT value was then subtracted from the CTV border value to determine the difference in value. Difference in value percentages were then calculated by dividing the difference in value by the CTV border value in order to determine the percent value produced in Mexico.

We preliminarily determine that the differences in value for each inquiry range as follows: 40% to 60% for the inquiry on Canada, 55% to 70% for the inquiry on Japan, 55% to 65% for the inquiry on the Republic of Korea, and 70% for the inquiry on Singapore. (Since the precise figures are business proprietary, each of the stated percentages is approximated within a range of plus or minus 10%.) For TECMA, we used as best information otherwise available that percentage which represents the lowest difference in value, as provided by petitioners.

Factors

Given our preliminary conclusions that the difference in value is not small and that the CTVs imported into the United States are not the same class or kind as the CPTs imported into Mexico, the statute compels the Department to determine preliminarily that circumvention is not occurring in each of the four inquiries. However, since these negative determinations are preliminary, the Department is publishing the results of its examination of the factors set forth in section 781(b)(2) of the Tariff Act. These factors are: (1) The pattern of trade; (2) the relationship between the manufacturer or exporter of CPTs and the entity that assembled or completed the merchandise in the foreign country; and (3) any increase in imports of CTVs assembled with CPTs from the country to which the order applies after issuance of the antidumping duty order.

Pattern of Trade

To measure pattern of trade, the Department examined shipments of CPTs from the four countries to the United States and to Mexico, and shipments of CTVs from Mexico to the United States, for the period January 1986 through June 1990.

During the period, CPT shipments to the United States fell from 2 million units in 1986 to 190,000 units in 1989. At the same time, CPT shipments to Mexico increased from 700,000 units in 1986 to 1.8 million units in 1989. Concurrently, CTV shipments from Mexico to the United States increased from 20,000 units in 1986 to 2 million units in 1989.

Furthermore, in conjunction with the above changes in the CPT pattern of trade, a shift in the pattern of trade for Mexican CTVs has also occurred over the past four years. The percentage of CPTs imported into Mexico and then incorporated into CTVs exported to the United States has increased. Although the exact number of CPTs from the four countries which are incorporated into Mexican CTVs and sold in the United States cannot be determined from the information provided to the Department, the ratio of Mexican CTV shipments to the United States to imports of CPTs into Mexico from the four countries increased from 3 percent to almost 100 percent during those four years.

This trade pattern was similar for most companies on an individual basis, as well. For some companies, however, the Mexican facility predated the orders on CPTs and, in some cases, the filing of the petition for CPT antidumping duty investigations.

Relationship

Generally, we consider circumvention to be more likely when a producer of covered merchandise is related to a third country assembler. In this inquiry, less than 40 percent of the CPTs purchased from the subject countries were from related CPT producers. In order to conduct complete and thorough inquiries, we examined both CTV exports containing CPTs from related suppliers and those from unrelated companies.

Increase in Imports

Imports of CPTs into Mexico from the four subject countries increased during the four year period, from 700,000 units in 1986 to 1.8 million units in 1989. This represents an increase of almost 160 percent.

The Department cannot find circumvention based on these factors alone. Rather, the factors are intended to assist the Department in determining whether to include the merchandise within the scope of an existing antidumping duty order in those situations where the merchandise is of the same class or kind and the difference in value is small.

Negative Preliminary Determinations of Anti-circumvention Inquiries

After consideration of the criteria of section 781(b) of the Tariff Act, we preliminarily determine that no circumvention of the antidumping duty orders on CPTs is occurring. We base this determination on our conclusions that CTVs imported from Mexico into the United States are not of the same class or kind as the CPTs incorporated in those CTVs and that the difference between the value of CTVs containing CPTs originating in the order countries and the value of the CPTs is not small.

Interested parties may request disclosure by December 21, 1990 and may request a hearing by December 24, 1990. Any hearing, if requested, will be held on January 29, 1991. Case briefs and/or written comments from interested parties may be submitted not later than January 16, 1991. Rebuttal briefs and rebuttals to written comments, limited to issues raised in those comments, may be filed not later than January 23, 1991. The Department will publish the final determinations of the anti-circumvention inquiries, including the results of its analysis of any written comments. If, consistent with section 781(e) of the Tariff Act, we refer this matter to the U.S. International Trade Commission (ITC), we will issue our final determinations within 15 days of receiving advice from the ITC. If referral to the ITC is not necessary, we expect to issue our final determinations by March 1, 1991.

These negative determinations of circumvention are in accordance with section 781(b) of the Tariff Act (19 U.S.C. 1677j) and 19 CFR 353.29.

Dated: December 12, 1990.

Eric I. Garfinkel,

Assistant Secretary for Import Administration.

[FR Doc. 90-29664 Filed 12-18-90; 8:45 am]

BILLING CODE 3510-DS-M

National Oceanic and Atmospheric Administration

Intent to Evaluate; Coastal Resource Management Programs

AGENCY: National Oceanic and Atmospheric Administration, National Ocean Service, Office of Ocean and Coastal Resource Management, Commerce.

ACTION: Notice of intent to evaluate.

SUMMARY: The National Oceanic and Atmospheric Administration, National Ocean Service, Office of Ocean and Coastal Resource Management (OCRM), announces its intent to evaluate from January 1 through March 31, 1991, the performance of several state coastal management programs (CMP). The following lists the states to be evaluated and the dates of the site visit: Hawaii, January 28–February 2, 1991; the Virgin Islands, February 11–15, 1991, and the North Carolina, March 11–14, 1991. Evaluation of coastal management programs will be conducted pursuant to section 312 of the Coastal Zone Management Act of 1972, as amended (CZMA), which requires a continuing review of the performance of coastal states with respect to coastal management, including detailed findings regarding the extent to which the state has implemented and enforced the program approved by the Secretary of Commerce, addressed the coastal management needs identified in section 303(2) (A) through (K) of the CZMA, and adhered to the terms of any grant, loan or cooperative agreement funded under the CZMA. The reviews involve consideration of written submissions, a site visit to the state, and consultations with interested Federal, state and local agencies and with members of the public. Public meetings will be held as part of the site visits.

Notice is hereby given on the date, time and location of a public meeting for each of the site visits.

- (1) The public meeting for the Hawaii evaluation will be January 28, 1991, at 7 p.m. at the Central Intermediate School cafeteria, 1302 Queen Emma Street, Honolulu, Hawaii;
- (2) The Virgin Islands public meeting will be February 11, 1991, at 7 p.m. at the Virgin Islands Legislature Building, Senate Meeting Room, Waterfront Highway, St. Thomas, Virgin Islands; and
- (3) The North Carolina public meeting will be March 13, 1991, at 7 p.m. at the Auditorium, Duke University Marine Laboratory , Beaufort, North Carolina.

The respective state also will issue notice of these meetings 15 days prior to the site visit in local newspapers. Copies of each state's most recent performance report, as well as OCRM's notification letter and supplemental information request letter to the state, are available upon request from the OCRM. Written comments from all interested parties on each of these programs are encouraged at this time. Public comment will be accepted until seven days after the site visit. Please direct comments to Edward Lindelof (see further information contact below). OCRM will place a subsequent notice in the **Federal Register**

announcing the availability of the Final Findings based on each evaluation.

FOR FURTHER INFORMATION CONTACT: Edward Lindelof, Evaluation Officer, Policy Coordination Division, Office of Ocean and Coastal Resource Management, National Ocean Service, NOAA, 1825 Connecticut Avenue, NW., Washington, DC 20235 (202/673–5104).

(Federal Domestic Assistance Catalog 11.419, Coastal Zone Management Program Administration)

Dated: December 12, 1990.

Virginia K. Tippie,

Assistant Administrator for Ocean Services and Coastal Zone Management.

[FR Doc. 90–29662 Filed 12–18–90; 8:45 am]

BILLING CODE 3510–08–M

Evaluation of State Coastal Management Programs and National Estuarine Research Reserve

AGENCY: National Oceanic and Atmospheric Administration, National Ocean Service, Office of Ocean and Coastal Resource Management.

ACTION: Notice of availability of evaluation findings.

SUMMARY: Notice is hereby given of the availability of the evaluation findings for: (1) The Guam, Mississippi, Connecticut, Oregon and New Hampshire Coastal Management Programs, and the Rookery Bay National Estuarine Research Reserve (Florida). Section 312 of the Coastal Zone Management Act of 1972, as amended (CZMA), requires a continuing review of the performance of each coastal state (defined to include the Territory of Guam) with respect to funds authorized under the CZMA and to the implementation of its federally approved Coastal Management Program. Evaluations of the National Estuarine Research Reserves are conducted pursuant to section 315(f) of the CZMA, which requires the periodic review of the performance of each reserve with respect to its operation and management. The states evaluated were found to be adhering to the programmatic terms of their financial assistance awards and to their approved coastal management programs; and they were found to be making progress on award tasks, special award conditions, and significant improvement tasks aimed at program implementation and enforcement, as appropriate. Accomplishments in implementing the coastal management programs were occurring with respect to the national coastal management objectives identified in section 303(2)(A)–(I) of the CZMA. The State of Florida is making progress operating and managing the Rookery Bay National Estuarine Research Reserve. A copy of these findings may be obtained upon request from: Edward Lindelof, Evaluation Officer, Policy Coordination Division, Office of Ocean and Coastal Resource Management, National Ocean Service, NOAA, 1825 Connecticut Avenue, NW., Washington, DC 20235. (202/673–5104).

(Federal Domestic Assistance Catalog 11.419 Coastal Zone Management Program Administration)

Dated: December 12, 1990.

Virginia K. Tippie,

Assistant Administrator for Ocean Services and Coastal Zone Management.

[FR Doc. 90–29663 Filed 12–18–90; 8:45 am]

BILLING CODE 3510–08–M

National Marine Fisheries Service

Application for Modification No. 2 to Permit No. 696; Gulf Specimen Marine Laboratories, Inc.

Notice is hereby given that the Applicant has applied in due form for a modification to permit No. 696 to extend the expiration date of the permit from April 30, 1991, to August 30, 1991, as authorized by the Endangered Species Act of 1973 (16 U.S.C. 1531–1543) and the National Oceanic and Atmospheric Administration (NOAA), National Marine Fisheries Service (NMFS) regulations governing endangered fish and wildlife permits (50 CFR parts 217–222).

1. Applicant: Dr. Anne Rudloe, Gulf Specimen Marine Laboratories, Inc., P.O. Box 237, Panacea, Florida 32346.

2. Type of Permit: Scientific Purposes.

3. Name and Number of Species: Kemp's ridley sea turtles (*Lepidochelys kempi*).

The current permit allows one hundred individuals to be taken.

4. Type of Take: The applicant is conducting scientific studies on Kemp's ridleys to provide fishery independent data on their occurrence, seasonality and population structure in the shallow, inshore waters of the northeastern Gulf of Mexico. The study is designed to collect population data necessary to develop sampling procedures adequate for later efforts to calculate an accurate population estimate for this species.

5. Location and Duration of Activity: The collection sites are adjacent to Piney Island and Shell Point Reef, Wakulla County, Florida; Alligator Point and off the Carrabella River, Franklin County, Florida. The current permit expires on April 30, 1991. This modification request proposes to suspend the net sampling for 3 months (December, 1990–February, 1991) and add an additional 3 months of sampling in May–July, 1991. The applicant requests an extension of the permit until August 30, 1991, to allow extra time for additional sampling.

Written data or views, or requests for a public hearing on this permit modification, should be submitted to the Assistant Administrator for Fisheries, NMFS, NOAA, 1335 East-West Highway, Silver Spring, MD 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 permit modification would be appropriate. The holding of such hearing is at the discretion of the Assistant Administrator for Fisheries. All statements and opinions contained in this application are summaries of those of the Applicant and do not necessarily reflect the views of NOAA, NMFS.

Documents submitted in connection with the above application are available for review by interested persons in the following offices:

Office of Protected Resources, NOAA, NMFS, 1335 East-West Highway, Silver Spring, Maryland 20910; and

Director, Southeast Region, NOAA, NMFS, 9450 Koger Blvd.; St. Petersburg, Florida 33702.

Dated: December 13, 1990.

David S. Crestin,

Acting Assistant Administrator for Fisheries.

[FR Doc. 90–29626 Filed 12–18–90; 8:45 am]

BILLING CODE 3510–22–M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Soliciting Public Comment on Bilateral Negotiations During 1991

December 14, 1990.

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Announcement.

SUPPLEMENTARY INFORMATION: The U.S. Government anticipates holding negotiations during 1991 concerning expiring bilateral agreements covering certain cotton, wool, man-made fiber, silk blend and other vegetable fiber textiles and apparel from Bangladesh (January 31, 1992, except Categories 336/636, 338/339, 342/642, 351/651, 638/639, 645/646 and 847), China (December 31, 1991), Egypt (December 31, 1991), Hong Kong (December 31, 1991), Hungary (December 31, 1991), India (December 31, 1991), Korea (December 31, 1991),

Malaysia (December 31, 1991), Mexico (December 31, 1991), Pakistan (December 31, 1991), Peru (December 31, 1991), the Philippines (December 31, 1991) and Uruguay (June 30, 1991). (The dates noted in parenthesis are the expiration dates of the agreements.

Anyone who wishes to comment or provide data or information regarding these agreements, or to comment on domestic production or availability of textiles and apparel affected by these agreements, is invited to submit such comments or information in 10 copies to Auggie D. Tantillo, Chairman, Committee for the Implementation of Textile Agreements, U.S. Department of Commerce, Washington, DC 20230.

Because the exact timing of the consultations is not yet certain, comments should be submitted promptly. Comments or information submitted in response to this notice will be available for public inspection in the Office of Textiles and Apparel, room H3100, U.S. Department of Commerce, 14th and Constitution Avenue NW., Washington, DC. Futher comment may be invited regarding particular comments or information received from the public which the Committee for the Implementation of Textile Agreements considers appropriate for further consideration.

The solicitation of comments regarding any aspect of the agreements or the implementation thereof is not a waiver in any respect of the exemption contained in 5 U.S.C. 553(a)(1) relating to matters which constitute "a foreign affairs function of the United States."

Auggie D. Tantillo,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 90-29660 Filed 12-18-90; 8:45 am]

BILLING CODE 3510-DR-M

Extension of an Import Limit for Certain Silk Blend and Other Vegetable Fiber Textile Products Produced or Manufactured in the United Arab Emirates

December 13, 1990.

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Issuing a directive to the Commissioner of Customs establishing a limit.

EFFECTIVE DATE: December 20, 1990.

FOR FURTHER INFORMATION CONTACT: Janet Heinzen, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 377-4212. For information on the quota status of this limit, refer to the Quota Status Reports posted on the bulletin boards of each Customs port or call (202) 566-5810. For information on embargoes and quota re-openings, call (202) 377-3715. For information on categories on which consultations have been requested, call (202) 377-3740.

SUPPLEMENTARY INFORMATION:

Authority. Executive Order 11651 of March 3, 1972, as amended; section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854).

The Government of the United States has decided to continue the restraint on Category 847 for an additional twelve-month period, beginning November 27, 1990 and extending through November 26, 1991.

The United States remains committed to finding a solution concerning this category. Should such a solution be reached in consultations with the Government of the United Arab Emirates, further notice will be published in the **Federal Register**.

A description of the textile and apparel categories in terms of HTS numbers is available in the correlation: Textile and Apparel Categories with the Harmonized Tariff Schedule of the United States (see **Federal Register** notice 55 FR 50756, published on December 10, 1990). Also see 55 FR 18370, published on May 2, 1990.

Auggie D. Tantillo,

Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

December 13, 1990.

Commissioner of Customs,
Department of the Treasury, Washington, DC 20229.

Dear Commissioner: Under the terms of section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854); and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended, you are directed to prohibit, effective on December 20, 1990, entry into the United States for consumption and withdrawal from warehouse for consumption of silk blend and other vegetable fiber textile products in Category 847, produced or manufactured in the United Arab Emirates and exported during the period beginning November 27, 1990 and extending through November 26, 1991, in excess of 74,312 dozen.

Imports charged to the limit for Category 847 for the period November 27, 1989 through November 26, 1990 shall be charged against the level of restraint to the extent of any unfilled balance. In the event the limit established for that period has been exhausted by previous entries, such goods shall be subject to the level set forth in this directive.

In carrying out the above directions, the Commissioner of Customs should construe entry into the United States for consumption to include entry for consumption into the Commonwealth of Puerto Rico.

The Committee for the Implementation of Textile Agreements has determined that this action falls with the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,

Auggie D. Tantillo,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 90-29661 Filed 12-18-90; 8:45 am]

BILLING CODE 3510-DR-M

DEPARTMENT OF DEFENSE

Public Information Collection Requirement Submitted to OMB for Review

ACTION: Notice

The Department of Defense has submitted to OMB for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35).

TITLE, APPLICABLE FORM, AND APPLICABLE OMB CONTROL NUMBER: 1992 Post Election Survey; OMB No. 0704-0125.

TYPE OF REQUEST: Extension.

AVERAGE BURDEN HOURS/MINUTES PER RESPONSE: .166 hours per response.

RESPONSES PER RESPONDENT: 1.

NUMBER OF RESPONDENTS: 10,500.

ANNUAL BURDEN HOURS: 1743.

ANNUAL RESPONSES: 10,500.

NEEDS AND USES: Information collected will be used by the Federal Voting Assistance Program to prepare the report to the President and Congress required by 42 U.S.C. 1973ff.

AFFECTED PUBLIC: Individuals or households; state or local governments.

FREQUENCY: Biennially (Form D), Quadrennially (Form B).

RESPONDENT'S OBLIGATION: Voluntary.

OMB DESK OFFICER: Dr. J. Timothy Sprehe.

Written comments and recommendations on the proposed information collection should be sent to Dr. J. Timothy Sprehe at the Office of Management and Budget, Desk Officer, room 3235, New Executive Office Building, Washington, DC 20503.

DOD CLEARANCE OFFICER: Mr. William P. Pearce.

Written requests for copies of the information collection proposal should be sent to Mr. Pearce, WHS/DIOR, 1215 Jefferson Davis Highway, suite 1204, Arlington, Virginia 22202-4302.

Dated: December 13, 1990.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 90–29612 Filed 12–18–90; 8:45 am]

BILLING CODE 3810–01–M

Public Information Collection Requirement Submitted to OMB for Review

ACTION: Notice.

The Department of Defense has submitted to OMB for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35).

TITLE, APPLICABLE FORM, AND APPLICABLE OMB CONTROL NUMBER: Request for Reference; DD Form 370; and OMB Control Number 0704–0167.

TYPE OF REQUEST: Reinstatement.

AVERAGE BURDEN HOURS/MINUTES PER RESPONSE: .167 hours.

RESPONSES PER RESPONDENT: 1.

NUMBER OF RESPONDENTS: 191,000.

ANNUAL BURDEN HOURS: 31,897.

ANNUAL RESPONSES: 191,000.

NEEDS AND USES: Per sections 503, 504, 505, 508, and 510, title 10, U.S.C., applicants must meet minimum standards for enlistment into the Armed Forces. DD 370 is used by recruiters to request reference reports on applicants for enlistment in the Armed Forces. Information requested is necessary to determine eligibility for enlistment.

AFFECTED PUBLIC: Individuals or households; State or local governments; businesses or other for-profit; Federal agencies or employees.

FREQUENCY: On occasion.

RESPONDENT'S OBLIGATION: Voluntary.

OMB DESK OFFICE: Dr. J. Timothy Sprehe.

Written comments and recommendations on the proposed information collection should be sent to Dr. J. Timothy Sprehe at Office of Management and Budget, Desk Officer, room 3235, New Executive Office Building, Washington, DC 20305.

DOD CLEARANCE OFFICER: Mr. William P. Pearce.

Written request for copies of the information collection proposal should be sent to Mr. Pearce, WHS/DIOR, 1215 Jefferson Davis Highway, suite 1204, Arlington, Virginia 22202–4302.

Dated: December 13, 1990.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 90–29613 filed 12–18–90; 8:45 am]

BILLING CODE 3810–01–M

Department of the Air Force

Privacy Act of 1974; Amend Privacy Act Record Systems

AGENCY: Department of the Air Force, DoD.

ACTION: Amend Privacy Act Record Systems.

SUMMARY: The Department of the Air Force proposes to amend five record systems in its inventory of records systems notices subject to the Privacy Act of 1974, as amended (5 U.S.C. 552a).

DATES: These systems will be effective January 18, 1991, unless comments are received which result in a contrary determination.

ADDRESSES: Send any comments to Mrs. Anne Turner, SAF/AAIA, The Pentagon, Washington, DC 20330–1000. Telephone (202) 697–3491 or Autovon 227–3491.

SUPPLEMENTARY INFORMATION: The Department of the Air Force record systems notices subject to the Privacy Act of 1974, as amended (5 U.S.C. 552a), have been published in the **Federal Register**, as follows:

50 FR 22332, May 29, 1985 (DoD Complication, changes follow)
50 FR 24672, Jun. 12, 1985
50 FR 25737, Jun. 21, 1985
50 FR 46477, Nov. 8, 1985
50 FR 50337, Dec. 10, 1985
50 FR 4531, Feb. 5, 1986
51 FR 7317, Mar. 5, 1986
51 FR 16735, May. 6, 1986
51 FR 18927, May. 23, 1986
51 FR 41382, Nov. 14, 1986
51 FR 44332, Dec. 9, 1986
52 FR 11845, Apr. 13, 1987
53 FR 24354, Jun. 28, 1988
53 FR 45800, Nov. 14, 1988
53 FR 50072, Dec. 13, 1988
53 FR 51301, Dec. 21, 1988
54 FR 10034, Mar. 9, 1989
54 FR 43450, Oct. 25, 1989
54 FR 47550, Nov. 15, 1989
55 FR 21770, May 29, 1990
55 FR 21900, May 30, 1990 (Air Force Address Directory)
55 FR 27868, Jul. 6, 1990
55 FR 28427, Jul. 11, 1990
55 FR 34310, Aug. 22, 1990
55 FR 38126, Sep. 17, 1990
55 FR 42370, Oct. 19, 1990
55 FR 42625, Oct. 22, 1990
55 FR 42629, Oct. 22, 1990

The amended systems are not within the purview of subsection (r) of the Privacy Act, as amended (5 U.S.C. 552a) which requires the submission of an altered system report. The specific changes to the records systems being amended are set forth below, followed by the systems notices, as amended, published in their entirety.

Dated: December 13, 1990.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

Deletion

F034 ATC A

System name:

F034 ATC A—Kindergarten Student File (50 FR 22371, May 29, 1990).

Reason:

System no longer needed. This system was incorporated into an Air Force wide system, F215 AF DP A, Child Development/Youth Activities Records. There are no plans to reinstate the system in the future.

Amendments

F011 AF A

System name:

F011 AF A Locator, Registration and Postal Directory Files (53 FR 45801, Nov 14, 1988).

Changes:

* * * * *

System location:

Delete entry and replace with "Headquarters, US Air Force; Air Force installations to include bases, units, offices, and functions; Headquarters, United States Space and United States Special Operations Commands. Official mailing addresses are published as an appendix to the Air Force's compilation of record systems notices."

Categories of indiviudals covered by the system:

Delete entry and replace with "Air Force military and civilian personnel; Air Force Reserve and National Guard personnel; Civilian employees assigned to, or on duty with, Air Force organizations; United States Armed Forces military and civilian personnel assigned to Headquarters, United States Space and United States Special Operations Commands, and contractor personnel. Dependents may also be included in this system."

* * * * *

System manager(s) and address:

Delete entry and replace with "Director of Information Management, Office of the Administrative Assistant to the Secretary of the Air Force.

Washington, DC 20330–1000; or the Records Custodian at the installation, base, unit, organization, office or function to which the individual is assigned, attached, tenanted on or on temporary duty. Official mailing addresses are published as an appendix to the Air Force's compilation or record systems notices."

Notification procedures:

Delete entry and replace with "Individuals seeking to determine whether this system of records contains information about themselves should address written inquiries to the Director of Information Management, Office of the Administrative Assistant to the Secretary of the Air Force, Washington, DC 20330–1000 or to the Records Custodian at the installation, base, unit, organization, office or function to which the individual is assigned, attached, tenanted on or on temporary duty. Official mailing addresses are published as an appendix to the Air Force's compilation of record systems notices."

* * * * *

F011 AF A

SYSTEM NAME:

F011 AF A—Locator, Registration and Postal Directory Files.

SYSTEM LOCATION:

Headquarters, U.S. Air Force; Air Force installations to include bases, units, offices, and functions; Headquarters, United States Space and United States Special Operations Commands. Official mailing addresses are published as an appendix to the Air Force's compilation of record systems notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Air Force military and civilian personnel; Air Force Reserve and National Guard personnel; Civilian employees assigned to, or on duty with, Air Force organizations; United States Armed Forces military and civilian personnel assigned to headquarters, United States Space and United States Special Operations Commands, and contractor personnel. Dependents may also be included in this system.

CATEGORIES OF RECORDS IN THE SYSTEM:

Cards or listings may contain the individuals name, grade, military service identification number, Social Security Number, duty location, office telephone number, residence address and residence telephone number, and similar type personnel data determined to be necessary by the local authority.

AUTHORITY FOR MAINTAINING THE SYSTEM:

10 U.S.C. 8013, Secretary of the Air Force: powers and duties; delegation by.

PURPOSE(S):

Used to locate or identify personnel assigned/attached to, tenanted on, or on temporary duty at the specific installation, office, base, unit, function, and/or organization in response to specific inquiries from authorized users for the conduct of business. Portions of the system are used to directorize and forward individual personal mail received by Air Force postal activities, and for assignment of individual mail boxes. Files may be used locally to support official and unofficial programs which require minimal locator information or membership or user listings.

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

The Department of the Air Force "Blanket Routine Uses" published at the beginning of the agency's compilation of record system notices apply to this system.

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

STORAGE:

Maintained on paper records in card or form media in visible file binders/cabinets, card files or on computer and computer products.

RETRIEVABILITY:

Retrieved by name.

SAFEGUARDS:

Records are accessed by person(s) responsible for servicing the record system in performance of their official duties. Records are stored in locked cabinets or rooms.

RETENTION AND DISPOSAL:

Retained in office files until reassignment or separation, or when superseded or no longer needed for reference. Postal directory files are maintained for six months after reassignment, separation or departure from servicing activity. Records are destroyed by tearing into pieces, shredding, pulping, macerating, or burning. Computer records are destroyed by degaussing or overwriting.

SYSTEM MANAGER(S) AND ADDRESS:

Director of Information Management, Office of the Administrative Assistant to the Secretary of the Air Force, Washington, DC 20330–1000 or the Records Custodian at the installation, base, unit, organization, office or function to which the individual is assigned, attached, tenanted on or on temporary duty. Official mailing addresses are published as an appendix to the Air Force's compilation of record systems notices.

NOTIFICATION PROCEDURES:

Individuals seeking to determine whether this system of records contains information about themselves should address written inquiries to the Director of Information Management, Office of the Administrative Assistant to the Secretary of the Air Force, Washington, DC 20330–1000 or the Records Custodian at the installation, base, unit, organization, office or function to which the individual is assigned, attached, tenanted on or on temporary duty. Official mailing addresses are published as an appendix to the Air Force's compilation of record systems notices.

RECORD ACCESS PROCEDURES:

Individuals seeking to access records about themselves contained in this system should address written requests to the Director of Information Management, Office of the Administrative Assistant to the Secretary of the Air Force, Washington, DC 20330–1000 or the Records Custodian at the installation, base, unit, organization, office or function to which the individual is assigned, attached, tenanted on or on temporary duty. Official mailing addresses are published as an appendix to the Air Force's compilation of record systems notices.

CONTESTING RECORD PROCEDURES:

The Air Force rules for access to records and for contesting and appealing initial agency determinations by the individual concerned are published in Air Force Regulation 12–35; 32 CFR part 806b; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information obtained from automated system interfaces; the individuals, or from personnel records.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

F035 AF MP M

System name:

F035 AF MP M—Officer Promotion and Appointment, (51 FR 44343, December 9, 1986).

Changes:

* * * * *

Categories of records in the system:

Delete fourth sentence and substitute with "An updated selection brief is produced for actual board use."

* * * * *

Purpose(s):

Delete the second sentence.

* * * * *

Contesting record procedures:

Delete entry and replace with "The Air Force rule for access to records and for contesting and appealing initial determinations by the individual concerned are published in Air Force Regulation 12–35; 32 CFR part 806b; or may be obtained from the system manager."

* * * * *

F035 AF MP M

SYSTEM NAME:

F035 AF MP M—Officer Promotion and Appointment.

SYSTEM LOCATION:

Air Force Military Personnel Center, Randolph Air Force Base, TX 78150–6001 and headquarters of major commands and separate operating agencies. Official mailing addresses are published as an appendix to the Air Force's compilation of record system notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Air Force officers selected/nonselected for active duty promotion or appointment; officers projected as eligible for promotion or appointment consideration.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records may consist of (1) *Officer Selection Brief File.* This file contains information extracted from the mechanized USAF Master Personnel File to include basic personnel, flying, and education data for each officer to be considered by a selection board for promotion or Regular Air Force appointment. The preselection brief is provided to each eligible officer in advance of presentation to the selection board. An updated selection brief is produced for actual board use. Copies of selection briefs are retained on microfilm. Additionally, a record copy of documentation accepted for manual posting of updates/corrections to the officer selection brief processed for board consideration is retained.

(2) *Officer Promotions and Appointments Administrative Files.* At the Air Force Military Personnel Center (AFMPC), this file includes copies of staff advisories provided to Secretary of the Air Force Board for Correction of Military Records containing promotion and appointment related information in response to specific points in an application, and background information and proposed responses to Congressional and high-level inquiries in the officer promotions and appointments area. At all levels, the file will include information and background relative to any propriety of promotion or appointment action (not qualified recommendation, removal action, delaying action, etc.) processed, and listings of officers eligible for promotion or appointment consideration.

(3) *Regular Officer History Card File.* This file contains a history card on each Regular Air Force Officer who was on active duty, Temporary Disability Retired List or missing in action as of January 1973. It contains name, Social Security Number, Promotion List Service Date (10 U.S.C. 8287), Adjusted Promotion List Service Date (PLSD) (10 U.S.C. 8303 or any other provision if applicable), source of commission, date of Regular Air Force acceptance, date of birth, promotion, category (Line, Medical Corps, etc.) (10 U.S.C. 8296), base retirement date (10 U.S.C. 8927), permanent grade history, temporary grade history to include dates of rank, effective dates and special orders announcing the promotion. Total Active Federal Commissioned Service Date, date officer was placed on or recalled from the Temporary Disability Retired List (if applicable). Regular Air Force Lineal Position Number, Presidential nomination date, Total Active Federal Service as of date of Presidential nomination, any commissioned service held prior to Regular Air Force appointment (if applicable), former service number if member of other than the Air Force, Public Law under which officer was appointed in the Air Force, remarks on correction to records from the Secretary of the Air Force Board for the Correction of Military Records, any adjustments to officer's record and reasons therefor.

(4) *Air Force Confirmed Nomination Lists.* This file includes all Senate confirmation nomination lists for officer appointments and promotions through the grade of colonel. This file contains the only existing official signed document reflecting Senate confirmation.

(5) *Regular Air Force Officer Promotion List.* The Regular Officer Promotion List (Lineal List) is a historical computer-generated product maintained at AFMPC displaying the names of all active duty Regular Air Force in lineal order (descending) by promotion category by permanent grade.

(6) *Regular Air Force Appointment Management File.* This file includes individual locator cards reflecting a Regular officer selectee's progress from selection by a board of officers to either acceptance or declination; Regular Air Force declination statements, and Regular Appoint Board work rosters.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 35 and 837, Appointments as Reserve Officers; 10 U.S.C. 835, Appointment in the Regular Air Force; and 10 U.S.C. 839, Temporary Appointments. 37 U.S.C. 3, Basic Pay and Allowances of the Uniformed Services. 10 U.S.C. 79, Correction of Military Records; Section 628, Public Law 96–513, The Defense Officer Personnel Management Act, December 12, 1980, as implemented by Air Force Regulation 36–89, Promotion of Active Duty List Officers, and Executive Order 9397.

PURPOSE(S):

The Air Force operates basically a central selection process for active duty promotion of officers to grades 03–06, and all Regular Air Force appointments. Selection briefs are retained as a historical record of data presented to an officer selection board and, as such are used to validate completeness, accuracy, or omission of data reviewed by boards. Administrative files are used for research, precedence, and reference purposes.

Promotion/appointment propriety files are used to monitor completeness, legality, and processing timeliness of the actions. Generally, this records system contains information necessary to manage a diverse promotion and appointment program in a centralized environment. Board results to include names of selectees and statistical analysis of those results are made a matter of public record after appropriate approval of board proceedings. Results of the board are updated to the individual subject record in the Personnel Data System (PDS) after public release of the board proceedings.

Benchmark records are five records of officers from the lowest score category selected by each board and five records of officers from the highest score category not selected by each board captured on microfilm. For boards held prior to October 20, 1975, the benchmark records will consist of only the record for five officers from the lowest score category selected by the board. Benchmark records are used as directed by the Assistant Secretary to the DCS/Personnel for Special Review Board

considerations and for Special Selection Boards.

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

The names and Social Security Numbers of officers selected by central selection board for an active duty promotion, to grades above Captain, and Regular Air Force Appointment as well as officers to receive appointments in the Air Force requiring confirmation of such appointments by the Senate of the United States, are provided to the Office of the President of the United States for nomination and to the United States Senate for confirmation. This information will be published in the Congressional Record.

The Department of the Air Force "Blanket Routine Uses" published at the beginning of the agency's compilation apply to this system.

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

STORAGE:

Maintained in visible file binders/ cabinets, card files, on computer and computer output products.

RETRIEVABILITY:

Retrieved by name or Social Security Number.

SAFEGUARDS:

Records are accessed by authorized personnel in performance of their official duties who are properly screened and cleared for need-to-know. Records are stored in locked cabinets or rooms.

RETENTION AND DISPOSAL:

Retained in office files until superseded, obsolete, or no longer needed for reference, or on inactivation, then destroyed by tearing into pieces, shredding, pulping, macerating, or burning. Computer records will be destroyed by degaussing or overwriting.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Deputy Chief or Staff/ Manpower and Personnel, Randolph Air Force Base, TX 78150–6001.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Assistant Deputy Chief of Staff/ Manpower and Personnel, Randolph Air Force Base, TX 78150–6001 or directly to agency officials at the respective system location. Official mailing addresses are published as an appendix to the Air Force's compilation of record system notices.

RECORD ACCESS PROCEDURE:

Individuals seeking to access records about themselves contained in this system should address written inquiries to the Assistant Deputy Chief of Staff/ Manpower and Personnel, Randolph Air Force Base, TX 78150–6001 or directly to agency officials at the respective system location. Official mailing addresses are published as an appendix to the Air Force's compilation of record system notices.

CONTESTING RECORD PROCEDURES:

The Department of the Air Force rules for accessing records and for contesting and appealing initial agency determinations by the individual concerned are published in Air Force Regulation 12–35; 32 CFR part 806b; or may be obtained from the system Manager.

RECORD SOURCE CATEGORIES:

All data contained on the Officer Selection and Preselection Briefs and various selection board computer products is directly extracted from the Headquarters Air Force Master Personnel File. Selection brief documentation backup files in the form of official correspondence, letters, or messages, properly authenticated by an appropriate personnel official, are generated, normally at the officer's request from the servicing Consolidated Base Personnel office. Information is obtained from HQ USAF and major command officer selection folders from special orders, oath of office signed by data subject, memorandums from the Secretary of the Air Force Board for Correction of Military Records, selection board reports. Data is obtained from appointment applications from data subject and from the Master Record Group of the applicable Service Department as concerns data subject.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

F035 AF MP L

System name:

F035 AF MP L—Unfavorable Information Files (UIF), (51 FR 44343, December 9, 1986).

Changes:

* * * * *

Categories of records in the system:

In the fifth line, delete "drug abuse correspondence".

Authority for maintenance of the system:

Change "10 U.S.C. 8012" to "10 U.S.C. 8013".

Retention and disposal:

Delete entry and replace with "UIFs are maintained for one year form the date of the most recent correspondence, except when the file contains documentation pertaining to Articles 15, Courts-Martial or certain civil court convictions, in which case the retention period is two years from the date of that correspondence. Files are automatically destroyed upon separation or retirement, and on an individual basis when the individual's commander so determines. Destroy by tearing into places, shredding, pulping, macerating, or burning."

* * * * *

Notification procedure:

Add to entry, "Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the system manager or to the servicing Consolidated Base Personnel Office (CBPO). Official mailing addresses are published as an appendix to the Air Force's compilation of record system notices."

Record access procedures:

Delete entire entry and replace with, "Individuals seeking to access records about themselves contained in this system should address written inquiries to the Assistant Deputy Chief or Staff/ Manpower and Personnel, Randolph AFB, TX 78150–6001 or to the servicing CBPO. Official mailing addresses are published as an appendix to the Air Force's compilation of record system notices."

* * * * *

F035 AF MP L

SYSTEM NAME:

F035 AF MP L—Unfavorable Information Files (UIF).

SYSTEM LOCATION:

Complete UIFs are maintained at Consolidated Base Personnel Offices (CBPO) only. However, UIF summary sheets, a part of the UIF, are also maintained at: Individual's unit of assignment (commander's copy); geographically separated units not co-located with a servicing CBPO; major commands of assignment for officers only, and at Headquarters Air Force Military Personnel Center (DPMOC), Randolph Air Force Base, TX 78150–

6001, for colonels and colonel selectees. Official mailing addresses are published as an appendix to the Air Force compilation of record system notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Active duty military personnel who are the subject of an UIF.

CATEGORIES OF RECORDS IN THE SYSTEM:

Derogatory correspondence determined as mandatory for file or as appropriate for file by an individual's commander. Examples include written admonitions or reprimands; court-martial orders; letters of indebtedness, or control roster correspondence.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 8013, Secretary of the Air Force: Powers and duties; delegation by; as implemented by Air Force Regulation 35–32, The Air Force Unfavorable Information File Program

PURPOSE(S):

Reviewed by commanders and personnel officials to assure appropriate assignment, promotion and reenlistment considerations prior to effecting such actions. UIFs also provide information necessary to support administrative separation when further rehabilitation efforts would not be considered effective.

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

The Department of the Air Force "Blanket Routine Uses" published at the beginning of the agency's compilation apply to this system.

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

STORAGE:

Maintained in visible file binders/ cabinets.

RETRIEVABILITY:

Retrieved by name.

SAFEGUARDS:

Records are accessed by custodian of the record system and by person(s) responsible for servicing the record system in performance of their official duties who are properly screened and cleared for need-to-know. Records are stored in locked cabinets or rooms.

RETENTION AND DISPOSAL:

UIFs are maintained for one year from the date of the most recent correspondence, except when the file contains documentation pertaining to Articles 15, Court-Martial or certain civil court convictions, in which case the retention period is two years from the date of that correspondence. Files are automatically destroyed upon separation or retirement, and on an individual basis when the individual's commander so determines. Destroy by tearing into pieces, shredding, pulping, macerating, or burning.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Deputy Chief of Staff/ Manpower and Personnel, Randolph AFB, TX 78150–6001.

NOTIFICATION PROCEDURE:

Personnel for whom optional UIFs exist are routinely notified of the eixstence of a file. In all cases personnel have had the opportunity or are authorized to rebut the correspondence in the file. Individuals seeking to determine whether this system of records contains information about themselves should address inquiries to the Assistant Deputy Chief of Staff/ Manpower and Personnel, Randolph AFB, TX 78150–6001 or to the servicing Consolidated Base Personnel Office (CBPO). Official mailing addresses are published as an appendix to the Air Force's compilation of record system notices.

RECORD ACCESS PROCEDURE:

Individuals seeking access to records about themselves contained in this system should address written inquiries to the Assistant Deputy Chief of Staff/ Manpower and Personnel, Randolph AFB, TX 78150–6001 or to the servicing CBPO. Official mailing addresses are published as an appendix to the Air Force's compilation of record system notices.

CONTESTING RECORD PROCEDURES:

The Air Force rules for access to records and for contesting and appealing initial agency determinations by the individual concerned are published in Air Force Regulation 12–35; 32 CFR part 806b; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Supervisory reports or censures and documented records of poor performance or conduct.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

F035 AF MP K

System name:

F035 AF MP K—Relocation Preparation Project Folders, (50 FR 22379, May 29, 1985).

Changes:

* * * * *

Authority for maintenance of the system:

Change "10 U.S.C. 8012" to "10 U.S.C. 8013."

Purpose(s):

Delete entry and replace with "To maintain a consolidated file on specific actions required for relocation of Air Force Personnel, and to document compliance with all relocation requirements."

Routine uses of records maintained in the system, including categories of users and the purpose of such uses:

Delete entry and replace with "The Department of the Air Force 'Blanket Routine Uses' published at the beginning of the agency's compilation of record system notices apply to this system."

* * * * *

Retention and disposal:

Delete entry and replace with "Records are maintained for a period of three months after member's report not later than date, separation date or retirement date, then removed and destroyed by tearing into small pieces, macerating, burning, shredding or pulping."

* * * * *

Notification procedure:

Add to entry, "Official mailing addresses are published as an appendix to the Air Force's compilation of record system notices."

Record access procedures:

Add to entry "Official mailing addresses are published as an appendix to the Air Force's compilation of record system notices."

Contesting record procedures:

Delete entire entry and replace with, "The Department of the Air Force rules for accessing records, and for contesting and appealing initial agency determinations by the individual concerned are published in Air Force Regulation 12–35; 32 CFR part 806b; or may be obtained from the System Manager."

* * * * *

F035 AF MP K

SYSTEM NAME:

F035 AF MP K—Relocation Preparation Project Folders.

SYSTEM LOCATION:

At Consolidated Base Personnel Offices (CBPO) only. Official mailing addresses are published as an appendix to the Air Force's compilation of record system notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Maintained on all active duty Air Force personnel selected for relocation as the result of retirement, separation, release from extended active duty, Permanent Change of Station (PCS), or Temporary Duty (TDY).

CATEGORIES OF RECORDS IN THE SYSTEM:

Relocation records may consist of checklist, orders and amendments, letters from agencies outside CBPO regarding the member's relocation, record of emergency data, Records Transmittal/Request, servicemen's request for compensation from the Veterans Administration, PCS or TDY Levy Notification Letter/Brief, duplicates of correspondence directing/authorizing the relocation, Assignment Instruction Worksheet, Basic Assignment Eligibility Checklist, Assignment Preference Statement, Medical/Dental Clearance for Assignment to Short-Tour Area, Medical and Educational Clearance for Dependent Overseas Travel, Overseas Tour Election Statement, Cancellation/Diversion of Assignment or change of reporting month and components of the Field Records Group for consolidation and forwarding to new location.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 8013, Secretary of the Air Force: Powers and Duties; delegation by, and 10 U.S.C. 8032, General Duties; as implemented by Air Force Regulation 35–17, Preparation of Personnel Selected for Relocation-Base Level Procedures.

PURPOSE(S):

To maintain a consolidated file on specific actions required for relocation of Air Force Personnel, and to document compliance with all relocation requirements.

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

The Department of the Air Force "Blanket Routine Uses" published at the beginning of the agency's compilation of record systems apply to this system.

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

STORAGE:

Maintained in visible file binders/cabinets.

RETRIEVABILITY:

Retrieved by name within departure month.

SAFEGUARDS:

Records are accessed by authorized personnel in performance of their official duties who are properly screened and cleared for need-to-know. Records are stored in locked cabinets or rooms.

RETENTION AND DISPOSAL:

Records are maintained for a period of three months after member's report not later than date, separation date or retirement date, then removed and destroyed by tearing into small pieces, macerating, burning, shredding or pulping.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Deputy Chief of Staff/Manpower and Personnel, Randolph Air Force Base, TX 78150–6001.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Assistant Deputy Chief of Staff/Manpower and Personnel, Randolph Air Force Base, TX 78150–6001 or directly to the CBPO at base of assignment. Official mailing addresses are published as an appendix to the Air Force's compilation of record system notices.

RECORD ACCESS PROCEDURES:

Individuals seeking to access records about themselves contained in this system should address written inquiries to the Assistant Deputy Chief of Staff/Manpower and Personnel, Randolph Air Force Base, TX 78150–6001 or directly to the CBPO at base of assignment. Official mailing addresses are published as an appendix to the Air Force's compilation of record system notices.

CONTESTING RECORD PROCEDURES:

The Department of the Air Force rules for accessing records, and for contesting and appealing initial agency determinations by the individual concerned are published in Air Force Regulation 12–35; 32 CFR part 806b; or may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

Computer print-outs, information obtained from the unit personnel records, unit commander, supervisor, and from subject of the record.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

F035 MPC I

System name:

F035 MPC I—Office File (50 FR 22414, May 29, 1985).

Changes:

* * * * *

Categories of individuals covered by the system:

In the last line, delete "12 months" and replace with "90 days".

* * * * *

Authority for maintenance of the system:

Change "10 U.S.C. 8012" to "10 U.S.C. 8013".

* * * * *

System manager(s) and address:

Delete entry and replace with "Assistant Deputy Chief of Staff/Assistant for Colonels' Assignments, Randolph AFB, TX 78150–6001."

* * * * *

Contesting record procedures:

Delete entry and replace with "The Air Force rules for access to records and for contesting and appealing initial agency determinations by the individual concerned are published in Air Force Regulation 12–35; 32 CFR part 806b; or may be obtained from the system manager."

* * * * *

F035 MPC I

SYSTEM NAME:

F035 MPC I—Office File.

SYSTEM LOCATION:

Headquarters, Air Force Military Personnel Center, Assistant for Colonels' Assignments (HQ AFMPC/MPCO), Randolph Air Force Base, TX 78150–6001.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All active duty colonels (grade 06) and former active duty colonels (grade 06), who have retired, and who have been retired for 90 days or less.

CATEGORIES OF RECORDS IN THE SYSTEM:

Official photograph; Air Force Form 620, Colonel Resume; copies of correspondence generated by HQ AFMPC/MPCO pertaining to the subject of the file; correspondence received by HQ AFMPC/MPCO pertaining to the subject of the file; memoranda of assignment, and related personnel actions contemplated/completed on the subject of the file.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 8013, Secretary of the Air Force; powers and duties; delegation by; as implemented by Air Force Regulation 36–10, Officer Evaluations.

PURPOSE(S):

Assignment considerations.

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

The Department of the Air Force "Blanket Routine Uses" published at the beginning of the agency's compilation of record system notices apply to this system.

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

STORAGE:

Maintained in visible file binders/cabinets and rotary file bins (lectriever).

RETRIEVABILITY:

Retrieved by name.

SAFEGUARDS:

Records are accessed by custodian of the record system and by person(s) responsible for servicing the record system in performance of their official duties who are properly screened and cleared for need-to-know. Records are stored in locked cabinets or rooms.

RETENTION AND DISPOSAL:

Retain until first anniversary of effective date of retirement/separation from the USAF of the subject of the file, at which point the office file is destroyed by shredding.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Deputy Chief of Staff/Assistant for Colonels' Assignments, Randolph AFB, TX 78150–6001.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Assistant Deputy Chief of Staff/Assistant for Colonels' Assignments, Randolph AFB, TX 78150–6001.

RECORD ACCESS PROCEDURES:

Individuals seeking to access records about themselves contained in this system should address written inquiries to the Assistant Deputy Chief of Staff/Assistant for Colonels' Assignments, Randolph AFB, TX 78150–6001.

CONTESTING RECORD PROCEDURES:

The Air Force rules for access to records and for contesting and appealing initial agency determinations by the individual concerned are published in Air Force Regulation 12–35; 32 CFR part 806b; or may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

Subject of the file; AFMPC/MPCO personnel; other Air Force and outside agency originators of correspondence relating to subject of the file, and any additional information which has/could have bearing on assignability of the subject.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

[FR Doc. 90–29611 Filed 12–18–90; 8:45 am]

BILLING CODE 3810–01–M

DEPARTMENT OF EDUCATION

Proposed Information Collection Request

AGENCY: Department of Education.

ACTION: Notice of proposed information collection request.

SUMMARY: The Acting Director, Office of Information Resources Management, invites comments on the proposed information collection request as required by the Paperwork Reduction Act of 1980.

DATES: An emergency review has been requested in accordance with the Act, since allowing for the normal review period would adversely affect the public interest. Approval by the Office of Management and Budget (OMB) has been requested by December 13, 1990.

ADDRESSES: Written comments should be addressed to the Office of Information and Regulatory Affairs, Attention: Dan Chenok, Desk Officer, Department of Education, Office of Management and Budget, 726 Jackson Place, NW., room 3208, New Executive Office Building, Washington, DC 20503. Requests for copies of the proposed information collection request should be addressed to James O'Donnell, Department of Education, 400 Maryland Avenue, SW., room 5624, Regional Office Building 3, Washington, DC 20202–4651.

FOR FURTHER INFORMATION CONTACT: James O'Donnell (202) 708–5174.

SUPPLEMENTARY INFORMATION: Section 3517 of the Paperwork Reduction Act of 1980 (44 U.S.C. chapter 3517) requires that the Office of management and Budget (OMB) provide interested Federal agencies and the public an early opportunity to comment on information collection requests. OMB may amend or waive the requirement for public consultation to the extent that public participation in the approval process would defeat the purpose of the information collection, violate State or Federal law, or substantially interfere with any agency's ability to perform its statutory obligations. The Acting Director, Office of Information Resources Management, publishes this notice with attached proposed information collection requests prior to submission to OMB. For each proposed information collection request, grouped by office, this notice contains the following information: (1) Type of review requested, e.g., new, revision, extension, existing, or reinstatement; (2) Title; (3) Frequency of collection; (4) The affected public; (5) Reporting and/or Recordkeeping burden; and (6) Abstract. Because an emergency review is requested, the additional information to be requested in this collection is included in the section on "Additional Information" in this notice.

Dated: December 13, 1990.

Wallace R. McPherson, Jr.,

Acting Director for Office of Information Resources Management.

Office of Postsecondary Education

Type of review: New.

Title: Ability-to-Benefit Testing.

Abstract: The Secretary will publish an initial list of tests which are approved as measures of a student's ability-to-benefit from a postsecondary educational program. Students who do not have a high school diploma or its equivalent must submit scores from these approved tests to establish their individual ability to benefit from the postsecondary program of study. Test developers may follow the Secretary's procedures for submitting their tests for consideration on the Secretary's approved list.

Additional information: An emergency review is requested due to the President's approval of Public Law 101–508, the Omnibus Budget Reconciliation Act of 1990, which requires all students admitted on the basis of their ability to benefit to pass an independently administered examination approved by the Secretary

of Education for periods of enrollment beginning on or after January 1, 1991. Due to these time restraints,the Secretary must publish an initial list of approved tests and establish a mechanism for test developers to submit their tests for review and inclusion on the approved list. Test developers will need to submit to the Secretary: (1) A Copy of the test; (2) Test documentation; (3) Technical manual that contains recommended procedures for security, administration and scoring of the test; and (4) History of use of the test.

The Secretary is also establishing a procedure whereby students who have already successfully taken one of the approved tests within the past twelve months can submit that score as their proof of ability-to-benefit.

Frequency: One-time only.

Affected public: Individuals or households, Businesses or other for-profit, Non-profit institutions.

Reporting burden:

Responses: 2,100.

Burden hours: 250.

Recordkeeping burden:

Recordkeepers: 0.

Burden hours: 0.

[FR Doc. 90-29268 Filed 12-18-90; 8:45 am]

BILLING CODE 4000-01-M

Proposed Information Collection Requests

AGENCY: Department of Education.

ACTION: Notice of proposed information collection requests.

SUMMARY: The Director, Office of Information Resources Management, invites comments on the proposed information requests as requests as required by the Paperwork Reduction Act of 1980.

DATES: Interested persons are invited to submit comments on or before January 18, 1991.

ADDRESSES: Written comments should be addressed to the Office of Information and Regulatory Affairs Attention: Dan Chenok, Desk Officer, Department of Education, Office of Management and Budget, 726 Jackson Place, NW., room 3208. Requests for copies of the proposed information collection requests should be addressed to James O'Donnell, Department of Education, 400 Maryland Avenue, SW., room 5624, Regional Office Building 3, Washington, DC 20202-4651.

FOR FURTHER INFORMATION CONTACT: James O'Donnell (202) 708-5174.

SUPPLEMENTARY INFORMATION: Section 3517 of the Paperwork Reduction Act of 1980 (44 U.S.C. chapter 35) requires that the Office of Management and Budget (OMB) provide interested Federal agencies and the public an early opportunity to comment on information collection requests. OMB may amend or waive the requirement for public consultation to the extent that public participation in the approval process would defeat the purpose of the information collection, violate State or Federal law, or substantially interfere with any agency's ability to perform its statutory obligations.

The Acting Director, Office of Information Resources Management, publishes this notice containing proposed information collection requests prior to submission of these requests to OMB. Each proposed information collection, grouped by office, contains the following: (1) Type of review requested, e.g., new, revision, extension, existing or reinstatement; (2) Title; (3) Frequency of collection; (4) The affected public; (5) Reporting burden; and/or (6) Recordkeeping burden; and (7) Abstract. OMB invites public comment at the address specified above. Copies of the requests are available from James O'Donnell at the address specified above.

Dated: December 13, 1990.

James O'Donnell,

Acting Director, for Office of Information Resources Management.

Office of Educational Research and Improvement

Type of review: New.

Title: Application for Grants Under the Foreign Language Materials Acquisition Program, LSCA Title V.

Frequency: Annually.

Affected Public: State or local governments.

Reporting burden:

Responses: 200.

Burden hours: 3,2000.

Recordkeeping burden:

Recordkeepers: 0.

Burden hours: 0.

Abstract: This form will be used by state agencies to apply for funding under the Foreign Language Materials Acquisition Program. The Department uses the information to make grant awards.

Office of Postsecondary Education

Type of review: Reinstatement.

Title: Application for Grants for the Patricia Roberts Harris Fellowships for Public Service Education Fellowships.

Frequency: Annually.

Affected Public: Non-profit Institutions.

Reporting burden:

Responses: 111.

Burden hours: 2,2000.

Recordkeepers: 0.

Burden hours: 0.

Abstract: This form will be used by Non-profit Institutions to apply for funding under the Patricia Roberts Harris Fellowship Program. The Department uses the information to make grant awards.

Office of Postsecondary Education

Type of review: Extension.

Title: Feedback on Training Activity Title IV Student Financial Assistance Program.

Frequency: One-time.

Affected Public: Individuals or households.

Reporting burden:

Responses: 18,100.

Burden hours: 2,715.

Recordkeeping burden:

Recordkeepers: 0.

Burden hours: 0.

Abstract: This form will be used as an evaluation vehicle reflecting the effectiveness of the training under the Title IV Student Financial Assistance Program. The Department uses the information to assess the effectiveness of training activities.

[FR Doc. 90-29629 Filed 12-18-90; 8:45 am]

BILLING CODE 4000-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. ER90-559-000 et al.]

Arkansas Power and Light Co., et al. Electric Rate, Small Power Production, and Interlocking Directorate Filings

Take notice that the following filings have been made with the Commission:

1. Arkansas Power and Light Co.

[Docket No. ER90-559-000]

December 10, 1990.

Take notice that on November 20, 1990, Arkansas Power and Light Company tendered for filing its response to staff's deficiency letter for additional information in the above-referenced docket.

Comment date: December 21, 1990, in accordance with Standard Paragraph E at the end of this notice.

2. Richard G. Hickson

[Docket No. ID-2516-000]

Take notice that on December 4, 1990, Richard G. Hickson (Applicant) tendered for filing an application under section 305(b) of the Federal Power Act to hold the following positions:

CEO and Chairman: Texas Commerce Bank, N.A.—El Paso
Director: El Paso Electric Company

Comment date: December 24, 1990, in accordance with Standard Paragraph E at the end of this notice.

3. Nantahala Power and Light Co.

[Docket No. ER82-774-018]

December 10, 1990.

Take notice that on December 3, 1990, Nantahala Power and Light Company (Nantahala) tendered for filing its refund report in this docket in compliance with Opinion No. 277 and 277-A issued in this docket.

Comment date: December 21, 1990, in accordance with Standard Paragraph E end of this notice.

4. Wisconsin Public Service Corp.

[Docket No. ER91-141-000]

December 10, 1990.

Take notice that on December 5, 1990, Wisconsin Public Service Corporation (WPS) tendered for filing an executed Supplement to the Service Agreement between WPS and Citizens Power and Light Corporation. The Supplement provides for firm transmission service under the T-1 Transmission Tariff filed by WPS April 5, 1990, in Docket No. ER90-314-000.

WPS requests that the Commission grant waiver of its notice requirements in order to allow the supplement to become effective on December 1, 1990, the date on which Citizens requested that service begin.

Comment date: December 21, 1991, in accordance with Standard Paragraph E at the end of this notice.

5. Transmission Agency of Northern California v. Pacific Gas and Electric Co.

[Docket No. EL91-8-000]

December 10, 1990.

Take notice that on December 5, 1990, the Transmission Agency of Northern California ("TANC") tendered for filing a complaint against Pacific Gas and Electric Company ("PG&E") pursuant to sections 205, 206 and 306 of the Federal Power Act and rules 203, 206 and 212 of the Commission's Rules of Practice and Procedure. In its complaint TANC alleges that PG&E has failed to provide transmission service to TANC as required by, and in accordance with, the Principles for Tesla-Midway Transmission Service. TANC also filed, in the same docket, a motion for summary disposition. On December 7, 1990, PG&E filed a motion for an extension of time to make PG&E's response to the motion for summary disposition due at the same time as PG&E's answer to the complaint. PG&E states in its motion that TANC has consented to the extension requested by PG&E. The Commission hereby finds good cause to grant PG&E's motion, so that the response to TANC's motion for summary disposition shall be due on the same day that the answer to the complaint is due.

Comment date: January 11, 1991, in accordance with Standard Paragraph E at the end of this notice.

6. Niagara Mohawk Power Corp.

[Docket No. ER91-145-000]

December 11, 1990.

Take notice that on December 7, 1990, Niagara Mohawk Power Corporation (Niagara Mohawk) tendered for filing an agreement between Niagara Mohawk and Northeast Utilities Service Company dated November 1, 1989.

The November 1, 1989 agreement is to provide for the sale by Niagara Mohawk of up to 112 MW of peaking capacity and related energy to Northeast Utilities Service Company. The term of the agreement was for the period November 1, 1989 through April 30, 1990.

Copies of this filing were served upon Northeast Utilities Service Company and the New York State Public Service Commission.

Comment date: December 26, 1990, in accordance with Standard Paragraph E at the end of this notice.

7. PSI Energy, Inc.

[Docket No. ER91-144-000]

December 11, 1990.

Take notice that PSI Energy, Inc. (PSI), formerly named Public Service Company of Indiana, Inc. on December 7, 1990, tendered for filing pursuant to the Service Agreement between the Town of Pittsboro and PSI a revised Exhibit "A" (Service Specifications).

Said Exhibit "A" provides for revised service characteristics at the Municipal's delivery point(s).

Copies of the filing were served on the Town of Pittsboro and the Indiana Utility Regulatory Commission.

Comment date: December 26, 1990, in accordance with Standard Paragraph E at the end of this notice.

8. Arkansas Power and Light Co.

[Docket No. ER91-148-000]

December 11, 1990.

Take notice that on December 7, 1990 Arkansas Power and Light Company (AP&L) submitted for filing the Third Amendment to the Power Coordination, Interchange and Transmission Agreement between the City of Conway, Arkansas (City) and AP&L. The Amendment provides for the addition of one point of delivery to enable the City to provide service to a new industrial customer.

AP&L requests that the Commission waive any requirements with which AP&L has not already complied.

Comment date: December 26, 1990, in accordance with Standard Paragrph E at the end of this notice.

9. Southern California Edison Co.

[Docket No. ER91-146-000]

December 11, 1990.

Take notice that on December 7, 1990, Southern California Edison Company (Edison) tendered for filing supplemental agreements to Edison Rate Schedules 246 and 250: (1) Supplemental Agreement Between Southern California Edison Company and City of Anaheim for the Integration of the Bonneville Power Administration-Anaheim Firm Peaking Sale/Exchange Agreement; (2) Supplemental Agreement Between Southern California Edison Company and City of Riverside for the Integration of the Bonneville Power Administration-Riverside Firm Peaking Sale/Exchange Agreement.

Included in the filing is a change in rates for transmission service for Rate Schedules 241 and 245 and scheduling and dispatching rates for Rate Schedules 241 through 245.

Copies of this filing were served upon the Public Utilities Commission of the State of California and all interested parties.

Comment date: December 26, 1990, in accordance with Standard Paragraph E at the end of this notice.

10. Commonwealth Edison Co.

[Docket No. ER91-142-000]

December 11, 1990.

Take notice that on December 6, 1990, Commonwealth Edison Company (Edison) tendered for filing a letter agreement dated November 9, 1990, between Edison and the City of Rochelle, Illinois (Rochelle). The letter agreement reflects the rates, terms and conditions pursuant to which Edison will supply Rochelle with Limited Term Power and Interruptible Short Term Power for the ten-year period January 1, 1991 through December 31, 2000.

Edison requests expedited consideration of the filing and an effective date of December 30, 1990. Accordingly, Edison requests waiver of the Commission's notice requirements to the extent necessary.

Copies of this filing were served upon the Illinois Commerce Commission and Rochelle.

Comment date: December 26, 1990, in accordance with Standard Paragraph E at the end of this notice.

11. Wisconsin Power and Light Co.

[Docket No. ER91–147–000]

December 11, 1990.

Take notice that on December 7, 1990, Wisconsin Power and Light Company (WPL) tendered for filing a Wholesale Power Agreement dated November 15, 1990, between the City of Wisconsin Rapids and WPL. WPL states that this now Wholesale Power Agreement revises the previous agreement between the two parties which was dated October 10, 1978, and designated Rate Schedule No. 122 by the Commission.

The purpose of this new agreement is to revise the terms of service. Terms of service for this customer will be on a similar basis to the terms of service for other W–3 wholesale customers.

WPL requests that an effective date concurrent with the contract effective date be assigned. WPL states that copies of the agreement and the filing have been provided to the City of Wisconsin Rapids and the Wisconsin Public Service Commission.

Comment date: December 26, 1990, in accordance with Standard Paragraph E at the end of this notice.

12. Boston Edison Co.

[Docket No. ER91–149–000]

December 11, 1990.

Take notice that Boston Edison Company (Boston Edison) on December 7, 1990, tendered for filing revised Exhibit B's, designated as Rate S–10, to its rate schedules for its two customers served under its partial requirements wholesale rate. Those customers and their FERC rate schedules are as follows:

	FERC rate schedule No.
Town of Concord	47
Town of Wellesley	51

Edison also tendered for filing a revised Exhibit B to its Contract Demand tariff under which partial requirements service is furnished to the Town of Reading.

Boston Edison requests that the proposed S–10 increase be granted a February 5, 1991 effective date. In accordance with a settlement agreement with the Contract Demand customer, Reading, Edison has asked that the Reading Contract Demand increase be granted an effective date of February 5, 1991 and that it be suspended and phased with Step 1 to become effective on February 6, 1991 and Step 2 to become effective on July 1, 1991.

The amounts by which the increases respectively exceed the presently effective rates based on the calendar year 1991 year are:

	Increase	Percent
Town of Concord	$2,583,000	28.8
Town of Wellesley	3,267,000	29.5
Town of Reading (Step 1)	1,020,000	8.0
Town of Reading (Steps 1 & 2 Combined	3,771,000	29.5

According to Boston Edison, it has filed the rate increases in order to recover its increased costs of providing electric service and to earn a fair return on its investment dedicated to the public service.

Boston Edison further states that a copy of the filing has been posed as required by the Commission's regulations, and a copy has been mailed to each of the customers affected by the proposed changes and to the Massachusetts Department of Public Utilities. All of the affected customers are located in the Commonwealth of Massachusetts.

Comment date: December 26, 1990, in accordance with Standard Paragraph E end of this notice.

13. Public Service Co. of New Hampshire

[Docket No. ER91–143–000]

December 11, 1990.

Take notice that Public Service Company of New Hampshire (the Company) on December 7, 1990, tendered for filing proposed changes in its rate schedules pursuant to which the Company provides wholesale electric service to four wholesale customers: New Hampshire Electric Cooperative, Inc., Town of Ashland, New Hampshire, Town of Wolfeboro, New Hampshire, and New Hampton Village Precinct.

The Company proposes two-phase increases for its rate changes. The Company states that the proposed Phase 1 increases in charges are intended to recover a portion of its increased costs resulting from inclusion in rate base of a portion of the Company's investment in the Seabrook No. 1 nuclear unit, as well as increases resulting from the Company's generally higher costs of service, and that the additional increases reflected in the Phase 2 rates are intended to recover an additional portion of costs related to inclusion of Seabrook No. 1 in rate bases.

The Company has requested waiver of the Commission's customary notice requirements in order to make the proposed Phase 1 rate change for the New Hampshire Electric Cooperative, Inc. effective as of July 1, 1990 and the Phase 2 changes effective as of July 2, 1990. In the event that the Commission denies such request for waiver, the Company proposes that Phase 1 of the rate change by made effective on February 6, 1991, and Phase 2 of the rate change be made effective on February 7, 1991. The Company has requested that Phase 1 of the rate schedule changes to the Town of Ashland, New Hampshire Village Precinct and the Town of Wolfeboro be made effective on February 6, 1991, and that Phase 2 be made effective on February 7, 1991.

The Company states that copies of its filing were served upon the affected customers and the New Hampshire Public Utilities Commission.

Comment date: December 26, 1991, in accordance with Standard Paragraph E at the end of this notice.

Standard Paragraphs

E. Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, in accordance with rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before the comment date. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 90–29623 Filed 12–18–90; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. JD88–13465]

Maryland Co. No. 11 Well; Well Determination Following Remand

December 10, 1990.

In the matter of NGPA section 103 Determination; State of Louisiana Department of Natural Resources Docket No. NGPA 80–0121

Take notice that on December 7, 1990, the Louisiana Department of Natural Resources, Office of Conservation (Louisiana), submitted to the Commission its notice of determination pursuant to 18 CFR 274.104 that the Quintana Petroleum Corporation

Maryland Company No. 11 well qualifies as a new, onshore production well under section 103 of the Natural Gas Policy Act of 1978 (NGPA). This notice of determination follows the Commission's December 21, 1989 order (in Docket No. GP88-27-000) reopening Louisiana's previous well category determination for the Maryland Company No. 11 well (49 FERC ¶ 61,387 (1989)) and the Commission's May 18, 1990 order remanding such determination to Louisiana (51 FERC ¶ 61,189 (1990)).

The application for determination is available for inspection, except for material which is confidential under 18 CFR 275.206, at the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426. Persons objecting to this determination may file a protest, in accordance with 18 CFR 275.203 and 275.204, within 20 days after the date this notice is issued by the Commission.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 90-29622 Filed 12-18-90; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. CP91-571-000, et al.]

Williston Basin Interstate Pipeline Co., et al.; Natural Gas Certificate Filings

Take notice that the following filings have been made with the Commission:

1. Williston Basin Interstate Pipeline Co.

[Docket No. CP91-571-000]

December 7, 1990.

Take notice that on December 4, 1990, Williston Basin Interstate Pipeline Company (Williston Basin), suite 200, 304 East Rosser Avenue, Bismark, North Dakota 58501, filed in Docket No. CP91-571-000, a request pursuant to § 157.205 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205) for authorization to abandon a sales tap and appurtenant facilities and related service under its blanket certificate issued in Docket Nos. CP82-487-000, *et al.* pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request on file with the Commission and open to public inspection.

Williston Basin states that it proposes to abandon a Richland County, Montana sales tap and appurtenant facilities located on its natural gas gathering system. It is further stated that the customer, Montana-Dakota Utilities Co., a Division of MDU Resources Group, Inc., no longer requires service through the tap. Williston Basin indicates that this sales tap would be abandoned on its existing gathering line right-of-way.

Comment date: January 22, 1991, in accordance with Standard Paragraph G at the end of this notice.

2. Southern Natural Gas Co., Southern Natural Gas Co., ANR Pipeline Co.

[Docket Nos. CP91-567-00, CP91-568-000, and CP91-570-000]

December 10, 1990.

Take notice that the above referenced companies (Applicants) filed in respective dockets prior notice requests pursuant to §§ 157.205 and 284.223 of the Commission's Regulations under the Natural Gas Act for authorization to transport natural gas on behalf of various shippers under blanket certificates issued pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the prior notice requests which are on file with the Commission and open to public inspection.[1]

Information applicable to each transaction including the identity of the shipper, the type of transportation service, the appropriate transportation rate schedule, the peak day, average day, and annual volumes, and the docket numbers and initiation dates of the 120-day transactions under Section 284.223 of the Commission's Regulations has been provided by the Applicants and is included in the attached appendix.

The Applicants also state that each would provide the service for each shipper under an executed transportation agreement, and that the Applicants would charge rates and abide by the terms and conditions of the referenced transportation rate schedules.

Comment date: January 24, 1991, in accordance with Standard Paragraph G at the end of this notice.

[1] These prior notice requests are not consolidated.

Docket no. (date filed)	Applicant	Shipper name	Peak day,[1] average, annual	Points of		Start up date, rate schedule	Related [2] dockets
				Receipt	Delivery		
CP91-567-000 12-4-90	Southern Natural Gas Co., P.O. Box 2563, Birmingham, AL 35202-2563.	Municipal Gas Authority of Georgia.	100,000 1,000 365,000	Offshore TX, LA, MS, AL.	GA, AL	IT, Interruptible, 10/2/90.	CP88-316-000, ST91-2332-000.
CP91-568-000 12-4-90	Southern Natural Gas Co., P.O. Box 2563, Birmingham, AL 35202-2563.	Air Products & Chemicals, Inc.	15,000 15,000 5,475,000	Offshore TX, MS, MS, AL.	LA, AL	FT, Firm, 10/1/90	CP88-316-000, ST91-4308-000.
CP91-570-000 12-4-90	ANR Pipeline Co., 500 Rennaissance Center, Detroit, MI 48243.	NGC Transportation, Inc.	10,000 10,000 3,650,000	Offshore Federal LA.	Offshore Federal LA.	FT, Interruptible, 10/1/90.	CP88-316-000, ST91-3042-000.

[1] Quantities are shown in MMBtu unless otherwise indicated.
[2] The CP docket corresponds to applicant's blanket transportation certificate. If an ST docket is shown, 120-day transportation service was reported in it.

3. Panhandle Eastern Pipe Line Co., Trunkline Gas Co.

[Docket Nos. CP91–596–000 and CP91–597–000]

December 10, 1990.

Take notice that Panhandle Eastern Pipe Line Company, P.O. Box 1642, Houston, Texas 77251–1642, and Trunkline Gas Company, P.O. Box 1642, Houston, Texas 77251–1642, (Applicants) filed prior notice requests with the Commission in the above-referenced dockets pursuant to §§ 157.205 and 284.223 of the Commission's Regulations under the Natural Gas Act (NGA) for authorization to transport natural gas on behalf of various shippers under the blanket certificates issued in Docket No. CP86–585–000 and Docket No. CP86–586–000, respectively, pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the requests which are open to public inspection.[2]

Information applicable to each transaction, including the shipper's identity; the type of transportation service; the appropriate transportation rate schedule; the peak day, average day and annual volumes; the service initiation dates; and related ST docket numbers of the 120-day transactions under § 284.223 of the Commission's Regulations, has been provided by Applicants and is summarized in the attached appendix.

Comment date: January 24, 1991, in accordance with Standard Paragraph G at the end of this notice.

[2] These prior notice requests are not consolidated.

Docket No. (date filed)	Shipper name (type)	Peak day, average day, annual Mcf	Receipt points [1]	Delivery points	Contract date, rate schedule, service type	Related docket, start up date
CP91–596–000 (12–6–90)	Entrade Corporation (Marketer).	[2] 100,000 100,000 36,500,000	CO, KS, IL, OK, TX	OH	12–13–89, PT, Interruptible.	ST91–4230, 10–1–90.
CP91–597–000 (12–6–90)	Bishop Pipeline Corporation (Shipper).	5,000 5,000 1,825,000	IL, LA, OLA, TN, TX, OTX.	TN	09–24–90, PT, Interruptible.	ST91–2962, 10–1–90.

[1] Offshore Louisiana and offshore Texas are shown as OLA and OTX.
[2] Dekatherms.

4. CNG Transmission Corp., Consolidated Gas Supply Corp., CNG Transmission Corp.

[Docket Nos. CP91–554–000, CP86–311–003, CP88–574–002, CP88–779–002, CP80–292–002, and CP86–311–002]

December 10, 1990.

Take notice that on December 3, 1990, CNG Transmission Corporation, 445 West Main Street, Clarksburg, West Virginia 26301, filed in Docket Nos. CP91–554–000, CP86–311–003, CP88–574–002, CP88–779–002, CP80–292–002, and CP86–311–002, an application pursuant to section 7 of the Natural Gas Act, and the Commission's Rules and Regulations thereunder, for authorization to restructure its services as part of a Settlement in Docket No. REP88–211, *et al.*, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

More specifically, CNG Transmission requests authorization to provide the services referenced in precedent agreements with its customers and in its Settlement as follows:

(1) A certificate of public convenience and necessity authorizing CNG to establish a new Rate Schedule ACD;

(2) Authorization to abandon sales service under Rate Schedule RQ, including standby service, to Niagara Mohawk Power Corporation, New York State Electric and Gas Corporation, The East Ohio Gas Company, The River Gas Company, The Peoples Natural Gas Company, Hope Gas, Inc. and Corning Natural Gas Corporation;

(3) Authorization to abandon sales service under Rate Schedule SCR to Corning;

(4) A certificate of public convenience and necessity authorizing CNG to provide Rate Schedule ACD sales service to Niagara Mohawk Power Corporation, Rochester Gas and Electric Corporation, New York State Electric and Gas Corporation, the East Ohio Gas Company, The River Gas Company, The Peoples Natural Gas Company, Hope Gas, Inc. and Corning Natural Gas Corporation, at the levels and under the terms described in the Application and the precedent agreements;

(5) Authorization for CNG to renew its Rate Schedule RQ service agreement with National Fuel Gas Supply Corporation for a term of three years and to add a new delivery point under this agreement;

(6) An amendment of the certificates authorizing CNG to provide standby service under Rate Schedules RQ, CD, and RQT, allowing CNG to alter the terms under which standby services are provided so that standby service customers may use CNG's system supply receipt points as receipt points under standby transportation agreements only if such customers have agreed that CNG's other firm services have priority; and so that CNG shall provide standby services at the levels specified in each customer's service agreement, as more fully described in the Application;

(7) Authorization to provide standby service as a part of Rate Schedule ACD on the same terms and conditions as under Rate Schedules RQ, CD and RQT, and at the levels specified in each customer's service agreement, as more fully described in the Application;

(8) Authorization to abandon part of the Rate Schedule CD service CNG currently provides to Baltimore Gas and Electric Company, Washington Gas Light Company and Cincinnati Gas and Electric Company and authorization for abandonment for any reductions or conversions by Cincinnati Gas and Electric Company pursuant to new Rate Schedule CD and TF service agreements executed pursuant to its precedent agreement;

(9) A certificate of public convenience and necessity authorizing CNG to provide Rate Schedule GSS Storage services to Niagara Mohawk Power Corporation, Rochester Gas and Electric Corporation, New York State Electric and Gas Corporation, The East Ohio Gas Company, The River Gas Company, The Peoples Natural Gas Company, Hope Gas Inc., Corning Natural Gas Corporation, Baltimore Gas and Electric Company and Wastington Gas Light Company, at the levels and on the terms described in the Application and the precedent agreements.

(10) A certificate of public convenience and necessity authorizing

CNG to provide Rate Schedule GSS–II storage services to Niagara Mohawk Power Corporation, The Peoples Natural Gas Company and New York State Electric and Gas Corporation at the levels and on the terms described in the Application and the precedent agreements;

(11) An amendment of the certificate issued in Docket No. CP80–292, authorizing CNG to continue storage services to New York State Electric and Gas Corporation;

(12) A certificate of public conveninece and necessity authorizing CNG to reclassify certain gathering facilities to jurisdictional, transmission-function plant;

(13) Authorization to abandon certain transmission and gathering facilities that CNG will reclassify to its distribution plant accounts, and at its discretion in the future, authorization for CNG to transfer to another entity or take out of service;

(14) An amendment to CNG's blanket transportation certificate originally issued in Docket No. CP86–311–000 authorizing CNG to implement a capacity assignment program on CNG's system; and

(15) Authorization for CNG to withdraw its pending certificate application seeking authorization for an experimental transportation program in Docket No. CP86–311–002.

CNG states that the purpose of this Application is to implement a Stipulation and Agreement entered into by CNG, its customers and interested parties and filed October 9, 1990, in Docket No. RP88–211, *et al.* CNG states that the Settlement seeks to restructure CNG's service offerings to permit customers to abandon the service historically rendered by CNG under requirements contracts and Rate Schedule CD contracts in favor of services under transportation, storage and sales agreements. CNG states that because it will render the proposed sales, transportation and storage services currently offered, CNG will be able to implement these conversions with limited or no additional investments in facilities.

CNG further states that CNG's capacity assignment proposal would advance the public convenience and necessity for the same reasons that similar programs have been approved by the Commission for other pipeline companies.

Comment date: December 31, 1990, in accordance with Standard Paragraph F at the end of this notice.

5. Natural Gas Pipeline Co. of America

[Docket Nos. CP91–576–000,[3] CP91–577–000, CP91–578–000, CP91–579–000, CP91–580–000, and CP91–581–000]

December 10, 1990.

Take notice that Natural Gas Pipeline Company of America (Applicant), filed in the above referenced dockets, prior notice requests pursuant to §§ 157.205 and 284.223 of the Commission's Regulations under the Natural Gas Act for authorization to transport natural gas on behalf of various shippers under blanket certificates issued pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the prior notice requests which are on file with the Commission and open to public inspection and in the attached appendix.

Information applicable to each transaction including the identity of the shipper, the type of transportation service, the appropriate transportation rate schedule, the peak day, average day and annual volumes, and the docket numbers and initiation dates of the 120-day transactions under § 284.223 of the Commission's Regulations has been provided by the Applicant and is included in the attached appendix.

The Applicant also states that it would provide the service for each shipper under an executed transportation agreement, and that the Applicant would charge rates and abide by the terms and conditions of the referenced transportation rate schedule(s).

Comment date: January 24, 1991, in accordance with Standard Paragraph G at the end of this notice.

[3] These prior notice requests are not consolidated.

Docket No. (date filed)	Applicant	Shipper name	Peak day [1] avg., annual	Points of		Start up date rate schedule	Related [2] dockets
				Receipt	Delivery		
CP91–576–000 12–5–90	Natural Gas Pipeline Co. of America.	Santanna Natural Gas Corporation.	100,000 40,000 14,600,000	AR, CO, IA, IL, KS, LA, Off LA, MO, NE, NM, OK, TX, Off TX.	LA, TX, Off LA, Off TX, IL, IA, OK, CO, MO, AR.	10–1–90, IT	CP86–582–000, ST91–1411–000.
CP91–577–000 12–5–90	Natural Gas Pipeline Co. of America.	Transco Energy Marketing Co.	400,000 150,000 54,750,000	AR, CO, IA, IL, KS, LA, Off LA, MO, NE, NM, OK, TX, Off TX.	LA, TX, Off LA, Off TX, IL, IA, OK, CO, AR, KS, NM.	10–1–90, IT	CP86–582–000, ST91–1412–000.
CP91–578–000 12–5–90	Natural Gas Pipeline Co. of America.	Marathon Oil Company.	89,000 40,000 14,600,000	AR, CO, IA, IL, KS, LA, Off LA, MO, NE, NM, OK, TX, Off TX.	LA, TX, Off LA, Off TX, OK, CO, NM, IL.	10–1–90, IT	CP86–582–000, ST91–864–000.
CP91–579–000 12–5–90	Natural Gas Pipeline Co. of America.	Seagull Marketing Services, Inc.	50,000 30,000 10,950,000	AR, CO, IA, IL, KS, LA, Off LA, MO, NE, NM, OK, TX, Off TX.	LA, TX, Off LA, Off TX, IL, IA, OK, CO, NM.	10–3–90, IT	CP86–582–000, ST91–1415–000.
CP91–580–000 12–5–90	Natural Gas Pipeline Co. of America.	Transco Energy Marketing Co.	900,000 350,000 127,750,000	AR, CO, IA, IL, KS, LA, Off LA, MO, NE, NM, OK, TX, Off TX.	LA, TX, Off LA, Off TX, IL, IA, OK, CO, NM.	10–1–90, IT	CP86–582–000, ST91–1414–000.
CP91–581–000 12–5–90	Natural Gas Pipeline Co. of America.	Enron Gas Marketing Inc.,	100,000 75,000 27,375,000	AR, CO, IA, IL, KS, LA, Off LA, MO, NE, NM, OK, TX, Off TX.	LA, TX, Off LA, Off TX, IL, IA, OK, CO, NM.	10–1–90, IT	CP86–582–000, ST91–1413–000.

[1] Quantities are shown in MMBtu unless otherwise indicated.
[2] The CP docket corresponds to applicant's blanket transportation certificate. If an ST docket is shown, 120-day transportation service was reported in it.

6. Gas Gathering Corp.

[Docket No. CP91-600-000]

December 11, 1990.

Take notice that on December 7, 1990, Gas Gathering Corporation (GGC), P.O. Box 519, Hammond, Louisiana 70404, filed in Docket No. CP91-600-000 a request pursuant to § 157.205 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205) for authorization to provide an interruptible transportation service for Transco Energy Marketing Company, a marketer, under the blanket certificate issued in Docket No. CP86-129-000 pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request that is on file with the Commission and open to public inspection.

GGC states, that, pursuant to an agreement dated November 1, 1990, under its Rate Schedule IT-1, it proposes to transport up to 500 MMBtu per day equivalent of natural gas. GGC indicates that the gas would be transported from Louisiana, and would be redelivered in Louisiana. GGC further indicates that it would transport 200 MMBtu on an average day and 73,000 MMBtu annually.

GGC advises that service under § 284.223(a) commenced November 1, 1990, as reported in Docket No. ST91-3302.

Comment date: January 25, 1991, in accordance with Standard Paragraph G at the end of this notice.

7. Panhandle Eastern Pipe Line Co.

[Docket Nos. CP91-617-000, CP91-618-000, CP91-619-000, CP91-620-000, CP91-621-000, CP91-622-000, CP91-623-000, and CP91-624-000]

December 11, 1990.

Take notice that on December 10, 1990, Panhandle Eastern Pipe Line Company (Panhandle), P.O. Box 1642, Houston, Texas 77251-1642, filed in the above-referenced dockets prior notice requests pursuant to §§ 157.205 and 284.223 of the Commission's Regulations under the Natural Gas Act for authorization to transport natural gas on behalf of various shippers under its blanket certificate issued in Docket No. CP86-585-000, pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the requests that are on file with the Commission and open to public inspection.[4]

Information applicable to each transaction, including the identity of the shipper, the type of transportation service, the appropriate transportation rate schedule, the peak day, average day and annual volumes, and the initiation service dates and related ST docket numbers of the 120-day transactions under § 284.223 of the Commission's Regulations, has been provided by Panhandle and is summarized in the attached appendix.

Comment date: January 25, 1991, in accordance with Standard Paragraph G at the end of this notice.

[4] These prior notice requests are not consolidated.

Docket number (date filed)	Shipper name (type)	Peak day average day annual Dth	Receipt points	Delivery points	Contract date rate schedule service type	Related docket start up date
CP91-617-000 (12-10-90)	Panhandle Trading Company (Marketer).	200 200 73,000	Various	Kingfisher County, Oklahoma.	5-23-90, PT, Interruptible.	ST91-3130-000, 10-11-90.
CP91-618-000 (12-10-90)	Sinclair Oil Corporation (Producer).	100 100 36,500	Sweetwater County, Wyoming.	Sweetwater County, Wyoming.	7-20-90, PT, Interruptible.	ST91-5375-000, 10-1-90.
CP91-619-000 (12-10-90)	Anadarko Trading Company (Marketer).	267 267 97,455	Reno County, Kansas	Wayne County, Michigan.	11-1-90, PT, Firm	ST91-4013-000, 11-1-90.
CP91-620-000 (12-10-90)	National Steel Corp.—American Steel Division (End-user).	500 500 182,500	Various	Wayne County, Michigan.	12-7-89, PT, Interruptible.	ST91-3126-000, 10-25-90.
CP91-621-000 (12-10-90)	BP Gas, Inc. (Marketer)	50,000 50,000 18,250,000	Various	Grant County, Indiana	6-13-90, PT, Interruptible.	ST91-3046-000, 10-9-90.
CP91-622-000 (12-10-90)	Panhandle Trading Company (Marketer).	15,000 50,000 36,500,000	Various	Douglas County, Illinois	10-9-90, PT, Interruptible.	ST91-3129-000, 10-13-90.
CP91-623-000 (12-10-90)	Amgas, Inc. (Marketer)	30 15 5,475	Various	Tazewell County, Illinois	9-13-90, PT, Interruptible.	ST91-3045-000, 10-12-90.
CP91-624-000 (12-10-90)	Rangeline Corporation (Marketer).	30,000 30,000 10,950,000	Various	Reno County, Kansas	3-20-90, PT, Interruptible.	ST91-5466-000, 10-1-90.

8. Trunkline Gas Co.

[Docket No. CP91-625-000]

December 11, 1990.

Take notice that on December 10, 1990, Trunkline Gas Company (Trunkline), P.O. Box 1642, Houston, Texas 77251-1642, filed in Docket No. CP91-625-000 a request pursuant to §§ 157.205 and 284.223 of the Commission's Regulations under the Natural Gas Act for authorization to transport natural gas under its blanket certificate issued in Docket No. CP86-586-000 pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request on file with the Commission and open to public inspection.

Trunkline proposes to transport natural gas on an interruptible basis for North Atlantic Utilities (North Atlantic). Trunkline explains that service initially commenced October 1, 1990, under § 284.223 of the Commission's Regulations, as reported in Docket No. CP91-4349.

Trunkline further explains that the peak day quantity would be 30,000 dekatherms, the average daily quantity would be 5,000 dekatherms, and that the annual quantity would be 2,000,000 dekatherms. Trunkline explains that it would receive natural gas for North Atlantic's account at existing points of receipt in Illinois, Louisiana, Tennessee, Offshore Louisiana, Texas, and from the Panhandle Eastern Pipe Line Company

receipt in Douglas County, Illinois. Trunkline states that it would transport and redeliver the natural gas to Texas Eastern Transmission Corporation in Williamson County, Illinois.

Comment date: January 25, 1991, in accordance with Standard Paragraph G at the end of this notice.

9. Northwest Pipeline Corp.

[Docket Nos. CP91-612-000, CP91-613-000, CP91-614-000, and CP91-616-000]

December 11, 1990.

Take notice that Northwest Pipeline Corporation, 295 Chipeta Way, Salt Lake City, Utah 84108, and Texas Gas Transmission Corporation, 3800 Frederica Street, Owensboro, Kentucky 42301, (Applicants) filed in the above-referenced dockets prior notice requests pursuant to §§ 157.205 and 284.223 of the Commission's Regulations under the Natural Gas Act for authorization to transport natural gas on behalf of various shippers under the blanket certificates issued in Docket No. CP86-578-000 and Docket No. CP88-686-000, respectively, pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the requests that are on file with the Commission and open to public inspection.[5]

[5] These prior notice requests are not consolidated.

Information applicable to each transaction, including the identity of the shipper, the type of transportation service, the appropriate transportation rate schedule, the peak day, average day and annual volumes, and the initiation service dates and related ST docket numbers of the 120-day transactions under § 284.223 of the Commission's Regulations, has been provided by Applicants and is summarized in the attached appendix.

Comment date: January 25, 1991, in accordance with Standard Paragraph G at the end of this notice.

Docket number (date filed)	Shipper name (type)	Peak day average day annual MMBtu	Receipt points	Delivery points	Contract date, rate schedule, service type	Related docket, start up date
CP91-612-000 (12-7-90)	North Pacific Paper Corporation (End-user).	2,200 2,200 766,500	Whatcom County, Washington.	Cowlitz County, Washington.	10-1-90, TF-1, Firm.	ST91-5330-000, 11-13-90.
CP91-613-000 (12-10-90)	Mobil Natural Gas Inc.	68,450 68,450 24,984,250	Offshore Texas	Offshore Texas	4-3-90, IT, Interruptible.	ST91-2968-000, 11-1-90.
CP91-614-000 (12-10-90)	Total Minatome Corporation.	80,000 10,000 5,475,000	Offshore Texas	Offshore Louisiana	12-15-89, IT, Interruptible.	ST91-4266-000, 11-2-90.
CP91-616-000 (12-10-90)	Hadson Gas Systems, Inc.	100,000 10,000 3,650,000	Various	Acadia Parish, Louisiana.	10-30-90, IT, Interruptible.	ST91-4267-000, 11-2-90.

Standard Paragraphs

F. Any person desiring to be heard or make any protest with reference to said filing should on or before the comment date file with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this filing if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for the applicant to appear or be represented at the hearing.

G. Any person or the Commission's staff may, within 45 days after the issuance of the instant notice by the Commission, file pursuant to rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefore, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to section 7 of the Natural Gas Act.

Lois D. Cashell,

Secretary.

[FR Doc. 90-29624 Filed 12-18-90; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. TM91-4-22-001, TQ91-2-22-001]

CNG Transmission Corp.; Proposed Changes in FERC Gas Tariff

December 11, 1990.

Take notice that CNG Transmission Corporation ("CNG"), on December 6, 1990, pursuant to section 4 of the Natural Gas Act ("NGA"), part 154 and § 2.104 of the Commission's regulations, the provisions of the Settlement in CNG's Docket No. RP88-217, *et al.*, approved by the Commission by order issued October 6, 1989, and § 12.10 of the General Terms and Conditions of CNG's FERC Gas Tariff, files (6) copies of the following revised tariff sheet to Volume No. 1 of CNG's FERC Gas Tariff:

Sub. 5th Revised First Revised Sheet No. 31

The proposed effective date for this tariff sheet is January 1, 1991.

The purpose of this filing is to correct the tariff sheet and supporting workpapers originally filed November 30, 1990, in Docket No. TM91–22–000 as "5th Revised First Revised Sheet No. 31."

CNG in the filing also withdraws a version of "5th Revised First Revised Sheet No. 31" that was inadvertently included in collating CNG's out-of-cycle PGA filing made November 29, 1990.

CNG states that copies of the filng were served upon CNG's customers as well as interested state commissions.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with rules 214 and 211 of the Commission's Rules of Practice and Procedure (18 CFR 385.214, 385.211 (1990)). All such protests should be filed on or before December 18, 1990. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Persons that are already parties to this proceeding need not file a motion to intervene in this matter. Copies of this filing are on file with the Commission and are available for public inspection.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 90–29621 Filed 12–18–90; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. EC91–2–000

Kansas Power and Light Company and Kansas Gas and Electric Co; Filing

December 12, 1990.

Take notice that on December 11, 1990, The Kansas Power and Light Company (KPL) and Kansas Gas and Electric Company (KG&E) (collectively referred to as Joint Applicants), pursuant to section 203 of the Federal Power Act, 16 U.S.C. 824b (1988), and part 33 of the Commission's regulations, 18 CFR part 33 (1990), tendered for filing a Joint Application for Expedited Authorization and Approval of a Merger. Under the Merger Agreement between KPL and KG&E, upon receipt of required regulatory and shareholder approval, KPL will acquire all outstanding shares of common stock and each class of preferred stock of KG&E and KG&E will be merged into KCA Corporation (KCA), a wholly-owned subsidiary of KPL.

KPL is a combination electric and natural gas utility operating in the States of Kansas, Missouri and Oklahoma. KPL generates, transmits, distributes and sells electric power in central and eastern portions of the State of Kansas. Currently, KPL provides retail electric service to approximately 300,000 industrial, commercial and residential customers in 323 Kansas communities. It also transports and sells natural gas in Kansas, western Missouri, and northeastern Oklahoma to approximately 1,100,000 retail customers. KPL's electric retail operations are subject to regulation by the Kansas State Corporation Commission. Its retail gas activities are regulated by the utility regulatory commissions of the States of Kansas, Missouri, and Oklahoma. Subject to the jurisdiction of this Commission, KPL also provides wholesale electric generation and transmission services to numerous municipal customers and electric cooperatives located in Kansas and, through interchange agreements, to surrounding integrated systems.

KG&E is an electric utility that generates, transmits distributes and sells electricity in the southeastern quarter of the State of Kansas. KG&E sells electricity at retail to approximately 229,000 residential customers, more than 20,000 commercial customers and in excess of 4,000 industrial customers. KG&E's retail operations are subject to the jurisdiction of the Kansas State Corporation Commission. Subject to the jurisdiction of this Commission, KG&E also provides wholesale electric generation and transmission services to several municipal customers and electric cooperatives located in Kansas and, through interchange agreements, to surrounding integrated systems.

The Joint Applicants state that the merger of KG&E into a wholly-owned subsidiary of KPL will be consistent with the public interest and the long-term best interests of the public and the customers and shareholders of both companies. The Joint Applicants submit that the combination of the two companies will result in significant savings and efficiencies that would be difficult or impossible to achieve through continued operations as separate entities. The Joint Applicants state that these benefits, especially in the areas of distribution operations, corporate management and administrative functions, integration of dispatching and certain corporate and administrative functions, and streamlining of inventories and purchasing economies will result in significant long-term savings for the customers of both companies.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with rules 211 and 214 of the Commission's Rules of Practice and Procedures (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before January 4, 1991. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 90–29618 Filed 12–18–90; 8:45 am]

BILLING CODE 6717–01–M

Office of Fossil Energy

[FE Docket No. 90–101–NG]

ICG Energy Marketing, Inc.; Application for Blanket Authorization To Import Natural Gas

AGENCY: Office of Fossil Energy, Department of Energy.

ACTION: Notice of application for blanket authorization to import natural gas.

SUMMARY: The Office of Fossil Energy (FE) of the Department of Energy (DOE) gives notice of receipt on November 28, 1990, of an application filed by ICG Energy Marketing, Inc. ("ICG Energy Marketing") for blanket authorization to import up to 72 Bcf of Canadian natural gas for a two-year term, from April 1, 1991, the date the applicant's existing authority expires, through March 31, 1993. ICG Energy Marketing intends to use existing facilities of U.S. pipelines for the transportation of the imported gas.

The application is filed under section 3 of the Natural Gas Act and DOE Delegation Order Nos. 0204–111 and 0204–127. Protests, motions to intervene, notices of intervention and written comments are invited.

DATES: Protests, motions to intervene or notices of intervention, as applicable, requests for additional procedures and written comments are to be filed at the address listed below no later than 4:30 p.m., e.s.t., January 18, 1991.

ADDRESSES: Office of Fuels Programs, Fossil Energy, U.S. Department of Energy, Forrestal Building, room 3F–056, FE–50, 1000 Independence Avenue, SW., Washington, DC 20585.

FOR FURTHER INFORMATION CONTACT:

Linda Silverman, Office of Fuels Programs, Fossil Energy, U.S. Department of Energy, Forrestal Building, room 3F–094, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586–7249

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: ICG Energy Marketing, a Delaware corporation with its principal place of business in Calgary, Alberta, Canada, is a wholly owned subsidiary of Canadian Hydrocarbons Marketing, Inc., which in turn is a subsidiary of ICG Utilities (Canada) Ltd. Its ultimate parent corporation is Westcoast Energy Inc.

ICG Energy Marketing was formed for the purpose of marketing natural gas in Canada and the United States. ICG Energy Marketing received blanket authorization to import up to 25.6 Bcf per year of Canadian natural gas over a two-year term in DOE/ERA Opinion and Order No. 130 (June 12, 1986). The company intends to continue to import natural gas for its own account or as agent for Canadian suppliers for short-term sales to U.S. purchasers including, but not limited to, commercial and industrial end-users and local distribution companies. The terms of each transaction, including price and volume, will depend on the market demand for natural gas and will be structured to meet competition in the market place.

The decision on this import applicant 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). The application asserts that the extension of its import authorization will allow ICG Energy Marketing to continue to sell a stable supply of competitively-priced natural gas. Parties that may oppose this application should comment in their responses on the issue of competitiveness as set forth in the policy guidelines.

All parties should be aware that if the requested import is approved, the authorization would be conditioned on the filing of quarterly reports indicating volumes imported and the purchase price in order to facilitate monitoring of the operation of DOE's natural gas import program.

NEPA Compliance

The National Environmental Policy Act (NEPA), 42 U.S.C. 4321, *et seq.*, requires DOE to give appropriate consideration to the environmental effects of its proposed actions. No final decision will be issued in this proceeding until DOE has met its NEPA responsibilities.

Public Comment Procedures

In response to this notice, any person may file a protest, motion to intervene or notice of intervention, as applicable, and written comments. Any person wishing to become a party to the proceeding and to have the written comments considered as the basis for any decision on the application must, however, file a motion to intervene or notice of intervention, as applicable. The filing of a protest with respect to this application will not serve to make the protestant a party to the proceeding, although protests and comments received from persons who are not parties will be considered in determining the appropriate action to be taken on the application. All protests, motions to intervene, notices of intervention, and written comments must meet the requirements that are specified by the regulations in 10 CFR part 590. Protests, motions to intervene, notices of intervention, requests for additional procedures, and written comments should be filed with the Office of Fuels Programs at the above address.

It is intended that a decisional record will be developed on the application through responses to this notice by parties, including the parties' written comments and replies thereto. Additional procedures will be used as necessary to achieve a complete understanding of the facts issues. A party seeking intervention may request that additional procedures be provided, such as additional written comments, an oral presentation, a conference, or trial-type hearing. Any request to file additional written comments should explain why they are necessary. Any request for an oral presentation should identify the substantial question of fact, law, or policy at issue, show that it is material and relevant to a decision in the proceeding, and demonstrate why an oral presentation is needed. Any request for a conference should demonstrate why the conference would materially advance the proceeding. Any request for a trial-type hearing must show that there are factual issues genuinely in dispute that are relevant and material to a decision and that a trial-type hearing is necessary for a full and true disclosure of the facts.

If an additional procedure is scheduled, notice will be provided to all parties. If no party requests additional procedures, a final opinion and order may be issued based on the official record, including the application and responses filed by parties pursuant to this notice, in accordance with 10 CFR Sec. 590.316.

A copy of ICG Energy Marketing's application is available for inspection and copying in the Office of Fuels Programs Docket Room, 3F–056 at the above address. The docket room is open between the hours of 8 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, DC, December 13, 1990.

Clifford P. Tomaszewski,

Acting Deputy Assistant Secretary for Fuels Programs, Office of Fossil Energy.

[FR Doc. 90–29711 Filed 12–18–90; 8:45 am]

BILLING CODE 6450–01–M

[FE Docket No. 90–99–NG]

ProGas Ltd.; Application for Blanket Authorization To Import and Export Natural Gas

AGENCY: Office of Fossil Energy, Department of Energy.

ACTION: Notice of application for blanket authorization to import and export natural gas.

SUMMARY: The Office of Fossil Energy of the Department of Energy (DOE) gives notice of receipt of November 19, 1990, of an application filed by ProGas Limited (ProGas) for blanket authorization to import from Canada, and/or to export to Canada, up to 200 Bcf per year of natural gas over a two-year term beginning on the date of first delivery. ProGas requests authority to import and export the natural gas through any point on the U.S.-Canadian border where transportation facilities exist. ProGas states that it will notify DOE of the date of first delivery and submit quarterly reports detailing each transaction.

The application is filed under section 3 of the Natural Gas Act and DOE Delegation Order Nos. 0204–1111 and 0204–127. Protests, motions to intervene, notices of intervention and written comments are invited.

DATES: Protests, motions to intervene, notices of intervention, as applicable,

requests for additional procedur written comments are to be filed at the address listed below no late than 4:30 p.m., e.s.t., January 18, 1991.

ADDRESSES: Office of Fuels Programs, Fossil Energy, U.S. Department of Energy, Forrestal Building, room 3F–056, FE–50, 1000 Independence Avenue, SW., Washington, DC 20585.

FOR FURTHER INFORMATION CONTACT:

Linda Silverman, Office of Fuels Programs, Fossil Energy, U.S. Department of Energy Forrestal Building, room 3F–094, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586–7294.

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: ProGas, a Canadian corporation, has its principal place of business in Calgary, Alberta. ProGas is engaged in the buying, selling, and exportation of natural gas produced in Canada to purchasers located in the United States. The company intends to import and export natural gas on a short-term or spot basis for its own account and for the accounts of other purchasers or sellers of gas during the two-year period.

The gas proposed to be imported by ProGas would be produced within Canada by Canadian producers with whom ProGas, ProGas U.S.A. (which ProGas owns), or an intermediary company may contract, and would be exported to the United States by ProGas or other marketers, aggregators, or pipelines pursuant to orders issued by the National Energy Board of Canada.

Similarly, ProGas would export natural gas for its own account or for the account of others on a short-term or spot market basis under market-responsive contracts to Canadian purchasers. The gas also may be exported as part of transactions involving the initial importation of Canadian gas to the United States and the subsequent exportation of such gas to Canada for redelivery by Canadian pipelines to the U.S.-Canadian border for ultimate consumption within the United States.

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). In reviewing natural gas export applications, the domestic need for the gas to be exported is considered, and any other issues determined to be appropriate in a particular case, including whether the arrangement is consistent with DOE policy of promoting competition in the natural gas marketplace by allowing commercial parties to freely negotiate their own trade arrangements. Parties that may oppose this application should comment in their responses on the issue of competitiveness as set forth in the policy guidelines. The applicant asserts that the proposed import/export authority would be in the public interest because the short-term, spot nature of any import arrangement will ensure that gas will not be purchased unless it is competitively priced. Further, the company states that there is no current need for the domestic gas proposed to be exported and that the export proposal will advance U.S. goals to reduce trade barriers and to encourage the operation of market forces to achieve a more competitive and efficient distribution of goods between the United States and Canada. Parties opposing the arrangement bear the burden of overcoming these assertions.

All parties should be aware that DOE, in order to maximize the flexibility of any authorization issued, may grant an aggregate amount for the requested two-year period of 400 Bcf, and not impose a yearly limit.

NEPA Compliance

The National Environmental Policy Act (NEPA) 42 U.S.C. 4321 *et seq.*, requires the DOE to give appropriate consideration to the environmental effects of its proposed actions. No final decision will be issued in this proceeding until the DOE has met its NEPA responsibilities.

Public Comment Procedures

In response to this notice, any person may file a protest, motion to intervene or notice of intervention, as applicable, and written comments. Any person wishing to become a party to the proceeding and to have the written comments considered as the basis for any decision on the application must, however, file a motion to intervene or notice of intervention, as applicable. The filing of a protest with respect to this application will not serve to make the protestant a party to the proceeding, although protests and comments received from persons who are not parties will be considered in determining the appropriate action to be taken on the application. All protests, motions to intervene, notices of intervention, and written comments must meet the requirements that are specified by the regulations in 10 CFR part 590. Protests, motions to intervene, notices of intervention, requests for additional procedures, and written comments should be filed with the Office of Fuels Programs at the above address.

It is intended that a decisional record will be developed on the application through responses to this notice by parties, including the parties' written comments and replies thereto. Additional procedures will be used as necessary to achieve a complete understanding of the facts and issues. A party seeking intervention may request that additional procedures be provided, such as additional written comments, an oral presentation, a conference, or trial-type hearing. Any request to file additional written comments should explain why they are necessary. Any request for an oral presentation should identify the substantial question of fact, law, or policy at issue, show that it is material and relevant to a decision in the proceeding, and demonstrate why an oral presentation is needed. Any request for a conference should demonstrate why the conference would materially advance the proceeding. Any request for a trial-type hearing must show that there are factual issues genuinely in dispute that are relevant and material to a decision and that a trial-type hearing is necessary for a full and true disclosure of the facts.

If an additional procedure is scheduled, notice will be provided to all parties. If no party requests additional procedures, a final opinion and order may be issued based on the official record, including the application and responses filed by parties pursuant to this notice, in accordance with 10 CFR 590.316.

A copy of ProGas' application is available for inspection and copying in the Office of Fuels Programs Docket Room, 3F–056 at the above address. The docket room is open between the hours of 8 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, DC, December 13, 1990.

Clifford P. Tomaszewski,

Acting Deputy Assistant Secretary for Fuels Programs, Office of Fossil Energy.

[FR Doc. 90–29712 Filed 12–18–90; 8:45 am]

BILLING CODE 6450–01–M

[FE Docket No. 90-100-NG]

PSI Gas Marketing, Inc.; Application To Export Natural Gas to Canada and Mexico

AGENCY: Office of Fossil Energy, Department of Energy.

ACTION: Notice of application for blanket authorization to export natural gas to Canada and Mexico.

SUMMARY: The Office of Fossil Energy of the Department of Energy (DOE) gives notice of receipt on November 19, 1990, of an application filed by PSI Gas Marketing, Inc. (PGM), requesting blanket authorization to export up to 146 Bcf of natural gas from the United States to Canada and Mexico over a two-year period commencing with the date of first delivery. PGM intends to use existing pipeline facilities within the United States and at the international border for transportation of the exported natural gas. PGM states that it will notify 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., January 18, 1991.

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:

Charles E. Blackburn, Office of Fuels Programs, Fossil Energy, U.S. Department of Energy, Forrestal Building, room 3F-094-I, 1000 Independence Avenue SW., Washington, DC 20585, (202) 586-7751.

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: PGM is a Delaware corporation with its principal place of business in Omaha, Nebraska. PGM is a wholly owned subsidiary of PSI, Inc., which, in turn, is a wholly owned subsidiary of UtiliCorp United Inc. PGM requests authorization to export for its own account as well as for the accounts of its U.S. suppliers and Canadian and Mexican purchasers. PGM expects that most of the transactions with Canadian and Mexican purchasers will be on spot-market or short-term basis; however, some arrangements could be for terms of up to two years. The applicant states that the contractual arrangements will be the product of arms-length negotiations with an emphasis on competitive prices and contract flexibility.

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 natural 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, a total two-year term volume may be authorized without imposing 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 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 PGM'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 December 13, 1990.

Clifford L. Tomaszewski,

Acting Deputy Assistant Secretary for Fuels Programs, Office of Fossil Energy.

[FR Doc. 90-29713 Filed 12-18-90; 8:45 am]

BILLING CODE 6450-01-M

Office of Hearings and Appeals

Cases Filed During Week of October 12 Through October 19, 1990

During the Week of October 12 through October 19, 1990, the appeals and applications for exception or other relief listed in the appendix to this Notice were filed with the Office of Hearings and Appeals of the Department of Energy.

Under DOE procedural regulations, 10 CFR part 205, any person who will be aggrieved by the DOE action sought in these cases may file written comments on the application within ten days of service of notice, as prescribed in the procedural regulations. For purposes of the regulations, the date of service of notice is deemed to be the date of publication of this Notice or the date of receipt by an aggrieved person of actual notice, whichever occurs first. All such comments shall be filed with the Office of Hearings and Appeals, Department of Energy, Washington, DC 20585.

Dated: December 13, 1990.

George B. Breznay,

Director, Office of Hearings and Appeals.

Date	Name and location of applicant	Case No.	Type of submission
10/15/90	Gannett News Service, Arlington, Virginia	LFA–0073	Appeal of an information request denial. If granted: The September 26, 1990 Freedom of Information Request Denial issued by the Office of Waste Operations, Environmental Restoration and Waste Management, would be rescinded, and Gannett News Service would receive access to certain requested information relating to the generalization and disposal of low-level radioactive waste.
10/16/90	Texaco/Allen's Texaco, Bessemer City, North Carolina.	RR321–23	Request for modification/rescission in the Texaco refund proceeding. If granted: The September 28, 1990 Decision and Order (Case Nos. RF321–746 and FR321–8286) issued to Allen's Texaco would be modified regarding the firm's Application for Refund submitted in the Texaco Inc. special refund proceeding.
10/17/90	Carol A. Terry, Washington, DC	LFA–0074	Appeal of an information request denial. If granted: The September 19, 1990 Freedom of Information Request Denial issued by the Office of Appeals would be rescinded, and Carol A. Terry would receive access to customer lists of companies subject to special refund proceedings.
10/18/90	Natural Resources Defense Council, Washington, DC.	LFA–0075	Appeal of an information request denial. If granted: The October 3, 1990 Freedom of Information Request Denial issued by the Office of Intergovernmental and External Affairs, Albuquerque Operations Office, would be rescinded, and the Natural Resources Defense Council would receive access to "DOE, Rockwell Corporation, Rocky Flats Division, 'Nuclear Materials Control Procedure Manual, Volumes I and II, NMC–C,' CD73–2903."
10/18/90	Belridge/Minnesota, Vickers/Minnesota, Pennzoil/Minnesota, Amoco II/Minnesota, St. Paul, Minnesota.	RM8–234 RM1–235 RM10–236 RQ251–566	Request for modification/rescission in the Belridge, Vickers, Pennzoil second stage refund proceeding. If granted: The March 25, 1986 Decision and Order (Case Nos. RQ8–269 RQ1–267 and RQ10–268) issued to Minnesota would be modified regarding the State's Application for Refund submitted in the Belridge, Vickers, and Pennzoil second stage refund proceedings. Minnesota's refund application submitted in the Amoco II second stage refund proceeding would be approved.

Refund Applications Received

Week of October 12 through October 19, 1990

Received	Name of Firm	Case No.
10/12/90 thru 10/19/90	Crude Oil Refund, applications received	RF272–82626 thru RF272–83208
10/12/90 thru 10/19/90	Gulf Oil Refund, applications received	RF300–12733 thru RF300–12903
10/12/90 thru 10/19/90	Texaco Refund, applications received	RF321–10074 thru RF321–10268
10/12/90 thru 10/19/90	Atlantic Richfield, applications received	RF304–12033 thru RF304–12091
10/14/90	Beard Oil Co.	RF307–10153
10/17/90	De Pinto Fuel Oil Corp.	RF323–29
10/17/90	Arrow Petroleum Co.	RF326–1
10/18/90	B & O Shell SVC	RF315–10062
10/18/90	Outrider Truck Stop	RF326–2
10/18/90	Texas Crushed Stone Company	RF326–3
10/18/90	Samedan Oil Corporation	RF326–4
10/18/90	Mattews Oil Company, Inc.	RF326–5
10/18/90	Quarles Petroleum, Inc.	RF326–6
10/18/90	C.B. Jr.'S	RF326–7
10/18/90	RF326–8	RF326–8

[FR Doc. 90–29714 Filed 12–18–90; 8:45 am]

BILLING CODE 6450–01–M

Implementation of Special Refund Procedures

AGENCY: Office of Hearings and Appeals Department of Energy.

ACTION: Notice of implementation of special refund procedures.

SUMMARY: The Office of Hearings and Appeals (OHA) of the Department of Energy (DOE) announces the implementation of procedures for the disbursement of $788,586.45, plus accrued interest, obtained by the DOE under the terms of five consent orders. The DOE received $101,000 pursuant to a consent order with Benton Pruet d/b/a P & R Trading Company (Case No. LEF–0018) and a total of $687,586.45 pursuant to four separate consent orders with

Trigon Exploration Company, Inc. *et al.* The four Trigon Exploration Company, Inc. (Trigon) consent orders are with Trigon and C. William Rogers, Trigon and Omni Drilling Partnership No. 1978–2, Trigon and D. Bryan Ferguson, and Trigon and Entex, Inc. (Case No. LEF–0019). The OHA has determined that the funds will be distributed in accordance with the DOE's Modified Statement of Restitutionary Policy Concerning Crude Oil Overcharges, 51 FR 27899 (August 4, 1986).

DATES AND ADDRESSES: Applications for Refund submitted pursuant to this Decision must be filed in duplicate, postmarked no later than March 31, 1991, and should be addressed to the Office of Hearings and Appeals, U.S. Department of Energy, 1000 Independence Avenue, SW., Washington, DC 20585. Any party that has previously submitted a refund application in crude oil proceedings should not file another application; that application will be deemed filed in all crude oil proceedings as the procedures are finalized.

FOR FURTHER INFORMATION CONTACT: Thomas L. Wieker, Deputy Director, Office of Hearings and Appeals, Department of Energy, 1000 Independence Ave., SW., Washington, DC 29585, (202) 586–2390.

SUPPLEMENTARY INFORMATION: In accordance with § 205.282(b) of the procedural regulations of the Department of Energy (DOE), 10 CFR 205.282(b), notice is hereby given of the issuance of the Decision and Order set out below. The Decision and Order sets forth the procedures that the DOE has formulated to distribute $788,586.45 that has been remitted to the DOE pursuant to the terms of five consent orders. The DOE received $101,000 pursuant to a consent order with Benton Pruet a/b/a P & R Trading Company. The DOE also received $687,586.45 pursuant to four separate Trigon Exploration Company, Inc. (Trigon and Omni Drilling Partnership No. 1978–2, Trigon and D. Bryan Ferguson, and Trigon and Entex, Inc. The DOE is currently holding the funds in an interest bearing account pending distribution.

The DOE has decided to distribute these funds in accordance with the DOE's Modified Statement of Restitutionary Policy Concerning Crude Oil Overcharges, 51 FR 27899 (August 4, 1986). Under the Modified Policy, crude oil overcharge monies are divided among the states, federal government, and injured purchases of refined products. Refunds to the states would be in proportion to each state's consumption of petroleum products during the period of price controls. Refunds to eligible purchasers would be based on the number of gallons of petroleum products which they purchased and the extent to which they can demonstrate policy.

As the Decision and Order indicates, Applications for refund may now be filed by injured purchases of crude oil and refined petroleum products. Applications must be filed in duplicate and postmarked no later than March 31, 1991. The specific information required in an Application for Refund is indicated in the Decision and Order. Any party that has previously submitted an Application for Refund in any crude oil refund proceeding should not file in all crude oil proceedings as the procedures are finalized.

Dated: December 13, 1990.

George B. Breznay,

Director, Office of Hearings and Appeals.

DECISION AND ORDER OF THE DEPARTMENT OF ENERGY

Implementation of Special Refund Procedures

Names of firms: Benton Pruet d/b/a P&R Trading Company; Trigon Exploration Company, Inc., *et al.*

Date of filing: July 17, 1990

Case numbers: LEF–0018, LEF–0019

Under the procedural regulations of the Department of Energy (DOE), the Economic Regulatory Administration (ERA) may request that the Office of Hearings and Appeals (OHA) formulate and implement special refund procedures. 10 CFR 205.281. These procedures are used to refund monies to those injured by actual or alleged violations of the DOE price regulations.

On July 17, 1990, the ERA filed two Petitions for the Implementation of Special Refund Procedures for crude oil overcharge funds obtained from Benton Pruet d/b/a P&R Trading Company (Pruet) (Case No. LEF–0018) and Trigon Exploration Company, Inc. (Trigon), *et al.*, (Case No. LEF–0019). This Office issued a Remedial Order against Pruet for violations of the crude oil resale regulations during the period from September 1979 through November 1980. *P&R Trading Company*, 13 DOE ¶ 83,023 (1985). Pruet subsequently appealed to the Federal Energy Regulatory Commission. Pruet and the DOE then entered into a consent order (No. 6A0X00335) under which Pruet remitted $101,000 in settlement of the DOE's claims.[1] On August 30, 1985 the ERA issued a Proposed Remedial Order to Trigon alleging violations of the regulations regarding the sale of crude oil during the period June 1979 through December 1980. The DOE has subsequently entered into four consent orders with Trigon and four working interest owners who have remitted a total amount of $687,586.45 in settlement of any potential violations arising out of the sale of crude oil from June 1979 through January 21, 1981 (all four consent orders are subsumed under one consent order number: 650C00374). 52 FR 27574 (July 22, 1987). Trigon and Omni Drilling Partnership No. 1978–2, Trigon and D. Bryan Ferguson, Trigon and Entex, Inc. (hereinafter collectively referred to as Trigon, *et al.*). In sum, Pruet and Trigon, *et al.*, remitted $788,586.45 to the DOE. This Decision and Order establishes the OHA's procedures for distributing those funds.

The general guidelines which the OHA may use to formulate and implement a plan to distribute refunds are set forth in 10 CFR part 205, subpart V. The subpart V process may be used in situations where the DOE cannot readily identify the persons who may have been injured as a result of actual or alleged violations of the regulations or ascertain the amount of the refund each person should receive. For a more detailed discussion of subpart V and the authority of the OHA to fashion procedures to distribute refunds, see *Office of Enforcement*, 9 DOE ¶ 82,508 (1981), and *Office of Enforcement*, 8 DOE ¶ 82,597 (1981). We have considered the ERA's request to implement subpart V procedures with respect to the monies received from Pruet and Trigon, *et al.*, and have determined that such procedures are appropriate.

I. Background

On July 28, 1986, the DOE issued a Modified Statement of Restitutionary

[1] The Remedial Order found that Pruet committed violations of the regulations concerning the resale of crude oil during the period from September 1979 through November 1980. The consent order settles Pruet's liability with regard to any potential violation of the federal petroleum price and allocation regulations during the period from September 1, 1979 through January 27, 1981. Consent Order at ¶ 101 & 501. The OHA has contacted Pruet's attorney and has determined that Pruet never engaged in any refined product related activities. See Record of Telephone Conversation between Raymond P. Rayner Jr., OHA Attorney Adviser, and William F. Cockrell, Jr., Attorney for Pruet (September 21, 1990). Accordingly, the OHA believes that the entire settlement was for potential crude oil violations.

Policy Concerning Crude Oil Overcharges, 51 FR 27899 (August 4, 1986) (the MSRP). The MSRP, issued as a result of a court-approved Settlement Agreement in *In re: The Department of Energy Stripper Well Exemption Litigation*, M.D.L. No. 378 (D. Kan. 1986) (the Stripper Well Agreement), provides that crude oil overcharge funds will be divided among the states, the federal government, and injured purchasers of refined petroleum products. Under the MSRP, up to twenty percent of these crude oil overcharge funds will be reserved to satisfy valid claims by injured purchasers of petroleum products. Eighty percent of the funds, and any monies remaining after all valid claims are paid, are to be disbursed equally to the states and federal government for indirect restitution.

Shortly after the issuance of the MSRP, the OHA issued an Order that announced its intention to apply the Modified Policy in all subpart V proceedings involving alleged crude oil violations. Order Implementing the MSRP, 51 FR 29689 (August 20, 1986). In that Order, the OHA solicited comments concerning the appropriate procedures to follow in processing refund applications in crude oil refund proceedings. On April 6, 1987, the OHA issued a Notice analyzing the numerous comments and setting forth generalized procedures to assist claimants that file refund applications for crude oil monies under the subpart V regulations. 52 FR 11737 (April 10, 1987) (the April Notice).

The OHA has applied these procedures in numerous cases since the April Notice, i.e., *New York Petroleum, Inc.*, 18 DOE ¶ 85,435 (1988) (*NYP*); *Shell Oil Co.*, 17 DOE ¶ 85,204 (1988) (*Shell*); *Ernest A. Allerkamp*, 17 DOE ¶ 85,079 (1988) (*Allerkamp*), and the procedures have been approved by the United States District Court for the District of Kansas as well as the temporary Emergency Court of Appeals (TECA). In the case *In re: The Department of Energy Stripper Well Exemption Litigation*, various states filed a Motion with the Kansas District Court, claiming that the OHA violated the Stripper Well Agreement by employing presumptions of injury for end-users and by improperly calculating the refund amount to be used in those proceedings. *In re: The Department of Energy Stripper Well Exemption Litigation*, 671 F. Supp. 1318 (D. Kan. 1987), *aff'd*, 857 F.2d 1481 (Temp. Emer. Ct. App. 1988). On August 17, 1987, Judge Theis issued an Opinion and Order denying the states' Motion in its entirety. The court concluded that the Stripper Well Agreement "does not bar [the] OHA from permitting claimants to employ reasonable presumptions in affirmatively demonstrating injury entitling them to a refund." *Id.* at 1323. The court also ruled that, as specified in the April Notice, the OHA could calculate refunds, based on a portion of the M.D.L. 378 overcharges. *Id.* at 1323–24.

II. The Proposed Decision and Order

On October 18, 1990, the OHA issued a Proposed Decision and Order (PDO) establishing tentative procedures to distribute the alleged crude oil violation amount obtained from Pruet and Trigon, *et al.* 55 FR 42888 (October 24, 1990). The OHA tentatively concluded that the funds should be distributed in accordance with the MSRP and the April Notice. Pursuant to the MSRP, the OHA proposed to reserve initially twenty percent of the crude oil violation funds for direct restitution to applicants who claim that they were injured by the alleged crude oil violations. The remaining eighty percent of the funds would be distributed to the states and federal government for indirect restitution. After all valid claims have been paid, any remaining funds in the claim reserve would also be divided between the states and federal government. The federal government's share ultimately would be deposited into the general fund of the Treasury of the United States.

In the PDO, OHA proposed to require applicants for refund to document their purchase volumes of petroleum products during the period of price controls and to prove that they were injured by the alleged crude oil overcharges. The PDO stated that end-users of petroleum products whose businesses are unrelated to the petroleum industry are presumed to have absorbed the crude oil overcharges, and need not submit any further proof of injury to receive a refund. The OHA also proposed to calculate refunds on the basis of a volumetric refund amount, as described in the April Notice. The PDO provided a period of 30 days from the date of publication in the Federal Register in which comments could be filed regarding the tentative distribution process. More than 30 days have elapsed and the OHA has received no comments concerning the proposed procedures for the distribution of the Pruet and Trigon, *et al.*, settlement fund. Consequently, the procedures will be adopted as proposed.

III. The Refund Procedures

A. Refund Claims

The OHA has concluded that the $788,586.45 remitted by Pruet and Trigon, *et al.*, plus the interest that has accrued on that amount, should be distributed in accordance with the crude oil refund procedures discussed above. We have decided to reserve the full twenty percent of the alleged crude oil violation amount, or $157,717.29, plus interest, for direct refunds to claimants, in order to insure that sufficient funds will be available for refunds to injured parties.

The process which the OHA will use to evaluate claims based on alleged crude oil violations will be modeled after the process the OHA has used in subpart V proceedings to evaluate claims based upon alleged overcharges involving refined products. *E.g.*, *Mountain Fuel Supply Co.*, 14 DOE ¶ 85,475 (1986) (*Mountain Fuel*). As in non-crude oil cases, applicants will be required to document their purchase volumes and prove that they were injured as a result of the alleged violations. Following subpart V precedent, reasonable estimates of purchase volumes may be submitted. *E.g., Greater Richmond Transit Co.*, 15 DOE ¶ 85,028 at 88,050 (1986). Generally, it is not necessary for applicants to identify their suppliers of petroleum products in order to receive a refund. Applicants who were end-users or ultimate consumers of petroleum products, whose businesses are unrelated to the petroleum industry, and who were not subject to the DOE price regulations are presumed to have been injured by any alleged crude oil overcharges. In order to receive a refund, end-users need not submit any further evidence of injury beyond the volume of petroleum products purchased during the period of price controls. *E.g.*, *A. Tarricone, Inc.*, 15 DOE ¶ 85,495 at 88,893–96 (1987). However, the end-user presumption of injury can be rebutted by evidence which establishes that the specific end-user in question was not injured by the crude oil overcharges. *E.g., Berry Holding Co.*, 16 DOE ¶ 85,405 at 88,797 (1987). If an interested party submits evidence that is sufficient to cast serious doubt on the end-user presumption, the applicant will be required to produce further evidence of injury. *E.g., NYP*, 18 DOE at 88,701–03. The United States District Court for the District of Kansas recently upheld the OHA's position that generalized evidence does not suffice to rebut the end-user presumption. If an interested party wishes to rebut the end-user

presumption it must present evidence relevant to the specific factual situation of the applicant. *In re: The Department of Energy Stripper Well Exemption Litigation*, 746 F. Supp. 1446 (D. Kan. 1990).

Reseller and retailer claimants must submit detailed evidence of injury, and may not rely on the presumptions of injury utilized in refund cases involving refined petroleum products. They can, however, use econometric evidence of the type employed in the OHA Report to the District Court in the Stripper Well Litigation, Fed. Energy Guidelines ¶ 90,507. Applicants who executed and submitted a valid waiver pursuant to one of the escrows established in the Stripper Well Agreement have waived their rights to apply for crude oil refunds under subpart V. *Mid-America Dairyman, Inc.* v. *Herrington*, 878 F. 2d 1448 (Temp. Emer. Ct. App. 1989); *accord, Boise Cascade Corp.*, 18 DOE ¶ 85,970 (1989).

Refunds to eligible claimants who purchased refined petroleum products will be calculated on the basis of a volumetric refund amount derived by dividing the alleged crude oil violation amounts involved in this determination ($788,586.45) by the total consumption of petroleum products in the United States during the period of price controls (2,020,997,335,000 gallons). *Mountain Fuel*, 14 DOE at 88,868 n.4. This yields a volumetric refund amount of $0.00000039 per gallon.

As we stated in previous Decisions, a crude oil refund applicant will be required to submit only one application for crude oil overcharge funds. *E.g., Allerkamp*, 17 DOE at 88,176. Any party that has previously submitted a refund application in the crude oil refund proceedings need not file another application. That previously filed application will be deemed to be filed in all crude oil proceedings as the procedures are finalized. A deadline of June 30, 1988 was established for the first pool of crude oil funds. The first pool was funded by crude oil refund proceedings, implemented pursuant to the MSRP, up to and including *Shell*. A deadline of October 31, 1989 was established for applications for refunds from the second pool of crude oil funds. The second pool was funded by those crude oil proceedings beginning with *World Oil Co.*, 17 DOE ¶ 85,568, *corrected*, 17 DOE ¶ 85,669 (1988), and ending with *Texaco Inc.*, 19 DOE ¶ 85,200, *corrected*, 19 DOE ¶ 85,236 (1989). The deadline for filing an application for refund from the third pool of funds was established as March 31, 1991 by *Bi-Petro, Inc.*, 20 DOE ¶ 85,071 (1990). The volumetric refund amount for the third pool of funds will be increased as additional crude oil violation amounts are received in the future. Notice of any additional amounts available in the future will be published in the **Federal Register**.

To apply for a refund, a claimant should submit an Application for Refund. Although an applicant need not use any special application form to apply for a crude oil refund, a suggested form has been prepared by the OHA and may be obtained by sending a written request to: Office of Hearings and Appeals, U.S. Department of Energy, 1000 Independence Avenue, SW., Washington, DC 20585

Each crude oil Application for Refund should contain the type of information specified by the OHA in past decisions. *See Texaco Inc.*, 9 DOE ¶ 85,200 at 88,374, *corrected*, 9 DOE ¶ 85,236 (1989); *Hood Goldsberry*, 18 DOE ¶ 85,902 at 89,477–78 (1989); *Wickett Refining Co.*, 18 DOE ¶ 85,659 at 89,081–82 (1989).

B. Payments to the States and Federal Government

Under the terms of the MSRP, the remaining eighty percent of the alleged crude oil violation amounts subject to this Decision, or $630,869.16, plus interest, should be disbursed in equal shares to the states and federal government for indirect restitution. Accordingly, we will direct the DOE's Office of the Controller to segregate the $630,896.16, plus interest, available for disbursement to the states and federal government and transfer one-half of that amount, or $315,434.58, plus interest, into an interest-bearing subaccount for the states, and one-half, or $315,434.58, plus interest, to an interest bearing subaccount for the federal government. At an appropriate time in the future, we will issue a Decision and Order directing the DOE's Office of the Controller to make the appropriate disbursements to the individual states. Refunds to the states will be in proportion to the consumption of petroleum products in each state during the period of price controls. The share or ratio of the funds which each state will receive is contained in Exhibit H of the Stripper Well Agreement. When disbursed, these funds will be subject to the same limitations and reporting requirements as all other crude oil monies received by the states under the Stripper Well Agreement.

It is therefore ordered that:

(1) Applications for Refund from the alleged crude oil overcharge funds remitted by Benton Pruet d/b/a P&R Trading Company and Trigon Exploration Company, Inc., *et al.*, may now be filed.

(2) All Applications submitted pursuant to paragraph (1) above must be filed in duplicate and postmarked no later than March 31, 1991.

(3) The Director of Special Accounts and Payroll, Office of Departmental Accounting and Financial Systems Development, Office of the Controller, Department of Energy, shall take all steps necessary to transfer $788,586.45 (plus interest) from the Benton Pruet d/b/a P&R Trading Company and Trigon Exploration Company, Inc., *et al.*, subaccounts, Account Numbers 6AOX00335W and 650C00374W, pursuant to Paragraphs (4), (5), and (6) of this decision.

(4) The Director of Special Accounts and Payroll shall transfer $315,434.58 (plus interest) of the funds obtained pursuant to paragraph (3) above, into the subaccount denominated "Crude Tracking-States," Number 999DOE003W.

(5) The Director of Special Accounts and Payroll shall transfer $315,434.58 (plus interest) of the funds obtained pursuant to paragraph (3) above, into the subaccount denominated "Crude Tracking-Federal," Number 999DOE002W.

(6) The Director of Special Accounts and Payroll shall transfer $157,717.29 (plus interest) of the funds obtained pursuant to paragraph (3) above, into the subaccount denominated "Crude Tracking-Claimants 3," Number 999DOE009Z.

Dated: December 13, 1990.

George B. Breznay,

Director, Office of Hearings and Appeals.

[FR Doc. 90–29715 Filed 12–18–90; 8:45 am]

BILLING CODE 6450–01–M

ENVIRONMENTAL PROTECTION AGENCY

[FRL–3871–1]

Agency Information Collection Activities Under OMB Review

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*) this notice announces that the Information Collection Request (ICR) abstracted below has been forwarded to the Office of Management and Budget (OMB) for review and comment. The ICR describes the nature of the information collection and its expected

cost and burden; where appropriate, it includes the actual data collection instrument.

DATES: Comments must be submitted on or before January 18, 1991.

FOR FURTHER INFORMATION CONTACT: Sandy Farmer at EPA, (202) 382–2740.

SUPPLEMENTARY INFORMATION:

Office of Air and Radiation

Title: National School Radon Survey (EPA ICR #1576.01). This ICR requests approval of a new collection.

Abstract: As required under section 307 of the Indoor Radon Abatement Act of 1988, EPA has designed this survey to determine the extent of radon contamination in the Nation's school buildings. The survey design requires a random sample of 270 school districts and a subsample of approximately 4 schools from each district. For each of the selected schools, EPA will ask an appropriate official to complete a questionnaire reporting the type of construction used in the school building and the heating and ventiliation characteristics. EPA will then use this building-specific data to select survey-eligible rooms for deployment of radon monitors. Radon measurement will begin early in 1991 and continue through June.

Based on this survey, EPA will be able to estimate the distribution of radon levels in schools nationwide, and to examine the relationships between radon levels and type of construction and location of rooms. EPA will use these results to develop guidance for addressing school radon problems.

Burden Statement: Public reporting burden for this collection of information to average 13.9 hours per school.

Respondents: Public school officials at the district and school levels.

Estimated No. of Respondents: 1578.

Estimated Total Annual Burden on Respondents: 21,916 hours.

Frequency of Collection: One-time survey.

Send comments regarding the burden estimate, or any other aspect of the information collection, including suggestions for reducing the burden, to: Sandy Farmer, U.S. Environmental Protection Agency, Information Policy Branch, 401 M Street, SW., Washington, DC 20460, and Nicolas Garcia, Office of Management and Budget, Office of Information and Regulatory Affairs, 725 17th Street, NW., Washington, DC 20530.

OMB Responses to Agency PRA Clearance Requests

EPA ICR #1536.01; Search for Environmental Information Resources; was approved 10/23/90; OMB #2040–0149; expires 10/31/91.

EPA ICR #0002.06; Pretreatment Reporting Requirements; was approved 10/19/90; OMB #2040-0009; expires 10/31/93.

EPA ICR #0277.04; Registration of Pesticides Under Section 3 of the Federal Insecticide, Fungicide, and Rodenticide Act, (FIFRA) as amended; was approved 11/08/90; OMB #2070–0060; expires 11/30/93.

EPA ICR #0276.04; Application for an Experimental Use Permit (EUP) to Ship and Use Pesticide for Experimental Purposes Only; was approved 11/16/90; OMB #2070–0040; expires 11/30/93.

EPA ICR #0909.03; Information Requirements for Construction Grants Delegation to States; was approved 11/09/90; OMB #2040–0095; expires 11/30/93.

EPA ICR #1560.01; National Water Quality Inventory Reports; was approved 11/14/90; OMB #2040–0071; expires 11/30/92.

Notice of Non-Renewal

EPA will not renew the clearance for ICR #1129; NSPS for Secondary Brass and Bronze Ingot Production Plant—Recordkeeping and Reporting Requirements (Subpart M); OMB #2060–0110. The Agency now submits the collection of information associated with this ICR to nine or fewer persons, and therefore the activity is no longer subject to OMB review under the Paperwork Reduction Act (PRA).

Dated: December 12, 1990.

Paul Lapsley,

Director, Regulatory Management Division.

[FR Doc. 90–29688 Filed 12–18–90; 8:45 am]

BILLING CODE 6560–50–M

[ECAO–RTP–0204; FRL–3871–4]

Inhalation Reference Concentrations Methodology Draft

AGENCY: Environmental Protection Agency.

ACTION: Notice of extension of public comment period.

SUMMARY: This notice announces the extension of the public comment period for the external review draft of "Interim Methods for Development of Inhalation Reference Concentrations," prepared by EPA's Environmental Criteria and Assessment Office of the Office of Health and Environmental Assessment.

DATES: In the September 26, 1990 **Federal Register** (55 FR 39321), EPA announced that the public comment period for the external review draft of this document would be from October 5 through December 12, 1990. The Agency is now extending the public comment period through January 18, 1991. Comments must be in writing and postmarked by January 18.

ADDRESSES: To obtain a copy of the external review draft, interested parties should write the ORD Publications Center, CERI–FRN, U.S. Environmental Protection Agency, 26 West Martin Luther King Drive, Cincinnati, OH 45268, or telephone (513) 569–7562 [FTS 684–7562] and request the external review draft of the "Interim Methods for Development of Inhalation Reference Concentrations." Please provide your name, mailing address, and the EPA document number, EPA/600/8–90/066A.

The external review draft is also available for public inspection and copying at the EPA Library, EPA Headquarters, Waterside Mall, 401 M Street, SW., Washington, DC.

Comments on the external review draft should be sent in writing to the Project Manager for Inhalation Rfc Methodology, Environmental Criteria and Assessment Office (MD–52), U.S. Environmental Protection Agency, Research Triangle Park, NC 27711.

FOR FURTHER INFORMATION CONTACT: Ms. Annie Jarabek, Environmental Criteria and Assessment Office (MD–52), U.S. Environmental Protection Agency, Research Triangle Park, NC 27711, (919) 541–4847, (FTS) 629–4847, [FAX] (919) 541–5078, [FAX] (FTS) 629–5078.

Dated: December 13, 1990.

Erich Bretthauer,

Assistant Administrator for Research and Development.

[FR Doc. 90–29684 Filed 12–18–90; 8:45 am]

BILLING CODE 6560–50–M

[FRL–3871–5]

Ecological Processes and Effects Committee of the Science Advisory Board; Fate and Effects Subcommittee; Open Meeting

Under Public Law 92–463, notice is hereby given that a meeting on the Fate and Effects Subcommittee of the Ecological Processes and Effects Committee (EPEC) of the Science Advisory Board (SAB) will be held on January 9–11, 1991. This meeting will be held at the EPA Environmental Research Laboratory, College Station Road, Athens, Georgia 30613.

The meeting will start at 1 p.m. on January 9 and will adjourn no later than 5 p.m. On January 11, and is open to the public. The main purpose of this meeting is to review three expert systems that

are being developed by EPA to predict chemical properties and the environmental fate and effects of chemicals. The research on expert systems is intended to assist EPA in evaluating applications for manufacture and release of new chemicals. The systems use or calculate basic information on the structure and physical properties of the chemicals to predict chemical activity and partitioning. Copies of background documents are available from Dr. John Rogers at the Athens Laboratory (Phone: (404) 546–3134).

For additional information concerning this meeting or to obtain an agenda, please contact Dr. Edward Bender, Designated Federal Official, Ecological Processes and Effects Committee (EPEC), Science Advisory Board (A–101–F), U.S. Environmental Protection Agency, 401 M Street, SW., Washington DC 20460 (Phone (202) 382–2552; Fax: (202) 475–9693). Anyone wishing to make a presentation at the meeting should forward a written statement to Dr. Bender no later than December 20, 1990. The Science Advisory Board expects that the public statements presented at its meetings will not be repetitive of previously submitted written statements. In general, each individual or group making an oral presentation will be limited to a total time of ten minutes. Seating at the meeting will be on a first come basis.

Dated: December 12, 1990.

Donald Barnes,

Director, Science Advisory Board.

[FR Doc. 90–29685 Filed 12–18–90; 8:45 am]

BILLING CODE 6560–50–M

[FRL 3871–9]

Science Advisory Board; Drinking Water Committee; Open Conference Call Meetings—January 2, 15 and 25, 1991

Under Public Law 92–463, notice is hereby given that three telephone conference call meetings of the Drinking Water Committee of the Science Advisory Board will be held January 2, 15 and 25, 1991 at the U.S. Environmental Protection Agency, 401 M Street SW., Administrator's Conference Room 1103WT, Washington, DC 20460. These conference calls will be from 2–4 p.m. The meeting is open to the public at the above location where telephone conference equipment is available, however seating is limited and is on a first come basis.

The purpose of the meetings is to consider issues related to the proposed Office of Research program for the health effects of ingested arsenic.

Documentation for this meeting is available from Dr. Jack Fowle, Health Effects Research Laboratory, MD–51, RTP, NC, 27711 telephone, 919–541–2479.

Any member of the public wishing to make a presentation at the meeting should forward a written statement two weeks prior to the call to Dr. C. Richard Cothern, Designated Federal Official, Science Advisory Board (A–101F), U.S. Environmental Protection Agency, Washington, DC 20460, telephone 202–382–2552 or telefax 202–475–9693.

The Science Advisory Board expects that the public statements presented at its meetings will not be repetitive of previously submitted statements. In general, each individual or group making an oral presentation will be limited to a total of ten minutes.

Dated: December 13, 1990.

Donald G. Barnes,

Director, Science Advisory Board.

[FR Doc. 90–29834 Filed 12–18–90; 8:45 am]

BILLING CODE 6560–50–M

[OPP–00295; FRL–3802–7]

Studies/Chronic Data Formats for Chronic/Carcinogenicity Rodent Bioassays; Notice of Availability and Request for Comments On the Formats

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of availability.

SUMMARY: This notice announces the availability of a report entitled "STUDIES/CHRONIC Data Formats for Chronic/Carcinogenicity Rodent Bioassays", which presents file formats for the electronic transfer of individual animal toxicological data (i.e., tumor incidence, body weight, food consumption, organ weights, clinical chemistry, hematology, and urinalysis) generated from long-term animal studies. The report contains: descriptions of computer file structure, the parameters necessary for data evaluation, and a description of how the various files relate to each other. Copies of this report are now available from the National Technical Information Service (NTIS PB90–213885). EPA and the Food and Drug Administration (FDA) are interested in identifying companies willing to participate in a case study using the STUDIES format. For the purposes of the case study, the immediate interest is restricted to long-term rodent chronic/carcinogenicity data.

DATES: Persons interested in participating in a case study or submitting written comments should contact EPA by February 19, 1991.

ADDRESSES: Copies of the report may be obtained from the National Technical Information Service, 5285 Port Royal Road, Springfield, VA 22161, ATTN: Order Desk.

FOR FURTHER INFORMATION CONTACT: By mail: Reto Engler, Health Effects Division, Office of Pesticides and Toxic Substances, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location and telephone number: Rm. 816G, CM #2, 1921 Jefferson Davis Highway, VA, (703)557–2193.

SUPPLEMENTARY INFORMATION: Through the cooperation and participation in an Interagency Electronic Data Transfer Workgroup sponsored by EPA's Office of Pesticide Programs, and represented by EPA, the Department of Health and Human Services' (DHHS) Food and Drug Administration (FDA) and National Center for Toxicological Research (NCTR), and the Consumer Product Safety Commission (CPSC), data formats for long-term rodent chronic/carcinogenicity studies have been developed. It is intended that these formats be available for the electronic transfer of toxicological data between industry and government; within and between industry; and within and between government agencies. Since a large amount of data are generated for animal bioassays, the evaluation process can be very complex and time-consuming. The STUDIES electronic format will facilitate the storage of toxicological data on electronic media such as tape or floppy disk, and the electronic transmission of data via modem. Data provided in electronic form would allow for faster evaluation and improved quality with respect to readability and ensuring completeness of reported data. The STUDIES format would allow for customized tabulation and summarization, more efficient use of computers, and the reduction of human error associated with hand counts and data transcription. The STUDIES format could eventually be extended to include acute toxicity studies, subchronic studies, developmental toxicity and reproduction studies, not only for rodents but other animal species as well. Since EPA's Office of Pesticide Programs is currently investigating methods of electronic data transfer as part of the new FIFRA amendments, the development of data formats such as

STUDIES will be considered in that effort.

Dated: December 1, 1990.

Victor J. Kimm,

Acting Assistant Administrator for Pesticides and Toxic Substances.

[FR Doc. 90–29464 Filed 12–18–90; 8:45 am]

BILLING CODE 6560–50–F

[OPTS–140141; FRL–3842–9]

Access to Confidential Business Information by Battelle Columbus Division and Westat, Inc.

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has authorized its contractor, Battelle Columbus Division (BCD), of Columbus, Ohio, and its subcontractor Westat, Incorporated (WES), of Rockville, Maryland, for access to information which has been submitted to EPA under sections 4, 6, 8, and 11 of the Toxic Substances Control Act (TSCA). Some of the information may be claimed or determined to be confidential business information (CBI).

DATES: Access to the confidential data submitted to EPA will occur no sooner than January 4, 1991.

FOR FURTHER INFORMATION CONTACT: Michael M. Stahl, Director, TSCA Environmental Assistance Division (TS–799), Office of Toxic Substances, Environmental Protection Agency, Rm. E–545, 401 M St., SW., Washington, DC 20460, (202) 554–1404, TDD: (202) 554–0551.

SUPPLEMENTARY INFORMATION: Under contract number 68–D0–0126, contractor BCD, of 505 King St., Columbus, OH and 2101 Wilson Boulevard, Arlington, VA, and its subcontractor WES, of 1650 Research Boulevard, Rockville, MD, will assist the Office of Toxic Substances (OTS) in assessing design, data collection, and analysis methods used to determine potential human exposures to toxic substances.

In accordance with 40 CFR 2.306(j), EPA has determined that under EPA contract number 68–D0–0126, BCD and WES will require access to CBI submitted to EPA under sections 4, 6, 8, and 11 of TSCA to perform successfully the duties specified under the contract. BCD and WES personnel will be given access to information submitted to EPA under sections 4, 6, 8, and 11 of TSCA. Some of the information may be claimed or determined to be CBI.

EPA is issuing this notice to inform all submitters of information under sections 4, 6, 8, and 11 of TSCA that EPA may provide BCD and WES access to these CBI materials on a need-to-know basis only. All access to TSCA CBI under this contract will take place at EPA Headquarters and BCD's facilities only.

BCD and WES have been authorized access to TSCA CBI at BCD's Columbus, OH and Arlington, VA facilities under the EPA "Contractor Requirements for the Control and Security of TSCA Confidential Business Information" security manual. EPA has approved BCD's security plans and has performed the required inspections of its facilities and has found the facilities to be in compliance with the manual. Upon completing review of the CBI materials, BCD will return all transferred materials to EPA.

Clearance for access to TSCA CBI under this contract may continue until September 30, 1993.

BCD and WES personnel will be required to sign nondisclosure agreements and will be briefed on appropriate security procedures before they are permitted access to TSCA CBI.

Dated: December 12, 1990.

Steve Newburg-Rinn,

Acting Director, Information Management Division, Office of Toxic Substances.

[FR Doc. 90–29682 Filed 12–18–90; 8:45 am]

BILLING CODE 6560–50–F

[OPTS–140140; FRL–3842–7]

Access to Confidential Business Information by David C. Cox and Associates

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has authorized its contractor, David C. Cox and Associates (DCA), of Washington, DC, for access to information which has been submitted to EPA under sections 4, 6, 8, and 11 of the Toxic Substances Control Act (TSCA). Some of the information may be claimed or determined to be confidential business information (CBI).

DATES: Access to the confidential data submitted to EPA will occur no sooner than January 4, 1991.

FOR FURTHER INFORMATION CONTACT: Michael M. Stahl, Director, TSCA Environmental Assistance Division (TS–799), Office of Toxic Substances, Environmental Protection Agency, Rm. E–545, 401 M St., SW., Washington, DC 20460, (202) 554–1404, TDD: (202) 554–0551.

SUPPLEMENTARY INFORMATION: Under contract number 68–D0–0099, contractor DCA, of 1620 22nd St., NW., Washington, DC, will assist the Office of Toxic Substances (OTS) in assessing design, data collection, and analysis methods used to determine potential human exposures to toxic substances.

In accordance with 40 CFR 2.306(j), EPA has determined that under EPA contract number 68–D0–0099, DCA will require access to CBI submitted to EPA under sections 4, 6, 8, and 11 of TSCA to perform successfully the duties specified under the contract. DCA personnel will be given access to information submitted under sections 4, 6, 8, and 11 of TSCA. Some of the information may be claimed or determined to be CBI.

EPA is issuing this notice to inform all submitters of information under sections 4, 6, 8, and 11 of TSCA that EPA may provide DCA access to these CBI materials on a need-to-know basis only. All access to TSCA CBI under this contract will take place at EPA Headquarters only.

Clearance for access to TSCA CBI under this contract may continue until September 30, 1993.

DCA personnel will be required to sign non-disclosure agreements and will be briefed on appropriate security procedures before they are permitted access to TSCA CBI.

Dated: December 12, 1990.

Steve Newburg-Rinn,

Acting Director, Information Management Division, Office of Toxic Substances.

[FR Doc. 90–29683 Filed 12–18–90; 8:45 am]

BILLING CODE 6560–50–F

[WH–FRL–3871–3]

Availability of Water Quality Criteria and Standards Guidance Documents

AGENCY: Environmental Protection Agency.

ACTION: Notice of availability.

SUMMARY: EPA announces the availability of two national guidance documents relating to the water quality standards program: "Biological Criteria National Program Guidance for Surface Waters" published pursuant to section 304(a) of the Clean Water Act and "National Guidance: Water Quality Standards for Wetlands."

ADDRESSES: Copies of these documents are available from the Criteria and Standards Division, Office of Water Regulations and Standards (WH–585), U.S. EPA, 401 M Street, SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Dr. George R. Gibson, Jr., Criteria Branch, regarding biological criteria or Jill Minter, Standards Branch, regarding water quality standards for wetlands. Telephone 202–475–7315.

SUPPLEMENTARY INFORMATION: EPA announces the availability of program guidance to assist States in developing narrative biological criteria for surface waters. The document supports an Office of Water priority included in the "FY 1991 Agency Operating Guidance" for State adoption of narrative biological criteria as part of State water quality standards during the FY 1991–1993 triennium.

Biological criteria will assist States in achieving the objective of the Clean Water Act, "* * * to restore and maintain the chemical, physical, and biological integrity of the nation's waters * * *", set forth in Section 101. Biological criteria guidance will help EPA comply with statutory requirements under section 304. Section 304(a) directs EPA to develop and publish water quality criteria and information on methods for measuring water quality and to establish water quality criteria for toxic pollutants on bases other than pollutant-by-pollutant, including biological monitoring and assessment methods.

EPA also announces the availability of program guidance to assist States in extending water quality standards to wetlands. This guidance is jointly issued by the Office of Water Regulations and Standards and the Office of Wetlands Protection. The document supports an Office of Water priority included in the "FY 1991 Agency Operating Guidance" for State adoption of water quality standards for wetlands during the FY 1991–1993 triennium.

Water quality standards for wetlands are necessary to ensure that the provisions of the Clean Water Act applied to other surface waters also are applied to wetlands. Although Federal regulations implementing the Clean Water Act include wetlands in the definition of "waters of the U.S." and therefore require water quality standards, a number of States have not developed water quality standards for wetlands and have not included wetlands in their definitions of "State waters." Applying water quality standards to wetlands is part of an overall effort to protect and enhance the Nation's wetland resources and provides a regulatory basis to meet this goal.

Copies of these guidance documents were sent to all State agencies responsible for water quality standards. A limited number of copies of these documents are available free of charge to interested persons by writing to the Criteria and Standards Division at the address shown above.

Dated: December 7, 1990.

Martha G. Prothro,

Director, Office of Water Regulations and Standards.

[FR Doc. 90–29686 Filed 12–18–90; 8:45 am]

BILLING CODE 6560–50–M

FEDERAL COMMUNICATIONS COMMISSION

Public Information Collection Requirements Submitted to the Office of Management and Budget for Review

December 11, 1990.

The Federal Communications Commission has submitted the following information collection requirements to OMB for review and clearance under the Paperwork Reduction Act of 1980 (44 U.S.C. 3507).

Copies of these submissions 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 these submissions contact Judy Boley, Federal Communications Commission, (202) 632–7513. Persons wishing to comment on these information collections should contact Jonas Neihardt, Office of Management and Budget, room 3235 NEOB, Washington, DC 20503, (202) 395–3785.

OMB Number: 3060–0119.

Title: Section 90.145, Special Temporary Authority.

Action: Extension.

Respondents: Individuals or households, state or local governments, non-profit institutions, and businesses or other for-profit (including small businesses).

Frequency of Response: On occasion.

Estimated Annual Burden: 6,000 responses; 30 minutes average burden per response; 3,000 hours total annual burden.

Needs and Uses: Under certain circumstances specified in § 90.145, the Commission will consider Special Temporary Authorizations (STA). A STA permits an applicant to conduct operations for up to 180 days without going through the normal application forms and procedures set out in part 90. In order to process a request for a STA, the FCC requires certain minimum information set out in writing, including need for special action, type and purpose of operation, station location, equipment type, frequencies and emissions. The data is used by FCC staff to determine if a grant of a STA is warranted and to allow the FCC to have certain minimum information about the station's characteristics should interference problems arise.

OMB Number: 3060–0274.

Title: Section 94.45, Modification of License.

Action: Extension.

Respondents: Individuals or households, state or local governments, non-profit institutions, and businesses or other for-profit (including small businesses).

Frequency of Response: On occasion.

Estimated Annual Burden: 40 responses; 10 minutes average burden per response; 7 hours total annual burden.

Needs and Uses: Section 94.45(b) requires the licensee changing its name and/or address to notify the Commission by letter of such a change. This requirement is necessary for maintaining an accurate data base. This notification requirement permits the FCC to quickly contact the licensee when necessary. The resolution of destructive interference cases would be needlessly hampered without this notification requirement because of inability to quickly contact licensees.

Federal Communications Commission.

Donna R. Searcy,

Secretary.

[FR Doc. 90–29638 Filed 12–18–90; 8:45 am]

BILLING CODE 6712–01–M

Public Information Collection Requirement Submitted to Office of Management and Budget for Review

December 12, 1990.

The Federal Communications Commission has submitted the following information collection requirement to OMB for reviewed 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: 3060–0339.

Title: Section 78.11, Permissible Service.

Action: Revision.

Respondents: Businesses or other for-profit (including small businesses).

Frequency of Response: On occasion reporting and recordkeeping requirement.

Estimated Annual Burden: 228 responses, .25 hours average burden per response; 2,270 recordkeepers, .5 hours average burden per recordkeeper, 1,192 hours total annual burden.

Needs and Uses: Records kept by CARS licensees in accordance with Section 78.11 are used by FCC staff to ensure that contributions to capital and operating expenses are accepted only on a cost-sharing, nonprofit basis. On October 11, 1990 the FCC adopted a Report and Order in Gen. Dockets No. 90–54 and 80–113 (55 FR 46006, 10/31/90) which amended rules of three separate microwave services that can be collectively used for the provision of "wireless cable". Among other things, CARS frequencies will now be available to other eligible systems (as defined in 47 CFR 78.5(j)). Section 78.11 was amended to the same recordkeeping and reporting requirements as current CARS licensees. The data is use by FCC staff in field investigations to ensure that contributions to capital and operating expenses are accepted only on a cost-sharing, nonprofit basis. The reporting requirement (notifications) will be used by FCC staff to provide information regarding alleged interference.

Federal Communications Commission.

Donna R. Searcy,

Secretary.

[FR Doc. 90–29639 Filed 12–18–90; 8:45 am]

BILLING CODE 6712-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control

Injury Research Grant Review Committee; Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), the Centers for Disease Control (CDC) announces the following committee meeting.

Name: Injury Research Grant Review Committee.

Time and date: 7 p.m.–9:30 p.m., January 13, 1991; 8 a.m.–5 p.m., January 14, 1991; 8 a.m.–4:30 p.m., January 15, 1991.

Place: The Atlanta Hilton, 255 Courtland Street, NE, Atlanta, Georgia 30303.

Status: Open 7 p.m.–9:30 p.m., January 13, 1991 Closed January 14–15, 1991.

Purpose: This committee is charged with advising the Secretary of Health and Human Services, the Assistant Secretary for Health, and the Director, CDC, regarding the scientific merit and technical feasibility of grant applications relating to the support of injury control research and demonstration projects and injury prevention research centers.

Matters to be Discussed: Agenda items for the meeting will include announcements, discussion of review procedures, future meeting dates, and review of grant applications. Beginning at 8 a.m., January 14, through 4:30 p.m., January 15, the Committee will conduct its review of grant applications. This portion of the meeting will be closed to the public in accordance with provisions set forth in section 552b(c) (4) and (6), title 5 U.S.C., and the Determination of the Director, CDC, pursuant to Public Law 92–463.

Agenda items are subject to change as priorities dictate.

Contact person for more information: Thomas Bartenfeld, Grants Manager, Division of Injury Control, Center for Environmental Health and Injury Control, CDC, 1600 Clifton Road, NE, Mailstop F36, Atlanta, Georgia 30333, telephone 404/488–4265 or FTS 236–4265.

Dated: December 12, 1990.

Elvin Hilyer,

Associate Director for Policy Coordination, Centers for Disease Control.

[FR Doc. 90–29654 Filed 12–18–90; 8:45 am]

BILLING CODE 4160-18-M

Food and Drug Administration

[Docket No. 90C-0406]

Bausch & Lomb Inc.; Filing of Color Additive Petition

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that Bausch & Lomb, Inc., has filed a petition proposing that the color additive regulations for medical devices be amended to provide for the safe use of 1,4-bis[4-(2-methacryloxyethyl) phenylamino]anthraquinone (C. I. Reactive Blue 246) copolymerized with hydroxyethyl methacrylate/N-vinyl pyrrolidone copolymer to color contact lenses.

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

SUPPLEMENTARY INFORMATION: Under the Federal Food, Drug, and Cosmetic Act (sec. 706(d)(1) (21 U.S.C. 376(d)(1))), notice is given that a petition (CAP 1C0229), has been filed by Bausch & Lomb, Inc., 1400 North Goodman St., Rochester, NY 14692–0450, proposing that § 73.3106 *1,4-Bis[4-(2-methacryloxyethyl) phenylamino]anthraquinone* (21 CFR 73.3106) of the color additive regulations be amended to provide for the safe use of 1,4-bis[4-(2-methacryloxyethyl) phenylamino]anthraquinone (C. I. Reactive Blue 246) copolymerized with hydroxyethyl methacrylate/N-vinyl pyrrolidone copolymer to color contact lenses.

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).

Dated: December 12, 1990.

Fred R. Shank,

Director, Center for Food Safety and Applied Nutrition.

[FR Doc. 90–29646 Filed 12–18–90; 8:45 am]

BILLING CODE 4160-01-M

[Docket No. 90F-0413]

Ciba-Geigy Corp.; Filing of Food Additive Petition

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that Ciba-Geigy Corp. has filed a petition proposing that the food additive regulations be amended to provide for the safe use of the ammonium, potassium, and sodium salts of maleic anhydride, polymer with ethyl acrylate and vinyl acetate, hydrolyzed, as a deposit control additive, prior to the sheet forming operation, to prevent scale buildup in the manufacture of paper and paperboard intended for use in contact with food.

FOR FURTHER INFORMATION CONTACT: Vir Anand, 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: Under the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5) (21 U.S.C. 348(b)(5))), notice is given that a petition (FAP 1B4234) has been filed by Ciba-Geigy Corp., Seven Skyline Dr., Hawthorne, NY 10532–2188. The petition proposes to amend the food additive regulations in *§ 176.170 Components of paper and paperboard in contact with aqueous and fatty foods* (21 CFR 176.170) to provide for the safe use of the ammonium, potassium, and sodium salts of maleic anhydride, polymer with ethyl acrylate and vinyl acetate, hydrolyzed, as a deposit control additive, prior to the sheet forming operation, to prevent scale buildup in the manufacture of paper and paperboard intended for use in contact with food.

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).

Dated: December 12, 1990.

Fred R. Shank,

Director, Center for Food Safety and Applied Nutrition.

[FR Doc. 90–29649 Filed 12–18–90; 8:45 am]

BILLING CODE 4160–01–M

[Docket No. 90F–0411]

Ciba-Geigy Corp.; Filing of Food Additive Petition

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that Ciba-Geigy Corp. has filed a petition proposing that the food additive regulations be amended to provide for the safe use of 1,2-bis(3,5-di-*tert*-butyl-4-hydroxyhydrocinnamoyl)hydrazine as a stabilizer in copolymers and polymers used in contact with food.

FOR FURTHER INFORMATION CONTACT: Julius Smith, 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: Under the Federal Food, Drug and Cosmetic Act (sec. 409(b)(5) (21 U.S.C. 348(b)(5))), notice is given that a petition (FAP 1B4237) has been filed by Ciba-Geigy Corp., Seven Skyline Dr., Hawthorne, NY 10532–2188. The petition proposes to amend the food additive regulations in *§ 178.2010 Antioxidants and/or stabilizers for polymers* (21 CFR 178.2010) to provide for the safe use of 1,2-bis(3,5-di-*tert*-butyl-4-hydroxyhydrocinnamoyl)hydrazine as a stabilizer in acrylonitrile-butadiene styrene copolymers and in polymers complying with *§ 177.2470 Polyoxymethylene copolymer* (21 CFR 177.2470) and *§ 177.2480 Polyoxymethylene homopolymer* (21 CFR 177.2480).

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).

Dated: December 12, 1990.

Fred R. Shank,

Director, Center for Food and Safety and Applied Nutrition.

[FR Doc. 90–29647 Filed 12–18–90; 8:45 am]

BILLING CODE 4160–01–M

[Docket No. 90F–0399]

E.I. du Pont de Nemours; Filing of Food Additive Petition

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that E.I. du Pont de Nemours & Co. has filed a petition proposing that the food additive regulations be amended to provide for the safe use of ethylene-vinyl acetate copolymer as a binding agent in crustacean feeds.

DATES: Written comments by February 19, 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: Woodrow M. Knight, Center for Veterinary Medicine (HFV–226), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–3390.

SUPPLEMENTARY INFORMATION: Under the Federal Food, Drug, and Cosmetic Act (section 409(b)(5) (21 U.S.C. 348(b)(5))), notice is given that a petition (FAP 2212) has been filed by E.I. du Pont de Nemours & Co., Polymer Products Department, Wilmington, DE 19898, proposing that the food additive regulations in 21 CFR part 573 be amended to provide for the safe use of ethylene-vinyl acetate copolymer at a level not to exceed 15 percent, as a binding agent in crustacean feeds.

The potential environmental impact of this action is being reviewed. The environmental assessment prepared by the petitioner may be seen at the Dockets Management Branch (address above). Comments from the public are invited. Those comments received by February 19, 1991 will be considered. 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). If the agency finds that an environmental impact statement is necessary, the final regulation, the final environmental impact statement, and the record of decision will be made available as prescribed in 40 CFR 1506.10.

Dated: December 12, 1990.

Gerald B. Guest,

Director, Center for Veterinary Medicine.

[FR Doc. 90–29650 Filed 12–18–90; 8:45 am]

BILLING CODE 4160–01–M

[Docket No. 89F–0079]

National Starch and Chemical Corp.; Withdrawal of Food Additive Petition

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the withdrawal, without prejudice to a future filing, of a food additive petition (FAP 9A4138) proposing that the food additive regulations be amended to provide for the safe use of sodium salts of sulfonated styrene and maleic anhydride copolymers as boiler water additives.

FOR FURTHER INFORMATION CONTACT: John W. Gordon, Center for Food Safety and Applied Nutrition (HFF–334), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–426–5487.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of April 6, 1989 (54 FR 13951), FDA published a notice that it had filed a petition (FAP 9A4138) from

the National Starch and Chemical Corp., Bridgewater, NJ 08807, that proposed to amend the food additive regulations to provide for the safe use of the sodium salts of sulfonated styrene and maleic copolymers as boiler water additives. National Starch and Chemical Corp. has now withdrawn the petition without prejudice to a future filing (21 CFR 171.7).

Dated: December 12, 1990.

Fred R. Shank,

Director, Center for Food Safety and Applied Nutrition.

[FR Doc. 90-29648 Filed 12-18-90; 8:45 am]

BILLING CODE 4160-01-M

Health Resources Services Administration

Rural Health Outreach Grant Program

AGENCY: Health Resources and Services Administration HHS.

ACTION: Notice of public meeting.

SUMMARY: The Office of Rural Health Policy, Health Resources and Services Administration (HRSA), is pleased to announce the establishment of a new grant program: Rural Health Outreach Grant Program. In connection with this new program, a public meeting is scheduled as shown below:

Date and Time: January 11, 1991, 9 a.m.

Place: Health Resources and Services Administration, Conference room E, Parklawn Building, Third floor, 5600 Fishers Lane, Rockville, Maryland 20857.

PURPOSE: The purpose of this meeting is to discuss HRSA's plans for implementing this new program.

Anyone interested in receiving additional information, should contact Mr. Jake Culp, Associate Administrator, Office of Rural Health Policy, room 14-22, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857, Telephone (301) 443-0835.

Because of the interest in this grant program and limited space, we must limit attendance to one individual per organization. Anyone interested in attending the meeting should contact Ms. Cheryl Roberts at (301) 443-0835 to register. Attendees will be responsible for their own expenses.

Dated: December 13, 1990.

Robert G. Harmon,

Administrator.

[FR Doc. 90-29651 Filed 12-18-90; 8:45 am]

BILLING CODE 4160-15-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[CO-920-01-4120-14; COC 51551]

Public Hearing and Request for Comments on Environmental Assessment, Maximum Economic Recovery Report and Fair Market Value; Application for Competitive Coal Lease CO; Colorado

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of public hearing.

SUMMARY: Bureau of Land Management, Colorado State Office, Lakewood, Colorado, hereby gives notice that a public hearing will be held to receive comments on the environmental assessment, maximum economic recovery, and fair market value of federal coal to be offered. An application for coal lease was filed by Western Fuels-Utah, Inc. requesting the Bureau of Land Management offer for competitive lease 1280 acres of Federal coal in Rio Blanco County, Colorado. An additional 80 acres of coal has been added in order to lease all of the recoverable coal in the area.

DATES: The public hearing will be held at 7 p.m., January 15, 1991. Written comments should be received no later than January 22, 1991.

ADDRESSES: The public hearing will be held in the Rangely Town Hall, 209 E. Main, Rangely, Colorado. Written comments should be addressed to the Bureau of Land Management, White River Resource Area Office, 73544 Highway 64, P.O. Box 928, Meeker, Colorado 81641.

FOR FURTHER INFORMATION CONTACT: Alan Schroeder, Surface Reclamation Specialist, White River Resource Area Office at the address above, or telephone (303) 878-3601.

SUPPLEMENTARY INFORMATION: Bureau of Land Management, Colorado State Office, Lakewood, Colorado, hereby gives notice that a public hearing will be held on January 15, 1991, at 7 p.m., in the Rangely Town Hall, 209 E. Main, Rangely, Colorado.

An application for coal lease was filed by Western Fuels-Utah, Inc., requesting the Bureau of Land Management offer for competitive lease the Federal coal in the lands outside established coal production regions hereinafter described;

T. 3 N., R. 101 W., 6th P.M.
Sec. 25, S½;
Sec. 26, SE¼SE¼;
Sec. 34, S½NE¼, and N½SE¼;
Sec. 35, NE¼NE¼, S½N½, and N½S½;
Sec. 36, N½, and N½S½.

The purpose of the hearing is to obtain public comments on the environmental assessment and on the following items:

(1) The method of mining to be employed to obtain maximum economic recovery of the coal,

(2) The impact that mining the coal in the proposed leasehold may have on the area, and

(3) Methods of determining the fair market value of the coal to be offered.

Written requests to testify orally at the January 15, 1991, public hearing should be received at the White River Resource Area Office prior to the close of business January 15, 1991. Those who indicate they wish to testify when they register at the hearing may have an opportunity if time is available.

In addition, the public is invited to submit written comments concerning the fair market value and maximum economic recovery of the coal resource. Public comments will be utilized in establishing fair market value for the coal resource in the described lands. Comments should address specific factors related to fair market value including, but not limited to:

1. The quality and quantity of the coal resource.

2. The price that the mined coal would bring in the market place.

3. The cost of producing the coal.

4. The interest rate at which anticipated income streams would be discussed.

5. Depreciation and other accounting factors.

6. The mining method or methods which would achieve maximum economic recovery of the coal.

7. Documented information on the terms and conditions of recent and similar coal land transactions in the lease sale area, and

8. Any comparable sales data of similar coal lands.

Should any information submitted as comments be considered to be proprietary by the commenter, the information should be labeled as such and started in the first page of the submission. Written comments on the environmental assessment, maximum economic recovery, and fair market value should be sent to the White River Resource Area Office at the above address prior to close of business on January 22, 1991.

Substantive comments, whether written or oral, will receive equal consideration prior to any lease offering.

The coal resource to be offered is limited to coal recoverable by underground mining methods

The Draft Environmental Assessment and Maximum Economic Recovery Report are available from the White River Resource Area office upon request.

A copy of the Draft Environmental Assessment, the Maximum Economic Recovery Report, the case file, and the comments submitted by the public, except those portions identified as proprietary by the commenter and meeting exemptions stated in the Freedom of Information Act, will be available for public inspection at the Colorado State Office, 2850 Youngfield Street, Lakewood, Colorado.

Dated: December 12, 1990.

Richard D. Tate,

Chief, Mining Law and Solid Minerals, Adjudication Section.

[FR Doc. 90–29595 Filed 12–18–90; 8:45 am]

BILLING CODE 4310–JB–M

[AZA–2409–A001]

Pima County, AZ; Conveyance of Mineral Interest Application

ACTION: Notice of receipt of conveyance of mineral interest application.

Notice is hereby given that pursuant to section 209 of the Act of October 21, 1976, 90 Stat. 2757, Judson A. and Betty D. Davison has applied for conveyance of the mineral estate described as follows:

Gila and Salt River Base and Meridian, Pima County AZ

T. 8 N., R. 1 W.
Sec. 6: Lots 1–7, S½NE¼SE¼NW¼, E½SW¼, SE¼.
Sec. 20: NE¼.
Sec. 21: N½, SE¼.
Sec. 22: SW¼.
T. 8 N., R. 2 W.
Sec. 10: S½, NE¼, S½NW¼.
Sec. 15: NE¼NW¼, NW¼NE¼.
T. 9 N., R. 2 W.
Sec. 23: S½NE¼, SE¼.
Sec. 24: S½NW¼, SW¼.
Sec. 25: N½NW¼.
Sec. 26: N½NE¼.

The mineral interest will be conveyed in whole or in part upon favorable mineral examination.

The purpose is to allow consolidation of surface and subsurface ownership for instances where the reservation of ownership of the mineral interest in the United States interferes with or precludes appropriate non-mineral development of the lands and such development would be a more beneficial use of the lands than its mineral development.

Additional information concerning this application may be obtained from the Area Manager, Phoenix Resource Area, Phoenix District Office, 2015 West Deer Valley Road, Phoenix, Arizona 85025.

Upon publication of this notice in the **Federal Register**, the mineral interests described above will be segregated to the extent that they will not be open to appropriation under the public land laws, including the mining laws. The segregative effect of the application shall terminate either upon issuance of a patent or other document of conveyance of such mineral interest, upon final rejection of the application or two years from the date of application, August 13, 1990, whichever occurs first.

Dated: December 10, 1990.

Henri R. Bisson,

District Manager.

[FR Doc. 90–29656 Filed 12–18–90; 8:45 am]

BILLING CODE 4310–32–M

[NV–010–91–4111–08]

Resource Management Plan; Elko, Eureka, and Lander Counties, NV

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of intent to prepare a fluid minerals amendment to the Elko resource management plan/environmental impact statement; Elko, Eureka and Lander Counties, Nevada; and notice of scoping period and public meetings.

SUMMARY: The Bureau of Land Management will be preparing a Fluids Minerals Amendment to update the Elko Resource Management Plan/Environmental Impact Statement (RMP/EIS) and to specifically address, in greater detail, how fluid minerals exploration and leasing will be accomplished in the Elko Resource Area and what impacts are expected to result. The Bureau invites comments and suggestions on the scope of the analysis.

EFFECTIVE DATES: The public scoping period is initiated with publication of this Notice of Intent, and ends on February 8, 1991. Scoping meetings will be held January 29, 1991, at the Bureau of Land Management, Elko District Office, 3900 E. Idaho, Elko, NV, and on January 30, 1991, at the Holiday Inn, 1000 E. 6th St., Reno, NV, to identify issues and concerns to be addressed in the Fluid Minerals Amendment to the Elko RMP/EIS and to encourage public participation in the planning process. Both meetings are scheduled from 7 p.m.–9 p.m. Bureau representatives will be available to answer questions about the Amendment. Written comments on the scope of the Amendment must be postmarked by February 8, 1991.

A Draft Fluids Amendment is scheduled to be completed by October 1991 and made available for public review and comment. At that time a Notice of Availability on the Draft Amendment will be published in the **Federal Register.** The comment period on the Draft Amendment will end 90 days from the date the Notice of Availability is published

FOR FURTHER INFORMATION CONTACT: Tom Schmidt, Elko RMP Coordinator, Bureau of Land Management, P.O. Box 831, Elko, NV 89801, or telephone (702) 738–4071.

SUPPLEMENTARY INFORMATION: The Elko RMP/EIS encompasses all of the Elko Resource Area of the Elko District, and is within portions of Elko, Eureka and Lander Counties in Nevada. Over 3.1 million acres are public lands administered by the BLM. This Resource Area administers lands which are identified as having potential for oil, gas and geothermal resources. The existing Elko RMP, approved in 1987, identified areas in the Resource Area that are currently open to oil and gas leasing, open with restrictions, or closed to leasing. Additionally, the Resource Management Plan identified areas of high, moderate, and low leasable minerals fluids potential. The Fluids Amendment for the Elko Resource Management Plan will analyze: (a) Conditions, stipulations or other special considerations that could apply to fluid mineral exploration and/or leasing in the Elko Resource Area (ERA) to protect, maintain, and enhance other resources, (b) cumulative effects of fluid mineral exploration and/or leasing in the ERA, (c) reasonable foreseeable development for fluid minerals exploration and leasing in the ERA, and (d) decisions implemented in the existing Elko RMP and Record of Decision concerning fluid mineral resources as a result of new analysis described in (a), (b), and (c) above.

A range of alternatives, stipulations and mitigation measures, including but not limited to the no-action alternative, will be considered to evaluate and minimize environmental impacts and to assure that the proposed action does not result in undue or unnecessary degradation of public lands. Federal, state and local agencies and other individuals or organizations who may be interested in or affected by the Bureau's decision on the Amendment to the Elko RMP/EIS are invited to participate in the scoping process for this environmental analysis. To be most

helpful, comments should be as specific as possible.

The Bureau of Land Management's scoping process for the RMP/EIS Amendment will include: (1) Identification of issues to be addressed; (2) identification of viable alternatives; (3) notification of interested groups, individuals and agencies so that additional information concerning these issues or other additional issues can be obtained.

Dated: December 13, 1990.

Fred Wolf,

Acting State Director, Nevada.

[FR Doc. 90-29655 Filed 12-18-90; 8:45 am]

BILLING CODE 4310-HC-M

Fish and Wildlife Service

Finding of No Significant Impact for Proposed Establishment of Captive Florida Panther Population

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice.

SUMMARY: This Notice advises the public that the Fish and Wildlife Service has determined that issuing Endangered Species Permits for removing a limited number of select Florida Panthers (*Felis concolor coryi*) from the wild population for the establishment and management of a captive population will not have a significant effect on the quality of the human environment within the meaning of section 102(2)(c) of the National Environmental Policy Act of 1969. This Finding Of Significant Impact (FONSI) is based on information presented or contained in the Final Environmental Assessment titled: A Proposal To Issue Endangered Species Permits To Capture Select Florida Panthers And Establish A Captive Population dated December 1990, the approved Florida Panther Recovery Plan, the Florida Panther Viability Analysis and Species Survival Plan, other pertinent scientific and technical data, and public comments received on the proposal and draft Environmental Assessment.

DATES: Endangered Species Permits applicable for the proposed activity will not be issued by the Fish and Wildlife Service until a minimum of 30 days after the publication of this Notice.

FOR FURTHER INFORMATION CONTACT: Dennis B. Jordan, Florida Panther Recovery Coordinator, U.S. Fish and Wildlife Service, 117 Newins-Ziegler Hall, University of Florida, Gainesville, Florida 32511-0307, telephone 904/392-1861.

SUPPLEMENTARY INFORMATION: The Florida panther (*Felis concolor coryi*) represents one of this Nation's most critically endangered animals. One population located in south Florida, represented by 30 to 50 individuals (excluding kittens), is all that remains. Recent population viability analysis conclusions indicate that the existing single population situation provides no security against extinction and under prevailing demographic and genetic conditions the Florida panther will likely be extinct in 25 to 40 years. A catastrophic event, such as a disease outbreak, could result in extinction in a much shorter period of time.

Existing data indicate that genetic diversity in the Florida panther is extremely limited and inbreeding conditions are likely compromising population viability. The present loss of genetic diversity has been estimated at 3 to 7 percent per generation. This loss would be expected to accelerate with a declining population. The Florida Panther Interagency Committee has concluded that security against extinction for the Florida panther can only be provided with actions to immediately preserve existing genetic diversity and significantly increase the population level (increase in panther numbers and populations). The Interagency Committee has determined that genetic preservation and significant population increases can best be accomplished through the establishment and management of a captive population.

The U.S. Fish and Wildlife Service developed seven alternatives for consideration in exploring possible avenues to provide security against extinction for the Florida panther (Final Environmental Assessment—A Proposal To Issue Endangered Species Permits To Capture Select Florida Panthers And Establish A Captive Population, December 1990. The alternatives were: Alternative 1—Intensify protection and enhancement of existing population. Alternative 2—Use animal translocations to address genetic problems and expand the population. Alternative 3—Establish a captive population to preserve existing genetic material and use captive propagation and reintroductions for population expansion. The captive population would be established over a 3- to 6-year period with emphasis on using kittens from the wild population (no more than six per year). Select older panthers could be used to achieve genetic representation that could not be met through the use of kittens (older animals would be limited to four the first year and one pair per year for following years). Alternative 4—Same basic concept as Alternative 3 except only kittens would be used to establish a captive population. Alternative 5—Same basic concept as Alternative 3 except only older panthers would be used to establish a captive population. Alternative 6—Same basic concept as Alternative 3 except all available panthers would be used to establish a captive population. Alternative 7—Introduce other cougar subspecies into the Florida panther population.

The U.S. Fish and Wildlife Service has concluded that Alternative 3 provides the best overall opportunity to achieve security against extinction and offer recovery opportunities for the Florida panther. The Service believes that this alternative provides the opportunity to achieve preservation of all existing genetic material represented in the wild population and provides avenues for significant population expansion in the wild, while having only minimal impacts on the wild population.

Dated: December 12, 1990.

James W. Pulliam, Jr.,

Regional Director.

[FR Doc. 90-29653 Filed 12-18-90; 8:45 am]

BILLING CODE 4310-55-M

INTERNATIONAL TRADE COMMISSION

[332-288]

Ethyl Alcohol for Fuel Use; Determination of the Base Quality of Imports

AGENCY: International Trade Commission.

ACTION: Notice of determination.

SUMMARY: Section 7 of the Steel Trade Liberalization Program Implementation Act (19 U.S.C. 2253 note), enacted in December 1989, concerns local feedstock requirements for fuel ethyl alcohol imported by the United States from CBI-beneficiary countries. The U.S. International Trade Commission's role as outlined in this Act is to determine annually for 2 years the U.S. domestic market for ethyl alcohol during the 12-month period ending on the preceding September 30. The domestic market estimate made by the Commission is to be used to establish the "base quantity" of imports that can be imported with a zero percent local feedstock requirement. Beyond the base quantity of imports, progressively higher local feedstock requirements are placed on imports of fuel ethyl alcohol and

mixtures from the CBI-beneficiary countries.

For purposes of making determinations of the U.S. market for ethyl alcohol as required by section 7 of the Act, the Commission instituted Investigation No. 332–288, Ethyl Alcohol for Fuel Use: Determination of the Base Quantity of Imports, in March 1990. The Commission uses official statistics of the U.S. Departments of Commerce and Treasury to make these determinations.

For the 12-month period ending September 30, 1990, the Commission has preliminarily determined the level of U.S. consumption of ethyl alcohol to be 1.21 billion gallons. Seven percent of this amount is 84.5 million gallons. Because the law specifies that the base quantity to be used by Customs in the administration of the law is the greater of 60 million gallons or 7 percent of U.S. consumption as determined by the Commission, the base quantity for 1991 should be 84.5 million gallons. It should be noted that certain of the data required to make the determination is being estimated by the Commission pending finalization of Treasury statistics through September 1990 for alcohol fuel producers. In the event that the finalized data change the base quantity estimate to be used in 1991, the Commission will notify the Customs Service and issue an amended **Federal Register** notice.

Section 225 of the Customs and Trade Act of 1990 (Pub. L. 101–382, August 20, 1990) amended the original language set forth in the Steel Trade Liberalization Program Implementation Act of 1989. In the amendment, a determination of the U.S. domestic market for ethanol will be made for each year after 1989.

EFFECTIVE DATE: December 11, 1990.

FOR FURTHER INFORMATION CONTACT: Mr. David G. Michels (202–252–1352) or Mr. James A. Emanuel (202–252–1367) in the Commission's Office of Industries. For information on legal aspects of the investigation contact Mr. William Gearhart of the Commission's Office of the General Counsel at 202–252–1091. Hearing-impaired individuals are advised that information on this matter can be obtained by contacting our TDD terminal on (202) 252–1810.

Issued: December 13, 1990.
By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 90–29701 Filed 12–18–90; 8:45 am]

BILLING CODE 7020–02–M

[Investigation No. 22–52]

Peanuts; Supplemental Investigation and Hearing

AGENCY: International Trade Commission.

ACTION: Institution of a supplemental investigation and scheduling of a hearing.

SUMMARY: The Commission instituted this supplemental investigation under section 22(d) of the Agricultural Adjustment Act, as amended (7 U.S.C. 624(d)), to determine whether the quota on imports of peanuts, shelled or not shelled, blanched, or otherwise prepared or preserved (except peanut butter), as set forth in subheading 9904.20.20 [1] of the Harmonized Tariff Schedule of the United States (HTS), may be suspended or terminated by the President because the circumstances requiring the current quota no longer exist, or whether the quota may be modified by the President due to changed circumstances. The current quota was imposed after it was determined that imports of peanuts were being or were practically certain to be imported into the United States under such conditions and in such quantities as to render or tend to render ineffective, or materially interfere with, a program or operation of the U.S. Department of Agriculture with respect to peanuts, or to reduce substantially the amount of any product processed in the United States from peanuts. The Commission expects to transmit its report to the President together with its findings and recommendations, not later than March 22, 1991.

For further information concerning the conduct of this investigation, hearing procedures, and rules of general application, consult the Commission's Rules of Practice and Procedure, part 201, subparts A through E, and part 204 (19 CFR parts 201, 204).

EFFECTIVE DATE: December 3, 1990.

FOR FURTHER INFORMATION CONTACT: Valerie Newkirk (202–252–1190), Office of Investigations, or Stephen Burket (202–252–1318), Agriculture Division, Office of Industries, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436. Hearing-impaired individuals can obtain information on this matter by contacting the Commission's TDD terminal on 202–252–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–252–1000.

SUPPLEMENTARY INFORMATION:

Background.—On October 12, 1990, the Commission received a request for an expedited hearing and investigation under section 22(d) of the Agricultural Adjustment Act of 1933 to remove entirely the restriction currently in effect on the importation of peanuts. In addition, an immediate suspension of the quota and an authorization of imports of 400 million pounds of peanuts (shelled basis) was requested pending the outcome of the investigation by the Commission. The request was filed by the Peanut Butter and Nut Processors Association, Potomac, MD, a national trade association of manufacturers of peanut butter, roasted and salted peanuts, peanut butter cracker sandwiches, and peanut bakery products.

On October 29, 1990, the Commission published in the **Federal Register** (55 FR 43418) a notice requesting comments concerning the Association's request for a supplemental investigation. Comments were to be filed by November 12, 1990. After reviewing the comments as well as the November 1990 crop report for peanuts, the Commission determined that there was sufficient basis for conducting a supplemental investigation.

Participation in the investigation.—Persons wishing to participate in this investigation as parties must file an entry of appearance with the Secretary to the Commission, as provided in § 201.11 of the Commission's rules (19 CFR 201.11), not later than twenty-one (21) days after the publication of this notice in the **Federal Register.** Any entry of appearance filed after this date will be referred to the Chairman, who will determine whether to accept the late entry for good cause shown by the person desiring to file the entry.

Service list.—Pursuant to § 201.11(d) of the Commission's rules (19 CFR 201.11(d)), the Secretary will prepare a service list containing the names and addresses of all persons, or their representatives, who are parties to this investigation upon the expiration of the period for filing entries of appearance. In accordance with § 201.16(c) of the rules (19 CFR 201.16(c)), each document filed by a party to the investigation must be served on all other parties to the investigation (as identified by the

[1] Subheading 9904.20.20 provides that whenever, in any 12-month period beginning August 1 in any year, an aggregate quantity of 775,189 kilograms (shelled basis) of peanuts, shelled or not shelled, blanched, or otherwise prepared or preserved (except peanut butter) provided for in HTS subheadings 1202.10, 1202.20, and 2008.11, has been entered, no such products may be entered during the remainder of such period. Peanuts in the shell are charged against the quota on the basis of 75 kilograms for each 100 kilograms of peanuts in the shell.

service list), and a certificate of service must accompany the document. The Secretary will not accept a document for filing without a certificate of service.

Hearing.—The Commission will hold a hearing in connection with this investigation beginning at 9:30 a.m. on January 22, 1991, at the U.S. International Trade Commission Building, 500 E Street SW., Washington, DC. Requests to appear at the hearing should be filed in writing with the Secretary to the Commission not later than the close of business (5:15 p.m.) on January 7, 1991. All persons desiring to appear at the hearing and make oral presentations should file prehearing briefs and attend a prehearing conference to be held at 9:30 a.m. on January 14, 1991, at the U.S. International Trade Commission Building. The deadline for filing prehearing briefs is January 15, 1991.

Testimony at the public hearing should be limited to a nonconfidential summary and analysis of material contained in prehearing briefs and to information not available at the time the prehearing brief was submitted. All legal arguments, economic analyses, and factual materials relevant to the public hearing should be included in prehearing briefs. Posthearing briefs must not exceed ten (10) pages of textual material, double spaced, on stationary measuring 8½ x 11 inches, and must be submitted not later than the close of business on January 29, 1991. In addition, the presiding official may permit persons to file answers to requests made by the Commission at the hearing within a specified time. The Secretary will not accept for filing posthearing briefs or answers which do not comply with the provisions contained in this notice.

Written submissions.—As mentioned, parties to this investigation may file prehearing and posthearing briefs by the dates shown above. In addition, any person who has not entered an appearance as a party to the investigation may submit a written statement of information pertinent to the subject of the investigation on or before January 29, 1991.

A signed original and fourteen (14) copies of each submission must be filed with the Secretary to the Commission in accordance with § 201.8 of the Commission's rules (19 CFR 201.8). All written submissions except for confidential business information will be available for public inspection during regular business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary to the Commission.

Any information for which confidential treatment is desired shall be submitted separately. The envelope and all pages of such submissions must be clearly labeled "Confidential Business Information." Confidential submissions and requests for confidential treatment must conform with the requirements of § 201.6 of the Commission's rules (19 CFR 201.6).

This supplemental investigation is being conducted pursuant to § 204.4 of the Commission's rules (19 CFR 204.4).

Issued: December 12, 1990.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 90–29700 Filed 12–18–90; 8:45 am]

BILLING CODE 7020–02–M

[Investigations Nos. 731–TA–458 and 459 (Final)]

Polyethylene Terephthalate Film, Sheet, and Strip From Japan and the Republic of Korea

AGENCY: International Trade Commission.

ACTION: Institution of final antidumping investigations and scheduling of a hearing to be held in connection with the investigations.

SUMMARY: The Commission hereby gives notice of the institution of final antidumping investigations Nos. 731–TA–458 and 459 (Final) under section 735(b) of the Tariff Act of 1930 (19 U.S.C. 1673d(b)) (the act) to determine whether an industry in the United States is materially injured, or is threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of imports from Japan and the Republic of Korea (Korea) of polyethylene terephthalate (PET) film, sheet, and strip,[1] provided for in subheading 3920.62.00 of the Harmonized Tariff Schedule of the United States, that have been found by the Department of Commerce, in preliminary determinations, to be sold in the United States at less than fair value (LTFV). Unless the investigations are extended, Commerce will make its final LTFV determinations on or before February 6, 1991, and the Commission will make its final injury determinations by March 27, 1991 (see sections 735(a) and 735(b) of the act (19 U.S.C. 1673d(a) and 1673d(b))).

For further information concerning the conduct of these investigations, hearing procedures, and rules of general application, consult the Commission's Rules of Practice and Procedure, part 207, subparts A and C (19 CFR part 207), and part 201, subparts A through E (19 CFR part 201).

EFFECTIVE DATE: November 28, 1990.

FOR FURTHER INFORMATION CONTACT: Tedford Briggs (202–252–1181), Office of Investigations, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436. Hearing-impaired individuals are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on 202–252–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–252–1000.

SUPPLEMENTARY INFORMATION:

Background.—These investigations are being instituted as a result of affirmative preliminary determinations by the Department of Commerce that imports of PET film, sheet, and strip from Japan and Korea are being sold in the United States at less than fair value within the meaning of section 733 of the act (19 U.S.C. 1673b). The investigations were requested in a petition filed on April 27, 1990, by E.I. du Pont de Nemours & Co., Wilmington, DE; Hoechst Celanese Corp., Charlotte, NC; and ICI Americas, Inc., Wilmington, DE. In response to that petition the Commission conducted preliminary antidumping investigations and, on the basis of information developed during the course of those investigations, determined that there was a reasonable indication that an industry in the United States was materially injured by reason of imports of the subject merchandise (55 FR 25181, June 20, 1990).

Participation in the investigations.—Persons wishing to participate in these investigations as parties must file an entry of appearance with the Secretary to the Commission, as provided in § 201.11 of the Commission's rules (19 CFR 201.11), not later than twenty-one (21) days after the publication of this notice in the **Federal Register**. Any entry of appearance filed after this date will be referred to the Chairman, who will determine whether to accept the late entry for good cause shown by the person desiring to file the entry.

Public service list.—Pursuant to § 201.11(d) of the Commission's rules (19 CFR 201.11(d)), the Secretary will

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[1] The product covered by these investigations is all gauges of raw, pretreated, or primed polyethylene terephthalate film, sheet, and strip, whether extruded or coextruded. The films excluded from the scope of these investigations are metallized films and other finished films that have had at least one of their surfaces modified by the application of a performance-enhancing resinous or inorganic layer more than 0.00001 inches (0.254 micrometers) thick.

prepare a public service list containing the names and addresses of all persons, or their representatives, who are parties to these investigations upon the expiration of the period for filing entries of appearance. In accordance with §§ 201.16(c) and 207.3 of the rules (19 CFR 201.16(c) and 207.3), each public document filed by a party to the investigations must be served on all other parties to the investigations (as identified by the public service list), and a certificate of service must accompany the document. The Secretary will not accept a document for filing without a certificate of service.

Limited disclosure of business proprietary information under a protective order and business proprietary information service list.—Pursuant to § 207.7(a) of the Commission's rules (19 CFR 207.7(a)), the Secretary will make available business proprietary information gathered in these final investigations to authorized applicants under a protective order, provided that the application be made not later than twenty-one (21) days after the publication of this notice in the **Federal Register**. A separate service list will be maintained by the Secretary for those parties authorized to receive business proprietary information under a protective order. The Secretary will not accept any submission by parties containing business proprietary information without a certificate of service indicating that it has been served on all the parties that are authorized to receive such information under a protective order.

Staff report.—The prehearing staff report in these investigations will be placed in the nonpublic record on February 4, 1991, and a public version will be issued thereafter, pursuant to § 207.21 of the Commission's rules (19 CFR 207.21).

Hearing.—The Commission will hold a hearing in connection with these investigations beginning at 9:30 a.m. on February 21, 1991, at the U.S. International Trade Commission Building, 500 E Street SW., Washington, DC. Requests to appear at the hearing should be filed in writing with the Secretary to the Commission not later than the close of business (5:15 p.m.) on February 7, 1991. A nonparty who has testimony that may aid the Commission's deliberations may request permission to present a short statement at the hearing. All parties and nonparties desiring to appear at the hearing and make oral presentations should attend a prehearing conference to be held at 9:30 a.m. on February 15, 1991, at the U.S. International Trade Commission Building. Pursuant to § 207.22 of the Commission's rules (19 CFR 207.22) each party in encouraged to submit a prehearing brief to the Commission. The deadline for filing prehearing briefs is February 14, 1991. If prehearing briefs contain business proprietary information, a nonbusiness proprietary version is due February 15, 1991.

Testimony at the public hearing is governed by § 207.23 of the Commission's rules (19 CFR 207.23). This rule requires that testimony be limited to a nonbusiness proprietary summary and analysis of material contained in prehearing briefs and to information not available at the time the prehearing brief was submitted. Any written materials submitted at the hearing must be filed in accordance with the procedures described below and any business proprietary materials must be submitted at least three (3) working days prior to the hearing (see § 201.6(b)(2) of the Commission's rules (19 CFR 201.6(b)(2))).

Written submissions.—Prehearing briefs submitted by parties must conform with the provisions of § 207.22 of the Commission's rules (19 CFR 207.22) and should include all legal arguments, economic analyses, and factual materials relevant to the public hearing. Posthearing briefs submitted by parties must conform with the provisions of § 207.24 (19 CFR 207.24) and must be submitted not later than the close of business on February 27, 1991. If posthearing briefs contain business proprietary information, a nonbusiness proprietary version is due February 28, 1991. In addition, any person who has not entered an appearance as a party to the investigations may submit a written statement of information pertinent to the subject of the investigations on or before February 27, 1991.

A signed original and fourteen (14) copies of each submission must be filed with the Secretary to the Commission in accordance with § 201.8 of the Commission's rules (19 CFR 201.8). All written submissions except for business proprietary data will be available for public inspection during regular business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary to the Commission.

Any information for which business proprietary treatment is desired must be submitted separately. The envelope and all pages of such submissions must be clearly labeled "Business Proprietary Information." Business proprietary submissions and requests for business proprietary treatment must conform with the requirements of §§ 201.6 and 207.7 of the Commission's rules (19 CFR 201.6 and 207.7).

Parties which obtain disclosure of business proprietary information pursuant to § 207.7(a) of the Commission's rules (19 CFR 207.7(a)) may comment on such information in their prehearing and posthearing briefs, and may also file additional written comments on such information no later than March 4, 1991. Such additional comments must be limited to comments on business proprietary information received in or after the posthearing briefs. A nonbusiness proprietary version of such additional comments is due March 5, 1991.

Authority: These investigations are being conducted under authority of the Tariff Act of 1930, title VII. This notice is published pursuant to § 207.20 of the Commission's rules (19 CFR 207.20).

Issued: December 11, 1990.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 90-29698 Filed 12-18-90; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 731-TA-52 (Final)]

Sheet Piling From Canada; Antidumping Investigation

AGENCY: United States International Trade Commission.

ACTION: Continuation of a final antidumping investigation and scheduling of a hearing to be held in connection with the investigation.

SUMMARY: the Commission hereby gives notice of the continuation of final antidumping investigation No. 731-TA-52 (Final) under section 732(b) of the Tariff Act of 1930 (19 U.S.C. 1673d(b)) (the act) to determine whether an industry in the United States is materially injured, or is threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of imports from Canada of sheet piling, provided for in subheading 7301.10.00 of the Harmonized Tariff Schedule of the United States, that have been found by the Department of Commerce, in a preliminary determination, to be sold in the United States at less than fair value (LTFV). Unless the investigation is extended, the Commission will make its final injury determination by March 28, 1991 (see sections 735(a) and 735(b) of the act (19 U.S.C. 1673d(a) and 1673d(b))).

For further information concerning the conduct of this investigation, hearing

procedures, and rules of general application, consult the Commission's Rules of Practice and Procedure, part 207, subparts A and C (19 CFR part 207), and part 201, subparts A through E (19 CFR part 201)

EFFECTIVE DATE: November 29, 1990.

FOR FURTHER INFORMATION CONTACT: Elizabeth A. Haines (202–252–1200), Office of Investigations, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436. Hearing-impaired individuals are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on 202–252–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–252–1000.

SUPPLEMENTARY INFORMATION:

Background.—The Department of Commerce published notice in the Federal Register on November 29, 1990 (55 FR 49551), that the suspension agreement concerning sheet piling from Canada (which was published in the Federal Register on September 15, 1982 (47 FR 40683) has been cancelled because sales at less than fair value were found during the period of review. As a consequence, Commerce has resumed its antidumping investigation as if its affirmative preliminary determination were made on the date of the publication of its notice to resume the investigation.

The investigation was originally initiated by the Department of Commerce on November 24, 1981, pursuant to section 732(a) of the Tariff Act of 1930 (19 U.S.C. 1673a(a)). Accordingly, the Commission conducted a preliminary antidumping investigation and, on the basis of information developed during the course of that investigation, determined that there was a reasonable indication that an industry in the United States was materially injured by reason of imports of the subject merchandise (47 FR 2947, Jan. 20, 1982).

Participation in the investigation.—Persons wishing to participate in this investigation as parties must file an entry of appearance with the Secretary to the Commission, as provided in § 201.11 of the Commission's rules (19 CFR 201.11), not later than twenty-one (21) days after the publication of this notice in the Federal Register. Any entry of appearance filed after this date will be referred to the Chairman, who will determine whether to accept the late entry for good cause shown by the person desiring to file the entry.

Public service list.—Pursuant to § 201.11(d) of the Commission's rules (19 CFR 201.11(d)), the Secretary will appear a public service list containing the names and addresses of all persons, or their representatives, who are parties to this investigation upon the expiration of the period for filing entries of appearance. In accordance with § § 201.16(c) and 207.3 of the rules (19 CFR 201.16(c) and 207.3), each public document filed by a party to the investigation must be served on all other parties to the investigation (as identified by the public service list), and a certificate of service must accompany the document. The Secretary will not accept a document for filing without a certificate of service.

Limited disclosure of business proprietary information under a protective order and business proprietary information service list.—Pursuant to § 207.7(a) of the Commission's rules (19 CFR 207.7)), the Secretary will make available business proprietary information gathered in this final investigation to authorized applicants under a protective order, provided that the application be made not later than twenty-one (21) days after the publication of this notice in the Federal Register. A separate service list will be maintained by the Secretary for those parties authorized to receive business proprietary information under a protective order. The Secretary will not accept any submission by parties containing business proprietary information without a certificate of service indicating that it has been served on all the parties that are authorized to receive such information under a protective order.

Staff report.—The prehearing staff report in this investigation will be placed in the nonpublic record on January 28, 1991, and a public version will be issued thereafter, pursuant to § 207.21 of the Commission's rules (19 CFR 207.21).

Hearing.—The Commission will hold a hearing in connection with this investigation beginning at 9:30 a.m. on February 12, 1991, at the U.S. International Trade Commission Building, 500 E Street SW., Washington, DC. Requests to appear at the hearing should be filed in writing with the Secretary to the Commission not later than the close of business (5:15 p.m.) on February 4, 1991. A nonparty who has testimony that may aid the Commission's deliberations may request permission to present a short statement at the hearing. All parties and nonparties desiring to appear at the hearing and make oral presentations should attend a prehearing conference to be held at 9:30 a.m. on February 7, 1991, at the U.S. International Trade Commission Building. Pursuant to § 207.22 of the Commission's rules (19 CFR 207.22) each party is encouraged to submit a prehearing brief to the Commission. The deadline for filing prehearing briefs is February 7, 1991. If prehearing briefs contain business proprietary information, a nonbusiness proprietary version is due February 8, 1991.

Testimony at the public hearing is governing by section 207.23 of the Commission's rules (19 CFR 207.23). This rule requires that testimony be limited to a nonbusiness proprietary summary and analysis of material contained in prehearing briefs and to information not available at the time the prehearing brief was submitted. Any written materials submitted at the hearing must be filed in accordance with the procedures described below and any business proprietary materials must be submitted at least three (3) working days prior to the hearing (see § 201.6(b)(2) of the Commission's rules (19 CFR 201.6(b)(2))).

Written submissions.—Prehearing briefs submitted by parties must conform with the provisions of § 207.22 of the Commission's rules (19 CFR 207.22) and should include all legal arguments, economic analyses, and factual materials relevant to the public hearing. Posthearing briefs submitted by parties must conform with the provisions of § 207.24 (19 CFR 207.24) and must be submitted not later than the close of business on February 19, 1991. If posthearing briefs contain business proprietary information, a nonbusiness proprietary version is due February 20, 1991. In addition, any person who has not entered an appearance as a party to the investigation may submit a written statement of information pertinent to the subject of the investigation on or before February 19, 1991.

A signed original and fourteen (14) copies of each submission must be filed with the Secretary to the Commission in accordance with section 201.8 of the Commission's rules (19 CFR 201.8). All written submissions except for business proprietary data will be available for public inspection during regular business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary to the Commission.

Any information for which business proprietary treatment is desired must be submitted separately. The envelope and all pages of such submissions must be clearly labeled "Business Proprietary Information." Business proprietary submissions and requests for business

proprietary treatment must conform with the requirements of § § 201.6 and 207.7 of the Commission's rules (19 CFR 201.6 and 207.7).

Parties which obtain disclosure of business proprietary information pursuant to § 207.7(a) of the Commission's rules (19 CFR 207.7(a)) may comment on such information in their prehearing and posthearing briefs, and may also file additional written comments on such information no later than February 26, 1991. Such additional comments must be limited to comments on business proprietary information received in or after the posthearing briefs. A nonbusiness proprietary version of such additional comments is due February 27, 1991.

Authority: This investigation is being conducted under authority of the Tariff Act of 1930, title VII. This notice is published pursuant to § 207.20 of the Commission's rules (19 CFR 207.20).

Issued: December 14, 1990.

By order of the Commission.

Kenneth R. Mason,

Secretary

[FR Doc. 90–29697 Filed 12–18–90; 8:45 am]

BILLING CODE 7020–02–M

[Investigations Nos. 701–TA–305 and 306, and 731–TA–476 through 482 (Preliminary)

Steel Wire Rope From Argentina, Chile, India, Israel, Mexico, The People's Republic of China, Taiwan, and Thailand

AGENCY: United States International Trade Commission.

AMENDMENTS: FR Doc. 90–26714, published in the **Federal Register** beginning on page 47145 in the issue of Friday, November 9, 1990, is hereby amended to delete all references to investigation No. 303–TA–21 (Preliminary), steel wire rope from Thailand. Such references were unnecessary because Thailand currently is not entitled to an injury test with regard to a countervailing duty investigation that has been initiated on steel wire rope. Specifically, the following amendments to FR Doc. 90–26714 are in order: (1) "303–TA–21," which appears in the list of investigation numbers in the first column on page 47145, is hereby deleted; (2) "and investigation No. 303–TA–21 (Preliminary) under section 303 of the Tariff Act (19 U.S.C. 1303)," which begins at the end of the first column on page 47145, is deleted; (3) "India, Israel and Thailand", which begins on the ninth line of the second column on page 47145 and also on the twelfth line of the second column on page 47145, is replaced by "India and Israel"; and (4) "703(a), 733(a) and 303," which begins on the thirty-fourth line of the second column on page 47145, is replaced by "703(a) and 733(a),".

Issued: December 11, 1990.

By order of the Commission.

Kenneth R. Mason,

Secretary

[FR Doc. 90–29702 Filed 12–18–90; 8:45 am]

BILLING CODE 7020–02–M

INTERSTATE COMMERCE COMMISSION

[Ex Parte No. 489]

Railroad Revenue Adequacy—1989 Determination

AGENCY: Interstate Commerce Commission.

ACTION: Extension of time to file Petitions for Reconsideration of Commission's decision.

SUMMARY: On November 16, 1990, the Commission served the decision in this proceeding, (7 ICC 2d 158 (1990)). The Association of American Railroads (AAR) has requrested an extension of time until January 30, 1991, to file a Petition for Reconsideration. The request shall be granted. Additional time is necessary for AAR to prepare its comments. Any other party wishing to submit a similar motion will also have until January 30, 1991, in which to respond.

DATES: Petitions for Reconsideration of the Commission's final decision are due January 30, 1991.

ADDRESSES: Send an original and 15 copies of comments to: Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20523.

FOR FURTHER INFORMATION CONTACT: Ward L. Ginn, Jr., (202) 275–7489. (TDD for the hearing impaired: (202) 275–1721).

Dated: December 13, 1990.

By the Commission, Edward J. Philbin, Chairman.

Sidney L. Strickland, Jr.,

Secretary.

[FR Doc. 90–29705 Filed 12–18–90; 8:45 am]

BILLING CODE 7035–01–M

[Docket No. AB–6 (Sub–No. 324X)]

Burlington Northern Railroad Co.; Abandoment Exemption in Jasper County, MO

AGENCY: Interstate Commerce Commission.

ACTION: Notice of exemption.

SUMMARY: The Commission exempts from the prior approval requirements of 49 U.S.C. 10903–19004 the abandonment by Burlington Northern Railroad Company of 4.37 miles of rail line between milepost 330.20, at Joplin, and milepost 325.83, at Webb City, in Jasper County, MO, subject to standard labor protective conditions and a trail use/rail banking condition.

DATES: Provided no formal expression of intent to file an offer of financial assistance has been received, this exemption will be effective on January 18, 1991. Formal expressions of intent to file an offer [1] of financial assistance under 49 CFR 1152.27(c)(2) must be filed by December 29, 1990, petitions to stay must be filed by January 7, 1991, and petitions for reconsideration must be filed by January 17, 1991. Requests for a public use condition must be filed by December 31, 1990.

ADDRESSES: Send pleading referring to Docket No. AB–6 (Sub-No. 324X) to:

(1) Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423, and

(1) Petitioner's representative: Sarah J. Whitley, Burlington Northern Railroad Company, 3800 Continental Plaza, 777 Main Street, Fort Worth, TX 76102.

FOR FURTHER INFORMATION CONTACT: Joseph H.Dettmar, (202) 275–7245. [TDD for hearing impaired (202) 275–1271].

SUPPLEMENTARY INFORMATION: Additional information is contained in the Commission's decision. To purchase a copy of the full decision, write to, call, or pickup in person from: Dynamic Concepts, Inc., room 2229, Interstate Commerce Commission Building, Washington, DC 20423. Telephone: (202) 287–4357/4359. [Assistance for the hearing impaired is available through TDD service (202) 275–1721].

Decided: December 12, 1990.

By the Commission, Chairman Philbin, Vice Chairman Phillips, Commissioners Simmons, Emmett, and McDonald.

Sidney L. Strickland, Jr.,

Secretary.

[FR Doc. 90–29706 Filed 12–18–90; 8:45 am]

BILLING CODE 7035–01–M

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[1] *See Exempt. of Rail Abandonment—Offers of Finan. Assist.*, 4 I.C.C.2d 164 (1987).

JUDICIAL CONFERENCE OF THE UNITED STATES

Meeting of the Judicial Conference Standing Committee on Rules of Practice and Procedure

AGENCY: Judicial Conference of the United States.

SUBAGENCY: Committee on Rules of Practice and Procedure.

ACTION: Notice of open meeting.

SUMMARY: There will be a one-day meeting of the Judicial Conference Committee on Rules of Practice and Procedure. The meeting will be open to public observation but not participation. The meeting will commence at 8:30 a.m.

DATES: February 4, 1991.

ADDRESSES: Administrative Office of the United States Courts, 811 Vermont Avenue NW., room 638, Washington, DC 20544.

FOR FURTHER INFORMATION CONTACT: James E. Macklin, Jr., Secretary, Committee on Rules of Practice and Procedure, Administrative Office of the United States Courts, Washington, DC 20544, telephone (202) 633–6021.

Dated: December 10, 1990.

James E. Macklin, Jr.,

Secretary, Committee on Rules of Practice and Procedure.

[FR Doc. 90–29594 Filed 12–18–89; 8:45 am]

BILLING CODE 2210–01–M

NATIONAL CREDIT UNION ADMINISTRATION

Release of Automated Data Processing Files

AGENCY: National Credit Union Administration.

ACTION: Notice.

SUMMARY: The National Credit Union Administration (NCUA) Board on October 19, 1990, approved release of automated data processing files to the United States Department of Commerce, National Technical Information Service (NTIS) for dissemination of nonrestricted credit union data to the public in response to requests made under the provisions of the Freedom of Information Act (FOIA).

EFFECTIVE DATE: January 1, 1991.

FOR FURTHER INFORMATION CONTACT: Wilmer Theard or Patricia Slye, Administrative Office, National Crecit Union Administration, 1776 G Street NW., Washington, DC 20456, (202) 682–9700.

SUPPLEMENTARY INFORMATION: The Freedom of Information Act (5 U.S.C. 552) and fee guidance thereunder issued by the Office of Management and Budget provide that agencies may elect to have frequently releasable information disseminated through the United States Department of Commerce, National Technical Information Service (NTIS). Nonrestricted credit union data will be released to NTIS on a semiannual basis beginning with the December 31, 1990, reporting cycle. Requests for current credit union financial and statistical data, historical financial and statistical data tapes, mailing labels, listings of credit unions, credit union director tapes may be obtained directly from NTIS. NCUA will refer FOIA requesters to NTIS to purchase the information instead of filling the request under FOIA. NTIS operates a statutory-based fee schedule for particular types of records.

NTIS informational services include telephone requests, subscription service, FAX of telex, on-line through commercial information companies and direct access into NTIS order systems using a personal computer. Requesters may pay for information products and services by major credit cards, NTIS deposit account, billing through a purchase order in addition to check or money order.

Becky Baker,

Secretary to the NCUA Board.

[FR Doc. 90–29665 Filed 12–18–90; 8:45 am]

BILLING CODE 7535–01–M

NUCLEAR REGULATORY COMMISSION

Advisory Committee on the Medical Uses of Isotopes; Meeting Notice

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of meeting.

SUMMARY: The Nuclear Regulatory Commission (NRC) will convene a meeting of the Advisory Commission on the Medical Uses of Isotopes (ACMUI) to provide the ACMUI with status reports on medical use rulemakings, and request ACMUI guidance on certain regulatory and administrative issues. The NRC staff will provide the ACMUI with status reports on a petition for rulemaking about the practice of medicine and pharmacy and on basic quality assurance in medical use, and on the development of a Visiting Fellows Program. The ACMUI will provide comments and guidance on how to proceed with these projects.

DATES: The meeting will begin at 8:30 a.m. on January 14 and 15, 1991.

ADDRESSES: Meeting: Marriott Suites Hotel, 801 N. St. Asaph St., Alexandria, VA.

Comments: Submit comments regarding the agenda items to Larry Camper, Medical and Academic Section, 6H3, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

FOR FURTHER INFORMATION CONTACT: Larry W. Camper, Office of Nuclear Material Safety and Safeguards, (301) 492–3417, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

SUPPLEMENTARY INFORMATION:

Status Reports

Basic quality assurance in medical use. The NRC published proposed amendments to 10 CFR part 35 that would require medical use licensees to establish and implement a basic quality assurance (QA) program (see 55 FR 1439). The NRC also proposed certain modifications to the definition of "misadministration" and to the related reporting and recordkeeping requirements. Approximately 72 NRC and Agreement State licensees participated in a Pilot Program to develop and implement QA programs meeting the proposed rule. The staff will report on the progress to date on this project, including reports on pilot program participant workshops, that were held after the Pilot Program, and meetings with the medical community on the rule. Members of ACMUI who observed the workshops will report their observations. The staff will review its plans for completing the final rulemaking by March 1991.

Practice of medicine and pharmacy. The American College of Nuclear Physicians and the Society of Nuclear Medicine (ACNP–SNM) submitted a petition for rulemaking (see 54 FR 38229) requesting that the Commission revise its regulations to give cognizance to the appropriate scope of their practice of medicine and pharmacy and thereby allow nuclear physicians and nuclear pharmacists to reconstitute non-radioactive kits differently from the method recommended by the manufacturers; allow nuclear physicians and nuclear pharmacists to prepare radiopharmaceuticals whose manufacture and distribution are not regulated by the Food and Drug Administration (FDA); and permit nuclear physicians to determine appropriate diagnostic and therapeutic applications of radiopharmaceuticals. The NRC published an interim final rule (see 55 FR 34513) that responded to a portion of the petition. The staff will report on the progress to date on this project as well as its plan for addressing

the remaining issues in the petition through future rulemaking.

Visiting fellows program. The Commission has initiated a Visiting Fellows Program. The staff will provide a status report on the first nomination review process.

Supervision. The issue of adequate supervision as required in 10 CFR part 35, relative to the appropriate level of supervision for physicians in training to be listed on NRC licenses as physician authorized users, and for all individuals performing tasks delegated by authorized users will be addressed by the NRC staff. ACMUI members will be requested to provide comments.

Expansion of the ACMUI. The NRC is expanding the membership of the ACMUI to include members such as those representing patients' rights and care, the U.S. Public Health Service, the Food and Drug Administration, and the States in order to obtain balanced input on medical policy issues. The staff will provide a status report on the expansion process including a discussion of the future composition of the ACMUI.

Agenda items for future ACMUI meetings. The staff will provide ACMUI members with alternative topics for future meetings and will solicit input from members on items for future consideration.

Conduct of the Meeting

Barry Siegel, M.D., will chair the meeting. Dr. Siegel will conduct the meeting in a manner that will facilitate the orderly conduct of business.

The following procedures apply to public participation in the meeting.

1. Persons may submit written comments regarding the agenda items by sending a reproducible copy to Mr. Camper (see "ADDRESSES" heading). Comments must be received by January 3, 1991, to ensure consideration at the meeting. The transcript of the meeting will be kept open until January 31, 1991, for the inclusion of written comments.

2. Persons who want to make oral statements should inform Mr. Camper in writing by January 3, 1991. Statements must pertain to the topics at hand. The Chairman will rule on requests to make oral statements. Opportunity for members of the public to make oral statements, within the time available, will be based on the order in which requests are received. In general, oral statements should be limited to approximately 5 minutes. Oral statements may be supplemented by detailed written statements for the record. Rulings on who may speak, the order of presentation, and time allotments may be obtained by calling Mr. Camper at (301) 492–3417 between 9 a.m. and 5 p.m. EST on January 4, 1991.

3. At the meeting, questions from attendees other than the committee members, NRC consultants, and NRC staff will be permitted at the discretion of the Chairman.

4. The transcript, minutes of the meeting, and written comments will be available for inspection, and copying for a fee, at the NRC Public Document Room, 2120 L Street NW., lower level, Washington, DC 20555 on or about February 4, 1991.

5. Seating for the public will be on a first-come/first-served basis.

This meeting will be held in accordance with the Atomic Energy Act of 1954, as amended (primarily section 161a), the Federal Advisory Committee Act (5 U.S.C. App) and the Commission's regulations in title 10, Code of Federal Regulations, part 7.

Dated at Rockville, MD, this 13th day of December, 1990.

For the Nuclear Regulatory Commission.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 90–29695 Filed 12–18–90; 8:45 am]

BILLING CODE 7590–01–M

Advisory Committee on Reactor Safeguards (ACRS), and Advisory Committee on Nuclear Waste (ACNW); Proposed Meetings

In order to provide advance information regarding proposed public meetings of the ACRS Subcommittee and meetings of the ACRS full Committee, of the ACNW, and the ACNW Working Groups the following preliminary schedule is published to reflect the current situation, taking into account additional meetings which have been scheduled and meetings which have been postponed or cancelled since the last list of proposed meetings published November 21, 1990 (55 FR 48711). Those meetings which are definitely scheduled have had, or will have, an individual notice published in the **Federal Register** approximately 15 days (or more) prior to the meeting. It is expected that sessions of ACRS full Committee and ACNW meetings designated by an asterisk (*) will be open in whole or in part to the public. ACRS full Committee and ACNW meetings begin at 8:30 a.m. and ACRS Subcommittee and ACNW Working Group meetings usually begin at 8:30 a.m. The time when items listed on the agenda will be discussed during ACRS full Committee and ACNW meetings and when ACRS Subcommittee meetings will start will be published prior to each meeting. Information as to whether a meeting has been firmly scheduled, cancelled, or rescheduled, or whether changes have been made in the agenda for the January 1991 ACRS and ACNW full Committee meetings can be obtained by a prepaid telephone call to the Office of the Executive Director of the Committees (telephone: 301/492–4600 (recording) or 301/492–7288, Attn: Barbara Jo White) between 7:30 a.m. and 4:15 p.m., Eastern Time.

ACRS Subcommittee Meetings

Materials and Metallurgy, January 9, 1991, Bethesda, MD. The Subcommittees will review and discuss the proposed resolution of Generic Safety Issue-29, "Bolting Degradation or Failures in Nuclear Power Plants."

Auxiliary and Secondary Systems, January 17, 1991, Bethesda, MD. The Subcommittee will discuss matters concerning fire protection and mitigation in nuclear power plants.

TVA Plant Licensing and Restart, January 24, 1991, Huntsville, AL. The Subcommittee will review the planned restart of Browns Ferry Unit 2.

Defueling/Fuel Pool Storage, January 29, 1991, Bethesda, MD. The Subcommittee will discuss the proposed standard review plan for reviewing safety analysis reports for dry metallic spent fuel storage casks.

Reliability Assurance, February 5, 1991, Bethesda, MD. The Subcommittee will discuss the reliability of safety-related solid state devices used in nuclear power plants.

Joint Computers in Nuclear Power Plant Operations and Instrumentation and Control Systems, February 6, 1991, Bethesda, MD. The Subcommittee will discuss the use of computers and solid-state control logic in nuclear power plant operations.

Advanced Pressurized Water Reactors, March 6, 1991 (tentative), Bethesda, MD. The Subcommittee will discuss the use of the NUPLEX 80+ Computerized Control System in the CE System 80+ standard plant.

Improved Light Water Reactors, Date to be determined (January/February), Bethesda, MD. The Subcommittee will review the EPRI ALWR Requirements Document (Roll-up) for the Evolutionary Designs.

Joint Thermal Hydraulic Phenomena and Severe Accidents, Date to be determined (February/March), Bethesda, MD. The Subcommittee will discuss the issue of computer codes and their documentation.

Joint Plant Operations and Probabilistic Risk Assessment, Date to be determined (March, tentative), Bethesda, MD. The Subcommittees will

begin review of the NRC staff's Action Plan to evaluate the risk from nuclear power plant shutdown operations.

Joint Thermal Hydraulic Phenomena and Core Performance, Date to be determined (March/April, tentative), Bethesda, MD. The Subcommittees will continue their review of the issues pertaining to BWR core power stability.

Joint Regulatory Activities and Containment Systems, Date to be determined, Bethesda, MD. The Subcommittees will review the proposed final revision to appendix J to 10 CFR part 50, "Primary Reactor Containment Leakage Testing for Water-Cooled Power Reactors," and an associated Regulatory Guide.

Severe Accidents, Date to be determined, Bethesda, MD. The Subcommittee will discuss elements of the Severe Accident Research Program (SARP).

Joint Advanced Boiling Water Reactors and Advanced Pressurized Water Reactors, Date to be determined, Bethesda, MD. The Subcommittee will perform a comparison between the Licensing Review Basis documents for the GE/ABWR and CE/Systems 80+ designs.

ACRS Full Committee Meetings

369th ACRS Meeting, January 10–12, 1991, Bethesda, MD. Items are tentatively scheduled.

**A. Reactor Operating Experience (Open/Closed)*—Briefing and discussion regarding lessons learned from nuclear power plant operating experience, including an event that occurred at Quad Cities Unit 2, on October 27, 1990, when the reactor scrammed automatically on "high-high" intermediate flux during the performance of a special test (turbine torsional resonance test). Portions of this session will be closed as necessary to discuss proprietary and safeguards information applicable to this plant.

**B. ACRS Bylaws (Open)—Discuss proposed revisions to the ACRS bylaws.*

*C. Final Rulemaking 10 CFR part 55, Fitness for Duty Requirements for Licensed Operators (Open)—Review and report on the NRC staff's proposed final version of the Rule related to fitness for duty requirements for licensed operators.

**D. Proposed Resolution of Generic Safety Issue-29, Bolting Degradation or Failures in Nuclear Power Plants (Open)*—Review and report on the NRC staff's proposed resolution of Generic Safety Issue-29, "Bolting Degradation or Failures in Nuclear Power Plants."

**E. Annual ACRS Report to the Congress on the NRC Safety Research Program (Open)*—Discuss the proposed annual ACRS report to the Congress on the NRC Safety Research Program and budget.

**F. Containment Design Criteria (Open)*—Discuss the proposed ACRS report to NRC on containment design criteria for future nuclear plants.

**G. Meeting with the Director of the Office of Nuclear Regulatory Research (Open/Closed)*—Discuss matters of mutual interest with the Director of the Office of Nuclear Regulatory Research. Portions of this session will be closed as required under exemption 9(B) to discuss potential elimination or curtailment of specific elements of the NRC research program. Premature disclosure of the possible curtailment or elimination of any research contract could result in an inability to retain key personnel and thereby frustrate the Commission's ability to continue/complete affected programs effectively.

**H. ACRS Subcommittee Activities (Open)*—Hear and discuss report of assigned ACRS subcommittee activities, as appropriate.

**I. Revised 10 CFR part 20 Rule (Secy–90–387) (Open)*—Briefing by the NRC staff on revised part 20 Rule governing protection against radiation to provide for a substantial increase in the overall protection of the public health and safety.

**J. Licensing and Radiation Safety Requirements for Large Irradiators (Open)*—Briefing by the NRC staff regarding radiation safety and licensing requirements for the use of licensed radioactive materials in large irradiators.

**K. ACRS Management/Administration (Open/Closed)*—Discuss anticipated subcommittee activities, items proposed for consideration by the full Committee, and qualifications of candidates for appointment to the Committee. Portions of this session will be closed as necessary to discuss information the release of which would represent a clearly unwarranted invasion of personal privacy.

**L. Miscellaneous (Open)*—Discuss matters that were not completed during previous meetings as time and availability of information permit.

370th ACRS Meeting, February 7–9, 1991—Agenda to be announced.

371st ACRS Meeting, March 7–9, 1991—Agenda to be announced.

ACNW Full Committee and Working Group Meetings

27th ACNW Meeting, January 23–24, 1991, Bethesda, MD. Items are tentatively scheduled:

*A. The Committee will continue discussions on 10 CFR part 60, high-level waste repository subsystem performance requirements and their conformance with the EPA high-level waste standards.

*B. The Committee will continue deliberations concerning the NRC and EPA regulations governing the disposal of mixed waste.

*C. The Committee will be briefed by Louisiana Energy Systems on their private uranium enrichment facility plans. Topics of interest include the disposal of the depleted uranium and the licensing process for the facility (tentative).

*D. The Committee will finalize preparations for its presentation at the Waste Management 1991 Symposium, Tucson, Arizona, on February 26, 1991.

*E. The Committee intends to evaluate 10 CFR part 61 as it relates to low-level waste disposal facilities that utilize methods other than shallow land burial. Questions to be addressed include whether part 61 can be applied, in its existing form, to engineered facilities, such as below and above ground vaults.

*F. The Committee will discuss anticipated and proposed Committee activities, future meeting agenda, administrative, and organizational matters as appropriate. The members will also discuss matters and specific issues which were not completed during previous meetings as time and availability of information permit.

ACNW Working Group Meeting on the Role of Expert Judgment, January 25, 1991, Bethesda, MD. The Working Group will discuss the role and the extent of expert judgment in the site characterization and licensing process with respect to the disposal of nuclear waste. Discussions will include the results of studies supported by the Department of Energy and the Nuclear Regulatory Commission relating to the performance assessment for high-level waste repositories. Participants will present information and results on the role of expert judgment in the regulatory decision process, the clear identification of the extent to which such judgment is issued, the minimization of reliance on such judgment, and strategies to deal with cascading effect (propagation of uncertainty) associated with the use of subjective judgment. In addition to the manner in which expert judgment is used, the discussion will also involve how such experts are identified and selected. Although the focus will be primarily directed to the assessment of performance for a high-level waste repository, use of experts in other areas may factor in discussions.

28th ACNW Meeting, February 20–22, 1991—Agenda to be announced.

29th ACNW Meeting, March 20–22, 1991—Agenda to be announced.

Dated: December 13, 1990.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 90–29694 Filed 12–18–90; 8:45 am]

BILLING CODE 7590–01–M

[Docket No. 50–219]

GPU Nuclear Corp.; Consideration of Issuance of Amendment to Provisional Operating License and Opportunity for Hearing

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment of Provisional Operating License No. DPR–16, issued to GPU Nuclear Corporation (GPUN, the licensee), for operation of the Oyster Creek Nuclear Generating Station located in Ocean County, New Jersey.

The amendment would revise Technical Specification Table 4.1.1 to include surveillance intervals which are correct for analog instruments and to extend a digital surveillance interval based on switch performance data. The existing intervals describe acceptable time limits for the previous digital switch sensors which have been replaced.

Prior to 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 January 18, 1991, 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 a 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 Ocean County Library, Reference Department, 101 Washington Street, Toms River, New Jersey 08753. If a request for a hearing or petition for leave to intervene in 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 prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter. Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the petitioner shall provide a brief explanation of the bases of the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the petitioner intends to rely in proving the contention at the hearing. The petitioner must also provide references to those specific sources and documents of which the petitioner is aware and on which the petitioner intends to rely to establish those facts or expert opinion. Petitioner must provide sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact. Contentions shall be limited to matters within the scope of the 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 Services 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 F. Stolz: 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 Ernest L. Blake, Jr., Esquire, 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 proposed finding of no significant hazards consideration in accordance with 10 CFR 50.91 and 50.92.

For further details with respect to this action, see the application for amendment dated November 19, 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, Ocean County Library, Reference Department, 101 Washington Street, Toms River, New Jersey 08753.

Dated at Rockville, Maryland, this 12th day of December, 1990.

For the Nuclear Regulatory Commission.

John F. Stolz,

Director, Project Directorate I–4, Division of Reactor Projects—I/II, Office of Nuclear Reactor Regulation.

[FR Doc. 90–29696 Filed 12–18–90; 8:45 am]

BILLING CODE 7590–01–M

[Docket No. 30–29086–SC; ASLBP No. 91–628–01–SC]

Atomic Safety and Licensing Board Hearing; Rhodes-Sayre & Associates, Inc.

In the Matter of Rhodes-Sayre & Associates, Inc., (Byproduct Material License 24–18959–02) Order to Show Cause
Before Administrative Judges:
Charles Bechhoefer, Chairman
Dr. Richard F. Cole
Dr. Charles N. Kelber
December 13, 1990.

Notice is hereby given that, by Memorandum and Order dated December 13, 1990, the Atomic Safety and Licensing Board has granted the request for Rhodes-Sayre & Associates, Inc., (Licensee) for a hearing in the above-titled proceeding. The hearing concerns the Order to Show Cause issued by the NRC Staff on September 20, 1990. The parties to the proceeding are the Licensee and the NRC Staff. The issues to be considered at the hearing are (1) whether the Licensee violated the Commission's regulations, as specified in section II of the Order to Show Cause, and (2) whether License 24–18959–02 should be permanently revoked.

Materials concerning this proceeding are on file at the Commission's Public Document room, 2120 L Street, NW., Washington, DC 20555, and at the Commission's Region III Office, 799 Roosevelt Road, Glen Ellyn, Illinois 60137.

During the course of this proceeding, the Licensing Board, as necessary, will conduct one or more prehearing conferences and evidentiary hearing sessions. The time and place of these sessions will be announced in later Licensing Board Orders. Members of the public will be invited to attend such sessions.

Bethesda, Maryland, December 13, 1990.

For the Atomic Safety and Licensing Board.

Charles Bechhoefer,

Chairman, Administrative Judge.

[FR Doc. 90–29692 Filed 12–18–90; 8:45 am]

BILLING CODE 7590–01–M

RAILROAD RETIREMENT BOARD

1991 Monthly Compensation Base and Other Determinations

AGENCY: Railroad Retirement Board.

ACTION: Notice of correction of 1991 monthly compensation base and other determinations.

SUMMARY: Pursuant to section 12(r)(3) of the Railroad Unemployment Insurance Act (Act) (45 U.S.C. 362(r)(3)), the Board gives notice of the following:

1. The monthly compensation base under section 1(i) of the Act is $765 for months in calendar year 1991;

2. The amount described in section 1(k) of the Act as "2.5 times the monthly compensation base" is $1,912.50 for base year (calendar year) 1991;

3. The amount described in section 2(c) of the Act as "an amount that bears the same ratio to $775 as the monthly compensation base for that year as computed under section 1(i) of this Act bears to $600" is $988 for months in calendar year 1991;

4. The amount described in section 3 of the Act as "2.5 times the monthly compensation base" is $1,912.50 for base year (calendar year) 1991;

5. The amount described in section 4(a–2)(i)(A) of the Act as "2.5 times the monthly compensation base" is $1,912.50 with respect to disqualifications ending in calendar year 1991;

6. The maximum daily benefit rate under section 2(a)(e) of the Act is $31 with respect to days of unemployment and days of sickness in registration periods beginning after June 30, 1991.

As a result of section 10208 of Public Law 101–239, the 1991 tier 1 tax base has been revised from $51,300 to $53,400. This notice corrects the 1991 monthly compensation base and all other determinations under the Act which are based on the tier 1 tax base. This notice supersedes the original notice which was previously published in the **Federal Register** on February 20, 1990 [55 FR 7075].

DATES: The determinations made in notices (1) through (5) are effective January 1, 1991. The determination made in notice (6) is effective for registration periods beginning after June 30, 1991.

ADDRESSES: Secretary to the Board, Railroad Retirement Board, 844 Rush Street, Chicago, Illinois 60611.

FOR FURTHER INFORMATION CONTACT: Timothy H. Hogueisson, Bureau of Research and Employment Accounts, Railroad Retirement Board, 844 Rush Street, Chicago, Illinois 60611, telephone (312) 751–4890. (FTS) 386–4789.

SUPPLEMENTARY INFORMATION: The RRB is required by section 12(r)(3) of the Railroad Unemployment Insurance Act (Act) (45 U.S.C. 362(r)(3)) as amended by Public Law 100–647, to publish by December 11, 1990, the computation of the calendar year 1991 monthly compensation base (section 1(i) of the Act) and amounts described in sections 1(k), 2(c), 3 and 4(a–2)(i)(A) of the Act which are related to changes in the monthly compensation base. Also, the RRB is required to publish, by June 11, 1991, the maximum daily benefit rate under section 2(a)(3) of the Act for days of unemployment and days of sickness in registration periods beginning after June 30, 1991.

Monthly Compensation Base

For years after 1988, section 1(i) of the Act contains a formula for determining the monthly compensation base. Under the prescribed formula, the monthly compensation base increases by approximately two-thirds of the growth in average national wages. The monthly compensation base for months in calendar year 1991 shall be equal to the greater of (a) $600 and (b) $600 $[1+\{(A-37,800)/56,700\}]$, where A equals the amount of the applicable base with respect to tier 1 taxes for 1991 under section 3231(e)(2) of the Internal Revenue Code of 1986. Section 1(i) further provides that if the amount so determined is not a multiple of $5, it shall be rounded to the nearest multiple of $5.

The calendar year 1991 tier 1 tax base is $53,400. subtracting $37,800 from $53,400 produces $15,600. Dividing $15,600 by $56,700 yields a ratio of 0.27513228. Adding one gives 1.27513228. Multiplying $600 by the amount 1.27513228 produces the amount of $765.08, which must then be rounded to $765. Accordingly, the monthly compensation base is determined to be $765 for months in calendar year 1991.

Amounts Related to Changes in Monthly Compensation Base

For years after 1988, sections 1(k), 2(c), 3 and 4(a–2)(i)(A) of the Act contain formulas for determining amounts related to the monthly compensation base.

Under section 1(k), remuneration earned from employment covered under the Act cannot be considered subsidiary remuneration if the employee's base

year compensation is less than 2.5 times the monthly compensation base for months in such base year. Multiplying 2.5 by the calendar year 1991 monthly compensation base of $765 produces $1,912.50. Accordingly, the amount determined under section 1(k) is $1,912.50 for calendar year 1991.

Under section 2(c), the maximum amount of normal benefits paid for days of unemployment within a benefit year and the maximum amount of normal benefits paid for days of sickness within a benefit year shall not exceed an employee's compensation in the base year. In determining an employee's base year compensation, any money remuneration in a month not in excess of an amount that bears the same ratio to $775 as the monthly compensation base for that year bears to $600 shall be taken into account.

The calendar year 1991 monthly compensation base is $765. The ratio of $765 to $600 is 1.275. Multiplying 1.275 by $775 produces $988. Accordingly, the amount determined under section 2(c) is $988 for months in calendar year 1991.

Under section 3, an employee shall be a "qualified employee" if his/her base year compensation is not less than 2.5 times the monthly compensation base for months in such base year. Multiplying 2.5 by the calendar year 1991 monthly compensation base of $765 produces $1.912.50. Accordingly, the amount determined under section 3 is $1,912.50 for calendar year 1991.

Under section 4(a–2)(i)(A), an employee who leaves work voluntarily without good cause is disqualified from receiving unemployment benefits until he has been paid compensation of not less than 2.5 times the monthly compensation base for months in the calendar year in which the disqualification ends. Multiplying 2.5 by the calendar year 1991 monthly compensation base of $765 produces $1,912.50. Accordingly, the amount determined under section 4(a–2)(i)(A) is $1,912.50 for calendar year 1991.

Maximum Daily Benefit Rate

Section 2(a)(3) contains a formula for determining the maximum daily benefit rate for registration periods beginning after June 30, 1989, and after each June 30 thereafter. Under the prescribed formula, the maximum daily benefit rate increases by approximately two-thirds of the growth in average national wages. The maximum daily benefit rate for registration periods beginning after June 30, 1991, shall be equal to the greater of (a) $30 and (b) $25 [1+{(A−600)/900}], where A equals the applicable base with respect to tier 1 taxes under section 3231(e)(2) of the Internal Revenue Code of 1986 divided by 60, with the quotient rounded down to the nearest multiple of $100. Section 2(a)(3) further provides that if the amount so computed is not a multiple of $1, it shall be rounded to the nearest multiple of $1.

The calendar year 1991 tier 1 tax base is $53,400. Dividing $53,400 by 60 yields $890. This amount is rounded down to $800, the nearest multiple of $100. Subtracting $600 from $800 produces $200. The ratio of $200 to $900 is 0.22222222. Adding 1 produces 1.22222222. Multiplying $25 by 1.22222222 produces $30.56, which must then be rounded to $31. Accordingly, the maximum daily benefit rate for days of unemployment and days of sickness beginning is registration periods after June 30, 1991, is determined to be $31.

Dated: December 13, 1990.

By Authority of the Board.

Beatrice Ezerski,

Secretary to the Board.

[FR Doc. 90–29707 Filed 12–18–90; 8:45 am]

BILLING CODE 7905–01–M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–28692; File No. SR–AMEX–90–26]

Self-Regulatory Organizations; Filing of Proposed Rule Change by the American Stock Exchange, Inc., Relating to Permanent Approval of the Pilot Program for Hedge Exemptions From Equity Option Position Limits

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"), 15 U.S.C. 78s(b)(1), notice is hereby given that on November 28, 1990, the American Stock Exchange, Inc. ("AMEX" or "Exchange") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I, II and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

On May 24, 1988, the Commission approved a two-year pilot program by the AMEX that provided a limited exemption from applicable equity option position limits.[1] Position limits for equity options are determined in accordance with a three-tiered system (*i.e.*, 3,000, 5,500, or 8,000 contracts) based on the number of shares of the underlying security outstanding and/or the underlying security's trading volume. The AMEX pilot program provides an exemption from applicable equity option position limits for accounts which have established one of the four commonly used hedged positions on a limited one-for-one basis, *i.e.*, long stock and short call, long stock and long put, short stock and long call, and short stock and short put. However, the maximum position established pursuant to the exemption may not exceed twice the present position limit. The pilot program was extended by the Commission in August 1990 in order to provide the Exchange with an opportunity to evaluate its effectiveness prior to seeking permanent approval.[2]

Since the inception of the pilot program, the AMEX has found hedge exemptions from position limits to be a very useful tool for customers. The Exchange believes that such exemptions offset the risk attendant to large stock positions and increase the liquidity of the equity options markets. In addition, the Exchange has not experienced any problems with the pilot program's implementation. Therefore, the Exchange hereby requests permanent approval of the hedge exemption as provided for in Commentary .09 to Exchange Rule 904.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and statutory basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

During the pilot's initial two year period the Exchange has been monitoring various aspects of the

[1] See Securities Exchange Act Release No. 25738 (May 24, 1988), 53 FR 20201.

[2] See Securities Exchange Act Release No. 28306 (August 2, 1990), 55 FR 32512.

program including: (1) The types of investors using the exemption; (2) the size of the options positions held pursuant to the exemption and; (3) any customer complaints or disciplinary actions pertaining to the exemption. Throughout the pilot's duration the Exchange has not experienced any problems with the program's implementation and the Exchange believes that the exemptions have increased the depth and liquidity of the options markets. Moreover, the Exchange in monitoring increased customer positions resulting from the pilot program has not detected any intermarket manipulations or disruptions to either the options market or the underlying stock markets.

The Exchange indicates that twenty-four entities have used equity hedge exemptions for nineteen options and their underlying equities. As the Exchange anticipated, approximately 99% of such entities are institutional customers seeking to protect large stock portfolios from market declines by hedging with stock options. In the approximately 160 times that equity hedge exemptions have been used, rarely have customers actually doubled their existing position limit. While the size of the option position held pursuant to the exemption has varied, in most cases, customers have increased their positions by approximately 20% through the exemption. The Exchange notes that there have not been any customer complaints associated with the exemptions during the pilot program.

The Exchange proposes to continue the special reporting requirements that it has been using in connection with the exemption during the pilot program. Specifically, all member organizations will continue to report hedged options positions to the Exchange on a special "Hedge Exemption Reporting Form" together with the stock positions which qualify the options position for an exemption.

The Exchange believes that the proposed rule change is consistent with the requirements of the Act and the rules thereunder applicable to the Exchange since it is designed to give investors with large equity positions the ability to hedge such positions while increasing the depth and liquidity of options trading without increasing the risk of market manipulation or disruption. In particular, the Exchange believes that the proposed rule change is consistent with section 6(b)(5) of the Act, which provides, among other things, that the rules of the Exchange are to be designed to promote just and equitable principles of trade and to protect investors and the public interest.

B. Self-Regulatory Organization's Statement on Burden on Competition

The AMEX believes that the proposed rule change will not impose a burden on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(a) By order approve such proposed rule change, or

(b) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street NW., Washington, DC. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted by January 9, 1991.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Dated: December 12, 1990.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 90-29671 Filed 12-18-90; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-28693; International Series Release No. 207; File No. SR-AMEX-90-25]

Self-Regulatory Organizations; Notice of Filing of Proposed Rule Change by the American Stock Exchange, Inc., Relating to Options on the EURO TOP-100 Index

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"), 15 U.S.C. 78s(b)(1), notice is hereby given that on November 16, 1990, the American Stock Exchange, Inc. ("AMEX" or "Exchange") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I, II and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The AMEX proposes to trade options on the EURO TOP-100 Index, a broad-based market index based on the performance of 100 leading European companies.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and statutory basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

The AMEX proposes to trade options contracts based on the EURO TOP-100 Index ("E1100 Index" or "Index"), an index developed and maintained by the European Options Exchange ("EOE"). The E100 Index is a weighted index that

is denominated in European currency units ("ECUs") and is based on the value of the shares of 100 European companies. The E100 Index was designed to measure the collective performance of the most actively traded stocks on the major European stock exchanges in the United Kingdom, France, Germany, Italy, Spain, Belgium, The Netherlands, Switzerland and Sweden. Each country is represented in the E100 Index based on a weighting proportional to its gross national product ("GNP"), both with respect to the number of stocks and the weights of the stocks of each country in the Index. As of December 31, 1989 the weightings for each country were: United Kingdom, 22%; Germany, 15%; France, 15%; Switzerland, 10%; Italy, 10%; The Netherlands, 8%; Sweden, 8%; Spain, 8% and Belgium, 4%.

The Index was initially formatted in April 1990 based on the prior three calendar year averages of the GNPs of the component countries and the relative monetary trading values of the component stocks. The Index will be reformatted each April based on a newly calculated three year average of GNPs and monetary trading values of component stocks as of the previous December 31.

To qualify for inclusion in the Index, a country must have a total stock market capitalization of at least 50 billion ECU. Based on the relative weights of the GNPs of the qualifying countries, each country is assigned a specific number of the 100 Index stocks to be included in the Index. The selection of the specific stocks for a country is then based on the relative monetary trading volumes of stocks trading on the home country Exchange during the previous three years. The number of shares assigned to each component stock is determined at a level intended to preserve each country's relative weighting in the Index and be proportional to the monetary trading value of each stock. The current component stocks are listed in Exhibit A.

Through the course of the year, adjustments are made to the number of shares assigned to each component stock to take account of stock splits, recapitalizations and other corporate actions which would otherwise affect price continuity. If a component stock is removed from the Index prior to the annual review due to merger, bankruptcy, or similar actions, a replacement stock will be selected in accordance with the Index criteria. The number of shares of that country's component stocks will be adjusted to maintain the previously established country weighting.

Index Calculation

The E100 Index value calculation is based on the last sale price of each component stock in its own currency, reported by the principal stock exchanges in its home country, converted into ECUs at the then current exchange rate. Thus, the Index responds continuously and independently to changes in the component stock prices and in exchange rates between the respective home country currencies and the ECU. The E100 Index is currently calculated and disseminated by the EOE on a continuous basis from 10:30 a.m. to 4:30 p.m. Central European Time (ordinarily 4:30 a.m. to 10:30 a.m. New York Time).

For the U.S. options market, the Exchange will apply a divisor to the EOE Index calculation and disseminate the reduced Index number via the vendor network during U.S. trading hours. Because of the time zone differences, the Exchange disseminated Index value will be continuously changing during the first hour of Exchange trading and then remain unchanged until the EOE resumes calculation and dissemination of the Index value on the following business day.

Although the EOE will ordinarily commence calculation of the Index at 10:30 a.m. Central European Time, calculation of the Index will not occur if trading in 40 or more component stocks has not commenced on the primary home country exchanges. Since the Index will be calculated and broadcast when at least 61 component stocks are trading, the Index may be claculated on days on a day on which the Index is being calculated will be valued at its last sale price, and that price will be continuously updated to reflect changes in the home country currency/ECU cross rate.

The Exchange proposes to trade E100 options on each day it is open for trading, whether or not the Index is being calculated. The Exchange will publish the last calculated dollarized version of the Index at those times when the EOE Index is not being calculated. There will be no trading on any holiday on which the Amex is closed, whether or not the EOE Index is being calculated and published.

Index Options Trading

As of the close of business on November 9, 1990, the E100 had a value of 751.75. The Exchange believes that this recent value would be at too high a level to successfully sustain options trading in the U.S. market. Accordingly, the Exchange proposes to base trading in its options on a reduced level of the EOE Index. The amount of the reduction would be determined prior to the initiation of options trading. Based on the current EOE Index level, the Exchange anticipates that a U.S. Index level at ¼ of the EOE value would be appropriate. However, the Exchange proposes to make this decision just prior to initiation of trading in the options to best relate to the then EOE Index level.

Each point of the Exchange's reduced Index value will be assigned one U.S. dollar for option valuation purposes. This will, in effect, dollarize the Index value. As the Index level follows changes in ECU prices of the component stocks, the option premium values will accordingly change in U.S. dollar terms, without regard to fluctuations in the ECU/U.S. dollar exchange rate. As a result, E100 options will be trade in U.S. dollar denominated accounts and will be eligible for the current trading, clearance, and settlement systems without modification.

The proposed options on the Index will expire on the Saturday following the third Friday of the expiration month. ("Expiration Friday"). They will be European style, exercisable only at expiration, and cash settled. Standard U.S. index options trading hours (9:30 a.m. 4:15 p.m. NY time) would apply. On the last trading day prior to expiration, trading in expiring options will continue until the time fixed by the EOE for determination of a settlement value, anticipated to be 4:00 p.m. Central European Time 10:00 Eastern Standard Time. Once a final settlement price is announced, the Exchange will conduct a closing rotation.

Settlement Value

On each Expiration Friday, the EOE will calculate and disseminate an Index settlement value. That value will be based on the average of the prices quoted for the Index at five minute intervals between 3:30 and 4 p.m. Central European Time on Expiration Friday. Thus, the EOE will average the Index values quoted at 3:30, 3:35, 3:40, 3:45, 3:50, 3:55 and 4, and shortly after 4 p.m. announce a settlement value. The Exchange settlement value will represent an amount in U.S. dollars equal to the scaled down Index value.

Exchange Rules Applicable to Stock Index Options

Amex Rules 900C through 980C will apply to option contracts based on the Index. The Index is deemed to be a broad Stock Index Group under Rule

900C(B)(1). Under Rule 903C, the Exchange intends to list up to three near calendar months and five additional long-term option series, with consecutive June and December expirations extending into successive years.

Exercise price intervals for near-term options will be fixed at 5 point intervals, while exercise price intervals for long-term options will be fixed at either 25 or 50 point intervals depending on the then current volatility of the Index. Under rule 904C(B), the Exchange proposes to establish a position limit of 25,000 contracts on the same side of the market, provided that no more than 15,000 of such contracts are in series in the nearest expiration month.

Surveillance Agreements

The Exchange has market surveillance agreements in effect with several of the marketplaces where Index component stocks trade. Agreements with additional countries whose stocks are included in the Index are being sought, as is expansion of certain of the existing agreements.

The Exchange currently is a party to a broad information sharing agreement with The Securities Association in the United Kingdom ("TSA"). That agreement enables the Exchange, for purposes of carrying out its regulatory responsibilities, to obtain from the records of the TSA and TSA members, information relating to securities traded on the Amex or securities underlying derivative instruments traded on the Amex. This would provide the Exchange with an effective means of surveilling the U.K. Index components which currently constitute 22% of the Index.

The Exchange has in place a similar information sharing agreement with the Societe des Bourses Francaises ("SBF"). That agreement provides for the sharing of surveillance information relating to, among other things, securities which are traded on French stock exchanges and underlie derivative instruments traded on the Amex. This agreement would enable the Exchange to obtain surveillance information on the French components which currently constitute 15 percent of the Index.

The Exchange is also a party to an information sharing agreement with the Frankfurt Stock Exchange. However, that agreement focuses on the exchange of market surveillance information regarding the trading of warrants on the DAX Index. The Exchange has undertaken to discuss with the Frankfurt Stock Exchange the expansion of the existing agreement to enable the Exchange to obtain data for use in connection with its surveillance of the E100 German components, all of which are components of the DAX, and represent 15% of the Index.

The Exchange is also engaging in discussions with other foreign exchanges and hopes to establish information sharing agreements with marketplaces on which other E100 components trade.

Notwithstanding these efforts, the Exchange believes that because of the method of fixing the E100 settlement value, the commencement of trading of E100 options should not be dependent on the existence of additional information sharing agreements. As discussed above, the settlement value is based on an average of separate Index values over the course of a specified time period. This method of computation of the settlement value minimizes the opportunity for price manipulation and therefore should decrease the need for information sharing agreements with marketplaces on which a significant portion of the components trade.

The proposed rule change is consistent with Section 6(b) of the Act in general and furthers the objectives of Section 5(b)(5) in particular in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of change, to foster cooperation and coordination with persons engaged in facilitating transactions in securities, and to remove impediments to and perfect the mechanism of a free and open market and a national market system.

B. Self-Regulatory Organization's Statement on Burden on Competition

The AMEX believes that the proposed rule change will not impose a burden on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the Federal Register or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(a) By order approve such proposed rule change, or

(b) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street, NW., Washington, DC. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted by [insert date 21 days from the date of publication].

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Dated: December 12, 1990.

Margaret H. McFarland,

Deputy Secretary.

Exhibit A

The composition of the index is as follows (situation as on October 1st, 1990):

Country	Symbol
United Kingdom:	
Allied-Lyons	ALLD
Barclays	BCS
BAT	BTI
British Aerospace	BAEL
British Gas	BRG
British Petroleum	BP
British Telecom	BTY
BTR	BRTX
Cable and Wireless	CWP
Cadbury Schweppes	CADB
GEC	GECL
Glaxo	GLX
Grand Metropolitan	GMHL
Guinness	GUIN
Hanson	HAN
ICI	ICI
Lonrho	LRHO
Nat. Westminster Bank	NW
Racal Electronics	RCAL
RTZ	RTZL
Shell Transport	SC
Storehouse	STHL

Country	Symbol
Germany:	
Allianz	ALVG
BASF	BASF
Bayer	BAYG
BMW	BMWG
Commerzbank	CBKG
Continental	CONG
Daimler Benz	DAIG
Deutsche Bank	DBKG
Dresdner Bank	DRSD
Hoechst	HFAG
Mannesmann	MMWG
Siemens	SIEG
Thyssen	THYH
VEBA	VEBG
Volkswagen	VOWG
France:	
BSN	BSNP
Cie. du Midi	MCDP
CGE	CGEP
Elf-Aquitane	ELFP
Générale des Eaux	EAUG
Lafarge	LAFP
LVMH	LVMH
Michelin	MICP
Navigation Mixte	NAVP
Paribas	PARI
Peugeot	PEUP
Saint Gobain	SGOB
Soc. Générale	SOGN
Suez	SUZF
Thomson C.S.F.	TCFP
Switzerland:	
Alusuisse	ALUS
BBC Brown Boveri	BBCZ
Ciba-Geigy	CIGZ
Credit Suisse Holding	CSHZ
Nestlé	NESZ
Roche	ROCZ
Sandoz	SANZ
Swiss Bank Corp	SBVZ
Swiss Reinsurance	RUKZ
Union Bank of Switzerland	SBGZ
Italy:	
Assicurazioni Generali	GASI
Banca Commerciale	BCMI
CIR	CIRX
Fiat	FIA
Gemina	GEMI
IFI	IFPI
Mediobanca	MDBI
Montedison	MNT
Olivetti	OLIV
RAS	RASI
The Netherlands:	
ABN Amro Bank	AAH
AKZO	AKZO
Hoogovens	OVEN
KLM	KLM
Nat. Nederlanden	NTNN
Philips	PHG
Royal Dutch Petroleum	RD
Unilever	UN
Sweden:	
Asea	ASEA
Astra	ASTZ
Electrolux	ELUX
Ericsson	ERIC
Saab-Scania	SABS
Skandia	SKDS
Stora	STOR
Volvo	VOLV
Spain:	
Asland	ASL
Banco Bilbao	BBV
Banco Hispano Am.	HIS
Banco Popular	POP
Banco Santander	SAN
Iberduero	IBE
Repsol	REP
Telefonica	TEF
Belgium:	
Ebes	EBES
Petrofina S.A.	PETB
Société Générale de Belgique	GDEB
Solvay and Cie.	SOLB

[FR Doc. 90-29672 Filed 12-18-90; 8:45 am]

BILLING CODE 8010-01-M

Self-Regulatory Organizations; Applications for Unlisted Trading Privileges and of Opportunity for Hearing; Midwest Stock Exchange, Inc.

December 13, 1990.

The above named national securities exchange has filed applications with the Securities and Exchange Commission ("Commission") pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder for unlisted trading privileges in the following securities:

Allied Irish Banks, Plc,
American Depository Shares, representing 6 Ordinary Shares IR 25p (File No. 7-6402).
Chesire Financial Corp.,
Common Stock, $1.00 Par Value (File No. 7-6403).
Conner Peripherals, Inc.,
Common Stock, No Par Value (File No. 7-6404).
Environmental Tectonics Corp.,
Common Stock, $.10 Par Value (File No. 7-6405).
Micron Technology, Inc.,
Common Stock, $.10 Par Value (File No. 7-6406).
Paine Webber Group, Inc.,
Put Warrants on the CAC-40 Index expiring 11/9/93 (File No. 7-6407).
Societe Generale Warrants Limited N.V.,
Put Warrants on the CAC-40 Paris Stock Exchange Index expiring 11/4/92 (File No. 7-6408).

These securities are listed and registered on one or more other national securities exchange and are reported in the consolidated transaction reporting system.

Interested persons are invited to submit on or before January 7, 1991, written data, views and arguments concerning the above-referenced applications. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, 450 Fifth Street NW., Washington, DC 20549. Following this opportunity for hearing, the Commission will approve the applications if it finds, based upon all the information available to it, that the extensions of unlisted trading privileges pursuant to such applications are consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 90-29673 Filed 12-18-90; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-28702; File No. SR-NASD-90-64]

Self-Regulatory Organizations; Immediate Effectiveness of Proposed Rule Change by National Association of Securities Dealers, Inc. Relating to Addition of Consolidated Quotation Service Securities to the Automated Confirmation Transaction Service

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"),[1] notice is hereby given that on November 26, 1990, the National Association of Securities Dealers, Inc. ("NASD" or "Association") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the NASD. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The NASD is proposing an amendment to the Rules of Practice and Procedure for the Automated Confirmation Transaction Service ("ACT Rules") adding Consolidated Quotation Service ("CQS") issues to the securities eligible for ACT processing.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the NASD included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The NASD has prepared summaries, set forth in sections (A), (B), and (C) below,

[1] 15 U.S.C. 78s(b)(1).

of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

The ACT service is designed to facilitate comparison and clearing of inter-dealer, negotiated trades by requiring input of trade reports within specific time frames, comparing that trade data, and submitting matched, "locked-in" trades for clearing. ACT has been operating since September, 1989, when the Commission approved the service for self-clearing firms.[2] Transactions in NASDAQ securities have been eligible for ACT processing. The ACT service has recently been approved for clearing firms and is now mandatory for all members.[3] The NASD is currently in the process of phasing in clearing firms and their executing correspondents, as the risk management functions of ACT became operational on October 29, 1990.

The Association is proposing to add Consolidated Quotation Service ("CQS" or "listed") issues to those eligible for ACT processing and to bring the listed issues onto the system alphabetically, as operational considerations permit. The NASD will begin phasing in CQS securities on November 26, 1990, and members will be expected to begin submitting trade reports in CQS transactions at that time. In its approval order for the ACT service, the Commission requested that the NASD submit filings when additional phases for ACT-eligible securities are to be undertaken.[4]

The NASD believes the proposed rule change is consistent with section 15A(b)(6) of the Act. Section 15A(b)(6) requires that the rules of a national securities association be designed to "foster cooperation and coordination with persons engaged in regulating, clearing, setting, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market." The ACT service is designed to facilitate comparison and clearing of negotiated trades in NASDAQ, NASDAQ National Market System and listed securities in the over-the-counter market.

[2] See Securities Exchange Act Release No. 27229, September 7, 1989, 54 FR 38484.

[3] See Securities Exchange Act Release No. 28583, October 26, 1990, 55 FR 46120.

[4] *Id.* at p. 13.

B. Self-Regulatory Organization's Statement on Burden on Competition

The NASD believes that the proposed rule change will not result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Commentrs were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to section 19(b)(3)(A) of the Act and subparagraph (e) of Securities Exchange Rule 19b–4 because it constitutes a stated practice with respect to the administration of an existing rule change of the NASD. At any time within 60 days of the filing of such rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room. Copies of such filing will also be available for inspection and copying at the principal office of the NASD. All submissions should refer to the file number in the caption above and should be submitted by January 9, 1991.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority, 17 CFR 200.30–3(a)(12).

Dated: December 13, 1990.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 90–29669 Filed 12–18–90; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 34–28694; File No. SR–NASD–90–60]

Self-Regulatory Organizations; National Association of Securities Dealers, Inc.; Filing and Order Granting Accelerated Approval to Proposed Rule Change Relating To Market Circuit Breaker Proposals

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act")[1] and Rule 19b–4 thereunder,[2] the National Association of Securities Dealers, Inc. ("NASD"), on November 1, 1990, filed with the Securities and Exchange Commission ("Commission") a proposed rule change to extend until December 31, 1991, the effectiveness of its Policy Statement on Market Closings ("Policy Statement") regarding certain procedures that will be activated during volatile market conditions.[3]

In October 1988, the Commission approved proposals submitted by the American Stock Exchange ("Amex"), Boston Stock Exchange ("BSE"), Chicago Board Options Exchange ("CBOE"), Cincinnati Stock Exchange ("CSE"), Midwest Stock Exchange ("MSE"), New York Stock Exchange ("NYSE"), Philadelphia Stock Exchange ("PHLX") and Pacific Stock Exchange ("PSE") (collectively, "the Exchanges") as well as the NASD that provided for uniform circuit breaker procedures during volatile market conditions.[4] Specifically, the circuit breaker rules provide that trading in all markets would halt for one hour if the Dow Jones Industrial Average ("DJIA") declines 250 or more points from its previous day's closing level and, thereafter, trading would halt for an additional two hours if the DJIA declines 400 points from the previous day's close.[5] The circuit

[1] U.S.C. 78s(b)(1) (1982)

[2] 17 CFR 240.19b–4 (1989).

[3] The proposal originally was filed under section 19(b)(3)(A) of the Act. On December 11, 1990, the NASD, by letter, amended the proposal so that it is now filed under section 19(b)(2) of the Act.

[4] *See* Securities Exchange Act Release Nos. 26440 (January 10, 1989) 54 FR 1830 (CSE); 26386 (December 22, 1988) 53 FR 52904 (PHLX); 26368 (December 16, 1988) 53 FR 51942 (PSE); 26357 (December 14, 1988) 53 FR 51182 (BSE); 26218 (October 26, 1988) 53 FR 44137 (MSE); 26198 (October 19, 1988) 53 FR 41637 (Amex, CBOE, NASD and NYSE).

[5] If the 250-point trigger is reached within one hour of the scheduled close of trading for a day, or if

Continued

breaker mechanism was an important part of the measures adopted by the Exchanges to address market volatility concerns in the wake of the October 1987 Market Break.

In 1989, the Exchanges and the NASD filed, and the Commission approved, proposals to extend their respective circuit breaker pilot programs for an additional year.[6] Accordingly, since the NASD proposal is nearing its December 31, 1990 expiration date, the NASD has filed with the Commission a proposal to extend further its Policy Statement until December 31, 1991. The circuit breaker proposals of the CBOE, PSE and CSE were proposed by these exchanges, and approved by the Commission, on a permanent basis rather than as a pilot program.[7]

The circuit breaker mechanisms were enacted in the wake of the October 1987 Market Break. Both the *Report of the Presidential Task Force on Market Mechanisms* ("Brady Report") and the Working Group's Interim Report [8] recommended that coordinated trading halts and reopening procedures be developed that would be implemented in all U.S. markets for equity and equity related products during large rapid market declines.[9] In response, the SROs submitted proposals to implement circuit breaker procedures that are designed to substitute planned trading halts for unplanned and destabilizing market closings. In addition, the stock index futures exchanges have implemented parallel circuit breakers that were approved by the Commodity Futures Trading Commission on a permanent basis.

Since the Commission approved these proposals in October 1988, the DJIA has not experienced a one day 250 point decline that would trigger a market halt. Nevertheless, the Commission continues to believe that circuit breaker procedures are desirable to deal with potential strains that may develop during periods of extreme market volatility, and, accordingly, the Commission believes that the pilot programs should be extended.[10] The Commission also believes that circuit breakers represent a reasonable means to retard a rapid, one day market decline that can have a destabilizing effect on the nation's financial markets and participants.

Accordingly, the Commission finds that the proposed rule change filed by the NASD is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange, and, in particular, the requirements of section 6 and the rules and regulations thereunder.

The Commission finds good cause for approving the proposed rule change prior to the thirtieth day after the date of publication of the proposal in the **Federal Register** because there are no changes being made to the current provisions, which originally were subject to the full notice and comment procedures, and accelerated approval would enable the Policy Statement to continue on an uninterrupted basis. Due to the importance of circuit breakers for market confidence, soundness, and integrity, it is necessary and appropriate that these procedures continue on an uninterrupted basis.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552 will be available for inspection and copying in the Commission's Public Reference Room. Copies of such filings also will be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to File No. SR–NASD–90–60, and should be submitted by January 9, 1991.

It is therefore ordered, pursuant to section 19(b)(2) of the Act,[11] that the proposed rule change (SR–NASD–90–60) is approved until December 31, 1991.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[12]

Dated: December 12, 1990.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 90–29670 Filed 12–18–90; 8:45 am]

BILLING CODE 8010–01–M

Self-Regulatory Organizations; Applications for Unlisted Trading Privileges and of Opportunity for Hearing; Pacific Stock Exchange, Inc.

December 13, 1990.

The above named national securities exchange has filed applications with the Securities and Exchange Commission ("Commission") pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder for unlisted trading privileges in the following securities:

Paine Webber Group, Inc.,
Call Warrants on the CAC 40 Index expiring November 9, 1993 (File No. 7–6460).
Paine Webber Group, Inc.,
Put Warrants on the CAC 40 Index expiring November 9, 1993 (File No. 7–6461).

These securities are listed and registered on one or more other national securities exchange and are reported in the consolidated transaction reporting system.

Interested persons are invited to submit on or before January 7, 1991, written data, views and arguments concerning the above-referenced application. Persons desiring to make written comments should file three

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the 400-point trigger is reached within two hours of the scheduled close of the trading day, trading will halt for the remainder of the day. If, however, the 250-point trigger is reached between one hour and one-half hours before the scheduled closing, or if the 400-point trigger is reached between two hours and one hour before the scheduled closing, the Exchanges would retain the power to use abbreviated reopening procedures either to permit trading to reopen before the scheduled closing or to establish closing prices.

[6] *See* Securities Exchange Act Release No. 27370 (October 23, 1989) 54 FR 43881 (Order approving extension of Amex, BSE, MSE, NASD, NYSE and PHLX circuit breaker rules).

[7] The BSE pilot program does not expire until October 31, 1991. Therefore, the BSE has not filed to extend its pilot program.

[8] The Working Group on Financial Markets was established by the President in March 1988 to provide a coordinating framework for consideration, resolution, recommendation, and action on the complex issues raised by the market break in October 1987. The Working Group consists of the chairmen of the Commission, Board of Governors of the Federal Reserve System and the Commodity Futures Trading System, and the Under Secretary for Finance of the Department of the Treasury.

[9] In particular, the Working Group recommended a one-hour trading halt if the DJIA declined 250 points from its previous day's closing level, and a subsequent two-hour trading halt if the DJIA declined 400 points below its previous day's closing level. The Working Group also recommended that the NYSE use reopening procedures after these halts, similar to those used on Expiration Fridays, that are designed to enhance the information made public about market conditions.

[10] The Commission already has extended the dates of the pilot programs for the Amex, MSE, NYSE, and PHLX until October 31, 1991. *See* Securities Exchange Act Release No. 28580 (October 25, 1990), 55 FR 45895.

[11] 15 U.S.C. 78s(b)(2) (1982).

[12] 17 CFR 200.30–3(a)(12) (1989).

copies thereof with the Secretary of the Securities and Exchange Commission, 450 5th Street NW., Washington, DC 20549. Following this opportunity for hearing, the Commission will approve the application if it finds, based upon all the information available to it, that the extensions of unlisted trading privileges pursuant to such applications are consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Jonathan G. Katz,
Secretary.

[FR Doc. 90–29675 Filed 12–18–90; 8:45 am]
BILLING CODE 8010–01–M

Self-Regulatory Organizations; Applications for Unlisted Trading Privileges and of Opportunity for Hearing; Philadelphia Stock Exchange, Inc.

December 13, 1990.

The above named national securities exchange has filed applications with the Securities and Exchange Commission ("Commission") pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f–1 thereunder for unlisted trading privileges in the following securities:

Micron Technology, Inc.,
Common Stock, $.10 Par Value (File No. 7–6458).
Conner Peripherals, Inc.,
Common Stock, No Par Value (File No. 7–6459).

These securities are listed and registered on one or more other national securities exchange and are reported in the consolidated transaction reporting system.

Interested persons are invited to submit on or before January 7, 1991, written data, views and arguments concerning the above-referenced application. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, 450 5th Street NW., Washington, DC 20549. Following this opportunity for hearing, the Commission will approve the application if it finds, based upon all the information available to it, that the extensions of unlisted trading privileges pursuant to such applications are consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Jonathan G. Katz,
Secretary.

[FR Doc. 90–29674 Filed 12–18–90; 8:45 am]
BILLING CODE 8010–01–M

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGD8 90–28]

Lower Mississippi River Waterway Safety Advisory Committee; 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 Lower Mississippi River Waterway Safety Advisory Committee. The meeting will be held on Tuesday, January 15, 1991, in the 29th floor Boardroom of the World Trade Center, 2 Canal Street, New Orleans, Louisiana at 9 a.m. The agenda for the meeting consists of the following items:

1. Call to Order.
2. Minutes of the October 16, 1990 meeting.
3. Update on past resolutions.
4. Report from the VTS Subcommittee.
5. New Business.
a. Presentation on Marine Spill Response Corporation.
6. Adjournment.

The purpose of this Advisory Committee is to provide consultation and advice to the Commander, Eighth Coast Guard District on all areas of maritime safety affecting this waterway.

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 Commander C. T. Bohner, USCG, Executive Secretary, Lower Mississippi River Waterway 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) 589–3074.

Dated: December 5, 1990.

J. M. Loy,
Rear Admiral, U.S. Coast Guard Commander, Eighth Coast Guard District.

[FR Doc. 90–29635 Filed 12–18–90; 8:45 am]
BILLING CODE 4910–14–M

National Highway Traffic Safety Administration

[Docket No. EX88–1; Notice 5]

General Motors Corp.; Grant of Petition for Renewal of Temporary Exemption From Federal Motor Vehicle Safety Standards Nos. 108 and 111

This notice grants the petition by General Motors Corporation of Warren, Michigan ("GM"), for a 2-year renewal of NHTSA Exemption No. 88–1. The exemption excuses four Cadillac models from compliance with certain aspects of Motor Vehicle Safety Standards Nos. 108 and 111.

Notice of receipt of the petition was published on August 23, 1990 (55 FR 34639) and an opportunity afforded for comment.

By way of background, on August 18, 1988, NHTSA granted GM's petition for temporary exemption of two Cadillac models for certain Federal requirements for lighting and rear view mirrors (53 FR 31411). Subsequently, on January 26, 1989, the exemption was extended to cover two additional Cadillac models (54 FR 3897). The basis of the grant and extension was the Administrator's finding that, in the absence of an exemption, GM would otherwise be prevented from selling a motor vehicle whose overall level of safety is equivalent to or exceeds the overall level of safety of nonexempted motor vehicles (15 U.S.C. 1410(a)(1)(D), implemented by 49 CFR 555.5 and 555.6(d)). Specifically, GM wished to institute a factory delivery program similar to programs established by European manufacturers where Americans take delivery of vehicles abroad which conform to the U.S. Federal motor vehicle safety standards. However, with respect to two standards, Nos. 108 and 111, GM wished to provide lighting equipment and rear view mirrors meeting European specifications, which do not conform to those to the United States.

In the summer of 1990, GM petitioned for a renewal of that exemption. As before, the exemption would cover up to 2500 vehicles for any 12-month period that the exemption is in effect. Although GM declined to state the volume of vehicles it had delivered under the exemption, it stated that sales did not meet its expectations, and the agency understands that to mean that the exemption limit has not been exceeded. However, it intends to extend the program in 1991 to Japan and Taiwan.

The company's requests for exemption and rationale remained the

same as in 1988, and for a more complete discussion, the August 1990 notice directed the reader to the Federal Register notices cited above.

No comments were received on the petition.

In granting GM's original petition on August 18, 1988 (53 FR 31411), NHTSA set forth extensive reasons for its findings. It has reviewed those findings and their rationales, and has determined that they substantiate an extension of the exemption for the additional period requested. Accordingly, they are incorporated by reference in this notice. Briefly, NHTSA noted that with the increasing international harmonization of safety standards, some of the differences that exist in standards could be viewed as differences more in degree than in kind. NHTSA also noted that U.S. citizens who wished to travel abroad and purchase cars in the country of their manufacture were not required to meet local standards, but could specify their conformance to the Federal motor vehicle safety standards. However, the converse was not true; in the absence of an exemption such as that requested by GM, foreigners could not purchase cars in the United States that conformed to non-U.S. standards.

In the absence of extension of the grant, GM will be unable to sell its vehicles to their intended purchasers for temporary use in the United States. In consideration of the foregoing, including the materials incorporated in this notice, it is hereby found that GM is otherwise unable to sell a motor vehicle whose overall level of safety equals or exceeds that of a nonexempted motor vehicle, and that an exemption would be in the public interest and consistent with the objectives of the National Traffic and Motor Vehicle Safety Act. Accordingly, NHTSA Exemption 88–1, as granted on August 18, 1988, and as amended on January 20, 1989, is extended to apply to no more than 2500 of the subject passenger cars manufactured between August 1, 1990 and August 1, 1991, and to no more than 2500 such passenger cars manufactured between August 1, 1991 and August 1, 1992.

Authority: 15 U.S.C. 1410; delegation of authority at 49 CFR 1.50.

Issued on: December 13, 1990.

Jerry Ralph Curry,

Administrator.

[FR Doc. 89–29610 Filed 12–18–89; 8:45 am]

BILLING CODE 4910–49–M

Denial of Motor Vehicle Defect Petition

This notice sets forth the reasons for the denial of a petition submitted to NHTSA under section 124 of the National Traffic and Motor Vehicle Safety Act of 1966, as amended (15 U.S.C. 1381 *et seq.*).

Messrs. Russell J. Shew and Denis G. Cremin of Center for Auto Safety (CAS) submitted a petition dated August 14, 1990, requesting the agency to investigate more than 5 million 1987 through 1990 General Motors (GM) vehicles equipped with an automatic 3-point safety belt system to remedy a safety-related defect which allegedly fails to prevent front-seat occupant ejections if the front door opens during a crash. Specifically, the petitioner requests NHTSA to investigate the "* * * (1) Defective design, (2) physical failure of these automatic safety belts, and (3) integrity of the door latch mechanism."

NHTSA is denying petition. The agency has concluded that there is no reasonable possibility that further investigation would lead to the issuance of an order determining the existence of a safety-related defect with respect to any of the allegations raised in the petition and that it would be inappropriate to expend further agency investigative resources on these allegations. In addition, the agency has already granted a separate petition for rulemaking concerning these systems that will address their effectiveness and possible future changes to the applicable vehicle safety standard.

Door-mounted automatic safety belts have been in use in various makes and models of cars sold in the United States since 1975, when Volkswagen first introduced a 2-point version (without a lap belt) for the purpose of complying with the automatic crash protection provisions (which were then optional) of Federal Motor Vehicle Safety Standard (FMVSS) 208. During the 1980's, many different types of automatic belt systems have been produced, including motorized automatic safety belts which attach to the vehicle roof rail, rather to the door itself. GM and several other manufacturers have chosen to comply with FMVSS 208 with door-mounted automatic safety belts on many of their model lines. Still other models have been equipped with air bags. In the 1984 decision requiring automatic crash protection, the department specifically sought to encourage a wide variety of systems available to consumers (49 FR 28962 of July 17, 1984).

The agency has conducted a number of analyses of the effectiveness of various types of automatic crash protection in preventing injuries and death. A comprehensive Regulatory Impact Analysis (RIA) was conducted by the agency in 1984, for example, to support the decision to require automatic crash protection. That analysis, and others conducted by the agency, have concluded consistently that all automatic crash protection systems, including door-mounted 3-point automatic safety belt systems, would be effective in preventing death and injury in motor vehicle crashes. The 1984 rule has become fully effective and all new passenger cars sold in the United States must now be equipped with automatic crash protection.

The agency has also recognized that no occupant protection system is fully protective in all crash environments. The 1984 RIA supporting the FMVSS 208 rule, for example, acknowledged a Canadian study which found that door-mounted, 2-point automatic safety belts may "* * * have little capability of protecting an occupant in the event of an accidental door opening in a collision." The RIA also concluded that even a 3-point automatic belt will not prevent all fatalities involving ejection.

Although the CAS petition asks the agency to investigate whether ejections in vehicles equipped with GM door-mounted, 3-point automatic safety belts are excessive, any evaluation of the system must address the overall performance of the system, not just one facet of it. The advantages and disadvantages of the various types of automatic restraints were discussed in detail in the 1984 RIA supporting the amendment to FMVSS 208 requiring automatic crash protection. The RIA showed, for example, that air bags would provide little protection in side and rear collisions unless supplemental manual restraints were used. It also discussed the possibility that ejections with automatic belt systems would be more likely than with manual belts when used. However, the expected advantages in increased belt usage and overall performance of automatic belt systems were deemed sufficient to overcome potential shortcomings in specific crash situations. (See the 1984 RIA, NHTSA Docket No. 74–14–N35–152, at pages IV–29 to IV–36.)

Moreover, it would be inappropriate to determine that the design of an automatic occupant protection system is defective if the system was in fact anticipated by the agency in the 1984 rule making, it complies with the requirements of FMVSS 208, and the system does not malfunction. Door-mounted automatic safety belts were clearly anticipated in the 1984 rule (49 FR 28962), at 28965 and 28985; July 17, 1984). There is no evidence suggesting that the GM system either fails to meet

FMVSS 208 or otherwise fails to perform as designed.

The agency is in the process of conducting a comprehensive evaluation of FMVSS 208. See 55 FR 1586 (January 17, 1990). The results of the first phase of that evaluation will be available in 1991. That evaluation will address the overall performance of the various types of automatic crash protection systems, including the 3-point automatic belt system utilized by GM. On August 4, 1989, the agency granted a petition for rule making to examine automatic belts, and will use the results of the upcoming evaluation to determine whether further rulemaking would be appropriate.

The CAS petition also encompasses the question of whether the systems are properly functioning in these GM vehicles. NHTSA's Office of Defects Investigation has prepared a full report that describes in detail the agency's analysis of the allegations presented in the petition related to these allegations. Interested persons may obtain copies of that report by contacting the Technical Reference Division, NAD–52, room 5108B, 400 7th Street SW., Washington, DC 20590, (202) 366–2768. A brief summary of this report is presented below.

Description of Systems

(1) Automatic 3-point Safety Belt System

The automatic 3-point safety belt system in these GM vehicles is similar in many aspects to the manual 3-point safety belt system that has been installed in light-duty motor vehicles for many years. However, there are some differences between the two systems. In the automatic 3-point system, two of the three attachment points are on the door, rather than on the "B" pillar and outboard floor of the vehicle body. Also, the automatic safety belt system has two separate emergency-locking retractors located in the door for the lap belt and shoulder safety belt. The retractors are mounted near the rear edge of the front door. The shoulder belt goes through a D-ring which is attached to the upper rear edge of the door. The inboard buckle mechanism is substantially identical to the manual buckle. When the automatic belt is properly attached and the door is opened, both the shoulder belt and the lap belt extend with the door, allowing occupant entry and exit from the vehicle behind the extended lap and shoulder belts. When the door is closed, the retractors for the lap and shoulder belts re-spool the belt that was released when the door was open, in order to allow the belt to protect the occupant. The system is thus "automatic" in that the belts can be left in the attached mode, and no further action is needed by the occupant after entering the vehicle.

(2) Front-Door Latch and Lock Assembly

The front-door latch and lock assembly in these vehicles provides three major functions: A. It provides a means of keeping the door closed under static and prescribed dynamic conditions. B. It provides a means to unlatch the door from inside and outside the vehicle. C. It provides a means to lock and unlock the door.

Analysis of Information

Analysis of the available information revealed the following:

1. Data available to the agency indicate that GM vehicles equipped with the 3-point automatic door-mounted safety belt system have consistently passed compliance tests for the automatic protection provisions of FMVSS 208, Occupant Crash Protection.

2. No type of safety belt, including the automatic belts in the subject vehicles or manual belts, can guarantee that user injuries or ejections will be avoided under all vehicle crash conditions, including high-speed impacts or rollovers. There are many variables and factors which affect the degree of safety belt protection including, but not limited to, the seat design, the lap belt angle (off horizontal), the type of belt restraints, the vehicle size and design, the door latch and lock design, the impact speed and angle, and the adjustment of the safety belt.

3. The complaint reports available to the agency concerning alleged defective front safety belt systems and front-door latch mechanisms do not indicate that consumers have greater problems with GM vehicles equipped with door-mounted automatic safety belts than other vehicles equipped with different types of automatic safety belt systems.

4. Compliance data available to the agency indicate that GM vehicles equipped with 3-point automatic safety belts have consistently passed compliance tests for FMVSS 206, Door Locks and Door Retention Components. The agency also compared unrestrained occupant ejection rates in GM vehicles equipped with manual safety belts with those of other peer vehicles equipped with manual safety belts in order to assess hinge and latch performance. The latches and hinges on the GM vehicles were the same as on those later equipped with 3-point automatic safety belts. No statistically significant difference was found in the two groups.

Based on the information available at the present time, no defect trend has been identified for the automatic safety belt systems or the front-door latch mechanisms in 1987 through 1990 GM vehicles equipped with 3-point door-mounted automatic safety belt systems.

For the foregoing reasons and for the reasons stated in the ODI report, further expenditure of the agency's investigative resources on the allegations in the petition does not appear to be warranted. Therefore, the petition is denied.

Authority: Sec. 124, Pub. L. 93–492; 88 Stat. 1470 (15 U.S.C. 1410a); delegations of authority at 49 CFR 1.50 and 501.8.

Issued on December 12, 1990.

Michael B. Brownlee,

Acting Associate Administrator for Enforcement.

[FR Doc. 90–29716 Filed 12–18–90; 8:45 am]

BILLING CODE 4910–59–M

DEPARTMENT OF THE TREASURY

Public Information Collection Requirements Submitted to OMB for Review

December 12, 1990.

The Department of Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1980, Public Law 96–511. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, room 3171, Treasury Annex, 1500 Pennsylvania Avenue, NW., Washington, DC 20220.

Office of Thrift Supervision

OMB Number: 1550–0004.

Form Number: 248.

Type of Review: Extension.

Title: Annual Report of Savings Association Insurance Fund (SAIF)-Insured Institutions: Special Section L—Deposit Balances by Office.

Description: Provides only data by institutional office essential for analysis of market share of deposits required to evaluate competitive impact of mergers, acquisitions, and branching applications on which the OTS must act. Used by other agencies (FRB, FDIC, OCC, and Justice) for similar purposes.

Respondents: Businesses or other for-profit.

Estimated Number of Respondents: 2,400.

Estimated Burden Hours Per Response: 1 hour.

Frequency of Response: Annually.

Estimated Total Reporting Burden: 2,400 hours.

Clearance Officer: John Turner, (202) 906–6840, Office of Thrift Supervision, 1700 G Street, NW., 3rd floor, Washington, DC 20552.

OMB Reviewer: Milo Sunderhauf, (202) 395–6880, Office of Management and Budget, room 3001, New Executive Office Building, Washington, DC 20503.

Lois K. Holland,

Departmental Reports, Management Officer.

[FR Doc. 90–29614 Filed 12–18–90; 8:45 am]

BILLING CODE 4810–25–M

Public Information Collection Requirements Submitted to OMB for Review

December 12, 1990.

The Department of Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1980, Public Law 96–511. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, room 3171, Treasury Annex, 1500 Pennsylvania Avenue, NW., Washington, DC 20220.

Bureau of Alcohol, Tobacco and Firearms

OMB Number: 1512–0504.

Form Number: ATF F 5000.28.

Type of Review: Extension.

Title: Floor Stocks Tax Return (90F–269P) Recordkeeping and Reporting Requirements.

Description: The Omnibus Budget Reconciliation Act of 1990 raises the excise tax on alcoholic beverages, tobacco products, and perfume containing ethyl alcohol. The Act also imposes a floor stocks tax affecting wholesale and retail dealers in these commodities as well as proprietors of producing/warehouse facilities. ATF F 5000.28 and these regulations implement the law and are necessary to protect the revenue.

Respondents: Businesses or other for-profit.

Estimated Number of Respondents: 500,000

Estimated Burden Hours Per Respondent/Recordkeeper: 5 hrs., 18 mins.

Frequency of Response: Taken Jan. 91 and Jan. 93 (Cigarettes).

Estimated Total Recordkeeping/Reporting Burden: 2,650,000 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. 90–29615 Filed 12–18–90; 8:45 am]

BILLING CODE 4810–31–M

[No. 150–02]

Establishment of Certain Offices in the National Office of the Internal Revenue Service

December 10, 1990.

1. By the authority vested in me as Secretary of the Treasury by 31 U.S.C. 321(b); sections 7801(a), 7802 and 7803 of the Internal Revenue Code of 1986; and Reorganization Plan No. 1 of 1952, pursuant to section 7804(a) of the Internal Revenue Code, all offices in the National Office of the Internal Revenue Service (IRS) continue uninterrupted, except as follows:

a. The Senior Deputy Commissioner is retitled Deputy Commissioner;

b. The Deputy Commissioner (Operations) is retitled Chief Operations Officer;

c. The Deputy Commissioner (Planning and Resources)/Chief Financial Officer is retitled Chief Financial Officer; and

d. The two Assistant Chief Information officers are retitled Assistant Commissioner (Information Systems Development) and Assistant Commissioner (Information Systems Management), respectively.

2. Except for the specific poisitions and titles in paragraphs 1. through 8. of this Order, the Commissioner may create, abolish, or modify offices and positions within the Internal Revenue Service as may be necessary to effectively and efficiently administer the tax laws or other responsibilities assigned to the Internal Revenue Service. The authority of the Commissioner to create, abolish, or modify offices under this delegation is subject only to limitations that exist by law or Department of the Treasury rules and regulations.

3. *Office of Commissioner of Internal Revenue.* The Office of the Commissioner shall consist of the Commissioner, Deputy Commissioner, Chief Operations Officer, Chief Financial Officer, Chief Information Officer, Chief Inspector, and Assistants to the Commissioner and Deputy Commissioner.

4. *Deputy Commissioner.* The Deputy Commissioner is the highest career official in the Service and has line authority over all IRS officials and operations, except the Chief Inspector. The Deputy Commissioner is responsible for the following activities.

a. Assists and acts for the Commissioner in planning, directing, coordinating and controlling the policies, programs and other activities of the Internal Revenue Service.

b. Assists the Commissioner in establishing tax administration policy and developing strategic issues and objectives as a basis for strategic management of the Service.

c. Supervises the Chief Financial Officer, Chief Operations Officer, Chief Information Officer, and Assistants to the Commissioner and Deputy Commissioner.

5. *Chief Operations Officer.* The Chief Operations Officer is the principal advisor to the Commissioner and Deputy Commissioner on policy and operational matters affecting field functions. The Chief Operations Officer is responsible for the following activities.

a. Serves as national spokesperson for the field operations functions, which include:

(1) Assisting taxpayers in complying with the tax laws;

(2) Processing tax returns and information documents;

(3) Accounting for revenue collected by the Service;

(4) Collecting delinquent accounts;

(5) Investigating delinquent taxpayers;

(6) Investigating criminal tax fraud;

(7) Examining tax returns;

(8) Approving and examining employee plans and exempt organizations;

(9) Tax treaty administration; and

(10) Foreign tax administration assistance and disclosure.

b. Supervises the Regional Commissioners and the following Assistant Commissioners: Collection, Criminal Investigation, Employee Plans and Exempt Organizations, Examination, International, Returns Processing, and Taxpayer Services.

c. As designated by the Commissioner or Deputy Commissioner, represents the Service to other executive branch

agencies, the Congress, other tax authorities and the public on field operations and major cross-functional issues.

6. *Chief Financial Officer.* The Chief Financial Officer is the principal advisor to the Commissioner and Deputy Commissioner on Servicewide planning and the management of human and financial resources. The Chief Financial Officer is responsible for the following activities.

a. Serves as national spokesperson for the planning and management of resources functions, which include:

(1) Administering the Strategic Management System;

(2) Conducting research;

(3) Formulating budgets and controlling their execution;

(4) Adminstering human resource policies, facilities and logistical support; and

(5) Contracting.

b. Serves as the Service's Chief Financial Officer, and in that capacity establishes practices, procedures, standards, and controls for the Service's financial systems.

c. Supervises the following Assistant Commissioners: Finance/Controller, Planning and Research, Procurement, and Human Resources and Support.

d. As designated by the Commissioner or Deputy Commissioner, represents the Service to other executive branch agencies, the Congress, other tax authorities, and the public on Servicewide planning, management of resources, and major cross-functional issues.

7. *Chief Information Officer.* The Chief Information Officer is the principal advisor to the Commissioner and Deputy Commissioner on Servicewide information resources and technology management. The Chief Information Officer is responsible for the following activities.

a. Serves as the Service's main spokesperson on the planning and management of information resources, including:

(1) Strategic technology planning;

(2) Data administration;

(3) Technology standards; and

(4) Telecommunications.

b. Establishes policies and standards affecting these functions and the development and acquisition of computer hardware and software.

c. Provides the focus for technology management within the Service and plays an essential role in shaping technology goals and programs and fostering a shared commitment to them.

d. Supervises the Assistant Commissioner (Information System Development) and the Assistant Commissioner (Information Systems Management).

e. As designated by the Commissioner or Deputy Commissioner, represents the Service to other executive branch agencies, the Congress, other tax authorities, and the public on Servicewide information resources and technology management and major cross-functional issues.

8. *Chief inspector.* The Chief Inspector shall, to ensure objectivity and integrity, report directly to the Commissioner.

9. The above changes shall be implemented at a date determined by the Commissioner of Internal Revenue. Effective immediately, the Commissioner of Internal Revenue is authorized to effect, at appropriate times and in an orderly manner, such transfers of functions, personnel, positions, equipment and funds as may be necessary to implement the provisions of this Order.

10. *Chief counsel.* The Office of Chief Counsel is an office within the Department of the Treasury Legal Division. The Chief Counsel, pursuant to delegated authority from the General Counsel, is authorized to take necessary action on all personnel and administrative matters pertaining to the Office of Chief Counsel, including but not limited to those for the appointment, classification, promotion, demotion, reassignment, transfer or separation of officers or employees; however, all personnel and administrative matters concerning Senior Executive Service or Performance Management Recognition System employees in the Offices of Associate Chief Counsels (International) and (Technical) whose primary duties do not involve litigation, and the Office of the National Director of Appeals, shall be approved by the Commissioner of Internal Revenue prior to implementation.

a. The National Director of Appeals is supervised by the Chief Counsel. The Commissioner of Internal Revenue exercises line supervision over the Chief Counsel for this function.

b. The Commissioner of Internal Revenue will exercise the Service's final authority concerning substantive interpretation of the tax laws as reflected in legislative and regulatory proposals, revenue rulings, letter rulings, and technical advice memoranda.

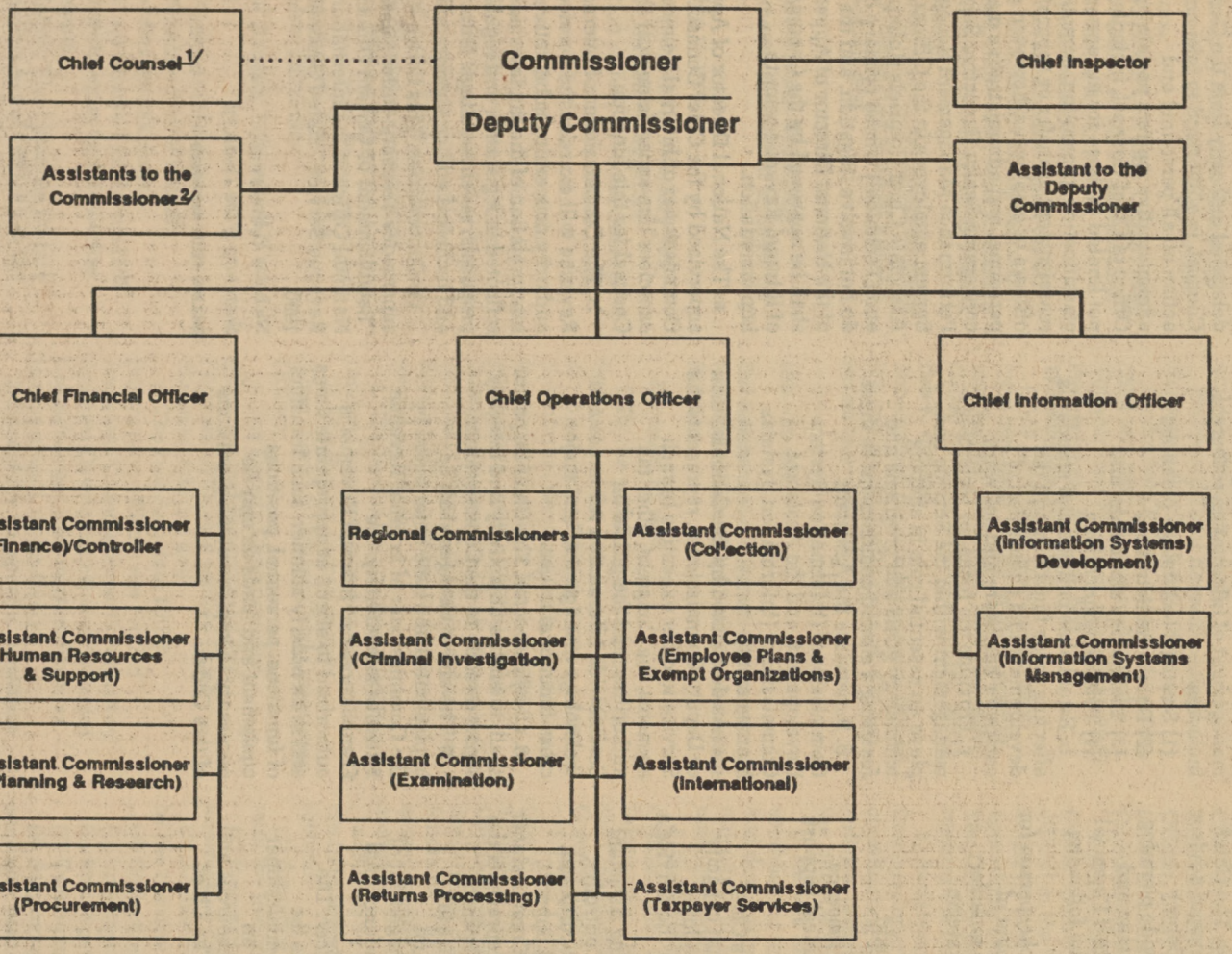
11. *Cancellation.* This Order supersedes Treasury Order 150–02, "Establishment of Certain Offices in the National Office of the International Revenue Service," dated September 28, 1990.

Nicholas F. Brady,

Secretary of the Treasury.

BILLING CODE 4830–01–M

The Internal Revenue Service



1/ Chief Counsel is part of the Legal Division, Department of the Treasury.

2/ Public Affairs, Legislative Liaison, Taxpayer Ombudsman, Equal Opportunity, and Quality.

DEPARTMENT OF THE TREASURY

Approved: [signature]

DEC 10 1990

TO 150-02
12-10-90

Attachment

[FR Doc. 29616 Filed 12-18-90; 8:45 am]
BILLING CODE 4830-01-C

Office of Thrift Supervision

Andrews Savings and Loan Association, F.A.; Appointment of Conservator

Notice is hereby given that, pursuant to the authority contained in section 5(d)(2) (B) and (H) of the Home Owner's Loan Act of 1933, as amended by section 301 of the Financial Institutions Reform, Recovery and Enforcement Act of 1989, the Office of Thrift Supervision has duly appointed the Resolution Trust Corporation as sole Conservator for Andrews Savings and Loan Association, F.A., Andrews, Texas, on December 7, 1990.

Dated: December 13, 1990.

By the Office of Thrift Supervision.

Nadine Y. Washington,

Executive Secretary.

[FR Doc. 90-29601 Filed 12-18-90; 8:45 am]

BILLING CODE 6720-01-M

Central Federal Savings Bank, Appointment of Conservator

Notice is hereby given that, pursuant to the authority contained in section 5 (d)(2) (B) and (H) of the Home Owners' Loan Act of 1933, as amended by section 301 of the Financial Institutions Reform, Recovery and Enforcement Act of 1989, the Office of Thrift Supervision has duly appointed the Resolution Trust Corporation as sole Conservator for Central Federal Savings Bank, Long Beach, New York on December 7, 1990.

Dated: December 13, 1990.

By the Office of Thrift Supervision.

Nadine Y. Washington,

Executive Secretary.

[FR Doc. 90-29602 Filed 12-18-90; 8:45 am]

BILLING CODE 6720-01-M

First Federal Savings Association of Raleigh, Appointment of Conservator

Notice is hereby given that, pursuant to the authority contained in section 5 (d)(2) (B) and (H) of the Home Owners' Loan Act of 1933, as amended by section 301 of the Financial Institutions Reform, Recovery and Enforcement Act of 1989, the Office of Thrift Supervision has duly appointed the Resolution Trust Corporation as sole Conservator for First Federal Savings Association of Raleigh, Raleigh, North Carolina, on December 7, 1990.

Dated: December 13, 1990.

By the Office of Thrift Supervision.

Nadine Y. Washington,

Executive Secretary.

[FR Doc. 90-29603 Filed 12-18-90; 8:45 am]

BILLING CODE 6720-01-M

Texarkana Federal Savings and Loan Association, F.A.; Appointment of Conservator

Notice is hereby given that, pursuant to the authority contained in section 5(d)(2) (B) and (H) of the Home Owners' Loan Act of 1933, as amended by section 301 of the Financial Institutions Reform, Recovery and Enforcement Act of 1989, the Office of Thrift Supervision has duly appointed the Resolution Trust Corporation as sole Conservator for Texarkana Federal Savings and Loan Association, F.A., Texarkana, Arkansas, on December 7, 1990.

Dated: December 13, 1990.

By the Office of Thrift Supervision.

Nadine Y. Washington,

Executive Secretary.

[FR Doc. 90-29604 Filed 12-18-90; 8:45 am]

BILLING CODE 6720-01-M

Andrews Federal Savings and Loan Association; Appointment of Receiver

Notice is hereby given that, pursuant to the authority contained in section 5 (d)(2)(A) of the Home Owners' Loan Act of 1933, as amended by section 301 of the Financial Institutions Reform, Recovery and Enforcement Act of 1989, the Office of Thrift Supervision has duly appointed the Resolution Trust Corporation as sole Receiver for Andrews Savings and Loan Association, Andrews, Texas, Docket No. 6315, on December 7, 1990.

Dated: December 13, 1990.

By the Office of Thrift Supervision.

Nadine Y. Washington,

Executive Secretary.

[FR Doc. 90-29605 Filed 12-18-90; 8:45 am]

BILLING CODE 6720-01-M

Central Federal Savings, F.S.B.; Appointment of Receiver

Notice is hereby given that, pursuant to the authority contained in section 5(d)(2)(A) of the Home Owners' Loan Act of 1933, as amended by section 301 of the Financial Institutions Reform, Recovery and Enforcement Act of 1989, the Office of Thrift Supervision has duly appointed the Resolution Trust Corporation as sole Receiver for Central Federal Savings, F.S.B., Long Beach, New York OTS No. 4153, on December 7, 1990.

Dated: December 13, 1990.

By the Office of Thrift Supervision.

Nadine Y. Washington,

Executive Secretary.

[FR Doc. 90-29606 Filed 12-18-90; 8:45 am]

BILLING CODE 6720-01-M

Commonwealth Savings and Loan Association; Replacement of Conservator with a Receiver

Notice is hereby given that, pursuant to the authority contained in subdivision (F) of section 5(d)(2) of the Home Owners' Loan Act of 1933, as amended by section 301 of the Financial Institutions Reform, Recovery and Enforcement Act of 1989, the Office of Thrift Supervision duly replaced the Resolution Trust Corporation as Conservator for Commonwealth Savings and Loan Association, Osceola, Arkansas with the Resolution Trust Corporation as sole Receiver for the Association on December 7, 1990.

Dated: December 13, 1990.

By the Office of Thrift Supervision.

Nadine Y. Washington,

Executive Secretary.

[FR Doc. 90-29596 Filed 12-18-90; 8:45 am]

BILLING CODE 6720-01-M

Deposit Trust Federal Savings Bank, et al.; Replacement of Conservator with a Receiver

Notice is hereby given that, on December 7, 1990 pursuant to the authority contained in subdivision (F) of section 5(d)(2) of the Home Owners' Loan Act of 1933, as amended by section 301 of the Financial Institutions Reform, Recovery and Enforcement Act of 1989, the Office of Thrift Supervision duly replaced the Resolution Trust Corporation as Conservator with the Resolution Trust Corporation as sole Receiver for each of the following savings associations:

Name	Location	Docket No.
1. Deposit Trust Federal Savings Bank.	Monroe, Louisiana	8722
2. First Federal Savings and Loan Association.	Shreveport, Louisiana.	0025
3. Security Federal Savings Association.	Texarkana, Texas	8671
4. Karnes County Federal Savings and Loan Association.	Karnes City, Texas	8736

Name	Location	Docket No.
5. Vision Banc Savings Association.	Kingsville, Texas.....	7592
6. Charter Savings Bank, FSB.	Newport Beach, California.	8881

Dated: December 13, 1990.

By the Office of Thrift Supervision.

Nadine Y. Washington,

Executive Secretary.

[FR Doc. 90–29599 Filed 12–18–90; 8:45 am]

BILLING CODE 6720–01–M

First America Savings Bank, F.S.B.; Replacement of Conservator With a Receiver

Notice is hereby given that, pursuant to the authority contained in subdivision (F) of section 5(d)(2) of the Home Owners' Loan Act of 1933, as amended by section 301 of the Financial Institutions Reform, Recovery and Enforcement Act of 1989, the Office of Thrift Supervision duly replaced the Resolution Trust Corporation as Conservator for First America Savings Bank, F.S.B., Fort Smith, Arkansas with the Resolution Trust Corporation as sole Receiver for the Association on December 7, 1990.

Dated: December 13, 1990.

By the Office of Thrift Supervision.

Nadine Y. Washington,

Executive Secretary.

[FR Doc. 90–29600 Filed 12–18–90; 8:45 am]

BILLING CODE 6720–01–M

First Federal Savings and Loan Association of Raleigh; Appointment of Receiver

Notice is hereby given that, pursuant to the authority contained in section 5(d)(2)(A) of the Home Owners' Loan Act of 1933, as amended by section 301 of the Financial Institutions Reform, Recovery and Enforcement Act of 1989, the Office of Thrift Supervision has duly appointed the Resolution Trust Corporation as sole Receiver for First Federal Savings and Loan Association, of Raleigh, Raleigh, North Carolina, Docket No. 4426, on December 7, 1990.

Dated: December 13, 1990.

By the Office of Thrift Supervision.

Nadine Y. Washington,

Executive Secretary.

[FR Doc. 90–29607 Filed 12–18–90; 8:45 am]

BILLING CODE 6720–01–M

Haven Savings and Loan Association, F.A.; Replacement of Conservator With a Receiver

Notice is hereby given that, pursuant to the authority contained in subdivision (F) of section 5(d)(2) of the Home Owners' Loan Act of 1933, as amended by section 301 of the Financial Institutions Reform, Recovery and Enforcement Act of 1989, the Office of Thrift Supervision duly replaced the Resolution Trust Corporation as Conservator for Haven Savings and Loan Association, F.A. Winter Haven, Florida with the Resolution Trust Corporation as sole Receiver for the Association on December 7, 1990.

Dated: December 13, 1990.

By the Office of Thrift Supervision.

Nadine Y. Washington,

Executive Secretary.

[FR Doc. 90–29597 Filed 12–18–90; 8:45 am]

BILLING CODE 6720–01–M

Terrebonne Savings and Loan Association, F.A.; Replacement of Conservator With a Receiver

Notice is hereby given that, pursuant to the authority contained in subdivision (F) of section 5(d)(2) of the Home Owners' Loan Act of 1933, as amended by section 301 of the Financial Institutions Reform, Recovery and Enforcement Act of 1989, the Office of Thrift Supervision duly replaced the Resolution Trust Corporation as Conservator for Terrebonne Savings and Loan Association, F.A., Houma, Louisiana with the Resolution Trust Corporation as sole Receiver for the Association on December 7, 1990.

Dated: December 13, 1990.

By the Office of Thrift Supervision.

Nadine Y. Washington,

Executive Secretary.

[FR Doc. 90–29598 Filed 12–18–90; 8:45 am]

BILLING CODE 6720–01–M

Texarkana Federal Savings and Loan Association; Appointment of Receiver

Notice is hereby given that, pursuant to the authority contained in section 5(d)(2)(A) of the Home Owners' Loan Act of 1933, as amended by section 301 of the Financial Institutions Reform, Recovery and Enforcement Act of 1989, the Office of Thrift Supervision has duly appointed the Resolution Trust Corporation as sole Receiver for Texarkana Federal Savings and Loan Association, Texarkana, Arkansas, Docket No. 0137, on December 7, 1990.

Dated: December 13, 1990.

By the Office of Thrift Supervision.

Nadine Y. Washington,

Executive Secretary.

[FR Doc. 90–29608 Filed 12–18–90; 8:45 am]

BILLING CODE 6720–01–M

Sunshine Act Meetings

Federal Register
Vol. 55, No. 244
Wednesday, December 19, 1990

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

UNIFORMED SERVICES UNIVERSITY OF THE HEALTH SCIENCES

MEETING NOTICE

TIME AND DATE: 8:00 a.m., January 7, 1991.

PLACE: Uniformed Services University of the Health Sciences, Room D3-001, 4301 Jones Bridge Road, Bethesda, Maryland 20814-4799.

STATUS: Open—under "Government in the Sunshine Act" (5 U.S.C. 552b(e)(3)).

MATTERS TO BE CONSIDERED: 8:00 a.m., Meeting—Board of Regents.

Reconstitution of Board Procedures and Organization—New Business.

CONTACT PERSON FOR MORE INFORMATION: Charles R. Mannix, Executive Secretary of the Board of Regents, 301/295-3028.

Dated: December 14, 1990.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 90-29819 Filed 12-17-90; 1:55 pm]

BILLING CODE 3810-01-M

UNIFORMED SERVICES UNIVERSITY OF THE HEALTH SCIENCES

Meeting Notice

TIME AND DATE: Subcommittee meetings 8:00 a.m., February 11, 1991, Full Board 10:00 a.m., February 11, 1991.

PLACE: Uniformed Services University of the Health Sciences, Room D3-001, 4301 Jones Bridge Road, Bethesda, Maryland 20814-4799.

STATUS: Open—under "Government in the Sunshine Act" (5 U.S.C. 552b(e)(3)).

MATTERS TO BE CONSIDERED:

8:00 a.m., Subcommittee Meetings—Reports on Planning and Oversight

10:00 a.m., Meeting—Board of Regents

(1) Approval of Minutes—October 29, 1990 and January 1, 1991; (2) Faculty Matters; (3) Report—Admissions; (4) Financial Report; (5) Report—Dean, Military Medicine Education Institute; (6) Report—Oversight and Planning Committees; (7) Report—Deputy Dean, USUHS; (8) Comments—Members, Board of Regents; (9) Comments—Chairman, Board of Regents—New Business

CONTACT PERSON FOR MORE INFORMATION: Charles R. Mannix, Executive Secretary of the Board of Regents, 301/295-3028.

Dated: December 14, 1990.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 90-29820 Filed 12-17-90; 1:55 pm]

BILLING CODE 3810-01-M

FEDERAL DEPOSIT INSURANCE CORPORATION

Notice of Agency Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 6:05 p.m. on Thursday, December 13, 1990, the Board of Directors of the Federal Deposit Insurance Corporation met in closed session to consider matters relating to certain financial institutions.

In calling the meeting, the Board determined, on motion of Director C.C. Hope Jr. (Appointive), seconded by Director Robert L. Clarke (Comptroller of the Currency), concurred in by Director L. William Seidman, that Corporation business required its consideration of the matters on less than seven days' notice to the public; that no earlier notice of the meeting was practicable; that the public interest did not require consideration of the matters in a meeting open to public observation; and that the matters could be considered in a closed meeting by authority of subsections (c)(4), (c)(8), (c)(9)(A)(i), and (c)(9)(B) of the "Government in the Sunshine Act" (5 U.S.C. 552b (c)(4), (c)(8), (c)(9)(A)(i), and (c)(9)(B)).

The meeting was held in the Board Room of the FDIC Building located at 550—17th Street, NW., Washington, DC.

Dated: December 14, 1990.

Federal Deposit Insurance Corporation.

Robert E. Feldman,

Deputy Executive Secretary.

[FR Doc. 90-29783 Filed 12-17-90; 11:56 am]

BILLING CODE 6714-01-M

NATIONAL MEDIATION BOARD

Meeting

TIME AND DATE: 2:00 p.m., Wednesday, January 9, 1991.

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 December, 1990.
2. Other priority matters which may come before the Board 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: December 14, 1990.

William A. Gill, Jr.,

Executive Director, National Mediation Board.

[FR Doc. 90-29763 Filed 12-17-90; 11:19 am]

BILLING CODE 7550-01-M

Corrections

Federal Register
Vol. 55, No. 244
Wednesday, December 19, 1990

This section of the FEDERAL REGISTER contains editorial corrections of previously published Presidential, Rule, Proposed Rule, and Notice documents. These corrections are prepared by the Office of the Federal Register. Agency prepared corrections are issued as signed documents and appear in the appropriate document categories elsewhere in the issue.

DEPARTMENT OF AGRICULTURE

Federal Crop Insurance Corporation

7 CFR Part 433

[Amdt. No. 3; Doc. No. 7889S]

Dry Bean Crop Insurance Regulations

Correction

In rule document 90-28904 beginning on page 50815 in the issue of Tuesday, December 11, 1990, in the second column, under **EFFECTIVE DATE**, "January 10, 1990" should read "January 10, 1991".

BILLING CODE 1505-01-D

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 669

[Docket No. 900786-0263]

RIN 0648-AD47

Shallow-Water Reef Fish Fishery of Puerto Rico and the U.S.Virgin Islands

Correction

In rule document 90-25995 beginning on page 46214 in the issue of Friday, November 2, 1990, make the following corrections:

§ 669.21 [Corrected]

1. On page 46216, in the second column in the table in § 669.21, the last entry was ommited and, the point, latitude, and longitude should read, "A 18°13.2'N. 65°06.0'W." respectively.

§ 669.23 [Corrected]

2. On the same page, in the third column, in § 669.23(b), in the fourth line "EEA" should read "EEZ".

BILLING CODE 1505-01-D

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Part 52

[Federal Acquisition Circular 84-60]

RIN 9000-AD01

Federal Acquisition Regulation (FAR); Procurement Integrity

Correction

In rule document 90-21008 beginning on page 36782 in the issue of Thursday, September 6, 1990, make the following correction:

§ 52.203-8 [Corrected]

On page 36796, in § 52.203-8, in paragraph (b)(1) of the provision, in the middle column, in the fifth line, "subsection 27(a), (d), or (f)" should read "subsection 27(a), (b), (d), or (f)".

BILLING CODE 1505-01-D

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

42 CFR Parts 433, 435, 436, 440, and 447

[MB-014-F]

RIN 0938-AD16

Medicaid Program; Eligibility Groups, Coverage and Conditions of Eligibility; Legislative Changes Under OBRA '87, COBRA, and TEFRA

Correction

In rule document 90-27393 beginning on page 48601 in the issue of Wednesday, November 21, 1990, make the following corrections:

1. On page 48602, in the third column, in the third paragraph, in the fourth line, "30" should read "20".

2. On page 48604, in the third column, in the first line, "SSI" should read "SSP".

3. On page 48606, in the first column, the ninth line should read "42 CFR Part 440".

§ 433.137 [Corrected]

4. In the same column, under § 433.137, in paragraph (b)(1), in the fifth line, "of" should read "or".

§ 436.604 [Corrected]

5. On page 48610, in § 436.604(c), in the third column, in the last line, "are" should be "is".

§ 447.53 [Corrected]

6. On page 48611, in § 447.53(b)(2), in the third column, in the ninth line, after "care" add a comma.

BILLING CODE 1505-01-D

federal register

Wednesday
December 19, 1990

Part II

Department of Agriculture

Cooperative State Research Service

Special Research Grants Program for Fiscal Year 1991; Solicitation of Applications

DEPARTMENT OF AGRICULTURE

Cooperative State Research Service

Special Research Grants Program for Fiscal Year 1991; Solicitation of Applications

Applications are invited for competitive grant awards under the Special Research Grants Program for fiscal year 1991.

The authority for this program is contained in section 2(c)(1)(A) of the Act of August 4, 1965, Public Law No. 89–106, as amended by the Food, Agriculture, Conservation, and Trade Act of 1990, Public Law No. 101–624 (7 U.S.C. 450i). This program is administered by the Cooperative State Research Service (CSRS) of the U.S. Department of Agriculture (USDA). Under this program, and subject to the availability of funds, the Secretary may award grants for periods not to exceed five years, for the support of research projects to further the program discussed below. Proposals may be submitted by State agricultural experiment stations, all colleges and universities, other research institutions and organizations, Federal agencies, private organizations or corporations, and individuals. Proposals from scientists at non-United States organizations will not be considered for support.

Applicable Regulations

Regulations applicable to this program include the following: (a) The Administrative Provisions governing the Special Research Grants Program, 7 CFR part 3400 (50 FR 5498, February 8, 1985), as amended (53 FR 49640, December 8, 1988) which sets forth procedures to be followed when submitting grant proposals, rules governing the evaluation of proposals and the awarding of grants, and regulations relating to the post-award administration of grant projects; (b) the USDA Uniform Federal Assistance Regulations, 7 CFR part 3015; (c) the Governmentwide Debarment and Suspension (Nonprocurement) and Governmentwide Requirements for Drug-Free Workplace (Grants), 7 CFR part 3017, as amended; and (d) New Restrictions on Lobbying, 7 CFR part 3018.

Introduction to Program Description

Standard grants will be awarded to support basic studies in selected areas of aquaculture research. Consideration will be given to proposals that address innovative as well as fundamental approaches to the research areas outlined below and that are consistent with the mission of USDA. The following specific program area, its subareas and guidelines are thus provided as a base from which proposals may be developed:

Program Area

1.0 *Aquaculture Research*
1.1 *Disease and Parasite Control.*
(1) Infectious and noninfectious diseases.
(2) Parasitic diseases.
1.2 *Integrated Aquatic Animal Health Management.*

CSRS Contact: Dr. Meryl Broussard; Telephone: (202) 401–4061

Funds will be awarded to support research seeking solutions to health problems of major aquacultural species. A total of approximately $300,000 will be available for this program area for fiscal year 1991. Please note that section 639 of the FY 91 Appropriations Act (Pub. L. No. 101–506) states:

> None of the funds in this Act shall be available to pay indirect costs on research grants awarded competitively by the Cooperative State Research Service that exceed 14 percent of total direct costs under each award.

Up to $80,000 will be awarded for the support of any one project under this program area. Investigators and co-investigators who have received Special Research Grant awards in the Animal Health or Aquaculture area during the past five years must include a brief summary of progress and a list of publications resulting from such grants.

The objective of this research area is to enhance the knowledge and technology base necessary for the continued growth of the domestic aquaculture industry as a form of production agriculture. Emphasis is placed on research leading to improved production efficiency and increased competitiveness of private sector aquaculture in the United States. Because of the limited funds for this program area, only proposals focused on commercially important aquacultural species in the specific subareas of Disease and Parasite Control (1.1) and Integrated Aquatic Animal Health Management (1.2) will be considered.

The specific objective of this research is to develop and/or refine methodologies for reducing losses of major aquacultural species due to infectious and noninfectious diseaes, internal and external parasites, and the effects of the production environment.

Research Should Be Directed Toward:

1.1 *Disease and Parasite Control.* Basic studies to clarify high-priority infectious and noninfectious diseases and parasites and their interactive effects on aquatic animal health; development of improved methods of detecting disease agents or antibodies in aquatic animals; clarification of disease pathogenesis; determination of methods of disease transmission; development of improved methods of immunization against disease agents that will provide solid and persistent protection without compromising diagnosis; development of alternative disease eradication methods so as to limit the use and dependence on biotoxic substances; development of other disease prevention, control and eradication technology; and epidemiology and the evaluation of the economics of disease and disease prevention or control.

1.2 *Integrated Aquatic Animal Health Management.* Interdisciplinary studies aimed at reducing acute and chronic losses related to aquatic animal health in aquacultural production systems through an integrated holistic approach including studies in the following areas; physiological stress related to the quality of the aquatic production system; genetic, environmental and nutritional components of aquatic health management.

Utilizing the recommendations of the peer panels, the Administrator of CSRS will make the final determination on specific grants to be awarded.

How To Obtain Application Materials

Copies of this solicitation, the Grant Application Kit, and the Administrative Provisions governing this program, 7 CFR part 3400 (50 FR 5498, February 8, 1985), as amended (53 FR 49640, December 8, 1988), may be obtained by writing to the address or calling the telephone number which follows:

Proposal Services Branch, Awards Management Division, Office of Grants and Program Systems, Cooperative State Research Service, U.S. Department of Agriculture, Room 303, Aerospace Center, Washington, DC 20250–2200, Telephone: (202) 401–5048.

What To Submit

An original and nine copies of each proposal submitted are requested. This number of copies is necessary to permit thorough, objective peer evaluation of all proposals received before funding decisions are made.

Each copy of each proposal must include a Form CSRS–661, "Grant Application." Proposers should note that one copy of this form, preferably the original, must contain pen-and-ink signatures of the principal investigator(s) and the authorized organizational representative. (Form

CSRS–661 and the other required forms and certifications are contained in the Grant Application Kit.) It should be noted that the November 1990 version of the Grant Application Kit must be used, as previous versions are obsolete.

Members of review committees and the staff expect each project description to be complete in itself. Grant proposals must be limited to 15 pages (single-spaced) exclusive of required forms, the summary of progress for any prior Animal Health and Aquaculture Special Research grants, bibliography, and vitae of the principal investigator(s), senior associate(s) and other professional personnel. Reduction by photocopying or other means for the purpose of meeting the 15-page limit is not permitted. Attachment of appendices is discouraged and should be included only if pertinent to understanding the proposal. Reviewers are not required to read beyond the 15-page maximum to evaluate the proposal.

All copies of a proposal must be mailed in one package and each copy must be stapled securely in the upper left-hand corner. Do not Bind. Information should be typed on one side of the page only. Every effort should be made to ensure that the proposal contains all pertinent information when initially submitted. Prior to mailing, compare your proposal with the guidelines contained in the Administrative Provisions which govern the Special Research Grants Program, 7 CFR part 3400, as amended.

Where and When To Submit Grant Applications

Each research grant application must be submitted by the date set forth below to:

Proposal Services Branch, Awards Management Division, Office of Grants and Program Systems, Cooperative State Research Service, U.S. Department of Agriculture, Room 303, Aerospace Center, Washington, DC 20250–2200.

Please Note: Hand delivered proposals or those delivered by overnight express service should be brought to: Room 303, Aerospace Center, 901 D Street SW., Washington, DC 20024.

To be considered for funding during fiscal year 1991, proposals must be postmarked by February 25, 1991, for the Aquaculture Research Program area.

One copy of each proposal not selected for funding will be retained for a period of one year. The remaining copies will be destroyed.

Special Instructions

On Form CSRS–661 provided in the Grant Application Kit, the Special Research Grants Program should be indicated in Block 7, and "Aquaculture Research 1.0" should be indicated in Block 8.

Supplementary Information

The Special Research Grants Program is listed in the Catalog of Federal Domestic Assistance under No. 10.200. For reasons set forth in the final Rule-related Notice to 7 CFR part 3015, subpart V (48 FR 29115, June 24, 1983), this program is excluded from the scope of Executive Order 12372 which requires intergovernmental consultation with State and local officials.

Under the provisions of the Paperwork Reduction Act of 1980 (44 U.S.C. 3504(h)), the collection of information requirements contained in this Notice have been approved under OMB Document No. 0524–0022.

The award of any grants under the Special Research Grants Program during Fiscal Year 1991 is subject to the availability of funds.

Done at Washington, DC, this 13th day of December 1990.

Clare I. Harris,

Associate Administrator, Cooperative State Research Service.

[FR Doc. 90–29620 Filed 12–18–90; 8:45 am]

BILLING CODE 3410–22–M

federal register

Wednesday
December 19, 1990

Part III

Enforcement of Nondiscrimination on the Basis of Handicap in Federally Assisted Programs; Final Rule

Department of Agriculture
Department of Education
Department of Energy
Department of Health and Human Services
Department of State
Department of Veterans Affairs
ACTION
Environmental Protection Agency
International Development Cooperation Agency
Agency for International Development
National Aeronautics and Space Administration
National Foundation on the Arts and the Humanities
National Endowment for the Arts
National Endowment for the Humanities
National Science Foundation
Nuclear Regulatory Commission
Small Business Administration

DEPARTMENT OF AGRICULTURE

7 CFR Part 15b

NUCLEAR REGULATORY COMMISSION

10 CFR Part 4

DEPARTMENT OF ENERGY

10 CFR Part 1040

SMALL BUSINESS ADMINISTRATION

13 CFR Part 113

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

14 CFR Part 1251

DEPARTMENT OF STATE

22 CFR Part 142

INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

Agency for International Development

22 CFR Part 217

DEPARTMENT OF EDUCATION

34 CFR Part 104

DEPARTMENT OF VETERANS AFFAIRS

38 CFR Part 18

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 7

DEPARTMENT OF HEALTH AND HUMAN SERVICES

45 CFR Part 84

NATIONAL SCIENCE FOUNDATION

45 CFR Part 605

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

National Endowment for the Arts

45 CFR Part 1151

National Endowment for the Humanities

45 CFR Part 1170

ACTION

45 CFR Part 1232

Enforcement of Nondiscrimination on the Basis of Handicap in Federally Assisted Programs

AGENCIES: ACTION, Departments of Agriculture, Education, Energy, Health and Human Services, State, and Veterans Affairs; Environmental Protection Agency, International Development Cooperation Agency, National Aeronautics and Space Administration, National Foundation on the Arts and the Humanities, National Endowment for the Arts and National Endowment for the Humanities, National Science Foundation, Nuclear Regulatory Commission, Small Business Administration.

ACTION: Final rule.

SUMMARY: This common rule amends the regulations issued by the agencies listed above for enforcement of section 504 of the Rehabilitation Act of 1973, as amended, in federally assisted programs or activities to include a cross-reference to the Uniform Federal Accessibility Standards (UFAS). Because some facilities subject to new construction or alteration requirements under section 504 are also subject to the Architectural Barriers Act, governmentwide reference to UFAS will diminish the possibility that recipients of Federal financial assistance would face conflicting enforcement standards. In addition, reference to UFAS by all Federal funding agencies will reduce potential conflicts when a building is subject to the section 504 regulations of more than one Federal agency.

EFFECTIVE DATE: January 18, 1991.

ADDRESSES: Copies of this final regulation are available on tape for persons with impaired vision. They may be obtained from the Coordination and Review Section, Civil Rights Division, Department of Justice, Washington, DC 20530; (202) 724–2222 (voice) or 724–7678 (TDD).

FOR FURTHER INFORMATION CONTACT: See individual agencies below.

SUPPLEMENTARY INFORMATION: On March 8, 1989 (54 FR 9966), fifteen agencies jointly published a Notice of Proposed Rulemaking (NPRM) that would amend their existing regulations for enforcement of section 504 of the Rehabilitation Act of 1973, as amended, in federally assisted programs or activities to include a cross-reference to UFAS. The agencies received several comments from States, architects, interest groups, and individuals. Virtually all commenters supported the governmentwide reference to UFAS for new construction and alterations subject to section 504. As the New York State Office of Advocate for the Disabled put it, the use of UFAS by all the Federal funding agencies "will greatly help to reduce confusion for architects, developers and building officials."

The Federal agencies individually analyzed the comments. On the basis of their analysis, they decided to adopt the common rule. They, therefore, are able to publish it jointly, and are doing so in order to minimize costs and expedite its issuance. The rule adopted by each agency will be codified in that agency's portion of the Code of Federal Regulations, as indicated in the information provided for the individual agencies below.

Background

Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 794), provides in part that:

> No otherwise qualified individual with handicaps in the United States * * * shall, solely by reason of her or his handicap, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance * * *.

The above listed agencies' existing section 504 regulations for federally assisted programs or activities require that new construction be designed and built to be accessible and that alterations of facilities be made in an accessible manner. Except as otherwise noted in the additional supplementary information, the regulations state that new construction or alteration accomplished in accordance with the "American National Standard Specifications for Making Buildings and Facilities Accessible to, and Usable by, the Physically Handicapped" published by the American National Standards Institute, Inc. (ANSI A117.1–1961 (R1971) (ANSI)) meets the requirements of section 504. Three agencies (the Department of Agriculture, the Environmental Protection Agency, and the Small Business Administration) reference the 1980 edition, ANSI A117.1–1980. The revision set forth in this document will reference UFAS in place of the current standard.

On August 7, 1984, UFAS was issued by the four agencies establishing standards under the Architectural Barriers Act (49 FR 31528 (*see* discussion *infra*)). The Department of Justice (DOJ), as the agency responsible under Executive Order 12250 for coordinating the enforcement of section 504, has recommended that agencies

amend their section 504 regulations for federally assisted programs or activities to establish that, with respect to new construction and alterations, compliance with UFAS shall be deemed to be compliance with section 504. Because some facilities subject to new construction or alteration requirements under section 504 are also subject to the Architectural Barriers Act, governmentwide reference to UFAS will diminish the possibility that recipients of Federal financial assistance would face conflicting enforcement standards. In addition, reference to UFAS by all Federal funding agencies will reduce potential conflicts when a building is subject to the section 504 regulations of more than one Federal agency.

Background of Accessibility Standards

The Architectural Barriers Act of 1968, 42 U.S.C. 4151–4157, requires certain Federal and federally funded buildings to be designed, constructed, and altered in accordance with accessibility standards. It also designates four agencies (the General Services Administration, the Departments of Defense and Housing and Urban Development, and the United States Postal Service) to prescribe the accessibility standards. Section 502(b)(7) of the Rehabilitation Act of 1973, as amended, directed the Architectural and Transportation Barriers Compliance Board (ATBCB) to issue minimum guidelines and requirements for these standards. 29 U.S.C. 792(b)(7). The guidelines [1] now in effect are found at 36 CFR part 1190.[2]

In 1984, the four standard-setting agencies issued UFAS as an effort to minimize the differences among their Barriers Act standards, and among those standards and accessibility standards used by the private sector. The General Services Administration (GSA) and Department of Housing and Urban Development (HUD) have incorporated UFAS into their Barriers Act regulations (*see* 41 CFR subpart 101–19.6 (GSA) and 24 CFR part 40 (HUD)). In order to ensure uniformity, UFAS was designed to be consistent with the scoping and technical provisions of the ATBCB's minimum guidelines and requirements, as well as with the technical provisions of ANSI A117.1–1980. ANSI is a private, national organization that publishes recommended standards on a wide variety of subjects. The original ANSI A117.1 was adopted in 1961 and reaffirmed in 1971. The current edition, issued in 1986, is ANSI A117.1–1986. The 1961, 1980, and 1986 ANSI standards are frequently used in private practice and by State and local governments.

The final rule amends the agencies' current section 504 regulations for federally assisted programs or activities to refer to UFAS.

The agencies have determined that they will not require the use of UFAS, or any other standard, as the sole means by which recipients can achieve compliance with the requirement that new construction and alterations be accessible. To do so would unnecessarily restrict recipients' ability to design for particular circumstances. In addition, it might create conflicts with State or local accessibility requirements that may also apply to recipients' buildings and that are intended to achieve ready access and use. It is expected that in some instances recipients will be able to satisfy the section 504 new construction and alteration requirements by following applicable State or local codes, and vice versa.

Some facilities may be covered by both section 504 and the Architectural Barriers Act. Nothing in this rule relieves recipients whose facilities are covered by the Barriers Act and that Act's implementing regulations from complying with the requirements of UFAS or any other Barriers Act standard or requirements that may be in effect.

Effect of Amendment

Except as otherwise noted in the additional supplementary information for individual agencies, the agencies' current section 504 rules require that new facilities be designed and constructed to be readily accessible to and usable by persons with handicaps and that alterations be accessible to the maximum extent feasible. The amendment does not affect these requirements but merely provides that compliance with UFAS with respect to buildings (as opposed to "facilities," a broader term that encompasses buildings as well as other types of property) shall be deemed compliance with these requirements with respect to those buildings. Thus, for example, an alteration is accessible "to the maximum extent feasible" if it is done in accordance with UFAS. It should be noted that UFAS contains special requirements for alterations where meeting the general standards would be impracticable or infeasible (*see, e.g.*, UFAS sections 4.1.6(1)(b), 4.1.6.(3), 4.1.6(4), and 4.1.7).

The amendment also includes language providing that departures from particular UFAS technical and scoping requirements are permitted so long as the alternative methods used will provide substantially equivalent or greater access to and utilization of the building. Allowing these departures from UFAS will provide recipients with necessary flexibility to design for special circumstances and will facilitate the application of new technologies that are not specified in UFAS. As explained under "Background of Accessibility Standards," the agencies anticipate that compliance with some provisions of applicable State and local accessibility requirements will provide "substantially equivalent" access. In some circumstances, recipients may choose to use methods specified in model building codes or other State or local codes that are not necessarily applicable to their buildings but that achieve substantially equivalent access.

The amendment requires that the alternative methods provide "substantially" equivalent or greater access, in order to clarify that the alternative access need not be precisely equivalent to that afforded by UFAS. Application of the "substantially equivalent access" language will depend on the nature, location, and intended use of a particular building. Generally, alternative methods will satisfy the requirement if in material respects the access is substantially equivalent that which would be provided by UFAS in such respects as safety, convenience, and independence of movement. For example, it would be permissible to depart from the technical requirement of UFAS section 4.10.9 that the inside dimensions of an elevator car be at least 68 inches or 80 inches (depending on the location of the door) on the door opening side, by 54 inches, if the clear floor area and the configuration of the car permits wheelchair users to enter the car, make a 360° turn, maneuver within reach of controls, and exit from the car. This departure is permissible because it results in access that is safe, convenient, and independent, and therefore substantially equivalent to that provided by UFAS.

With respect to UFAS scoping requirements, it would be permissible in some circumstances to depart from the UFAS new construction requirement of one accessible principle entrance at

[1] The minimum guidelines were established on August 4, 1982 (47 FR 33864), and amended on September 14, 1988 (53 FR 35510), February 3, 1989 (54 FR 5444), and August 23, 1989 (54 FR 34977).

[2] The ATBCB Office of Technical Services is available to provide technical assistance to recipients upon request relating to the elimination of architectural barriers. Its address is: U.S. ATBCB, Office of Technical Services, 1111 18th Street, NW., Suite 500, Washington, DC 20036. The telephone number is (202) 653–7834 (voice/TDD). This is not a toll free number.

each grade floor level of a building (see UFAS section 4.1.2(8)), if safe, convenient, and independent access is provided to each level of the new facility by a wheelchair user from an accessible principle entrance. This departure would not be permissible if it required an individual with handicaps to travel an extremely long distance to reach the spaces served by the inaccessible entrances or otherwise provided access that was substantially less convenient than that which would be provided by UFAS.

It would not be permissible for a recipient to depart from UFAS' requirement that, in new construction of a long-term care facility, at least 50% of all patient bedrooms be accessible (see UFAS section 4.1.4(9)(b)), by using large accessible wards that make it possible for 50% of all beds in the facility to be accessible to individuals with handicaps. The result is that the population of individuals with handicaps in the facility will be concentrated in large wards, while able-bodied persons will be concentrated in smaller, more private rooms. Because convenience for persons with handicaps is therefore compromised to such a great extent, the degree of accessibility provided to persons with handicaps is not substantially equivalent to that intended to be afforded by UFAS.

It should be noted that the amendment does not require that existing buildings leased by recipients meet the standards for new construction and alterations.[3] Rather, it continues the current Federal practice under section 504 of treating newly leased buildings as subject to the program accessibility standard for existing facilities.

UFAS contains specific requirements for additions to existing buildings (see UFAS section 4.1.5). The amendment references UFAS for "design, new construction, or alteration of buildings," and does not mention additions specifically. For purposes of section 504, an addition is considered "new construction" or "alteration." Thus, the lack of reference to additions in the rule should not be read to exempt additions from the accessibility requirements.

Buildings under design on the effective date of this amendment will be governed by the amendment if the date that bids were invited falls after the effective date. This interpretation is consistent with GSA's Architectural Barriers Act regulation incorporating UFAS, at 41 CFR subpart 101–19.6.

The revision includes language modifying the effect of UFAS section 4.1.6(1)(g), which provides an exception to UFAS 4.1.6, *Accessible buildings: Alterations.* Section 4.1.6(1)(g) of UFAS states that "mechanical rooms and other spaces which normally are not frequented by the public or employees of the building or facility or which by nature of their use are not required by the Architectural Barriers Act to be accessible are excepted from the requirements of 4.1.6." Particularly after the development of specific UFAS provisions for housing alterations and additions, UFAS section 4.1.6(1)(g) could be read to exempt alterations to privately owned residential housing, which is not covered by the Architectural Barriers Act unless leased by the Federal Government for subsidized housing programs. This exception, however, is not appropriate under section 504, which protects beneficiaries of housing provided as part of a federally assisted program. Consequently, the amendment provides that, for purposes of this section, section 4.1.6(1)(g) of UFAS shall be interpreted to exempt from the requirements of UFAS only mechanical rooms and other spaces that, because of their intended use, will not require accessibility to the public or beneficiaries, or result in the employment or residence therein of persons with handicaps.

This exception does not apply to a room merely because it contains mechanical equipment. For instance, the exception shall not be read to exempt from the requirements of UFAS a "mechanical room" with a photocopier, control mechanisms and operating equipment for a large heating and air conditioning system, and controls for a security system. Since the room would be frequented by employees, it is not excepted from UFAS. In this case, the control mechanisms, including switches, thermostats, and alarms, used by employees should be on an accessible path and mounted at the proper height.

The revision also provides that whether or not the recipient opts to follow UFAS in satisfaction of the ready access requirement, the recipient is not required to make building alterations that have little likelihood of being accomplished without removing or altering a load-bearing structural member. This provision does not relieve recipients of their obligation under the current regulation to ensure program accessibility.

Several agencies' section 504 regulations for federally assisted programs are contained in parts entitled "Nondiscrimination on the basis of handicap in programs and activities receiving or benefiting from Federal financial assistance." This document deletes the phrase "or benefiting from" from those titles. The phrase is being deleted pursuant to *Department of Transportation* v. *Paralyzed Veterans of America*, 477 U.S. 597 (1986), which held that air transportation services provided by airlines were not part of the covered program or activity because the airlines were not the intended recipient of the Federal financial assistance to airports, even if the airlines benefited from that assistance. The passage of the Civil Rights Restoration Act of 1987, 20 U.S.C. 1687 note (1988), does not overrule or alter this result. S. Rep. No. 64, 100th Cong., 1st Sess. 29 (1987).

This document has been reviewed by DOJ. It is an adaptation of a prototype prepared by DOJ under Executive Order 12250 of November 2, 1980. The ATBCB has been consulted in the development of this document in accordance with 28 CFR 41.7.

The regulation is not a major rule within the meaning of Executive order 12291 of February 17, 1981, and, therefore, a regulatory impact analysis has not been prepared. As required by the Regulatory Flexibility Act, it is hereby certified that this rule will not have a significant impact on small business entities.

Text of the Common Rule

The text of the common rule, as adopted by the agencies in this document, appears below.

§ ____

* * * * *

(____) *Conformance with Uniform Federal Accessibility Standards.* (1) Effective as of January 18, 1991, design, construction, or alteration of buildings in conformance with sections 3-8 of the Uniform Federal Accessibility Standards (USAF) (Appendix A to 41 CFR Subpart 101-19.6) shall be deemed to comply with the requirements of this

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[3] This will be the case even if UFAS is revised to be consistent with a 1988 amendment to the ATBCB minimum guidelines to provide minimum guidelines and requirements for accessible leased facilities. On September 14, 1988 (53 FR at 35510), the ATBCB amended its minimum guidelines to establish requirements for standards for buildings leased by the Federal Government. 36 CFR 1190.34 (1989). The requirements apply to leased buildings even if they are not altered. Section 1190.34(a) requires that any building or facility that is to be leased by the Federal Government, without having been designed or constructed in accordance with its specifications, comply with the standards for new construction (§ 1190.31), incorporate the features listed in the standards for alterations (§ 1190.33(c)), or, if no such space is available, be altered to include certain accessible elements and spaces. These requirements will be incorporated into UFAS and will apply to buildings covered by the Architectural Barriers Act. However, existing buildings, leased by recipients are not covered by the Act unless the buildings are to be altered.

section with respect to those buildings. Departures from particular technical and scoping requirements of UFAS by the use of other methods are permitted where substantially equivalent or greater access to and usability of the building is provided.

(2) For purposes of this section, section 4.1.6(1)(g) of UFAS shall be interpreted to exempt from the requirements of UFAS only mechanical rooms and other spaces that, because of their intended use, will not require accessibility to the public or beneficiaries or result in the employment or residence therein of persons with physical handicaps.

(3) This section does not require recipients to make building alterations that have little likelihood of being accomplished without removing or altering a load-bearing structural member.

Adoption of the Common Rule

The agency specific preambles adopting the text of the common rule appear below.

DEPARTMENT OF AGRICULTURE

7 CFR Part 15b

FOR FURTHER INFORMATION CONTACT: M. Farook Sait at (202) 447–7327 (voice) and (TDD) or Judy Demont at (202) 382–9200 (voice).

ADDITIONAL SUPPLEMENTARY INFORMATION: This final rule is to be published as part of the Joint Rule intended to apply the Uniform Federal Accessibility Standards (USFAS) to the construction and alteration requirements of buildings in Federal assisted programs. This final rule revises the title of the part, and certain sections, to make clear, for reasons set out in the common preamble, that the coverage of the part applies only to recipients of Federal financial assistance extended by the Department of Agriculture, and does not apply to entities which only incidentally benefit from, but do not actually receive, such assistance. This final rule also revises the definition of "historic properties" in section 15b.3(q) in order to conform it to UFAS section 4.1.7(1)(a). Historic properties under the current definition are limited to those listed or eligible for listing in the National Register of Historic Places. The special historic preservation section UFAS applies additionally to buildings and facilities designated as historic under State and local law. The provision should not be interpreted to broaden the categories of buildings that can be designated as national historic properties, or to affect the process that is followed for buildings that are on the National Register. Rather, it is intended to provide some flexibility with respect to those properties that States and localities have designated as historic.

List of Subjects in 7 CFR Part 15b

Blind, Buildings, Civil rights, Employment, Equal employment opportunity, Grant programs, Handicapped, Historic preservation, Loan Programs.

For the reasons set forth in the preamble, 7 CFR Part 15b is amended as follows:

PART 15b—NONDISCRIMINATION ON THE BASIS OF HANDICAP IN PROGRAMS AND ACTIVITIES RECEIVING FEDERAL FINANCIAL ASSISTANCE

1. The title for part 15b is revised to read as set forth above.

2. The authority citation for part 15b is revised to read as follows:

Authority: 29 U.S.C. 794.

3. Sections 15b.2, 15b.11, 15b.16, 15b.20 in two places, 15b.29 and 15b.36 are amended by removing the words "or benefit from" from their texts.

4. Section 15b.3 paragraph (q) is revised to read as follows:

§ 15b.3 Definitions.

* * * * *

(q) For purposes of § 15b.18(e), "Historic properties" means those buildings or facilities that are eligible for listing in the National Register of Historic Places, or such properties designated as historic under a statute of the appropriate State or local government body.

* * * * *

§ 15b.9 [Amended]

5. Section 15b.19, paragraph (c) is revised to read as set forth at the end of the common preamble.

Clayton Yeutter,

Secretary of Agriculture.

NUCLEAR REGULATORY COMMISSION

RIN 3150–AD56

10 CFR Part 4

FOR FURTHER INFORMATION CONTACT: Edward E. Tucker at (301) 492–7106 (voice) or (800) 638–8282 (TDD).

ADDITIONAL SUPPLEMENTARY INFORMATION:

Paperwork Reduction Act Statement

This final rule does not contain a new or amended information collection requirement subject to the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 et seq.). Existing requirements were approved by the Office of Management and Budget approval number 3150–0053

List of Subjects in 10 CFR Part 4

Administrative practice and procedure, Blind, Buildings, Civil rights, Employment, Equal employment opportunity, Federal aid programs, Grant programs, Handicapped, Loan programs, Reporting and recordkeeping requirements, Sex discrimination.

For the reasons set forth in the preamble, 10 CFR part 4 is amended as follows:

PART 4—NONDISCRIMINATION IN FEDERALLY ASSISTED COMMISSION PROGRAMS

1. The authority citation for part 4 continues to read as follows:

Authority: Sec. 161, 68 Stat. 948, as amended (42 U.S.C. 2201); sec. 274, 73 Stat. 688, as amended (42 U.S.C. 2021); sec. 201, 88 Stat. 1242, as amended (42 U.S.C. 5841); sec. 207, Pub. L. 95–604, 92 Stat. 3033.

Subpart A also issued under secs. 602–605, Pub. L. 88–352, 78 Stat. 252, 253 (42 U.S.C. 2000d–1–2000d–4); sec. 401, 88 Stat. 1254 (42 U.S.C. 5891). Subpart B also issued under sec. 504, Pub. L. 93–112, 87 Stat. 394 (29 U.S.C. 794); sec. 119, Pub. L. 95–602, 92 Stat. 2984 (29 U.S.C. 794); sec. 122, Pub. L. 95–602, 92 Stat. 2984 (29 U.S.C. 706(6)). Subpart C also issued under title III of Pub. L. 94–135, 89 Stat. 726, as amended (42 U.S.C. 6101). Subpart E also issued under 29 U.S.C. 794.

§ 4.128 [Amended]

2. Section 4.128 is amended by adding the heading *"Design, construction, and alteration."* to the beginning of paragraph (a).

3. Section 4.128, paragraph (b) is revised to read as set forth at the end of the common preamble.

James M. Taylor,

Executive Director for Operations.

DEPARTMENT OF ENERGY

10 CFR Part 1040

FOR FURTHER INFORMATION CONTACT: Tyrone K. Levi at (202) 586–2230 (voice) or 252–9777 (TDD).

List of Subjects in 10 CFR Part 1040

Aged, Blind, Buildings, Civil rights, Employment, Equal employment opportunity, Grant programs.

Handicapped, Loan programs, Sex discrimination.

For the reasons set forth in the preamble, 10 CFR part 1040 is amended as follows:

PART 1040—NONDISCRIMINATION IN FEDERALLY-ASSISTED PROGRAMS

1. The authority citation for part 1040 is revised to read as follows:

Authority: 20 U.S.C. 1681–1686; 29 U.S.C. 794; 42 U.S.C. 2000d to 2000d–4a, 3601–3631, 5891, 6101–6107, 6870, 7101 *et seq.*

§ 1040.73 [Amended]

2. Section 1040.73, paragraph (c) is revised to read as set forth at the end of the common preamble.

John Nettles,

Deputy Director of Administration and Human Resource Management.

SMALL BUSINESS ADMINISTRATION

13 CFR Part 113

FOR FURTHER INFORMATION CONTACT: J. Arnold Feldman at (202) 653–6054 (voice) or 653–6579 (TDD). These are not toll-free numbers.

ADDITIONAL SUPPLEMENTARY INFORMATION: The Small Business Administration currently requires compliance with a particular standard (the 1980 edition of the ANSI). Under this amendment, compliance with a particular standard is no longer mandated. Rather, recipients are encouraged to follow UFAS for new construction and alterations subject to the regulation.

List of Subjects in 13 CFR Part 113

Blind, Buildings, Civil rights, Discrimination based on race, color, religion, sex, marital status, age, handicap or national origin, Employment, Equal employment opportunity, Grant programs, Handicapped, Loan programs.

For the reasons set forth in the preamble, 13 CFR part 113 is amended as follows:

PART 113—NONDISCRIMINATION IN FINANCIAL ASSISTANCE PROGRAMS OF SBA—EFFECTUATION OF POLICIES OF FEDERAL GOVERNMENT AND SBA ADMINISTRATOR

1. The authority citation for part 113 is revised to read as follows:

Authority: Secs. 5, 308, 72 Stat. 385, 694, as amended; 15 U.S.C. 633, 634, 687, 1691; 20 U.S.C. 1681–1686; 29 U.S.C. 794.

§ 113.3–3 [Amended]

2. Section 113.3–3 is amended by adding the heading *"Existing facilities."* at the beginning of paragraph (a).

3. Section 113.3–3 is further amended by adding the heading *"Design, construction, and alteration."* at the beginning of paragraph (b) and by adding a new sentence after the heading to read as follows: "New facilities shall be designed and constructed to be readily accessible to and usable by persons with handicaps."

4. Section 113.3–3, paragraph (c) is revised to read as set forth at the end of the common preamble.

Susan Engeleiter,

Administrator.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

14 CFR Part 1251

FOR FURTHER INFORMATION CONTACT: Lynda Sampson at (202) 453–2177 (voice) or (202) 453–6132 (TDD).

List of Subjects in 14 CFR Part 1251

Blind, Buildings, Civil rights, Employment, Equal employment opportunity, Grant programs, Handicapped, Loan programs.

For the reasons set forth in the preamble, 14 CFR part 1251 is amended as follows:

PART 1251—NONDISCRIMINATION ON BASIS OF HANDICAP

1. The authority citation for part 1251 continues to read as follows:

Authority: 29 U.S.C. 794.

§ 1251.302 [Amended]

2. Section 1251.302, paragraph (c) is revised to read as set forth at the end of the common preamble.

Richard H. Truly,

Administrator.

DEPARTMENT OF STATE

22 CFR Part 142

FOR FURTHER INFORMATION CONTACT: Paul Coran at (202) 647–9251 (voice or TDD).

ADDITIONAL SUPPLEMENTARY INFORMATION: The Department of State's existing section 504 requirement for alterations, contained at 22 CFR 142.17(b), mandates compliance with the standards set forth in 41 CFR subpart 101–19.6 (*i.e.*, UFAS). Under this amendment, compliance with UFAS is no longer mandated, but is merely encouraged. This notice also amends paragraph (a), which incorrectly implies that all federally funded construction since 1968 is subject to the Architectural Barriers Act. In fact, only certain federally funded construction triggers Architectural Barriers Act coverage.

List of Subjects in 22 CFR Part 142

Blind, Buildings, Civil rights, Employment, Equal employment opportunity, Grant programs, Handicapped, Loan programs.

For the reasons set forth in the preamble, 22 CFR part 142 is amended as follows:

PART 142—NONDISCRIMINATING ON THE BASIS OF HANDICAP IN PROGRAMS AND ACTIVITIES RECEIVING FEDERAL FINANCIAL ASSISTANCE

1. The title for part 142 is revised to read as set forth above.

2. The authority citation for part 142 is revised to read as follows:

Authority: 29 U.S.C. 794.

3. Section 142.17, paragraphs (a) and (b) are revised to read as follows:

§ 142.17 New construction.

(a) *Design and construction.* Each facility or part of a facility constructed by, on behalf of, or for the use of a recipient shall be designed, constructed, and operated in a manner so that the facility or part of the facility is accessible to and usable by persons with handicaps, if the construction was commenced after the effective date of this part.

(b) *Alteration.* Each facility or part of a facility which is altered by, on behalf of, or for the use of a recipient after the effective date of this part in a manner that effects or could affect the usability of the facility or part of the facility shall, to the maximum extent feasible, be altered so that the altered portion of the facility is readily accessible to and usable by persons with handicaps.

* * * * *

3. Section 142.17, paragraph (c) is revised to read as set forth at the end of the common preamble.

Audrey F. Morton,

Deputy Assistant Secretary, Equal Employment Opportunity and Civil Rights

INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

Agency for International Development

22 CFR Part 217

FOR FURTHER INFORMATION CONTACT: Sandra Winston at (202) 663–1340 (voice) or 663–1337 (TDD).

List of Subjects in 22 CFR Part 217

Blind, Buildings, Civil rights, Employment, Equal employment opportunity, Grant programs, Handicapped, Loan programs.

For the reasons set forth in the preamble, 22 CFR part 217 is amended as follows:

PART 217—NONDISCRIMINATING ON THE BASIS OF HANDICAP IN PROGRAMS AND ACTIVITIES RECEIVING FEDERAL FINANCIAL ASSISTANCE

1. The title for part 217 is revised to read as set forth above.

2. The authority citation for part 217 is revised to read as follows:

Authority: 29 U.S.C. 794.

§ 217.23 [Amended]

3. Section 217.23, paragraph (c) is revised to read as set forth at the end of the common preamble.

Jessalyn L. Pendarvis,

Director.

DEPARTMENT OF EDUCATION

34 CFR Part 104

FOR FURTHER INFORMATION CONTACT: Frederick T. Cioffi at (202) 732–1635 (voice) or 708–9300 or (800) 877–8339 (TDD).

List of Subjects in 34 CFR Part 104

Blind, Buildings, Civil rights, Education, Educational facilities, Employment, Equal educational opportunity, Equal employment opportunity, Grant programs, Handicapped, Loan programs, School construction.

For the reasons stated in the preamble, 34 CFR part 104 is amended as follows:

PART 104—NONDISCRIMINATION ON THE BASIS OF HANDICAP IN PROGRAMS AND ACTIVITIES RECEIVING FEDERAL FINANCIAL ASSISTANCE

1. The title for part 104 is revised to read as set forth above.

2. The authority citation for part 104 is revised to read as follows:

Authority: 20 U.S.C. 1405; 29 U.S.C. 794.

§ 104.23 [Amended]

3. Section 104.23(c) is revised to read as set forth at the end of the common preamble.

Appendix A—[Amended]

4. In Appendix A to part 104, No. 21, third paragraph beginning "As proposed, § 104.23(c) required compliance", is removed.

Lauro F. Cavazos,

Secretary of Education.

DEPARTMENT OF VETERANS AFFAIRS

38 CFR Part 18

FOR FURTHER INFORMATION CONTACT: Tony Jackson at (202) 233–4140 (voice) or 233–3710 (TDD).

ADDITIONAL SUPPLEMENTARY INFORMATION: The Department of Veterans Affairs has determined that this regulation is not a "major rule" within the meaning of Executive Order 12291. It will not have an annual effect on the economy of $100 million or more, will not cause a major increase in costs or prices for consumers or individual industries, and will not have any other significant adverse effects on the economy.

The Secretary hereby certifies that this regulation 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. Pursuant to 5 U.S.C. 605(b), this regulation is therefore exempt from the initial and final regulatory flexibility analyses requirements of sections 603 and 604. The reasons for this certification are that the regulation does not impact on small entities.

The Catalog of Federal Domestic Assistance program numbers affected by this regulation are 64.005, 64.013, 64.014, 64.015, 64.016, 64.018, 64.019, 64.020, 64.021, 64.121, 64.124, and 64.203. Other financial assistance to which the requirement applies is listed in Appendix A of 38 CFR part 18, subpart D.

List of Subjects in 38 CFR Part 18

Administrative practice and procedure, Aged, Authority delegations, Blind, Buildings, Civil rights, Employment, Equal educational opportunity, Equal employment opportunity, Grant programs, Handicapped, Investigations.

38 CFR Part 18, Nondiscrimination in Federally-Assisted Programs of the Department of Veterans Affairs—Effectuation of Title VI of the Civil Rights Act of 1964, is amended as follows:

PART 18—NONDISCRIMINATION IN FEDERALLY-ASSISTED PROGRAMS OF THE DEPARTMENT OF VETERANS AFFAIRS—EFFECTUATION OF TITLE VI OF THE CIVIL RIGHTS ACT OF 1964

1. The heading and authority citation for subpart D are revised to read as follows:

Subpart D—Nondiscrimination on the Basis of Handicap in Programs and Activities Receiving Federal Financial Assistance

Authority: 29 U.S.C. 794; 42 U.S.C. 2000d–1 To 2000d–4, 6101–6107.

§ 18.423 [Amended]

2. Section 18.423, paragraph (c) is revised to read as set forth at the end of the common preamble.

Edward J. Derwinski,

Secretary of Veterans Affairs.

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 7

FOR FURTHER INFORMATION CONTACT: Nereid Maxey at (202) 382–4567 (voice) or 382–4565 (TDD).

List of Subjects in 40 CFR Part 7

Blind, Buildings, Civil rights, Employment, Equal employment opportunity, Grant programs, Handicapped, Loan programs, Sex discrimination.

For the reasons stated in the preamble, 40 CFR part 7 is amended as follows:

PART 7—NONDISCRIMINATION IN PROGRAMS RECEIVING FEDERAL ASSISTANCE FROM THE ENVIRONMENTAL PROTECTION AGENCY

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

Authority: 42 U.S.C. 2000d to 2000d–4; 29 U.S.C. 794; 33 U.S.C. 1251 nt.

§ 7.70 [Amended]

2. Section 7.70, paragraphs (c) and (d) are removed and paragraph (b) is revised to read as set forth at the end of the common preamble.

Nathaniel Scurry,
Director, Office of Civil Rights.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

45 CFR Part 84

FOR FURTHER INFORMATION CONTACT: Marcella Haynes or Frank Weil at (202) 619–0671 (voice) or 863–0101 (TDD).

List of Subjects in 45 CFR Part 84

Blind, Buildings, Civil rights, Employment, Equal employment opportunity, Grant programs, Handicapped, Health facilities, Hospitals, Loan programs.

For the reasons set forth in the preamble, 45 CFR part 84 is amended as follows:

PART 84—NONDISCRIMINATION ON THE BASIS OF HANDICAP IN PROGRAMS AND ACTIVITIES RECEIVING FEDERAL FINANCIAL ASSISTANCE

1. The title for part 84 is revised to read as set forth above.

2. The authority citation for part 84 is revised to read as follows:

Authority: 20 U.S.C. 1405; 29 U.S.C. 794; 42 U.S.C. 290dd–2; 21 U.S.C. 1174.

§ 84.23 [Amended]

3. Section 84.23, paragraph (c) is revised to read as set forth at the end of the common preamble.

Dated: May 4, 1990.

Louis Sullivan,
Secretary.

NATIONAL SCIENCE FOUNDATION

45 CFR Part 605

FOR FURTHER INFORMATION CONTACT: Brenda M. Brush at (202) 357–9819 (voice) or 357–9867 (TDD).

List of Subjects in 45 CFR Part 605

Blind, Buildings, Civil rights, Employment, Equal employment opportunity, Grant programs, Handicapped, Loan programs.

For the reasons set forth in the preamble, 45 CFR part 605 is amended as follows:

PART 605—NONDISCRIMINATION ON THE BASIS OF HANDICAP IN PROGRAMS AND ACTIVITIES RECEIVING FEDERAL FINANCIAL ASSISTANCE

1. The title for part 605 is revised to read as set forth above.

2. The authority citation for part 605 is revised to read as follows:

Authority: 29 U.S.C. 794.

§ 605.23 [Amended]

3. Section 605.23, paragraph (c) is revised to read as set forth at the end of the common preamble.

Erich Bloch,
Director, NSF.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

National Endowment for the Arts

45 CFR Part 1151

FOR FURTHER INFORMATION CONTACT: Paula Terry at (202) 682–5532 (voice) or 682–5496 (TDD).

List of Subjects in 45 CFR Part 1151

Blind, Buildings, Civil rights, Employment, Equal employment opportunity, Grant programs, Handicapped, Loan programs.

For the reasons set forth in the preamble, 45 CFR part 1151 is amended as follows:

PART 1151—NONDISCRIMINATION ON THE BASIS OF HANDICAP

1. The authority citation for part 1151 is revised to read as follows:

Authority: 29 U.S.C. 794.

§ 1151.23 [Amended]

2. Section 1151.23 is amended by adding the heading *"Design, construction, and alteration."* to the beginning of paragraph (a).

3. Section 1151.23, paragraph (b) is revised to read as set forth at the end of the common preamble.

John E. Frohnmayer,
Chairman, National Endowment for the Arts.

National Endowment for the Humanities

45 CFR Part 1170

FOR FURTHER INFORMATION CONTACT: Kathy Wolhoe at (202) 786–0322 (voice) or 786–0282 (TDD).

List of Subjects in 45 CFR Part 1170

Blind, Buildings, Civil rights, Employment, Equal employment opportunity, Grant programs, Handicapped, Loan programs.

For the reasons set forth in the preamble, 45 CFR part 1170 is amended as follows:

PART 1170—NONDISCRIMINATION ON THE BASIS OF HANDICAP IN FEDERALLY ASSISTED PROGRAMS AND ACTIVITIES

1. The authority citation for part 1170 is revised to read as follows:

Authority: 29 U.S.C. 794.

§ 1170.33 [Amended]

2. Section 1170.33, paragraph (a) is amended by adding the heading *"Design, construction, and alteration."* to the beginning of the paragraph.

3. Section 1170.33, paragraph (b) is revised to read as set forth at the end of the common preamble.

Lynne V. Cheney,
Chairman.

ACTION

45 CFR Part 1232

FOR FURTHER INFORMATION CONTACT: Jeanne D. McCamley at (202) 634–9312 (voice) or 708–9300 or (800) 877–8339 (TDD).

List of Subjects in 45 CFR Part 1232

Blind, Buildings, Civil rights, Employment, Equal employment opportunity, Grant programs, Handicapped, Loan programs.

For the reasons set forth in the preamble, 45 CFR part 1232 is amended as follows:

PART 1232—NONDISCRIMINATION ON BASIS OF HANDICAP IN PROGRAMS RECEIVING FEDERAL FINANCIAL ASSISTANCE FROM ACTION

1. The authority citation for part 1232 is revised to read as follows:

Authority: 29 U.S.C. 794.

§ 1232.15 [Amended]

2. Section 1232.15, paragraph (a) is amended by adding the heading *"Design, construction, and alteration."* to the beginning of the paragraph.

3. Section 1232.15, paragraph (b) is revised to read as set forth at the end of the common preamble.

Jane A. Kenny,

Director.

[FR Doc. 90–27544 Filed 12–18–90; 8:45 am]

BILLING CODE 3410–01–M; 7590–01–M; 6450–01–M; 8025–01–M; 7510–01–M; 4710–28–M; 6116–71–M; 4000–01–M; 8320–01–M; 6560–50–M; 4150–04–M; 7555–01–M; 7537–01–M; 7536–01–M; 6050–28–M

federal register

Wednesday
December 19, 1990

Part IV

Department of Education

34 CFR Parts 231, et al.

Drug-Free Schools and Communities Demonstration Grants Program; Final Regulations and Notices

DEPARTMENT OF EDUCATION

34 CFR Parts 231, 232, 233, 234, 235, 764, 765, 766

RIN 1810-AA56

Drug-Free Schools and Communities Program

AGENCY: Department of Education.

ACTION: Final regulations.

SUMMARY: The Secretary amends the regulations to implement the Emergency Grants Program authorized by the Drug-Free Schools and Communities Act of 1986 (Act), as amended by the Drug-Free Schools and Communities Act Amendments of 1989 (1989 Amendments) (Pub. L. 101-226), and the School Personnel Training Grants Program authorized by the Anti-Drug Abuse Act of 1988 (1988 Amendments) (Pub. L. 100-690), as amended by the 1989 Amendments and the Crime Control Act of 1990 (1990 Amendments) (Pub. L. 101-647). The Secretary also amends and renumbers the regulations governing the Demonstration Grants Program and the Federal Activities Grants Program.

EFFECTIVE DATE: These regulations take effect either 45 days after publication in the **Federal Register** or later if the Congress takes certain adjournments. If you want to know the effective date of these regulations, call or write the Department of Education contact person. A document announcing the effective date will be published in the **Federal Register.**

FOR FURTHER INFORMATION CONTACT: Allen King, U.S. Department of Education, Division of Drug-Free Schools and Communities, 400 Maryland Avenue, SW., Washington, DC 20202-6439, Telephone number: (202) 401-1599.

SUPPLEMENTARY INFORMATION:

Background

The 1989 Amendments authorized a new Emergency Grants Program under section 5136 of the Act to provide additional financial assistance to local educational agencies (LEAs) experiencing a significant drug and alcohol abuse problem. The 1988 Amendments created an additional authority for the training of teachers in part C of the Act. The 1989 Amendments repealed the teacher training authority in section 5131(b) of the Act, and broadened the training authority in part C to include all school personnel. The 1990 Amendments deleted certain coordination requirements and made a change in the types of entities eligible to receive a grant. As amended, part C now authorizes grants to institutions of higher education (IHEs), State educational agencies (SEAs), and LEAs, or consortia thereof, for the training of teachers and other school personnel. "School personnel" is defined in section 5143(b)(10) of the Act as teachers, administrators, guidance counselors, social workers, psychologists, nurses, librarians, and other support staff who are employed by a school or who perform services for the school on a contractual basis. These regulations govern the administration of the new Emergency Grants Program and the amended School Personnel Training Grants Program.

These regulations also revise and renumber existing regulations in 34 CFR parts 764, 765, and 766. These parts govern the administration of the Drug-Free Schools and Communities Training and Demonstration Grants to Institutions of Higher Education (part 764 and part 765) and the Federal Activities Grants Program (part 764 and part 766). The revision is necessary because all references to training in part 765 must be deleted, in accordance with the 1989 Amendments. Renumbering is being done because administration of the programs in these parts is related to administration of the Emergency Grants Program and the School Personnel Training Program and, therefore, the four programs can be grouped together with a common General Provisions part.

On August 16, 1990 the Secretary published a notice of proposed rulemaking (NPRM) for these programs in the **Federal Register** (55 FR 33616). In response to the 1990 Amendments, § 233.30 has been deleted, and § 233.2 has been revised to reflect that only SEAs, LEAs, IHEs, or consortia thereof are eligible to receive a grant under the Drug-Free Schools and Communities School Personnel Training Grants Program. Except for these changes and minor editorial and technical revisions, there are no differences between the NPRM and these final regulations.

Waiver of Proposed Rulemaking

These regulations include amendments to 34 CFR part 233 required by the 1990 Amendments, enacted November 29, 1990, that were not published with the 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. Because these amendments merely incorporate statutory changes, public comment could have no effect. Therefore, the Secretary has determined that publication of a proposed rule is unnecessary and contrary to the public interest under 5 U.S.C. 553(b)(B).

Public Comment

In the NPRM, the Secretary invited comments on the proposed regulations. The Secretary did not receive any comments.

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.

Intergovernmental Review

These programs are subject to the requirements of Executive Order 12372 and the regulations in 34 CFR part 79. The objective of the Executive Order is to foster an intergovernmental partnership and a strengthened federalism by relying on processes developed by State and local governments for coordination and review of proposed Federal financial assistance.

In accordance with the order, this document is intended to provide early notification of the Department's specific plans and actions for these programs.

Assessment of Educational Impact

In the notice of proposed rulemaking, the Secretary requested comments on whether the proposed regulations would require transmission of information that is being gathered by or is available from any other agency or authority of the United States.

Based on the response to the proposed rules and on its own review, the Department has determined that the regulations in this document do not require transmission of information that is being gathered by or is available from any other agency or authority of the United States.

List of Subjects in 34 CFR Parts 231, 232, 233, 234 and 235

Drug abuse, Drug-Free Schools and Communities, Education Department, Elementary and secondary education, Grant Programs—Education, Local educational agencies, Reporting and recordkeeping, State educational agencies.

(Catalog of Federal Domestic Assistance Numbers: 84.233A, Emergency Grants, 84.207A School Personnel Training Grants; 84.184A Demonstration Grants; and 84.184B Federal Activities Grants)

Dated: December 11, 1990.

Lauro F. Cavazos,

Secretary of Education.

The Secretary amends title 34 of the Code of Federal Regulations by removing parts 764, 765, and 766, redesignating part 235 as part 236, and by adding parts 231, 232, 233, 234, and 235 as follows:

1. A new part 231 is added to read as follows:

PART 231—DRUG-FREE SCHOOLS AND COMMUNITIES—GENERAL PROVISIONS

Subpart A—General

Sec.

231.1 What are the Drug-Free Schools and Communities Programs?
231.2 What types of awards does the Secretary make under these programs?
231.3 What regulations apply to these programs?
231.4 What definitions apply to these programs?

Subpart B—[Reserved]

Subpart C—How Does the Secretary Make an Award?

231.20 How does the Secretary evaluate applications?
231.21 How does the Secretary evaluate unsolicited applications?
231.22 What selection criteria does the Secretary use?
231.23 How does the Secretary ensure distribution and diversity of projects?
231.24 May the Secretary restrict the use of funds for a particular purpose?

Subpart D—What Conditions Must Be Met by a Grantee?

231.30 What must project materials state regarding illicit drug use?

Authority: 20 U.S.C. 3216, 3201, 3211, and 3212, unless otherwise noted.

Subpart A—General

§ 231.1 What are the Drug-Free Schools and Communities Programs?

The programs described in 34 CFR parts 232, 233, 234, and 235 provide assistance for drug and alcohol abuse education and prevention projects.

(Authority: 20 U.S.C. 3216, 3201, 3211, 3212)

§ 231.2 What types of awards does the Secretary make under these programs?

The Secretary awards grants and cooperative agreements under these programs.

(Authority: 20 U.S.C. 3216, 3201, 3211, 3212)

§ 231.3 What regulations apply to these programs?

The following regulations apply to the Drug-Free Schools and Communities Programs:

(a) The Education Department General Administrative Regulations (EDGAR) in 34 CFR Part 74 (Administration of Grants to Institutions of Higher Education, Hospitals, and Nonprofit Organizations), Part 75 (Direct Grant Programs), Part 77 (Definitions That Apply to Department Regulations), Part 79 (Intergovernmental Review of Department of Education Programs and Activities), Part 80 (Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments), Part 81 (General Education Provisions Act—Enforcement), Part 82 (New Restrictions on Lobbying), Part 85 (Governmentwide Debarment and Suspension (Nonprocurement) and Government Requirements for Drug-Free Workplace (Grants)), and Part 86 (Drug-Free Schools and Campuses).

(b) The regulations for Student Rights in Research, Experimental Programs, and Testing in 34 CFR Part 98.

(c) The regulations for Family Educational Rights and Privacy in 34 CFR part 99.

(d) The regulations in 34 CFR parts 231, 232, 233, 234, and 235.

(Authority: 20 U.S.C. 3216, 3201, 3211, 3212)

§ 231.4 What definitions apply to these programs?

(a) *Definitions in the Drug-Free Schools and Communities Act.* The following terms used in this part and 34 CFR parts 232–235 are defined in section 5141 of the Drug-Free Schools and Communities Act:

Drug abuse education and prevention
Consortium (except as used in part 233)
Illicit Drug use
Institution of higher education (IHE)
Nonprofit
School personnel
State

(b) *Definitions in EDGAR.* The following terms used in this Part and in Parts 232–235 are defined in 34 CFR part 77:

Applicant
Application
Award
Budget
Department
EDGAR
Equipment
Facilities
Fiscal Year
Grant
Local educational agency (LEA)
Private
Project
Public
Secretary
State educational agency (SEA)

(c) *Other definitions.* The following definitions also apply to this Part and parts 232–235:

Act means the Drug-Free Schools and Communities Act of 1986, as amended.

High-Risk Youth means an individual who is under 21 years of age and is at high risk of becoming, or has been a drug or alcohol abuser, and who—

(1) Is a school dropout;

(2) Has experienced repeated failure in school;

(3) Has become pregnant;

(4) Is economically disadvantaged;

(5) Is the child of a drug or alcohol abuser;

(6) Is a victim of physical, sexual, or psychological abuse;

(7) Has committed a violent or delinquent act;

(8) Has experienced mental health problems;

(9) Has attempted suicide;

(10) Has experienced long-term physical pain due to injury; or

(11) Is a juvenile in a detention facility within the State;

Regional Center means a Regional Center for Drug-Free Schools and Communities authorized by section 5135 of the Act.

(Authority: 20 U.S.C. 3216, 3201, 3211, 3212, 3221)

Subpart B—[Reserved]

Subpart C—How Does the Secretary Make an Award?

§ 231.20 How does the Secretary evaluate applications?

(a) For each competition, the Secretary evaluates an application submitted under these programs on the basis of the selection criteria in § 231.22.

(b) The Secretary awards up to 100 points for these criteria, including a reserved 15 points to be distributed in accordance with paragraph (d) of this section.

(c) Subject to paragraph (d) of this section, the maximum possible points for each criterion is indicated in parentheses.

(d) For each competition, as announced through a notice published in the **Federal Register**, the Secretary distributes the reserved 15 points among the criteria in § 231.22.

(Authority: 20 U.S.C. 3216, 3201, 3211, 3212)

§ 231.21 How does the Secretary evaluate unsolicited applications?

(a) The Secretary may fund an application that was not solicited under an application notice (referred to in this section as an unsolicited application) if—

(1) The application furthers the purposes and objectives of the program;

(2) The applicant meets all requirements for funding under the program;

(3) The application rates high enough to deserve selection based on the selection criteria and any other statutory or regulatory requirements that apply to the program; and

(4) Selection of the application will not deplete to an insufficient level the amount of funds available under the regular award process.

(b) The Secretary may refuse to consider an unsolicited application that meets a priority established for that fiscal year.

(c) Notwithstanding the provisions of 34 CFR 75.100, the Secretary may fund an unsolicited application without publishing an application notice in the **Federal Register.**

(d) In evaluating an unsolicited application, the Secretary assigns the 15 points reserved under § 231.20(b) to the selection criterion in § 231.22(a) (Concept design and contribution to improving the quality of drug and alcohol abuse education and prevention activities) so that the maximum number of possible points for this criterion is 35.

(Authority: 20 U.S.C. 3216, 3201, 3211, 3212)

§ 231.22 What selection criteria does the Secretary use?

The Secretary uses the following criteria in evaluating each application:

(a) *Concept design and contribution to improving the quality of drug and alcohol abuse education and prevention activities.* (20 points) The Secretary reviews each application to determine the extent to which the project will contribute to improving the quality of drug and alcohol abuse education and prevention activities. The Secretary considers—

(1) The appropriateness of the means by which the applicant identified the needs to be addressed by the project and, if appropriate, the extent to which the applicant involved school officials, parents, law enforcement officials, and other community leaders in identifying these needs;

(2) The extent to which the project's objectives apply to these needs and incorporate research findings likely to improve the quality of drug and alcohol abuse education and prevention programs;

(3) The extent to which the project's objectives form the basis of the proposed activities and the extent to which those activities are designed to demonstrate successful techniques for improving the quality of drug and alcohol abuse education and prevention programs;

(4) The extent and magnitude of the benefits likely to be gained by the applicant or by the recipients of services from meeting the project's objectives;

(5) The degree to which the project meets any priorities announced by the Secretary under 34 CFR 232.6, for the Emergency Grants Program; 34 CFR 233.5, for the School Personnel Grants Program; 34 CFR 234.4, for the Demonstration Grants Program; or 34 CFR 235.5, for the Federal Activities Grants Program, whichever is appropriate;

(6) The likelihood that the project will result in a model, or the provision of other information, including evidence of effectiveness, that could be used by others to solve drug and alcohol abuse problems; and

(7) The extent of the applicant's plans for disseminating this model or information to others.

(b) *Relationship to drug prevention programs implemented to comply with the Drug-Free Schools and Campuses regulations.* (10 points) The Secretary reviews each application to determine the extent to which the applicant relates the objectives of the proposed project to developing, implementing, and improving the prevention programs and policies for students adopted and implemented to comply with the requirements of the Drug-Free Schools and Campuses regulations in 34 CFR part 86, § 86.200.

(c) *Plan of operation.* (15 points) The Secretary reviews each application to determine the quality of the plan of operation for the project, including—

(1) The extent to which the plan of management is effective and ensures proper and efficient administration of the project;

(2) How well the objectives of the project relate to the purpose of the program;

(3) The quality of the applicant's plan to use its resources and personnel to achieve each objective;

(4) The extent to which the budget is adequate to support the project;

(5) The extent to which costs are reasonable in relation to the objectives of the project; and

(6) For an applicant proposing training, the extent to which the applicant demonstrates familiarity with available training materials.

(d) *Quality of key personnel.* (10 Points) (1) The Secretary reviews each application to determine the quality of key personnel the applicant plans to use on the project, including—

(i) The qualifications of the project director (if one is to be used);

(ii) The qualifications of each of the other key personnel to be used in the project; and

(iii) The time that each person referred to in paragraphs (c)(1)(i) and (ii) of this section will commit to the project.

(2) To determine personnel qualifications under paragraph (c)(1) of this section, the Secretary considers experience and training in fields related to the objectives of the project, as well as other qualifications that relate to the quality of the project.

(e) *Evaluation plan.* (20 Points) The Secretary reviews each application to determine the quality of the evaluation plan for the project, including the extent to which the applicant's methods of evaluation—

(1) Are appropriate to the project;

(2) Relates to the objectives for the project referred to under the selection criterion in paragraph (a) of this section. The design and implementation of evaluation activities must be consistent with and appropriate to the stated objectives;

(3) To the extent possible, are objective and produce data that are quantifiable; and

(4) Enhance the potential for effectively disseminating information and replicating the project.

Cross-reference. See 34 CFR 75.590 Evaluation by the grantee.

(f) *Applicant's commitment and capacity.* (10 Points) The Secretary considers the extent of the applicant's commitment to the project, its capacity to continue the project, and the likelihood that will continue the project or similar activities when Federal assistance ends.

(Approved by the Office of Management and Budget under control number 1810–0551)

(Authority: 20 U.S.C. 3216, 3201, 3211, 3212)

§ 231.23 How does the Secretary ensure distribution and diversity of projects?

The Secretary may select applications other than those most highly rated for funding if doing so would improve—

(a) The geographic distribution of projects funded;

(b) The diversity of activities or projects funded;

(c) Under part 234, the equitable participation of private and public institutions of higher education, including community and junior colleges; or

(d) Under part 234, the participation of colleges and universities of limited enrollment.

(Authority: 20 U.S.C. 3216, 3201, 3211, 3212)

§ 231.24 May the Secretary restrict the use of funds for a particular purpose?

The Secretary may restrict the amount of funds made available through a grant under these programs that may be used—

(a) To purchase equipment;

(b) To purchase commercially available curricula; or

(c) To pay for inservice or preservice training associated with commercially available curricula.

(Authority: 20 U.S.C. 3216, 3201, 3211, 3212)

Subpart D—What Conditions Must Be Met by a Grantee?

§ 231.30 What must project materials state regarding illicit drug use?

Any materials produced or distributed with funds made available under the Act must reflect the message that illicit drug use is wrong and harmful.

(Approved by the Office of Management and Budget under control number 1810–0551)

(Authority: 20 U.S.C. 3224)

2. A new part 232 is added to read as follows:

PART 232—DRUG-FREE SCHOOLS AND COMMUNITIES EMERGENCY GRANTS PROGRAM

Sec.

232.1 What is the Drug-Free Schools and Communities Emergency Grants Program?
232.2 What parties are eligible for a grant under this program?
232.3 What are the minimum and maximum grant awards under this program?
232.4 What must an application include?
232.5 What types of projects may the Secretary assist under this program?
232.6 How does the Secretary establish priorities for this program?
232.7 What regulations apply to this program?
232.8 What definitions apply to this program?

Authority: 20 U.S.C. 3216, unless otherwise noted.

§ 232.1 What is the Drug-Free Schools and Communities Emergency Grants Program?

The Drug-Free Schools and Communities Emergency Grants Program provides assistance to eligible local educational agencies that demonstrate significant need for additional assistance for purposes of combating drug and alcohol abuse by students served by those agencies.

(Authority: 20 U.S.C. 3216)

§ 232.2 What parties are eligible for a grant under this program?

A local educational agency is eligible to receive a grant if it receives, or is eligible to receive, assistance under Section 1006 of chapter 1 of title I of the Elementary and Secondary Education Act of 1965, as amended (20 U.S.C. 2712) and serves an area—

(a) In which there is a large number of high percentage of—

(1) Arrests for, or while under the influence of, drugs or alcohol; or

(2) Convictions of youth for drug-or alcohol-related crimes;

(b) In which there is a large number of high percentage of referrals of youths to drug and alcohol abuse treatment and rehabilitation programs; and

(c) That has a significant drug and alcohol abuse problem.

(Authority: 20 U.S.C. 3216)

§ 232.3 What are the minimum and maximum grant awards under this program?

The minimum grant award is $100,000; the maximum is $1,000,000.

(Authority: 20 U.S.C. 3216)

§ 232.4 What must an application include?

In addition to describing the activities and programs to be carried out with funds made available under this part, an application must include, at a minimum—

(a) An assessment of the current drug and alcohol abuse problem in the school or schools on which the project is to focus, including—

(1) The number or percentage of arrests for, or while under the influence of drugs, or alcohol;

(2) The number or percentage of convictions of youths for drug- or alcohol-related crimes;

(3) The number or percentage of referrals of youths to drug and alcohol abuse treatment and rehabilitation programs; and

(4) Other data indicating a significant drug and alcohol abuse problem; and

(b) Procedures for monitoring throughout the project the drug and alcohol problem in that school or schools.

(Approved by the Office of Management and Budget under control number 1810–0551)

(Authority: 20 U.S.C. 3216)

§ 232.5 What types of projects may the Secretary assist under this program?

The Secretary may fund projects that—

(a) Support the development and implementation of comprehensive, community-wide drug and alcohol abuse education and prevention programs that involve school personnel, law enforcement officials, judicial officials, local government officials, the clergy, community leaders, and parents;

(b) Provide technical assistance to schools in the prevention of unlawful possession, use, or distribution of illicit drugs and alcohol by students on school premises or as a part of any school activities;

(c) Present an innovative approach to combating drug and alcohol abuse in the LEA that is consistent with the purposes of the Act; or

(d) Involve parents, teachers, and school administrators in preventing drug and alcohol use by students through such activities as educating those parents, teachers, and school administrators about the causes, symptoms, and effects of alcohol and drug use.

(Authority: 20 U.S.C. 3216)

§ 232.6 How does the Secretary establish priorities for this program?

(a) The Secretary selects priorities by taking into consideration unmet national needs for drug and alcohol abuse education and prevention.

(b) The Secretary may select as a priority one or more, or a combination, of the types of projects listed in § 232.5. The Secretary may limit any priority to a particular educational level, type of substance abuse, or any combination of these levels or types.

(Authority: 20 U.S.C. 3216)

§ 232.7 What regulations apply to this program?

The following regulations apply to the Drug-Free Schools and Communities Emergency Grants Program:

(a) The regulations in 34 CFR part 231.

(b) The regulations in 34 CFR part 232.

(Authority: 20 U.S.C. 3216)

§ 232.8 What definitions apply to this program?

The definitions in 34 CFR 231.4 apply to this program.

(Authority: 20 U.S.C. 3216, 3221)

3. A new part 233 is added to read as follows:

PART 233—DRUG-FREE SCHOOLS AND COMMUNITIES SCHOOL PERSONNEL TRAINING GRANTS PROGRAM

Subpart A—General

Sec.

233.1 What is the Drug-Free Schools and Communities School Personnel Training Grants Program?
233.2 What parties are eligible for a grant under this program?
233.3 What must an application include?
233.4 What types of projects may the Secretary assist under this program?
233.5 How does the Secretary establish priorities for this program?
233.6 What regulations apply to this program?
233.7 What definitions apply to this program?

Subpart B—[Reserved]

Subpart C—[Reserved]

Subpart D—[Reserved]

Authority: 20 U.S.C. 3201, unless otherwise noted.

Subpart A—General

§ 233.1 What is the Drug-Free Schools and Communities School Personnel Training Grants Program?

The Drug-Free Schools and Communities School Personnel Training Grants Program provides assistance to establish, expand, or enhance programs and activities for the training of elementary and secondary school teachers and administrators, and other elementary and secondary school personnel concerning drug and alcohol abuse education and prevention.

(Authority: 20 U.S.C. 3201)

§ 233.2 What parties are eligible for a grant under this program?

The Secretary may award grants under this program to SEAs, LEAs, IHEs, or a consortium of these organizations.

(Authority: 20 U.S.C. 3201, 3203)

§ 233.3 What must an application include?

Each application must—

(a) Describe the activities and programs to be carried out with funds made available;

(b) Contain an estimate of the cost for the establishment and operation of such programs;

(c) Provide assurances that the Federal funds made available shall be used to supplement and, to the extent practical, increases the level of funds that would, in the absence of such Federal funds, be made available by the applicant for the purpose described in this part, and in no case to supplant such funds; and

(d) Provide assurances of compliance with the provisions of this part.

(Approved by the Office of Management and Budget under control number 1810–0551)

(Authority: 20 U.S.C. 3203)

§ 233.4 What types of projects may the Secretary assist under this program?

The Secretary may fund projects that—

(a) Establish, expand, or enhance programs and activities for the training of school personnel (including programs designed exclusively for school personnel other than teachers and administrators), concerning drug and alcohol abuse education and prevention;

(b) Train teachers, administrators, guidance counselors, social workers, psychologists, nurses, librarians and other support staff who work with high-risk youth in the area of drug and alcohol abuse education and prevention.

(c) Train teachers, administrators, guidance counselors, and other school personnel in the implementation of innovative programs for drug and alcohol abuse education and prevention, including programs that focus on the children of alcoholics; or

(d) Train teachers, administrators, guidance counselors, and other school personnel in how to involve the family and community in drug and alcohol abuse prevention, education, and intervention programs, particularly programs that use innovative approaches to help students, who have been suspended or otherwise removed from school because of their alcohol or other drug use, return to school and complete graduation requirements.

(Authority: 20 U.S.C. 3201)

§ 233.5 How does the Secretary establish priorities for this program?

(a) The Secretary selects priorities by taking into consideration unmet national needs for drug and alcohol abuse education and prevention.

(b) The Secretary may select as a priority one or more, or a combination, of the types of projects listed in § 233.4. The Secretary may limit any priority to a particular educational level, type of substance abuse, type of personnel to be trained including teachers, school administrators, or other school personnel, or any combination thereof.

(Authority: 20 U.S.C. 3201)

§ 233.6 What regulations apply to this program?

The following regulations apply to the Drug-Free Schools and Communities School Personnel Training Grants Program:

(a) The regulations in 34 CFR part 231.

(b) The regulations in 34 CFR part 233.

(Authority: 20 U.S.C. 3201)

§ 233.7 What definitions apply to this program?

(a) The definitions in 34 CFR 231.4 apply to this program.

(b) As used in this part, "consortium" is defined in section 5128(c) of the Drug-Free Schools and Communities Act.

(Authority: 20 U.S.C. 3201, 3221)

Subpart B—[Reserved]

Subpart C—[Reserved]

Subpart D—[Reserved]

4. A new part 234 is added to read as follows:

PART 234—DRUG-FREE SCHOOLS AND COMMUNITIES DEMONSTRATION GRANTS PROGRAM

Sec.

234.1 What is the Drug-Free Schools and Communities Demonstration Grants Programs?
234.2 What parties are eligible for a grant under this program?
234.3 What types of projects does the Secretary assist under this program?
234.4 How does the Secretary establish priorities for this program?
234.5 What regulations apply to this program?
234.6 What definitions apply to this program?

Authority: 20 U.S.C. 3211, unless otherwise noted?

§ 234.1 What is the Drug-Free Schools and Communities Demonstration Grants Program?

The Drug-Free Schools and Communities Demonstration Grants Program supports grants to IHEs for model demonstration programs coordinated with local elementary and secondary schools for the development and implementation of quality drug and alcohol abuse education and prevention programs.

(Authority: 20 U.S.C. 3211)

§ 234.2 What parties are eligible for a grant under this program?

The Secretary may award grants under this program to IHEs and consortia of IHEs.

(Authority: 20 U.S.C. 3211)

§ 234.3 What types of projects does the Secretary assist under this program?

The Secretary may fund projects that—

(a) Demonstrate the effectiveness of drug and alcohol prevention strategies. These demonstration projects would test the theories of prevention, assess techniques to improve program delivery, and modify effective strategies to serve the needs of other populations, such as high-risk youth;

(b) Demonstrate research-based strategies that focus on the specific knowledge, skills, attitudes, and other factors that protect individuals from drug and alcohol use and abuse;

(c) Demonstrate the results of innovative teacher preparatory programs or model certification requirements that enhance drug and alcohol abuse education and prevention teaching practices; or

(d) Utilize research findings in the development and assessment of innovative methods and models for drug and alcohol abuse education and prevention.

(Authority: 20 U.S.C. 3211)

§ 234.4 How does the Secretary establish priorities for this program?

(a) In making awards for the types of projects described in § 234.3, the Secretary gives priority to joint projects involving faculty of IHEs, teachers in elementary and secondary schools, and community representatives in the practical application of the findings of educational research and evaluation and the integration of research into drug and alcohol abuse education and prevention programs.

(b) In addition to the priority in paragraph (a), the Secretary may select as a priority one or more of the types of projects listed in § 234.3. The Secretary selects these priorities by taking into consideration unmet national needs for drug and alcohol abuse education and prevention.

(c) The Secretary may limit any priority to a particular educational level, type of substance abuse, or any combination thereof.

(Authority: 20 U.S.C. 3211)

§ 234.5 What regulations apply to this program?

The following regulations apply to the Drug-Free Schools and Communities Demonstration Grants Program:

(a) The regulations in 34 CFR part 231.

(b) The regulations in 34 CFR part 234.

(Authority: 20 U.S.C. 3211)

§ 234.6 What definitions apply to this program?

The definitions in 34 CFR 231.4 apply to this program.

(Authority: 20 U.S.C. 3211, 3221)

PART 235—[REDESIGNATED AS PART 236]

5. The authority citation for part 235 is revised to read as follows:

Authority: 20 U.S.C. 3215, unless otherwise noted.

6. Part 235 is redesignated as part 236.

7. A new part 235 is added to read as follows:

PART 235—DRUG-FREE SCHOOLS AND COMMUNITIES FEDERAL ACTIVITIES GRANTS PROGRAM

Sec.

235.1 What is the Drug-Free Schools and Communities Federal Activities Grants Program?
235.2 What parties are eligible for a grant under this program?
235.3 What must an application include?
235.4 What types of projects may the Secretary assist under this program?
235.5 How does the Secretary establish priorities for this program?
235.6 What regulations apply to this program?
235.7 What definitions apply to this program?

Authority: 20 U.S.C. 3212, unless otherwise noted.

§ 235.1 What is the Drug-Free Schools and Communities Federal Activities Grants Program?

The Drug-Free Schools and Communities Federal Activities Grants Program supports the development and implementation, dissemination, and evaluation of educational strategies and programs that are designed to prevent the abuse of alcohol and other drugs.

(Authority: 20 U.S.C. 3212)

§ 235.2 What parties are eligible for a grant under this program?

The Secretary may award grants under this program to SEAs, LEAs, IHEs, and other nonprofit agencies, organizations, and institutions.

(Authority: 20 U.S.C. 3212)

§ 235.3 What must an application include?

Each application must include—

(a) An initial assessment of the current drug and alcohol problem in the school or schools on which the project is to focus, including the number of students who use drugs, the grade level of students who use drugs, and the type of drugs used by the students; and

(b) Procedures for monitoring throughout the project the drug and alcohol problem in that school or schools, including the number of students who use drugs, the grade level of students who use drugs, and the type of drugs used by the students.

(Approved by the Office of Management and Budget under control number 1810-0551)

(Authority: 20 U.S.C. 3212)

§ 235.4 What types of projects may the Secretary assist under this program?

The Secretary may fund projects that—

(a) Develop and implement, disseminate information about, or evaluate comprehensive alcohol and drug abuse education and prevention approaches and programs that meet the needs of elementary and secondary school students;

(b) Develop and implement, disseminate information about, or evaluate community-based alcohol and drug abuse education and prevention approaches and programs, such as educational after-school programs designed for students who are at high risk of becoming drug users;

(c) Develop, implement, or evaluate innovative strategies to communicate age-appropriate anti-drug messages to youths;

(d) Expand and evaluate existing alternative programs—particularly programs that involve parents, local law enforcement officials, judicial officials, and community leaders—that use innovative approaches to help students who have been suspended or otherwise removed from school because of their alcohol or other drug use return to school and complete graduation requirements;

(e) Develop materials for dissemination that describe the implementation of successful alternative programs—particularly programs that involve parents, local law enforcement officials, judicial officials, and community leaders—that have proven to be effective in returning to traditional school settings students who have been suspended or removed because of their use of alcohol or other drugs;

(f) Develop, disseminate information about, or evaluate successful alternative programs that use innovative approaches to help students who have been suspended or otherwise removed from school because of their alcohol or other drug use return to school and complete graduation requirements;

(g) Develop, disseminate information about, or evaluate exemplary programs for special target groups such as children of alcoholics, or for special purposes such as preventing use by students of "gateway drugs" such as tobacco and alcohol; or

(h) Present an innovative approach to combating drug and alcohol abuse that is consistent with the purposes of the Act.

(Authority: 20 U.S.C. 3212)

§ 235.5 How does the Secretary establish priorities for this program?

(a) The Secretary selects priorities by taking into account unmet national needs for drug and alcohol abuse education and prevention programs.

(b) The Secretary may select as a priority one or more, or a combination of, the types of projects listed in § 235.4. The Secretary may limit any priority to a particular educational level, type of substance abuse, or any combination of these levels or types.

(Authority: 20 U.S.C. 3212)

§ 235.6 What regulations apply to this program?

The following regulations apply to the Drug-Free Schools and Communities Federal Activities Grants Program:

(a) The regulations in 34 CFR part 231.

(b) The regulations in 34 CFR part 235.

(Authority: 20 U.S.C. 3212)

§ 235.7 What definitions apply to this program?

The definitions in 34 CFR 231.4 apply to this program.

(Authority: 20 U.S.C. 3212, 3221)

PART 764—[REMOVED]

8. Part 764 is removed.

PART 765—[REMOVED]

9. Part 765 is removed.

PART 766—[REMOVED]

10. Part 766 is removed.

[FR Doc. 90–29630 Filed 12–18–90; 8:45 am]
BILLING CODE 4000–01–M

DEPARTMENT OF EDUCATION

[CFDA NO: 84.184A]

Drug-Free Schools and Communities Demonstration Grants Program; Notice Inviting Applications for New Awards for Fiscal Year (FY) 1991

Purpose of Program: To award grants to institutions of higher education (IHEs), and consortia of IHEs, for model demonstration programs coordinated with local elementary and secondary schools for the development and implementation of quality drug and alcohol abuse education and prevention programs.

Deadline for Transmittal of Applications: March 15, 1991.

Deadline for Intergovernmental Review: May 14, 1991.

Applications Available: February 4, 1991.

Available Funds: $3,200,000.

Estimated Range of Awards: $100,000–$500,000.

Estimated Average Size of Awards: $320,000.

Estimated Number of Awards: 10.

Note: The Department if not bound by any estimates in this notice.

Project Period: Up to 3 years.

Applicable Regulations: (a) The Education Department General Administrative Regulations (EDGAR) in 34 CFR parts 74, 75, 77, 79, 80, 81, 82, 85, and 86 (published at 55 FR 33580, August 16, 1990); (b) The regulations for Student Rights in Research, Experimental Programs, and Testing in 34 CFR part 98; (c) The regulations for Family Educational Rights and Privacy in 34 CFR part 99; and (d) The regulations for this program in 34 CFR parts 231 and 234 (as published in this issue of the Federal Register).

Absolute Priority

Under 34 CFR 75.105(c)(3) and 34 CFR 234.4(a), the Secretary gives absolute preference to joint projects involving faculty of IHEs, teachers, in elementary and secondary schools, and community representatives in the practical application of the findings of educational research and evaluation and the integration of research into drug and alcohol abuse education and prevention programs.

Under 34 CFR 75.105(c)(3), the Secretary funds under this competition only applications that meet this absolute priority.

Invitational Priority

Within the absolute priority specified in this notice, the Secretary is particularly interested in applications that meet the following invitational priority:

Projects that demonstrate research-based strategies that focus on the specific knowledge, skills, attitudes, and other factors that protect individuals from drug and alcohol use and abuse.

However, under 34 CFR 75.105(c)(1) an application that meets this invitational priority does not receive competitive or absolute preference over other applications.

Selection Criteria

In accordance with 34 CFR 231.20, the Secretary distributes an additional 15 points among the criteria described at 231.22 to bring the total a maximum of 100 points. For the purpose of this competition, the Secretary will distribute the additional points as follows:

Concept design and contribution to improving the quality of drug and alcohol abuse education and prevention activities: (§ 231.22(a)) Ten (10) additional points will be added for a possible total of 30 points for this criterion; and

Evaluation plan. (§ 231.22(e)) Five (5) additional points will be added for a possible total of 25 points for the criterion.

FOR APPLICATION OR INFORMATION CONTACT: Seledia Shephard, Drug-Free Schools and Communities Division, Office of Elementary and Secondary Education, U.S. Department of Education, 400 Maryland Avenue, SW., room 2135, Washington, DC 20202–6439. Telephone (202) 401–3463.

Authority: 20 U.S.C. 3211.

Dated: December 12, 1990.

John T. MacDonald,

Assistant Secretary for Elementary and Secondary Education.

[FR Doc. 90–29631 Filed 12–18–90; 8:45 am]

BILLING CODE 4000–01–M

[CFDA No. 84.184B]

Drug-Free Schools and Communities Federal Activities Grants Program; Notice Inviting Applications for New Awards for Fiscal Year (FY) 1991

Purpose: To award grants to State educational agencies, local educational agencies, institutions of higher education and other nonprofit agencies, organizations and institutions to support drug and alcohol abuse education and prevention activities.

Deadline for Transmittal of Applications: March 15, 1991.

Deadline for Intergovernmental Review: May 14, 1991.

Applications Available: February 4, 1991.

Available Funds: $5,000,000.

Estimated Range of Awards: $100,000–$400,000.

Estimated Average Size of Awards: $250,000.

Estimated Number of Awards: 20.

Note: The Department is not bound by any estimates in this notice.

Project Period: Up to 2 years.

Applicable Regulations: (a) The Education Department General Administrative Regulations (EDGAR) in 34 CFR parts 74, 75, 77, 79, 80, 81, 82, 85, and 86 (published at 55 FR 33580, August 16, 1990); (b) The regulations for Student Rights in Research, Experimental Programs, and Testing in 34 CFR part 98; (c) The regulations for Family Educational Rights and Privacy in 34 CFR part 99; and (d) The regulations for this program in 34 CFR parts 231 and 235 (as published in this issue of the Federal Register).

SUPPLEMENTARY INFORMATION: Research indicates that a firm and fair school policy pertaining to the use, possession, and distribution of alcohol and other drugs (AOD) contributes to reductions in student alcohol and drug use. While the purpose of these policies is to keep students in school and drug-free, students who violate the policies are often suspended. Schools are responding to this problem by supporting alternative education programs. These programs serve students who have been suspended for violating AOD policies or who have otherwise experienced problems in school because of involvement with alcohol and other drugs. Alternative education programs are conducted both on-campus (in-school suspension, return to the classroom, and participation in support groups, counseling, and community service) and off-campus (combining academic and prevention programs with student and family support and counseling services). Consistent with the National Drug Control Strategy, the Department of Education is interested in projects that will develop, implement, and evaluate new alternative education programs, as well as in projects that evaluate and expand existing successful alternative education programs.

Invitational Priorities

The Secretary is particularly interested in applications that meet one or more of the following invitational priorities:

• Applications for projects to develop, implement and evaluate new programs, or expand and evaluate existing successful alternative programs, that are innovative approaches to help students, particularly those who are residents of public housing, who have been suspended or otherwise removed from school because of their alcohol or other drug use return to school and complete graduation requirements.

• Projects that demonstrate the use of counseling and outreach services in deterring youth, particularly high-risk youth, from using alcohol and other drugs.

• Projects centered at school locations that emphasize prevention and intervention through student assistance programs, professional counseling, and community outreach services, particularly projects that address the needs of urban neighborhoods plagued with a high concentration of drug abuse and trafficking, and projects that focus on prevention and counseling services at the elementary school level.

• Projects that provide technical assistance to SEAs, LEAs, or IEAs in implementing prevention activities targeted to benefit children of alcoholics.

However, under 34 CFR 75.105(c)(1), an application that meets any of these invitational priorities does not receive competitive or absolute preference over other applications.

Selection Criteria

In accordance with 34 CFR 231.20, the Secretary distributes an additional 15 points among the criteria described in the regulations at 231.22 to bring the total to a maximum of 100 points. For the purpose of this competition, the Secretary will distribute the additional points as follows:

Concept design and contribution to improving the quality of drug and alcohol abuse education and prevention activities: (§ 231.22(a)) Ten (10) additional points will be added for a possible total of 30 points for this criterion.

Evaluation plan: (§ 231.22(e)) Five (5) additional points will be added for a possible total of 25 points for this criterion

FOR APPLICATIONS OR INFORMATION CONTACT: Gail Beaumont, Drug-Free Schools and Communities Staff, U.S. Department of Education, 400 Maryland Avenue, SW., room 2135, Washington, DC 20202–6439; Telephone: (202) 401–3463.

Authority: 20 U.S.C. 3212.

Dated: December 11, 1990.

John T. MacDonald,

Assistant Secretary for Elementary and Secondary Education.

[FR Doc. 90–29632 Filed 12–18–90; 8:45 am]

BILLING CODE 4000–01–M

[CFDA No: 84.207A]

Drug-Free Schools and Communities School Personnel Training Grants Program; Notice Inviting Applications for New Awards for Fiscal Year (FY) 1991

Purpose of Program: To provide financial assistance to State educational agencies, local educational agencies, institutions of higher education, or a consortia of these organizations, to establish, expand, or enhance programs and activities for the training of elementary and secondary school teachers and administrators, and other elementary and secondary school personnel, concerning drug and alcohol abuse education and prevention.

Deadline for Transmittal of Applications: February 22, 1991.

Deadline for Intergovernmental Review: April 23, 1991.

Applications Available: January 4, 1991.

Available Funds: $20,000,000.

Estimated Range of Awards: $100,000–$300,000.

Estimated Average Size of Awards: $200,000.

Estimated Number of Awards: 100.

Note: The Department is not bound by any estimates in this notice.

Project Period: Up to 2 years.

Applicable Regulations: (a) The Education Department General Administrative Regulations (EDGAR) in 34 CFR parts 74, 75, 77, 79, 80, 81, 82, 85 and 86 (published at 55 FR 33580, August 16, 1990); and (b) The regulations for Student Rights in Research, Experimental Programs, and Testing in 34 CFR part 98; (c) The regulations for Family Educational Rights and Privacy in 34 CFR part 99; and (d) The regulations for this program at 34 CFR parts 231 and 233 (as published in this issue of the **Federal Register**).

Invitational Priorities

The Secretary is particularly interested in applications that address one or more of the following invitational priorities:

• Training programs for teachers or other school personnel that address the dangers of anabolic steroids and gateway drugs such as tobacco and alcohol products.

• Training programs for teachers, administrators, and other school personnel on how to involve the family and community in drug and alcohol abuse prevention, education, and intervention programs, particularly programs that use innovative approaches to help students who have been suspended or otherwise removed from school because of their alcohol or other drug use to return to school and complete graduation requirements.

However, under 34 CFR 75.105(c)(1), an application that meets any of these invitational priorities does not receive competitive or absolute preference over other applications.

Weighting for Selection Criteria

In accordance with 34 CFR 231.20 the Secretary distributes an additional 15 points among the criteria described at 231.22 to bring the total to a maximum of 100 points. For the purpose of this competition, the Secretary will distribute the additional points as follows:

Concept design and contribution to improving the quality of drug and alcohol abuse education and prevention activities: (§ 231.22(a)). Five (5) additional points will be added for a possible total of 25 points for this criterion.

Plan of Operation: (§ 231.22(c)). Five (5) additional points will be added for a possible total of 20 points for this criterion.

Evaluation plan: (§ 231.22(e)). Five (5) additional points will be added for a possible total of 25 points for this criterion.

FOR APPLICATION OR INFORMATION CONTACT: Ethel F. Jackson, Division of Drug-Free Schools and Communities, Office of Elementary and Secondary Education. U.S. Department of Education, 400 Maryland Avenue, SW., room 2135, Washington, DC 20202–6439. Telephone (202) 401–3463.

Authority: 20 U.S.C. 3201.

Dated: December 11, 1990.

John T. MacDonald,

Assistant Secretary for Elementary and Secondary Education.

[FR Doc. 90–29633 Filed 12–18–90; 8:45 am]

BILLING CODE 4000–01–M

[CFDA No. 84.233A]

Drug-Free Schools and Communities Emergency Grants Program; Inviting Applications for New Awards for Fiscal Year (FY) 1991

Purpose of Program: To assist eligible local educational agencies (LEAs) that

demonstrate a significant need for additional funds to combat drug and alcohol abuse by students. To be eligible for an Emergency Grant an LEA must: (1) Be receiving, or eligible to receive, a concentration grant under section 1006 of chapter 1 of title I of the Elementary and Secondary Education Act of 1965, as amended; and (2) serve an area: (a) In which there is a large number or high percentage of arrests for, or while under the influence of, drugs or alcohol or convictions of youth for drug- or alcohol-related crimes; (b) in which there is a large number or high percentage of referrals of youth to drug and alcohol abuse treatment and rehabilitation programs; and (c) that has a significant drug and alcohol abuse problem.

Deadline for Transmittal of Applications: April 5, 1991.

Deadline for Intergovernmental Review: June 4, 1991.

Applications Available: February 22, 1991.

Available Funds: $24,331,000.

Estimated Range of Awards: $100,000–$1,000,000.

Estimated Average Size of Awards: $500,000.

Estimated Numbers of Awards: 50.

Note: The Department is not bound by any estimates in this notice.

Project Period: Up to 2 years.

Applicable Regulations: (a) The Education Department General Administrative Regulations (EDGAR) in 34 CFR parts 75, 77, 79, 80, 81, 82, 85, and 86 (published at 55 FR 33580, August 16, 1990); (b) The regulations for Student Rights in Research, Experimental Programs, and Testing in 34 CFR part 98; (c) The regulations for Family Educational Rights and Privacy in 34 CFR part 99; and (d) The regulations for this program in 34 CFR parts 231 and 232 (as published in this issue of the **Federal Register**).

Invitational Priorities

The Secretary is particularly interested in applications that meet one or more of the following invitational priorities:

- Applications for projects that support the development and implementation of comprehensive community-wide drug and alcohol abuse education and prevention programs that involve school personnel, law enforcement officials, judicial officials, local government officials, the clergy, community leaders, and parents.
- Applications for projects that present an innovative approach to combating drug and alcohol abuse in the LEA that is consistent with the purposes of the Act.

However, under 34 CFR 75.105(c)(1) an application that meets any of these invitational priorities does not receive competitive or absolute preference over other applications.

Selection Criteria

In accordance with 34 CFR 231.20, the Secretary distributes an additional 15 points among the criteria described in the regulations at 231.22 to bring the total to a maximum of 100 points. For the purpose of this competition, the Secretary will distribute the additional points as follows:

Relationship to drug prevention programs implemented to comply with the Drug-Free Schools and Campuses regulations: (§ 231.22(b)) Fifteen (15) additional points will be added for a possible total of 25 points for this criterion.

FOR APPLICATIONS OR INFORMATION CONTACT: Ruth Tringo, Drug-Free Schools and Communities Staff, U.S. Department of Education, 400 Maryland Avenue, SW., room 2135, Washington, DC 20202–6439; Telephone: (202) 401–3463.

Authority: 20 U.S.C. 3216.

Dated: December 11, 1990.

John T. MacDonald,

Assistant Secretary for Elementary and Secondary Education.

[FR Doc. 90–29634 Filed 12–18–90; 8:45 am]

BILLING CODE 4000–01–M

federal register

Wednesday
December 19, 1990

Part V

Department of Defense
General Services Administration
National Aeronautics and Space Administration

48 CFR Part 52

Federal Acquisition Regulation (FAR); Inspection of Services—Fixed-Price; Proposed Rule

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Part 52

Federal Acquisition Regulation (FAR); Inspection of Services—Fixed-Price

AGENCIES: Department of Defense (DOD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Proposed rule.

SUMMARY: The Civilian Agency Acquisition Council and the Defense Acquisition Regulatory Council are considering changes to the Federal Acquisition Regulation (FAR) to amend the clause at 52.246–4, Inspection of Services—Fixed-Price. The proposed changes revise the clause by adding a new paragraph (d), which will allow the Government to inspect or test at the contractor's or subcontractor's facility and require the contractor to furnish, without additional charge, all reasonable facilities and assistance for the safe and convenient performance of these duties; and redesignating existing paragraphs (d) and (e) as (e) and (f). The coverage will be useful in contracts for services such as storage, ship repair, and operation and maintenance of Government-owned facilities.

DATES: Comments should be submitted to the FAR Secretariat at the address shown below on or before February 19, 1991, to be considered in the formulation of a final rule.

ADDRESSES: Interested parties should submit written comments to:

General Services Administration, FAR Secretariat (VRS), 18th & F Streets, NW., Room 4041, Washington, DC 20405.

Please cite FAR Case 90–58 in all correspondence related to this issue.

FOR FURTHER INFORMATION CONTACT: Ms. Linda Klein, Office of Federal Acquisition Policy, Room 4041, GS Building, Washington, DC 20405, (202) 501–4755. Please cite FAR Case 90–58.

SUPPLEMENTARY INFORMATION:

A. Background

The proposed rule is a result of recommendations made by the Defense Management Review Regulatory Relief Task Force after its review of the DoD Federal Acquisition Regulation Supplement (DFARS) and DoD agency, service, and component-level regulations. It reflects language which is being deleted from a component-level clause for more appropriate insertion in the FAR.

The rule incorporates a new paragraph (d) in the clause at 52.246–4, similar to that currently contained in paragraph (d) of the clause at 52.246–2, Inspection of Supplies—Fixed Price. This language allows the Government to inspect or test at the contractor's or subcontractor's facility and requires the contractor or subcontractor to furnish, without additional charge, all reasonable facilities and assistance for the safe and convenient performance of these duties. The coverage is considered useful in contracts for services such as storage, ship repair, and operation and maintenance of Government-owned facilities.

B. Regulatory Flexibility Act

The proposed rule is not expected to have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601, et seq., because the existing language in the clause at 52.246–4 is being clarified to be consistent with coverage in the clause at 52.246–2. An Initial Regulatory Flexibility Analysis has therefore not been performed. Comments from small entities concerning the affected FAR subsection will also be considered in accordance with section 610 of the Act. Such comments must be submitted separately and cite section 90–610 (FAR Case 90–58) in correspondence.

C. Paperwork Reduction Act

The Paperwork Reduction Act does not apply because the proposed changes to the FAR do not impose recordkeeping information collection requirements or collection of information from offerors, contractors, or members of the public which require the approval of OMB under 44 U.S.C. 3501, et seq.

List of Subjects in 48 CFR Part 52

Government procurement.

Dated: December 10, 1990.

Albert A Vicchiolla,

Director, Office of Federal Acquisition Policy.

Therefore, it is proposed that 48 CFR Part 52 be amended as set forth below:

PART 52—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

1. The authority citation for 48 CFR part 52 continues to read as follows:

Authority: 40 U.S.C. 486(c); U.S.C. Chapter 137; and 42 U.S.C. 2473(C).

2. Section 52.246–4 is amended in the introductory text by inserting a colon following the word "clause" in the first sentence and removing the remainder of the paragraph; by removing in the title of the clause the date "(APR 1984)" and inserting in its place "(DEC 1990)"; by redesignating existing paragraphs (d) and (e) of the clause as paragraphs (e) and (f) respectively; by adding new paragraph (d); and by removing the derivation line following "(End of clause)" to read as follows:

52.246–4 Inspection of Services—Fixed-Price.

* * * * *

(d) If the Government performs inspection or test on the premises of the Contractor or a subcontractor, the Contractor shall furnish, and shall require subcontractors to furnish without additional charge, all reasonable facilities and assistance for the safe and convenient performance of these duties.

* * * * *

[FR Doc. 90–29666 Filed 12–18–90; 8:45 am]

BILLING CODE 6820–34–M

federal register

Wednesday
December 19, 1990

Part VI

Department of Education

Institutional Eligibility Under the Higher Education Act of 1965, as Amended (Ability to Benefit); Notice

DEPARTMENT OF EDUCATION

Institutional Eligibility Under the Higher Education Act of 1965, as Amended (Ability to Benefit)

AGENCY: Department of Education.

ACTION: Notice of an initial list of approved ability-to-benefit examinations and policies and procedures for approval of additional examinations.

SUMMARY: The Secretary provides notice of an initial list of approved ability-to-benefit examinations and policies and procedures for approval of additional ability-to-benefit examinations. The Secretary takes this action to implement the Student Loan Default Prevention Initiative Act of 1990, subtitle A of the Omnibus Budget Reconciliation Act of 1990 (Pub. L. 101–508, enacted November 5, 1990), which amended section 484(d) of the Higher Education Act of 1965 (HEA). A postsecondary institution may admit as a regular student, in an eligible program (degree or certificate), a student who does not have a high school diploma or its equivalent, but does have the ability to benefit from the education or training offered. In order for a student who is admitted on the basis of ability to benefit from the education or training offered to be eligible for any grant, loan, or work assistance under title IV of the HEA, the amended act requires the student, prior to enrollment, to pass an independently administered examination approved by the Secretary.

DATES: This notice applies to periods of enrollment beginning on or after January 1, 1991.

FOR FURTHER INFORMATION CONTACT: Ann S. Clough or Virginia G. Re, Division of Eligibility and Certification, U.S. Department of Education, 400 Maryland Avenue SW., (room 3030, ROB–3), Washington, DC 20202–5242. Telephone (202) 708–4906.

SUPPLEMENTARY INFORMATION: Section 484(d) of the HEA, as amended, requires students who are admitted to eligible institutions on the basis of their ability to benefit from the education or training offered to have passed independently administered examinations that have been approved by the Secretary of Education in order to be eligible for any grant, loan, or work assistance under title IV of the HEA.

Section 484(d) also affects the eligibility of institutions: all but one of the definitions of eligible institution (an institution of higher education, as defined in section 435(b)) refer to section 484(d) of the HEA. See sections 435(c) (Vocational School), 481(b) (Proprietary Institution of Higher Education), 481(c) (Postsecondary Vocational Institution), and 1201(a) (Institution of Higher Education). To be considered an eligible postsecondary institution, an institution that admits, as regular students in eligible programs, students who do not have a high school diploma or the recognized equivalent may do so only if the students have passed an independently administered test approved by the Secretary of Education.

Generally, an institution may not determine a student's ability to benefit based on the student's prior postsecondary educational experience. However, a student who does not have a high school diploma but who has successfully completed a two-year program that is acceptable for full credit toward a bachelor's degree may be admitted on the basis that he or she has the recognized equivalent of a high school diploma. The Secretary considers that student's academic transcript to be the recognized equivalent of a high school diploma for this purpose. Therefore, these kinds of students do not need to take an ability-to-benefit test.

If an institution does not comply with the statutory requirement with respect to ability-to-benefit students, not only are the individual students ineligible for title IV student financial aid funds but the institution itself, except for an institution of higher education under section 435(b) of the HEA, that participates only in the Guaranteed Student Loan Program, is not eligible to participate in most programs funded under the HEA.

Any expense that a student incurs related to taking an ability-to-benefit test may not be included in the student's cost of attendance.

Periods of Enrollment

The Secretary interprets the statute to apply to the enrollment of students who begin their periods of enrollment for a program on or after January 1, 1991. Students who were enrolled as regular students at the same institution in the immediately preceding academic period and students who were on official leave of absence from their institution during the previous academic period are not affected by this provision. An enrollment period is considered to have begun on the first official day of the academic period, that is, on the first day of the academic period as published in the institution's catalog.

Independently Administered

The Secretary considers an examination to be independently administered if it is administered in accordance with the procedures specified by the test publisher and by an individual or organization that has no current or prior fiscal interest in the institution other than an arms-length arrangement to administer the examination, except that the Secretary considers degree-granting institutions that, as of the date of this notice, have in existence established testing or assessment centers that are independent of the admissions process, to be able to independently administer examinations. Without limiting the foregoing, a test administrator, proctor or scorer may not be a current or former employee, consultant or student of the institution, may not be on the board of directors of, an owner of, or have a financial interest in the institution, and may not be a relative of any of the above. With the exception of employees of such testing or assessment centers at degree-granting institutions, the Secretary does not consider an employee of one postsecondary institution to be sufficiently independent to administer tests to prospective students at another postsecondary institution. The Secretary considers that a testing or assessment center that is owned, controlled and/or operated by a current or former owner of an institution, except an established testing or assessment center at a degree-granting institution, cannot independently administer ability-to-benefit examinations to prospective students of the institution within the context of this notice. To insure that a record of an independently administered test is maintained, the institution is advised to keep a record of the test taken, the date of the test and the test scores. It is also recommended that the individual who administers the test and the president or chief executive officer of the institution sign a statement, that may be kept on file at the institution, certifying that the test administrator has no direct or indirect relationship with the institution. The Secretary will develop a form to meet this certification standard.

The Secretary encourages institutions to draw test administrators and proctors from any of the following sources, provided they meet the tests of independence listed above:

High school guidance counselors.
Qualified professional educators.
Staff of regional and area Armed Forces commands who are expert in education/training/human resources development.
Staff of established offices of testing or assessment that are independent of

the admissions process at degree-granting institutions.
Test and measurement experts.
Human resource development professionals.

The Secretary also considers public or non-profit centers that offer assessment or testing services and that operate independently of institutions that are eligible to participate in HEA programs to be independent.

Approved Examinations

The Secretary approves, for an initial list of examinations to use in making ability-to-benefit determinations, until such time as final regulations are issued, nationally standardized examinations of secondary-school-level basic skills and/or general learned abilities that also meet the policies and procedures for the Secretary's approval of an examination. Those policies and procedures are listed at the end of this notice. The Secretary thus initially hereby approves the following for use in determining the ability to benefit:

ACT Assessment
Adult Basic Learning Examination (ABLE)—Level 3
Armed Services Vocational Aptitude Battery (ASVAB)—Forms 8, 9 or 10
ASSET—Forms B or C
Career Program Assessment Test (CPAT)—Forms A or B
Comprehensive Tests of Basic Skills—Level I
Descriptive Tests of Language Skills (DTLS)
Descriptive Tests of Mathematical Skills (DTMS)
Differential Aptitude Test—Forms V or W
General Education Diploma Tests (GED)
Nelson-Denny Reading Test—Forms E or F
Preliminary Scholastic Aptitude Test (PSAT)
Scholastic Aptitude Test (SAT)
Tests used by States for assessing the basic skills of entering postsecondary students

A student who has taken one of the tests listed above within the twelve months immediately preceding his or her application for admission may submit an official notification of his or her test score (subject to verification by the institution) to the institution to which he or she is applying for admission, instead of taking another test, provided the test was independently administered in accordance with the discussion above and using test administration procedures prescribed by the test publisher, the student took the test and the results of the test are provided to the institution prior to the student's admission to the institution.

In addition, an institution that provides instruction in English may use the Test of English as a Foreign Language (TOEFL) to determine the ability of a student whose native language is not English to benefit from instruction in English.

Standards for Passing Scores (Cut-Scores)

The Secretary considers that, for an institution to make a valid ability-to-benefit determination, the institution must use a passing score (cut-score) on the examination, that is, at a minimum, one full Standard Deviation below the mean for that examination. In setting the cut-score on a test that has been normed on different populations, the institution must use the normed distribution for the population most comparable to the population being admitted. The one exception to this is the TOEFL, for which the cut-score must be at least 450.

Guidelines for Selecting Examinations From the Secretary's List of Examinations Approved for Testing Ability-to-Benefit Students

Institutions may use more than one examination on the Secretary's list in identifying students who have the ability to benefit from the education or training offered by the institution. The skills and abilities assessed by all of the examinations listed above assume secondary-school-level education or, in the case of the TOEFL, functional literacy for non-native speakers of English. Institutions are encouraged to consider the following in selecting examinations:

1. Whether the skills and abilities assessed are among those considered important for successful completion of a student's proposed program of study.
2. Whether the overall level of difficulty of the examination is appropriate to the population of prospective students being assessed.
3. Students whose native language is not English should be allowed to take an examination on the Secretary's list that is offered in their native language or the TOEFL that measures the abilities of non-English speakers. This examination should be appropriate for students who would be receiving supplementary instruction in English as a second language.
4. Students with physical handicaps should be provided with appropriate assistance in test-taking in accordance with guidelines developed jointly by the American Educational Research Association, the American Psychological Association and the National Council of Measurement in Education.

Policies and Procedures for the Secretary's Initial Approval Additional Examinations

The Secretary hereby invites test publishers to submit examinations for review. In evaluating for approval examinations submitted in response to this notice, the Secretary looks favorably upon examinations that–

1. Meet the primary standards developed jointly by the American Educational Research Association (AERA), the American Psychological Association (APA), and the National Council of Measurement in Education (NCME), as promulgated in Standards for Educational and Psychological Testing (1985) and that are germane to the testing of ability-to-benefit students as defined by section 484(d) of the HEA;
2. The test publishers have established the validity for use in accessing ability-to-benefit students seeking admission to postsecondary institutions;
3. The test publishers have provided evidence that the examinations are reliable enough to permit consistent judgments of individual ability, skill and/or knowledge;
4. The test publishers have provided norms indicating levels of ability that are equal to those needed to complete successfully postsecondary educational or occupational training programs; and
5. The samples used by the test publishers in test validation and norming were of adequate size and sufficiently representative of the post-compulsory school-age population in the United States to support conclusions regarding the use of the examinations in selecting ability-to-benefit students seeking admission to postsecondary institutions.

Request for Review of Tests

Test developers and publishers who wish to have their examinations approved by the Secretary should submit, by March 31, 1991, the following documents to the Director, Division of Eligibility and Certification, U.S. Department of Education, 400 Maryland Avenue (room 3030, ROB–3), SW., Washington, DC 20202–5242.

Copy of the test
Test documentation
Technical manual that contains recommended procedures for security, administration, and scoring of the test
History of use of the test

Notice of any additional tests that may be approved by the Secretary will be published in the **Federal Register.**

Paperwork Reduction Act of 1980

This notice contains information collection requirements. As required by the Paperwork Reduction Act of 1980, the Department of Education will submit a copy of these sections to the Office of Management and Budget (OMB) for its review.

This notice affects postsecondary institutions and students admitted to postsecondary institutions on the basis of their ability to benefit from the education or training offered. Annual public reporting for the collection of information is estimated to average 7 minutes per response for 2100 respondents, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

Organizations and individuals desiring to submit comments on the information collection requirements should direct them to the Office of Information and Regulatory Affairs, room 3002, New Executive Office Building, Washington, DC 20503; Attention: Daniel J. Chenok.

(Approved by the Office of Management and Budget under Control number 1840-0627.)

Authority: 20 U.S.C. 1091(d).

Dated: December 17, 1990.

Ted Sanders,

Acting Secretary of Education.

[FR Doc. 90-29844 Filed 12-18-90; 8:45 am]

BILLING CODE 4000-01-M

federal register

Wednesday
December 19, 1990

Part VII

The President

Executive Order 12739—Half-Day Closing of Government Departments and Agencies on Monday, December 24, 1990

Federal Register

Part VII

The President

Executive Order 12736—Half-Day Closing of Government Departments and Agencies on Monday, December 24, 1990

Federal Register
Vol. 55, No. 244
Wednesday, December 19, 1990

Presidential Documents

Title 3—

The President

Executive Order 12739 of December 17, 1990

Half-Day Closing of Government Departments and Agencies on Monday, December 24, 1990

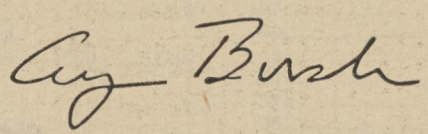
By the authority vested in me as President by the Constitution and laws of the United States of America, it is hereby ordered:

Section 1. All executive departments and agencies of the Federal Government shall be closed and their employees excused from duty for the last half of the scheduled workday on Christmas Eve, December 24, 1990, except as provided in Section 2 below.

Sec. 2. The heads of executive departments and agencies may determine that certain offices and installations of their organizations, or parts thereof, must remain open and that certain employees must remain on duty for the full scheduled workday on December 24, 1990, for reasons of national security or defense or for other essential public reasons.

Sec. 3. Monday, December 24, 1990, shall be considered as falling within the scope of Executive Order No. 11582 and of 5 U.S.C. 5546 and 6103(b) and other similar statutes insofar as they relate to the pay and leave of employees of the United States.

Sec. 4. This order shall apply to Federal departments and agencies only and is not intended to direct or otherwise implicate departments or agencies of State or local governments.



THE WHITE HOUSE,
December 17, 1990.

[FR Doc. 90-29894
Filed 12-18-90; 11:10 am]
Billing code 3195-01-M

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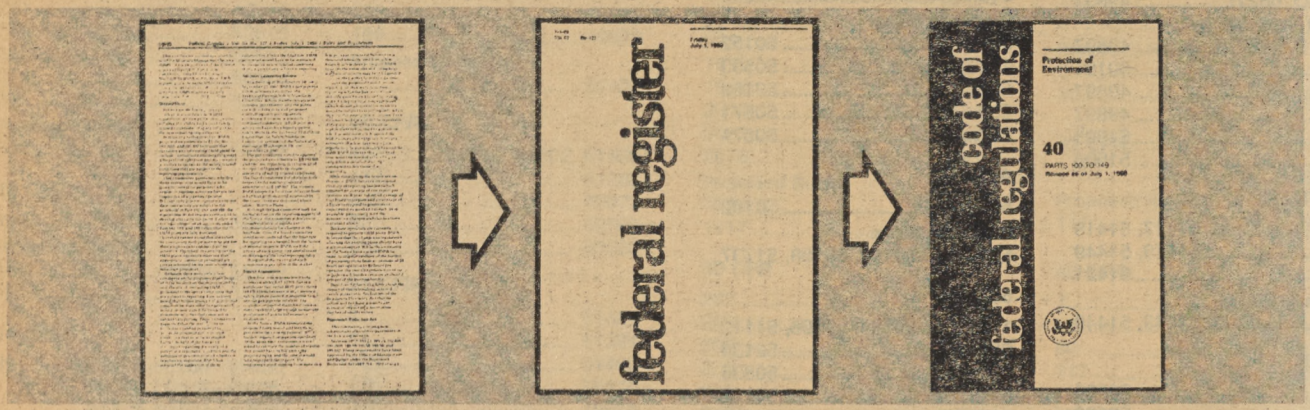
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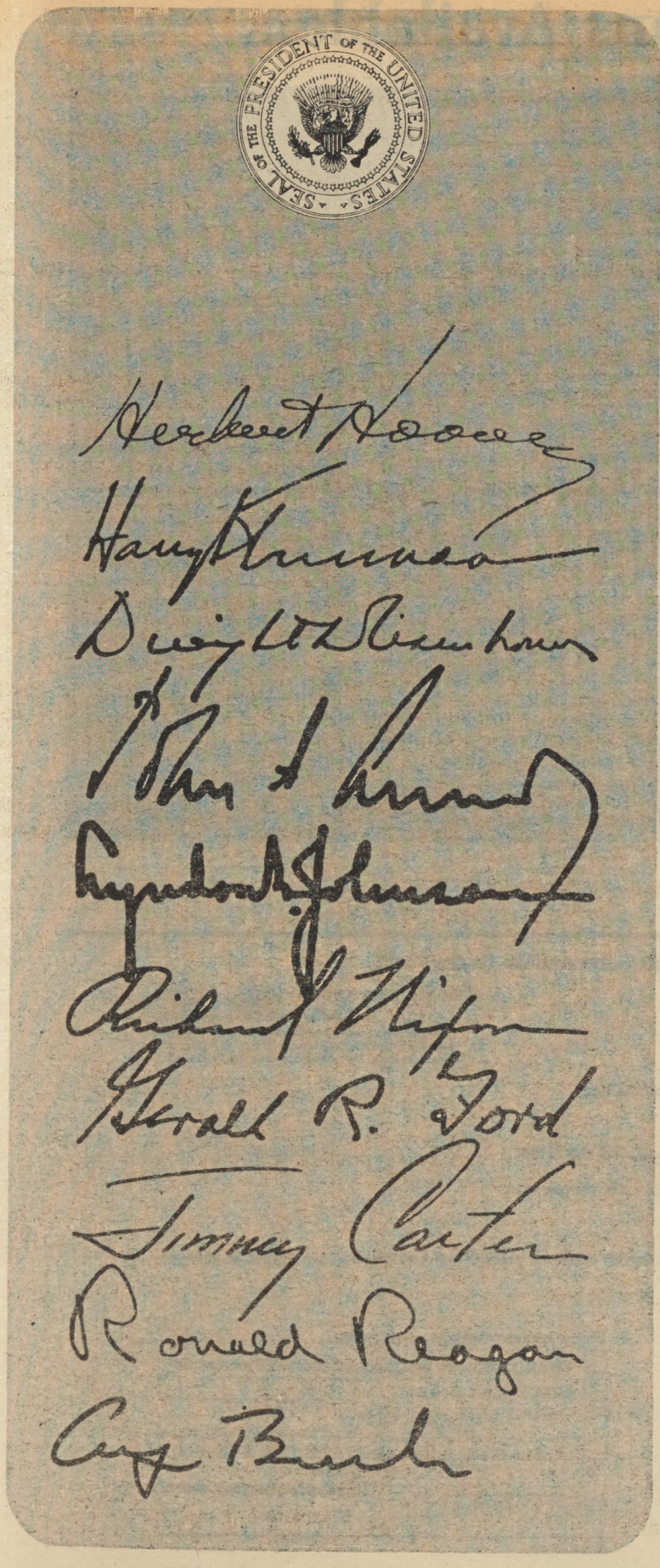
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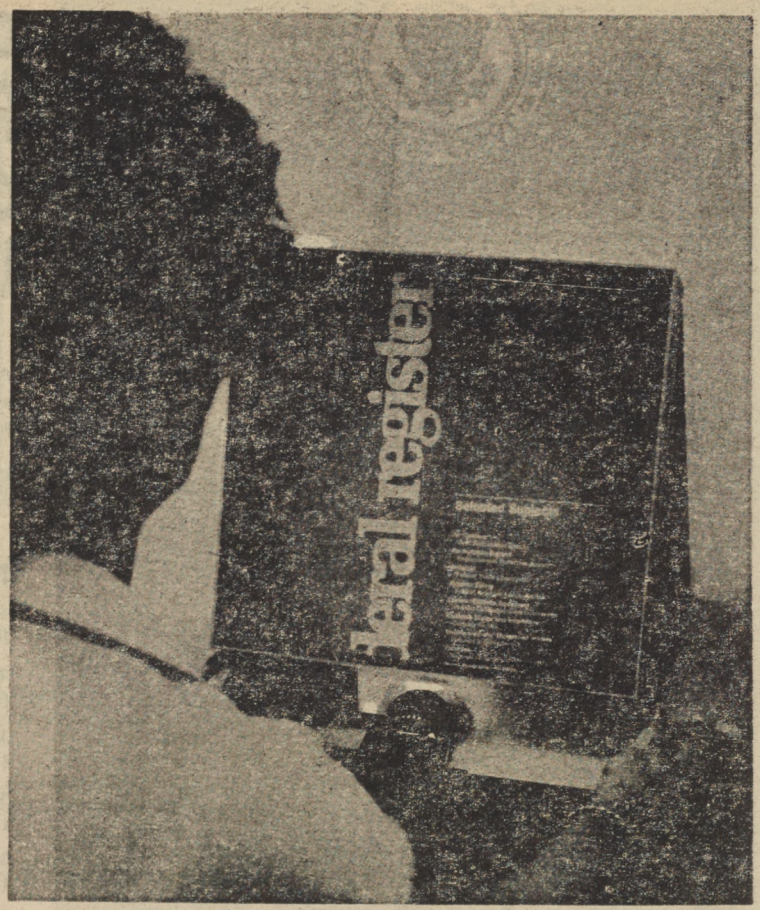
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