

12-20-90

Vol. 55

No. 245

federal register

Thursday
December 20, 1990

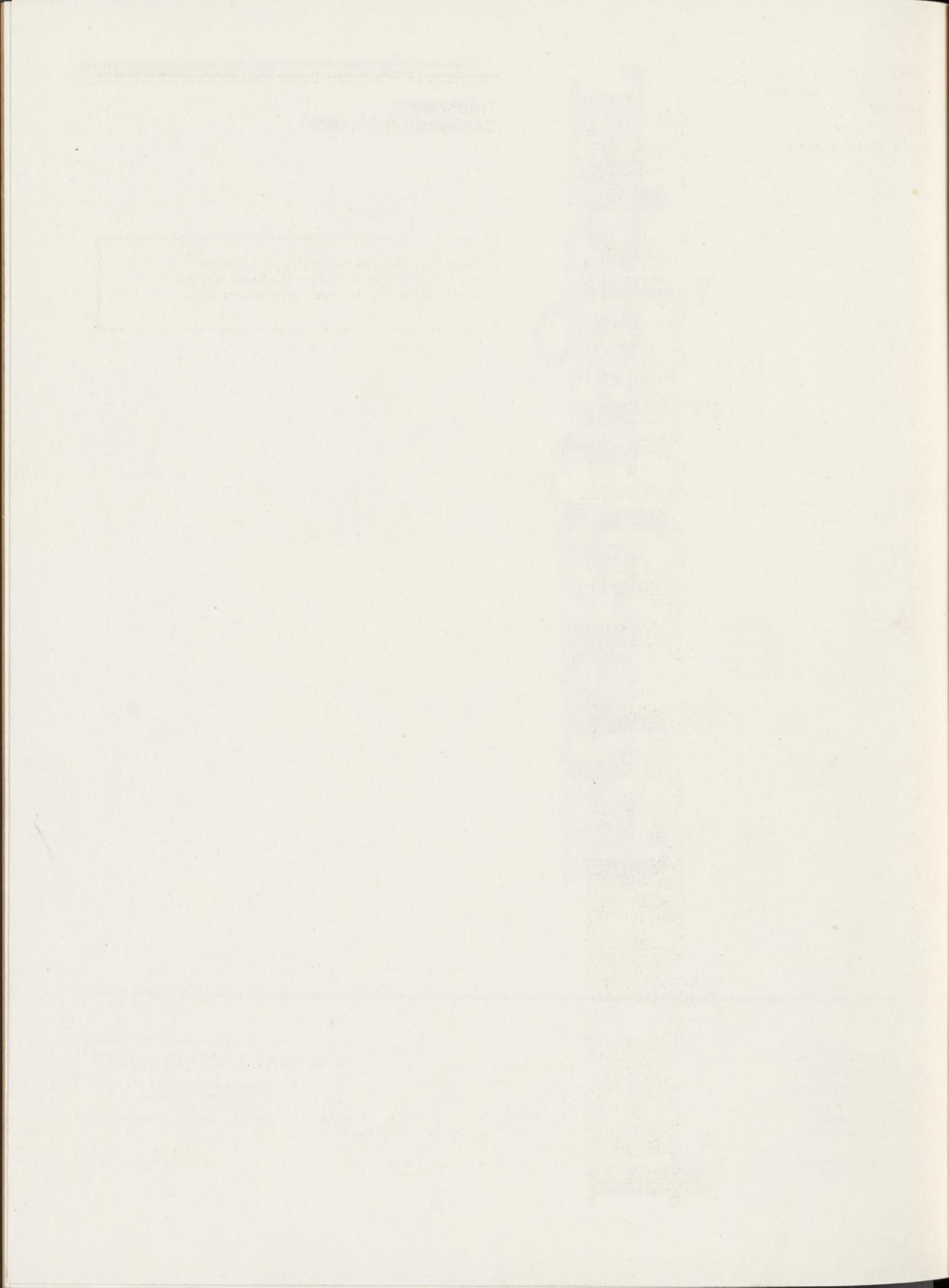
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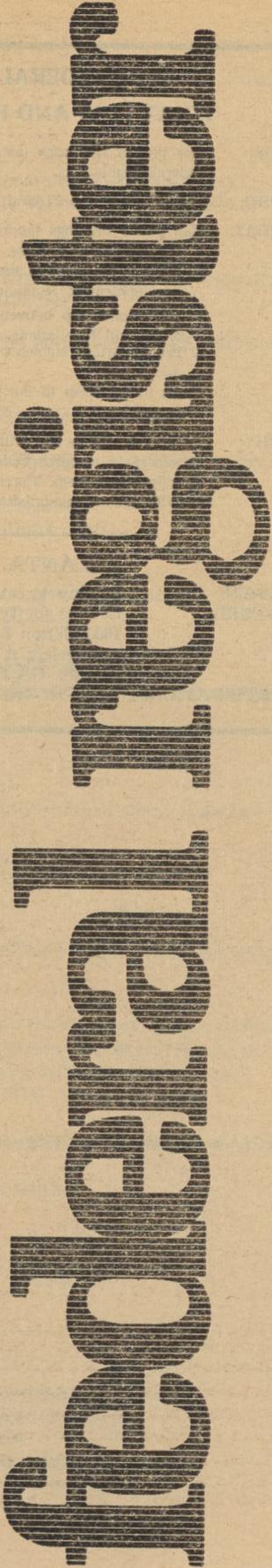
SECOND CLASS NEWSPAPER

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(ISSN 0097-6326)



Thursday
December 20, 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.





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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.

Contents

Federal Register

Vol. 55, No. 245

Thursday, December 20, 1990

ACTION

NOTICES

Grants and cooperative agreements; availability, etc.:
VISTA/student community service projects, 52198

Agriculture Department

See also Animal and Plant Health Inspection Service; Forest Service; Soil Conservation Service

NOTICES

Agency information collection activities under OMB review, 52202

Animal and Plant Health Inspection Service

RULES

Interstate transportation of animals and animal products (quarantine):
Tuberculosis in cattle and bison—
State and areas designations, 52167
(2 documents)

NOTICES

Veterinary biological products; production and establishment licenses, 52203

Arts and Humanities, National Foundation

See National Foundation on the Arts and the Humanities

Census Bureau

NOTICES

Surveys, determinations, etc.:
Company organization; multiestablishment companies, 52205

Coast Guard

NOTICES

Meetings:
Ninth Coast Guard District Industry Day program, 52236

Commerce Department

See Census Bureau; Economic Development Administration; Export Administration Bureau; National Institute of Standards and Technology; National Oceanic and Atmospheric Administration

Committee for the Implementation of Textile Agreements

NOTICES

Cotton, wool, and man-made textiles:
Peru, 52206
Philippines, 52206
Yugoslavia, 52206
Textile consultation; review of trade:
Thailand, 52207

Customs Service

NOTICES

Petroleum products; approved public gauger and commercial laboratory accreditations:
Charles V. Bacon, Inc., 52238
Petroleum products; approved public gauger:
International Marine Consultants, 52238

Defense Department

RULES

Charters:

Defense Mapping Agency, 52169

NOTICES

Civilian health and medical program of uniformed services (CHAMPUS):

DRG-based payment system—

Revised weight, thresholds, and per diem rates, 52207

Federal Acquisition Regulation (FAR):

Agency information collection activities under OMB review, 52207

Delaware River Basin Commission

RULES

Administrative manual; practice and procedure rules:
Landfill projects review, 52168

Drug Enforcement Administration

NOTICES

Applications, hearings, determinations, etc.:
Winsauer, Henry J., M.D., 52228

Economic Development Administration

NOTICES

Grants and cooperative agreements; availability, etc.:
Economic development assistance programs, 52248

Energy Department

See also Energy Research Office; Federal Energy Regulatory Commission; Hearings and Appeals Office, Energy Department; Western Area Power Administration

NOTICES

Natural gas exportation and importation:
NMU Gas Purchasing Inc., 52212

Energy Research Office

NOTICES

Grants and cooperative agreements; availability, etc.:
Special research program—
Energy biosciences, 52208

Environmental Protection Agency

NOTICES

Air programs; fuel and fuel additive waivers:
Ethyl Corp., 52215

Executive Office of the President

See Trade Representative, Office of United States

Export Administration Bureau

NOTICES

Meetings:

Biotechnology Technical Advisory Committee, 52205

Federal Aviation Administration

PROPOSED RULES

Airworthiness directives:

Airbus Industrie, 52176, 52177
(2 documents)

Cessna, 52179

General Electric Co., 52180

McDonnell Douglas, 52181

NOTICES

Advisory circulars; availability, etc.:

Aeronautical Telecommunications Network Compatible
Airborne Data Link Systems, 52237

Environmental statements; availability, etc.:

Terminal Doppler Weather Radars site determination
program, 52237

Federal Communications Commission

RULES

Communications equipment:

Frequency allocations and radio treaty matters—
Radio frequency devices; non-licensed operation, 52172

Radio stations; table of assignments:

Florida, 52173
Michigan, 52173
Missouri, 52174
South Carolina, 52174
Wisconsin, 52173

Television stations; table of assignments:

Alaska, 52174

PROPOSED RULES

Radio stations; table of assignments:

Iowa, 52186
New York, 52186
Texas, 52186
Utah, 52185
Wisconsin, 52187
Wyoming, 52185

Television stations; table of assignments:

Colorado, 52187

NOTICES

Agency information collection activities under OMB review,
52215

Federal Emergency Management Agency

RULES

Disaster assistance:

Hazard mitigation grant program
Correction, 52172

NOTICES

Disaster and emergency areas:

Micronesia, 52216
Washington, 52216, 52217
(3 documents)

Meetings:

National Earthquake Hazards Reduction Program
Advisory Committee, 52217

Federal Energy Regulatory Commission

NOTICES

Environmental statements; availability, etc.:

Transwestern Pipeline Co., 52209

Applications, hearings, determinations, etc.:

Western Area Power Administration, 52212

Federal Maritime Commission

NOTICES

Agreements filed, etc., 52217

Casualty and nonperformance certificates:

Costa Cruise Lines N.V. et al., 52217
Starlite Cruises, Inc., 52217

Federal Procurement Policy Office

NOTICES

Buy American Act:

Rules of origin application; proposed policy letter, 52232

Federal Reserve System

NOTICES

Applications, hearings, determinations, etc.:

Mitsubishi Bank, Ltd., 52218

Fish and Wildlife Service

PROPOSED RULES

Endangered and threatened species:

White irisette, 52191

Food and Drug Administration

NOTICES

Animal drugs, feeds, and related products:

Patent extension; regulatory review period
determinations—
Synanthic, 52219

Human drugs:

Export applications—
Macrobid, 52220

Patent extension; regulatory review period
determinations—

Exosurf Neonatal, 52220

Forest Service

NOTICES

Environmental statements; availability, etc.:

Wasatch-Cache National Forest, UT, 52204

General Services Administration

NOTICES

Environmental statements; availability, etc.:

Navy Department, large scale office complex construction
and occupation in Northern Virginia, 52218

Federal Acquisition Regulation (FAR):

Agency information collection activities under OMB
review, 52207

Health and Human Services Department

See Food and Drug Administration; Health Resources and
Services Administration; National Institutes of Health;
Public Health Service

Health Resources and Services Administration

See also Public Health Service

NOTICES

Advisory committees; annual reports; availability, 52221

Hearings and Appeals Office, Energy Department

NOTICES

Cases filed, 52213

Indian Affairs Bureau

PROPOSED RULES

Fishery conservation and management:

Wind River Reservation Game Code; CFR Part removed,
52264

NOTICES

Agency information collection activities under OMB review,
52222

(2 documents)

Interior Department

See Fish and Wildlife Service; Indian Affairs Bureau; Land
Management Bureau; Surface Mining Reclamation and
Enforcement Office

Interstate Commerce Commission**NOTICES**

Rail carriers:

Cost of capital; railroad industry's annual rate proceeding, 52224

Railroad operation, acquisition, construction, etc.:
SPCSL Corp., 52225

Railroad services abandonment:

CSX Transportation, Inc., 52225

Justice Department

See also Drug Enforcement Administration

NOTICES

Pollution control; consent judgments:

Central Maine Power, 52225

Labor Department

See also Veterans Employment and Training, Office of
Assistant Secretary

NOTICES

Meetings:

Trade Negotiations and Trade Policy Labor Advisory
Committee, 52226

Land Management Bureau**RULES**

Public land orders:

Utah, 52171

NOTICES

Realty actions; sales, leases, etc.:

California, 52223

Utah, 52223

Survey plat filings:

New Mexico, 52223

Withdrawal and reservation of lands:

Arizona, 52224

Management and Budget Office

See Federal Procurement Policy Office

National Aeronautics and Space Administration**NOTICES**

Federal Acquisition Regulation (FAR):

Agency information collection activities under OMB
review, 52207

National Foundation on the Arts and the Humanities**NOTICES**

Meetings:

Arts in Education Advisory Panel, 52226

Design Arts Advisory Panel, 52227

Inter-Arts Advisory Panel, 52227

(2 documents)

Media Arts Advisory Panel, 52227

Music Advisory Panel, 52228

National Institute of Standards and Technology**NOTICES**

Metric system of measurement; interpretation of

International System of Units for United States, 52242

National Institutes of Health**NOTICES**

Meetings:

National Heart, Lung, and Blood Institute, 52222

National Oceanic and Atmospheric Administration**PROPOSED RULES**

Fishery conservation and management:

Gulf of Mexico and South Atlantic spiny lobster, 52196

Marine Mammals:

Stranded marine mammals; disposition of tissues and
procedures for transfer of materials for scientific and
educational purposes, 52194

Nuclear Regulatory Commission**NOTICES**

Agency information collection activities under OMB review,
52228

Environmental statements; availability, etc.:

Northeast Nuclear Energy Co., 52228

Uranerz U.S.A., Inc., 52229

Applications, hearings, determinations, etc.:

Consumers Power Co., 52230

Office of United States Trade Representative

See Trade Representative, Office of United States

Public Health Service

See also Food and Drug Administration; Health Resources
and Services Administration; National Institutes of
Health

NOTICES

Meetings:

Food and Drug Administration Advisory Committee,
52222

Research and Special Programs Administration**PROPOSED RULES**

Pipeline safety:

Gas service lines; excess flow valve installation, 52188

Resolution Trust Corporation**NOTICES**

Meetings; Sunshine Act, 52239

Soil Conservation Service**NOTICES**

Environmental statements; availability, etc.:

Town Creek Watershed, AL, 52205

State Department**NOTICES**

Grants and cooperative agreements; availability, etc.:

Soviet and Eastern European research and training
administration, 52234

Meetings:

International Telegraph and Telephone Consultative
Committee, 52233

Shipping Coordinating Committee, 52233

(2 documents)

Surface Mining Reclamation and Enforcement Office**PROPOSED RULES**

Permanent program and abandoned mine land reclamation
plan submissions:

Ohio, 52182, 52184

(2 documents)

Textile Agreements Implementation Committee

See Committee for the Implementation of Textile
Agreements

Trade Representative, Office of United States**NOTICES**

Generalized System of Preferences:

International Trade Commission review of petitions, etc.,
52236

Transportation Department

See Coast Guard; Federal Aviation Administration;
Research and Special Programs Administration

Treasury Department

See Customs Service

Veterans Employment and Training, Office of Assistant Secretary**NOTICES**

Meetings:

Veterans Employment Committee, 52226

Western Area Power Administration**NOTICES**

Power rate adjustments:

Pick-Sloan Missouri Basin Program, 52214

Separate Parts In This Issue**Part II**

Department of Commerce, National Institute of Standards
and Technology, 52242

Part III

Department of Commerce, Economic Development
Administration, 52248

Part IV

Department of the Interior, Bureau of Indian Affairs, 52264

Reader Aids

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

CFR PARTS AFFECTED IN THIS ISSUE

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

9 CFR	
77 (2 documents).....	52167
14 CFR	
Proposed Rules:	
39 (5 documents).....	52176- 52181
18 CFR	
401.....	52168
25 CFR	
Proposed Rules:	
244.....	52264
30 CFR	
Proposed Rules:	
935 (2 documents).....	52182, 52184
32 CFR	
360.....	52169
43 CFR	
Public Land Orders:	
6825.....	52171
44 CFR	
206.....	52172
47 CFR	
15.....	52172
73 (6 documents).....	52173, 52174
Proposed Rules:	
73 (7 documents).....	52185- 52187
49 CFR	
Proposed Rules:	
192.....	52188
50 CFR	
Proposed Rules:	
17.....	52191
216.....	52194
640.....	52196

THE PARTS AFFECTED IN THIS ISSUE

The above list of the parts affected in this issue can be found in the index also given at the end of the issue.

1. The first part of the issue is devoted to a study of the...
2. The second part of the issue is devoted to a study of the...
3. The third part of the issue is devoted to a study of the...
4. The fourth part of the issue is devoted to a study of the...
5. The fifth part of the issue is devoted to a study of the...
6. The sixth part of the issue is devoted to a study of the...
7. The seventh part of the issue is devoted to a study of the...
8. The eighth part of the issue is devoted to a study of the...
9. The ninth part of the issue is devoted to a study of the...
10. The tenth part of the issue is devoted to a study of the...

1. The first part of the issue is devoted to a study of the...	5100
2. The second part of the issue is devoted to a study of the...	5101
3. The third part of the issue is devoted to a study of the...	5102
4. The fourth part of the issue is devoted to a study of the...	5103
5. The fifth part of the issue is devoted to a study of the...	5104
6. The sixth part of the issue is devoted to a study of the...	5105
7. The seventh part of the issue is devoted to a study of the...	5106
8. The eighth part of the issue is devoted to a study of the...	5107
9. The ninth part of the issue is devoted to a study of the...	5108
10. The tenth part of the issue is devoted to a study of the...	5109

Rules and Regulations

Federal Register

Vol. 55, No. 245

Thursday, December 20, 1990

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

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

9 CFR Part 77

[Docket No. 90-228]

Tuberculosis in Cattle and Bison; State Designation; Idaho

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Affirmation of interim rule.

SUMMARY: We are affirming without change an interim rule that amended the regulations governing the interstate movement of cattle and bison because of tuberculosis by raising the designation of Idaho from a modified accredited State to an accredited-free State.

EFFECTIVE DATE: January 22, 1991.

FOR FURTHER INFORMATION CONTACT: Dr. Mitchell A. Essey, Senior Staff Veterinarian, Cattle Diseases and Surveillance Staff, VS, APHIS, USDA, room 729, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, 301-436-8715

SUPPLEMENTARY INFORMATION:

Background

In an interim rule published in the Federal Register and effective September 25, 1990 [55 FR 39134-39135, Docket Number 90-173], we amended the tuberculosis regulations contained in 9 CFR part 77 by removing Idaho from the list of modified accredited States and adding it to the list of accredited-free States.

Comments on the interim rule were required to be received on or before November 26, 1990. We did not receive any comments. The facts in the interim rule still provide a basis for the rule.

Executive Order 12291 and Regulatory Flexibility Act

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

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

Cattle and bison moved interstate are moved for slaughter, for use as breeding stock, or for feeding. Changing the status of Idaho may affect the marketability of cattle and bison from the State, since some prospective cattle and bison buyers prefer to buy cattle and bison from accredited-free States. This may result in some beneficial economic impact on some small entities. However, based on our experience in similar designations of other States, the impact should not be significant.

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

Paperwork Reduction Act

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

Executive Order 12372

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

List of Subjects in 9 CFR Part 77

Animal diseases, Bison, Cattle, Transportation, Tuberculosis.

PART 77—TUBERCULOSIS

Accordingly, we are adopting as a final rule, without change, the interim rule amending 9 CFR 77.1 that was published at 55 FR 39134-39135 on September 25, 1990.

Authority: 21 U.S.C. 111, 114, 114a, 115-117, 120, 121, 134b, 134f; 7 CFR 2.17, 2.51, and 371.2(d).

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

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

[FR Doc. 90-29737 Filed 12-19-90; 8:45 am]

BILLING CODE 3410-34-M

9 CFR Part 77

[Docket No. 90-227]

Tuberculosis in Cattle and Bison; State Designation; Ohio

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Affirmation of interim rule.

SUMMARY: We are affirming without change an interim rule that amended the regulations governing the interstate movement of cattle and bison because of tuberculosis by raising the designation of Ohio from a modified accredited State to an accredited-free State.

EFFECTIVE DATE: January 22, 1991

FOR FURTHER INFORMATION CONTACT: Dr. Mitchell A. Essey, Senior Staff Veterinarian, Cattle Diseases and Surveillance Staff, VS APHIS USDA, room 729 Federal Building, 6505 Belcrest Road, Hyattsville MD 20782, 301-436-8715

SUPPLEMENTARY INFORMATION:

Background

In an interim rule published in the Federal Register and effective September 25, 1990 [55 FR 38534-38535, Docket Number 90-181], we amended the tuberculosis regulations contained in 9 CFR part 77 by removing Ohio from the list of modified accredited States and adding it to the list of accredited free States.

Comments on the interim rule were required to be received on or before November 26, 1990. We did not receive any comments. The facts in the interim rule still provide a basis for the rule.

Executive Order 12291 and Regulatory Flexibility Act

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

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

Cattle and bison moved interstate are moved for slaughter, for use as breeding stock, or for feeding. Changing the status of Ohio may affect the marketability of cattle and bison from the State, since some prospective cattle and bison buyers prefer to buy cattle and bison from accredited-free States. This may result in some beneficial economic impact on some small entities. However, based on our experience in similar designations of other States, the impact should not be significant.

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List of Subjects in 9 CFR Part 77

Animals diseases, Bison, Cattle, Transportation, Tuberculosis.

PART 77—TUBERCULOSIS

Accordingly, we are adopting as a final rule, without change, the interim rule amending 9 CFR 77.1 that was published at 55 FR 38534-38535 on September 25, 1990.

Authority: 21 U.S.C. 111, 114, 114a, 115-117, 120, 121, 134b, 134f; 7 CFR 2.17, 2.51, and 371.2(d).

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

James W. Glosser,
Administrator, Animal and Plant Health Inspection Service.
[FR Doc. 90-29736 Filed 12-19-90; 8:45 am]
BILLING CODE 3410-34-M

DELAWARE RIVER BASIN COMMISSION

18 CFR Part 401

Amendments to Administrative Manual; Rules of Practice and Procedure

AGENCY: Delaware River Basin Commission.

ACTION: Final rule.

SUMMARY: At its December 12, 1990 business meeting the Delaware River Basin Commission amended its Administrative Manual, Rules of Practice and Procedure, in relation to Commission review of landfill projects. The amendments codify the policy originally adopted by the Commission on June 25, 1969 in Resolution No. 69-7 that landfill projects containing organic or liquid wastes that might have a substantial effect on water resources of the Basin would be referred to the Commission for review only in those cases where no state-level review and permit system is in effect; where broad regional consequences are anticipated; or where the standards or criteria used in state-level review are not adequate to protect the waters of the Basin for the purposes prescribed in the Comprehensive Plan.

EFFECTIVE DATE: December 12, 1990.

ADDRESSES: Copies of the Commission's Administrative Manual—Rules of Practice and Procedure, are available from the Delaware River Basin Commission, P.O. Box 7360, West Trenton, New Jersey 08628.

FOR FURTHER INFORMATION CONTACT: Susan M. Weisman, Commission Secretary, Delaware River Basin Commission: Telephone (609) 883-9500.

SUPPLEMENTARY INFORMATION: The Commission held a public hearing on these amendments on December 12, 1990 as noticed in the October 18, 1990 and December 5, 1990 issues of the *Federal Register* (55 FR 42206 and 55 FR 50206). Based upon testimony received and further deliberation, the Commission has amended its Administrative Manual, Rules of Practice and Procedure, and reaffirmed the policies established in Resolution No. 69-7 concerning the review of sanitary landfill projects by the Commission.

List of Subjects in 18 CFR Part 401

Administrative practice and procedure, Environmental impact statements, Freedom of information, Water pollution control, Water resources.

The Commission's Administrative Manual, 18 CFR subpart C, part 401, Rules of Practice and Procedure, is amended as follows:

PART 401—[AMENDED]

1. The authority citation for part 401 continues to read as follows:

Authority: Delaware River Basin Compact (75 Stat. 688).

§ 401.35 [Amended]

2. Section 401.35(a)(15) is redesignated as § 401.35(a)(16).

3. New § 401.35(a)(15) is added to read as follows:

(a) * * *

(15) Landfill projects which may contain organic or liquid wastes that have a substantial effect on water resources of the Basin, unless, no state-level review and permit system is in effect; broad regional consequences are anticipated; or the standards or criteria used in state-level review are not adequate to protect the waters of the Basin for the purposes prescribed in the Comprehensive Plan.

* * * * *

4. Section 401.35(b)(15) is redesignated as § 401.35(b)(16).

5. New § 401.35(b)(15) is added to read as follows:

* * * * *

(b) * * *

(15) Landfills and solid waste disposal facilities affecting the water resources of the Basin.

* * * * *

Dated: December 14, 1990.

Susan M. Weisman,
Secretary.

[FR Doc. 90-29782 Filed 12-19-90; 8:45 am]

BILLING CODE 6360-01-M

DEPARTMENT OF DEFENSE

Office of the Secretary

32 CFR Part 360

[DoD Directive 5105.40]

Organization Functions and Authority Delegations; Defense Mapping Agency

AGENCY: Office of the Secretary, DoD.

ACTION: Final rule.

SUMMARY: This revision of 32 CFR part 360 updates the responsibilities, functions, relationships, and authorities of the Director, Defense Mapping Agency (DMA), a Combat Support Agency of the Department of Defense with the mission of providing mapping, charting, and geodesy support to the Department of Defense and other Federal Departments and Agencies. It also replaces the Director, DMA under the direction, authority, and control of the Assistant Secretary of Defense for Command, Control, Communications and Intelligence.

EFFECTIVE DATE: December 6, 1990.

FOR FURTHER INFORMATION CONTACT:

Mr. D. Clark, Office of the Director, Organizational and Management Planning, The Pentagon, Washington, DC 20301, telephone (703) 695-4281.

SUPPLEMENTARY INFORMATION:

List of Subjects in 32 CFR Part 360

Organization and functions (Government agencies).

Accordingly, 32 CFR part 360 is revised to read as follows:

PART 360—DEFENSE MAPPING AGENCY (DMA)

Sec.

- 360.1 Purpose
- 360.2 Mission.
- 360.3 Organization and management
- 360.4 Responsibilities and functions
- 360.5 Relationships
- 360.6 Authority
- 360.7 Administration

Appendix to Part 360—Delegations of Authority.

Authority: 10 U S C 191-193

§ 360.1 Purpose.

Under the authority vested in the Secretary of Defense by title 10, United States Code, this part updates the responsibilities, functions, relationships,

and authorities of the Defense Mapping Agency (DMA).

§ 360.2 Mission.

The DMA shall provide support to the Office of the Secretary of Defense (OSD); the Military Departments; the Chairman, Joint Chiefs of Staff and Joint Staff; the Unified and Specified Commands; and the Defense Agencies (hereafter referred to collectively as "DoD Components") and other Federal Government Departments and Agencies on matters concerning mapping, charting, and geodesy (MC&G).

§ 360.3 Organization and management.

The DMA is established as a Combat Support Agency of the Department of Defense and shall be under the direction, authority, and control of the Assistant Secretary of Defense for Command, Control, Communications, and Intelligence (ASD(C3I)). It shall consist of a Director and such subordinate organizational elements as are established by the Director within resources authorized by the Secretary of Defense.

§ 360.4 Responsibilities and functions.

The Director, Defense Mapping Agency (DMA), shall:

- (a) Organize, direct, and manage the DMA and all assigned resources.
- (b) Ensure responsive MC&G support to DoD Components.
- (c) Serve as Program Manager and coordinator of DoD MC&G resources and activities, to include reviewing the execution of DoD plans, programs, and policies for MC&G activities not assigned to the DMA.
- (d) Provide staff advice and assistance on MC&G matters to all DoD Components and other Federal Government Agencies, as appropriate.
- (e) Develop MC&G guidance for the Department of Defense, review DoD Component programs and fiscal documents related to MC&G matters, and recommend appropriate actions to the ASD(C3I).

(f) In support of the CJCS, review and validate the MC&G requirements and priorities of the DoD Components and other Federal Government Agencies, and develop and submit to the ASD(C3I) a consolidated statement of MC&G production requirements and priorities in accordance with the National Military Strategy Document¹

(g) Prepare, coordinate and issue standards for MC&G products in

¹ Copies may be obtained, from the office of the Joint Secretariat, Joint Staff room 2E929, The Pentagon, Washington, DC 20318.

accordance with DoD 4120.3-M,² and represent the Department of Defense in national and international MC&G standardization activities.

(h) Develop policies and provide DoD participation in national and international MC&G activities, in coordination with appropriate DoD officials, and execute DoD responsibilities under interagency and international MC&G agreements.

(i) Establish and/or consolidate DoD MC&G data collection requirements and collect or task other DoD Components to collect and provide necessary data.

(j) Develop a DoD MC&G research, development, test, and evaluate (RDT&E) requirements plan, in coordination with appropriate DoD officials, and, as appropriate, task DoD Components or private contractors to satisfy the requirements.

(k) Carry out the statutory responsibilities assigned to the Department of Defense under chapter 167 of 10 U.S.C. for providing nautical charts and marine navigation data for the use of all vessels of the United States and of navigators generally, and the responsibilities assigned under chapter 13 of 44 U.S.C. for printing notices to mariners and other publications.

(l) Establish and maintain a Joint Manpower Program that will be reviewed annually by the CJCS under JCS MOP 173³.

(m) Provide technical guidance to all DoD components to ensure standardization and interoperability of systems requiring MC&G support.

(n) Advise the Defense Acquisition Board on MC&G issues, as appropriate, through the ASD(C3I).

(o) Serve as the primary DoD action office for all purchases of Land Remote Sensing Satellite (LANDSAT) and Systems Probatoire d'Observation de la Terra (SPOT) remote sensing data by the Military Departments and Defense Agencies

(p) Assist in unique MC&G product definition and development

(q) Perform such other functions as may be assigned by the ASD(C3I).

§ 360.5 Relationships.

(a) In performing assigned functions, the Director, DMA, shall:

(1) Subject to the direction, authority, and control of the ASD(C3I), be

² Copies may be obtained, from the National Technical Information Service (NTIS), 5205 Port Royal Road, Springfield, VA 22161

³ See footnote 1 to § 360.4(f)

responsible to the CJCS for operational matters as well as requirements associated with the joint planning process. For these purposes, the CJCS is authorized to communicate directly with the Director, DMA, and may task the Director, DMA, to the extent authorized by the ASD(C3I).

(2) Maintain appropriate liaison with other DoD Components and other Agencies of the Executive branch for the exchange of information on programs and activities in the field of assigned responsibilities.

(3) Make use of established facilities and services in the Department of Defense or other governmental agencies, whenever practicable, to achieve maximum efficiency and economy.

(4) Ensure that the Secretary of Defense, the Secretaries of the Military Departments, the CJCS, and the heads of other DoD Components are kept fully informed concerning DMA activities with which they have substantive concern.

(b) The Secretaries of the Military Departments, Commanders of Unified and Specified Commands, and Heads of Other DoD Components shall:

(1) Use DMA standard products unless an exception is authorized by the ASD(C3I).

(2) Develop and submit to the DMA their MC&G requirements and priorities in accordance with the National Military Strategy Document.

(3) Provide support, within their respective fields of responsibilities, to the Director, DMA, as required, to carry out the responsibilities and functions assigned to the DMA.

(4) Assess the responsiveness of the DMA to their operational, developmental, and training needs.

(5) Obtain DMA technical assistance for systems that require MC&G products and services.

(6) Submit all requirements and provide funding to the DMA for LANDSAT and SPOT remote sensing data.

(7) Submit all requirements and provide funding to the DMA for unique MC&G products.

(8) Coordinate with the Director, DMA, on all programs and activities that include or are related to MC&G.

(c) The Chairman, Joint Chiefs of Staff (CJCS), shall:

(1) Review DMA planning and programming documents, and assess their responsiveness to operational, developmental, and training requirements.

(2) Periodically (not less than every 2 years), submit to the Secretary of Defense a report on DMA's responsiveness and readiness to support

operating forces in the event of war or threat to national security, and other recommendations as appropriate.

(3) Advise the Secretary of Defense on MC&G requirements and priorities.

(4) Develop and issue jointly with the ASD(C3I) guidance to the DMA and the Unified and Specified Commands that will serve as the basis for interrelationships between these organizations.

(5) Provide for the participation of the DMA in joint training exercises and monitor performance.

§ 360.6 Authority.

The Director, DMA, is specifically delegated authority to:

(a) Task and issue necessary instructions and guidance to DoD Components directly to accomplish the MC&G RDT&E and data collection requirements established by the DMA.

(b) Communicate directly with heads of DoD Components and other Executive Departments and Agencies, as necessary, in carrying out assigned responsibilities and functions. Communications to the Commanders in Chief of the Unified and Specified Commands shall be coordinated with the CJCS.

(c) Obtain reports, information, advice, and assistance, consistent with DoD Directive 7750.5⁴, as necessary, in carrying out assigned responsibilities and functions.

(d) Establish facilities necessary to accomplish the DMA mission in the most efficient and economical manner.

(e) Exercise the administrative authorities contained in the Appendix to this part.

§ 360.7 Administration.

(a) The Director and Deputy Director, DMA, shall be appointed by the Secretary of Defense.

(b) The DMA shall be authorized such personnel, facilities, funds, and other administrative support as the Secretary of Defense deems necessary.

(c) The Military Departments shall assign military personnel to the DMA in accordance with approved authorizations and procedures for assignment to joint duty. The CJCS shall review and provide recommendations on the DMA joint manpower program to the ASD(C3I), as appropriate, for those functions where DMA is responsive to the CJCS.

Appendix to Part 360—Delegations of Authority

Pursuant to the authority vested in the Secretary of Defense, and subject to the

direction, authority, and control of the Secretary of Defense, and in accordance with DoD policies, Directives, and Instructions, the Director, DMA, or in the absence of the Director, the person acting for the Director, is hereby delegated authority as required in the administration and operation of the DMA to:

1. Exercise the powers vested in the Secretary of Defense by 5 U.S.C. 301, 302(b), and 3101 pertaining to the employment, direction, and general administration of DMA civilian personnel.

2. Fix rates of pay for wage-rate employees exempted from the Classification Act of 1949 by 5 U.S.C. 5102 on the basis of rates established under the Coordinated Federal Wage System. In fixing such rates, the Director, DMA, shall follow the wage schedule established by the DoD Wage Fixing Authority.

3. Establish advisory committees and employ part-time advisors, as approved by the Secretary of Defense, for the performance of DMA functions consistent with the 10 U.S.C. 173, 5 U.S.C. 3109(b), DoD Directive 5105.4,¹ "DoD Federal Advisory Committee Management Program," September 5, 1989, and the agreement between the Department of Defense and the Office of Personnel Management (OPM) on employment of experts and consultants, June 21, 1977.

4. Administer oaths of office to those entering the Executive branch of the Federal Government or any other oath required by law in connection with employment therein in accordance with 5 U.S.C. 2903, and designate in writing, as may be necessary, officers and employees of the DMA to perform this function.

5. Establish a DMA Incentive Awards Board and pay cash awards to, and incur necessary expenses for the honorary recognition of, civilian employees of the Government whose suggestions, inventions, superior accomplishments, or other personal efforts, including special acts or services, benefit or affect the DMA or its subordinate activities, in accordance with 5 U.S.C. 4503 and applicable OPM regulations.

6. In accordance with 5 U.S.C. 7532; Executive Orders 10450, 12333, and 12356; and DoD Directive 5200.2,² "DoD Personnel Security Program," December 20, 1979; as appropriate:

a. Designate any position in the DMA as a "sensitive" position.

b. Authorize, in case of an emergency, the appointment of a person to a sensitive position in the DMA for a limited period of time for whom a full field investigation or other appropriate investigation, including the National Agency Check, has not been completed.

c. Authorize the suspension, but not terminate the services, of an employee in the interest of national security in positions within the DMA.

d. Initiate investigations, issue personnel security clearances and, if necessary, in the interest of national security, suspend, revoke,

¹ Copies may be obtained, at cost, from the National Technical Information Service (NTIS), 5285 Port Royal Road, Springfield, VA 22161.

² See footnote 1. to paragraph 3. of this Appendix.

⁴ See footnote 2. to § 360.4(g).

or deny a security clearance for personnel assigned or detailed to, or employed by the DMA. Any action to deny or revoke a security clearance shall be taken in accordance with procedures prescribed in DoD 5200.2-R,³ "DoD Personnel Security Program," January 1987.

7. Act as agent for the collection and payment of employment taxes imposed by chapter 21 of the Internal Revenue Code of 1954, as amended; and, as such agent, make all determinations and certifications required or provided for under section 3122 of the Internal Revenue Code of 1954, as amended, and section 205(p)(1) and (2) of the Social Security Act, as amended (42 U.S.C. 405(p)(1) and (2)) and with respect to DMA employees.

8. Authorize and approve overtime work for DMA civilian officers and employees in accordance with 5 U.S.C. chapter 55, subchapter V, and applicable OPM regulations.

9. Authorize and approve:

a. Temporary duty travel for military personnel assigned or detailed to the DMA in accordance with Joint Travel Regulations, Volume 1,⁴ "Members of Uniformed Services."

b. Travel for DMA civilian officers and employees in accordance with Joint Travel Regulations, Volume 2,⁵ "DoD Civilian Personnel."

c. Invitational travel to persons serving without compensation whose consultative, advisory, or other highly specialized technical services are required in a capacity that is directly related to, or in connection with, DMA activities, pursuant to 5 U.S.C. 5703.

10. Approve the expenditure of funds available for travel by military personnel assigned or detailed to the DMA for expenses regarding attendance at meetings of technical, scientific, professional, or other similar organizations in such instances where the approval of the Secretary of Defense, or designee, is required by law (37 U.S.C. 412 and 5 U.S.C. 4110 and 4111). This authority cannot be redelegated.

11. Develop, establish, and maintain an active and continuing Records Management Program pursuant to Section 506(b) of the Federal Records Act of 1950 (44 U.S.C. 3102).

12. Establish and use imprest funds for making small purchases of material and services, other than personal services, for the DMA, when it is determined more advantageous and consistent with the best interests of the Government, in accordance with DoD Directive 7360.10,⁶ "Disbursing Policies," January 17, 1989.

13. Authorize the publication of advertisements, notices, or proposals in newspapers, magazines, or other public periodicals as required for the effective administration and operation of the DMA consistent with 44 U.S.C. 3702.

14. Establish and maintain appropriate property accounts for the DMA, and appoint

Boards of Survey, approve reports of survey, relieve personal liability, and drop accountability for DMA property contained in the authorized property accounts that has been lost, damaged, stolen, destroyed, or otherwise rendered unserviceable, in accordance with applicable laws and regulations.

15. Promulgate the necessary security regulations for the protection of property and places under the jurisdiction of the Director, DMA, pursuant to DoD Directive 5200.8,⁷ "Security of Military Installations and Resources," July 29, 1980.

16. Establish and maintain, for the functions assigned, an appropriate publications system for the promulgation of common supply and service regulations, instructions, and reference documents, and changes thereto, pursuant to the policies and procedures prescribed in DoD 5025.1-M,⁸ "Department of Defense Directives System Procedures," April 1981.

17. Enter into support and service agreements with the Military Departments, other DoD components, or other Government Agencies, as required for the effective performance of DMA functions and responsibilities.

18. Exercise the authority delegated to the Secretary of Defense by the Administrator of the General Services Administration (GSA) for the disposal of surplus personal property.

19. Enter into and administer contracts, directly or through a Military Department, DoD contract administration services component, or other Government Department or Agency, as appropriate, for supplies, equipment, and services required to accomplish the mission of the DMA. To the extent that any law or Executive order specifically limits the exercise of such authority to persons at the Secretarial level, such authority shall be exercised by the appropriate Under Secretary or Assistant Secretary of Defense.

20. Sell maps, charts, and related products to the public as governed by OMB Circular A-25 and 10 U.S.C. 2794.

21. Authorize the release of classified DoD MC&G products to foreign nationals within DoD disclosure policies.

22. Lease property under the control of the DMA, under terms that will promote the national defense or that will be in the public interest, pursuant to 10 U.S.C. 2667.

23. Execute responsibilities of 10 U.S.C. 2795 relating to international agreements.

The Director, DMA, may redelegate these authorities, as appropriate, and in writing, except as otherwise specifically indicated above or as otherwise provided by law or regulation.

These delegations of authority are effective December 6, 1990.

Dated: December 14, 1990.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 90-29821 Filed 12-19-90; 8:45 am]

BILLING CODE 3810-01-M

³ See footnote 1. to paragraph 3. of this Appendix.

⁴ Copies may be obtained from the Government Printing Office, Attention: Superintendent of Documents, Washington, DC 20402.

⁵ See footnote 4. to paragraph 9.a. of this Appendix.

⁶ See footnote 1. to paragraph 3. of this Appendix.

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Public Land Order 6825

[UT-942-4214-10; U-42993]

Partial Revocation of Departmental Order Dated April 10, 1946; Utah

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order revokes Departmental Order dated April 10, 1946, insofar as it affects 60 acres of public land withdrawn for Power Site Classification 377. The land is no longer needed for the purpose for which it was withdrawn. The revocation action is needed to permit disposal of the land through land exchange. This action will open 60 acres of surface entry to permit consummation of a Bureau of Land Management land exchange. The land has been and will remain open to mining and mineral leasing.

EFFECTIVE DATE: January 22, 1991.

FOR FURTHER INFORMATION CONTACT: Michael L. Barnes, BLM Utah State Office, P.O. Box 45155, Salt Lake City, Utah 84145-0155, 801-539-4119.

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

1. Departmental Order dated April 10, 1946, which withdrew public land for Powersite Classification No. 377, is hereby revoked insofar as it affects the following described lands:

Salt Lake Meridian, Utah

T. 24 S., R. 22 E.,

Sec. 35, N $\frac{1}{2}$ S $\frac{1}{2}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ S $\frac{1}{2}$ SE $\frac{1}{4}$.

The area described contains 60 acres in Grand County.

2. The State of Utah has waived its preference right for public highway rights-of-way or material sites as provided in the Federal Power Act of June 10, 1920, 16 U.S.C. 818.

3. At 8 a.m. on January 22, 1991, the land described in paragraph 1 will be opened to the operation of the public land laws generally, subject to the provisions of section 24 of the Federal Power Act, valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law.

Dated: December 11, 1990.

Dave O'Neal,

Assistant Secretary of the Interior.

[FR Doc. 90-29773 Filed 12-19-90; 8:45 am]

BILLING CODE 4310-DQ-M

**FEDERAL EMERGENCY
MANAGEMENT AGENCY****44 CFR Part 206****Disaster Assistance****AGENCY:** Federal Emergency Management Agency (FEMA).**ACTION:** Final rule; technical amendment.**SUMMARY:** This document corrects a clerical error in the rule of the Hazard Mitigation Grant Program, published in the *Federal Register* on August 30, 1990 (55 FR 35539) at 44 CFR 206.437.**EFFECTIVE DATE:** December 20, 1990.**FOR FURTHER INFORMATION CONTACT:**

Patricia K. Stahlschmidt, Program Officer, Disaster Assistance Programs, State and Local Programs and Support, 500 C Street, SW., Washington, DC 20472, Telephone: (202) 646-3678.

SUPPLEMENTARY INFORMATION: This technical amendment corrects a clerical error. It is not a substantive rule, and it makes no substantial changes in the existing rule. Hence, notice and public comment have been omitted and the rule has been made effective immediately upon publication in the *Federal Register*.

This rule has no effect on the economy, competition or similar matters, nor does it impact on small entities. Hence no regulatory impact analyses will be prepared under E.O. 12291 or the Regulatory Flexibility Act.

Further, this document is an administrative action and thus is categorically excluded from the requirement for environmental assessments under part 10 of 44 CFR.

List of Subjects in 44 CFR Part 206

Administrative practices and procedure, Coastal zone, Community facilities, Disaster assistance, Fire prevention, Grant programs-housing and community development, Housing, Insurance, Intergovernmental relations, Loan programs-housing and community development, National resources, Penalties, Reporting and recordkeeping requirements.

Accordingly, FEMA is amending part 206, subpart N of chapter I, subchapter D, of title 44 CFR as follows:

**PART 206—FEDERAL DISASTER
ASSISTANCE FOR DISASTERS
DECLARED ON OR AFTER NOVEMBER
23, 1988**

1. The authority citation for part 206 continues to read as follows:

Authority: The Robert T. Stafford Disaster Relief and Emergency Assistance Act, Pub. L. 93-288, as amended by Pub. L. 100-707; 42U.S.C. 5121, *et seq.*; Reorganization Plan No. 3 of 1978 (3 CFR, 1979, p. 329); E.O. 12148 (3 CFR, 1980, p. 412) as amended by E.O. 12673 (3 CFR, 1990, p. 214).**§ 206.437 [Amended]**

2. Section 206.437 is amended by redesignating paragraph (c) as paragraph (d) and by redesignating the second paragraph (b) as paragraph (c).

Dated: December 13, 1990.

Grant C. Peterson,*Associate Director, State and Local Programs and Support.*

[FR Doc. 90-29794 Filed 12-19-90; 8:45 am]

BILLING CODE 6718-02-M

**FEDERAL COMMUNICATIONS
COMMISSION****47 CFR Part 15**

[GEN Docket No. 87-389; FCC 90-405]

**Revision of the Rules Regarding the
Operation of Radio Frequency Devices
Without an Individual License—
American Radio Relay League Petition
for Reconsideration****AGENCY:** Federal Communications Commission.**ACTION:** Final rule; petition for reconsideration.**SUMMARY:** This action dismisses a petition for reconsideration filed on May 25, 1989, by the American Radio Relay League, Incorporated (the League). The petition requested that the Commission reconsider and reverse certain portions of the First Report and Order in GEN Docket No. 87-389 (54 FR 17710), April 25, 1989. Therein, the Commission revised part 15 of the regulations governing the non-licensed operation of radio frequency (RF) devices. The League was concerned that such devices have the potential to both cause interference to, and receive interference from, stations operating in the amateur radio service. The Commission finds that the League presents no new information in its petition that would justify a further change in the part 15 rules.**EFFECTIVE DATE:** December 20, 1990.**FOR FURTHER INFORMATION CONTACT:**

Karen Rackley, Office of Engineering and Technology, (202) 653-7316.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Memorandum, Opinion and Order in GEN Docket No. 87-389, FCC 90-405, adopted November 26, 1990, and released December 7, 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. It 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.

**Summary of the Memorandum, Opinion
and Order**

1. In the First Report and Order in this proceeding, 4 FCC Rcd 3493 (1989), the Commission adopted technical standards and other policies intended to balance the competing goals of minimizing the potential for Part 15 devices to cause interference to authorized services and providing reasonable opportunity for operation of a broad range of non-licensed RF equipment that would have significant benefits for the public. The new rules allow manufacturers to produce non-licensed equipment for use on almost any frequency subject to emissions limits and other restrictions intended to minimize their potential for causing interference to the authorized services, such as the amateur radio service.

2. In adopting the new part 15 rules, the Commission considered several requests presented by the League including special protection for the amateur services, more restrictive emission limits for part 15 devices, and requirements for manufacturers of part 15 devices to provide interference resolution materials to consumers. The Commission found that the newly established emission limits and other general provisions of the Part 15 rules would be adequate to protect the amateur radio and other authorized services from interference by part 15 devices and declined to adopt the measures proposed by the League.

3. In its petition, the League contends that the Commission did not correctly evaluate the impact of the new Part 15 rules on both the amateur radio service and consumers of Part 15 devices. The League argues that as a result of these errors, the Commission has adopted field strength limits that are too high to provide authorized services adequate protection from interference. To support this argument, the League presents a new study based on an "advanced" engineering model. The League also asserts that the Commission failed to take into account the RF interference susceptibility of Part 15 devices from nearby amateur radio transmitters.

4. To remedy this situation, the League requests that the Commission limit the emissions of Part 15 intentional and unintentional radiators on amateur

frequencies to the levels specified under the former rules. The League also asks the Commission to prohibit the operation of Part 15 devices (intentional radiators) on amateur frequencies and to require manufacturers of interference susceptible Part 15 equipment to incorporate interference resolution information in the owner's or user's manual of that equipment.

5. Upon examining the League's petition, we continue to believe that the rules set forth in the First Report and Order afford adequate and appropriate interference protection to the amateur service from the operation of Part 15 devices. We find that the additional restrictions and requirements the League seeks are unnecessary. We have carefully examined the League's submissions, which are essentially the same as those presented in its earlier comments in this proceeding, and conclude that our assessments and decisions in the first Report and Order are correct.

6. Accordingly, pursuant to the authority contained in sections 4(i) and 303 of the Communications Act of 1934, as amended, and § 1.106 of the Commission's rules, *It is ordered* that the Joint Petition for Reconsideration filed by the American Radio Relay League, Incorporated is dismissed.

List of Subjects in 47 CFR Part 15

Communications equipment.

Federal Communications Commission.

Donna R. Searcy,

Secretary.

[FR Doc. 90-29824 Filed 12-19-90; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 89-332; RM-6720, RM-7156]

Radio Broadcasting Services; Defuniak Springs and Freeport, FL

AGENCY: Federal Communicating Commission.

ACTION: Final rule.

SUMMARY: This document substitutes Channel 276C2 for Channel 276A at Defuniak Springs, Florida, and modifies the license for Station WQUH(FM) to specify operation on the higher powered channel at the request of Kudzu Broadcasting Partnership (formerly Defuniak Communication, Inc.). See 54 FR 32672, August 9, 1989. Channel 276C2 can be substituted for Channel 276A at Defuniak Springs, Florida, in compliance with the Commission's minimum distance separation requirements with a

site restriction of 8.2 kilometers (5.1 miles) west of the city, in order to avoid short spacings to a Station WSYA(FM), Channel 277C, Montgomery, Alabama, and a proposal to substitute Channel 276C2 for Channel 276A at Tallahassee, Florida. The coordinates for this allotment are North Latitude 30-42-27 and West Longitude 86-11-48. With this action, this proceeding is terminated.

EFFECTIVE DATE: January 28, 1991.

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

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 89-332, adopted November 30, 1990, and released December 14, 1990. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, (202) 857-3800, 2100 M Street, NW., suite 140, Washington, DC 20037.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

PART 73—[AMENDED]

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

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

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Florida, is amended by removing Channel 276A and adding Channel 276C2 at Defuniak Springs.

Federal Communications Commission.

Beverly McKittrick,

Assistant Chief, Policy and Rules Division
Mass Media Bureau.

[FR Doc. 90-29718 Filed 12-19-90; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 90-407 RM-7333]

Radio Broadcasting Services; Traverse City, MI

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document allots Channel 283A to Traverse City, Michigan, as that community's fourth FM broadcast service, in response to a petition filed by Contemporary Communications. See 55 FR 38339, September 18, 1990. There is a

site restriction 3.2 kilometers (2 miles) northwest of the community. Canadian concurrence has been obtained for this allotment at coordinates 44-46-59 and 85-39-00. With this action, this proceeding is terminated.

DATES: Effective January 28, 1991; The window period for filing for applications for Channel 283A at Traverse City, Michigan will open on January 29, 1991, and close on February 27, 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. 90-407, adopted November 30, 1990, and released December 14, 1990. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, (202) 857-3800, 2100 M Street, NW., suite 140, Washington, DC 20037.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

PART 73—[AMENDED]

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

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

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Michigan, is amended by adding Channel 283A at Traverse City.

Federal Communications Commission.

Beverly McKittrick,

Assistant Chief, Policy and Rules Division
Mass Media Bureau.

[FR Doc. 90-29719 Filed 12-19-90; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 90-404; RM-7277]

Radio Broadcasting Services; Park Falls, WI

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document substitutes Channel 254C2 for Channel 252A at Park Falls, Wisconsin, in response to a petition filed by Northland

Broadcasting, Inc. See 55 FR 36841, September 7, 1990. We shall also modify the license for Station WNBI-FM, Park Falls, to specify operation on Channel 254C2. Canadian concurrence has been obtained for this allotment at coordinates 45-50-52 and 90-24-59.

EFFECTIVE DATE: January 31, 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. 90-404, adopted November 29, 1990, and released December 17, 1990. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, (202) 857-3800, 2100 M Street, NW., suite 140, Washington, DC 20037.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

PART 73—[AMENDED]

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

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

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Wisconsin, is amended by removing Channel 252A and adding Channel 254C2 at Park Falls.

Federal Communications Commission.

Beverly McKittrick,

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

[FR Doc. 90-29825 Filed 12-19-90; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 86-493; RM-5525; RM-5829]

Television Broadcasting Services; Anchorage, AK, et al.

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document reallocates VHF television Channel 9 from Seward to Anchorage, Alaska, and reserves it for noncommercial educational use, in response to a proposal filed by the University of Alaska. A competing proposal for use of the channel on a

commercial basis at Palmer, Alaska, as its first local television service, is denied. Reference coordinates used for Channel *9 at Anchorage are 61-13-06 and 149-53-30.

Although the Commission has imposed a freeze on TV allotments, or applications therefor in specified metropolitan areas pending the outcome of an inquiry into the uses of advanced television systems (ATV) in broadcasting, this proposal is not affected thereby. With this action, the proceeding is terminated.

EFFECTIVE DATE: January 31, 1991.

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

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 86-493, adopted November 29, 1990, and released December 17, 1991. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, (202) 857-3800, 2100 M Street, NW., suite 140, Washington, DC 20037.

List of Subjects in 47 CFR Part 73

Television broadcasting.

PART 73—[AMENDED]

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

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

§ 73.606 [Amended]

2. Section 73.606(b), the Table of TV Allotments under Alaska, is amended by adding Channel *9 at Anchorage and by removing Channel 9- at Seward.

Federal Communications Commission.

Beverly McKittrick,

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

[FR Doc. 90-29826 Filed 12-19-90; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 90-411; RM-7238]

Radio Broadcasting Services; Birch Tree, MO

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document substitutes Channel 296C3 for Channel 296A at Birch Tree, Missouri, in response to a petition filed by Jack G. Hunt. See 55 FR 38572, September 19, 1990. We shall also modify the license for Station KBMV-FM, Channel 296A, Birch Tree, to specify operation on Channel 296C3. The coordinates for Channel 296C3 are at 37-03-26 and 91-32-33. With this action, this proceeding is terminated.

EFFECTIVE DATE: January 28, 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. 90-411, adopted November 30, 1990, and released December 14, 1990. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, (202) 857-3800, 2100 M Street, NW., suite 140, Washington, DC 20037.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

PART 73—[AMENDED]

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

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

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Missouri, is amended by removing Channel 296A and adding Channel 296C3 at Birch Tree.

Federal Communications Commission.

Beverly McKittrick,

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

[FR Doc. 90-29720 Filed 12-19-90; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 89-19, RM-6575; RM-6734]

Radio Broadcasting Services; South Congaree and Batesburg, SC

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Commission, at the request of Mills Communications and Ridgely Communications, Inc., allots

Channel 237A to South Congaree, South Carolina, as its first local FM service. Channel 237A can be allotted to South Congaree in compliance with the Commission's minimum distance separation requirements with a site restriction of 11.2 kilometers (7.0 miles) southwest, at coordinates North Latitude 33-50-23 and West Longitude 81-13-18. The Commission also substitutes Channel 226A for Channel 237A at Batesburg, South Carolina, and modifies the license of Columbia Christian Radio, Inc. for Station WKWQ to specify operation on the alternate Class A channel. Channel 226A can be allotted to Batesburg in compliance with the Commission's minimum distance separation requirements and can be used at the station's presently licensed transmitter site, at coordinates North Latitude 33-54-02 and West Longitude 81-24-25. With this action, this proceeding is terminated.

DATES: Effective January 28, 1991. The window period for filing applications for Channel 237A at South Congaree will open on January 29, 1991, and close on February 28, 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. 89-19, adopted November 19, 1990, and released December 14, 1990. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, (202) 857-3800, 2100 M Street, NW., suite 140, Washington, DC 20037.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

PART 73—[AMENDED]

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

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

§ 73.202 [Amended]

2. Section 73.202(b), the FM Table of Allotments under South Carolina, is amended by adding Channel 237A and adding Channel 226A at Batesburg and by adding Channel 237A at South Congaree.

Federal Communications Commission.

Beverly McKittrick,

Assistant Chief, Policy and Rules Division
Mass Media Bureau.

[FR Doc. 90-29721 Filed 12-19-90; 8:45 am]

BILLING CODE 6712-01-M

Proposed Rules

Federal Register

Vol. 55, No. 245

Thursday, December 20, 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 TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 90-NM-227-AD]

Airworthiness Directives; Airbus Industrie Model A310-200 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This notice proposes to adopt a new airworthiness directive (AD), applicable to certain Airbus Industrie Model A310-200 series airplanes, which would require repetitive visual inspections to detect cracks in the cabin floor structure between Frame 40 and Frame 46, and replacement of the affected part of modification of the corresponding area, if necessary; and eventual reinforcement of the cabin floor structure in this area. This proposal is prompted by full-scale fatigue testing by the manufacturer, which identified cracks in the attachment angles on longitudinal beams and shear plates in the area of Frame 45 and Frame 46, and rivet head failures at the floor cross beams attached to the longitudinal beams in the area of Frame 43 and Frame 44. This condition, if not corrected, could result in reduced structural integrity of the cabin floor structure.

DATES: Comments must be received no later than February 7, 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-227-AD, 1601 Lind Avenue SW., Renton, Washington 98055-4056. The applicable service information may be obtained from Airbus Industrie, Airbus Support Division, Avenue Didier Daurat, 31700 Blagnac, France. 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. Greg Holt, Standardization Branch, ANM-113; telephone (206) 227-2140. Mailing address: FAA, Northwest Mountain Region, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington 98055-4056.

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

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

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this Notice must submit a self-addressed, stamped post card on which the following statement is made: "Comments to Docket Number 90-NM-227-AD." The post card will be date/time stamped and returned to the commenter.

Discussion

The Direction Générale de l'Aviation Civile (DGAC), which is the airworthiness authority of France, in accordance with existing provisions of a bilateral airworthiness agreement, has notified the FAA of an unsafe condition which may exist on certain Airbus Industrie Model A310-200 series airplanes. Full-scale fatigue testing by the manufacturer has revealed cracks in the attachment angles on longitudinal floor beams and shear plates in the area

of Frame 45 and Frame 46, and rivet head failures at the floor cross beams attached to the longitudinal floor beams in the area of Frame 43 and Frame 44. These cracks initiated between approximately 13,236 and 37,100 simulated flights. This condition, if not corrected could result in reduced structural integrity of the cabin floor structure.

Airbus Industrie has issued Service Bulletin A310-53-2056, dated April 18, 1990, which describes procedures for repetitive visual inspections to detect cracks in the cabin floor structure between Frame 40 and Frame 46, and replacement of the affected part or modification of the corresponding area, if necessary. The French DGAC has classified this service bulletin as mandatory, and has issued Airworthiness Directive 90-097-111(B) addressing this subject.

Airbus Industrie has also issued Service Bulletin A310-43-2013, Revision 1, dated April 17, 1986, which describes procedures for reinforcing the cabin floor structure between Frame 40 and Frame 46. This modification consists of replacement of certain shear plates with split shear plates, installation of reinforcement angles to shear plates and longitudinal beams, and installation of modified floor cross beams with new titanium angles. The French DGAC has not classified this service bulletin as mandatory.

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

Since this condition is likely to exist or develop on other airplanes of the same type design registered in the United States, an AD is proposed which would require repetitive visual inspections to detect cracks in the cabin floor structure between Frame 40 and Frame 46, and replacement of the affected part or modification of the corresponding area, if necessary; and eventual modification of the cabin floor structure, which will terminate the requirement for the repetitive inspections; in accordance with the service bulletins previously described.

The FAA has determined that long term continued operational safety will be better assured by actual modification of the airframe to remove the source of

the problem, rather than by repetitive inspections. Long term inspections may not be providing the degree of safety assurance necessary for the transport airplane fleet. This, coupled with a better understanding of the human factors associated with numerous repetitive inspections, has led the FAA to consider placing less emphasis on special procedures and more emphasis on design improvements. The proposed modification requirement is in consonance with that policy decision.

It is estimated that 7 airplanes of U.S. registry would be affected by this AD, that it would take approximately 100 manhours per airplane to accomplish the required actions, and that the average labor cost would be \$40 per manhour. The estimated cost for required parts is \$3,160. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be \$50,120.

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 regulatory 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:

Airbus Industrie: Applies to Model A310-200 series airplanes, serial numbers 001 through 378, inclusive, which have not incorporated Modification 4942 (reference Airbus Industrie Service Bulletin A310-53-2013, Revision 1, dated April 17, 1986) certificated in any category. Compliance is required as indicated, unless previously accomplished.

To prevent reduced structural integrity of the fuselage, accomplish the following:

A. Prior to the accumulation of 12,000 landings, or within 6 months after the effective date of this AD, whichever occurs later, and thereafter at intervals not to exceed 3,000 landings, perform a visual inspection of the cabin floor structure between Frame 40 and Frame 46, in accordance with Airbus Industrie Service Bulletin A310-53-2056, dated April 18, 1990.

B. If cracks are found, prior to further flight, replace the affected part or modify the corresponding area in accordance with Airbus Industrie Service Bulletin A310-53-2013, Revision 1, dated April 17, 1986. The modified area no longer needs to be inspected in accordance with paragraph A. of this AD. Unmodified areas must be inspected at intervals not to exceed 3,000 landings.

C. Within 2 years after the effective date of this AD, modify the cabin floor structure between Frame 40 and Frame 46, in accordance with Airbus Industrie Service Bulletin A310-53-2013, Revision 1, dated April 17, 1986. Accomplishment of this modification constitutes terminating action for the repetitive visual inspections required by paragraphs A. and B. of this AD.

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

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

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

All persons affected by this directive who have not already received the appropriate service documents from the manufacturer may obtain copies upon request to Airbus Industrie, Airbus Support Division, Avenue Didier Daurat, 31700 Blagnac, France. 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 6, 1990

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 90-29751 Filed 12-19-90; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 39

[Docket No. 90-NM-217-AD]

Airworthiness Directives; Airbus Industrie Model A310-200 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This notice proposes to adopt a new airworthiness directive (AD), applicable to all Airbus Industrie Model A310-200 series airplanes, which would require repetitive visual inspections to detect cracks in a certain frame reinforcement angle runout; repair, if necessary; and reinforcement of the angle runout. This proposal is prompted by full scale fatigue testing by the manufacturer which revealed cracks in Frame 46 between Stringer 21 and Stringer 22. This condition, if not corrected, could result in reduced structural integrity of the fuselage.

DATES: Comments must be received no later than February 7, 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-217-AD, 1601 Lind Avenue SW., Renton, Washington 98055-4056. The applicable service information may be obtained from Airbus Industrie, Airbus Support Division, Avenue Didier Daurat, 31700 Blagnac, France. 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. Greg Holt, Standardization Branch, ANM-113; telephone (206) 227-2140. Mailing address: FAA, Northwest Mountain Region, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington 98055-4056.

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications

should identify the regulatory docket number and be submitted in duplicate to the address specified above. All communications received on or before the closing date for comments specified above will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this Notice may be changed in light of the comments received.

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

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this Notice must submit a self-addressed, stamped post card on which the following is made: "Comments to Docket Number 90-NM-217-AD." This post card will be date/time stamped and returned to the commenter.

Discussion

The Direction Générale de l'Aviation Civile (DGAC), which is the airworthiness authority of France, in accordance with existing provisions of a bilateral airworthiness agreement, has notified the FAA of an unsafe condition which may exist on all Airbus Industrie Model A310-200 series airplanes. During full-scale fatigue testing, the manufacturer discovered cracks in Frame 46 between Stringer 21 and Stringer 22, on both the left and right sides. The cracks initiated at the end fastener hole of the frame reinforcement angle runout and ran horizontally inboard through the frame inboard chord and outboard through the frame web toward the outboard chord. The possible cause of this cracking is high load transfer in the end attachment fastener of the non-tapered frame reinforcement angle runout. This condition, if not corrected, could result in reduced structural integrity of the fuselage.

Airbus Industrie has issued Service Bulletin A310-53-2054, Revision 2, dated May 22, 1990, which describes procedures for repetitive visual inspections to detect cracks in the frame reinforcement angle runout of Frame 46 (left and right) between Stringer 21 and Stringer 22, and repair, if necessary. The French DGAC has classified this service bulletin as mandatory, and has issued

Airworthiness Directive 90-025-104(B) addressing this subject.

Airbus Industrie has also issued Service Bulletin A310-53-2019, Revision 2, dated May 22, 1990, which describes procedures to reinforce the angle runout at Frame 46 (left and right) between Stringer 21 and Stringer 22. This procedure consists of tapering the angle and reducing the thickness. The French DGAC has not classified this service bulletin as mandatory.

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

Since this condition is like to exist or develop on other airplanes of the same type design registered in the United States, an AD is proposed which would require repetitive visual inspections to detect cracks in Frame 46 between Stringer 21 and Stringer 22, and repair, if necessary; and reinforcement of the angle runout at Frame 46, in accordance with the service bulletins previously described.

The FAA has determined that long term continued operational safety will be better assured by actual modification of the airframe to remove the source of the problem, rather than by repetitive inspections. Long term inspections may not be providing the degree of safety assurance necessary for the transport airplane fleet. This, coupled with a better understanding of the human factors associated with numerous repetitive inspections, has led the FAA to consider placing less emphasis on special procedures and more emphasis on design improvements. The proposed modification requirement (reinforcement of the angle runout at Frame 46) is in consonance with that policy decision.

It is estimated that 7 airplanes of U.S. registry would be affected by this AD, that it would take approximately 22 manhours per airplane to accomplish the required actions, and that the average labor cost would be \$40 per manhour. The estimated cost for required parts is \$1,475. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be \$16,485.

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 regulatory 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:

Airbus Industrie: Applies to all Model A310-200 series airplanes, certificated in any category. Compliance is required as indicated, unless previously accomplished.

To prevent reduced structural integrity of the fuselage, accomplish the following:

A. Prior to the accumulation of 12,000 landings, or within 2,000 landings after the effective date of this AD, whichever occurs later, and thereafter at intervals not to exceed 3,000 landings, perform a visual inspection of Frame 46 at the level of the frame reinforcement angle runout between Stringer 21 and Stringer 22 (left and right), in accordance with Airbus Industrie Service Bulletin A310-53-2054, Revision 2, dated May 22, 1990. If cracks are found, prior to further flight, repair in accordance with the service bulletin.

B. Within 2 years after the effective date of this AD, modify the reinforcement angle runout by tapering the angle and reducing the thickness, in accordance with Airbus Industrie Service Bulletin A310-53-2019, Revision 2, dated May 22, 1990. This modification constitutes terminating action for the repetitive inspections required by paragraph A. of this AD.

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, 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.

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 Airbus Industrie, Airbus Support Division, Avenue Didier Daurat, 31700 Blagnac, France. 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 6, 1990.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 90-29752 Filed 12-19-90; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 39

[Docket No. 90-CE-58-AD]

Airworthiness Directives; Cessna 210, T210, P210 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Advance notice of proposed rulemaking (ANPRM).

SUMMARY: The FAA has received reports that certain Cessna 210, T210, and P210 series airplanes equipped with integral fuel tanks may be experiencing loss of fuel or problems in fueling. The purpose of this advance notice is to seek comments from interested persons regarding the best action (if any) to be taken in order to correct this problem. All comments and ideas will be evaluated by the FAA and the FAA will research the situation to decide whether rulemaking is needed.

DATES: Comments must be received on or before February 1, 1991.

ADDRESSES: Send comments on the proposal in triplicate to the FAA, Central Region, Office of the Assistant Chief Counsel, Attention: Rules Docket No. 90-CE-58-AD, room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

Comments may be inspected at this location between 8 a.m. and 4 p.m., Monday through Friday, holidays excepted. Information related to this notice can be examined at the address above.

FOR FURTHER INFORMATION CONTACT:

Mr. Paul O. Pendleton, Aerospace Engineer, FAA, Wichita Aircraft Certification Office, 1801 Airport Road, Room 100, Wichita, Kansas 67209; telephone (316) 946-4427.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments, specified above, will be considered before any other action is taken. 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 that summarizes each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket. After consideration of the available data and comments, a notice of proposed rulemaking (NPRM) will be issued if it is determined that it is in the public interest to proceed with regulatory action.

Availability of ANPRMs

Any person may obtain a copy of this ANPRM by submitting a request to the FAA, Central Region, Office of the Assistant Chief Counsel, attention: Rules Docket No. 90-CE-58-AD, room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

Discussion

The FAA is currently investigating a possible unsafe condition on Cessna 210, T210, and P210 series airplanes that were manufactured with cantilever wing integral fuel tanks. Cessna produced 7,064 of these airplanes between 1967 and 1986. Within a recent five-year period, over 100 of these airplanes were involved in fuel exhaustion incidents. The problem was initially thought to be caused by the inability to fuel the tanks to total capacity.

Recent investigations have led the FAA to believe that tank capacity is obtainable under normal conditions, but that certain fuel cap and fuel filler port configurations could constrain the normal flow rate of the last several

gallons to the fuel tanks while refueling. In addition, recent tests conducted by the Cessna Pilots Association revealed the possibility of fuel siphoning because of fuel cap and/or vent valve failure, which may cause undetected in-flight fuel loss.

The fuel cap and filler port configurations on these airplanes have been changed several times and the FAA is aware that at least 6 different designs are currently being utilized. In addition, Cessna changed the fuel vent valve design and location beginning with the 1985 models. Cessna has also provided retrofit kits that some operators have voluntarily installed. These actions may have decreased the probability of reduced fuel capacity and in-flight siphoning, but fuel exhaustion incidents are still being reported. The FAA has determined that specific fueling procedures and limitations and cautionary information regarding the possibility of fuel siphoning may be necessary for Cessna 210, T210, and P210 series airplanes that were manufactured with cantilever wing integral fuel tanks.

Accordingly, the FAA is issuing this advance notice of proposed rulemaking (ANPRM) to provide an opportunity for the general public to participate in the decision whether to initiate rulemaking. Interested persons are encouraged to provide information that describes what they consider the best action (if any) to be taken to correct this problem. In this regard, the FAA is especially interested in comments and viewpoints on the following:

1. Do the fuel gauges register one level that appeared incorrect upon visual inspections? i.e.,
 - a. Do the fuel gauge indicate full with less than the certificated fuel capacity onboard?
 - b. Do the fuel gauges register fuel onboard when the fuel tanks are empty?
 - c. Do fuel gauges register empty or at a unusable quantity when several gallons of fuel are still available?
2. Do you have to use special procedures to completely fill the fuel tanks?
3. Is the airplane normally refueled on level ground?
4. Have you seen evidence of fuel siphoning from the fuel tank caps or tank vents that occurred while the airplane was in flight. If so, did you believe it to be a significant amount?
5. Have fueling stops been more frequent than usual?
6. Would it be effective to:
 - a. Limit the fuel that would be available under certain conditions through operational, AFM restrictions,

mechanical means, or similar means or methods?

b. Modify existing or install different fuel tank caps, filler ports, and vents?

c. Require an Airplane Flight Manual Supplement with special fuel system operating procedures and limitations?

d. Take any other actions or implement other airplane modifications to solve the problem?

7. Have you obtained any information relating to this topic through safety seminars, public information classes or any other general information programs? If so, please share the views and ideas you received and what you think to be the most important.

8. Are there suggestions other than those addressed above for reducing the possibility of fuel exhaustion accidents or incidents on these airplanes?

Issued in Kansas City, Missouri, on November 27, 1990.

Barry D. Clements,

Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 90-29754 Filed 12-19-90; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 39

[Docket No. 90-ANE-35]

Airworthiness Directives; General Electric Company (GE) CF6-80A and CF6-80C2 Series Turbofan 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 GE CF6-80A and CF6-80C2 series turbofan engines, which would require ultrasonic inspection of the high pressure compressor rotor (HPCR) stages 11-14 spool-shaft inertia weld for cracks or voids. This proposal is prompted by two HPCR stages 11-14 spool-shaft failures at the inertia weld. This condition, if not corrected, could result in aborted takeoff and uncontained engine failure.

DATES: Comments must be received no later than February 4, 1991.

ADDRESSES: Submit comments in duplicate to the FAA, New England Region, Office of the Assistant Chief Counsel, Attention: Rules Docket No. 90-ANE-35, 12 New England Executive Park, Burlington, Massachusetts 01803, or deliver in duplicate to room 311 at the above address.

Comments may be inspected at the above location between the hours of 8

a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

The applicable engine manufacturer's service bulletins may be obtained from General Electric Aircraft Engines, CF6 Distribution Clerk, room 132, 111 Merchant Street, Cincinnati, Ohio 45246. This information may be examined at the FAA, New England Region, Office of the Assistant Chief Counsel, room 311, New England Executive Park, Burlington, Massachusetts 01803.

FOR FURTHER INFORMATION CONTACT: Thomas Boudreau, Engine Certification Branch, ANE-142, Engine Certification Office, Engine and Propeller Directorate, Aircraft Certification Service, FAA, 12 New England Executive Park, Burlington, Massachusetts 01803; telephone (617) 273-7096.

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

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

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this Notice must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 90-ANE-35." The postcard will be date/time stamped and returned to the commenter.

Discussion

There have been two aborted takeoffs attributed to failure of the HPCR stages 11-14 spool-shaft at the inertia weld joint. Subsequent metallurgical investigations revealed that weld contaminants were introduced during the inertia weld process. Cracks associated with the contaminants propagated in service until the spool-

shaft separated. This condition, if not corrected, could result in aborted takeoff and uncontained engine failure.

The FAA has reviewed and approved GE CF6-80A Service Bulletin (SB) 72-531, Revision 2, dated May 18, 1990, and CF6-80C2 SB 72-315, Revision 2, dated June 20, 1990, which described an ultrasonic inspection procedure to detect cracks and voids in the HPCR stages 11-14 spool-shaft inertia weld.

Since this condition is likely to exist or develop on other engines of this same type design, an AD is proposed which would require ultrasonic inspection of the HPCR stages 11-14 spool-shafts inertia weld for cracks and voids, in accordance with the service bulletins previously described.

There are approximately 950 GE CF6-80A and CF6-80C2 series engines of the affected design in the worldwide fleet. It is estimated that 244 engines installed on aircraft of U.S. registry would be affected by this AD, that it would take approximately 37 workhours per engine to accomplish the required actions, and that the average labor cost would be \$40 per manhour. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be \$361,120.

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 the 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 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 (FAA) proposes to amend 14 CFR part

39 of the Federal Aviation Regulations (FAR) 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 (AD):

General Electric Company: Applies to General Electric Company (GE) CF6-80A and CF6-80C2 series engines installed on, but not limited to, Airbus A300 and A310 and Boeing 747 and 767 aircraft.

Compliance is required as indicated, unless already accomplished.

To prevent aborted takeoffs and uncontained engine failure, accomplish the following:

(a) Ultrasonic inspect the inertia weld of affected high pressure compressor rotor (HPCR) stages 11-14 spool-shafts at the next engine shop visit after the effective date of this AD but no later than 5,000 cycles in service (CIS) after the effective date of this AD, according to the following:

(1) Inspect CF6-80A HPCR stages 11-14 spool-shafts, Part Numbers (P/N) 9225M37G11, 9225M37G14, 9225M37G16, 9225M37G18, 9225M37G19, 9225M37G20, 9225M37G21, and 1509M37G01, in accordance with the Accomplishment Instructions in GE CF6-80A Service Bulletin (SB) 72-531, Revision 2, dated May 18, 1990.

(2) Inspect CF6-80C2 HPCR stages 11-14 spool-shafts, P/N 9380M30G07, 9380M30G08, 9380M30G09, 9380M30G10, 1531M21G01, 1509M71G02, 1509M71G03, 1509M71G04, 1509M71G05, and 1509M71G06, in accordance with the Accomplishment Instructions in GE CF6-80C2 SB 72-314, Revision 2, dated June 20, 1990.

(3) Remove from service prior to further flight and replace with serviceable parts, HPCR stages 11-14 spool-shafts with ultrasonic indications greater than or equal to 50 percent full-screen height.

(4) For the purpose of this AD, an engine shop visit is defined as the induction of the engine into a shop where the subsequent maintenance entails removal of the high pressure turbine module.

(5) For the purpose of this AD, definition of ultrasonic indication is provided in GE CF6-80A SB 72-531, Revision 2, dated May 18, 1990, and GE CF6-80C2 SB 72-314, Revision 2, dated June 20, 1990, for the CF6-80A and CF6-80C2 engine models, respectively.

(b) Aircraft may be ferried in accordance with the provisions of FAR 21.197 and 21.199 to base where the AD can be accomplished.

(c) Upon submission of substantiating data by an owner or operator through an FAA Airworthiness Inspector an alternate method of compliance with the requirements of this AD or adjustments to the compliance times specified in this AD may be approved by the Manager, Engine Certification Office, Engine and Propeller Directorate, Aircraft

Certification Service, FAA, 12 New England Executive Park, Burlington, Massachusetts 01803.

All persons affected by this directive who have not already received the appropriate service documents from the manufacturer may obtain copies upon request to the General Electric Aircraft Engines CF6 Distribution Clerk, room 132, 111 Merchant Street, Cincinnati, Ohio 45246. These documents may be examined at the FAA, New England Region, Office of the Assistant Chief Counsel, 12 New England Executive Park, Burlington, Massachusetts 01803.

Issued in Burlington, Massachusetts, on December 11, 1990.

Jack A. Sain,

Manager, Engine and Propeller Directorate, Aircraft Certification Service.

[FR Doc. 90-29750 Filed 12-19-90; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 39

[Docket No. 90-NM-120-AD]

Airworthiness Directives; McDonnell Douglas Model DC-9 -10, -20 -30, -40, -50, and C-9 (Military) Series Airplanes; and Model DC-9 -81 and -82 (MD-81 and -82) Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Withdrawal of notice of proposed rulemaking.

SUMMARY: This action withdraws a Notice of Proposed Rulemaking (NPRM) which proposed a new airworthiness directive (AD), applicable to certain McDonnell Douglas Model DC-9 series airplanes, which would have required the installation of fill/over-pressure relief valve assemblies on the nose gear wheel and tire assembly. Since the issuance of the NPRM, the FAA has reviewed its position on this safety issue and has concluded that the proposed relief valve assembly is unnecessary to provide an acceptable level of safety, since normal maintenance procedures will preclude wheel and tire assembly over-inflation. Accordingly, the NPRM is withdrawn.

FOR FURTHER INFORMATION CONTACT:

Mr. Walter S. Eierman, Aerospace Engineer, ANM-130L, FAA, Transport Airplane Directorate, Los Angeles Aircraft Certification Office, 3229 East Spring Street, Long Beach, California 90808; telephone (213) 988-5336.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations to add a new airworthiness directive, applicable to certain McDonnell Douglas Model DC-9

series airplanes, was published in the **Federal Register** on July 10, 1990 (55 FR 28225). The proposal would have required the installation of fill/over-pressure relief valve assemblies on the nose gear wheel and tire assemblies. That action was prompted by reports of over-inflation of nose landing gear tires, and instances of injury to two maintenance personnel due to the explosion of an over-inflated nose landing gear tire/wheel assembly.

Interested persons have been afforded an opportunity to comment on the proposal. Due consideration has been given to the comments received.

All of the commenters objected to the issuance of the proposed rule.

The commenters suggested that the cause of the incident on which the proposal was based was improper inflation procedures. All commenters agreed that if proper normal maintenance procedures had been followed, the incident of over-inflation and subsequent explosion of the tire/wheel assembly would not have occurred. Proper procedures include the use of proper equipment, namely, a tire inflation tool that incorporates an over-pressure relief valve which prevents over servicing of a wheel and tire assembly. Moreover, one commenter expressed concern that the proposed pressure relief valve installation would be used as an alternative to safe inflation practices.

Other commenters suggested that the proposed AD should not address the pressure relief valves, but should address instead the use of pressure regulators on all servicing bottles used for aircraft tires. This would ensure that the full tank pressure never reaches the tire. A subsequent review of the procedures followed by the airline that experienced the over-inflation incident indicated that the tire was inflated with the use of a high-powered filler tank that was not monitored. The airline has since modified the high-pressure fitting assembly so that such an occurrence cannot be repeated.

One commenter indicated that the over-pressure relief valve has not been adequately field tested and its reliability is unknown. Other commenters were concerned that these relief valves would add three potential leak points to the wheel/tire assembly, which could result in an under-inflated tire. Another commenter pointed out that the installation of the relief valve could not be accomplished without eliminating the fill valve/pressure gauge combination installation; this installation is a useful feature in assuring correct tire inflation.

Finally, the commenters pointed out that the estimated cost specified in the preamble to the Notice was incorrect. New information provided by the commenters and the manufacturer supported the fact that costs would be substantially higher than previously believed. Specifically, according to the manufacturer, the material costs are now estimated to be \$1,300 per airplane, rather than \$119 as stated in the proposal. One commenter also stated that the manufacturer has advised that it would have difficulty in meeting the one-year compliance time requirement of the proposed AD due to a 28-week or longer lead time necessary to acquire the valves.

After further consideration, the FAA concurs with the commenters. The FAA has reviewed the data presented by the commenters and has determined that proper maintenance procedures, currently in effect at the affected airlines, provide an acceptable level of safety during tire inflation. Although the proposed over-pressure relief valve may enhance safety in some respects, it would not provide a significant improvement in safety in light of the fact that its installation may compromise other system on the airplane.

Although ADs may be issued to specify maintenance procedures well beyond normal good maintenance practices, ADs are not issued to assure the use of normal maintenance practices on a product where individual cases of maintenance problems have contributed to an unsafe condition. Upon further review of the available data related to the incidents which prompted this proposal, the FAA cannot conclusively state that the addressed unsafe condition is likely to exist on other airplanes of the same type design. Accordingly, the FAA has determined that it is appropriate to withdraw this proposed rule.

Withdrawal of this Notice of Proposed Rulemaking constitutes only such action, and does not preclude the agency from issuing another Notice in the future, nor does it commit the agency to any course of action in the future.

Since this action only withdraws a Notice of Proposed Rulemaking, it is neither a proposed nor final rule and therefore, is not covered under Executive Order 12291, the Regulatory Flexibility Act, or DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979).

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Withdrawal

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

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.

2. By withdrawing the notice of proposed rulemaking, Docket 90-NM-120-AD, published in the **Federal Register** on July 10, 1990 (55 FR 28225), FR Doc. 90-16010.

Issued in Renton, Washington, on December 11, 1990.

Leroy A. Keith,

Manager, Transport Airplane Directorate Aircraft Certification Service.

[FR Doc. 90-29753 Filed 12-19-90; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 935

Ohio Permanent Regulatory Program; Revision of Administrative Rules and the Ohio Revised Code

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

ACTION: Proposed rule; reopening of public comment period.

SUMMARY: OSM is reopening the public comment period on Revised Program Amendment No. 41 to the Ohio permanent regulatory program (hereinafter referred to as the Ohio program) under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). Ohio has proposed further revisions to three rules which are intended to make those rules as effective as the corresponding Federal regulations concerning ownership and control of mining operations and the identification and rescission of improvidently issued mining permits.

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

DATES: Written comments must be received on or before 4 p.m. on January 22, 1991. If requested, a public hearing on the proposed amendments will be held at 1 p.m. on January 14, 1991. Requests to present oral testimony at the hearing must be received on or before 4 p.m. on January 4, 1991.

ADDRESSES: Written comments and requests to testify at the hearing should be mailed or hand-delivered to Mr. Richard J. Seibel, Director, Columbus Field Office, at the addresses listed below. Copies of the Ohio program, the proposed amendments, and all written comments received in response to this notice will be available for public review at the addresses listed below during normal business hours, Monday through Friday, excluding holidays. Each requester may receive, free of charge, one copy of the proposed amendments by contacting OSM's Columbus Filed Office.

Office of Surface Mining Reclamation and Enforcement, Columbus Field Office, 2242 South Hamilton Road, room 202, Columbus, Ohio 43232, Telephone: (614) 866-0578.

Ohio Department of Natural Resources, Division of Reclamation, 1855 Fountain Square Court, Building H, Columbus, Ohio 43224, Telephone: (614) 265-6675.

FOR FURTHER INFORMATION CONTACT: Mr. Richard J. Seibel, Director, Columbus Field Office, (614) 866-0578.

SUPPLEMENTARY INFORMATION:

I. Background

On August 16, 1982, the Secretary of the Interior conditionally approved the Ohio program. Information on the general background of the Ohio program submission, including the Secretary's findings, the disposition of comments, and a detailed explanation of the conditions of approval of the Ohio program, can be found in the August 10, 1982 **Federal Register** (47 FR 34688). Subsequent actions concerning the conditions of approval and program amendments are identified at 30 CFR 935.11, 935.12, 935.15, and 935.16.

II. Discussion of the Proposed Amendments

By letter dated May 11, 1989 (Administration Record No. OH-1322), the Director of OSM notified the Ohio Department of Natural Resources, Division of Reclamation (Ohio) that OSM had recently promulgated three new Federal rules that define ownership and control, that specify the effect of ownership and control information on the issuance of permits and the

reporting of violations, and that provide criteria and procedures for the identification and rescission of improvidently issued mining permits. The Director required Ohio to modify its regulatory program to remain consistent with the new Federal requirements.

By letter dated October 2, 1989 (Administrative Record No. OH-1288), Ohio submitted informal Program Amendment Number 41 in response to the Director's notification. OSM provided comments to Ohio on the informal amendment by letter dated March 1, 1990 (Administrative Record No. OH-1287).

By letter dated June 25, 1990 (Administrative Record No. OH-1333), Ohio submitted responses to OSM's comments on the informal amendment and also submitted formal Program Amendment No. 41. The amendment proposed changes to four Ohio administrative rules and one section of the Ohio Revised Code regarding ownership and control of mining operations and the identification and rescission of improvidently issued mining permits. Ohio also proposed other rule revisions concerning enforcement of notices and orders and public inspection of permit applications.

OSM announced receipt of proposed Program Amendment No. 41 in the July 13, 1990 *Federal Register* (55 FR 28779), and, in the same notice, opened the public comment period and provided opportunity for a public hearing on the adequacy of the proposed amendment. The public comment period ended on August 13, 1990. The public hearing scheduled for August 7, 1990, was not held because no one requested an opportunity to testify.

By letter dated October 11, 1990 (Ohio Administrative Record No. OH-1382), OSM provided Ohio with its questions and comments about proposed Program Amendment No. 41. By letter dated November 15, 1990 (Ohio Administrative Record No. OH-1411), Ohio responded to those OSM questions and formally submitted Revised Program Amendment No. 41. This revised amendment proposes further revisions to three rules which are in addition to or which replace those revisions proposed in the previous version of the amendment. The remaining revisions previously proposed by Ohio in Program Amendment No. 41 to one other rule and to one section of the Ohio Revised Code are unchanged.

All of the revisions are intended to make the proposed rules and the Ohio Revised Code consistent with or as effective as the corresponding Federal law and regulations concerning ownership and control of mining operations and the identification and

rescission of improvidently issued mining permits.

The new revisions proposed in Revised Program Amendment No. 41 are briefly discussed below.

1. Ohio Administrative Code (OAC) Section 1501:13-4-03

Ohio is revising paragraph (A)(1)(b) to substitute the word "instruments" for "instrument."

Ohio is revising paragraph (B)(7) to substitute the word "operation's" for "operator's."

Ohio is revising paragraph (C)(3)(a) to require that applicants must provide a listing of each notice received by the applicant in the three preceding years for violations of Ohio Revised Code chapter 1513 or of the corresponding portions of the Ohio Administrative Code in connection with a coal mining and reclamation operation.

Ohio is revising paragraph (C)(4)(e) to require that applications must list the actions taken, if any, by the applicant or by any person who owns or controls the applicant to abate past violations or cessation orders.

2. OAC Section 1501:13-5-01

Ohio is revising paragraph (D)(3) to require that, in his determination that an applicant is not currently in violation of any law or rule, the Chief of the Ohio Department of Natural Resources, Division of Reclamation (the Chief) must consider available information on any notices, orders, or penalties issued pursuant to section 518 of the Surface Mining Control and Reclamation Act of 1977.

Previously proposed paragraph (G)(5) requires that, within thirty days after a cessation order is issued, the permittee shall notify the Chief in writing that there has been no change in the information previously submitted under OAC 1501:13-4-03(B)(5) concerning persons who own or control the permit applicant or shall submit new information to the Chief to correct or update the previously submitted information. Ohio is revising this paragraph to clarify that the provisions of this paragraph apply to cessation orders issued under OAC 1501:13-14-02 or under 30 CFR 843.11.

3. OAC Section 1501:13-5-02

Ohio is revising paragraph (B)(2)(b) to require that the Chief shall find that a permit was improvidently issued if a violation, penalty, or fee remains unabated or delinquent and is not the subject of a good faith appeal or of an abatement plan which satisfies the regulatory authority, department, or agency which has jurisdiction over the

violation. The previous version of this paragraph stipulated a good faith appeal or abatement plan which satisfies the Chief.

Ohio is adding a new paragraph (E) to specify that any person having an interest that is or may be adversely affected by a decision of the Chief made pursuant to this rule may appeal by filing a notice of appeal with the Ohio Reclamation Board of Review pursuant to § 1513.13 of the Ohio Revised Code.

III. Public Comment Procedures

In accordance with the provisions of 30 CFR 732.17(h), OSM is now seeking comment on whether the amendments proposed by Ohio satisfy the applicable program approval criteria or 30 CFR 732.15. If the amendments are deemed adequate, they will become part of the Ohio program.

Written Comments

Written comments should be specific, pertain only to the issues proposed in this rulemaking, and include explanations in support of the commenter's recommendations. Comments received after the time indicated under "DATES" or at locations other than the Columbus Field Office will not necessarily be considered in the final rulemaking or included in the Administrative Record.

Public Hearing

Persons wishing to comment at the public hearing should contact the person listed under "FOR FURTHER INFORMATION CONTACT" by 4 p.m. on January 4, 1991. If no one requests an opportunity to comment at a public hearing, the hearing will not be held.

Filing of a written statement at the time of the hearing is requested as it will greatly assist the transcriber. Submission of written statements in advance of the hearing will allow OSM officials to prepare adequate responses and appropriate questions.

The public hearing will continue on the specified date until all persons scheduled to comment have been heard. Persons in the audience who have not been scheduled to comment and who wish to do so will be heard following those scheduled. The hearing will end after all persons scheduled to comment and persons present in the audience who wish to comment have been heard.

Public Meeting

If only one person requests an opportunity to comment at a hearing, a public meeting, rather than a public hearing, may be held. Persons wishing to meet with OSM representatives to

discuss the proposed amendments may request a meeting at the Columbus Field Office by contacting the person listed under "**FOR FURTHER INFORMATION CONTACT.**" All such meetings shall be open to the public and, if possible, notices of the meetings will be posted at the locations listed under "**ADDRESSES.**" A written summary of each public meeting will be made a part of the Administrative Record.

List of Subjects in 30 CFR Part 935

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

Dated: December 10, 1990.

Carl C. Close,

Assistant Director, Eastern Support Center.

[FR Doc. 90-29806 Filed 12-19-90; 8:45 am]

BILLING CODE 4310-05-M

30 CFR Part 935

Ohio Permanent Regulatory Program; Revision of Administrative Rule

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

ACTION: Proposed rule.

SUMMARY: OSM is announcing the receipt of proposed Program Amendment Number 47 to the Ohio permanent regulatory program (hereinafter referred to as the Ohio program) under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). The amendments are intended to revise one Ohio administrative rule to be consistent with other State regulations. The revised rule concerns the certification by surveyors of the design and construction of primary roads.

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

DATES: Written comments must be received on or before 4 p.m. on January 22, 1991. If requested, a public hearing on the proposed amendments will be held at 1 p.m. on January 14, 1991. Requests to present oral testimony at the hearing must be received on or before 4 p.m. on January 4, 1991.

ADDRESSES: Written comments and requests to testify at the hearing should be mailed or hand-delivered to Mr.

Richard J. Seibel, Director, Columbus Field Office, at the address listed below. Copies of the Ohio program, the proposed amendments, and all written comments received in response to this notice will be available for public review at the addresses listed below during normal business hours, Monday through Friday, excluding holidays. Each requester may receive, free of charge, one copy of the proposed amendments by contacting OSM's Columbus Field Office.

Office of Surface Mining Reclamation and Enforcement, Columbus Field Office, 2242 South Hamilton Road, room 202, Columbus, Ohio 43232, Telephone: (614) 866-0578.
Ohio Department of Natural Resources, Division of Reclamation, 1855 Fountain Square Court, Building H-3, Columbus, Ohio 43224, Telephone: (614) 265-6675.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard J. Seibel, Director, Columbus Field Office, (614) 866-0578.

SUPPLEMENTARY INFORMATION:

I. Background

On August 16, 1982, the Secretary of the Interior conditionally approved the Ohio program. Information on the general background of the Ohio program submission, including the Secretary's findings, the disposition of comments, and a detailed explanation of the conditions of approval of the Ohio program, can be found in the August 10, 1982 *Federal Register* (47 FR 34688). Subsequent actions concerning the conditions of approval and program amendments are identified at 30 CFR 935.11, 935.12, 935.15, and 935.16.

II. Discussion of the Proposed Amendments

By letter dated December 7, 1990 (Administrative Record No. OH-1415), Ohio submitted proposed Program Amendment Number 47. The amendment proposes changes to Ohio Administrative Code (OAC) section 1501:13-10-01(G)(1) to allow land surveyors to certify or to assist an engineer in the certification of primary road designs and construction. Ohio is revising the first sentence of this paragraph to read as follows: "The design and construction or reconstruction of primary roads shall be certified by an engineer or a surveyor or jointly by an engineer and a surveyor to the extent such joint certification is required by State law * * *." The amendment is intended to provide consistency between OAC sections 1501:13-10-01(G)(1), 1501:13-4-04(J) and (K)(2), and 1501:13-9-04(B)(5)(b). OSM

approved revisions to OAC 1501:13-4-04(J) and (K)(2) and 1501:13-9-04(B)(5)(b) under Ohio Program Amendment Number 25 (July 17, 1987, 52 FR 26959). These revised regulations allow surveyors to perform or to participate, to the extent required by State law, in the certification of permit application maps, supplementary maps, cross sections, and the construction of sediment control structures.

III. Public Comment Procedures

In accordance with the provisions of 30 CFR 732.17(h), OSM is now seeking comment on whether the amendments proposed by Ohio satisfy the applicable program approval criteria of 30 CFR 732.15. If the amendments are deemed adequate, they will become part of the Ohio program.

Written Comments

Written comments should be specific, pertain only to the issues proposed in this rulemaking, and include explanations in support of the commenter's recommendations. Comments received after the time indicated under "**DATES**" or at locations other than the Columbus Field Office will not necessarily be considered in the final rulemaking or included in the Administrative Record.

Public Hearing

Persons wishing to comment at the public hearing should contact the person listed under "**FOR FURTHER INFORMATION CONTACT**" by 4 p.m. on January 4, 1991. If no one requests an opportunity to comment at a public hearing, the hearing will not be held.

Filing of a written statement at the time of the hearing is requested as it will greatly assist the transcriber. Submission of written statements in advance of the hearing will allow OSM officials to prepare adequate responses and appropriate questions.

The public hearing will continue on the specified date until all persons scheduled to comment have been heard. Persons in the audience who have not been scheduled to comment and who wish to do so will be heard following those scheduled. The hearing will end after all persons scheduled to comment and persons present in the audience who wish to comment have been heard.

Public Meeting

If only one person requests an opportunity to comment at a hearing, a public meeting, rather than a public hearing, may be held. Persons wishing to meet with OSM representatives to discuss the proposed amendments may

request a meeting at the Columbus Field Office by contacting the person listed under "FOR FURTHER INFORMATION CONTACT." All such meetings shall be open to the public and, if possible, notices of the meetings will be posted at the locations listed under "ADDRESSES." A written summary of each public meeting will be made a part of the Administrative Record.

List of Subjects in 30 CFR Part 935

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

Dated: December 13, 1990.

Carl C. Close,

Assistant Director, Eastern Support Center.

[FR Doc. 90-29807 Filed 12-19-90; 8:45 am]

BILLING CODE 4310-05-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 90-609; RM-7542]

Radio Broadcasting Services; Nephi, UT

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Commission requests comments on a petition for rule making filed on behalf of Charles D. Hall, permittee of Station KCDH(FM), Channel 224A, Nephi, Utah, seeking substitution of Channel 208C for Channel 224A and modification of its construction permit accordingly. Coordinates for this proposal are 39-42-36 and 111-50-00. Petitioner seeks authorization to upgrade to a non-adjacent channel pursuant to § 1.420 of the Commission's Rules, which permits such action provided at least one additional equivalent channel is available to accommodate other parties expressing interest in the new channel. Petitioner states that Channel 260C is available for allotment as an additional equivalent class channel. Channel 260C can be allotted to Nephi with a site restriction of 17.5 kilometers (10.9 miles) west to avoid short spacings to Stations KLVV, Channel 258C, Bountiful, Utah, and KEKB, Channel 260C, Fruita, Colorado. The coordinates for Channel 260C at Nephi are 39-39-53 and 112-01-44.

DATES: Comments must be filed on or before February 4, 1991, and reply comments on or before February 19, 1991.

ADDRESSES: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows: Harry C. Martin, Esq., Troy F. Tanner, Esq., Reddy, Begley & Martin, 2033 M Street, NW., Washington, DC 20036.

FOR FURTHER INFORMATION CONTACT: Pamela Blumenthal, Mass Media Bureau, (202) 632-6302.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 90-609, adopted November 30, 1990, and released December 14, 1990. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, (202) 857-3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involves channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

Beverly McKittrick,

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

[FR Doc. 90-29723 Filed 12-19-90; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 90-612; RM-7550]

Radio Broadcasting Services; Fox Farm, WY

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a petition filed on behalf of Farm Broadcasting seeking the

allotment of Channel 280C1 to Fox Farm, Wyoming, as that community's first local FM service. Coordinates for this proposal are 41-05-45 and 104-41-13.

DATES: Comments must be filed on or before February 4, 1991, and reply comments on or before February 19, 1991.

ADDRESSES: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner's counsel, as follows: Daniel F. Van Horn, Esq., Arent, Fox, Kintner, Plotkin & Kahn, 1050 Connecticut Avenue, NW., Washington, DC 20036-5339.

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

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 90-612 adopted November 29, 1990 and released December 14, 1990. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, (202) 857-3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involves channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

Beverly McKittrick,

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

[FR Doc. 90-29724 Filed 12-19-90; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 90-613 RM-7559]

Radio Broadcasting Services; Britt, IA**AGENCY:** Federal Communications Commission.**ACTION:** Proposed rule.

SUMMARY: The Commission requests comments on a petition by Hancock County Radio seeking the allotment of Channel 258A to Britt, Iowa, as the community's first local FM service. Channel 258A can be allotted to Britt in compliance with the Commission's minimum distance separation requirements with a site restriction of 7.3 kilometers (4.5 miles) west to avoid short-spacings to the construction permit for a new station of Channel 258A at Eldora, Iowa, and to Station WLOL, Channel 258C, Minneapolis, Minnesota. Coordinates for Channel 258A are 43-06-04 and 93-53-27.

DATES: Comments must be filed on or before February 4, 1991, and reply comments on or before February 19, 1991.

ADDRESSES: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows: Allan G. Moskowitz, Esq., Kaye, Scholer, Fierman, Hays & Handler, 901-15th Street, NW., suite 1100, Washington, DC 20005 (Counsel to petitioner).

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

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 90-613, adopted November 29, 1990, and released December 14, 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., Washington, DC 20037.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this

one, which involved channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

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

[FR Doc. 90-29722 Filed 12-19-90; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 90-610, RM-7547]

Radio Broadcasting Services; Stamford, NY**AGENCY:** Federal Communications Commission.**ACTION:** Proposed rule.

SUMMARY: The Commission requests comments on a petition by Carmine M. Iannace seeking the allotment of Channel 250A to Stamford, New York, as the community's first local FM service. Channel 250A can be allotted to Stamford in compliance with the Commission's minimum distance separation requirements without the imposition of a site restriction, at coordinates North Latitude 42-24-42 and West Longitude 74-37-24. Canadian concurrence is required since Stamford is located within 320 kilometers (200 miles) of the U.S.-Canadian border.

DATES: Comments must be filed on or before February 7, 1991, and reply comments on or before February 22, 1991.

ADDRESSES: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows: Mr. Carmine M. Iannace, 239 St. John's Avenue, Yonkers, New York 10704 (Petitioner).

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

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 90-610 adopted November 29, 1990, and released December 17, 1990. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also

be purchased from the Commission's copy contractor, International Transcription Service, (202) 857-3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

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

[FR Doc. 90-29827 Filed 12-19-90; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 90-614, RM-7439]

Radio Broadcasting Services; Big Spring, TX**AGENCY:** Federal Communications Commission.**ACTION:** Proposed rule.

SUMMARY: The Commission requests comments on a petition by Ballard Broadcasting Company of Oklahoma, Inc., requesting the Commission to allot Channel 243C3 to Big Spring, Texas. The coordinates for the proposed allotment are 32-15-00 and 101-28-24. Since Big Spring is located within 320 kilometers (199 miles) of the Mexican border, we have requested the concurrence of the Mexican government in this allotment.

DATES: Comments must be filed on or before February 7, 1991, and reply comments on or before February 22, 1991.

ADDRESSES: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows: Joseph E. Dunne, III, Esq., May & Dunne, Chartered, Suite 520, 1000 Thomas Jefferson Street, NW., Washington, DC 20007 (Counsel for petitioner).

FOR FURTHER INFORMATION CONTACT:

Fawn E. Wilderson, Mass Media Bureau, (202) 634-6530.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 90-614, adopted November 29, 1990, and released December 17, 1990.

The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, (202) 857-3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

Beverly McKittrick,

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

[FR Doc. 90-29828 Filed 12-19-90; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 89-548, RM-7017]

Radio Broadcasting Services; Clintonville, New Holstein and Wautoma, WI

AGENCY: Federal Communication Commission.

ACTION: Proposed rule; dismissal of proposal.

SUMMARY: This document dismisses a petition for rule making filed by Sail Communication Corporation proposing the substitution of FM Channel 222C3 for Channel 221A at Clintonville, Wisconsin, and modification of the license for Station WJMQ(FM), the substitution of Channel 225A for Channel 226A at New Holstein,

Wisconsin, and modification of the permit for Station KFKQ(FM), and the substitution of Channel 226A for Channel 222A at Wautoma, Wisconsin. See 54 FR 50777, December 11, 1989. The petition is dismissed because petitioner failed to state its intention to reimburse to Station KFKQ(FM), New Holstein.

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. 89-548, adopted November 29, 1990, and released December 17, 1990. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, (202) 857-3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

Beverly McKittrick,

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

[FR Doc. 90-29829 Filed 12-19-90; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 90-611, RM-7533]

Television Broadcasting Services; Alamosa, CO

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a petition for rule making filed on behalf of Mountain Valley Television, Inc., requesting allotment of UHF Television Channel 47 to Alamosa, Colorado, as that community's first local television service.

Alamosa is located within the prohibited co-channel minimum distance (separation of 174.5 miles (280.8 kilometers) from Denver, Colorado, one of the designated television markets affected by the Commission's current freeze on allotments and applications pending the outcome of an inquiry into the use of advanced television systems in broadcasting. (See *Order, Advanced Television Systems and Their Impact on Existing Television Broadcast Service,*

52 FR 28346, July 29, 1987). However, Channel 47 can be allotted to Alamosa in compliance with the terms of the freeze *Order* at a restricted site. Coordinates used for Channel 47 at Alamosa are 37-19-04 and 105-52-38.

DATES: Comments must be filed on or before February 7, 1991, and reply comments must be filed on or before February 22, 1991.

ADDRESSES: Federal Communications Commission, Washington, DC 20554. In addition to filing with the FCC, interested parties should serve the petitioner's counsel, as follows: James S. Finerfrock, Esq., Becker & Finerfrock, P.C., 1915 Eye Street, NW., Washington, DC 20006-2107.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 90-611, adopted November 29, 1990, and released December 17, 1990. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW, Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, (202) 857-3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Television broadcasting.

Federal Communications Commission.

Beverly McKittrick,

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

[FR Doc. 90-29830 Filed 12-19-90; 8:45 am]

BILLING CODE 6712-01-M

DEPARTMENT OF TRANSPORTATION

Research and Special Programs
Administration

49 CFR Part 192

[Docket No. PS-118; Notice 1]

RIN 2137-AB97

Excess Flow Valve Installation on
Service LinesAGENCY: Office of Pipeline Safety (OPS),
RSPA, DOT.ACTION: Advance notice of proposed
rulemaking.

SUMMARY: Gas service lines are frequently severed or damaged by excavation causing loss of life, injury and property damage by fire and explosion. OPS seeks public participation in determining whether operators should be required to install excess flow valves on service lines to improve safety and reduce the frequency of incidents. Excess flow valves are designed to shut off the flow of gas in the service line by closing automatically when a line is broken. A questionnaire is included in this notice to gather information based on gas distribution company knowledge and experience.

DATES: Interested persons are invited to submit written comments on this notice by March 20, 1991; however, late filed comments will be considered to the extent practicable. All persons must submit as part of their written comments all of the material that they consider relevant to any statement of fact made by them.

ADDRESSES: Send comments in duplicate to the Dockets Unit, Room 8417, Office of Pipeline Safety, Research and Special Programs Administration, U.S. Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590. Identify the docket and notice numbers stated in the heading of this notice. All comments and other docketed material will be available for inspection and copying in room 8419 between the hours of 8:30 a.m. and 5 p.m. each working day.

FOR FURTHER INFORMATION CONTACT: Jack Willock, (202) 366-4571, regarding the subject matter of this notice, or the Dockets Unit, (202) 366-4453, regarding copies of this notice or other material in the docket that is referenced in this notice.

SUPPLEMENTARY INFORMATION

The Problem

Service line incidents, which are primarily caused by excavation,

continue to be a serious problem on natural gas distribution service lines. A service line is defined in 49 CFR part 192 as "a distribution line that transports gas from a common source of supply to (a) A customer meter or the connection to a customer's piping, whichever is farther downstream, or (b) the connection to a customer's piping if there is no customer meter." In a typical incident a worker, while excavating, damages a service line, and natural gas escapes unrestricted from the damaged pipe. The escaping gas may explode, burn, or asphyxiate the worker, local residents, and bystanders and cause damage to excavation equipment and nearby houses and buildings.

The problem is of sufficient importance that RSPA attempted to address the problem by issuing regulations, 49 CFR 192.614, on April 1, 1982, effective April 1, 1983, requiring pipeline operators to conduct a damage prevention program, similar to a one-call system public service program, to prevent pipeline damage by excavation activities. The one-call system is a communication system where a pipeline operator, together with other underground utility operators, provides one telephone number for excavation contractors and the general public to call for notification and recording of their intent to engage in excavation activities. This information is relayed to members of the one-call system giving them the opportunity to communicate with excavators, to identify their facilities by temporary markings, and witness or inspect the excavation. In addition, OPS published an NPRM (53 FR 24747, June 30, 1988) proposing to broaden protection against excavation damage by extending the one-call rules to cover rural areas and hazardous liquid pipelines. Also, RSPA recently issued final regulations (55 FR 38388, September 20, 1990) requiring each State to adopt a one-call damage prevention program as a condition to receiving a full grant-in-aid for the State's pipeline safety compliance program.

In a study mandated by Congress in the Pipeline Safety Reauthorization Act of 1988 (Pub. L. 100-561) regarding the feasibility of the RSPA regulating excavators, OPS found that the number of annual injuries from outside force incidents on pipelines has leveled off at 1/5 of the level of a decade ago. Despite the apparent success of these initiatives, 298 service line incidents, mostly excavation related, have been reported since July, 1984, when the current RSPA incident reporting form became effective. In accordance with 49 CFR 191.3, RSPA requires reports when gas is released from a pipeline resulting in

death, personal injury, property damage of \$50,000 or more, or other "significant event" in the judgment of the operator. A total of 44 fatalities and 178 injuries resulted from the 298 incidents. Despite the improvement, OPS feels that the current incident rate is too high and seeks to lower it by taking supplementary actions, e.g., one-call, damage prevention.

A Possible Solution to the Problem

One means of reducing or preventing injury or death and loss of equipment from service line incidents resulting from line breaks or ruptures may be to require the installation of excess flow valves (EFVs) in service lines. EFVs have been installed in service lines voluntarily by a few gas distributors for at least 20 years. Their purposes is to limit flow from the main distribution line if a service line is ruptured to the extent that the gas flow escaping from the rupture exceeds a threshold level. When the threshold is reached, the valve closes automatically and the escape of gas from the rupture is virtually eliminated. The existing Federal gas pipeline safety rules, which are set out in 49 CFR part 192, do not require that an EFV be installed for limiting the discharge of gas in the event a service line is damaged.

EFVs are intended to prevent the adverse effects of major leaks (that result from line breaks due to excavation damage or other sudden breaks in a pipeline), but not to prevent incidents caused by slow leaks (as might be caused by corrosion pitting). Also, EFVs are not 100% effective in preventing incidents but may minimize their overall impact. For example, in two incidents reported to OPS, EFVs closed, but did not completely prevent fire or damage. In one incident, a service line to a trailer in a trailer court was damaged by construction in an adjacent lot. The EFV closed, but allowed a reduced amount of gas to escape and ignite. No fatalities or injuries were reported, but \$7,000 damage was experienced. In the other incident, an electric utility employee, while repairing an electric service line, burned through the 1/2 inch gas service line and caused a flash fire. The electric utility employee was injured by the fire, even though the EFV closed immediately and shut off the gas source.

Based on a review of the 298 incident reports received by this office since July, 1984, OPS estimates that a majority of the fatalities, injuries and incidents might have been avoided or mitigated if EFVs had been installed in service lines. These conclusions were reached from

an analysis of our reports considering only those incidents where EFVs would logically be installed and expected to operate satisfactorily. Consideration was limited to those incidents with service line pressure in excess of 5 psig where reports indicated threshold flow was exceeded. Five psig is the minimum operating pressure that manufacturers' literature indicate EFVs will close effectively, and laboratory test data in the Gas Research Institute (GRI) report (GRI-85/0150) confirm the manufacturers' literature. The GRI report is discussed later under the Prior Studies section of this ANPRM.

National Transportation Safety Board Recommendations

The National Transportation Safety Board (NTSB), since 1971, has issued six recommendations regarding the use of EFVs in service flow lines. The first of these, Recommendation P-71-01, was issued as a result of a special NTSB study and called for further study by OPS "to develop standards for the rapid shutdown of failed natural gas pipelines * * *." In its accident report (PAR-73-1) of a ruptured service line in Lake City, Minnesota, NTSB noted that an EFV might have stopped the flow of gas after the service line rupture and avoided the loss of life and property. In safety recommendation P-73-02, NTSB called for OPS to undertake a study of fail-safe devices to stop gas flow from ruptured lines and to consider amending 49 CFR part 192 to require the installation of such devices in gas distribution systems.

Following an accident involving explosions and loss of life and property in New York City on April 22, 1974, (PAR-76-2) NTSB called for OPS to "Determine the availability, the practicability, and the state-of-the-art in the manufacture of excess flow valves for use on low-pressure gas distribution systems, (and) based upon the results of these findings, amend 49 CFR part 192 to incorporate the use of these valves in commercial buildings." (Recommendation P-76-9A).

The NTSB, in its accident report concerning an explosion and fire in Standardsville, Virginia on October 24, 1979 (PAR-80-3), concluded that, if an excess flow valve had been installed in the service line, gas flow would have been shut off when the service line ruptured and that the accident would have been prevented. The subsequent NTSB recommendation called for RSPA to "Expedite rulemaking to require the installation of excess flow valves on all newly installed or renewed high-pressure gas distribution system flow lines" (Recommendation P-80-55).

In its accident report on two explosions and fires that occurred at Simon Kenton High School, Independence, Kentucky on October 9, 1980 (PAR-81-1), NTSB found that had an EFV been installed on the service line, the severity of the first explosion may have been lessened and the second explosion may have been avoided. Because of this accident and other service line accidents which may have been avoided by the use of automatic shut off devices, NTSB conducted a special study to better define the potential uses of these valves and called of RSPA to "Initiate rulemaking to require the installation of excess flow valves on all newly installed or renewed high-pressure gas distribution service lines with priority given to service lines supplying schools, churches, and the places of public assembly." (Recommendation P-81-9). Based on the study findings, the NTSB recommended that the GRI "Plan and conduct a test and evaluation of existing excess flow valves to determine and document, on a comparable basis, their operating and design characteristics, such as reliability, service pipe size and length, operating pressure range, maximum service load, and susceptibility to contamination." (Recommendation P-81-35). NTSB further recommended that GRI "Determine the conditions and locations * * * for which excess flow valves can be effective in preventing or minimizing the potential for various types of accidents resulting from leaks on high pressure service lines. Among the conditions which should be evaluated are gas demand variations, minimum operation pressure, service line size, length and configuration, major leaks on house piping, cleanliness of gas, and effect on peak shaving operations." (Recommendation P-81-36). NTSB also recommended that RSPA initiate rulemaking to require installation of EFVs on new and renewed single-family, residential high pressure services. (Recommendation P-81-38).

NTSB investigated 5 accidents in 1988 and 1989 involving gas distribution systems in Kansas and Missouri operated by Kansas Power and Light Company. (PAR-90-01) In a letter of April 20, 1990 to the RSPA, the NTSB stated "The accidents involving gas leaking from service lines at Kansas City, Missouri, and Oak Grove, Missouri, and possibly the accident at Overland Park, Kansas, could have been prevented or at a minimum, the consequences could have been substantially reduced had an excess flow valve been installed at the service

line connection to the gas main." Three fatalities and 10 injuries resulted from these accidents. NTSB recommended that RSPA "Require the installation of excess flow valves on new and renewed single-family, residential high pressure service lines which have operating conditions compatible with the rated performance parameters of at least on model of commercially available excess flow valve." (Recommendation P-90-12).

RSPA Actions

In the past, RSPA has questioned the potential benefits and effectiveness of the universal installation of EFVs. During the 1970s and early 1980s, several gas distribution companies installed EFVs only to remove them from service later. The most common reasons cited to justify removal were lack of dependability including false closure and problems with proper resetting. Other companies have continued to install EFVs and have concluded that they close reliably and automatically reset after the line has been repaired.

Despite the damage prevention programs undertaken by the Department, the incident frequency has persisted at a significant level, and the use of EFVs may be a reasonable initiative for reducing the incident rate further. Accordingly, RSPA has decided to conduct additional study. Personnel from the RSPA Office of Pipeline Safety met with representatives of the American Gas Association (AGA), GRI, Gas Safety Action Council (GASAC) and NTSB to obtain current information on EFVs. The AGA is a gas utility industry trade association. GASAC is an organization concerned with user and consumer safety in the natural gas distribution industry. GRI's mission and responsibilities are described in the next paragraph. Meetings were held on two occasions during June and July, 1990 and a questionnaire was developed by GASAC. The questionnaire was reviewed by those in attendance at the second meeting and forms the basis for the questionnaire that accompanies this ANPRM.

Prior Studies

After receiving requests from the NTSB and AGA, GRI conducted two studies from 1982-1985. GRI is a private, not-for-profit organization of natural gas pipeline and distribution companies that conducts gas-related research and development programs on behalf of its members. Most of the GRI funding is derived from gas transportation tariffs authorized and regulated by the Federal Energy Regulatory Commission (FERC)

and collected from interstate pipeline companies. GRI issued the following reports: "Assessment of Excess Flow Valves in Gas Distribution Service" (GRI-85/0150), and "Costs and Benefits of Excess Flow Valves in Gas Distribution Services" (GRI-86/0022).

The two GRI studies included (1) a questionnaire to gas distribution companies on their experience with EFVs, (2) laboratory performance tests of EFVs and (3) a cost/benefit analysis of EFVs. The questionnaire was mailed to 153 gas distribution companies. Its purposes was to obtain operating data, costs, and results of laboratory and field testing of EFVs by the operating companies. Ninety-three companies responded. The responding companies had 176,427 EFVs in service and 32.7 million service lines (79 percent) of the total 41.4 million residential, commercial and industrial service lines existing in the U.S. during 1982.

GRI analyzed the survey data and value costs and determined that 12.2 million services (operating at pressures at or above 10 psig) of the universe of 41.4 million services were potentially suitable for EFVs. The average cost of an EFV was reported as \$18.25. Installation costs were \$405 for paved areas and \$240 for unpaved areas (in 1982 dollars). This includes costs of excavating and exposing the service line for the sole purpose of installing an EFV. GRI's assessment report noted that approximately 331,000 (2.8%) of the 12.2 million total service lines operating above 10 psig were new or renewed during 1981, and that if EFVs were installed at this rate, a minimum of 37 years would be required to install EFVs on all such service lines. Both the value study and the cost/benefit study concluded that the cost of installation of EFVs in service lines could not be justified by potential benefits.

GRI conducted laboratory tests to determine the operating characteristics of those EFVs commercially available at that time. The devices were tested for performance, and the effects of pressure surges, volume surges, temperature, service line length and diameter and solid particle contamination. The GRI assessment report concluded that EFVs operate when distribution line pressure is 10 psig or greater, but did not specify the minimum operating pressure for those valves available at the time.

The findings of the GRI studies have not been universally accepted. NTSB disagreed with GRI regarding the use and installation of EFVs and objected to the cost/benefit conclusions and states that the conclusions are deficient and biased. (Letter of October 26, 1987 and

September 27, 1988 from NTSB to GRI are available in the docket).

In view of the persistently high service line incident rate, the NTSB recommendations, and the lack of unanimity from the GRI studies, OPS has concluded that additional information is needed to determine the appropriate course of action in an effort to reduce the frequency of service line incidents.

Request for Information

Based on the information received, OPS will consider at least the 3 following courses of action: (1) Amend 49 CFR part 192 to require the installation of EFVs in all new and existing service lines over an appropriate period of time; (2) Amend 49 CFR part 192 to require the installation of EFVs in all new and replaced service lines operation at 5 psig or above; or (3) Make no changes to the existing regulations. Under (2) above, the installation of the EFV would be required if the service line connection to the main distribution line is uncovered.

OPS seeks to obtain current information regarding EFVs through the following questionnaire. The comprehensive questionnaire developed by GASAC was valuable in preparing the final questionnaire included in this ANPRM. The number of questions in the final questionnaire has been reduced from the one developed by GASAC because we believe more gas distributors will respond and more accurate replies will be received from a brief questionnaire. Interested parties are invited to complete the accompanying questionnaire or address other facts and issues relating to service line safety.

GASAC has agreed to provide information gathered from newspaper reports of natural gas incidents that have occurred throughout the United States. This data will be included in the docket and will be considered in conjunction with the incident reports received in this office under 49 CFR part 191. Such data will supplement OPS data in the preparation of cost/benefit analysis calculations regarding the installation of EFVs in service lines.

Issued in Washington, DC, on December 14, 1990.

George W. Tenley, Jr.,
Associate Administrator for Pipeline Safety.

Collection & Evaluation of Current Operational Data and Use of Excess Flow Valves (EFV) by Natural Gas Distributors

- 1. Check one of the following:
 - (1a) — never used EFVs on service lines at any time

(1b) — have used EFVs in the past but no longer use them

(1c) — currently using and/or installing EFVs on service lines

If you checked 1a, please provide your company's rationale for not using EFVs on service lines and complete questions 2 and 3.

If you checked 1b, please provide your company's rationale for no longer using EFVs and answer all questions.

If you checked 1c, please answer all questions.

2. Please list the approximate total number of service lines in your system that operate within the following minimum service line pressure ranges on peak usage days.

Operating pressure range	Number of services
1 psig or less (28" wc or less)
1 psig to 5 psig
5 psig to 60 psig
60 psig and over
Total no. services in your system.....

3. Please list the approximate number of new and renewed gas service lines that were installed by your company in the years noted.

	New	Re-newed
1985.....
1986.....
1987.....
1988.....
1989.....

4. Under what situations do you or did you install EFVs?

- On new services _____
- On renewed services _____
- On both new and renewed services _____
- Other (Please elaborate) _____

5. Please provide for EFVs installed by your company between 1980-1984:

- a. The total number of EFVs installed. _____
- b. The approximate number of events (incidents), 1980 to the present, where these EFVs were installed and should have closed. _____
- c. The approximate number of these EFVs that closed as a result of these events, 1980 to the present. _____
- d. The approximate number of these EFVs that failed to close as a result of these events, 1980 to the present. _____
- e. The approximate number of these EFVs that closed improperly, 1980 to the present. _____
- f. For d. and e., indicate the reason(s) or cause(s), if known. _____

6. Please provide for EFVs installed by your company from 1985 to the present:

- a. The total number of EFVs installed. _____
- b. The approximate number of events (incidents), 1985 to the present, where these EFVs were installed and should have closed. _____
- c. The approximate number of these EFVs which closed as a result of these events, 1985 to the present. _____
- d. The approximate number of these EFVs that failed to close as a result of these events, 1985 to the present. _____

e. The approximate number of these EFVs that closed improperly, 1985 to the present. —
 f. For d. and e., indicate the reason(s) or cause(s), if known. _____

For questions 7 & 8, please provide a cost breakout for the total costs shown; for example, itemize costs for labor, parts, equipment use, removal and restoration of pavement, rock excavation, frost removal or other considerations. Do not include overhead charges.

7. What is the difference in cost of installing a service line with an EFV compared to installing a service line without an EFV? _____

8. What is your unit cost to remove and replace an existing EFV? _____

9. Please list the benefits associated with use of EFVs on service lines. _____

10. Please list the drawbacks associated with use of EFVs on service lines. _____

11. What is the minimum inlet service line pressure at which EFVs open and close properly? _____

12. Under what service line conditions should EFVs be installed? _____

13. Under what service line conditions should EFVs not be installed? _____

14. What is the upper capacity limit for EFVs currently available? _____

[FR Doc. 90-29740 Filed 12-19-90; 8:45 am]

BILLING CODE 4910-60-M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

RIN 1018-AB52

Endangered and Threatened Wildlife and Plants; Proposed Endangered Status for the Plant *Sisyrinchium dichotomum* (White Irisette)

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule.

SUMMARY: The Service proposes to list *Sisyrinchium dichotomum* (white irisette), a perennial herb limited to three populations in North Carolina, as an endangered species under the authority of the Endangered Species Act (Act) of 1973, as amended. *Sisyrinchium dichotomum* is endangered by suppression of natural disturbance, conversion of habitat for industrial/residential development, encroachment by exotic species, and highway construction and improvements. This proposal, if made final, would implement Federal protection provided by the Act for *Sisyrinchium dichotomum*. The Service seeks data and comments from the public on this proposal.

DATES: Comments from all interested parties must be received by February 19, 1991. Public hearing requests must be received by February 4, 1991.

ADDRESSES: Comments and materials concerning this proposal should be sent to the Field Supervisor, Asheville Field Office, U.S. Fish and Wildlife Service, 100 Otis Street, room 224, Asheville, North Carolina 28801. Comments and materials received will be available for public inspection by appointment during normal business hours at the above address.

FOR FURTHER INFORMATION CONTACT: Ms. Nora Murdock at the above address (telephone 704/259-0321; FTS 672-0321).

SUPPLEMENTARY INFORMATION:

Background

Sisyrinchium dichotomum, described by Eugene P. Bicknell (1899) from material collected in North Carolina, is a perennial herb. The dichotomously branching stems grow approximately 11 to 20 centimeters tall. The basal leaves, usually pale to bluish green, are from one-third to one-half the height of the plant. The tiny (7.5 millimeters long) white flowers appear from late May through July in clusters of four to six at the ends of winged stems. The fruit of this species is a round, pale to medium brown capsule containing three to six round or elliptical black seeds (Bicknell 1899, Hornberger 1987).

Sisyrinchium dichotomum is endemic to the upper piedmont of North Carolina, where it is currently known from three locations in Polk, Henderson, and Rutherford Counties. The species occurs on rich, basic soils probably weathered from amphibolite. It grows in clearings and the edges of upland woods where the canopy is thin and often where down-slope runoff has removed much of the deep litter layer ordinarily present on these sites.

White irisette is dependent upon some form of disturbance to maintain the open quality of its habitat. Currently, artificial disturbances, such as power line and road right-of-way maintenance (where they are accomplished without herbicides and at a season that does not interfere with the reproductive cycle of this species), are maintaining some of the openings that may have been provided historically by native grazing animals and naturally occurring periodic fires.

Sisyrinchium dichotomum has always been known as a narrow endemic, limited to an area in North Carolina bounded by White Oak Mountain, Sugarloaf Mountain, and Chimney Rock. Two of the remaining populations are within highway rights-of-way—one maintained by the North Carolina Department of Transportation, and one inside a commercial recreation area where roads are privately maintained.

The third population is within an area recently subdivided for residential development; most of the plants in this latter population are also along private road rights-of-way, with some also being underneath power lines. Colonies within these populations have been observed to be adversely impacted by road maintenance operations, erosion of steep roadbanks, natural succession due to suppression of disturbance, bulldozing as part of residential/industrial development, complete removal of the tree canopy (this species appears to prefer thin shade rather than complete sun), and trampling by tourists and sightseers. The continued existence of *Sisyrinchium dichotomum* is threatened by these activities, as well as by herbicide use, highway expansion and improvements, and by encroachment of exotic species. Kudzu (*Pueraria lobata*), Japanese honeysuckle (*Lonicera japonica*), and *Microstegium vimineum* are aggressive exotic weeds which threaten populations at all three sites.

Federal government actions on this species began with the publication of the February 21, 1990, revised Notice of Review for Native Plants in the Federal Register (55 FR 6184), in which this species appeared as a category 2 candidate for listing. Category 2 comprises taxa for which information now in possession of the Service indicates that proposing to list as endangered or threatened is possibly appropriate, but for which conclusive data on biological vulnerability and threats are not currently available to support proposed rules. Additional surveys recently have been conducted by Service and State personnel, and the Service now believes sufficient information exists to proceed with the proposal to list *Sisyrinchium dichotomum* as endangered.

Summary of Factors Affecting the Species

Section 4(a)(1) of the Endangered Species Act (16 U.S.C. 1531 *et seq.*) and regulations (50 CFR part 424) promulgated to implement the listing provisions of the Act set forth the procedures for adding species to the Federal lists. A species may be determined to be endangered or threatened due to one or more of the five factors described in section 4(a)(1). These factors and their application to *Sisyrinchium dichotomum* Bicknell are as follows:

A. *The present or threatened destruction, modification, or curtailment of its habitat or range.* *Sisyrinchium dichotomum* has been and continues to

be endangered by destruction or adverse alteration of its habitat. The species is a narrow endemic, known from only three populations, each of which has been partially impacted by residential development, road maintenance activities, and trampling by tourists and sightseers. Suppression of natural disturbance appears to be a problem for this species and will be discussed in detail under Factor E below. Most of the colonies in the three remaining populations are on roadsides. One site recently has been subdivided for residential development; another is a commercial recreation area visited by hundreds of thousands of tourists annually. The Chimney Rock population currently has less than 100 individuals remaining; approximately 200 plants remain at the Sugarloaf Mountain location. The White Oak Mountain population is the largest surviving population, with approximately 1,000 plants. These populations have apparently undergone considerable decline over the past 50 years, since Walker (North Carolina Natural Heritage Program 1990) described the species as "fairly common" here in 1942. Because of the proximity of this species' populations to existing roads, it is extremely vulnerable to accidental destruction from road maintenance and improvement activities.

B. Overutilization for commercial, recreational, scientific, or educational purposes. *Sisyrinchium dichotomum* is not currently a significant component of the commercial trade in native plants; however, with its attractive growth habit and unusual white flowers, the species has potential for horticultural use, and publicity could generate an increased demand. Because of the species' small and easily accessible populations, it is vulnerable to taking and vandalism that could result from increased specific publicity.

C. Disease or predation. Not applicable to this species at this time.

D. The inadequacy of existing regulatory mechanisms. *Sisyrinchium dichotomum* is afforded legal protection in North Carolina by North Carolina General Statutes, sections 106-202.122, 106-202.19 (Cum. Sup. 1985), which provide for protection from interstate trade (without a permit) and for monitoring and management of State-listed species; taking of plants without written permission of landowners is also prohibited. State prohibitions against taking are difficult to enforce and do not cover adverse alterations of habitat, such as exclusion of fire and other forms of natural disturbance. Although one site is registered with the North Carolina

Natural Heritage Program as a State Natural Area, this designation is voluntary and not legally binding. The Endangered Species Act would provide additional protection and encouragement of active management for *Sisyrinchium dichotomum*.

E. Other natural or manmade factors affecting its continued existence. As mentioned in Factor A, many of the remaining populations are small in numbers of individuals stems and in area covered by the plants. Of the three remaining populations, two have a combined total of less than 300 plants. Therefore, there may be low genetic variability within populations, making it more important to maintain as much habitat and as many of the remaining colonies as possible. Another threat to this species is the encroachment of aggressive exotics such as kudzu, Japanese honeysuckle, and *Microstegium vimineum*. All three populations are threatened by the invasion of these aggressive weeds.

Much remains unknown about the demographics and reproductive requirements of this species. Fire, or some other suitable form of disturbance, seems to be essential for maintaining the open habitat preferred by *Sisyrinchium dichotomum*. Without such periodic disturbance, the canopy over these habitats becomes too thick, shading out the *Sisyrinchium* and its shade-intolerant associates. Removal of the litter layer by fire, flooding, or other means also seems to be essential to germination and survival of seedlings of this species. The current distribution of this species is ample evidence of its dependence on disturbance, with all three remaining populations' being located in close proximity to roads, utility line rights-of-way, or trails.

The Service has carefully assessed the best scientific and commercial information available regarding the past, present, and future threats faced by this species in determining to propose this rule. Based on this evaluation, the preferred action is to list *Sisyrinchium dichotomum* as endangered. With only three small populations remaining, all located in areas where they are vulnerable to extirpation from road maintenance/improvement activities or residential development, and, based upon its dependence on some form of active management, the species warrants protection under the Act. Endangered species seems appropriate because of imminent serious threats facing all three populations. According to Hornberger (1987), *Sisyrinchium dichotomum* has the most restricted range of all species of the genus found

within the Southeastern United States, with only 11 collections having been made from 1902 through 1985. Critical habitat is not being designated for the reasons discussed below.

Critical Habitat

Section 4(a)(3) of the Act, as amended, requires that, to the maximum extent prudent and determinable, the Secretary propose critical habitat at the time the species is proposed to be endangered or threatened. The Service finds that designation of critical habitat is not prudent for *Sisyrinchium dichotomum* at this time. As discussed under Factor B in the "Summary of Factors Affecting the Species" section, *Sisyrinchium dichotomum* is vulnerable to taking, an activity difficult to enforce against and only regulated by the Act with respect to endangered plants in cases of (1) Removal and reduction to possession from lands under Federal jurisdiction, or their malicious damage or destruction on such lands; and (2) removal, cutting, digging up, damaging, or destroying these plants in knowing violation of any State law or regulation, including State criminal trespass law. Such provisions are difficult to enforce, and publication of critical habitat descriptions would make *Sisyrinchium dichotomum* more vulnerable, increasing enforcement problems for the State of North Carolina. All populations are located on private lands and therefore would be susceptible to collection and vandalism. The species could be adversely affected by increased visits to, and associated trampling of, occupied sites as a result of critical habitat designation. The Federal and State agencies and landowners involved in protecting and managing the habitat of this species have been informed of the plant's locations and the importance of its protection.

Available Conservation Measures

Conservation measures provided to species listed as endangered or threatened under the Endangered Species Act include recognition, recovery actions, requirements for Federal protection, and prohibitions against certain practices. Recognition through listing encourages and results in conservation actions by Federal, State, and private agencies, groups, and individuals. The Endangered Species Act provides for possible land acquisition and cooperation with the States and requires that recovery actions be carried out for all listed species. Such actions are initiated by the Service following listing. The protection required of Federal agencies on the

prohibitions against collection are discussed, in part, below.

Section 7(a) of the Act, as amended, requires Federal agencies to evaluate their actions with respect to any species that is proposed or listed as endangered or threatened and with respect to any critical habitat. Regulations implementing this interagency cooperation provision of the Act are codified at 50 CFR part 402. Section 7(a)(4) requires Federal agencies to confer informally with the Service on any action that is likely to jeopardize the continued existence of a proposed species or result in the destruction or adverse modification of proposed critical habitat. If a species is subsequently listed, section 7(a)(2) requires Federal agencies to ensure that activities they authorize, fund, or carry out are not likely to jeopardize the continued existence of such a species or to destroy or adversely modify its critical habitat. If a Federal action may affect a listed species or its critical habitat, the responsible Federal agency must enter into formal consultation with the Service.

Federal activities that could impact *Sisyrinchium dichotomum* and its habitat in the future include, but are not limited to, the following: Power line construction and certain types of maintenance/improvements, highway construction and certain types of maintenance/improvements, and permits for mineral exploration and mining. The Service will work with the involved agencies to secure protection and proper management of *Sisyrinchium dichotomum* while accommodating agency activities to the extent possible.

The Act and its implementing regulations found at 50 CFR 17.61, 17.62, and 17.63 set forth a series of general prohibitions and exceptions that apply to all endangered plants. With respect to *Sisyrinchium dichotomum*, all trade prohibitions of section 9(a)(2) of the Act, implemented by 50 CFR 17.61 would apply. These prohibitions, in part, would make it illegal for any person subject to the jurisdiction of the United States to import or export the species, transport it in interstate or foreign commerce in the course of a commercial activity, sell or offer it for sale in interstate or foreign commerce, or remove and reduce the species to possession from areas under Federal jurisdiction. In addition, for endangered plants, the 1988 amendments (Pub. L. 100-478) to the Act prohibit the malicious damage or destruction of such plants on Federal

lands and their removal, cutting, digging up, damaging, or destroying in knowing violation of any State law or regulation, including State criminal trespass law. Certain exceptions can apply to agents of the Service and State conservation agencies. The Act and 50 CFR 17.62 and 17.63 also provide for the issuance of permits to carry out otherwise prohibited activities involving endangered species under certain circumstances.

It is expected that few trade permits would ever be sought or issued, since *Sisyrinchium dichotomum* is not common in cultivation or in the wild. Requests for copies of the regulations on listed plants and inquiries regarding prohibitions and permits may be addressed to the Office of Management Authority, U.S. Fish and Wildlife Service, 4401 N. Fairfax Drive, Room 432, Arlington, Virginia 22203 (703/358-2104).

Public Comments Solicited

The Service intends that any final action resulting from this proposal will be as accurate and as effective as possible. Therefore, comments or suggestions from the public, other concerned governmental agencies, the scientific community, industry, or any other interested party concerning this proposed rule are hereby solicited. Comments particularly are sought concerning:

- (1) Biological, commercial trade, or other relevant data concerning any threat (or lack thereof) to this species;
- (2) The location of any additional populations of this species and the reasons why any habitat should or should not be determined to be critical habitat as provided by section 4 of the Act;
- (3) Additional information concerning the range, distribution, and population size of this species; and
- (4) Current or planned activities in the subject area and their possible impacts on this species.

Final promulgation of the regulation on this species will take into consideration the comments and any additional information received by the Service, and such communications may lead to a final regulation that differs from this proposal.

The Endangered Species Act provides for a public hearing on this proposal, if requested. Requests must be received within 45 days of the date of publication of the proposal. Such requests must be made in writing and addressed to the

Field Supervisor, Asheville Field Office (see "ADDRESSES" section).

National Environmental Policy Act

The Fish and Wildlife Service has determined that an Environmental Assessment, as defined under the authority of the National Environmental Policy Act of 1969, need not be prepared in connection with regulations adopted pursuant to section 4(a) of the Endangered Species Act of 1973, as amended. A notice outlining the Service's reasons for this determination was published in the **Federal Register** on October 25, 1983 (48 FR 49244).

References Cited

- Bicknell, E. 1899. Studies in *Sisyrinchium*—VI: additional new species from the Southern States. Bulletin of the Torrey Botanical Club, 26:605-616.
- Hornberger, K. 1987. Systematics of the genus *Sisyrinchium* (Iridaceae) in the Southeastern United States. Unpublished Ph.D. dissertation, University of Arkansas. 328 pp.
- North Carolina Natural Heritage Program. 1990. Element occurrence records for *Sisyrinchium dichotomum*. Raleigh, NC. 68 pp.

Author

The primary author of this proposed rule is Ms. Nora Murdock, Asheville Field Office, U.S. Fish and Wildlife Service, 100 Otis Street, room 224, Asheville, North Carolina 28801 (704/259-0321; FTS 672-0321).

List of Subjects in 50 CFR Part 17

Endangered and threatened species, Exports, Imports, Reporting and recordkeeping requirements, Transportation.

Proposed Regulation Promulgation

Accordingly, it is hereby proposed to amend part 17, subchapter B of chapter I, title 50 of the Code of Federal Regulations, as set forth below:

PART 17—[AMENDED]

1. The authority citation for part 17 continues to read as follows:

Authority: 16 U.S.C. 1361-1407; 16 U.S.C. 1531-1544; 16 U.S.C. 4201-4245; Pub. L. 99-625, 100 Stat. 3500; unless otherwise noted.

2. It is proposed to amend § 17.12(h) by adding the following, in alphabetical order under Iridaceae to the List of Endangered and Threatened Plants:

§ 17.12 Endangered and threatened plants.

(h) * * *

Species		Historic range	Status	When listed	Critical habitat	Special rules
Scientific name	Common name					
Iridaceae—Iris family:						
<i>Sisyrinchium dichotomum</i>	White irisette	U.S.A. (NC)	E		NA	NA

Dated: November 9, 1990.

Bruce Blanchard,
Acting Director, Fish and Wildlife Service.
[FR Doc. 90-29813 Filed 12-19-90; 8:45 am]
BILLING CODE 4310-55-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 216

[Docket No. 901196-0296]

RIN 0648 AD71

Disposition of Tissues From Stranded Marine Mammals

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

SUMMARY: NMFS proposes to clarify the procedures for salvage of materials from dead stranded marine mammals and the procedures for subsequent transfer of such materials for scientific and educational purposes. Comments are requested from the public.

DATES: Comments on the proposed rule must be postmarked on or before January 22, 1991.

ADDRESSES: Comments should be mailed to Dr. Nancy Foster, Director, Office of Protected Resources (F/PR), National Marine Fisheries Service, 1335 East-West Highway, Silver Spring, MD 20910.

FOR FURTHER INFORMATION CONTACT: Dean Wilkinson, Permits Division, Office of Protected Resources, Silver Spring, MD, 301-427-2322.

SUPPLEMENTARY INFORMATION:

Background

Under the provisions of the Marine Mammal Protection Act, 16 U.S.C. 1361 *et seq.* (the Act), the Department of Commerce has responsibility for administering the Act as it applies to marine mammals of the order Cetacea and the order Pinnipedia (except walrus). Authority for administering these species has been delegated to NMFS.

Excluding some limited exceptions, the Act places a moratorium on the taking of marine mammals, including

parts therefrom. As defined in the Act, the term "take" means to "harass, hunt, capture, or kill or attempt to harass, hunt, capture, or kill any marine mammal." The current regulations further define "take" to include "the collection of dead animals, or parts thereof." Section 102 of the Act provides that, with the exception of specific activities authorized elsewhere in the statute, it is illegal to possess any marine mammal or marine mammal product taken in violation of the Act or to transport any marine mammal or marine mammal product.

One of the exceptions to the moratorium on taking is provided in section 109(h) of the Act:

- (1) Nothing in this title shall prevent a Federal, State, or local government official or employee or a person designated under section 112(c) of this title from taking, in the course of his or her duties as an official, employee or designee, a marine mammal in a humane manner (including euthanasia) if such taking is for
- (A) the protection of the mammal,
 - (B) the protection of the public health and welfare, or
 - (C) the nonlethal removal of nuisance animals.

Section 112(c) of the Act authorizes the Secretary of Commerce to:

*** enter into such contracts, leases, cooperative agreements, or other transactions as may be necessary to carry out the purposes of this title and on such terms as he deems appropriate with any Federal or State agency, public or private institution, or other person.

In order to rescue live stranded marine mammals and to collect basic biological data to increase the knowledge of the population dynamics of marine mammal populations and their role in marine ecosystems, NMFS has set up marine mammal stranding networks in each of its regions. A large number of network participants are private institutions and individuals who have volunteered to respond to reports of strandings. Such participants receive letters of authorization under section 112(c) of the Act.

The letters of the authorization contain a requirement that the participant record basic biological data, such as the species of marine mammal, the length and sex of the animal, and the date and location of the stranding.

Scientific participants in the networks have also been given authority to collect tissues from dead animals for utilization in scientific research. They must report the retention of such parts in the portion of the stranding report dealing with the disposition of the carcass.

Salvage of tissues from dead stranded animals has increased the level of scientific knowledge of marine mammals. For species such as some of the beaked whales (*Mesoplodon* spp.) or pygmy sperm whales (*Kogia breviceps*), virtually all of the extant scientific information has been gained from stranded animals. Salvage of tissues can provide information on such things as causes of mortality, the genetic diversity of a population, prey utilization, and impacts of environmental contaminants and other human activities on marine mammal populations.

Strandings of marine mammals are inherently unpredictable, and the research resulting from access to tissues is often opportunistic. Applications for permits for scientific research on marine mammals must specify the species and the type of research contemplated. Without knowing what species will strand or what tissues might be available for analysis, NMFS cannot reasonably expect researchers to provide the details necessary for such a permit. It would be impossible to process permits within the timeframe necessary if permits were to be issued on a case-by-case basis when a specimen strands.

The proposed rule would clarify existing procedures for retention of dead stranded marine mammals or parts therefrom and set out procedures for transferring such tissues for scientific or educational purposes.

Summary of Proposed Regulation

The proposed addition would provide for the salvage of dead stranded marine mammals, for utilization in scientific research or for maintenance in a properly curated, professionally accredited scientific collection. The standards of the American Society of Mammalogists are an example of acceptable curation and accreditation standards. An authorized person would be required to register the salvage of the

specimen with the appropriate NMFS Regional Office within 30 days after the taking. It is not intended that every single tissue be identified if the salvage is of an entire animal. Under such circumstances, a registration listing "carcass" would be sufficient. Similarly, when appropriate, "skeleton" or "head" would satisfy the requirement for a description of parts. The Regional Director would assign a single number to all parts from a carcass. Such a number could be the field identification number or museum acquisition number that is currently reported on marine mammal stranding forms. All parts of an individual animal would have that number affixed permanently, and the number would remain with the part, including after any subsequent transfer, so that all parts could be traced back to the original animal. This is commonly accepted as a minimum curation standard.

The proposed regulations also would prescribe procedures for the subsequent transfer of any parts, prohibit the sale or trade for commercial purposes, and allow the transfer of specimen materials without prior authorization to individuals who are themselves authorized to salvage materials. In such an instance, the only requirement would be to notify NMFS of the transfer within 30 days. The proposed regulations would also allow the transfer of materials for scientific research, maintenance in properly curated, professionally accredited scientific collection, or for educational purposes to other persons with the prior authorization of the Regional Director of the appropriate NMFS Regional Office.

Classification

The Assistant Administrator for Fisheries, NOAA, has determined that this regulation, if adopted, will not significantly affect the quality of the human environment. Therefore, no environmental assessment or draft or final environmental impact statement was or will be prepared. The proposed rule would be a minor revision of reporting requirements and existing practice.

The Under Secretary for Oceans and Atmosphere, NOAA, determined that this rule is not a "major rule" requiring a regulatory impact analysis under E.O. 12291. The proposed rule, if adopted, is not likely to result in (1) an annual effect on the economy of \$100 million or more; (2) an increase in costs or prices for consumers, individual industries, government agencies, or geographical regions; or (3) a significant adverse effect on competition, employment, investment, productivity, innovation, or

on the ability of U.S.-based enterprises to compete with foreign-based enterprises in domestic or export markets.

This proposed rule contains a collection of information subject to the Paperwork Reduction Act. A request to collect this information has been submitted to the Office of Management and Budget (OMB) for approval. Public reporting burden for this collection of information is estimated to average 20 minutes per response, including time for reviewing instructions, searching existing data sources, gathering, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to Dean Wilkinson, National Marine Fisheries Service, Office of Protected Resources, 1335 East-West Highway, Silver Spring, MD 20910; and to the Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503 (attn: PRA Project 0648-0178).

This proposed rule does not contain policies with federalism implications sufficient to warrant preparation of a federalism assessment under E.O. 12612.

This proposed rule would have no effect on private property. Therefore, no Takings Implication Assessment was prepared under E.O. 12630.

List of Subjects in 50 CFR Part 216

Administrative practice and procedure, Marine mammals, Reporting and recordkeeping requirements.

Dated: December 13, 1990.

David S. Crestin,

Acting Assistant Administrator for Fisheries.

For the reasons set out in the preamble, 50 CFR part 216 is proposed to be amended as follows:

PART 216—[AMENDED]

1. The authority citation for part 216 continues to read as follows:

Authority: 16 U.S.C. 1361 *et seq.*, unless otherwise noted.

2. Section 216.3 is amended by adding new definitions for "hard part", "soft part", and "stranded or stranded marine mammal", in alphabetical order, to read as follows:

§ 216.3 Definitions

Hard part means any bone, tooth, baleen, treated pelt, or other part of a marine mammal that is relatively solid or durable.

Soft part means any tissue, organ, or other part of a marine mammal that is not relatively solid or durable.

Stranded or stranded marine mammal means a marine mammal specimen under the jurisdiction of the Secretary:

(1) If the specimen is dead, and is on a beach or shore or is in the water within the territorial waters of the United States; or

(2) If the specimen is alive, and is on a beach or shore and unable to return to the water or is in the water within the territorial waters of the United States where the water is so shallow that the specimen is unable to return to its natural habitat under its own power.

3. In § 216.22, a new paragraph (c) is added to read as follows:

§ 216.22 Taking by State or local government officials.

(c) Salvage of tissues from stranded marine mammals and transfer of tissues.

(1) *Salvage.* A State or local government employee; an employee of the National Marine Fisheries Service, the U.S. Fish and Wildlife Service, or any other Federal agency with jurisdiction and conservation responsibilities in marine shoreline areas; or a person authorized under 16 U.S.C. 1382(c) may take and salvage a marine mammal specimen if it is stranded and dead or it was stranded or rescued and died during treatment, transport, captivity or other rehabilitation subsequent to that stranding or distress if salvage is for the purpose of utilization in scientific research or for the purpose of maintenance in a properly curated, professionally accredited scientific collection.

(2) *Registration.* A person salvaging a dead marine mammal specimen under this section must register the salvage of the specimen with the appropriate Regional Office of the National Marine Fisheries Service within 30 days after the taking or death occurs. The registration must include:

(i) The name, address, and any official position of the individual engaged in the taking and salvage;

(ii) A description of the marine mammal specimen salvaged including the scientific and common names of the species;

(iii) A description of the parts salvaged;

(iv) The date and the location of the taking;

(v) Such other information as deemed necessary by the Assistant Administrator.

(3) *Identification and curation.* The Regional Director will assign a single unique number to each carcass, and the parts thereof, that are salvaged under the provisions of this section. After this number is assigned, the person who salvaged the specimen must permanently mark that number on each separate hard part of that specimen and must affix that number with tags or labels to each soft part of that specimen or the containers in which that soft part is kept. Each specimen salvaged under this section must be curated in accordance with professional standards.

(4) *No sale or commercial trade.* No person may sell or trade for commercial purposes any marine mammal specimen salvaged under this section.

(5) *Transfer without prior authorization.* A person who salvages a marine mammal specimen under this section may transfer that specimen to another person if:

(i) The person transferring the marine mammal specimen does not receive remuneration for the specimen;

(ii) The person receiving the marine mammal specimen is an employee of the National Marine Fisheries Service, the U.S. Fish and Wildlife Service, or any other Federal agency with jurisdiction and conservation responsibilities in marine shoreline areas or is a person authorized under 16 U.S.C. 1382(c);

(iii) The marine mammal specimen is transferred for the purpose of scientific research, for the purpose of maintenance in a properly curated, professionally accredited scientific collection, or for educational purposes;

(iv) The unique number assigned by the National Marine Fisheries Service is on, marked on or affixed to the marine mammal specimen or container; and

(v) The person transferring the marine mammal specimen notifies the appropriate Regional Office of the National Marine Fisheries Service of the transfer, including notification of the number of the specimen transferred and the person to whom the specimen was transferred, within 30 days after the transfer occurs.

(6) *Other transfers within the United States.* Except as provided under paragraph (c)(5) of this section, a person who salvages a marine mammal specimen, or who has received a marine mammal specimen under the provisions of this section, may not transfer that specimen to another person within the United States unless the Regional Director of the appropriate Regional Office of the National Marine Fisheries Service grants prior written

authorization for the transfer. The Regional Director may grant authorization for the transfer if there is evidence that the conditions listed under paragraphs (c)(5)(i), (iii), and (iv) of this section are met.

(7) *Transfers outside of the United States.* A person who salvages a marine mammal specimen, or a person who has received a marine mammal specimen under the provisions of this section, may not transfer that specimen to a person outside of the United States unless the Assistant Administrator grants prior written authorization for the transfer. The Assistant Administrator may grant authorization for the transfer if there is evidence that the conditions listed under paragraphs (c)(5) (i), (iii), and (iv) of this section are met.

[FR Doc. 90-29625 Filed 12-19-90; 8:45 am]

BILLING CODE 3510-22-M

50 CFR Part 640

[Docket No. 901224-0324]

RIN 0648-AD22

Spiny Lobster Fishery of the Gulf of Mexico and South Atlantic

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

ACTION: Proposed rule.

SUMMARY: NOAA issues this proposed rule to implement Amendment 3 to the Fishery Management Plan for the Spiny Lobster Fishery of the Gulf of Mexico and South Atlantic (FMP). This proposed rule would (1) impose a fee of \$26 per application to cover the administrative costs of issuing commercial, seasonal vessel permits, and (2) specify who must meet the earned income from fishing requirement for a commercial, seasonal vessel permit. The intended effects of this rule are to recover the cost to the Government for the services provided in reviewing applications and issuing commercial, seasonal vessel permits and to ensure that commercial permits are not obtained by persons for whom the spiny lobster bag limit is intended to apply.

DATES: Written comments must be received on or before February 4, 1991.

ADDRESSES: Copies of Amendment 3, which includes a Regulatory Impact Review (RIR) and an Environmental Assessment (EA), may be obtained from the Gulf of Mexico Fishery Management Council, 5401 West Kennedy Boulevard, Suite 881, Tampa, Florida 33609. Comments on the proposed rule should be sent to Michael E. Justen, NMFS, 9450

Koger Boulevard, St. Petersburg, Florida 33702.

FOR FURTHER INFORMATION CONTACT: Michael E. Justen, 813-893-3161.

SUPPLEMENTARY INFORMATION: The spiny lobster fishery of the Gulf of Mexico and South Atlantic is managed under the FMP, prepared and amended by the Gulf of Mexico and South Atlantic Fishery Management Councils (Councils), and its implementing regulations at 50 CFR part 640, under the authority of the Magnuson Fishery Conservation and Management Act (Magnuson Act).

Amendment 3 to the FMP proposes that NMFS charge a fee for reviewing and processing applications and issuing the Federal seasonal vessel permits that are required for the commercial spiny lobster fishery in the exclusive economic zone. In 1990, approximately 700 Federal permits were issued for that fishery. The Magnuson Act authorizes the Secretary of Commerce (Secretary) to establish the level of fees that are authorized by a fishery management plan. The level of fees may not exceed the administrative costs incurred in issuing the permits. In Amendment 3, the Councils reference an administrative cost of \$23. Based on a more current, detailed analysis of the direct and indirect costs of reviewing and processing applications and issuing permits, NOAA proposes to charge \$26 for each application.

In addition to the proposals presented in Amendment 3, NOAA proposes to change the qualifications to obtain an annual vessel permit to specify that the ten-percent earned income from fishing requirement must be met by a shareholder or officer of a corporate-owned vessel, a general partner of a partnership-owned vessel, or the vessel operator. This change is intended to ensure that a person otherwise not eligible for a permit is not able to obtain one by incorporating his vessel and, thus, exceed the bag limits.

Amendment 3 contains a definition of overfishing for spiny lobster, as required by 50 CFR 602.11(c), and specifies actions to be taking if overfishing occurs. Additional information on the proposed definition and actions is contained in Amendment 3, the availability of which was announced in the *Federal Register* on November 30, 1990 (55 FR 49659).

Classification

Section 304(a)(1)(D)(ii) of the Magnuson Act, as amended by Public Law 99-659, requires the Secretary of Commerce to publish regulations proposed by a regional fishery

management council within 15 days of receipt of an FMP amendment and regulations. At this time, the Secretary has not determined that Amendment 3, which this proposed rule would implement, is consistent with the national standards, other provisions of the Magnuson Act, and other applicable law. The Secretary, in making that determination, will take into account the data, views, and comments received during the comment period.

This proposed rule is exempt from the procedures of E.O. 12291 under section 8(a)(2) of that order. It is being reported to the Director, Office of Management and Budget, with an explanation of why it is not possible to follow the procedures of that order.

The Assistant Administrator for Fisheries, NOAA (Assistant Administrator), has initially determined that this proposed rule is not a "major rule" requiring the preparation of a regulatory impact analysis under E.O. 12291. This proposed rule, if adopted, is not likely to result in an annual effect on the economy of \$100 million or more; a major increase in costs or prices for consumers, individual industries, Federal, state, or local government agencies, or geographic regions; or a significant adverse effect on competition, employment, investment, productivity, innovation, or the ability of U.S.-based enterprises to compete with foreign-based enterprises in domestic or export markets.

The Council prepared a RIR that concludes that Amendment 3, if adopted, would have minimal economic effects. The annual total of fees is not expected to exceed \$21,000.

The Council concluded that this rule will not have a significant economic impact on a substantial number of small entities. Accordingly, 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; and a regulatory flexibility analysis was not prepared.

The Council prepared an EA that discusses the impact on the environment as a result of this rule. A copy of the EA may be obtained at the address listed above and comments on it are requested.

The Councils have determined that this rule will be implemented in a manner that is consistent to the maximum extent practicable with the approved coastal zone management programs of Alabama, Florida, Louisiana, Mississippi, North Carolina, and South Carolina. Georgia and Texas do not participate in the coastal zone management program. These determinations have been submitted for review by the responsible state agencies under section 307 of the Coastal Zone Management Act.

This proposed rule involves a collection-of-information requirement subject to the Paperwork Reduction Act. This collection has been approved by the Office of Management and Budget under Control Number 0648-0205.

This proposed rule does not contain policies with federalism implications sufficient to warrant preparation of a federalism assessment under E.O. 12612.

List of Subjects in 50 CFR Part 640

Fisheries, Fishing, Reporting and recordkeeping requirements.

Dated: December 14, 1990.

David S. Crestin,
Acting Assistant Administrator for Fisheries.

For the reasons set forth in the preamble, 50 CFR part 640 is proposed to be amended as follows:

PART 640—SPINY LOBSTER FISHERY OF THE GULF OF MEXICO AND SOUTH ATLANTIC

1. The authority citation for part 640 continues to read as follows:

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

2. In § 640.4, the heading is revised, paragraphs (c) through (i) are redesignated as paragraphs (d) through (j), and new paragraphs (a)(4) and (c) are added to read as follows:

§ 640.4 Permits and fees.

(a) * * *

(4) For a corporation or partnership to be eligible for a seasonal vessel permit specified in paragraph (a)(1) of this section, the earned income qualification specified in paragraph (b)(2)(viii) of this section must be met by, and the statement required by that paragraph must be submitted by, a shareholder or officer of the corporation, a general partner of the partnership, or the vessel operator.

* * * * *

(c) *Fees.* A fee of \$26 will be charged for each permit application submitted under paragraph (b) of this section, beginning with applications for the season that commences August 6, 1991. The appropriate fee must accompany each permit application.

* * * * *

§ 640.7 [Amended]

3. In § 640.7, in paragraph (t), the reference to "§ 640.4(f)" is revised to read "640.4(g)".

[FR Doc. 90-29744 Filed 12-17-90; 11:08 am]

BILLING CODE 3510-22-M

Notices

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.

ACTION

Student Community Service Projects; Availability of Funds

AGENCY: Action.

ACTION: Notice of Availability of funds; Student Community Service Projects.

Student Community Service Program, ACTION, announces the availability of funds for Fiscal Year 1991 for new VISTA/Student Community Service grants authorized by section 114 of the Domestic Volunteer Service Act of 1973, as amended (Pub. L. 93-113, title I, part B, 42 U.S.C. 4974).

Application kits and technical assistance on grant application preparation are available from the ACTION State Office. One completed application form and two copies, with original signatures on all the documents, must be received in the appropriate ACTION State Office no later than 5 p.m. local standard time on March 12, 1991. Any application received after that date will not be considered for Fiscal Year 1991 funding. However, applications post-marked 5 days before the deadline date will be accepted for consideration.

Background on Student Community Service Program: The following information sets out the final guidelines under which Student Community Service Projects operate. The Guidelines are divided into seven parts which deal with the overall program philosophy as well as responsibilities of the sponsor staff, volunteers, and volunteer placement sites. It also includes basic data on the administration of a Student Community Service Project.

DATES: These guidelines took effect January 11, 1988.

These guidelines are noted in the Catalog of Federal Domestic Assistance, Number 72.005

Notice of Upcoming Change

ACTION is currently in the process of proposing certain minor changes to the guidelines discussed below. These changes include:

(1) Section 4(a) Scope of Grant—references to the dollar amount of grants awarded will be deleted. In addition, the specific dollar amount of the match will be deleted.

(2) Section 4(b)—Reporting Requirement—the current guidelines state the frequency of project progress reports and their content. This material will be deleted.

(3) Section 5(a)—Local Support Contributions—specific reference to the dollar amount of the match will be deleted.

(4) Section 5(b)—Project Progress Reports must be submitted to ACTION state offices in conformance with guidelines that will be specified in the Notice of Grant Award.

(5) Certain other minor clerical changes are made.

These changes should be effective and thus apply to this Notice of Availability unless unforeseen circumstances result in the changes not becoming final. The impact of these changes upon this Notice of Availability would be as follows:

(1) Grant awards will be for \$20,000 in year one, \$15,000 in year two, and \$5,000 in year three.

(2) Reporting requirements are substantially reduced.

Should these changes not take effect in conformance with Section 420 of the Domestic Volunteer Service Act of 1973, as amended, or the Administrative Procedure Act, the guidelines, as discussed below, will remain in effect unchanged and govern this Notice of Availability Applications for this notice must be submitted for no more than \$15,000. For further information on this subject, please contact your local ACTION state office

I. Introduction

Student Community Service Project guidelines are contained in seven parts

- Part I—Introduction
- Part II—Purpose
- Part III—Grantee Eligibility and Selection Criteria
- Part IV—Grant Application Procedures
- Part V—Project Management
- Part VI—Student Volunteer Assignments
- Part VII—Restrictions

Federal Register

Vol. 55, No. 245

Thursday, December 20, 1990

These guidelines were published in their final form in the **Federal Register** of November 10, 1987, and became effective on January 11, 1988.

II. Purpose

Student Community Service Projects are authorized under Title I, part B, section 111 and section 114 of the Domestic Volunteer Service Act of 1973, as amended (Pub. L. 93-113, 42 U.S.C. 4971, 4974). The statutory purpose of these projects is to encourage students to undertake volunteer service in their communities in such a way as to enhance the educational value of the service experience, through participation in activities which address poverty-related problems. Student volunteers must be enrolled in secondary, secondary vocational or post-secondary schools on an in-school or out-of-school basis. They serve part-time and without a stipend.

Service opportunities must result in student volunteers gaining learning experiences through service in low-income communities, whether or not they receive academic credit.

The intent of Student Community Service Projects is to join community, school and youth in developing the scope and nature of volunteer experiences which serve the needs of poverty communities while securing resources by which the effort can be continued and expanded, if needed, after Federal support ends.

Local communities should determine what their problems are and how best to solve them. ACTION resources may be made available to assist in helping communities solve some of their problems through fostering student volunteer service. The community must generate increasing resources to enable the project to continue once ACTION grant funds are no longer provided. Technical assistance and training in project management, fundraising, and recruiting will be provided by ACTION as required.

III. Grantee Eligibility and Selection Criteria

The following criteria will be considered by ACTION in the selection and approval of Student Community Service Projects

A The applicant must be a Federal, State, or local agency or private non-profit organization or foundation in the

United States, the District of Columbia, Virgin Islands, Puerto Rico, American Samoa, or Guam, which has the authority to accept and the capability to administer a student community service project grant.

B. Student volunteer activities must be poverty-related in scope and otherwise comply with the provisions of the legislative authority outlined in part II.

C. Grant funds must be used to initiate or expand a student volunteer community service project which addresses the needs of the low-income community.

D. The grantee must develop and maintain community support for the Student Community Service Project through a planned program including public awareness and communications.

E. Proposed community representation in the project's planning and operation, including representatives of youth groups, school systems, educational institutions, etc., must be identified in the grant application.

F. The grant application must demonstrate that project goals and objectives are quantifiable, measurable, and show benefits to the student volunteers and to the low-income community. It must describe the expected learning outcomes which will result from the service experience. The projected number of student volunteers who will serve in the project and hours of service are to be included in project goals and objectives.

G. The grant application must demonstrate how student volunteers will be recruited and how they will receive orientation appropriate to their assignments.

H. The grantee must identify resources which will permit continuation of the student community service project, if needed, upon the conclusion of Federal funding as outlined in part II.

I. The grantee must comply with all programmatic and fiscal aspects of the project and may not delegate or contract this responsibility to another entity. This includes compliance with applicable financial and fiscal requirements established by ACTION or other elements of the Federal government. This does not refer to agreements made with volunteer placement sites as discussed in part VI.

J. The grantee must ensure compliance with the restrictions outlined in part VII.

The Director of VISTA/Student Community Service Programs may use additional factors in choosing among applicants who meet the minimum criteria specified above, such as:

1. Geographic distribution;

2. Availability of volunteer activities to students from all segments of society;
3. Applicants' accessibility to alternate resources, both technical and financial;
4. Allocation of Student Community Service resources in relation to other ACTION funds.

IV. Grant Application Procedures

A. Scope of Grant

Student Community Service Project grants are awarded for up to a twelve-month period. Requests for second- or third-year reduced funding can be sought by grantees. Maximum federal awards over a period of three years are up to \$15,000 for the first year, up to \$10,000 for the second, and up to \$5,000 for the third. The grantee is required to contribute a local share of at least \$3,000 each year. Final determination of the actual amount of grant awards rests with the ACTION Regional Director.

ACTION seeks sponsoring organizations which can demonstrate the ability to raise sufficient local support in order to achieve 100% non-ACTION funding of their Student Community Service Projects after Federal funding ends.

Applicants for new or renewal grants must comply with the provisions of Executive Order 12372, the "Intergovernmental Review of Federal Programs" as set forth in 45 CFR part 1233. Contact the ACTION State Office for specific instructions on how to fulfill this requirement.

Publication of this announcement does not obligate ACTION to award any specific number of grants or obligate the entire amount of funds available, or any part thereof, for grants under the VISTA/Student Community Service Projects.

B. Procedures for New Grantees

Project application forms are available from ACTION State offices, which will also establish schedules for application submission. Grant allowable costs are contained in ACTION Handbook 2650.2, "Grants Management Handbook for Grantees", which is available from ACTION State or Regional offices.

Applications are to be submitted to the appropriate ACTION State Office for review and subsequently forwarded to the ACTION Regional office for comment prior to their submission to the Director of VISTA/Student Community Service Programs, who will make the final selection of new Student Community Service project grantees.

The Regional Directors will notify all applicants of the final decisions, and the

Regional Grants and Contracts Officers will issue Notices of Grant Awards to the grantees upon notification from the Director of VISTA/Student Community Service Programs.

C. Procedures for Renewal Grantees

Applications for renewal projects will be evaluated using the factors identified in selecting initial grantees, as well as the grantee's compliance with these guidelines and the grantee's performance during the previous year(s), particularly in the achievement of measurable goals and objectives. All project renewals are subject to the availability of funds.

Applications for renewal for second and third years are reviewed at the ACTION State Office level and submitted to the ACTION Regional Director for final approval.

If the second- or third-year renewal application is denied, the sponsor will be notified that the ACTION Regional Director intends to deny the application for renewal; and the sponsor will be given an opportunity to show cause why the application should not be denied in accordance with 45 CFR part 1206. This regulation is available from ACTION State or Regional Offices.

V. Project Management

Sponsors shall manage grants awarded to them in accordance with the provisions of these guidelines and ACTION Handbook 2650.2, "Grants Management Handbook for Grantees", which will be furnished to the sponsor at the time the initial grant is awarded.

Project support provided under an ACTION grant will be furnished at the lowest possible cost consistent with the effective operation of the project. Project costs for which ACTION funds are budgeted must be justified as being essential to project operation.

A. Local Support Contributions

The Student Community Service project sponsor shall be responsible for providing at least \$3,000 in non-federal share contribution for each year of the grant's operation. This amount can be obtained through cash and/or allowable in-kind contributions.

Local share can include, but is not limited to, cash or in-kind contributions such as office space, office equipment, supplies, accounting services, insurance, vehicles, telephones, printing, postage, recognition, travel and personnel which directly benefit the project.

B. Reporting Requirements

Sponsors must comply with fiscal reporting requirements as outlined in

ACTION Handbook 2650.2 and must maintain records in accordance with generally accepted accounting principles. Records shall be kept available for inspection at the request of ACTION and shall be preserved for at least three years following the date of submission of the final Financial Status Report for each budget period.

If any litigation, claim, or audit is started before the expiration of the three-year period, the records shall be retained until all litigation, claims, or audit findings involving the records have been resolved.

A project progress report shall also be submitted to the ACTION State Office no later than 30 days after the end of each project quarter. The report shall include, but is not limited to, the following items:

1. A comparison of actual accomplishments with the goals and objectives established for the period.
2. The number of volunteers participating in the project during the reporting period.
3. The number of volunteers hours generated during the reporting period.
4. Problems, delays, or adverse conditions that have affected or will affect the attainment of project objectives.

C. Insurance

Grantees are responsible and must show evidence that student volunteers, while performing their assignments, have adequate accident, personal liability, and automobile liability insurance coverage consistent with other insurance maintained by the organization, and with sound institutional and business practices.

D. Transportation

The sponsor should structure student volunteer assignments to minimize transportation expenses and requirements.

When transportation is not provided, volunteers may be reimbursed for actual costs within the limitations prescribed by the local project and the availability of funds.

E. Project Staff

Each grantee will designate a person to serve as the project director. A full-time director is desirable. A rationale for less than a full-time project director must be included with the project application. The project director should be hired within 30 days of the project start date. Supervision of the project director is the responsibility of the sponsor.

Student Community Service Project staff are employees of the grantee

organization and are subject to its personnel policies and practices.

F. Community Relations

1. Community Support

A viable community support system needs to be initiated to ensure project success and project continuation without Federal funds. Project support may be sought from school districts, governmental entities, religious and service groups, foundations, the business community, youth organizations, etc. One method of enlisting and maintaining community support for the project's operation is through the establishment of a project advisory council and/or working committee of the sponsor's board. Initial outreach to representations of these groups, as evidenced by accompanying letters of support, is seen as an effective step toward the development of the application.

2. Volunteer Recognition

With the participation of the sponsor, the staff, and volunteer placement sites, recognition should be given to student volunteers for service to the community. Projects can also provide recognition to local individuals and agencies or organizations for significant activities in support of project goals. Specific recognition activities should be reflected in the application narrative and budget.

3. Public Awareness

A strong community relations program ensures public awareness of start-up and continuing project activities. It is essential for the successful recruiting of volunteers and for the recognition of volunteer service. The project sponsor and project director should inform community, city and county officials, and the media about development, growth and success of the Student Community Service project.

VI. Student Volunteer Assignments

Student volunteers are assigned to serve low-income communities in a variety of ways. Local sponsors are expected to develop volunteer service opportunities taking into consideration the focus of the project, the age, skills, and interests of student volunteers, as well as the value of the learning experience itself.

Clear understanding concerning the responsibilities of volunteer placement sites must be reached between representatives of the grantee's project staff and the volunteer site supervisor. Agreements may be formally arranged through the utilization of a Memorandum of Understanding, a Letter of Agreement, or other means.

A formal agreement between the project staff and volunteer site will greatly assist the staff and volunteers in the management of volunteers. Issues and responsibilities concerning volunteer recruitment, orientation/training, volunteer transportation, recognition and reporting of service hours, are functions outlined in this agreement.

VII. Restrictions

A. Special Restrictions on Student Community Service Project Grantees

1. Political Activities

a. Grant funds shall not be used to finance, directly or indirectly, any activity to influence the outcome of any election to public office or any voter registration activity.

b. No project shall use grant funds to provide services, employ or assign personnel or volunteers for, or take any action which would result in the identification or apparent identification of the project with:

(1) Any partisan or non-partisan political activity or any other political activity associated with a candidate, or contending faction or group, in an election for public or party office;

(2) Any activity to provide voters or prospective voters with transportation to the polls or similar assistance in connection with any election; or

(3) Any voter registration activity.

2. Lobbying

a. No grant funds or volunteers may be used by the sponsor in any activity for the purpose of influencing the passage or defeat of legislation or proposals by initiative petition, except as follows:

(1) In any case in which a legislative body, a committee of a legislative body, or a member of a legislative body requests a student volunteer, a sponsor chief executive, his or her designee, or project staff to draft, review, or testify regarding measures or to make representations to such legislative body, committee, or member; or

(2) In connection with an authorization or appropriation measure directly affecting operation of the program.

Regulations found in 45 CFR part 1226, "Prohibitions On Electoral and Lobbying Activities," apply fully hereto, and provide further details on the limitations of political and lobbying activities that apply to volunteers and sponsors. Each grantee is obliged to know, and to communicate to staff and volunteers, the prohibitions included therein.

3. Special Restriction on State or Local Government Employees

If the sponsor receiving a grant for ACTION is a State or local government agency, certain restrictions contained in chapter 15 of title 5 of the United States Code are applicable to persons who are principally employed in activities associated with the project. The restrictions are not applicable to employees of educational or research institutions. An employee subject to these restrictions may not:

a. Use his or her official authority or influence for the purpose of interfering with or affecting the result of an election or nomination for office.

b. Directly or indirectly coerce, attempt to coerce, command, or advise a State or local officer or employee to pay, lend, or contribute anything of value to a party, committee, organization, agency or person for political purposes; or

c. Be a candidate for elective office, except in a non-partisan election. "Non-partisan election" means an election at which none of the candidates is to be nominated or elected as representing a political party any of whose candidates for Presidential election received votes in the past preceding election at which Presidential electors were selected.

If a project staff member, whose salary is traceable in whole or in part to an ACTION grant, is also a State or local government employee, the staff member is covered by provisions of the Hatch Act, restricting in many instances public participation in partisan political activities. Questions about the coverage of the Hatch Act may be addressed to ACTION, Office of General Counsel, 1100 Vermont Avenue, NW., room 9200, Washington, DC 20525.

4. Non-Discrimination

No person with responsibility for the operation of a project shall discriminate with respect to any activity or program because of race, creed, belief, color, national origin, sex, age, handicap, or political affiliation.

5. Religious Activities

Volunteers and project staff funded by ACTION shall not give religious instruction, conduct worship services, or engage in any form of proselytization as part of their duties.

6. Labor and Anti-Labor Activity

No grant funds shall be directly or indirectly utilized to finance labor or anti-labor organization or related activity.

7. Non-Displacement of Employed Workers

A student volunteer may not perform any service or duty which would supplant the hiring of workers who would otherwise be employed to perform similar services or duties; or result in the displacement of employed workers or impair existing contracts for service.

8. Non-Compensation for Services

No volunteer or other person, organization, or agency shall request or receive any compensation for services of student volunteers. No volunteer site or any member or cooperating organization shall be requested or required to contribute, or to solicit contributions, to establish any part of a local share. This does not prevent the acceptance of cash contributions made voluntarily and without condition to the grantee for legitimate charitable purposes.

9. Volunteer Status

Student volunteers are not employees of the sponsoring organization or the U.S. Government while volunteers.

10. Nepotism

Persons selected for project staff positions may not be related by blood or marriage to other project staff, sponsor staff or officers, or members of the sponsor Board of Directors unless there is concurrence by ACTION.

(42 U.S.C. 4974)

Following is an address list of ACTION Regional Offices, along with the addresses of ACTION State Offices under their jurisdiction:

Region I

ACTION Regional Office, 10 Causeway Street, room 473, Boston, MA 02222-1039, 617/565-7001.

ACTION State Office, Abraham Ribicoff Fed. Bldg., 450 Main St., rm 524, Hartford, CT 06103-3002, 203/240-327

ACTION State Office, U.S. Court House, rm 305, 76 Pearl Street, Portland, ME 04101-4188, 207/780-3414.

ACTION State Office, 10 Causeway Street, room 473, Boston MA 02222-1039, 617/565-7018.

(New Hampshire/Vermont)

ACTION State Office, Federal Post Office & Courthouse, 55 Pleasant Street, rm 223, Concord, NH 03301-3939, 603/225-1450.

ACTION State Office, John O. Pastore Federal Building, Two Exchange Terrace, room 232, Providence, RI 02903-1758, 401/528-5424.

Region II

ACTION Regional Office, 6 World Trade Center, room 758, New York, NY 10048-0206, 212/466-3481.

ACTION State Office, 402 East State St., room 426, Trenton, NJ 08608-1507, 609/989-2243.

(Metropolitan New York)

ACTION State Office, 6 World Trade Center, room 758, New York, NY 10048-0206, 212/466-4471.

(Upstate New York)

ACTION State Office, U.S. Courthouse & Federal Bldg., 445 Broadway, room 103, Albany, NY 12207-2923, 518/472-3664.

(Puerto Rico/Virgin Islands)

ACTION State Office, Frederico DeGetau Federal Ofc. Bldg., Carlos Chardon Avenue, suite G49, Hato Rey, PR 00917-2241, 809/766-5314.

Region III

ACTION Regional Office, U.S. Customs House, 2nd & Chestnut St., rm 108, Philadelphia, PA 19106-2912, 215/597-9972.

ACTION State Office, Federal Building, room 372-D, 600 Federal Place, Louisville, KY 40202-2230, 502/582-6384.

(Delaware/Maryland)

ACTION State Office, Federal Building, 31 Hopkins Plaza, room 1125, Baltimore, MD 21201-2814, 301/962-4443.

ACTION State Office, Leveque Tower, room 304A, 50 W. Broad Street, Columbus, OH 43215, 614/469-7441.

ACTION State Office, U.S. House Customs House, room 108, 2nd & Chestnut Streets, Philadelphia, PA 19106-2998, 215/597-3543.

(Virginia/Dist. of Columbia)

ACTION State Office, 400 North 8th St., rm 1119, P.O. Box 10066, Richmond, VA 23240-1832, 804/771-2197

ACTION State Office, 603 Morris Street, 2nd floor, Charleston, WV 25301-1409, 304/347-5246.

Region IV

ACTION Regional Office, 101 Marietta St., NW., suite 1003, Atlanta, GA 30323-2301, 404/331-2859

ACTION State Office, Beacon Ridge Tower, room 770, 600 Beacon Parkway West, Birmingham, AL 35209-3120, 205/731-1908.

ACTION State Office, 3165 McCrory Street, suite 115, Orlando, FL 32803-3750, 407/648-6117.

ACTION State Office, 75 Piedmont Ave., NE., suite 412, Atlanta, GA 30303-2587, 404/331-4646.

ACTION State Office, Federal Building, rm 1005-A, 100 West Capital Street, Jackson, MS 39269-1092, 601/965-5664.

ACTION State Office, Federal Bldg., P.O. Century Station, 300 Fayetteville Street Mall, rm 131, Raleigh, NC 27601-1739, 919/856-4731.

ACTION State Office, Federal Building, room 872, 1835 Assembly Street, Columbia, SC 29201-2430, 803/765-765-5771.

ACTION State Office, 265 Cumberland Bend Drive, Nashville, TN 27228, 615/736-5561.

Region V

ACTION Regional Office, 175 West Jackson Blvd., suite 1207, Chicago, IL 60604-3964, 312/353-5107.

ACTION State Office, 175 West Jackson Blvd., suite 1207, Chicago, IL 60604-3964, 312/353-3622.

ACTION State Office, 46 East Ohio Street, room 457, Indianapolis, IN 46204-1922, 317/226-6724.

ACTION State Office, Federal Building, room 722, 210 Walnut, Des Moines, IA 50309-2195, 515/284-4816.

ACTION State Office, Federal Bldg., room 658, 231 West Lafayette Blvd., Detroit, MI 48226-2799, 313/226-7848.

ACTION State Office, 431 South 7th Street, room 2480, Minneapolis, MN 55415, 612/334-4083.

ACTION State Office, 517 East Wisconsin Ave., room 601, Milwaukee, WI 53202-4507, 414/291-1118.

Region VI

ACTION Regional Office, 1100 Commerce, room 6B11, Dallas, TX 75242-0696, 214/767-9494.

ACTION State Office, Federal Building, room 2506, 700 West Capitol Street, Little Rock, AR 72201-3291, 501/378-5234.

ACTION State Office, Federal Building, room 248, 444 SE. Quincy, Topeka, KS 66603-3501, 913/295-2540.

ACTION State Office, 626 Main Street, suite 102, Baton Rouge, LA 70801-1910, 504/389-0471.

ACTION State Office, Federal Office Building, 911 Walnut, room 1701, Kansas City, MO 64106-2009, 816/426-5256.

ACTION State Office, First Interstate Plaza, 125 Lincoln Avenue, suite 214-B, Santa Fe, NM 87501, 505/988-6577.

ACTION State Office, 200 NW. 5th, suite 912, Oklahoma City, OK 73102-6093, 405/231-5201.

ACTION State Office, 611 East Sixth Street, suite 404 Austin, TX 78701-3747, 512/482-5671.

Region VIII (No Region VII)

ACTION Regional Office, Executive Tower Building, 1405 Curtis Street, suite 2930, Denver, CO 80202-2349, 303/844-2671.

ACTION State Office, Columbine Bldg., room 301, 1845 Sherman Street, Denver, CO 80203-1167, 303/866-1070.

ACTION State Office, Federal Building, room 8009, 2120 Capitol Avenue, Cheyenne, WY 82001-3649, 307/772-2385.

ACTION State Office, Federal Office Bldg., Drawer 10051, 301 South Park, rm 192, Helena, MT 59626-0101, 406/449-5404.

ACTION State Office, Federal Bldg., room 293, 100 Centennial Mall North, Lincoln, NE 68508-3896, 402/437-5493.

(North & South Dakota)

ACTION State Office, Federal Bldg., room 213, 225 S. Pierre Street, Pierre, SD 57501-2452, 605/224-5996.

ACTION State Office, U.S. Post Office & Courthouse, 350 South Main St., room 484, Salt Lake City, UT 84101-2198, 801/524-5411.

Region IX

ACTION Regional Office, 211 Main Street, rm 530, San Francisco, CA 94105-1914, 415/744-3013.

ACTION State Office, 522 North Central, room 205-A, Phoenix, AZ 85004-2190, 602/379-4825.

ACTION State Office, 211 Main Street, room 534, San Francisco, CA 94105-1914, 415/744-3015.

ACTION State Office, Federal Bldg., room 14218, 11000 Wilshire Blvd., Los Angeles, CA 90024-3671, 213/575-7421.

(Hawaii/Guan/American Samoa)

ACTION State Office, Federal Building, room 6326, 300 Ala Moana Boulevard, P.O. Box 50024, Honolulu, HI 96850-0001, 808/541-2832.

ACTION State Office, 4600 Kietzke Lane, suite E-141, Reno, NV 89502-5033, 702/784-5314.

Region X

ACTION Regional Office, Federal Office Building, 909 First Avenue, Ste. 3039, Seattle, WA 98174-1103, 206/442-4520.

ACTION State Office, 304 North 8th Street, room 344, Boise, ID 83702, 208/334-1707.

(Alaska)

ACTION State Office, Suite 3039, Federal Office Bldg., 909 First Avenue, Seattle, WA 98174-1103, 206/442-1558.

ACTION State Office, Federal Bldg., room 647, 511 NW. Broadway, Portland, OR 97209-3416, 503/326-2261.

(Washington)

ACTION State Office, Suite 3039, Federal Office Bldg., 909 First Avenue, Seattle, WA 98174-1103, 206/442-4975.

(42 U.S.C. 4974)

Dated in Washington, DC on December 14, 1990.

Jane A. Kenny,

Director, ACTION.

[FR Doc. 90-29742 Filed 12-19-90; 8:45 am]

BILLING CODE 6050-28-M

DEPARTMENT OF AGRICULTURE

Forms Under Review by Office of Management and Budget

December 14, 1990.

The Department of Agriculture has submitted to OMB for review the following proposals for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35) since the last list was published. This list is grouped into new proposals, revisions, extensions, or reinstatements. Each entry contains the following:

(1) Agency proposing the information collection; (2) Title of the information collection; (3) Form number(s), if applicable; (4) How often the information is requested; (5) Who will be required or asked to report; (6) An estimate of the number of responses; (7) An estimate of the total number of hours needed to provide the information; (8) Name and telephone number of the agency contact person.

Questions about the items in the listing should be directed to the agency person named at the end of each entry. Copies of the proposed forms and supporting documents may be obtained from:

Department Clearance Officer, USDA, OIRM, room 404-W Admin. Bldg., Washington, DC. 20250, (202) 447-2118.

Extension

• *Agricultural Stabilization and Conservation Service*

7 CFR part 1474 Farm Storage and Drying Equipment Loan Program—Loan Application and Approval

CCC-185
On occasion
Farms; Businesses; Small businesses or organizations; 250 responses; 250 hours

David Wolf (202) 447-4704

• *Agricultural Stabilization and Conservation Service*

7 CFR part 1430, Dairy Products—Dairy Termination Program

ASCS-309

Annually

Farms; 15,800 responses; 2,633 hours

Clarence Domire (202) 447-7673

Reinstatement

• *Agricultural Stabilization and Conservation Service*

7 CFR part 760, Indemnity Payment Programs—Dairy Indemnity Payment Program

ASCS-373

Monthly

Farms; Businesses or other for-profit; 480 responses; 240 hours

Clarence Domire (202) 447-7673
Donald E. Hulcher,
Acting Departmental Clearance Officer.
[FR Doc. 90-29738 Filed 12-19-90; 8:45 am]
BILLING CODE 3410-01-M

Animal and Plant Health Inspection Service

[Docket 90-220]

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

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice.

SUMMARY: The purpose of this notice is to advise the public of the issuance, suspension, revocation, or termination of veterinary biological product and establishment licenses by the Animal and Plant Health Inspection Service during the months of August and September 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 Plant 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 used, and the form of the license.

Pursuant to these regulations, the Animal and Plant Health Inspection Service (APHIS) issued the following U.S. Veterinary Biological Product Licenses during the months of August and September 1990.

Product License Code	Date Issued	Product	Establishment	Establishment License No.
1015.20	08-30-90	Autogenous Vaccine, Killed Virus.....	United Vaccines.....	245
1189.22	09-06-90	Bovine Rhino-tracheitis-Virus Diarrhea-Parainfluenza ₃ -Respiratory Syncytial Virus Vaccine, Modified Live and Killed Virus.	SmithKline Beckman Corporation.....	189
1652.00	08-02-90	Marek's Disease Vaccine, Live Chicken and Turkey Herpesvirus.....	Tri Bio Laboratories, Inc.....	275
1652.02	08-20-90	Marek's Disease Vaccine, Live Chicken and Turkey Herpesvirus.....	Tri Bio Laboratories, Inc.....	275
1431.56	08-22-90	Newcastle Disease Vaccine, Killed Virus.....	Sterwin Laboratories, Inc.....	226
18M1.20	08-20-90	Parvovirus Vaccine, Modified Live Virus.....	AM BioTechniques, Inc.....	292
2051.00	08-15-90	Autogenous Bacterin.....	Intervet America, Inc.....	286
2774.00	08-21-90	Mycoplasma, Gallisepticum, Bacterin.....	Intervet America, Inc.....	286
2775.00	08-02-90	Mycoplasma, Hypopneumoniae, Bacterin.....	Solvay Animal Health, Inc.....	195
3663.00	08-22-90	Campylobacter Fetus-Leptospira Canicola-Grippotyphosa-Hardjo-Icterohaemorrhagiae-Pomona Bacterin.....	Coopers Animal Health, Inc.....	107
4469.23	08-06-90	Bovine Rhinotracheitis-Virus Diarrhea-Parainfluenza ₃ -Respiratory Syncytial Virus Vaccine-Leptospira Canicola-Grippotyphosa-Hardjo-Icterohaemorrhagiae Pomona Bacterin, Modified Live and Killed Virus.	SmithKline Beckman Corporation.....	189
7840.00	08-30-90	Clostridium Perfringens, Type D Bacterin-Toxoid.....	Grand Laboratories, Inc.....	303
8863.00	08-22-90	Campylobacter Fetus-Leptospira Canicola-Grippotyphosa-Hardjo-Icterohaemorrhagiae-Pomona Bacterin, For Further Manufacture.	Grant Laboratories, Inc.....	303
1300.00	08-25-90	Mycobacterium Cell Wall Fraction, For Further Manufacture.....	Vetrepharm Research, Inc.....	289
1555.21	08-18-90	Feline Leukemia Vaccine, Killed Virus.....	American Home Products Corporation.....	112
1651.01	08-10-90	Marek's Disease Vaccine, Live Chicken and Turkey Herpesvirus.....	Immunogenetics, Inc.....	196
1651.01	08-11-90	Marek's Disease Vaccine, Live Chicken and Turkey Herpesvirus.....	Intervet America, Inc.....	286
4475.20	09-25-90	Bovine Rhinotracheitis-Virus Diarrhea-Parainfluenza ₃ -Respiratory Syncytial Virus Vaccine—Leptospira Canicola-Grippotyphosa-Hardjo-Icterohaemorrhagiae-Pomona-Pasteurella Haemolytica Bacterin, Killed Virus.	American Home Products Corporation.....	112
5066.00	09-12-90	Mycobacterium Paratuberculosis DNA Test Kit.....	IDEXX Corporation.....	313
7870.00	09-05-90	Clostridium Perfringens Type C&D Bacterin-Toxoid.....	Grand Laboratories, Inc.....	303
9300.01	09-25-90	Mycobacterium Cell Wall Fraction Immunostimulant.....	Vetrepharm Research, Inc.....	289

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 procedure 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 months of August and September 1990.

The regulations in 9 CFR parts 102 and 105 also contain provisions concerning the suspension, revocation, and termination of U.S. Veterinary Biological

Product Licenses and U.S. Veterinary

Biologics Establishment Licenses. The

following product license was terminated in September 1990:

Product License Code	Date Terminated	Product	Establishment	Establishment License No.
2648.45	08-07-90	Escherichia Coli Bacterin.....	Beecham, Inc	225

Done in Washington, DC, this day of December 14, 1990.

James W. Glosser,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 90-29735 Filed 12-19-90; 8:45 am]

BILLING CODE 3410-34-M

Forest Service

Kamas Valley Cattle Allotment Analysis; Kamas Ranger District of the Wasatch-Cache National Forest, Summit County, UT

AGENCY: Forest Service, USDA.

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

SUMMARY: The Department of Agriculture, Forest Service will prepare an Environmental Impact Statement for implementing Land and Resource Management Plan objectives (for the Wasatch-Cache National Forest) on the Kamas Valley Cattle Allotment.

DATES: Written comments and suggestions concerning the analysis should be received by March 1, 1991.

ADDRESSES: Send written comments to Melissa Blackwell, District Ranger, Kamas Ranger District, Wasatch-Cache National Forest, P.O. Box 68, Kamas, UT 84036.

FOR FURTHER INFORMATION CONTACT: Clare Chalkley, Range conservationist, (801) 783-4338.

SUPPLEMENTARY INFORMATION: Current management of permitted livestock on the Kamas Valley Allotment is under analysis. It is the purpose of this analysis to determine whether management of the allotment is in concert with the stated goals and objectives of the Land and Resource Management Plan for the Wasatch-Cache National Forest.

The decision to be made will examine suitability of the land for livestock grazing, conflicts between livestock grazing and increasing recreation demands, the safety aspect of allowing livestock grazing along the Mirror Lake Highway in the fall and domestic grazing impacts to other resource values such as watershed, riparian waterways,

fisheries, water quality, and big game and non-game wildlife species.

Preliminary scoping for this analysis began in March of 1989 when a scoping letter was sent out to the public outlining the initial issues and soliciting public comment. The scoping process has also included public meetings and personal telephone conversations. Federal, State, and local government agencies and other individuals or organizations have participated in the scoping process. Comments already received will be included in the preparation of the Environmental Impact Statement; duplicate copies need not be sent.

Issues have been identified and include the deteriorated condition of the watershed, water and riparian resources, conflicts between recreation and livestock grazing, the competition by game and non-game species for available forage and the limited amount of critical winter/spring range for big game, the declining or poor condition of some rangelands within the allotment, the direct social and economic impacts to the permitholders and indirectly on the local community, and highway safety, specifically, livestock grazing along the highway after Labor Day.

A range of alternatives has been developed by the interdisciplinary team including no action (or no change from current management) and no livestock grazing. Other various alternatives have been developed that address the issues identified by the interdisciplinary team.

The lead agency is the Forest Service; and the Division of Wildlife Resources, State of Utah has participated as a cooperating agency in proposing various management strategies of the allotment. The Division of Wildlife Resources owns land adjoining the National Forest which the Forest Service permitholders graze in conjunction with this allotment.

Susan Giannettino, Forest Supervisor, Wasatch-Cache National Forest, is the responsible official.

The draft environmental impact statement should be available for public review by March 1, 1991. The comment period on the draft environmental impact statement will be 45 days from the date the Environmental Protection Agency publishes the notice of

availability in the **Federal Register**. It is very important that those interested in this proposed action participate at this time.

The Forest Service believes it is important to give reviewers notice at this early stage of several court rulings related to public participation in the environmental review process. Reviewers of draft environmental impact statements must structure their participation in the environmental review of the proposal so that it is meaningful and alerts an agency to the reviewer's position and contentions. *Vermont Yankee Nuclear Power Corp. v. NRDC*, 435 U.S. 519, 553 (1978). Also, environmental objections that could be raised at the draft environmental impact statement stage but that are not raised until after completion of the final environmental impact statement may be waived or dismissed by the courts. *City of Angoon v. Hodel*, 803 F.2d 1016, (9th Cir. 1986) and *Wisconsin Heritages, Inc. v. Harris*, 490 F. Supp. 1334, 1338 (E.D. Wis. 1980). Because of these court rulings, it is very important that those interested in this proposed action participate by the close of the 45-day comment period so 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 final environmental impact statement.

To assist the Forest Service in identifying and considering issues and concerns on the proposed action, comments on the draft environmental impact statement should be as specific as possible. It is also helpful if comments refer to specific pages or chapters of the draft statement. Comments may also address the adequacy of the draft environmental impact statement or the merits of the alternatives formulated and discussed in the statement. (Reviewers may wish to refer to the Council on Environmental Quality Regulations for implementing the procedural provisions of the National Environmental Policy Act at 40 CFR 1503.3 in addressing these points.).

The final environmental impact statement is scheduled to be completed by April 30, 1991.

Dated: December 11, 1991.

Frank L. McElwain,

Acting Forest Supervisor.

[FR Doc. 90-29729 Filed 12-19-90; 8:45 am]

BILLING CODE 3410-11-M

Soil Conservation Service

Town Creek Watershed, AL; Finding of No Significant Impact

AGENCY: Soil Conservation Service, USDA.

ACTION: Notice of a finding of no significant impact.

SUMMARY: Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR part 1500); and the Soil Conservation Service Guidelines (7 CFR part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Town Creek Watershed, Marshall and DeKalb Counties, Alabama.

FOR FURTHER INFORMATION CONTACT: Ernest V. Todd, State Conservationist, Soil Conservation Service, 665 Opelika Road, Auburn, Alabama 36830. Telephone (205) 821-8070.

SUPPLEMENTARY INFORMATION: The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Ernest V. Todd, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The project concerns a plan for watershed protection to improve water quality by reducing excess nutrients and sediment in streams and in Lake Guntersville.

The planned works of improvement include the installation of 205 animal waste management systems and accelerated conservation land treatment of 4,850 acres of cropland.

The Notice of a Finding of No Significant Impact (FONSI) has been forwarded to the Environmental Protection Agency and to various Federal, State, and local agencies and interested parties. A limited number of copies of the FONSI are available to fill single copy requests at the above address. Basic data developed during the environmental assessment are on file and may be reviewed by contacting Ernest V. Todd.

No administrative action on implementation of the proposal will be

taken until 30 days after the date of this publication in the **Federal Register**.

(This activity is listed in the Catalog of Federal Domestic Assistance under No. 190.904 Watershed Protection and Flood Prevention—and is subject to the provisions of Executive Order 12372 which requires intergovernmental consultation with State and local officials.)

Dated: December 3, 1990.

Ernest V. Todd,

State Conservationist.

[FR Doc. 90-29797 Filed 12-19-90; 8:45 am]

BILLING CODE 3410-16-M

DEPARTMENT OF COMMERCE

Bureau of the Census

[Docket No. 901110-0310]

Number of Employees, Payrolls, Geographic Location, Current Status, and Kind of Business for the Establishments of Multiestablishment Companies

AGENCY: Bureau of the Census, Commerce.

ACTION: Notice of determination for surveys.

SUMMARY: In conformity with title 13, United States Code, sections 182, 224, and 225, I have determined that a 1990 Company Organization Survey is needed to update the multiestablishment companies in the Standard Statistical Establishment List. The survey, which has been conducted for many years, is designed to collect information on the number of employees, payrolls, geographic location, current status, and kind of business for the establishments of multiestablishment companies. These data will have significant application to the needs of the public and to governmental agencies and are not publicly available from nongovernmental or governmental sources.

ADDRESSES: Director, Bureau of the Census, Washington, DC 20233.

FOR FURTHER INFORMATION CONTACT: W. Joel Richardson on (301) 763-7735.

SUPPLEMENTARY INFORMATION: The proposed survey has been approved by the Office of Management and Budget under Control No. 0607-0444 in accordance with the Paperwork Reduction Act, Public Law 96-511, as amended. Report forms will be furnished to firms included in the survey and additional copies of the form are available on request to the Director, Bureau of the Census, Washington, DC 20233.

I have, therefore, directed that a survey be conducted for the purpose of collecting these data.

Dated: December 14, 1990.

Barbara Everitt Bryant,

Director, Bureau of the Census.

[FR Doc. 90-29787 Filed 12-19-90; 8:45 am]

BILLING CODE 3510-07-M

Bureau of Export Administration

Biotechnology Technical Advisory Committee; Partially Closed Meeting

A meeting of the Biotechnology Technical Advisory Committee will be held January 11, 1991, 10 a.m., in the Herbert C. Hoover Building, room 1629, 14th & Pennsylvania Avenue, NW., Washington, DC. The Committee advises the Office of Technology and Policy Analysis with respect to technical questions that affect the level of export controls applicable to biotechnology and related equipment or technology.

Agenda

General Session

1. Opening Remarks by the Chairman and the Department of Commerce Representative.
2. Introduction of Members and Visitors.
3. Presentation of Papers or Comments by the Public.
4. Discussion of Prospective Controls on Process Equipment for Biological Warfare.

Executive Session

5. Discussion of matters properly classified under Executive Order 12356, dealing with the U.S. and COCOM control program 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 that 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, to facilitate distribution of public presentation materials to the Committee members, the Committee suggests that presenters forward the public presentation materials two weeks prior to the meeting date to the following address: Lee Ann Carpenter, Technical Support Staff, BXA room 1600, U.S. Department of Commerce, Washington, DC 20230.

The Assistant Secretary for Administration, with the concurrence of the General Counsel, formally determined on December 14, 1990, pursuant to section 10(d) of the Federal

Advisory Committee Act, as amended, that the series of meetings of the Committee and of any Subcommittees thereof, dealing with the classified materials listed in 5 U.S.C., 552b(c)(1) shall be exempt from the provisions relating to public meetings found in section 10(a)(1) and (a)(3), of the Federal Advisory Committee Act. The remaining series of meetings or portions thereof will be open to the public.

A copy of the Notice of Determination to close meetings or portions of meetings of the Committee is available for public inspection and copying in the Central Reference and Records Inspection Facility, room 6628, U.S. Department of Commerce, Washington, DC 20230. For further information or copies of the minutes, contact Lee Ann Carpenter on (202) 377-2583.

Dated: December 16, 1990.

Betty Anne Ferrell,
Director, Technical Advisory Committee Unit.
[FR Doc. 90-29812 Filed 12-19-90; 8:45 am]
BILLING CODE 3510-DT-M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Announcement of Import Limits for Certain Cotton, Wool and Man-Made Fiber Textile Products Produced or Manufactured in Peru; Correction

December 17, 1990.

On page 50862 of the notice published on December 11, 1990, add the following 1991 restraint limits and footnote which were omitted:

Category	Twelve-month limit
Limits not in a group:	
300/607-K ²	1,814,369 kilograms.
301.....	1,133,981 kilograms.
410.....	1,337,804 square meters.

² Category 300; Category 607-K: all HTS numbers except 5509.52.0000, 5509.61.0000, 5509.91.0000 and 5510.20.0000.

Auggie D. Tantillo,
Chairman, Committee for the Implementation of Textile Agreements.
[FR Doc. 90-29808 Filed 12-19-90; 8:45 am]
BILLING CODE 3510-DR-M

Adjustment of Import Limits for Certain Man-Made Fiber Textile Products Produced or Manufactured in the Philippines

December 17, 1990.

AGENCY: Committee for the

Implementation of Textile Agreements (CITA).

ACTION: Issuing a directive to the Commissioner of Customs adjusting limits.

EFFECTIVE DATE: December 19, 1990.

FOR FURTHER INFORMATION CONTACT: Kim-Bang Nguyen, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 377-4212. For information on the quota status of these limits, refer to the Quota Status Reports posted on the bulletin boards of each Customs port or call (202) 535-6735. For information on embargoes and quota re-openings, call (202) 377-3715.

SUPPLEMENTARY INFORMATION:

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

The current limits for Categories 635 and 643 are being increased for carryover and swing.

A description of the textile and apparel categories in terms of HTS numbers is available in the Correlation: Textile and Apparel Categories with the Harmonized Tariff Schedule of the United States (see *Federal Register* notice 54 FR 50797, published on December 11, 1989). Also see 54 FR 47546, published on November 15, 1989.

The letter to the Commissioner of Customs and the actions taken pursuant to it are not designed to implement all of the provisions of the bilateral agreement, but are designed to assist only in the implementation of certain of its provisions.

Auggie D. Tantillo,
Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

December 17, 1990.

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

Dear Commissioner: This directive amends, but does not cancel, the directive issued to you on November 9, 1989 by the Chairman, Committee for the Implementation of Textile Agreements. That directive concerns imports of certain cotton, wool and man-made fiber textiles and textile products and silk blend and other vegetable fiber apparel, produced or manufactured in the Philippines and exported during the period which began on January 1, 1990 and extends through December 31, 1990.

Effective on December 19, 1990, the directive of November 9, 1989 is being

amended further to adjust the limits for the following categories, under the terms of the current bilateral textile agreement between the Governments of the United States and the Philippines:

Category	Adjusted 12-month limit ¹
Sublevels in Group I:	
635.....	318,953 dozen.
643.....	476,130 numbers.

¹ The limits have not been adjusted to account for any imports exported after December 31, 1989.

The Committee for the Implementation of Textile Agreements has determined that these actions fall within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,
Auggie D. Tantillo,
Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 90-28809 Filed 12-19-90; 8:45 am]

BILLING CODE 3510-DR-M

Announcement of Import Limits for Certain Man-Made Fiber Textile Products Produced or Manufactured in the Socialist Federal Republic of Yugoslavia

December 14, 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 21, 1990.

FOR FURTHER INFORMATION CONTACT: Naomi Freeman, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 377-4212. For information on the quota status of these limits, refer to the Quota Status Reports posted on the bulletin boards of each Customs port or call (202) 566-5810. For information on embargoes and quota re-openings, call (202) 377-3715.

SUPPLEMENTARY INFORMATION:

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

A Memorandum of Understanding (MOU) dated January 18, 1990 between the Governments of the United States and the Socialist Federal Republic of Yugoslavia establishes, among other things, specific limits for Categories 611 and 618 for the period January 1, 1990 through December 31, 1990.

In the letter published below, the

Chairman of CITA directs the Commissioner of Customs to control imports in Category 611 at a level of 10,578,878 square meters for the January 1, 1990 through December 31, 1990 period. The 1990 level for Category 618 will be zero.

A description of the textile and apparel categories in terms of HTS numbers is available in the Correlation: Textile and Apparel Categories with the Harmonized Tariff Schedule of the United States (see *Federal Register* notice 54 FR 50797, published on December 11, 1989). Also see 55 FR 5051, published on February 13, 1989.

The letter to the Commissioner of Customs and the actions taken pursuant to it are not designed to implement all of the provisions of the MOU, but are designed to assist only in the implementation of certain of its provisions.

Auggie D. Tantillo,

Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

December 14, 1990.

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

Dear Commissioner: This directive amends, but does not cancel, the directive issued to you on February 6, 1990 by the Chairman, Committee for the Implementation of Textile Agreements. That directive establishes restraint limits for certain cotton, wool and man-made fiber textile products, produced or manufactured in Yugoslavia and exported during the twelve-month period which began on January 1, 1990 and extends through December 31, 1990.

Effective on December 21, 1990, you are directed to amend the February 6, 1990 directive to include levels for the following categories

Category	Twelve-month limits ¹
611.....	10,578,878 square meters.
618.....	0.

¹ The limits have not been adjusted to account for any imports exported after December 31, 1989.

Textile products in Categories 611 and 618 which have been exported to the United States prior to January 1, 1990 shall not be subject to this directive.

The Committee for the Implementation of Textile Agreements has determined that these actions fall within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,

Auggie D. Tantillo,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 90-29810 Filed 12-19-90; 8:45 am]

BILLING CODE 3510-DR-M

Rescission of a Request To Consult on Cotton Carded Yarn Produced or Manufactured in Thailand

December 14, 1990.

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

ACTION: Announcing the rescission of a request to consult.

FOR FURTHER INFORMATION CONTACT: Ross Arnold, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce (202) 377-4212.

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 United States Government has decided to cancel the request made on December 29, 1989 to consult on imports of cotton carded yarn in Category 300-W. Should it become necessary to discuss this category with the Government of Thailand at a later date, 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 54 FR 50797, published on December 11, 1989). Also see 55 FR 2544, published on January 25, 1990.

Auggie D. Tantillo,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 90-29811 Filed 12-19-90; 8:45 am]

BILLING CODE 3510-DR-M

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Federal Acquisition Regulation (FAR); Information Collection Under OMB Review

AGENCY: Department of Defense (DOD), General Services Administration (GSA), and National Aeronautics and Space

Administration (NASA).

ACTION: Notice.

SUMMARY: Under the provisions of the Paperwork Reduction Act of 1980 (44 U.S.C. Chapter 35), the Federal Acquisition Regulation (FAR) Secretariat has submitted to the Office of Management and Budget (OMB) a request to review and approve an extension of a currently approved information collection concerning OMB Report Control Number 9000-0026, Change Order Accounting.

ADDRESSES: Send comments to Ms. Myra Bernstein, FAR Desk Officer, OMB, Room 3235, NEOB, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Ms. Linda Klein, Office of Federal Acquisition Policy, (202) 501-3775.

SUPPLEMENTARY INFORMATION:

a. *Purpose:* FAR clause 52.243-6, Change Order Accounting, requires that, whenever the estimated cost of a change or series of related changes exceed \$100,000, the contracting officer may require the contractor to maintain separate accounts for each change or series of related changes. The account shall record all incurred segregable, direct costs (less allocable credits) of work, both changed and unchanged, allocable to the change. These accounts are to be maintained until the parties agree to an equitable adjustment for the changes or until the matter is conclusively disposed of under the Disputes clause. This requirement is necessary in order to be able to account properly for costs associated with changes in supply and research and development contracts that are technically complex and incur numerous changes.

b. *Annual reporting burden:* The annual reporting burden is estimated as follows: Respondents, 8,750; responses per respondent, 18; total reporting hours, 13,230. The annual recordkeeping burden is estimated as follows: recordkeepers 8,750; hours per recordkeeper 1.5; total recordkeeping hours, 13,125. Total burden hours 26,355.

OBTAINING COPIES OF PROPOSALS:

Requester may obtain copies from General Services Administration, FAR Secretariat (VRS), Room 4041, Washington, DC 20405, telephone (202) 501-4755. Please cite OMB Control No. 9000-0026, Change Order Accounting.

Dated: December 13, 1990.

Laurie A. Frazier,

FAR Secretariat.

[FR Doc. 90-29762 Filed 12-19-90; 8:45 am]

BILLING CODE 6820-34-M

Office of the Secretary**Civilian Health and Medical Program of the Uniformed Services (CHAMPUS); Fiscal Year 1991 Updates**

AGENCY: Office of the Secretary, DoD.

ACTION: Notice of updated mental health per diem rates.

SUMMARY: This notice revises the updated FY 1991 mental health per diem rates of the CHAMPUS Mental Health Per Diem Payment System that were established in a previous notice which was published on October 18, 1990.

EFFECTIVE DATE: The rates contained in this notice are effective for services occurring on or after October 1, 1990.

ADDRESSES: Office of the Civilian Health and Medical Program of the Uniformed Services (OCHAMPUS), Office of Program Development, Aurora, CO 80045-6900. For copies of the Federal Register containing this notice, contact the Superintendent of Documents, U.S., Government Printing Office, Washington, DC 20402, (202) 783-3238.

The charge for the Federal Register is \$1.50 for each issue payable by check or money order to the Superintendent of Documents.

FOR FURTHER INFORMATION CONTACT: Stan Regensberg, Office of Program Development, OCHAMPUS, telephone (303) 361-3572.

To obtain copies of this document, see the "ADDRESSES" section above.

Questions regarding payment of specific claims under the CHAMPUS Mental Health Per Diem Payment System should be addressed to the appropriate CHAMPUS contractor.

SUPPLEMENTARY INFORMATION: The final rule published in the Federal Register on pages 34285 through 34294 on September 6, 1988, set forth reimbursement changes that were effective for all inpatient hospital admissions in psychiatric hospitals and exempt psychiatric units occurring on or after January 1, 1989. Included in this final rule were provisions for updating reimbursement rates for each federal fiscal year. As stated in the final rule, each per diem shall be updated by the Medicare update factor for hospitals and units exempt from the Medicare Prospective Payment System. In the Federal Register of September 4, 1990, on page 36078, Medicare recommended to Congress an update factor of 5.3 percent for federal fiscal year 1991 for hospitals and units excluded from the prospective payment system. In a notice published in the Federal Register on October 18, 1990, on pages 42241 and 42242, CHAMPUS stated that the Medicare recommended

update factor of 5.3 percent would be adopted unless a different percent was finally adopted in the Federal budget for fiscal year 1991. The approved FY 1991 budget has caused the Medicare update factor to be reduced to 4.2545 percent. Therefore, as previously stated in the notice of October 18, 1990, the update factor of 4.2545 percent is the one which will be used by CHAMPUS. This means, that for all days of care rendered under the mental health per diem payment system on or after October 1, 1990, reimbursement is to be made on per diems updated from FY 1990 by the update factor of 4.2545 percent. Hospitals and units with hospital-specific rates (hospitals and units with high CHAMPUS volume) will have their FY 1990 CHAMPUS per diem rates updated by 4.2545 percent for FY 1991.

The following reflect an update of 4.2545 percent. Regional Specific Rates for Psychiatric Hospitals and Units with Low Champus Volume.

United States census region	Rate
Northwest:	
New England	\$434
Mid-Atlantic	415
Midwest:	
East North Central	360
West North Central	340
South:	
South Atlantic	429
East South Central	465
West South Central	390
West:	
Mountain	389
Pacific	460

¹ The wage portion of the rate, subject to the area wage adjustment, is 71.40 percent.

Beneficiary Cost-Share: Beneficiary cost-share (other than dependents of active duty members) for care paid on the basis of a regional per diem rate is the lower of \$114 per day or 25 percent of the hospital billed charges effective for services rendered on or after October 1, 1990.

Cap Amount: Cap amount for hospitals and units with high CHAMPUS volume is \$641 per day.

The CHAMPUS contractors were previously instructed to update FY 1990 per diem rates using the 5.3 percent factor for services rendered on or after October 1, 1990. They have now been advised of the revised update factor and the revised per diem rates. They have been instructed to begin processing claims at the revised rates immediately, and to identify all claims that were paid based on the update factor of 5.3 percent for reprocessing and/or recoupment.

Dated: December 14, 1990.

L.M. Bynum,
Alternate OSD Federal Register Liaison
Officer, Department of Defense.

TABLE 1.—National Urban and Rural Adjusted Standardized Amounts, Labor/Nonlabor, and Cost-Share Per Diem

Effective for admissions occurring on or after January 1, 1991.	
The following summary provides the adjusted standardized amounts and the cost-share per diem for beneficiaries other than dependents of active-duty members.	
National Large Urban Adjusted	
Standardized Amount	\$3,008.20
Labor portion	2,130.41
Nonlabor portion	877.79
National Other Urban Adjusted	
Standardized Amount	\$2,939.95
Labor portion	2,082.07
Nonlabor portion	857.88
National Rural Adjusted Standardized	
Amount	\$2,938.60
Labor portion	2,222.46
Nonlabor portion	716.14
Cost-Share per diem for beneficiaries other than dependents of active-duty members	\$262.00

[FR Doc. 90-29822 Filed 12-19-90; 8:45 am]

BILLING CODE 3810-01-M

DEPARTMENT OF ENERGY**Office of Energy Research****Special Research Grant Program Notice 91-5; Energy Biosciences**

AGENCY: Department of Energy (DOE).

ACTION: Notice inviting grant preapplications.

SUMMARY: The Office of Basic Energy Sciences of the Office of Energy Research (ER), U.S. Department of Energy (DOE) announces its interest in receiving preapplications from potential applicants for research funding in the Energy Biosciences program area. The intent in asking for a preapplication is to save the time and effort of applicants in preparing and submitting a formal project application that may be inappropriate for the program. The preliminary screening of research ideas is aimed also at relieving some of the burden of the scientific community in reviewing an excessive number of research applications. The preapplication should consist of a two to three page concept paper about the research being contemplated under a formal application to the Energy Biosciences program. The concept paper should focus on the objectives of the planned research, its scientific goals and their significance, an outline of the

approaches planned, and any other information that relates to the planned research. No budget information or biographical data need be included; nor is an institutional endorsement necessary. The preapplication is an informal inquiry about the technical suitability of submitting a formal application for support of a research idea. A response indicating appropriateness of submitting a formal application will be sent from the Division of Energy Biosciences office in a timely manner to allow for an adequate preparation period for a formal proposal. The deadline for receipt of formal applications is June 12, 1991.

DATES: For timely consideration, all preapplications should be received by February 15, 1991. However, earlier submissions will be gladly accepted.

ADDRESSES: Preapplications referencing Program Notice 91-5 should be forwarded to: U.S. Department of Energy, Office of Basic Energy Sciences, ER-17, Division of Energy Biosciences, Washington, DC 20585, ATTN: Program Notice 91-5.

PREAPPLICATIONS AND FURTHER

INFORMATION: Before preparing a formal application, potential applicants should submit a brief preapplication in accordance with 10 CFR 600.10(d)(2) which consists of two to three pages of narrative describing research objectives. These will be reviewed relative to the scope and the research needs of the Energy Biosciences program. For timely consideration, all preapplications should be received by February 15, 1991. A response to timely preapplications will be communicated by April 1, 1991. For further information contact: Ms. Pat Snyder, Division of Energy Biosciences, Office of Basic Energy Sciences, ER-17, Washington, DC 20585 (301) 353-2873.

SUPPLEMENTARY INFORMATION: Funds are expected to be available for new grant awards in FY 1992. The magnitude of these funds will depend on the budget process. The principal purpose in using preapplications at this time is to reduce the expenditures of time and effort of all parties. Information about development and submission of applications, eligibility, limitations, evaluations and selection processes, and other policies and procedures may be found in 10 CFR part 605. Application kits for formal submissions and copies of 10 CFR part 605 are available from the same office listed under "Address" section of this Notice. Telephone requests may be made by calling (301) 353-2873. Instructions for preparation of an application are included in the application kit. The Catalog of Federal

Domestic Assistance number for this program is 81.049.

Issued in Washington, DC on December 7, 1990.

D.D. Mayhew,

Deputy Director for Management, Office of Energy Research.

[FR Doc. 90-29801 Filed 12-19-90; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Docket No. CP90-2294-000]

Transwestern Pipeline Co., Intent To Prepare Environmental Assessment for the San Juan Lateral and Mainline Expansion Project and Request for Comments on Environmental Issues

December 14, 1990.

Summary

Notice is hereby given that the staff of the Federal Energy Regulatory Commission (FERC or Commission) will prepare an environmental assessment (EA) on the facilities proposed in the above-referenced docket for the San Juan Lateral and Mainline Expansion Project filed on September 25, 1990.

Transwestern Pipeline Company (Transwestern), pursuant to section 7(c) of the Natural Gas Act, is seeking a certificate of public convenience and necessity to construct, own, and operate a total of approximately 304.5 miles of new 6-, 24-, and 30-inch-diameter natural gas pipeline, a compressor station with 7,950 horsepower of compression, 2 new meter stations, and appurtenant facilities.

The purpose of the facilities proposed in Docket No. CP90-2294-000 is to: (1) Provide 520 million cubic feet per day (MMcf/d) of capacity for the transportation of natural gas produced in the San Juan Basin to the existing Transwestern system via the proposed San Juan Lateral; and (2) add 340 MMcf/d of capacity to Transwestern's mainline with the proposed Mainline Expansion. Transwestern contends that benefits resulting from this project include increased public access to proven gas reserves, the fostering of competition in the San Juan Basin area, and an increase in supply of gas to southern and northern California.

By this notice, the FERC staff is requesting comments on the scope of the analysis that should be conducted for the EPA. All comments will be reviewed prior to preparation of the EA and significant issues will be addressed. Comments should focus on potential environmental effects, measures to mitigate adverse environmental impact,

and should include any suggestions of alternatives to the proposal (including alternative routes).

Written comments must be submitted no later than 30 days from the date of the notice, in accordance with the instructions provided at the end of this notice.

Proposed Action

The general location of the facilities proposed in Docket No. CP90-2294-000 are shown on Figure 1.¹ A listing of the facilities is provided in Table 1. The proposed San Juan Lateral consists of approximately 96.8 miles of 30-inch-diameter pipeline in northwestern New Mexico. Approximately 85.0 miles of this lateral would be adjacent to an existing pipeline corridor currently shared by two or more pipelines. The proposed Mainline Expansion includes a total of 199.0 miles of 30-inch-diameter pipeline comprised of five pipeline loop segments all adjacent to the existing Transwestern mainline in Arizona and western New Mexico.²

The proposed Bloomfield Compressor Station would be located near Bloomfield, New Mexico. It should include 7,950 horsepower of compression and metering facilities to interconnect with Meridian Oil Inc.'s Val Verde Plant, Williams Field Services Company's Manzaneros Gathering System, Conoco Inc. and Amoco Production Company's jointly owned Blanco Plant, Northwest Pipeline Company, and TransColorado Gas Transmission Company.

Three pipeline laterals totaling approximately 8.7 miles would be constructed to interconnect the Transwestern system to other gas pipeline systems. Two of these laterals would be construction in conjunction with the proposed Flagstaff and Kingman Meter Stations in order to deliver natural gas to Southern Union Gas Company. The third interconnecting pipeline, the Fort Mojave Lateral, would be constructed to join at the California-Arizona border with a 19-mile-long nonjurisdictional pipeline facility which would be constructed in California.

Modifications would be made at the existing Needles Meter Station and at existing compressor stations to increase the stations capacities in order to handle the additional volumes.

¹ Figure 1 is not being printed in the *Federal Register*, but copies are available from the Commission's Public Reference Branch at (202) 208-1371. A copy of Figure 1 is attached to each mailed copy of the notice.

² Pipeline Loop—New Pipeline would be installed parallel and adjacent to existing Transwestern pipeline.

Facilities would be located in five counties in Arizona and two counties in New Mexico. The proposed facilities would traverse Navajo Indian Reservation and other Navajo Nation lands, the Fort Mojave Indian Reservation, the Coconino National Forest, the Kaibab National Forest, and lands managed by the Bureau of Land Management.

The proposed Mainline Expansion loops have been previously analyzed by the staff and have undergone public scoping as part of the Mojave-Kern River-El Dorado Natural Gas Pipeline Projects, Final Environmental Impact Report/Statement, FERC/FEIS-0045 (Mojave-Kern River FEIS), issued December 18, 1987, and they will not be reviewed again. The Mojave-Kern River FEIS included a review of Transwestern's proposal made in Docket No. CP86-212-000, *et al.*, that consisted of an expansion of its existing pipeline system between Pyote, Texas, and Needles, Arizona. Therefore, the environmental analysis in the Mojave-Kern River FEIS of the proposed Mainline Expansion will be incorporated by reference in the EA. If any other Federal, state, or local environmental analysis of these facilities becomes available, the FERC staff will also utilize such analysis in order to avoid duplication. The EA will, however, further assess the potential effects of the project by considering information that was not available to the Commission during its prior review of these facilities in the Mojave-Kern River FEIS.

Construction, Operation, and Maintenance Procedures

The proposed facilities would be designed, constructed, tested, operated, and maintained to conform with or exceed the requirements of 40 CFR part 192, "Transportation of Natural and Other Gas by Pipeline: Minimum Federal Safety Standards"; with 18 CFR 2.69, "Guidelines to be Followed by Natural Gas Pipeline Companies in the Planning, Clearing, and Maintenance of Rights-of-Way and the Construction of Aboveground Facilities;" and with all other appropriate Federal, state, and local regulations and codes.

A 100-foot-wide construction right-of-way would generally be required and a 50-foot-wide permanent right-of-way would be maintained, including the Mainline Expansion where loops would be placed approximately 30 feet from the existing pipeline. Additional temporary work areas would be required on each side of road, railroad, river, and stream crossings. In special areas, such as the Navajo Irrigation

Project, the construction right-of-way would be kept within the existing pipeline right-of-way or would be reduced in width.

The proposed Bloomfield Compressor Station would require approximately 33 acres of land. Each new meter station would require an area approximately 0.3 acre. Transwestern would purchase or otherwise secure right-of-way easements from private landowners and land managing agencies whose lands would be crossed by the proposed pipeline project.

Construction of the proposed pipelines would follow standard pipeline construction methods. The right-of-way would be cleared and graded where necessary. A ditching machine would proceed along the right-of-way to cut the trench to receive the pipe. The ditch would be typically excavated to a minimum depth of 36 inches greater than the diameter of the pipe to provide suitable depth of cover material. The trench width would be at least 12 inches greater than the pipe diameter. Topsoil, if any, would be removed to a depth of up to 18 inches and stored separately from the remaining trench material in areas of annually cultivated cropland and in other areas as requested by the landowner or land managing agency. Blasting, if required, would be carried out in accordance with applicable regulations.

Depending on local conditions and contractor preference, the pipe would be strung either prior to or after ditching. The pipe would be then lined up, welded together along the open trench, coated, and lowered into the trench. Excavated material would be used to backfill the trench. Where segregated, topsoil would be restored to its original horizon. Construction would be scheduled such that the time period between clearing and backfilling operations would be approximately 8 weeks or less, wherever possible. The right-of-way would be restored to its original contours to maintain natural drainage. Where terraces and diversion dams would have to be cut, the ground condition would be restored to its original state. Restoration would include the installation of permanent erosion control devices and reseeding of the disturbed area.

At all stream crossings, the pipeline would be buried below the estimated scour depth and, at a minimum, the trench would be deep enough to meet normal cover requirements. Construction across intermittent streams and dry washes would be carried out using conventional dryland pipeline

construction methods. For flowing streams, an open-cut trench would be constructed across the bottom with conventional backhoe-type equipment or draglines. On the San Juan River, conventional bucket-type equipment operating from the bank or from floating barges would be employed to open the trench. Stream flow would be maintained during construction.

In areas of solid or fractured rock, blasting could be required. Care would be exercised to avoid damage to nearby wells, springs, wetlands, and existing pipelines and other aboveground and underground facilities.

Pipeline crossings of lightly traveled and unimproved roads would be open-cut, with construction operations normally completed in one day. At paved roads, the crossing would be by boring, with a casing installed where needed.

Where fences are encountered along the right-of-way, adequate bracing and temporary fencing and gates would be installed. The opening would be controlled during construction to prevent the escape of livestock. Upon completion of construction, any damaged cattle guards would be repaired to their original condition or replaced.

Following installation, the pipelines would be hydrostatically tested to ensure structural integrity. Hydrostatic test water would be disposed of in accordance with Federal, state, and local regulatory requirements.

Construction of the proposed facilities would require a maximum of 8 months. A total construction workforce of approximately 1,000 workers would be required.

Environmental Issues

Based on preliminary analyses of the applications for the proposed facilities and the environmental information provided by Transwestern, the FERC staff has identified a number of issues which will be specifically addressed in the EA. These issues include, but are not limited to:

Land Use—Impact on homes and future development.

—Impact on the Coconino National Forest and Kaibab National Forest
Aesthetics—Effect of the appearance of right-of-way and aboveground facilities on neighborhoods and scenic areas

Pipeline Safety—Possibility of pipeline failure.

Cultural Resources—Effect of the project on properties listed on or eligible for the National Register of Historic Places.

- Effect of the project on properties of cultural significance to Native Americans.
- Water Resources—Effect of construction on potable water supplies.
- Wildlife/Fisheries—Impact on wildlife/fisheries.
- Impact on threatened and endangered species.
- Vegetation—Short- and long-term effects on vegetation from clearing, seeding, and right-of-way management.
- Impact on riparian vegetation.
- Impact on rare or sensitive native plant species.
- Soils and Geology—Erosion control and revegetation.
- Effect on crop production.
- Effects of blasting.
- Alternatives—Route variations to avoid specific resources.
- Alternative pipeline system designs.

Comments are solicited on any additional topics of environmental concern to residents and others in the project area. After comments in response to this notice are received and analyzed and the various issues investigated, the staff will prepare an EA for the Transwestern Pipeline Project. The EA will be based on the FERC staff's independent analysis of the proposal and, together with the comments received, will comprise part of the record to be considered by the Commission in this proceeding.

Cooperating Agencies

Any Federal or state agencies desiring cooperating agency status should send a

request describing how they would like to be involved and designating one contact per agency to the Secretary, Federal Energy Regulatory Commission, 825 North Capitol St., NE., Washington, DC 20426. The request should reference Docket No. CP90-2294-000, and should be received within 30 days of the date the notice is issued. An addition copy of the request should be sent to the FERC project manager identified at the end of this notice. Cooperating agencies are encouraged to participate in the scoping process and to provide information to the lead agency. Cooperating agencies are also welcome to suggest format and content modifications to facilitate ultimate adoption of the EA; however, the lead agency will decide what modifications will be adopted in light of production constraints. To date, the Arizona State Office of the U.S. Department of Interior, Bureau of Land Management, has requested cooperating agency status.

Comment Procedure

A copy of this notice and request for comments on environmental issues has been sent to Federal, state, and local environmental agencies, parties in this proceeding, public interest groups, libraries, newspapers and other interested individuals.

Comments on the scope of the EA should be filed as soon as possible but no later than 30 days after the notice is issued. All written comments must reference Docket No. CP90-2294-000 and be addressed to the Secretary,

Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426. A copy of the comments should also be sent to Mr. Michael Boyle, Project Manager, Federal Energy Regulatory Commission, Room 7312, 825 North Capitol Street, NE., Washington, DC 20426. Comments recommending that the FERC staff address specific environmental issues should be supported with a detailed explanation of the need to consider such issues.

Organizations and individuals receiving this Federal notice have been selected to ensure public awareness of this project and public involvement in the review process under the National Environmental Policy Act. The FERC staff expects to complete the EA in March 1991 and circulate it to the public for a limited comment period. The EA will be sent automatically to the appropriate Federal agencies for comment. However, to reduce printing and mailing costs and related logistical problems, the EA will only be distributed to those other organizations, state and local agencies, and individuals for comment who return the attached appendix to this notice within 30 days.

Additional information about the proposal, including detailed route maps for specific locations, is available from Mr. Michael Boyle, Project Manager, telephone (202) 208-1003.

Lois D. Cashell,
Secretary.

TABLE 1.—PROPOSED SAN JUAN LATERAL AND MAINLINE EXPENSION PROJECT FACILITIES

Proposed facility	Pipe diameter (in)	Approximate length (mi) ¹	Horsepower	State	County
Pipeline Facilities					
San Juan Lateral.....	30	96.8		NM	San Juan, McKinley.
Flagstaff Lateral.....	6	3.0		AZ	Coconino.
Kingman Lateral.....	6	2.2		AZ	Mohave.
Fort Mojave Lateral.....	24	3.3		AZ	Mohave.
E. Loop ²	30	0.2		AZ	Mohave.
	30	37.5		NM	McKinley, Apache.
F Loop ²	30	42.5		AZ	Navajo, Coconino.
G Loop ²	30	36.5		AZ	Coconino.
H Loop ²	30	50.5		AZ	Yavapai, Mohave.
I Loop ²	30	32.5		AZ	Mohave.
Aboveground Facilities					
Bloomfield Compressor Station (new).....			7,950	NM	San Juan.
Flagstaff Meter Station.....				AZ	Coconino.
Kingman Meter Station (new).....				AZ	Mohave.
Needless Meter Station (modification).....				AZ	Mohave.

¹ Exact length will vary somewhat with topography

² Previous analyzed in the Mojave-Kern River-El Dorado Natural Gas Projects, FEIS.

[Docket No. RE80-31-006]

**Western Area Power Administration;
Application for Exemption**

December 12, 1990.

Take notice that Western Area Power Administration filed an application on November 30, 1990, for exemption from requirements of part 290 of the Federal Energy Regulatory Commission's (FERC) regulations concerning collection and reporting of cost of service information under section 133 of the Public Utility Regulatory Policies Act of 1978 (PURPA), Order No. 48 (44FR58687, October 11, 1979). Exemption is sought from the requirement to file on or prior to June 30, 1992, information on the costs of providing electric service as specified in subparts B, C, D, and E of part 290.

Copies of the application for exemption are on file with FERC and are available for public inspection. FERC's regulations require that said utility also apply to any state regulatory authority having jurisdiction over it to have the application published in any official state publication in which electric rate change applications are usually noticed.

Any person desiring to present written views, arguments, or other comments on the application for exemption should file such information with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, on or before 45 days following the date this notice is published in the Federal Register. Within the 45 day period, such person must also serve a copy of such comments on:

Ms. Marlene A. Moody, Assistant Administrator for Power Management, Operations, and Maintenance, Western Area Power Administration, P.O. Box 3402, Golden, CO 80401.

Lois D. Cashell,
Secretary.

[FR Doc. 90-29734 Filed 12-19-90; 8:45 am]

BILLING CODE 6717-01-M

Office of Fossil Energy

[FE Docket No. 90-103-NG]

**NMU Gas Purchasing Inc.; Application
for Blanket Authorization To Import
and Export Natural Gas**

AGENCY: Office of Fossil Energy, DOE.

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 on December 3, 1990, of

an application filed by NMU Gas Purchasing Inc. (NMU) for blanket authorization to import up to 110 Bcf of Canadian natural gas and to export up to 110 Bcf of natural gas to Canada for a two-year term beginning on the date of first import or export. NMU requests authority to import/export the natural gas at any point on the U.S./Canadian border where existing pipeline facilities are located. No new construction would be involved.

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 22, 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:

Allyson C. Reilly, Office of Fuels Programs, Fossil Energy, U.S. Department of Energy, Forrestal Building, room 3F-094, FE-53, 1000 Independence Avenue SW., Washington, DC 20585, (202) 586-9394
Lot Cooke, Natural Gas and Mineral Leasing, Office of General Counsel, U.S. Department of Energy, Forrestal Building, room 6E-042, GC-32, 100 Independence Avenue SW., Washington, DC 20585, (202) 586-0503

SUPPLEMENTARY INFORMATION: NMU is a corporation organized in the State of Delaware with its principal place of business in Cloquet, Minnesota. NMU is a wholly owned subsidiary of Utilicorp United, Inc., incorporated in the State of Delaware, with its principal place of business also in Cloquet, Minnesota.

NMU proposes to market imported or exported natural gas on a short-term or spot-market basis for its own account or as an agent for others. The specific terms of each import and export arrangement would be negotiated on an individual basis at market responsive prices. NMU also proposes to use existing facilities for the import and/or export of natural gas. NMU asserts that its market-based approach for negotiating short-term imports and exports will enhance competition in the North American gas market.

The decision on the application for import authority will be made consistent

with DOE's gas import policy guidelines, under which the competitiveness of an import arrangement in the markets served is the primary consideration in determining whether it is in the public interest (49 FR 6684, February 22, 1984). In reviewing natural gas export applications, DOE considers the domestic need for the gas to be exported 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, especially those that may oppose this application, should comment in their responses on these matters as they relate to the requested import and export authority. The applicant asserts that there is no current need for the domestic gas proposed to be exported, that the proposed import/export arrangement will be competitive and therefore is in the public interest. Parties opposing the arrangement bear the burden of overcoming these assertions.

All parties should be aware that any authorization granted would be conditioned on the filing of quarterly reports indicating the details of each import or export sales transaction.

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 on its proposed actions. No final decision will be issued in this proceeding until DOE has met its NEPA responsibilities.

Public Comment Procedures

In response to this notice, any person may file a protest, motion to intervene or notice of intervention, as applicable, and written comments. Any person wishing to become a party to the proceeding and to have the written comments considered as the basis for any decision on the application must, however, file a motion to intervene or notice of intervention, as applicable. The filing of a protest with respect to this application will not serve to make the protestant a party to the proceeding, although protests and comments received from persons who are not parties will be considered in determining the appropriate action to be taken on the application. All protests, motions to intervene, notices of intervention, and written comments

must meet the requirements that are specified by the regulations in 10 CFR part 590. Protests, motions to intervene, notices of intervention, requests for additional procedures, and written comments should be filed with the Office of Fuels Programs at the above address.

It is intended that a decisional record will be developed on the application through responses to this notice by parties, including the parties' written comments and replies thereto. Additional procedures will be used as necessary to achieve a complete understanding of the facts and issues. A party seeking intervention may request that additional procedures be provided, such as additional written comments, an oral presentation, a conference, or trial-type hearing. Any request to file additional written comments should explain why they are necessary. Any request for an oral presentation should identify the substantial question of fact, law, or policy at issue, show that it is material and relevant to a decision in the proceeding, and demonstrate why an oral presentation is needed. Any request for a conference should demonstrate why the conference would materially advance the proceeding. Any request for

a trial-type hearing must show that there are factual issues genuinely in dispute that are relevant and material to 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 NMU'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. 90-29802 Filed 12-19-90; 8:45 am]

BILLING CODE 6450-01-M

Office of Hearings and Appeals

Cases Filed During the Week of October 19 Through October 26, 1990

During the Week of October 19 through October 26, 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.

LIST OF CASES RECEIVED BY THE OFFICE OF HEARINGS AND APPEALS

[Week of October 19 through October 26, 1990]

Date	Name and location of applicant	Case No.	Type of submission
Oct. 25, 1990	Standard Oil Company (Indiana)/North Carolina, Raleigh, North Carolina.	RM251-237	Modification/rescission second stage. If granted: The March 2, 1988 and September 27, 1988 Decisions and Orders (Case Nos. RQ251-416, RM251-123 issued to North Carolina would be modified regarding the state's application for refund submitted in the Standard Oil Company (Indiana) second stage refund proceeding.
Oct. 25, 1990	Texaco/Freeway Texaco, Minneapolis, Minnesota	RR321-24	Modification/rescission. If granted: The October 5, 1990 Decision and Order (Case No. RF321-4706) issued to Freeway would be modified regarding the firm's application for refund submitted in the Texaco refund proceeding by Robert A. Williams.
Oct. 26, 1990	Akin, Gump, Strauss, Hauer & Feld Washington, DC.	LFA-0076	Appeal of an information request denial. If granted: The September 28, 1990, Freedom of Information Request Denial issued by the Oak Ridge Operations Office would be rescinded, and Akin, Gump, Strauss, Hauer & Feld would receive access to documents relating to issues involving the use of cesium capsules by IOTECH, Inc.
Oct. 26, 1990	Pennzoil, OKC Corp, Coline Gas & National Helium/Arkansas, Little Rock, Arkansas.	RM10-238, RM13-239, RM2-240, RM3-241	Modification/rescission second stage. If granted: The November 17, 1989 Decision and Order (Case Nos. RQ10-532, RQ13-533, RQ2-534, RQ3-535) issued to Arkansas would be modified regarding the state's application for refund submitted in the Pennzoil, OKC Corp, Coline Gas and National Helium second stage refund proceeding.

REFUND APPLICATIONS RECEIVED

Date received	Name of refund proceeding/name of refund application	Case No.
10/23/90	Newport Electric Corp.	RF323-30.
10/23/90	Mercer Island Shell	RF315-10063.
10/23/90	Porsillico Brothers Asphalt	RF272-58.
10/24/90	Hilltop Exxon	RF307-10154.
10/24/90	Shelby Petroleum Corp.	RF313-327.
10/23/90	Traveler's Exxon	RF307-10155.

REFUND APPLICATIONS RECEIVED—Continued

Date received	Name of refund proceeding/name of refund application	Case No.
10/25/90	Dave Starmer Exxon	RF307-10156.
10/24/90	State Escrow Distribution	RF302-9.
10/22/90	Anderson's Exxon Service	RF307-10157.
10/22/90	Jo-Ed Exxon	RF307-10158.
10/26/90	Charles Ashley	RC272-100.
10/25/90	Dow Chemical Company	RF315-10064.
10/26/90	Inland Partners	RF315-10065.
10/19/90 THRU 10/26/90	Crude Oil Refund Applications Received	RF272-83209 THRU RF272-83813.
10/19/90 THRU 10/26/90	Gulf Refund Applications Received	RF300-12904 THRU RF300-13117.
10/19/90 THRU 10/26/90	Texaco Refund Applications Received	RF321-10269 THRU RF321-10541.
10/19/90 THRU 10/26/90	Atlantic Richfield Applications Received	RF304-12092 THRU RF304-12119.
10/19/90 THRU 10/26/90	Tesororo Refund Applications Received	RF326-1 THRU RF326-72.

[FR Doc. 90-29800 Filed 12-19-90; 8:45 am]

BILLING CODE 6450-01-M

Western Area Power Administration

Firm Power Allocations Pick-Sloan Missouri Basin Program, Eastern Division

AGENCY: Western Area Power Administration, DOE.

ACTION: Notice of final firm power allocations to the towns of Fort Peck, Montana; Pickstown, South Dakota; and Riverdale, North Dakota; and opportunity for public comment.

SUMMARY: In an April 18, 1988, Federal Register notice (53 FR 12727), the Western Area Power Administration (Western) announced that it would allocate firm power to the former Corps of Engineers (Corps) towns of Fort Peck, Montana; Pickstown, South Dakota; and Riverdale, North Dakota. The Act of August 15, 1985, 99 Stat. 293, 317-318 (Pub. L. 99-88) and the Act of November 17, 1986, 100 Stat. 4242 (Pub. L. 99-662) provided the authorization for the allocations to those three towns. Initial allocation amounts were determined from available data and were, as discussed in the April 18th Federal Register notice, subject to later revision. A time period described as the Test Period was established to allow for the collection of actual metered demand data, which would be utilized to reevaluate the basis for, and amounts of, the initial allocation and subsequently determine the final allocations. That Test Period ended on October 31, 1989; all data has been collected and analyzed by Western; and the final allocation amounts have been determined.

DATES: Written comments on this notice are due in the office of the Area Manager, at the address given below, no later than January 22, 1991. The allocations in this notice will become effective February 4, 1991 unless

amended by any further Federal Register notice warranted by public comments.

ADDRESSES: Mr. James D. Davies, Area Manager, Billings Area Office, Western Area Power Administration, P.O. Box 35800, Billings, MT 59107-5800, (406) 657-6532.

SUPPLEMENTARY INFORMATION:

Allocations

The final firm power allocations for the summer and winter seasons to each of the three towns are as follows:

Town	Summer season	Winter season
Fort Peck, Montana	488 kW	778 kW
Pickstown, South Dakota	311 kW	325 kW
Riverdale, North Dakota	342 kW	507 kW

Discussion of Issues-Public Comments

During the 30-day public comment period that was announced in a March 11, 1986, Federal Register notice (51 FR 8360), comments were received as follows.

Issue: It was suggested by the town of Fort Peck that Western select the 1984-85 winter season rather than the 1985-86 winter season to determine the amount of power to be allocated to Fort Peck during the winter season.

Response: Western chose an historical reference period proximate to the date of the enabling legislation as being consistent with the congressional directive to have Western make an allocation of Federal power. The issue arose out of some concern that the 1984-85 winter season was a more typical winter. Because of that concern and because of the fact that there was only metered energy (no demand) data available, demand meters were installed before the 1986-87 winter season, and a Test Period was established as a means to evaluate the initial allocation or interim contract rates of delivery (CROD) for Fort Peck. The Test Period

was similarly used in evaluation of the interim CROD's for Pickstown, South Dakota, and Riverdale, North Dakota.

Issue: The Valley Electric Cooperative, Inc., Glasgow, Montana, made a request to receive the Fort Peck allocation.

Response: The town of Fort Peck has made arrangements to transfer its allocation to the Central Montana Electric Power Cooperative, Inc., Billings, Montana, a generation and transmission cooperative. The Valley Electric Cooperative, Inc., is a member system of the Central Montana Electric Power Cooperative, Inc., and will serve Fort Peck. That transfer has been approved by Western.

Issue: A request was received from the law offices of Crosby, Guenzel, Davis, Kessner, and Kuester of Lincoln, Nebraska, representing the cities of South Sioux City, Madison, Wakefield, and Randolph, Nebraska, for information concerning the amounts of power that would be available for allocation and the criteria under which that power might be allocated to other entities.

Response: Western responded by letter of April 10, 1986, that the power referred to in the Federal Register notice was the amount of power that had been supplied to the towns while they were under the control of the Corps. The power to be allocated was only that amount and would specifically serve only the three former Corps towns. Western would begin to provide service to the three former Corps towns with the amount of power that had been previously supplied on behalf of the Corps, and any requirements above the final CROD's would be served by a supplemental supplier.

Issue: The Mid-West Electric Consumers Association, Inc., Denver, Colorado, and the Central Montana Electric Power Cooperative, Inc., requested that they be allowed to comment before any final CROD's were established for any of the towns.

Response: This notice is being issued with an opportunity to comment.

Determination Under Executive Order 12291

The Department of Energy has determined that this is not a major rule because it does not meet the criteria of section 1(b) of Executive Order 12291, 46 FR 13193 (February 19, 1981). Western has an exemption from sections 3, 4, and 7 of Executive Order 12291.

Environmental Compliance

Western has conducted an environmental analysis of this allocation of power pursuant to the National Environmental Policy Act of 1969, Council on Environmental Quality Regulation, and Department of Energy guidelines (45 FR 20694-20701, as amended). Western's allocation of power will be in the same amounts and generated from the same resource as the project-use power that has been supplied by the Corps. The power will be made available to Western by the Corps to be allocated to the three towns as firm power. The change is essentially administrative in nature with Western assuming the former Corps responsibilities for supplying power to the three towns. Since there clearly would be no significant environmental impact, the proposed action does not require the preparation of an environmental assessment or an environmental impact statement. Documentation supporting this determination is on file in Western's Billings Area Office.

Pursuant to the authority of Public Law 99-88 and Public Law 99-662, and unless further amended by any Federal Register notice, I hereby approve and place into effect, upon completion of a 45-day period that commences upon the date of publication of this notice, the final allocation of firm power as specified herein.

William H. Clagett,
Administrator.

[FR Doc. 90-29803 Filed 12-19-90; 8:45 am]

BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

[FRL-3871-8]

Fuels and Fuel Additives; Waiver Application

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: On May 9, 1990, the Ethyl Corporation (Ethyl) submitted an

application for a waiver under section 211(f)(4) of the Clean Air Act (Act) for the gasoline additive, methylcyclopentadienyl manganese tricarbonyl (MMT), an octane enhancer, commercially labeled by Ethyl as HiTEC 3000. On June 5, 1990, a notice was published in the Federal Register (55 FR 22947) acknowledging receipt of the application and requesting comments on it. Ethyl withdrew the application on November 1, 1990. The Administrator of EPA has therefore terminated consideration of the application without making a decision on whether to grant or deny the waiver request.

ADDRESSES: Copies of the information relative to this application are available for inspection in public docket A-90-16 at the Air Docket (LE-131) of the EPA, room M-1500, 401 M Street, SW., Washington, DC 20460, (202) 382-7548, between the hours of 8:30 a.m. to noon and 1:30 p.m. to 3:30 p.m. weekdays. As provided in 40 CFR part 2, a reasonable fee may be charged for copying services.

FOR FURTHER INFORMATION CONTACT: David J. Kortum, Environmental Engineer, or James W. Caldwell, Chief, Fuels Section, Field Operations and Support Division (EN-397F), U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460, (202) 382-2635.

SUPPLEMENTARY INFORMATION: Section 211(f)(1)(A) of the Act makes it unlawful, effective March 31, 1977, for any manufacturer of a fuel or fuel additive to first introduce into commerce, or to increase the concentration in use of, any fuel or fuel additive for general use in light duty motor vehicles manufactured after model year 1974 which is not substantially similar to any fuel or fuel additive utilized in the certification of any model year 1975, or subsequent model year, vehicle or engine under section 206 of the Act.¹ EPA has interpreted the phrase "substantially similar" at 46 FR 38582 (July 28, 1981).

Section 211(f)(4) of the Act provides that upon application by any fuel or fuel additive manufacturer, the Administrator of EPA may waive the prohibitions of section 211(f)(1) if the Administrator determines that the applicant has established that such fuel or fuel additive will not cause or contribute to a failure of any emission control device or system (over the useful life of any vehicle in which such device

¹ Section 214(a) of the Clean Air Act Amendments of 1990 (effective November 15, 1990) adds subparagraph B to section 211(f)(1) of the Act. This subparagraph expands these prohibitions beyond fuels for general use in light duty vehicles by removing the reference to "light duty."

or system is used) to achieve compliance by the vehicle with the emissions standards to which it has been certified pursuant to section 206 of the Act. If the Administrator does not act to grant or deny a waiver within 180 days of receipt of the application, the statute provides that the waiver shall be treated as granted.

The application submitted by Ethyl sought a waiver for MMT, to be blended in unleaded gasoline resulting in a level of 0.03125 (1/32) gram per gallon manganese (gpg Mn). The Administrator of EPA had until November 5, 1990 (180 days from the date of receipt of the application) to grant or deny this application.

The Ethyl Corporation withdrew the application in a letter to the Deputy Administrator of EPA on November 1, 1990, before the deadline for the Administrator to make a determination on the application. Because no determination had been made at the time the applicant withdrew the application, EPA accepted the withdrawal and immediately terminated this proceeding without action on the application.

Michael Shapiro,

Acting Assistant Administrator for Air and Radiation.

[FR Doc. 90-29790 Filed 12-19-90; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL COMMUNICATIONS COMMISSION

Public Information Collection Requirement Submitted to Office of Management and Budget for Review

December 13, 1990.

The Federal Communications Commission has submitted the following information collection requirement to OMB for review and clearance under the Paperwork Reduction Act of 1980 (44 U.S.C. 3507).

Copies of this submission may be purchased from the Commission's copy contractor, International Transcription Service, (202) 857-3800, 2100 M Street NW., suite 140, Washington, DC 20037. For further information on this submission contact Judy Boley, Federal Communications Commission, (202) 632-7513. Persons wishing to comment on this information collection should contact Jonas Neihardt, Office of Management and Budget, room 3235 NEOB, Washington, DC 20503, (202) 395-3785.

OMB Number: 3060-0420.

Title: Amendment of part 22 of the Commission's Rules to Revise Certain

Filing Procedures for Mobile Services Division Applications.

Action: Revision.

Respondents: Businesses or other for-profit (including small businesses).

Frequency of Response: On occasion reporting.

Estimated Annual Burden: 16,110 responses, 2 hours average burden per response, 32,220 hours total annual burden.

Needs and Uses: Section 22.6(d)(2) of the Commission's rules is amended to require slightly modified labeling of microfiche copies filed by part 22 applicants to assist FCC staff in filing and handling microfiche copies. Part 22 applicants will be required to file microfiche copies of the the FCC Form 405 to conserve Commission resources. The information will be used by FCC staff to facilitate the filing and retrieval of microfiche copies for public use. The additional labeling data will enhance handling of microfiche copies.

Federal Communications Commission.

Donna R. Searcy,
Secretary.

[FR Doc. 90-29746 Filed 12-19-90; 8:45 am]

BILLING CODE 6712-01-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA-886-DR]

Federated States of Micronesia; Major Disaster and Related Determinations

AGENCY: Federal Emergency Management Agency.

ACTION: Notice.

SUMMARY: This is a notice of the Presidential declaration of a major disaster for the Federated States of Micronesia (FEMA-886-DR), dated December 14, 1990, and related determinations.

DATES: December 14, 1990.

FOR FURTHER INFORMATION CONTACT: Patricia S. Bowman, Disaster Assistance Programs, Federal Emergency Management Agency, Washington, DC 20472 (202) 646-2661.

NOTICE: Notice is hereby given that, in a letter dated December 14, 1990, the President declared a major disaster under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 *et seq.*, Public Law 93-288, as amended by Public Law 100-707), as follows:

I have determined that the damage in certain areas of the Federated States of Micronesia, resulting from Typhoon Owen on November 26-December 1, 1990, is of sufficient severity and magnitude to warrant

a major disaster declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act ("the Stafford Act"). I, therefore, declare that such a major disaster exists in the Federated States of Micronesia.

In order to provide Federal assistance, you are hereby authorized to allocate from funds available for these purposes, such amounts as you find necessary for Federal disaster assistance and administrative expenses.

You are authorized to provide Individual Assistance and Public Assistance in the designated areas. Consistent with the requirement that Federal assistance be supplemental, any Federal funds provided under the Stafford Act for Public Assistance will be limited to 75 percent of the total eligible costs.

The time period prescribed for the implementation of section 310(a), Priority to Certain Applications for Public Facility and Public Housing Assistance, shall be for a period not to exceed six months after the date of this declaration.

Notice is hereby given that pursuant to the authority vested in the Director of the Federal Emergency Management Agency under Executive Order 12148, I hereby appoint Mr. Albert Roy Kite, of the Federal Emergency Management Agency, to act as the Federal Coordinating Officer for this declared disaster.

I do hereby determine the following areas of the Federated States of Micronesia to have been affected adversely by this declared major disaster:

The States of Chuuk (Truk) and Yap for Individual Assistance and Public Assistance.

(Catalog of Federal Domestic Assistance No. 83.516, Disaster Assistance)

Wallace E. Stickney,

Director, Federal Emergency Management Agency.

[FR Doc. 90-29795 Filed 12-19-90; 8:45 am]

BILLING CODE 6718-02-M

[FEMA-883-DR]

Washington; Amendment To Notice of Major Disaster Declaration

AGENCY: Federal Emergency Management Agency.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster for the State of Washington (FEMA-883-DR), dated November 26, 1990, and related determinations.

DATES: December 10, 1990.

FOR FURTHER INFORMATION CONTACT: Neva K. Elliott, Disaster Assistance Programs, Federal Emergency Management Agency, Washington, DC 20472 (202) 646-3614.

NOTICE: The notice of a major disaster for the State of Washington, dated November 26, 1990, is hereby amended to include the following areas among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of November 26, 1990:

San Juan County for Individual Assistance and Public Assistance;

Kitsap County for Individual Assistance; and

The counties of Grays Harbor, Pacific, and Wahkiakum for Public Assistance (previously designated for Individual Assistance).

(Catalog of Federal Domestic Assistance No. 83.516, Disaster Assistance.)

Grant C. Peterson,

Associate Director, State and Local Programs and Support, Federal Emergency Management Agency.

[FR Doc. 90-29791 Filed 12-19-90; 8:45 am]

BILLING CODE 6718-02-M

[FEMA-883-DR]

Washington; Amendment To Notice of Major Disaster Declaration

AGENCY: Federal Emergency Management Agency.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster for the State of Washington (FEMA-883-DR), dated November 26, 1990, and related determinations.

DATES: December 7, 1990.

FOR FURTHER INFORMATION CONTACT: Neva K. Elliott, Disaster Assistance Programs, Federal Emergency Management Agency, Washington, DC 20472 (202) 646-3614.

NOTICE: The notice of a major disaster for the State of Washington, dated November 26, 1990, is hereby amended to include the following areas among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of November 26, 1990:

The counties of Chelan, Island, Jefferson, and Kittitas for Individual Assistance and Public Assistance;

Yakima County for Individual Assistance only; and

The counties of Thurston and Pierce for Public Assistance (previously designated for Individual Assistance).

(Catalog of Federal Domestic Assistance No. 83.516, Disaster Assistance.)

Grant C. Peterson,

Associate Director, State and Local Programs and Support, Federal Emergency Management Agency.

[FR Doc. 90-29792 Filed 12-19-90; 8:45 am]

BILLING CODE 6718-02-M

[FEMA-883-DR]

Washington; Amendment To Notice of Major Disaster Declaration

AGENCY: Federal Emergency Management Agency.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster for the State of Washington (FEMA-883-DR), dated November 26, 1990, and related determinations.

DATES: December 8, 1990.

FOR FURTHER INFORMATION CONTACT:

Neva K. Elliott, Disaster Assistance Programs, Federal Emergency Management Agency, Washington, DC 20472 (202) 646-3614.

NOTICE: The notice of a major disaster for the State of Washington, dated November 26, 1990, is hereby amended to include the following areas among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of November 26, 1990:

Clallam County for Individual Assistance and Public Assistance; and

The counties of Lewis and Mason for Public Assistance (previously designated for Individual Assistance).

(Catalog of Federal Domestic Assistance No. 83.516, Disaster Assistance.)

Grant C. Peterson,

Associate Director, State and Local Programs Support, Federal Emergency Management Agency.

[FR Doc. 90-29793 Filed 12-19-90; 8:45 am]

BILLING CODE 6718-02-M

Advisory Committee of the National Earthquake Hazards Reduction Program (NEHRP); Open Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463, 5 U.S.C. app.), announcement is made of the following committee meeting:

Name: National Earthquake Hazards Reduction Program (NEHRP) Advisory Committee.

Dates of Meeting: January 7-8, 1991.

Place: Marriott Suites, 801 North Saint Asaph Street, Alexandria, Virginia 22314.

Time: January 7—1 p.m. to 5 p.m.;
January 8—8 a.m. to 5 p.m.

Proposed Agenda: The Committee will be briefed on the National Earthquake Hazards Reduction Program and the requirements of Pub. L. 101-614, 42 U.S.C. 7701 et seq.; the NEHRP Advisory Committee will discuss areas of emphasis to be reflected in the revision to the NEHRP Five-Year Plan.

The meeting will be open to the public with approximately ten seats available on a first-come, first-served basis. All members of the public interested in attending the meeting should contact Deborah O'Rourke at 202-646-2803.

Minutes of the meeting will be prepared by the Committee and will be available for public viewing at the Federal Emergency Management Agency, Earthquakes and Natural Hazards Programs Division, 500 "C" Street, SW., room 625, Washington, DC. Copies of the minutes will be available upon request 30 days after the meeting.

Dated: December 13, 1990.

Wallace E. Stickney,

Director, Federal Emergency Management Agency.

[FR Doc. 90-29796 Filed 12-19-90; 8:45 am]

BILLING CODE 6718-01-M

FEDERAL MARITIME COMMISSION

Security for the Protection of the Public; Indemnification of Passengers for Nonperformance of Transportation; Issuance of Certificate (Performance); Costa Cruise Lines N.V., et al.

Notice is hereby given that the following have been issued a Certificate of Financial Responsibility for Indemnification of Passengers for Nonperformance of Transportation pursuant to the provisions of section 3, Pub. L. 89-777 (46 U.S.C. 817(e)) and the Federal Maritime Commission's implementing regulations at 46 CFR part 540, as amended:

Costa Cruise Lines N.V. and Costa Crociere S.P.A., World Trade Center, 80 S.W. 8th Street, Miami, FL 33130-3097.

Vessel: Costa Classica.

Dated: December 14, 1990.

Joseph C. Polking,

Secretary.

[FR Doc. 90-29758 Filed 12-19-90; 8:45 am]

BILLING CODE 6730-01-M

Security for the Protection of the Public; Indemnification of Passengers for Nonperformance of Transportation; Issuance of Certificate (Performance); Starlite Cruises, Inc.

Notice is hereby given that the following have been issued a Certificate of Financial Responsibility for Indemnification of Passengers for Nonperformance of Transportation pursuant to the provisions of section 3, Pub. L. 89-777 (46 U.S.C. 817(e)) and the Federal Maritime Commission's implementing regulations at 46 CFR 540, as amended:

Starlite Cruises, Inc., 1355 N. Harbor Drive, San Diego, CA 92101.

Vessel: Pacific Star.

Dated: December 17, 1990.

Joseph C. Polking,

Secretary.

[FR Doc. 90-29757 Filed 12-19-90; 8:45 am]

BILLING CODE 6730-01-M

Agreement(s) Filed

The Federal Maritime Commission hereby gives notice of the filing of the following agreement(s) pursuant to section 5 of the Shipping Act of 1984.

Interested parties may inspect and obtain a copy of each agreement at the Washington, DC Office of the Federal Maritime Commission, 1100 L Street, NW., room 10220. Interested parties may submit comments on each agreement to the Secretary, Federal Maritime Commission, Washington, DC 20573, within 10 days after the date of the Federal Register in which this notice appears. The requirements for comments are found in § 572.603 of title 46 of the Code of Federal Regulations. Interested persons should consult this section before communicating with the Commission regarding a pending agreement.

Agreement no.: 224-010774-010.

Title: Georgia Port Authority Terminal Agreement.

Parties: Georgia Ports Authority, Evergreen Marine Corporation (Taiwan), Ltd., Italia De Navigazione (Italia) Compagnie Generale Maritime

Synopsis: The Agreement amends the parties' basic agreement to revise the rate schedule for certain terminal services applicable to Italia.

Agreement no.: 224-200312-001.

Title: The Port of Oakland Terminal Agreement.

Parties: The Port of Oakland (Port) Hapag Lloyd A.G., Compagnie generale Maritime, Atlantic Container Line AB, Sea-Land Service, Inc., P. & O. Containers Limited.

Synopsis: The Agreement amends the basic agreement to expand the designation of assigned premises to include other Port public container terminals to which carrier parties may transfer their operations. The Agreement also sets forth name and address changes of certain carrier parties.

By Order of the Federal Maritime Commission.

Dated: December 14, 1990.

Joseph C. Polking,

Secretary.

[FR Doc. 90-29726 Filed 12-19-90; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL RESERVE SYSTEM

The Mitsubishi Bank, Limited; Application To Act as an Intermediary, Principal, and Broker in Interest Rate and Currency Swaps, and Provide Related Advisory Services

The Mitsubishi Bank, Limited, Tokyo, Japan ("Mitsubishi"), has applied pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) ("BHC Act") and § 225.23(a) of the Board's Regulation Y (12 CFR 225.23(a)), through Mitsubishi Capital Markets Services, Inc., New York, New York ("Company"), to be formed as a wholly owned subsidiary, to engage in the following activities:

(1) Acting as an originator and principal, including in intermediary and market-making capacities, in interest rate swap and currency swap transactions;

(2) Acting as an originator and principal, including in intermediary and market-making capacities, with respect to certain risk-management products such as caps, floors and collars, as well as options on swaps, caps, floors and collars ("swap derivative products");

(3) Acting as a broker or agent with respect to swaps and swap derivative products; and

(4) Acting as adviser to institutional customers regarding financial strategies involving swap and swap derivative products.

These activities would be conducted domestically and internationally.

Section 4(c)(8) of the BHC Act provides that a bank holding company may, with Board approval, engage in any activity "which the Board, after due notice and opportunity for hearing, has determined (by order or regulation) to be so closely related to banking or managing or controlling banks as to be a proper incident thereto." Mitsubishi believes that these proposed activities are "so closely related to banking or

managing or controlling banks as to be a proper incident thereto."

The Board has previously approved intermediating in the international swap markets by acting as an originator and principal in interest rate swap and currency swap transactions, acting as an originator and principal with respect to swap derivative products, acting as a broker or agent with respect to the foregoing transactions and instruments, and acting as an advisor to institutional customers regarding financial strategies involving the foregoing transactions and instruments. See The Fuji Bank, Limited, 76 Federal Reserve Bulletin 768 (1990); The Sumitomo Bank, Limited, 75 Federal Reserve Bulletin 582 (1989). Mitsubishi proposes that Company comply with substantially all of the prudential limitations previously relied upon by the Board in approving these activities. See *id.* As a market maker, the Company typically would be willing, at the request of a customer, to price and enter into a transaction involving swaps or swap derivative products either as purchaser or seller.

Mitsubishi states that the proposed activities will benefit the public. It believes that they will promote competition and provide added convenience to customers, gains in efficiency, and promote innovation in the financial markets. Moreover, Mitsubishi believes that the proposed activities will not result in any unsound banking practices.

In publishing the proposal for comment, the Board does not take any position on issues raised by the proposal under the BHC Act. Notice of the proposal is published solely in order to seek the views of interested persons on the issues presented by the application and does not represent a determination by the Board that the proposal meets or is likely to meet the standard of the BHC Act.

Any comments or requests for a hearing should be submitted in writing and received by William W. Wiles, Secretary, Board of Governors of the Federal Reserve System, Washington, DC 20552, not later than January 18, 1991. Any request for a hearing on this application must, as required by § 262.3(e) of the Board's Rules of Procedure (12 CFR 262.3(e)), be accompanied by a statement of reasons why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

This application may be inspected at the offices of the Board of Governors or the Federal Reserve Bank of San Francisco.

Board of Governors of the Federal Reserve System, December 14, 1990.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 90-29745 Filed 12-19-90; 8:45 am]

BILLING CODE 6210-01-M

GENERAL SERVICES ADMINISTRATION

Public Hearings for the Draft Environmental Impact Statement for Proposed Construction and Occupation of Large Scale Office Complex in Northern Virginia for Use by the Navy

Pursuant to Council on Environmental Quality regulations (40 CFR parts 1500-1508) implementing procedural provisions of the National Environmental Policy Act, the General Services Administration (GSA) has prepared and filed with the U.S. Environmental Protection Agency the Draft Environmental Impact Statement (DEIS) for proposed construction and occupation of a large scale office complex in northern Virginia for use by the Navy.

The DEIS has been distributed to various federal, state, and local agencies, elected officials, special interest groups, and the media. In addition, a copy of the DEIS has been placed in the following public libraries:

George Mason Library, 70001 Little River TP, Annandale, VA
 John Marshal Library, 6209 Rose Hill DR, Alexandria, VA
 Martha Washington Library, 6614 Fort Hunt RD, Alexandria, VA
 Sherwood Library, 2501 Sherwood Hall LN, Alexandria, VA
 Alexandria City Library, 717 Queen ST, Alexandria, VA
 James Duncan Library, 2501 Commonwealth AV, Alexandria, VA
 Columbia Pike Library, 816 S. Walter Reed DR, Arlington, VA
 Cherrydale Library, 2190 N. Military RD, Arlington, VA
 Shirlington Library, 2700 S. Arlington Mill DR, Arlington, VA
 Fairfax City Library, 3915 Chain Bridge RD, Fairfax, VA
 Ellen Coolidge Library, 4701 Seminary RD, Alexandria, VA
 Central Library, 1015 North Quincy ST, Arlington, VA
 Aurora Hills Library, 735 18th ST, Arlington, VA
 Glencarlyn Library, 300 S. Kensington ST, Arlington, VA

Westover Library, 1800 N. Lexington ST.
Arlington, VA

A limited number of single copies are available at the address listed at the end of this notice.

A public hearing to inform the public of the DEIS findings and to solicit comments will be held on January 8, 1991, from 7 p.m. to 10 p.m. in the Oak Ridge Elementary School Multipurpose Room, 1414 South 24th Street, Arlington, Virginia; and, on January 10, 1991, from 7 p.m. to 10 p.m. in the Lee Center Auditorium, 1108 Jefferson Street, Alexandria, Virginia.

The public hearings will be jointly conducted by GSA and the Navy. Federal, State, and local agencies and interested parties are invited and urged to be present or represented at the hearing. Oral statements will be heard and transcribed by a stenographer; however, to assure accuracy of the record, all statements should be submitted in writing. All statements, both oral and written, will become part of the public record on this study. Equal weight will be given to both oral and written statements.

In the interest of available time, each speaker will be asked to limit their oral comments to five (5) minutes. If longer statements are to be presented, they should be summarized at the public hearing and submitted in writing either at the hearing or mailed to the address listed at the end of this announcement. All written statements must be postmarked by February 7, 1991, to become part of the official record.

As discussed in the DEIS, GSA proposes to construct for use by the Navy a large scale office complex in northern Virginia (Arlington County, Cities of Alexandria and Falls Church, and that portion of Fairfax County encompassed by I-495 and I-95, and one and half miles to the west of I-495 and one and half miles south of I-495 and I-95). Alternatives examined in the DEIS included no action, construction/rehabilitation of office space on government owned land, and construction/rehabilitation of office space on developer proposed sites. Criteria evaluating government owned sites identified Cameron Station (near the intersection of Duke Street and South Picket Road) as the only suitable government land for the project. In response to a Solicitation For Offers, six proposals were presented to GSA, and they are: Eisenhower Avenue (construction near the intersection of Eisenhower Avenue and Mill Road); Van Dorn Street (construction near the intersection of Clermont Drive and Eisenhower Avenue); Seminary Road

(construction near the intersection of Seminary Road and I-395); Port Potomac (construction near the intersection of Jefferson Davis Highway and South Glebe Road); Crystal City One (rehabilitation of National Center 2 & 2, Crystal Mall 2, 3 & 4, Crystal Gateway 1, 2, 3, & North, and Jefferson Plaza 1 & 2); and Crystal City Two (construction near the intersection of Hayes Street and 15th Street and rehabilitation of Crystal Gateway 1, 2, 3 & North).

Development of any of these sites as proposed could result in significant traffic impacts. In addition, significant community services impacts could occur with development at the Cameron Station, Eisenhower Avenue, Van Dorn, Seminary Road, Port Potomac, and Crystal City Two sites since a new fire station near the new complex would be needed. Other significant impacts include wetlands loss at the Van Dorn site; land use impacts at the Cameron Station, Eisenhower Avenue, Van Dorn, and Crystal City Two sites; and parking shortfall impacts at the Eisenhower Avenue, Van Dorn, Port Potomac, and Crystal City One sites.

Additional information concerning this notice may be obtained by contacting Mr. George Chandler (Code WPL, telephone (202) 708-5334, fax (202) 708-7671), National Capitol Region, General Services Administration, 7th & D Streets SW., Washington, DC 20407.

Dated: December 11, 1990.

Linda L. Eastman,

Director, Facilities Planning Staff.

[FR Doc. 90-29730 Filed 12-19-90; 8:45 am]

BILLING CODE 6820-23-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 90E-0362]

Determination of Regulatory Review Period for Purposes of Patent Extension; Synanthic®

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) has determined the regulatory review period for Synanthic® and is publishing this notice of that determination as required by law. FDA has made the determination because of the submission of an application to the Commissioner of Patents and Trademarks, Department of Commerce, for the extension of a patent which claims that animal drug product.

ADDRESSES: Written comments and petitions should be directed to the Docket's Management Branch (HFA-305), Food and Drug Administration, room 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Nancy E. Pirt, Office of Health Affairs (HFY-20), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-1382.

SUPPLEMENTARY INFORMATION: The Drug Price Competition and Patent Term Restoration Act of 1984 (Pub. L. 98-417) and the Generic Animal Drug and Patent Term Restoration Act (Pub. L. 100-670) generally provide that a patent may be extended for a period of up to 5 years so long as the patented item (human drug product, animal drug product, medical device, food additive, or color additive) was subject to regulatory review by FDA before the item was marketed. Under these acts, a product's regulatory review period forms the basis for determining the amount of extension an applicant may receive.

A regulatory review period consists of two periods of time: a testing phase and an approval phase. For animal drug products, the test phase begins on the earlier date when either a major environmental effects test was initiated for the drug or when an exemption under section 512(j) of the Federal Food, Drug, and Cosmetic Act became effective and runs until the approval phase begins. The approval phase starts with the initial submission of an application to market the animal drug product and continues until FDA grants permission to market the drug product. Although only a portion of a regulatory review period may count toward the actual amount of extension that the Commissioner of Patents and Trademarks may award (for example, half the testing phase must be subtracted as well as any time that may have occurred before the patent was issued), FDA's determination of the length of a regulatory review period for an animal drug product will include all of the testing phase and approval phase as specified in 35 U.S.C. 156(g)(4)(B).

FDA recently approved for marketing the animal drug product Synanthic® (oxfendazole). Synanthic® is indicated for the removal and control of worms in horses and beef cattle. Subsequent to this approval, the Patent and Trademark Office received a patent term restoration application for Synanthic® (U.S. Patent No. 4,080,461) from Syntex (U.S.A.) Inc., and requested FDA's assistance in determining the patent's eligibility for patent term restoration. FDA, in a letter

dated October 29, 1990, advised the Patent and Trademark Office that the animal drug product had undergone a regulatory review period. The letter also stated that the active ingredient, oxfendazole, represented the first permitted commercial marketing for use in a food animal. Shortly thereafter, the PTO requested that the FDA determine the product's regulatory review period.

FDA has determined that the applicable regulatory review period for Synanthic® is 6,022 days. Of this time, 4,812 days occurred during the testing phase of the regulatory review period, while 1,210 days occurred during the approval phase. These periods of time were derived from the following dates:

1. *The date an exemption under section 512(j) of the Federal Food, Drug, and Cosmetic Act became effective:* March 25, 1974. The applicant claims August 8, 1975 as the date the investigational new animal drug (INAD) application became effective. However, FDA records indicate that the date of FDA's official acknowledgment letter assigning a number to the INAD was March 25, 1974, which is considered to be the effective date for the INAD.

2. *The date the application was initially submitted with respect to the animal drug product under section 512(b) of the Federal Food, Drug, and Cosmetic Act:* May 27, 1987. The applicant claims May 22, 1987, as the date the new animal drug application (NADA) was filed. However, a review of FDA records reveals that the date of FDA's official acknowledgment letter assigning a number to the NADA was May 27, 1987, which is considered to be the submission date for the NADA.

3. *The date the application was approved:* September 17, 1990. FDA has verified the applicant's claim that NADA 140-854 was approved on September 17, 1990.

This determination of the regulatory review period establishes the maximum potential length of a patent extension. However, the U.S. Patent and Trademark Office applies several statutory limitations in its calculations of the actual period for patent extension. In its application for patent extension, this applicant seeks 3 years of patent term extension.

Anyone with knowledge that any of the dates as published is incorrect may, on or before February 19, 1991, submit to the Dockets Management Branch (address above) written comments and ask for a redetermination. Furthermore, any interested person may petition FDA, on or before June 18, 1991, for a determination regarding whether the applicant for extension acted with due diligence during the regulatory review

period. To meet its burden, the petition must contain sufficient facts to merit an FDA investigation. (See H. Rept. 857, part 1, 98th Cong., 2d Sess., pp. 41-42, 1984.) Petitions should be in the format specified in 21 CFR 10.30.

Comments and petitions should be submitted to the Dockets Management Branch (address above) in three copies (except that individuals may submit single copies) and identified with the docket number found in brackets in the heading of this document. Comments and petitions may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

Dated: December 11, 1990.

Stuart L. Nightingale,
Associate Commissioner for Health Affairs.
[FR Doc. 90-29749 Filed 12-19-90; 8:45 am]
BILLING CODE 4160-01-M

[Docket No. 90N-0438]

**Drug Export; Macrobid®
(Nitrofurantoin Modified-Release/
Nepi) Capsules**

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that Norwich Eaton Pharmaceuticals, Inc. has filed an application requesting approval for the export of the human drug Macrobid® (nitrofurantoin modified-release/nepi) Capsules to Canada.

ADDRESSES: Relevant information on this application may be directed to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857, and to the contact person identified below. Any future inquiries concerning the export of human drugs under the Drug Export Amendments Act of 1986 should also be directed to the contact person.

FOR FURTHER INFORMATION CONTACT: Frank R. Fazzari, Division of Drug Labeling Compliance (HFD-313), Center for Drug Evaluation and Research, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-295-8073.

SUPPLEMENTARY INFORMATION: The drug export provisions in section 802 of the Federal Food, Drug, and Cosmetic Act (the act) [21 U.S.C. 382] provide that FDA may approve applications for the export of drugs that are not currently approved in the United States. Section 802(b)(3)(B) of the act sets forth the requirements that must be met in an

application for approval. Section 802(b)(3)(C) of the act requires that the agency review the application within 30 days of its filing to determine whether the requirements of section 802(b)(3)(B) have been satisfied. Section 802(b)(3)(A) of the act requires that the agency publish a notice in the *Federal Register* within 10 days of the filing of an application for export to facilitate public participation in its review of the application. To meet this requirement, the agency is providing notice that Norwich Eaton Pharmaceuticals, A Procter & Gamble Co., P.O. Box 191, Norwich, NY 13815-0191, has filed an application requesting approval for the export of the drug Macrobid® (nitrofurantoin modified-release/NEPI) Capsules, to Canada. The application was received and filed in the Center for Drug Evaluation and Research on November 9, 1990, which shall be considered the filing date for purposes of the act.

Interested persons may submit relevant information on the application to the Dockets Management Branch (address above) in two copies (except that individuals may submit single copies) and identified with the docket number found in brackets in the heading of this document. These submissions may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

The agency encourages any person who submits relevant information on the application to do so by December 31, 1990, and to provide an additional copy of the submission directly to the contact person identified above, to facilitate consideration of the information during the 30-day review period.

This notice is issued under the Federal Food, Drug, and Cosmetic Act [sec. 802 (21 U.S.C. 382)] and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Center for Drug Evaluation and Research (21 CFR 5.44).

Dated: December 6, 1990.

Daniel L. Michels,
Director, Office of Compliance, Center for
Drug Evaluation and Research.
[FR Doc. 90-29831 Filed 12-19-90; 8:45 am]
BILLING CODE 4160-01-M

[Docket No. 90E-0343]

**Determination of Regulatory Review
Period for Purposes of Patent
Extension; Exosurf® Neonatal™**

AGENCY: Food and Drug Administration
HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) has determined the regulatory review period for Exosurf® Neonatal™ and is publishing this notice of that determination as required by law. FDA has made the determination because of the submission of an application to the Commissioner of Patents and Trademarks, Department of Commerce, for the extension of a patent which claims that human drug product.

ADDRESSES: Written comments and petitions should be directed to the Dockets Management Branch (HFA-305), Food and Drug Administration, room. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT:

Nancy Pirt, Office of Health Affairs (HFY-20), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-1332.

SUPPLEMENTARY INFORMATION: The Drug Price Competition and Patent Term Restoration Act of 1984 (Pub. L. 98-417) and the Generic Animal Drug and Patent Term Restoration Act (Pub. L. 100-670) generally provide that a patent may be extended for a period of up to 5 years so long as the patented item (human drug product, animal drug product, medical device, food additive, or color additive) was subject to regulatory review by FDA before the item was marketed. Under these acts, a product's regulatory review period forms the basis for determining the amount of extension an applicant may receive.

A regulatory review period consists of two periods of time: a testing phase and an approval phase. For human drug products, the testing phase begins when the exemption to permit the clinical investigations of the drug becomes effective and runs until the approval phase begins. The approval phase starts with the initial submission of an application to market the human drug product and continues until FDA grants permission to market the drug product. Although only a portion of a regulatory review period may count toward the actual amount of extension that the Commissioner of Patents and Trademarks may award (for example, half the testing phase must be subtracted as well as any time that may have occurred before the patent was issued), FDA's determination of the length of a regulatory review period for a human drug product will include all of the testing phase and approval phase as specified in 35 U.S.C. 156(g)(1)(B).

FDA recently approved for marketing the human drug product Exosurf®

Neonatal™. Exosurf® Neonatal™ (colfosceril palmitate, cetyl alcohol, tyloxapol) is indicated for: (1) Prophylactic treatment of infants with birth weights of less than 1,350 grams (g) who are at risk of developing respiratory distress syndrome; (2) prophylactic treatment of infants with birth weights greater than 1,350 g who have evidence of pulmonary immaturity; and, (3) rescue treatment of infants who have developed respiratory distress syndrome. Subsequent to this approval, the Patent and Trademark Office received a patent term restoration application for Exosurf® Neonatal™ (U.S. Patent No. 4,312,860) from Burroughs Wellcome Co., and requested FDA's assistance in determining this patent's eligibility for patent term restoration. FDA, in a letter dated November 2, 1990, advised the Patent and Trademark Office that this human drug product had undergone a regulatory review period. The letter also stated that the active ingredient, colfosceril palmitate, represented the first permitted commercial marketing or use, but it was not the first commercial marketing or use of the active ingredients cetyl alcohol or tyloxapol. Shortly thereafter, the patent and Trademark Office requested that FDA determine the product's regulatory review period.

FDA has determined that the applicable regulatory review period for Exosurf® Neonatal™ is 1,891 days. Of this time, 1,723 days occurred during the testing phase of the regulatory review period, while 168 days occurred during the approval phase. These periods of time were derived from the following dates:

1. *The date an exemption under section 505(i) of the Federal Food, Drug, and Cosmetic Act became effective:* May 31, 1985. FDA has verified the applicant's claim that the date the investigational new drug application became effective was May 31, 1985.

2. *The date the application was initially submitted with respect to the human drug product under section 505(b) of the Federal Food, Drug, and Cosmetic Act:* February 16, 1990. FDA has verified the applicant's claim that the new drug application (NDA) for Exosurf® Neonatal™ (NDA 20-044) was filed on February 16, 1990.

3. *The date the application was approved:* August 2, 1990. FDA has verified the applicant's claim that NDA 20-044 was approved on August 2, 1990.

This determination of the regulatory review period establishes the maximum potential length of a patent extension. However, the U.S. Patent and Trademark Office applies several statutory limitations in its calculations

of the actual period for patent extension. In its application for patent extension, this applicant seeks 1,029 days of patent term extension.

Anyone with knowledge that any of the dates as published is incorrect may, on or before February 19, 1991, submit to the Dockets Management Branch (address above) written comments and ask for a redetermination. Furthermore, any interested person may petition FDA, on or before June 18, 1991, for a determination regarding whether the applicant for extension acted with due diligence during the regulatory review period. To meet its burden, the petition must contain sufficient facts to merit an FDA investigation. (See H. Rept. 857, part 1, 98th Cong., 2d Sess., pp. 41-42, 1984.) Petitions should be in the format specified in 21 CFR 10.30.

Comments and petitions should be submitted to the Dockets Management Branch (address above) in three copies (except that individuals may submit single copies) and identified with the docket number found in brackets in the heading of this document. Comments and petitions may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

Dated: December 11, 1990.

Stuart L. Nightingale,

Associate Commissioner for Health Affairs.

[FR Doc. 90-29748 Filed 12-19-90; 8:45 am]

BILLING CODE 4160-01-M

Health Resources and Services Administration

Filing of Annual Report of Federal Advisory Committee

Notice is hereby given that pursuant to section 13 of Public Law 92-463, the Annual Report for the following Health Resources and Service Administration's Federal Advisory Committee has been filed with the Library of Congress:

National Advisory Council on the National Health Service Corps

Copies are available to the public for inspection at the Library of Congress Newspaper and Current Periodical Reading room, room 1026, Thomas Jefferson Building, Second Street and Independence Avenue, SE., Washington, DC, or weekdays between 9 a.m. and 4:30 p.m. at the Department of Health and Human Services, Department Law Library, HHS North Building, room G-619, 330 Independence Avenue, SW., Washington, DC, telephone (202) 245-6791. Copies may be obtained from: Anna Mae Voigt, National Advisory Council on the National Health Service

Corps, room 7A-23, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857, Telephone (301) 443-1470.

Dated: December 17, 1990.

Jackie E. Baum,

Advisory Committee Management Officer,
HRSA.

[FR Doc. 90-29747 Filed 12-19-90; 8:45 am]

BILLING CODE 4160-15-M

National Institutes of Health

National Heart, Lung, and Blood Institute; Meeting of the Cardiology Advisory Committee

Pursuant to Public Law 92-463, notice is hereby given of a meeting of the Cardiology Advisory Committee, National Heart, Lung, and Blood Institute, January 14-15, 1991, Building 31C, Conference Room 8, National Institutes of Health, 9000 Rockville Pike, Bethesda, Maryland 20892.

The entire meeting will be open to the public from 9 a.m. on January 14, to adjournment on January 15. Attendance by the public will be limited to space available. Topics for discussion will include a review of the research programs relevant to the Cardiology area and consideration of future needs and opportunities.

Terry Bellicha, Chief, Communications and Public Information Branch, National Heart, Lung, and Blood Institute, Room 4A21, Building 31, National Institutes of Health, Bethesda, Maryland 20892, (301) 496-4236, will provide a summary of the meeting and a roster of the committee members.

Michael J. Horan, M.D., Associate Director for Cardiology, Division of Heart and Vascular Diseases; National Heart, Lung, and Blood Institute; Room 320, Federal Building, Bethesda, Maryland 20892, (301) 496-5421, will furnish substantive program information upon request.

(Catalog of Federal Domestic Assistant Program No. 13.837, Heart and Vascular Diseases Research, National Institutes of Health)

Dated: December 13, 1990.

Betty J. Beveridge,

Committee Management Office, NIH.

[FR Doc. 90-29818 Filed 12-19-90; 8:45 am]

BILLING CODE 4140-01-M

Office of the Assistant Secretary for Health

Advisory Committee on the Food and Drug Administration; Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act

(Pub. L. 92-463), notice is hereby given that the Advisory Committee on the Food and Drug Administration (FDA) will hold a meeting on Wednesday, January 23, 1991 from 8:30 a.m. to 5:30 p.m. and Thursday, January 24, 1991 from 8:30 a.m. to 1 p.m. The meeting is open to the public and will be held in the Gold Rush Room of the Holiday Inn Golden Gateway located at 1500 Van Ness Avenue, San Francisco, CA 94109. Public registration will begin one half hour prior to the beginning of the meeting on each day.

The purpose of this meeting is to conduct, further review and analysis of the findings of the Committee's three subcommittees and to begin the process of outlining important cross-cutting issues for inclusion in the Committee's final report.

FOR FURTHER INFORMATION CONTACT: Sheryl Rosenthal, Advisory Committee on the Food and Drug Administration, Department of Health and Human Services, room 740-G Humphrey Building, 200 Independence Avenue, SW., Washington DC 20201. Telephone number (202) 245-7305.

Dated: December 14, 1990.

Eric M. Katz,

Executive Secretary, Advisory Committee on the FDA.

[FR Doc. 90-29776 Filed 12-19-90; 8:45 am]

BILLING CODE 4150-04-M

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Information Collection Submitted to the Office of Management and Budget for Review Under the Paperwork Reduction Act

The proposal for the collection of information listed below has been submitted to the Office of Management and Budget for approval under the provisions of the Paperwork Reduction Act (44 U.S.C., chapter 35). Copies of the proposed collection of information and related forms and explanatory material may be obtained by contacting the Bureau's Clearance Officer at the phone number listed below. Comments and suggestions on the requirement should be made within 30 days directly to the Bureau Clearance Officer and to the Office of Management and Budget, Paperwork Reduction Project (1076-0091), Washington, DC 20503, telephone (202) 395-7340.

Title: General Contract Requirements, 25 CFR part 271.

Abstract: Indian tribes contracting

under Public Law 93-638 are required to establish and maintain a recordkeeping system as well as provide financial status and program progress reports, the proper administration, monitoring, and evaluation of contracts awarded by the Bureau of Indian Affairs.

Frequency: Quarterly reports.

Description of Respondents: Indian tribes contracting Bureau Programs.

Annual Responses: 4,535.

Annual Burden Hours: 2,443.

Bureau Clearance Officer: Gail Sheridan, (202) 208-2685.

Dated: November 9, 1990.

Carol A. Bacon,

Deputy to the Assistant Secretary, Indian Affairs (Tribal Service).

[FR Doc. 90-29770 Filed 12-19-90; 8:45 am]

BILLING CODE 4310-02-M

Information Collection Submitted for Review

The proposal for the collection of information listed has been submitted to the Office of Management and Budget (OMB) for approval under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35). Copies of the proposed information collection requirements and related forms and explanatory material may be obtained by contacting the Bureau's Clearance Officer at the phone number listed below. Comments and suggestions on the requirement should be made directly to the OMB Interior Desk Officer at (202) 395-7340 and the Bureau Clearance Office at (202) 208-2685.

Title: Applications for Admission to Haskell Indian Junior College and Southwestern Indian Polytechnic Institute.

Abstract: This information is needed to determine eligibility of Native American Indian College students for admission to the two postsecondary institutions operated by the Bureau. If this information is not provided or if eligibility criteria are not met then the student will be denied admission. The respondents are Native Americans and Alaskan Natives who need to attend Federal postsecondary schools.

Frequency: Annually.

Description of respondents: Indian/Alaskan Native students applying for admission to postsecondary schools.

Annual response: 3,000.

Annual burden hours: 750 hours.

Bureau clearance officer: Gail Sheridan, (202) 208-2685.

Dated: September 10, 1990.

Goodwin K. Cobb,

Acting Deputy to the Assistant Secretary,
Indian Affairs/Director (Indian Education
Programs).

[FR Doc. 90-29771 Filed 12-19-90; 8:45 am]

BILLING CODE 4310-02-M

Bureau of Land Management

[CA-940-01-5410-10-B007; CACA 27691]

Conveyance of Mineral Interests in California

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Segregation.

SUMMARY: The private lands described in this notice, aggregating 85.22 acres, are segregated and made unavailable for filings under the general mining laws and the mineral leasing laws to determine their suitability for conveyance of the reserved mineral interest pursuant to section 209 of the Federal Land Policy and Management Act of October 21, 1976.

The mineral interests will be conveyed in whole or in part upon favorable mineral examination.

The purpose is to allow consolidation of surface and subsurface of minerals ownership where there are no known mineral values or in those instances where the reservation interferes with or precludes appropriate nonmineral development and such development is a more beneficial use of the land than the mineral development.

FOR FURTHER INFORMATION CONTACT: Judy Bowers, California State Office, Federal Office Building, 2800 Cottage Way, room E-2845, Sacramento, California 95825, (916) 978-4820. Serial No. CACA 27691.

T. 11 N., R. 13 W., San Bernardino Meridian
Sec. 4, E $\frac{1}{2}$ NW $\frac{1}{4}$ W $\frac{1}{2}$ lot 2 NW $\frac{1}{4}$,
NW $\frac{1}{4}$ W $\frac{1}{2}$ lot 1 NE $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$ W $\frac{1}{2}$ lot
1 NE $\frac{1}{4}$, NW $\frac{1}{4}$ E $\frac{1}{2}$ lot 1 NE $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$ E
 $\frac{1}{2}$ lot 1 NE $\frac{1}{4}$, W $\frac{1}{2}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$,
SW $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$,
SW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$.

County—Kern.

Minerals Reservation—All coal and other minerals.

Upon publication of this Notice of Segregation in the Federal Register as provided in 43 CFR 2720.1-1(b), the mineral interests owned by the United States in the private lands covered by the application shall be segregated to the extent that they will not be subject to appropriation under the mining and mineral leasing laws. The segregative effect of the application shall terminate by publication of an opening order in the Federal Register specifying the date and

time of opening; upon issuance of a patent or other document of conveyance to such mineral interests; or two years from the date of publication of this notice, whichever occurs first.

Dated: December 12, 1990.

Nancy J. Alex,

Chief, Lands Section.

[FR Doc. 90-29779 Filed 12-19-90; 8:45 am]

BILLING CODE 4310-40-M

[UT-060-01-4333-12; UTU-65546]

Realty Actions; Sales, Leases, Etc.; Utah

AGENCY: Bureau of Land Management, Moab.

ACTION: Notice of realty action; exchange of public lands in Emery, Grand, San Juan and Wayne counties, Utah.

SUMMARY: The BLM proposes to exchange land with the State of Utah in order to achieve more efficient management of public and State lands. The following public land is being considered for exchange pursuant to section 206 of the Federal Land Policy and Management Act of October 21, 1976, 43 U.S.C. 1716.

	Acres
T. 22 S., R. 14 E., SLM, UT (Emery County):	
Section 4, SE $\frac{1}{4}$	160.00
Section 10, S $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$	240.00
	400.00
T. 23 S., R. 6 E., SLM, UT (Emery County):	
Section 14, NE $\frac{1}{4}$, N $\frac{1}{2}$ N $\frac{1}{2}$ SE $\frac{1}{4}$	200.00
T. 24 S., R. 22 E., SLM, UT (Grand Co.):	
Section 36, Lots 1,2.....	71.49
T. 24 S., R. 23 E., SLM, UT (Grand Co.):	
Section 19, Lot 3.....	2.01
Section 20, Lot 13.....	23.36
Section 29, W $\frac{1}{2}$ NW $\frac{1}{4}$	80.00
Section 30, Lots 1,2,9,SE $\frac{1}{4}$ NE $\frac{1}{4}$	130.12
	235.49
T. 26 S., R. 22 E., SLM, UT (Grand Co.):	
Section 5, Lot 11, W $\frac{1}{2}$ SE $\frac{1}{4}$	118.66
Section 8, Lots 1-3,5, SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$	178.21
Section 9, Lots 1-3, E $\frac{1}{2}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$, E $\frac{1}{2}$ S $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$	270.96
Section 27, W $\frac{1}{2}$ SW $\frac{1}{4}$	80.00
	647.83
T. 26 S., R. 23 E., SLM, UT (Grand County):	
Section 19, Lots 1,2, E $\frac{1}{2}$ W $\frac{1}{2}$, E $\frac{1}{2}$	549.97
Section 29, All.....	640.00
	1189.97
T. 27 S., R. 23 E., SLM, UT (San Juan County):	
Section 5, Lots 1,3-7, SW $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$	603.76
Section 6, SE $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$	240.00
	843.76

	Acres
T. 38 S., R. 12 E., SLM, UT (San Juan County):	
Section 35, Lots 1-9, E $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$	448.46
Section 36, All.....	640.00
	1088.46
T. 29 S., R. 4 E., SLM, UT (Wayne County):	
Section 9, S $\frac{1}{2}$ N $\frac{1}{2}$	160.00
Section 10, SW $\frac{1}{4}$ NW $\frac{1}{4}$	40.00
	200.00
T. 29 S., R. 5 E., SLM, UT (Wayne County):	
Section 3, Lots 3,4, S $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$	320.00
Section 4, Lots 1-4.....	56.46
	376.46
Total.....	5,253.46

Final determination on the exchange will await completion of an environmental analysis. In accordance with the regulations of 43 CFR 2201.1(b), publication of this notice will segregate the public lands, as described in this notice, from appropriation under the public land laws, including the mineral laws, but not the mineral leasing laws.

The segregation of the above described lands shall terminate upon issuance of a document conveying such lands or upon publication in the Federal Register of a Notice of Termination of the segregation, or the expiration of two years from the date of publication, whichever occurs first.

This notice will cancel and replace the segregative effects of all previously published notices on the public lands described herein.

Dated: December 5, 1990.

Gene Nodine,

District Manager, Moab District.

Dated: December 13, 1990.

Jerry W. Goodman,

District Manager, Richfield District.

[FR Doc. 90-29781 Filed 12-19-90; 8:45 am]

BILLING CODE 4310-DQ-M

[NM-940-01-4730-12]

Filing of Plats of Survey; New Mexico

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The plats of survey described below are scheduled to be officially filed in the New Mexico State Office, Bureau of Land Management, Santa Fe, New Mexico, thirty (30) calendar days from the date of this publication.

New Mexico Principal Meridian, New Mexico

- T. 20 S., R. 25 E., Accepted November 29, 1990, for Group 861 NM.
 T. 20 S., R. 25 E., Accepted November 29, 1990, for Group 861 NM.
 T. 12 S., R. 25 E., Accepted November 29, 1990, for Group 886 NM.
 T. 7 S., R. 10 E., Accepted November 29, 1990, for Group 885 NM.

Indian Meridian, Oklahoma

- T. 22 N., R. 4 E., Accepted November 2, 1990, for Group 56 OK.

If a protest against a survey, as shown on any of the above plats are received prior to the date of official filing, the filing will be officially filed until the day after all protests have been dismissed and become final or appeals from the dismissal affirmed.

A person or party who wishes to protest against a survey must file with the State Director, Bureau of Land Management, a notice that they wish to protest prior to the proposed official filing date given above. A statement of reasons for a protest may be filed with the notice of protest to the State Director, or the statement of reasons must be filed with the State Director within (30) days after the proposed official filing date.

The above-listed plats represent dependent resurveys, survey and subdivision.

These plats will be in the open files of the New Mexico State Office, Bureau of Land Management, P.O. Box 1449, Santa Fe, New Mexico 87504-1449. Copies may be obtained from this office upon payment of \$2.50 per sheet.

Dated: December 12, 1990.

John P. Bennett,

Chief, Cadastral Survey.

[FR Doc. 90-29775 Filed 12-19-90; 8:45 am]

BILLING CODE 4310-FB-M

[AZ-930-4214-10; AR-031306, A-4728, A-6087, A-6264, A-6593, and A-9580]

Withdrawal and Cancellation of Withdrawal Applications; Arizona

December 10, 1990.

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The Bureau of Reclamation, U.S. Department of the Interior has requested cancellation of several pending withdrawal applications. These applications were filed pending final location and construction of the Central Arizona Project. With the project essentially completed, certain lands, either necessary or not necessary can be specifically identified and the subject applications either amended or

cancelled. No lands in the above identified applications are required for the Central Arizona Project. The subject files will be closed on the public records upon publication in the **Federal Register**. This notice terminates the segregation imposed by the filing of the applications on lands as identified below and opens them to disposal under the appropriate public land laws, and the mining and mineral leasing laws.

EFFECTIVE DATES: December 20, 1990.

FOR FURTHER INFORMATION CONTACT:

John Mezes, BLM, Arizona State Office, P.O. Box 16563, Phoenix, Arizona 85014 (602) 640-5509.

SUPPLEMENTARY INFORMATION:

The Bureau of Reclamation, U.S. Department of the Interior, filed the following withdrawal applications: AR-031306 on February 19, 1962; A-4728 on August 23, 1970; A-6087 on February 8, 1971; A-6264 on May 19, 1971; A-6593 on October 21, 1971, and A-9580 on May 24, 1976 in support of the Central Arizona Project. The Bureau of Land Management has reported that the subject lands are not within the area required for the Central Arizona Project and that construction of the canal in the affected areas has been completed. A right-of-way has been issued authorizing the improvements. As a result, the Bureau of Reclamation has requested cancellation of the subject applications. Withdrawal applications AR-031306, A-4728, A-6087, A-6264, A-6593, and A-9580 are hereby cancelled in their entirety and the segregations imposed on the following described lands are hereby terminated. The BLM records will be so noted upon publication in the **Federal Register**.

Gila and Salt River Meridian

- T. 4 S., R. 13 E.,
 Sec. 4 NW $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 10 N $\frac{1}{2}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$; [A-62624—200.00 acres]
 T. 4 S., R. 9 E.,
 Sec. 9 W $\frac{1}{2}$; [AR-031306—320.00 acres]
 T. 1 N., R. 8 E.,
 Sec. 31 Lots 2, 3, and 4, E $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$; [AR-031306—239.73 acres]
 T. 2 N., R. 7 E.,
 Sec. 4 S $\frac{1}{2}$ of lot 9, lots 10, 11, 12, E $\frac{1}{2}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 5 Lot 9, E $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$; [A-6087—368.94 acres]
 Sec. 19 Lots 3 and 4, E $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$; [A-9580—308.05 acres]
 T. 3 N., R. 7 E.,
 Sec. 26 W $\frac{1}{4}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$;
 Sec. 27 NW $\frac{1}{4}$ SW $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$; [A-9580—380.00 acres]
 (E $\frac{1}{2}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ excluding those lands within 1 mile of the Salt River withdrawn for Reclamation purposes by Departmental Order of March 2, 1903).
 T. 4 N., R. 7 E.,
 Sec. 27 Lot 14, S $\frac{1}{2}$ SE $\frac{1}{4}$;

Sec. 34 Lots 8, 9, 10 and 11, E $\frac{1}{2}$ W $\frac{1}{2}$,

- N $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$; [A-9580—383.43 acres]
 T. 5 N., R. 3 E.,
 Sec. 31 Lot 4; [A-6593—40.04 acres]
 T. 5 N., R. 2 E.,
 Sec. 31 SE $\frac{1}{4}$, [AR-031306—160.00 acres]
 Sec. 33 NE $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$;
 Sec. 34 SE $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$; [A-4728—480.00 acres]
 T. 5 N., R. 1 E.,
 Sec. 25 E $\frac{1}{2}$ NE $\frac{1}{4}$; [AR-031306—80.00 acres]
 T. 5 N., R. 1 W.,
 Sec. 30 Lot 1; [AR-031306—41.38 acres]
 T. 4 N., R. 4 W.,
 Sec. 13 SW $\frac{1}{4}$;
 Sec. 23 N $\frac{1}{2}$; [AR-031306—480.00 acres]
 T. 3 N., R. 5 W.,
 Sec. 2 Lots 3 and 4, S $\frac{1}{2}$ NW $\frac{1}{4}$, [AR-031306—161.07 acres]
 T. 4 N., R. 5 W.,
 Sec. 35 All; [AR-031306—640.00 acres]

The areas described aggregate 4,282.64 acres in Maricopa, Pinal and La Paz Counties.

Beaumont C. McClure,

Deputy State Director, Lands and Renewable Resources.

[FR Doc. 90-29774 Filed 12-19-90; 8:45 am]

BILLING CODE 4310-32-M

INTERSTATE COMMERCE COMMISSION

[Ex Parte No. 491]

Railroad Cost of Capital; 1990

AGENCY: Interstate Commerce Commission.

ACTION: Notice of decision instituting a proceeding to determine the railroads' 1990 cost of capital.

SUMMARY: The Commission is instituting a proceeding to determine the railroad industry's cost of capital rate for 1990. The decision solicits comments on: (1) The railroads' 1990 cost of debt capital; (2) the railroads' 1990 current cost of preferred stock equity capital; (3) the railroads' 1990 cost of common stock equity capital; and (4) the 1990 capital structure mix of the railroad industry on a market value basis. With respect to the cost of common equity capital, the decision seeks the use of Institutional Brokers Estimate System (IBES) data to estimate the growth rate component of the discounted cash flow methodology.

DATES: Notices of intent to participate are due December 26, 1990. Statements of railroads are due February 8, 1991. Statements of other interested parties are due March 8, 1991. Rebuttal statements by railroads are due March 22, 1991.

ADDRESSES: Send an original and 15 copies of statements and an original and 1 copy of the notice of intent to participate to: Office of the Secretary.

Case Control Branch, Interstate Commerce Commission, Washington, DC 20423.

FOR FURTHER INFORMATION CONTACT: Ward L. Ginn, Jr., (202) 275-7489. (TDD for hearing impaired: (202) 275-1721)

SUPPLEMENTARY INFORMATION: Additional information is contained in the Commission's decision. To obtain a copy of the full decision, write to, call, or pick up in person from: Office of the Secretary, Interstate Commerce Commission, room 2215, Washington, DC 20423. Telephone: (202) 275-7428. (Assistance for the hearing impaired is available through TDD services (202) 275-1721.)

This action will not significantly affect either the quality of the human environment or energy conservation. Nor will it have a significant economic impact on a substantial number of small entities.

Authority: 49 U.S.C. 10704(a).

Decided: December 11, 1990.

By the Commission, Chairman Philbin, Vice Chairman Phillips, Commissioners Simmons, Emmett, and McDonald.

Sidney L. Strickland, Jr.,

Secretary.

[FR Doc. 90-29815 Filed 12-19-90; 8:45 am]

BILLING CODE 7035-01-M

public use condition must be filed by December 26, 1990.

ADDRESSES: Send pleadings, referring to Docket No. AB-55 (Sub-No. 347X), to:

- (1) Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423
- (2) Petitioner's representative: Patricia Vail—J150, 500 Water Street, Jacksonville, FL 32202

FOR FURTHER INFORMATION CONTACT: Joseph H. Dettmar, (202) 275-7245. [TDD for hearing impaired: (202) 275-1721.]

SUPPLEMENTARY INFORMATION: Additional information is contained in the Commission's decision. To purchase a copy of the full decision, write to, call, or pick up in person from: Dynamic Concepts, Inc., Room 2229, Interstate Commerce Commission Building, Washington, DC 20423. Telephone: (202) 289-4357/4359. (Assistance for the hearing impaired is available through TDD services at (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. 90-29817 Filed 12-19-90; 8:45 am]

BILLING CODE 7035-01-M

The trackage rights were to become effective on or after December 15, 1990.

This notice is filed under 49 CFR 1180.2(d)(7). Petitions to revoke the exemption under 49 U.S.C. 10505(d) may be filed at any time. The filing of a petition to revoke will not stay the transaction. Pleadings must be filed with the Commission and served on: Gary A. Laakso, SPCSL Corp., One Market Plaza, room 846, San Francisco, CA 94105.

As a condition to the use of this exemption, any employees affected by the trackage rights will be protected pursuant to *Norfolk and Western Ry. Co.—Trackage Rights—BN*, 354 I.C.C. 605 (1978), as modified in *Mendocino Coast Ry., Inc.—Lease and Operate*, 360 I.C.C. 653 (1980).

Dated: December 14, 1990.

By the Commission, David M. Konschnik, Director, Office of Proceedings.

Sidney L. Strickland, Jr.,

Secretary.

[FR Doc. 90-29816 Filed 12-19-90; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF JUSTICE

Lodging of Consent Decree; Central Maine Power

In accordance with Departmental policy, 28 CFR 50.7, notice is hereby given that on December 7, 1990, a proposed Consent Decree in *United States v. Central Maine Power*, Civil No. 90-0302B, was lodged with the United States District Court for the District of Maine resolving the matter. The proposed Consent Decree concerns the response to the existence of hazardous substances, such as polychlorinated biphenyls and lead, at the O'Connor Superfund Site near Augusta, Maine pursuant to the Comprehensive Environmental Response, Compensation and Liability Act, as amended.

Under the terms of the Consent Decree, the defendant will implement the remedy selected for the Site and reimburse the United States for its future oversight costs related to the Site.

The Department of Justice will receive for a period of thirty (30) days from the date of this publication comments relating to the proposed Consent Decree. Comments should be addressed to the Assistant Attorney General of the Environment and Natural Resources Division, Department of Justice, Washington, DC 20530, and should refer to *United States v. Central Maine Power*, D.J. Ref. 90-11-2-544.

The proposed Consent Decree may be examined at the Region 1 Office of the Environmental Protection Agency, One

[Docket No. AB-55 (Sub-No. 347X)]

CSX Transportation, Inc.; Abandonment Exemption; Richmond County, NC

AGENCY: Interstate Commerce Commission.

ACTION: Notice of exemption.

SUMMARY: The Commission exempts from the prior approval requirements of 49 U.S.C. 10903-10904 the abandonment by CSX Transportation, Inc., of a line of railroad between valuation station 25+25 and valuation station 47+70 (approximately 0.6 mile) in Rockingham, Richmond County, NC, subject to standard labor protective conditions.

DATES: Provided no formal expression of intent to file an offer of financial assistance has been received, this exemption will be effective on January 13, 1991. Formal expressions of intent to file an offer of financial assistance under 49 CFR 1152.27(c)(2) must be filed by December 26, 1990, petitions to stay must be filed by December 31, 1990, and petitions for reconsideration must be filed by January 8, 1991. Requests for a

¹ See *Exempt of Rail Abandonment—Offers of Finan. Assist.*, 4 I.C.C.2d 164 (1987).

[Finance Docket No. 31799]

SPCSL CORP.; Trackage Rights Exemption; the Belt Railway Co. of Chicago

The Belt Railway Company of Chicago (BRC) has agreed to grant overhead trackage rights to SPCSL Corp., between the points known as: (1) The BRC connection to the Burlington Northern Railroad Company, located approximately 1,000 feet north of the BRC mainline switch located at Hawthorne Interlocking Plant, at 31st Street in Chicago, IL, and the BRC connection to: (a) the CSL Intermodal Terminal located in Bedford Park, IL; (b) the Grand Trunk Western Railroad Company connection at Hayford Interlocking Plant or the BRC East Yard, located in Chicago; (c) the CSXT Intermodal Terminal at Forest Hill, located in Chicago; (d) the Norfolk Southern Corporation Intermodal Terminal at Landers Yard, located in Chicago; and (e) the Consolidated Rail Corporation connection at Rock Island Junction, located in Chicago; and (2) the BRC connection with the Indiana Harbor Belt Railroad, located at Argo, IL, and the BRC connection to the CSL Intermodal Terminal, located in Bedford Park.

Congress Street, Boston, Massachusetts 02203. Copies of the Consent Decree may be examined at the Environmental Enforcement Section Document Center, 1333 F Street, NW, suite 600, Washington, DC 20044, (202) 347-7829. A copy of the proposed Consent Decree (including Appendices) may be obtained in person or by mail from the Document Center. In requesting a copy, please refer to the referenced case and enclose a check in the amount of \$84.75 (25 cents per page reproduction cost) made payable to Consent Decree Library. To obtain a copy of the Consent Decree, excluding the Appendices, enclose a check in the amount of \$19.50.

George Van Cleve,

*Acting Assistant Attorney General,
Environment and Natural Resources Division.*

[FR Doc. 90-29731 Filed 12-19-90; 8:45 am]

BILLING CODE 4410-01-M

Drug Enforcement Administration

[Docket No. 90-40]

Henry J. Winsauer, M.D., San Diego, CA; Hearing

Notice is hereby given that on May 4, 1990, the Drug Enforcement Administration, Department of Justice, issued to Henry J. Winsauer, M.D., an Order to Show Cause as to why the Drug Enforcement Administration should not revoke your DEA Certificate of Registration, AW8632235, and deny any pending applications for a DEA Certificate of Registration.

Thirty days have elapsed since the said Order to Show Cause was received by Respondent, and written request for a hearing having been filed with the Drug Enforcement Administration, notice is hereby given that a hearing in this matter will be held on January 24, 1991, commencing at 9:30 a.m., at the U.S. Tax Court, 4-S-19 Federal Building, 880 Front Street, San Diego, California.

Dated: December 12, 1990.

Robert C. Bonner,

Administrator, Drug Enforcement Administration.

[FR Doc. 90-29788 Filed 12-19-90; 8:45 am]

BILLING CODE 4410-09-M

DEPARTMENT OF LABOR

Labor Advisory Committee for Trade Negotiations and Trade Policy; Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463 as amended), notice is hereby given of a meeting of the Steering Subcommittee of the Labor Advisory

Committee for Trade Negotiations and Trade Policy.

Date, time and place: January 8, 1991, 9:30 a.m.-12:00 noon, room S-2217, PHBldg., Department of Labor, 200 Constitution Ave., NW., Washington, DC 20210.

Purpose: To discuss trade negotiations and trade policy of the United States.

This meeting will be closed under the authority of section 10(d) of the Federal Advisory Committee Act and 5 U.S.C. 552(c)(1). The Committee will hear and discuss sensitive and confidential matters concerning U.S. trade negotiations and trade policy.

For further information, contact: Fernand Lavallee, Director, Trade Advisory Group. Phone: (202) 523-2752.

Signed at Washington, DC this 13th day of December 1990.

Shellyn G. McCaffrey,

Deputy Under Secretary, International Affairs.

[FR Doc. 90-29798 Filed 12-19-90; 8:45 am]

BILLING CODE 4510-28-M

Office of the Assistant Secretary for Veterans' Employment and Training

Secretary of Labor's Committee on Veterans' Employment Meeting

The Secretary's Committee on Veterans' Employment was established under section 308, title III, Public Law 97-306 "Veterans Compensation, Education and Employment Amendments of 1982," to bring to the attention of the Secretary, problems and issues relating to veterans' employment.

Notice is hereby given that the Secretary of Labor's Committee on Veterans' Employment will meet on Tuesday, January 15, 1991, at 10 a.m. in the Secretary's Conference room S-2508 of the Frances Perkins Building.

Written comments are welcome and may be submitted by addressing them to: Veterans' Employment and Training, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210.

The primary item on the agenda is a report by the Subcommittee on Veterans' Employment and Training Policy.

The public is invited.

Signed at Washington, DC this 14th day of December, 1990.

Thomas E. Collins,

Assistant Secretary for Veterans' Employment and Training.

[FR Doc. 90-29799 Filed 12-19-90; 8:45 am]

BILLING CODE 4510-79-M

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Arts in Education Advisory Panel; Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92-463), as amended, notice is hereby given that a meeting of the Arts in Education Advisory Panel (SAEG Section) to the National Council on the Arts will be held on January 7 and 9, 1991 from 9 a.m.-7 p.m. and January 8 and 10 from 9:30 a.m.-3 p.m. in room 730 at the Nancy Hanks Center, 1100 Pennsylvania Avenue, NW., Washington, DC 20506.

Portions of this meeting will be open to the public on January 8 and 10 from 1 p.m.-2 p.m. The topic will be policy discussion.

The remaining portions of this meeting on January 7 and 9 from 9 a.m.-7 p.m. and January 8 and 10 from 9:30 a.m.-1 p.m. and 2 p.m.-3 p.m. are for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman of December 11, 1990, these sessions will be closed to the public pursuant to subsections (c) (4), (6) and (9)(B) of section 552b of title 5, United States Code.

Any interested persons may attend, as observers, meetings, or portions thereof, of advisory panels which are open to the public.

Members of the public attending an open session of a meeting will be permitted to participate in the panel's discussions at the discretion of the chairman of the panel if the chairman is a full-time Federal employee. If the chairman is not a full-time Federal employee, then public participation will be permitted at the chairman's discretion with the approval of the full-time Federal employee in attendance at the meeting, in compliance with this guidance.

If you need special accommodations due to a disability, please contact the Office of Special Constituencies, National Endowment for the Arts, 1100 Pennsylvania Avenue, NW., Washington, DC 20506, 202/682/5532, TTY 202/682/5496, at least seven (7) days prior to the meeting.

Further information with reference to this meeting can be obtained from Ms. Yvonne M. Sabine, Advisory Committee

Management Officer, National Endowment for the Arts, Washington, DC 20506, or call (202) 682-5433.

Yvonne M. Sabine,

*Director, Council and Panel Operations,
National Endowment for the Arts.*

[FR Doc. 90-29767 Filed 12-19-90; 8:45 am]

BILLING CODE 7537-01-M

Design Arts Advisory Panel; Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92-463), as amended, notice is hereby given that a meeting of the Design Arts Advisory Panel (Advancement Section) to the National Council on the Arts will be held on January 7, 1991 from 9 a.m.-2 p.m. in room 714 of the Nancy Hanks Center, 1100 Pennsylvania Avenue NW., Washington, DC 20506.

This meeting is for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the Agency by grant applicants. In accordance with the determination of the Chairman of December 11, 1990, this session will be closed to the public pursuant to subsections (c)(4), (6) and (9)(B) of section 552b of title 5, United States Code.

Further information with reference to this meeting can be obtained from Ms. Yvonne M. Sabine, Advisory Committee Management Officer, National Endowment for the Arts, Washington, DC 20506, or call (202) 682-5433.

Dated: December 12, 1990.

Yvonne M. Sabine,

*Director, Council and Panel Operations,
National Endowment for the Arts.*

[FR Doc. 90-29768 Filed 12-19-90; 8:45 am]

BILLING CODE 7537-01-M

Inter-Arts Advisory Panel; Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92-463), as amended, notice is hereby given that a meeting of the Inter-Arts Advisory Panel (Artist Communities Section) to the National Council on the Arts will be held on January 9, 1991 from 9 a.m.-5 p.m. in room 714 at the Nancy Hanks Center, 1100 Pennsylvania Avenue, NW., Washington, DC 20506.

A portion of this meeting will be open to the public from 3:30 p.m.-5 p.m. The

topics will be policy discussion and guidelines review.

The remaining portion of this meeting from 9 a.m.-3:30 p.m. is for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman of December 11, 1990, this session will be closed to the public pursuant to subsections (c)(4), (6) and (9)(B) of section 552b of title 5, United States Code.

Any interested persons may attend, as observers, meetings, or portions thereof, of advisory panels which are open to the public.

Members of the public attending an open session of a meeting will be permitted to participate in the panel's discussions at the discretion of the chairman of the panel if the chairman is a full-time Federal employee. If the chairman is not a full-time Federal employee, then public participation will be permitted at the chairman's discretion with the approval of the full-time Federal employee in attendance at the meeting, in compliance with this guidance.

If you need special accommodations due to a disability, please contact the Office of Special Constituencies, National Endowment for the Arts, 1100 Pennsylvania Avenue, NW., Washington, DC 20506, 202/682-5532, TTY 202/682-5496, at least seven (7) days prior to the meeting.

Further information with reference to this meeting can be obtained from Ms. Yvonne M. Sabine, Advisory Committee Management Officer, National Endowment for the Arts, Washington, DC 20506, or call (202) 682-5433.

Dated: December 12, 1990.

Yvonne M. Sabine,

*Director, Council and Panel Operations,
National Endowment for the Arts.*

[FR Doc. 90-29769 Filed 12-19-90; 8:45 am]

BILLING CODE 7537-01-M

Inter-Arts Advisory Panel

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), as amended, notice is hereby given that a meeting of the Inter-Arts advisory Panel (Advancement Section) to the National Council on the Arts will be held on January 8, 1991 from 9 a.m.-5 p.m. in room 714 of the Nancy Hanks Center, 1100 Pennsylvania Avenue, NW., Washington, DC 20506.

This meeting is for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the Agency by grant applicants. In accordance with the determination of the Chairman of December 11, 1990, this session will be closed to the public pursuant to subsection (c)(4), (6) and (9)(B) of section 552b of title 5, United States Code.

Further information with reference to this meeting can be obtained from Ms. Yvonne M. Sabine, Advisory Committee Management Officer, National Endowment for the Arts, Washington, DC 20506, or call (202) 682-5433.

Dated: December 12, 1990.

Yvonne M. Sabine,

*Director, Council and Panel Operations,
National Endowment for the Arts.*

[FR Doc. 90-29764 Filed 12-19-90; 8:45 am]

BILLING CODE 7537-01-M

Meeting; Media Arts Advisory Panel

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), as amended, notice is hereby given that a meeting of the Media Arts Advisory Panel (Film/Video Production Prescreening Section) to the National Council on the Arts will be held on January 8-9, 1991 from 9 a.m.-6:30 p.m. and January 10 from 9 a.m.-6 p.m. in room 716 of the Nancy Hanks Center, 1100 Pennsylvania Avenue, NW., Washington, DC 20506.

This meeting is for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the Agency by grant applicants. In accordance with the determination of the Chairman of December 11, 1990, as amended, these sessions will be closed to the public pursuant to subsections (c)(4), (6) and (9)(B) of section 552b of title 5, United States Code.

Further information with reference to this meeting can be obtained from Ms. Yvonne M. Sabine, Advisory Committee Management Officer, National

Endowment for the Arts, Washington, DC 20506, or call (202) 682-5433.

Yvonne M. Sabine,

Director, Council and Panel Operations,
National Endowment for the Arts.

[FR Doc. 90-29766 Filed 12-19-90; 8:45 am]

BILLING CODE 7537-01-M

Meeting; Musical Advisory Panel

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), as amended, notice is hereby given that a meeting of the Music Advisory Panel (Chamber Music/New Music Ensembles Section) to the National Council on the Arts will be held on January 8-10, 1991 from 9 a.m.-5:30 p.m. and January 11 from 9 a.m.-4 p.m. in room M-07 at the Nancy Hanks Center, 1100 Pennsylvania Avenue, NW., Washington, DC 20506.

A portion of this meeting will be open to the public on January 11 from 2 p.m.-4 p.m. The topics will be policy discussion and guideline revisions.

The remaining portions of this meeting on January 8-10 from 9 a.m.-5:30 p.m. and January 11 from 9 a.m.-2 p.m. are for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman of December 11, 1990, these sessions will be closed to the public pursuant to subsection (c)(4), (6) and (9)(B) of section 552b of title 5, United States Code.

Any interested persons may attend, as observers, meetings, or portions thereof, of advisory panels which are open to the public.

Members of the public attending an open session of a meeting will be permitted to participate in the panel's discussions at the discretion of the chairman of the panel if the chairman is a full-time Federal employee. If the chairman is not a full-time Federal employee, then public participation will be permitted at the chairman's discretion with the approval of the full-time Federal employee in attendance at the meeting, in compliance with this guidance.

If you need special accommodations due to a disability, please contact the Office of Special Constituencies, National Endowment for the Arts, 1100 Pennsylvania Avenue, NW., Washington, DC 20506, 202/682-5532,

TTY 202/682-5496, at least seven (7) days prior to the meeting.

Further information with reference to this meeting can be obtained from Ms. Yvonne M. Sabine, Advisory Committee Management Officer, National Endowment for the Arts, Washington, DC 20506, or call (202) 682-5433.

Dated: December 12, 1990.

Yvonne M. Sabine,

Director, Council and Panel Operations,
National Endowment for the Arts.

[FR Doc. 90-29765 Filed 12-19-90; 8:45 am]

BILLING CODE 7537-01-M

NUCLEAR REGULATORY COMMISSION

Documents Containing Reporting or Record Keeping Requirements, Office of Management and Budget Review

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of the Office of Management and Budget (OMB) review of information collection.

SUMMARY: The Nuclear Regulatory Commission has recently submitted to the OMB for review the following proposal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35).

1. Type of Submission—new, revision, or extension: Revision

2. The title of the information collection: Certificate of Medical Examination by Facility Licensee

3. The form number if applicable: NRC Form 396

4. How often the collection is required: Upon application for an initial operator license, and every six years for the renewal of operator or senior operator licenses

5. Who will be required or asked to report: Facility employers of applicants for operators licenses

6. An estimate of the number of responses: 1350 annually

7. An estimate of the total number of hours needed to complete the requirement or request: Reporting: 338 hours (.25 hours per response), Recordkeeping: 500 hours (.10 hours per response)

8. An indication of whether Section 3504(h), Pub. L. 96-511 applies: Not applicable

9. Abstract: NRC Forms 396 establishes the procedure for transmitting information to the NRC regarding the medical condition of applicants for initial or renewal operator licenses and for the maintenance of

medical records for all licensed operators.

ADDRESSES: Copies of the submittal may be inspected or obtained for a fee from the NRC Public Document Room, 2120 L Street, NW., Lower Level, Washington, DC 20555.

FOR FURTHER INFORMATION CONTACT: Comments and questions can be directed by mail to the OMB reviewer: Ronald Minsk, Paperwork Reduction Project (3150-0024), Office of Information and Regulatory Affairs, NEOB-3019, Office of Management and Budget, Washington, DC 20503.

Comments can also be submitted by telephone at (202) 395-3084.

The NRC Clearance Officer is Brenda J. Shelton, (301) 492-8132.

Dated at Bethesda, Maryland, this 11th day of December, 1990.

For the Nuclear Regulatory Commission.

Patricia G. Norry,

Designated Senior Official for Information Resources Management.

[FR Doc. 90-29786 Filed 12-19-90; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-423]

Northeast Nuclear Energy, Co. Environmental Assessment and Finding of No Significant Impact

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of a license amendment to Northeast Nuclear Energy Company, et al. (the licensee) for the Millstone Nuclear Power Station, Unit No 3, located at the licensee's site in New London County, Connecticut.

Environmental Assessment

Identification of Proposed Action

The proposed amendment would modify the Technical Specifications (TS) to allow an increase in the normal containment pressure range; the proposed range is 10.6 psia to 14.0 psia. The current containment pressure range has a lower value of 8.9 psia with a variable upper value, depending upon service water temperature, up to approximately 10.6 psia.

The Need for the Proposed Action

The license amendment is needed to eliminate the need for supplemental oxygen for workers, to reduce the potential for personnel injury when entering containment due to pressure changes and to permit more expedient entry into the containment for inspection and problem resolution.

Assessment

The Licensee addressed the environmental impacts of the proposed action in the application dated February 26, 1990 and a supplement dated April 30, 1990.

The NRC staff has evaluated the effect of the proposed increase in normal containment pressure on post-Loss of Coolant Accident (LOCA), offsite doses.

Using the proposed containment leak rates with full credit allowed for iodine removal by the containment spray and the assumptions and parameters in Table 15.2 of Millstone Unit 3 Safety Evaluation Report (NUREG-1031 dated July 1984), the staff computed the offsite doses for the Millstone Unit 3 Exclusion Area (EAB) and Low Population Zone (LPZ) boundaries. The computed offsite doses are within the acceptance criteria given in section 15.7.5 of the Standard Review Plan (SRP) and the exposure guidelines of 10 CFR Part 100.

With regard to normal station effluents, the Millstone Unit No. 3 containment would still be maintained at a negative pressure of approximately 1 psig. Hence, there will be no leakage of airborne radioactivity from the containment during normal power operations. The only potential effect of the changes will be a reduction in the amount of radioactivity released during containment drawdowns (containment pressure reduction). This results from the reduced time required to draw a 1 psig negative pressure compared to the time required for the current, more negative containment pressure, and the reduced probability of requiring additional drawdowns. This benefit is expected to be negligible as containment drawdowns currently represent a small percent of normal station effluents.

Based upon the above, the licensee concluded, and the NRC staff concurs, that the proposed changes result in a decrease in normal station effluents and computed offsite doses within the acceptance criteria of SRP 15.7.5 and the exposure guidelines of 10 CFR part 100. The proposed changes would not affect any other evaluations as presented in the Final Environmental Statement (NUREG-1064 dated December 1984). Therefore, the proposed changes have no negative environmental impact.

Alternative to the Proposed Action

It has been concluded that there is no measurable impact associated with the proposed exemption; any alternatives to the exemption would have either essentially the same or greater environmental impact.

Alternative Use of Resources

This action does not involve the use of any resources different from or beyond the scope of resources used during normal plant operation, which were assessed in the Final Environmental Statement relating to plant operation.

Agencies and Persons Consulted

The Commission's staff reviewed the licensee's request that supports the proposed exemption. The staff did not consult other agencies or persons.

Finding of No Significant Impact

Based upon the foregoing environmental assessment, the Commission concludes that the proposed action will not have a significant effect on the quality of the human environment. Accordingly, the Commission has determined not to prepare an environmental impact statement for the proposed amendment.

For further details with respect to this action, see the request for license amendment dated February 26, 1990 and the supplement dated April 30, 1990. A copy is available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC 20555, and at the local public document room located at the Learning Resources Center, Thames Valley State Technical College, 574 New London Turnpike, Norwich, Connecticut 06360.

Dated at Rockville, Maryland this 13th 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. 90-29785 Filed 12-19-90; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 40-8958 and 40-8981]

Uranerz U.S.A., Inc.; Final Finding of No Significant Impact Regarding the Issuance of Two Source Material Licenses to Uranerz U.S.A., Inc. for Commercial Operation of the Ruth In-Situ Leach Project in Johnson County, WY and the North Butte In-Situ Leach Project Located in Campbell County, WY

December 19, 1990.

AGENCY: U.S. Nuclear Regulatory Commission.

ACTION: Notice of final finding of no significant impact.

1. Proposed Action

The proposed administrative action is to issue two commercial Source and Byproduct Material Licenses. These licenses would allow in-situ leach uranium recovery at the Ruth operation located in Johnson County, Wyoming and the North Butte operation located in Campbell County, Wyoming.

2. Reasons for Final Finding of No Significant Impact

An environmental assessment was prepared by the staff at the U.S. Nuclear Regulatory Commission (NRC), Uranium Recovery Field Office, Region IV. The environmental assessment performed by the Commission's staff evaluated potential impacts on-site and off-site due to radiological releases that may occur during the course of the operation. Documents used in preparing the assessment included operational data from the Ruth Research and Development in-situ leach operation and the licensee's revised applications dated October 3, 1988 and March 7, 1989. Based on the review of the operational data and the application materials, the Commission has determined that no significant impact will result from the proposed action.

The following statements support the final finding of no significant impact and summarize the conclusions resulting from the environmental assessment.

A. The ground-water monitoring program proposed by Uranerz, U.S.A., Inc. is sufficient to monitor the operations and will provide a warning system that will minimize any impact on ground water. Furthermore, aquifer testing and geological borings indicate that the production zone is adequately confined, thereby assuring hydrologic control of mining solutions.

B. Radiological effluents from the proposed operation of the various well fields and processing plant will be within regulatory limits and will be continuously monitored.

C. The environmental monitoring program is comprehensive and will detect any radiological releases resulting from the operations.

D. Radioactive wastes will be minimal and will be disposed of at an approved site in accordance with applicable Federal and State regulations.

E. Ground water, based upon previous testing, can be restored to baseline concentrations or applicable class of use standards.

In accordance with 10 CFR part 51.33(a), the Director of the Uranium Recovery Field Office, issued a draft finding of no significant impact in the

Federal Register on November 20, 1990. The 30-day comment period expired on December 19, 1990 with no comments being received. In consideration of this situation, the Director of the Uranium Recovery Field Office, in accordance with 10 CFR part 51.35 is issuing a final finding of no significant impact. Concurrent with the publication of this finding the Commission's Uranium Recovery Field Office will issue Source Material License SUA-1539 authorizing commercial operation of the Ruth site and Source Material SUA-1540 authorizing similar operations at the North Butte side.

Dated at Denver, Colorado, this 19th day of December, 1990.

For the Nuclear Regulatory Commission:

Ramon E. Hall,

Director, Uranium Recovery Field Office,
Region IV.

[FR Doc. 90-29948 Filed 12-19-90; 8:45 am]

BILLING CODE 7590-01-M

Consumers Power Co.; Consideration of Issuance of Amendment to Facility Operating License and Proposed No Significant Hazards Consideration Determination and Opportunity for Hearing

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of amendment to Provisional Operating License No. DPR-20, issued to Consumers Power Company (the licensee), for operation of the Palisades Plant, located in Van Buren County, Michigan.

The proposed amendment would modify the Palisades Plant Technical Specifications (TS) as follows:

In TS section 1.1, the definition of "Interior Fuel Rod" is deleted since it is no longer used. Accordingly, all references to "interior" are deleted from the definition of "Total Interior Rod Radial Peaking Factor". Total Rod Radial Peaking Factor " F_r^A " is renamed " F_r^T " and a "local peaking" definition is added to F_r^T for clarification.

In TS section 2.1, basis and references, a sentence is added stating that the analysis is performed in accordance with the added reference 6. This change is necessary since Cycle 9 has a mixed core arrangement and a new Minimum Departure from Nucleate Boiling Ratio (MDNBR) analysis is required.

The " P_{var} " equation in TS section 2.3 is revised to reflect the update to the constants for the Thermal Margin/Low Pressure (TM/LP) equation for Cycle 9. In the basis, the Variable High Power Trip (VHPT) setpoint is changed from "112%" to "115%" as a result of the

uncertainty on the VHPT setpoint being increased from 5.5% to 8.5% for Cycle 9. The references 1, 4, 8 and 11 are replaced with an updated Cycle 8 basis report and the reference 12 is deleted.

TS section 3.1, and its associated basis and references, is changed to incorporate a new primary coolant pump measured flowrate in order to reflect the associated lower assumed tube plugging ration of the replacement steam generators. The T_{inlet} equation, and the associated basis, is changed to reflect this increased margin. Also, Figure 3-O, "ASI LCO for T_{inlet} Function", is replaced with an updated Figure due not an expanded Axial Shape Index (ASI) Limiting Condition for Operation (LCO) operating window between 70% and 25% power. Finally, references 4 and 5 are replaced with new Cycle 9 specific references.

TS Section 3.10, basis and references, and TS section 3.12, references, have been revised with the appropriate references to reflect the changes in the Cycle 9 analysis.

TS Table 3.23-2, TS section 3.32.2 and its associated basis, and TS section 4.19.2.1, similarly replaced F_r^{AH} with F_r^T for the reasons listed above. Also, in TS Table 3.23-2, the radical peaking factor limits are revised with values consistent with the cycle 9 analysis. Finally, a paragraph is added in the basis of Section 3.23-2 explaining the Loss of Coolant Accident Analysis Limits.

Before issuance of the proposed license amendments, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations.

The Commission has made a proposed determination that the amendment request involves no significant hazards consideration. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facility in accordance with the proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety.

The licensee provided an analysis that addressed the above three standards in the amendment application.

(1) The proposed changes would not involve a significant increase in the probability or consequences of an accident previously evaluated because the effect of these changes on previously evaluated events (Standard Review Plan Chapter 15 events) has been thoroughly evaluated, classified (ANF-90-041) and,

where appropriate, reanalyzed (ANF-90-078). The conclusion of this classification, evaluation, and reanalysis is that the effect of these changes on accidents previously evaluated are bound by existing analyses; or, new analyses demonstrate that acceptance criteria are met for each of the reanalyzed events. Therefore, there is no increase in the consequences of previously evaluated accidents. Since hardware must meet design criteria and no operating limits have been changed above analyzed values, there is no increase in the probability of an accident previously evaluated.

(2) The proposed changes would not create the possibility of a new or different kind of accident from any accident previously evaluated because the changes do not permit a different method of operation, but only allow operation to be modified to take advantage of improved equipment and fuel design while meeting analyzed acceptance criteria.

(3) The proposed changes would not involve a significant reduction in the margin of safety because the existing margin of safety is provided by existing acceptance criteria. The effects of the proposed changes have been thoroughly analyzed and do not cause the existing acceptance criteria to be exceeded.

Therefore, based on the above considerations, the Commission has made a proposed determination that the amendment request involves no significant hazards consideration.

The Commission is seeking public comments on this proposed determination. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determination. The Commission will not normally make a final determination unless it receives a request for a hearing.

Written comments may be submitted by mail to the Regulatory Publications Branch, Division of Freedom of Information and Publications Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and should cite the publication date and page number of this Federal Register notice. Written comments may also be delivered to room P-223, Phillips Building, 7920 Norfolk Avenue, Bethesda, Maryland, from 7:30 a.m. to 4:15 p.m. Copies of written comments received may be examined at the NRC Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC. The filing of requests for hearing and petitions for leave to intervene is discussed below.

By January 22, 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 petition for leave to intervene. Requests for a hearing and petitions for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR part 2. Interested persons should consult a current copy of 10 CFR 2.714 which is available at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC 20555 and at the local public document room located at the Van Zoeren Library, Hope College, Michigan. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As a 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 petitioners shall provide a brief explanation of the bases of the contention and a concise statement of the alleged fact 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 petition 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.

If a hearing is requested, the Commission will have a final determination on the issue of no significant hazards consideration. The final determination will serve to decide when the hearing is held.

If the final determination is that amendment request involves no significant hazards consideration, the Commission may issue the amendment and make it effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendment.

If the final determination is that the amendment request involves a significant hazards consideration, any hearing held would take place before the issuance of any amendment.

Normally, the Commission will not issue the amendment until the expiration of the 30-day notice period. However, should circumstances change during the notice period such that failure to act in a timely way would result, for example, in derating or shutdown of the facility, the Commission may issue the

license amendment before the expiration of the 30-day notice period, provided that its final determination is that the amendment involves no significant hazards consideration. The final determination will consider all public and State comments received. Should the Commission take this action, it will publish a notice of issuance and provide for opportunity for a hearing after issuance. The Commission expects that the need to take this action will occur very infrequently.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Docketing and Service Branch, or may be delivered to the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW, Washington, DC, 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 L.B. Marsh: 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 Judd L. Bacon, Esq., Consumers Power Company, 212 West Michigan Avenue, Jackson, Michigan 49201, 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 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).

For further details with respect to this action, see the application for amendment dated September 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 Van Zoeren Library, Hope College, Holland, Michigan 49423.

Dated at Rockville, Maryland, this 13th day of December 1990.

L.B. Marsh,

Director, Project Directorate III-1, Division of Reactor Projects III/IV/V, Office of Nuclear Reactor Regulation.

[FR Doc. 90-29784 Filed 12-19-90; 8:45 am]

BILLING CODE 7590-01-M

OFFICE OF MANAGEMENT AND BUDGET

Office of Federal Procurement Policy

Issuance of Proposed Federal Procurement Policy on the Application of Rules of Origin

AGENCY: Office of Federal of Procurement Policy.

ACTION: Notice of issuance of proposed federal procurement policy letter on the application of rules of origin under part 25 of the federal acquisition regulation (FAR).

Background: The Office of Federal Procurement Policy (OFPP) has completed study of the Buy American Act (BAA) 41 U.S.C. 10a, *et seq.*, rule of origin and alternatives thereto, required by section 7002 of the Omnibus Trade And Competitiveness Act of 1988, (Pub. L. 100-418). The BAA, which establishes a statutory preference for United States domestic end products uses a rule of origin to determine the status of articles offered to the United States Government as either "foreign" or "domestic." Under the BAA rule of origin, an article is considered a foreign end product if it is not produced in the United States and 50 percent or more of the cost of its components originate from foreign sources. Depending upon the Federal agency involved, such products offered to the Government are subjected to a price preference of 6, 12, or 50 percent in favor of a competing domestic end product.

On July 21, 1989, OFPP conducted a public hearing and received comments on alternatives to the BAA rule of origin. In response to the notice of the public hearing and request for comments published in the *Federal Register* on June 14, 1989 (54 FR 24394-5), 23 entities provided comments. Subsequently, by *Federal Register* notice on April 12, 1990, (55 FR 13871) additional public comments were invited regarding alternative rules of origin that had been suggested as result of comments received for the record of the public hearing.

The study evaluated several alternatives to the BAA rule of origin including the "substantial transformation" rule of origin that is

authorized for use by the Trade Agreement Act of 1979 (TAA), 19 U.S.C. 2511 *et seq.* The TAA implements the International Agreement on Government Procurement. Under this rule, an article is a product of a country if: (1) It is wholly produced or manufactured in that country or (2) in the case of a product that consists in whole or in part of materials from another country, the product has been " * * * substantially transformed into a new and different article of commerce with a name, character, or use distinct from that of the article from which it was transformed." The TAA provisions apply to those procurements where the total amount is expected to exceed \$172,000.

The study did not recommend changes in the rule of origin used to implement the BAA. The study concluded, however, that the implementation of the BAA and the TAA in part 25 and the clause set forth at 52.225-9 of the Federal Acquisition Regulation (FAR) entitled "Buy American Act—Trade Agreements Act—Balance of Payments Program (May 1986)" places United States products at a disadvantage when competing with certain foreign products for United States procurements that are subject to the TAA. That disadvantage stems from the FAR requirement that United States products comply with the 50 percent component test authorized by the BAA while foreign firms—from the "designated countries" under the TAA—are permitted to take advantage of the "substantial transformation test" authorized under the TAA. Under the current FAR provision, United States products that fail to meet the 50 percent component test are excluded from TAA procurements.

In a recent protest of a General Services Administration procurement for automated data processing equipment, the General Services Board of Contract Appeals (GSBCA) held that the cited FAR clause is invalid to the extent that it does not treat certain products made in the United States, as defined by the TAA's rule of origin, as exempt from the "purchasing prohibition" of the TAA. The Board did not rule on the application of the administrative requirements of the BAA in acquisitions subject to the TAA.

The proposed Policy Letter would eliminate this disparity created by the FAR clause, provide guidance to agencies on compliance with the GSBCA opinion, and establish a policy with regard to application of the BAA rule of origin in procurements subject to the TAA. The proposed Policy Letter requires that for procurements covered by the TAA, neither the TAA's

procurement prohibition on products from nondesignated countries nor the BAA's evaluation penalties shall be applied to products which are manufactured in the United States within the meaning of the TAA's "substantial transformation" rule.

Comment Date: Comments on the proposed Policy Letter must be received on or before February 19, 1991.

ADDRESSES: Comments should be submitted to the Office of Federal Procurement Policy, room 9110, New Executive Office Building, 725 17th Street, NW., Washington, DC 20503.

INFORMATION CONTACT: William S. Coleman, Jr., Deputy Associate Administrator, Office of Federal Procurement Policy, 725 17th Street, NW., Washington, DC 20503, telephone (202) 395-3501.

Allan V. Burman,
Administrator.

Policy Letter 90-X

To the Heads of Executive Agencies and Departments
Subject: Application of Rules of Origin Under Part 25 of the Federal Acquisition Regulation (FAR)

1. *Purpose.* This Policy Letter establishes policy for the procurement of products under the provisions of part 25 of the Federal Acquisition Regulation (FAR). It provides that United States products in competition for contracts with the Federal Government that are subject to title III of the Trade Agreements Act of 1979, 19 U.S.C. 2501 *et seq.* (TAA) shall be permitted to qualify under the "substantial transformation" rule of origin. It further provides that the administrative requirements of the Buy American Act (BAA), 41 U.S.C. 10a *et seq.* shall not apply.

2. *Background.* The Office of Federal Procurement Policy (OFPP) conducted a study of the alternatives to the rule of origin used to implement the BAA. The study was required by section 7002 of the Omnibus Trade and Competitiveness Act of 1988 (Pub. L. 100-418). Among other things, the study concluded that the implementation of the BAA and the TAA in part 25 and the clause set forth at 52.225-9 results in offers of certain products manufactured in the United States being rejected in acquisitions subject to the TAA. The cited FAR clause requires an offeror to supply either a "domestic end product" (i.e., a product manufactured in the United States where more than fifty percent of the cost of components is attributed to components of U.S. origin) or a "designated country end product" (i.e., a product "substantially transformed" in a designated country). Consequently, offered products that are "substantially transformed" in the United States, but which fail the fifty percent component cost test, cannot be considered to be domestic products under the clause and, accordingly, must be rejected. Additionally, an offer of such product cannot be considered a product of a designated country because the United States is not a designated country.

As a result an offer of such U.S. made products is at a disadvantage when competing with an offer of either a domestic or designated country and product.

In a recent protest of a General Services Administration procurement for automated data processing equipment, the General Services Board of Contract Appeals held that the cited FAR clause is invalid to the extent that it does not treat certain products made in the United States, as defined by the TAA's rule of origin, as exempt from the "purchasing prohibition" of the TAA.¹

The Board did not rule on the application of the administrative requirements of the BAA in acquisitions subject to the TAA.

5. *Policy.* This Policy Letter sets forth policy on the consideration to be given to products substantially transformed in the United States where the fifty percent component cost test is not met. It also addresses the administrative implementation of the BAA in acquisitions subject to the TAA.

Therefore, the FAR should be amended as follows:

A. Section 25.401 "Definitions" should be amended to include a definition of "U.S. made end product" that would apply to procurements under the TAA. The following definition is suggested:

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

B. Section 25.402 "Policy." Revise subparagraph (a)(1) to provide that offers of "U.S. made end products" shall be evaluated without the restrictions of the BAA or the Balance of Payments Program (BPP).

C. The FAR clause at 52.225-9 entitled "Buy American Act—Trade Agreements Act—Balance of Payments Program (May 1986)" shall be deleted. A new clause and certification requirement shall be developed to cover procurements subject to the TAA that allows offers of "U.S. made end products" to be considered for award without the application of the BAA or BPP administrative requirements.

6. *Responsibilities of the Federal Acquisition Regulatory Council.* The Federal Acquisition Regulatory Council shall ensure that Government-wide regulations to conform to the policy regarding TAA procurements

established herein are promulgated within 120 days after the effective date of this Policy Letter.

7. *Information contact.* For information regarding this Policy Letter contact William S. Coleman, Jr., Deputy Associate Administrator, Office of Federal Procurement Policy, 725 17th Street, NW., Washington, DC 20503, telephone (202) 395-3501.

8. *Effective date.* This Policy Letter is effective 30 days after the date of issuance.

Allan V. Burman,
Administrator,

[FR Doc. 90-29739 Filed 12-19-90; 8:45 am]

BILLING CODE 3110-01-M

DEPARTMENT OF STATE

[Public Notice No. 1311]

Organization For the International Telegraph and Telephone Consultative Committee (CCITT), Study Group D; Meeting

The Department of State announces that Study Group D of the U.S. Organization for the International Telegraph and Telephone Consultative Committee (CCITT) will meet on January 9, 1991 in room 1205 from 10 a.m. to 5 p.m., Department of State, 2201 C Street, NW., Washington, DC 20520.

The purpose of the meeting will be to review results of the November meeting of Study Group VII, prepare US contributions for the meeting of Study Group VIII, March 18-27, 1991, and consider contributions for Study Group XVII, April 30, 1991. Nominations for delegations to Study Group VIII, and report of the outcome of the MHS MD Group will be considered. Any other business within the scope of Study Group D may also be raised and considered.

Members of the general public may attend the meeting and join in the discussions, subject to the instructions of the Chairman. Admittance of public members will be limited to the seating available. In that regard, entrance to the Department of State building is controlled and entry will be facilitated if arrangements are made in advance of the meeting. Prior to the meeting, persons who plan to attend should so advise the Office of Gary Fereno, Department of State, 202-647-2592 (fax 202-647-7407). The above includes government and non-government attendees. All attendees must use the C Street entrance.

Dated: December 4, 1990

Earl S. Barbely,

Director, Telecommunications and Information Standards, Chairman U.S. CCITT National Committee..

[FR Doc. 90-29760 Filed 12-19-90; 8:45 am]

BILLING CODE 4710-07-M

[Public Notice No. 1309]

Shipping Coordinating Committee, Subcommittee on Safety of Life at Sea, Working Group on the Carriage of Dangerous Goods; Meeting

The Working Group on the Carriage of Dangerous Goods of the Subcommittee on Safety of Life at Sea (SOLAS) will conduct an open meeting on December 20, 1990, at 1 p.m. in room 6244 at the Department of Transportation, NASSIF Building, 400 Seventh Street SW., Washington, DC 20590.

The purpose of this meeting is to discuss the results of the International Maritime Organization (IMO) Forty-second Session of the Sub-Committee on the Carriage of Dangerous Goods (CDG 42).

Members of the public may attend up to the seating capacity of the room. For information contact Lieutenant Commander Phillip C. Olenik, U.S. Coast Guard Headquarters (G-MTH-1), 2100 Second Street SW., Washington, DC 20593. Telephone: (202) 267-1577.

Dated: December 7, 1990.

Thomas J. Wajda,

Chairman, Shipping Coordinating Committee.

[FR Doc. 90-29761 Filed 12-19-90; 8:45 am]

BILLING CODE 4710-07-M

[Public Notice No. 1310]

Shipping Coordinating Committee, Subcommittee on Safety of Life at Sea, Working Group on Radiocommunications; Meetings

The Working Group on Radiocommunications of the Subcommittee on Safety of Life at Sea will conduct open meetings at 0930 on the following dates: January 17, 1991; February 21, 1991; March 21, 1991; April 18, 1991; May 16, 1991; June 20, 1991; and July 18, 1991. These meetings will be held in the Department of Transportation Headquarters Building, 400 Seventh Street SW., Washington, DC 20950.

The purpose of these meetings is to prepare for the 37th Session of the International Maritime Organization (IMO) Subcommittee on Radiocommunications being held in July 1991.

¹ International Business Machines Incorporated. USBCA No. 10532-P, 90 BPD 125, (May 18, 1990).

Agenda items include preparation for the 37th Session, primarily related to the implementation of the Global Maritime Distress and Safety System (GMDSS).

Members of the public may attend these meetings up to the seating capacity of the room.

For further information and meeting room number, contact Mr. Ronald J. Grandmaison, U.S. Coast Guard Headquarters (G-TTS-3), 2100 Second Street SW., Washington, DC 20593-0001. Telephone: (202) 267-1369.

Dated: December 11, 1990.

Joseph Richardson,
Executive Secretary, Shipping Coordinating Committee.

[FR Doc. 90-29759 Filed 12-19-90; 8:45 am]
BILLING CODE 4710-07-M

Bureau of Intelligence and Research

[Public Notice No. 1307]

Discretionary Grant Programs; Application Notice Establishing Closing Date for Transmittal of Certain Fiscal Year 1991 Applications

AGENCY: The Department of State invites applications from national organizations with interest and expertise in conducting research and training concerning the USSR and Eastern Europe to serve as intermediaries administering national competitive programs under the Soviet-Eastern European Research and Training Act. Due to increased funding in FY 1991, the Department of State is issuing this supplemental Call for Applications. The grants will be based on an open, national competition among applying organizations.

Authority for this program is contained in the Soviet-Eastern European Research and Training Act of 1983.

SUMMARY: The purpose of this application notice is to inform potential applicant organizations of fiscal and programmatic information and closing dates for transmittal of applications for awards in Fiscal Year 1991 under a program administered by the Department of State.

ORGANIZATION OF NOTICE: This notice contains three parts. Part I lists the closing date covered by this notice. Part II consists of a statement of purpose and priorities of the program. Part III provides the fiscal data for the program.

Part I

Closing Date for Transmittal of Applications

An application for an award must be mailed or hand-delivered by February 15, 1990.

Applications Delivered by Mail

An application sent by mail must be addressed to Kenneth E. Roberts, Executive Director, Soviet-Eastern European Studies Advisory Committee, Suite 233, 1730 K Street, NW., Washington, DC 20006.

An applicant must show proof of mailing consisting of one of the following:

(1) A legibly dated U.S. Postal Service postmark.

(2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.

(3) A dated shipping label, invoice, or receipt from a commercial center.

(4) Any other proof of mailing acceptable to the Department of State.

If an application is sent through the U.S. Postal Service, the Department of State does not accept either of the following as proof of mailing: (1) A private metered postmark, or (2) a mail receipt that is not dated by the U.S. Postal Service.

An applicant should note that the U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, an applicant should check with the local post office.

An applicant is encouraged to use registered or at least first class mail. Late applications will not be considered and will be returned to the applicant.

Applications Delivered by Hand

An application that is hand-delivered must be taken to Kenneth E. Roberts, Executive Director, Soviet-Eastern European Studies Advisory Committee, Suite 233, 1730 K Street, NW., Washington, DC.

The Soviet-Eastern European Studies Advisory Committee will accept hand-delivered applications between 9 a.m. and 4 p.m. (Washington, DC time) daily, except Saturdays, Sunday, and Federal holidays.

An application that is hand-delivered will not be accepted after 4:00 p.m. on the closing date.

Part II

Program Information

In the Soviet-Eastern European Research and Training Act of 1983 the Congress declared that independently verified factual knowledge about the countries of that area is "of utmost

importance for the national security of the United States, for the furtherance of our national interests in the conduct of foreign relations, and for the prudent management of our domestic affairs." Congress also declared that the development and maintenance of such knowledge and expertise "depends upon the national capability for advanced research by highly trained and experienced specialists, available for service in and out of Government." The Act authorizes the Secretary of State to provide financial support for advanced research, training and other related functions.

The full purpose of the Act and the eligibility requirements are set forth in Public Law 96-164, title VIII, 97 Stat. 1047-50. Under Title VIII, the countries include Albania, Bulgaria, Czechoslovakia, German Democratic Republic, Hungary, Poland, Romania, USSR, and Yugoslavia.

The Act establishes an Advisory Committee to recommend grant policies and recipients. The Secretary of State, after consultation with the Advisory Committee, approves policies and makes final determination on awards.

Applications for funding under the Act are invited from organizations prepared to conduct competitive programs in the fields of Soviet and Eastern European and related studies. Applying organizations or institutions should have the capability to conduct competitive award programs that are national in scope. Programs of this nature are those that make awards which are based upon an open, nationwide competition, incorporating peer group review mechanisms. Applications sought are those that would contribute to the development of a stable, long-term, national program of unclassified, advanced research and training on the Soviet Union and countries of Eastern Europe by proposing:

(1) National programs which award contracts or grants to American institutions of higher education or not-for-profit corporations in support of postdoctoral or equivalent level research projects, such contracts or grants to contain shared-cost provisions;

(2) National programs which offer graduate, postdoctoral and teaching fellowships for advanced training in Soviet and Eastern European and related studies, including training in the languages of the Soviet Union and Eastern Europe, such training to be conducted, on a shared-cost basis, at American institutions of higher education;

(3) National programs which provide fellowships and other support for

American specialists enabling them to conduct advanced research in the field of Soviet, Eastern European and related studies; and those which facilitate research collaboration between Government and private specialists in these fields:

(4) National programs which provide advanced training and research on a reciprocal basis in the Soviet Union and in the countries of Eastern Europe by facilitating access for American specialists to research facilities and resources in those countries;

(5) National programs which facilitate public dissemination of research methods, data and findings; and those which propose to strengthen the national capability for advanced research or training on the Soviet Union and Eastern Europe in ways not specified above.

Note: The Advisory Committee will not consider applications from individuals to further their own training or research, or from institutions or organizations whose proposals are not for competitive award programs that are national in scope as defined above. Support for specific activities will be guided by the following policies:

—*Publications.* Title VIII funds should not be used to subsidize journals, newsletters and other periodical publications except in unique or special circumstances, in which cases the funds should be supplied by peer-review organizations with national competitive programs.

—*Conferences.* Proposals for conferences, like those for research projects and training programs, should be assessed according to their relative contribution to the advancement of knowledge and to the professional development of cadres in the fields. Therefore, Title VIII grants generally should not be made solely to support a particular conference or series of conferences. Rather conference funding should come from one or more of the national peer-review organizations receiving title VIII funds, with proposed conferences being evaluated competitively against research, fellowship or other proposals for achieving the purposes of the grant.

—*Library activities.* Title VIII funds may be used for certain library activities which clearly strengthen research and training in Soviet and East European studies and benefit the field as a whole. Such programs must make awards based upon open, nationwide competition, incorporating peer group review mechanisms. Title VIII funds may not be used for

activities such as modernization or preservation. Modest, cost-effective proposals to facilitate research, by eliminating serious cataloging backlogs or otherwise improving access to research materials, will be considered for funding.

—*Language support.* The Advisory Committee encourages attention to the non-Russian languages of the Soviet Union and the less commonly taught languages of the East European countries. Support provided to Russian language instruction normally will be only at the advanced level.

—*German Democratic Republic.* Support for research on the former German Democratic Republic is limited to the study of historical issues related to its communist experience.

—*Soviet Republics.* The Advisory Committee will consider applications for national programs which advance knowledge and understanding of the Soviet republics, as well as those which focus on the broader aspects of Soviet and East European research and training.

In making its recommendations, the Committee will seek to encourage a coherent, long-term, and stable effort directed toward developing and maintaining a national capability in Soviet and Eastern European studies. Program proposals can be for the conduct of any of the functions enumerated, but in making its recommendations, the Committee will be concerned to develop a balanced national effort which, over the life of the Act, will ensure attention to all the countries of the area. While title VIII legislation requires that in certain cases grantee organizations include shared-cost provisions in their arrangements with end-users, cost-sharing in all forms is encouraged whenever feasible in all programs.

Part III

Available Funds

The Congress has appropriated \$10.0 million for the FY 1991 title VIII program. The Advisory Committee has recommended to the Secretary of State funding for awards totalling approximately \$7.0 million for the competition which ended September 28, 1990. The purpose of this supplemental Call for Applications is to announce a competition for the award of the uncommitted funds totalling approximately \$3.0 million.

The Department legally cannot commit funds that may be appropriated in subsequent fiscal years. Thus multi-year projects cannot receive assured funding unless such funding is supplied

out of a single year's appropriation.

Generally, grant agreements will permit the expenditure from a particular year's grant to be made up to three years from the grant's effective date.

Applications

Applications must be prepared and submitted in 20 copies in the form of a statement, the narrative part of which should not exceed 20 double-spaced pages. This must be accompanied by a one page executive summary, a budget, and vitae of professional staff. Proposers may append other information they consider essential, though bulky submissions are discouraged.

Applicants who have received a title VIII grant in the previous fiscal year competition should provide detailed information on the peer evaluation and review procedures followed, and awards made, including, where applicable, names/affiliations of recipients, and amounts and types of awards. If an applicant also received title VIII support prior to last year, a summary of those awards would be helpful.

Descriptions of competitive fellowships and other award programs should specify the applicant-to-award ratios.

Procedures for evaluating and selecting applicants to receive awards should be described in detail. For proposals including language instruction programs, criteria for evaluation should address levels of instruction, degrees of intensiveness, facilities, methods for measuring language proficiency (including pre- and post-testing), instructors' qualifications, and budget information showing estimated costs per student.

A description of affirmative action policies and practices should be included in the application.

Applicants should include certifications of compliance with the provisions of: (1) The Drug-Free Workplace Act (Pub. L. 100-690), in accordance with appendix C of 22 CFR part 137, subpart F; and (2) section 319 of the Department of the Interior and Related Agencies Appropriations Act (Pub. L. 101-121), in accordance with appendix A of 22 CFR part 138, New Restrictions on Lobbying Activities.

Budget

Applicants should familiarize themselves with OMB Circular A-110, "Grants and Agreements with Institutions of Higher Education * * * Uniform Administrative Requirements," and OMB Circular A-133, "Audits of

Institutions of Higher Learning and Other Non-Profit Institutions" and indicate or provide the following information:

(1) Whether the organization falls under OMB Circular No. A-21, "Cost Principles for Educational Institutions," or OMB Circular No. A-122, "Cost Principles for Nonprofit Organizations;"

(2) A budget request containing total amount, a detailed program budget indicating direct expenses by program element, and indirect costs. NB: Indirect costs are limited to 10 percent of total direct program costs. Applicants who are requesting Title VIII funds to supplement a program having other sources of support should submit a current budget for the total program and an estimated future budget for it showing how specific lines in the budget would be affected by the allocation of requested Title VIII grant funds. Other funding sources, when known, should be identified;

(3) The applicant's cost-sharing proposal, if applicable, containing appropriate details and cross references to the requested budget;

(4) Whether payment is requested on a reimbursable basis or by advance methods; re the latter for grants above \$120,000, advance funds will be made through a letter of credit, but if less than \$120,000 advance of funds will be made by Treasury checks through wire transfers;

(5) The organization's most recent audit report (the most recent U.S. Government audit report if available) and the name, address and point of contact of the audit agency.

Technical Review

The Soviet-Eastern European Studies Advisory Committee will evaluate applications on the basis of the following criteria:

(1) Responsiveness to the substantive provisions set forth above in *Part II, Program Information* (40 points);

(2) The professional qualifications of the applicant's key personnel and their experience conducting national competitive award programs of the type the applicant proposes in the Soviet and East European fields (40 points); and

(3) Budget and cost effectiveness (20 points).

Further Information

For further information, contact Kenneth E. Roberts, Executive Director, Soviet-Eastern European Studies Advisory Committee, INR/RES, Department of State, suite 233, 1730 K Street, NW., Washington, DC 20006. Telephone: (202) 632-2025 or 632-6060.

- Dated: December 10, 1990.

Kenneth E. Roberts,
Executive Director, Soviet-Eastern European
Studies Advisory Committee.

[FR Doc. 90-29732 Filed 12-19-90; 8:45 am]

BILLING CODE 4710-32-M

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

Generalized System of Preferences

In the matter of System of Preferences (GSP); I. Invitation to submit comments regarding the USITC Report to the President on Investigation Nos. TA-503 (a)-21 and 332-295; "President's List of Articles which may be Designated or Modified as Eligible Articles for Purposes of the U.S. Generalized System of Preferences"; II. Notice of Cancellation of Public Hearings Scheduled for Case 12-CP-90.

I. As indicated in a previous notice of August 24, 1990 (55 FR 34878), the GSP Subcommittee of the Trade Policy Staff Committee hereby notifies interested parties of the opportunity to comment on the public version of the U.S. International Trade Commission (USITC) report assessing the domestic economic impact of proposed changes in the list of eligible items under the 1990 Annual Review of the GSP. The report is available from the USITC by calling Cindy Payne at the Office of Industries at (202) 252-1451. The USITC is located at 500 E Street, SW., Washington, DC. The report is also available for review by appointment with the USTR Public Reading Room in Washington, DC. Appointments may be scheduled by calling (202) 395-6186.

All comments concerning the USITC report must be submitted in 12 copies, in English, to the Chairman of the GSP Subcommittee, Trade Policy Staff Committee, 600 17th Street, NW., room 414, Washington, DC 20506. Comments must be received no later than 5 p.m. on Thursday, January 10, 1991.

Comments submitted regarding the USITC Report will be subject to public inspection by appointment with the staff of the USTR Public Reading Room, except for information granted "business confidential" status pursuant to 15 CFR 2007.7. If the document contains business confidential information, twelve copies of a nonconfidential version of the submission along with twelve copies of the confidential version must be submitted. In addition, the document containing confidential information should be clearly marked "confidential" at the top and bottom of each and every page of the document. The version which does not contain business confidential information (the public

version) should also be clearly marked at the top and bottom of each and every page (either "public version" or "non-confidential").

II. A previous Federal Register notice published on November 19, 1990 (55 FR 48196) announced that a petition filed by the American International Group (AIG) concerning the GSP eligibility of Peru had been accepted for review. This notice also provided the schedule for submitting written comments and requests to appear at a public hearing on January 8, 1991. Such requests were due on December 13, 1990. No requests to appear at the public hearing were received by this date; as a result, the hearings scheduled for January 8 have been cancelled. Rebuttal briefs on this case will still be accepted until January 23, 1991. Additional information on this case is provided in the prior Federal Register notice.

FOR FURTHER INFORMATION CONTACT: GSP Subcommittee, Office of the United States Trade Representative, 600 17th Street, NW., room 414, Washington, DC 20506. The telephone number is (202) 395-6971. Appointments may be made to read public versions of all documents related to this review by calling the USTR Public Reading Room at (202) 395-6186.

Daniel F. Leahy,

Acting Chairman, Trade Policy Staff
Committee.

[FR Doc. 90-29717 Filed 12-19-90; 8:45 am]

BILLING CODE 3190-01-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGD9-90-17]

Ninth Coast Guard District Industry Day; Meeting

AGENCY: U.S. Coast Guard, DOT.

ACTION: Notice of meeting.

SUMMARY: On 30 January 1991, the Commander, Ninth Coast Guard District, will sponsor an Industry Day program to provide for an open exchange on matters of mutual interest or concern to the Great Lakes marine community and the Coast Guard. The Industry Day activities will be held at the Sheraton Cleveland City Centre Hotel, 777 St. Clair Avenue, Cleveland, Ohio. The schedule of events for Industry Day is:

8 a.m., Registration.
9 a.m., Industry Day Presentation.
11:30 a.m., "No Host" Buffet Luncheon.

1 p.m., Industry Day Presentations continue.

4:30 p.m.; Industry Day concludes.

Advance registration and payment of the \$20.00 conference fee (which includes the cost of the luncheon) is required. Persons desiring registration forms or additional information on the Industry Day activities should contact the personnel named below.

Recommendations for discussion topics will be considered in developing the final agenda. Such recommendations must be submitted in writing to the address listed below. All registration forms and recommendations must be received by 18 January 1991.

FOR FURTHER INFORMATION CONTACT: Commander, Robert Arnett or Rosemary Burrows, Marine Safety Division, Ninth Coast Guard District, 1240 East Ninth Street, Cleveland, Ohio 44199-2050, telephone: Commercial (216) 522-3907, FTS 942-3907.

Dated: December 5, 1990.

G.A. Penington,

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

[FR Doc. 90-29778 Filed 12-19-90; 8:45 am]

BILLING CODE 4910-14-M

Federal Aviation Administration

[Proposed Advisory Circular 20-XX]

Airworthiness Approval of Aeronautical Telecommunications Network Compatible Airborne Data Link Systems

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of availability of proposed Advisory Circular 20-XX and request for comments.

SUMMARY: This notice announces the availability of and requests comments on a proposed advisory circular (AC) pertaining to airworthiness approval of Aeronautical telecommunications Network (ATN) Compatible Airborne Data Link Systems. Data Link refers to a digitized voice and data air-to-ground communication capability which provides air traffic and airline operations services. This notice is necessary to give all interested persons an opportunity to present their views on the proposed AC.

DATES: Comments must be received on or before April 20, 1991.

ADDRESSES: Send all comments on the proposed AC to: Federal Aviation Administration, Attention: Transport Standard Staff, ANM-110, Northwest Mountain Region, 1601 Lind Avenue SW., Renton, Washington 98055-4056. Comments may be inspected at the

above address between 7:30 a.m. and 4 p.m. weekdays, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Jan Thor, Transport Standards Staff, at the address above, telephone (206) 227-2127.

SUPPLEMENTARY INFORMATION:

Comments Invited

A copy of the draft AC may be obtained by contacting the person named above under "**FOR FURTHER INFORMATION CONTACT.**" Interested persons are invited to comment on the proposed AC by submitting such written data, views or arguments as they desire. Commenters should identify AC 20-XX and submit comments, in duplicate to the address specified above. All communications received on or before the closing date for comments will be considered by the Transport Standards Staff before issuing the final AC.

Background

The material provided in this AC addresses system design aspects, mechanization, testing and the criticality of system failure conditions for installed airborne data link systems which meet the requirements of the ATN. Although the characteristics of various data link elements outside the airplane are considered, this AC is limited to providing airworthiness approval criteria for the installed airborne data link system.

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

Leroy A. Keith,

Manager, Transport Airplane Directorate, Aircraft Certification Service, ANM-100.

[FR Doc. 90-29755 Filed 12-19-90; 8:45 am]

BILLING CODE 4910-13-M

Programmatic Environmental Impact Statement; Terminal Doppler Weather Radar (TDWR) Site Determination Program

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of intent.

SUMMARY: The Federal Aviation Administration intends to prepare a Programmatic Environmental Impact Statement to address environmental and related impacts expected to be associated with the siting of Terminal Doppler Weather Radars, a wind-shear detection radar, at a number of not-as-yet determined airport sites in the United States.

FOR FURTHER INFORMATION CONTACT: Mr. William Albee, Manager, Policy and Regulatory Division (AEE-300), Office of

Environment and Energy, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591, (202) 267-3553.

SUPPLEMENTARY INFORMATION: The proposed project will involve the construction and operation of Terminal Doppler Weather Radar (TDWR) stations at up to 100 designated airports in the United States and Puerto Rico. The TDWR system is designed to provide improved weather radar information to air traffic controllers and pilots, enabling them to detect hazardous low altitude wind shear conditions. Wind shear has been identified as the cause of more U.S. air carrier fatalities than any other weather hazard. The TDWR system represents a major improvement over the capability of existing weather radars, primarily through the application of the Doppler principle, the use of solid state technology, and the improved data processing, communication, and display devices. TDWR installations would consist of a TDWR antenna and radome mounted on an antenna tower structure. Towers range from 5 to 30 meters in height, and require a plot of land approximately 110 feet by 100 feet (0.3 acre), which may be located within ten miles of the airport. The primary alternative to the proposed action is no development.

A set of siting criteria has been identified by the Federal Aviation Administration (FAA) for the process of selecting candidate TDWR sites. The FAA plans to coordinate with Federal, State, and local agencies which have jurisdiction by law or have special expertise with respect to any environmental impacts associated with the proposed project.

All interested persons are invited to provide input and comment for refining the scope of the Programmatic Environmental Impact Statement (PEIS). A formal scoping meeting is not planned. Comments should be directed to Mr. William Albee, Manager, Policy and Regulatory Division (AEE-300), Office of Environment and Energy, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591, no later than 30 days after publication in the **Federal Register**.

Issued in Washington, DC on January 14, 1990.

Donald H. Turnbull,

Weather Radar Program Manager.

[FR Doc. 90-29756 Filed 12-19-90; 8:45 am]

BILLING CODE 4920-13-M

DEPARTMENT OF THE TREASURY**Customs Service**

[T.D. 91-2]

Revocation of Commercial Gauger Approval and Commercial Laboratory Accreditation of Charles V. Bacon, Inc. of Harvey, LA**AGENCY:** U.S. Customs Service, Department of the Treasury.**ACTION:** Notice of revocation of approval and accreditation of a commercial gauger and commercial laboratory.**SUMMARY:** Charles V. Bacon, Inc., of Harvey, Louisiana has notified the U.S. Customs Service that they will be ceasing all gauging and laboratory operations. Therefore, pursuant to § 151.13, Customs Regulations (19 CFR 151.13), the commercial gauger approval and commercial laboratory accreditation granted to Charles V. Bacon have been revoked in full.**EFFECTIVE DATE:** December 1, 1990.**FOR FURTHER INFORMATION CONTACT:** Ira S. Reese, Special Assistant for Commercial and Tariff Affairs, Office of

Laboratories and Scientific Services, U.S. Customs service, Room 7113, 1301 Constitution Avenue NW., Washington, DC 20229 (202-566-2446).

Dated: December 17, 1990.

John B. O'Loughlin,
Director, Office of Laboratories and Scientific Services.

[FR Doc. 90-29805 Filed 12-19-90; 8:45 am]

BILLING CODE 4820-02-M

[T.D. 91-1]

Approval of Francisco J. Rovira, d/b/a International Marine Consultants as an Approved Commercial Gauger**AGENCY:** U.S. Customs Service, Department of the Treasury.**ACTION:** Notice of Approval of Francisco J. Rovira, d/b/a International Marine Consultants, as a Commercial Gauger.**SUMMARY:** Pursuant to § 151.13 of the Customs Regulations (19 CFR 151.13), Francisco J. Rovira, d/b/a International Marine Consultants, of Hato Rey, Puerto Rico applied to Customs and received

conditional approval to gauge imported petroleum, petroleum products, organic chemicals and vegetable and animal oils in bulk and liquid form. Customs has determined that Mr. Rovira meets the requirements for unconditional approval.

Therefore, in accordance with § 151.13(c), Francisco J. Rovira, d/b/a/ International Marine Consultants, 429 Padre Rufo Street—Floral Park, Hato Rey, Puerto Rico 00917 (P.O. Box 6085, Old San Juan, Puerto Rico 00903) is unconditionally approved to gauge the products named above in all Customs districts.

EFFECTIVE DATE: December 10, 1990.**FOR FURTHER INFORMATION CONTACT:** Ira S. Reese, Special Assistant for Commercial and Tariff Affairs, Office of Laboratories and Scientific Services, U.S. Customs Service, room 7113, 1301 Constitution Avenue NW., Washington, DC 20229 (202-566-2446).

Dated: December 17, 1990

John B. O'Loughlin,
Director, Office of Laboratories and Scientific Services.

[FR Doc. 90-29804 Filed 12-19-90; 8:45 am]

BILLING CODE 4820-02-M

Sunshine Act Meetings

Federal Register

Vol. 55, No. 245

Thursday, December, 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).

RESOLUTION TRUST CORPORATION

Agency Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 4:40 p.m. on Thursday, December 13, 1990, the Board of Directors of the Resolution Trust Corporation met in closed session to consider matters relating to (1) the resolution of institutions in the Accelerated Resolutions Program and (2)

recommendations regarding the proposed sale of a collateralized bond obligation.

In calling the meeting, the Board determined, on motion of Director C.C. Hope, Jr. (Appointive), seconded by Director Robert L. Clarke (Comptroller of the Currency), concurred in by Chairman L. William Seidman, Vice Chairman Andrew C. Hove, Jr. and Director T. Timothy Ryan, Jr. (Director of the Office of Thrift Supervision), 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)(8), (c)(9)(A)(ii), and (c)(9)(B) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(8), (c)(9)(A)(ii), and (c)(9)(B)).

The meeting was held in the Board Room of the Federal Deposit Insurance Corporation Building located at 550—17th Street, NW., Washington, DC.

Dated: December 17, 1990.

Resolution Trust Corporation.

John M. Buckley, Jr.,

Executive Secretary.

[FR Doc. 90-29865 Filed 12-18-90; 8:46 am]

BILLING CODE 6714-01-M

Sunshine Act Meetings

Vol. 12, No. 11
November 1981

The Sunshine Act meetings are held on a regular basis to provide an opportunity for the public to comment on proposed rules and regulations. The meetings are held in a public hearing room at the Federal Reserve Bank of New York, 60 Wall Street, New York, New York. The meetings are held on the following dates and times:

- November 11, 1981, 10:00 a.m. to 12:00 p.m.
- November 18, 1981, 10:00 a.m. to 12:00 p.m.
- November 25, 1981, 10:00 a.m. to 12:00 p.m.

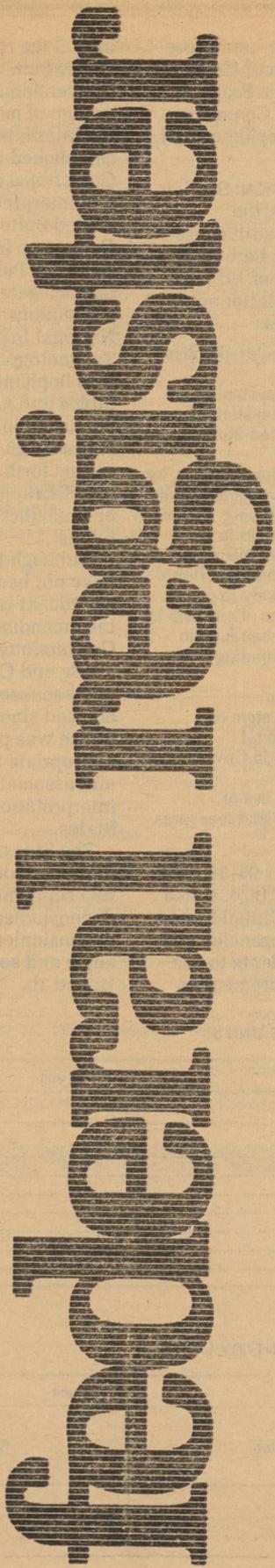
The meetings are held in a public hearing room at the Federal Reserve Bank of New York, 60 Wall Street, New York, New York. The meetings are held on the following dates and times:

- November 11, 1981, 10:00 a.m. to 12:00 p.m.
- November 18, 1981, 10:00 a.m. to 12:00 p.m.
- November 25, 1981, 10:00 a.m. to 12:00 p.m.

The meetings are held in a public hearing room at the Federal Reserve Bank of New York, 60 Wall Street, New York, New York. The meetings are held on the following dates and times:

- November 11, 1981, 10:00 a.m. to 12:00 p.m.
- November 18, 1981, 10:00 a.m. to 12:00 p.m.
- November 25, 1981, 10:00 a.m. to 12:00 p.m.

Thursday
December 20, 1990



Part II

**Department of
Commerce**

**National Institute of Standards and
Technology**

**Metric System of Measurement;
Interpretation of the International System
of Units for the United States; Notice**

DEPARTMENT OF COMMERCE

National Institute of Standards and Technology

[Docket No. 900663-0163]

Metric System of Measurement; Interpretation of the International System of Units for the United States

AGENCY: National Institute of Standards and Technology, Commerce.

ACTION: Notice.

SUMMARY: This notice restates the interpretation of the Department of Commerce as to the International System of Units ("SI") for the United States. This interpretation was last published by the Department of Commerce in the **Federal Register** on February 26, 1982 (47 FR 8399-8400). Although the contents of the tables have not been changed in any significant way since 1982, in view of the amendment of the Metric Conversion Act of 1975 by the Omnibus Trade and Competitiveness Act of 1988, and because over eight years have elapsed since the above **Federal Register** notice was published, it is deemed appropriate to once again issue tables and associated text setting forth the interpretation of the SI for the United States.

FOR FURTHER INFORMATION CONTACT: For information regarding the International System of Units, Dr. Barry N. Taylor, Building 221, Room B160, National Institute of Standards and Technology, Gaithersburg, Maryland 20899, telephone number (301) 975-4220. For more information regarding the

Federal Government's program for use of the International System of Units, Mr. James B. McCracken, Metric Program Office, U.S. Department of Commerce, Washington, DC 20230, telephone (202) 377-0944.

SUPPLEMENTARY INFORMATION: Section 5164 of Public Law 100-418, the Omnibus Trade and Competitiveness Act of 1988, amends Public Law 94-168, the Metric Conversion Act of 1975. In particular, section 3 of the latter act is amended to read as follows:

"Sec. 3. It is therefore the declared policy of the United States—

"(1) to designate the metric system of measurement as the preferred system of weights and measures for United States trade and commerce;

"(2) to require that each Federal agency, by a date certain and to the extent economically feasible by the end of the fiscal year 1992, use the metric system of measurement in its procurements, grants, and other business-related activities, except to the extent that such use is impractical or is likely to cause significant inefficiencies or loss of markets to United States firms, such as when foreign competitors are producing competing products in non-metric units;

"(3) to seek ways to increase understanding of the metric system of measurement through educational information and guidance and in Government publications; and

"(4) to permit the continued use of traditional systems of weights and measures in nonbusiness activities."

Section 403 of Public Law 93-380, the Education Amendments of 1974, states that it is the policy of the United States to encourage educational agencies and institutions to prepare students to use the metric system of measurement as

part of the regular education program. Under both this act and the Metric Conversion Act of 1975, the "metric system of measurement" is defined as the International System of Units as established in 1960 by the General Conference on Weights and Measures and interpreted or modified for the United States by the Secretary of Commerce (sec. 4(4), Pub. L. 94-168; sec. 403(a)(3), Pub. L. 93-380). The Secretary has delegated his authority under these subsections to the Director of the National Institute of Standards and Technology.

In implementation of this authority, tables and associated materials were published in the **Federal Register** of February 26, 1982 (47 FR 8399-8400), setting forth the interpretation and modification of the International System of Units (hereinafter "SI") for the United States.

Although the contents of the tables have not been changed in any significant way since 1982, in view of the amendment of the Metric Conversion Act of 1975 by the Omnibus Trade and Competitiveness Act of 1988, and because over eight years have elapsed since the above **Federal Register** notice was published, it is deemed appropriate to once again issue tables and associated text setting forth the interpretation of the SI for the United States.

The SI is constructed from seven base units for independent quantities plus two supplementary derived dimensionless units for the dimensionless derived quantities plane angle and solid angle, as listed in Tables 1a and 1b.

TABLE 1a.—SI BASE UNITS

Quantity	SI unit	
	Name	Symbol
length	meter	m
mass ¹	kilogram	kg
time	second	s
electric current	ampere	A
thermodynamic temperature	kelvin	K
amount of substance	mole	mol
luminous intensity	candela	cd

¹ "Weight" in common parlance is often used to mean "mass."

TABLE 1b.—SI SUPPLEMENTARY UNITS

Quantity	SI unit		
	Name	Symbol	Expression in terms of SI base units
plane angle	radian	rad	m · m ⁻¹ = 1
solid angle	steradian	sr	m ² · m ⁻² = 1

Units for all other quantities are derived from these nine units. For example, in Table 2 are listed a number of SI derived units obtained from the base units in a coherent manner, which means, in brief, that they are expressed as products and quotients of the seven base units without numerical factors.

TABLE 2.—EXAMPLES OF SI DERIVED UNITS EXPRESSED IN TERMS OF BASE UNITS

Quantity	SI unit	
	Name	Symbol
area	square meter	m ²
volume	cubic meter	m ³
speed, velocity	meter per second	m/s
acceleration	meter per second squared	m/s ²
wave number	reciprocal meter	m ⁻¹
density, mass density	kilogram per cubic meter	kg/m ³
specific volume	cubic meter per kilogram	m ³ /kg
current density	ampere per square meter	A/m ²
magnetic field strength	ampere per meter	A/m
concentration (of amount of substance)	mole per cubic meter	mol/m ³
luminance	candela per square meter	cd/m ²

Certain derived units that have been given special names and symbols are listed in Table 3. They may themselves be used to express other derived units, as is shown in Table 4. All the derived units given in Tables 3 and 4 have been obtained from the base and supplementary units in the same coherent manner indicated above.

TABLE 3.—SI DERIVED UNITS WITH SPECIAL NAMES

Quantity	SI unit		
	Name	Symbol	Expression in terms of other units
frequency	hertz	Hz	s ⁻¹
force	newton	N	m·kg/s ²
pressure, stress	pascal	Pa	N/m ²
energy, work, quantity of heat	joule	J	N·m
power, radiant flux	watt	W	J/s
electric charge, quantity of electricity	coulomb	C	s·A
electric potential, potential difference, electromotive force	volt	V	W/A
capacitance	farad	F	C/V
electric resistance	ohm	Ω	V/A
electric conductance	siemens	S	A/V
magnetic flux	weber	Wb	V·s
magnetic flux density	tesla	T	Wb/m ²
inductance	henry	H	Wb/A
Celsius temperature ¹	degree Celsius	°C	K
luminous flux	lumen	lm	cd·sr
illuminance	lux	lx	lm/m ²
activity (of a radionuclide)	becquerel	Bq	s ⁻¹
absorbed dose, specific energy imparted, kerma, absorbed dose index	gray	Gy	J/kg
dose equivalent, dose equivalent index	sievert	Sv	J/kg

¹ In addition to the thermodynamic temperature (symbol T) expressed in kelvins (see Table 1a), use is also made of Celsius temperature (symbol t) defined by the equation

$$t = T - T_0$$

where $T_0 = 273.15$ K by definition. To express Celsius temperature, the unit "degree Celsius" which is equal to the unit "kelvin" is used; in this case, "degree Celsius" is a special name used in place of "kelvin." An interval or difference of Celsius temperature can, however, be expressed in kelvins as well as in degrees Celsius.

TABLE 4.—EXAMPLES OF SI DERIVED UNITS EXPRESSED BY MEANS OF SPECIAL NAMES

Quantity	SI unit	
	Name	Symbol
dynamic viscosity.....	pascal second.....	Pa·s
moment of force.....	newton meter.....	N·m
surface tension.....	newton per meter.....	N/m
heat flux density, irradiance.....	watt per square meter.....	W/m ²
heat capacity, entropy.....	joule per kelvin.....	J/K
specific heat capacity, specific entropy.....	joule per kilogram kelvin.....	J/(kg·K)
specific energy.....	joule per kilogram.....	J/kg
thermal conductivity.....	watt per meter kelvin.....	W/(m·K)
energy density.....	joule per cubic meter.....	J/m ³
electric field strength.....	volt per meter.....	V/m
electric charge density.....	coulomb per cubic meter.....	C/m ³
electric flux density.....	coulomb per square meter.....	C/m ²
permittivity.....	farad per meter.....	F/m
permeability.....	henry per meter.....	H/m
molar energy.....	joule per mole.....	J/mol
molar entropy, molar heat capacity.....	joule per mole kelvin.....	J/(mol·K)
exposure (x and γ rays).....	coulomb per kilogram.....	C/kg
absorbed dose rate.....	gray per second.....	Gy/s

The supplementary units of Table 1b may be used in the expression of derived units as for the lumen in Table 3. Some additional examples are given in Table 5.

TABLE 5.—EXAMPLES OF SI DERIVED UNITS FORMED BY USING SUPPLEMENTARY UNITS

Quantity	SI unit	
	Name	Symbol
angular velocity.....	radian per second.....	rad/s
angular acceleration.....	radian per second squared.....	rad/s ²
radiant intensity.....	watt per steradian.....	W/sr
radiance.....	watt per square meter steradian.....	W/(m ² ·sr)

Table 6 gives the 10 prefixes used to form multiples and submultiples of the SI units. It is important to note that the kilogram is the only SI unit with a prefix as part of its name and symbol. Because double prefixes may not be used, in the case of mass the prefixes of Table 6 are to be used with gram (symbol g) and not with kilogram (symbol kg).

TABLE 6.—SI PREFIXES

Factor	Prefix	Symbol
10 ¹⁸	exa.....	E
10 ¹⁵	peta.....	P
10 ¹²	tera.....	T
10 ⁹	giga.....	G
10 ⁶	mega.....	M
10 ³	kilo.....	k
10 ²	hecto.....	h
10 ¹	deka.....	da
10 ⁻¹	deci.....	d
10 ⁻²	centi.....	c
10 ⁻³	milli.....	m
10 ⁻⁶	micro.....	μ
10 ⁻⁹	nano.....	n
10 ⁻¹²	pico.....	p
10 ⁻¹⁵	femto.....	f
10 ⁻¹⁸	atto.....	a

Certain units are not part of the SI, but units in this category that are accepted International System are listed in Table 7. are important and widely used. The for use in the United States with the 7.

TABLE 7.—UNITS IN USE WITH THE INTERNATIONAL SYSTEM

Name	Symbol	Value in SI unit
minute (time).....	min.....	1 min = 60 s
hour.....	h.....	1 h = 60 min = 3 600 s
day.....	d.....	1 d = 24 h = 86 400 s
degree (angle).....	°.....	1° = (π/180) rad
minute (angle).....	'.....	1' = (1/60)° = (π/10 800) rad
second (angle).....	".....	1" (1/60)' = (π/648 000) rad
*liter.....	L.....	1 L = 1 dm ³ = 10 ⁻³ m ³
**metric ton.....	t.....	1 t = 10 ³ kg
hectare (land area).....	ha.....	1 ha = 1 hm ² = 10 ⁴ m ²
***electronvolt.....	eV.....	1 eV = 1.602 18 × 10 ⁻¹⁹ J, approximately
***unified atomic mass unit.....	u.....	1 u = 1.660 54 × 10 ⁻²⁷ kg, approximately

* Both L and l are internationally accepted symbols for liter. Because "l" can easily be confused with the numeral "1," the symbol "L" is recommended for United States use.

** In many countries, this unit is called "tonne."

*** The values of these units expressed in terms of SI units must be obtained by experiment, and are therefore not known exactly. The electron volt is the kinetic energy acquired by an electron passing through a potential difference of 1 volt in vacuum. The unified atomic mass unit is equal to (1/12) of the mass of the atom of the nuclide ¹²C.

In those fields where their usage is already well established, the use of the units in Table 8 for a limited time is accepted, subject to future review.

TABLE 8.—UNITS IN USE TEMPORARILY WITH THE INTERNATIONAL SYSTEM

nautical mile	barn	roentgen.
knot	bar	rad ³
ångström	gal ²	rem ⁴
are ¹	curie	

¹ Unit of land area.

² Unit of acceleration.

³ Unit of absorbed dose.

⁴ Unit of dose equivalent.

As stated in the 1982 notice, metric units, symbols, and terms that are not in accordance with the foregoing interpretation are no longer accepted for continued use in the United States with the International System of Units. Accordingly, the following units and terms listed in the table of metric units in section 2 of the Act of July 28, 1866 that legalized the metric system of weights and measures in the United States are no longer accepted for use in the United States: myriameter

stere
millier or tonneau
quintal
myriagram
kilo (for kilogram).

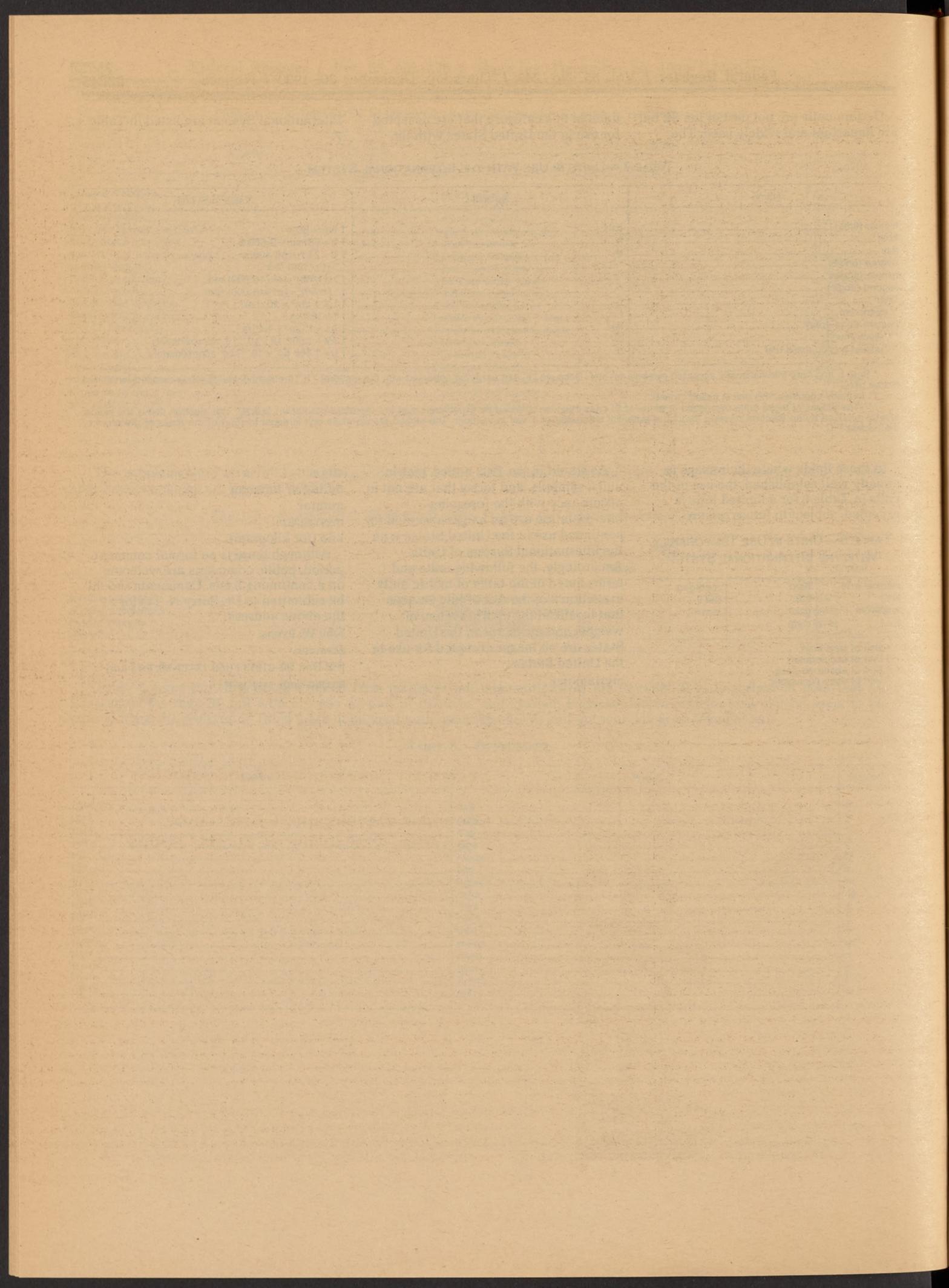
Although there is no formal comment period, public comments are welcome on a continuing basis. Comments should be submitted to Dr. Barry N. Taylor at the above address.

John W. Lyons,

Director.

[FR Doc. 90-21913 Filed 12-19-90; 8:45 am]

BILLING CODE 3510-13-M



Thursday
December 20, 1990



Part III

**Department of
Commerce**

Economic Development Administration

**Economic Development Assistance
Programs; Availability of Funds; Notice**

DEPARTMENT OF COMMERCE**Economic Development Administration**

[Docket No. 900952-0252]

Economic Development Assistance Programs as Described in Public Law 101-515, Departments of Commerce, Justice, State, the Judiciary, and Related Agencies Appropriations, 1991; Availability of Funds**AGENCY:** Economic Development Administration (EDA), Commerce.**ACTION:** Notice.

SUMMARY: The Economic Development Administration (EDA) announces its policies and application procedures for funds available in FY 1991 to support projects designed to alleviate conditions of substantial and persistent unemployment and underemployment in economically distressed areas and regions of the Nation and to address economic dislocations resulting from sudden, major job losses. The purpose of this announcement is to communicate to potential applicants for EDA funds the policies and procedures that will be used to administer the Agency's programs during FY 1991.

I. General Policies

Because of the existing statutory criteria and a Congressional prohibition against terminating eligibility, areas containing approximately 90 percent of the U.S. population are eligible for EDA assistance, which in FY 1991 totals less than \$209 million. Priority consideration for funding will be given only to those projects having the best potential to benefit areas experiencing or threatened with the most severe economic distress. EDA is particularly interested in projects located in Federally authorized and designated enterprise zones. Distress may exist in a variety of forms, including exceptionally high unemployment rates, extremely low income levels, abnormally large concentrations of low income families, particularly low labor force participation rates, unusually large numbers (or high rates) of business failures or farm loan foreclosures, high farm credit delinquencies, sudden major layoffs and/or plant closures, and drastically reduced tax bases. Potential applicants are responsible for demonstrating to EDA, through the provision of statistics and other appropriate information, the nature and level of the distress their efforts are intended to alleviate. In the absence of evidence of exceptionally high levels of distress, EDA funding is unlikely. In

considering proposals to benefit severely distressed areas, EDA will give special consideration to those that address the needs of rural communities, particularly aid directed toward the economic diversification of such areas.

EDA recognizes that small communities experience impediments to economic development other than the traditional inadequacies of existing water, sewer and roadway systems; therefore, in FY 1991, EDA will give consideration to atypical EDA projects that would assist an area to overcome a special development or infrastructure problem that is preventing real growth and economic development from taking place. Such projects include, but are not limited to, activities designed to enhance the expansion of the service sector of the economy when that sector is deemed more growth oriented than the traditional industrial sector, or innovative projects designed for the development of solid waste disposal recycling facilities. Such proposals must be appropriately scaled and provide substantial and direct benefit to the local economy or otherwise enhance the economic prosperity of the area. EDA will consider providing assistance to demonstration type projects that are especially creative from an economic development standpoint and that leverage the maximum amount of nonfederal resources. EDA expects substantial state and local support for proposed projects. Proposals that do not provide evidence of strong state and local leadership and financing are unlikely to receive EDA aid.

In the case of projects involving construction, EDA expects construction to be initiated and completed in a timely manner. Applicants are expected to anticipate predictable delays such as those caused by normal weather conditions, legal complications, community disputes, land acquisition, etc., and account for them in developing project schedules. Projects which are likely to encounter significant delays will normally not be given favorable consideration. Projects that experience unreasonable delays following EDA approval may be terminated and the funds deobligated. These policies are consistent with EDA's objective of supporting activities that can begin to benefit local economics as soon as possible, thereby meeting the pressing development needs identified by project applicants. EDA expects those responsible for developing and managing projects to maximize the impact of the public funds by preparing and implementing projects as thoroughly and expeditiously as possible. EDA funding will not be used directly or

indirectly to assist employers who transfer one or more jobs from one commuting area to another. EDA nonrelocation requirements (13 CFR 309.3) apply to grants involving construction, rehabilitation or repair, and to all loan guarantees and grants, under titles I, IV, IX, and section 301(f) of the Public Works and Economic Development Act of 1965 (Pub. L. 89-136, 42 U.S.C. 3121-3246h), as amended, PWEDA, (including grants for Revolving Loan Funds, under title IX). Applicants who have delinquent accounts receivable with the Federal Government may not be considered for future awards until these debts have been paid or arrangements to pay them have been approved by the agency to whom the debt is owed. Applicants may be subject to a pre-award accounting system survey by the Department of Commerce's Office of Inspector General, and fund recipients may be subject to audits or other inspections by the same office.

Applicants eligible for assistance because of membership in an economic development district must be active participants in the district economic development planning process. EDA will evaluate applications for conformance with published statutory, regulatory, and policy requirements. Applications proposed for funding under these programs are subject to the requirements of Executive Order 12372, "Intergovernmental Review of Federal Programs."

An invitation to submit a formal application does not assure EDA funding. Factors that will be taken into account in considering projects eligible and competitive include whether and to what extent the project meets the selection criteria. Unsuccessful applicants will be notified of the status of their applications when all of EDA's funds for the program to which they have applied have been awarded. Processing time for project proposals will depend on the completeness of information provided in the application form and supporting documents at the time of submission. Project proposals that require additional information from applicants or other sources will be returned to correct deficiencies and the official application receipt dates will be adjusted accordingly.

EDA will avoid projects that involve actual or potential conflict-of-interest situations. If EDA identifies or suspects a possible conflict-of-interest situation, or an appearance of such, application processing and/or grant award may be suspended and the burden will be on the applicant/grantee to take appropriate

steps to eliminate the perception of a conflict of interest before application processing and/or the grant is resumed.

Section 319 of Public Law 101-121 generally prohibits recipients of Federal contracts, grants, and loans from using appropriated funds for lobbying the Executive or Legislative Branches of the Federal Government in connection with a specific contract, grant, or loan. A "Certification for Contracts, Grants, Loans and Cooperative Agreements" and the SF-LLL, "Disclosure of Lobbying Activities" (if applicable), is required to be submitted with the application.

Applicants are subject to Governmentwide Debarment and Suspension (Nonprocurement) requirements as stated in 15 CFR part 26. In accordance with the Drug-Free Workplace Act of 1988, each applicant must make the appropriate certification as a "prior condition" to receiving a grant or cooperative agreement.

Applicants should be mindful that a false statement on the application may be grounds for denial or termination of funds and grounds for possible punishment by a fine or imprisonment.

Awards under these programs shall be subject to all Federal and Departmental regulations, policies, and procedures applicable to Federal assistance awards.

The following material describes other policies and procedures associated with each of EDA's programs.

II. Program: Public Works and Development Facilities Assistance

(Catalog of Federal Domestic Assistance: 11.300 Economic Development Grants and Loans for Public Works and Development Facilities. 11.304 Economic Development Public Works Impact Program (PWIP))

Summary

Funds available under the Public Works Program are used to finance public works and development facilities that contribute to the economic development of distressed areas. EDA's public works expenditures are authorized by titles I and IV of the Public Works and Economic Development Act of 1965, as amended (PWEDA), 42 U.S.C. 3131 and 42 U.S.C. 3171(a)(3).

Eligibility

Eligibility applicants under this program include any state, or political subdivision thereof, Indian tribe, the Federated States of Micronesia, the Republic of the Marshall Islands, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa and the Commonwealth of the Northern Mariana Islands, or private or public nonprofit organization or association

representing any redevelopment area or part thereof, if the project is located within an EDA-designated redevelopment area. Redevelopment areas, other than those designated under the Public Works Impact Program, must have a current EDA-approved Overall Economic Development Program (OEDP).

Political entities claiming eligibility under OEDPs developed by multicounty economic development organizations are expected to continue to participate actively in the organization. Further information on areas eligible for this program is available from EDA's Regional Offices. Nonprofit applicants are urged to seek the cooperation and support of units of local government and, when deemed appropriate by EDA, to have the local government serve as co-applicant for EDA assistance. This serves the purposes of ensuring the financial stability and continuity of the project after its construction and during its useful life, in the event the nonprofit entity finds itself in a position of not having the financial resources to properly and efficiently administer, operate and maintain the EDA-assisted facility consistent with the provisions of 13 CFR part 314-Property Management Standards.

Program Objective

The purpose of the Public Works Program is to assist communities with the funding of public works and development facilities that contribute to the creation or retention of private sector jobs and to the alleviation of unemployment and underemployment. Such assistance is designed to help communities achieve lasting improvement by stabilizing and diversifying local economies, and improving local living conditions and the economic environment of the area. EDA emphasizes the alleviation of unemployment and underemployment among residents of the project area as a primary focus of this program. In view of the current rural distress, applications from rural communities will be reviewed with particular interest.

Funding Availability

Funds in the amount of \$140.825 million are available for this program.

Funding Instrument

EDA may provide grants with maximum EDA participation of 80 percent of project costs. On an average, EDA grants cover approximately 50 percent of project costs. Applicants will be required to provide the local share from acceptable sources including, but not limited to, cash, local government

general obligation or revenue bonds; Community Development Block Grant (CDBG) entitlement funds or balance of state awards; Farmers Home Administration loans; and other public and private financing, including donations. The local share need not be in hand at the time of application; however, the applicant must have a firm commitment from identified sources, and the funds must be readily available.

The local share must not be encumbered in any way that would preclude its use consistent with the requirements of the grant agreement. Priority will be given to applications which maximize the local share's percentage of the project cost. Supplementary grant assistance to finance more than 50 percent of project costs will only be approved by EDA for projects in areas of high distress. Decisions on such assistance will be based on the nature of the project, the amount of fair user charges or other revenues the project may reasonably be expected to generate, the ability of the applicant to fund the project costs, and the relative needs of the project (see 13 CFR 305.5).

Selection Criteria

For both regular Public Works projects and Public Works Impact Program (PWIP) projects, priority consideration will be given to those which are the most competitive based upon the project selection criteria set forth below, that best meet the needs of eligible areas, and that are located in areas of severe economic distress.

A. Public Works Projects

Factors that will be taken into account in considering projects eligible under section 101(a)(1)(A)-(C) of PWEDA, 42 U.S.C. 3131(a)(1)(A)-(C), include whether and to what extent the project:

1. Improves opportunities for the successful establishment or expansion of industrial or commercial facilities in the area where such project will be located;
2. Assists in creating or retaining private sector jobs in the near term and assists in the creation of additional long-term employment opportunities, provided the jobs are not transferred from any other area of the United States, and will result in a low cost per job in relation to total EDA cost;
3. Benefits the long-term unemployed and members of low-income families who are residents of the area to be served by the project;
4. Fulfills a pressing need of the area or part thereof, in which it will be located;

5. Is consistent with the EDA approved Overall Economic Development Program (OEDP) for the area in which it is, or will be, located, and has broad community support;

6. Is supported by significant private sector investment;

7. Has adequate local share of funds with evidence of firm commitment and availability;

8. Supports developments taking place in designated enterprise zones, particularly in rural areas;

9. Demonstrates that necessary permits, land acquisitions, or options on land and rights-of-way have been obtained and that all other legal requirements of the application process have been satisfied;

10. Includes a larger local share than the minimum required; and maximizes the amount of local and/or State funding possible; and

11. Gives evidence of the ability to begin and complete construction in a timely manner in accordance with a schedule to be agreed upon by EDA and the applicant and included in the grant award. EDA discourages the start of construction prior to grant award and cautions that financial hardship may be experienced by applicants whose projects are not ultimately approved because of compliance deficiencies or lack of competitiveness with other proposals. EDA will require all applicants that request approval to proceed with construction prior to grant award to acknowledge that they are proceeding at their own risk without recourse to EDA should the grant not be awarded and/or EDA requirements not be met. Furthermore, EDA may view the start of construction prior to grant award as an indication that the grant funds are not essential for the successful development of the project.

B. Public Works Impact Program

Factors that will be taken into account in considering projects under the Public Works Impact Program (PWIP) authorized by section 101(a)(1)(D) of PWEDA, 42 U.S.C. 3131(a)(1)(D), include whether and to what extent the project:

1. Directly assists in creating immediate useful work (i.e., construction jobs) for the unemployed and underemployed residents in the project area;
2. Improves the economic or community environment in areas of severe economic distress;
3. Includes a specific plan (i.e., PWIP Employment Strategy) for hiring the unemployed and underemployed persons from the project area to work on the construction of the project; EDA will evaluate all plans to ensure that they

contain a logical explanation of how the employment objectives will be met;

4. Assists in providing long-term employment opportunities or other economic benefits for the unemployed and underemployed in the project area;

5. Primarily benefits low-income families by providing essential community services, or satisfying a pressing public need;

6. In addition to the requirement for regular public works projects, as contained in paragraph A.11, can begin construction quickly (normally within 120 days after acceptance of the grant by the applicant); and

7. Has substantial labor intensity, where labor intensity is the proportion of labor costs to the total project costs.

C. Industrial Park Projects

Projects which will primarily serve an industrial park or site will be evaluated on such additional factors as:

1. A detailed analysis of existing industrial park capacity and utilization; occupancy rates for existing developed industrial acres currently available within a 25-mile radius of the project site. For cities with populations over 50,000, the prescribed area may be determined by an analysis of industrial sites within an established industrial area, which may be less than a 25-mile radius. Contact the economic development representative (EDR) for the area or the appropriate EDA regional office for guidance.

2. Commitments in writing from identified tenants to expand existing operations or to locate in the industrial park or site. Commitments must include a description of the industry, the number of jobs created or saved, and an implementation schedule, and the relationship of the commitment to the requested grant assistance.

3. The existence of a concrete marketing strategy and demonstrated financial ability to market space in the industrial park or site. Strong emphasis will be placed upon this requirement.

D. Tourism Projects

EDA will support tourism or recreational projects, where it can be demonstrated to EDA's satisfaction that tourism is a major industry in the area or that the project will assist in creating a significant number of jobs, in which case, the project must directly assist in providing job opportunities for unemployed and underemployed persons of the area and otherwise support the long-term growth of the area.

E. Favorable Consideration Is Not Likely for Projects Which

1. Are in areas with unemployment rates below the national average, unless it can be demonstrated to EDA's satisfaction by other more appropriate measures that the area is suffering substantial distress and economic hardship;

2. Are in pockets of economic distress surrounded by economically affluent areas;

3. Are in Economic Development Centers that have stable economies with little distress, unless the application includes an Employment Strategy that contains a logical explanation of how new job opportunities will be created for and filled by residents of nearby highly distressed redevelopment areas;

4. Do not benefit the long-term unemployed or members of low-income families or otherwise substantially further the objectives of the Economic Opportunity Act of 1964;

5. Cannot be implemented within a reasonable period of time;

6. Involve substantial land purchase, or land purchases involving exorbitant costs; EDA prefers not being involved with land purchases;

7. Do not have the applicant's share of project funding readily available;

8. Involve industrial parks where there is evidence of excessive vacancies in existing developed industrial parks or sites in close proximity to the proposed project, unless there is significant evidence the proposed project is targeted to types of firms not readily accommodated or served by the existing industrial parks and firm commitments to locate in the industrial park exist;

9. Involve industrial parks that are owned and operated by individuals or for-profit entities as opposed to publicly owned facilities;

10. Involve vocational-technical schools unless a direct link has been established between the training curriculum and the needs of existing local employers or those committed to locate in the labor market area;

11. Require a mortgage to be placed on the real property or the facility to be constructed/improved with EDA funds;

12. Request additional financial assistance from EDA to finance cost overruns;

13. Involve nonindustrial street/road construction or repair that is normally the responsibility of local government, county, or Federal highway programs;

14. Involve public buildings including, but not limited to judicial buildings, courthouses, jails, fire stations, hospitals, medical clinics, social service

buildings, civic auditoriums, convention centers, museums, and theaters;

15. Involve parking garages and pedestrian walkways (elevated or ground level);

16. Involve land reclamation that primarily involves subsurface demolition and site cleanup activities; or

17. Involve beautification projects.

Construction Project Implementation

As indicated in the first section of this Notice, EDA expects construction projects to be initiated and completed in a timely manner and in accordance with the schedule agreed upon in the grant documentation. The recipient will be responsible for promptly notifying EDA of any events that prevent adherence to the approved schedule. The recipient must also provide an explanation of why the events were beyond its ability to predict or control and obtain EDA's approval of changes in the schedule prior to proceeding with project implementation. EDA expects recipients to anticipate predictable delays (such as those caused by land acquisition problems, local financing requirements, normal weather conditions in the area, acquisition of state permits and approvals, and public objections to the project), and to take them into account in preparing the project schedule. Recipients who fail to comply with project schedules shall be subject to grant suspension and/or termination.

Under most circumstances, EDA will not provide additional funds to finance overruns that occur during project implementation.

Proposal Submission Procedures

To establish the merits of project proposals, interested parties should first contact the economic development representative for the area. The EDA regional office can provide the name, address and telephone number of the economic development representative for the area who will provide a preapplication form (ED-101P, OMB Approval No. 0610-0011) and arrange for conferences to discuss the proposal. EDA will screen proposals before inviting the submission of a formal application. Proposals will be evaluated based upon:

1. Conformance with statutory and other legal requirements and with the selection criteria mentioned above;

2. The merits of the proposal in addressing the relative economic development needs of the eligible area; and

3. The availability of funds as allocated to the regional offices.

Processing time for project proposals will depend on the completeness of

information provided in the preapplication form and supporting documents at the time of submission. Project proposals that require additional information from applicants or other sources will be returned to correct deficiencies and the official application receipt dates will be adjusted accordingly.

Formal Application Procedures

Following a review of project proposals, EDA will invite entities whose projects are selected for consideration to submit formal applications. The formal application will include a form ED-101A, as approved by the Office of Management and Budget Control No. 0610-0011.

Previous Applications

Project applications invited, but not funded in FY 1990, remain eligible for funding consideration. Those applications which were received prior to the date of this Notice, will be processed and evaluated in accordance with the project selection criteria published for FY 1990 and current legal requirements. Those applications received on or after the date of this Notice, must be consistent with the project selection criteria and requirements published in this Notice. Applicants whose projects were invited but not submitted to EDA in FY 1990 should contact the appropriate EDA regional office regarding forms to be used for FY 1991.

Further Information

For further information contact the appropriate EDA regional office (see section XI of this Notice).

III. Program: Guaranteed Loans

(Catalog of Federal Domestic Assistance: 11.301 Economic Development—Business Development Assistance)

Summary

Authority is available to guarantee up to eighty percent (80%) of the principal and interest of loans made by eligible commercial lending institutions to private borrowers for the purchase of fixed assets and/or for working capital purposes for projects located in areas eligible for EDA assistance. EDA loan guarantees are made available to help business expand, establish, or maintain operations in both rural and urban eligible areas throughout the Nation. Guarantees offered under this program are made at the discretion of the Assistant Secretary for Economic Development based upon data from the borrower and lender current at the time the guarantee is offered, under the

authority of Public Law 89-136, (42 U.S.C. 3142-3246 (h)).

Preapplication Procedures

Applicants should contact either the Austin or Philadelphia Regional Office Business Loans Division to discuss their proposals. EDA staff will screen proposals before inviting a formal application. Proposals will be evaluated based upon conformance with the following:

1. Statutory requirements contained in the Act;

2. Regulatory requirements contained in 13 CFR part 306 and 309; and restated in this Notice; and

3. Provisions of Office of Management and Budget (OMB) Revised Circulars A-70 and A-129.

Revised OMB Circulars A-70 and A-129 Requirements

All loan guarantees must conform to the requirements of A-70 and A-129, without exception. The most significant requirements are as follows:

1. Loans must be secured by first priority, unsubordinated liens on collateral having value in excess of the full amount of the loan.

2. A guarantee fee will be charged.

3. Not more than eighty percent (80%) of the principal and the interest on a loan may be guaranteed.

4. The lender must bear a significant portion of the risk of loss on the loan. No other security, guarantees, or any other arrangement that would not insure ratably to EDA for that portion of the loan not guaranteed by EDA will be permitted.

5. No loan directly involved with tax-exempt obligations, such as industrial revenue bonds, will be guaranteed.

Supplementary Information

A. Amount of Funding Available

EDA is authorized to commit up to \$150 million to guarantee contingent liability for loan principal in FY 1991.

B. Type of Financial Assistance

EDA staff will consider proposals for the guarantee of loans made by private lending institutions to private borrowers to finance fixed assets or for working capital purposes. EDA staff will not accept applications for projects which involve real estate development for either investment or speculation, or for the refinancing of current debt.

C. Who May Apply

Formal applications will be invited by EDA staff only after review and acceptance of satisfactory project proposals. Applications will be accepted

only from private lending institutions (the applicant) for the guarantee of loans to private business enterprises. EDA's relationship is essentially with the lender applicant, not the borrower.

D. Long-Term Employment

EDA staff will seek to assist in the creation or retention of permanent private-sector jobs in EDA eligible areas. Accordingly, the project for which the applicant seeks financial assistance must be reasonably calculated to provide more than a temporary alleviation of unemployment or underemployment within the eligible area where the project is or will be located.

E. Repayment Ability

The private lender and EDA must find that there is reasonable assurance of repayment of the guaranteed loan.

F. EDA Guarantee Required

No loan will be guaranteed by EDA unless the application is supported by evidence that the financial assistance applied for is not otherwise available to the prospective borrower from either private lenders without a guarantee or from other Federal agencies on terms which, in the opinion of EDA, will permit accomplishing the project. In the event the borrower is a large corporation, which would normally have funds available to finance the project, such corporation must certify that it would not locate the proposed project within the EDA-designated area without the benefits of EDA's financial assistance.

G. Relocation

Nonrelocation requirements apply to guaranteed loans under section 202, title II of PWEDA. EDA's regulations at 13 CFR 309.3 prohibit transferring jobs from one commuting area to another. Certificates of nonrelocation will be required.

General Conditions of Assistance

A. Term of Loan

The term of a guaranteed fixed asset loan cannot exceed the weighted average estimated useful economic life of the project fixed assets, but in no event can the term of such a loan exceed twenty-five (25) years. The term of a guaranteed working capital loan ordinarily may not exceed five (5) to seven (7) years, and the loan should be fully amortized during its term. EDA will not ordinarily guarantee revolving-type or open-end working capital loans.

B. Guarantee Percentage and Interest Rate

Pursuant to A-70, EDA may guarantee up to eighty percent (80%) of the face value of a loan. However, applicants requesting an eighty percent (80%) guarantee will be required to justify why a lesser guarantee percentage would not be acceptable. As a general rule, EDA will not offer to guarantee a loan in excess of the following percentages and interest rates:

1. 80% guarantee—Lender prime rate plus 1.25%
2. 75% guarantee—Lender prime rate plus 1.50%
3. 70% guarantee—Lender prime rate plus 2.0%
4. 65% guarantee—Lender prime rate plus 2.5%

C. Guarantee Fee

Pursuant to OMB Circulars A-70 and A-129, EDA will charge the lender a guarantee fee.

D. Application Fee

EDA may charge an application processing fee to cover the costs of application processing and review.

E. Lender's Risk

That portion of the loan not guaranteed by EDA must be at risk to the recipient throughout the term of the loan. This precludes the recipient from obtaining any additional security, guarantee, or compensating balances to separately secure the unguaranteed portion of the loan. This does not preclude normal loan participation arrangements by the lender, provided that any such participation is acceptable to EDA. EDA staff will be obligated to deal only with the recipient, and all participants must be eligible as recipients.

F. Other Lender-Borrower Relationships

When recipient has other creditor/debtor relationships with the prospective borrower, EDA staff will seek assurances that these relationships will not create conflicts with EDA's interest in the recipient's servicing of the loan for which a guarantee is sought. Ordinarily, EDA staff will not accept an application from an applicant who has existing short-term revolving working capital financing extended to the borrower.

G. EDA Investment Per Job

EDA staff normally will consider only those projects that have an EDA investment exposure of \$20,000 or less per permanent job to be created or saved.

H. Repayment Ability

Only projects that demonstrate reasonable assurance of repayment are eligible to receive EDA financial assistance. The applicant must demonstrate why it is reasonably certain the borrower will be able to repay the loan. As a minimum, the application must include:

1. Applicant's normal detailed credit analysis, including a narrative discussion of company history, management, product, production capability, market conditions, finances, collateral, and repayment ability (with ratio analyses compared to industry standards);

2. Three (3) years' financial statements, audited and certified by a public accountant, if available, or certified by a responsible officer of the prospective borrower; if in operation less than three years, financial statements since inception;

3. Financial statements of the prospective borrower, current within ninety (90) days of the date of the application;

4. Pro forma balance sheets, income and cash flow statements of the prospective borrower on a month-by-month basis for the first year after the loan is made and on a quarterly basis for the next two (2) years;

5. One copy of the proposed note and loan agreement between the applicant and the prospective borrower with attachments; and

6. For loans involving real estate collateral, a certification from the lender/borrower that it is satisfied that there are no hazardous substances problems (Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA)).

I. Adequate Collateral

The lender must maintain perfected liens against and security interests in collateral adequate to permit full recovery of the loan in the case of default by the borrower. Collateral must be of such nature that repayment of the loan is reasonably assured when considered along with the integrity and ability of project management, soundness of the project and borrower's prospective earnings. The applicant must document why it is reasonably certain that adequate collateral coverage exists. Only projects that demonstrate that the full amount of the loan is covered exclusively by an unsubordinated first priority security interest on collateral offered by the borrower will be considered. There will be no exceptions to this requirement.

Proof and documentation of collateral coverage shall include but not be limited to current appraisals as to the fair market and liquidation value of the collateral that will support the loan. If the purchase of new machinery and equipment constitutes all or part of the prospective project cost, current cost data for such assets may be submitted in lieu of an appraisal. Where real property is to be pledged as collateral, a description and evidence of ownership must be included with appraisals acceptable to EDA. All real property appraisals shall include appropriate recognition of environmental risks.

J. Guarantees

Unconditional personal/corporate guarantees (of full and timely payment and performance by the borrower) will be required from all persons or entities which hold or control ten percent or more of the ownership interests in a borrower unless:

1. The borrower has a profitable historical performance of no less than three out of the most recent five years, abundant collateral, adequate cash flow, and meets key industry standards (i.e., Robert Morris Associates);

2. Borrower's stock is so widely held that no one individual/family/entity can exercise control;

3. Borrower's parent, subsidiary, or affiliate that is required to guarantee is legally restricted from guaranteeing, or such guarantee would conflict with other existing contractual obligations of the prospective guarantor.

Cross guarantees may also be required from related corporate entities.

EDA will require current (not over ninety days old at the time the application is filed) personal or corporate financial statements signed by the prospective guarantor, and, where appropriate and necessary to support the guarantee, by the guarantor's spouse, and disclosing community and individual assets and indebtedness when applicable.

K. Equity Requirements

All applications for EDA financial assistance shall be supported by adequate existing and/or proposed equity so as to enhance the success of the proposed project and lessen EDA's potential exposure. The following minimum equity will be required:

1. For guaranteed working capital loans, the prospective borrower must have existing, or must provide, net working capital equal to not less than fifteen percent (15%) of its total working capital needs.

2. For guaranteed fixed asset loans, the prospective borrower must provide

an equity investment in the loan project of at least fifteen percent (15%) of the aggregate loan project cost.

3. The prospective borrower must provide twenty-five percent (25%) of the aggregate loan project cost for:

a. New businesses with no operating history;

b. Loans without full personal and/or corporate guarantee of stockholders owning ten percent (10%) or more of the borrower;

c. Energy-related businesses;

d. Ventures which EDA determines to have above-average risk.

L. Feasibility Report

An independent technical, financial, and economic feasibility report by a firm acceptable to EDA will be required for all applications for new ventures involving a total project cost of \$1 million or more and for projects involving tourism or recreational facilities. Such a report must be related to the pro forma operating statements associated with the application. Independent feasibility studies may also be required for other applications, as deemed necessary by EDA.

M. Tax-Exempt Obligations

The EDA project cannot share collateral with or include elements financed with tax-exempt obligations, such as industrial revenue bonds.

N. Other Requirements

1. Hazard insurance with a standard mortgage clause naming the lender as beneficiary will be required in an amount at least equal to the lesser of the depreciated replacement value of the property being insured or the amount of the loan.

2. Keyman life insurance, which may be decreasing term insurance, normally will be required for principals and key employees of the borrower, pledged or assigned to the lender.

Applicant Servicing Responsibilities

A. Upon approval of a guaranteed loan, the applicant's responsibilities shall include, but are not limited to, executing such care and diligence in the disbursement, servicing, collection, and liquidation of the guaranteed loan as would be exercised by a reasonable and prudent commercial lender in dealing with a loan of its funds without the EDA guarantee.

B. In the event of subsequent default on the loan, unless EDA elects otherwise, the applicant will have full responsibility for servicing and liquidating the loan prior to making demand on EDA for payment under the EDA guarantee. EDA shall be obligated

to pay that portion of the loan guaranteed after the deduction of all proceeds of the liquidation less reasonable expenses directly attributable to the liquidation. Failure to perform these responsibilities satisfactorily may preclude EDA from honoring its guarantee. EDA staff will examine the applicant's records before honoring any guarantee.

Application Requirements

A. The application shall include the following:

1. A signed statement by the borrower assuring that it will not use the EDA financial assistance to relocate jobs from one area to another or to close facilities involved in the EDA-guaranteed project;

2. Approval of the application by the appropriate agency or instrumentality of the state or political subdivision in which the project is located, together with a signed statement by that local authority that the project is consistent with an Overall Economic Development Program approved by EDA;

3. Full disclosure of the amount and nature of all fees charged to the borrower by the lender, attorneys, agents or other persons to expedite the application. Appropriate fees and charges may include services such as accounting, legal, engineering and appraisals. Packaging and lobbying expenses are not allowable project costs and no proceeds of the loan may be used directly or indirectly for attorneys' or consultants' fees in connection with securing EDA's guarantee. EDA may permit reasonable fees and charges as allowable project costs. EDA will not permit any fees or charges that are contingent upon project approval;

4. An agreement that neither the borrower nor the applicant will employ or retain for professional services any person who on behalf of EDA occupied a position or engaged in activities which EDA determines involves discretion with respect to the granting of the assistance under the Act. This agreement shall remain in effect for two years after EDA grants assistance to the applicant;

5. An application for character/integrity investigation (Name Check Form CD-346, OMB No. 0605-0001) for each officer, the chief financial manager, and for each individual owning or controlling at least twenty percent (20%) of the borrower;

6. Documentation satisfactory to EDA to substantiate that the guaranteed loan will not create unfair competition within the meaning of section 702 of the Act. Section 702 unfair competition results if

the project would increase the production of goods, materials, or commodities, or the availability of services or facilities, when there is not sufficient demand for such goods, materials, commodities, services, or facilities to employ the efficient capacity of existing competitive commercial or industrial enterprises. Applicants are encouraged to submit borrower's data for this requirement prior to or within thirty (30) days of receiving authorization to apply for EDA financial assistance to expedite processing of the loan guarantee. Applicants and borrowers should understand that expenses incurred prior to formal offering of a loan guarantee are made solely at the applicant's or borrower's expense.

7. A description of state or local government assistance to the project; and

8. A signed statement by the borrower assuring that: (a) Real estate provided as collateral is not under notice of environmental violations from local, state or Federal agencies, (b) the real property is not the subject of an environmental impact study, and (c) there are no known violations of Federal, state or local environmental laws or requirements, including, but not limited to, 42 U.S.C. 9601-9657.

B. Loan guarantees are also subject but not limited to the following statutes:

1. Federal Water Pollution Control Act, as amended, 33 U.S.C. 1251-1376;
2. Davis-Bacon Act, as amended, 40 U.S.C. 276a-276a-5; 13 CFR 309.6;
3. The Architectural Barriers Act of 1954, as amended, 42 U.S.C. 4151-4157; 13 CFR 309.14;
4. The National Environmental Policy Act of 1969, as amended, 42 U.S.C. 4321-4370; CFR 309.18;
5. The National Historic Preservation Act of 1966, 16 U.S.C. 470-470W-6;
6. The Wild and Scenic River Act, as amended, 16 U.S.C. 1271-1287;
7. The Clean Air Act, as amended, 42 U.S.C. 7401-7626;
8. The Flood Disaster Protection Act of 1973, as amended, 42 U.S.C. 4001-4128; and
9. The Comprehensive Environmental Response, Compensation, and Liability Act of 1980, 42 U.S.C. 9601-9675.
10. Resource Conservation and Recovery Act, 42 U.S.C. 6901-6991.

Application Submission

Proposals should be submitted to the appropriate EDA regional office at the earliest possible date. Proposal received after June 29, 1991, may not be considered during FY 1991. The formal application will include an ED-201, as approved by the Office of Management

and Budget Control No. 0610-0024. Completed applications for authorized projects should be submitted no later than July 31, 1991.

Incomplete applications or applications that do not conform to program requirements will be rejected by EDA. The EDA Headquarters will review all loans recommended for approval by a regional office. Headquarters review will encompass credit as well as program objectives, priorities and interest. All guarantees require approval by the Assistant Secretary of Commerce for Economic Development.

For Further Information Contact

Only two EDA regional offices have been designated to administer the Loan Guaranty Program and accept Loan Guaranty applications. For further information on that program, contact the Chief of the Business Loans Division at either the Austin or Philadelphia Regional Office (see section XI of this Notice).

IV. Program: Technical Assistance

(Catalog of Federal Domestic Assistance: 11.303 Economic Development—Technical Assistance)

Summary

Funds under the Technical Assistance Program are awarded to eligible applicants to provide assistance intended to assure the successful initiation and implementation of area, state, regional, and national development efforts designed to alleviate economic distress. This program is authorized under the authority of section 301(a) of the Public Works and Economic Development Act of 1965, as amended, 42 U.S.C. 3151(a).

Eligibility

Eligible applicants for technical assistance grants or cooperative agreements include public or private nonprofit national, state, area, district, or local organizations; public and private colleges and universities; Indian tribes, local governments, and state agencies. Other eligible applicants are private individuals, partnerships, firms, and corporations.

Program Objective

The Technical Assistance Program is designed to provide technical assistance useful in alleviating or preventing conditions of excessive unemployment or underemployment and problems of economically distressed populations in rural and urban areas.

Funding Availability

Funds in the amount of \$1.889 million are available for the Technical Assistance Program. It is expected that these funds will be made available for projects serving specific local or substate areas and also for projects whose impacts will cross EDA regional office boundaries.

Funding Instrument

EDA will provide grants and cooperative agreements not to exceed 75 percent of proposed project costs. Applicants are expected to provide the remaining share, preferably in cash. In cases when EDA issues a Solicitation of Applications, an applicant's share may not be required.

Project Duration

Assistance will be for the period of time required to complete the scope of the work. Generally, this will not exceed twelve months.

Selection Criteria

Preference will be given to those technical assistance proposals which:

1. Produce strong evidence that the proposed project will lead to the near-term (between one and five years) generation and/or retention of private sector jobs.
2. Do not depend upon further EDA or other Federal funding assistance to achieve results.
3. Strengthen the capability of state and local organizations and institutions, including nonprofit development groups, to undertake and promote effective economic development programs targeted to people and areas in distress.
4. Stimulate significant private and nonfederal public investment for economic development purposes, including funds from commercial lenders, public and private pension funds and other nontraditional sources.
5. Benefit severely distressed areas, particularly rural counties and communities.
6. Diversify distressed rural economies by means of enterprise zones and other strategies.
7. Demonstrate innovative approaches to stimulating economic development in depressed areas. EDA is particularly interested in receiving innovative proposals in the following areas:
 - a. Export development used as an economic development strategy;
 - b. Assistance to business in uses of technology; and
 - c. Minority business developed in distressed areas.
8. Are consistent with the EDA approved Overall Economic

Development Program (OEDP) for the area in which the projects are located and have been recommended by the OEDP Committee (if appropriate to the nature of the project).

9. Present an appropriate and clear project design.

10. Are proposed by organizations or individuals with the capacity, qualifications and staff necessary to undertake the intended activities.

11. Present a reasonable, itemized budget for the proposed activities.

12. Involve a significant (preferably cash) contribution in excess of minimum required from applicant or other nonfederal sources.

Pre-Application Procedures

Parties seeking support for local technical assistance projects—those that will primarily benefit a substate or intra-regional area—must contact the economic development representative (EDR) for the area to obtain a proposal package. This package may contain additional information on procedures and selection criteria. The EDA regional office will provide the name, address and telephone number of the EDR for the applicant's area (see section XI of this Notice). EDA will evaluate all proposals as they are received and invite applications for those which best satisfy the selection criteria.

Potential applicants should submit one original and two (2) copies of a brief and concise proposal which should not exceed 20 pages. Vita and capability information may be appended.

Proposal Submission Procedures

Potential applicants should submit proposals that include:

1. A cover page giving a short descriptive project title, the name and address of the performing organization, the name and telephone number of the project director, the project duration, the amount of EDA funds requested, and the program (Technical Assistance) that would provide the funds;

2. A brief scope-and-objectives section indicating why the project is needed, giving its objectives, and providing a capsule description of the project;

3. A more detailed description of the project and its methodology;

4. A work plan showing different phases of the project and their timing;

5. A detailed budget showing cost breakdowns, with EDA-funded and non-EDA-funded costs presented in separate columns and with the EDA-funded costs adding to the total shown on the cover page;

6. Resumes for the project director and principal staff; and

7. A corporate or institutional capability statement, where appropriate.

Parties seeking support for local technical assistance should submit proposals to the EDR who supplied the proposal package.

Parties seeking support for projects whose impacts will cross EDA regional boundaries should submit proposals to the Director, Technical Assistance and Research Division, Economic Development Administration, room 7319, U.S. Department of Commerce, Washington, DC 20230. Individuals or organizations located outside the Washington, DC, metropolitan area should submit a copy of the letter transmitting their proposal to Washington to the EDR for the area in which they are located.

Formal Application Procedures

The appropriate EDA regional office will invite entities whose proposals for technical assistance projects are selected for further consideration to complete formal application packages. The formal application for applicants will include a Standard Form-424 (OMB Approval No. 038-0043).

Eligibility for Specific Solicitations

EDA may, during the course of the year, identify specific economic development technical assistance activities it wishes to have conducted. Organizations and individuals interested in being invited to respond to Solicitations of Applications (SOAs) to conduct such work should submit information on their capabilities and experience to the Director, Technical Assistance and Research Division, Economic Development Administration, room 7319, U.S. Department of Commerce, Washington, DC 20230.

Further Information

For further information about local technical assistance projects—those that will benefit substate or intra-regional areas—contact the appropriate EDR (whose name, address, and telephone number may be obtained from the EDA regional office) or the appropriate EDA regional office (see section XI of this Notice). For further information about submitting projects whose impact will cross EDA regional office boundaries, contact the National Technical Assistance Coordinator, telephone (202) 377-2127.

V. Program: University Center Projects

(Catalog of Federal Domestic Assistance: 11.303 Economic Development—Technical Assistance)

Summary

Funds for basic university center projects are used as seed money to help selected colleges and universities mobilize their own and other resources to assist in the economic development of distressed areas. The efforts of university centers should focus on helping public bodies, nonprofit organizations and businesses plan and implement activities designed to generate jobs and income. In addition, funds may be used for projects which promote the goals of the University Center Program in other ways. Support for these types of projects is authorized under section 301(a) of the Public Works and Economic Development Act of 1965, as amended, 42 U.S.C. 3151(a).

Eligibility

Eligible applicants for university center grants and cooperative agreements are public and private colleges and universities, associations representing such institutions, and other organizations with expertise in University Center Program issues

Program Objective

The objective of these projects is to enable colleges and universities to contribute to overall economic development by using their resources to provide technical assistance that will alleviate or prevent conditions of excessive unemployment or underemployment and problems of distressed populations in individual states or substate areas.

Funding Availability

Funds in the amount of \$4.724 million are available for university center projects. Continuation grants for existing centers will use all of this amount.

Funding Instrument

University center project funds will be awarded through grants and cooperative agreements to cover a portion of project costs. The amount covered will not exceed 75 percent of proposed project costs.

Project Duration

Grants and cooperative agreements will be for the period of time required to complete the scope of work. Generally, this will not exceed twelve months.

Selection Criteria

In judging proposals from existing and potential university centers for basic grants, EDA will consider whether the proposed center programs:

1. Serve areas of significant economic distress;

2. Address the development needs of the service area;

3. Complement the activities of other organizations in the proposed service area that are engaged in economic and business development. Where applicable, the proposal must identify how it differs from the services provided by a local Small Business Development Center (SBDC), Trade Adjustment Assistance Center (TAAC) or a Minority Business Development Center (MBDC);

4. Possess the commitment, as evidenced by financial support and other resources, of the university leadership at the highest levels to the mission and purpose of the university center;

5. Possess the capacity to provide the proposed technical and other types of assistance to jurisdictions and organizations within the service area; and

6. Complement and support the local, regional or state economic development strategies in the service area. EDA will also consider the following factors in evaluating proposals for basic grants from potential centers:

a. The extent to which the center proposes to serve the economic development needs of economically distressed jurisdictions and community-based organizations.

b. The presence of other EDA-funded center(s) in the state.

c. The presence of an SBDC, MBDC or a TAAC in the service area.

Proposals will also be judged on the quality of the proposed work program and the qualifications of the applicant to carry out that work program.

Proposals for other projects that meet the goals of the University Center Program will be judged on similar factors. These include the potential impact of the project on distressed areas, the quality of the proposed work program, and the qualifications of the applicant to carry it out. Depending on the availability of funds, EDA may hold a competition for short-term (one to three year) incentive grants. This competition will be open to all currently and previously funded centers, except those whose funding was discontinued because of poor performance.

Funding Policy

Approximately 30 University Centers were scheduled to receive funding in FY 1991 below the amount they received in FY 1990. Public Law 101-515, the Department of Commerce FY 1991 Appropriations Act, requires maintaining individual University

Center grants for FY 1991 at FY 1990 funding levels.

Colleges and universities participating in the program are required to provide a nonfederal match. For FY 1991, EDA will maintain the nonfederal match for each University Center at the level required during FY 1990. The appropriate regional office will inform each University Center of the nonfederal match required for its FY 1991 grant. Under this policy, EDA will have no funds to establish new University Centers during FY 1991.

Proposal Submission Procedures

Basic Grants for Existing University Centers. Existing centers that have been selected to receive consideration for continued basic funding will be notified of all application procedures by the EDA regional offices. Any existing centers not selected to receive consideration for continued support will be so notified.

Further Information

For further information, contact the appropriate EDA regional office (see section XI of this Notice), the appropriate EDR (whose name, address, and telephone number may be obtained from the EDA Regional Office), or the University Center Coordinator, Technical Assistance and Research Division, Economic Development Administration, room 7319, U.S. Department of Commerce, Washington, DC 20230; telephone, 202-377-2127.

VI. Program: Planning Assistance for Economic Development Districts, Indian Tribes, and Redevelopment Areas

(Catalog of Federal Domestic Assistance: 11.302 Economic Development—Support for Planning Organizations)

Summary

Funds under the District, Indian and Area Planning Program are awarded to defray administrative expenses in support of the economic development planning efforts of Economic Development Districts (Districts), Redevelopment Areas (Areas) and Indian Tribes. This program is authorized under section 301(b) of the Public Works and Economic Development Act of 1965, as amended, 42 U.S.C. 3151(b).

Eligibility

Eligible applicants are Economic Development Districts, Redevelopment Areas, organizations representing Redevelopment Areas (or parts of such Areas), Indian Tribes, organizations representing multiple Indian Tribes, the Federated States of Micronesia, the Republic of the Marshall Islands, and the Commonwealth of Puerto Rico, the

Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

Program Objective

The primary objective of planning assistance for administrative expenses under section 301(b) is to support the formulation and implementation of economic development programs designed to create or retain full-time permanent jobs and income, particularly for the unemployed and underemployed in the most distressed areas served by the applicant. Planning activities supported with this aid must be part of a process involving significant leadership by public officials and private citizens.

Funding Availability

Funds in the amount of \$18.378 million are available in two categories: Districts/Areas (Category A)—\$15.543 million; and Indian Tribes (Category B)—\$2.835 million.

Funding Instrument

Grant assistance can be provided for up to 75 percent of project costs for Category A grants with the applicant required to provide the remaining share. Category B grant assistance may be provided for up to 100 percent of project costs.

Project Duration

Assistance will normally be for a period of twelve months.

Selection Criteria

EDA will consider the following factors, among other things, in evaluating proposals:

1. The responsiveness of the proposed work program to the program regulations contained in 13 CFR 307.22;
2. The economic distress of the area served by the applicant;
3. Past performance for any currently funded grantee (including information in scheduled progress reports);
4. The local leaders' involvement in applicants' economic development activities; and
5. The amount of local participation provided as matching dollars to the Federal funds.

Proposal Submission Procedures

Application procedures may be obtained from EDA's regional offices for the following:

- a. Currently funded planning grantees and proposals from applicants not currently funded under Categories A or B; and
- b. Special economic development activities that benefit one or more 301(b)

grantees and cannot be financed with other resources.

Eligible applicants under both Categories A and B should submit proposals which include:

1. A letter signed by the chief elected official (Chairman of the Board, Tribal Chairman) or another authorized official of the applicant stating the organization's desire to receive funds to carry out the types of planning and administrative activities eligible under the 301(b) program.

2. Significant, verifiable information on the level of economic distress in the area, including unemployment and income data. Any major changes in distress levels during the past year should be described.

3. A work program outlining the specific development activities that will be carried out under the grant and explaining how they relate to the problems identified in the area OEDP, annual report, or other documents.

New applicants should submit proposals to the appropriate EDA regional office.

Formal Application Procedures

EDA regional offices will contact currently funded grantees to inform them of the procedures for submitting applications for continuation funding.

Following review of the proposals submitted, EDA will invite those selected for funding consideration to submit formal applications. Funding levels will be determined by the economic distress of the area served by the applicants, and availability of program funds. The formal application will include a SF-424, as approved by the Office of Management and Budget Control No. 0348-0043.

Further Information

For further information contact the appropriate EDA regional office (see section XI of this Notice) or the Director, Planning Division, Economic Development Administration, room 7023, U.S. Department of Commerce, Washington, DC 20230; telephone, 202-377-3027.

VII. Program: Planning Assistance for States and Urban Areas

(Catalog of Federal Domestic Assistance: 11.305 Economic Development—State and Urban Area Economic Development Planning)

Summary

Funds under the State and Urban Planning Program are awarded to defray administrative expenses in support of economic development planning efforts of urban areas, cities, counties and

states. This program is authorized under section 302(a) of the Public Works and Economic Development Act of 1965, as amended, 42 U.S.C. 3151a.

Eligibility

Eligible applicants under this program are states, cities urban counties, and combinations of these entities.

Program Objective

The primary objective of planning assistance under section 302(a) is to start or strengthen the economic development planning and policy-making capabilities of eligible areas to ensure a more effective use of available resources in addressing economic problems, particularly those resulting in high unemployment and low incomes. Planning activities conducted under this assistance must be part of a process involving significant local leadership from public officials and private citizens.

Funding Availability

Funds in the amount of \$4.724 million are available for providing grant assistance under this program.

Funding Instrument

Grant assistance may be provided for up to 75 percent of project costs. Applicants will be required to provide the remaining share, preferably in cash. Individual grant amounts under this program have not exceeded \$200,000 in the past three years. EDA will consider proposals for smaller grants to support appropriate activities.

Project Duration

Assistance will be for the period of time required to complete the work. This period will normally not exceed 15 months. If Congress makes funds available for this program in subsequent years, renewals may be considered for appropriate projects for up to two additional awards.

Selection Criteria

The content of the proposal and the economic distress of the area will be the principal factors considered in evaluating proposals from eligible entities. In assessing the distressed factor, priority consideration will be given to proposals from states and urban areas experiencing substantial economic distress. In the case of urban areas, high priority will be given to those with unemployment rates two or more percentage points higher than the U.S. average and per capita income levels 80 percent or less of the U.S. average. For states, high priority will be given to those that meet both of the

above criteria, as well as those that meet one of the above criteria and have distress equal to or greater than the national level for the other criterion. The most recent per capita income and 12-month unemployment data available will be used to measure economic distress. Proposals from states or urban areas which do not exhibit significant distress on the basis of unemployment or income data will not be considered unless other acceptable evidence of substantial distress is provided by the applicant (e.g., large numbers of agricultural and business failures, large numbers of low-income families, drastically reduced tax bases, etc.).

Proposals from states and urban areas which are both below the U.S. national unemployment rate and above the national per capita income are unlikely to be funded.

Proposals will be judged on the basis of:

1. Appropriateness of the work program to the section 302(a) program objectives;
2. The economic distress of the area served by the applicant;
3. Extent to which the proposed planning activities are expected to impact upon the service area's economic development needs, and the extent to which the proposal addresses the problems of the unemployed and underemployed of the area, including the farm families, minorities, workers displaced by plant closings, etc.;
4. Past performance of currently or formerly funded grantees, if applicable; and
5. The amount of local participation provided as matching dollars to the Federal funds.

Proposal Submission Procedures

Potential applicants should submit proposals that include:

1. A letter, signed by the chief executive of the applicant organization, indicating a desire to receive funds to carry out the planning activities outlined in the proposal; where the funded planning program will be placed in the organization, including the name and title of the person to be responsible for program implementation; the amount and for what period funding is being requested; and the anticipated funding arrangement if the planning activity is to continue beyond the period of EDA support.

2. Significant, verifiable information on the level of economic distress in the area, including unemployment and income data. Any major changes in distress levels during the past year should be described.

3. Information indicating the applicant's commitment to the proposed work program as demonstrated by amount of local funding and the degree of interest displayed by the chief executive.

4. A time chart showing all major work program elements, projected element start and completion dates, and the related financial expenditures programmed for each work element.

5. A work program of no more than 10 pages which outlines the specific planning activities that will be carried out under the grant and specifies which activities will be handled by in-house staff, consultants, etc. The work program should also explain the need for the proposed activities, expected impacts and their timing, target population(s), and involvement of the private sector in the proposed activities.

Current grantees seeking additional funding under this announcement should comply with the instructions of this notice and include a 3-5 page progress report for the current grant.

One copy of the proposal should be sent to the appropriate economic development representative, and an original and one copy to the appropriate EDA regional office. The EDA regional office will provide the name, address and telephone number of the economic development representative for the applicant's area (see section XI of this Notice).

Formal Application Procedures

EDA will evaluate proposals using the selection criteria cited above. Once the merits of the proposal are established, EDA will initiate discussions with the prospective applicant to clarify and improve elements of the proposal, if necessary, and will invite those whose proposals are selected for funding consideration to submit formal applications, which will include an SF-424 (OMB Approval No. 0348-0043) and other application materials. Proposals and Applications will be processed as they are received. Applications received after FY 1991 funds are exhausted will be retained by EDA for consideration for funding the following fiscal year, if funds are made available by Congress.

Further Information

For further information contact the appropriate economic development representative, EDA regional office (see section XI of this Notice), or the Director, Planning Division, Economic Development Administration, room 7023, U.S. Department of Commerce, Washington, DC 20230; telephone 202-377-3027.

VIII. Program: Research and Evaluation Projects

(Catalog of Federal Domestic Assistance: 11.312 Economic Development—Research and Evaluation Program)

Summary

Funds under the Research and Evaluation Program are used to support studies that will increase knowledge about the causes of economic distress and approaches to alleviating such problems. This program is authorized under section 301(c) of the Public Works and Economic Development Act of 1965, as amended, 42 U.S.C. 3151(c).

Eligible Applicants

Eligible applicants for Research and Evaluation grants or cooperative grants include private individuals, partnerships, corporations, associations, colleges and universities, and other suitable organizations.

Program Objective

The objectives of section 301(c) grants and cooperative agreements are the following:

1. To determine the causes of unemployment, underemployment, underdevelopment, and chronic depression in various areas and regions of the Nation.
2. To assist in the formulation and implementation of national, state, and local programs that will raise employment and income levels and otherwise produce solutions to problems resulting from the above conditions.
3. To evaluate the effectiveness of programs, projects, and techniques used to (a) alleviate economic distress; and (b) promote economic development.

Funding Availability

Funds in the amount of \$1.193 million are available for this program. Funds will be used for projects selected through the application procedures described below and for EDA-initiated solicitations.

Funding Instrument

EDA will provide grants and cooperative agreement awards covering up to 100 percent of project costs.

Project Duration

Assistance under the program will normally be for a period not exceeding 15 months.

Selection Criteria

EDA will use the following criteria to evaluate research and evaluation proposals:

1. Suitability of the subject.
2. Potential usefulness of the research

to state and local economic development specialists.

3. General quality and clarity of the proposal.
4. Soundness and completeness of the research methodology.
5. Qualifications of principal investigator(s) and, where appropriate, performing organizations(s).
6. Previous performance of principal investigator and/or performing organizations on EDA-funded projects.
7. Cost and value of product in relation to cost.

EDA is interested in receiving proposals dealing with:

1. Employment and unemployment;
2. Income and poverty;
3. Rural and other nonmetropolitan economic development;
4. Regional and local growth;
5. Industrial location;
6. Job creation methods;
7. State and local economic development efforts;
8. Private sector economic development efforts;
9. Development effects of public works and other infrastructure;
10. Capital markets and development finance, particularly nonfederal sources of economic development financing;
11. Industrial competitiveness;
12. Minority business and minority jobs; and
13. Productivity and technology.

Requested grants and awards should be for specific, well-defined, onetime research projects. EDA research grants are not intended for support of continuing programs (permanent research programs, publication and information programs, periodic forecasts, etc.) or for non-research activities. Some research proposals deal with or involve samples drawn from only one part of the United States. EDA normally prefers research of broad geographic scope, that at least covers a large multistate region, as opposed to research covering (in declining order of preference) a small region, a state, a multicounty area, or a single city or county. EDA strongly prefers cause-and-effect research and descriptive analyses, and funding for such will receive much higher priority and likelihood of approval as compared to theoretical studies, modeling (other than for hypothesis testing), and the like. Economic development planning and technical assistance for specific places will not be funded under the Research and Evaluation Program; the Planning

and Technical Assistance Programs are for those purposes.

Proposal Submission Procedures

Potential applicants should submit one original and two (2) copies of a brief and concise proposal which should not exceed 20 pages, not counting vita and capability information. Proposals should avoid long background discussions and literature surveys, but should be reasonably detailed, particularly in explaining methodology. Each proposal should include:

1. A cover page giving a short descriptive project title, the name and address of the performing organization, the names and telephone numbers of the project director and principal investigators, the project duration, the amount of EDA funds requested, and the program (Research and Evaluation) that would provide the funds;
2. A brief scope-and-objectives section indicating why the project is needed, giving its objectives, and providing a capsule description of the project;
3. A more detailed description of the project and its methodology;
4. A work plan showing different phases of the project and their timing;
5. A detailed budget showing cost breakdowns, with EDA-funded and non-EDA-funded costs presented in separate columns and with the EDA-funded costs adding to the total shown on the cover page;
6. Resumes for the project director and principal investigators; and
7. A corporate or institutional capability statement, where appropriate.

The cover letter accompanying the proposal should inform EDA of whether any other organization(s) or Federal agency(ies) is or will be considering the proposal. Any non-EDA contributions to the project, whether by the performing organization or third parties, should be identified. Proposals should be submitted to the Director, Technical Assistance and Research Division, Economic Development Administration, room 7319, U.S. Department of Commerce, Washington, DC 20230.

Formal Application Procedures

EDA will evaluate the proposals as they are received using the selection criteria described above. Organizations and individuals whose proposals are selected for further consideration will be invited to submit additional materials required for formal application. The formal application will include an ED-424 (OMB Approval No. 038-0043).

Eligibility for Specific Solicitations

In addition to using research and evaluation funds to support proposals submitted under the procedures described above, EDA may during the fiscal year identify other studies, including program evaluations, for funding consideration.

Organizations and individuals interested in being invited to respond to Solicitations of Applications (SOAs) to conduct such studies should submit information on their capabilities and experience to the address listed above. This information will be used to determine eligibility to compete for projects under specific SOAs.

Further Information

For further information, contact the Director, Technical Assistance and Research Division, at the above address; telephone, 202-377-4085.

IX. Program: Economic Adjustment Assistance (Title IX)

(Catalog of Federal Domestic Assistance No: 11.307 Special Economic Development and Adjustment Assistance Program—Long-Term Economic Deterioration (LTED) and Sudden and Severe Economic Dislocation (SSED))

Summary

Funds under the Economic Adjustment Program are used to assist areas experiencing long-term economic deterioration (LTED) and areas threatened or impacted by sudden and severe economic dislocation (SSED). This program is authorized under title IX of the Public Works and Economic Development Act of 1965, as amended, 42 U.S.C. 3241-3245.

Program Objective

The LTED Program assists eligible applicants to develop and/or implement strategies designed to halt and reverse the long-term decline of their economies. The most common type of activity funded under the LTED Program is Revolving Loan Funds (RLFs), although other types of eligible title IX activity may be funded.

The SSED Program assist eligible applicants to respond to actual or threatened major job losses (dislocations) and other severe economic adjustment problems. It is designed to help communities prevent a sudden, major job loss; to reestablish employment opportunities and facilitate community adjustment as quickly as possible after one occurs; or to meet special needs resulting from severe changes in economic conditions. SSED assistance is intended to respond to permanent rather than temporary job losses. Assistance may be in the form of

a grant to develop a strategy to respond to the dislocation (Strategy Grant) or a grant to implement an EDA approved strategy (Implementation Grant).

In light of the current high level of economic distress in rural areas, EDA is particularly interested in title IX projects designed to mitigate serious rural economic adjustment problems. EDA is also interested in proposals to help severely distressed areas with large minority populations.

Funding Availability

Funds in the amount of \$24.317 million are available for the Economic Adjustment Program in FY 1991. Of the amount, \$12.282 million will be available for the SSED Program and \$12.035 million will be available for the LTED Program.

Funding Instrument

Title IX fund are awarded through grants not to exceed 75 percent of the project cost. Acceptable sources of the local share include, but are not limited to, local government general revenue funds; Community Development Block Grant (CDGB) entitlement funds or balance of state awards; and other public and private donations. The full amount of the local share need not be in hand at the time of application; however, the applicant must have a firm commitment from identified source(s), and the funds must be readily available. The local share must not be encumbered in any way that would preclude its use as required by the grant agreement. The local share for the RLF Program must be in cash, and while the local share for the SSED Program may be cash and/or in-kind, priority consideration will be given to proposals with a cash local share.

Eligible Applicants

Eligible applicants within areas meeting the EDA eligibility criteria described below include a redevelopment area or economic development district established under title IV of this Act, 42 U.S.C. 3161; an Indian tribe; a state; a city or other political subdivision of a state, or a consortium of such political subdivisions; a Community Development Corporation defined in the Community Economic Development Act, 42 U.S.C. 9801; a nonprofit organization determined by EDA to be the representative of a redevelopment area; the Federated States of Micronesia; and the Republic of the Marshall Islands, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

*Eligible Areas***A. LTED**

In order to receive priority consideration for funding under the LTED/RLF Program, an area must be experiencing at least one of three economic problems: Very high unemployment; low per capita income; or chronic distress (i.e., failure to keep pace with national economic growth trends over the last five years). Priority will be given to those areas with two or more of these indicators. Eligibility is determined statistically. Further information is available from EDA's regional offices (see section XI of this Notice).

B. SSED

In order to receive priority consideration for funding under the SSED Program, an area must show actual or threatened permanent job losses that exceed the following threshold criteria, unless otherwise determined by the Assistant Secretary:

1. For areas not in Metropolitan Statistical Areas:

a. If the unemployment rate of the Labor Market Area exceeds the national average, the dislocation must amount to the lesser of two (2.0) percent of the employed population, or 500 direct jobs.

b. If the unemployment rate of the Labor Market Area is equal to or less than the national average, the dislocation must amount to the lesser of four (4.0) percent of the employed population, or 1,000 direct jobs.

2. For areas within Metropolitan Statistical Areas:

a. If the unemployment rate of the Metropolitan Statistical Area exceeds the national average, the dislocation must amount to the lesser of one-half (0.5) percent of the employed population, or 4,000 direct jobs.

b. If the unemployment rate of the Metropolitan Statistical Area is equal to or less than the national average, the dislocation must amount to the lesser of one (1.0) percent of the employed population, or 8,000 direct jobs.

In addition, fifty (50) percent of the job loss threshold must result from the action of a single employer, or eighty (80) percent of the job loss threshold must occur in a single standard industry classification (i.e., two digit SIC code).

In the case of a Presidentially declared natural disaster, the area eligibility criteria are waived. In other similarly exceptional circumstances, the criteria may be partially waived at the discretion of the Assistant Secretary.

Actual dislocations must have occurred within one year and threatened dislocations must be anticipated to

occur within two years of the date EDA is contacted.

Selection Criteria

Proposals will be evaluated based on conformance with statutory and regulatory requirements, the economic adjustment needs of the area, the merits of the proposed project in addressing those needs and the potential applicant's ability to manage the grant effectively.

A. LTED/RLF Selection Criteria

Key factors in EDA's selection of proposed LTED/RLF projects include:

1. *Economic and Financial Needs of the Project Area.* a. Areas with the highest levels of economic distress (high unemployment, low per capita income, vacant plants, deteriorating infrastructure, and declining farm economy, etc.) will receive priority consideration.

b. Need for RLF financing will be evaluated based on the local capital market and the applicant's analysis of it, and how clearly this analysis defines the financial problems to be addressed by the RLF project.

c. Applicant's need for grant funds to carry out the project will be based on an assessment of its financial resources.

2. *Objectives and Benefits of Proposed Projects.* Priority will be given to projects which can:

a. Stimulate private sector employment. The number and types of jobs to be created/retained will be key factors in project selection along with the job/cost ratio established for the RLF portfolio as a whole.

b. Target assistance to meet program objectives and to support specific economic adjustment activities planned or underway in the area, particularly those identified in the OEDP, title XI strategy, or other plans developed to deal with specific economic adjustment problems affecting the area. This may include target areas, industries, types of employers or other criteria that maximize the impact of assistance on specific needs within the area.

c. Leverage higher ratios of private investment than the required minimum ratio of two private sector investment dollars to one RLF dollar. (Note: The local share or other funds provided by the RLF to finance loans cannot be counted as leveraged dollars.)

d. Direct new job opportunities to the long-term unemployed and underemployed.

e. Provide technical and management assistance for RLF borrowers, in addition to loan funds.

f. Use creative financing techniques to overcome specific gaps in the local capital market.

g. Make loans on a timely basis. The implementation schedule for RLF projects will normally require that RLF loans in the initial round be closed (and all EDA funds disbursed) within three years of grant approval with no less than 50 percent disbursed within eighteen months and 80 percent within two years.

h. Include a larger local share than the required 25 percent or secure commitments for future funding from other private or nonfederal public sources.

i. Coordinate activities with other economic development organizations, loan programs, employment training programs and private lenders in the area.

j. Are established to fill capital gaps as opposed to providing subsidized credit (i.e., below market interest rates).

3. *Effective Management of the RLF.* EDA will also evaluate proposed projects to determine that the RLF will be properly managed. Key factors include:

a. A strong and effective Loan Administration Board with broad community representation, including appropriate public and private sector representation.

b. Staff capacity in program and policy development, finance, law, marketing, credit analysis, loan packaging, processing and servicing.

c. Efficient procedures for loan selection, approval, and servicing which emphasize the economic development potential of loans as well as sound management and financing practices.

d. A strategy for relending loan repayments which will ensure that the RLF revolves continuously and thus fulfills its purpose of creating jobs and stimulating economic activity on an ongoing basis.

e. Adequate resources to cover administrative costs of the RLF.

f. The potential applicant's experience and capacity for administering economic and business loan programs. If the potential applicant has designated another organization to administer the project, EDA will evaluate the experience and capacity of that organization, rather than the potential applicant.

Nongovernmental (excluding Economic Development Districts) organizations seeking funds must be sponsored by the local or state government having jurisdiction over the project area, and the sponsor must be willing to assume responsibility for

operating the RLF should the nongovernmental entity no longer be able to administer the project.

B. SSED Evaluation Criteria

Key factors in EDA's selection of proposed SSED projects include:

1. The severity of the dislocation as measured by, but not limited to, the following factors:

a. The degree to which the number of dislocated workers exceeds the eligibility threshold.

b. The proportion of the total job loss represented by a single employer.

c. The proportion of employment in a single standard industry classification represented by the firm(s) closing.

d. The applicant's need for grant funds to carry out the project based on an assessment of its financial resources.

2. The objectives and benefits of proposed activities as measured by the extent to which:

a. *For Implementation Grants.* (1) Job creation or retention and restoration of the community's economic base in the near term are emphasized versus more long-term, general economic development. Projects likely to encounter delays, particularly in initiating or completing construction, will normally not be given favorable consideration.

(2) The jobs to be created and/or retained are permanent, will directly benefit the dislocated workers and/or will directly facilitate community adjustment, and are new employment opportunities and not transferred from one area of the United States to another.

(3) The response to the problem is timely.

(4) EDA assistance will be complemented by, or will complement, appropriate state and local efforts; for example, training and job placement services, other Federal investments, and private sector support.

(5) The adjustment strategy and implementation activities proposed demonstrate an appropriately creative approach to addressing the dislocation.

(6) The cost per job created or retained is minimized.

(7) In the case of a Revolving Loan Fund, the recycled loan proceeds generate economic development benefits.

(8) The local share exceeds the required 25 percent.

b. *For Strategy Grants.* (1) The applicant has demonstrated the capacity to manage the planning process and subsequent implementation activities.

(2) The proposed scope of work is responsive to the problem.

(3) The focus of the planning effort is on the generation of practical and implementable solutions.

(4) The local share exceeds the required 25 percent.

Project Implementation

As indicated in the first section of this Notice, EDA expects all grant funded projects to be initiated and completed in a timely manner in accordance with the schedule agreed upon in the grant documentation. The recipient will be responsible for promptly notifying EDA of any events that prevent adherence to the approved schedule. The grantee must also provide an explanation of why the events were beyond its ability to predict or control and obtain EDA approval of changes in the schedule prior to proceeding with project implementation.

EDA expects grantees to anticipate predictable delays (such as those caused by land acquisition problems, local financing requirements, acquisition of state permits and approvals, normal weather conditions in area, and public objections to the project), and take them into account in preparing the project schedule. Grantees who fail to comply with project schedules may be subject to grant suspension and/or termination.

EDA will not provide additional funds to finance overruns that occur during project implementation.

Proposal Submission Procedures

Interested parties should contact the Economic Development Representative for the area or the appropriate EDA Regional Office (see section XI of this Notice) for a proposal package. Project proposals, submitted by eligible entities, will be evaluated by EDA staff on the basis of:

1. Conformance with the evaluation criteria mentioned above and statutory, regulatory, and policy requirements.
2. The availability of funds.

Formal Application Procedures

Following a review of project proposals, EDA will invite those projects selected for funding consideration to submit formal applications. The formal application will include an ED-540, as approved by the Office of Management and Budget Control No. 0610-0058.

Further Information

For further information about this program, contact the appropriate EDA regional office or the Director, Economic Adjustment Division, Economic Development Administration, room 7327, U.S. Department of Commerce,

Washington, DC 20230; telephone, 202-377-2659.

X. Program: Trade Adjustment Assistance

(Catalog of Federal Domestic Assistance: 11.313 Economic Development—Trade Adjustment Assistance)

Summary

Funds under the Trade Adjustment Assistance Program are awarded to a network of Trade Adjustment Assistance Centers, located around the Nation, which provide technical assistance to certified firms adversely affected by increased imports. Funds are also awarded under this program to organizations representing trade-injured industries. This program is authorized under the Trade Act of 1974, title II, Public Law 93-618, as amended, 88 Stat. 1978, 19 U.S.C. 2101-2487. This program was formerly under the International Trade Administration, U.S. Department of Commerce.

Funding Availability

Funds in the amount of \$12.4 million are available for trade adjustment assistance to firms. In accordance with the Senate Report accompanying Public Law 101-515, these funds will be provided to the nationwide network of twelve (12) Trade Adjustment Assistance Centers (TAACs) through cooperative agreements which will utilize all of the available funds for trade adjustment assistance.

Therefore, no new centers will be funded in FY 1991. The report accompanying the Senate version of the FY 1991 Department of Commerce Appropriations Act advises that "TAAC's should not reserve any portion of these grants for closeout." Accordingly, full utilization of FY 1991 funds will be a factor in determining eligibility. Funds in the amount of \$550,000 are available for industry technical assistance.

Program Objective

The Trade Adjustment Assistance Program is designed to provide technical assistance to certified firms and industries hurt by the impact of increased imports. The TAACs help firms submit certification petitions to the Trade Adjustment Assistance Division (TAAD) of EDA, and if the firm is certified, provides technical assistance. A firm should work closely with the appropriate TAAC in petitioning for certification. Certified firms should also work closely with the appropriate TAAC in diagnosing their problems and

developing an adjustment proposal, and in applying for technical assistance.

An industry association or other organization interested in receiving an industry assistance cooperative agreement must meet with a TAAD representative to discuss the industry's problems, opportunities, and assistance needs.

Criteria for Selecting Industry Assistance Proposals

Industry associations and other organizations seeking trade adjustment industry assistance must demonstrate that the industry is injured by foreign trade and that the activities to be funded will yield some short-term actions that the industry itself (and individual firms) can and will take toward the restoration of the industry's international competitiveness.

The emphasis is on practical results that can be implemented in the near term, and long-term research and development activities are given low priority. It is also expected that the industry will continue activities on its own without the need for continued Federal assistance.

Application Procedures

Industry associations or other organizations seeking industry assistance must submit an application identified as Standard Form 424 (OMB Control No. 0348-0043), if encouraged to do so as a result of the meeting with a TAAD representative.

Acceptable industry applications will be processed as funds are available; normally one to three months is required for agency approval.

Formula and Matching Requirements

Generally, a minimum of 50 percent share is required for industry assistance cooperative agreements.

Length and Time Phasing of Assistance

Industry assistance cooperative agreements are generally 12 months, but may be longer for tasks requiring more time to complete.

Further Information

For further information, contact Daniel F. Harrington, Director, Trade Adjustment Assistance Division, Economic Development Administration, room 4009, U.S. Department of Commerce, Washington, DC 20230; telephone, 202-377-3373.

XI. EDA Regional Offices

The EDA Regional Offices and the states they cover are:

Philadelphia Regional Office, Liberty Square Building, 105 South 7th Street, First Floor, Philadelphia, Pennsylvania 19106, telephone (215) 597-4603; serving Connecticut, Delaware, District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Puerto Rico, Rhode Island, Vermont, Virgin Islands, Virginia, and West Virginia.

Atlanta Regional Office, suite 1820, 401 West Peachtree Street, NW.,

Atlanta, Georgia 30308-3510, telephone: (404) 730-3002; serving Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, and Tennessee.

Denver Regional Office, 1244 Speer Boulevard, room 670, Denver, Colorado 80204, telephone: (303) 844-4717; serving Colorado, Iowa, Kansas, Missouri, Montana, Nebraska, North Dakota, South Dakota, Utah, and Wyoming.

Chicago Regional Office, suite A-1630, 175 West Jackson Boulevard, Chicago, Illinois 60604, telephone: (312) 353-7706; serving Illinois, Indiana, Michigan, Minnesota, Ohio, and Wisconsin.

Seattle Regional Office, suite 1856, Jackson Federal Building, 915 Second Avenue, Seattle, Washington 98174, telephone: (206) 442-0596; serving Alaska, American Samoa, Arizona, California, the Commonwealth of the Northern Mariana Islands, Guam, Hawaii, Idaho, Nevada, Oregon, Washington, the Federated States of Micronesia, and the Republic of the Marshall Islands.

Austin Regional Office, suite 201, Grant Building, 611 East Sixth Street, Austin, Texas 78701, telephone: (512) 482-5461; serving Arkansas, Louisiana, New Mexico, Oklahoma, and Texas.

Dated: December 14, 1990.

L. Joyce Hampers,

Assistant Secretary for Economic Development.

[FR Doc. 90-29814 Filed 12-19-90; 8:45 am]

BILLING CODE 3510-24-M

federal register

**Thursday
December 20, 1990**

Part IV

**Department of the
Interior**

Bureau of Indian Affairs

**25 CFR Part 244
Wind River Reservation Game Code;
Proposed Rule**

DEPARTMENT OF THE INTERIOR**Bureau of Indian Affairs****25 CFR Part 244**

RIN 1076-AB43

Wind River Reservation Game Code**AGENCY:** Bureau of Indian Affairs, Interior.**ACTION:** Proposed rule.

SUMMARY: The Bureau of Indian Affairs (BIA) is proposing to delete regulations contained in 25 CFR part 244 governing the game code on the Wind River Reservation. The Shoshone-Arapahoe Tribes of the Reservation have developed and adopted a tribal Fish and Game Code to replace 25 CFR part 244. The BIA is proposing to delete 25 CFR part 244 so that the new tribal Fish and Game Code can govern the hunting activities of the Shoshone-Arapahoe Tribes.

DATES: Comments must be received on or before January 22, 1991.

ADDRESSES: Written comments should be directed to the Branch of Fish, Wildlife and Recreation, Bureau of Indian Affairs, Mail Stop 4559 MIB, 1849 C Street, NW., Washington, DC 20240.

FOR FURTHER INFORMATION CONTACT: Gary Rankel, Chief, Branch of Fish, Wildlife and Recreation, Bureau of Indian Affairs, Mail Stop 4559 MIB, 1849 C Street, NW., Washington, DC 20240, telephone number: (202) 208-4004 (FTS 268-4004).

SUPPLEMENTAL INFORMATION: This deletion of a regulation is published in exercise of the authority delegated by the Secretary of the Interior to the Assistant Secretary—Indian Affairs in the Departmental Manual at 209 DM8.

The Wind River Reservation is shared by two Indian tribes—Shoshone and Arapahoe. In response to tribal requests in the early 1980's, to protect, conserve, and provide rehabilitation of big game animals on the reservation, the Bureau of Indian Affairs (BIA) promulgated and implemented a Wind River Reservation Game Code (25 CFR part 244) in 1984.

Hunting on the reservation is limited only to enrolled members of the Shoshone and Arapahoe Tribes. Since 1984, there has been a controlled hunting program on the reservation, resulting in increased wildlife populations which were depleted prior to that time.

This action, deleting the Wind River Reservation game code developed by BIA, is a result of the Shoshone-Arapahoe Tribes jointly developing a tribal Fish and Game Code which specifies rules and procedures allowing for the exercise of certain fishing and hunting rights on the Wind River Reservation. The tribal Fish and Game Code replaces the game code in the Federal Regulations.

The policy of the Department of the Interior is, whenever practical, to afford the public an opportunity to participate in the rulemaking process. Accordingly, interested persons may submit written comments regarding this proposed rule

deletion to the location identified in the Addresses section of this preamble.

The Department of the Interior has determined that this document is not a major rule under Executive Order 12291 and will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*).

The Department of the Interior has determined that this proposed rulemaking does not constitute a major Federal action significantly affecting the quality of the human environment and that no detailed statement is required pursuant to the National Environmental Policy Act of 1969.

Information collection requirements contained in 25 CFR part 244 will be deleted from the Office of Management and Budget inventory. With the deletion of this rule, the collection of this information will no longer be required.

The primary author of this document is Robert Gartner, Fish and Wildlife Resource Specialist, in the Branch of Fish, Wildlife and Recreation.

List of Subjects in 25 CFR Part 244

Hunting, Indians—lands, Wildlife, Reporting and recordkeeping requirements.

For the reasons set out in the preamble and under the authority of USC 25, 2, and 9, part 244 of title 25, Chapter I of the Code of Federal Regulations is proposed to be removed.

Stan Speaks,

Acting Assistant Secretary—Indian Affairs.

[FR Doc. 90-29772 Filed 12-19-90; 8:45 am]

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Reader Aids

Federal Register

Vol. 55, No. 245

Thursday, December 20, 1990

INFORMATION AND ASSISTANCE

Federal Register

Index, finding aids & general information	523-5227
Public inspection desk	523-5215
Corrections to published documents	523-5237
Document drafting information	523-5237
Machine readable documents	523-3447

Code of Federal Regulations

Index, finding aids & general information	523-5227
Printing schedules	523-3419

Laws

Public Laws Update Service (numbers, dates, etc.)	523-6641
Additional information	523-5230

Presidential Documents

Executive orders and proclamations	523-5230
Public Papers of the Presidents	523-5230
Weekly Compilation of Presidential Documents	523-5230

The United States Government Manual

General information	523-5230
---------------------	----------

Other Services

Data base and machine readable specifications	523-3408
Guide to Record Retention Requirements	523-3187
Legal staff	523-4534
Library	523-5240
Privacy Act Compilation	523-3187
Public Laws Update Service (PLUS)	523-6641
TDD for the hearing impaired	523-5229

FEDERAL REGISTER PAGES AND DATES, DECEMBER

49871-49978	3
49979-50152	4
50153-50314	5
50315-50534	6
50535-50670	7
50671-50810	10
50811-51098	11
51099-51264	12
51265-51384	13
51385-51682	14
51683-51894	17
51895-52036	18
52037-52166	19
52167-52264	20

CFR PARTS AFFECTED DURING DECEMBER

At the end of each month, the Office of the Federal Register publishes separately a List of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

907	49872, 50157, 50671, 51399
910	50673, 51683
989	50539
997	51798
1030	51685
1951	52037

3 CFR	
Proclamations:	
6236	51095
6237	51097
6238	51261
6239	51263
Executive Orders:	
1919 1/2 (Partially revoked by P.L.O. 6824)	51906
11582 (See E.D. 12739)	52165
11958 (Amended by 12738)	52033
12163 (Amended by 12738)	52033
12698 (Superseded by 12736)	51385
12736	51385
12737	51681
12738	52033
12739	52165
Administrative Orders:	
Presidential Determinations:	
No. 90-39 of September 7, 1990	51397
No. 90-42 of September 30, 1990	51265
No. 91-9 of December 4, 1990	51267

Proposed Rules:	
58	51797
225	50188
246	52050
275	50799
907	49872
910	49874
919	51299
959	51724
981	50560
985	51911
997	49980
1001	50934
1002	50934
1004	50934
1124	51725
1205	50799, 51726
1944	50081
1951	51115
9 CFR	
77	52167
92	49989, 51528, 52038
94	51528
97	49990
98	51528
151	51528
317	50081
318	49991
381	50081
Proposed Rules:	
112	50333
381	50007

10 CFR	
2	51401
4	52136
73	51401
110	51401
171	51401
1040	52136
Proposed Rules:	
2	51726
19	50008
20	50008
21	50008
30	50008
35	50837
36	50008
40	50008, 51726
51	50008
60	51732
70	50008, 51726
74	51726
170	50008

7 CFR	
15b	52136
68	50154
225	50315
301	50279, 51798
354	49979
401	50811, 50812
414	50813
425	49871
430	50814
433	50815, 52130
Proposed Rules:	
213	50560, 51529
Ch. XIV	51115

430.....	51116	Proposed Rules:		25 CFR		325.....	51303
12 CFR		400.....	51733	Proposed Rules:		34 CFR	
5.....	51269	Ch. VII.....	51300	244.....	52264	104.....	52136
7.....	51269	16 CFR		26 CFR		222.....	51238
204.....	49992, 50540	1500.....	52039	1.....	50552, 50827, 51282,	231.....	52146
229.....	50816	1700.....	51897		51688	232.....	52146
261.....	49876	17 CFR		31.....	51688	233.....	52146
265.....	50542	240.....	50316	301.....	52042	234.....	52146
348.....	50542	Proposed Rules:		602.....	50552, 51282, 51688	235.....	52146
614.....	50544	15.....	50702	Proposed Rules:		764.....	52146
934.....	50545	16.....	50702	1.....	50174, 50568, 50706,	765.....	52146
Proposed Rules:		19.....	50702		50721, 51124, 51734,	766.....	52146
333.....	51117	18 CFR			51927	Proposed Rules:	
13 CFR		141.....	51278	5h.....	51124	Ch. IV.....	51304
113.....	52136	385.....	50677	42.....	49908	668.....	51927
Proposed Rules:		401.....	52168	301.....	52054	36 CFR	
107.....	50334, 51912	19 CFR		602.....	50174	223.....	50643
121.....	51913	111.....	49879	701.....	51301, 51303	228.....	51700
14 CFR		113.....	49879	702.....	51301, 51303	Proposed Rules:	
39.....	50166-50168, 50448,	133.....	52040	27 CFR		223.....	50647
	50546, 50819-50825,	142.....	49879	5.....	49994	37 CFR	
	51276, 51401-51406,	143.....	49879	28 CFR		201.....	49998, 49999
	51895, 52038	159.....	49879	524.....	49976	202.....	49999, 50556
61.....	50312, 50799	Proposed Rules:		29 CFR		38 CFR	
63.....	50799	4.....	51432	1.....	50158	3.....	50322
65.....	50799	20 CFR		5.....	50158	18.....	52136
71.....	50169, 50170, 50548,	404.....	51100, 51202, 51686	504.....	50500	21.....	50323, 51799
	50549	416.....	51202	1910.....	50685, 51698	Proposed Rules:	
73.....	50675, 51408	422.....	49973	1926.....	50685	6.....	51202
75.....	51408, 51529	422.....	50500	2619.....	51409, 51410	36.....	50334
91.....	50302	621.....	51412	2621.....	51412	39 CFR	
97.....	50799, 51896	655.....	50500	2676.....	51413	115.....	50001
121.....	50799, 50178, 51670	21 CFR		Proposed Rules:		Proposed Rules:	
1245.....	51276	5.....	51687	1910.....	50722	111.....	51802
1251.....	52136	14.....	51281	1917.....	50722	40 CFR	
Proposed Rules:		133.....	51409	30 CFR		7.....	52136
21.....	50839	178.....	50279	202.....	51413	52.....	49892, 51101
23.....	50839	310.....	49973	203.....	51413	60.....	51010, 51378
27.....	50931	312.....	50279, 51799	206.....	51413	177.....	50282
39.....	50189, 50191, 50563- 50567, 50838, 51426- 51428, 51916-51923, 52051, 52052, 52176-52181	314.....	50279, 51799	250.....	51414	178.....	50282
		320.....	50279, 51799	936.....	51902	179.....	50282
71.....	50188, 50656, 51430, 51431, 51924, 51925	333.....	50171	946.....	50555	180.....	50282, 50324, 50325
255.....	50033	444.....	50171	Proposed Rules:		260.....	50448
15 CFR		448.....	50171	918.....	51734	261.....	50448, 51707
30.....	50279	510.....	51409	935.....	52182, 52184	262.....	50448
768.....	40373	514.....	49973	31 CFR		264.....	50448
769.....	40373	520.....	49888	2.....	50321	265.....	50448
770.....	40373, 50315, 51277	524.....	50551	Proposed Rules:		270.....	50448
771.....	40373, 50315	630.....	50279	103.....	50192	271.....	50448, 51416, 51707
772.....	40373, 50315	800.....	51254	500.....	49997	272.....	50327
773.....	40373, 51277	886.....	51799	32 CFR		300.....	51532
774.....	40373, 51277	1316.....	50826	221.....	50321	302.....	50448, 51707
775.....	40373	Proposed Rules:		352a.....	50179	372.....	50687
776.....	40373	347.....	51926	360.....	52169	Proposed Rules:	
777.....	40373	22 CFR		382.....	49888	52.....	50035, 51735
778.....	40373	142.....	52136	33 CFR		86.....	49914
779.....	40373	217.....	52136	3.....	52046	195.....	50492
780.....	40373	Proposed Rules:		100.....	51101, 52047	260.....	50852
781.....	40373	514.....	50034	154.....	49997	261.....	50852
782.....	40373	23 CFR		155.....	49997	262.....	50852
783.....	40373	Proposed Rules:		156.....	49997	263.....	50852
784.....	40373	140.....	49902	161.....	49998	264.....	50852
785.....	40373	625.....	49903	165.....	51290, 51699	265.....	50852
786.....	40373	646.....	49902	Proposed Rules:		266.....	50852
787.....	40373	24 CFR		110.....	50034	268.....	50852
788.....	40373	235.....	50173	117.....	50723	270.....	50852
789.....	40373	888.....	51996	157.....	50192	271.....	50852
790.....	40373					300.....	51928
806.....	49877					700.....	50492
942.....	49994						

41 CFR
 Ch. 301.....51713
 301-1.....49894
 301-9.....49894
 301-11.....49894
 301-15.....49894
Proposed Rules:
 50-201.....50725

42 CFR
 418.....50831
 433.....52130
 434.....51292
 435.....52130
 436.....52130
 440.....52130
 447.....52130
Proposed Rules:
 124.....51434
 401.....51434
 431.....51735
 488.....51434

43 CFR
Public Land Orders:
 4484 (Partially
 revoked by
 P.L.O. 6821).....49897
 6397 (Amended by
 P.L.O. 6822).....49897
 6820.....50181
 6821.....49897
 6822.....49897
 6823.....51905
 6824.....51906
 6825.....52171

44 CFR
 64.....51417, 51418
 65.....51419, 51449
 67.....51421
 206.....52172
Proposed Rules:
 67.....51443, 51449

45 CFR
 60.....50003
 84.....52136
 605.....52136
 1180.....51102
 1151.....52136
 1170.....52136
 1215.....50330
 1232.....52136
Proposed Rules:
 303.....50081
 402.....51082

46 CFR
 67.....51244
 153.....50330
Proposed Rules:
 580.....50334
 581.....50334

47 CFR
 1.....50690
 15.....50181, 52172
 22.....50004
 61.....50558
 65.....51423
 69.....50558
 73.....49898, 50004, 50005,
 50690, 51104-51106,
 51296, 51297, 51906,

51907, 52048, 52049
 52173, 52174
 74.....50690
 95.....51908
 201.....51056
 202.....51056
 212.....51056
 214.....51056
 215.....51056
 216.....51056

Proposed Rules:
 0.....50037
 1.....51454
 2.....52054
 22.....50047
 32.....50037, 51929
 36.....50037
 64.....50037
 69.....50037
 73.....49921-49924, 50048,
 50335, 51132-51135,
 51305, 51930, 52185-
 52187
 76.....50335
 90.....51454

48 CFR
 3.....50279
 52.....50279, 52130
 503.....50700
 552.....50700
 819.....49899
 852.....49899
Proposed Rules:
 9.....50152
 15.....50533
 52.....52158
 208.....50571
 252.....50571

49 CFR
 571.....50182
Proposed Rules:
 192.....52188
 571.....50197, 50198, 51737

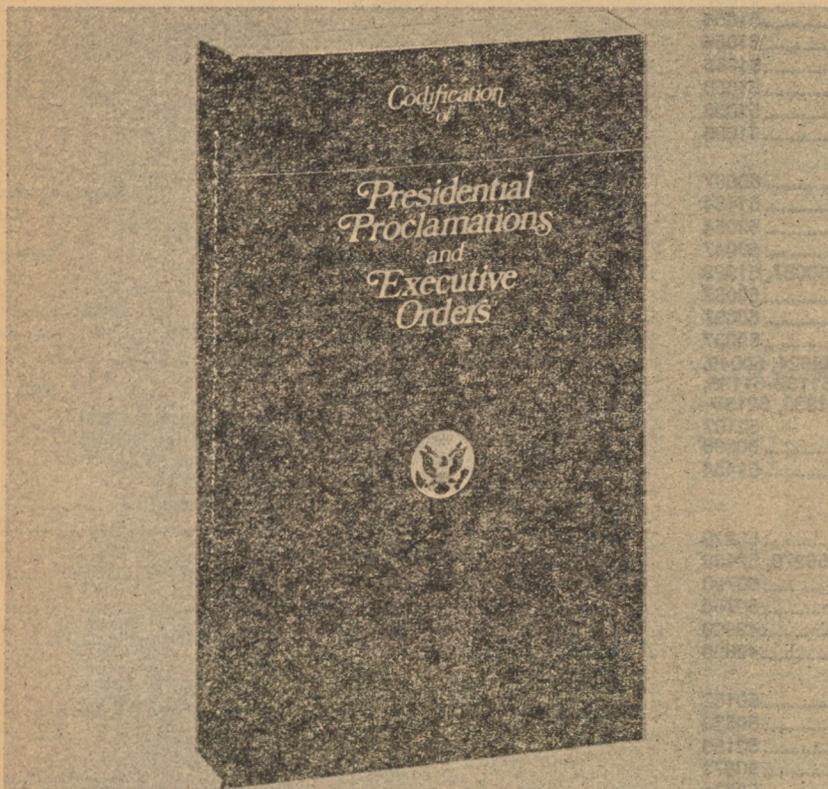
50 CFR
 17.....50184, 51106, 51112
 222.....50835
 641.....51722
 663.....51909
 669.....52130
Proposed Rules:
 17.....50005, 51931, 51936,
 52191
 33.....50280
 216.....52194
 630.....50199, 51799
 640.....52196
 651.....50572
 662.....50726
 663.....52055
 672.....50727
 675.....50727

LIST OF PUBLIC LAWS

Note: The list of Public Laws for the second session of the 101st Congress has been completed and will resume when bills are enacted into law during the first session of the 102d Congress, which convenes on January 3, 1991. A cumulative list of Public Laws for the second session

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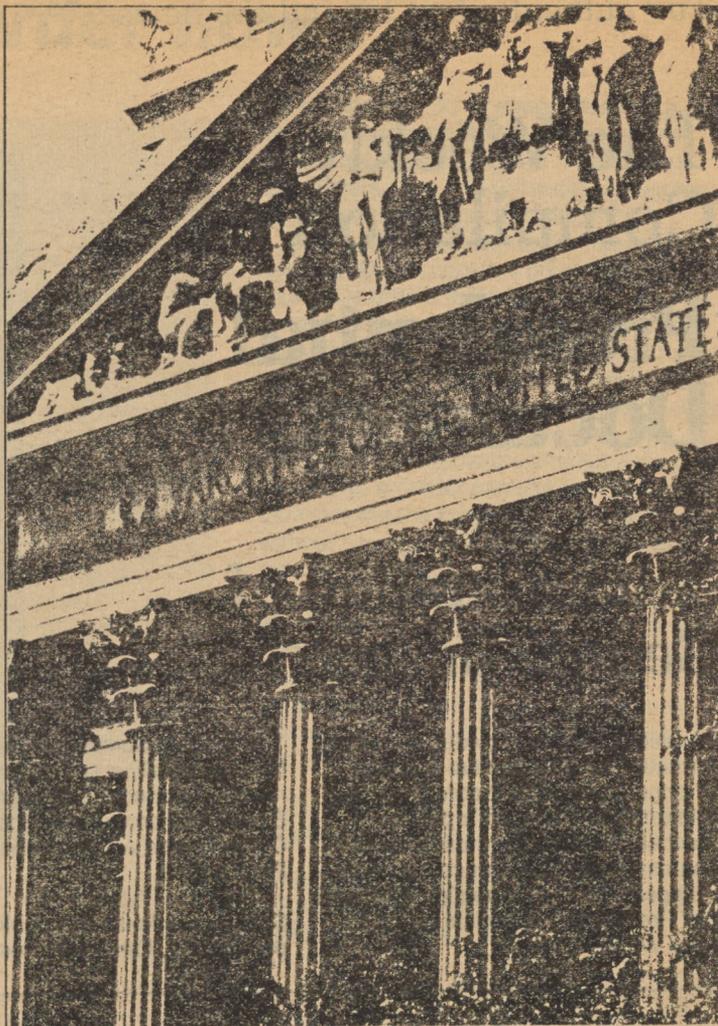
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