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Estimote Reporter

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- FOR:** Any person who uses the Federal Register and Code of Federal Regulations.
- WHO:** The Office of the Federal Register.
- WHAT:** Free public briefings (approximately 3 hours) to present:
1. The regulatory process, with a focus on the Federal Register system and the public's role in the development of regulations.
 2. The relationship between the Federal Register and Code of Federal Regulations.
 3. The important elements of typical Federal Register documents.
 4. An introduction to the finding aids of the FR/CFR system.
- WHY:** To provide the public with access to information necessary to research Federal agency regulations which directly affect them. There will be no discussion of specific agency regulations.

WASHINGTON, DC

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- WHERE:** Office of the Federal Register,
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- RESERVATIONS:** 202-523-5240

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- WHEN:** March 4, at 9:00 a.m.
- WHERE:** Federal Building,
300 N. Los Angeles St.
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- RESERVATIONS:** 1-800-726-4995

SAN DIEGO, CA

- WHEN:** March 5, at 9:00 a.m.
- WHERE:** Federal Building,
880 Front St.
Conference Room 45-13
San Diego, CA
- RESERVATIONS:** 1-800-726-4995

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Rules and Regulations

Federal Register

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

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

DEPARTMENT OF AGRICULTURE

Rural Electrification Administration

7 CFR Part 1755

Telecommunications Standards and Specifications for Materials, Equipment, and Construction

AGENCY: Rural Electrification Administration, USDA.

ACTION: Final rule.

SUMMARY: The Rural Electrification Administration (REA) hereby amends 7 CFR Part 1755, Telecommunications Standards and Specifications for Materials, Equipment, and Construction, by issuing REA Contract Form 773, Miscellaneous Construction Work and Maintenance Services Contract. A telephone borrower will use the form when it proposes to use REA loan funds to finance minor construction performed under contract. Minor construction is defined as being a telephone project estimated to cost \$100,000 or less, including all labor and materials. The proposed action will impact REA telephone borrowers, contractors, consulting engineers, manufacturers, suppliers, and the REA.

This action will facilitate REA telephone borrowers in their efforts to provide subscribers with the most modern and efficient telephone service at the lowest reasonable cost.

EFFECTIVE DATE: This final rule is effective January 15, 1991.

FOR FURTHER INFORMATION CONTACT: Garnett G. Adams, Outside Plant Branch, Telecommunications Staff Division, Rural Electrification Administration, Washington, DC 20250-1500, telephone (202) 382-8667.

SUPPLEMENTARY INFORMATION: This rule is issued in conformity with Executive Order 12291, Federal Regulation. This action will not (1) have an annual effect

on the economy of \$100 million or more; (2) result in a major increase in cost or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or (3) result in significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets. Therefore, the rule has been determined to be "not major."

This action does not fall within the scope of the Regulatory Flexibility Act. REA has concluded that promulgation of this rule would not represent a major Federal action significantly affecting the quality of the human environment under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.* (1976)) and, therefore, does not require an environmental impact statement or an environmental assessment.

This program is listed in the Catalog of Federal Domestic Assistance under No. 10.851, Rural Telephone Loans and Loan Guarantees, and 10.852, Rural Telephone Bank Loans. For the reasons set forth in the final rule related Notice to 7 CFR part 3015, subpart V (50 FR 47034, November 14, 1985), this program is excluded from the scope of Executive Order 12372 which requires intergovernmental consultation with State and local officials.

This rule does not contain new or amended reporting or recordkeeping requirements subject to the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*). Existing requirements were approved by the Office of Management and Budget under OMB approval number 0572-0062.

Background

REA has issued a series of 7 CFR chapter XVII Parts which serve to implement the policies, procedures, and requirements for administering its loan and loan guarantee programs and the security instruments which provide for and secure REA financing. This amendment to 7 CFR part 1755 is to issue REA Contract Form 773, Miscellaneous Construction Work and Maintenance Services Contract.

Regulation 7 CFR part 1753, subpart I, sets forth the requirements and procedures to be followed by borrowers for minor construction of

telecommunications facilities using REA loan funds. Under the regulation minor construction may be performed by contract using REA Contract Form 773, Miscellaneous Construction Work and Maintenance Services, or by workorder construction (construction performed by the borrower's employees). Contract Form 773 will not require REA approval, nor will it be required to be sent to REA. Normally, the borrower will finance minor construction with general funds and obtain reimbursement with loan funds when construction is completed and executed REA Form 771 has been submitted to REA. Form 771 is a summary of the total costs and net loan fund requirements for the construction completed. Contract Form 773 provides the support that the borrower needs to obtain REA loan funds. The Form may also be used to contract the maintenance and repair of telephone equipment and facilities. Generally, REA will not finance maintenance and repair contracts.

REA Contract Form 773 provides a simplified, legally sufficient construction contract suitable for use on small miscellaneous construction or maintenance projects.

On May 3, 1990, REA published in the *Federal Register* at 55 FR 18606 proposed rule 7 CFR Part 1762, Standard Forms of Contracts, Issuance of new REA Contract Form 773, Miscellaneous Construction Work and Maintenance Services Contract, to be used by telephone borrowers for minor construction, maintenance, or repair services to be performed by contract using REA loan funds. In the proposed rule REA invited interested parties to file comments on or before July 2, 1990. 7 CFR part 1762 has subsequently been redesignated as 7 CFR part 1755.

Comments: Comments and recommendations were received from two respondents.

The comments are as follows:

One respondent's principal concern is that it believes the proposed form subjects contractors to potentially unlimited liability and that this potential risk makes it virtually impossible for it to be available to serve REA borrowers. Consequently, the respondent made several comments and provided several changes it felt should be adopted. These are summarized as follows:

1. Section II, paragraph 13, "Indemnification," subjects the

contractor to potentially unlimited liability under all circumstances even in the absence of any negligent conduct by the contractor. The contractor needs to be assured that it will have prompt notice of claims, the full right to control the defense of actions, and assurance of cooperation of the owner in settling such claims. Also, the contractual indemnity should be an exclusive remedy and the maximum limit of liability should be reasonable. The respondent provided a proposed substitution for paragraph 13 containing the above provisions and specified a maximum liability limit for each personal injury and tangible property damage claim and the value of the contract for all other claims.

Response: REA agrees that the contractor can only be responsible for claims caused by its negligent conduct, that it is entitled to prompt written notification of claims, that it have full right to control the defense of the claims, and that it receive the cooperation of the owner in defending such claims. REA does not agree with the respondent that the contractual indemnity should be an exclusive remedy and there should be a maximum limit for personal injury and tangible property damage claims. Paragraph 13 has been rewritten to incorporate these provisions.

2. Section II, paragraph 5, the last sentence unfairly places the contractor in the position of an insurer of the owner's property even in cases where the contractor is not at fault, e.g., where the materials handled (but not provided) by the contractor are defective. The respondent provided a proposed substitution for this sentence that would require the contractor to reimburse the owner or replace at no cost to the owner for any materials or property destroyed, damaged, or lost where such loss is due to the contractor's negligence rather than "regardless of cause" stipulated in the proposed contract.

Response: Section II, paragraph 5, is titled "Provision of Materials"; therefore, references should be made only to materials in this paragraph rather than materials or property. Owner furnished materials are provided the contractor at stated unit prices in the contract. These unit material prices are incorporated in the contractor's bid prices for the construction units utilizing these owner-furnished materials. Upon delivery to and acceptance of these owner-furnished materials by the contractor, they become the responsibility of the contractor just the same as for materials purchased by the contractor from other suppliers. The contractor is responsible to pay the owner or replace at no cost to the owner for materials the owner provided that

are destroyed, damaged, or lost. The words "or property" have been deleted. Otherwise, the sentence is unchanged.

3. The respondent believes that consequential damages should be excluded through the use of a proposed provision provided by the respondent. The proposed revision would relieve the contractor of responsibility, except for third-party claims for personal injury or tangible property damage, for any incidental, indirect, or consequential damages, lost profits or lost revenues.

Response: REA believes that the causer of damages must be responsible for the damages. The proposed revision provides no benefits or protection for the owner or for the security of the Government's loan. The proposed revision is rejected.

4. Section II, paragraph 3, "Changes in the Project," should be amended so as to avoid confusion on the work referred to therein; such as, the last sentence should be amended to show that contract adjustments on non-minor changes must be agreed to 'prior to commencement of any changed work.'

Response: Sentence amended accordingly.

5. Section II, paragraph 11, "Defects in Work," should be amended to take into account situations where a defect cannot reasonably be cured within 20 days.

Response: The paragraph has been amended to allow the contractor 20 days to remedy or to make arrangements satisfactory to the owner and REA to remedy a defect.

6. Section III, "Insurance," should be amended to permit the contractor, in appropriate cases, to self-insure the required coverages.

Response: Insurance requirements for contractors are set forth in 7 CFR part 1788, subpart C, Insurance for Contractors, Engineers, and Architects. This contract must comply with this regulation. This regulation does not provide for self-insuring.

7. The respondent believes that Form 773 should contain a Force Majeure provision (and provided a proposed provision), a confidentiality provision and an assignment provision permitting the contractor to assign the agreement to an affiliated company.

Response: REA does not believe a Force Majeure provision is required as this contract form is used only for small projects requiring a short time period for construction. Since the contract does not require a specific completion date or construction time frame, the contractor is not penalized for Force Majeure delays.

This form of contract is not intended for work that would need a confidentiality provision. Other more formal and restrictive forms of contract would be required for such work.

The Form 773 Contract is to be used where the contractor does all the work and does not assign the contract to another party.

Another respondent stated it believes the proposed Contract Form 773 is more in the nature of a service contract (i.e., building construction/maintenance, carpentry, electrical services, outside plant construction/maintenance, etc.) rather than a contract for the purchase of central office equipment.

Response: This is totally correct. This contract is not to be used to purchase central office equipment. When central office equipment is to be purchased by contract, Form 525 or Form 545 is to be used.

List of Subjects in 7 CFR Part 1755

Loan programs—communications, Reporting and recordkeeping requirements, Telecommunications, Telephone.

In view of the above, REA hereby amends 7 CFR part 1755 by issuing Contract Form 773.

PART 1755—[AMENDED]

1. The authority cited for part 1755 continues to read:

Authority: 7 U.S.C. 901 *et seq.*, 7 U.S.C. 1921 *et seq.*

2. The table in § 1755.93 is amended by adding an entry for REA Form 773 to read as follows:

§ 1755.93 List of standard forms of telecommunications contracts.

REA Form No.	Issue date	Title	Purpose	Source of copies
773.....	12-90	Miscellaneous Construction Work and Maintenance Service Contract.	Minor construction by contract and maintenance and repair of telephone system facilities.	REA ¹

¹ A limited number of copies of the publication will be furnished by REA upon request. As this document is produced by the Federal Government and is, therefore, in the public domain, additional copies may be duplicated locally by any user as desired. Requests for copies should be sent to the Director, Administrative Services Division, U.S. Department of Agriculture, Rural Electrification Administration, Washington, DC 20250. The telephone number of the REA Publications Office is (202) 382-8674.

* * * * *

Dated: January 8, 1991.

Gary C. Byrne,
Administrator.

[FR Doc. 91-913 Filed 1-14-91; 8:45 am]

BILLING CODE 3410-15-M

DEPARTMENT OF COMMERCE

Bureau of Export Administration

15 CFR Parts 771, 774, 776, 786, and 799

[Docket No. 900673-0173]

Removal of General Licenses G-COM and G-CEU

AGENCY: Bureau of Export Administration, Commerce.

ACTION: Final rule.

SUMMARY: The Bureau of Export Administration is amending the Export Administration Regulations (EAR) by removing two general licenses that have become obsolete. General License G-COM was superseded by the expansion of General License GFW (55 FR 6791), and General License G-CEU was made mostly unnecessary by the establishment of General License GCT (55 FR 25083). This final rule, therefore, removes General Licenses G-COM and G-CEU from the EAR. This action will lessen the administrative burden on U.S. exporters and their foreign customers.

EFFECTIVE DATE: This rule is effective January 15, 1991.

FOR FURTHER INFORMATION CONTACT: Patricia Muldonian, Regulations Branch, Office of Technology and Policy Analysis, Bureau of Export Administration, telephone: (202) 377-2440.

SUPPLEMENTARY INFORMATION:

Background Information

General License G-COM was established to allow exports to the COCOM participating countries and cooperating third countries (Austria, Finland, Singapore, Sweden and Switzerland) of commodities described in the Advisory Notes of the Commodity Control List as likely to be approved for export to Country Groups QWY. However, the recently expanded General License GFW (February 27, 1990, 55 FR 6791), authorizes the export of such commodities to all countries in Country Groups T and V, which include

COCOM and cooperating third countries, excluding the People's Republic of China, Afghanistan, Iran, Syria, and the People's Democratic Republic of Yemen. In light of the new General License GFW, General License G-COM is no longer necessary and is being removed.

General License G-CEU was established to allow the export of any commodity on the Commodity Control List, except supercomputers, to pre-determined government controlled enterprises of a cooperating government (Finland, Sweden, Switzerland and the countries participating in COCOM). Due to inadequate response from cooperating governments to General License G-CEU, however, the Department of Commerce has been unable to compile a list of end users eligible to receive shipments under this general license. As a result, General License G-CEU has never been used. With the establishment of General License GCT (July 20, 1990, 55 FR 25083), the Department of Commerce can accomplish much of what it sought to accomplish with General License G-CEU, particularly with regard to reducing individual validated licensing requirements on COCOM trade. In doing so, General License G-CEU is no longer necessary, and is therefore being removed.

Rulemaking Requirements

1. This rule is consistent with Executive Orders 12291 and 12661.
2. This rule does not affect a collection of information subject to the requirements of the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*).
3. This rule does not contain policies with Federalism implications sufficient to warrant preparation of a Federalism assessment under Executive Order 12612.
4. Because a notice of proposed rulemaking and an opportunity for public comment are not required to be given for this rule by section 553 of the Administrative Procedure Act (5 U.S.C. 553), or by any other law, under sections 603(a) and 604(a) of the Regulatory Flexibility Act (5 U.S.C. 603(a) and 604(a)) no initial or final Regulatory Flexibility Analysis has to be or will be prepared.
5. The provisions of the Administrative Procedure Act, 5 U.S.C. 553, requiring notice of proposed rulemaking, the opportunity for public participation, and a delay in effective date, are inapplicable because this regulation involves a foreign and military affairs function of the United States. This rule does not impose a new

control. No other law requires that a notice of proposed rulemaking and an opportunity for public comment be given for this rule.

Accordingly, it is being issued in final form. However, comments from the public are always welcome. Comments should be submitted to Patricia Muldonian, Office of Technology and Policy Analysis, Bureau of Export Administration, Department of Commerce, P.O. Box 273, Washington, DC 20044.

List of Subjects in 15 CFR Parts 771, 774, 776, 786, and 799

Exports, Reporting and recordkeeping requirements.

Accordingly, parts 771, 774, 776, 786, and 799 of the Export Administration Regulations (15 CFR parts 730-799) are amended as follows:

1. The authority citations for 15 CFR parts 771, 774, 776, 786, and 799 are revised to read as follows:

Authority: Pub. L. 96-72, 93 Stat. 503 (50 U.S.C. app. 2401 *et seq.*), as amended by Pub. L. 95-223 of December 28, 1977 (50 U.S.C. 1701 *et seq.*); E.O. 21730 of September 30, 1990 (55 FR 40373, October 2, 1990).

PART 771—[AMENDED]

§§ 771.8 and 771.20 [Removed]

2. Sections 771.8 and 771.20 are removed and reserved.

§ 771.24 [Amended]

3. In § 771.24, paragraph (c) is amended by removing the phrase "G-COM or" from the first sentence.

Supplement No. 1 to Part 771 [Removed]

4. Supplement No. 1 to Part 771 is removed and reserved.

PART 774—[AMENDED]

§ 774.12 [Amended]

5. Section 774.2 is amended by removing the terms "G-COM," and "G-CEU," from paragraph (a)(1).

PART 776—[AMENDED]

§ 776.12 [Amended]

6. Section 776.12 is amended by removing the term "G-COM," in paragraph (a)(1)(ii).

PART 786—[AMENDED]

§ 786.6 [Amended]

7. Section 786.6 is amended by revising the phrase "G-COM, G-COCOM, GCT, or G-CEU," to read "G-COCOM or GCT," in paragraph (a)(1)(ii).

PART 799—[AMENDED]**§ 799.1 [Amended]**

8. Section 799.1 is amended by removing the parenthetical "(Also see § 771.8 to determine if your shipment qualifies for export under General License G-COM.)" from the end of paragraph (f)(3)(i).

Supplement No. 1 to § 799.1 [Amended]

9. In Supplement No. 1 to § 799.1 (the Commodity Control List), Commodity Group 3 (General Industrial Equipment), ECCN 1361A is amended by revising the phrase "(NOT ELIGIBLE FOR GENERAL LICENSES GFW AND G-COM)" to read "(NOT ELIGIBLE FOR GENERAL LICENSE GFW)" in the (Advisory) Note.

Supplement No. 1 to § 799.1 [Amended]

10. In Supplement No. 1 to § 799.1 (the Commodity Control List), Commodity Group 4 (Transportation Equipment), ECCN 1460A is amended by revising the phrase "(NOT ELIGIBLE FOR GENERAL LICENSES GFW AND G-COM)" to read "(NOT ELIGIBLE FOR GENERAL LICENSE GFW)" in (Advisory) Note 6.

Supplement No. 1 to § 799.1 [Amended]

11. In Supplement No. 1 to § 799.1 (the Commodity Control List), Commodity Group 5 (Electronics and Precision Instruments), ECCN 1565A is amended by revising the phrase "(NOT ELIGIBLE FOR GENERAL LICENSES GFW AND G-COM)" to read "(NOT ELIGIBLE FOR GENERAL LICENSE GFW)" in ADVISORY NOTE 12.

Dated: January 9, 1991.

James M. LeMunyon,

Deputy Assistant Secretary for Export Administration.

[FR Doc. 91-891 Filed 1-14-91; 8:45 am]

BILLING CODE 3510-DT-M

15 CFR Part 774

[Docket No. 901216-0316]

Reexports Into COCOM Participating Countries; Elimination of Notification Requirement

AGENCY: Bureau of Export Administration, Commerce.

ACTION: Final rule.

SUMMARY: Section 774.2(k) of the Export Administration Regulations (EAR) (15 CFR 774.2) allows, with two exceptions, the permissive reexports of U.S.-origin commodities to and among COCOM participating countries, Finland and Switzerland, without prior U.S. authorization, provided that the Office of Export Licensing is notified in writing if the U.S.-origin commodities are

described in § 774.2(k)(3)(i)(B) or are listed in Supplement No. 1 or 4 to part 773 and are being reexported from a country other than a COCOM participating country, Switzerland or Finland. The exceptions to the permissive reexports allowed by § 771.2(k) are supercomputers and certain electronic mechanical or other devices, as described in that section.

This final rule revises § 774.2(k) by removing the notification requirements described in § 774.2(k)(3). This action will lessen the administrative burden on U.S. exporters and their foreign customers.

EFFECTIVE DATE: This rule is effective January 15, 1991.

FOR FURTHER INFORMATION CONTACT:

Patricia Muldonian, Regulations Branch, Office of Technology and Policy Analysis, Bureau of Export Administration, Telephone: (202) 377-2440.

SUPPLEMENTARY INFORMATION:**Background**

The Omnibus Trade and Competitiveness Act (OTCA), signed by the President on August 23, 1988, amended section 5 of the Export Administration Act of 1979 (EAA) by requiring the removal of controls on most reexports to COCOM participating countries and countries qualifying for full benefits under section 5(k) of the EAA. On November 21, 1988, the Bureau of Export Administration published a proposed rule implementing the amendment (53 FR 46878) with a request for comments.

The Department received comments from 18 firms and associations. In general, the comments acknowledged that the proposed rule was a positive step toward reducing unnecessary licensing burdens and increasing the competitiveness of U.S. exports abroad. However, most commenters claimed that the notification requirements in the proposed rule severely limited the benefits of the proposed rule.

Some commenters also objected to the notification deadline imposed by the proposed rule. Initially, the proposed rule required, for reexports of U.S.-origin commodities not identified in any of the Advisory Notes described in the Commodity Control List, that a written reexport notification be submitted to the Department no later than the next business day following shipment, and by a means intended to effect delivery within five days of transmission.

The Bureau of Export Administration issued a final rule on July 7, 1989 (54 FR 28665). As a result of industry comments and suggestions, the notification

requirement for reexports among COCOM participating countries, Finland, and Switzerland was deleted. The final rule retained the notification requirement for reexports into COCOM, Finland, and Switzerland from other countries, but the requirement applied only to a more sensitive level of technology. Specifically, the final rule required commodities identified in Supplement No. 1 or 4 to part 773. In addition, the notification reports did not need to be sent until the second business day following shipment. Finally, the rule required that the notification be sent by airmail or another means that would provide equally expeditious delivery.

The Bureau of Export Administration has monitored the effectiveness of the notification requirements over the past year. The Bureau has determined that the burdens associated with export controls can be reduced by no longer requiring the notification, without impairing national security concerns.

Rulemaking Requirements

1. This rule is consistent with Executive Orders 12291 and 12661.

2. This rule eliminates a collection of information subject to the requirement under the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*). The collection of information was approved by the Office of Management and Budget under control number 0694-0052.

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

4. Because a notice of proposed rulemaking and an opportunity for public comment are not required to be given for this rule by section 553 of the Administrative Procedure Act (5 U.S.C. 553), or by any other law, under sections 603(a) and 604(a) of the Regulatory Flexibility Act (5 U.S.C. 603(a) and 604(a)) no initial or final Regulatory Flexibility Analysis has to be or will be prepared.

5. The provisions of the Administrative Procedure Act, 5 U.S.C. 553, requiring notice of proposed rulemaking, the opportunity for public participation, and a delay in effective date, are inapplicable because this regulation involves a foreign and military affairs function. This rule does not impose a new control. No other law requires a notice of proposed rulemaking and an opportunity for public comment be given for this rule.

Accordingly, it is being issued in final form. However, comments from the public are always welcome. Comments

should be submitted to Patricia Muldonian, Office of Technology and Policy Analysis, Bureau of Export Administration, Department of Commerce, P.O. Box 237, Washington, DC 20044.

List of Subjects in 15 CFR Part 774

Exports, Reporting and recordkeeping requirements.

Accordingly, part 774 of the Export Administration Regulations (15 CFR parts 730-799) is amended as follows:

1. The authority citation for part 774 is revised to read as follows:

Authority: Pub. L. 96-72, 93 Stat. 503 (50 U.S.C. app. 2401 *et seq.*), as amended; E.O. 12532 of September 9, 1985 (50 FR 36861, September 10, 1985) as affected by notice of September 4, 1986 (51 FR 31925, September 8, 1986); Pub. L. 99-440 of October 2, 1986 (22 U.S.C. 5001 *et seq.*); E.O. 12571 of October 27, 1986 (51 FR 39505, October 30, 1986); Pub. L. 95-223, 91 Stat. 1626 (50 U.S.C. 1701 *et seq.*); E.O. No. 12730 of September 30, 1990 (55 FR 40373, October 2, 1990).

§ 774.2 [Amended]

2. Section 774.2 is amended by removing paragraph (k)(3).

Dated: January 9, 1991.

Michael P. Galvin,

Assistant Secretary for Export Administration.

[FR Doc. 91-892 Filed 1-14-91; 8:45 am]

BILLING CODE 3510-DT-M

15 CFR Part 779

[Docket No. 901214-0314]

Revisions to the Special Reporting Requirements for Exports and Reexports of Technical Data

AGENCY: Bureau of Export Administration, Commerce.

ACTION: Final rule.

SUMMARY: The Bureau of Export Administration is amending the special reporting requirements for exports and reexports of technical data under a validated license as described in §§ 779.6 and 779.8 of the Export Administration Regulations (EAR). This rule clarifies that validated export licenses and reexport authorizations for technical data need not be returned to the Office of Export Licensing (OEL), unless revoked or suspended. This rule also removes the requirement that exporters and reexporters must routinely submit detailed reports to OEL describing their technical data exports and reexports under validated licenses. This action will lessen the administrative burden on U.S. exporters and their foreign customers.

This rule does not remove the validated license requirements for the export and reexport of technical data, nor does it remove the requirement that exporters maintain complete records in accordance with the provisions of § 786.2(d) and § 787.13. Exporters may also be required to produce records of their technical data transactions, in accordance with the provisions of § 787.13(f).

EFFECTIVE DATE: This rule is effective January 15, 1991.

FOR FURTHER INFORMATION CONTACT: Patricia Muldonian, Regulations Branch, Office of Technology and Policy Analysis, Bureau of Export Administration, Telephone: (202) 377-2440.

SUPPLEMENTARY INFORMATION:

Rulemaking Requirements and Invitation To Comment

1. This rule is consistent with Executive Order 12291 and 12661.

2. This rule involves collections of information subject to the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*) which have been approved by the Office of Management and Budget (OMB) under control numbers 0694-0005 and 0694-0010. This rule also eliminates a collection of information approved by the Office of Management and Budget under control number 0694-0041.

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

4. Because a notice of proposed rulemaking and an opportunity for public comment are not required to be given for this rule by section 553 of the Administrative Procedure Act (5 U.S.C. 553), or by any other law, under sections 603(a) and 604(a) of the Regulatory Flexibility Act (5 U.S.C. 603(a) and 604(a)) no initial or final Regulatory Flexibility Analysis has to be or will be prepared.

5. The provisions of the Administrative Procedure Act, 5 U.S.C. 553, requiring notice of proposed rulemaking, the opportunity for public participation, and a delay in the effective date, are inapplicable because this regulation involves a foreign and military affairs function. No other law requires that a notice of proposed rulemaking and an opportunity for public comment be given for this rule.

Accordingly, it is being issued in final form. However, comments from the public are always welcome. Comments should be submitted to Patricia Muldonian, Office of Technology and Policy Analysis, Bureau of Export

Administration, Department of Commerce, P.O. Box 273, Washington, DC 20044.

List of Subjects 15 CFR Part 779

Computer technology, Exports, Reporting and recordkeeping requirements, Science and technology.

PART 779—[AMENDED]

Accordingly, part 779 of the Export Administration Regulations (15 CFR parts 730-799) is amended as follows:

1. The authority citation for part 779 is revised to read as follows:

Authority: Pub. L. 96-72, 93 Stat. 503 (50 U.S.C. app. 2401 *et seq.*), as amended; E.O. 12532 of September 9, 1985 (50 FR 36861, September 10, 1985) as affected by notice of September 4, 1986 (51 FR 31925, September 8, 1986); Pub. L. 99-440 of October 2, 1986 (22 U.S.C. 5001 *et seq.*); E.O. 12571 of October 27, 1986 (51 FR 39505, October 29, 1986); Pub. L. 95-223, title II, 91 Stat. 1626, 1628 (50 U.S.C. 1702, 1704); Pub. L. 95-223 91 Stat. 1626 (50 U.S.C. 1701 *et seq.*); Executive Order No. 12730 of September 30, 1990 (55 FR 40373, October 2, 1990).

2. Section 779.6 is amended by revising paragraph (a)(2) and by revising paragraph (b) to read as follows:

§ 779.6 Exports under a validated license.

(a) * * *

(2) *Return of revoked or suspended technical data licenses.* If the Office of Export Licensing revokes or suspends a technical data license, the licensee shall return the license immediately to the Office of Export Licensing in accordance with the instructions in § 786.2(d) of this subchapter.

(b) *Records.* Any person to whom a validated technical data license has been issued shall retain the license and maintain complete records in accordance with § 786.2(d) of this subchapter, including any export licenses (whether used or unused, valid or expired) and all supporting documents and shipping records.

3. Section 779.8 is amended by revising paragraph (c)(2) and by revising paragraph (c)(3) as follows:

§ 779.8 Reexports of technical data and exports of the product manufactured abroad by use of United States technical data.

* * * * *

(c) * * *

(2) *Return of reexport authorization.* If the Office of Export Licensing revokes or suspends a reexport authorization, the licensee shall return the reexport authorization immediately to the Office of Export Licensing.

(3) *Records.* Any person to whom a reexport authorization has been issued

shall retain and make available for inspection records in accordance with the provisions of § 787.13 of this subchapter, including any reexport authorizations (whether used or unused, valid or expired) and all supporting documents and shipping records.

* * * * *

Dated: January 9, 1991.

Michael P. Galvin,

Assistant Secretary for Export Administration.

[FR Doc. 91-893 Filed 1-14-91; 8:45 am]

BILLING CODE 3510-DT-M

PENSION BENEFIT GUARANTY CORPORATION

29 CFR Parts 2610 and 2622

Late Premium Payments and Employer Liability Underpayments and Overpayments; Interest Rate for Determining Variable Rate Premium; Amendments to Interest Rates

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Final rule.

SUMMARY: This document notifies the public of the interest rate applicable to late premium payments and employer liability underpayments and overpayments for the calendar quarter beginning January 1, 1991. This interest rate is established quarterly by the Internal Revenue Service. This document also sets forth the interest rates for valuing unfunded vested benefits for premium purposes for plan years beginning in November 1990 through January 1991. These interest rates are established pursuant to section 4006 of the Employee Retirement Income Security Act of 1974, as amended. The effect of these amendments is to advise plan sponsors and pension practitioners of these new interest rates.

EFFECTIVE DATE: January 1, 1991.

FOR FURTHER INFORMATION CONTACT:

Harold Ashner, Senior Counsel, Office of the General Counsel, Code 22500, Pension Benefit Guaranty Corporation, 2020 K Street, NW., Washington, DC 20006; telephone (202) 778-8824 ((202) 778-8859 for TTY and TTD). These are not toll-free numbers.

SUPPLEMENTARY INFORMATION: As part of title IV of the Employee Retirement Income Security Act of 1974, as amended ("ERISA"), the Pension Benefit Guaranty Corporation ("PBGC") collects premiums from ongoing plans to support the single-employer and multiemployer insurance programs. Under the single-employer program, the PBGC also collects employer liability from those

persons described in ERISA section 4062(a). Under ERISA section 4007 and 29 CFR 2610.7, the interest rate to be charged on unpaid premiums is the rate established under section 6601 of the Internal Revenue Code ("Code"). Similarly, under 29 CFR 2622.7, the interest rate to be credited or charged with respect to overpayments or underpayments of employer liability is the section 6601 rate. These interest rates are published by the PBGC in appendix A to the premium regulation and Appendix A to the employer liability regulation.

The Internal Revenue Service has announced that for the quarter beginning January 1, 1991, the interest charged on the underpayment of taxes will be at a rate of 11 percent. Accordingly, the PBGC is amending appendix A to 29 CFR part 2610 and appendix A to 29 CFR part 2622 to set forth this rate for the January 1-March 31, 1991 quarter.

Under ERISA section 4006(a)(3)(E)(iii)(II), in determining a single-employer plan's unfunded vested benefits for premium computation purposes, plans must use an interest rate equal to 80% of the annual yield on 30-year Treasury securities for the month preceding the beginning of the plan year for which premiums are being paid. Under § 2610.23(b)(1) of the premium regulation, this value is determined by reference to 30-year Treasury constant maturities as reported in Federal Reserve Statistical Releases G.13 and H.15. The PBGC publishes these rates in appendix B to the regulation.

The PBGC publishes these monthly interest rates in Appendix B on a quarterly basis to coincide with the publication of the late payment interest rate set forth in appendix A. (The PBGC publishes the appendix A rates every quarter, regardless of whether the rate has changed.) Unlike the appendix A rate, which is determined prospectively, the appendix B rate is not known until a short time after the first of the month for which it applies. Accordingly, the PBGC is hereby amending appendix B to part 2610 to add the vested benefits valuation rates for plan years beginning in November and December of 1990 and in January 1991. Additionally, as a result of an administrative oversight, the valuation rate for plan years beginning in October of 1990 was omitted from the last published amendment to appendix B (October 15, 1990). Therefore, we are also including the valuation rate for plan years beginning in October 1990 in this amendment.

The appendices to 29 CFR parts 2610 and 2622 do not prescribe the interest rates under these regulations. Under

both regulations, the appendix A rates are the rates determined under section 6601(a) of the Code. The interest rates in appendix B to part 2610 are prescribed by ERISA section 4006(a)(3)(E)(iii)(II) and § 2610.23(b)(1) of the regulation. These appendices merely collect and republish the interest rates in a convenient place. Thus, the interest rates in the appendices are informational only. Accordingly, the PBGC finds that notice of and public comment on these amendments would be unnecessary and contrary to the public interest. For the above reasons, the PBGC also believes that good cause exists for making these amendments effective immediately.

The PBGC has determined that none of these amendments is a "major rule" within the meaning of Executive Order 12291, because they will not have an annual effect on the economy of \$100 million or more; nor create a major increase in costs or prices for consumers, individual industries, or geographic regions, nor have significant adverse effects on competition, employment, investment, innovation or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Because no general notice of proposed rulemaking is required for these amendments, the Regulatory Flexibility Act of 1980 does not apply. See 5 U.S.C. 601(2).

List of Subjects

29 CFR Part 2610

Employee benefit plans, Penalties, Pension insurance, Pensions, and Reporting and recordkeeping requirements.

29 CFR Part 2622

Business and industry, Employee benefit plans, Pension insurance, Pensions, Reporting and recordkeeping requirements, and Small businesses.

In consideration of the foregoing, appendix A and appendix B to part 2610 and appendix A to part 2622 of chapter XXVI of title 29, Code of Federal Regulations, are hereby amended as follows:

PART 2610—PAYMENT OF PREMIUMS

1. The authority citation for part 2610 continues to read as follows:

Authority: 29 U.S.C. 1302(b)(3), 1306, 1307 (1988), as amended by sec. 7881(h), Pub. L. 101-239, 103 Stat. 2106, 2242.

2. Appendix A to part 2610 is amended by adding a new entry for the quarter beginning January 1, 1991, to

read as follows. The introductory text is republished for the convenience of the reader and remains unchanged.

Appendix A—Late Payment Interest Rates

The following table lists the late payment interest rates under § 2610.7(a) for the specified time periods:

From	Through	Interest rate (percent)
January 1, 1991.....	March 31, 1991.....	11

3. Appendix B to part 2610 is amended by adding to the table of interest rates therein new entries for premium payment years beginning in October through December of 1990, to read as follows. The introductory text is republished for the convenience of the reader and remains unchanged.

Appendix B—Interest Rates for Valuing Vested Benefits

The following table lists the required interest rates to be used in valuing a plan's vested benefits under § 2610.23(b) and in calculating a plan's adjusted vested benefits under § 2610.23(c)(1):

For premium payment years beginning in—	Required interest rate ¹
October 1990	7.22
November 1990	7.09
December 1990	6.83
January 1991	6.59

¹ The required interest rate listed above is equal to 80% of the annual yield for 30-year Treasury constant maturities, as reported in Federal Reserve Statistical Release G.13 and H.15 for the calendar month preceding the calendar month in which the premium payment year begins.

PART 2622—EMPLOYER LIABILITY FOR WITHDRAWALS FROM AND TERMINATIONS OF SINGLE-EMPLOYER PLANS

4. The authority citation for part 2622 continues to read as follows:

Authority: 29 U.S.C. 1302(b)(3), 1362-1364, 1367-68, as amended by secs. 9312, 9313, Pub. L. 100-203, 101 Stat. 1330.

5. Appendix A to part 2622 is amended by adding a new entry for the quarter beginning January 1, 1991, to read as follows. The introductory text is republished for the convenience of the reader and remains unchanged.

Appendix A—Late Payment and Overpayment Interest Rates

The following table lists the late payment and overpayment interest rates

under § 2622.7 for the specified time periods:

From	Through	Interest rate (percent)
January 1, 1991.....	March 31, 1991.....	11

Issued in Washington, DC, the 9th day of January 1991.

James B. Lockhart, III

Executive Director, Pension Benefit Guaranty Corporation.

[FR Doc. 91-926 Filed 1-14-91; 8:45 am]

BILLING CODE 7708-01-M

29 CFR Part 2644

Notice and Collection of Withdrawal Liability; Adoption of New Interest Rate

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Final rule.

SUMMARY: This is an amendment to the Pension Benefit Guaranty Corporation's regulation on Notice and Collection of Withdrawal Liability. That regulation incorporates certain interest rates published by another Federal agency. The effect of this amendment is to add to the appendix of that regulation a new interest rate to be effective from January 1, 1991 to March 31, 1991.

EFFECTIVE DATE: January 1, 1991.

FOR FURTHER INFORMATION CONTACT:

J. Ronald Goldstein, Senior Counsel, Office of the General Counsel (22500), Pension Benefit Guaranty Corporation, 2020 K Street, NW., Washington, DC 20006; telephone 202-778-8850 (202-778-8859 or TTY and TDD). These are not toll-free numbers.

SUPPLEMENTARY INFORMATION: Under section 4219(c) of the Employee Retirement Income Security Act of 1974, as amended ("ERISA"), the Pension Benefit Guaranty Corporation ("the PBGC") promulgated a final regulation on Notice and Collection of Withdrawal Liability. That regulation, codified at 29 CFR part 2644, deals with the rate of interest to be charged by multiemployer pension plans on withdrawal liability payments that are overdue or in default, or to be credited by plans on overpayments of withdrawal liability. The regulation allows plans to set rates, subject to certain restrictions. Where a plan does not set the interest rate, § 2644.3(b) of the regulation provides that the rate to be charged or credited for any calendar quarter is the average quoted prime rate on short-term

commercial loans for the fifteenth day (or the next business day if the fifteenth day is not a business day) of the month preceding the beginning of the quarter, as reported by the Board of Governors of the Federal Reserve System in Statistical Release H.15 ("Selected Interest Rates").

Because the regulation incorporates interest rates published in Statistical Release H.15, that release is the authoritative source for the rates that are to be applied under the regulation. As a convenience to persons using the regulation, however, the PBGC collects the applicable rates and republishes them in an appendix to part 2644. This amendment adds to this appendix the interest rate of 10 percent, which will be effective from January 1, 1991, through March 31, 1991. This rate represents no change from the rate in effect for the fourth quarter of 1990. This rate is based on the prime rate in effect on December 17, 1990.

The appendix to 29 CFR part 2644 does not prescribe interest rates under the regulation; the rates prescribed in the regulation are those published in Statistical Release H.15. The appendix merely collects and republishes the rates in a convenient place. Thus, the interest rates in the appendix are informational only. Accordingly, the PBGC finds that notice of and public comment on this amendment would be unnecessary and contrary to the public interest. For the above reasons, the PBGC also believes that good cause exists for making this amendment effective immediately.

The PBGC has determined that this amendment is not a "major rule" within the meaning of Executive Order 12291, because it will not have an annual effect on the economy of \$100 million or more; nor create a major increase in costs or prices for consumers, individual industries, or geographic regions, nor have significant adverse effects on competition, employment, investment, innovation or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Because no general notice of proposed rulemaking is required for this amendment, the Regulatory Flexibility Act of 1980 does not apply. See 5 U.S.C. 601(2).

List of Subjects in 29 CFR Part 2644

Employee benefit plans, Pensions.

In consideration of the foregoing, part 2644 of subchapter F of chapter XXVI of title 29, Code of Federal Regulations, is amended as follows:

PART 2644—NOTICE AND COLLECTION OF WITHDRAWAL LIABILITY

1. The authority citation for part 2644 continues to read as follows:

Authority: 29 U.S.C. 1302(b)(3) and 1399(c)(6).

2. Appendix A is amended by adding to the end of the table therein a new entry as follows:

From	To	Date of quotation	Rate (percent)
01/01/91.....	03/31/91.....	12/17/90.....	10

Issued at Washington, DC, on this 9th day of January, 1991.

James B. Lockhart III,

Executive Director, Pension Benefit Guaranty Corporation.

[FR Doc. 91-925 Filed 1-14-91; 8:45 am]

BILLING CODE 7708-01-M

29 CFR Part 2676

Valuation of Plan Benefits and Plan Assets Following Mass Withdrawal—Interest Rates

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Final rule.

SUMMARY: This is an amendment to the Pension Benefit Guaranty Corporation's regulation on Valuation of Plan Benefits and Plan Assets Following Mass Withdrawal (29 CFR part 2676). The

regulation prescribes rules for valuing benefits and certain assets of multiemployer plans under sections 4219(c)(1)(D) and 4281(b) of the Employee Retirement Income Security Act of 1974. Section 2676.15(c) of the regulation contains a table setting forth, for each calendar month, a series of interest rates to be used in any valuation performed as of a valuation date within that calendar month. On or about the fifteenth of each month, the PBGC publishes a new entry in the table for the following month, whether or not the rates are changing. This amendment adds to the table the rate series for the month of February 1991.

EFFECTIVE DATE: February 1, 1991.

FOR FURTHER INFORMATION CONTACT: Deborah C. Murphy, Attorney, Office of the General Counsel (22500), Pension Benefit Guaranty Corporation, 2020 K Street NW., Washington, DC 20006; 202-778-8820 (202-778-8859 for TTY and TDD). These are not toll-free numbers.)

SUPPLEMENTARY INFORMATION: The PBGC finds that notice of and public comment on this amendment would be impracticable and contrary to the public interest, and that there is good cause for making this amendment effective immediately. These findings are based on the need to have the interest rates in this amendment reflect market conditions that are as nearly current as possible and the need to issue the interest rates promptly so that they are available to the public before the beginning of the period to which they apply. (See 5 U.S.C. 533 (b) and (d).) Because no general notice of proposed

rulemaking is required for this amendment, the Regulatory Flexibility Act of 1980 does not apply (5 U.S.C. 601(2)).

The PBGC has also determined that this amendment is not a "major rule" within the meaning of Executive Order 12291 because it will not have an annual effect on the economy of \$100 million or more; or create a major increase in costs or prices for consumers, individual industries, or geographic regions; or have significant adverse effects on competition, employment, investment, or innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

List of Subjects in 29 CFR Part 2676

Employee benefit plans and Pensions.

In consideration of the foregoing, part 2676 of subchapter H of chapter XXVI of title 29, Code of Federal Regulations, is amended as follows:

PART 2676—VALUATION OF PLAN BENEFITS AND PLAN ASSETS FOLLOWING MASS WITHDRAWAL

1. The authority citation for part 2676 continues to read as follows:

Authority: 29 U.S.C. 1302(b)(3), 1399(c)(1)(D), and 1441(b)(1).

2. In § 2676.15, paragraph (c) is amended by adding to the end of the table of interest rates therein the following new entry:

§ 2676.15 Interest.

* * * * *

(c) Interest Rates.

For valuation dates occurring in the month—	The values for i_t are—															
	i_1	i_2	i_3	i_4	i_5	i_6	i_7	i_8	i_9	i_{10}	i_{11}	i_{12}	i_{13}	i_{14}	i_{15}	i_{16}
February 1991.....	.0825	.08	.0775	.075	.0725	.07	.07	.07	.07	.07	.065	.065	.065	.065	.065	.05875

Issued at Washington, DC, on this 9th day of January 1991.

James B. Lockhart III,

Executive Director, Pension Benefit Guaranty Corporation.

[FR Doc. 91-924 Filed 1-14-91; 8:45 am]

BILLING CODE 7708-01-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 117

[CGD7-90-25]

Drawbridge Operation Regulations; Atlantic Intracoastal Waterway, Little River to Savannah River, SC

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: At the request of the South Carolina Department of Highways and Public Transportation, the Coast Guard

is changing the regulations governing the Socastee highway bridge across the Atlantic Intracoastal Waterway, mile 371, Horry County, South Carolina by changing the existing bridge schedule from opening on the hour and half hour to opening on the quarter and three-quarter hour. This action should accommodate the changed schedules of the local school buses which are required to cross this bridge, and still provide for the reasonable needs of navigation.

EFFECTIVE DATE: These regulations become effective on February 14, 1991.

FOR FURTHER INFORMATION CONTACT: Gary D. Pruitt (305) 536-4103.

SUPPLEMENTARY INFORMATION: On August 22, 1990, the Coast Guard published a proposed rule (55 FR 34287) concerning this amendment. The Commander, Seventh Coast Guard District, also published the proposal as Public Notice 25-90 dated September 7, 1990. Interested persons were given until October 9, 1990, to submit comments.

Drafting Information

The drafters of this notice are Mr. Gary D. Pruitt, project officer, and LT Genelle G. Tanos, project attorney.

Discussion of Comments

No comments were received on the proposed rule change. The final rule is unchanged from the proposed rule published on August 22, 1990.

Federalism

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

Economic Assessment and Certification

These regulations are considered to be non-major under Executive Order 12291 on Federal Regulation and nonsignificant under the Department of Transportation regulatory policies and procedures (44 FR 11034; February 26, 1979). The economic impact is expected to be so minimal that a full regulatory evaluation is unnecessary. We conclude this because the rule will not alter the type or frequency of vessel traffic on this reach of the waterway. Since the economic impact of the proposal is expected to be minimal, the Coast Guard certifies that, if adopted, it will not have a significant impact on a substantial number of small entities.

List of Subjects in 33 CFR Part 117

Bridges.

Regulations

In consideration of the foregoing, part 117 of title 33, Code of Federal Regulations, is amended as follows:

PART 117—DRAWBRIDGE OPERATION REGULATIONS

1. The authority citation for part 117 continues to read as follows:

Authority: 33 U.S.C. 499; 49 CFR 1.46; 33 CFR 1.05-1(g).

2. Section 117.911(b) is revised to read as follows:

§ 117.911 Atlantic Intracoastal Waterway, Little River to Savannah River.

* * * * *

(b) *Socastee (SR544) bridge, mile 371 at Socastee.* The draw shall open on signal except that from April 1 through June 30 and October 1 through November 30 from 7 a.m. to 10 a.m. and 2 p.m. to 6 p.m. Monday through Friday, except federal holidays, the draw need open only on the quarter hour and three-quarter hour. From May 1 through June 30 and October 1 through October 31 from 10 a.m. to 2 p.m., Saturdays, Sundays and federal holidays, the draw need open only on the quarter hour and three-quarter hour.

* * * * *

Dated: December 31, 1990.

Robert E. Kramek,

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

[FR Doc. 91-900 Filed 1-14-91; 8:45 am]

BILLING CODE 4910-14-M

33 CFR Part 117

[CGD7-90-80]

Drawbridge Operation Regulations; Waccamaw River, SC

AGENCY: Coast Guard DOT.

ACTION: Final rule.

SUMMARY: At the request of the Waccamaw Coast Line Railroad Company (WCLRC), the Coast Guard is adding regulations governing the railroad swingbridge across the Waccamaw River, mile 44.4, Horry County, South Carolina by requiring that advance notice of opening be given Monday through Friday between 8 a.m. and 6 p.m. This change is being made because no requests have been made to open the draw during this period since February, 1990. This action should relieve the bridge owner of the burden of having a person constantly available to open the draw and still provide for the reasonable needs of navigation.

EFFECTIVE DATE: February 14, 1991.

FOR FURTHER INFORMATION CONTACT: Gary D. Pruitt (305) 536-4103.

SUPPLEMENTARY INFORMATION: On September 6, 1990, the Coast Guard published a proposed rule (55 FR 36666) concerning this amendment. The Commander, Seventh Coast Guard District, also published the proposal as Public Notice 27-90 dated September 21, 1990. In each notice interested persons were given until October 22, 1990, to submit comments.

Drafting Information

The drafters of this notice are Mr. Gary D. Pruitt, project officer, and LT Genelle G. Tanos, Project Attorney.

Discussion of Comments

No comments were received on the proposed rule change. The final rule is unchanged from the proposed rule published on September 6, 1990.

Federalism

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

Economic Assessment and Certification

These regulations are considered to be non-major under Executive Order 12291 on Federal Regulation and nonsignificant under the Department of Transportation regulatory policies and procedures (44 FR 11034; February 26, 1979). The economic impact is expected to be so minimal that a full regulatory evaluation is unnecessary. We conclude this because the proposed rule will not alter the type or frequency of vessel traffic on this reach of the waterway. Since the economic impact of the rule is expected to be minimal, the Coast Guard certifies that, if adopted, it will not have a significant impact on a substantial number of small entities.

List of Subjects in 33 CFR Part 117

Bridges.

Regulations

In consideration of the foregoing, part 117 of title 33, Code of Federal Regulations, is amended as follows:

PART 117—DRAWBRIDGE OPERATION REGULATIONS

1. The authority citation for part 117 continues to read as follows:

Authority: 33 U.S.C. 499; 49 CFR 1.46; 33 CFR 1.05-1(g).

2. Section 117.938 is added to read as follows:

§ 117.938 Waccamaw River.

The draw of the Waccamaw Coast Line Railroad bridge, mile 44.4 at Conway, shall open on signal; except that from 8 a.m. to 6 p.m. Monday through Friday, the draw shall open on signal if at least one hour notice is given.

Dated: December 31, 1990.

Robert E. Kramek,

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

[FR Doc. 91-899 Filed 1-14-91; 8:45 am]

BILLING CODE 4910-14-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 35

[OA-FRL: 3896-4]

Financial Assistance for Continuing Environmental Programs: Reallocation

AGENCY: Environmental Protection
Agency.

ACTION: Deviation to rule.

SUMMARY: Under 40 CFR 35.155(c), the Environmental Protection Agency (EPA) has issued a class deviation from the provisions of the regulation. This deviation will allow regions until July 1, 1991 to award funds reserved under section 106 of the Clean Water Act for Indian Tribes treated as States.

EFFECTIVE DATE: This deviation was effective November 21, 1990.

FOR FURTHER INFORMATION CONTACT: Ms. Ceia K. Wene, Grants Administration Division (PM-216F), 401 M Street, SW., Washington, DC 20460, (202) 245-3970.

SUPPLEMENTARY INFORMATION: 40 CFR 35.155(c) requires that reserves which have not been awarded by July 1 of each fiscal year, under section 106 of the Clean Water Act for Indian Tribes treated as States, shall be reallocated nationally by the Administrator for awards to other Indian Tribes treated as States. This deviation will extend the reallocation requirement in the regulation by one year, until July 1, 1991. This extension will provide sufficient time for award of all FY 1990 funds.

The class deviation is published following this notice.

Dated: November 16, 1990.

David P. Ryan,

*Acting Assistant Administrator for
Administration and Resources Management.*

Dated: November 7, 1990.

Robert H. Wayland, III,

Acting Assistant Administrator for Water.

Memorandum

Subject: Class Deviation from 40 CFR
35.155(c)

From: Harvey G. Pippen, Jr., Director, Grants
Administration Division

To: Regional Administrators, Regions I
through X

November 21, 1990.

Action

I am approving a deviation from the provisions of 40 CFR 35.155(c). This deviation will allow regions until July 1, 1991, to award funds reserved under section 106 of the Clean Water Act for Indian Tribes treated as States.

Background

EPA has the responsibility and authority for managing all financial assistance funds effectively. The Water Quality Act of 1987 amended the Clean Water Act by adding a new section 518 entitled "Indian Tribes." The Act authorizes EPA to treat Federally recognized Indian Tribes as States for certain provisions, including financial assistance. 40 CFR 35.155(c) requires that reserves which have not been awarded by July 1 of each fiscal year, under section 106 of the Clean Water Act for Indian Tribes treated as States, shall be reallocated nationally by the Administrator for awards to other Indian Tribes treated as States.

When the regulation which established July 1 as the annual deadline was drafted, the Office of Water underestimated the time it would take to complete the first operational cycle of the program. The approval of "Treatment as a State" (TAS) applications and awarding Section 106 grants to qualified Indian Tribes was delayed primarily as a result of the late promulgation of the Interim Final Rule (April 11, 1989) which established the procedures for Indian Tribes to qualify to be treated as States.

Indian Tribes applying for section 106 grants found that the requirements of the regulations were cumbersome, which led to delays in their preparation and submission of applications. Upon review, applications were found incomplete and/or in need of revisions, causing further delay. A lack of EPA resources, both in the Regions and in Headquarters, has further delayed the processing of TAS and grant applications.

This deviation will extend the reallocation requirement in the regulation by one year, until July 1, 1991. The Regions have indicated that this extension will provide sufficient time to award all of their FY 1990 funds in a prudent manner.

Dated: November 7, 1990.

Concur:

Robert H. Wayland, III,

Acting Assistant Administrator for Water.

Dated: November 20, 1990.

Concur:

Edward J. Hanley,

*Acting Assistant Administrator for
Administration and Resources Management*

[FR Doc. 91-936 Filed 1-14-91; 8:45 am]

BILLING CODE 6560-50-M

GENERAL SERVICES ADMINISTRATION

41 CFR Chapter 301

[FTR Amendment 13]

RIN 3090 AE22

Federal Travel Regulation; Maximum per Diem Rates; Correction

AGENCY: Federal Supply Service, GSA.

ACTION: Final rule; correction.

SUMMARY: This document corrects two errors in the list of per diem rates appearing in the Federal Register of Monday, December 17, 1990 (55 FR 51713). The rule updated maximum per diem rates applicable for Federal employee travel within the continental United States.

FOR FURTHER INFORMATION CONTACT: Donna Cooke, Travel Management Division (FBT), Washington, DC 20406, telephone FTR 557-1253 or commercial (703) 557-1253.

Accordingly, on page 51721, the following correction is made to FR Doc. 90-29481 in the issue of December 17, 1990. The entries for Berkeley Springs and Martinsburg under the State of Wyoming should appear under the State of West Virginia in alphabetical order.

Dated: January 2, 1991.

Donna D. Bennett,

Director, Travel Management Division.

[FR Doc. 91-853 Filed 1-14-91; 8:45 am]

BILLING CODE 6820-24-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Public Land Order 6827

[CA-940-4214-10; CACA 20624]

Withdrawal of National Forest System Land for the Spanish Creek Campground; California

AGENCY: Bureau of Land Management,
Interior.

ACTION: Public land order.

SUMMARY: This order withdraws 82.50 acres of National Forest System land from appropriation under the United States mining laws for a period of 20 years for the Forest Service to protect the Spanish Creek Campground. The land has been and remains open to mineral leasing.

EFFECTIVE DATE: January 15, 1991.

FOR FURTHER INFORMATION CONTACT: Judy Bowers, BLM California State

Office, 2800 Cottage Way, Sacramento, California 95825, 916-978-4820.

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

1. Subject to valid existing rights, the following described National Forest System land, located in the Plumas National Forest, is hereby withdrawn from all appropriations under the U.S. mining laws (30 U.S.C. Ch 2), but not from leasing under the mineral leasing laws, to protect the Spanish Creek Campground:

Mount Diablo Meridian

T. 25 N., R. 9 E.,

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

The area described contains 82.50 acres in Plumas County.

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

3. This withdrawal will expire 20 years from the effective date of this order unless, as a result of a review conducted pursuant to Section 204(f) of the FLMPA of 1976, 43 U.S.C. 1714(f), the Secretary determines that the withdrawal shall be extended.

Dated: January 2, 1991.

Dave O'Neal,

Assistant Secretary of the Interior.

[FR Doc. 91-851 Filed 1-14-91; 8:45 am]

BILLING CODE 4310-40-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Family Support Administration

45 CFR Part 205

Automatic Data Processing Equipment and Services; Conditions for Federal Financial Participation

AGENCY: Family Support Administration, HHS.

ACTION: Final rule.

SUMMARY: This document makes amendments concerning automatic data processing equipment and services, conditions for Federal financial participation. This amendment

addresses the responsibilities of the Family Support Administration for approving advance planning documents.

FOR FURTHER INFORMATION CONTACT: Mr. Joseph F. Costa, Director, State Data Systems Staff, Office of Management and Information Systems, Family Support Administration, SW., Washington, DC 20447, telephone (202) 401-9360.

List of Subjects in 45 CFR Part 205

Computer technology, Grant programs-Social programs, Privacy, Public assistance programs, Reporting and recordkeeping requirements.

Dated: January 2, 1991.

Neil J. Stillman,

Deputy Assistant Secretary for Information Resources Management.

PART 205—[AMENDED]

1. The authority citation for part 205 continues to read as follows:

Authority: Secs. 402, 403, 406, 411, 1102, and 1106(a), Social Security Act (42 U.S.C. 602, 603, 606, 611, 1302, and 1306(a)); sec. 9101, Pub. L. 99-509, 100 Stat. 1972; sec. 202, Pub. L. 100-485, 102 Stat. 2377.

§ 205.37 [Amended]

1. Section 205.37 is amended by revising the section heading to read as follows:

§ 205.37 Responsibilities of the Family Support Administration (FSA).

2. In § 205.37, the first word of paragraph (a) introductory text is changed from "SSA" to "FSA".

[FR Doc. 91-324 Filed 1-14-91; 8:45 am]

BILLING CODE 4150-04-M

FEDERAL MARITIME COMMISSION

46 CFR Parts 580, 581 and 583

[Docket No. 91-1]

Bonding of Non-Vessel-Operating Common Carriers

AGENCY: Federal Maritime Commission.

ACTION: Interim rule with request for comments.

SUMMARY: This Interim Rule implements the Non-Vessel-Operating Common Carrier Amendments of 1990, which govern the bonding of non-vessel-operating common carriers in the foreign oceanborne commerce of the United States. The statute authorizes the Commission to prescribe rules as necessary to effectuate this legislation, including the issuance of interim rules. The Commission is also authorized to

prescribe the form and amount of bonds to be filed. This Interim Rule sets forth the procedures for the filing of bonds, prescribes the form and amount of bonds to be filed, establishes procedures for designation of resident agents for carriers not domiciled in the United States, and provides a means for notifying the public of the requirements and availability of surety bonds as security for the protection of the public. In addition, Parts 580 and 581 are amended to require non-vessel-operating common carriers to comply with applicable laws regarding tariffs and bonding, and to enable an ocean common carrier or conference to ascertain whether it is doing business with an untariffed or unbonded non-vessel-operating common carrier.

In addition, the Commission grants special permission for new tariffs filed by non-vessel-operating common carriers prior to February 14, 1991 to become effective on one day's notice. Carriers filing initial tariffs prior to February 14, 1991 will not be subject to civil penalties for prior failure to file such required tariffs.

The Interim Rule is intended to facilitate the filing of tariffs and bonds by NVOCCs and to minimize the administrative burden which the legislation places on ocean common carriers.

DATES: This Interim Rule becomes effective February 14, 1991. Comments due: April 15, 1991.

ADDRESSES: Send comments (original and 20 copies) to: Joseph C. Polking, Secretary, 1100 L Street NW., Federal Maritime Commission, Washington, DC 20573 (202) 523-5725.

FOR FURTHER INFORMATION CONTACT: Robert G. Drew, Director, Bureau of Domestic Regulation, 1100 L Street NW., Federal Maritime Commission, Washington, DC 20573 (202) 523-5796.

SUPPLEMENTARY INFORMATION:

I. Background

Although non-vessel-operating common carriers ("NVOCCs") have been operating in the foreign commerce of the United States for many years, the term NVOCC was first defined in section 3 of the Shipping Act of 1984 ("1984 Act") as " * * * a common carrier that does not operate the vessels by which the ocean transportation is provided and is a shipper in its relationship with an ocean common carrier," 46 U.S.C. app. 1702(17). As common carriers, NVOCCs hold themselves out to the public to provide transportation by water between the United States and foreign countries,

utilizing vessels operating on the high seas. NVOCCs normally enter into affreightment agreements with their underlying shippers, issue bills of lading or equivalent documents, and assume full responsibility for the shipments they handle, from point of origin to point of destination. Ultimately, an NVOCC's conduct rather than what it calls itself determines its status.

The 1984 Act requires NVOCCs to file tariffs with the FMC, regardless of whether they are domestic- or foreign-based, if they offer transportation services in the U.S. foreign trades. In addition, NVOCCs are subject to the prohibitions set forth in section 10 of the 1984 Act, including, most importantly, the prohibition against deviating from the rates and charges in their tariffs. Concerns had been raised by shipping interests, however, because many foreign NVOCCs were not abiding by the requirements of the 1984 Act and because persons using the services of NVOCCs were being hurt by practices of certain NVOCCs.

H.R. 5206, a bill to provide for the bonding of NVOCCs, was introduced by Congressmen Walter B. Jones, Robert W. Davis, and Norman F. Lent on June 28, 1990 to address two major concerns: (1) Persons who suffered losses from unscrupulous or insolvent NVOCCs, and (2) lawfully operating NVOCCs who were placed at a competitive disadvantage by foreign NVOCCs who were failing to abide by the Shipping Act of 1984.

In his remarks accompanying introduction of this legislation, Chairman Jones noted that unlike ocean freight forwarders, NVOCCs are not required to be licensed nor were they bonded by the FMC. 136 Cong. Rec. E2210 (daily ed. June 28, 1990) (Statement of Rep. Jones). He further noted, however, that the Commission had been receiving an increasing number of complaints over the past several years reflecting a pattern of unlawful conduct by NVOCCs.¹ Mr. Jones also noted that many NVOCCs lack tangible assets sufficient to recompensate persons injured by their actions. The legislation did not propose to license NVOCCs. The bill authors concluded that a bonding requirement for NVOCCs would ameliorate many of these problems and would protect those shippers who use the services of an NVOCC. Mr. Jones also asserted that

the bill was intended to apply equally to all NVOCCs, both foreign and domestic, inasmuch as foreign NVOCCs were already subject to tariff filing requirements under the Shipping Act of 1984. Last, Mr. Jones explained that the requirement that foreign-based NVOCCs designate a resident agent for service of process was designed to permit the FMC and others to initiate and conduct proceedings without the obvious difficulties inherent in attempting to effect service of process overseas.

H.R. 5206 was referred to the Committee on Merchant Marine and Fisheries. The Subcommittee on Merchant Marine held a hearing on H.R. 5206 on July 18, 1990. The Acting Chairman of the FMC testified supporting the bill. He noted the long history of complaints about NVOCC practices and the fact that the people most often injured by an NVOCC are the small shippers who can least afford it. Testimony was also received from representatives of several groups that would be affected by the legislation.

The Executive Vice President of the International Association of NVOCCs supported the bill. He stated his belief that all legitimate and responsible NVOCCs would welcome the legislation. He further emphasized that NVOCCs failing to comply with existing tariff filing requirements (many of which are foreign based) not only create problems for shippers and carriers but also create unfair competition for those NVOCCs that operate legally. The President of the Pacific Coast Council of Customs Brokers and Freight Forwarders likewise supported the bill, although he would have preferred a more regulatory licensing and bonding scheme. He pointed out the vast number of foreign-based NVOCCs who do not comply with existing tariff filing requirements and suggested that such entities would be equally prone to misdeclaring cargo. He further noted that his members, who do comply with Shipping Act and regulatory requirements, are losing business to illegal operations.

The National Customs Brokers & Forwarders Association, 20 percent of which are NVOCCs, also supported H.R. 5206. Its representative noted that its members and their clients who have dealt with NVOCCs have been harmed by improper practices, including the failure to pay freight charges to ocean carriers, and he contended that the bill would protect those in the transportation industry who have been harmed by financially insolvent NVOCCs.

Statements in support of the NVOCC bonding requirement were also received from five groups of ocean common carriers or conferences, although many suggested changes in that aspect of the original bill dealing with ocean carrier responsibility. In addition, the National Industrial Transportation League, representing shippers, shippers' associations, boards of trade, and chambers of commerce, indicated that it had no objection to an NVOCC bonding requirement.

H.R. 5206 was subsequently reported out of the Full Committee, with amendments. The Committee's Report emphasized the dual purposes of the bill—(1) to protect the users of NVOCC services from the practices of unscrupulous and insolvent NVOCCs, and (2) to ensure that foreign NVOCCs comply with their existing tariff filing requirements so that lawfully operating NVOCCs are not placed at a competitive disadvantage. H.R. Rep. No. 785, 101st Cong., 2d Sess. (1990). The bill passed the House and Senate without further modification. On November 16, 1990, the President signed into law the Non-Vessel-Operating Common Carrier Amendments of 1990, Public Law No. 101-585, section 710 ("1990 Amendments").

The 1990 Amendments modify provisions of the Shipping Act of 1984, and establish certain requirements applicable to the activities of non-vessel-operating common carriers in the oceanborne foreign commerce of the United States. New section 23 of the 1984 Act requires NVOCCs to obtain a bond to ensure their financial responsibility for damages, reparations or penalties; to designate a resident agent if the NVOCC is domiciled abroad; and to permit suspension or cancellation of NVOCC tariffs for failure to maintain a bond or resident agent. New section 10(b)(14) of the 1984 Act makes it a prohibited act to knowingly and willfully accept cargo from or transport cargo for the account of an unbonded or untariffed NVOCC. New section 10(b)(15) of the 1984 Act makes it a prohibited act to knowingly and willfully enter into a service contract with an unbonded or untariffed NVOCC.

The 1990 Amendments give the Commission the authority to prescribe interim rules and regulations necessary to carry out the statute. The legislative history to Public Law No. 101-585 indicates that such rules are exempted from the notice and comment requirement of the Administrative Procedure Act, 5 U.S.C. 553. See H.R. Rep. 785, 101st Cong., 2d Sess. 6 (1990). The Interim Rule promulgated here is

¹ The types of situations referenced included: (1) Shippers having to pay for ocean transportation because of NVOCCs' failure to pay the ocean carrier; (2) NVOCC bankruptcies, requiring shippers to pay duplicate charges; and (3) NVOCC failure to pay lawful compensation to ocean freight forwarders.

issued pursuant to that authority and the general rulemaking authority of section 17(a) of the 1984 Act, 46 U.S.C. app. 1716(a), and the Commission's specific authority under section 23(a) of the 1984 Act to prescribe the form and amount of an NVOCC bond.

This Interim Rule will take effect on February 14, 1991, the effective date of the 1990 Amendments. All NVOCCs are required to obtain and file proof of bonding with the Commission under section 23 of the 1984 Act prior to the effective date of the statute and the Interim Rule.

The Interim Rule will remain in effect and operative until such time as a final rule is adopted. If persons believe there are serious problems with the Interim Rule which should be addressed immediately, they may bring their concerns to the attention of the Commission in writing. The filing of emergency comments will not prejudice the rights of commenters to file additional comments within the 90-day comment period.

II. Section-by-Section Discussion

The Interim Rule is organized in three parts under title 46 of the Code of Federal Regulations. New part 583 sets forth the bonding requirements and procedures, makes provision for designation of resident agent and service of process on the legal agent of an NVOCC, and provides for suspension or cancellation of an NVOCC's tariffs for failure to maintain its bond or resident agent.

In part 580, the Commission amends its rules governing the publishing and filing of tariffs by common carriers in the foreign commerce to address common carrier obligations under the new prohibited acts provisions of section 10(b)(14) of the 1984 Act. In part 581, the Commission amends its rules governing service contracts to address the new obligations of ocean common carriers under section 10(b)(15) of the 1984 Act.

The following is a section-by-section discussion of the addition of part 583 and amendments to parts 580 and 581:

Part 583

Section 583.1—Definitions.

This section includes definitions of terms used in the statute and this rule which are relevant to NVOCC bonding issues.

Section 583.1(a)—Act.

The term "Act" means the Shipping Act of 1984.

Section 583.1(b)—Common carrier.

The term "common carrier" is defined in section 3(6) of the 1984 Act.

Section 583.1(c)—Commission.

The term "Commission" means the Federal Maritime Commission.

Section 583.1(d)—Non-vessel-operating common carrier.

The term "non-vessel-operating common carrier" is defined in section 3(17) of the 1984 Act.

Section 583.1(e)—Ocean common carrier.

The term "ocean common carrier" is defined in section 3(18) of the 1984 Act.

Section 583.1(f)—Person.

The term "person" is defined in section 3(20) of the 1984 Act.

Section 583.2—Scope.

This section defines the scope of part 583 as applying to all NVOCCs operating in the oceanborne foreign commerce of the United States.

Section 583.3—Proof of financial responsibility, when required.

This section defines the bonding requirements for NVOCCs. In general, all NVOCCs are required to have a bond, as well as a tariff, to operate in the U.S. foreign commerce. When two or more NVOCCs operate under a single trade name, each person acting as an NVOCC is required to have its own bond.

NVOCCs exclusively engaged in transporting used military household goods and personal effects have been exempted from the bonding requirement. This exemption corresponds to the intent of Congress in passing the 1990 Amendments. See H.R. Rep. 785, 101st Cong., 2d Sess. 4 (1990).

Section 583.4—Surety bond requirements.

This section establishes the form and amount of NVOCC bonding to be required pursuant to section 23 of the 1984 Act. The amount of bond is set at \$50,000 for purposes of the Interim Rule.

Bonds must be submitted under Form FMC-48 (Appendix A to this Part). All bonds must be issued by a surety company acceptable to the Secretary of the Treasury. See section 23(b) of the 1984 Act.

Section 583.5—Resident agent. This section sets forth the requirement that NVOCCs not domiciled in the United States must designate a legal agent in the United States for the receipt of judicial and administrative process, including subpoenas. The designated agent may be any person (including individuals, corporations, partnerships, or associations) resident in the United States and competent to receive service of process. In the event the resident agent designated by the NVOCC is unavailable to accept service, alternative service may be completed upon the Secretary, Federal Maritime Commission, as legal agent for the NVOCC.

Provisions applicable to the NVOCC's designation of resident agent, and information on bonding and service of process will be required to be published in the NVOCC's tariff under § 580.5(d)(24).

Section 583.6—Termination of bond or designation of resident agent.

An NVOCC is obligated to maintain its bond in full force and effect so long as it continues to do business; in addition, foreign-domiciled NVOCCs must maintain a resident agent. In the event of a breach of these requirements, the Commission may suspend or cancel the tariffs of the offending NVOCC. Formal hearings are not required before the Commission may suspend or cancel an NVOCC's tariffs. See 136 Cong. Rec. E2210 (daily ed. June 28, 1990) (statement of Rep. Jones).

Appendix A—NVOCC Bond Form.

The appendix contains Form FMC-48.

Part 580

Section 580.5(d)(24)—Bonding of non-vessel-operating common carriers and legal agent for service of process.

This section sets forth the requirement that every NVOCC publish in its tariff notice of its bond, bond number and the surety company issuing the bond. Where the NVOCC is domiciled in a foreign country, the tariff will also identify the NVOCC's legal agent for service of process, and provisions for alternative service upon the Commission in the absence of the agent designated by the NVOCC. These tariff provisions would be standardized within a single tariff rule to permit interested shippers and common carriers a uniform means by which to obtain information needed to effect service or lodge a claim against an NVOCC bond.

As a corollary benefit of the tariff publication requirement, the NVOCC's tariff could operate as evidence of both tariff compliance under section 8 of the 1984 Act and bonding compliance under new section 23 of the Act. This device has been incorporated as one means of verification by the common carrier accepting NVOCC cargo, under § 580.5(d)(25).

Section 580.5(d)(25)—Certification of shipper status and rules applicable to acceptance of cargo for the account of non-vessel operating common carriers.

This section would require annotation of the shipper identification box on all common carrier bills of lading, whereby the ocean common carrier reflects the shipper status asserted by the party tendering the cargo, i.e. owner of the cargo, freight forwarders, shippers' association, NVOCC or other classification.

Where identified as an NVOCC, the ocean common carrier (or common carrier accepting cargo from an NVOCC) could require submission of the NVOCC's tariff page reflecting tariff publication and bonding, as described in § 580.5(d)(24). Thereafter, the ocean common carrier could require periodic resubmission of documentation by the NVOCC establishing its compliance with sections 8 and 23 of the 1984 Act, in lieu of requiring such documentation as each shipment is tendered or booked.

Upon properly notating the shipper identification box of the bill of lading in accordance with the status asserted by its shipper, the ocean common carrier can rely upon such designation as demonstrating the ocean common carrier's compliance with new section 10(b)(14) of the 1984 Act, absent the ocean common carrier having reason to know that status to be false. In the case of an NVOCC designation, similar protection is afforded the ocean common carrier upon obtaining from the NVOCC documentary evidence of tariff publication and bonding. These provisions should substantially allay the concerns of ocean common carriers regarding their potential exposure under the new NVOCC requirements of the 1984 Act.

Part 581

Section 581.3(a)—Service contracts with non-vessel-operating common carriers.

This paragraph iterates the language of section 10(b)(15) of the 1984 Act, prohibiting ocean common carriers from entering into service contracts with untariffed, unbonded NVOCCs. Such contracts may not be filed with the Commission.

Section 581.4(a)(3)—[Amended]

This paragraph requires that all service contracts contain a shipper certification in the form required by § 581.11.

Section 581.11—Certification of shipper status.

This section relates specifically to the execution of service contracts and requires all shippers to certify their status, *i.e.*, owner of the cargo, shippers' association, NVOCC or other specified classification, at the time of execution of the service contract. The form of certification is to be incorporated within the terms of the service contract itself, or as a separate certification appearing on the signature page.

The service contract certification requirement is designed to permit ocean common carriers to comply with new section 10(b)(15) of the 1984 Act. The legislative history of the NVOCC statute makes clear that such certification

should encompass not only the signatory shipper, but any affiliates or members of shippers' associations entitled to ship under the service contract.

In the event a shipper or an affiliated entity is identified as an NVOCC, the ocean common carrier would need to request documentary evidence of tariff publication and bonding prior to entering into the service contract with such NVOCC. This can be accomplished in the same manner set forth in § 580.5(d)(25), through submission of the NVOCC's tariff page and periodic resubmission of such documentation where required.

The Commission's Bureau of Domestic Regulation is empowered to reject service contract filings that lack the required shipper certification or which are known to involve an untariffed, unbonded NVOCC as a party to such contract.

III. Request for Comments

This Interim Rule and all comments filed within the 90 day period will be used as the basis for a final rule pursuant to the requirements of the Administrative Procedure Act.

IV. Notice of Special Permission and Statement of Commission Enforcement Policy

The 1990 Amendments address the requirement that all NVOCCs operating in the foreign oceanborne commerce of the United States obtain a bond as a condition of doing business. The 1984 Act provides that all NVOCCs, foreign and domestic, are subject to tariff filing requirements of the Commission. The Commission is cognizant that numerous foreign-based NVOCCs have not yet filed tariffs with the Commission.

Section 8(d) of the 1984 Act provides that no new or initial rate may become effective earlier than 30 days after filing with the Commission. Section 8(d) further provides that the Commission, for good cause, may allow a new or initial rate to become effective in less than 30 days. Due to the limited time remaining before the February 14, 1991 effective date of the 1990 Amendments, NVOCCs filing tariffs for the first time may find it impossible under the 30-day requirement to have the new tariffs become effective prior to February 14, 1991. Accordingly, the Commission concludes that good cause exists, and hereby grants permission for new tariffs filed by NVOCCs on or before February 14, 1991, to become effective on one day's notice.

The object of the Interim Rule, moreover, is not to penalize carriers but rather to bring NVOCCs into compliance with applicable law. Accordingly,

NVOCCs who file initial tariffs on or before February 14, 1991 will not be subject to civil penalties for such past failure to file or observe filed rates and charges for NVOCC transportation services for the period prior to such initial NVOCC tariff filing. This forbearance shall not apply to pending or previously Commission-authorized formal administrative proceedings or court actions.

V. Conclusion

The Interim Rule and accompanying NVOCC bond form are intended to establish a comprehensive regulatory framework for NVOCCs which fulfills the purposes of the Shipping Act of 1984. The rule is intended to facilitate the filing of tariffs and bonds by NVOCCs and to minimize the administrative burden which the legislation places on ocean common carriers.

Although the Commission is not subject to the requirements of Executive Order 12291, dated February 17, 1987, it has nonetheless reviewed the rule in terms of this Order and has determined that this rule is not a "major rule" because it will not result in:

- (1) An annual effect on the economy of \$100 million or more;
- (2) A major increase in cost or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or
- (3) Significant adverse effect on competition, employment, investment, productivity, innovations, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

The Chairman of the Commission certifies pursuant to section 605(b) of the Regulatory Flexibility Act, 5 U.S.C. 605(b), that the Interim Rule will not have a significant economic impact on a substantial number of small entities, including small businesses, small organizational units and small governmental jurisdictions.

The collection of information requirements contained in this Interim Rule have been sent to OMB for emergency processing under section 3507(g) of the Paperwork Reduction Act of 1980, as amended, 44 U.S.C. 3507(g). The Commission has requested that OMB provide its approval by January 31, 1991. Notice of OMB approval will be published when received by the Commission. Requests for copies of the collection of information and supporting documentation, may be obtained from John Robert Ewers, Director, Bureau of Administration, Federal Maritime Commission, 1100 L Street, NW., Room

12211, Washington, DC 20573, telephone number (202) 523-5866. Comments may be submitted to the Commission and to the Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503, Attention: Desk Officer for the Federal Maritime Commission.

List of Subjects

46 CFR Part 583

Freight; Maritime carriers; Rates; Reporting and record keeping requirements; Surety bonds.

46 CFR Part 580

Cargo; Cargo vessels; Freight; Exports; Harbors; Imports; Maritime carriers; Rates; Reporting and record keeping requirements; Surety bonds; Water carriers; Water transportation.

46 CFR Part 581

Freight; Maritime carriers; Rates; Reporting and record keeping requirements.

Therefore, pursuant to 5 U.S.C. 553, sections 8, 10, 11, 12, 13, 17 and 23 of the Shipping Act of 1984, 46 U.S.C. app. 1707, 1709, 1710, 1711, 1712, 1716 and 1722, the Federal Maritime Commission amends Title 46, Code of Federal Regulations, by adding a new part 583 and amending parts 580 and 581 to read as follows:

1. A new part 583 is added to read:

PART 583—BONDING OF NON-VESSEL-OPERATING COMMON CARRIERS

Sec.

583.1 Definitions.

583.2 Scope.

583.3 Proof of financial responsibility, when required.

583.4 Surety bond requirements.

583.5 Resident agent.

583.6 Termination of bond or designation of resident agent.

Appendix A to Part 583—Non-Vessel-Operating Common Carrier (NVOCC) Bond Form (FMC 48)

Authority: 5 U.S.C. 553; 46 U.S.C. app. 1702, 1707, 1709, 1710-1712, 1716 and 1722.

§ 583.1 Definitions.

In this part:

(a) *Act* means the Shipping Act of 1984 (46 U.S.C. app. 1701 et seq.).

(b) *Common carrier* means a person holding itself out to the general public to provide transportation by water of cargo between the United States and a foreign country for compensation that:

(1) Assumes responsibility for the transportation from port or point of receipt to the port or point of destination; and

(2) Utilizes, for all or part of that transportation, a vessel operating on the high seas or the Great Lakes between a port in the United States and a port in a foreign country, except that the term does not include a common carrier engaged in ocean transportation by ferry boat, ocean tramp, or chemical parcel-tanker. As used in this paragraph, "chemical parcel-tanker" means a vessel whose cargo-carrying capability consists of individual cargo tanks for bulk chemicals that are a permanent part of the vessel, that have segregation capability with piping systems to permit simultaneous carriage of several bulk chemical cargoes with minimum risk of cross-contamination and that has a valid certificate of fitness under the International Maritime Organization Code for the Construction and Equipment of Ships Carrying Dangerous Chemicals in Bulk.

(c) *Commission* means the Federal Maritime Commission.

(d) *Non-vessel-operating common carrier* or *NVOCC* means a common carrier that does not operate the vessels by which the ocean transportation is provided and is a shipper in its relationship with an ocean common carrier.

(e) *Ocean common carrier* means a vessel-operating common carrier.

(f) *Person* includes individuals, corporations, partnerships and associations existing under or authorized by the laws of the United States or of a foreign country.

§ 583.2 Scope.

This part implements the Non-Vessel-Operating Common Carrier Amendments of 1990, Public Law No. 101-595, section 710, and applies to all NVOCCs operating in the waterborne foreign commerce of the United States.

§ 583.3 Proof of financial responsibility, when required.

(a) Except as provided in paragraph (c) of this section, no person shall provide transportation as a non-vessel-operating common carrier or obtain transportation for the account of such NVOCC unless a surety bond covering such NVOCC has been furnished to the Commission.

(b) Where more than one entity operates under a common trade name, a separate bond is required for each corporation or person separately providing transportation as a non-vessel-operating common carrier.

(c) Any person which exclusively transports used military household goods and personal effects may, without a bond, provide transportation as a non-vessel-operating common carrier or

obtain transportation for the account of such NVOCC.

§ 583.4 Surety bond requirements.

(a) Prior to the date it commences common carriage operations, every non-vessel-operating common carrier shall establish its financial responsibility by filing with the Commission a valid surety bond on Form FMC-48, in the amount of \$50,000. Bonds must be issued by a surety company found acceptable by the Secretary of the Treasury.

(b) Surety bonds shall be submitted to the Director, Bureau of Domestic Regulation, Federal Maritime Commission, Washington, DC 20573. Copies of Form FMC-48 may be obtained from the Commission's Bureau of Domestic Regulation at the address listed above, or from any of the Commission's district offices located in New York, NY, New Orleans, LA, San Francisco, CA, Hato Rey, PR, Los Angeles, CA, Miami, FL and Houston, TX.

§ 583.5 Resident agent.

(a) Every non-vessel-operating common carrier not domiciled in the United States shall designate and maintain a person in the United States as legal agent for the receipt of judicial and administrative process, including subpoenas.

(b) If the designated legal agent cannot be served because of death, disability, or unavailability, the Secretary, Federal Maritime Commission, will be deemed to be the legal agent for service of process. Any person serving the Secretary must also send to the NVOCC by registered mail, return receipt requested, at its address published in its tariff on file with the Commission, a copy of each document served upon the Secretary, and shall attest to that mailing at the time service is made upon the Secretary.

(c) Service of administrative process, other than subpoenas, may be effected upon the legal agent by mailing a copy of the document to be served by certified or registered mail, return receipt requested. Administrative subpoenas shall be served in accordance with § 502.134 of this chapter.

(d) Designations of resident agent under paragraphs (a) and (b) of this section and provisions relating to service of process under paragraph (c) of this section shall be published in the NVOCC's tariff in accordance with § 580.5(d)(24) of this chapter.

§ 583.6 Termination of bond or designation of resident agent.

(a) Upon receipt of notice of termination of a surety bond, the Commission shall notify the NVOCC by certified or registered mail at its address published in its tariff on file with the Commission, that the Commission shall, without hearing or other proceeding, suspend or cancel the tariff or tariffs of the NVOCC as of the termination date of the bond, unless the common carrier submits a valid replacement surety bond before such termination date. Replacement surety bonds must bear an effective date no later than the termination date of the expiring bond.

(b) Upon receipt of notice of termination of a designation of resident agent, or upon receipt of alternative service of process upon the Secretary in accordance with § 583.5(b), the Commission shall notify the NVOCC by certified or registered mail, at its address published in its tariff on file with the Commission, that the Commission shall, without hearing or other proceeding suspend or cancel the tariff or tariffs of the NVOCC effective thirty days after receipt of such notice of termination or alternative service of process upon the Secretary unless the NVOCC publishes in its tariff a replacement designation of an agent in the United States for the receipt of judicial and administrative process before such date of suspension or cancellation.

Appendix A to Part 583—Non-Vessel-Operating Common Carrier (NVOCC) Bond Form [FMC-48]**Federal Maritime Commission Non-Vessel Operating Common Carrier (NVOCC) Bond (Section 23, Shipping Act of 1984)**

_____, as Principal (hereinafter called Principal), and _____, as Surety (hereinafter called Surety) are held and firmly bound unto the United States of America in the sum of \$_____ for the payment of which sum we bind ourselves, our heirs, executors, administrators, successors and assigns, jointly and severally.

Whereas, Principal operates as an NVOCC in the waterborne foreign commerce of the United States, has an NVOCC tariff on file with the Federal Maritime Commission, and pursuant to section 23 of the Shipping Act of 1984 has elected to file this bond with the Commission;

Now, therefore, the condition of this obligation is that the penalty amount of this bond shall be available to pay any judgment for damages against the Principal arising from the Principal's transportation related activities or order for reparations issued pursuant to section 11 of the Shipping Act of 1984, 46 U.S.C. app. 1710, or any penalty assessed against the Principal pursuant to section 13 of the Shipping Act of 1984, 46 U.S.C. app. 1712.

This bond shall inure to the benefit of any and all persons who have obtained a judgment for damages against the Principal arising from its transportation related activities or order of reparation issued pursuant to section 11 of the Shipping Act of 1984, and to the benefit of the Federal Maritime Commission for any penalty assessed against the Principal pursuant to section 13 of the Shipping Act of 1984. However, this bond shall not apply to shipments of used military household goods and personal effects.

The liability of the Surety shall not be discharged by any payment or succession of payments hereunder, unless and until such payment or payments shall aggregate the penalty of this bond, and in no event shall the Surety's total obligation hereunder exceed said penalty regardless of the number of claims or claimants.

This bond is effective the _____ day of _____, 19____, and shall continue in effect until discharged or terminated as herein provided. The Principal or the Surety may at any time terminate this bond by written notice to the Federal Maritime Commission at its office in Washington, D.C. Such termination shall become effective thirty (30) days after receipt of said notice by the Commission. The Surety shall not be liable for any transportation related activities of the Principal after the expiration of the thirty (30) day period but such termination shall not affect the liability of the Principal and Surety for any event occurring prior to the date when said termination becomes effective.

The underwriting Surety will promptly notify the Director, Bureau of Domestic Regulation, Federal Maritime Commission, Washington, DC 20573, of any claim(s) against this bond.

Signed and sealed this _____ day of _____, 19____. (Please type name of signer under each signature.)

Individual Principal or Partner

Business Address

Individual Principal or Partner

Business Address

Individual Principal or Partner

Business Address

Trade Name, if Any

Corporate Principal

State of Incorporation

Trade Name, if Any

Business Address (Affix Corporate Seal)

By

Title

Corporate Surety

Business Address (Affix Corporate Seal)

By

Title

PART 580—[AMENDED]

2. The authority citation for Part 580 is revised to read:

Authority: 5 U.S.C. 553; 46 U.S.C. app. 1702-1705, 1707, 1709, 1710-1712, 1714-1716, 1718, and 1722.

3. Section 580.5 is amended by adding and reserving paragraphs (d)(22) and (d)(23) and by adding paragraphs (d)(24) and (d)(25) to read:

§ 580.5 Tariff contents.

* * * * *

(d) * * *

(22)-(23) [Reserved]

(24) *Bonding of non-vessel-operating common carriers and legal agent for service of process.* (i) Every non-vessel-operating common carrier (NVOCC) shall state in its tariffs on file with the Commission that it has furnished the Commission a bond in the amount required by § 583.4 of this chapter to ensure the financial responsibility of the NVOCC for the payment of any judgment for damages arising from its transportation-related activities, order for reparations issued pursuant to section 11 of the Act, or penalty assessed pursuant to section 13 of the Act. The NVOCC shall state its bond number and identify the name and address of the surety company issuing the bond.

(ii) Every NVOCC not domiciled in the United States shall state in its tariffs the name and address of a person in the United States designated under § 583.5 of this chapter as its legal agent for the service of judicial and administrative process, including subpoenas. The NVOCC also shall state that, in any instance in which the designated legal agent cannot be served because of death, disability or unavailability, the Secretary, Federal Maritime Commission will be deemed to be the

NVOCC's legal agent for service of process.

(iii) Service of administrative process, other than subpoenas, may be effected upon the legal agent by mailing a copy of the documents to be served by certified or registered mail, return receipt requested.

(25) *Certification of shipper status and rules applicable to acceptance of cargo for the account of non-vessel-operating common carriers (NVOCC).* (i) Every common carrier accepting or transporting cargo for the account of a shipper or shipper's association shall ascertain the identity and status of the shipper tendering the cargo, e.g., owner of the cargo, shippers' association, non-vessel-operating common carrier or specified other designation. The common carrier shall state the shipper's status in a clear and legible manner in the shipper identification box on its bill of lading, waybill, or other substitute record of carriage.

(ii) If the shipper or a member of a shippers' association tendering the cargo is identified as an NVOCC, the common carrier shall obtain documentation that the NVOCC has a tariff and a bond as required by sections 8 and 23 of the Act before the common carrier accepts or transports cargo for the account of the NVOCC. A copy of the tariff rule published by the NVOCC and in effect under paragraph (d)(24) of this section may be accepted by the common carrier as documenting the NVOCC's compliance with the tariff and bonding requirements of the Act.

(iii) A common carrier accepting or transporting cargo for the account of a shipper or shippers' association shall be deemed to have complied with section 10(b)(14) of the Act upon meeting the requirements of paragraphs (d)(25)(i) and (ii) of this section, unless the common carrier had reason to know such certification or documentation of NVOCC tariff and bonding was false.

PART 581—[AMENDED]

4. The authority citation for part 581 is revised to read:

Authority: 5 U.S.C. 553; 46 U.S.C. app. 1702, 1706, 1707, 1709, 1712, 1714-1716, 1718, and 1722.

3. Section 581.3 is amended by adding paragraph (e) to read as follows:

§ 581.3 Filing and maintenance of service contract materials.

(e) *Service contracts with non-vessel-operating common carriers.* No ocean common carrier or conference shall execute or file any service contract in which a contract party or an affiliate of

such contract party or member of a shippers' association entitled to receive service under the contract is a non-vessel-operating common carrier, unless such non-vessel-operating common carrier has a tariff and a bond as required by sections 8 and 23 of the Act and Commission regulations under parts 580 and 583 of this chapter.

6. Section 581.4 is amended by adding paragraph (a)(3) to read as follows:

§ 581.4 Form and manner.

(a) * * *

(3) On the signature page of the service contract, a certification of shipper status in accordance with § 581.11.

* * * * *

7. Section 581.11 is added to read:

§ 581.11 Certification of shipper status.

(a) The shipper contract party shall certify on the signature page of the service contract its shipper status, e.g., owner of the cargo, shippers' association, non-vessel-operating common carrier, or specified other designation, and the status of every affiliate of such contract party or member of a shippers' association entitled to receive service under the contract. The certification shall be signed by the contract party.

(b) If the certification completed by the contract party under paragraph (a) of this section identifies the contract party or an affiliate or member of a shippers' association as a non-vessel-operating common carrier, the ocean common carrier or conference shall obtain documentation that such non-vessel-operating common carrier has a tariff and a bond as required under sections 8 and 23 of the Act before signing the service contract. A copy of the tariff rule published by the non-vessel-operating common carrier and in effect under § 580.5 (d)(24) of this chapter may be accepted by the ocean common carrier as documenting the NVOCC's compliance with the tariff and bonding requirements of the Act.

(c) An ocean common carrier or conference executing a service contract shall be deemed to have complied with section 10(b)(15) of the Act upon meeting the requirements of paragraphs (a) and (b) of this section, unless the ocean common carrier or conference had reason to know such certification or documentation of non-vessel-operating common carrier tariff and bonding was false.

By the Commission.²

Joseph C. Polking,
Secretary.

Commissioner Quartel's Views in Opposition to the Interim Rule

While I opposed the legislation underlying the issuance of these interim rules, I nonetheless believe the Commission has a legal obligation to timely issue final rules which will give guidance to the industry in complying with the new law. However, I strongly believe these rules should reflect a conservative interpretation of the legislation. Therefore, I oppose these interim rules because, in my opinion, they neither fulfill our explicit obligations under the law as passed, nor do they comport with the requirements of other United States laws governing the regulatory process. In particular, I disagree with the Commission's imposition of a single level bond, the allowance of NVO self-certification of compliance; and I have significant doubts as to this Commission's full compliance with requirements of the Paperwork Reduction Act.

The law as written and signed by the President, specifically states that:

A bond obtained pursuant to this section shall be available to pay *any judgement* for damages against a non-vessel-operating common carrier arising from its transportation-related activities or order for *repairs* * * * or *any penalties* assessed. * * * (emphasis added)
P.L. 101-585, sec. 710(c)

Under the guise of minimum regulatory impact, however, this interim rule simply establishes a bond set at the minimum statutory requirement for all such carriers, regardless of actual potential liability under these provisions as determined by either fact or analysis. In my opinion, the only way to actually meet the requirements of the law as written would be to impose a differential bonding requirement that reflects actual risk of liability as measured by either value of goods moved, revenues of the carrier, or some other legitimate economic proxy for risk. This would *in fact* more accurately reflect the realities of the varied liabilities and sizes of the entities operating in this market, and allow us to follow the actual dictates of the statute. It has the added benefit of providing real protection to the consumer for whom this law was said to be written.

More importantly, in terms of this Commission's ability to enforce its responsibilities under this law, the rule establishes a process under which the NVOCC—the entity whose failings are the target of the law itself—in effect self-certificates its own compliance with the law. The interim rule then allows the carrier to rely on such self-certification for its own compliance with the new sections 10(b) (14) and (15) of the Act. By so doing, in my opinion, the rule ignores and undermines the fundamental precepts of the law which require the carrier, pursuant to a "knowing

² Commissioner Quartel's views in opposition follow.

and willful" standard—to act as an essential element of the enforcement mechanism under which this Commission gains compliance with the statute.

I also have substantial doubts as to whether this interim rule and the analysis provided as to its potential impact complies with the intent and the spirit of the Paperwork Reduction Act, as set forth in 44 U.S.C. sec. 3507. While I have specific disagreements with the data and conclusions of the analysis as it regards the number and percentage of small business entities affected, both the direct and opportunity cost of bond compliance, and of possible economic consequences such as possible cargo diversions to other countries—I am most concerned that the impact analysis fails to consider the anti-competitive impact of the bond requirement as structured in the interim rule. In addition to failing, in my opinion, to meet the actual risk requirements of the law, the single bond level will adversely affect competition by working to establish an unnecessary and comparatively larger burden on the cost structure of the small entity than on the larger one. While a large NVO will no doubt be able to obtain a bond at a low cost, many, if not most, small—particularly foreign—NVO's will have to provide collateral for such a bond. The use of the undifferentiated minimum bond level not only fails to meet the risk and liability requirements of the statute, but thus perversely and unnecessarily acts to increase the anti-competitive impact of the bonding requirement itself. This is the very impact against which a proper impact and alternatives analysis is intended to guard, particularly as it may affect small businesses.

Finally, I oppose the interim rule because I believe strongly that the public deserves an opportunity to comment, and to have such comments answered, prior to the imposition of regulations that will govern them and their responsibilities under the law. To solicit such comments after, rather than before, the implementation of such interim regulations, while provided for under the legislation, simply does not comport with the intent of the established rulemaking process—particularly given the large amount of controversy and uncertainty surrounding the implementation of these regulations.

[FR Doc. 91-1089 Filed 1-14-91; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 61

[FCC 90-428]

Revises Notice Period for Tariff Filings

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This action revises the notice period for various types of tariff filings. This revision will extend the maximum

notice period for tariff filings from 90 days to 120 days.

EFFECTIVE DATE: January 7, 1991.

FOR FURTHER INFORMATION CONTACT: Kelly Cameron, 1919 M Street, NW., Washington, DC 20554 (202) 632-6917.

SUPPLEMENTARY INFORMATION:

Order

Adopted: December 26, 1990; Released: January 7, 1991

1. By the Federal Communications Commission Authorization Act of 1990, Public Law 101-396 (FCCAA), the United States Congress, *inter alia*, amended section 203 of the Communications Act, 47 U.S.C. 203, to extend the maximum notice period for tariff filings from 90 to 120.¹ The current § 61.58 of the Commission's rules, 47 CFR 61.58, establishes notice periods for various types of tariff filings. Section 61.58(a)(2) delegates to the Chief, Common Carrier Bureau, authority to defer the effective date of any tariff filing to a maximum of 90 days.²

2. In order to allow the Chief, Common Carrier Bureau, to continue to exercise the full statutory authority granted this Commission to defer the effective date of tariff filings, § 61.58 is hereby amended to conform to the amended section 203 of the Communications Act.³

3. Accordingly, it is ordered that pursuant to sections 4(i), 4(j), 203(b)(1), and 203(b)(2) of the Communications Act, 47 U.S.C. 154(i), 154(j), 203(b)(1), 203(b)(2), and 1.412(b)(5) of the Commission's rules, 47 CFR 1.412(b)(5), § 61.58(a)(2), of the Commission's rules, 47 CFR 61.58(a)(2), is amended as set forth below. Pursuant to 5 U.S.C. 553(d)(3), and in order expeditiously to implement the clear congressional mandate, this Order is effective January 7, 1991.

List of Subjects in 47 CFR Part 61

Communications Common carriers.

¹ Section 7 of the FCCAA amends section 203(b) (1) and (2) of the Communications Act "by striking out 'ninety days' and inserting in lieu thereof 'one hundred and twenty days.'"

² Section 61.58(a)(2) reads as follows:

[The Chief, Common Carrier Bureau may require the deferral of the effective date of any tariff filing made on less than 90 days' notice, so as to provide for a maximum total of 90 days' notice, regardless of whether petitions under § 1.773 of the Commission's rules have been filed.

³ Notice and public comment are not required to effect this change. See § 1.412(b)(5) of the Commission's rules, 47 CFR 1.412(b)(5). See also 5 U.S.C. 553(b)(A).

Federal Communications Commission.

Donna R. Searcy,
Secretary.

Amendments to the Code of Federal Regulations

Title 47 of the Code of Federal Regulations, part 61, is amended as follows:

PART 61—TARIFFS

1. The authority citation for part 61 continues to read as follows:

Authority: Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interpret or apply Sec. 203, 48 Stat. 1070; 47 U.S.C. 203.

2. Section 61.58 is amended by revising paragraph (a)(2) to read as follows:

§ 61.58 Notice requirements.

(a) * * *

(2) The Chief, Common Carrier Bureau, may require the deferral of the effective date of any tariff filing made on less than 120 days' notice, so as to provide for a maximum total of 120 days' notice, or of such other maximum period of notice permitted by section 203(b) of the Communications Act, regardless of whether petitions under § 1.773 of the Commission's Rules have been filed.

* * * * *

[FR Doc. 91-884 Filed 1-14-91; 8:45 am]

BILLING CODE 6712-01-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 638

[Docket No. 901069-0344]

RIN 0648-AD28

Coral and Coral Reefs of the Gulf of Mexico and the South Atlantic

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

ACTION: Final rule.

SUMMARY: NOAA issues this rule to implement Amendment 1 to the Fishery Management Plan for Coral and Coral Reefs of the Gulf of Mexico and the South Atlantic (FMP) and to revise the existing regulations implementing the FMP to clarify them and conform them to current usage. This rule (1) provides for a limited harvest of certain octocorals; (2) requires a permit to take such octocorals; (3) requires reports of harvest by selected persons who are permitted to take such octocorals; (4)

limits the recreational harvest of such octocorals; (5) conditions the renewal of coral permits on the submission of all required reports during the 12 months preceding the renewal application; and (6) makes other changes to the existing regulations to clarify them and conform them to current usage. The intended effect of this rule is to conserve and manage the coral resources in the Exclusive Economic Zone (EEZ).

EFFECTIVE DATE: February 14, 1991.

FOR FURTHER INFORMATION CONTACT: Michael E. Justen, 813-893-3722.

SUPPLEMENTARY INFORMATION: Coral and coral reefs in the EEZ off the South Atlantic coastal states and in the Gulf of Mexico are managed under the FMP prepared by the Gulf of Mexico and South Atlantic Fishery Management Councils (Councils) under the authority of the Magnuson Fishery Conservation and Management Act (Magnuson Act). The FMP is implemented by regulations appearing at 50 CFR part 638.

Amendment 1 to the FMP provides for a limited harvest of certain octocorals, implements conservation and management measures for such octocorals, adds to the FMP a definition of overfishing, and restates the FMP's determination of optimum yield (OY) to include octocorals. NOAA proposed additional changes to clarify the regulations and conform them to current usage. The rationale for the conservation and management measures of Amendment 1 and for the additional changes proposed by NOAA was included in the proposed rule (55 FR 43008, October 25, 1990) and is not repeated here.

No comments were received on the proposed rule.

Changes from the Proposed Rule

In § 638.4(d)(1)(i), the fee for a commercial permit is changed from \$20 to \$26. Section 304(d) of the Magnuson Act authorizes the Secretary of Commerce (Secretary) to establish the level of any fees authorized to be charged for permits pursuant to a fishery management plan. The level of such fees may not exceed the administrative costs incurred in issuing the permits. Amendment 1 authorizes permit fees. When the Council was drafting Amendment 1, \$20 was a reasonable approximation of the administrative cost to issue a permit. A more recent, detailed analysis of the direct and indirect administrative costs of issuing permits, including current information on Department of Commerce and NOAA overhead and other costs, rounded to whole dollar amounts, indicates that the current fee should be \$26. In accordance

with the intent of the Councils, as an incentive for an applicant to apply for a recreational permit in lieu of a commercial permit, NOAA chooses to charge a \$5 fee for each recreational permit, as was specified in the proposed rule, even though the administrative costs for recreational permits are the same as for commercial permits. Without such incentive, an applicant would be inclined to obtain a commercial permit, thus avoiding the daily possession limit of six colonies of allowable octocoral applicable to a recreational permit holder. NOAA believes the reduced fee for a recreational permit will contribute to conservation of the resource.

A sentence concerning permit conditions was deleted from § 638.4(a)(2)(ii) as unnecessary.

The Secretary has approved Amendment 1, and the proposed rule is implemented as final with the changes discussed above.

Classification

The Secretary determined that Amendment 1 is necessary for the conservation and management of coral and coral reefs and that it is consistent with the Magnuson Act and other applicable law.

The Assistant Administrator for Fisheries, NOAA (Assistant Administrator), determined that this rule is not a "major rule" requiring the preparation of a regulatory impact analysis under E.O. 12291.

The Councils prepared a regulatory impact review that analyzes the economic impacts of this rule and describes its effects on small business entities. A summary of those impacts and effects was included in the proposed rule and is not repeated here. The General Counsel of the Department of Commerce certified to the Chief Counsel for Advocacy of the Small Business Administration that the proposed rule, if adopted, would not have a significant economic impact on a substantial number of small entities. Accordingly, a regulatory flexibility analysis was not prepared.

The Councils prepared an environmental assessment (EA) that discusses the impact on the environment as a result of this rule. Based on the EA, the Assistant Administrator concluded that there will be no significant adverse impact on the human environment as a result of this rule.

The Councils determined that this rule will be implemented in a manner that is consistent to the maximum extent practicable with the federally approved coastal management programs of

Alabama, Florida, Louisiana, Mississippi, North Carolina, and South Carolina. Georgia and Texas do not have a federally approved coastal management program. These determinations were submitted for review by the responsible state agencies under section 307 of the Coastal Zone Management Act. Florida and North Carolina agreed with the determination. The other states did not comment within the statutory time period; therefore, consistency is conclusively presumed.

This rule contains two new collections of information subject to the Paperwork Reduction Act, namely, applications for annual Federal permits to take allowable octocorals and catch reports from selected Federal permittees. These collections have been approved by the Office of Management and Budget (OMB). OMB control numbers 0648-0205 and 0648-0016 apply. The public reporting burdens for these collections of information are estimated to average 15 minutes each, per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. This rule restates for clarity the application procedures for permits to take prohibited coral and to use an allowable chemical in a coral area. Those collections of information were previously approved and OMB control number 0648-0205 applies. The public reporting burden for those collections of information was estimated to average 15 minutes each, per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding these burden estimates or any other aspect of the above collections of information, including suggestions for reducing the burdens, to Edward E. Burgess, NMFS, 9450 Koger Boulevard, St. Petersburg, FL 33702; and to the Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503 (Attn: Paperwork Reduction Act Project 0648-0016 and 0648-0205).

This 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 638

Fisheries, Fishing, Reporting and recordkeeping requirements.

Dated: January 9, 1991.

Michael F. Tillman,

Acting Assistant Administrator for Fisheries,
National Marine Fisheries Service.

For the reasons set forth in the preamble, 50 CFR part 638 is amended as follows:

PART 638—CORAL AND CORAL REEFS OF THE GULF OF MEXICO AND THE SOUTH ATLANTIC

1. The authority citation for part 638 continues to read as follows:

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

§ 638.1 [Amended]

2. In § 638.1, in paragraph (b), the phrase "by fishing vessels of the United States" is removed.

3. In § 638.2, the definition for *Management area* is removed; new definitions for *Allowable chemical*, *Allowable octocoral*, *Colony*, and *Toxic chemical* are added in alphabetical order; and the definitions for *Prohibited coral* and *Take* are revised to read as follows:

§ 638.2 Definitions.

* * *

Allowable chemical means a substance, generally used to immobilize marine life so that it can be captured alive, that, when introduced into the water—

- (a) Does not take prohibited coral; and
- (b) Is allowed by Florida for the harvest of tropical fish (e.g., quinaldine, quinaldine compounds, or similar substances).

Allowable octocoral means a species of coral outside an HAPC and belonging to the Subclass Octocorallia, except the seafans *Gorgonia flabellum* and *G. ventalina*.

Colony means a continuous group of coral polyps forming a single unit.

* * *

Prohibited coral means—

- (a) A species of coral belonging to the Class Hydrozoa (fire corals and hydrocorals);

- (b) A species of coral belonging to the Class Anthozoa, Subclass Zooantharia (stony corals and black corals);

- (c) A seafan, *Gorgonia flabellum* or *G. ventalina*;

- (d) A coral reef, except for allowable octocorals; or

- (e) Coral in an HAPC.

* * *

Take means to damage, harm, kill, possess, or attempt to damage, harm, kill, or possess.

Toxic chemical means any substance, other than an allowable chemical, that, when introduced into the water, can stun, immobilize, or take marine life.

4. In § 638.4, paragraphs (a) and (c) through (g) are revised and new paragraphs (h) through (m) are added to read as follows:

§ 638.4 Permits and fees.

(a) *Applicability*—(1) *Federal permits.* A Federal permit is required each fishing year for a person to—

- (i) Take prohibited coral in the EEZ;

- (ii) Use an allowable chemical to collect fish or other marine organisms in a coral area in the EEZ; or

- (iii) Take an allowable octocoral in the EEZ.

(2) *Acceptable state permits.* (i) A Florida permit is acceptable in lieu of the Federal permit to use an allowable chemical to collect fish or other marine organisms in a coral area in the EEZ.

(ii) A state of landing permit or license applicable to allowable octocorals is acceptable in lieu of the Federal permit to take an allowable octocoral in the EEZ. If a regulation in this part and a catch, landing, or gear regulation of a state of landing differ, a person issued a permit under paragraph (c)(3) of this section or using a valid state permit or license to take an allowable octocoral from the EEZ must comply with the more restrictive regulation. In the event there is no equivalent regulation in this part to a state of landing catch, landing, or gear regulation, a person issued a permit under paragraph (c)(3) of this section or using a valid state permit or license applicable to an allowable octocoral harvested from the EEZ must comply with such state regulation.

* * *

(c) *Application.* An application for a Federal permit must be signed and submitted by the applicant on an appropriate form, which may be obtained from the Regional Director. The application should be submitted to the Regional Director at least 45 days prior to the date on which the applicant desires to have the permit made effective. An applicant must provide the following information:

- (1) *For a prohibited coral permit.* (i) Name, mailing address including zip code, and telephone number of the applicant;

- (ii) Social security number and date of birth of the applicant;

- (iii) Name and address of harvester, company, institution, or affiliation;

- (iv) Amount of coral to be fished for, by species;

- (v) Size of each species;

- (vi) Projected use of each species;

- (vii) Collection techniques (vessel types, gear, number of trips);

- (viii) Period of fishing; and

- (ix) Location of fishing.

(2) *For an allowable chemical permit.*

- (i) Name, mailing address including zip code, and telephone number of the applicant;

- (ii) Social security number and date of birth of the applicant;

- (iii) Type of chemical to be used;

- (iv) Period of fishing; and

- (v) Location of fishing.

(3) *For an allowable octocoral permit.*

- (i) Name, mailing address including zip code, and telephone number of the applicant;

- (ii) Social security number and date of birth of the applicant;

- (iii) Whether applicant desires a commercial or recreational permit (see paragraph (d) of this section for appropriate fees and § 638.21(b) for the recreational bag and possession limit);

- (iv) Estimated number of colonies to be taken during the fishing year;

- (v) If the applicant is a corporation, the name and position of the signer; and

- (vi) A sworn statement that the applicant agrees to conform to each regulation on allowable octocoral of this part or to any catch, landing, or gear regulation on allowable octocoral of the state of landing, if such state regulation is more restrictive than the regulation in this part or there is no equivalent regulation in this part, regardless of where such allowable octocoral or gear is possessed, taken, or landed.

(d) *Fees.* (1) A fee will be charged for each application submitted under paragraph (c)(3) of this section for an allowable octocoral permit as follows:

- (i) Application for a commercial permit—\$26.

- (ii) Application for a recreational permit—\$5.

(2) The appropriate fee must accompany each permit application.

(e) *Issuance.* (1) The Regional Director will issue a permit at any time during the fishing year to an applicant if:

- (i) The application is complete; and

- (ii) The applicant has complied with all applicable reporting requirements of § 638.7 during the 12 months immediately preceding the application.

(2) Upon receipt of an incomplete application, or an application from a person who has not complied with all applicable reporting requirements of § 638.7 during the 12 months immediately preceding the application, the Regional Director will notify the applicant of the deficiency. If the applicant fails to correct the deficiency within 30 days of the Regional Director's notification, the application will be considered abandoned.

(f) *Permit conditions.* (1) It is a condition of each permit issued under paragraph (c)(3) of this section or any

state permit used to take octocorals in the EEZ that each regulation on allowable octocoral in this part or any catch, landing, or gear regulation on allowable octocoral of the state of landing, if such state regulation is more restrictive than the regulation in this part or there is no equivalent regulation in this part, applies to the permittee, regardless of where such allowable octocoral is possessed, taken, or landed.

(2) Other conditions and restrictions that may be necessary for the conservation and management of corals may be specified on a permit.

(g) *Duration.* A permit remains valid for the remainder of the fishing year for which it is issued unless revoked, suspended, or modified pursuant to subpart D of 15 CFR part 904.

(h) *Transfer.* A permit issued under this section is not transferable or assignable.

(i) *Display.* A Federal permit issued under this section, or an acceptable state permit or license as specified in paragraph (a)(2) of this section, must be in the possession of the permittee while fishing for prohibited coral in the EEZ, using an allowable chemical in a coral area in the EEZ, or fishing for an allowable octocoral in the EEZ. Such Federal permit, or acceptable state permit or license, must be presented for inspection upon the request of an authorized officer. A permittee must have in possession documentation to establish identity as the permittee (e.g., driver's license).

(j) *Sanctions and denials.* Procedures governing enforcement-related permit sanctions and denials are found at subpart D of 15 CFR part 904.

(k) *Alteration.* A permit that is altered, erased, or mutilated is invalid.

(l) *Replacement.* A replacement permit may be issued upon request. An application for a replacement permit will not be considered a new application.

(m) *Change in application information.* A permittee must notify the Regional Director within 30 days after any change in the application information required by paragraphs (c)(1) through (c)(3) of this section. A permit is void if any change in the information is not reported within 30 days.

5. Section 638.5 is revised to read as follows:

§ 638.5 Prohibitions.

In addition to the general prohibitions specified in § 620.7 of this chapter, it is unlawful for any person to do any of the following:

(a) Take prohibited coral in the EEZ without a Federal permit; use an

allowable chemical to collect fish or other marine organisms in a coral area in the EEZ without a Federal permit or acceptable state permit; or take an allowable octocoral in the EEZ without a Federal permit or an acceptable state permit, as specified in § 638.4(a).

(b) Falsify information specified in § 638.4(c) on an application for a Federal permit.

(c) Fail to comply with a catch, landing, or gear regulation on allowable octocoral of a state of landing, if such state regulation is more restrictive than the regulation in this part or there is no equivalent regulation in this part, as specified in § 638.4(f)(1).

(d) Fail to comply with a permit condition or restriction, as specified in accordance with § 638.4(f)(2).

(e) Fail to display a Federal permit, or an acceptable state permit or license, as specified in § 638.4(i).

(f) Fail to notify the Regional Director after a change in the information provided on an application for a Federal permit, as specified in § 638.4(m).

(g) Falsify or fail to provide information required to be submitted or reported, as required by § 638.7 (a) or (b).

(h) Fail to make prohibited coral or allowable octocoral available for inspection, as required by § 638.7(c).

(i) Fail to return to the sea prohibited coral and allowable octocoral taken as incidental catch, as specified in § 638.21(a).

(j) In those fisheries in which the entire catch is landed, land sorted prohibited coral or allowable octocoral, or sell, trade, or barter prohibited coral or allowable octocoral, as specified in § 638.21(a).

(k) Exceed the bag and possession limit when fishing under a recreational permit to take allowable octocoral, as specified in § 638.21(b).

(l) Use prohibited fishing gear in an HAPC, as specified in § 638.22 (a)(2), (b)(2), and (c)(2).

(m) Use a toxic chemical to take fish or other marine organisms, as specified in § 638.23.

(n) Take allowable octocoral after harvest from the EEZ is prohibited, as specified in § 638.25.

6. In § 638.7, the existing text is designated as paragraph (a) and new paragraphs (b) and (c) are added to read as follows:

§ 638.7 Recordkeeping and reporting.

* * * * *

(b) A person with a Federal permit to take allowable octocoral in the EEZ, if selected by the Science and Research Director, must submit a report of his harvest to the Science and Research

Director on a form available from the Science and Research Director. These forms must be submitted to the Science and Research Director on a quarterly basis within 25 days of the end of each quarter. The following information must be included on the forms:

- (1) Federal permit number;
- (2) Name of permit holder;
- (3) Quarter when fishing occurred;
- (4) Number of colonies harvested, by month and by species name, if known;
- (5) Area fished;
- (6) Signature of the person submitting the form; and
- (7) Other information deemed necessary by the Science and Research Director.

(c) Additional data will be collected by authorized statistical reporting agents, as designees of the Science and Research Director, and by authorized officers. An owner or operator of a fishing vessel and a dealer or processor are required upon request to make prohibited coral or allowable octocoral available for inspection by the Science and Research Director or an authorized officer.

7. Section 638.21 is revised to read as follows:

§ 638.21 Harvest limitations.

(a) Prohibited coral and allowable octocoral taken as incidental catch to other fishing activities by a person who does not have a permit must be returned to the sea in the general area of fishing immediately. In those fisheries, such as scallops and groundfish, where the entire catch is landed, unsorted prohibited coral and unsorted allowable octocoral may be landed but not sold, traded, or bartered.

(b) A person who has a recreational permit to take allowable octocoral may not possess during a single day, regardless of the number of trips or the duration of a trip, allowable octocoral in excess of six colonies.

8. Section 638.23 is revised to read as follows:

§ 638.23 Gear limitations.

A toxic chemical may not be used to take fish or other marine organisms in or on a coral area.

§ 638.24 [Redesignated as § 638.26]

9. Section 638.24 is redesignated as § 638.26, and new §§ 638.24 and 638.25 are added to read as follows:

§ 638.24 Quota.

The quota of allowable octocoral is 50,000 colonies from the EEZ each fishing year.

§ 638.25 Closure.

When the quota specified in § 638.24 is reached, or is projected to be reached, the Secretary will publish a notice to that effect in the **Federal Register**. After the effective date of such notice, for the remainder of the fishing year, the harvest of allowable octocoral from the EEZ is prohibited.

[FR Doc. 91-910 Filed 1-14-91; 8:45 am]

BILLING CODE 3510-22-M

Proposed Rules

Federal Register

Vol. 56, No. 10

Tuesday, January 15, 1991

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 THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 934

North Dakota Permanent Regulatory Program

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

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

SUMMARY: OSM is announcing receipt of a proposed amendment to the North Dakota permanent regulatory program (hereinafter, the "North Dakota program") under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). These revisions pertain to definitions, promulgation of rules-notice-hearing, areas unsuitable for mining, permit applications, and inspection and enforcement. The amendment is intended to revise the State program to be consistent with the corresponding Federal standards, incorporate the additional flexibility afforded by the revised Federal regulations and improve operational efficiency.

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

DATES: Written comments must be received by 4 p.m., m.s.t. February 14, 1991. If requested, a public hearing on the proposed amendment will be held on February 11, 1991. Requests to present oral testimony at the hearing must be received by 4 p.m. on January 30, 1991.

ADDRESSES: Written comments should be mailed or hand delivered to Guy Padgett, Director of the Casper Field Office, at the address listed below.

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

Guy Padgett, Director, Casper Field Office, Office of Surface Mining Reclamation and Enforcement, 100 East B Street, room 2128, Casper, WY 82601-1918, Telephone: (307) 261-5776
Edward J. Englerth, Director, Reclamation Division, Public Service Commission, Capitol Building, Bismarck, ND 58505-0165, Telephone: (701) 224-4096

FOR FURTHER INFORMATION CONTACT: Mr. Guy Padgett, Director, Casper Field Office, at the address listed in "ADDRESSES" or telephone (307) 261-5776.

SUPPLEMENTARY INFORMATION:

I. Background on the North Dakota Program

On December 15, 1980, the Secretary of the Interior approved the North Dakota program. General background information on the North Dakota program including the Secretary's findings and the disposition of comments can be found in the December 15, 1980 *Federal Register* (45 FR 82246). Subsequent actions concerning North Dakota's program and program amendments can be found at 30 CFR 934.12, 934.13, 934.14, 934.15, 935.16 and 934.30.

II. Proposed Amendment

By letter dated November 20, 1990 (Administrative Record No. ND-L-01), North Dakota submitted a proposed amendment to its program pursuant to SMCRA. North Dakota submitted the proposed amendment to the North Dakota Century Code (NDCC) and the North Dakota Administrative Code (NDAC) in response to OSM's 30 CFR 732.17(c) letters of November 8, 1988; May 11, 1989; November 17, 1989; and June 22, 1990 (Administrative Record Nos. ND-L-03; ND-L-04; ND-J-01; and ND-L-06, respectively).

The sections of the program that North Dakota proposes to add or amend that are subject to review are: NDCC 28-32-02 Rulemaking power of agency—

Adoption deadlines—Hearing notice—Emergencies—Attorney general's opinion; NDAC 69-05.2-01-02 Definitions—(22) Developed water resources, (35) Fragile lands, (42) Historic lands, (52) Knowingly, (64) Owned or controlled, (92) Road, (121) Violation, failure or refusal, (124) Wetlands, and (126) Willfully; NDAC 69-05.2-01-03 Promulgation of rules—Notice—Hearing; NDAC 69.05.2-04-01 Areas unsuitable for mining—Permit application review procedures; NDAC 69-05.2-05-06 Permit applications—Coordination with requirements under other laws; NDAC 69-05.2-06-01 Permit applications—Identification of interests; NDAC 69-05.2-06-02 Permit applications—Compliance information; NDAC 69-05.2-08-05 Permit applications—Permit area—Geology description; NDAC 69-05.2-08-09 Permit applications—Permit area—Prime farmland reconnaissance investigation; NDAC 69.05.2-08-15 Permit application—Permit area—Fish and wildlife resources; NDAC 69-05.2-09-01 Permit applications—Operation plans—General requirements; NDAC 69-05.2-09-06 Permit applications—Operation plans—Transportation facilities; NDAC 69-05.2-09-09 Permit applications—Operation plans—Surface water management—Ponds, impoundments, banks, dams, embankments, and diversions; NDAC 69-05.2-09-17 Permit applications—Operation and reclamation plans—Fish and wildlife resources protection and enhancement plan; NDAC 69-05.2-09-19 Permit applications—Operation and reclamation plans—Coal preparation plants not located within the permit area of a mine; NDAC 69-05.2-10-03 Permit applications—Criteria for permit approval or denial; NDAC 69-05.2-10-05 Permit applications—Approval or denial actions; NDAC 69-05.2-11-03 Permit renewals—Applications; NDAC 69-05.2-12-01 Performance bond—General requirements; NDAC 69-05.2-12-12 Release of performance bond—Bond release application; NDAC 69-05.2-12-20 Liability insurance; NDAC 69-05.2-13-08 Performance standards—General requirements—Protection of fish, wildlife, and related environmental values; NDAC 69-05.2-13-12 Performance standards—General requirements—Auger mining; NDAC 69-05.2-13-13 Performance standards—General requirements—Coal preparation

plants not located within the permit area of a mine; NDAC 69-05.2-15-04 Performance standards—Suitable plant growth material—Redistribution; NDAC 69-05.2-16-03 Performance standards—Hydrologic balance—Compliance with the requirements of the state engineer and water resource district; NDAC 69-05.2-16-07 Performance standards—Hydrologic balance—Stream channel diversions; NDAC 69-05.2-16-09 Performance standards—Hydrologic balance—Sedimentation ponds; NDAC 69-05.2-16-12 Performance standards—Hydrologic balance—Permanent and temporary impoundments; NDAC 69-05.2-16-14 Performance standards—Hydrologic balance—Ground water monitoring; NDAC 69-05.2-16-20 Performance standards—Hydrologic balance—Steam buffer zones; NDAC 69-05.2-17-01 Performance standards—Use of explosives—General requirements; NDAC 69-05.2-17-05 Performance standards—Use of explosives—Surface blasting procedures; NDAC 69-05.2-18-01 Performance standards—Disposal of excess spoil—Requirements; NDAC 69-05.2-20-03 Performance standards—Dams and embankments or impounding coal processing waste—Design and construction; NDAC 69-05.2-22-07 Performance standards—Revegetation—Standards for success; NDAC 69-05.2-23-01 Performance standards—Postmining land use—Determining premining land use; NDAC 69-05.2-24-01 Performance standards—Roads—General requirements; NDAC 69-05.2-24-02 Performance standards—Roads—Location; NDAC 69-05.2-24-03 Performance standards—Roads—Design and construction of primary roads; NDAC 69-05.2-24-04 Performance standards—Roads—Drainage; NDAC 69-05.2-24-05 Performance standards—Roads—Surfacing; NDAC 69-05.2-24-06 Performance standards—Roads—Maintenance; NDAC 69-05.2-24-07 Performance standards—Roads—Restoration; NDAC 69-05.2-24-08 Performance standards—Other transportation facilities; NDAC 69-05.2-24-09 Performance standards—Support facilities and utility installations; NDAC 69-05.2-25-03 Performance standards—Alluvial valley floors—Monitoring; NDAC 69-05.2-26-05 Performance standards—Prime farmland—Revegetation and restoration of productivity; NDAC 69-05.28-03 Inspection and enforcement—Cessation order—Affirmative relief—Modification—Vacation—Termination—Notice to owners and controllers; NDAC 69-05.2-28-16 Inspection and enforcement—Individual civil penalty—

Notice; NDAC 69-05.2-28-17 Inspection and enforcement—Individual civil penalty—Opportunity for review; and NDAC 69-05.2-28-18 Inspection and enforcement—Individual civil penalty—Payment.

III. Public Comment Procedures

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

Written Comments

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

Public Hearing

Persons wishing to testify at the public hearing should contact the person listed under "FOR FURTHER INFORMATION CONTACT" by 4 p.m., m.d.t. on January 30, 1991. The location time of the hearing will be arranged with those persons requesting the hearing. If no one requests an opportunity to testify at a public hearing, a 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 testify have been heard. Persons in the audience who have not been scheduled to testify, and who wish to do so, will be heard following those who have been scheduled. The hearing will end after all persons scheduled to testify and persons present in the audience who wish to testify have been heard.

Public Meeting

If only one person requests an opportunity to testify at a hearing, a public meeting, rather than a public hearing, may be held. Persons wishing to meet with OSM representatives to discuss the proposed amendment may request a meeting at the OSM office listed under "FOR FURTHER INFORMATION CONTACT". All such meetings will be

open to the public and, if possible, notices of meetings will be posted at the locations listed under "ADDRESSES". A written summary of each meeting will be made a part of the administrative record.

List of Subjects in 30 CFR Part 934

Intergovernmental relations, Surface mining, Underground mining.

Dated: January 3, 1991.

Raymond L. Lowrie,

Assistant Director, Western Support Center.

[FR Doc. 91-918 Filed 1-14-91; 8:45 am]

BILLING CODE 4310-05-M

DEPARTMENT OF VETERANS AFFAIRS

DEPARTMENT OF DEFENSE

38 CFR Part 21

RIN 2900-AE60

Veterans Education; Increase in Rates Payable in the Educational Test Program

AGENCY: Department of Veterans Affairs and Department of Defense.

ACTION: Proposed regulations.

SUMMARY: The law provides that rates of subsistence allowance and educational assistance payable under the Educational Assistance Test Program shall be adjusted annually based upon the average actual cost of attendance at public institutions of higher education in the twelve-month period since the rates were last adjusted. After consultation with the Department of Education, the Department of Defense has concluded that these rates should be increased by 6 percent. The regulations dealing with these rates are adjusted accordingly.

DATES: Comments must be received on or before February 14, 1991. Comments will be available for public inspection until February 25, 1991. It is proposed to make this rate increase retroactively effective on October 1, 1989.

ADDRESSES: Send written comments to: Secretary of Veterans Affairs (271A), Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420. All written comments received will be available for public inspection only in the Veterans Services Unit, Room 132 of the above address between the hours of 8 a.m. to 4:30 p.m., Monday through Friday (except holidays) until February 25, 1991.

FOR FURTHER INFORMATION CONTACT: June C. Schaeffer Assistant Director for

Education Policy and Program Administration, Vocational Rehabilitation and Education Service, Veterans Benefits Administration, (202) 233-2092.

SUPPLEMENTARY INFORMATION: The law (10 U.S.C. 2145) provides that the Secretary of Defense shall adjust the amount of educational assistance which may be provided in any academic year under the Educational Assistance Test Program, and the amount of subsistence allowance authorized under that program. The adjustment is to be based upon the twelve-month increase in the average actual cost of attendance at public institutions of higher education. As required by law, the Department of Defense has consulted with the Department of Education and determined that these costs have increased 6 percent. This proposal adjusts 38 CFR 21.5820 and 21.5822 so that all rates which appear in them are based on an annual limit on educational assistance of \$1858, and monthly payment of subsistence allowance for full-time students of \$463.

It is proposed to make these increases effective October 1, 1989. Retroactive effect is warranted because these changes are liberalizing, and because they are interpretive rules which implement and construe the meaning of a law. Moreover, there is good cause for a retractive effective date of October 1, 1989. Such a date facilitates implementation of 10 U.S.C. 2145 which requires annual adjustments in educational assistance.

The Department of Veterans Affairs (VA) and the Department of Defense have determined that these amended regulations do not contain a major rule as that term is defined by E.O. 12291, entitled Federal Regulation. The Regulations will not have a \$100 million annual effect on the economy and will not cause a major increase in costs or prices for anyone. They will have no significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

The Secretary of Veterans Affairs and the Secretary of Defense have certified that these amended regulations will not have a significant economic impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act (RFA), 5 U.S.C. 601-612. Pursuant to 5 U.S.C. 605(b), the amended regulations, therefore, are exempt from the initial and final regulatory flexibility

analyses requirements of sections 603 and 604.

This certification can be made because the regulations make adjustments required by law, and because they affect only individuals. They will have no significant economic impact on small entities, i.e., small businesses, small private and nonprofit organizations and small governmental jurisdictions.

There is no Catalog of Federal Domestic Assistance number for the program affected by these regulations.

List of Subjects in 38 CFR Part 21

Civil rights, Claims, Education, Grant programs—education, Loan programs—educations, Reporting and recordkeeping requirements, Schools, Veterans, Vocational Education, Vocational rehabilitation.

Approved: August 27, 1990.

Edward J. Derwinski,

Secretary of Veterans Affairs.

Approved: September 19, 1990.

Donald W. Jones,

Deputy Assistant Secretary of Defense for Military Manpower and Personnel Policy.

38 CFR part 21, Vocational Rehabilitation and Education is proposed to be amended as follows:

PART 21—[AMENDED]

§ 21.5820 [Amended]

1. In § 21.5820(b) introductory text and (b)(1) (ii) (A), (B) and (C) remove the dollar amounts "\$1,753", "\$194.78", "\$97.39", "\$6.49", "\$3.25", and "\$.03" and add, in their place, the dollar amounts "\$1,858", "\$206.44", "\$103.22", "\$6.88", "\$3.44", "\$.04" and "\$.02", respectively.

2. In § 21.5820(b)(1)(ii)(C) remove the word "decreased" and add, in its place, the word "increased."

3. In § 21.5820(b)(2)(ii) (A), (B) and (C) remove the dollar amounts "\$173.33", "\$86.67", "\$5.77", "\$2.88", and "\$.03" and add, in their place, the dollar amounts "\$206.44", "\$103.22", "\$6.88", "\$3.44", "\$.04" and "\$.02", respectively.

4. In § 21.5820(b)(2)(ii)(C) remove the word "decreased" and add, in its place, the word "increased."

§ 21.5822 [Amended]

5. In §§ 21.5822(b)(1) (i) and (ii) remove the dollar amounts "\$412" and "\$206" add, in their place, the dollar amounts "\$463" and "\$231.50", respectively.

6. In §§ 21.5822(b)(2) (i) and (ii) remove the dollar amounts "\$412" and "\$206" and add, in their place, the dollar amounts "\$463" and "\$231.50", respectively.

[FR Doc. 91-896 Filed 1-14-91; 8:45 am]

BILLING CODE 8320-01-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 90-646, RM-7524]

Radio Broadcasting Services; Yreka, CA

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a petition for rule making filed on behalf of Dalmation Enterprises, Inc., licensee of Station KYRE(FM), Channel 249C2, Yreka, California, proposing the substitution of Channel 280C1 for Channel 249C2 and modification of its license to specify the higher powered, non-adjacent channel. In the event other parties express an interest in the use of the Class C1 channel, Dalmation Enterprises advises that Channel 293C1 is also available for allotment to Yreka. As a result of the availability of an additional equivalent class of channel at Yreka, and in accordance with the provisions of § 1.420(g)(2) of the Commission's Rules, other expressions of interest in the use of Channel 280C1 at Yreka will not be entertained. Coordinates used for Channel 280C1 at Yreka are 41-36-34 and 122-37-29. Coordinates for Channel 293C1 at Yreka are 41-43-48 and 122-38-12.

DATES: Comments must be filed on or before March 4, 1991, and reply comments on or before March 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: David Tillotson, Esq., Arent, Fox, Kintner, Plotkin & Kahn, 1050 Connecticut Avenue, NW., Washington, DC 20036.

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

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 90-646, adopted December 26, 1990, and released January 10, 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.

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.

Andrew J. Rhodes,

*Acting Chief, Allocations Branch, Policy and
Rules Division, Mass Media Bureau.*

[FR Doc. 91-944 Filed 1-14-91; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 90-645, RM-7556]

Radio Broadcasting Services; Jesup and Midway, GA

AGENCY: Federal Communications
Commission.

ACTION: Proposed rule.

SUMMARY: This document requests
comments on a petition by InterMart
Broadcasting Georgia Coast, Inc.,
licensee of Station WGCO(FM), Channel
252C1, Jesup, Georgia, seeking to reallocate
Channel 252C1 from Jesup to Midway,
Georgia, and to modify its license
accordingly. The coordinates are North
Latitude 31-36-45 and West Longitude
81-21-37.

DATES: Comments must be filed on or
before March 4, 1991, and reply
comments on or before March 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: Gary S. Smithwick,
Smithwick & Belendiuk, P.C., 2033 M
Street, NW., suite 207, Washington, DC
20036 (Attorney for petitioner).

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

SUPPLEMENTARY INFORMATION: This is a
synopsis of the Commission's Notice of
Proposed Rule Making, MM Docket No.
90-645, adopted December 26, 1990, and

released January 10, 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.

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.

Andrew J. Rhodes,

*Acting Chief, Allocations Branch, Policy and
Rules Division, Mass Media Bureau.*

[FR Doc. 91-945 Filed 1-14-91; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 90-648, RM-7560]

Radio Broadcasting Services; Weiser, ID

AGENCY: Federal Communications
commission.

ACTION: Proposed rule.

SUMMARY: This document requests
comment on a petition by Treasure
Valley Broadcasting proposing the
substitution of Channel 298C2 for
channel 257A at Weiser, Idaho, and the
modification of its license for Station
KWEI(FM) to specify operation on the
higher powered channel. Channel 298C2
can be allotted to Weiser in compliance
with the Commission's minimum
distance separation requirements. The
coordinates are North Latitude 44-15-04
and West Longitude 116-58-06. In
accordance with § 1.420(g) of the
Commission's Rules, should another
party express an interest in the
allotment, the modification cannot be
implemented unless an equivalent class
channel is available for allotment.

DATES: Comments must be filed on or
before March 4, 1991, and reply
comments on or before March 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: Randal Williamson, Treasure
Valley Broadcasting, P.O. Box 791,
Weiser, Idaho 83672 (petitioner).

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

SUPPLEMENTARY INFORMATION: This is a
synopsis of the Commission's Notice of
Proposed Rule Making, MM Docket No.
90-648, adopted December 24, 1990, and
released January 10, 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.

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.

Andrew J. Rhodes,

*Acting Chief, Allocations Branch, Policy and
Rules Division, Mass Media Bureau.*

[FR Doc. 91-946 Filed 1-14-91; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 90-643, RM-7579]

Radio Broadcasting Services; Columbia, IL

AGENCY: Federal Communications
Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a petition by WCBW, Inc., proposing the substitution of Channel 285C3 for Channel 285A at Columbia, Illinois, and modification of its license for Station WCBW(FM) to specify operation on the higher class channel. Channel 285C3 can be allotted to Columbia in compliance with the Commission's minimum distance separation requirements with a site restriction of 18.2 kilometers (11.3 miles) northwest of the community, in order to avoid a short-spacing to a construction permit for Station WQHC(FM), Channel 284A, Nashville, Illinois. The coordinates are North Latitude 38-34-24 and West Longitude 90-19-30. In accordance with § 1.420(g) of the Commission's Rules, we shall not accept competing expressions of interest or require the petitioner to demonstrate the availability of an additional equivalent channel for use by interested parties.

DATES: Comments must be filed on or before March 4, 1991, and reply comments on or before March 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: David M. Hunsaker, John C. Trent, Putbren, Hunsaker & Ruddy, 6800 Fleetwood Road, Suite 100, P.O. Box 539, McLean, Virginia 22101 (Attorneys for petitioner).

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

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 90-643, adopted December 26, 1990, and released January 10, 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.

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.

Andrew J. Rhodes,

Acting Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 91-947 Filed 1-14-91; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 90-644, RM-7543]

Radio Broadcasting Services; Crozet, VA

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Commission requests comments on a petition for ruling making filed by James Madison University ("petitioner") proposing the allotment of Channel 230A to Crozet, Virginia, as the community's second commercial FM service. Although petitioner seeks the reservation of Channel 230A for noncommercial use, we are instead proposing to allot the channel on a non-reserved basis. Commission policy is to refrain from reserving channels within the commercial band for noncommercial use, except in cases where allotment of a channel within the Noncommercial portion of the FM band is precluded because of Mexico or Canadian allotments or TV Channel 6 interference. Neither situation exists in this case. Petitioner states that it will apply for Channel 230A if allotted as a commercial channel. Channel 230A can be allotted to Crozet with a site restriction of 9.5 kilometers (5.9 miles) south to avoid short spacings to Stations WAZR-FM, Channel 229B1, Woodstock, Virginia, and WKYS-FM, Channel 230B, Washington, DC. The coordinates for Channel 230A at Crozet are 37-59-02 and 78-43-04. Since the proposal is located with the protected areas of the National Radio Astronomy Observatory "Quiet Zone" at Green Bank, West Virginia, petitioner will be required to comply with the notification requirement of § 73.1030(a) of the Commission's Rules.

DATES: Comments must be filed on or before March 4, 1991, and reply comments on or before March 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: James Madison University, Harrisonburg, Virginia, 22807, Attn: Brenda Hankey (Petitioner).

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. 90-644, adopted December 26, 1990, and released January 10, 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 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 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 1.412 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

Andrew J. Rhodes,

Acting Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 91-948 Filed 1-14-91; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 90-647, RM-7180]

Radio Broadcasting Services; Hallie and Ladysmith, WI

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a petition for rule making filed by Stewards of Sound, Inc.,

licensee of Station WWIB(FM), Channel 279C, Ladysmith, Wisconsin, seeking to change the community of license for Channel 279C from Ladysmith to Hallie, Wisconsin, and modify its license to specify the new community. Because Hallie is partially within the Eau Claire Urbanized Area, petitioner is requested to submit information sufficient to show that Hallie is deserving of a first local FM service preference. The coordinates for Channel 279C are 47-06-35 and 91-09-43.

DATES: Comments must be filed on or before March 4, 1991, and reply comments on or before March 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: Peter Tannenwald, Arent, Fox, Kintner, Plotkin & Kahn, 1050 Connecticut Avenue NW., Washington, DC 20036-5339 (Counsel for Stewards of Sound, Inc.).

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

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 90-647, adopted December 26, 1990, and released January 10, 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.

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.

Andrew J. Rhodes,

Acting Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 91-949 Filed 1-14-91; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Parts 74 and 78

[MM Docket No. 90-500, DA 91-4]

Broadcast Services; Auxiliary Congested Area Definition

AGENCY: Federal Communications Commission.

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

SUMMARY: The Commission extends the time for filing comments in its proceeding proposing to define congested areas in the auxiliary and cable TV relay services from January 4, 1991, to February 19, 1991, and for reply comments from January 18, 1991, to March 11, 1991. The Notice of Proposed Rule Making in this proceeding may be found at 55 FR 48260 (November 20, 1990). This action is being taken to allow a survey of frequency coordinators to be completed and the results filed as part of the record in this proceeding.

DATES: Comments are now due February 18, 1991; reply comments March 11, 1991.

ADDRESSES: Federal Communications Commission, Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Hank VanDeursen, Mass Media Bureau, (202) 632-9660.

SUPPLEMENTARY INFORMATION:

Order Extending Time for Filing Comments and Reply Comments

Adopted: January 3, 1991; Released: January 4, 1991.

By the Chief, Mass Media Bureau:

1. On November 14, 1990, the Commission released a Notice of Proposed Rule Making ("NPRM") in MM Docket 90-500 that proposed a definition of geographical areas that are "subject to frequency congestion."¹ This definition is based on an area being within a Metropolitan Statistical Area (MSA) as determined by the Department of Commerce and will be needed to determine the appropriate antenna performance standards for fixed auxiliary and cable television relay stations. The antenna standards are

scheduled to become effective for all stations on October 1, 1991.² The deadlines for filing comments and reply comments were, respectively, January 4, 1991, and January 18, 1991.

2. On December 27, 1990, the Society of Broadcast Engineers, Incorporated (SBE), requested an extension of the comment period. SBE indicated that it is conducting a survey of its affiliated frequency coordinating committees to develop a complete recommendation regarding MSAs that should be excluded from the "congested area" requirements and sites that are outside of any MSA that nevertheless should be included as a "congested area." In order to complete the survey, compile the results, and submit them in its comments, SBE requests that the filing deadlines be extended by 45 days.

3. SBE filed the petition for rule making that initiated this proceeding. Their continued participation by filing comprehensive comments on our proposal should provide valuable assistance in our effort to establish an effective definition. Accordingly, while we are reluctant to delay action in this proceeding, we are persuaded that the extension now under consideration should be approved.

4. Accordingly, *it is ordered*, that the request to extend the comment date filed by the Society of Broadcast Engineers, Incorporated *is granted*. The date for filing comments in this proceeding *is extended* to February 18, 1991, and the date for filing reply comments *is extended* to March 11, 1991. No further extensions of these dates are contemplated.

5. This action is taken pursuant to authority found in sections 4(i) and 303(r) of the Communications Act of 1934, as amended, and §§ 0.204(b), 0.283, 1.45 and 1.46 of the Commission's Rules.

6. Further information may be obtained from Hank VanDeursen, Mass Media Bureau, Engineering Policy Branch, (202) 632-9660.

Federal Communications Commission.

Roy J. Stewart,

Chief, Mass Media Bureau.

[FR Doc. 91-950 Filed 1-14-91; 8:45 am]

BILLING CODE 6712-01-M

¹ See Notice of Proposed Rule Making, MM Docket No. 90-500, 5 FCC Rcd 6687 (1990), 55 FR 48260, published November 20, 1990.

² See §§ 74.536, 74.641 and 78.105 of the Commission's Rules.

Notices

Federal Register

Vol. 56, No. 10

Tuesday, January 15, 1991

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

DEPARTMENT OF AGRICULTURE

Office of the Secretary

[Docket No. 91-001N]

National Advisory Committee on Microbiological Criteria for Foods; Meeting

Notice is hereby given that meetings of the National Advisory Committee on Microbiological Criteria for Foods, will be held on Monday through Wednesday, February 25-27, 1991, at Bally's Reno Resort, 2500 E. Second Street, Reno, Nevada 89595.

The Committee provides advice and recommendations to the Secretaries of Agriculture and Health and Human Services concerning the development of microbiological criteria by which the safety and wholesomeness of food can be assessed, including criteria for microorganisms that indicate whether foods have been produced using good manufacturing practices.

Scheduled sessions are as follows:

- (1) Monday, February 25; 8:30 a.m. to 5 p.m.—Session of the *Listeria monocytogenes* subcommittee;
- (2) Tuesday, February 26; 8:30 a.m. to 5 p.m.—Concurrent sessions of the Meat and Poultry Subcommittee and the Seafood Subcommittee; and

(3) Wednesday, February 27; 8:30 a.m. to 12 noon—Concurrent sessions of the Meat and Poultry Subcommittee and the Seafood Subcommittee and 1:30 p.m. to 5 p.m.—Full Committee session.

The Committee meetings are open to the public on a space available basis. Comments of interested persons may be filed prior to the meeting in order that they may be considered and should be addressed to Ms. Catherine M. DeRoeve, Director, Executive Secretariat, U.S. Department of Agriculture, Food Safety and Inspection Service, room 3175, South Agriculture Building, 14th and Independence Avenue, SW., Washington, DC 20250. In submitting comments please reference the docket number appearing in the heading of this notice. Background materials are available for inspection by contacting Ms. DeRoeve on (202) 447-9150.

Done at Washington, DC on: January 10, 1991.

Lester M. Crawford,
Chairman.

[FR Doc. 91-041 Filed 1-14-91; 8:45 am]

BILLING CODE 3410-DM-M

Animal and Plant Health Inspection Service

[Docket No. 90-237]

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

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice.

SUMMARY: We are advising the public that four applications for permits to

release genetically engineered organisms into the environment are being reviewed by the Animal and Plant Health Inspection Service. The applications have been submitted in accordance with 7 CFR part 340, which regulates the introduction of certain genetically engineered organisms and products.

FOR FURTHER INFORMATION CONTACT:

Mary Petrie, Program Analyst, Biotechnology, Biologics, and Environmental Protection, Biotechnology Permit Unit, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Room 844, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, (301) 436-7612.

SUPPLEMENTARY INFORMATION:

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

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

Application No.	Applicant	Date received	Organism	Field test locations
90-332-01	USDA/ARS	11-28-90	Potato plants genetically engineered to contain a gene coding for an insect protein (cecropin B) that has anti-bacterial activity.	Idaho, Maine, Minnesota, North Dakota.
90-332-02	Dekalb Plant Genetics	11-28-90	Corn plants genetically engineered to contain the <i>bar</i> gene which confers tolerance to the herbicide bialaphos.	Hawaii.
90-332-04	Dekalb Plant Genetics	11-28-90	Corn plants genetically engineered to contain the <i>bar</i> gene which confers tolerance to the herbicide bialaphos.	Illinois.
90-333-01	Crop Genetics International	11-29-90	<i>Clavibacter xyli</i> subsp. <i>cymodontis</i> genetically engineered to express the delta-endotoxin protein from <i>Bacillus thuringiensis</i> subsp. <i>kurstaki</i> .	Maryland, Nebraska.

Done in Washington, DC, this 9th day of January 1991.

James W. Closser,

Administrator, Animal and Plant Health Inspection Service

[FR Doc. 91-912 Filed 1-14-91; 8:45 am]

BILLING CODE 3410-34-M

DEPARTMENT OF COMMERCE

International Trade Administration

Notice of Applications for Duty-Free Entry of Scientific Instruments

Pursuant to section 6(c) of the Educational, Scientific and Cultural Materials Importation Act of 1966 (Pub. L. 89-651; 80 Stat. 897; 15 CFR Part 301), we invite comments on the question of whether instruments of equivalent scientific value, for the purposes for which the instruments shown below are intended to be used, are being manufactured in the United States.

Comments must comply with subsections 301.5(a)(3) and (4) of the regulations and be filed within 20 days with the Statutory Import Programs Staff, U.S. Department of Commerce, Washington, DC 20230. Applications may be examined between 8:30 a.m. and 5 p.m. in Room 4204, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC.

Docket Number: 90-215. Applicant: Eastern Virginia Medical School of the Medical College of Hampton Roads, P.O. Box 1980, Norfolk, VA 23501. Instrument: Electron Microscope, Model JEM 1200EXII/SEG/DP/DP. Manufacturer: JEOL, Japan. Intended Use: The instrument will be used in the following experiments: (1) Study of the spinal cord tissue from cats to determine the neural basis for normal urinary bladder and sexual function; (2) comparison of axonal growth through a neuroma created by a ligature on a peripheral nerve to the regeneration of dorsal root axons back into the spinal cord and (3) evaluation of the effect of demyelination of central nervous system axons which occurs in multiple sclerosis. Application Received by Commissioner of Customs: November 27, 1990.

Docket Number: 90-216. Applicant: State University of New York, Research Foundation, Stony Brook, NY 11794. Instrument: Tandem Fabry-Perot Interferometer. Manufacturer: J.R. Sandercock, Switzerland. Intended Use: The instrument will be used to study acoustic velocities in oxide and silicate minerals and their chemical analogues to better understand the current state of the Earth's interior by comparing these results with those of seismology. In

addition, the instrument will be used for educational purposes in the courses GEO 556—Solid State Geophysics and GEO 607—Topics in Geophysics.

Application Received by Commissioner of Customs: November 20, 1990.

Docket Number: 90-217. Applicant: University of Wisconsin—Oshkosh, 800 Algoma Boulevard, Oshkosh, WI 54901. Instrument: Ground Conductivity Meter, Model EM-34-3-DL. Manufacturer: Geonics, Canada. Intended Use: The instrument will be used in the course 51-366, Ground Water Hydrology to prepare students for employment as professional hydrogeologists by providing theory and practice in ground water resource development and protection. Application Received by Commissioner of Customs: November 29, 1990.

Docket Number: 90-218. Applicant: Massachusetts Institute of Technology, Geology Department, 77 Massachusetts Avenue, 54-1016, Cambridge, MA 02139. Instrument: Isotope Mass Spectrometer, Model 215-50. Manufacturer: Mass Analyser Products, Ltd., United Kingdom. Intended Use: The instrument will be used to analyze rare gases (Ar, Kr, Xe) in geologic samples in a static mode in order to determine the relative isotopic concentrations of the gases. The information will be used to determine the age of the geologic materials analyzed. Application Received by Commissioner of Customs: November 30, 1990.

Docket Number: 90-219. Applicant: Southwest Texas State University, San Marcos, TX 78666. Instrument: Electron Microscope, Model JEM 1200EXII. Manufacturer: JEOL Ltd., Japan. Intended Use: The instrument will be used for the study of biological ultrastructure in teaching and research. The experiments to be evaluated with the instrument include:

1. Morphological evaluation of heart tissue after experimental ischemia and reperfusion,
2. Morphological evaluation of heart tissue after experimental ischemia and reperfusion, after drug interventions designed to prevent injury,
3. Histochemical and immunohistochemical evaluation of heart and other tissues to localize structural and enzymatic components,
4. Characterization of capillary endothelial cells and transport systems across such cells in heart and other tissues,
5. Determination of uptake of and fate of DNA and other nucleic acids from the blood stream into heart and other tissues and
6. Ultrastructural-immunohistochemical detection of gene

products from DNA introduced into heart muscle cells and other types of cells.

Application Received by Commissioner of Customs: November 30, 1990.

Docket Number: 90-221. Applicant: Argonne National Laboratory, Materials Science Division, Building 212, 9700 South Cass Avenue, Argonne, IL 60439. Instrument: Electron Microscope, Model JEM-4000EX-II. Manufacturer: JEOL, Ltd., Japan. Intended Use: The instrument will be used for basic research in the characterization of the morphology, crystallography, and structure of defects, interfaces and phases present in metal, alloys, ceramics and related materials. Experiments will consist of diffraction and phase contrast analysis of the features present in a transmission image produced by passing an electron beam through thin sections of these materials. The subsequent interpretation of the resulting images and diffraction phenomena allows scientists to determine the specific nature of the structure being observed. Application Received by Commissioner of Customs: December 3, 1990.

Docket Number: 90-222. Applicant: University of California, Department of Geological Sciences, Los Angeles, CA 90089-0740. Instrument: Mass Spectrometer, Model VG PRISM. Manufacturer: VG Instruments Incorporated, United Kingdom. Intended Use: The instrument will be used for studies of CO₂ and N₂ gas generated from the shells of marine organisms, water samples and organic matter. The carbon and oxygen isotopic composition of the gas is determined by the instrument. In addition, the instrument will be used in the course Stable Isotope Geochemistry, 600 for individual training in the theoretical principles of stable isotope geochemistry and various approaches to geological research using stable isotopic techniques. Application Received by Commissioner of Customs: December 3, 1990.

Docket Number: 90-223. Applicant: University of Florida, Department of Chemistry, Gainesville, FL 32611-2046. Instrument: QQ-Option for Mass Spectrometer. Manufacturer: Finnigan MAT, West Germany. Intended Use: The instrument is intended to be used with an existing mass spectrometer for chemical research to determine the chemical structure and molecular formula of novel chemicals synthesized within the organic and inorganic chemistry divisions. The instrument generates data that is used in conjunction with data from other

techniques to confirm synthetic structures and elucidate reaction pathways. It will also be used in the identification of the composition of unknown substances that may appear as a result of chemical reactions that are carried out during the normal course of chemical research. In addition, the instrument will be used as an integral part of an undergraduate and graduate curriculum by providing example spectra for courses, a modern tandem mass spectrometer for training of graduate students specializing in mass spectrometry, and training in the capabilities of modern mass spectrometry for students specializing in synthesis and other chemical research areas. Application Received by Commissioner of Customs: December 4, 1990.

Docket Number: 90-225. Applicant: University of Utah, Department of Chemistry—HEB, Salt Lake City, UT 84112. Instrument: GC/Mass Spectrometer/Data System, Model MAT 95. Manufacturer: Finnigan MAT, West Germany. Intended Use: The instrument will be used to determine the chemical structure and empirical formula of synthetic organic compounds, organometallic compounds and isolated natural products. In addition, the instrument will be used to qualitatively and quantitatively evaluate the production of reaction by-products and study the production of reaction intermediates. The instrument will also be an integral part of an undergraduate and graduate course curriculum by providing both spectra for courses and training of students in the capabilities of modern mass spectrometry. Application Received by Commissioner of Customs: December 5, 1990.

Frank W. Creel,

Director, Statutory Import Programs Staff.

[FR Doc. 91-939 Filed 1-14-91; 8:45 am]

BILLING CODE 3510-DS-M

Minority Business Development Agency

Business Development Center Applications: Dayton, OH

AGENCY: Minority Business Development Agency, Commerce.

ACTION: Notice.

SUMMARY: The Minority Business Development Agency (MBDA) announces that it is soliciting competitive applications under its Minority Business Development Center (MBDC) Program to operate an MBDC for approximately a 3 year period, subject to the availability of funds. The

cost of performance for the first 12 months is estimated at \$165,000 in Federal funds and a minimum of \$29,118 in non-federal contributions for the budget period June 1, 1991 to May 31, 1992. Cost-sharing contributions may be in the form of cash contributions, client fees for services, in-kind contributions, or combinations thereof. The MBDC will operate in the Dayton, Ohio geographic service area. The award number of this MBDC will be 05-10-91006-01.

The funding instrument for the MBDC will be a cooperative agreement. competition is open to individuals, non-profit and for-profit organizations, state and local governments, American Indian tribes and educational institutions.

The MBDC program is designed to provide business development services to the minority business community for the establishment and operation of viable minority businesses. To this end, MBDA funds organizations that can coordinate and broker public and private resources on behalf of minority individuals and firms; offer a full range of management and technical assistance; and serve as a conduit of information and assistance regarding minority business.

Applications will be evaluated on the following criteria: (Selection process/procedures as required by DAO 203-26) the experience and capabilities of the firm and its staff in addressing the needs of the business community in general and, specifically, the special needs of minority business, individuals and organizations (50 points); the resources available to the firm in providing business development services (10 points); the firm's approach (techniques and methodology) to performing the work requirements included in the application (20 points); and the firm's estimated cost for providing such assistance (20 points). An application must receive at least 70% of the points assigned to any one evaluation criteria category to be considered programmatically acceptable and responsive.

MBDCs shall be required to contribute at least 15% of the total project cost through non-federal contributions. Client fees for billable management and technical assistance (M&TA) rendered must be charged by MBDCs. Based on a standard rate of \$50 per hour, MBDCs will charge client fees at 20% of the total cost for firms with gross sales of \$500,000 or less and 35% of the total cost for firms with gross sales of over \$500,000.

The MBDC may continue to operate, after the initial competitive year, for up to 2 additional budget periods. Periodic reviews culminating in year-to-date

quantitative and qualitative evaluations will be conducted to determine if funding for the project should continue. Continued funding will be at the discretion of MBDA based on such factors as an MBDC's satisfactory performance, the availability of funds and Agency priorities.

Applicants who have an outstanding account receivable with the Federal Government may not be considered for funding until these debts have been paid or arrangements satisfactory to the Federal Government are made to pay the debt.

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 application must make the appropriate certification as a "prior condition" to receiving a grant or cooperative agreement.

Awards under this program shall be subject to all Federal Departmental regulations, policies, and procedures applicable to Federal assistance awards.

A false statement on an application may be grounds for denial or termination of funds and grounds for possible punishment by a fine or imprisonment.

Section 319 of Public Law 101-121 generally prohibits recipients of appropriated funds from lobbying the Executive or Legislative Branches of Federal Government in connection with a specific contract, grant, or loan. A "Certification for Contract, Grants Loans, and Cooperative Agreements" and the SF-LLL, "Disclosure of Lobbying Activities" (if applicable), is required.

CLOSING DATE: The closing date for applications is February 22, 1991. Applications must be postmarked on or before February 22, 1991.

ADDRESSES: Chicago Regional Office, Minority Business Development Agency, 55 East Monroe Street, suite 1440, Chicago, Illinois 60603, 312/353-0182.

FOR FURTHER INFORMATION CONTACT: David Vega, Regional Director, Chicago Regional Office.

Statutory Authority: 15 U.S.C. 1512.

Funding Authority: Executive Order 11825, October 13, 1971.

SUPPLEMENTARY INFORMATION: Anticipated processing time of this award is 120 days. Executive Order 12372 "Intergovernmental Review of Federal Programs" is not applicable to this program. Questions concerning the preceding information, copies of application kits and applicable regulations can be obtained at the above address.

11.800 Minority Business Development
(Catalog of Federal Domestic Assistance)

Note: A pre-application conference to assist all interested applicants will be held at the U.S. Department of Commerce, Minority Business Development Agency, 55 East Monroe, suite 1440, Chicago, Illinois, February 8, 1991 at 10 a.m.

Dated: January 9, 1991.

David Vega,

Regional Director, Chicago Regional Office.

[FR Doc. 91-903 Filed 1-14-91; 8:45 am]

BILLING CODE 3510-21-M

National Institute of Standards and Technology

[Docket No. 900104-0253]

RIN 0693-AA81

Federal Information Processing Standards Publication 54-1, Computer Output Microform (COM) Formats and Reduction Ratios, 16MM and 105MM

AGENCY: National Institute of Standards and Technology (NIST), Commerce.

ACTION: The purpose of this notice is to announce that the Secretary of Commerce has approved a revision of Federal Information Processing Standard 54, Computer Output Microform (COM) Formats and Reduction Ratios, 16mm and 105mm, which will be published as FIPS Publication 54-1.

SUMMARY: On March 2, 1990, notice was published in the *Federal Register* (55 FR 7516) that a revised Federal Information Processing Standard for Computer Output Microform (COM) Formats and Reduction Ratios, 16mm and 105mm was being proposed for Federal use.

The written comments submitted by interested parties and other material available to the Department relevant to this standard were reviewed by NIST. On the basis of this review, NIST recommended that the Secretary approve the revised standard as a Federal Information Processing Standard (FIPS), and prepared a detailed justification document for the Secretary's review in support of that recommendation.

This FIPS contains two sections: (1) An announcement section, which provides information concerning the applicability, implementation, and maintenance of the standard; and (2) a specifications section, which deals with the technical requirements of the standard. Only the announcement section of the standard is provided in this notice.

EFFECTIVE DATE: This revised standard is effective July 1, 1991.

ADDRESSES: Interested parties may purchase copies of this revised standard, including the technical specifications portion, from the National Technical Information Service (NTIS). Specific ordering information from NTIS for this standard is set out in the Where to Obtain Copies Section of the announcement section of the standard.

FOR FURTHER INFORMATION CONTACT: Mr. Thomas C. Bagg, National Institute of Standards and Technology, Gaithersburg, MD 20899, telephone (301) 975-2909.

Dated: January 10, 1991.

John W. Lyons,
Director.

Federal Information Processing Standards Publication 54-1
(date)

Announcing the Standard for Computer Output Microform (COM) Formats and Reduction Ratios, 16mm and 105mm

Federal Information Processing Standards Publications (FIPS PUBS) are issued by the National Institute of Standards and Technology after approval by the Secretary of Commerce pursuant to Section 111(d) of the Federal Property and Administrative Services Act of 1949 as amended by the Computer Security Act of 1987, Public Law 100-235.

Name of Standard. Computer Output Microform (COM) Formats and Reduction Ratios, 16mm and 105mm.

Category of Standard. Hardware Standard, Media.

Explanation. This Federal Information Processing Standard announces the adoption of American National Standard for Information and Image Management—Microfiche, ANSI/AIIM MS5-1990, and American National Standard for Information and Image Management—Specifications for 16mm and 35mm Roll Microfilm, ANSI/AIIM MS14-1988. This FIPS specifies the image arrangement, size, and reduction ratios for 16mm and 105mm microforms generated by Computer Output Microfilmers. It is limited to systems using business-oriented fonts similar to line printer output.

Approving Authority. Secretary of Commerce.

Maintenance Agency. U.S. Department of Commerce, National Institute of Standards and Technology, National Computer Systems Laboratory.

Cross Index. American National Standard for Information and Image Management—Microfiche, ANSI/AIIM MS5-1990, and American National Standard for Information and Image Management—Specifications for 16mm

and 35mm Roll Microfilm, ANSI/AIIM MS14-1988.

Related Documents.

a. Related documents are listed in the Reference Sections of ANSI/AIIM MS5-1990 and ANSI/AIIM MS14-1988.

b. Federal Information Resource Management Regulation 201-39, Acquisition of Federal Information Processing Resources by Contracting.

Objectives. The primary objectives of this standard are:

- To achieve uniform microform formats for the output of Computer Output Microfilmers.
- To provide microforms which are cost-effective in producing computer generated reports, listing, etc.
- To provide microforms which can economically be duplicated, widely distributed, and stored.
- To minimize the variety (and therefore costs) of equipment required to reproduce and view the microforms.

Applicability. This standard is applicable to those microforms which are computer generated in lieu of line-printer output using plain type faces. It does not cover engineering drawings or microphoto-composition using complex graphics or graphic arts fonts and formats, nor does it cover special systems using two-step reduction techniques. Standards for these applications will be developed as required.

The microform formats and reduction ratios specified herein are mandatory for the acquisition of new Federal Government computer output microform systems, applications, and services performed by contractors to Federal agencies.

Users of existing COM systems and applications are encouraged to utilize this standard. Systems and applications not in accordance with this standard should be evaluated periodically by Federal agencies and the merits of converting to the standard considered.

Specifications. This standard adopts ANSI/AIIM MS5-1990, American National Standard for Information and Image Management—Microfiche, and the applicable sections and appendices for 16mm microfilm using reduction ratios of 1:24 and 1:48 in the simplex formats of ANSI/AIIM MS14-1988, American National Standard for Information and Image Management—Specifications for 16mm and 35mm Roll Microfilm.

Implementation Schedule. This revised standard is effective July 1, 1991. Microforms produced by or for Federal agencies and equipment or services acquired after the effective date of this FIPS PUB must be in conformance with

the specifications contained herein. Exceptions to this standard are made in the following cases:

- a. For microforms, equipment, or services produced, or on order prior to the effective date of this FIPS PUB.
- b. Where procurement actions are into the solicitation phase (i.e., Requests for Proposals or Invitations for Bids have been issued) on the effective date of this FIPS PUB.

Special Information. This FIPS permits only two effective reduction ratios, namely 1:24 and 1:48. It is recognized that a number of Government agencies have already acquired and are using systems at a 1:42 reduction. The implementation of this standard is not intended to cause replacement of these systems but is directed toward future COM acquisitions and applications as described. Since current technology permits adequate image quality in both image and display devices and allows for higher information density packing, the reduction ratio of 1:48 is specified in this standard instead of the 1:42 ratio. Current readers with a 42:1 magnification can be used effectively for viewing 1:48 recorded images made according to the specifications.

Waivers. Under certain exceptional circumstances, the heads of Federal departments and agencies may approve waivers to Federal Information Processing Standards (FIPS). The head of such agency may redelegate such authority only to a senior official designated pursuant to section 3506(b) of title 44, U.S. Code. Waivers shall be granted only when:

- a. Compliance with a standard would adversely affect the accomplishment of the mission of an operator of a Federal computer system, or

- b. Cause a major adverse financial impact on the operator which is not offset by Governmentwide savings.

Agency heads may act upon a written waiver request containing the information detailed above. Agency heads may also act without a written waiver request when they determine that conditions for meeting the standard cannot be met. Agency heads may approve waivers only by a written decision which explains the basis on which the agency head made the required finding(s). A copy of each such decision, with procurement sensitive or classified portions clearly identified, shall be sent to: National Institute of Standards and Technology; attn: FIPS Waiver Decisions; Technology Building, Room B-154, Gaithersburg, MD 20899.

In addition, notice of each waiver granted and each delegation of authority to approve waivers shall be sent

promptly to the Committee on Government Operations of the House of Representatives and the Committee on Governmental Affairs of the Senate and shall be published promptly in the *Federal Register*.

When the determination on a waiver applies to the procurement of equipment and/or services, a notice of the waiver determination must be published in the *Commerce Business Daily* as a part of the notice of solicitation for offers of an acquisition or, if the waiver determination is made after that notice is published, by amendment to such notice.

A copy of the waiver, any supporting documents, the document approving the waiver and any supporting and accompanying documents, with such deletions as the agency is authorized and decides to make under 5 U.S.C. 552(b), shall be part of the procurement documentation and retained by the agency.

Where to Obtain Copies. Copies of this publication are for sale by the National Technical Information Service, U.S. Department of Commerce, Springfield, VA 22161. (Sale of the included specifications documents is by arrangement with the Association for Information and Image Management.) When ordering, refer to Federal Information Processing Standards Publications 54-1 (FIPSPUB54-1), and title. Specify microfiche, if desired. Payment may be made by check, money order, or NTIS deposit account.

[FR Doc. 91-942 Filed 1-14-91; 8:45 am]

BILLING CODE 3510-CN-M

Visiting Committee on Advanced Technology Meeting

AGENCY: National Institute of Standards and Technology, DOC.

ACTION: Notice of closed meeting.

SUMMARY: Pursuant to the Federal Advisory Committee Act, 5 U.S.C. app., notice is hereby given that the National Institute of Standards and Technology Visiting Committee on Advanced Technology meeting date of January 11, 1991, announced in *Federal Register*/Vol. 55, No. 235/Thursday, December 6, 1990, page number 50351, has been changed. The Visiting Committee will now meet on Friday, January 25, 1991, from 9:30 a.m. to 10:30 a.m. The Visiting Committee on Advanced Technology is composed of nine members appointed by the Director of the National Institute of Standards and Technology who are eminent in such fields as business, research, new product development engineering, labor, education,

management consulting, environment, and international relations. The purpose of this meeting is to discuss the Institute's organization and budget, and to present their 1990 Annual Report to the Secretary of Commerce. The Secretary will forward this report to the Congress by the Congressionally mandated deadline of January 31, 1991. The members of the Committee will discuss their findings as outlined in the report.

DATES: The meeting will convene January 25, 1991, at 9:30 a.m. and adjourn at 10:30 a.m. on January 25, 1991.

ADDRESSES: The meeting will be held in Conference room 5859, Department of Commerce, 14th and Constitution, Washington, DC 20230.

FOR FURTHER INFORMATION CONTACT:

Dr. Dale E. Hall, Executive Director, Visiting Committee on Advanced Technology, National Institute of Standards and Technology, Gaithersburg, Maryland 20899, telephone number (301) 975-2158.

SUPPLEMENTARY INFORMATION: The Assistant Secretary for Administration, with the concurrence of the General Counsel, formally determined on September 1, 1989, that portions of the meeting of the Visiting Committee on Advanced Technology which involve examination and discussion of the budget for the Institute may be closed in accordance with section 552(b)(9)(B) of title 5, United States Code, since the meeting is likely to disclose financial information that may be privileged or confidential.

Dated: January 9, 1991.

John Lyons,
Director.

[FR Doc. 91-842 Filed 1-14-91; 8:45 am]

BILLING CODE 3510-13-M

Announcement of Meeting of National Conference on Weights and Measures

AGENCY: National Institute of Standards and Technology, Commerce.

ACTION: Notice of meeting.

SUMMARY: Notice is hereby given that the Interim Meeting of the National Conference on Weights and Measures will be held January 13 through 17, 1991, at the Hyatt Regency Bethesda Hotel, Bethesda, MD. The meeting is open to the public.

The National Conference on Weights and Measures is an organization of weights and measures enforcement officials of the States, counties, and cities of the United States, and private sector representatives. The interim

meeting of the conference, as well as the annual meeting to be held next July (a notice will be published in the **Federal Register** prior to such meeting), brings together enforcement officials, other government officials, and representatives of business, industry, trade associations, and consumer organizations to discuss subjects that relate to the field of weights and measures technology and administration.

Pursuant to section 2(5) of its Organic Act (15 U.S.C. 272(5)), the National Institute of Standards and Technology acts as a sponsor of the National Conference on Weights and Measures in order to promote uniformity among the States in the complex of laws, regulations, methods, and testing equipment that comprises regulatory control by the States of commercial weighing and measuring.

DATES: The meeting will be held January 13-17, 1991.

LOCATION OF MEETING: Hyatt Regency Bethesda Hotel, Bethesda, MD.

FOR FURTHER INFORMATION CONTACT: Albert D. Tholen, Executive Secretary, National Conferences on Weights and Measures, P.O. Box 4025, Gaithersburg, Maryland 20885. Telephone: (301) 975-4009.

Dated: January 10, 1991.

John W. Lyons,
Director.

[FR Doc. 91-943 Filed 1-14-91; 8:45 am]

BILLING CODE 3510-13-M

National Oceanic and Atmospheric Administration

[Docket No. 901104-0304]

National Status and Trend Program; Request for Proposals and Availability of Financial assistance

AGENCY: Office of Oceanography and Marine Assessment (OMA), National Ocean Service, National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of availability of financial assistance.

SUMMARY: For FY91 NOAA/OMA intends to carry out research projects addressing aspects of the National Status and Trend Program (NS&T). In particular, we are interested in the study of the historical contamination of the coastal United States using sediment cores. OMA is issuing this notice describing the conditions under which applications will be accepted and how OMA will determine which application will be funded.

DATES: Pre-proposals should be received by 22 February 1991 and full proposals by 3 May, 1991.

ADDRESSES: Information and applications should be directed to: Dr. Nathalie J. Valette-Silver, NOAA, N/OMA32, 6001 Executive Boulevard, room 312, Rockville, MD 20852, Tel: 301-443-8655; FAX No: 301-231-5764.

SUPPLEMENTARY INFORMATION:

I. Introduction

The United States Congress has authorized the National Oceanic and Atmospheric Administration (NOAA) to conduct a broad range of marine environmental research, development and monitoring activities. One statute specifically authorize marine environmental quality monitoring. The National Ocean Pollution Planning Act of 1978, 33 U.S.C. 1701-1709 states that NOAA shall "establish within the Administration a comprehensive, coordinated, and effective pollution research and monitoring program", 33 U.S.C. 1704. The NS&T Program was initiated to fulfill, in part, these mandates.

The aim of the NS&T Program is to quantify the concentrations of key contaminants in the Nation's coastal and estuarine environments and to measure their biological effects. The data acquired using a nationally uniform set of sampling and measurement techniques are used to determine temporal changes and spatial patterns in marine environmental quality.

II. Funding

The NS&T Program is anticipating having up to \$400,000 per year for this research. However, there is no guarantee that sufficient funds will be available to make awards to all approved projects. For FY91, the exact level of funding is presently unknown.

III. Program Goals and Priorities

This request for proposals (RFP) represents the initial step in a multi-year, coordinated, interdisciplinary and interinstitutional research program aimed at reconstructing historical contamination of the U.S. coastal and estuarine systems using sediment cores.

In the past, several historical studies have used cored sediments because sediments are recognized to be good long term integrators of many toxic contaminants. However, most of these studies were performed in the late 1970s to the early 1980s. Since the late 1970s, many changes have occurred in the Federal and state laws governing the disposal of pollutants in the environment. New data from cored sediments are needed to trace the effect

of these recently imposed restrictions. The NS&T Program is designed to acquire data that will help in assessing temporal trends in the coastal and estuarine sediment contamination.

To support this multi-year research program, NOAA/OMA anticipates having up to \$400,000 to study each year 3 to 4 estuarine/coastal areas. Each year, new estuaries or coastal areas will be selected. Financial Assistance obtained through this RFP for a given geographic area, will be for 18 months maximum. Future or continued funding will be at the discretion of NOAA based on such factors as satisfactory performance and the availability of funds. However, if some Principal Investigators (PIs) are able to study more than one area of interest, they will have to submit different proposals for different areas and will compete with the other applicants for the available funds.

To simplify administrative management one PI has to be responsible for the total project in each geographical area. Consequently, it is recommended that scientists wishing to submit proposals in response to this RFP collaborate in order to get dating, trace elements and organic compounds analysis for one geographical area coordinated in a single proposal.

States, universities, non-profit, or for profit organizations, individuals and Federal Agencies are eligible to receive funding. No matching funds are required.

IV. Approach

To accomplish the objectives of this RFP, cores should be collected in estuarine and coastal areas, carefully dated and analyzed for trace metals and organic compounds.

For the first year, priority will be given to four estuaries and coastal areas: The Savannah Estuary, southern California Bight, San Francisco Bay and Puget Sound. Depending on the availability of funds, areas may be dropped.

We are interested in identifying contamination trends in sediments since the early 1900s and even since the early 1800s for the trace metals; therefore, the cores have to be undisturbed and collected in areas where sedimentation rates are sufficiently high to give a reliable dating for the last 100 years. The parameters to be measured are the trace elements and the organic chemicals routinely measured in the NS&T Program (appendix A: Table 1 and 2). In addition, nutrients such as N, P and C_{org} should be included. The level needed for

time-resolution is 5 years or less in most recent years.

Under the terms of these cooperative agreements, NS&T will have a substantial and continuous involvement in the project. In addition to the advice provided to the PIs regarding the orientation of the project, there will be collaboration during sampling (ship time can be made available) and analysis of the cores. In particular, if the utilization or the development of new techniques are necessary to perform or to improve the quality of the data, there will be a close collaboration between the applicant and NOAA. In addition, NS&T will provide its knowledge and include this work in its Quality Assurance/Quality Control (QA/QC) program and will help in the interpretation of the results using its experience of other areas and previous historical studies. Finally, NS&T will act as coordinator to ensure the comparability of the results obtained in various geographical areas studied over the years.

Dating of the core material should be performed using reliable methods such as radioisotopes, pollen, etc., in order to get a detailed chronology. Because of the difficulty of finding adequate sites giving cores for which a good chronology can be established, PIs having well preserved cores already dated and sampled in the past few years that could be confidently used for the analysis of non-volatile elements or compounds are encouraged to submit a proposal.

V. Laboratory Methods

All data acquired for the NS&T Program must meet basic standards for precision, accuracy and comparability. The applicants may use any appropriate analytical methodology for the measurement of contaminants. The only requirement is that the data obtained through this RFP have to be of equal or better sensitivity and quality than those obtained from the on-going NS&T Program projects (see list of NS&T publications available from the office at the address mentioned in section VI). In addition, it is strongly recommended that the applicants participate in a series of analytical intercomparison exercises in order to ensure the good quality of their data (accuracy as well as precision). It is also advised to analyze, at the same time as the samples, a Standard Reference Material (SRM) for trace elements and organic compounds.

VI. Proposal Submission

1-Pre-Proposals

Preparation and submission of a pre-proposal is the initial step in the review

and selection process. The pre-proposal will be used by NS&T to evaluate your research plan and its relative priority with regard to the aim of this RFP. Therefore it is important that you prepare the pre-proposal thoughtfully to provide a concise description of your project. Pre-proposals are limited to two pages of single-spaced text plus a cover page. Submit 1 original and 2 copies of the pre-proposal to: Dr. Nathalie J. Valette-Silver, NOAA, N/OMA32, NS&T Program, 6001 Executive Boulevard, room 312, Rockville, MD 20852, Tel. 301-443 8655; Fax# 301-231 5764.

All pre-proposals are due no later than 5 p.m. EST, 22 February 1991, in accordance with the proposal schedule below. The pre-proposals will be reviewed by a Technical Evaluation Committee, and the investigators whose projects are judged applicable to the subject matter will be invited to prepare and submit full proposals.

2-Full Proposals

Full proposals are limited to 15 pages of single-spaced text. Submit 1 original and 2 copies of the full proposal with appropriate institutional approvals to the same address as the pre-proposals. The deadline for proposal submission is 5 p.m. EST, 3 May, 1991. Applications must include a Standard Form 424, a Standard form 424A and a program narrative. Copies of the forms are available from NOAA; see the Addresses section. The contents of the narrative must respond to the evaluation criteria described in this notice.

3-Approximate Proposal Schedule and Due Dates.*

RFP distribution—10 January, 1991
Pre-proposals due from investigators*—22 February, 1991
Pre-proposals review process—25 February to 8 March, 1991
Investigators notification—15 March, 1991
Full proposals due to NS&T*—3 May, 1991
Selection by the Office of Oceanography and Marine Assessment—15 July, 1991
Notification to successful applicants will be provided by the Grants Management Division approximately 60 days following recommendation for selection by the Office of Oceanography and Marine Assessment.

4-Successful Proposals

The proposals judged best will be funded for a period to begin approximately 1 September 1991 and

*Pre-proposal and proposal submission are absolute due dates.

continuing through 31 December 1992 (i.e., 16 months).

5-Reports

The recipients of the awards obtained through this RFP have to provide:

(a) Periodic financial and program reports as specified in the award document

(b) A final financial report,

(c) A final detailed scientific report with results worthy of peer-reviewed literature.

The reports (b) and (c) are due within 90 days following the end of the award.

VII. Proposals Review Process

All proposals received will be peer-reviewed, using external reviewers and NOAA reviewers.

Proposals will be evaluated using specific criteria: understanding of the requirements of the RFP (10%), technical approach to perform the work (30%), past experience (20%), quality of the publications derived from previous work (20%), key personnel (20%).

Detail of Proposal Evaluation Criteria

1-Understanding of the Requirements of the RFP=10%

The proposal must demonstrate an understanding of:

The objectives of the RFP and the intended uses of the resulting data,

The problems associated with the sampling of undisturbed cores and the procedures used to date them,

The analytical procedures employed for the trace metals and organic compounds analysis of cored sediments.

2-Technical Approach To Perform the Work=30%

The proposal must describe in detail the methods to be used, justify their choice and demonstrate the ability to carry out the described analyses. In particular, the applicants must demonstrate their capability to analyze for the chemicals of interest (15%): If none of the applicants are able to perform the analysis of the complete list of chemicals routinely performed in the NS&T Program, the preference will be given to the proposal performing the maximum number and the best analysis possible.

In addition, applicants must describe acceptable procedures for quality assurance of all phases of the work to be undertaken, must describe methods for data handling and storage, and must outline the basic format of the anticipated final report (15%).

3-Past Experience and Quality of the Publications Derived From Previous Work (40%)

Preference will be given to scientists with previous experience in historical reconstruction of pollution using sediment cores. In particular, preference will be given to PIs who can demonstrate the possession of, or accessibility to, already well preserved dated sediment cores in the locations of interest. The cores must cover the period of time 1900s to present at sufficient temporal resolution to be suitable for the analysis of interest of the RFP. PIs who have already analyzed samples for some of the elements or compounds given in the list of interest (appendix A, Table 1-2) are encouraged to submit a proposal. The proposal must explain and give details on this previous work. Preprints or reprints from publications associated with this previous experience should accompany the proposal as supporting documents.

4-Key Personnel (20%)

The proposal must include the resumes, time commitments, and effort of all key personnel, including subcontractors and/or expert consultants, who will implement the research. Experienced scientists are required to conduct the proposed research. Their respective experience pertinent to the objectives of the RFP must be clearly described.

VIII. Policies and Regulations

Applicants should note that recipients of NS&T Program support, depending on their type of organization, are subject to

the provisions of diverse OMB Circulars: i.e., A-87, "Cost Principles for States and Local Governments," A-21, "Cost Principles for Educational Institutions," A-110, "Grants and agreements with Institutions of Higher Education, Hospitals and other Non-Profit Organizations," A-122, "Cost Principles for Non-Profit Organizations," A-128, "Audits of State Higher Education and Other Non-Profit Organizations," 15 CFR 24, "Uniform Administrative Requirements for Grants and Cooperative Agreement to State and Local Governments." Recipients are advised that Executive Order 12372 "Intergovernmental Review of Federal Programs" do not apply. In addition, any applicant with an outstanding account receivable with the Department of Commerce will not receive a new award until the debt is paid or debt repayment arrangements satisfactory to the Department are made.

This Program is included in the Catalog of Federal Domestic Assistance under the Number 11.426. Potential recipients may be required to submit an "Identification-Applications for funding Assistance Form (Form CD-346)" which is used to ascertain background information on key individuals associated with the potential recipient. The CD-346 form requests information to reveal if any key individuals in the organization have been convicted of, or are presently facing, criminal charges such as fraud, theft, perjury, or other matters pertinent to management honesty or financial integrity. Potential recipients may also be subject to reviews of Dun and Bradstreet data or

other similar credit checks. In addition any false statement on the application may be grounds for denial or termination of funds.

Potential recipients are also subject to the provisions of the 15 CFR part 26, "Department of Commerce Nonprocurement Debarment and Suspension"; the provisions of the Drug-Free Workplace Act of 1988, 15 CFR part 26 (F); and to the provisions of 31 U.S.C. 1352 entitled "Limitations on use of appropriated funds to influence certain Federal contracting and financial transactions", more commonly known as the "lobbying disclosure" rule.

Awards granted under this program shall be subject to all Federal and Departmental regulations, policies, and procedures applicable to Federal Assistance awards.

Appendix A

TABLE 1. TRACE ELEMENTS ANALYZED IN THE NS&T PROGRAM

Symbol	Element
Al	Aluminum.
Si	Silicon.
Cr	Chromium.
Mn	Manganese.
Fe	Iron.
Ni	Nickel.
Cu	Copper.
Zn	Zinc.
As	Arsenic.
Se	Selenium.
Ag	Silver.
Cd	Cadmium.
Sn	Tin.
Sb	Antimony.
Hg	Mercury.
Pb	Lead.

TABLE 2. ORGANIC COMPOUNDS ANALYZED IN THE NS&T PROGRAM

	CAS No.	Alternate name
Automatic hydrocarbons:		
Naphthalene.....	91-20-3	
2-Methylnaphthalene.....	91-57-6	
1-Methylnaphthalene.....	90-12-0	
Biphenyl.....	92-52-4	Diphenyl; phenylbenzene.
2,6-Dimethylnaphthalene.....	581-42-0	
Acenaphthene.....	83-32-9	1,2-dihydroacenaphthalene.
Acenaphthylene.....	208-96-8	
2,3,5-Trimethylnaphthalene.....	829-26-5	
Fluorene.....	86-73-7	o-biphenylenemethane.
Dibenz[a,h]anthracene.....	53-70-3	Dibenz[a,h]anthracene.
Indeno[1,2,3-cd]pyrene.....	193-39-5	
Phenanthrene.....	85-01-8	
Anthracene.....	120-12-7	Paranaphthalene.
1-Methylphenanthrene.....	832-69-9	
Fluoranthene.....	206-44-0	1,2-(1,8-naphthylene)benzene.
Pyrene.....	129-00-0	Benzo[def]phenanthrene.
Chrysene.....	218-01-9	1,2-benzphenanthrene.
Benz[a]anthracene.....	56-55-3	1,2-benzanthracene.
Benzo[b]fluoranthene.....	56832-73-6	
Benzo[k]fluoranthene.....	207-08-9	
Benzo[ghi]perylene.....	191-24-2	
Benzo[e]pyrene.....	92-97-2	1,2-benzpyrene.
Benzo[a]pyrene.....	50-32-8	3,4-benzpyrene.
Perylene.....	198-55-0	Dibenz[de,k]anthracene.

TABLE 2. ORGANIC COMPOUNDS ANALYZED IN THE NS&T PROGRAM—Continued

	CAS No.	Alternate name
Chlorinated Pesticides:		
Aldrin.....	309-00-2	1,2,3,4,10,10-hexachloro-1,4,4a,5,8,8a-hexahydro-1,4,5,8-dimethanonaphthalene.
Alpha-Chlordane (cis-chlordane).....	5103-71-9	1,2,4,5,6,7,8,8-octachloro-2,3,3a,4,7,7a-hexahydro-4,7-methano-1h-indene.
2,4'-DDD (o,p'-TDE).....	53-19-0	1-chloro-2-[2,2-dichloro-1-(4-chlorophenyl)ethyl]-benzene.
4,4'-DDD (p,p'-TDE).....	72-54-8	1,1-dichloro-2,2-bis(p-chlorophenyl)ethane.
2,4'-DDE.....	3424-82-6	1-chloro-2-[2,2-dichloro-1-(4-chlorophenyl)ethyl]benzene.
4,4'-DDE.....	72-55-9	1,1'-(dichloroethenylidene)-bis(4-chloro-benzene).
2,4'-DDT.....	789-02-6	1-chloro-2-[2,2,2-trichloro-1-(4-chlorophenyl)ethyl]benzene.
4,4'-DDT.....	50-29-3	1,1'-(2,2,2-trichloro-ethylidene)bis[4-chloro-benzene].
Dieldrin.....	60-57-1	3,4,5,6,9,9-hexachloro-1a,2,2a,3,6,6a,7,7a-octahydro-2,7,3,6-dimethanonaphth[2,3-b]oxirene.
Heptachlor.....	78-44-8	1,4,5,6,7,8,8-heptachloro-3a,4,7,7a-tetrahydro-4,7-methano-1h-indene.
Heptachlor epoxide.....	1024-57-4	1,4,5,6,7,8,8-heptachloro-2,3-epoxy-3a,4,7,7a-tetrahydro-4,7-methanoindane.
Hexachlorobenzene.....	118-74-1	Perchlorobenzene.
Lindane (gamma-BHC).....	58-89-9	Gamma-hexachlorocyclohexane.
Mirex.....	2385-85-5	1,1a,2,2,3,3a,4,5,5a,5b,6-dodecachlorooctahydro-1,3,4-metheno-2h-cyclobuta[c,d]pentalene.
Trans-Nonachlor.....	39765-80-5	(1,2,3,4,5,6,7,8,8-nonachloro-2,3,3a,4,7,7a-hexahydro-4,7-methano-1h-indene.
Endrin.....	72-20-8	1,2,3,4,10,10-hexachloro-6,7-epoxy-1,4,4a,5,6,7,8,8a-octahydro-endo,endo-1,4,5,8-dimethanonaphthalene.

	Congener No.
Polychlorinated Biphenyls:	
2,4'-CL2.....	8
2,2,5'-CL3.....	18
2,4,4'-CL3.....	28
2,2',35'-CL4.....	44
2,2',5,5'-CL4.....	52
2,3',4,4'-CL4.....	66
3,3',4,4'-CL4.....	77
2,2',4,5,5'-CL5.....	101
2,3,3',4,4'-CL5.....	105
2,3',4,4',5-CL5.....	118
3,3',4,4',5-CL5.....	128
2,2',3,3',4,4'-CL6.....	128
2,2',3,4,4',5'-CL6.....	138
2,2',4,4',5,5'-CL6.....	153
2,2',3,3',4,4',5-CL7.....	170
2,2',3,4,4',5,5'-CL7.....	180
2,2',3,4',5,5',6-CL7.....	187
2,2',3,3',4,4',5,6-CL8.....	195
2,2',3,3',4,4',5,5',6-CL9.....	206
Decachlorobiphenyl-CL10.....	209
Organotin:	
monobutyltin (MBT)	
dibutyltin (DBT)	
tributyltin (TBT)	

International Whaling Commission; Meetings

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

ACTION: Notice of meetings.

SUMMARY: NOAA makes use of an Interagency Committee to assist in preparing for meetings of the International Whaling Commission (IWC). This notice sets forth guidelines for participating on the Committee and a tentative schedule of meetings and other important dates.

DATES: See "SUPPLEMENTARY INFORMATION" for dates of scheduled meetings.

ADDRESSES: Recommendations to the U.S. Commissioner to the IWC and nominations to the U.S. delegation to the IWC should be sent to: The United States Commissioner to the International Whaling Commission, Office of the Dean, Texas A&M University, Galveston, Texas with a copy sent to Becky Rootes, Office of International Affairs, Rm. 7276, NMFS, 1335 East-West Highway, Silver Spring, Maryland 20910.

FOR FURTHER INFORMATION CONTACT:

Becky Rootes, Office of International Affairs, National Marine Fisheries Service, Department of Commerce, Washington, DC 20910. Phone: (301) 427-2276.

SUPPLEMENTARY INFORMATION: The Secretary of Commerce is charged with the responsibility of discharging the obligations of the United States under the International Convention for the Regulation of Whaling, 1946. This authority has been delegated to the Under Secretary of NOAA. The U.S. Commissioner to the IWC has primary responsibility with the Secretary for the preparation and negotiation of U.S. positions on international issues concerning whaling and for all matters involving the IWC. He is staffed by the Department of Commerce, and assisted by the Department of the Interior, the Marine Mammal Commission, and other interested agencies.

Each year NOAA conducts a series of meetings and other actions to prepare for the annual meeting of the IWC which is held in the summer. The major purpose of the preparatory meetings is to provide for participation in the

Virginia K. Tippie,
Assistant Administrator, National Ocean
Services.

[FR Doc. 91-914 Filed 1-14-91; 8:45 am]

BILLING CODE 3510-08-M

development of policy by members of the public and non-governmental organizations interested in whale conservation. NOAA believes that this participation is important for the effective development and implementation of U.S. policy concerning whaling, and such participation is and shall continue to be, a prerequisite to the establishment of U.S. negotiating positions for IWC meetings.

Because the meetings discuss U.S. negotiating positions, the substance of the meetings must be kept confidential. For example, proposed position papers that may be circulated at a meeting for discussion cannot be removed from the meeting site and must be collected at the close of each meeting.

Any person with an identifiable interest in United States whale conservation policy may participate, but NOAA reserves the authority to inquire about the interest of any person who appears at a meeting and to determine the appropriateness of that person's participation. Persons who represent foreign governments may not attend. These stringent measures are necessary to promote the candid exchange of information and protect the confidentiality of U.S. negotiating positions. Such measures are a necessary basis for the relatively open process of preparing for the IWC meetings that characterizes current practice.

The tentative schedule of meetings and deadlines, including those of the IWC and deadlines for the preparation of position papers during 1991 is as follows:

January 31, 1991—Interagency Committee Meeting to continue preparations for the 1991 IWC meetings. Interested persons who are unable to attend are welcome to submit comments. Recommendations to the U.S. Commissioner should be sent to: The United States Commissioner to the International Whaling Commission, at the above address:

February 20, 1991—Nominations for the U.S. Delegation to the May IWC meetings are due to the U.S. Commissioner, with a copy to Becky Rootes at the address above. All persons wishing to be considered pursuant to the U.S. Commissioner's recommendation to the Department of State concerning the composition of the Delegation should ensure that nominations are received by this date. Prospective Congressional advisors to the Delegation should contact the Department of State directly.

February 28, 1991—Tentative Interagency Committee meeting to

review United States agenda changes for forwarding to the IWC Secretariat.

March 27, 1991—Publish in the **Federal Register** the Agency views on (1) the current population levels and annual net recruitment rate of bowhead whales, (2) the nature and extent of the aboriginal/subsistence need for bowhead whales, (3) the level of take of bowhead whales that is consistent with provisions of the IWC aboriginal/subsistence whaling management scheme and (4) a list of documents reviewed by NOAA and used by the Administrator in formulating these views.

April 25, 1991—Tentative Interagency Committee Meeting dates for finalizing preparations for 1991 IWC meetings.

Persons who would like to be included in IWC Interagency Committee meetings may contact Becky Rootes at the address or telephone number provided above to obtain meeting times and location.

(16 U.S.C. 1801 *et seq.*)

Dated: January 4, 1991.

Henry R. Beasley,

Director, Office of International Affairs.

[FR Doc. 91-897 Filed 1-14-91; 8:45 am]

BILLING CODE 3510-22-M

Pacific Fishery Management Council; Public Meetings

AGENCY: National Marine Fisheries Service, NOAA, Commerce.

The Pacific Fishery Management Council's (Council) Salmon Subcommittee (under the Council's Scientific and Statistical Committee) and the Council's Salmon Technical Committee (STT) will hold a public meeting on January 28, 1991, at 10 a.m., at the Council's office, 2000 SW. First Avenue, Metro Center, Conference Room 440, Portland, OR. The Salmon Subcommittee and the STT will review the development of a model to estimate fishery impacts on chinook salmon stocks north of Cape Falcon, OR. In addition, the STT will continue meeting throughout the remainder of the week of January 28 to draft a review of the 1990 ocean salmon fisheries.

For more information contact John C. Coon, Staff Officer (salmon), Pacific Fishery Management Council, Metro Center, Suite 420, 2000 SW. First Avenue, Portland, OR 97201; telephone: (503) 326-6352.

Dated: January 9, 1991.

David S. Crestin,

Deputy Director, Office of Fisheries Conservation and Management, National Marine Fisheries Service.

[FR Doc. 91-911 Filed 1-14-91; 8:45 am]

BILLING CODE 3510-22-M

Marine Mammals

AGENCY: National Marine Fisheries Service, NOAA, Commerce.

ACTION: Modification No. 4 to Permit No. 558 (P365).

Notice is hereby given that pursuant to the provisions of § 216.33 (d) and (e) of the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR part 216), Public Display Permit No. 558 issued to Loro Parque, S.A., 38400 Puerto de la Cruz, Tenerife, Spain on July 9, 1986 (51 FR 26176) and modified on July 31, 1987 (52 FR 29406), March 15, 1989 (54 FR 10694), and February 2, 1990 (55 FR 3632) is further modified as follows:

Section B.7 is changed to read:

B.7 The authority to capture or otherwise acquire these marine mammals shall extend from the date of issuance through December 31, 1991. The terms and conditions of this Permit (Sections B and C) shall remain in effect as long as one of the marine mammals taken hereunder is maintained in captivity under the authority and responsibility of the Permit holder.

This modification becomes effective on January 1, 1991.

Documents submitted in connection with the above modification are available for review by appointment in the following offices:

Office of Protected Resources, National Marine Fisheries Service, 1335 East-West Highway, Room 7330, Silver Spring, Maryland 20910;

Director, Southeast Region, National Marine Fisheries Service, NOAA, 9450 Koger Boulevard, St. Petersburg, Florida 33702; and

Director, Southwest Region, National Marine Fisheries Service, NOAA, 300 South Ferry Street, Terminal Island, California 90731-7415.

Dated: January 7, 1991.

Nancy Foster, Ph.D.,

Director, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 91-877 Filed 1-14-91; 8:45 am]

BILLING CODE 3510-22-M

Marine Mammals

AGENCY: National Marine Fisheries Service, NOAA, Commerce.

ACTION: Modification No. 1 to Permit No. 626 (P46A).

Notice is hereby given that pursuant to the provisions of § 216.33 (d) and (e) of the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR part 216), Public Display Permit No. 626 issued to the New England Aquarium, Central Wharf, Boston, Massachusetts 02110 on February 24, 1988 (53 FR 6859) is modified as follows:

Section B.5 is changed to read:

5. The authority to acquire the marine mammals authorized herein shall extend from the date of issuance through December 31, 1992. The terms and conditions of this Permit (Sections B and C) shall remain in effect as long as one of the marine mammals taken hereunder is maintained in captivity under the authority and responsibility of the Permit holder.

This modification becomes effective on January 1, 1991.

Documents submitted in connection with the above modification are available for review by appointment in the following offices:

Office of Protected Resources, National Marine Fisheries Service, 1335 East-West Highway, Room 7330, Silver Spring, Maryland 20910;

Director, Southeast Region, National Marine Fisheries Service, NOAA, 9450 Koger Boulevard, St. Petersburg, Florida 33702; and

Director, Northeast Region, National Marine Fisheries Service, 1 Blackburn Drive, Gloucester, Massachusetts 01930.

Dated: January 7, 1991.

Nancy Foster, Ph.D.,
*Director, Office of Protected Resources,
National Marine Fisheries Service.*

[FR Doc. 91-878 Filed 1-14-91; 8:45 am]

BILLING CODE 3510-22-M

Marine Mammals

AGENCY: National Marine Fisheries Service, NOAA, Commerce.

ACTION: Modification No. 2 to Permit No. 647 (P160).

Notice is hereby given that pursuant to the provisions of § 216.33 (d) and (e) of the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR part 216), Public Display Permit No. 647 issued to the Gulf World, Inc., 15412

West Highway 98-A, Panama City Beach, Florida 32407 on October 3, 1988 (53 FR 6859) and modified on December 26, 1989 (54 FR 52974), is further modified as follows:

Section B.7. is changed to read:

7. The authority to acquire the marine mammals authorized herein shall extend from the date of issuance through December 31, 1992. The terms and conditions of this Permit (Sections B and C) shall remain in effect as long as one of the marine mammals taken hereunder is maintained in captivity under the authority and responsibility of the Permit holder.

This modification becomes effective on January 1, 1991.

Documents submitted in connection with the above modification are available for review by appointment in the following offices:

Office of Protected Resources, National Marine Fisheries Service, 1335 East-West Highway, Room 7330, Silver Spring, Maryland 20910;

Director, Southeast Region, National Marine Fisheries Service, NOAA, 9450 Koger Boulevard, St. Petersburg, Florida 33702.

Nancy Foster, Ph.D.,
*Director, Office of Protected Resources,
National Marine Fisheries Service.*

[FR Doc. 91-879 Filed 1-14-91; 8:45 am]

BILLING CODE 3510-22-M

Marine Mammals

AGENCY: National Marine Fisheries Service, NOAA, Commerce.

ACTION: Modification No. 2 to Permit No. 661 (P414A).

Notice is hereby given that pursuant to the provisions of § 216.33 (d) and (e) of the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR part 216, Public Display Permit No. 661 issued to the Clearwater Marine Science Center, 249 Windward Passage, Clearwater, Florida 34630 on February 8, 1989 (54 FR 6563) and modified December 31, 1989 (55 FR 51) is further modified as follows:

Modifications to Section B. *Special Conditions:*

9. Replace current Special Condition B.9. with the following: "The authority to acquire the marine mammal authorized herein, shall extend from the date of issuance through December 31, 1991. The terms and conditions of this Permit (Sections B and C) shall remain in

effect as long as the marine mammal taken hereunder is maintained in captivity under the authority and responsibility of the Permit Holder."

Add as a second paragraph: "If 'Thunder' is returned to Gulf World, and 'Sunset Sam' is left without companionship, Clearwater Marine Science Center must agree to place 'Sunset Sam' at another facility authorized by NMFS to hold Atlantic bottlenose dolphins, or seek NMFS assistance in locating such a facility."

This modification becomes effective on January 1, 1991.

Documents submitted in connection with the above modification are available for review in the following offices:

Office of Protected Resources, National Marine Fisheries Service, 1335 East-West Highway, Room 7324, Silver Spring, Maryland 20910;

Director, Southeast Region, National Marine Fisheries Service, NOAA, 9450 Koger Boulevard, St. Petersburg, Florida 33702;

Director, Northeast Region, National Marine Fisheries Service, NOAA, One Blackburn Drive, Gloucester, Massachusetts 01920;

Director, Southwest Region, National Marine Fisheries Service, NOAA, 300 South Ferry Street, Terminal Island, California 90731; and

Director, Northwest Region, National Marine Fisheries Service, NOAA, 7600 Sandpoint Way NE., BIN C15700, Seattle, Washington 98115.

Dated: January 7, 1991.

Nancy Foster, Ph.D.,
*Director, Office of Protected Resources,
National Marine Fisheries Service.*

[FR Doc. 91-880 Filed 1-14-91; 8:45 am]

BILLING CODE 3510-22-M

Technology Administration**National Medal of Technology Nomination Evaluation Committee; Meeting**

AGENCY: Technology Administration, Commerce.

ACTION: Notice of closed meeting.

SUMMARY: This notice announces the forthcoming closed meeting of the National Medal of Technology Nomination Evaluation Committee. The Committee was rechartered on January 26, 1990. The Committee shall make recommendations to the Secretary of Commerce, through a Steering

Committee, concerning award of the National Medal of Technology.

The Committee will meet only in executive session to discuss matters dealing with the criteria for determining the relative merits of all persons and companies nominated for the Medal as a result of a public solicitation.

TIME AND PLACE: The meeting will begin at 10 a.m. and end at 3:45 p.m. on March 1, 1991. The meeting will be held in room 4830 at the U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230.

FOR FURTHER INFORMATION CONTACT: Dr. Paul Braden, Manager, National Medal of Technology Nomination Evaluation Committee, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Herbert C. Hoover Building, room 4418, Washington, DC 20230, (202) 377-5572.

SUPPLEMENTARY INFORMATION: A Notice of Determination to close the meetings of the Committee to the public on the basis of 5 U.S.C. 552(c) (4) and (6) was approved by the Assistant Secretary of Commerce for Administration, with the concurrence of the General Counsel on December 14, 1990, in accordance with the Federal Advisory Committee Act, since the discussions are likely to disclose information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy and may also disclose trade secrets and commercial or financial information obtained from a person and privileged or confidential. A copy of the Notice of Determination is available for public inspection and copying in the Central Reference and Records Inspection Facility, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Herbert C. Hoover Building, room 662B, Washington, DC 20230. (202) 377-4210.

Dated: January 9, 1991.

Deborah Wince-Smith,
Assistant Secretary for Technology Policy.
[FR Doc. 91-690 Filed 1-14-91; 8:45 am]
BILLING CODE 3510-18-M

COMMODITY FUTURES TRADING COMMISSION

Chicago Board of Trade Proposed Futures Contract

AGENCY: Commodity Futures Trading Commission.

ACTION: Notice of availability of the terms and conditions of proposed commodity futures contract.

SUMMARY: The Chicago Board of Trade (CBT or Exchange) has applied for

designation as a contract market in 10 year Canadian government bond futures. The Director of the Division of Economic Analysis (Division) of the Commission, acting pursuant to the authority delegated by Commission Regulation 140.96, has determined that publication of the proposal for comment is in the public interest, will assist the Commission in considering the views of interested persons, and is consistent with the purposes of the Commodity Exchange Act.

DATES: Comments must be received on or before February 14, 1991.

ADDRESSES: Interested persons should submit their views and comments to Jean A. Webb, Secretary, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, DC 20581. Reference should be made to the CBT 10 year Canadian government bond futures contract.

FOR FURTHER INFORMATION CONTACT: Please contact Stephen Sherrod of the Division of Economic Analysis, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, DC 20581, at (202) 254-7227.

SUPPLEMENTARY INFORMATION: Copies of the terms and conditions of the proposed contract will be available for inspection at the Office of the Secretariat, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, DC 20581. Copies of the terms and conditions can be obtained through the Office of the Secretariat by mail at the above address or by phone at (202) 254-6314.

Other materials submitted by the CBT in support of the application for contract market designation may be available upon request pursuant to the Freedom of Information Act (5 U.S.C. 552) and the Commission's regulations thereunder (17 CFR part 145 (1987)), except to the extent they are entitled to confidential treatment as set forth in 17 CFR 145.5 and 145.9. Requests for copies of such materials should be made to the FOI, Privacy and Sunshine Acts Compliance Staff of the Office of the Secretariat at the Commission's headquarters in accordance with 17 CFR 145.7 and 145.8.

Any person interested in submitting written data, views or argument on the terms and conditions of the proposed contract, or with respect to other materials submitted by the CBT in support of the application, should send such comments to Jean A. Webb, Secretary, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, DC 20581, by the specified date.

Issued in Washington, DC on January 9, 1991.

Gerald Gay,

Director.

[FR Doc. 91-646 Filed 1-14-91; 8:45 am]

BILLING CODE 6351-01-M

Chicago Mercantile Exchange Proposed Option Contract

AGENCY: Commodity Futures Trading Commission.

ACTION: Notice of availability of the terms and conditions of proposed commodity option contract.

SUMMARY: The Chicago Mercantile Exchange (CME or Exchange) has applied for designation as a contract market in options on one-month LIBOR (London Interbank Offered Rate) futures. For the proposed futures option contract, the CME's application also contains a petition for an exemption from the volume requirement for the underlying futures contract specified in the Commission's rules. The Director of the Division of Economic Analysis ("Division") of the Commission, acting pursuant to the authority delegated by Commission Regulation 140.96, has determined that publication of the proposal for comment is in the public interest, will assist the Commission in considering the views of interested persons, and is consistent with the purposes of the Commodity Exchange Act.

DATES: Comments must be received on or before February 14, 1991.

ADDRESSES: Interested persons should submit their views and comments to Jean A. Webb, Secretary, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, DC 20581. Reference should be made to the CME option on one-month LIBOR futures.

FOR FURTHER INFORMATION CONTACT: Please contact Steve Sherrod of the Division of Economic Analysis, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, DC 20581, at (202) 254-7227.

SUPPLEMENTARY INFORMATION: In addition to requesting comment on the terms and conditions of the proposed option contract, the Division also is requesting comment on the merits of a petition filed by the CME pursuant to § 33.11 of the Commission's rules. The petition requests exemptive relief from the trading volume tests set forth in Commission Rule 33.4(a)(5)(iii). As discussed in more detail in previous Federal Register notices (see for

example, 52 FR 41755, October 30, 1987), the Commission has stated that it believes that a petition for exemption from the trading volume tests may be granted if the underlying cash market for the commodity exhibits a high level of liquidity evidenced by extensive and frequent trading activity, a large number of participants in the market, and tight bid/ask spreads; the terms of the futures contract ensure the opportunity for arbitrage between the cash and futures markets; and there is a reliable price series representative of values of the commodity underlying the futures contract.

Copies of the terms and conditions of the proposed contract will be available for inspection at the Office of the Secretariat, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, DC 20581. Copies of the terms and conditions can be obtained through the Office of the Secretariat by mail at the above address or by phone at (202) 254-6314.

Other materials submitted by the CME in support of the application for contract market designation may be available upon request pursuant to the Freedom of Information Act (5 U.S.C. 552) and the Commission's regulations thereunder (17 CFR part 145 (1987)), except to the extent they are entitled to confidential treatment as set forth in 17 CFR 145.5 and 145.9. Requests for copies of such materials should be made to the FOI, Privacy and Sunshine Acts Compliance Staff of the Office of the Secretariat at the Commission's headquarters in accordance with 17 CFR 145.7 and 145.8.

Any person interested in submitting written data, views or argument on the terms and conditions of the proposed contract or the related petition, or with respect to other materials submitted by the CME in support of the application, should send such comments to Jean A. Webb, Secretary, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, DC 20581, by the specified date.

Issued in Washington, DC on January 9, 1991.

Gerald Gay,

Director.

[FR Doc. 91-847 Filed 1-14-91; 8:45 am]

BILLING CODE 6351-01-M

Chicago Board of Trade; Proposed Amendments to European Currency Unit Option Contract

AGENCY: Commodity Futures Trading Commission.

ACTION: Notice of proposed contract market rule changes.

SUMMARY: The Chicago Board of Trade (CBT or Exchange) has submitted proposed amendments to its European Currency Unit (ECU) option contract that will change that option contract to an option on a future, based on the CBT's existing ECU futures contract, from an option based on physical ECUs. Since the CBT's ECU option contract currently is dormant within the meaning of Commission Regulation 5.2, the amendments will apply to newly listed contracts only.¹ In addition, for the revised ECU option contract, the CBT has submitted a petition, pursuant to Commission Rule 33.11, for an exemption from the trading volume requirements set forth in Commission Regulation 33.4(a)(5)(iii).

In accordance with section 5a(12) of the Commodity Exchange Act and acting pursuant to the authority delegated by Commission Regulation 140.96, the Director of the Division of Economic Analysis (Division) of the Commodity Futures Trading Commission (Commission) has determined, on behalf of the Commission, that the proposed amendments are of major economic significance. On behalf of the Commission, the Division is requesting comment on this proposal and the related petition.

DATES: Comments must be received on or before February 14, 1991.

ADDRESSES: Interested persons should submit their views and comments to Jean A. Webb, Secretary, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, DC 20581. Reference should be made to the proposed changes to the CBT's ECU option contract.

FOR FURTHER INFORMATION CONTACT: Steve Sherrod, Division of Economic Analysis, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, DC 20581, telephone (202) 254-7303.

SUPPLEMENTARY INFORMATION: As noted, the purpose of the CBT's proposed rule amendments is to convert the CBT's ECU option on a physical contract to an option on a future, based on the CBT's existing ECU futures contract. To accomplish this, the CBT has proposed numerous amendments to its ECU option contract. In support of this proposal, the CBT stated:

¹ At this time, the CBT has not submitted a proposal to recommence trading in the ECU option contract. Therefore, the amended ECU option contract would remain dormant under Commission Regulation 5.2.

The * * * amendments to the trading specifications of the ECU option contract will enable the CBOT to offer an option contract which is both deliverable on the Exchange's ECU futures contract and similar in design characteristics to other CBT futures-option contracts. In so doing, the Exchange will be able to provide ECU cash market participants with a vehicle which is more viable and complementary as a hedging mechanism to the ECU futures market.

In addition to requesting comment on the terms and conditions of the revised ECU option contract, the Division also is requesting comment on the merits of a petition filed by the CBT pursuant to § 33.11 of the Commission's rules. The petition requests exemptive relief from the trading volume tests set forth in Commission Rule 33.49(a)(5)(iii). As discussed in more detail in previous Federal Register notices (see for example, 52 FR 41755, October 30, 1987), the Commission has stated that it believes that a petition for exemption from the trading volume tests may be granted if the underlying cash market for the commodity exhibits a high level of liquidity evidenced by extensive and frequent trading activity, a large number of participants in the market, and tight bid/ask spreads; the terms of the futures contract ensure the opportunity for arbitrage between the cash and futures markets; and there is a reliable price series representative of values of the commodity underlying the futures contract.

Copies of the proposed amendments will be available for inspection at the Office of the Secretariat, Commodity Futures Trading Commission, at the above address. Copies of the amended terms and conditions can be obtained through the Office of the Secretariat by mail at the same address or by telephone at (202) 254-6314.

The materials submitted by the CBT in support of the proposed amendments may be available upon request pursuant to the Freedom of Information Act (5 U.S.C. 552) and the Commission's regulations thereunder (17 CFR Part 145 (1987)). Requests for copies of such materials should be made to the FOI, Privacy and Sunshine Act Compliance Staff of the Office of the Secretariat at the above address in accordance with CFR 145.7 and 145.8.

Any person interested in submitting written data, views, or arguments on the proposed amendments should send such comments to Jean A. Webb, Secretary, Commodity Futures Trading Commission, at the above address by the specified date.

Issued in Washington, DC on January 9, 1991.

Gerald Gay,
Director.

[FR Doc. 91-908, Filed 1-14-91; 8:45 am]

BILLING CODE 6351-01-M

DEPARTMENT OF EDUCATION

[CFDA No.: 84.162]

Emergency Immigrant Education Program; Notice Inviting Applications for New Awards for Fiscal Year (FY) 1991

Purpose of Program: This program provides financial assistance to State educational agencies (SEAs) for supplementary educational services and costs for eligible immigrant children enrolled in elementary and secondary public and nonpublic schools.

Deadline for Transmittal of Applications: May 3, 1991.

Deadline for Intergovernmental Review: July 2, 1991.

Applications Available: February 1, 1991.

Available Funds: \$29,277,000.

Project Period: 12 months.

Applicable Regulations: (a) The Education Department General Administrative Regulations (EDGAR) in 34 CFR parts 76, 77, 79, 80, 81, 82, 85, and 86; and (b) the regulations for this program in 34 CFR part 581.

Programmatic Information: An SEA may apply for a grant if it meets the eligibility requirements specified in 34 CFR 581.2. An eligible SEA must provide a count, taken during March, 1991, of the number of immigrant children in accordance with the requirements specified in 34 CFR 581.11. The term "immigrant children" means children who were not born in any State and who have been attending schools in any one or more States for less than three complete academic years.

The Education Department is required to reduce a State's grant award under this program by the amount of Federal funds that the State received in the same fiscal year for the same purpose as the Emergency Immigrant Education Program (EIEP) funds. However, a reduction must be made only to the extent that such other Federal funds are made available specifically because of the refugee, parolee, asylee, or other immigrant status of the individuals served. States that plan to receive other Federal funds in FY 1991 for the same purpose as EIEP funds should so notify the Department in the EIEP applications.

For Applications or Information
Contact: Harpreet K. Sandhu, Office of

Bilingual Education and Minority Languages Affairs, U.S. Department of Education, 400 Maryland Avenue, SW., room 5086, Mary E. Switzer Building, Washington, DC 20202-6641. Telephone: (202) 732-5708. Deaf and hearing impaired individuals may call the Federal Dual Party Relay Service at 1-800-877-8339 (in the Washington, DC, 202 area code, telephone 708-9300) between 8 a.m. and 7 p.m., Eastern time.

Program Authority: 20 U.S.C. 3132-3130.

Dated: January 7, 1991.

Rita Esquivel,

Director, Office of Bilingual Education and Minority Languages Affairs.

[FR Doc. 91-916 Filed 1-14-91; 8:45 am]

BILLING CODE 4000-1-M

National Assessment Governing Board; Hearings

AGENCY: National Assessment Governing Board; Education.

ACTION: Notice of hearings.

SUMMARY: The Council of Chief State School Officers, under contract to the National Assessment Governing Board (NAGB), U.S. Department of Education, is announcing three public hearings. These hearings will be conducted as part of the Council's contract for NAGB for the purpose of developing an assessment framework and specifications for the 1994 National Assessment of Educational Progress (NAEP) Science Assessment Project. Public and private parties and organizations with an interest in the quality of science assessment and science education are invited to present written and oral testimony to the Council.

Each hearing will focus on recommendations for the 1994 NAEP science assessment to be conducted at grades 4, 8, and 12. The results of the hearings are particularly important because they will provide for broad public input in developing the science assessment framework to be used in the national NAEP in 1994. This assessment will likely be used to measure progress toward two of the National Education Goals, specifically those related to student achievement and science. These hearings are being conducted pursuant to Public Law 100-297, section 6(E), which states that "Each learning area assessment shall have goal statements devised through a national consensus approach, providing for active participation of teachers, curriculum specialists, local school administrators, parents and concerned members of the general public."

DATES: The dates of the three public hearings have been set as follows:

- January 28, 1991 in San Francisco, CA
- March 13, 1991 in Washington, DC
- April 11, 1991 in St. Louis, MO

The hearings will begin at 1 p.m. and will adjourn at 6 p.m. There will be a fifteen (15) minute recess from 3:45 p.m. to 4 p.m. If necessary, adjournment may possibly be extended beyond 6 p.m. Persons desiring to present oral statements at the hearing shall submit a notice of intent to appear, postmarked no fewer than fourteen (14) days prior to the scheduled meeting date. The scheduling of oral presentations cannot be guaranteed for notices of intent received less than 14 days prior to the hearing.

Notices of Intent to present oral statements shall be mailed to: Council of Chief State School Officers, 379 Hall of the States, 400 North Capitol Street NW., Washington, DC 20001-1511, Attn: Richard C. Clark—Public Hearings.

LOCATIONS: For the exact locations of the three public hearings, please contact Council offices at (202) 624-7700.

WRITTEN STATEMENTS: Written Statements may be submitted for the public record in lieu of oral testimony up to 30 days after each hearing. These statements should be sent directly to the Council (see aforementioned address) in the following format:

I. Issues and Questions Addressed

Identify the issue(s) and question(s) to which the testimony is directed. For example, "grade 4 science objectives," or "what constitutes appropriate assessment".

II. Summary

Briefly summarize the major points and recommendations presented in the testimony.

III. Discussion

The narrative should provide information, points of view and recommendations that will enable the Council to consider all factors relevant to the question(s) the testimony addresses. Respondents are encouraged to limit this section of their written statements to five (5) pages. The discussions may be appended with documents of any length providing further explanation.

Written statements presented at each hearing will be accepted and incorporated into the public record. All written statements should follow the above format, as much as it is possible.

Hearings Objectives and Procedures

The Council seeks participation in the hearings from a wide spectrum of individuals and organizations to receive recommendations regarding the science proficiencies, knowledge, skills and strategies, to be assessed at grade levels 4, 8, and 12. The schedule of speakers shall be such as to provide a broad spectrum of viewpoints and interests, while being contained to a practical amount of time.

The goal of the hearings is to provide the medium for maximum input and guidance from teachers, curriculum specialists, local school administrators, parents and concerned members of the general public. To assist in this, the Council of Chief State School Officers will give a brief introduction to the project at the hearing, with the majority of the day being devoted to presentations by scheduled speakers.

As listed in the "Dates" section above, speakers wishing to present statements shall file notices of intent. To assist the Council in appropriately scheduling speakers, the written notice of intent to present oral testimony should include the following information:

- (1) Name, address and telephone number of each person to appear;
- (2) affiliation (if any);
- (3) a brief statement of the issues and/or concerns that will be addressed; and
- (4) whether a written statement will be submitted for the record.

Individuals who do not register in advance will be permitted to register and speak at the meeting in order of registration, if time permits. Speakers should plan to limit their total remarks to no more than five (5) minutes. While it is anticipated that all persons desiring to do so will have an opportunity to speak, time limits may not allow this to occur. The Council will make the final determination on selection and scheduling of speakers. However, all written statements presented at the hearings will be accepted and incorporated into the public record. Written statements submitted in lieu of oral testimony should be received no later than 30 days before each hearing in order to be included in the public record. Written statements received after this date will be accepted; however, inclusion in the public record cannot be guaranteed.

A staff member from the Council of Chief State School Officers will preside at each of the three hearings. The proceedings will be audiotaped. The hearings will also be signed for the hearing-impaired, and a bilingual

speaker (Spanish-English) will be available on site.

Additional Information

Additional information is available from the Council offices for anyone wishing to obtain more specifics on the assessment project. The 1990 NAEP science objectives, a draft framework outline for the 1994 assessment, and draft assessment guidelines will be made available to interested parties. Individuals wishing more information on a specific hearing should contact Council offices at (202) 624-7700.

Steps After Hearing

The Council will review and analyze all comments and opinions received in response to this announcement. A report of the outcomes of these public hearings will be made available to the public upon request after September 1991.

The results of this public testimony, along with the Council's Science Consensus committee work, will be used to formulate recommendations on the 1994 science assessment for the National Assessment Governing Board. The Board, charged with developing the assessment framework and specifications, will take final action on the Council's recommendations in the fall of 1991. The following documents will be forthcoming from these coordinated activities:

- (1) A framework for the 1994 science assessment, including science objectives to guide the 1994 assessment, specifications for the test content, and item specifications.
- (2) Background variables to be collected, as well as achievement data on a national basis, for example, on students, teachers and schools. Background variables should stress factors that are known to be consistently associated with science achievement, those that address distributional or equity issues, and those that are of special salience to policymakers.
- (3) Recommendations and examples of the format to be used to report assessment and background data in science.
- (4) A final report describing the consensus process.

A record of all Council proceedings will be kept at the Council of Chief State School Officers until September 1991 and at the National Assessment Governing Board following that date, and will be available for public inspection at that time.

Dated: January 10, 1991.

Christopher T. Cross,
Assistant Secretary for Educational Research and Improvement.

[FR Doc. 91-940 Filed 1-14-91; 8:45 am]

BILLING CODE 4000-01-M

DEPARTMENT OF ENERGY**Federal Energy Regulatory Commission**

[Docket Nos. ER79-150-016, et al.]

Southern California Edison Company, et al.; Electric Rate, Small Power Production, and Interlocking Directorate Filings

Take notice that the following filings have been made with the Commission:

1. Southern California Edison Company

[Docket No. ER79-150-016]

January 7, 1991.

Take notice that on December 21, 1990, Southern California Edison Company (Edison) tendered for filing its Compliance Report in the above-referenced docket.

Comment date: January 23, 1991, in accordance with Standard Paragraph E at the end of this notice.

2. Virginia Electric and Power Company

[Docket No. ER91-168-000]

January 7, 1991.

Take notice that Virginia Electric and Power Company on December 27, 1990, tendered for filing initial rate schedule TS-NCCEMC, Transmission Service Agreement for North Carolina Electric Membership Corporation, and revised rate schedule NC-RC, Resale Service—North Carolina Electric Membership Corporation (NCCEMC). Schedule TS-NCCEMC provides for the transmission service to NCCEMC and supplements the NCCEMC Agreement for the Purchase of Electricity for Resale from Virginia Electric and Power Company. Schedule NC-RC is changed to recognize demand and energy units wheeled under Schedule TS-NCCEMC.

Copies of the filing were served upon the North Carolina Electric Membership Corporation and the North Carolina Utility Commission.

Comment date: January 23, 1991, in accordance with Standard Paragraph E at the end of this notice.

KIAC Partners

[Docket No. QF91-54-000]

January 7, 1991.

On December 28, 1990, KIAC Partners, c/o Airport Cogen Corp., 166 Montague

Street, Brooklyn, New York 11201, submitted for filing an application for certification of a facility as a qualifying cogeneration facility pursuant to § 292.207 of the Commission's Regulations. No determination has been made that the submittal constitutes a complete filing.

The topping-cycle cogeneration facility will be located at the John F. Kennedy International Airport, in New York City. The facility will consist of two combustion turbine generators, two heat recovery boilers and an extraction/condensing steam turbine generator. Thermal energy recovered from the facility will be used for airport heating and cooling requirements. The maximum net electric power production capacity of the facility will be 100.3 MW. The primary source of energy will be natural gas. The facility is expected to be in operation between May 1, 1993 and January 31, 1994.

Comment date: Thirty days from publication in the *Federal Register*, in accordance with Standard Paragraph E at the end of this notice.

4. Commonwealth Edison Company

[Docket No. ER91-194-000]

January 7, 1991.

Take notice that on December 31, 1990, Commonwealth Edison Company (Edison) tendered for filing proposed changes in its FERC Electric Tariff, Rate 80. The proposed changes revised the Electric Service Contract between Edison and the City of Geneva, Illinois (Geneva), to provide for a new point of electric supply to the City of Geneva by Edison. In addition, supplements to various FERC Rate Schedules for the Cities of Batavia, St. Charles and Naperville, Illinois have been revised.

A copy of the filing has been served upon the Cities of Geneva, Batavia, St. Charles, and Naperville, Illinois.

Comment date: January 23, 1991, in accordance with Standard Paragraph E at the end of this notice.

5. Wallabout Cogen Partners, L.P.

[Docket No. QF91-55-000]

January 8, 1991.

On December 28, 1990, Wallabout Cogen Partners, L.P., c/o Sugar Power Corp., 166 Montague Street, Brooklyn, New York 11201, submitted for filing an application for certification of a facility as a qualifying cogeneration facility pursuant to § 292.207 of the Commission's Regulations. No determination has been made that the submittal constitutes a complete filing.

The cogeneration facility will be located in Brooklyn, New York. The facility will consist of a combustion

turbine generator, a supplementary-fired heat recovery boiler and an extraction steam turbine generator (STG). Steam recovered from STG will be used in the Amstar's sugar refinery. The net electric power production capacity of the facility will be 221.1 MW. The primary source of energy will be natural gas with No. 2 distillate oil as backup fuel. The facility is expected to be operational by May 1, 1994. A 50% ownership interest in the facility is to be held indirectly by Public Service Enterprise Group Incorporated, an electric utility holding company.

Comment date: Thirty days from publication in the *Federal Register*, in accordance with Standard Paragraph E at the end of this notice.

6. Citizens Utilities Company

[Docket No. ES91-12-000]

January 8, 1991.

Take notice that on January 4, 1991, Citizens Utilities Company ("Applicant") filed an application with the Federal Energy Regulatory Commission pursuant to section 204 of the Federal Power Act, for authority to issue not more than \$135 million of industrial development revenue bonds, special purpose revenue bonds and environmental control revenue bonds (Bonds). Also, Applicant requested authorization (a) to negotiate with one or more underwriters, (b) to exempt the issuance of Bonds from compliance with competitive bidding and certain negotiated placement requirements and (c) to authorize the assumption by the Applicant of obligations and liabilities in respect of the Bonds, on terms and conditions to be negotiated.

Comment date: January 30, 1991, in accordance with Standard Paragraph E at the end of this notice.

Standard Paragraphs

E. Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 285.214). All such motions or protests should be filed on or before the comment date. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the

Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 91-855 Filed 1-14-91; 8:45 am]

BILLING CODE 5717-01-M

[Docket Nos. CP91-801-000, et al.]

United Gas Pipe Line Co., et al.; Natural Gas Certificate Filings

Take notice that the following filings have been made with the Commission:

1. United Gas Pipe Line Co.

[Docket No. CP91-801-000]

January 7, 1991.

Take notice that on January 3, 1990, United Gas Pipe Line Company (United), P.O. Box 1478, Houston, Texas 77251-1478, filed in Docket No. CP91-801-000 a request pursuant to § 157.205 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205) for authorization to provide an interruptible transportation service for Gulf States Gas Corporation, a marketer, under the blanket certificate issued in Docket No. CP88-6-000 pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request that is on file with the Commission and open to public inspection.

United states that, pursuant to an agreement dated November 24, 1987, as amended on September 6, 1990, under its Rate Schedule ITS, it proposes to transport up to 41,200 MMBtu per day equivalent of natural gas. United indicates that the gas would be transported from Louisiana, Texas, and Mississippi, and would be redelivered in Louisiana. United further indicates that it would transport 41,200 MMBtu on an average day and 15,038,000 MMBtu annually.

United advises that service under § 284.223(a) commenced September 25, 1990 as reported in Docket No. ST91-1449.

Comment date: February 21, 1991, in accordance with Standard Paragraph G at the end of this notice.

2. CNG Transmission Corp.

[Docket No. CP91-805-000]

January 7, 1991.

Take notice that on January 4, 1991, CNG Transmission Corporation (CNG), 445 West Main Street, Clarksburg, West Virginia 26302-2450, filed in Docket No. CP91-805-000 a prior notice request pursuant to §§ 157.205 and 284.223 of the Commission's Regulations under the Natural Gas Act for authorization to transport natural gas on behalf of five

shippers under its blanket certificate issued in Docket No. CP86-311-000, pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request that is on file with the Commission and open to public inspection.

Information applicable to each transaction, including the identity of the

shipper, the type of transportation service, the peak day, average day and annual volumes, and the initiation service dates and related ST docket numbers of the 120-day transactions under § 284.223 of the Commission's Regulations, has been provided by CNG and is summarized in the attached appendix. CNG states that the gas

would be transported from various receipt points on its system to various interconnections between CNG and certain local distribution companies and pipelines.

Comment date: February 21, 1991, in accordance with Standard Paragraph G at the end of this notice.

Shipper name (type)	Peak day, average day, annual Dth	Receipt points	Delivery points	Service type	Related docket, start up date
1. Brooklyn Interstate Natural Gas Corporation.	20,000 3,179 1,160,335	¹ D	² Tennessee	Interruptible	ST91-5521-000, 11-16-90.
2. Appalachian Gas Sales	3,500 3,402 1,241,730	¹ D	³ Transco	Interruptible	ST91-5522-000, 11-16-90.
3. Woodward Marketing, Inc.	2,500 50 18,250	⁴ B	⁵ NYSEG	Interruptible	ST91-4396-000, 11-3-90.
4. Goetz Energy Corporation	5,000 213 77,745	⁴ B	⁵ NYSEG	Interruptible	ST91-4397-000, 11-9-90.
5. Delhi Gas Pipeline Corp	100,000 40,000 14,600,000	¹ D	³ Transco	Interruptible	ST91-4400-000, 11-1-90.

¹ Various interconnects between Texas Eastern Transmission Corporation and CNG.

² Tennessee Gas Pipeline Company.

³ Transcontinental Gas Pipeline Corporation.

⁴ Various receipt points in WV/PA/NY.

⁵ New York State Electric & Gas Corporation.

3. ANR Pipeline Co.

[Docket Nos. CP91-806-000 and CP91-807-000]

January 7, 1991.

Take notice that on January 4, 1991, ANR Pipeline Company (ANR), 500 Renaissance Center, Detroit, Michigan 48243, filed in the above-referenced dockets prior notice requests pursuant to §§ 157.205 and 284.223 of the Commission's Regulations under the Natural Gas Act for authorization to

transport natural gas on behalf of two shippers under its blanket certificate issued in Docket No. CP88-532-000, pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the requests that are on file with the Commission and open to public inspection.¹

Information applicable to each transaction, including the identity of the

¹ These prior notice requests are not consolidated.

shipper, the type of transportation service, the appropriate transportation rate schedule, the peak day, average day and annual volumes, and the initiation service dates and related ST docket numbers of the 120-day transactions under § 284.223 of the Commission's Regulations, has been provided by ANR and is summarized in the attached appendix.

Comment date: February 21, 1991, in accordance with Standard Paragraph G at the end of this notice.

Docket No. (date filed)	Shipper name (type)	Peak day, average day, annual Dth	Receipt points	Delivery points	Contract date, rate schedule, service type	Related docket, start up date
CP 91-806-000 (1-4-91)	Morgan Stanley Capital Group Inc. (Marketer).	101,825 101,070 36,890,550	Various	Various	7-3-90, ITS, Interruptible.	ST91-5455-000 11-7-90.
CP 91-807-000 (1-4-91)	Fina Oil and Chemical Company (Marketer).	25,000 25,000 9,125,000	Offshore Louisiana	Offshore Louisiana	9-28-90, ITS, Interruptible.	ST91-5458-000 11-8-90.

4. United Gas Pipe Line Co.

[Docket Nos. CP91-765-000, CP91-766-000, CP91-767-000, CP91-768-000, and CP91-769-000]

January 7, 1991.

Take notice that on December 28, 1990, United Gas Pipe Line Company (Applicant), P.O. Box 1478, Houston, Texas 77251-1478, filed in the above

referenced dockets prior notice requests pursuant to §§ 157.205 and 284.223 of the Commission's Regulations under the Natural Gas Act for authorization to transport natural gas on behalf of various shippers under its blanket certificate issued in Docket No. CP88-6-000, pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the

requests that are on file with the Commission and open to public inspection.²

Information applicable to each transaction, including the identity of the shipper, the type of transportation

² These prior notice requests are not consolidated.

service, the appropriate transportation rate schedule, the peak day, average day and annual volumes, and the initiation service dates and related docket numbers of the 120-day transactions under § 284.223 of the Commission's Regulations, has been provided by

Applicant and is summarized in the attached appendix.

Applicant states that each of the proposed services would be provided under an executed transportation agreement, and that Applicant would charge the rates and abide by the terms

and conditions of the referenced transportation rate schedules.

Comment date: February 21, 1991, in accordance with Standard Paragraph G at the end of this notice.

Docket no. (date filed)	Shipper name	Peak day ¹ average day annual	Receipt ² points	Delivery points	Start up date rate schedule service type	Related ³ docket contract date
CP91-765-000 (12-28-90)	Desoto Pipeline Company, Inc.....	2,060 2,060	LA, TX	LA, TX	11-28-90, ITS, Interruptible.	ST91-5828-000 10-30-90
CP91-766-000 (12-28-90)	Coast Energy Group	751,900 30,900	LA,	LA, MS	11-12-90, ITS, Interruptible.	ST91-5827-000 10-30-90
CP91-767-000 (12-28-90)	Eastex Gas Transmission Com- pany.	11,278,500 144,200	LA, OLA, TX, MS	LA, AL, FL, MS, TX	10-26-90, ITS, Interruptible.	ST91-5555-000, 10-4-90
CP91-768-000 (12-28-90)	Equitable Resources Marketing Company.	144,200 52,633,000	LA, OLA, TX, MS, OTX	LA, TX, MS, OTX	10-23-90, ITS, Interruptible.	ST91-5551-000, 10-12-90.
CP91-769-000 (12-28-90)	Canadian Occidental of Califor- nia, Inc.	257,500 257,500 93,987,500 515,000 515,000 187,975,000	LA, OLA, TX, MS, AL	LA, TX, MS, AL, FL	12-04-90, ITS, Interruptible.	ST91-5826-000, 10-23-90.

¹ Quantities are shown in MMBtu.

² Offshore Louisiana and offshore Texas are shown as OLA and OTX, respectively.

³ If an ST docket is shown, 120-day transportation service was reported in it.

5. Northwest Pipeline Corp.

[Docket No. CP91-780-000]

January 7, 1991

(1) Take notice that on December 31, 1990, Northwest Pipeline Corporation (Northwest), 295 Chipeta Way, Salt Lake City, Utah 84158, filed in Docket No. CP91-780-000, an abbreviated application pursuant to sections 7(b) and 7(c) of the Natural Gas Act and part 157 of the Federal Energy Regulatory Commission's Regulations for an order granting:

(1) A certificate of public convenience and necessity authorizing Northwest to construct and operate, at an estimated total project cost of about \$446 million, approximately 627 miles of new loop and replacement pipeline in 29 major segments, approximately 89 miles of existing mainline requalified for higher operating pressures, up to 172,615, ISO horsepower of additional compression at 21 sites, and related upgraded facilities at existing compressor and meter stations, in order to expand its existing transmission system capacity on its mainline and major laterals primarily to accommodate 534,007 Dth per day of new firm service under 34 executed, long-term service agreements;

(2) Permission and approval to abandon portions of its Klamath Falls Lateral and portions of existing compression and metering facilities that are proposed to be upgraded;

(3) A certificate of public convenience and necessity authorizing a 928 Dth per day increase in firm sales to one existing customer, the City of Enumclaw;

(4) A certificate of public convenience and necessity authorizing the reallocation of existing firm daily delivery obligations among various delivery points for Washington Natural Gas Company and Intermountain Gas Company; and

(5) Any waivers of the regulations required to allow self-implemented transportation for system expansion shippers under Northwest's blanket transportation certificate for the respective terms of the expansion transportation agreements, without being subject to the existing prior notice and protest procedures.

Further, Northwest requests that any certificate order issued herein explicitly address and reach a finding that the public convenience and necessity will be served by the treatment of the proposed project costs and revenues on a rolled-in basis in future rate proceedings (i.e. Northwest requests pregranted authorization for rolled-in rate treatment for its expansion project).

Finally, Northwest requests the use of expedited notice and review procedures leading to a preliminary determination on non-environmental issues by April 1, 1991, and a final order by December 31, 1991, so that this system expansion

project can be completed and placed in service by December 31, 1992.

Northwest has not yet filed an application for certificate authority to operate its San Juan Basin Pipeline built under NGPA Section 311 to provide a connect between Northwest's system and that of El Paso. Service for three of Northwest's expansion shippers require blanket transportation deliveries at Blanco, New Mexico, to the terminus of the San Juan Basin Pipeline. For ultimate delivery to these shippers, downstream transportation on the San Juan Basin Pipeline would be anticipated. Northwest expects to file an application with the Commission for its San Juan Basin Pipeline soon.

Northwest states that it help and open-season which provided a non-discriminatory opportunity for all potential customers to make long-term commitments for firm service which would subsequently be made available by means of an appropriately designed system facility expansion. That process resulted in 34 long-term firm contracts with 32 expansion customers for 534,007 Dth per day increase in firm sales contract demand, while the remaining customers requested transportation service.

The following table summarizes the services to be provided by Northwest under 33 blanket transportation service agreements upon completion of the proposed system expansion:

RATE SCHEDULE TF-1: NEW EXPANSION TRANSPORTATION

1. Washington Natural.....	LDC.....	100,000	58,000	42,000	WNG.
2. Southwest Gas.....	LDC.....	70,000	35,000	20,000	EPNG.
3. Northwest Natural.....	LDC.....			15,000	Pauite.
4. CP National.....	LDC.....	50,000		50,000	NWN.
5. Sierra Pacific.....	LDC.....	14,860	10,072	4,788	CPN.
6. Intermountain Gas.....	LDC.....	9,000		9,000	Pauite.
7. City/Ellensburg, WA.....	LDC.....	7,000	4,200	2,800	IGC.
8. Cyanco.....	LDC.....	1,500		1,500	Ellen.
9. Eagle Picher.....	End user.....	2,000	2,000		Pauite.
10. Gold Fields.....	End user.....	1,680	1,680		Pauite.
11. Basic, Inc.....	End user.....	1,100	1,100		Pauite.
12. Harrah's Club.....	End user.....	850	850		Pauite.
13. Harvey's Resort Hotel.....	End user.....	500	500		Pauite.
14. Desert Palace, Inc.....	End user.....	380	380		Pauite.
15. United Engine and Machine.....	End user.....	300	300		Pauite.
16. High Sierra Hotel.....	End user.....	250	250		Pauite.
17. Boeing.....	End user.....	225	225		Pauite.
		12,600		12,600	WNG/ NWN.
18. Simpson Paper (Tacoma).....	End user.....	10,000	10,000		WNG.
18a. Simpson Paper.....	End user.....	1,000		1,000	NWN.
19. James River.....	End user.....	8,000		8,000	NWN.
20. Domtar Gypsum.....	End user.....	3,000	3,000		WNG.
21. Roseburg Forest.....	End user.....	1,250	725	525	CPN.
22. Columbia Aluminum.....	End user.....	600	600		NWN.
23. Union Pacific Fuels.....	Producer.....	15,000	15,000		EPNG.
24. BP Resources Canada.....	Producer.....	10,434	10,434		PGT.
25. Chevron, USA.....	Producer.....	8,000		8,000	NWN.
26. Husky Gas Marketing.....	Producer.....	10,000	10,000		KR.
27. Thermal Exploration.....	Producer.....	10,000	10,000		KR.
28. Williams Gas Marketing.....	Marketer.....	30,000		30,000	KR.
29. Texaco Gas Marketing.....	Marketer.....	30,000	30,000		KR.
29a. Texaco Gas Marketing.....	Marketer.....	12,000		12,000	CNG.
30. Pacific Interst.....	Interstate.....	60,000	60,000		EPNG.
31. PGT.....	Interstate.....	51,550	51,550		PGT.
Total.....		533,079	315,866	217,213	

Since above described services are subject to Rate Schedule TF-1, the initial rates will be Northwest's existing open-access transportation rates. However, Northwest states that given the magnitude of the projected first year revenue deficiency of approximately \$69 million which would result from it putting the proposed system expansion facilities into service at the existing rates, it plans to file a rate case to make new rolled-in rates effective immediately upon (or shortly after) the in-service date of its system expansion project.

Northwest proposes to finance the construction cost of its system expansion with short-term bank borrowings. Northwest proposes to convert the short-term bank borrowings to an appropriate mix of long-term debt and equity which will provide an overall corporate capital structure of approximately 45% long term debt and 55% equity.

Northwest states that eleven of the expansion transportation agreements involve deliveries to Northwest's existing interconnect with Paiute Pipeline Company's (Pauite's) interstate line at Northwest's Nevada Reno Meter Station near the Idaho/Nevada border. Northwest states that Pauite's existing firm capacity to transport gas from

Northwest is approximately equal to Northwest's existing delivery obligation; therefore, Pauite probably will need to pursue an appropriate expansion of its interstate line in order to move all of the additional expansion volumes from the Northwest to the downstream delivery points. Northwest states that it understands that Pauite has held an open-season to identify shippers interested in firm service on a pipeline expansion. Northwest states that Pauite intends to file a certificate application for authority to expand its systems to provide a level of service that it considers to be economically justified. Northwest states that the Pauite expansion would complement Northwest's proposed expansion but should not be considered as a necessary prerequisite.

Northwest states that at least one of the system expansion shippers with a delivery point to El Paso will rely upon the additional capacity proposed by El Paso in its pending expansion filing in Docket No. CP90-2214-000. Further, Northwest states that the three expansion transportation agreements with Southwest Gas, Union Pacific, and Texaco include total new deliveries of up to 100 Dth per day at Northwest's Blanco New Mexico interconnect with El Paso. Northwest states that

Southwest Gas has firm contracts with El Paso to move its gas and Union Pacific is in El Paso's queue for firm service on El Paso's expansion project filed under Docket No. CP90-2214-000. Northwest states that it assumes that Union Pacific and Texaco will be able to secure downstream transportation on either El Paso or Transwestern. The Blanco, New Mexico, interconnect will be placed in service upon the completion of construction of Northwest's San Juan Basin Pipeline, an extension of Northwest's mainline from Ignacio, Colorado to Blanco. At Blanco, Northwest will interconnect with El Paso and ultimately with the new pipeline proposed by Transwestern in Docket No. CP90-2294-000. Northwest projects completion of the San Juan Basin Pipeline under section 311 of the NGPA in January 1991, but has not yet filed with the Commission for conversion of such facilities.

Northwest states that the facilities which it proposes to install are necessary to accommodate all of its existing and pending firm service obligations plus the 534,007 Dth per day of additional firm contract demand proposed herein. Further, Northwest avers that the proposed facility expansion will correct certain capacity constraints on its major laterals and will

enhance the flexibility and reliability of Northwest's system to the benefit of its existing customers.

The Commission advises all interested parties that its Staff intends to hold a technical conference in this application to discuss any issues requiring Commission review that are raised by the application or by any interventions or comments in this docket. The technical conference will be held on February 14, 1991.

Comment date: January 28, 1991, in accordance with Standard Paragraph F at the end of this notice.

Standard Paragraphs

F. Any person desiring to be heard or make any protest with reference to said filing should on or before the comment date file with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Section 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this filing if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for the applicant to appear or be represented at the hearing.

G. Any person or the Commission's staff may, within 45 days after the issuance of the instant notice by the Commission, file pursuant to rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or

notice of intervention and pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefore, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to section 7 of the Natural Gas Act.

Lois D. Cashell,

Secretary.

[FR Doc. 91-854 Filed 1-14-91; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP89-251-011]

Alabama-Tennessee Natural Gas Co.; Proposed Changes in FERC Gas Tariff

January 8, 1991.

Take notice that Alabama-Tennessee Natural Gas Company ("Alabama-Tennessee") on December 28, 1990 tendered for filing revisions to its FERC Gas Tariff, First Revised Volume No. 1 in order to conform its tariff with the interim settlement approved by the Commission in its orders issued on October 5, 1990 and December 17, 1990 in this proceeding ("Interim Settlement"). Alabama-Tennessee proposes that these tariff sheets be made effective as of June 1, 1990 and as otherwise indicated in its filing.

Alabama-Tennessee states that the sales rates under the Interim Settlement, beginning with First Substitute 22nd Revised Sheet Number 4 to be made effective November 1, 1990, reflect a rate reduction associated with the elimination from Alabama-Tennessee's jurisdictional cost of service of certain South Mississippi facilities in the amount of \$457,747 which the Commission permitted Alabama-Tennessee to abandon by its September 21, 1990 order issued in Docket No. CP90-805-000 (52 F.E.R.C. (CCH) ¶ 61,268 (1990)). Alabama-Tennessee states that although this rate reduction for these sales rates is not required under the terms of the Interim Settlement, it is required under the terms of the comprehensive settlement filed in this proceeding on October 1, 1990 now pending before the Commission. By making this reduction at this time, Alabama-Tennessee intends to provide its sales customers with additional savings during the winter heating season.

Alabama-Tennessee states that copies of the filing were served upon Alabama-

Tennessee's jurisdictional customers and interested public bodies and all persons on the Commission's official service list in this proceeding.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with rules 214 and 211 of the Commission's Rules of Practice and Procedure (18 CFR 385.214, 385.211 (1990)). All such protests should be filed on or before January 15, 1991. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Persons that are already parties to this proceeding need not file a motion to intervene in this matter. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 91-872 Filed 1-14-91; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TQ91-3-61-000]

Bayou Interstate Pipeline System; Proposed Change in Rates

January 8, 1991.

Take notice that on December 28, 1990, Bayou Interstate Pipeline System (Bayou) tendered as part of its FERC Gas Tariff, Original Volume No. 1, (Tariff) Twenty-Second Revised Sheet No. 4 to be effective February 1, 1991.

The proposed tariff sheet is filed pursuant to the Purchased Gas Cost Adjustment provisions contained in section 15 of Bayou's tariff. Bayou states that a copy of this filing is being mailed to Bayou's jurisdictional customer and interested state regulatory agencies.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission (Commission), 825 North Capitol Street, NE., Washington, DC 20426, in accordance with §§ 385.214 and 385.211 of the Commission's regulations. All such motions or protests must be filed on or before January 15, 1991. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the

Commission and are available for public inspection.

Lois D. Cashell,
Secretary.

[FR Doc. 91-860 Filed 1-14-91; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TQ91-1-22-001]

CNG Transmission Corp.; Proposed Changes in FERC Gas Tariff

January 8, 1991.

Take notice that CNG Transmission Corporation (CNG), on December 26, 1990, pursuant to section 4 of the Natural Gas Act, part 154 of the Commission's Regulations, the Commission Order of November 30, 1990, and section 12 of the General Terms and Conditions of CNG's tariff, filed the following revised tariff sheet to First Revised Volume No. 1 of its FERC Gas Tariff:

Sub 3rd Revised 1st Revised Sheet No. 31

In compliance with the order of the Commission, CNG increased the RQ/CD commodity rate by 0.86 cents and decreased the RQ/CD D-1 rate by 13 cents as compared to those found in the original filing. Other rates changed correspondingly.

In its Annual PGA (Docket No. TA90-1-22-000, et.al.), CNG was granted a one-year limited waiver of § 154.305(b)(1) to allow "as-billed" flowthrough of producer demand charges for the four contracts that have such demand provisions.

In the original filing in this docket, CNG sought similar waiver for an additional seven contracts that have producer demand charge provisions. Such waiver was denied in the aforementioned order. Thus, CNG has reclassified the producer demand charges related to these seven contracts from D-1 costs to commodity costs.

CNG states that copies of the filing were mailed to CNG's sales customers, and interested state commissions. CNG states that copies of the filing are available during regular business hours at CNG's main office in Clarksburg, West Virginia.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with rules 214 and 211 of the Commission's Rules of Practice and Procedure (18 CFR 385.214, 385.211 (1990)). All such protests should be filed on or before January 15, 1991. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make

protestants parties to the proceeding. Persons that are already parties to this proceeding need not file a motion to intervene in this matter. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell.

Secretary.

[FR Doc. 91-861 Filed 1-14-91; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP89-98-014]

Colorado Interstate Gas Co.; Compliance Filing

January 8, 1991.

Take notice that Colorado Interstate Gas Company ("CIG"), on December 20, 1990, tendered for filing the following tariff sheets to revise its FERC Gas Tariff, Original Volume No. 1:

Third Revised Sheet No. 61G11-1
Second Revised Sheet No. 61G12-C
Second Revised Sheet No. 61G12-D
Second Revised Sheet No. 61G12-E
First Revised Sheet No. 61G12-F

CIG states that the above-referenced tariff sheets are being filed in compliance with the Commission's Orders issued in these dockets and that the filing constitutes a semiannual adjustment filing as defined by CIG's FERC Gas Tariff. Specifically, the filing reflects the current payment status of CIG's affected customers and includes work papers detailing these payments as well as accrued interest payments made by CIG to its affected customers.

CIG states that copies of the filing were served upon all of the parties to these proceedings affected state commissions as well as all of CIG's firm sales customers.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, in accordance with rules 214 and 211 of the Commission's Rules of Practice and Procedure (18 CFR 385.214 and 385.211 (1990)). All such protests should be filed on or before January 15, 1991. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Persons that are already parties to this proceeding need not file a motion to intervene in this matter. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 91-863 Filed 1-14-91; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP91-24-001]

Colorado Interstate Gas Co.; Tariff Filing

January 8, 1991.

Take notice that on December 28, 1990, Colorado Interstate Gas Company ("CIG"), tendered for filing the following tariff sheets to its FERC Gas Tariff, Original Volume Nos. 1 and 3:

Original Volume No. 1

Substitute Original Sheet No. 45.1

Original Volume No. 3

Substitute Original Sheet No. 97C

Substitute First Revised Sheet No. 98

CIG states that the purpose of this filing is to comply with Ordering Paragraph (A) of the Commission's December 13, 1990, order in Docket No. RP91-24-000 requiring CIG to file revised tariff sheets within 15 days to remove the shipper and purchaser liability language originally included in the above-listed tariff sheets.

CIG states that copies of the filing were served on each person designated on the official service list compiled by the Secretary in this proceeding.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, in accordance with rules 214 and 211 of the Commission's Rules of Practice and Procedure (18 CFR 385.214 and 385.211 (1990)). All such protests should be filed on or before January 15, 1991. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Persons that are already parties to this proceeding need not file a motion to intervene in this matter. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 91-866 Filed 1-14-91; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP90-108-007]

Columbia Gas Transmission Corp.; Proposed Changes in FERC Gas Tariff

January 8, 1991.

Take notice that Columbia Gas Transmission Corporation (Columbia) on December 31, 1990, tendered for filing the following changes to its FERC Gas Tariff, First Revised Volume No. 1, with a proposed effective date of:

December 1, 1990

Second Substitute Sixth Revised Sheet Nos. 26 through 26C

January 1, 1991

Eighth Revised Sheet Nos. 26 through 26C

The instant filing is being made to comply with the conditions specified in the December 7, 1990 Letter Order (Letter Order) issued in Docket No. RP90-108-005, *et al.* In the motion rate filing to which the Letter Order pertained, Columbia requested a waiver of the Commission's regulations in order to include the cost in its rates effective November 1, 1990, of certain "Global Settlement facilities" which had been certificated but which were not yet in service. Among other things in the Letter Order, the Commission granted a conditional waiver permitting Columbia to file rates to be effect January 1, 1991, to include the costs, demand and throughput levels for the Global Settlement facilities placed in service by December 31, 1990. The purpose of this filing is to restore the costs and associated demand and throughput levels for the Global Settlement facilities that were not in service on October 31, 1990, but subsequently placed in service on or before December 31, 1990.

In addition to the foregoing, Columbia notes that the tariff sheets contained in the instant filing proposed to become effective January 1, 1991 include (i) The Gas Research Institute funding unit reflected in Columbia's November 30, 1990 filing in Docket Nos. RP90-120 and TM-91-6-21-000, (ii) a revised Columbia Order 500 volumetric surcharge developed in Schedule S of the instant filing, and (iii) revised purchased gas base rates reflecting Columbia's December 1, 1990 Out-of-Cycle PGA purchased gas rates. Finally, Columbia notes that the tariff sheets proposed to become effective December 1, 1990 are being filed solely to correct the superceding sheet numbers reflected in Columbia's December 31, 1990 compliance filing in this proceeding.

Columbia states that copies of the filing were served upon the parties to the proceeding, Columbia's wholesale customers and interested state regulatory commissions.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with rules 214 and 211 of the Commission's Rules of Practice and Procedure (18 CFR 385.214, 385.211 (1990)). All such protests should be filed on or before January 15, 1991. Protests will be considered by the Commission in

determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Persons that are already parties to this proceeding need not file a motion to intervene in this matter. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 91-867 Filed 1-14-91; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. TF91-2-33-001, TQ91-2-33-001 and TM91-3-33-001]

El Paso Natural Gas Co.; Corrections to Tariff Sheets

January 8, 1991.

Take notice that on December 20, 1990, El Paso Natural Gas Company ("El Paso") filed, pursuant to part 154 of the Federal Energy Regulatory Commission's ("Commission") Regulations Under the Natural Gas Act, corrections to certain tariff sheets tendered for filing with the Commission on November 29, 1990 at Docket No. TF91-2-33-000 and on November 30, 1990 at Docket Nos. TQ91-2-33-000 and TM91-3-33-000.

El Paso states that by order issued December 14, 1990 at Docket No. RP91-26-000, the Commission rejected certain tariff sheets and suspended certain other tariff sheets for a full five (5) months, to be effective May 17, 1991 in lieu of the December 1, 1990 date requested by El Paso. Such tariff sheets reflect an update to El Paso's monthly fixed take-or-pay charge and volumetric surcharge to include approximately \$56 million in additional settlement costs. The Commission rejected the primary tariff sheets in which the monthly fixed charge is based on purchase deficiencies and accepted and suspended for five months the alternate tariff sheets which allocate the monthly charge based upon percentages reflected in El Paso's settlement currently pending at Docket No. RP88-44-000, *et al.* The Commission's order also suspended until May 17, 1991 the proposed increase of \$.0123 per Dth in El Paso's volumetric surcharge. As a result of such suspension, it is necessary for El Paso to correct the volumetric surcharge reflected on the tariff sheets tendered at Docket No. TF91-2-33-000 and Docket Nos. TQ91-2-33-000 and TM91-3-33-000 to reflect the volumetric surcharge of \$.2630 per Dth in effect prior to December 1, 1990. In addition, as a result of the suspended tariff sheets, it is necessary for El Paso to repaginate each of the tariff sheets previously tendered

at Docket No. TF91-2-33-000 and Docket Nos. TQ91-2-33-000 and TM91-3-33-000.

El Paso states that copies of the filing were served upon all of El Paso's interstate pipeline system sales and transportation customers and all interested state regulatory commissions.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with rules 214 and 211 of the Commission's Rules of Practice and Procedure (18 CFR 385.214, 385.211 (1990)). All such protests should be filed on or before January 15, 1991. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Persons that are already parties to this proceeding need not file a motion to intervene in this matter. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 91-875 Filed 1-14-91; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TQ91-3-34-000]

Florida Gas Transmission Co.; Proposed Changes in FERC Gas Tariff

January 8, 1991.

Take notice that on December 28, 1990, Florida Gas Transmission Company (FGT) tendered for filing to become part of the FERC Gas Tariff, the following tariff sheets to be effective February 1, 1991:

FERC Gas Tariff, Second Revised Volume No. 1

Tenth Revised Sheet No. 8
Second Revised Sheet No. 150
First Revised Sheet No. 152
Second Revised Sheet No. 156
First Revised Sheet No. 158
Second Revised Sheet No. 160
First Revised Sheet No. 225
First Revised Sheet No. 226
Second Revised Sheet No. 227
First Revised Sheet No. 229
First Revised Sheet No. 230
First Revised Sheet No. 231
First Revised Sheet No. 232

Reason for Filing

FGT states that Tenth Revised Sheet No. 8 is being filed in accordance with § 154.308 of the Commission's Regulations and pursuant to section 15 (Purchased Gas Adjustment Clause) of FGT's FERC Gas Tariff, Second Revised Volume No. 1 to reflect an increase in

FGT's jurisdictional rates due to an increase in its average cost of gas purchased from that reflected in its Quarterly PGA filing, Docket No. TQ91-1-34-000 effective November 1, 1990.

FGT further states that projected purchase cost of gas for the period February 1, 1991 through April 30, 1991 represents an increase from \$2.6654/MMBtu saturated, as reflected in FGT's PGA filing in Docket No. TQ91-1-34-000 effective November 1, 1990, to \$2.7530/MMBtu saturated in the instant filing.

FGT further states that it has included changes in Second Revised Sheet No. 150, First Revised Sheet No. 152, Second Revised Sheet No. 156, First Revised Sheet No. 158 and Second Revised Sheet No. 160 to update its Rate Schedule PTS-1 receipt point listing pursuant to § 3.3(a) of Rate Schedule PTS-1.

FGT also states that it has included changes in First Revised Sheet Nos. 225 and 226, Second Revised Sheet No. 227, and First Revised Sheet Nos. 229, 230, 231, and 232 to update its Index of Entitlements pursuant to section 9 of the General Terms and Conditions of its Tariff.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426 in accordance with §§ 385.211 and 385.214 of the Commission's Rules and Regulations. All such motions or protests should be filed on or before January 15, 1991. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene.

Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room.

Lois D. Cashell,
Secretary.

[FR Doc. 91-864 Filed 1-14-91; 8:45 am]

BILLING CODE 6777-01-M

[Docket No. TQ91-4-51-000]

**Great Lakes Gas Transmission Co.;
Proposed Changes in FERC Gas Tariff
Purchased Gas Adjustment Clause
Provisions**

January 8, 1991.

Take notice that Great Lakes Gas Transmission Company ("Great Lakes") on December 28, 1990 tendered for filing Thirty-Fourth Revised Sheet Nos. 57(i) and 57(ii) and Twentieth Revised Sheet

No. 57(v) to its FERC Gas Tariff, First Revised Volume No. 1.

The above tariff sheets reflected PGA rates for the months of February, March and April, 1991 pursuant to the Quarterly PGA filing requirements of § 154.304(a)(2) of the Commission's Regulations.

Any person desiring to be heard or to protest said filing should file a Motion to Intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC, 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such petitions or protests should be filed on or before January 15, 1991. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room.

Lois D. Cashell,
Secretary.

[FR Doc. 91-856 Filed 1-14-91; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP89-14-014]

**Inter-City Minnesota Pipelines, Ltd.,
Inc.; Report of Distribution of Refunds
Paid**

January 8, 1991.

Take notice that Inter-City Minnesota Pipelines, Ltd., Inc. ("Inter-City") on December 14, 1990 tendered for filing its Report of Distribution of Refunds in the above proceedings.

Inter-City states that on December 4, 1990, it refunded \$139,910.57 to its transportation customer. Refunds to its sales customers of \$422,668.83 were adjusted to reflect under-recovered balances remaining in Inter-City's Account No. 191 after termination of Inter-City's sales service, resulting in net refunds paid to Inter-City's sales customers of \$313,924.83.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, in accordance with rules 214 and 211 of the Commission's Rules of Practice and Procedure (18 CFR 385.214, 385.211 (1990)). All such protests should be filed on or before January 15, 1991. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Persons that are already parties to this

proceeding need not file a motion to intervene in this matter. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 91-869 Filed 1-14-91; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA91-1-16-003]

**National Fuel Gas Supply Corp.;
Proposed Changes in FERC Gas Tariff**

January 8, 1991.

Take notice that on December 21, 1990, National Fuel Gas Supply Corporation ("National") supplements its Annual Purchased Gas Adjustment ("PGA") in the above-referenced proceeding and submits for filing First Revised Sheet No. 5 and Alternate First Revised Sheet No. 5 as part of its FERC Gas Tariff, Second Revised Volume No. 1, to be effective January 1, 1991.

First Revised Sheet No. 5 reflects the Commission's rejection of Tennessee Gas Pipeline Company's ("Tennessee") volumetric take-or-pay surcharge and continued acceptance of 50-50 cost sharing of the fixed portion of Tennessee's take-or-pay cost recovery. In addition, National has included Tennessee's costs of purchasing Canadian gas according to the methodology adopted in Order No. 256.

Alternate First Revised Sheet No. 5 differs only in that Tennessee's cost of purchasing Canadian gas reflect "as-billed" treatment, as proposed by Tennessee in its annual PGA filed at Docket No. TA91-1-9-000.

The revised sheets supersede National's November 30, 1990 filing, at Docket No. TA91-1-16-001, to reflect the most recent base tariff rates and pagination of National's current and surcharge adjustments, as reflected in its November 30, 1990 filing, remain and are included on both First Revised Sheet No. 5 and Alternate First Revised Sheet No. 5.

Accordingly, National requests that its Primary and Alternate Substitute 39th Revised Sheet Nos. 4, submitted on November 30, 1990 at Docket No. TA91-1-16-000, be disregarded and the above-described Sheet Nos. 5 be considered in their places.

National requests a waiver of the Commission's Regulations, including the notice provisions of Section 154.22 thereof, to the extent necessary to permit its revised tariff sheets to go into effect on January 1, 1991.

In addition, National further states that copies of this filing were served on

National's jurisdictional customers and on the Regulatory Commissions of the States of New York, Ohio, Pennsylvania, Delaware, Massachusetts and New Jersey.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with rules 214 and 211 of the Commission's Rules of Practice and Procedure (18 CFR 385.214, 385.211 (1990)). All such protests should be filed on or before January 15, 1991. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Persons that are already parties to this proceeding need not file a motion to intervene in this matter. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,
Secretary.

[FR Doc. 91-862 Filed 1-14-91; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP86-136-011]

National Fuel Gas Supply Corp.; Tariff Filing

January 8, 1991.

Take notice that on December 19, 1990, National Fuel Gas Supply Corporation ("National") tendered for filing as part of its FERC Gas Tariff, Second Revised Thirty-Ninth Revised Sheet No. 4, proposed to become effective on December 1, 1990.

National's supplemental filing is to correct a pagination error in the caption of one of its tariff sheets submitted with its original compliance filing, on December 3, 1990, in the above-captioned proceeding. In all other respects, National's tariff sheet remains the same.

National requests a waiver of the Commission's Regulations, including the notice provisions of Section 154.22 thereof, to the extent necessary to permit its revised tariff sheet to go into effect on the date proposed.

National states that copies of this filing were posted pursuant to § 154.16 of the Commission's Regulations and copies were served on the Regulatory Commissions of the States of New York, Ohio, Pennsylvania, Delaware, Massachusetts and New Jersey, and on all other parties to these proceedings.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE.,

Washington, DC 20426, in accordance with rules 214 and 211 of the Commission's Rules of Practice and Procedure (18 CFR 385.214, 385.211 (1990)). All such protests should be filed on or before January 15, 1991. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Persons that are already parties to this proceeding need not file a motion to intervene in this matter. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,
Secretary.

[FR Doc. 91-870 Filed 1-14-91; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP86-136-012]

National Fuel Gas Supply Corp.; Proposed Changes in FERC Gas Tariff

January 8, 1991.

Take notice that on December 31, 1990, National Fuel Gas Supply Corporation ("National") tendered for filing Substitute Second Revised Sheet No. 5 and Substitute Alternate Second Revised Sheet No. 5 to its FERC Gas Tariff, Second Revised Volume No. 1, proposed to become effective on January 1, 1991.

National states that the purpose of its filing is to comply with section V of the Settlement approved by the Commission in the above-captioned proceedings¹ so as to reflect an increase in the amount of costs for transportation and compression of gas by others, to be booked in National's Account No. 858 for the 12-month period ending October 31, 1991.

National states that Substitute Second Revised Sheet No. 5 reflects Tennessee Gas Pipeline Company's ("Tennessee's") cost of purchasing Canadian gas according to the methodology adopted in Order No. 256. National also states that Substitute Alternate Revised Sheet No. 5 differs only in that Tennessee's cost of purchasing Canadian gas reflects "as-billed" treatment, as proposed by Tennessee in its annual PGA filed at Docket No. TA91-1-9-000.

National states that copies of this filing were served upon the Company's jurisdictional customers and the Regulatory Commissions of the States of New York, Ohio, Pennsylvania, Delaware, Massachusetts and New Jersey.

¹ National Fuel Gas Supply Corporation, Docket Nos. RP86-136-000, et al. (issued November 1, 1990).

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with rules 214 and 211 of the Commission's Rules of Practice and Procedure (18 CFR 385.214, 385.211 (1990)). All such protests should be filed on or before January 15, 1991. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Persons that are already parties to this proceeding need not file a motion to intervene in this matter. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,
Secretary.

[FR Doc. 91-871 Filed 1-14-91; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TQ90-3-27-003]

North Penn Gas Co.; Compliance Filing

January 8, 1991.

Take notice that North Penn Gas Company (North Penn) on December 21, 1990 tendered for filing Substitute First Revised Sheet No. 3A to its FERC Gas Tariff, First Revised Volume No. 1, in compliance with the Federal Energy Regulatory Commission's (Commission) letter order dated November 21, 1990, in the above referenced docket.

The tendered tariff sheet proposes inclusion of charges to recover on an as-billed basis standby charges imposed on North Penn by one of its upstream suppliers, CNG Transmission Corporation.

North Penn states that copies of this letter of transmittal and all enclosures are being mailed to each of North Penn's jurisdictional customers and State Commissions shown on the attached service list.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 214 and 211 of the Commission's Rules of Practice and Procedure (18 CFR 385.214, 385.211 (1990)). All such protests should be filed on or before January 15, 1991. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Persons that are already parties to this proceeding need not file a motion to intervene in this matter. Copies of this

filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,
Secretary.

[FR Doc. 91-857 Filed 1-14-91; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA91-1-59-001]

Northern Natural Gas Co.; Division of Enron Corp.; Purchased Gas Cost Adjustment Rate Change

January 8, 1991.

Take notice that on December 26, 1990, Northern Natural Gas Company, Division of Enron Corp. (Northern), tendered for filing, as part of Northern's FERC Gas Tariff, Third Revised Volume No. 1 (Volume 1 Tariff) and Original Volume No. 2 (Volume 2 Tariff), the following tariff sheets:

Third Revised Volume No. 1

Substitute Eighty-Ninth Revised Sheet No. 4B
Substitute Fifty-Seventh Revised Sheet No. 4B.1

Substitute Fifteenth Revised Sheet No. 4G
Substitute Fifteenth Revised Sheet No. 4G 1
Substitute Eighteenth Revised Sheet No. 4G 2
Substitute Eighth Revised Sheet No. 67
Substitute Seventh Revised Sheet No. 68

Original Volume No. 2

Substitute Ninety-Sixth Revised Sheet No. 1C
Substitute Fifth Revised Sheet No. 1C.a
Substitute Sixth Revised Sheet No. 1E
Substitute Seventh Revised Sheet No. 1F

Such revised tariff sheets are required in order that Northern may place into effect the proposed rates on January 1, 1991 to:

(1) Reflect Northern's revised cost of purchased gas to be experienced during the 1st Quarter, 1991, based on the fact the Interim Gas Inventory Charge (IGIC) approved November 19, 1990 and was effectuated December 1, 1990. Such tariff sheets are pursuant to Paragraph 18 of Northern's Volume 1 Tariff and Paragraph 1 of Northern's Volume 2 Tariff.

(2) Reflect a surcharge to amortize the underrecovered commodity cost of purchased gas account for the twelve months ended August 31, 1990, pursuant to Paragraph 18 of Northern's Volume 1 Tariff and Paragraph 1 of Northern's Volume 2 Tariff.

(3) Reflects the permanent waiver of § 154.302(j) of the Regulations as granted by the Commission on September 20, 1990 to permit Northern to flow through its Purchased Gas Adjustment (PGA) the cost of liquid ethane and/or ethane mixture injected into system supply.

(4) Includes information providing additional support for data as previously presented in Docket TA91-1-59, filed November 1, 1990.

In the filing, Northern has established a ceiling PGA rate of \$2.7515 per MMBtu which reflects an increase of \$4.061 per MMBtu from the approved 4th Quarter 1990 ceiling PGA rate of \$2.3707 per MMBtu.

Northern states that since the projection of 1st Quarter, 1991 gas purchased costs may not reflect the level of gas purchased costs it actually will experience in first quarter 1991. Therefore, it may not bill the commodity rates established in its filing on January 1, 1991. Instead, Northern states that it will utilize its flexible PGA tariff mechanism, if necessary, to reflect in the commodity rates on January 1, 1991, the estimated actual cost of purchased gas being experienced at that time.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 214 and 211 of the Commission's Rules of Practice and Procedures (18 CFR 385.214, 385.211 (1990)). All such protests should be filed on or before January 15, 1991. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Persons that are already parties to this proceeding need not file a motion to intervene in this matter. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,
Secretary.

[FR Doc. 91-858 Filed 1-14-91; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TQ91-3-8-000]

South Georgia Natural Gas Co.; Proposed Changes to FERC Gas Tariff

January 8, 1991.

Take notice that on December 28, 1990, South Georgia Natural Gas Company (South Georgia) tendered for filing First Substitute Sixty-Eighth Revised Sheet No. 4 and Seventh Revised Sheet No. 43 to its FERC Gas Tariff, First Revised Volume No. 1. First Substitute Sixty-Eighth Revised Sheet No. 4 is being filed pursuant to the Purchased Gas Cost Adjustments (PGA) provision set out in section 14 of South Georgia's FERC Gas Tariff and represents an out-of-cycle PGA rate adjustment with a proposed effective date of January 1, 1991. Seventh Revised Sheet No. 43, Index of Purchasers, reflects the final maximum daily quantity levels submitted by South Georgia's customers as approved by the

Federal Energy Regulatory Commission (Commission) on November 21, 1990, in South Georgia's Docket No. CP90-1661-000. Seventh Revised Sheet No. 43 also reflects the conversion by certain of South Georgia's customers from firm sales service to firm transportation service. The proposed effective date for Seventh Revised Sheet No. 43 is January 1, 1991.

South Georgia states that First Substitute Sixty-Eighth Revised Sheet No. 4 reflects a revised Current Adjustment computed in accordance with § 154.305(c) of the Commission's Regulations. The Current Adjustment, which is proposed to be in effect from January 1, 1991 through March 31, 1991, reflects an increase in jurisdictional revenues of approximately \$969,000, which is attributable to an increase in the demand component of \$6.13 per Mcf and a decrease in the commodity component of \$.068 per MMBtu from South Georgia's adjusted October 1990, quarterly PGA filing submitted on December 28, 1990, in Docket Nos. RP89-225, et al.

South Georgia states that copies of the filing will be served upon all of South Georgia's jurisdictional purchasers, interested state commissions and interested parties.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with rules 211 and 214 of the Commission's Rules of Practice and Procedure (§§ 385.211 and 385.214). All such motions or protests should be filed on or before January 15, 1991. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,
Secretary.

[FR Doc. 91-865 Filed 1-14-91; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP89-225-011]

South Georgia Natural Gas Co.; Proposed Changes to FERC Gas Tariff

January 8, 1991.

Take notice that on December 28, 1990, South Georgia Natural Gas Company (South Georgia) tendered for filing the following tariff sheets to its

FERC Gas Tariff, First Revised Volume No. 1, with proposed effective dates as indicated:

Tariff sheets	To be effective
First Substitute Sixtieth Revised Sheet No. 4.	April 1, 1990.
First Substitute Sixty-First Revised Sheet No. 4.	April 1, 1990.
First Substitute Sixty-Second Revised Sheet No. 4.	May 1, 1990.
Second Substitute Sixty-Third Revised Sheet No. 4.	July 1, 1990.
Second Substitute Sixty-Fourth Revised Sheet No. 4.	July 1, 1990.
Fourth Substitute Sixty-Fifth Revised Sheet No. 4.	October 1, 1990.
Fifth Substitute Sixty-Sixth Revised Sheet No. 4.	October 1, 1990.
Sixth Substitute Sixty-Sixth Revised Sheet No. 4.	November 1, 1990.
First Substitute Sixty-Seventh Revised Sheet No. 4.	December 1, 1990.

The foregoing tariff sheets are submitted in compliance with the Federal Energy Regulatory Commission's (Commission) letter order of October 29, 1990, in Docket Nos. RP89-225-010 and TA90-1-8-003 (October 29, Order). South Georgia notes that First Substitute Sixty-Seventh Revised Sheet No. 4 reflects the final maximum daily quantity (MDQ) levels between South Georgia and its customers which were approved by the Commission on November 21, 1990, in South Georgia's Docket No. CP90-1661-000 and the contract demand level between South Georgia and Southern Natural Gas Company (Southern) in Southern's Docket No. CP90-2047-000 which was approved by the Commission on November 30, 1990. The remaining tariff sheets reflect only the reduced MDQ levels between South Georgia and its customers. All of the tariff sheets are consistent with the Commission's October 29 Order which accepted South Georgia's compliance filing dated August 15, 1990, in Docket Nos. RP89-225-010 and TA90-1-8-003. South Georgia also included working papers which support the inclusion of the subject rates in each of the tariff sheets as well as Schedules G1, G2 and Q1 where appropriate.

South Georgia states that copies of the filing will be served upon all of South Georgia's purchasers, interested state commissions and interested parties as well as all parties of record in the subject proceedings.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE.,

Washington, DC 20426, in accordance with rules 214 and 211 of the Commission's Rules of Practice and Procedure (18 CFR 385.214, 385.211 (1990)). All such protests should be filed on or before January 15, 1991. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Persons that are already parties to this proceeding need not file a motion to intervene in this matter. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 91-868 Filed 1-14-91; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER91-201-000]

Southern California Edison Co.; Filing

January 8, 1991.

Take notice that on December 17, 1990, Southern California Edison Company (Edison) tendered for filing Rate Schedules R-6.1, R-6.2 and R-6.3 for Service to Southern California Water Company (FERC Rate Schedule 33), and a Settlement Agreement between Edison and Southern California Water Company (SCW Settlement Agreement), containing Rate Schedules R-7.0 and R-7.1, which are included in appendix A of the SCW Settlement Agreement.

Edison requests that Rate Schedules R-6.1, R-6.2 and R-6.3 be accepted for filing by the Commission as amendments to Rate Schedule R-6.0 pursuant to the Settlement Agreement between Edison and the Cities of Anaheim, Riverside, Banning, Colton, Azusa, the Arizona Public Service Company and the Southern California Water Company. In addition, Edison requests that the FERC approve the SCW Settlement Agreement for Rate Schedules R-7.0 and R-7.1 to be effective on January 1, 1991 and January 1, 1993 respectively.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before January 15, 1991. Protests will be considered by the Commission in determining the appropriate action to be taken, but will

not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 91-873 Filed 1-14-91; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP91-29-002]

Tennessee Gas Pipeline Company; Tariff Filing

January 8, 1991.

Tennessee Gas Pipeline Company (Tennessee) hereby submits ten copies of the following tariff sheets to be included in its FERC Gas Tariff:

Third Revised Volume No. 1

Substitute Alternate First Revised Sheet Nos. 38-42, 280, 281

Tennessee states that the purpose of this filing is to respond to the Commission order of December 14, 1990, in the referenced docket. In addition to the pagination changes on the indicated tariff sheets, the Commission also requested certain additional information regarding additional costs reflected in the original filing. Tennessee states that the requested information regarding settlement costs has previously been provided in other dockets for most of the costs and requests additional time to provide the information for the remaining costs.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with rules 214 and 211 of the Commission's Rules of Practice and Procedure (18 CFR 385.214, 385.211 (1990)). All such protests should be filed on or before January 15, 1991. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Persons that are already parties to this proceeding need not file a motion to intervene in this matter. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 91-874 Filed 1-14-91; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. TQ91-2-43-000 and TM91-4-43-000]

Williams Natural Gas Co.; Proposed Changes in FERC Gas Tariff

January 8, 1991.

Take notice that Williams Natural Gas Company (WGN) on December 28, 1990 tendered for filing First Revised Sheet Nos. 6, 6A and 9 to its FERC Gas Tariff, First Revised Volume No. 1.

WNG states that pursuant to the Purchased Gas Adjustment in Article 18 of its FERC Gas Tariff, it proposes a reduction of \$.0722 per Dth in the Cumulative Adjustment as measured from its last quarterly PGA filing and decreases in transportation fuel rates and in gathering fuel rates to be effective February 1, 1991.

WNG states that pursuant to Article 26 of its FERC Gas Tariff, the above referenced tariff sheets reflect a revised TOP Volumetric Surcharge for the period February 1, 1991 through April 30, 1991 of \$.0232 per Dth.

WNG states that copies of its filing were served on all jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with §§ 385.211 and 385.214 of the Commission's Rules and Regulations. All such motions or protests should be filed on or before January 15, 1991. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room.

Lois D. Cashell,
Secretary,

[FR Doc. 91-859 Filed 1-14-91; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TQ91-2-52-000]

Western Gas Interstate Company; Proposed Changes in FERC Gas Tariff

January 8, 1991.

Take notice that on December 28, 1990, Western Gas Interstate Company ("Western"), pursuant to section 4 of the Natural Gas Act, the Commission's regulations thereunder and Western's FERC Gas Tariff, tendered for filing proposed changes to its FERC Gas Tariff, First Revised Volume No. 1. The

proposed effective date for the tariff sheet is February 1, 1991.

Western states that its filing proposes changes to its rates in accordance with the terms of the Purchased Gas Adjustment Clause of its FERC Gas Tariff.

Western further states that the proposed changes provide for: (1) A decrease in the cost of purchased gas under Western's Rate Schedule G-N of 12.43 cents per Mcf; and (2) an increase in the cost of purchased gas under Western's Rate Schedule G-S of 2.46 cents per Mcf.

Finally, Western states that copies of the filing were served upon Western's customers and interested state regulatory commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with §§ 385.211 and 385.214 of the Commission's Rules and Regulations. All such motions or protests should be filed on or before January 15, 1991. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,
Secretary.

[FR Doc. 91-882 Filed 1-14-91; 8:45 am]

BILLING CODE 6717-01-M

ENVIRONMENTAL PROTECTION AGENCY

[FRL-3897-5]

Notice of Open Meeting of the Negotiated Rulemaking Advisory Committee-Lead Acid Battery Recycling Rule

As required by Section 9(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), we are giving notice that the first meeting of the Advisory Committee to negotiate a rule to recycle lead acid batteries will be held on January 30, 1991 from 10 a.m. to 4 p.m. in the Board Room of the American Society of Association Executives, 1575 Eye Street, NW., Washington, DC.

The purpose of the meeting is to consider information on the status of lead acid battery recycling, to generate issues for the committee to discuss and to begin discussion of these issues.

The meeting is open to the public without advance registration.

Persons needing further information on substantive aspects of the rule should call Nancy Laurson, Office of Toxic Substances, U.S. EPA, (202) 382-7363. Persons needing further information on administrative matters such as committee arrangements or procedures should contact Deborah Dalton, EPA Regulatory Negotiation Project, (202) 382-5495 or the Committee's facilitator, John McGlennon, (617) 742-8228.

Dated: January 10, 1991.

Paul Lapsley,

Director, Regulatory Management Division,
Office of Policy, Planning and Evaluation.

[FR Doc. 91-1052 Filed 1-14-91; 8:45 am]

BILLING CODE 6560-50-M

FARM CREDIT ADMINISTRATION

Final Order Barring Claims, Discharging and Releasing the Receiver, James Larson, and Cancellation of the Charter of Farm Credit Corporation of America

AGENCY: Farm Credit Administration.

ACTION: Notice.

On December 20, 1990, the Chairman of the Farm Credit Administration Board executed a Final Order barring claims discharging and releasing the Receiver, James Larson, and cancelling the charter of the Farm Credit Corporation of America. The text of the Final Order is set forth below:

Final Order Barring Claims, Discharging and Releasing the Receiver, James Larson, and Cancellation of the Charter of the Farm Credit Corporation of America

Whereas, following a December 6, 1989 resolution of the Board of Directors of the Farm Credit Corporation of America (FCCA) to voluntarily liquidate, the Farm Credit Administration (FCA) appointed James C. Larson as Receiver of the FCCA effective the close of business January 31, 1990; and

Whereas, all claims against the Receiverships have been paid; and

Whereas, all the remaining assets have been distributed to the shareholders; and

Whereas, the FCCA has been audited and examined, and the accounts of the FCCA for the period January 31, 1990, through the date of this Order have been approved; and

Whereas, the Final Report to the Shareholders of the FCCA has been approved by the FCA for distribution to the shareholders;

Now, Therefore, it is Hereby Ordered That:

1. All claims of creditors and shareholders and of any other persons and/or entities against the FCCA, or, to the extent arising out of the actions of the Receiver in carrying out the Plan of Liquidation of the FCCA, as approved by the FCA on January 19, 1990, against James C. Larson, Receiver, are forever discharged, and the commencement of any action, the employment of any process, or any other act to collect, recover, or offset any such claims are hereby forever barred.

2. The Receiver, James C. Larson, is hereby finally discharged and released from all responsibility or liability to the FCA or any other person or entity arising out of, related to, or in any manner connected with the administration and liquidation of the FCCA during the period January 31, 1990, through the date of this order.

3. The charter of the Farm Credit Corporation of America is hereby cancelled.

Signed: December 20, 1990.

Farm Credit Administration Board.

Harold B. Steel,
Chairman.

Dated: January 9, 1991.

Curtis M. Anderson,

Secretary, Farm Credit Administration Board.

[FR Doc. 91-915 Filed 1-14-91; 8:45 am]

BILLING CODE 6705-01-M

FEDERAL MARITIME COMMISSION

Ocean Freight Forwarder License Applicants

Notice is hereby given that the following applicants have filed with the Federal Maritime Commission applications for licenses as ocean freight forwarders pursuant to section 19 of the Shipping Act of 1984 (46 U.S.C. app. 1718 and 46 CFR part 510).

Persons knowing of any reason why any of the following applicants should not receive a license are requested to contact the Office of Freight Forwarder and Passenger Vessel Operations, Federal Maritime Commission, Washington, DC 20573.

Martha Mendivil, 10233-35 NW. 9th St. Cr., #205, Miami, FL 33172, Sole Proprietor

Almcorp Project Transport, Inc., 1235 North Loop West, suite 1120, Houston, TX 77008

Officers: Wolfgang Anderson, President, Christine Lilley, Secretary

Seaway Export Consultants, 691 S. Irolo St., suite 1409, Los Angeles, CA

90005, Jairo Robert Mendez, Sole Proprietor
IEC (America) Inc., 3915 102nd Street, Inglewood, CA 90301

Officers: Seiko Orita, President, Katsumi Takashima, V. President/Secretary/Director, Kiyoshi Uehara, Chief Financial Officer

A.V. Reilly International Ltd., 4825 N. Scott St., Ste. 219, Schiller Park, IL 60176

Officers: Anne V. Reilly, President, Laura Degroot, Vice President
Carnisco International Custom House Brokers Inc., 125 Franklin Ave., Valley Stream, NY 11580

Officers: Louis J. DeMarco, President, Carol A. DeMarco, Vice President, Fredric Mosher (Rick), Secretary

Sam Young Transportation Inc., 14 East Wesley St., South Hackensack, NJ 07606

Officers: Joon Yoon, President, Ui C Choe, Director, Byoung Woo Lee, Vice President

Stonegate Shipping Inc., 100 Alan Loop, Staten Island, NY 10304

Officers: Kurt Heinrich Borcharding, President, Christa Margarete Borcharding, Vice President

Victory Van Lines, Inc., 357 Targee Street, Staten Island, NY 10304

Officers: James S. Simpson, President/Director, Barbara Simpson, Vice President, James Shea, Treasurer/Director

Encore Forwarding, Inc., Building 75 suite 240, No. Hanger Rd., JFK Int'l. Airport, Jamaica, NY 11430

Officer: Teresa K. Saccone, President
Tradewinds Shipping Corp., 149-21 177th St., Jamaica, New York 11434

Officers: Richard Weinstock, President/Director, Linda Caruso, Vice President/Secretary/Director
Professional Cargo Services, Inc., dba Pro Cargo, 16559 Air Center Blvd., Houston, TX 77032

Officers: Richard Thomas Pudlo, President, Mitzi Minix Pudlo, Vice President/Secretary

Dated January 9, 1991.

By the Federal Maritime Commission.

Joseph C. Polking,
Secretary.

[FR Doc. 91-876 Filed 1-14-91; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL RESERVE SYSTEM

Agency Forms Under Review

January 9, 1991.

BACKGROUND:

Notice is hereby given of the final approval of proposed information collection(s) by the Board of Governors

of the Federal Reserve System (Board) under OMB delegated authority, as per 5 CFR 1320.9 (OMB Regulations on Controlling Paperwork Burdens on the Public).

FOR FURTHER INFORMATION CONTACT:

Federal Reserve Board Clearance Officer: Frederick J. Schroeder, Division of Research and Statistics, Board of Governors of the Federal Reserve System, Washington, DC 20551 (202-452-3829)

OMB Desk Officer: Gary Waxman, Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 3208, Washington, DC 20503 (202-395-7340)

Final approval under OMB delegated authority of the extension, with revisions, of the following report

Report title: Report of Selected Deposits in Foreign Branches Held by U.S. Addresses

Agency form number: FR 2050

OMB Docket number: 7100-0068

Frequency: Weekly

Reporters: Foreign branches of U.S. banks and of Edge and Agreement corporations

Annual reporting hours: 7,020

Estimated average hours per response: 2.25

Number of respondents: 60

Small businesses are not affected

General description of report:

This information collection is authorized by law (12 U.S.C. 248(a), 355, 461). Individual respondent data are exempt from disclosure under the Freedom of Information Act (5 U.S.C. 552 (b)(4), (b)(8)).

This report collects data from a selection of foreign branches of U.S. banks on overnight Eurodollar deposits held by U.S. nonbank residents. Data are used in construction of the monetary aggregates and analysis of liability management. A revision in the panel selection criteria will reduce the size of the panel by approximately 13 percent.

Board of Governors of the Federal Reserve System, January 9, 1991.

William W. Wiles,
Secretary of the Board.

[FR Doc. 91-889 Filed 1-14-91; 8:45 am]

BILLING CODE 6210-01-M

First Pinellas Financial Group, Inc., et al.; Formations of; Acquisitions by; and Mergers of Bank Holding Companies

The companies listed in this notice have applied for the Board's approval

under section 3 of the Bank Holding Company Act (12 U.S.C. 1842) and § 225.14 of the Board's Regulation Y (12 CFR 225.14) to become a bank holding company or to acquire a bank or bank holding company. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank or to the offices of the Board of Governors. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Unless otherwise noted, comments regarding each of these applications must be received not later than February 4, 1991.

A. Federal Reserve Bank of Atlanta (Robert E. Heck, Vice President), 104 Marietta Street, N.W., Atlanta, Georgia 30303:

1. *First Pinellas Financial Group, Inc.*, Pinellas Park, Florida; to become a bank holding company by acquiring 100 percent of the voting shares of First National Bank of Pinellas, Pinellas Park, Florida, a *de novo* bank.

B. Federal Reserve Bank of Chicago (David S. Epstein, Vice President), 230 South LaSalle Street, Chicago, Illinois 60690:

1. *FSB Bancorp.*, Wever, Iowa; to become a bank holding company by acquiring 67.6 percent of the voting shares of Farmers Savings Bank, Wever, Iowa.

C. Federal Reserve Bank of Kansas City (Thomas M. Hoenig, Vice President), 925 Grand Avenue, Kansas City, Missouri 64198:

1. *Prism Group, Inc.*, Hamilton, Missouri; to become a bank holding company by acquiring 100 percent of the voting shares of The Hamilton Bank, Hamilton, Missouri.

D. Federal Reserve Bank of Dallas (W. Arthur Tribble, Vice President), 400 South Akard Street, Dallas, Texas 75222:

1. *Park Cities Bancshares, Inc.*, Dallas, Texas; to become a bank holding company by acquiring 100 percent of the voting shares of Park Cities Corporation, Wilmington, Delaware, and thereby

indirectly acquire First National Bank of Park Cities, Dallas, Texas.

2. *Park Cities Corporation*, Wilmington, Delaware; to become a bank holding company by acquiring 100 percent of the voting shares of First National Bank of Park Cities, Dallas, Texas.

Board of Governors of the Federal Reserve System, January 9, 1991.

William W. Wiles,

Secretary of the Board.

[FR Doc. 91-886 Filed 1-14-91; 8:45 am]

BILLING CODE 6210-01-M

Lewis R. Frame, Sr., et al.; Change in Bank Control Notices; Acquisitions of Shares of Banks or Bank Holding Companies

The notificants listed below have applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire a bank or bank holding company. The factors that are considered in acting on the notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notices are available for immediate inspection at the Federal Reserve Bank indicated. Once the notices have been accepted for processing, they will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that notice or to the offices of the Board of Governors. Comments must be received not later than January 29, 1991.

A. Federal Reserve Bank of Philadelphia (Thomas K. Desch, Vice President), 100 North 6th Street, Philadelphia, Pennsylvania 19105:

1. *Lewis R. Frame, Sr.*, Honeybrook, Pennsylvania; to acquire United National Bancorp., Chambersburg, Pennsylvania, and thereby indirectly acquire Unitas National Bank, Chambersburg, Pennsylvania. Federal Reserve Bank of Chicago (David S. Epstein, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

B. Federal Reserve Bank of Chicago (David S. Epstein, Vice President), 230 South LaSalle Street, Chicago, Illinois 60690:

1. *GNB Bancorporation Employee Stock Ownership Trust*, Grundy Center, Iowa; to acquire 0.0536 percent of the voting shares of GNB Bancorporation, Grundy Center, Iowa, and thereby indirectly acquire Grundy National Bank, Grundy Center, Iowa.

C. Federal Reserve Bank of Minneapolis (James M. Lyon, Vice President), 250 Marquette Avenue, Minneapolis, Minnesota 55480:

1. *Anthony Baraga*, to acquire an additional 2.26 percent of the voting shares of Merchants & Miners Bankshares, Inc., Hibbing, Minnesota, and thereby indirectly acquire Merchants & Miners State Bank of Hibbing, Hibbing, Minnesota.

D. Federal Reserve Bank of Kansas City (Thomas M. Hoenig, Vice President), 925 Grand Avenue, Kansas City, Missouri 64198:

1. *Sarah Welch Young*, Paradise Valley, Arizona; to acquire an additional 0.09 percent of the voting shares of Citizens Bancshares Co., Chillicothe, Missouri, for the total of 11.56 percent, and thereby indirectly acquire Citizens Bank & Trust Company, Chillicothe, Missouri, and First Bank of Maryville, Maryville, Missouri.

E. Federal Reserve Bank of Dallas (W. Arthur Tribble, Vice President) 400 South Akard Street, Dallas, Texas 75222:

1. *A. Lamar Smith*, Springhill, Louisiana; to acquire an additional 38.02 percent for a total of 48.72 percent; and Michael A. Harmon, Springhill, Louisiana, to acquire an additional 12.18 percent of the total 14.94 percent, of the voting shares of Citizens Bankshares of Springhill, Inc., Springhill, Louisiana, and thereby indirectly acquire Citizens Bank & Trust Company, Springhill, Louisiana.

Board of Governors of the Federal Reserve System, January 9, 1991.

William W. Wiles,

Secretary of the Board.

[FR Doc. 91-887 Filed 1-14-91; 8:45 am]

BILLING CODE 6210-01-M

Marshall & Ilsley Corporation; Acquisition of Company Engaged in Permissible Nonbanking Activities

The organization listed in this notice has applied under § 225.23 (a)(2) or (f) of the Board's Regulation Y (12 CFR 225.23 (a)(2) or (f)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) to acquire or control voting securities or assets of a company engaged in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies. Unless otherwise noted, such activities will be conducted throughout the United States.

The application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Comments regarding the application must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than February 4, 1991.

A. Federal Reserve Bank of Chicago (David S. Epstein, Vice President), 230 South LaSalle Street, Chicago, Illinois 60690:

1. *Marshall & Ilsley Corporation*, Milwaukee, Wisconsin; to acquire indirectly through its subsidiary M&I Data Services, Inc., Milwaukee, Wisconsin, to data processing activities of a Provident Bank of Maryland, Baltimore, Maryland, and thereby to engage in data processing activities pursuant to § 225.25(b)(7) of the Board's Regulation Y. Comments on this application must be received by January 29, 1991.

2. *Northern States Financial Corporation*, Waukegan, Illinois; to acquire First Federal Bank, FSB, a Federal Savings Bank, Waukegan, Illinois, and thereby engage in operating a savings association pursuant to § 225.25(b)(9); and its wholly-owned service corporation, Lake County Service Corp., Inc., Waukegan, Illinois, pursuant to § 225.22(a)(2).

Board of Governors of the Federal Reserve System, January 9, 1991.

William W. Wiles,

Secretary of the Board.

[FR Doc. 91-888 Filed 1-14-91; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[UT-020-01-4320-02-241A]

Salt Lake District; Grazing Advisory Board Meeting

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: Notice is hereby given in accordance with Public Law 92-463 that the Salt Lake District Grazing Advisory Board will be meeting on February 20, 1991. The meeting will begin at 10 a.m. at the Salt Lake District, Bureau of Land Management Office, at 2370 South 2300 West, Salt Lake City, Utah.

The purpose of the meeting will be to: (1) Review range improvement projects and (2) Develop recommendations to deal with drought impacts on public rangelands.

The meeting is open to the public. Interested persons may make oral statements at the meeting between 10:30 a.m. and 11 a.m., or file a written statement for the Board's consideration. Those wishing to make statements to the Board are requested to contact Glade Anderson at (801) 977-4300 by February 15th so that adequate time can be included on the agenda.

Deane H. Zeller,

Salt Lake District Manager.

[FR Doc. 91-909 Filed 1-14-91; 8:45 am]

BILLING CODE 4310-DQ-M

Bureau of Reclamation

Continued Development of the Columbia Basin Project, Washington

AGENCY: Bureau of Reclamation (Interior).

ACTION: Notice of Intent to Prepare a Supplement to Draft Environmental Impact Statement (DES 89-19).

SUMMARY: Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Bureau of Reclamation (Reclamation) plans to prepare a supplement to the Draft Environmental Impact Statement (DEIS) on the continuation of the orderly, phased development of the authorized Columbia Basin Project (DES 89-19). The DEIS was filed with the Environmental Protection Agency September 20, 1989. Comments were accepted until December 31, 1989. A public hearing was held in four sessions: One each at Pasco, Moses Lake, Spokane, and Seattle, Washington, on November 27, 28, 29 and 30, 1990, respectively. The

supplement to the DEIS will focus on three areas that DEIS reviewers pointed to as needing additional coverage: (1) Mitigation for Columbia River anadromous fish, (2) specific on-project fish and wildlife plans, and (3) potential impacts to Lake Roosevelt. No additional scoping meetings are planned for the preparation of the supplement.

FOR FURTHER INFORMATION CONTACT:

Douglas J. James, Regional Environmental Officer, Bureau of Reclamation (Attention: PN-150), Federal Building and U.S. Courthouse, Box 043, 550 West Fort Street, Boise, ID 83724, telephone: (208) 334-1207 or W. Cline Sweet, Project Environmentalist, Columbia Basin Project, Bureau of Reclamation, 32 C Street NW., P.O. Box 815, Ephrata, WA 98823, telephone: (509) 754-0209.

SUPPLEMENTARY INFORMATION:

The Columbia Basin Project is a multipurpose development located in east-central Washington. Construction of the project began with allocation of funds for Grand Coulee Dam in 1933. Since then, approximately 333 miles of main canals, 1,993 miles of laterals, and over 3,500 miles of drains and wasteways have been constructed. Irrigation water service is currently available to about 556,800 acres in platted farm units within the project, with 538,600 acres of the original authorized project yet to be developed.

The DEIS evaluated the effects of providing irrigation water to Columbia Basin Project lands not yet served. Three alternatives, including no action, were considered. The two action alternatives are: (1) Complete the Columbia Basin Project as authorized by providing irrigation service to an additional 538,600 acres in phases, with the first phase to serve 172,900 acres over a 14-year period and a future phase to serve the remaining 365,700 acres over a subsequent 24-year period; and (2) expand the project on a more limited scale by providing irrigation service to approximately 87,000 acres of land east of the existing East Low Canal over a 5-year period. The second alternative is the proposed action.

The supplement to the DEIS is expected to be completed and available for review and comment by June 1991. Anyone interested in further information regarding the supplement should contact Mr. Douglas James or Mr. W. Cline Sweet at the addresses cited above.

Dated: January 9, 1991.

Joe D. Hall,

Deputy Commissioner.

[FR Doc. 91-902 Filed 1-14-91; 8:45 am]

BILLING CODE 4310-09-M

INTERSTATE COMMERCE COMMISSION

[Docket No. AB-6 (Sub-No. 313)]

Burlington Northern Railroad Co.— Abandonment—In Daniels and Valley Counties, MT; Findings

The Commission has issued a decision authorizing Burlington Northern Railroad Company (BN) to abandon its 48.4-mile line of railroad, between M.P. 99.60 near Scobey and M.P. 148.00 near Opheim, in Daniels and Valley Counties, MT. The decision will become effective February 14, 1991 unless the Commission also finds that: (1) A financially responsible person has offered financial assistance (through subsidy or purchase) to enable the rail service to be continued; and (2) it is likely that the assistance would fully compensate the railroad.

Any financial assistance offer must be filed with the Commission and the applicant no later than January 25, 1991. The following notation shall be typed in bold face on the lower left-hand corner of the envelope containing the offer: "Rail Section, AB-OFA". Any offer previously made must be remade within this 10-day period.

Information and procedures regarding financial assistance for continued rail service are contained in 49 U.S.C. 10905 and 49 CFR part 1152.

Decided: December 21, 1990.

By the Commission, Chairman Philbin, Vice Chairman Phillips, Commissioners Simmons, Emmett, and McDonald. Commissioner Simmons dissented with a separate expression.

Sidney L. Strickland,

Secretary.

[FR Doc. 91-930 Filed 1-14-91; 8:45 am]

BILLING CODE 7035-01-M

[Docket No. AB-6 (Sub-No. 331X)]

Burlington Northern Railroad Co.— Abandonment Exemption—In Codington County, SD; Exemption

Applicant has filed a notice of exemption under 49 CFR 1152 subpart F—*Exempt Abandonments* to abandon its 0.38-mile line of railroad between mileposts 101.42 and 101.80, near Watertown, Codington County, SD.

Applicant has certified that: (1) no local traffic has moved over the line for at least 2 years; (2) any overhead traffic on the line can be rerouted over other lines; and (3) no formal complaint filed by a user of rail service on the line (or a State or local government entity acting on behalf of such user) regarding cessation of service over the line either

is pending with the Commission or with any U.S. District Court or has been decided in favor of the complainant within the 2-year period. The appropriate State agency has been notified in writing at least 10 days prior to the filing of this notice.

As a condition to use of this exemption, any employee affected by the abandonment shall be protected under *Oregon Short Line R. Co.—Abandonment—Goshen*, 360 I.C.C. 91 (1979). To address whether this condition adequately protects affected employees, a petition for partial revocation under 49 U.S.C. 10505(d) must be filed.

Provided no formal expression of intent to file an offer of financial assistance has been received, this exemption will be effective on February 14, 1991 (unless stayed pending reconsideration). Petitions to stay that do not involve environmental issues,¹ formal expressions of intent to file an offer of financial assistance under 49 CFR 1152.27(c)(2),² and trail use/rail banking statements under 49 CFR 1152.29 must be filed by January 25, 1991.³ Petitions for reconsideration and requests for public use conditions under 49 CFR 1152.28 must be filed by February 4, 1991, with:

Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423.

A copy of any petition filed with the Commission should be sent to applicant's representative:

Sarah J. Whitley, Burlington Northern Railroad Co., 3800 Continental Plaza, 777 Main Street, Fort Worth, TX 76102.

If the notice of exemption contains false or misleading information, use of the exemption is void *ab initio*.

Applicant has filed an environmental report which addresses environmental or energy impacts, if any, from this abandonment.

The Section of Energy and Environment (SEE) will prepare an environmental assessment (EA). SEE

¹ A stay will be routinely issued by the Commission in those proceedings where an informed decision on environmental issues (whether raised by a party or by the Section of Energy and Environment in its independent investigation) cannot be made prior to the effective date of the notice of exemption. See *Exemption of Out-of-Service Rail Lines*, 5 I.C.C.2d 377 (1989). Any entity seeking a stay involving environmental concerns is encouraged to file its request as soon as possible in order to permit this Commission to review and act on the request before the effective date of this exemption.

² See *Exempt. of Rail Abandonment—Offers of Finan. Assist.*, 4 I.C.C.2d 104 (1987).

³ The Commission will accept a late-filed trail use statement so long as it retains jurisdiction to do so.

will issue the EA by January 18, 1991. Interested persons may obtain a copy of the EA from SEE by writing to it (Room 3219, Interstate Commerce Commission, Washington, DC 20423) or by calling Elaine Kaiser, Chief, SEE at (202) 275-7684. Comments on environmental and energy concerns must be filed within 15 days after the EA becomes available to the public.

Environmental, public use, or trail use/rail banking conditions will be imposed, where appropriate, in a subsequent decision.

Decided: January 9, 1991.

By the Commission, David M. Konschnik, Director, Office of Proceedings.

Sidney L. Strickland, Jr.,

Secretary.

[FR Doc. 91-931 Filed 1-14-91; 8:45 am]

BILLING CODE 7035-01-M

[Finance Docket No. 31791]

Southern Railway Co.—Control Exemption—Norfolk and Western Railway Co., Chesapeake Western Railway, the Toledo Belt Railway Co., and Wabash Railroad Co.; Exemption

Southern Railway Company (SR), has filed a notice of exemption to control through stock ownership Norfolk and Western Railway Company (NW), Chesapeake Western Railway (CW), the Toledo Belt Railway Company (TB), and Wabash Railroad Company (WR).

Norfolk Southern Corporation (NS), a noncarrier holding company, controls through stock ownership SR and NW, both class I carriers, and NW, in turn, controls through stock ownership CW, TB, and WR. As part of a corporate restructuring, NS will transfer all of the issued and outstanding stock of NW to SR. As a result, SR will obtain direct control of NW and indirect control of CW, TB, and WR. SR will change its corporate name to Norfolk Southern Railway company. Consummation was expected to occur on December 31, 1990.

This is a transaction within a corporate family of the type specifically exempted from prior approval under 49 CFR 1180.2(d)(3). It will not result in adverse changes in service levels, significant operational changes, or a change in the competitive balance with carriers outside the corporate family. The proposed transaction is intended to effect operating efficiencies.

To ensure that all employees who may be affected by the transaction are given the minimum protection afforded under 49 U.S.C. 10505(g)(2) and 11347, the labor conditions set forth in *New York Dock*

Ry.—Control—Brooklyn Eastern Dist., 360 I.C.C. 60 (1979), are imposed.

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: Nancy S. Fleischman, Norfolk Southern Corporation, Three Commercial Place, Norfolk, VA 23510-2191.

Decided: January 9, 1991.

By the Commission, David M. Knoschnik, Director, Office of Proceedings.

Sidney L. Strickland, Jr.,
Secretary

[FR Doc. 91-929 Filed 1-14-91; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF JUSTICE

Lodging of Consent Decree Pursuant to the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA)

In accordance with section 122(d)(2)(B) of the Comprehensive Environmental Response, Compensation and Liability Act and with Department of Justice policy, 28 CFR 50.7, notice is hereby given that on December 27, 1990, a proposed Consent Decree in *United States v. Alabama Power Company, et al.*, Civil Action No. CIV-90-P-2769-S was lodged with the United States District Court, Northern District of Alabama, Southern Division. The proposed Consent Decree concerns the reimbursement by Alabama Power Company and one-hundred and three (103) other defendants to the United States for response costs incurred by the United States in the clean-up of hazardous substances at the Mowbray Engineering Company Superfund Site in Greenville, Alabama. Under the Consent Decree, the defendants will pay the United States \$1,325,518.27, within thirty (30) days of entry of the Consent Decree. In the event of late payment, the Consent Decree provides for a penalty of \$100 per day for the first thirty days, and \$200 per day thereafter. The United States, under the Consent Decree, has reserved claims against the non-de minimis settling defendants if information is received, or conditions at the Site, not previously known to the United States, are discovered that cause EPA to conclude that the response action taken at the Site is not protective of human health and the environment. The Settling Defendants are also required to perform operation and maintenance at the Site for a period of thirty (30) years for the purpose of

stabilizing and containing PCB contamination at the Site.

The Consent Decree shall be effective upon the date of entry by the court. The Consent Decree shall terminate upon the United States' certification to the court that payment has been made and received. However, termination of the Consent Decree shall not affect the Covenant Not To Sue provisions of the Consent Decree or the defendants' continuing obligation to perform operation and maintenance at 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. Alabama Power Company, et al.*, (Mowbray Engineering Company Superfund Site), DOJ Ref. 90-11-3-451.

The proposed Consent Decree may be examined at the Office of the United States Attorney for the Northern District of Alabama, 200 Federal Building, 1800 Fifth Avenue, North Birmingham, Alabama 35203; the Region IV Office of the Environmental Protection Agency, 345 Courtland Street, NE., Atlanta, Georgia 30365; and at the Environmental Enforcement Section Document Center, 1333 F Street, NW., suite 600, Washington, DC 20004, 202-347-7829. A copy of the proposed Consent Decree may be obtained in person or by mail from the Document Center. In requesting a copy, please enclose a check in the amount of \$32.75 (25 cents per page reproduction costs) payable to Consent Decree Library.

Richard B. Stewart,
Assistant Attorney General.

[FR Doc. 91-852 Filed 1-14-91; 8:45 am]

BILLING CODE 4410-01-M

NATIONAL SCIENCE FOUNDATION

Committee Management; Establishment

The Assistant Director for Geosciences has determined that the establishment of the Special Emphasis Panel in Atmospheric Sciences is necessary and in the public interest in connection with the performance of duties imposed upon the Director, National Science Foundation (NSF), by 42 U.S.C. 1861 *et seq.* This determination follows consultation with the Committee Management Secretariat, General Services Administration.

Name of Committee: Special Emphasis Panel in Atmospheric Sciences.

Balanced Membership Plan: Membership will be selected on an "as needed basis in response to specific proposals/applications/sites to be reviewed. Members will be selected for their demonstrated scientific and engineering expertise so as to represent a reasonable balance of capability in the various subfield of the proposals to be reviewed. Consideration will also be given to achieving geographic balance and to enhancing representation for women, minority, younger and disabled scientists.

Responsible NSF Official: Dr. Eugene Bierly, Director for Atmospheric Sciences, National Science Foundation, 1800 G Street NW., Washington, DC 20550.

Dated: January 9, 1991.

M. Rebecca Winkler,
Committee Management Officer.
[FR Doc. 91-895 Filed 1-14-91; 8:45 am]

BILLING CODE 7555-01-M

Special Emphasis Panels; Notice of Meetings

SUMMARY: In accordance with the Federal Advisory Committee Act (Pub. L. 92-463, as amended), the National Science Foundation announces the following meeting(s) to be held at 1800 G Street, NW., Washington, DC 20550 (except where otherwise indicated).

SUPPLEMENTARY INFORMATION: The purpose of the meetings is to provide advice and recommendations to the National Science Foundation concerning the support of research, engineering, and science education. The agenda is to review and evaluate proposals as part of the selection process for awards. The entire meeting is closed to the public because the panels are reviewing proposals that include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), the Government in the Sunshine Act.

CONTACT PERSON: M. Rebecca Winkler, Committee Management Officer, Room 208, 357-7363.

Dated: January 9, 1991.

M. Rebecca Winkler,
Committee Management Officer.

Committee name	Agenda	Date(s)	Times
Special Emphasis Panel in Mechanical and Structural Systems.....	Review & Evaluate MSS Proposal.....	1/23/91 1/24/91	8:30a.m.-5 p.m. 8:30 a.m.-5 p.m.

* At 1800 G Street, NW., Washington, DC.

[FR Doc. 91-894 Filed 1-14-91; 8:45 am]
BILLING CODE 7555-01

NUCLEAR REGULATORY COMMISSION

[Docket No. 50-336]

Northeast Nuclear Energy Co.; Millstone Nuclear Power Station, Unit No. 2 Environmental Assessment and Finding of No Significant Impact

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an exemption from the requirements of appendix J to 10 CFR part 50 to Northeast Nuclear Energy Company, et al. (the licensee) for the Millstone Nuclear Power Station, Unit No. 2 located at the licensee's site in New London County, Connecticut.

Environmental Assessment

Identification of Proposed Action

The licensee in a letter dated June 8, 1990, requested an exemption from the requirements of 10 CFR 50, section III.A and section III.C of appendix J to the extent that it requires Type C (local leak rate) testing of containment isolation valves in the reactor building closed cooling water (RBCCW) system.

One of the conditions of all operating licenses for water-cooled power reactors as specified in 10 CFR 50.54(o) is that primary reactor containments shall meet the containment leakage test requirements set forth in 10 CFR part 50, appendix J, Section III of appendix J contains three subsections, lettered A through C, each of which specifies requirements for a particular aspect of containment leak testing. Sections III.A and III.C are the subjects of the proposed exemption request. Specifically, section III.A identifies certain components subject to the requirements of section III.C and section III.C of appendix J identifies leakage testing requirements (Type C Tests) for containment isolation valves that can provide a direct connection between the inside and outside atmospheres of the primary reactor containment under

normal operating conditions. The licensee has stated that the exemption would not present an undue risk to the public health and safety.

The Need for the Proposed Action

The exemption is needed to relieve the licensee of the requirement to provide Type C testing of the 12 containment isolation valves of the RBCCW system at Unit No. 2 of the Millstone Nuclear Power Station.

Environmental Impacts of the Proposed Action

The proposed exemption from the requirements of appendix J to 10 CFR part 50, sections III.A and III.C involves no changes in plant operation or any accident and thus involves no changes in plant effluents or any changes in the use of resources. The valves in question are required to be opened in case of an accident and thus their leak tight integrity is irrelevant. Since the minimum design pressure of the RBCCW system is 60 psig and since the maximum design pressure of the containment during an accident is 54 psig, in the event a break of the RBCCW inside the containment, the leakage through the closed isolation valves would be inside the containment and thus provide no escape to the environment. If during an accident no RBCCW system were operational, a minimum pressure of 42 psig would be maintained. It is unlikely that the containment pressure would be maintained above 42 psig very long and, therefore, leakage from the containment into the RBCCW would be minimal and escape would be into the enclosure building where it would be collected. Accordingly, the Commission concludes that the proposed action would have no impact on the environment.

Alternatives to the Proposed Action

The only alternative to the proposed action would be to implement the modifications to assure leak-tight integrity of the RBCCW containment isolation valves in the closed position within the acceptance criteria specified in appendix J. As discussed above, since

there are no environment impacts associated with the proposed action utilizing the only alternative would save any environmental costs.

Alternative use of Resources

This action does not involve the use of any resources different from or beyond the scope of resources used during plant operation, which were assessed in the Final Environmental Statement relating to plant operation, dated June 1973.

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 exemption.

For further details with respect to this action, see the request for exemption dated June 8, 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 8th day of January, 1991.

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. 91-905 Filed 1-14-91; 8:45 am]
BILLING CODE 7590-01-M

[Docket No. 50-312]

Sacramento Municipal Utility District; Environmental Assessment and Findings of No Significant Impact

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an exemption from the required on-site primary property damage insurance requirement of 10 CFR 50.54(w)(1) to the Sacramento Municipal Utility District (SMUD), the licensee for operation of the Rancho Seco Nuclear Generating Station (RSNGS) located in Sacramento County, California.

Environmental Assessment

Identification of Proposed Action

The proposed action would grant an exemption from the requirements of 10 CFR 50.54(w)(1) to reduce the full amount of required on-site primary property damage insurance. By letter dated March 5, 1990, as amended October 22, 1990, the licensee requested an exemption to reduce the amount of primary property damage insurance from 1.06 billion dollars to 30 million dollars. The reduction in the amount of required on-site primary property damage insurance is the proposed action being considered by the staff.

The Need for the Proposed Action

The licensee's March 5, 1990, letter, as amended October 22, 1990, provided technical justification that 30 million dollars of primary property damage insurance provides an adequate level of coverage to return the RSNGS plant to a condition ready for decommissioning following an accident considering the current non-operational condition. Granting the exemption request relieves the licensee from the unnecessary financial burden of carrying insurance coverage of 1.06 billion as required by 10 CFR 50.54(w)(1).

Environmental Impacts of the Proposed Action

The proposed exemption affects only the amount of on-site primary property damage insurance coverage and does not affect the manner of normal facility operation or the risk of facility accidents. While the change in insurance coverage may affect the financial arrangements of the licensee and have some economic consequence, the possibility that the environmental impact of licensed activities would be altered by changes in insurance coverage is extremely remote. The staff has determined that a reduction in the amount of required on-site damage insurance, from 1.06 billion dollars to 30

million dollars is commensurate with the clean-up cost associated with a postulated accident while the reactor is defueled and the fuel is in the spent fuel pool. Thus, the reduced coverage authorized by the proposed exemption is sufficient to fund clean-up of radiological impacts associated with any accident in the defueled condition. In addition, the exemption in question would not authorize construction or operation, would not authorize a change in licensed activities nor effect changes in the permitted types or amounts of radiological effluents. Post-accident radiological releases will not differ from those determined previously, and the proposed exemption does not otherwise affect facility radiological effluents or occupational exposures. With regard to potential non-radiological impacts, the proposed exemption does not affect plant non-radiological effluents and has no other environmental impact. Therefore, the Commission concludes there are no measurable radiological or non-radiological environmental impacts associated with the proposed exemption.

Alternative to the Proposed Action

Since the Commission concluded that there are no measurable environmental impacts associated with the proposed exemption, any alternative with equal or greater environmental impacts need not be evaluated.

The principal alternatives to the exemption are to require the licensee to carry 1.06 billion dollars of on-site primary property damage insurance or another amount greater than 30 million dollars. However, the NRC staff had determined that 30 million dollars is sufficient to fund clean-up of radiological impacts associated with any accident in the defueled condition. Requiring more than 30 million dollars would impose an unnecessary financial burden and would not enhance protection of the environment.

Alternative Use of Resources

This action does not involve the use of any resources not previously considered for the Rancho Seco Nuclear Generating Station.

Agencies and Persons Consulted

The NRC staff reviewed the licensee's request and did not consult other agencies or persons.

Finding of No Significant Impact

The Commission has determined not to prepare an environmental impact statement for the proposed exemption.

Based upon the foregoing environmental assessment, the staff

concludes that the proposed action will not have a significant effect on the quality of the human environment.

For further details with respect to this action, see the licensee's letters dated March 5, 1990, and October 20, 1990. These letters are available for public inspection at the Commission's Public Document Room, 2120 L Street, NW., Washington, DC and at the Martin Luther King Regional Library, 7340 24th Street Bypass, Sacramento, California 95822.

Dated at Rockville, Maryland this January 8, 1991.

For the Nuclear Regulatory Commission,
Seymour H. Weiss,
Director, Non-Power Reactors,
Decommissioning and Environmental
Projects Directorate, Division of Advanced
Reactors and Special Projects, Office of
Nuclear Reactor Regulation.

[FR Doc. 91-906 Filed 1-14-91; 8:45 am]
BILLING CODE 7590-01-M

[Docket No. 50-192]

University of Texas; Environmental Assessment and Finding of No Significant Environmental Impact Regarding Proposed Renewal and Possession-Only License for Facility License No. R-92

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility License No. R-92 for the University of Texas (the licensee) Research Reactor located on the University campus in Austin, Texas.

Environmental Assessment

Identification of Proposed Action

This Environmental Assessment is written in connection with the proposed renewal date of February 12, 1993 for the facility of the University of Texas Research Reactor at Austin, Texas, in response to an application from the licensee dated October 19, 1990. The proposed action would also authorize a possession only status to the facility.

Need for the Proposed Action

The proposed action is required to authorize continued possession, but not operation of the facility, so that the licensee can implement their decommissioning plan.

Alternative to the Proposed Action

An alternative to the proposed action that was considered was not renewing the license. This alternative would have led to possession of a facility and radioactive material without

authorization by law. This alternative did not provide an acceptable way of decommissioning the facility in a controlled, coordinated manner. The other alternative was to renew the license for a period of one year, but this would require license renewals on an annual basis until decommissioning is completed.

Environmental Impact

The reactor fuel and all special nuclear material and source material have been stored. The remaining radioactivity at the facility includes the fuel, activated reactor components, and source material related to reactor start-up, reactor operations or experiments. There is no potential for generation of further radioactive materials at this facility. The issuance of the facility possession-only license until February 12, 1993, allows the licensee to have a reasonable time to fully implement their decommissioning plan in accordance with the Dismantling Order that was issued by the Commission on March 9, 1987. This time to develop and implement the decommissioning plan should lessen the environmental impact, in that, radioactive materials will continue to be depleted by the decay process and the licensee should have an opportunity to better prepare for and conduct the decommissioning activities thus further reducing the environmental impact.

Alternative Use of Resources

This action does not involve the use of any resources beyond those normally allocated for such activities.

Agencies and Persons Consulted

The NRC staff has reviewed the licensee's request and 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 this proposed action.

For further details with respect to this action, see the licensee's request for a license renewal application dated October 19, 1990. This document is available for public inspection at the Commission's Public Document Room, 2120 L Street NW., Washington, DC 20555.

Dated at Rockville, Maryland this 8th day of January 1991.

For the Nuclear Regulatory Commission.
Seymour H. Weiss,
*Director, Non-Power Reactors,
Decommissioning and Environmental Project
Directorate, Division of Advanced Reactors
and Special Projects, Office of Nuclear
Reactor Regulation.*

[FR Doc. 91-907 Filed 1-14-91; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-260]

Tennessee Valley Authority; 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 an amendment to Facility Operating License No. DPR-52 issued to Tennessee Valley Authority (the licensee) for operation of Browns Ferry Nuclear Plant, Unit 2 (BFN2) located in Limestone County, Alabama.

The licensee submitted a request for an amendment by letter April 14, 1989 as supplemented by letters dated April 14, 1989, January 30, 1990, and December 11, 1990.

The amendment request proposed changes to add license Condition 2.C.5(a), as well as revise BFN2 Technical Specifications (TS) sections 6.5.1.6, 6.5.2.8 and 6.8.1). The changes would allow the licensee to implement an appendix R Safe Shutdown as approved by the NRC, under controls of the BFN2 TS. Generic Letter 86-10 provided guidance for the changes.

On April 14, 1989, when the licensee submitted the request for amendment, a concurrent submittal of the Appendix R Safe Shutdown Program (the Program) was made by separate letter. The Program submittal was necessary to support the license condition, which would be based on a Safe Shutdown Program approved by the NRC. During the course of the NRC's review, concerns were raised pertaining to fire watch requirements for rooms not protected by automatic detection, and documented in a Safety Evaluation (SE) dated November 3, 1989. An additional submittal addressing the concerns was made by the licensee on January 30, 1990, however, the changes did not resolve all of the NRC's concerns. Finally, a submittal of the reviewed version of the Program was made by the licensee, which superseded the initial Program submittal. The NRC determined that a renote in the *Federal Register* would be needed. However, the No Significant Hazards Consideration Determination is not changed from the

finding published previously on July 12, 1989 (54 FR 29413) as repeated below.

(1) The proposed amendment does not involve a significant increase in the probability or consequences of an accident previously evaluated. Implementation of these technical specifications (TS) provide consistency between the operating license, the Appendix R Safe Shutdown Program, and the BFN Appendix R Safe Shutdown Analysis. These proposed changes are administrative in nature and do not alter the intended function or design basis of any Safety-related equipment as addressed in the BFN Final Safety Analysis Report (FSAR). Implementation of these changes ensures that the Appendix R Safe Shutdown Program is maintained in a manner consistent with NRC guidance. By maintaining this Program in accordance with the proposed TS, BFN will ensure the equipment needed to perform safe shutdown in accordance with the BFN Appendix R Safe Shutdown Analysis is properly maintained and is functional to meet the requirements of 10 CFR part 50 Appendix R.

(2) The proposed amendment does not create the possibility of a new or different kind of accident from an accident previously evaluated. This is an administrative change which places controls on an approved NRC Program. These changes will not eliminate or modify any protective functions or equipment that are required for BFN to achieve and maintain reactor shutdown capabilities as required by 10 CFR part 50 Appendix R. Implementation of these proposed changes will not result in an additional release pathway to the environment. In developing the BFN Appendix R Safe Shutdown Program an analysis was performed in order to identify that equipment needed to comply with 10 CFR part 50 Appendix R. Implementing this Program and the proposed TS does not negate the other safety analyses or accident scenarios in which BFN was licensed for.

(3) The proposed changes does not involve a significant reduction in the margin of safety. This proposed amendment is administrative and places various administrative controls on an NRC approved BFN Appendix R Safe Shutdown Program. Implementing these changes enhances the overall safety of BFN. The program identifies that equipment required by the Appendix R Safe Shutdown Analysis to shutdown the reactor in accordance with 10 CFR part 50 Appendix R. In addition, it also provides testing and monitoring requirements along with compensatory

measures if the subject equipment cannot fulfill its function. The proposed TS allows BFN to change the Program under the guidelines of 10 CFR 50.59 which is an approved industry practice and consistent with NRC Generic Letter 86-10. Any changes made under 10 CFR 50.59 are required to be submitted to NRC in an annual report. This process will enable NRC to independently keep abreast with any changes that may be made.

Before issuance of the proposed license amendment, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations.

The Commission has made a proposed determination that the request for amendment 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 proposed determination was published on July 12, 1989 (54 FR 29413).

Therefore, based on the considerations as published, 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 of hearing and petitions for leave to intervene is discussed below.

By February 14, 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. Request 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 Athens Public Library, South Street, Athens, Alabama. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to

intervene which must include a list of the contentions which are sought to be litigated in the matter. Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the petitioner shall provide a brief explanation of the bases of the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the petitioner intends to rely in proving the contention at the hearing. The petitioner must also provide references to those specific sources and documents of which the petitioner is aware and on which the petitioner intends to rely to establish those facts or expert opinion. Petitioner must provide sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact. Contentions shall be limited to matters within the scope of the amendment under consideration. The contention must be one which, if proven, would entitle the petitioner to relief. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

If a hearing is requested, the Commission will make 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 the request for amendment 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 a final determination is that the amendment 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 Services 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 Frederick J. Hebdon (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 General Counsel, Tennessee Valley Authority, 400 West Summit Hall Drive, E11B33, Knoxville, Tennessee 37902, attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petition 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 April 14, 1989 as supplemented by letters of April 14, 1989, January 30, 1990, and December 11, 1990, which is available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC 20555 and at the Local Public Document Room located at the Athens Public Library, South Street, Athens, Alabama 35611.

Dated at Rockville, Maryland, this 3rd day of January 1991.

For the Nuclear Regulatory Commission.

Thierry Ross,

Project Manager, Project Directorate II-4, Division of Reactor Projects-I/II, Office of Nuclear Reactor Regulation.

[FR Doc. 91-904 Filed 1-14-91; 8:45 am]

BILLING CODE 7590-01-M

OFFICE OF PERSONNEL MANAGEMENT

Excepted Service

AGENCY: Office of Personnel Management.

ACTION: Notice.

SUMMARY: This gives notice of positions placed or revoked under Schedules A and B, and placed under Schedule C in the excepted service, as required by civil service rule VI, Exceptions from the Competitive Service.

FOR FURTHER INFORMATION CONTACT: John Daley, (202) 606-0950.

SUPPLEMENTARY INFORMATION: The Office of Personnel Management published its last monthly notice updating appointing authorities established or revoked under the Excepted Service provisions of 5 CFR 213 on December 5, 1990 (55 FR 12973). Individual authorities established or revoked under Schedules A, B, or C between November 1, 1990 and November 30, 1990, appear in the listing below. Future notices will be published on the fourth Tuesday of each month, or as soon as possible thereafter. A consolidated listing of all authorities will be published as of June 30, 1990.

Schedule A

No Schedule A authorities were established or revoked during November.

Schedule B

No Schedule B authorities were established or revoked during November.

Schedule C

Agency for International Development

One Public Affairs Specialist to the Special Assistant to the Assistant Administrator, Bureau for External Affairs. Effective November 5, 1990.

Department of Agriculture

One Staff Assistant to the Administrator, Food and Nutrition Service. Effective November 5, 1990.

One Confidential Assistant to the Director, Intergovernmental Affairs. Effective November 21, 1990.

Department of Commerce

One Special Assistant to the Director, Office of White House Liaison. Effective November 1, 1990.

Department of Defense

One Special Assistant for International Security Programs, to the Deputy Under Secretary (Security Policy). Effective November 23, 1990.

Department of Education

One Special Assistant to the Director, Intergovernmental Affairs/Outreach Staff. Effective November 30, 1990.

Department of Energy

One Special Assistant to the Secretary. Effective November 23, 1990.

Department of Transportation

One Staff Assistant to the Deputy Secretary. Effective November 21, 1990.

One Staff Assistant to the Deputy Administrator, Federal Highway Administration. Effective November 21, 1990.

One Staff Assistant to the Administrator, Federal Aviation Administration. Effective November 28, 1990.

One Special Assistant to the Administrator, Saint Lawrence Seaway Development Corporation. Effective November 30, 1990.

Environmental Protection Agency

One Special Assistant to the Assistant Administrator for Water. Effective November 23, 1990.

Federal Maritime Commission

One Executive Assistant to the Chairman. Effective November 19, 1990.

General Services Administration

One Confidential Assistant to the Regional Administrator, National Capital Region. Effective November 30, 1990.

One Special Assistant to the Deputy Administrator. Effective November 30, 1990.

Department of Housing and Urban Development

One Deputy to the General Counsel. Effective November 5, 1990.

One Special Assistant to the Assistant Secretary for Public and Indian Housing. Effective November 21, 1990.

Interstate Commerce Commission

One Confidential Assistant to the Commissioner. Effective November 19, 1990.

Department of Labor

One Special Assistant to the Assistant Secretary for Occupational Safety and Health. Effective November 5, 1990.

One Special Assistant to the Assistant Secretary for Occupational Safety and Health. Effective November 26, 1990.

One Staff Assistant to the Assistant Secretary for Employment Standards. Effective November 30, 1990.

Office of National Drug Control Policy

One Special Assistant to the Associate Director for State and Local Affairs. Effective November 19, 1990.

Office of Personnel Management

One Director of Volunteer Activities to the Director. Effective November 5, 1990.

Department of the Treasury

One Special Assistant to the Executive Director, U.S. Savings Bonds Division. Effective November 28, 1990.

United States Information Agency

One Special Assistant to the Director, Office of Private Sector Committees. Effective November 1, 1990.

One Special Assistant to the Commissioner General, Seville Expo. Effective November 28, 1990.

Department of Veterans Affairs

One Special Assistant to the Assistant Secretary for Human Resources and Administration. Effective November 30, 1990.

Authority: 5 U.S.C. 3301; E.O. 10555, 3 CFR 1954-1958 Comp, P.218.

Constance Berry Newman,
Director.

[FR Doc. 91-1018 Filed 1-14-91; 8:45 am]

BILLING CODE 6325-01-M

**PROSPECTIVE PAYMENT
ASSESSMENT COMMISSION****Meetings**

Notice is hereby given of the meetings of the Prospective Payment Assessment Commission on Tuesday and Wednesday, January 29-30, 1991, at the Madison Hotel, 15th & M Streets, Northwest, Washington, DC.

The meetings on both days will convene with the Full Commission at 9 a.m. in Executive Chambers 1, 2 and 3.

All meetings are open to the public.

Donald A. Young,
Executive Director.

[FR Doc. 91-84 Filed 1-14-91; 8:45 am]

BILLING CODE 5620-BW-M

**SECURITIES AND EXCHANGE
COMMISSION**

[Rel. No. 34-28754; File No. SR-DTC-90-01]

**Self-Regulatory Organizations; The
Depository Trust Company; Order
Approving a Proposed Rule Change
Clarifying DTC's Membership Criteria**

January 8, 1991.

I. Introduction

On February 8, 1990, The Depository Trust Company ("DTC") filed with the Securities and Exchange Commission ("Commission") pursuant to section 19(b) of the Securities Exchange Act of 1934 ("Act")¹ a proposed rule change to clarify DTC's membership requirements. The Commission published notice of the proposal in the Federal Register on March 27, 1990.² No comments were received. As discussed below, the Commission is approving the proposal.

II. Description

Under DTC's rules, any (1) registered broker or dealer, (2) registered clearing agency, (3) registered investment company, (4) bank, or (5) insurance company may apply for membership at DTC.³ DTC's proposal sets forth a policy statement that clarifies and interprets this rule. In general, the policy statement provides that applicants for membership at DTC must demonstrate that they meet DTC's standards of financial responsibility, operational capability and character on an ongoing basis. In evaluating whether its members continue to meet these standards, DTC relies on the fact that all of its participants are subject to federal or state regulation relating to, among other things, capital adequacy, financial reporting and recordkeeping, operating performance, disqualification from employment, and business conduct. Pursuant to such regulation, DTC's participants receive periodic regulatory examinations to assure their compliance with these requirements and are subject to disciplinary action if violations are found.

The policy statement explains that, because application of DTC's own resources cannot provide an adequate substitute for this kind of continuing regulatory oversight, DTC relies in large part on regulatory agency oversight to determine whether its members continue to meet DTC's financial responsibility, operational capability, and character standards. Thus, the policy statement

concludes that unless an applicant for membership is subject to regulatory agency oversight, it will not be eligible for membership at DTC.⁴

Notwithstanding this provision, however, DTC has represented to the Commission that in the event an organization other than those specifically enumerated in section 17A desires to become a direct participant at DTC, DTC will explore with such organization the economic and operational implications of direct participation as well as how its participation could be structured to comply with the policy statement.⁵

III. Discussion

Section 17A of the Act sets forth the framework for the admission of participants to a registered clearing agency and the denial of such admission.⁶ Specifically, section 17A provides that, subject to certain conditions, the rules of a registered clearing agency must provide that any of the following may become a participant in such clearing agency: (1) Registered broker or dealer; (2) other registered clearing agency; (3) registered investment company; (4) bank; (5) insurance company; or (6) other person or class of persons as the Commission, by rule, may from time to time designate as appropriate to the development of a national system for the prompt and accurate clearance and settlement of securities transactions.⁷ Section 17A

⁴ DTC recognizes, however, that any person designated by the Commission pursuant to section 17A(b)(3)(B)(vi) would be eligible for admittance. See letter from Richard B. Nesson, General Counsel, DTC, to Jonathan Kallman, Assistant Director, Division of Market Regulation, Commission, dated March 13, 1990.

⁵ *Id.*

⁶ One of the principal financial risks to any clearing agency is the potential for member default. To protect against this risk, clearing agencies establish certain financial, operational and reporting standards which their members must meet on an ongoing basis. For example, a clearing agency may require its members to maintain a certain level of capital, prepare and submit audited financial statements on a regular basis, or maintain a certain level of staffing consisting of experienced personnel. See, e.g., DTC Rule 2, section 1.

Section 17A(b)(3)(A) of the Act requires a clearing agency to have the capacity to enforce its own rules. To fulfill this requirement, the clearing agency generally must do three things. First, it must monitor its members on a continuous basis to assure that they continue to comply with clearing agency's rules. Second, the rules of a clearing agency must provide that its members will be disciplined for failing to observe its rules. Finally, the clearing agency must have in place a fair procedure for disciplining those of its members that fail to meet their obligations under its rules.

⁷ See 15 U.S.C. 78q-1(b)(3)(B) (1982).

¹ 15 U.S.C. 78s(b) (1982).

² See Securities Exchange Act Release No. 27808 (March 16, 1990), 55 FR 11279.

³ See DTC Rule 3.

also recognizes, however, that mere status as one of the foregoing entities may not, in itself, be sufficient to qualify that entity for participation in a registered clearing agency. Accordingly, section 17A expressly permits a registered clearing agency to establish standards of financial responsibility, operational capability, experience, and competence for applicants, and allows the clearing agency to deny admission to applicants that do not meet such standards. These standards, however, may not be designed to permit unfair discrimination in the admission of participants.⁸ In other words, these standards must be reasonable in relation to the nature of the applicant and must be consistently applied to all similar types of applicants.

DTC's proposal would establish as a general policy that applicants for access to DTC services must be subject to state or federal regulation relating to, among other things, capital adequacy, financial reporting and recordkeeping. As such, the proposal reflects a general statement concerning the allocation of DTC's resources: That DTC's participants must be subject to objective capital adequacy standards and third party oversight. The Commission believes that this allocation, as a general matter, is consistent with the Act, in light of a clearing agency's obligations to maintain its own financial responsibility and to maintain adequate safeguards against participant defaults.

Nevertheless, the statute imposes an obligation on DTC to monitor their compliance with DTC's rules, including those requirements that DTC may establish to assure the operational and financial capacity of its participants. Thus, although DTC may, as a matter of general policy, look to state and federal regulation as a factor in determining whether to grant initial or continuing access to its services, DTC may not abdicate to federal and state regulators its functions and obligations to monitor its participants under the Act.⁹

⁸ See 15 U.S.C. 78q-1(b)(3)(F) (1982).

⁹ Although section 17A of the Act does not prescribe the precise methods a clearing agency must use to monitor its members, section 17(d) of the Act makes it clear that a clearing agency may not delegate its regulatory responsibility with respect to member monitoring unless it has filed a plan with the Commission. Such a reallocation of statutory obligations may only be made among self-regulatory organizations and only if the Commission approves the reallocation of responsibilities in accordance with established procedures. See 17 CFR 240.17d-2 (1990). Accordingly, although DTC may augment its member monitoring efforts by analyzing, for example, reports prepared or submitted by its members to other regulatory agencies, the primary responsibility for such monitoring efforts rests with DTC.

IV. Conclusion

For the reasons stated above, the Commission finds that DTC's proposal is consistent with section 17A of the Act.

It is Therefore Ordered, pursuant to section 19(b)(2)¹⁰ of the Act, that DTC's proposed rule change, SR-DTC-90-01, be and hereby is, approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Margaret H. McFarland,
Deputy Secretary.

[FR Doc. 91-881 Filed 1-14-91; 8:45 am]

BILLING CODE 8010-01-M

Issuer Delisting; Notice of Application to Withdraw From Listing and Registration; Curtis Industries, Inc., 13 1/8% Senior Subordinated Debentures Due February 1, 2002 (File No. 1-9400)

January 9, 1991.

Curtis Industries, Inc. ("Company") has filed an application with the Securities and Exchange Commission ("Commission") pursuant to section 12(d) of the Securities Exchange Act of 1934 and rule 12d2-2(d) promulgated thereunder to withdraw the above specified security from listing and registration on the American Stock Exchange, Inc. ("AMEX").

The reasons alleged in the application for withdrawing this security from listing and registration include the following:

The Company considers continued listing and registration of the Senior Subordinated Debentures on the Amex unduly burdensome because (i) as of November 7, 1990, there were only 11 registered holders of Senior Subordinated Debentures, (ii) since the original issuance of the Senior Subordinated Debentures in February of 1987, trading volume has been relatively low, and (iii) continued listing of the Senior Subordinated Debentures is costly to the Company.

Any interested person may, on or before January 31, 1991, submit by letter to the Secretary of the Commission, 450 Fifth Street NW., Washington, DC 20549, facts bearing upon whether the application has been made in accordance with the rules of the Exchanges and what terms, if any, should be imposed by the Commission for the protection of investors. The Commission, based on the information submitted to it, will issue an order granting the application after the date mentioned above, unless the

Commission determines to order a hearing on the matter.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Jonathan G. Katz,
Secretary.

[FR Doc. 91-917 Filed 1-14-91; 8:45 am]

BILLING CODE 8010-01-M

DEPARTMENT OF TRANSPORTATION

Notice of Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits Filed Under Subpart Q During the Week Ended January 4, 1991

The following applications for certificates of public convenience and necessity and foreign air carrier permits were filed under subpart Q of the Department of Transportation's Procedural Regulations (see 14 CFR 302.1701 et. seq.). The due date for answers, conforming application, or motion to modify scope are set forth below for each application. Following the answer period DOT may process the application by expedited procedures. Such procedures may consist of the adoption of a show-cause order, a tentative order, or in appropriate cases a final order without further proceedings.

Docket Number: 47343.

Date filed: December 31, 1990.

Due Date for Answers, Conforming Applications, or Motion to Modify Scope: January 28, 1991.

Description: Application of Asiana Airlines Inc., pursuant to section 402 of the Act and subpart Q of the Regulations applies for a foreign air carrier permit which would authorize Asiana to provide scheduled foreign air transportation of persons, property and mail between points in Korea, on the one hand, and points in the United States, on the other hand.

Docket Number: 47345.

Date filed: January 3, 1991.

Due Date for Answers, Conforming Applications, or Motion to Modify Scope: January 31, 1991.

Description: Application of America West Airlines, Inc., pursuant to section 401 of the Act subpart Q of the Regulations applies for a certificate of public convenience and necessity authorizing it to provide foreign air transportation between a point or points in the United States, on the one hand,

¹⁰ 15 U.S.C. 78a(b)(2) (1982).

and a point or points in Australia and New Zealand, on the other hand.

Phyllis T. Kaylor,

Chief, Documentary Services Division.

[FR Doc. 91-922 Filed 1-14-91; 8:45 am]

BILLING CODE 4910-62-M

Aviation Proceedings; Agreements Filed During the Week Ended January 4, 1991

The following Agreements were filed with the Department of Transportation under the provisions of 49 U.S.C. 412 and 414. Answers may be filed within 21 days of date of filing.

Docket Number: 47339.

Date filed: December 31, 1990.

Parties: Members of the International Air Transport Association.

Subject: TC12 Reso/P dated November 19, 1990, North Atlantic-Israeli Resolutions—R-1 To R-17

Proposed Effective Date: February 1, 1991.

Docket Number: 47340.

Date filed: December 31, 1990.

Parties: Members of the International Air Transport Association.

Subject: SNATC/1963 dated December 19, 1990, Resolution 015—Report

Proposed Effective Date: March 1, 1991.

Docket Number: 47341.

Date filed: December 31, 1990.

Parties: Members of the International Air Transport Association.

Subject: Comp Meet/P 0187 dated December 20, 1990, Reso 015 Meeting—Report

Proposed Effective Date: March 1, 1991.

Docket Number: 47342.

Date filed: December 31, 1990.

Parties: Members of the International Air Transport Association.

Subject: Mail Vote 454 (General Increase from China) R-1 Reso 003h

Mail Vote 455 (General Increase from China) R-2

Reso 003

Proposed Effective Date: January 1, 1991.

Docket Number: 47344.

Date filed: January 3, 1991

Parties: Members of the International Air Transport Association.

Subject: Mail Vote 457 (TC23 Construction Rule—Reso 014a).

Proposed Effective Date: January 15, 1991.

Phyllis T. Kaylor,

Chief, Documentary Services Division.

[FR Doc. 91-923 Filed 1-14-91; 8:45 am]

BILLING CODE 4910-62-M

DEPARTMENT OF THE TREASURY

Fiscal Service

[Dept. Circ. 570, 1990 Rev., Supp. No. 4]

Surety Companies Acceptable on Federal Bonds; Kemper Reinsurance Co.

A Certificate of Authority as an acceptable surety on Federal bonds is hereby issued to the following company under title 31, sections 9304 to 9308, of the United States Code. Federal bond-approving officers should annotate their reference copies of the Treasury Circular 570, 1990 Revision, on page 27354 to reflect this addition:

Company name: Kemper Reinsurance Company. Business address: Long Grove, Illinois 60049. Underwriting Limitation: ^a \$31,270,000. Surety Licenses: ^c AL, AK, AZ, AR, CA, CO, CT, DE, DC, FL, GA, ID, IL, IN, IA, KS, KY, LA, MI, MN, MO, MT, NE, NV, NH, NJ, NM, OH, OK, OR, PA, RI, SD, TN, TX, UT, WA, WV, WI. Incorporated in: Illinois.

Certificates of Authority expire on June 30 each year, unless revoked prior to that date. The Certificates are subject to subsequent annual renewal as long as the companies remain qualified (31 CFR part 223). A list of qualified companies is published annually as of July 1 in Treasury Department Circular 570, with details as to underwriting limitations, areas in which licensed to transact surety business and other information.

Copies of the Circular may be obtained from the Surety Bond Branch, Finance Division, Financial Management Service, Department of the Treasury, Washington, DC 20227, telephone (FTS/202) 287-3921.

Dated: December 5, 1990.

Mitchell A. Levine,

Assistant Commissioner, Comptroller, Financial Management Service.

[FR Doc. 91-901 Filed 1-14-91; 8:45 am]

BILLING CODE 4810-35-M

DEPARTMENT OF VETERANS AFFAIRS

Summary of Legal Interpretation of the General Counsel-Precedent Opinion 98-90, Eligibility for Waiver of Indebtedness

AGENCY: Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: The Department of Veterans Affairs (VA) is publishing a summary of a legal interpretation issued by the Department's General Counsel involving

veterans' benefits under laws administered by VA. This interpretation is considered precedential by VA and will be followed by VA officials and employees in future claim matters. It is being published to provide the public, and, in particular, veterans' benefit claimants and their representatives, with notice of VA's interpretation regarding the legal matter at issue—may a veteran's spouse who purchased a VA owned property with a VA vendee loan where the veteran was neither a title holder of the property nor an obligor under the obligation to VA secure a waiver of a debt relative to that loan under the provisions of 38 U.S.C. 3102(b)?

EFFECTIVE DATE: December 4, 1990.

FOR FURTHER INFORMATION CONTACT:

Mr. Jay D. Farris, Chief, Law Library, Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420, (202) 233-2159.

SUPPLEMENTARY INFORMATION: VA regulations at 38 CFR 12.6(e)(9) and 14.507 authorize the Department's General Counsel to issue written legal opinions having precedential effect in adjudications and appeals involving veterans' benefits under laws administered by VA. The General Counsel's interpretations on legal matters, contained in such opinions, are conclusive as to all VA officials and employees not only in the matter at issue but also in future adjudications and appeals, in the absence of a change in controlling statute or regulation or a superseding written legal opinion of the General Counsel.

VA publishes summaries of such opinions in order to provide the public with notice of those interpretations of the General Counsel which must be followed in future benefit matters and to assist veterans' benefit claimants and their representatives in the prosecution of benefit claims. The full text of such opinions, with personal identifiers deleted, may be obtained by contacting the VA official named above.

A summary of the General Counsel's opinion designated O.G.C. Prec. 98-90, Eligibility for Waiver of Indebtedness, requested by Chairman, Board of Veterans Appeals, is as follows:

Held: A spouse's eligibility to secure a waiver of a loan indebtedness pursuant to 38 U.S.C. § 3102(b) is derived through the veteran's eligibility. To be eligible for such a waiver, the veteran must be liable on the indebtedness. Absent such eligibility by the veteran, the spouse would not be eligible independently to secure a waiver of the debt pursuant to section 3102(b). The Secretary's

discretionary authority to grant waivers of debts arising under the home loan program, 38 U.S.C. § 1820(a)(4), however, may be exercised in situations of this nature.

Dated: January 8, 1991.

Raoul L. Carroll,
General Counsel.

[FR Doc. 91-843 Filed 1-14-91; 8:45 am]

BILLING CODE 8320-01-M

Summary of Legal Interpretation of the General Counsel-Precedent Opinion 99-90, Benefits under 38 U.S.C. 351 for HIV Infection Acquired Through Blood Transfusion

AGENCY: Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: The Department of Veterans Affairs (VA) is publishing a summary of a legal interpretation issued by the Department's General Counsel involving veterans' benefits under laws administered by VA. This interpretation is considered precedential by VA and will be followed by VA officials and employees in future claims matters. It is being published to provide the public, and, in particular, veterans' benefit claimants and their representatives, with notices of VA's interpretation regarding the legal matter at issue—May the term "accident," as used in 38 CFR 3.358(c)(3) concerning medical and surgical procedures and care, include events which by their nature are only remotely foreseeable?

EFFECTIVE DATE: December 24, 1990.

FOR FURTHER INFORMATION CONTACT: Mr. Jay D. Farris, Chief, Law Library, Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420, (202) 233-2159.

SUPPLEMENTARY INFORMATION: VA regulations at 38 CFR 12.6(e)(9) and 14.507 authorize the Department's General Counsel to issue written legal opinions having precedential effect in adjudications and appeals involving veterans' benefits under laws administered by VA. The General Counsel's interpretations on legal matters, contained in such opinions, are conclusive as to all VA officials and employees not only in the matter at issue but also in future adjudications and appeals, in the absence of a change in controlling statute or regulation or a superseding written legal opinion of the General Counsel.

VA publishes summaries of such opinions in order to provide the public with notice of those interpretations of the General Counsel which must be

followed in future benefit matters and to assist veterans' benefit claimants and their representatives in the prosecution of benefit claims. The full text of such opinions, with personal identifiers deleted, may be obtained by contacting the VA official named above.

A summary of the General Counsel's opinion designated O.G.C. Prec. 99-90, Benefits under 38 U.S.C. 351 for HIV infection acquired through blood transfusion, requested by Chairman, Board of Veterans Appeals, is as follows:

Held: The provisions of 38 CFR 3.358(c)(3) divide events into two categories, those occurring due to improper or negligent care and those considered "accidents." This latter term was previously defined by the General Counsel as including only unforeseen, untoward results of surgery, medical treatment or hospitalization and not including expected or contemplated risks of surgery, no matter how remote. In view of the legislative history of 38 U.S.C. 351, this definition has proven too restrictive to serve as a guideline in awarding benefits under this statute. Instead, those charged with consideration of claims for benefits under 38 U.S.C. 351 must consider the consequences of medical and surgical care in the light of whether they are unexpected or not reasonably foreseeable. Thus, if it is determined an individual is infected with human immunodeficiency virus as a result of a blood transfusion administered by VA at a time when that type of infection as a result of blood transfusions was not reasonably foreseeable—an accident—that individual may receive benefits under 38 U.S.C. 351.

Dated: January 8, 1991.

Raoul L. Carroll,
General Counsel.

[FR Doc. 91-844 Filed 1-14-91; 8:45 am]

BILLING CODE 8320-01-M

Summary of Legal Interpretation of the General Counsel-Precedent Opinion 100-90, Impact of Public Law No. 101-237 on 38 U.S.C. 362, Clothing Allowance

AGENCY: Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: The Department of Veterans Affairs (VA) is publishing a summary of a legal interpretation issued by the Department's General Counsel involving veterans' benefits under laws administered by VA. This interpretation is considered precedential by VA and will be followed by VA officials and

employees in further claim matters. It is being published to provide the public, and, in particular, veterans' benefit claimants and their representatives, with notice of VA's interpretation regarding the legal matter at issue—Does the amendment to 38 U.S.C. 362 made by Pub. L. No. 101-237 bar payment of the clothing allowance to an otherwise eligible veteran whose disability is treated "as if" service connected under 38 U.S.C. 351?

EFFECTIVE DATE: December 24, 1990.

FOR FURTHER INFORMATION CONTACT: Mr. Jay D. Farris, Chief, Law Library, Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420, (202) 233-2159.

SUPPLEMENTARY INFORMATION: VA regulations at 38 CFR 12.6(e)(9) and 14.507 authorize the Department's General Counsel to issue written legal opinions having precedential effect in adjudications and appeals involving veterans' benefits under laws administered by VA. The General Counsel's interpretations on legal matters, contained in such opinions, are conclusive as to all VA officials and employees not only in the matter at issue but also in future adjudications and appeals, in the absence of a change in controlling statute or regulation or a superseding written legal opinion of the General Counsel.

VA publishes summaries of such opinions in order to provide the public with notice of those interpretations of the General Counsel which must be followed in future benefit matters and to assist veterans' benefit claimants and their representatives in the prosecution of benefit claims. The full text of such opinions, with personal identifiers deleted, may be obtained by contacting the VA official named above.

A summary of the General Counsel's opinion designated O.G.C. Prec. 100-90, Impact of Public Law 101-237 on 38 U.S.C. 362, Clothing Allowance, requested by Chief Medical Director, is as follows:

Held: Section 112 of Public Law 101-237, 103 Stat. 2062, 2065, the Veterans' Benefits Amendments of 1989, amended 38 U.S.C. § 362 to authorize payment of a clothing allowance to veterans who "because of service-connected disability" wear or use a prosthetic or orthopedic appliance which tends to wear out of tear clothing or who use medication for a skin condition "due to service-connected disability" which causes irreparable damage to outer garments. Section 351 of title 38, United States Code, authorizes disability or death compensation or

dependency and indemnity compensation based on injuries resulting from medical or surgical treatment, hospitalization, or pursuit of vocational rehabilitation provided by

VA "as if" disability or death were service-connected. Payment of the clothing allowance under 38 U.S.C. § 362 may be based on disability treated as if service connected under 38 U.S.C. § 351.

Dated: January 8, 1991.
Raoul L. Carroll,
General Counsel.
[FR Doc. 91-845 Filed 1-14-91; 8:45 am]
BILLING CODE 8320-01-M

Sunshine Act Meetings

Federal Register

Vol. 56, No. 10

Tuesday, January 15, 1991

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).

DEFENSE NUCLEAR FACILITIES SAFETY BOARD

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given of the following meeting of the Board:

TIME AND DATE: 9:00 a.m. January 24, 1991.

PLACE: Public Hearing Room, Suite 700, 625 Indiana Avenue NW., Washington, DC 20004.

STATUS: Open. The Board intends to hold periodic open meetings to consider Board business. This is the first of such meetings. Members of the public are invited to attend and observe the meeting.

MATTERS TO BE CONSIDERED:

- Progress report on development and implementation of DOE safety standards.
- Report on status of Saltstone program at Savannah River Site.
- Chairman's Information Items.
- Other business.

FOR MORE INFORMATION CONTACT:

Kenneth M. Pusateri or Carole J. Council, (202) 208-6400.

Dated: January 11, 1991.

Kenneth M. Pusateri,
General Manager.

[FR Doc. 91-1003 Filed 1-11-91; 11:30 am]

BILLING CODE 6820-KD-M

FARM CREDIT ADMINISTRATION

Farm Credit Administration Board;
Special Meeting

AGENCY: Farm Credit Administration.

SUMMARY: Notice is hereby given, pursuant to the Government in the Sunshine Act (5 U.S.C. 552b(e)(3)), of the forthcoming special meeting of the Farm Credit Administration Board (Board).

DATE AND TIME: The special meeting of the Board will be held at the offices of the Farm Credit Administration in McLean, Virginia, on January 17, 1991, from 10:00 a.m. until such time as the Board concludes its business.

FOR FURTHER INFORMATION CONTACT:

Curtis M. Anderson, Secretary to the Farm Credit Administration Board (703) 883-4003, TDD (703) 883-4444.

ADDRESS: Farm Credit Administration, 1501 Farm Credit Drive, McLean, Virginia 22102-5090.

SUPPLEMENTARY INFORMATION: Parts of this meeting of the Board will be open to the public (limited space available), and parts of this meeting will be closed to the public. The matters to be considered at the meeting are:

OPEN SESSION

1. Reading and Approval of Minutes
2. Regulations
Final Termination Regulations for Small Associations
Final Miscellaneous Technical Corrections to the Regulations

*CLOSED SESSION

3. Receivership Actions.

Dated: January 10, 1991.

Curtis M. Anderson,
Secretary, Farm Credit Administration Board.
[FR Doc. 91-1062 Filed 1-11-91; 12:56 pm]

BILLING CODE 6705-01-M

NUCLEAR REGULATORY COMMISSION

DATES: Weeks of January 14, 21, 28, and February 4, 1991.

PLACE: Commissioners' Conference Room, 11555 Rockville Pike, Rockville, Maryland.

STATUS: Open and Closed.

MATTERS TO BE CONSIDERED:

Week of January 14

Friday, January 18

11:30 a.m.

Affirmation/Discussion and Vote (Public Meeting)

Requests for Hearing and Petitions to Intervene Regarding Request for "Possession Only" License for Shoreham

Week of January 21—Tentative

Thursday, January 24

1:30 p.m.

Periodic Briefing on Operating Reactors and Fuel Facilities (Public Meeting)

3:30 p.m.

Affirmation/Discussion and Vote (Public Meeting) (if needed)

* Session closed to the public—exempt pursuant to 5 U.S.C. § 552b(c)(9).

Week of January 28—Tentative

Thursday, January 31

11:30 a.m.

Affirmation/Discussion and Vote (Public Meeting) (if needed)

Friday, February 1

10:00 a.m.

Briefing on Status of Final Rule on License Renewal—Part 54 (Public Meeting)

Week of February 4—Tentative

Friday, February 8

11:30 a.m.

Affirmation/Discussion and Vote (Public Meeting) (if needed)

Note: Affirmation sessions are initially scheduled and announced to the public on a time-reserved basis. Supplementary notice is provided in accordance with the Sunshine Act as specific items are identified and added to the meeting agenda. If there is no specific subject listed for affirmation, this means that no item has as yet been identified as requiring any Commission vote on this date.

To Verify the Status of Meetings Call (Recording)—(301) 492-0292.

CONTACT PERSON FOR MORE

INFORMATION: William Hill (301) 492-1661.

Dated: January 10, 1991.

William M. Hill, Jr.,
Office of the Secretary.

[FR Doc. 91-1090 Filed 1-11-91; 3:21 pm]

BILLING CODE 7590-01-M

SECURITIES AND EXCHANGE COMMISSION Agency Meetings.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: [56 FR 456 January 4, 1991].

STATUS: Closed.

PLACE: 450 Fifth Street, N.W., Washington, D.C.

DATE PREVIOUSLY ANNOUNCED: Monday December 31, 1990.

CHANGE IN THE MEETING: Additional item:

The following additional item was considered at a closed meeting on Wednesday, January 9, 1991 at 2:30 p.m.

Order compelling testimony.

Commissioner Schapiro, as duty officer, determined that Commission business required the above change.

At times, changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact: Ronald Mueller at (202) 272-2200.

Dated: January 10, 1991.

Jonathan G. Katz,
Secretary.

[FR Doc. 91-1056 Filed 1-11-91; 12:51 pm]

BILLING CODE 8010-01-M

Sunshine Act Meetings

The section of the FEDERAL REGISTER contains notices of meetings published under the Government in the Sunshine Act, (5 U.S.C. 552a) and (5 U.S.C. 552b).

OFFENSE NUCLEAR FACILITIES SAFETY BOARD

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552), notice is hereby given of the following meeting of the Board:

TIME AND DATE: 8:00 a.m. January 24, 1991.

PLACE: Public Hearing Room, Suite 700, 825 Indiana Avenue NW, Washington, DC 20004.

STATUS: Open. The Board intends to hold periodic open meetings to consider public business. This is the first of such meetings. Members of the public are invited to attend and observe the meeting.

MATTERS TO BE CONSIDERED:

- Progress report on development and implementation of DOE safety standards.
- Report on status of Defense program at Savannah River Site.
- Chairman's information items.
- Other business.

FOR MORE INFORMATION CONTACT: Kenneth M. Frazier or Carol J. Corneli, (202) 508-6400.

DATE: January 11, 1991.

FOR MORE INFORMATION CONTACT: Kenneth M. Frazier or Carol J. Corneli, (202) 508-6400.

DATE: January 11, 1991.

FOR FURTHER INFORMATION CONTACT: Office of the Secretary to the Farm Credit Administration Board (FAB), 1501 Farm Credit Drive, McLean, Virginia 22102-3000.

SUPPLEMENTARY INFORMATION: Parts of this meeting of the Board will be open to the public (limited space available) and parts of this meeting will be closed to the public. The matters to be considered at the meeting are:

OPEN SESSION

1. Reading and Approval of Minutes.
2. Regulations.
3. First Amendment Regulations for Small Associations.
4. Amendments to the Regulations.

CLOSED SESSION

1. Relationship Actions.

DATE: January 10, 1991.

PLACE: Farm Credit Administration Board, 1501 Farm Credit Drive, McLean, Virginia 22102-3000.

STATUS: Open and Closed.

MATTERS TO BE CONSIDERED:

Week of January 15.

DATE: January 15, 1991.

Note: Affiliation sessions are usually scheduled and announced to the public on a time reserved basis. Supplementary notice is provided to associations with the 30-day notice. If there is no specific notice to the meeting agenda, it is assumed that the meeting is for affiliation. This means that no item has yet been identified as requiring any Commission vote on that date.

To Verify the Status of Meetings Call: (Recording) (202) 492-0322.

CONTACT PERSON FOR MORE INFORMATION: William Hill, (202) 492-0322.

DATE: January 10, 1991.

PLACE: M. Hill, Jr., Office of the Secretary.

DATE: January 11, 1991.

STATUS: Open and Closed.

DATE: January 11, 1991.

DATE: January 11, 1991.

DATE: January 11, 1991.

DATE: January 11, 1991.

DATE: January 11, 1991.

Drinking Water

**Tuesday
January 15, 1991**

Part II

Environmental Protection Agency

40 CFR Parts 141 and 142

**Drinking Water; National Primary Drinking
Water Regulations; Total Coliforms;
Partial Stay of Certain Provisions of Final
Rule**

ENVIRONMENTAL PROTECTION AGENCY**40 CFR Parts 141 and 142****[WH-FRL-3868-8]****Drinking Water; National Primary Drinking Water Regulations; Total Coliforms****AGENCY:** Environmental Protection Agency (EPA).**ACTION:** Partial stay of certain provisions of final rule.

SUMMARY: On June 19, 1989, EPA promulgated revised National Primary Drinking Water Regulations (NPDWRs) for total coliforms (54 FR 27544, June 29, 1989) pursuant to section 1412 of the Safe Drinking Water Act (SDWA). Sections 141.4 and 142.63 of the rule prohibit States from granting variances and exemptions to violators of the total coliform maximum contaminant level (MCL) of § 141.63(a). Today's action stays the no variance provisions of §§ 141.4 and 142.63, thus allowing States to issue variances to the requirements of § 141.63(a) under limited conditions.

EFFECTIVE DATE: January 15, 1991.

FOR FURTHER INFORMATION CONTACT: Paul S. Berger, Ph.D., Office of Drinking Water (WH-550D), Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460, telephone (202) 382-3039; or the Safe Drinking Water Hotline, telephone (800) 426-4791; callers in the Washington, DC area and Alaska may reach the Hotline at (202) 382-5533. The Safe Drinking Water Hotline is open Monday through Friday, excluding Federal holidays, from 8:30 a.m. to 4 p.m. Eastern Time.

SUPPLEMENTARY INFORMATION: On June 19, 1989, EPA promulgated revised regulations for total coliforms (54 FR 27544, June 29, 1989), with an effective date of December 31, 1990. Sections 141.4 and 142.63 of the rule prohibit States from granting variances and exemptions to the total coliform rule. Pursuant to section 1412 of the Safe Drinking Water Act and section 705 of the Administrative Procedures Act, 5 U.S.C. 705, as required by justice, today's action stays parts of §§ 141.4 and 142.63 and allows States to grant variances to the total coliform MCL of § 141.63(a) of the rule under certain conditions.

Section 142.63 of the revised total coliform rule does not permit variances to the rule. In the preamble to the final rule, the Agency explained that total coliforms are the primary indicator of the microbiological quality of water. To the extent a variance would permit the

continued presence of coliforms, the potential for pathogens to be present also would remain. As stated in the preamble, EPA believed that States would be unable to make the statutorily required determination that no unreasonable risk to health would result from a variance or exemption, since a variance or exemption would permit the continued presence of total coliforms in drinking water above the MCL (see 54 FR 27557, June 29, 1989).

The Agency also stated that we were aware of systems with persistent coliform problems in distribution systems not associated with fecal or pathogenic contamination or with waterborne disease (54 FR 27557-8). The source of these coliforms are often biofilms, which are accumulations of bacteria which line the walls of some water distribution pipes. Coliform bacteria which are released from biofilms can indicate a violation of the total coliform MCL when an unreasonable risk to health does not exist. The Agency did not allow variances to the total coliform MCL in the rule promulgated on June 29, 1989 because of difficulty in distinguishing these types of total coliform exceedances from those resulting from sources of contamination which are an actual threat to health.

The American Water Works Association (AWWA) has petitioned the U.S. Court of Appeals for the District of Columbia to review EPA's decision to prohibit variances and exemptions under the total coliform rule. AWWA believes that a number of systems have a persistent biofilm problem that does not pose a risk to public health but will nonetheless cause the system to violate the rule. They request that States be permitted to review the particular circumstances of each such system's violation and therefore request that EPA suspend the prohibition against variances for these systems.

More specific data are now in the docket that were made available to the Agency by AWWA and as the result of a recently held workshop. These data indicate that some water systems will experience repeated total coliform violations due to biofilms that do not appear to be associated with fecal or pathogenic contamination or with waterborne disease.

The Agency does not believe it is in the public interest to have continuous monthly public notification where the exceedance of the total coliform MCL is not associated with fecal or pathogenic contamination of the drinking water. Besides the adverse impact on the public confidence in the quality of water being delivered, repeated public

notification would diminish the efficacy of the public notice where there in fact is a threat to public health.

The Agency has stated that variances to the total coliform presence/absence MCL of § 141.63(a) might be appropriate if a finding of no unreasonable risk to health could be established (see 54 FR 27557). The difficulty has been in developing nationally applicable criteria for variances which would assure continued protection of public health while there is positive coliform occurrence and violation of the MCL. Until the Agency finalizes criteria for distinguishing whether a system categorized as above is not at risk, today's action will provide assurance of no unreasonable risk. This will be done by limiting variances to a small number of systems that can demonstrate to the State protection of public health is at least equivalent to that provided by the total coliform MCL.

Specifically, variances shall apply only to systems not at risk of fecal or pathogenic contamination because there is no evidence of treatment lapses or deficiencies, measured fecal or pathogenic contamination, or improper operation or maintenance of the distribution system. Such systems can demonstrate compliance with section 1415 requirements by operating in conformance with the BAT requirements identified under 141.63(d).

The following criteria are guidance to States seeking to identify systems that could operate under a variance without posing an unreasonable risk to health:

(1) Over the past thirty days, water entering the distribution system is shown to:

(a) Be free from fecal coliform or *E. Coli* occurrence based on at least daily sampling.

(b) Contain less than one total coliform per hundred milliliters of influent water in at least ninety-five per cent of all samples based on at least daily sampling.

(c) Comply with the total turbidity requirements of § 141.13, except that surface water sources presently filtering should comply with § 141.73, and

(d) Contain a continuous disinfection residual of at least 0.2 mg/l;

(2) The system has had no waterborne disease outbreak while operated in its present configuration;

(3) The system maintains biweekly contact with the State and local health departments to assess illness possibly attributable to microbial occurrence in the public drinking water system;

(4) The system has evaluated, on a monthly basis, at least the number of samples specified in § 141.21(a)(2) and

has not had an *E. coli*-positive compliance sample within the last six months, unless the system demonstrates to the State that the occurrence is not due to contamination entering the distribution system;

(5) The system has undergone a sanitary survey conducted by a party approved by the State within the past twelve months;

(6) The system has a cross connection control program acceptable to the State and performs an audit of the effectiveness program;

(7) The system agrees to submit a biofilm control plan to the State within twelve months of the granting of the first request for a variance;

(8) The system monitors general distribution system bacterial quality by conducting heterotrophic bacteria plate counts on at least a weekly basis at a minimum of ten percent of the number of total coliform sites specified for that system size in § 141.21(a)(2) [preferably using the R2A medium in method 907A, 907B, or 907C, as set forth in the 16th edition of *Standard Methods for the Examination of Water and Wastewater*, 1985, American Public Health Association, et. al.]; and

(9) The system conducts daily monitoring at distribution system sites approved by the State and maintains a detectable disinfectant residual (measured as specified in § 141.74(a)(5)) at a minimum of ninety-five percent of those points and a heterotrophic plate count of less than 500 colonies per ml (measured as specified in § 141.74(a)(3)) at sites without a disinfectant residual.

The Agency believes the above criteria identify a set of conditions that insure equivalent protection to the current total coliform MCL. When the Agency ultimately proposes nationally applicable variance criteria, it is likely that these requirements or a subset thereof will be included.

A workshop was held in November 1990 to assist the Agency in refining nationally applicable criteria for issuance of variances to the total coliform MCL. The workshop was attended by a wide range of experts

familiar with biofilm problems. A copy of the workshop proceedings is included in the docket for the total coliform rule.

This stay is issued in order to allow the Agency time to consider the recommendations of the workshop and determine what additional factors may need to be considered in order to issue nationally applicable variance criteria.

Pursuant to section 705 of the Administrative Procedures Act (APA), 5 U.S.C. 705, "when an Agency finds that justice so requires, it may postpone the effective date of action taken by it, pending judicial review." In addition pursuant to section 553 of the APA, 5 U.S.C. 553, "when the Agency finds good cause exists, it may issue a rule without first providing notice and comment and make the rule immediately effective."

This Notice defers a pending legal challenge to the total coliform rule while the Agency reviews the issue of variance criteria. Since it is in the public interest to avoid unnecessary litigation and since this action provides relief for certain systems, the Agency finds there is good cause not to solicit comment and to have the stay immediately effective.

List of Subjects

40 CFR Part 141

Chemicals, Microorganisms, Indians—land, Intergovernmental relations, Radiation protection, Reporting and recordkeeping requirements, Water supply.

40 CFR Part 142

Chemicals, Microorganisms, Indians—land, Intergovernmental relations, Radiation protection, Reporting and recordkeeping requirements, Water supply, Administrative practice and procedure.

Dated: December 31, 1990.

F. Henry Habicht,
Administrator.

Parts 141 and 142 of title 40 of the Code of Federal Regulations are amended as follows.

1. The authority citation for part 141 continues to read as follows:

Authority: 42 U.S.C. 300f, 300g-1, 300g-2, 300g-3, 300g-4, 300g-5, 300g-6, 300j-4 and 300j-9.

2. Section 141.4 is amended by designating the existing text as paragraph (a) and by adding paragraph (b) to read as follows:

§ 141.4 Variances and exemptions.

* * * * *

(b) EPA has stayed the effective date of this section relating to the total coliform MCL of § 141.63(a) for systems that demonstrate to the State that the violation of the total coliform MCL is due to a persistent growth of total coliforms in the distribution system rather than fecal or pathogenic contamination, a treatment lapse or deficiency, or a problem in the operation or maintenance of the distribution system.

3. The authority citation for part 142 continues to read as follows:

Authority: 42 U.S.C. 300f, 300g-1, 300g-2, 300g-3, 300g-4, 300g-5, 300g-6, 300j-4 and 300j-9.

4. Section 142.63 is amended by designating the existing text as paragraph (a) and by adding paragraph (b) to read as follows:

§ 142.63 Variances and exemptions from the maximum contaminant level for total coliforms.

* * * * *

(b) EPA has stayed the effective date of this section relating to the total coliform MCL of § 141.63(a) of this chapter for systems that demonstrate to the State that the violation of the total coliform MCL is due to a persistent growth of total coliforms in the distribution system rather than fecal or pathogenic contamination, a treatment lapse or deficiency, or a problem in the operation or maintenance of the distribution system.

[FR Doc. 91-925 Filed 1-14-91; 8:45 am]

BILLING CODE 6560-50-M

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Federal Register

Vol. 56, No. 10

Tuesday, January 15, 1991

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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.

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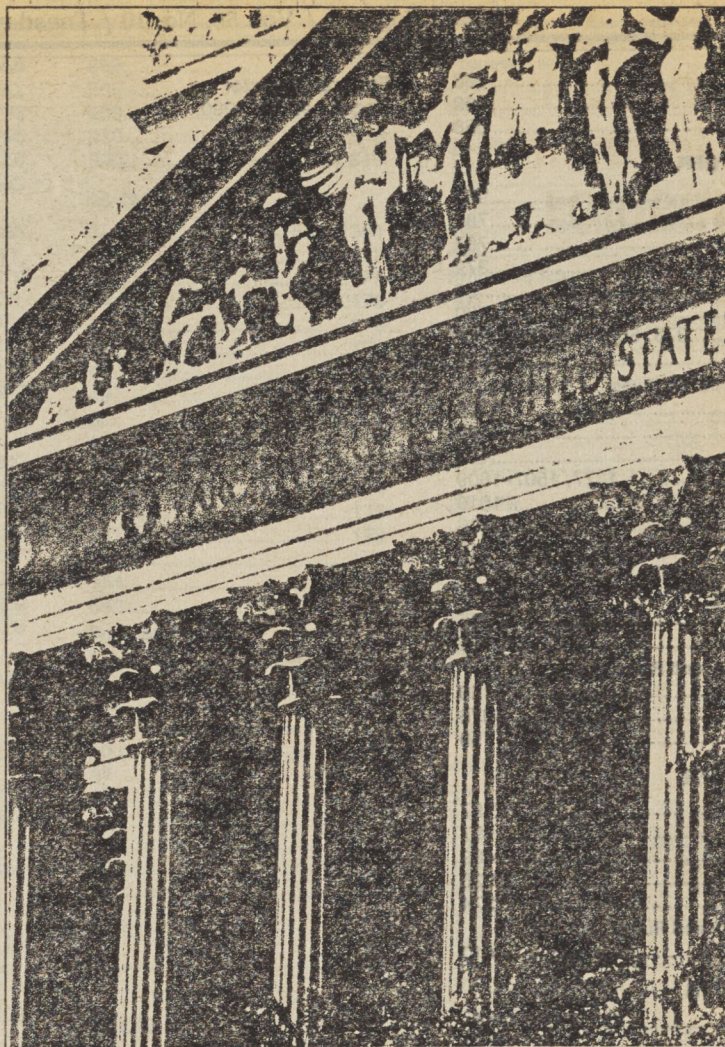
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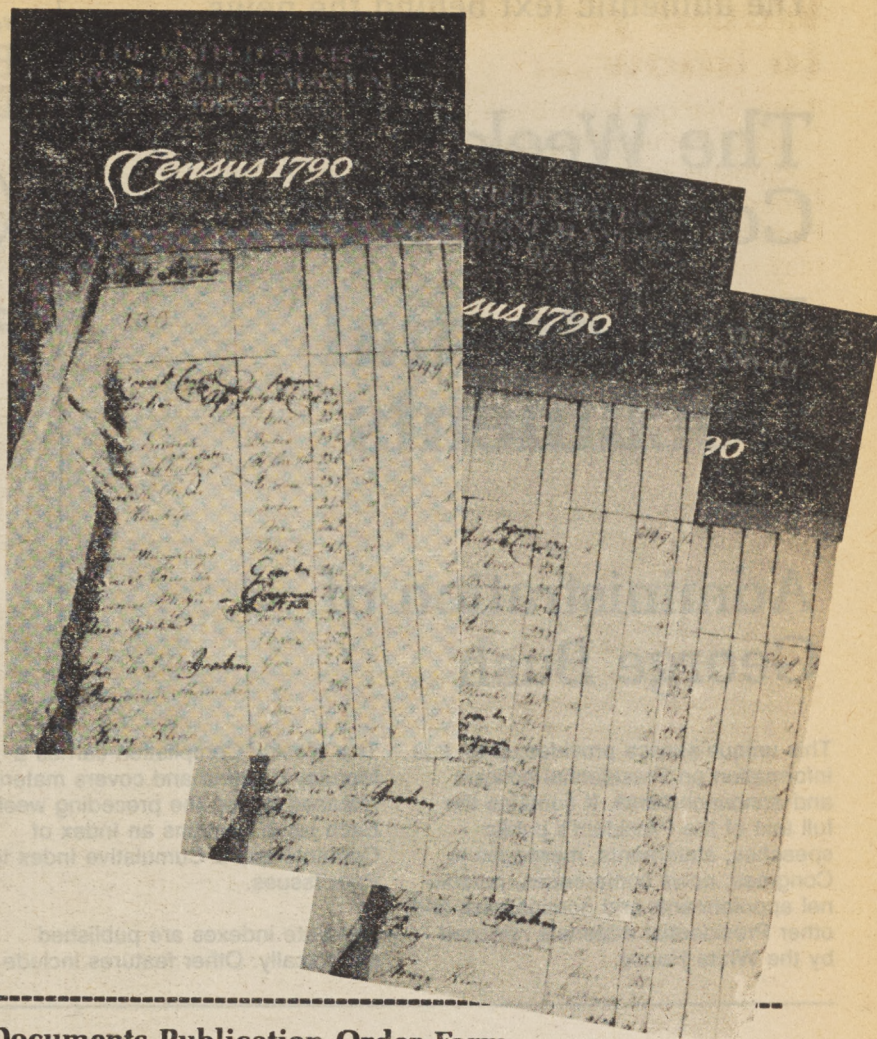
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