2-2-90
Vol. 55 No. 23

federal register

Friday
February 2, 1990

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

OFFICIAL BUSINESS
Penalty for private use, $300

SECOND CLASS NEWSPAPER

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

2-2-90
Vol. 55 No. 23
Pages 3563-3714

federal register

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February 2, 1990

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

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THE FEDERAL REGISTER
WHAT IT IS AND HOW TO USE IT

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

WHO: The Office of the Federal Register.

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

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

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

WASHINGTON, DC

WHEN: February 23, at 9:00 a.m.
WHERE: Office of the Federal Register, First Floor Conference Room, 1100 L Street NW., Washington, DC.
RESERVATIONS: 202–523–5240.

Contents

Federal Register
Vol. 55, No. 23
Friday, February 2, 1990

Agricultural Marketing Service
RULES
Lemons grown in California and Arizona, 3570
Oranges, grapefruit, tangerines, and tangelos grown in Florida, 3565
Oranges (navel) grown in Arizona and California, 3567

Agriculture Department
See Agricultural Marketing Service; Animal and Plant Health Inspection Service; Rural Electrification Administration

Animal and Plant Health Inspection Service
RULES
Overtime services relating to imports and exports:
Commuted traveltime allowances, 3564

Army Department
See also Engineers Corps
NOTICES
Meetings:
Science Board, 3635
(2 documents)

Blind and Other Severely Handicapped, Committee for Purchase From
See Committee for Purchase From the Blind and Other Severely Handicapped

Coast Guard
PROPOSED RULES
Ports and waterways safety:
New York Harbor; vessel traffic service, 3704

Commerce Department
See also International Trade Administration; National Institute of Standards and Technology; National Oceanic and Atmospheric Administration
NOTICES
Agency information collection activities under OMB review, 3626

Committee for Purchase From the Blind and Other Severely Handicapped
NOTICES
Procurement list, 1990:
Additions and deletions, 3634
(2 documents)

Committee for the Implementation of Textile Agreements
NOTICES
Cotton, wool, and man-made textiles:
Hong Kong, 3632
Union of Soviet Socialist Republics, 3633

Conservation and Renewable Energy Office
RULES
New commercial and multi-family high rise residential buildings; voluntary performance standards:
Commercial water heater standby loss criteria; reasons for adoption, 3714
Commercial water heater standby loss criteria; reasons for adoption supplement, 3714

Customs Service
NOTICES
Penalties and forfeitures cases; statute of limitations; waiver, 3682

Defense Department
See Army Department; Engineers Corps; Navy Department

Drug Enforcement Administration
RULES
Schedules of controlled substances:
N,N-Dimethylamphetamine, 3586

Education Department
NOTICES
Grants and cooperative agreements; availability, etc.:
Drug-free schools and communities program; educational personnel training, 3635

Employment and Training Administration
NOTICES
Adjustment assistance:
Barnes Group-Associated Springs et al., 3671
Mettler Automation, 3671
V.L. Modern Coat, Inc., 3668
Apprenticeship 2000 initiative:
Work-based learning; training America's workers; report availability, 3710
Committees; establishment, renewal, termination, etc.:
Achieving Necessary Skills Commission, 3672
Grant and cooperative agreement awards:
Job Training Partnership Act—
Contact Center, 3672

Employment Standards Administration
NOTICES
Minimum wages for Federal and federally-assisted construction; general wage determination decisions, 3669

Energy Department
See also Conservation and Renewable Energy Office; Federal Energy Regulatory Commission; Hearings and Appeals Office, Energy Department
NOTICES
Environmental restoration and waste management five-year plan:
Site specific plans—
Chicago Operations Office, 3636
Natural gas exportation and importation:
Boston Gas Co., 3641
Patent licenses, exclusive:
Battelle Memorial Institute; correction, 3685

Engineers Corps
RULES
Danger zones and restricted areas:
Cooper River and tributaries, Charleston, SC, 3591

Environmental Protection Agency
RULES
Air quality implementation plans; approval and promulgation; various States:
Alabama, 3594
Kentucky, 3593
Louisiana, 3595
Water pollution control:
Ocean dumping; site designations—
List revision, 3688
PROPOSED RULES
Air pollution control; new motor vehicles and engines:
Gasoline and methanol-fueled light-duty vehicles and trucks, and heavy-duty vehicles; evaporative emission regulations
Correction, 3685
Air quality implementation plans; approval and promulgation; various States:
Ohio, 3606
Water pollution control:
Ocean dumping; site designations—
Gulf of Mexico, 3693
NOTICES
Agency information collection activities under OMB review, 3643
Environmental statements; availability, etc.:
Agency statements—
Comment availability, 3644
Weekly receipts, 3643

Farm Credit Administration
NOTICES
Receiver appointments:
Federal Land Bank of Jackson, MS, et al., 3644

Federal Aviation Administration
RULES
Air certification and operations:
Anti-drug program for personnel engaged in specified aviation activities—
Periodic drug-testing requirements, 3698
Airworthiness directives:
Airship Industries, 3580
Beech, 3581
Textron Lycoming, 3577
Restricted areas; correction, 3685
Transition areas, 3583
NOTICES
Advisory circulars; availability, etc.:
Aircraft—
Auxiliary fuel systems for reciprocating and turbine powered Part 23 airplanes, 3677
Environmental statements; availability, etc.:
Halls Crossing, UT, 3677
Exemption petitions; summary and disposition, 3678
Meetings:
Aeronautics Radio Technical Commission, 3679

Federal Energy Regulatory Commission
NOTICES
Natural gas certificate filings:
Northwest Pipeline Corp. et al., 3636
Tennessee Gas Pipeline Co. et al.; correction, 3685
Applications, hearings, determinations, etc.:
Lander, WY, 3641

Federal Highway Administration
PROPOSED RULES
Right-of-way and environment:
Environmental impact and related procedures; constructive use (section 4(f)), 3599

Federal Reserve System
RULES
Foreign gifts and decorations; minimal value increase, 3576

Financial Management Service
See Fiscal Service

Fiscal Service
RULES
Withholding of District of Columbia, State, city, and county income or employment taxes by Federal agencies:
National Guardsmen and reserved components of armed forces; drill pay, 3590
NOTICES
Surety companies acceptable on Federal bonds:
Atlantic Employers Insurance Co., 3683

Food and Drug Administration
RULES
Animal drugs, feeds, and related products:
Ivermectin injection; CFR correction, 3586
Lasalocid; correction, 3685
Monensin, 3585
Food additives:
Adjuvants, production aids, and sanitizers—
2,2'-(1,2-Ethanediylbis(oxy-2,1-phenyleneazo)bis[N-(2,3-dihydro-2-oxo-1H-benzimidazol-5-yl)]-3-oxo-butanamide (C.I Pigment Yellow 180), 3584
NOTICES
Human drugs:
Export applications—
Etidronate disodium tablet granulation, etc.; correction, 3685

Health and Human Services Department
See Food and Drug Administration; Social Security Administration

Hearings and Appeals Office, Energy Department
NOTICES
Cases filed, 3642

Housing and Urban Development Department
NOTICES
Grants and cooperative agreements; availability, etc.:
Facilities to assist homeless—
Excess and surplus Federal property, 3647

Interior Department
See Land Management Bureau; Minerals Management Service; Surface Mining Reclamation and Enforcement Office

International Trade Administration
NOTICES
Antidumping:
Railway track maintenance equipment from Austria, 3626
Short supply determinations:
Steel plate, 3626

International Trade Commission
NOTICES
Import investigations:
Limousines from Canada, 3665

Interstate Commerce Commission
NOTICES
Meetings; Sunshine Act, 3684
Motor carriers:
Compensated intercorporate hauling operations, 3667
Rail carriers:
Uniform Railroad Costing System; adoption as general purpose costing system, 3667

Justice Department
See also Drug Enforcement Administration
NOTICES
Pollution control; consent judgments:
Avondale Industries, Inc., 3667

Labor Department
See also Employment and Training Administration; Employment Standards Administration; Mine Safety and Health Administration
NOTICES
Agency information collection activities under OMB review, 3668

Land Management Bureau
NOTICES
Closure of public lands:
California; correction, 3685
Environmental statements; availability, etc.:
Grant County, NM, 3664
Resource management plans, etc.:
Mercer County, ND, 3665

Maritime Administration
NOTICES
Mortgagees and trustees; applicants approved, disapproved, etc.:
Trust Services of America, Inc., 3679

Mine Safety and Health Administration
NOTICES
Safety standard petitions:
Betty B. Coal Co., Inc., 3672
Lucky Break Coal Co., 3673

Minerals Management Service
PROPOSED RULES
Outer Continental Shelf; minerals and rights-of-way management:
Surety bond coverage increase
Correction, 3603
NOTICES
Meetings:
Pacific Northwest Outer Continental Shelf Task Force, 3665

National Aeronautics and Space Administration
NOTICES
Meetings:
Aerospace Medicine Advisory Committee, 3673

National Credit Union Administration
NOTICES
Meetings; Sunshine Act, 3684
(2 documents)

National Highway Traffic Safety Administration
PROPOSED RULES
Fuel economy standards:
Light trucks; 1992-1994 model years, 3608
Motor vehicle safety standards:
School bus pedestrian safety devices; stop signal arm, 3618

National Institute of Standards and Technology
NOTICES
Information processing standards, Federal:
Database language SQL, 3627

National Oceanic and Atmospheric Administration
NOTICES
Permits:
Marine mammals, 3632
(2 documents)

Navy Department
PROPOSED RULES
Acquisition regulations:
Shipbuilding contracts; price adjustments; correction, 3608

Nuclear Regulatory Commission
NOTICES
Applications, hearings, determinations, etc.:
Vermont Yankee Nuclear Power Corp., 3674

Personnel Management Office
RULES
Health benefits, Federal employees:
Annuitants; coverage upon plan termination, 3563

Public Health Service
See Food and Drug Administration

Rural Electrification Administration
RULES
Telephone program:
Materials, equipment, and construction, 3570
Telephone standards and specifications:
Seven wire galvanized steel strand
Correction, 3685

Securities and Exchange Commission
NOTICES
Self-regulatory organizations; proposed rule changes:
Philadelphia Stock Exchange, Inc., 3675
Self-regulatory organizations; unlisted trading privileges:
Cincinnati Stock Exchange, Inc., 3674
Midwest Stock Exchange, Inc., 3675
Philadelphia Stock Exchange, Inc., 3675

Social Security Administration
NOTICES
Agency information collection activities under OMB review, 3644
Grants and cooperative agreements; availability, etc.:
Outreach demonstrations program; priority areas, 3645

State Department
NOTICES
Lebanon; U.S. passport travel restrictions, 3676

Surface Mining Reclamation and Enforcement Office
RULES
Permanent program and abandoned mine land reclamation plan submissions:
Ohio, 3588
Virginia, 3588
PROPOSED RULES
Permanent program and abandoned mine land reclamation plan submissions:
Ohio, 3604

Textile Agreements Implementation Committee
See Committee for the Implementation of Textile Agreements

Transportation Department
See also Coast Guard; Federal Aviation Administration; Federal Highway Administration; Maritime Administration; National Highway Traffic Safety Administration; Urban Mass Transportation Administration
NOTICES
Aviation proceedings:
Certificates of public convenience and necessity and foreign air carrier permits; weekly applications, 3676
Hearings, etc.—
Gulf Flite Center, Inc., 3676

Treasury Department
See also Customs Service; Fiscal Service
NOTICES
Agency information collection activities under OMB review, 3681

United States Institute of Peace
NOTICES
Grant applications; procedures and deadlines, 3683

Urban Mass Transportation Administration
PROPOSED RULES
Right-of-way and environment:
Environmental impact and related procedures; constructive use (section 4(f)), 3599
NOTICES
Grants; UMTA sections 3 and 9 obligations, 3679

Separate Parts In This Issue

Part II
Environmental Protection Agency, 3688

Part III
Department of Transportation, Federal Aviation Administration, 3698

Part IV
Department of Transportation, Coast Guard, 3704

Part V
Department of Labor, Employment and Training Administration, 3710

Part VI
Department of Energy, Office of Conservation and Renewable Energy, 3714

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

CFR PARTS AFFECTED IN THIS ISSUE

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

5 CFR
890 3563

7 CFR
354 3564
905 3565
907 3567
910 3570
1765 3570
1772 3685

10 CFR
435 3714

12 CFR
264b 3576

14 CFR
39 (3 documents) 3577–3581
71 (2 documents) 3583
73 3685
121 3698

21 CFR
178 3584
520 3585
522 3586
558 (2 documents) 3585, 3685
1308 3586

23 CFR
Proposed Rules:
771 3599

30 CFR
935 3588
946 3588
Proposed Rules:
256 3603
935 3604

31 CFR
215 3590

33 CFR
334 3591
Proposed Rules:
161 3704

40 CFR
52 (3 documents) 3593–3595
228 3688
Proposed Rules:
52 3606
86 3685
228 3693

48 CFR
Proposed Rules:
5243 3608

49 CFR
Proposed Rules:
533 3608
571 3618

Rules and Regulations

Federal Register
Vol. 55, No. 23
Friday, February 2, 1990

OFFICE OF PERSONNEL MANAGEMENT

5 CFR Part 890

Federal Employees Health Benefits Program; Coverage of Annuitants Upon Plan Termination

AGENCY: Office of Personnel Management.

ACTION: Interim regulations with request for comments.

SUMMARY: The Office of Personnel Management (OPM) is issuing interim regulations to provide for continuing health insurance coverage under the Federal Employees Health Benefits (FEHB) Program for certain annuitants when the plan in which they are enrolled terminates. This action is necessary because of the large number of annuitants who did not make plan changes necessitated by the termination of the Indemnity Benefit Plan.

DATES: Interim regulations are effective December 31, 1989. Comments must be received on or before April 3, 1990.

ADDRESSES: Written comments may be sent to Reginald M. Jones, Jr., Assistant Director for Retirement and Insurance Policy, Retirement and Insurance Group, Office of Personnel Management, P.O. Box 57, Washington, DC 20044, or delivered to OPM, Room 4351, 1900 E Street, NW., Washington, DC.

FOR FURTHER INFORMATION CONTACT: Margaret Sears, (202) 632–4634, extension 207.

SUPPLEMENTARY INFORMATION: Under current regulations, annuitants who do not register to change plans when the plan in which they are enrolled terminates are considered to have cancelled their participation in the FEHB Program. Annuitants who cancel their enrollment cannot reenroll at a later date. Because of the recent termination of the Indemnity Benefit Plan, OPM has contacted about 152,000 annuitants through four separate mailings to inform them of their impending loss of coverage and to give them the opportunity to change plans. In mid-December an additional mailing was made to annuitants who had not responded to the earlier mailings, extending their opportunity to change plans to mid-January. As of December 31, 1989, approximately 11 percent of the annuitants enrolled in the Indemnity Benefit Plan had not responded.

By and large, this group of annuitants represents the oldest of the Plan enrollees, a large proportion of whom have a diminished capacity to handle their affairs effectively yet are greatly in need of health services. To assure that such enrollees are guaranteed continuing, uninterrupted health benefits enrollment and coverage, these regulations provide that annuitants who do not change health plans during the period specified by OPM are deemed to have elected coverage under the Service Benefit Plan (sponsored by Blue Cross and Blue Shield). The Service Benefit Plan is the most comparable plan to the Indemnity Benefit Plan; it is a government-wide plan and requires no associate membership dues.

Under existing regulations, annuitants (or those responsible for their care and custody) can reverse this action and elect a different plan if they were unable to make the change on a timely basis through no fault of their own. Of course, we would hold these individuals only to a standard of fault suitable to their physical and mental condition.

These regulations make clear that the regulatory exemptions from due process procedures that are provided under 5 CFR 831.1305(d)(2) and 5 CFR 845.205(d)(2) apply to these "deemed" elections. This will permit the prompt collection and transmittal to the plans of the required premiums.

There will, of course, be some differences in the amount of the 1990 Service Benefit Plan premiums and those of the Indemnity Benefit Plan for 1989, just as there would have been if the Indemnity Benefit Plan had continued in 1990. For comparison purposes we are providing below the annuitant's share of the 1989 Indemnity Benefit Plan premiums, annuitant's share of the 1990 Service Benefit Plan premiums, and the differences in these amounts.

MONTHLY WITHHOLDING COMPARISON

Type of enrollment	1989 indemnity benefit plan ($)	1990 service benefit plan ($)	Difference ($)
High option			
Self only	168.65	187.81	+19.16
Family	318.70	391.97	+73.27
Standard option			
Self only	66.03	36.66	−29.37
Family	154.01	77.03	−76.98

The revised regulations also provide that annuitants whose annuities are insufficient to pay for their high option enrollment in a plan with two options and who do not change to a lower cost option or plan are deemed to have elected low option coverage in the same plan. Under the old regulations, enrollments for such annuitants were terminated.

Although it is the large number of annuitants affected by the termination of the Indemnity Benefit Plan that has prompted us to revise our regulations, the revised regulations also apply to annuitants enrolled in other plans terminating on and after December 31, 1989, and to annuitants in the high option of all plans with two options whose annuities are insufficient to cover the cost of the enrollment.

Waiver of Notice of Proposed Rulemaking

Pursuant to section 553(b)(3)(B) of title 5 of the U.S. Code, I find that good cause exists for waiving the general notice of proposed rulemaking. OPM must issue regulations to provide continued health coverage for thousands of elderly annuitants who would otherwise lose coverage on December 31, 1989. The critical need for uninterrupted coverage makes it impractical to publish proposed regulations.

E.O. 12291, Federal Regulation

I have determined that this is not a major rule as defined under section 1(b) of E.O. 12291, Federal Regulation.

Regulatory Flexibility Act

I certify that these regulations will not have a significant economic impact on a substantial number of small entities because they primarily affect Federal employees, annuitants, and former spouses.

List of Subjects in 5 CFR Part 890

Administrative practice and procedure, Government employees, Health insurance, Retirement.

U.S. Office of Personnel Management.

Constance Berry Newman,

Director.

Accordingly, OPM is amending 5 CFR part 890 as follows:

PART 890—FEDERAL EMPLOYEES HEALTH BENEFITS PROGRAM

1. The authority citation for part 890 continues to read as follows:

Authority: 5 U.S.C. 8913; § 890.102 also issued under 5 U.S.C. 1104 and Pub. L. 100–654; § 890.803 also issued under sec. 303 of Pub. L. 99–569, 100 Stat. 3190, sec. 188 of Pub. L. 100–204, 101 Stat. 1331, and sec. 204 of Pub. L. 100–238, 101 Stat. 1744; subpart K also issued under title II of Pub. L. 100–654.

2. Section 890.301(k) is revised to read as follows:

§ 890.301 Opportunities to register to enroll and change enrollment.

* * * * *

(k) *Termination of plan in which enrolled.* (1) If a plan is discontinued in whole or in part, each enrollee whose enrollment is thereby terminated may enroll in another plan. If the discontinuance is at the end of a contract period that is immediately preceded by an open season, the time for enrollment is the open season, unless OPM establishes a different time for enrollment. If the discontinuance is at a time other than the end of the contract year, OPM must establish a time and an effective date for enrollment. Except as provided in paragraphs (k)(2) and (k)(3) of this section, enrollees who fail to change enrollment within the time set are considered to have cancelled the plan in which enrolled.

(2) If one option of a plan is discontinued, enrollees who do not change plans are considered to be enrolled in the remaining option of the plan.

(3) Annuitants enrolled in a discontinued plan with a single option who do not change plans are deemed to have elected to be enrolled in the Standard Option of the Service Benefit plan. Annuitants enrolled in a discontinued plan with two options are deemed to have elected the corresponding option of the Service Benefit Plan, unless they are enrolled in a high option and their annuity is insufficient to pay the withholding for the high option of the Service Benefit Plan. If their annuity is insufficient to pay the withholding for the high option, they are deemed to have elected enrollment in the Standard Option of the Service Benefit Plan. The exemptions from debt collection procedures that are provided under 5 CFR 831.1305(d)(2) and 5 CFR 845.205(d)(2) apply to elections under this paragraph.

* * * * *

3. In § 890.304, paragraph (b)(1) is revised to read as set forth below and a new paragraph (b)(3) is added as set forth below.

§ 890.304 Termination of enrollment.

* * * * *

(b) *Annuitants.* (1) Except as provided in paragraph (b)(3) of this section, if the annuity of an annuitant retiring under 5 U.S.C. Chapter 83 or of all survivor annuitants in a family of such an annuitant is not sufficient to pay the withholding for the plan in which the annuitants are enrolled, and the annuitant does not, or cannot, elect a plan under § 890.301(q) at a cost to him or her not in excess of the annuity, the employing office must terminate the annuitant's enrollment effective as of the end of the last period for which withholding was made. Each annuitant whose enrollment is so terminated is entitled to a 31-day extension of coverage for conversion.

* * * * *

(3) If the annuitant described in paragraph (b)(1) of this section is enrolled in the high option of a plan that has two options, the annuitant is deemed to have elected enrollment in the low option of the same plan.

* * * * *

[FR Doc. 90–2422 Filed 2–1–90; 8:45 am]

BILLING CODE 6325–01–M

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

7 CFR Part 354

[Docket No. 89–219]

Commuted Traveltime Periods

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: We are amending the regulations concerning overtime services provided by employees of Plant Protection and Quarantine (PPQ) by adding or removing commuted traveltime allowances between various locations in North Carolina. Commuted traveltime allowances are the periods of time required for PPQ employees to travel from their dispatch points and return there from the places where they perform Sunday, holiday, or other overtime duty. The Government charges a fee for certain overtime services provided by PPQ employees and, under certain cirucmstances, the fee may include the cost of commuted traveltime. This action is necessary to inform the public of the commuted traveltime for these locations.

EFFECTIVE DATE: February 2, 1990.

FOR FURTHER INFORMATION CONTACT: Paul R. Eggert, Director, Resource Management Support, PPQ, APHIS, USDA, Room 623, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, (301) 436–7764.

SUPPLEMENTARY INFORMATION:

Background

The regulations in 7 CFR, chapter III, and 9 CFR, chapter I, subchapter D, require inspection, laboratory testing, certification, or quarantine of certain plants, plant products, animals and animal byproducts, or other commodities intended for importation into, or exportation from, the United States. When these services must be provided by an employee of PPQ on a Sunday or holiday, or at any other time outside the PPQ employee's regular duty hours, the Government charges a fee for the services in accordance with 7 CFR part 354. Under circumstances described in § 354.1(a)(2), this fee may include the cost of commuted traveltime. Section 354.2 contains administrative instructions prescribing commuted traveltime allowances, which reflect, as nearly as practicable, the periods of time required for PPQ employees to travel from their dispatch points and return there from the places where they perform Sunday, holiday, or other overtime duty.

We are amending § 354.2 of the regulations by adding or removing commuted traveltime allowances between various locations in North Carolina. The amendment is set forth in the rule portion of this document. This action is necessary to inform the public of the commuted traveltime between the dispatch and service locations.

Executive Order 12291 and Regulatory Flexibility Act

We are issuing this rule in conformance with Executive Order 12291, and we have determined that it is not a "major rule." Based on information compiled by the Department, we have determined that this rule will have an effect on the economy of less than $100 million; will not cause a major increase in costs or prices for consumers, individual industries, Federal, State or

local government agencies, or geographic regions; and will not cause a significant adverse effect on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

The number of requests for overtime services of a PPQ employee at the locations affected by our rule represents an insignificant portion of the total number of requests for these services in the United States.

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

Effective Date

The commuted traveltime allowances appropriate for employees performing services at ports of entry, and the features of the reimbursement plan for recovering the cost of furnishing port of entry services, depend upon facts within the knowledge of the Department of Agriculture. It does not appear that public participation in this rulemaking proceeding would make additional relevant information available to the Department.

Accordingly, pursuant to the administrative procedure provisions in 5 U.S.C. 553, we find upon good cause that prior notice and other public procedure with respect to this rule are impracticable and unnecessary; we also find good cause for making this rule effective less than 30 days after publication of this document in the **Federal Register.**

Executive Order 12372

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

List of Subjects in 7 CFR Part 354

Agricultural commodities, Exports, Government employees, Imports, Plants (Agriculture), Quarantine, Transportation.

Accordingly, 7 CFR part 354 is amended as follows:

PART 354—OVERTIME SERVICES RELATING TO IMPORTS AND EXPORTS

1. The authority citation for part 354 continues to read as follows:

Authority: 7 U.S.C. 2260, 49 U.S.C. 1741; 7 CFR 2.17, 2.51 and 371.2(c).

2. Section 354.2 is amended by removing or adding in the table, in alphabetical order, the information as shown below:

§ 354.2 Administrative instructions prescribing commuted traveltime.

* * * * *

COMMUTED TRAVELTIME ALLOWANCES

[In hours]

Location covered	Served from	Metropolitan area	
		Within	Outside
Remove:			
* * * * *			
North Carolina:			
* * * * *			
Pope AFB	Fayetteville	2	
* * * * *			
Add:			
* * * * *			
North Carolina:			
* * * * *			
Charlotte	Burlington		5
Charlotte	Greensboro		4
* * * * *			
Greensboro		1½	
Greensboro	Charlotte		4
Greensboro	Fayetteville		4½
Greensboro	Laurinburg		6
* * * * *			
Pope AFB	Fayetteville	1¼	
* * * * *			

Done in Washington, DC, this 30th day of January 1990.

James W. Glosser,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 90-2435 Filed 2-1-90; 8:45 am]

BILLING CODE 3410-10-M

Agricultural Marketing Service

7 CFR Part 905

[Docket No. FV-90-128FR]

Oranges, Grapefruit, Tangerines, and Tangelos Grown in Florida; Relaxation of Grade and Size Requirements

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This final rule relaxes current grade and size requirements for domestic and export shipments of Early and Midseason oranges and for export shipments of Honey tangerines grown in Florida for the remainder of the 1989–90 season. A severe freeze in late December 1989 damaged much of the remaining Florida citrus crop available for fresh market use. The Citrus Administrative Committee (committee) unanimously recommended these relaxations to allow handlers to maximize utilization of the remaining supplies of marketable fruit. This action is based on an analysis of the 1989–90 season Florida citrus crop and current and prospective market conditions.

EFFECTIVE DATE: January 29, 1990.

FOR FURTHER INFORMATION CONTACT: Gary D. Rasmussen, Marketing Specialist, Marketing Order Administration Branch, Fruit and Vegetable Division, AMS, USDA, P.O. Box 96456, Room 2525–S, Washington, DC 20090–6456; telephone: (202) 475–3918.

SUPPLEMENTARY INFORMATION: This final rule is issued under Marketing Agreement and Marketing Order No. 905, both as amended (7 CFR part 905), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida. This order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C 601–674), hereinafter referred to as the Act.

This rule has been reviewed under Executive Order 12291 and Departmental Regulation 1512–1 and has been determined to be a "non-major" rule under criteria contained therein.

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

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

There are about 100 Florida citrus handlers subject to regulation under the marketing order covering oranges, grapefruit, tangerines, and tangelos grown in Florida. In addition, there are about 13,000 producers of these citrus fruits in Florida. Small agricultural producers have been defined by the Small Business Administration (13 CFR 121.2) as those having annual receipts of less than $500,000, and small agricultural service firms are defined as those whose annual receipts are less than $3,500,000. A minority of these handlers and a majority of the producers may be classified as small entities.

Section 905.306 of the rules and regulations (7 CFR 905.306) specifies minimum grade and size requirements

for most varieties of Florida oranges, grapefruit, and tangerines for both domestic and export markets. Minimum grade and size requirements for domestic shipments of Florida citrus are specified in section in Table I of paragraph (a) and for export markets in Table II of paragraph (b). The domestic market was redefined as the 48 contiguous States and the District of Columbia of the United States and export markets as any destination other than the 48 contiguous States and the District of Columbia of the United States by an amendment to the marketing order (54 FR 37290, September 8, 1989), which revised §§ 905.9 and 905.52. Section 905.306 has been amended to reflect these changes to the order.

To allow handlers to maximize utilization of the remaining supplies of marketable fruit this season, the committee recommended the following relaxations:

1. Reduce the minimum grade requirement for domestic and export shipments of Early and Midseason oranges to U.S. No. 1 Golden from U S. No. 1.

2. Reduce the minimum size requirement for domestic and export shipments of Early and Midseason oranges to 2$^{4}/_{16}$ inches in diameter from 2$^{5}/_{16}$ inches in diameter.

3. Reduce the minimum grade requirement for export shipments of Honey tangerines to Florida No. 1 Golden from Florida No. 1.

4. Reduce the minimum size requirement for export shipments of Honey tangerines to 2$^{4}/_{16}$ inches in diameter from 2$^{5}/_{16}$ inches in diameter.

The relaxations for Early and Midseason oranges and Honey tangerines need to be made effective immediately, and are to remain in effect through August 19, 1990. The minimum grade and size requirements for these fruits will revert back on August 20, 1990, to the tighter requirements specified for these fruits in § 905.306 for next season's shipments. The same grade and size relaxations were made effective for domestic shipments of Honey tangerines on January 12, 1990 (55 FR 1786).

The committee, which administers the program locally, unanimously recommended these relaxations by a telephone vote on January 24, 1990. The grade and size relaxations are based on the committee's assessment of the current crop conditions and the remaining available supply of marketable fruit. The committee meets prior to and during each season to review the handling requirements, effective on a continuous basis, for each regulated citrus fruit. Committee meetings generally are open to the public, and interested persons may express their views at these meetings. While the committee met on January 16, 1990, to assess current crop and marketing conditions for Florida citrus, it was unable to determine the need for the relaxations contained herein at that time. Thus, due to the emergency situation, there was no time to schedule a public meeting. Pursuant to paragraph (c) of § 905.34 of the order, the committee may, in cases of emergency, vote by telephone and all such votes must be confirmed in writing. The U.S. Department of Agriculture (Department) reviews committee recommendations and information submitted by the committee and other available information and determines whether modification, suspension, or termination of the handling requirements would tend to effectuate the declared policy of the Act.

A severe freeze in late December 1989 damaged much of the Florida citrus crop available for fresh market use. The severe cold was especially damaging because much of the Early and Midseason orange crop and most of the Honey tangerine crop were still on the trees at the time of the freeze. The economic loss because of the freeze is expected to be high. According to a January 11 crop report issued by the National Agricultural Statistics Service, the Florida citrus production estimate is 25 percent lower than in December 1989. Florida's Early and Midseason orange crop is estimated to be 17 percent below the December estimate of 72,000,000 boxes and 30 percent below 1988–89 production. The Honey tangerine crop is estimated to be 30 percent below the December estimate of 850,000 boxes and less than one-half the 1988–89 crop. The surveys for the January forecast were completed on January 5, only 12 days after the freeze. Hence, the total fruit damage could not be completely assessed. Consequently, the committee believes that there will be more fruit loss than the January forecast reflected.

After evaluating crop conditions, the committee has determined that the recommended reductions in the grade and size requirements for Early and Midseason oranges and Honey tangerines are in the best interest of the industry at this time to market the remaining supplies of merchantable fruit.

Because supplies of Early and Midseason oranges and Honey tangerines for fresh use were substantially reduced by the freeze, the industry desires to utilize as much of the crop in the fresh market as possible. The recommended grade and size relaxations will help satisfy consumer demand for fresh citrus fruits while maximizing returns to producers and handlers.

The recommended relaxations lower external quality requirements for domestic and export shipments of Early and Midseason oranges to U.S. No. 1 Golden from U.S. No. 1 and for export shipments of Honey tangerines to Florida No. 1 Golden from Florida No. 1. The internal quality of fruit grading U.S. No. 1 Golden is the same as that for fruit grading U.S. No. 1, and the internal quality of fruit grading Florida No. 1 Golden is the same as that for fruit grading Florida No. 1. Thus, the eating quality of the additional fruit which will be utilized in the fresh market as a result of these grade relaxations should be the same.

The relaxation of size requirements for domestic and export shipments of Early and Midseason oranges and export shipments of Honey tangerines will allow fruit smaller than the current minimum sizes to be utilized in the fresh market. This will allow fruit which had to be harvested slightly smaller because of the freeze to be utilized in the fresh market. Normally when there is an adequate supply of larger sized fruit, smaller fruit would be used for processing. Because supplies of Early and Midseason oranges and export shipments of Honey tangerines are expected to be substantially reduced by the freeze, the industry desires to utilize as much of the crop in the fresh market as possible. The recommended size relaxation will help satisfy consumer demand for fresh citrus fruits while maximizing returns to producers and handlers. The minimum size requirement for export shipments of Honey tangerines currently appears in error in the Code of Federal Regulations as 2$^{5}/_{16}$ inches in diameter. This action corrects that provision to 2$^{4}/_{16}$ inches as it appeared in the **Federal Register** at 47 FR 589, January 6, 1982.

Some Florida citrus fruit shipments are exempt from the handling requirements effective under the marketing order. Handlers may ship up to 15 standard packed cartons (12 bushels) of fruit per day under a minimum quantity exemption provision. Also, handlers may ship up to two standard packed cartons of fruit per day in gift packages which are individually addressed and not for resale, under the current exemption provisions. Fruit shipped for animal feed is also exempt under specific conditions. In addition, fruit shipped to commercial processors for conversion into canned or frozen

products or into a beverage base are not subject to the handling requirements.

Section 8e of the Act (7 U.S.C. 608e–1) provides that whenever specified commodities, including oranges, are regulated under a Federal marketing order, imports of these commodities into the United States are prohibited unless they meet the same or comparable grade, size, quality, or maturity requirements as those in effect for the domestically produced commodities. Section 8e also provides that whenever two or more marketing orders regulate the same commodity produced in different areas of the United States, the Secretary shall determine which area the imported commodity is in most direct competition with and apply the regulations for that area to the imported commodity.

Orange import requirements are specified in § 944.312 (7 CFR part 944), and are effective under section 8e of the Act. That section requires that oranges imported into the United States must meet the same minimum grade and size requirements as those specified for Texas oranges in paragraphs (a)(1) and (a)(2) of § 906.365 Texas Orange and Grapefruit Regulation 34 (54 FR 51737, December 18, 1989). Accordingly, the findings and determinations for imported oranges in part 944 would not be changed by this action and no change in the provisions of part 944 is necessary. Thus, import requirements would continue to be based upon Texas orange requirements under M.O. 906.

This action reflects the committee's and the Department's appraisal of the need to make the grade and size relaxations hereinafter set forth. The Department's view is that this action will have a beneficial impact on producers and handlers since it would allow Florida citrus handlers to ship those grades and sizes of fruit available to meet consumer needs consistent with this season's crop and market conditions.

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

After consideration of all relevant matter presented, the information and recommendations submitted by the committee, and other information, it is found that the relaxations set forth below will tend to effectuate the declared policy of the Act.

Pursuant to 5 U.S.C. 553, it is also found and determined, upon good cause, that it is impracticable, unnecessary and contrary to the public interest to give preliminary notice prior to putting this rule into effect, and that good cause exists for not postponing the effective date of this action until 30 days after publication in the **Federal Register** because: (1) This action relaxes grade and size requirements currently in effect for Early and Midseason oranges and Honey tangerines; (2) handlers of these fruits will need no additional time to comply with the relaxed requirements; and (3) prompt implementation of these relaxations is needed so that the industry can ship the fruits as soon as possible so as to lessen grower and handler losses from the December 1989 freeze.

List of Subjects in 7 CFR Part 905

Florida, Grapefruit, Marketing agreements, Oranges, Tangelos, Tangerines.

For the reasons set forth in the preamble, 7 CFR part 905 is amended as follows:

PART 905—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

1. The authority citation for 7 CFR part 905 continues to read as follows:

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

2. The provisions of § 905.306 are amended to read as follows:

Note: This action will be published in the Code of Federal Regulations.

A. In paragraph (a), Table I, the entries for oranges are revised to read as set forth below.

B. In paragraph (b), Table II, the entries for oranges and tangerines are revised to read as follows:

§ 905.306 Orange, Grapefruit, Tangerine, and Tangelo Regulation 6.

(a) * * *

TABLE I

Variety (1)	Regulation period (2)	Minimum grade (3)	Minimum diameter (inches) (4)
*	*	*	*
Oranges			
Early and midseason.	January 29, 1990—08/19/90.	U.S. No. 1 golden.	2 1/16
	On and after 08/20/90.	U.S. No. 1	2 5/16
*	*	*	*

(b) * * *

TABLE II

Variety (1)	Regulation period (2)	Minimum grade (3)	Minimum diameter (inches) (4)
*	*	*	*
Oranges			
Early and midseason.	January 29, 1990—08/19/90.	U.S. No. 1 golden.	2 1/16
	On and after 08/20/90.	U.S. No. 1	2 5/16
*	*	*	*
Tangerines			
Honey	January 29, 1990—08/19/90.	Florida No. 1 golden[1].	2 1/16
	On and after 08/20/90.	Florida No. 1.	2 5/16
*	*	*	*

[1] Florida No. 1 Golden grade for Honey tangerines means the same as provided in Rule No. 20–35.03 of the Regulation of the Florida Department of Citrus.

Dated: January 29, 1990.

Robert C. Keeney,

Deputy Director, Fruit and Vegetable Division.

[FR Doc. 90–2402 Filed 2–1–90; 8:45 am]

BILLING CODE 3410–02–M

7 CFR Part 907

[Navel Orange Reg. 705]

Navel Oranges Grown in Arizona and Designated Part of California

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This regulation establishes the quantity of California-Arizona navel oranges that may be shipped to domestic markets during the period from February 2 through February 8, 1990. Consistent with program objectives, such action is needed to balance the supplies of fresh navel oranges with the demand for such oranges during the period specified. This action was recommended by the Navel Orange Administrative Committee (Committee), which is responsible for local administration of the navel orange marketing order.

DATES: Regulation 705 (7 CFR part 907) is effective for the period from February 2 through February 8, 1990.

FOR FURTHER INFORMATION CONTACT: Jacquelyn R. Schlatter, Marketing Specialist, Marketing Order Administration Branch, Fruit and Vegetable Division, Agricultural Marketing Service, U.S. Department of Agriculture, Room 2523–S, P.O. Box

96456, Washington, D.C. 20090–6456; telephone: (202) 447–8139.

SUPPLEMENTARY INFORMATION: This final rule is issued under Marketing Order 907 [7 CFR part 907], as amended, regulating the handling of navel oranges grown in Arizona and designated part of California. This order is effective under the Agricultural Marketing Agreement Act of 1937, as amended, hereinafter referred to as the Act.

This final rule has been reviewed under Executive Order 12291 and Departmental Regulation 1512–1 and has been determined to be a "non-major" rule under criteria contained therein.

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

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

There are approximately 123 handlers of California-Arizona navel oranges subject to regulation under the navel orange marketing order and approximately 4,065 navel orange producers of California and Arizona. Small agricultural producers have been defined by the Small Business Administration [13 CFR 121.2] as those having annual receipts of less than $500,000, and small agricultural service firms are defined as those whose annual receipts are less than $3,500,000. The majority of handlers and producers of California-Arizona navel oranges may be classified as small entities.

The California-Arizona navel orange industry is characterized by a large number of growers located over a wide area. The production area is divided into four districts which span Arizona and part of California. The largest proportion of navel orange production is located in District 1, Central California, which represented 85 percent of the total production in 1988–89. District 2 is located in the southern coastal area of California and represented 13 percent of 1888–89 production; District 3 is the desert area of California and Arizona, and it represented approximately 1 percent; and District 4, which represented approximately 1 percent, is northern California. The Committee's estimate of 1989–90 production of 83,000 cars (one car equals 1,000 cartons at 37.5 pounds net weight each) was revised to 85,500 cars, as compared with 70,633 cars during the 1988–89 season.

The three basic outlets for California-Arizona navel oranges are the domestic fresh, export, and processing markets. The domestic (regulated) fresh market is a preferred market for California-Arizona navel oranges. The Committee estimates that about 60 percent of the 1989–90 crop of 83,000 cars will be utilized in fresh domestic channels (49,500 cars), with the remainder being exported fresh (9 percent), processed (29 percent), or designated for other uses (2 percent). This compares with the 1988–89 total of 45,581 cars shipped to fresh domestic markets, about 64 percent of the crop. Based on the revised crop estimate, the Committee is expected to revise its utilization schedule at its next meeting.

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

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

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

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

At the beginning of each marketing year, the Committee submits a marketing policy to the U.S. Department of Agriculture (Department) which discusses, among other things, the potential use of volume and size regulations for the ensuing season. The Committee, in its 1989–90 season marketing policy, considered the use of volume regulation for the season. This marketing policy is available from the Committee or Ms. Pello. The Department reviewed that policy with respect to administrative requirements and regulatory alternatives in order to determine if the use of volume regulations would be appropriate. A "Notice of Marketing Policy" (notice), which summarized the Committee's marketing policy, was prepared by the Department and published in the October 19, 1989, issue of the **Federal Register** (54 FR 42966). The purpose of the notice was to allow public comment on the Committee's marketing policy and the impact of any regulations on small business activities.

The notice provided a 30-day period for the receipt of comments from interested persons. That comment period ended on November 20, 1989. Three comments were received. The Department is continuing its analysis of the comments received, and the analysis will be made available to interested persons. That analysis is assisting the Department in evaluating recommendations for the issuance of weekly volume regulations.

The Committee met publicly on January 30, 1990, in Visalia, California, to consider the current and prospective conditions of supply and demand and recommended, with eight members voting in favor, one opposing, and two abstaining, that 2,100,000 cartons is the quantity of navel oranges deemed advisable to be shipped to fresh domestic markets during the specified week. The marketing information and data provided to the Committee and used in its deliberations was compiled by the Committee's staff or presented by Committee members at the meeting. This information included, but was not limited to, price data for the previous week from Department market news reports and other sources, preceding week's shipments and shipments to date, crop conditions, weather and transportation conditions, and a reevaluation of the prior week's recommendation in view of the above.

The Department reviewed the Committee's recommendation in light of the Committee's projections as set forth

in its 1989–90 marketing policy. This recommended amount is 450,000 cartons more than estimated in the January 9, 1990, tentative shipping schedule. Of the 2,100,000 cartons, 1,827,000 are allotted for District 1 and 273,000 are allotted for District 2. Districts 3 and 4 are not regulated since approximately 82 percent of District 3's crop and 61 percent of District 4's crop to date have been utilized and handlers would not be able to utilize their allotments.

During the week ending on January 25, 1990, shipments of navel oranges to fresh domestic markets, including Canada, totaled 1,895,000 cartons compared with 1,708,000 cartons shipped during the week ending on January 26, 1989. Export shipments totaled 248,000 cartons compared with 298,000 cartons shipped during the week ending on January 26, 1989. Processing and other uses accounted for 480,000 cartons compared with 713,000 cartons shipped during the week ending on January 26, 1989.

Fresh domestic shipments to date this season total 21,048,000 cartons compared with 16,627,000 cartons shipped by this time last season. Export shipments total 3,377,000 cartons compared with 2,641,000 cartons shipped by this time last season. Processing and other use shipments total 5,393,000 cartons compared with 4,817,000 cartons shipped by this time last season.

For the week ending on January 25, 1990, regulated shipments of navel oranges to the fresh domestic market were 1,874,000 cartons on an adjusted allotment of 1,795,000 cartons which resulted in net overshipments of 79,000 cartons. Regulated shipments for the current week (January 26 through February 1, 1990) are estimated at 2,030,000 cartons on an adjusted allotment of 2,014,000 cartons. Thus, overshipments of 16,000 cartons could be carried over into the week ending on February 9, 1990.

The average f.o.b. shipping point price for the week ending on January 25, 1990, was $7.41 per carton based on a reported sales volume of 1,607,000 cartons compared with last week's average of $7.26 per carton on a reported sales volume of 1,606,000 cartons. The season average f.o.b. shipping point price to date is $7.73 per carton. The average f.o.b. shipping point price for the week ending on January 26, 1989, was $6.62 per carton; the season average f.o.b. shipping point price at this time last season was $8.16 per carton.

According to a January 11 crop report issued by the National Agricultural Statistics Service, the citrus production estimate is 18 percent lower than in December and 25 percent below last season. This significant reduction is due mostly to the severe freezing temperatures in the Florida and Texas citrus belts during December. Fruit droppage is increasing in all areas of Florida, and the Texas fresh market citrus harvest has ended. In addition, orange production is down 19 percent from a December 1, 1989, forecast and 24 percent below last season. This decline is due mostly to Florida's 29 percent decrease from December and 37 percent decline from last season. Both the Committee and the Department are continuing to monitor the effects of the Texas and Florida freezes on the California-Arizona navel orange industry.

The Committee reports that overall demand for navel oranges is very good, and the market is firm. Committee members and observers discussed different levels of allotment as well as open movement. However, only two Committee members favored open movement.

The 1988–89 season average fresh equivalent on-tree price for California-Arizona navel oranges was $3.86 per carton, 65 percent of the season average parity equivalent price of $5.98 per carton.

Based upon fresh utilization levels indicated by the Committee and an econometric model developed by the Department, the 1989–90 season average fresh on-tree price is estimated to be between $4.80 and $5.10 per carton. This range is equivalent to 73 to 78 percent of the projected season average fresh on-tree parity equivalent price of $6.54 per carton. Thus, the 1989–90 season average fresh on-tree price is not expected to exceed the projected season average fresh on-tree parity equivalent price.

Limiting the quantity of navel oranges that may be shipped during the period from February 2 through February 8, 1990, would be consistent with the provisions of the marketing order by tending to establish and maintain, in the interest of producers and consumers, an orderly flow of navel oranges to market.

Based on considerations of supply and market conditions, and the evaluation of alternatives to the implementation of this volume regulation, the Administrator of the AMS has determined that this final rule will not have a significant economic impact on a substantial number of small entities and that this action will tend to effectuate the declared policy of the Act.

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

In addition, market information needed for the formulation of the basis for this action was not available until January 30, 1990, and this action needs to be effective for the regulatory week which begins on February 2, 1990. Further, interested persons were given an opportunity to submit information and views on the regulation at an open meeting, and handlers were apprised of its provisions and effective time. It is necessary, therefore, in order to effectuate the declared purposes of the Act, to make this regulatory provision effective as specified.

List of Subjects in 7 CFR Part 907

Arizona, California, Marketing agreements, Navel oranges.

PART 907—[AMENDED]

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

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

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

2. Section 907.1005 is added to read as follows:

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

§ 907.1005 Navel Orange Regulation 705.

The quantity of navel oranges grown in California and Arizona which may be handled during the period from February 2 through February 8, 1990, is established as follows:

(a) District 1: 1,827,000 cartons;
(b) District 2: 273,000 cartons;
(c) District 3: unlimited cartons;
(d) District 4: unlimited cartons.

Dated: January 31, 1990.

Robert C. Keeney,

Deputy Director, Fruit and Vegetable Division.

[FR Doc. 90–2578 Filed 2–1–90; 8:45 am]

BILLING CODE 3410–02–M

7 CFR Part 910

[Lemon Regulation 703]

Lemons Grown in California and Arizona; Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: Regulation 703 establishes the quantity of fresh California-Arizona lemons that may be shipped to market at 300,000 cartons during the period from February 4, 1990, through February 10, 1990. Such action is needed to balance the supply of fresh lemons with market demand for the period specified, due to the marketing situation confronting the lemon industry.

DATES: Regulation 703 (7 CFR part 910) is effective for the period from February 4, 1990, through February 10, 1990.

FOR FURTHER INFORMATION CONTACT: Beatriz Rodriguez, Marketing Specialist, Marketing Order Administration Branch, F&V, AMS, USDA, Room 2523, South Building, P.O. Box 96456, Washington, DC 20090-6456; telephone: (202) 475-3861.

SUPPLEMENTARY INFORMATION: This final rule has been reviewed under Executive Order 12291 and Departmental Regulation 1512-1 and has been determined to be a "non-major" rule under criteria contained therein.

Pursuant to requirements set forth in the Regulatory Flexibility Act (RFA), the Administrator of the Agricultural Marketing Service has determined that this action will not have a significant economic impact on a substantial number of small entities.

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

There are approximately 85 handlers of lemons grown in California and Arizona subject to regulation under the lemon marketing order and approximately 2,500 producers in the regulated area. Small agricultural producers have been defined by the Small Business Administration [13 CFR 121.2] as those having annual receipts of less than $500,000, and small agricultural service firms are defined as those whose annual receipts are less than $3,500,000. The majority of handlers and producers of California-Arizona lemons may be classified as small entities.

This regulation is issued under Marketing Order No. 910, as amended (7 CFR part 910), regulating the handling of lemons grown in California and Arizona. The order is effective under the Agricultural Marketing Agreement Act (the "Act," 7 U.S.C. 601-674), as amended. This action is based upon the recommendation and information submitted by the Lemon Administrative Committee (Committee) and upon other available information. It is found that this action will tend to effectuate the declared policy of the Act.

This regulation is consistent with the California-Arizona lemon marketing policy for 1989-90. The Committee met publicly on January 30, 1990, in Los Angeles, California, to consider the current and prospective conditions of supply and demand and unanimously recommended a quantity of lemons deemed advisable to be handled during the specified week. The Committee reports that overall demand for lemons is very good.

Pursuant to 5 U.S.C. 553, it is further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice and engage in further public procedure with respect to this action and that good cause exists for not postponing the effective date of this action until 30 days after publication in the **Federal Register** because of insufficient time between the date when information became available upon which this regulation is based and the effective date necessary to effectuate the declared purposes of the Act. Interested persons were given an opportunity to submit information and views on the regulation at an open meeting. It is necessary, in order to effectuate the declared purposes of the Act, to make these regulatory provisions effective as specified, and handlers have been apprised of such provisions and the effective time.

List of Subjects in 7 CFR Part 910

Arizona, California, Lemons, Marketing agreements.

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

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

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

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

2. Section 910.703 is added to read as follows:

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

§ 910.703 Lemon Regulation 703.

The quantity of lemons grown in California and Arizona which may be handled during the period from February 4, 1990, through February 10, 1990, is established at 300,000 cartons.

Dated: January 31, 1990.

Robert C. Keeney,

Deputy Director, Fruit and Vegetable Division.

[FR Doc. 90-2577 Filed 2-1-90; 8:45 am]

BILLING CODE 3410-02-M

Rural Electrification Administration

7 CFR Part 1765

RIN 0572-AA31

Telephone Materials, Equipment, and Construction—Telephone Program

AGENCY: Rural Electrification Administration, USDA.

ACTION: Final rule.

SUMMARY: The Rural Electrification Administration hereby adds subpart E—Outside Plant Major Construction by Force Account, subpart G—Minor Construction, and subpart H—Construction Certification Program to 7 CFR chapter XVII, part 1765, Telephone Materials, Equipment, and Construction—Telephone Program. These new subparts set forth the provisions and requirements of the RE Act and the REA administrative policies, requirements, and procedures for the procurement of materials and equipment and the construction of telecommunication facilities pertaining to major outside plant construction by force account, minor construction by contract or force account, and construction under the certification program by REA telephone borrowers with REA loan funds. All borrowers that are parties to the construction of borrowers' telecommunication facilities and systems will be affected by this rule.

EFFECTIVE DATE: This final rule is effective February 2, 1990.

ADDRESSES: Comments may be mailed to William F. Albrecht, Director, Telecommunications Staff Division, Rural Electrification Administration, room 2835, South Building, U.S. Department of Agriculture, Washington, DC 20250-1500. Comments received may be inspected in room 2835 between 8 a.m. and 4 p.m.

FOR FURTHER INFORMATION CONTACT: William F. Albrecht, Director, Telecommunications Staff Division, Rural Electrification Administration, room 2835, South Building, U.S. Department of Agriculture, Washington, DC 20250–1500, telephone number (202) 382–8663.

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 costs 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 or productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets and, therefore, 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 Environment 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.

The reporting and recordkeeping provisions of the Paperwork Reduction Act of 1980 (44 U.S.C. 3507 *et seq.*) contained in this rule have been approved by the Office of Management and Budget (OMB) under clearance number 0572–0062.

Public reporting burden for this collection of information is estimated to average 0.9 hours 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 this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to Department of Agriculture, Clearance Officer, OIRM, room 404–W, Washington, DC 20250; and to the Office of Management and Budget, Paperwork Reduction Project (OMB #0572–0062), Washington, DC 20503.

Background

Currently, the policies and requirements for construction of major outside plant facilities by the force account method, construction by work order and administration of construction certification programs by REA telephone borrowers with REA loan funds are contained in numerous REA publications including the following existing REA Bulletins:

320–23	Construction Certification Procedures for Designated Telephone Borrowers.
381–7	Methods of Construction of Telephone Borrowers' Initial System Outside Plant Facilities.
382–1	Force Account Construction, Telephone Borrowers' Initial Systems.
382–2	Construction of Telephone System Improvements and Extensions by Work Order or Contract.
382–3	Final Inventory Documents, Force Account Construction, Telephone Borrowers' Initial System.

The Bulletins listed above contain certain policies, requirements, and procedures that will be incorporated into other CFR parts. When that is accomplished, these Bulletins will be rescinded.

On September 25, 1989, REA published in the **Federal Register** proposed rule 7 CFR part 1765 at 54 FR 39281, Telephone Materials, Equipment, and Construction—Telephone Program, regarding the requirements and procedures to be followed by REA telephone borrowers for outside plant major construction by the force account method (borrower providing all labor and materials), for minor construction by force account and by contract, and for the construction certification program with REA loan funds. In the proposed rule REA invited interested parties to file comments on or before November 24, 1989.

Comments

Comments and recommendations were received from Foothills Rural Telephone Cooperative Corporation, Inc., Staffordville, Kentucky; Ballard Rural Telephone Cooperative, Inc., La Center, Kentucky; and Pacific Telecom, the parent company of seven REA telephone borrowers, Vancouver, Washington.

The comments are summarized as follows:

Subpart E. One respondent questioned why REA will provide loan funds only up to the amount determined by the completed assembly units priced at the unit prices in the approved Force Account Proposal (FAP).

Response. One of the factors REA considers for approving the FAP is that the construction costs are as cost effective as contract construction in the area (§ 1765.5(c)). Cost control of construction with REA loan funds would be lost if REA provided loan funds in excess of the amounts determined by the approved FAP unit prices.

One respondent commented that borrowers are required to follow the latest REA specifications for poles and stub poles, so for what purpose then are the Treated Forest Products Inspection Reports required in § 1765.48(b)(7) used by REA.

Response. The reports are used by REA to ensure the wood products provided did indeed meet the specifications.

Two respondents commented that § 1765.70(a) is too restrictive in the maximum amount of $100,000 for a single minor construction project and gave as an example a building modification or expansion project exceeding $100,000 and containing several small (less than $100,000) specialized construction elements such as provision of standby power generator, provision of heating/air conditioning equipment, planting of shrubbery and landscaping, etc.

Response. The purpose of the minor construction procedure is to accomplish construction in an expeditious and cost-effective manner. It is REA's intention that this procedure apply to specialized discrete construction elements (no element to exceed $100,000). In the sample cited, each of the discrete elements could be constructed by force account, REA Form 773 Contract, or a combination of the two as long as the discrete element cost does not exceed $100,000. A new § 1765.70(b) is added in the final rule to clarify the description of a single minor construction project.

These subparts supersede any sections of REA Bulletins with which they are in conflict.

List of Subjects in 7 CFR Part 1765

Loan programs—Communications, Telecommunications, Telephone.

Therefore, REA amends 7 CFR chapter XVII by adding the following new subparts to part 1765:

PART 1765—[AMENDED]

1. The authority citation for 7 CFR part 1765 continues to read:

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

2. Subparts E, G, H, and appendix E are added to part 1765 to read as follows:

* * * * *

Subpart E—Outside Plant Major Construction by Force Account

Sec.
1765.46 General.
1765.47 Procedures.
1765.48 Closeout Documents.
1765.49–1765.55 [Reserved]

* * * * *

Subpart G—Minor Construction

1765.66 General.
1765.67 Methods of Minor Construction.
1765.68 Construction by Contract.
1765.69 Construction by Force Account.
1765.70 Minor Construction Procedure.
1765.71 Inspection and Certification.
1765.72 Minor Construction Closeout.
1765.73–1765.80 [Reserved]

Subpart H—Construction Certification Program

1765.81 General.
1765.82 Policies and Requirements.
1765.83 Responsibilities.
1765.84 Procedures.
1765.85 Advance of Loan Funds.
1765.86 Certification Addendum.
1765.87–1765.99 [Reserved]

* * * * *

Appendix E—Documents Required to Close Out Force Account Outside Plant Construction

* * * * *

Subpart E—Outside Plant Major Construction by Force Account

§ 1765.46 General.

(a) This subpart implements and explains the provisions of the loan documents setting forth the requirements and the procedures to be followed by borrowers for outside plant major construction by the force account method with REA loan funds. Terms used in this subpart are defined in § 1765.2 and REA Contract Form 515.

(b) A borrower shall not use the force account method for construction financed with loan funds unless prior REA approval has been obtained.

(c) Generally, REA will not approve the force account method for major outside plant construction for the initial loan to a borrower.

(d) The Force Account Proposals (FAPs) are subject to review and approval by REA.

(e) The FAP is approved by REA on the basis of estimated labor and material costs. The FAP is closed based on the borrower's actual cost of performing the construction. REA will provide loan funds only up to the amount determined by the completed assembly units priced at the unit prices in the approved FAP.

(Approved by the Office of Management and Budget under control number 0572–0062)

§ 1765.47 Procedures.

(a) *The request.* (1) The borrower shall submit to REA a certified copy of the board resolution or a letter signed by an authorized corporate official requesting approval to use the force account method of construction. The request shall state the advantages of the force account method of construction and provide the following information:

(i) The scope of the construction to be undertaken, stating briefly the facilities and equipment to be installed and other pertinent data.

(ii) The name and qualifications of the construction supervisor who will be directly in charge of construction, the names and qualifications of the construction foremen, and the availability of qualified construction personnel. The construction supervisor must have at least 5 years outside plant construction experience with at least 2 years at the supervisory level on REA financed projects. Construction foremen must have at least 3 years of outside plant construction experience.

(iii) The availability of equipment for construction, exclusive of equipment needed for normal operation and maintenance.

(b) *Force Account Proposal (FAP).* Upon receiving REA approval to use the force account method, the borrower, prior to any construction activity or the purchase of materials or equipment, shall submit to REA two copies of its FAP. The FAP shall consist of:

(1) The REA Contract Form 515 and appropriate supporting attachments that normally would be provided as plans and specifications for contract construction. See § 1765.37.

(2) The cost estimate, using Form 515 as a convenient means of showing the following:

(i) The quantity and cost estimates of the various assembly units required. "Labor and other" cost will not include the cost of engineering, legal, and other professional services, interest during construction, preliminary survey and investigation charges, and right-of-way easement procurement costs.

(ii) A list identifying materials or construction for which loan funds will not be requested.

(3) The estimated completion time.

(c) *Storage of materials.* All materials ordered for the construction shall be stored separate from normal maintenance materials.

(d) *Construction*—(1) *Preconstruction conference.* The borrower shall arrange a conference, attended by the manager, construction supervisor, construction foremen, resident engineer and the GFR prior to the beginning of construction to clarify any questions pertaining to the construction. Notes of the conference shall be provided to each conference participant.

(2) *Construction schedule and progress reports.* The borrower shall obtain from the engineer a construction schedule and submit one copy to the GFR. The schedule shall include the starting date and a statement indicating that materials are either delivered or deliveries are assured to permit construction to proceed in accordance with the construction schedule. The borrower shall obtain from the engineer progress reports and submit one copy of each to the GFR. REA Form 521 may be used for the construction schedule and the progress report.

(3) *Borrower's management responsibilities.* (i) Obtain all right-of-way easements, permits, etc., prior to construction.

(ii) Maintain records on all expenditures for materials, labor, transportation, and other costs of construction, in order that all costs may be fully accounted for upon completion of construction.

(iii) Ensure that all the required inspections and tests are made.

(4) *Engineer's responsibilities.* (i) Inspect and inventory construction as completed.

(ii) Require timely corrections and cleanup.

(iii) Perform acceptance tests as construction is completed.

(iv) Provide "as built" staking sheets of completed construction when the final inspections are made.

(v) Maintain accurate and current inventories of completed construction.

(5) *Construction supervisor's responsibilities.* (i) Correct construction errors as construction progresses.

(ii) Maintain an accurate inventory of completed construction.

(iii) Perform cleanup as construction is completed.

(iv) Perform all the inspections and acceptance tests a contractor would be required to make under the construction contract.

(v) Promptly perform cleanup required after final inspection.

§ 1765.48 Closeout documents.

(a) *General.* (1) This section outlines the procedure to be followed in the preparation of closeout documents for the FAP.

(2) The period between the completion of construction and submission of the closeout documents to REA should not exceed 60 days.

(b) *Documents.* The documents required to close the FAP are listed in appendix E. The following is a brief description of the closeout documents:

(1) Final Inventory and Certificate of Engineer, REA Forms 817, 817a, and 817b are prepared by the engineer.

(i) Assembly units inventoried on Form 817a shall be grouped according to the applicable plant account classification as specified in 7 CFR part 1770, Revision and Codification of REA's Accounting System Requirements for Telephone Borrowers of the Rural Electrification Administration.

(ii) On Form 817, the engineer provides a comparison between the final inventory total price (based on assembly prices in the approved FAP) and the actual cost of construction (from the borrower's accounting records).

(iii) The actual costs from the borrower's accounting records are not to include costs for (a) engineering, legal and other professional services, (b) interest during construction and (c) preliminary survey charges.

(2) Certificate, "Buy American," REA Form 213.

(3) Key Map, prepared by the engineer, is a permanent record of the general location of the lines and facilities of the borrower's system.

(4) Detail Maps, prepared by the engineer, show the details of the outside plant of the telephone system, the location of subscribers and other pertinent operating details.

(5) Staking Sheets, prepared by the engineer, show by assembly units the outside plant constructed, and serve as the permanent outside plant record.

(6) Tabulation of Staking Sheets, prepared by the engineer, is a summary of the assembly units shown on the staking sheets for preparing the final inventory.

(7) Treated Forest Products Inspection Reports, prepared by an REA approved inspection company, certify that wood products furnished for construction meet all requirements of the REA specifications.

(c) *Closeout procedures.* (1) The borrower shall notify the GFR when the project is ready for final inspection.

(2) The GFR shall make the final inspection accompanied by the engineer and the borrower.

(3) The borrower shall correct all deficiencies found during the final inspection.

(4) The borrower may request the assistance of an REA field accountant to review the borrower's record of construction expenditures and assist the borrower with any accounting problems in connection with construction expenditures.

(5) After inspection, the final inventory documents shall be assembled and distributed as indicated on appendix E. The documents listed for REA are to be submitted to the GFR.

(6) Upon approval of the closeout documents, REA will notify the borrower of approval and of any adjustments to be made in funds advanced in connection with the construction.

(d) The above are not intended to be a complete description of the requirements of the documents relating to REA's closeout procedure. Refer to the documents for additional requirements.

§§ 1765.49–1765.55 [Reserved]

Subpart G—Minor Construction

§ 1765.66 General.

(a) This subpart implements and explains the provisions of the Loan Documents (as defined in 7 part CFR 1758) setting forth the requirements and procedures to be followed by borrowers for minor construction of telecommunications facilities using REA loan funds. Terms used in this subpart are defined in § 1765.2.

(Approved by the Office of Management and Budget under control number 0572–0062)

§ 1765.67 Methods of minor construction.

Minor construction may be performed by contract using REA Contract Form 773. "Miscellaneous Construction Work and Maintenance Serivces", or by work order construction.

§ 1765.68 Construction by contract.

(a) REA Form 773 is used for minor construction by contract. Compensation may be based upon unit prices, hourly rates or another mutually agreeable basis. Each contractor shall have only one contract per project. A single work project may require more than one contractor.

(b) The borrower shall prepare the contract form and attach any diagrams, sketches and tabulations necessary to specify clearly the work to be performed and who shall provide which materials. Neither the selection of the contractor nor the contract requires REA approval.

(c) Borrowers are urged to obtain quotations from several contractors before entering into a contract to be assured of obtaining the lowest cost. The borrower must ensure that the contractor selected meets all Federal and State licensing and bonding requirements, and that the contractor maintains the insurance coverage required by the contract for the duration of the work. (See 7 part CFR 1788)

(d) Upon completion and final inspection of the construction the borrower shall obtain from the Contractor a final invoice and an executed copy of REA FOrm 743, Certificate of Contractor and Indemnity Agreement.

(e) REA Contract Form 773 may also be used to contract for the maintenance and repair of telephone equipment and facilities. Generally, REA will not finance maintenance and repair contracts.

§ 1765.69 Construction by force account.

The borrower shall require that:

(a) Minor construction by the force account method be supervised by a competent foreman. The work shall be performed in accordance with all regulatory and safety codes.

(b) Daily time and material reports, referenced by the work project number, shall be kept to record labor and materials used as construction is performed.

(c) The construction foreman shall maintain a tabulation of all construction units installed.

§ 1765.70 Minor construction procedure.

(a) If the borrower performs construction financed with loan funds, the borrower's regular work order procedure shall be used to administer minor construction activities that may be performed entirely by a contractor under Form 773 Contract, by work order, or jointly by work order and one or more contractors under Form 773 contracts. The maximum amount of $100,000 for a single minor construction project includes all Form 773 contracts and work order changes relating to that project.

(b) A single minor construction project may be a discrete element of a somewhat larger overall project, such as the provision and installation of a standby power generator or heating/air conditioning equipment in connection with a building modification or expansion project or the splicing on a major cable placement project. It cannot be a portion, by dividing into smaller

segments, of a discrete major construction project, such as the placement of a continuous cable facility.

(c) REA approval must be obtained in advance for minor construction unless all of the following conditions are met:

(1) REA has approved the engineering design.

(2) All standard REA procedures are followed, including use of new materials listed in the List of Materials for Use on Telephone Systems of REA Borrowers (Bul. 344–2) and the application of REA construction practices. (See § 1765.6)

(3) The Standard Form 773 contract is used without modification.

(d) The borrower shall determine the scope of each proposed construction project and decide how it will be constructed. A work project number shall be assigned to which all charges for that project are referenced.

(e) The borrower shall maintain accounting and plant records sufficient to document the cost and location of all construction and to support loan fund advances and disbursements.

(f) Normally the borrower will finance minor construction with general funds and obtain reimbursement with loan funds when construction is completed and executed Form 771 has been submitted to REA. If a borrower satisfies REA of its inability to finance the construction temporarily with general funds, REA may establish, on a case by case basis, a work order fund for specific construction projects. The work order fund will be closed upon receipt of an FRS and the executed Forms 771 for the specific projects for which the work order fund was established.

(g) REA will advance funds to finance minor construction work projects only if all necessary documents, including an FRS and supporting data covering the project, are received within one year of the date construction of the project is completed.

§ 1765.71 Inspection and certification.

(a) Upon completion and prior to closeout, minor construction must be inspected and certified to be in compliance with REA construction standards, to be reasonable in cost, and to meet applicable codes. The certification is made by an experienced telephone engineer who is either licensed in the state where the inspection will be performed, or is a borrower's staff engineer, who meets the requirements of the "employee in charge" of force account engineering as described in 7 CFR part 1763. The GFR will periodically audit the inspection of minor construction to ensure integrity of the procedure. REA borrowers with less than 2000 subscribers may use the above procedure or have construction inspection performed by the GRF.

(b) Engineering services for minor construction may be contracted using REA Form 245, Engineering Service Contract—Special Services. Costs for these services may be included in the costs for construction on the Form 771. (See 7 CFR part 1763).

(c) Upon completion of construction, the borrower shall obtain the engineer's certification on REA Form 771. An official of the borrower, designated by the board of directors, shall also execute the borrower's certification on Form 771.

§ 1765.72 Minor construction closeout.

(a) For minor construction inspected by the borrower's engineer, an original and two copies of Form 771 shall be sent to the GFR. The GFR will initial and return the original and one copy.

(b) When funds are requested for minor construction, the original Form 771 signed or initialed by the GFR, shall be submitted with the FRS. Forms 771 should be submitted only with the FRS which they support. REA does not encumber funds pursuant to Forms 771 unless an advance is made to the borrower. (See 7 CFR part 1754).

§§ 1765.73–1765.80 [Reserved]

Subpart H—Construction Certification Program

§ 1765.81 General.

(a) This subpart implements and explains the provisions of the loan documents setting forth the requirements and procedures to be followed by borrowers accepting nomination for the construction certification program. Terms used in this subpart are defined in § 1765.2.

(Approved by the Office of Management and Budget under control number 0572–0062)

§ 1765.82 Policies and requirements.

(a) It is REA policy that, as borrowers gain in experience and maturity, the advice and assistance rendered by REA shall progressively diminish. Prior to approval of a loan, REA may nominate certain borrowers to fulfill the responsibilities for administration and construction of projects financed with REA loans. Borrowers who accept this nomination will be known as "certification borrowers," and the program in which they participate will be known as the "certification program."

(b) Generally, initial loan borrowers are not eligible for the certification program.

(c) Generally, the factors which REA will consider in selecting borrowers for the certification program will include:

(1) The experience of the staff of the borrower.

(2) The REA assessment of the borrower's ability to handle the certification program requirements considering the size and complexity of the proposed construction in the LD.

(3) The history of the borrower in following REA's policies and procedures.

(4) Other factors deemed relevant by REA.

(d) Except as specifically stated in this subpart, certification borrowers must comply with all requirements applicable to other borrowers.

(e) REA reserves the right at any time to require submission of construction documents or to remove the borrower from the certification program.

§ 1765.83 Responsibilities.

(a) *Responsibilities transferred to certification borrowers.* (1) Approval of engineering and architectural service contracts.

(2) Approval of P&S.

(3) Approval of price quotations and bids, except where the low price bid is not accepted.

(4) Approval of award of construction contracts and amendments.

(5) Approval of FAP's if REA has approved the force account method of construction for the construction project.

(6) Inspection and certification of construction.

(7) Approval of closeout documents.

(8) Other responsibilities as may be specifically granted in writing by REA.

(b) *Responsibilities retained by REA.* (1) Approval to deviate from REA requirements, except as provided in (a) above.

(2) Approval of use of loan funds for projects other than those included in the loan construction budget. See 7 CFR part 1754.

(3) Approval of use of loan funds in excess of amounts included in the loan budget.

(4) Approval of force account methods of engineering and construction.

(5) Approval to make significant deviations from the work plan approved by REA.

(6) Approval of interim construction.

(7) Approval to use materials not listed in the List of Materials Acceptable for Use on Telephone Systems of REA Borrowers.

(8) Approval of field trials.

(9) Approval to modify or alter standard forms and contracts.

(10) Approval to open bids when fewer than the required number have been received.

(11) Approval of outside plant layouts.

(12) "Buy American" determinations.

(13) Other responsibilities not specifically transferred by this subpart or in writing by REA.

§ 1765.84 Procedures.

(a) Certification borrowers shall appoint three certification officials. These appointments shall be subject to REA approval.

(1) The "Certifying Officer" shall be an officer or employee of the borrower who is authorized to execute binding agreements. This officer shall sign all contracts, amendments, closeout documents and the certification on REA Form 158, Certification of Contract or Force Account Proposal Approval, and REA Form 159, Summary of Completed Construction.

(2) The "Construction Certifier" shall be an experienced telephone engineer who is either licensed in the state where the inspection will be performed, or is a borrower's staff engineer who meets the requirements of the "employee in charge" of force account engineering as described in 7 CFR part 1763. REA may determine that it will accept the certification only for matters within the staff engineer's area of specialization. In such cases the position of "Construction Certifier" shall be filed by more than one engineer. This official is responsible for certifying that the construction complies with all technical and code requirements.

(3) The "Certification Coordinator" shall administer the certification program and serve as the official point of contact for REA. The certifying officer or construction certifier may also serve as the certification coordinator.

(b) Certification borrowers, shall submit and obtain REA approval of a work plan before construction and related engineering begin.

(1) The work plan shall provide a description of the proposed construction and methods of purchasing in such detail as to enable REA to monitor the construction program to ensure to its satisfaction that loan purposes are accomplished in an organized construction program.

(2) The work plan shall include the following:

(i) The names and qualifications of the proposed certification officials defined in § 1765.84(a).

(ii) A listing of the proposed work projects to accomplish the loan purposes showing the estimated cost, method of performing the construction, and the proposed commencement and completion dates for each work project. The proposed work projects shall be summarized on REA Form 157, Construction Work Plan and Cost Distribution, or a form providing essentially the same information.

(iii) The proposed source of funds for meeting cost overruns if the total estimated cost of work projects exceeds the loan budget.

(iv) A statement signed by the borrower's certification officials and the GFR that the work plan is accurate and complete.

(c) Under the certification program, the borrower shall follow all standard REA postloan engineering and construction procedures except that the approvals shown in § 1765.83(a) will be made by certification officials rather than REA. The approvals noted in § 1765.83(a)(1), (4) and (5) will be reported immediately to REA using REA Form 158. Approval of closeouts, § 1765.38(a) (6) and (7), will be reported immediately on REA Form 159.

(d) As the construction program progresses, the certification borrower shall request, by letter, REA approval of any significant changes in work plan schedules and budgets and in certification officials.

§ 1765.85 Advance of loan funds.

Advance of loan funds needed to meet the certification borrower's current financial obligations are to be requested on REA Form 481 for construction and engineering items supported by appropriate REA Forms 158 and 159. For items other than construction or engineering, other supporting data shall be submitted. (See 7 CFR part 1754.)

§ 1765.85 Certification addendum.

The certification borrower shall modify standard REA forms of contract for use under the certification program by inserting an executed copy of the following certification addendum in each copy of the contract.

Certification Addendum

Permission has been obtained by the Owner to proceed with this contract under 7 CFR part 1765 subpart H, pursuant to which the references in the REA construction document requiring approvals and other actions of the REA Administrator will not apply unless REA gives specific notice in writing to the affected parties that designated approval(s) or action(s) will be required. Certifications by the Contractor of amounts due and certifications of completions of work under the contract are to be construed to be rendered for the purpose of inducing the Rural Electrification Administration or Rural Telephone Bank to advance funds to the Owner to make, or reimburse the Owner for, payments under this contract.

Date _____

Owner

By _____

Certifying Officer

Date _____

Contractor

By _____

Title

§§ 1765.87–1765.99 [Reserved]

APPENDIX E—DOCUMENTS REQUIRED TO CLOSE OUT FORCE ACCOUNT OUTSIDE PLANT CONSTRUCTION

Item No.	REA form number	Description on title of document	Number of copies required and distribution of documents		
			Total number	Owner	REA
a.	817, 817a, 817b	Final inventory force account construction and certificate of engineer	3	1	(1) 2
b.	213	Certificate, "Buy American" (if applicable)	(2) 2	1	1
c.		Detail maps	2	1	1
d.		Key map if applicable	2	1	1
e.		Staking sheets	1	1	0
f.		Tabulation of staking sheets	1	1	0
g.		Treated forest products inspection reports, if applicable	1	1	0

[1] One copy is returned to borrower by RFA.
[2] Two copies from each supplier.

Dated: December 15, 1989.
Jack Van Mark,
Acting Administrator.
[FR Doc. 90-2387 Filed 2-1-90; 8:45 am]
BILLING CODE 3410-IS-M

FEDERAL RESERVE SYSTEM

12 CFR Part 264b

[Docket R-0684]

Regulations Regarding Foreign Gifts and Decorations

AGENCY: Board of Governors of the Federal Reserve System.
ACTION: Final rule.

SUMMARY: Congress has permitted federal government employees to accept gifts from foreign governments in amounts up to a "minimal value" that is to be established by the Government Services Administration ("GSA") in consultation with the Secretary of State. The GSA's regulations currently establish "minimal value" to be $180, while the Board's Rules Regarding Foreign Gifts and Regulations set "minimal value" at $100. Accordingly, this amendment will change the Board's definition of "minimal value" by increasing it to $180 or such higher amount as might be established by the GSA.

EFFECTIVE DATE: January 29, 1990.

FOR FURTHER INFORMATION CONTACT: MaryEllen Brown, Assistant to the General Counsel (202/452-3608), Legal Division, Board of Governors of the Federal Reserve System, Washington, DC 20551. For the hearing impaired *only*, Telecommunications Device for the Deaf, Earnestine Hill or Dorothea Thompson (202) 452-3544.

SUPPLEMENTARY INFORMATION: Receipt of gifts from a foreign government without the consent of Congress is prohibited by Article I, section 9, Clause 8 of the U.S. Constitution. Congress has passed a statute that allows an employee of the U.S. Government to accept and retain a gift of "minimal value," 5 U.S.C. 7342. The statute authorizes the General Services Administration to determine "minimal value" every three years, in consultation with the Secretary of State, to reflect changes in the consumer price index during the previous three-year period.

In 1987, the GSA set minimal value to be $180 (41 CFR 101-49.001-5), while the Board's rules (12 CFR 264b.3(a)) currently state minimal value is $100. The amendment would raise the minimal value to $180 or such higher amount established by the GSA.

Regulatory Flexibility Act

This rule relates solely to the internal management, operations and personnel of the Board of Governors of the Federal Reserve Board, and no notice of proposed rulemaking is required by 5 U.S.C. 553. Accordingly, the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) does not apply and a regulatory flexibility analysis is not required.

List of Subjects in 12 CFR Part 264b

Awards, Conflict of interests, Decorations, Federal Reserve System, Foreign relations, Government employees, Government property, Medals.

For the reasons set out in the preamble, and pursuant to the Board's authority under section 11(i) of the Federal Reserve Act (12 U.S.C. 248(i)), 12 CFR part 264b is amended as follows:

PART 264b—RULES REGARDING FOREIGN GIFTS AND DECORATIONS

1. The authority citation for part 264b continues to read as follows:

Authority: 5 U.S.C. 7342, as amended; and sec. 11(i) of the Federal Reserve Act (12 U.S.C. 248(i)); 5 U.S.C. 552.

2. In § 264b.3 paragraph (a) is revised to read as follows:

§ 264b.3 Foreign gifts.

* * * * *

(a) *Gifts of minimal value.* If not otherwise prohibited by Board regulations, Board members and employees may accept and retain a tangible or intangible gift of minimal value, intended as a souvenir or mark of courtesy, from a foreign government. A gift of minimal value is one having a retail value in the United States at the time of acceptance not in excess of $180 (or such higher amount established in 41 CFR part 101-49).

* * * * *

By order of the Board of Governors of the Federal Reserve System, January 29, 1990.

William W. Wiles,

Secretary of the Board.

[FR Doc. 90-2417 Filed 2-1-90; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 89-ANE-21; Amendment 39-6427]

Airworthiness Directives; All Textron Lycoming Four Cylinder Piston Engines Equipped With a Rear Mounted Propeller Governor and External Oil Line

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD) which requires a one-time inspection of the propeller governor oil line installation and replacement of the aluminum attachment fittings. This amendment is needed to prevent oil line fracture and loss of engine oil causing engine failure.

DATES: *Effective*—February 15, 1990.

Compliance: As indicated in the body of this AD.

ADDRESSES: The applicable service publications may be obtained from Textron Lycoming/Subsidiary of Textron Inc., 652 Oliver Street, Williamsport, Pennsylvania 17701, or may be examined in the Regional Rules Docket, Federal Aviation Administration, New England Region, Office of the Assistant Chief Counsel, Room 311, 12 New England Executive Park, Burlington, Massachusetts 01803.

FOR FURTHER INFORMATION CONTACT: Mr. Pat Perrotta, or Mr. Nick Minniti, Propulsion Branch, ANE-174, New York Aircraft Certification Office, Engine and Propeller Directorate, Aircraft Certification Service, Federal Aviation Administration, 181 South Franklin Avenue, room 202, Valley Stream, New York 11581; telephone (516) 791-7421.

SUPPLEMENTARY INFORMATION: The FAA has determined that accidents and incidents have occurred during the past several years on various aircraft with Textron Lycoming 4 cylinder engine models incorporating a propeller governor external oil line. The National Transportation Safety Board (NTSB) issued Safety Recommendations A-89-27 through A-89-30 on this subject, which refers to 10 accidents and 7 incidents on 0-360 series engines that have occurred since 1982 involving failures of the propeller governor external oil line. The aircraft involved were Cessna 177RG and Piper PA-28R series. It has been determined that oil line failures can occur when maintenance personnel fail to reinstall the oil line support clamps following removal of the oil line for engine maintenance. Failures may also result from overtorquing the aluminum "B" nuts on the oil line, or from misalignment causing interference chafing conditions. Lycoming Service Instruction Letter (SIL) No. 1435, part II, dated April 25, 1986; Textron Lycoming Service Bulletin (SB) No. 488, dated September 8, 1989; and applicable Engine Parts Catalogs, show the correct oil line installation and end fitting attachments, along with the appropriate part numbers. Also, Lycoming SIL No. 1435, part II, and Textron Lycoming SB No. 488, describe methods of identifying the improved type steel fittings from the earlier design aluminum fittings.

Since a situation exists that requires the immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable, and good cause exists for making this amendment effective in less than 30 days.

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

The FAA has determined that this regulation is an emergency regulation and that it is not considered to be major under Executive Order 12291. It is impracticable for the agency to follow the procedures of Executive Order 12291 with respect to this rule since the rule must be issued immediately to correct an unsafe condition in aircraft. It has been further determined that this action involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). If it is determined that this emergency regulation otherwise would be significant under DOT Regulatory Policies and Procedures, a final regulatory evaluation will be prepared and placed in the regulatory docket (otherwise, an evaluation is not required). A copy of it, if filed, may be obtained from the Regional Rules Docket.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration (FAA) amends part 39 of the Federal Aviation Regulations (FAR) as follows:

PART 39—[AMENDED]

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

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

§ 39.13 [Amended]

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

Textron Lycoming: Applies to all Textron Lycoming four cylinder piston engines equipped with a rear mounted propeller governor and external oil line.

Compliance is required as indicated, unless already accomplished.

To prevent oil line fracture and loss of engine oil, accomplish the following:

(a) Within the next 25 hours in service or whenever the propeller governor oil line is removed, whichever occurs first, accomplish the following:

(1) Inspect the propeller governor external oil line for abrasions, cracks, and oil leaks along the length of the line and at the end attachment fittings. Inspect to determine that the two cushion type support clips (clamps) are properly installed as shown in Figure 1 of the Appendix to this AD, and assure that sufficient clearances exist between the oil line and adjacent components.

(2) If any leaks, damage, or interference condition exists or if support clips are not properly installed, replace the governor oil line and its attachment end fittings with new parts even though the parts show no visible damage. Refer to Figure 1 in the Appendix to this AD, for parts identification, line routing, and location of support clips.

(b) At the next engine overhaul or anytime the governor oil line is removed for any reason, whichever occurs first, remove any governor oil line assembly having aluminum attachment nuts and fittings (elbow/nipples) and reinstall an oil line assembly with corresponding steel end fittings.

Notes: (1) Special attention should be given to insure both clips and/or supports are reassembled to the original configuration.

(2) The attachment nuts are components of the governor oil line tube assembly which have been changed by Textron Lycoming from aluminum to steel without changing the oil line part number. Aluminum nuts may be identified by their blue colored anodized

surface. The attachment nuts as well as the elbow/nipple end fittings may also be identified by using a magnet to differentiate aluminum from steel.

(3) Textron Lycoming Service Bulletin No. 488, dated September 9, 1989, Textron Lycoming Service Instruction Letter No. 1435, Part II, dated April 25, 1966, and Lycoming Parts Catalog Manual for the particular engine model, contain related information on correct oil line installation and end fitting attachments.

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

(d) Upon submission of substantiating data by an owner or operator through an FAA Airworthiness Inspector, an alternate method of compliance with the requirements of this AD or adjustments to the compliance times specified in this AD, may be approved by the Manager, New York Aircraft Certification Office, Engine and Propeller Directorate, Aircraft Certification Service, Federal Aviation Administration, 181 South Franklin Avenue, Room 202, Valley Stream, New York 11581.

This amendment becomes effective on February 15, 1990.

Issued in Burlington, Massachusetts, on January 22, 1990.

Jack A. Sain,

Manager, Engine and Propeller Directorate Aircraft Certification Service.

Appendix

In all cases one or both of the Textron Lycoming supplied governor line clamps and/or supports installed at the plant and conforming to Textron Lycoming standards were missing. After careful inspection, it was determined that the clamps and/or supports had not been re-installed per Textron Lycoming specifications during field work on the engine. Proper governor line support is mandatory to avoid engine failure.

A visual inspection should be made to ascertain that both the Textron Lycoming specified clamps and/or supports are installed properly and are intact.

If the visual inspection reveals that clamps and/or supports are missing, the governor oil line should be thoroughly inspected to insure that no cracks exist. This includes that area under the ferrules at the flared ends of the lines.

As a product improvement, the propeller governor oil line now comes equipped with steel connecting nuts, P/N AN818–6. These nuts are a component of the tube assembly and have been changed from aluminum to steel without changing the tube assembly part number. Also, the aluminum elbow at the front of the crankcase has been replaced by a steel elbow, P/N MS20822–6; see Figure 1. There are two ways to identify which nuts and/or fitting you have; (1) aluminum nuts and fittings are anodized making them blue in color or (2) the use of a magnet to determine aluminum from steel. If aluminum components are found they should be replaced at overhaul or earlier at owners discretion.

In reference to Figure 1, the views and identification of parts are only typical. They may not necessarily portray your particular installation. Refer to Parts Catalog for proper clamps. Nevertheless, special attention should be given during dismantling of the governor oil line on your engine to insure both clamps and/or supports are reassembled to the original specified configuration.

BILLING CODE 4910–13–M

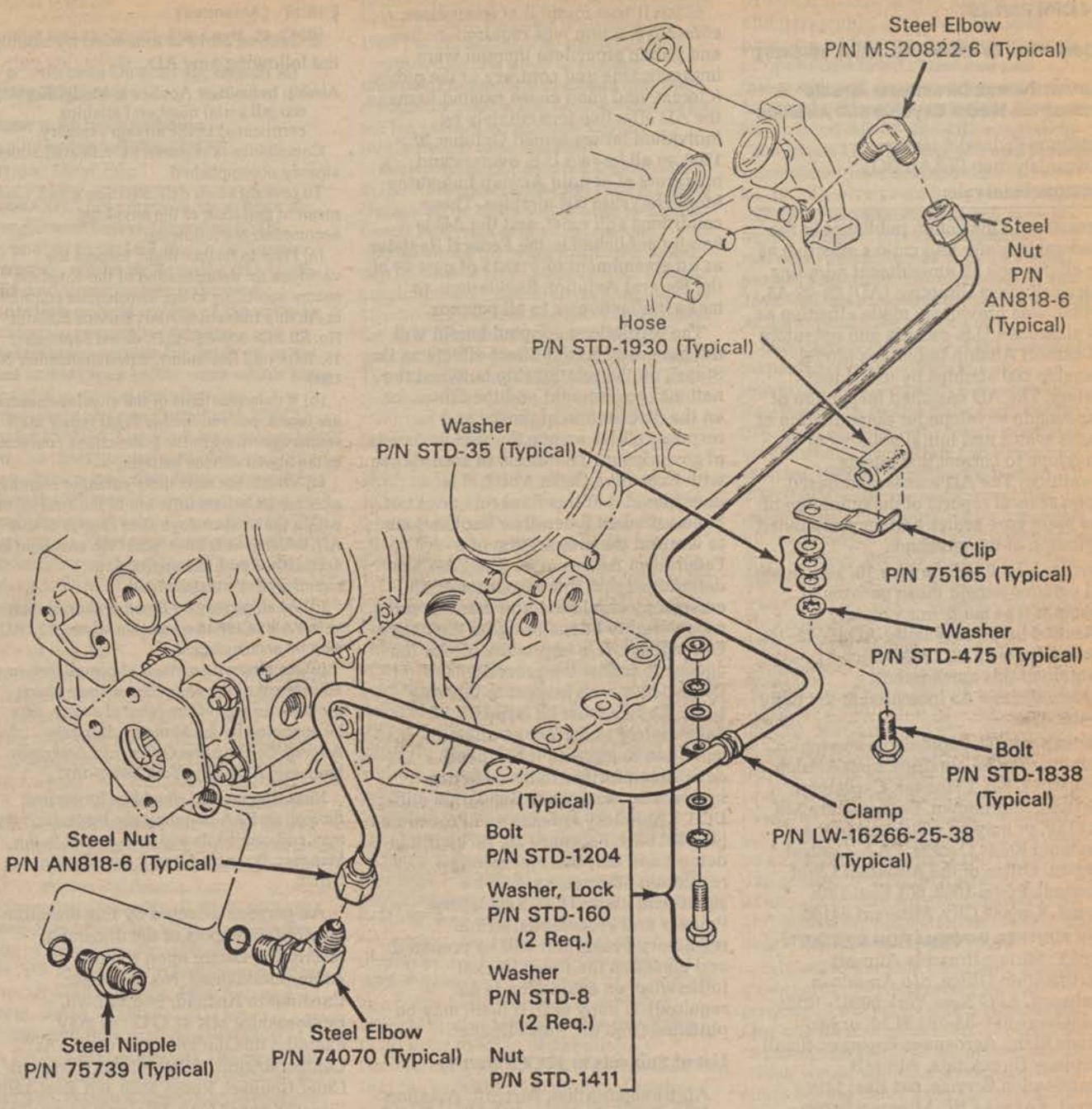

Figure 1. Propeller Governor Line Support

[FR Doc. 90-2395 Filed 2-1-90; 8:45 am]
BILLING CODE 4910-13-C

14 CFR Part 39

[Docket No. 89-CE-34-AD; Amdt. 39-6435]

Airworthiness Directives; Airship Industries Model Skyship 600 Airships

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action publishes in the Federal Register and makes effective as to all persons an amendment adopting Airworthiness Directive (AD) 89-22-15, which was previously made effective as to all known U.S. owners and operators of certain Airship Industries Model Skyship 600 airships by individual letters. The AD specified inspection of the airship envelope for delamination of these seams and initial painting of the envelope to correct this unsafe condition. The AD was issued based upon several reports of delamination of the main gore seams and uncommanded deflation of the envelope.

DATES: Effective February 16, 1990, as to all persons except those persons to whom it was made immediately effective by priority letter AD 89-22-15, issued October 27, 1989, which contained this amendment.

Compliance: As indicated in the body of the AD.

ADDRESSES: The applicable service bulletin may be obtained from Airship Industries, No. 1 Hangar, Cardington Airfield, Shortstown, Bedfordshire MK 42 OTF, or may be examined in the Regional Rules Docket, FAA, Central Region, Office of the Assistant Chief Counsel, Room 1558, 601 East 12th Street, Kansas City, Missouri 64106.

FOR FURTHER INFORMATION CONTACT: Carl F. Mittag, Brussels Aircraft Certification Office, c/o American Embassy, APO New York 09667-1011; Telephone 011-32-793.21.10, or Mr. James Kishi, Aerospace Engineer, Small Airplane Directorate, Aircraft Certification Service, 601 East 12th Street, Kansas City, Missouri 64106; Telephone (816) 426-6932.

SUPPLEMENTARY INFORMATION: On October 27, 1989, priority letter AD 89-22-15 was issued and made effective immediately as to all known U.S. owners and operators of certain Airship Industries Model Skyship 600 airships. The AD required that the envelope be painted after an initial weathering period, in addition to an inspection of the envelope for delamination at the main gore seams. The AD was prompted by service reports that the envelope can become delaminated at these seams and uncommanded deflation can result.

Since it was found that immediate corrective action was required, notice and public procedure thereon were impracticable and contrary to the public interest, and good cause existed to make the AD effective immediately by individual letters issued October 27, 1989, to all known U.S. owners and operators of certain Airship Industries Model Skyship 600 airships. These conditions still exist, and the AD is hereby published in the Federal Register as an amendment to § 39.13 of part 39 of the Federal Aviation Regulations to make it effective as to all persons.

The regulations adopted herein will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment. The FAA has determined that this regulation is an emergency regulation and that it is not considered to be major under Executive Order 12291. It is impracticable for the agency to follow the procedures of Order 12291 with respect to this rule since the rule must be issued immediately to correct an unsafe condition in aircraft. It has been determined further that this action involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). If it is determined that this emergency regulation otherwise would be significant under DOT Regulatory Policies and Procedures, a final regulatory evaluation will be prepared and placed in the Rules Docket (otherwise, an evaluation is not required). A copy of it, if filed, may be obtained from the Rules Docket.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends part 39 of the Federal Aviation Regulations (14 CFR 39.13) as follows:

PART 39—[AMENDED]

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

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

§ 39.13 [Amended]

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

Airship Industries: Applies to Model Skyship 600 (all serial numbers) airships, certificated in the airship category.

Compliance is required as indicated, unless already accomplished.

To prevent seam delamination which could result in deflation of the envelope, accomplish the following:

(a) Prior to further flight, inspect the envelope for delamination of the envelope seams according to the instructions contained in Airship Industries Alert Service Bulletin No. SB REF 600-53-A317, dated September 15, 1989, and Revision 1, dated September 20, 1989.

(b) If delaminations of the envelope seams are found, prior to further flight repair the seams according to the instructions contained in the above service bulletin.

(c) Within the next three calendar months after initial helium inflation of the airship, or within the next 10 days after receipt of this AD, whichever is later, paint the envelope in accordance with the appropriate manufacturer's instructions.

(d) Airships may be flown in accordance with FAR 21.197 to a location where this AD may be accomplished.

(e) An alternate method of compliance or adjustment of the compliance times which provides an equivalent level of safety, may be approved by the Manager, Brussels Aircraft Certification Office, c/o American Embassy, APO New York 09667-1011.

Note: The request should be forwarded through an FAA Maintenance Inspector, who may add comments and then send it to the Manager, Brussels Aircraft Certification Office.

All persons affected by this directive may obtain copies of the document referred to herein upon request to Airship Industries, No. 1 Hanger, Cardington Airfield, Shortstown, Bedfordshire MK 42 OTF; or may examine this document at the FAA, Central Region, Office of the Assistant Chief Counsel, Room 1558, 601 East 12th Street, Kansas City, Missouri 64106. This amendment becomes effective February 16, 1990, as to all persons except those persons to whom it was made immediately effective by priority letter AD 89-22-15, issued October 27, 1989, which contained this amendment.

Issued in Kansas City, Missouri, on January 22, 1990.

Barry D. Clements,

Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 90-2393 Filed 2-1-90; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 39

[Docket No. 89-CE-21-AD; Amdt. 39-6487]

Airworthiness Directives; Beech 99 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new Airworthiness Directive (AD), applicable to certain Beech 99 Series airplanes, which supersedes AD 77-05-01R3 and incorporates improved inspection criteria in lieu of the criteria previously required, and also establishes a service life limit on wing front (main) spar lower caps which have reinforcing straps installed per Supplemental Type Certificate (STC) No. SA1178CE. The FAA has determined that the latest manufacturer's inspection procedures should be followed and that the probability of a strapped wing spar cap failure increases to an unacceptable level beyond the new service life limit. The actions of this AD will preclude fatigue failure of the wing spar cap.

EFFECTIVE DATE: March 6, 1990.

Compliance: As prescribed in the body of the AD.

ADDRESSES: Beech Structural Inspection and Repair Manual, P/N 98-39006, Revision A4, dated May 1, 1987, applicable to this AD may be obtained from the Beech Aircraft Corporation, Commercial Service, Department 52, P.O. Box 85, Wichita, Kansas 67201-0085; Telephone (316) 681-7111. This information references the Beech Kits and repair procedures discussed in the AD. Aerocon California, Inc. Engineering Order No. E. O. B-9975-2, dated November 14, 1975, and Service Letter dated May 25, 1976, applicable to this AD, may be obtained from Western Aircraft Maintenance, 4444 Aeronca Street, Boise, Idaho 83705. This information may also be examined at the FAA, Central Region, Office of the Assistant Chief Counsel, room 1558, 601 East 12th Street, Kansas City, Missouri 64106.

FOR FURTHER INFORMATION CONTACT: Don Campbell, Aerospace Engineer, Airframe Branch, Wichita Aircraft Certification Office, 1801 Airport Road, room 100, Mid-Continent Airport, Wichita, Kansas 67209; Telephone (316) 946-4409.

SUPPLEMENTARY INFORMATION:

A proposal to amend part 39 of the Federal Aviation Regulations to include a new AD that would supersede AD 77-05-01R3, Amendment 39-5794, and require inspection and replacement, as necessary, of wing front spars on certain Beech 99 Series airplanes was published in the **Federal Register** on September 15, 1989 (54 FR 38245). The proposal was prompted by the need to require improved inspection methods and the recognition that a life limit needed to be set for certain wing spars having reinforcing straps installed.

Airworthiness Directive (AD) 77-05-01R3, Amendment 39-5794 (52 FR 48064, December 4, 1987), applicable to certain Beech 99 Series airplanes, required inspection of the wing front spar lower cap and associated structure for fatigue cracking, and limited the safe life of this structure. Revision 1 to the AD removed the safe life limit in cases in which a spar strap is installed per Supplemental Type Certificate (STC) SA1178CE. The revision also required the strap to be removed periodically and required an inspection of the structure and strap.

Revision 2 to the AD exempted airplanes which have Beech Kit 99-4023-IS (Super-spar) installed. Revision 3 to the AD added the requirement to check the strap periodically for correct tensile preload.

During promulgation of Revision 1, the FAA determined that the calculated safe life of a new, well maintained main spar cap increased substantially when the strap was installed. No life limit was established for strapped spar caps. Several years later, the FAA determined that strap tension was not being properly maintained on some airplanes, and the effects of such looseness were evident in the main spar cap. Fatigue calculations showed that the life of a spar cap with a loose strap would be reduced substantially. Therefore, Revision 3 to the AD was promulgated, requiring periodic checks of strap tensile preload, and adjustment of tension as necessary. An undetermined number of airplanes are known to have operated with a loose strap for some time, and all spar caps had already accumulated several thousand hours time-in-service (TIS) prior to strap installation. Accordingly, the FAA has determined that the safe life for a strapped spar cap is 48,000 hours TIS minus the hours TIS at strap installation. For a main spar cap operated beyond the safe life, the probability of fatigue failure increases as TIS increases. Since the condition described is likely to exist or develop in other Beech 99 Series airplanes of the same design, the new AD supersedes AD 77-05-01R3 and requires the establishment of a service life for wing main spar lower caps which have a spar reinforcing strap installed per STC SA1178CE. In addition, the new AD removes all references to the spar "life limit extension" program mentioned in several places in the superseded AD 77-05-01R3; specifically in Tables 1 and 3 and paragraphs IV.A and XII. This program, which was based on analysis of operator's route structures and measured gust data, was terminated in 1976 and will not be restarted. Also, superseded AD 77-05-01R3 referred to "600 hours TIS after the last comparable inspection in accordance with AD 75-27-10." Twelve years have passed since AD 75-27-10 was superseded, so it is highly unlikely that any airplane remains within the 600 hour TIS time period. Therefore, all references to AD 75-27-10 are removed for clarity, except in the superseding statement.

Superseded AD 77-05-01R3 called for inspections to be conducted in accordance with certain Revisions to Beech Service Instructions (BSI) 0388-018. In December 1982, Beech published its Structural Inspection and Repair Manual, (SIRM) part No. 98-39006, which offered improved inspection procedures. The maintenance programs for many Beech 99 airplanes affected by this AD have already converted to the SIRM and no longer use the BSI which was called out in the superseded AD. This conversion was permitted by the FAA as an equivalent means of compliance with the AD. The FAA has further determined that no more than 20 airplanes continue to be inspected per the BSI. Since the majority of affected airplanes are already being inspected per the SIRM, and since it is the preferred procedure, the new AD relies solely on the SIRM procedures and schedules. This change removes X-Ray as an inspection method and replaces dye penetrant with fluorescent penetrant for the spar cap inspections, and leaves the inspection interval at 500 hours TIS for unstrapped spars.

Interested persons have been afforded an opportunity to comment on the proposal. Four commenters responded. One commenter submitted an objection to paragraph (b)(5) of the proposed AD, which would limit the service life of spars having reinforcing straps installed. These comments are summarized as follows:

(a) The inspection cycle, adopted on initial certification of the strap in 1975, has provided a high level of safety over many years of operation.

(b) Although a few straps may have been loose due to poor maintenance, overall safety has not been compromised because the mandatory inspections are in place to detect the onset of a crack.

(c) The FAA evaluation of costs, in both dollars and lives, is completely erroneous as it assumes that the onset of

a crack in a "safelife" component will be catastrophic.

Regarding comment (a), the FAA is aware that no known failure of a strapped spar has occurred; however, failures will likely occur if these spars remain in service long enough. A rational determination of this critical limit has been made, and is discussed below.

The original, unstrapped structure has a life limit of 10,000 hours, contingent on compliance with the inspection program in AD 75-05-01R3. This 10,000 hours is considered an absolute limit on the basic spar life. Failure can occur prior to this limit if cracks are permitted to go undetected. A fatigue analysis, when adjusted by the appropriate factor, gives 10,000 hours safe life for the basic spar. The same factor was then used with the fatigue analysis to predict the safe life for a spar with a strap installed. The strap was assumed to be installed on a new spar, but permitted to become loose during operation. The strap was assumed to remain fully effective for cyclic loads, and only mean stress was increased to account for strap looseness. The analysis yielded 48,000 hours for a spar with a loose strap. The basis for the 48,000 hour limit on a loosely strapped spar is the same as for the 10,000 hour limit on the basic spar. Therefore, the 48,000 hours for the strapped spar corresponds to the same level of safety as the 10,000 hours for the basic spar, which considers crack growth. This addresses comments (b) and (c), above. The foregoing assumes the strap was installed when the spar was new. If the basic spar had accrued flight hours before the strap was installed, then that portion of the basic spar life is expended and must be subtracted from the 48,000 hours to yield the life limit for the strapped spar.

No objections to the cost determination were received, however, two commenters wrote that replacing a spar would create a financial burden on a small operator of Beech 99 airplanes. The economic costs were thoroughly discussed in the preamble to the NPRM under Regulatory Flexibility Determination. Two commenters, opposing the proposed amendment, stated that the proposal does not give credit for any redundancy provided by the spar strap, nor does it take into account the reduction in crack growth rate. The FAA disagrees. Redundancy is pertinent to fail safe design whereas the certification basis of the Model 99 is safe life. The spar strap is not certificated fail safe. The proposal does consider the effect of the strap on crack growth rate; as discussed earlier, this is inherent in the increase in safe life from 10,000 hours to 48,000 hours when the strap is applied to a new spar. One commenter wrote that the proposal should have affixed a life limit to the critical airframe components. The FAA agrees, and believes the proposal as written accomplishes that objective. As other critical areas are identified, further rulemaking may be initiated.

Accordingly, the proposal is adopted without change except for minor editorial clarifications. The FAA has determined that this regulation only involves 85 airplanes at an approximate one-time cost of $120,000 for each airplane, or a total one-time fleet cost of $9,366,000, discounted to year-end 1989. The analysis in the preamble to the preceding NPRM concluded that this AD will not have a significant economic impact on a substantial number of small entities. The regulations adopted herein will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment. Therefore, I certify that this action (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the final evaluation prepared for this action is contained in the regulatory docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption "ADDRESSES".

List of Subjects in 14 CFR 39

Air transportation, Aircraft, Aviation safety, Safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends part 39 of the Federal Aviation Regulations (14 CFR 39.13) as follows:

Part 39—[AMENDED]

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

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

§ 39.13 [Amended]

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

Beech: Applies to 99 Series (Serial Numbers U-1 through U-49, and U-51 through U-164) airplanes with 3,000 hours or more time-in-service (TIS) except those airplanes which have Beech Wing Modification Kit No. 99-4023-1S installed:

Compliance: Required as indicated in the body of the AD. To detect any cracking of the wing front spar lower cap, other wing panel front spar carry-through structural components, remaining wing structure or STC SA1178CE wing straps, accomplish the following in accordance with the criteria in Beech Structural Inspection and Repair Manual, P/N 98-39006, Revision A4, dated May 1, 1987, hereinafter referred to as "the SIRM." (Standard practices to be followed for these inspections are defined in section 20 of the SIRM and/or other maintenance information as referenced in the body of the AD.) The inspections are described in section 57-15-00 of the SIRM and referenced in the following paragraphs of this AD.

(a) For airplanes which do not have a spar reinforcing strap installed per STC SA1178CE, inspect and modify the following using the SIRM. If a crack or loose fastener is found during these inspections, prior to further flight repair or replace as specified in the SIRM.

(1) Upon the accumulation of 3,100 hours TIS on the front spar lower cap, or the next inspection interval required per superseded AD 77-05-01R3, whichever occurs first, and thereafter at intervals not to exceed 500 hours TIS, inspect the areas of structure defined by Index Numbers 1 through 7 on page 202, section 57-15-00 of the SIRM, using the visual, fluorescent penetrant, and eddy current methods as specified in the SIRM.

(2) Upon the accumulation of 10,000 hours TIS on the wing structure, within 100 hours TIS and thereafter at intervals not to exceed 1,000 hours TIS, inspect the nacelle splice plates as defined by Index Number 9 on page 202, section 57-15-00 of the SIRM, using visual methods as specified in the SIRM.

(3) Upon the accumulation of 10,100 hours TIS on the wing structure, or the next inspection interval required by superseded AD 77-05-01R3, or upon replacement of the front spar lower cap, whichever occurs first, and thereafter at intervals not to exceed 500 hours TIS, inspect the wing structure components defined below in paragraph (c) using visual and dye penetrant methods as indicated.

(4) Upon accumulation of 10,000 hours TIS on the front spar lower cap, and at 10,000 hours TIS intervals thereafter, replace the structural components set forth on page 203, section 57-15-00 of the SIRM, and summarized below:

(i) Lower cap of the front spar with attachment fitting in each outer wing panel, and

(ii) Lower cap of the front spar, with left and right attachment fittings, in the center section.

(b) For airplanes which have a spar reinforcing strap installed per STC SA1178CE, inspect and accomplish the following using the Beech SIRM and Aerocon California, Inc., Engineering Order No. E.O. B–9975–2, dated November 14, 1975. Strap tension is to be adjusted per Aerocon California Service Letter, dated May 25, 1976. If a crack or loose fastener is found during these inspections, prior to further flight repair or replace as specified in the applicable maintenance information.

(1) If the strap was installed before 1,000 hours TIS on the front spar lower cap, within the next 2,000 hours TIS, or the next inspection interval required by superseded AD 77–05–01R3, whichever occurs first, and thereafter at intervals not to exceed 2,000 hours TIS:

(i) Remove and inspect the STC SA1178CE strap per the applicable maintenance information.

(ii) Inspect the following areas of structure using the visual, fluorescent penetrant, and eddy current methods as specified in the SIRM.

(A) Areas defined by Index Nos. 1 through 7 on page 202, section 57–15–00 of the SIRM.

(B) Areas defined by paragraphs (c)(5) and (c)(8) of this AD.

(iii) Reinstall the STC SA1178CE strap and adjust its tension per the applicable maintenance information.

(2) If the strap was installed at or after 1,000 hours TIS on the front spar lower cap, within the next 1,000 hours TIS, or the next inspection interval required by superseded AD 77–05–01R3, whichever occurs first, and thereafter at intervals not to exceed 1,000 hours TIS:

(i) Remove and inspect the STC SA1178CE strap per the applicable maintenance information.

(ii) Inspect the following areas of structure using the visual, fluorescent penetrant, and eddy current methods as specified in the SIRM.

(A) Areas defined by Index Nos. 1 through 7 on page 202, section 57–15–00 of the SIRM.

(B) Areas defined by paragraphs (c)(5) and (c)(8) of this AD.

(iii) Reinstall the STC SA1178CE strap and adjust its tension per the applicable maintenance information.

(3) Upon accumulation of 10,000 hours TIS on the wing structure, within 100 hours TIS and thereafter at intervals not to exceed 2,000 hours TIS, inspect the nacelle splice plates as defined by Index Number 9 on page 202, section 57–15–00 of the SIRM, using visual methods as specified in the SIRM.

(4) Upon the accumulation of 10,100 hours TIS on the wing structure, or the next inspection required by superseded AD 77–05–01R3, or upon replacement of the front spar lower cap, whichever occurs first, and thereafter at intervals not to exceed 500 hours TIS, inspect the wing structure components defined below in paragraph (c), using visual and dye penetrant methods as indicated, except compliance is not required with respect to paragraphs (c)(5), (c)(8), and that portion of paragraph (c)(12) which refers to the lower spar cap and hinge.

(5) Replace the structural components set forth on page 203, section 57–15–00 of the SIRM, and summarized below, upon accumulation of front spar lower cap total TIS determined as follows: subtract from 48,000 hours the front spar lower cap TIS (hours) at which the strap was installed.

Note 1: For example, if the spar cap had been in service 5,000 hours when the strap was installed, then the spar cap's allowable service life becomes 43,000 hours.

(i) Lower cap of the front spar, with attachment fitting, in each outer wing panel, and

(ii) Lower cap of the front spar, with left and right attachment fittings, in the center section.

(c) The following defines the additional structural items to be inspected as directed by either paragraph (a)(3) or (b)(4), above.

(1) Inspect the lower fuselage skin at the attachment to the main spar for possible cracks and/or loose rivets.

(2) Inspect the lower LH and RH nacelle skins for cracks and/or loose rivets.

(3) Remove the aft fabric covers in the wheel wells and inspect for possible cracks in the center section skin under the top nacelle fairing. Check around the nacelle attach flange on the top side for possible loose rivets and/or cracks in the top skin.

(4) Inspect the structure and attaching fasteners of both keel beam assemblies at BL 68 inboard, BL 88 outboard, at the center section rear spar, nacelle station 160.50.

(5) Inspect for possible cracks and/or loose rivets in the LH and RH dimpled skin attach holes on the forward side of the main spar at four countersunk screws and at all rivets between the fuselage and the nacelles.

(6) Inspect for possible cracks and/or loose rivets along the top skin attachment to the aft spar.

(7) Inspect for possible loose fasteners in the lower aft spar cap and skin.

(8) Inspect for possible cracks and/or loose fasteners in the lower strap on the main spar at wing station 68.5.

(9) Inspect the lower stringers running forward and aft between the main spar and the aft spar for possible cracks and/or loose fasteners to the lower fuselage skin. This area is to be checked from the center aisle and through access panels inside of the airplane.

(10) Inspect for possible cracks and/or loose fasteners in frames and angle clips of the center wing/fuselage at fuselage stations 188, 197, and 207.

(11) Using dye penetrant procedures outlined in AC 43.13–1A, inspect the four upper forward wing to center section fittings and the eight aft wing to center section fittings for possible cracks. Do not remove the wing attach bolts unless cracks are indicated.

(12) Inspect the outer wing upper and lower spar cap and hinge for possible cracks, loose rivets, and/or wear of hinge.

(13) Lower the flaps and remove the lower aft access covers of the outer and center wing to inspect the aft spar and ribs for possible cracks near the inboard flaps.

(d) Airplane maintenance record entries must be made and notification in writing sent to the Manager, Wichita Aircraft Certification Office, FAA, 1801 Airport Road, room 100, Wichita, Kansas 67209, stating the location and length of any cracks found during inspections required by this AD and also the total time-in-service of the component at the time the crack was discovered. Reports may be submitted by letter or through M or D (malfunction or defect) or MRR (maintenance reliability reports) procedures. (Reporting approved by the Office of Management and Budget under OMB No. 2120–0056).

Note 2: The eddy current inspections required by this AD should be performed by personnel who have received training and are qualified in the operation of eddy current equipment which has been calibrated using a specimen obtained from the airplane manufacturer which simulates cracking of the spar cap.

(e) Airplanes may be flown in accordance with FAR 21.197 to a location where this AD can be accomplished.

(f) An alternate method of compliance or adjustment of the initial or repetitive compliance times, which provides an equivalent level of safety, may be approved by the Manager, Wichita Aircraft Certification Office, FAA, 1801 Airport Road, room 100, Wichita, Kansas 67209; Telephone (316) 946–4400.

Note 3: The request should be forwarded through an FAA Maintenance Inspector, who may add comments and then send it to the Manager, Wichita Aircraft Certification Office.

All persons affected by this directive may obtain copies of the documents referred to herein upon request to the Beech Aircraft Corporation, Commercial Service, Department 52, Wichita, Kansas 67201–0085, or Western Aircraft Maintenance, 4444 Aeronca Street, Boise, Idaho 83705, or may examine the documents at the FAA, Central Region, Office of the Assistant Chief Counsel, room 1558, 601 East 12th Street, Kansas City, Missouri 64106.

This amendment supersedes AD 77–05–01R3, Amendment 39–5794, which superseded AD 75–27–10, Amendment 39–2484.

Issued in Kansas City, Missouri, on January 11, 1990.

Don C. Jacobsen,

Acting Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 90–2394 Filed 2–1–90; 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Part 71

[Airspace Docket No. 89–AGL–13]

Alteration to Transition Area, South Bend, IN

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The nature of this action is to reflect the name change of a

navigational facility currently contained in the South Bend, IN, transition area description. The South Bend, IN, Flight Service Station (FSS) was decommissioned on August 29, 1989. When this occurred the Lansing, MI Automated Flight Service Station (AFSS) became responsible for issuing NOTAM's on the South Bend VORTAC because the facility is physically located in the State of Michigan. Terre Haute AFSS became responsible for issuing NOTAM's on Michiana Regional Airport. To prevent confusion the name and identifier of the South Bend (SBN), IN, VORTAC is being changed to Giper (GIJ) VORTAC. Thus, the facilities will no longer be using the same three-letter identifier. When an aircraft is cleared to "South Bend", the reference is to the airport not to the VORTAC.

EFFECTIVE DATE: 0901 u.t.c., May 3, 1990.

FOR FURTHER INFORMATION CONTACT: Henry D. French, Air Traffic Division, System Management Branch, AGL–530, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018, telephone (312) 694–7477.

SUPPLEMENTARY INFORMATION: The Michiana Regional Airport, South Bend, IN, and the South Bend VORTAC both use SBN for an identifier and are currently listed under the South Bend, IN, FSS NOTAM file. When the South Bend FSS was decommissioned on August 29, 1989, the Lansing, MI, AFSS became responsible for issuing NOTAM's on the VORTAC and the Terre Haute, IN, AFSS became responsible for issuing NOTAM's on the Michiana Regional Airport, South Bend, IN. This requires the Lansing AFSS to coordinate with Terre Haute AFSS each time they issue or cancel a NOTAM on the navigational aid or its associated voice communication channels. To eliminate this unnecessary coordination, it is necessary to change the identifier of the VORTAC. In addition, to ensure that no confusion exists regarding the clearance limit when an aircraft is cleared to "South Bend", the VORTAC name is being changed. Presently "South Bend", the VORTAC name is being changed. Presently, "South Bend" could mean either the VORTAC or airport. The name Giper and the three letter identifier, GIJ, will replace the name South Bend and the three letter identifier, SBN, for the VORTAC. The associated city and state will remain South Bend, IN.

Changing the name and identifier necessitates altering the published description of the South Bend, IN, transition area so as to reflect the name change. This alteration will affect only the published description and will cause no change to aeronautical operations as currently conducted. Aeronautical maps and charts will reflect the defined area which will enable other aircraft to circumnavigate the area in order to comply with applicable visual flight rules requirements.

The Rule

This amendment to part 71 of the Federal Aviation Regulations will alter the South Bend, IN, transition area by replacing the name South Bend, IN, VOR and South Bend, IN, VORTAC with the name Giper VORTAC wherever it appears in the transition area description.

I find that notice and public procedure under 5 U.S.C. 553(b) are unnecessary because this action is a minor amendment in which the public would not be particularly interested. Section 71.181 of part 71 of the Federal Aviation Regulations was republished in Handbook 7400.6E dated January 2, 1990.

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Aviation safety, Transition areas.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, part 71 of the Federal Aviation Regulations (14 CFR part 71) is amended as follows:

PART 71—[AMENDED]

1. The authority citation for part 71 continues to read as follows:

Authority: 49 U.S.C. 1348(a), 1354(a), 1510; Executive Order 10854; 49 U.S.C. 106(g) (Revised Pub. L. 97–449, January 12, 1983); 14 CFR 11.69.

§ 71.181 [Amended]

2. By amending § 71.181 as follows:

South Bend, IN [Amended]

Delete the words "South Bend, IN, VOR" and "South Bend, IN, VORTAC".

Add the words "Giper VORTAC" wherever South Bend, IN, VOR or South Bend, IN, VORTAC previously appeared.

Issued in Des Plaines, Illinois on January 16, 1990.

Teddy W. Burcham,

Manager, Air Traffic Division.

[FR Doc. 90–2396 Filed 2–1–90; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 178

[Docket No. 89F–0185]

Indirect Food Additives, Adjuvants, Production Aids, and Sanitizers

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the food additive regulations to provide for the safe use of 2,2′-[1,2-ethanediylbis (oxy-2,1-phenyleneazo)]bis[N-(2,3-dihydro-2-oxo-1*H*-benzimidazol-5-yl)]-3-oxo-butanamide (C.I. Pigment Yellow 180) as a colorant in high-density polyethylene intended for food-contact use. This action responds to a petition filed by Hoechst Celanese Corp.

DATES: Effective February 2, 1990; written objections and requests for a hearing by March 5, 1990.

ADDRESSES: Written objections to the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Richard H. White, Center for Food Safety and Applied Nutrition (HFF–335), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–472–5690.

SUPPLEMENTARY INFORMATION: In a notice published in the Federal Register of June 16, 1989 (54 FR 25626), FDA announced that a food additive petition (FAP 9B4135) had been filed by Hoechst Celanese Corp., 500 Washington St., Coventry, RI 02816, proposing that § 178.3297 *Colorants for polymers* (21 CFR 178.3297) be amended to provide for the safe use of benzimidazolone (C.I. Pigment Yellow 180) as a colorant in high-density polyethylene intended for food-contact use.

FDA has evaluated data in the petition and other relevant material. The agency concludes that the proposed food additive use is safe. However, the agency also concludes that this color additive is more appropriately named "2,2'-[1,2-ethanediylbis(oxy-2,1-phenyleneazo)]bis[N-(2,3-dihydro-2-oxo-1*H*-benzimidazol-5-yl)]-3-oxo-butanamide", and that 21 CFR 178.3297 should be amended in the table of paragraph (e) as set forth below.

In accordance with § 171.1(h) (21 CFR 171.1(h)), the petition and the documents that FDA considered and relied upon in reaching its decision to approve the petition are available for inspection at the Center for Food Safety and Applied Nutrition by appointment with the information contact person listed above. As provided in 21 CFR 171.1(h), the agency will delete from the documents any materials that are not available for public disclosure before making the documents available for inspection.

The agency has carefully considered the potential environmental effects of this action. FDA has concluded that the action will not have a significant impact on the human environment, and that an environmental impact statement is not required. The agency's finding of no significant impact and the evidence supporting that finding, contained in an environmental assessment, may be seen in the Dockets Management Branch (address above) between 9 a.m. and 4 p.m., Monday through Friday.

Any person who will be adversely affected by this regulation may at any time on or before March 5, 1990 file with the Dockets Management Branch (address above) written objections thereto. Each objection shall be separately numbered, and each numbered objection shall specify with particularity the provisions of the regulation to which objection is made and the grounds for the objection. Each numbered objection on which a hearing is requested shall specifically so state. Failure to request a hearing for any particular objection shall constitute a waiver of the right to a hearing on that objection. Each numbered objection for which a hearing is requested shall include a detailed description and analysis of the specific factual information intended to be presented in support of the objection in the event that a hearing is held. Failure to include such a description and analysis for any particular objection shall constitute a waiver of the right to a hearing on the objection. Three copies of all documents shall be submitted and shall be identified with the docket number found in brackets in the heading of this document. Any objections received in response to the regulation may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

List of Subjects in 21 CFR Part 178

Food additives, Food packaging.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs and redelegated to the Director of the Center for Food Safety and Applied Nutrition, 21 CFR part 178 is amended as follows:

PART 178—INDIRECT FOOD ADDITIVES: ADJUVANTS, PRODUCTION AIDS, AND SANITIZERS

1. The Authority citation for 21 CFR part 178 continues to read as follows:

Authority: Secs. 201, 402, 409, 706 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321, 342, 348, 376).

2. Section 178.3297 is amended in paragraph (e) by alphabetically adding a new entry in the table to read as follows:

§ 178.3297 Colorants for polymers.

* * * * *

(e) * * *

Substances	Limitations
* *	* * *
2,2'-[1,2-Ethanediylbis(oxy-2,1-phenyleneazo)]bis[N-(2,3-dihydro-2-oxo-1*H*-benzimidazol-5-yl)]-3-oxo-butanamide (C.I. Pigment Yellow 180, CAS Reg. No. 77804-81-0).	For use at levels not to exceed 0.1 percent by weight of olefin polymers complying with § 177.1520(c) of this chapter, items 2.1 and 2.3, that have a density greater than 0.94 gram per cubic centimeter. The finished polymers shall contact food only under conditions of use E, F, and G described in Table 2 of § 176.170(c) of this chapter.
* *	* * *

Dated: January 25, 1990.

Douglas L. Archer,

Acting Director, Center for Food Safety and Applied Nutrition.

[FR Doc. 90-2389 Filed 2-1-90; 8:45 am]

BILLING CODE 4160-01-M

21 CFR Parts 520 and 558

Animal Drugs, Feeds, and Related Products; Monensin

AGENCY: Food and Drug Administration; HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect revised specifications for monensin used in new animal drugs. Elanco Products Co., sponsor of several monensin products which are the subject of approved new animal drug applications (NADA's), provided information concerning the product specifications of the monensin ingredient.

EFFECTIVE DATE: February 2, 1990.

FOR FURTHER INFORMATION CONTACT: John R. Markus, Center for Veterinary Medicine (HFV-142), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-2871.

SUPPLEMENTARY INFORMATION: Elanco Products Co., a Division of Eli Lilly & Co., Lilly Corporate Center, Indianapolis, IN 46285, has requested that FDA revise the specifications in § 558.355 (21 CFR 558.355) to reflect the currently approved specifications for monensin and monensin sodium as contained in NADA's 38-878 and 95-735. The specifications in the current regulations provide that monensin be present as monensin or the sodium salt with a minimum of 90 percent of the monensin activity derived from monensin A. The specifications in the NADA's provide, in addition, that a minimum of 95 percent of the monensin activity is derived from monensin A plus B, for an identity test using thin layer chromatography, and for a loss on drying test. The addition of these requirements to the regulations will provide a more complete testing protocol to monitor the identity, strength, quality, and purity of the new animal drug substances, monensin and monensin sodium. FDA concurs with the revised specifications. Section 558.355 is amended by revising paragraph (a) accordingly.

In addition, the specifications in § 520.1448 (21 CFR 520.1448) provide for monensin used in certain oral products. The monensin is the same as used for the animal feed products. Therefore, § 520.1448 is amended by adding text to the section.

This change reflects technical characteristics of the approved active ingredient and does not require development of new safety or effectiveness data. Therefore, a freedom of information summary is not required.

List of Subjects

21 CFR Part 520

Animal drugs.

21 CFR Part 558

Animal drugs, Animal feeds.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs and redelegated to

the Center for Veterinary Medicine, 21 CFR parts 520 and 558 are amended as follows:

PART 520—ORAL DOSAGE FORM NEW ANIMAL DRUGS NOT SUBJECT TO CERTIFICATION

1. The authority citation for 21 CFR part 520 continues to read as follows:

Authority: Sec. 512 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360b).

2. Section 520.1448 is amended by adding text to read as follows:

§ 520.1448 Monensin oral dosage forms.

Monensin, as the base or the sodium salt, contains a minimum of 90 percent monensin activity derived from monensin A and a minimum of 95 percent derived from monensin A plus B. Using thin layer chromatography, the R_f value must be comparable to a reference standard (the R_f value is the distance the spots travel from the starting line divided by the distance the solvent front travels from the starting line). The loss on drying is not more than 10 percent when dried in vacuum at 60 °C for 2 hours.

PART 558—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

3. The authority citation for 21 CFR part 558 continues to read as follows:

Authority: Secs. 512, 701 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360b, 371).

4. Section 558.355 is amended by revising paragraph (a) to read as follows:

§ 558.355 Monensin.

(a) *Specifications.* Monensin, as the base or the sodium salt, contains a minimum of 90 percent monensin activity derived from monensin A and a minimum of 95 percent derived from monensin A plus B. Using thin layer chromatography, the R_f value must be comparable to a reference standard (the R_f value is the distance the spots travel from the starting line divided by the distance the solvent front travels from the starting line). The loss on drying is not more than 10 percent when dried in vacuum at 60 °C for 2 hours.

* * * * *

Dated: January 29, 1990.

Robert C. Livingston,

Acting Director, Office of New Animal Drug Evaluation, Center for Veterinary Medicine.

[FR Doc. 90-2433 Filed 2-1-90; 8:45 am]

BILLING CODE 4160-01-M

21 CFR Part 522

Implantation or Injectable Dosage Form New Animal Drugs Not Subject to Certification; Ivermectin Injection

CFR Correction

In title 21 of the Code of Federal Regulations, parts 500 to 599, revised as of April 1, 1989, the revision of § 522.1192(d)(4)(ii) as published at 53 FR 27006, July 18, 1988, was incorrectly omitted. The correct text for this paragraph reads as follows:

§ 522.1192 [Corrected]

* * * * *

(d) * * *

(4) * * *

(ii) *Indications for use.* It is used in swine for treatment and control of gastrointestinal roundworms (adults and fourth-stage larvae) (large roundworm, *Ascaris suum;* red stomach worm, *Hyostrongylus rubidus;* nodular worm, *Oesophagostomum* spp.; threadworm, *Strongyloides ransomi* (adults only)); somatic roundworm larvae (threadworm, *Strongyloides ransomi* (somatic larvae)); lungworms (*Metastrongylus* spp. (adults only)); lice (*Haematopinus suis*); and mites (*Sarcoptes scabiei* var. *suis*).

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BILLING CODE 1505-01-D

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

21 CFR Part 1308

Schedules of Controlled Substances; Placement of N,N-Dimethylamphetamine into Schedule I

AGENCY: Drug Enforcement Administration, Justice.

ACTION: Final rule.

SUMMARY: This final rule is issued by the Administrator of the Drug Enforcement Administration (DEA) to place *N,N*-dimethylamphetamine into Schedule I of the Controlled Substances Act (CSA) (21 U.S.C. 801 *et seq.*). This action is based on findings made by the DEA Administrator, after review and evaluation of the relevant data by both DEA and the Assistant Secretary for Health, Department of Health and Human Services, that *N,N*-dimethylamphetamine meets the statutory criteria for inclusion in Schedule I of the CSA. Since this substance has been temporarily scheduled in Schedule I, the regulatory control mechanisms and criminal sanctions of Schedule I continue to be applicable to the manufacture, distribution, importation and exportation and possession of this substance.

EFFECTIVE DATE: February 2, 1990.

FOR FURTHER INFORMATION CONTACT: Howard McClain, Jr., Chief, Drug Control Section, Drug Enforcement Administration, Washington, DC 20537, (202) 307-7183.

SUPPLEMENTARY INFORMATION: On August 2, 1989, in a notice of proposed rulemaking published in the **Federal Register** (54 FR 31855) and after a review of relevant data, the Administrator of the Drug Enforcement Administration (DEA) proposed to place *N,N*-dimethylamphetamine into Schedule I of the CSA pursuant to 21 U.S.C. 811(a). At that time, the DEA Administrator submitted data which DEA gathered regarding *N,N*-dimethylamphetamine to the Assistant Secretary for Health, delegate of the Secretary of the Department of Health and Human Services. In accordance with 21 U.S.C. 811(b), the DEA Administrator also requested a scientific and medical evaluation and a scheduling recommendation for *N,N*-dimethylamphetamine from the Assistant Secretary for Health.

N,N-dimethylamphetamine had been temporarily placed into Schedule I of the CSA by the DEA Administrator on August 3, 1988 for a period of one year (53 FR 29232) using the temporary scheduling provisions of the CSA (21 U.S.C. 811(h)). The temporary scheduling of *N,N*-dimethylamphetamine subsequently was extended for six months until February 3, 1990 (54 FR 31815). The temporary scheduling of *N,N*-dimethylamphetamine was based on a finding by the DEA Administrator that such scheduling was necessary to avoid an imminent hazard to the public safety.

By letter dated January 19, 1990, the DEA Administrator received a scheduling recommendation for *N,N*-dimethylamphetamine from the Assistant Secretary for Health. The Assistant Secretary recommended that *N,N*-dimethylamphetamine be placed into Schedule I of the CSA based on a scientific and medical evaluation of the available data.

The notice of proposed rulemaking for *N,N*-dimethylamphetamine provided the opportunity for interested parties to submit comments, objections or requests for a hearing regarding the scheduling of *N,N*-dimethylamphetamine. No comments, objections or requests for a hearing were received.

N,N-dimethylamphetamine is *N,N*-alpha-trimethylbenzeneethanamine or *N,N*-alpha-trimethylphenethylamine. It is a close structural analogue of amphetamine, methamphetamine and *N*-ethylamphetamine, all psychomotor stimulants with demonstrated high abuse potentials.

Pharmacologically, *N,N*-dimethylamphetamine is a sympathomimetic amine which produces significant central nervous system stimulant effects. These effects are qualitatively similar to those produced by equipotent doses of amphetamine and methamphetamine. *N,N*-dimethylamphetamine is recognized as cocaine by rats trained to discriminate cocaine from saline and it is self-administered by monkeys trained to self-administer cocaine. *N,N*-dimethylamphetamine, similar to methamphetamine, produces neurotoxic effects on dopaminergic nerve terminals in rodents. In these tests, *N,N*-dimethylamphetamine is several times less potent than methamphetamine.

Since the summer of 1987, law enforcement agencies have seized at least 20 clandestine laboratories (18 in California and one each in Georgia and Iowa) which have produced *N,N*-dimethylamphetamine. Over 57 kg. of *N,N*-dimethylamphetamine and sufficient precursors to produce an additional 246 kg. were seized at these laboratories. Forensic chemists have identified *N,N*-dimethylamphetamine in drug evidence purchased or seized by law enforcement officials in California, Iowa, Alabama, Missouri, Colorado, Utah, Arizona, Kansas, Florida, Idaho and Georgia. *N,N*-dimethylamphetamine is currently a Schedule I controlled substance in California.

N,N-dimethylamphetamine is routinely sold on the street as methamphetamine or speed and individuals abusing it often do not know that they are taking *N,N*-dimethylamphetamine. Thus, injuries or adverse effects associated with the use of *N,N*-dimethylamphetamine are likely to be reported as methamphetamine or speed-related incidents. The pharmacological and toxicological profiles of *N,N*-dimethylamphetamine suggest that abuse of this substance will lead to health and safety problems similar to those produced by methamphetamine. Since *N,N*-dimethylamphetamine is produced in clandestine laboratories, additional health and safety risks are associated with this substance.

There are no commercial manufacturers or suppliers of *N,N*-dimethylamphetamine in the United States. The Food and Drug Administration (FDA) has notified DEA that *N,N*-dimethylamphetamine is not approved for marketing in the United States and that there are no exemptions for investigational use of *N,N*-dimethylamphetamine in effect under the Federal Food, Drug and Cosmetic Act. A search of the scientific and medical literature uncovered no indications of current medical use of *N,N*-dimethylamphetamine in the United States.

Based on the investigation and review conducted by DEA and on the scientific and medical evaluation and recommendation of the Assistant Secretary for Health received in accordance with 21 U.S.C. 811(b) and after consideration of the factors listed in 21 U.S.C. 811(c) by DEA and the Assistant Secretary for Health, the DEA Administrator, pursuant to the provisions of 21 U.S.C. 811(a) and (b), finds that:

(1) *N,N*-dimethylamphetamine has a high potential for abuse;
(2) *N,N*-dimethylamphetamine has no currently accepted medical use in treatment in the United States; and
(3) There is a lack of accepted safety for use of *N,N*-dimethylamphetamine under medical supervision.

These findings are consistent with the placement of *N,N*-dimethylamphetamine into Schedule I of the CSA.

All regulations applicable to Schedule I substances will continue to be effective as of February 2, 1990 with respect to *N,N*-dimethylamphetamine, which has been in Schedule I since August 3, 1988 pursuant to the temporary scheduling procedures of 21 U.S.C. 811(h). The current applicable regulations are as follows:

1. *Registration.* Any person who manufactures, distributes, delivers, imports or exports *N,N*-dimethylamphetamine or who engages in research or conducts instructional activities with respect to this substance, or who proposes to engage in such activities, must be registered to conduct such activities in accordance with parts 1301 and 1311 of title 21 of the Code of Federal Regulations.

2. *Security.* *N,N*-dimethylamphetamine must be manufactured, distributed and stored in accordance with §§ 1301.71–1301.76 of title 21 of the Code of Federal Regulations.

3. *Labeling and packaging.* All labels and labeling for commercial containers of *N,N*-dimethylamphetamine must comply with the requirements of §§ 1302.03–1302.05, 1302.07 and 1302.08 of title 21 of the Code of Federal Regulations.

4. *Quotas.* All persons required to obtain quotas for *N,N*-dimethylamphetamine shall submit applications pursuant to §§ 1303.12 and 1303.22 of title 21 of the Code of Federal Regulations.

5. *Inventory.* Every registrant required to keep records and who possesses any quantity of *N,N*-dimethylamphetamine shall take an inventory of all stocks of this substance on hand pursuant to §§ 1304.11–1304.19 of title 21 of the Code of Federal Regulations.

6. *Records.* All registrants required to keep records pursuant to §§ 1304.21–1304.27 of title 21 of the Code of Federal Regulations shall maintain such records on *N,N*-dimethylamphetamine.

7. *Reports.* All registrants required to submit reports pursuant to §§ 1304.34–1304.37 of title 21 of the Code of Federal Regulations shall do so regarding *N,N*-dimethylamphetamine.

8. *Order forms.* All registrants involved in the distribution of *N,N*-dimethylamphetamine shall comply with the order form requirements of §§ 1305.01–1305.16 of title 21 of the Code of Federal Regulations.

9. *Importation and exportation.* All importation and exportation of *N,N*dimethylamphetamine shall be in compliance with part 1312 of title 21 of the Code of Federal Regulations.

10. *Criminal liability.* Any activity with respect to *N,N*-dimethylamphetamine not authorized by, or in violation of, the CSA or the Controlled Substances Import and Export Act shall be unlawful.

Pursuant to title 5, United States Code, section 605(b), the Administrator of DEA certifies that the scheduling of *N,N*-dimethylamphetamine, as ordered herein, will not have a significant impact upon small businesses or other entities whose interests must be considered under the Regulatory Flexibility Act (Pub. L. 96–354). This action involves the control of a substance which has no legitimate medical use or manufacturer in the United States.

In accordance with the provisions of 21 U.S.C. 811(a), this scheduling action is a formal rulemaking "on the record after opportunity for a hearing." Such proceedings are conducted pursuant to the provisions of 5 U.S.C. 556 and 557 and, as such, have been exempted from the consultation requirements of Executive Order 12612. It has been determined that this matter does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

List of Subjects in 21 CFR Part 1308

Administrative practice and procedure, Drug traffic control, Narcotics, Prescription drugs.

Under the authority vested in the Attorney General by section 201(a) of the CSA (21 U.S.C. 811(a)), and delegated to the Administrator of DEA by Department of Justice regulations (28 CFR 0.100), the Administrator hereby orders that 21 CFR part 1308 be amended as follows:

PART 1308—[AMENDED]

1. The authority citation for 21 CFR part 1308 continues to read as follows:

Authority: 21 U.S.C. 811, 812, 871(b).

2. Section 1308.11 is amended by adding paragraph (f)(3) as follows:

§ 1308.11 Schedule I.

* * * * *

(f) * * *

(3) *N,N*-dimethylamphetamine (also known as *N,N*,alpha-trimethylbenzeneethanamine: *N,N*,alpha-trimethylphenethylamine)—1480

* * * * *

§ 1308.11 [Amended]

3. Section 1308.11 is further amended by removing paragraph (g)(3).

Dated: January 29, 1990.

John C. Lawn,

Administrator Drug Enforcement Administration.

[FR Doc. 90-2392 Filed 2-1-90; 8:45 am]

BILLING CODE 4410-09-M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 935

Ohio Permanent Regulatory Program; Revegetation; Correction

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

ACTION: Final rule; correction.

SUMMARY: This document corrects the final rule notice published on December 15, 1989 (54 FR 51395) concerning an amendment to the Ohio regulatory program approved under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). The amendment (Program Amendment Number 25 Revised) concerned Ohio's use of average county yields for demonstrating cropland yield restoration and also concerned information on Ohio's method of evaluating revegetation success.

FOR FURTHER INFORMATION CONTACT: Ms. Nina Rose Hatfield, Director, Columbus Field Office (614) 866-0578.

SUPPLEMENTARY INFORMATION:

I. Corrections

1. Reference to Ohio Administrative Code (OAC) section 1501:13-9-15(F)(12) in the first sentence of the second paragraph of Section II (Submission of Amendment) should be deleted. Ohio Program Amendment Number 25 Revised did not propose any changes to this rule concerning non-augmentative practices.

2. The last paragraph on page 51395 which continues on page 51396 should read as follows:

By letter dated May 24, 1988, Ohio submitted Program Amendment Number 34 (Administrative Record No. OH-1033). This amendment reiterated the changes first proposed in Program Amendment Number 25 Revised to OAC 1501:13-9-09 (A)(4) and (E)(3) and to OAC 1501:13-9-15(B), (F)(4)(b), (F)(5)(e)(i). Further, Program Amendment Number 34 revised OAC 1501:13-9-15(F)(5) (f) and (g) beyond the revisions earlier proposed in Program Amendment Number 25 Revised. Finally, Program Amendment Number 34 reiterated the administrative record information previously provided by Ohio in Program Amendment Number 25 revised in response to the required amendment at 30 CFR 935.16(h). OSM approved Program Amendment Number 34 on December 22, 1988 (53 FR 51543).

Therefore, the proposed revisions presented in Program Amendment Number 25 Revised concerning OAC 1501:13-9-09, OAC 1501:13-9-15, and the administrative record information regarding 30 CFR 935.16(h) will not be considered part of this rulemaking. As a result, the only proposed amendments which remain from the original submittal of proposed Program Amendment Number 25 Revised involve narrative information submitted in response to the required program amendments at 30 CFR 935.16 (f) and (g).

3. The first full paragraph on page 51396, which begins with the words "By letter dated April 17, 1987 . . .", should be deleted.

Dated: January 25, 1990.

Alfred E. Whitehouse,

Acting Assistant Director, Eastern Field Operations.

[FR Doc. 90-2426 Filed 2-1-90; 8:45 am]

BILLING CODE 4310-05-M

30 CFR Part 946

Virginia Regulatory Program—Bonding

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

ACTION: Final rule; approval of amendment.

SUMMARY: OSM is announcing approval of a proposed amendment to the Virginia regulatory program (hereinafter referred to as the Virginia program) under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). The amendment pertains to changes in Virginia's Coal Surface Mining Reclamation Fund (hereinafter, Pool Bond Fund). The amendment is intended to improve the Pool Bond Fund's financial status and limit its liability by stiffening admission criteria, authorizing increased entrance fees under certain conditions, imposing renewal fees, and restricting highwall length and pit width. The changes will establish new requirements for Pool Bond Fund applicants to meet.

EFFECTIVE DATE: February 2, 1990.

FOR FURTHER INFORMATION CONTACT: Mr. W. Russell Campbell, Acting Director, Big Stone Gap Field Office, Office of Surface Mining Reclamation and Enforcement, P.O. Box 626, room 220, Powell Valley Square Shopping Center, Route 23, Big Stone Gap, Virginia 24219; telephone (703) 523-4303.

SUPPLEMENTARY INFORMATION:

I. Background on the Virginia Program
II. Submission of Amendment
III. Director's Findings
IV. Summary and Disposition of Comments
V. Director's Decision
VI. Procedural Determinations

I. Background on the Virginia Program

The Secretary of the Interior conditionally approved the Virginia program on December 15, 1981. Information pertinent to the general background and revisions to the Virginia program submission, as well as the Secretary's findings, the disposition of comments and a detailed explanation of the conditions of approval, can be found in the December 15, 1981, Federal Register (46 FR 61088-61115). Subsequent actions concerning the conditions of approval and proposed amendments are identified at 30 CFR 946.12, 946.13, 946.15, and 946.16.

II. Submission of Amendment

By letter dated July 5, 1989 (Administrative Record No. VA-729), Virginia submitted a proposed amendment consisting of amended

sections to 45.1–270.2 and 45.1–270.3 of the Code of Virginia.

OSM announced receipt of the proposed amendment in the August 4, 1989 **Federal Register** (32097–32098), and in the same notice opened the public comment period and provided opportunity for a public hearing on the adequacy of the proposed amendment.

III. Director's Findings

Set forth below, pursuant to SMCRA and the Federal regulations at 30 CFR 732.15 and 732.17, are the Director's findings concerning the proposed amendment.

1. 45.1–270.2 Participation in Pool Bond Fund

(a) *Three-year history.* Paragraph (A) of this section would add the requirement that a participant in the Pool Bond Fund must demonstrate "at least a consecutive three-year history of compliance under this act or any other State or Federal act." This would improve the quality of the operators participating in the Pool because membership is restricted to those with a consecutive three year compliance history. Since the new language requires a demonstration of historical compliance, the changes would not alter the basis of the Director's findings approving the original alternative bonding system which was approved on September 21, 1982 (45 FR 41556). Therefore, the Director finds the proposal no less effective than 30 CFR 800.11(e).

(b) *Cumulative amount of exposed highwall.* Paragraph (C) of this section would place highwall restrictions on mining operations bonded under the Virginia program. The total accumulative amount of exposed highwall may not exceed 1500 linear feet. The coal pit width would be limited to 500 feet or less. This provision read together with paragraph D of the proposed amendment would prevent any negative effect on the pool bond fund in the event the applicant fell behind in its reclamation. These restrictions would not alter the basis for the Director's findings approving the original alternative bonding system. Therefore, the Director finds this proposal to be no less effective than 30 CFR 800.11(e).

(c) *Extended distances for rough backfilling and grading.* Paragraph (D) would allow the State to extend the distance to be established under paragraph (C) above provided the applicant demonstrated a consecutive seven-year history of compliance with the approved program or other comparable State or Federal regulations. Alternatively, the applicant could submit a bond for any proposed additional area. Proposed paragraph (D) would also provide a formula for calculating the bond required for the extended distance requested. This action would not alter the basis of the findings approving the original alternative bonding system because it does adversely affect the pool bond fund. The Director finds that since any additional distance requested for rough backfilling and grading will be adequately bonded or extended for operators with a seven year compliance history, the proposal is no less effective than 30 CFR 800.11(e).

2. 45.1–270.3 Initial and Renewal Payments; Bonds

This proposal adds new langauge to paragraph (A) that would require an increased entrance fee for all operators who elected to participate in the Pool Bond Fund. An increased rate of $5,000 would be required when the State determines that the total balance is less than $1,750,000 pursuant to the Virginia program. The entrance fee would be reduced to $1,000 when the fund balance is greater than $2,000,000 pursuant to the Virginia program. A renewal fee of $1,000 would be required of all permittees in the Pool Bond Fund at the time of permit renewal. Increased changes would not alter the basis of the findings approving the original alternative bonding system because the purpose of the amendment was to strengthen the Pool Bond Fund's assets (Administrative Record No. VA–729). Since the proposal would increase revenue for the fund, the Director finds it no less effective than 30 CFR 800.11(e).

IV. Summary and Disposition of Comments

Public Comments

The public comment period and opportunity to request a public hearing announced in the August 4, 1989 **Federal Register** ended September 5, 1989. No public comments were received and the scheduled public hearing was not held as no one requested an opportunity to provide testimony.

Agency Comments

Pursuant to section 503(b) of SMCRA and the implementing regulations of 30 CFR 732.17(h)(11)(i), comments were solicited from various Federal agencies with an actual or potential interest in the Virginia program. The Environmental Protection Agency, Forest Service, Mine Safety and Health Administration, and Soil Conservation Service all generally supported the amendment.

V. Director's Decision

Based on the above findings the Director is approving the program amendment as submitted on July 5, 1989. The Federal regulations at 30 CFR part 946 codifying decisions concerning the Virginia program are being amended to implement this decision.

VI. Procedural Determinations

National Environmental Policy Act

The Secretary has determined that, pursuant to section 702(d) of SMCRA, 30 U.S.C. 1292(d), no environmental impact statement need be prepared on this rulemaking.

Executive Order No. 12291 and the Regulatory Flexibility Act

On July 12, 1984, the Office of Management and Budget (OMB) granted OSM an exemption from sections 3, 4, 7, and 8 of Executive Order 12291 for actions directly related to approval or conditional approval of State regulatory programs. Therefore, this action is exempt from preparation of a regulatory impact analysis and regulatory review by OMB.

The Department of the Interior has determined that this rule will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). This rule will not impose any new requirements; rather, it will ensure existing requirements established by SMCRA and the Federal rules will be met by the State.

Paperwork Reduction Act

This does not contain information collection requirements which require approval by the Office of Management and Budget under 44 U.S.C. 3507.

List of Subjects in 30 CFR Part 946

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

Dated: January 26, 1990.

Alfred E. Whitehouse,

Acting Assistant Director, Eastern Field Operations.

For reasons set out in the preamble, title 30, chapter VII, subchapter T of the Code of Federal Regulations is amended as set forth below.

PART 946—VIRGINIA

1. The authority citation for part 946 continues to read as follows:

Authority: 30 U.S.C. 1201 *et seq.*

2. In § 946.15, a new paragraph (z) is added to read as follows:

§ 946.15 Approval of regulatory program amendments.

* * * * *

(z) The following amendments were approved February 2, 1990:

(1) Amended sections 45.1–270.2 and 45.1–270.3 of the Virginia Coal Surface Mining Control and Reclamation Act submitted on July 5, 1989, concerning changes to Virginia's Coal Surface Mining Reclamation Fund.

[FR Doc. 90–2427 Filed 2–1–90; 8:45 am]

BILLING CODE 4310–05–M

DEPARTMENT OF THE TREASURY

Fiscal Service

31 CFR Part 215

Withholding of District of Columbia, State, City and County Income or Employment Taxes by Federal Agencies

AGENCY: Financial Management Service, Fiscal Service, United States Department of the Treasury.

ACTION: Final rule.

SUMMARY: Public Law 100–180 permits withholding of state and local income or employment taxes from the drill pay of National Guardsmen and reserve components of the armed forces for those state and local governments that have entered into an agreement with the Secretary of the Treasury. This rule allows for such a withholding.

EFFECTIVE DATE: March 5, 1990.

FOR FURTHER INFORMATION CONTACT: Charles Singleton, Financial Management Service, Room 330B, 401 14th Street, SW., Washington, DC 20227, (202) 287–0336, (FTS) 287–0336.

SUPPLEMENTARY INFORMATION: Prior to passage of the National Defense Authorization Act for Fiscal Years 1988 and 1989, no authority existed to withhold state or local income or employment taxes from the drill pay of members of National Guard units or reserve components for those taxing jurisdictions that enter into an agreement with the Secretary of the Treasury as part of the withholding program for civilian Federal employees.

Changes have been made to 31 CFR 215.2(h)(1) to permit National Guardsmen and Reservists to be included in state withholding as members of the armed forces, and in the city and county withholding programs as Federal employees, but only while participating in exercises, drills, training periods, or serving on active duty for training under section 270(a) of title 10 United States Code. Section 215.2(i) of 31 CFR has been changed to include National Guardsmen and Reservists as "Members of the Armed Forces" while participating in the same functions.

The provisions of 5 U.S.C. 553(b) relating to notice and public participation have not been followed in connection with the adoption of these regulations because the regulations involve adjustments prescribed by statutory authority and which implement the statute. Accordingly, the Treasury finds for good cause that notice and public participation are unnecessary and contrary to the public interest of realizing in regulations what has been enacted in statutory law.

Executive Order 12291

The United States Department of the Treasury has determined that the proposed regulation is not a "major rule" within the meaning of Executive Order 12291 [46 FR 13193, February 19, 1981]. It is not likely to result in:

(1) An annual effect on the economy of $100 million or more;

(2) A major increase in costs or prices for consumers, individual industries, Federal, state or local government agencies, or geographic regions; or

(3) Significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of the United States-based enterprises to compete with foreign based-enterprises in domestic or export markets.

Therefore, preparation of a Regulatory Impact Analysis is not required.

Regulatory Flexibility Act

Because no notice of proposed rulemaking is required for this final rule, the provisions of the Regulatory Flexibility Act (5 U.S.C. 601) do not apply.

Paperwork Reduction Act

These regulations impose no additional reporting or recordkeeping requirements necessitating clearance by the Office of Management and Budget.

List of Subjects in 31 CFR Part 215

Employment taxes, Government employees, Income tax, Intergovernmental relations.

For the reasons set forth in the preamble, title 31, chapter II, subchapter A, part 215 of the Code of Federal Regulations is amended as set forth below.

PART 215—WITHHOLDING OF DISTRICT OF COLUMBIA, STATE, CITY, AND COUNTY INCOME OR EMPLOYMENT TAXES BY FEDERAL AGENCIES

Subpart A—General Information

1. The authority citation for part 215 continues to read as follows:

Authority: 5 U.S.C. 5516, 5517, and 5520 and section 4 of Executive Order 11997, June 22, 1977 (42 FR 31759). § 215.2 also issued under 5 U.S.C. 5517(d), 5520(a).

2. Section 215.2 is amended by revising paragraphs (h)(1) and (i) to read as follows:

§ 215.2 Definitions.

* * * * *

(h)(1) "Employees" for the purpose of State income tax withholding, means all employees of an agency, other than members of the armed forces. For city and county income or employment tax withholding, it means:

(i) Employees of an agency;

(ii) Members of the National Guard, participating in exercises or performing duty under 31 U.S.C. 502; or

(iii) Members of the Ready Reserve, participating in scheduled drills or training periods, or serving on active duty for training under 10 U.S.C. 270(a).

The term does not include retired personnel, pensioners, annuitants, or similar beneficiaries of the Federal Government, who are not performing active civilian service or persons receiving remuneration for services on a contract-fee basis.

(2) * * *

(i) "Members of the Armed Forces" means all individuals in active duty status (as defined in 10 U.S.C. 101(22)) in regular and reserve components of the Army, Navy, Air Force, Marine Corps, and Coast Guard, including members of the National Guard while participating in exercises or performing duty under 31 U.S.C. 502, and members of the Ready Reserve while participating in scheduled drills or training periods or serving on active duty for training under 10 U.S.C. 270(a).

* * * * *

W.E. Douglas,

Commissioner.

[FR Doc. 90–2400 Filed 2–1–90; 8:45 am]

BILLING CODE 4810–35–M

DEPARTMENT OF DEFENSE

Corps of Engineers, Department of the Army

33 CFR Part 334

Restricted Area, Cooper River and Tributaries, Charleston, SC

AGENCY: Army Corps of Engineers, DoD.

ACTION: Final rule.

SUMMARY: The Corps of Engineers is amending the regulations to expand the existing restricted areas in the Cooper River and its tributaries in the vicinity of the Charleston Naval Base and the Naval Weapons Station in Charleston and Berkeley Counties, South Carolina. The purpose of these changes is to provide effective security in the area of the Charleston Naval Base and the Charleston Naval Weapons Station.

EFFECTIVE DATE: March 5, 1990.

ADDRESSES: HQUSACE, CECW–OR, Washington, DC 20314–1000.

FOR FURTHER INFORMATION CONTACT: Mr. Ralph Eppard at (202) 272–1783 or Ms. Tina Hadden at (803) 724–4613.

SUPPLEMENTARY INFORMATION: On September 30, 1989, the Corps published a notice of proposed rulemaking in the **Federal Register** soliciting comments on the proposed amendments to 33 CFR 334.460. The purpose of the amendment is to expand the existing restricted areas in the vicinity of the Charleston Naval Base and the Naval Weapons Station, Charleston and Berkeley Counties, South Carolina. The comment period expired on 20 October 1989, and we received no comments. According, we are publishing the amendments as a final rule.

The following is a brief description of the changes to the regulations.

1. Area (a)(1) is revised to include the reach of Noisette Creek upstream to the property line on the Charleston Naval Base. The regulations for areas (a)(1) and (a)(2) remain the same.

2. Area (a)(3) has been added to include the eastern shoreline of Shipyard Creek. The new regulation allows the area to be restricted when the Commander of the Charleston Naval Base determines it necessary for security or other military operations.

3. Areas (a)(4) and (a)(6) have been extracted from existing area (a)(1), a totally restricted area. These new regulations allow area (a)(6) to be restricted when deemed necessary by the Commander of the Charleston Naval Base for purposes of security or other military operations. The regulations for area (a)(4) remain the same.

4. Areas (a)(2) and (a)(5) and the regulations affecting them remain unchanged.

5. Area (a)(7) has been added to include that portion of Goose Creek from its confluence with the Cooper River upstream to the Seaboard Coastline Railway trestle. Area (a)(11) has been added to include Foster Creek from its confluence with the Black River upstream to its terminus. These areas may be closed in the interest of national security at the discretion of the Commanding Officer of the Charleston Naval Base, until such time as he determines such restriction may be terminated.

6. Area (a)(8) remains unchanged.

7. Area (a)(9) has been added to include the western shoreline of the Cooper River in the vicinity of the Naval Weapons Station and area (a)(10) has been added to include the area surrounding the USS Alamogordo. These areas have new regulations which prohibits vessels and other watercraft from getting closer than one hundred (100) yards of the shoreline of the Cooper River in those areas devoid of vessels or man-made structures. In those areas where vessels or man-made structures are present, the restricted area will be 100 yards from the shoreline or 50 yards beyond those vessels or other man-made structures, whichever is greater.

Economic Assessment and Certification

This final rule is issued with respect to a military function of the Defense Department and the provisions of E.O. 12291 do not apply. I hereby certify that this rule will have no significant economic impact on a substantial number of small entities.

List of Subjects in 33 CFR Part 334

Navigation (water), Transportation, Danger zones.

Accordingly, the Corps of Engineers is amending 33 CFR 334.460 as set forth below.

PART 334—DANGER ZONES AND RESTRICTED AREA REGULATIONS

1. The authority citation for part 334 continues to read as follows:

Authority: 40 Stat. 266 (33 U.S.C. 1) and 40 Stat. 892 (33 U.S.C. 3).

2. Section 334.460 is revised as follows:

§ 334.460 Cooper River and tributaries at Charleston, SC.

(a) The areas:

(1) That portion of the Cooper River beginning on the west shore at latitude 32° 52′ 37″, longitude 79° 58′ 06″, thence to latitude 32° 52′ 37″, longitude 79° 58′ 03″, thence to latitude 32° 52′ 27″, longitude 79° 68′ 01″, thence to latitude 32° 52′ 06″, longitude 79° 57′ 54″ at the west channel edge, thence to latitude 32° 51′ 48.5″, longitude 79° 57′ 41.5″, thence to latitude 32° 51′ 33″, longitude 79° 57′ 27″, thence to latitude 32° 51′ 19″, longitude 79° 57′ 05″, thence to latitude 32° 51′ 01″, longitude 79° 56′ 07″, thence to latitude 32° 50′ 50″, longitude 79° 56′ 02″, thence to latitude 32° 50′ 48″, longitude 79° 56′ 07″ on the west shore, thence north along the shoreline including the reach of Noisett Creek to the eastern boundary of the Navy Base to the beginning point at the west shore at latitude 32° 52′ 37″, longitude 79° 58′ 06″.

(2) The reach of Shipyard Creek upstream from a line 300 feet from and parallel to the upstream limit of the Improved Federal Turning Basin.

(3) That portion of the interior Shipyard Creek commencing at latitude 32° 49′ 50″, longitude 79° 56′ 10″, being a point at the southern tip of the shoreline where the northern shore of Shipyard Creek joins the Cooper River, thence going along the northern shore of Shipyard Creek to the southern portion of the existing restructed area in paragraph (a)(2) of this section; thence along said line being 300 feet from and parallel to the upstream limit of the Improved Federal Turning Basin for a distance of 15 feet, thence to the most northerly point of the Improved Federal Turning Basin, thence along the northeastern edge for the Improved Turning Basin to the northeast edge of the main channel of Shipyard Creek to a point lying in the mouth of Shipyard Creek where it reaches the Cooper River at the northeast edge of the main channel of the Shipyard Creek and longitude 79° 56′ 10″, thence to the beginning point at latitude 32° 49′ 50″, longitude 79° 56′ 10″.

(4) That portion of the Cooper River surrounding Pier Yankee beginning at a point on the west shore of the Cooper River at latitude 32°50′00″, longitude 79°56′10.5″, thence to latitude 32°50′00″, longitude 79°55′55″, thence to latitude 32°49′54″, longitude 79°55′55″, to latitude 32°49′50″, longitude 79°56′10″, thence north along the shore to the beginning point at the west shore of the Cooper River at latitude 32°50′00″, longitude 79°56′10.5″.

(5) That portion of the Cooper River beginning on the west channel edge at latitude 32°52′06″, longitude 79°57′54″, thence to the east shore at latitude 32°52′13″, longitude 79°57′30″, thence along the eastern shore to latitude 32°51′30″, longitude 79°56′15.5″, thence

to latitude 32°51'01", longitude 79°55'50", thence to latitude 32°50'52", longitude 79°56'03.5", thence to latitude 32°51'01", longitude 79°56'07", thence to latitude 32°51'19", longitude 79°57'05", thence to latitude 32°51'33", longitude 79°57'27", thence to latitude 32°51'48.5", longitude 79°57'41.5", thence to the beginning point at the west channel edge at latitude 32°52'06", longitude 79°57'54".

(6) That portion of the Cooper River beginning on the west shore at latitude 32°50'48", longitude 79°56'07", thence to latitude 32°50'50", longitude 79°56'02", thence to latitude 32°50'32", longitude 79°55'55", thence to latitude 32°50'00", longitude 79°55'55", thence to latitude 32°50'00", longitude 79°56'10.5" on the west shore, thence along the shoreline to the beginning point on the west shore at latitude 32°50'48", longitude 79°56'07".

(7) That portion of Goose Creek beginning at a point on the west shore of Goose Creek at its intersection with the Cooper River at latitude 32°54'32", longitude 79°57'04"; thence proceeding along the western shoreline of Goose Creek for approximately 6.9 miles to its intersection with the Seaboard Coastline Railroad at latitude 32°55'34", latitude 79°59'30"; thence in a northwesterly direction along the Seaboard Coastline Railroad to latitude 32°55'37", longitude 79°59'32"; thence proceeding along the eastern shoreline of Goose Creek in a southeasterly direction to latitude 32°54'33" by 79°56'59" thence back to 32°54'32", longitude 79°57'04".

(8) That portion of the Cooper River, extending from the mouth of Goose Creek, to a point approximately five-hundred (500) yards north of Red Bank Landing, a distance of approximately 4.8 miles, and the tributaries to the Cooper River within the area enclosed by the following arcs and their intersections:

(i) Radius = 8255' center of radius, latitude 32°55'45", longitude 79°45'23".

(ii) Radius = 3790' center of radius, latitude 32'55'00", longitude 79°55'41".

(iii) Radius = 8255' center of radius, latitude 32°55'41", longitude 79°56'15".

(iv) Radius = 8255' center of radius, latitude 32'56'09", longitude 79°56'19".

(9) That portion of the Cooper River beginning on the western shoreline at latitude 32°54'37", longitude 79°57'01"; thence proceeding along the western shoreline in a northerly direction for approximately 4.8 miles to latitude 32°57'32", longitude 79°55'27"; thence in a southerly direction for approximately 100 yards to latitude 32°57'29", longitude 79°55'23", thence in a southwesterly direction, paralleling the shoreline to latitude 32°56'48", longitude 79°55'48"; thence in an easterly direction for approximately 50 yards to latitude 32°56'49", longitude 79°55'46", thence in a southerly direction, paralleling the shoreline, to latitude 32°56'40", longitude 79°55'40"; thence in a westerly direction for approximately 50 yards to latitude 32°56'39", longitude 79°55'42"; thence in a southwesterly direction, paralleling the shoreline, to latitude 32°56'15", longitude 79°56'07"; thence in a southwesterly direction to latitude 32°56'05", longitude 79°56'17"; thence in a westerly direction, for approximately 50 yards to latitude 32°56'05", longitude 79°56'19"; thence in a southerly direction, paralleling the shoreline to latitude 32°55'45", longitude 79°56'19"; thence in a southwesterly direction to latitude 32°55'42", longitude 79°56'13"; thence in a southeasterly direction, parallel the shoreline, to latitude 32°55'18", longitude 79°55'55"; thence in a southwesterly direction to latitude 32°55'16", longitude 79°56'00"; thence in a southwesterly direction paralleling the shoreline to latitude 32°54'35"; longitude 79°56'57", thence back to latitude 32°54'37", and longitude 79°57'01".

(10) That portion of the Cooper River beginning at a point near the center of the Cooper River at latitude 32°55'03", longitude 79°55'42"; thence proceeding in an easterly direction to latitude, 32°55'03"; longitude 79°55'35""; thence in a southerly direction to latitude 32°54'52"", longitude 79°55'33""; thence in a westerly direction to latitude 32°54'53"", longitude 79°55'42""; thence in a northerly direction to latitude 32°55'03"", longitude 79°55'42".

(11) That portion of Foster Creek beginning at a point on the southern shoreline of Foster Creek at its intersection with Back River at latitude 32°58'30", longitude 79°56'33"; thence proceeding along the southern shoreline to the terminus of Foster Creek; thence back down its northern shoreline of Foster Creek to latitude 32°58'34", longitude 79°56'34"; thence back to latitude 32°58'30", longitude 79°56'33".

(b) The regulations:

(1) Unauthorized vessels and other watercraft shall not enter at any time, the restricted areas described in paragraph (a)(1), (a)(2), and (a)(4) of this section.

(2) Vessels and other watercraft entering the restricted area described in paragraph (a)(5) of this section, shall proceed at normal speed and under no circumstances anchor, fish, loiter, or photograph until clear of the restricted area.

(3) Vessels and other watercraft may be restricted from using any or all of the area described in paragraph (a)(3), and (a)(6) of this section when deemed necessary and appropriately noticed by Commander, Naval Base, Charleston, SC, for security or other military operations without first obtaining escort or other approval from Commander, Naval Base, Charleston.

(4) Vessels and other watercraft, other than those specifically authorized by Commanding Officer, U.S. Naval Weapons Station, Charleston, SC, entering the restricted area described in paragraph (a)(8) of this section, shall proceed at normal speed, and under no circumstances anchor, fish, loiter, or photograph in any way until clear of the restricted areas.

(5) Vessels and other watercraft, other than those specifically authorized by Commanding Officer, U.S. Naval Weapons Station, Charleston, SC, entering the area described in paragraphs (a)(9) and (a)(10) of this section are prohibited from entering within one-hundred (100) yards of the west bank of the Cooper River, in those portions devoid of any vessels or man-made structures. In those areas where vessels or man-made structures are present, the restricted area will be 100 yards from the shoreline or 50 yards beyond those vessels or other man-made structures, whichever is greater. This includes area in paragraph (a)(10) of this section.

(6) In the interests of National Security, Commanding Officer, U.S. Naval Weapons Station, Charleston, SC, may, at his/her discretion, restrict passage of watercraft and vessels in the areas described in paragraphs (a)(7) and (a)(11) of this section until such time as he/she determines such restriction may be terminated.

(7) All restricted areas will be marked with suitable warning signs.

(8) The regulations described in paragraphs (b) (1), (2) and (3) of this section shall be enforced by Commander, Naval Base, Charleston, and such agencies as he/she may designate.

(9) The regulations described in paragraphs (b) (4), (5) and (6) of this section shall be enforced by the Commanding Officer, U.S. Naval Weapons Station, Charleston, SC, and such agencies as he/she may so designate.

(10) It is understood that none of the restrictions herein will apply to properly marked Federal vessels performing official duties. It is further understood that Federal employees will not take photographs from within the above described restricted areas.

Dated: January 1, 1990.

Patrick J. Kelly,

Brigadier General (P), USA, Director of Civil Works.

[FR Doc. 90-2057 Filed 2-1-90; 8:45 am]

BILLING CODE 3710-92-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[FRL-3718-3; KY-061]

Approval and Promulgation of Implementation Plans Kentucky: Approval of Revisions to Appendix N

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA today approves revisions to Appendix N of the Kentucky State Implementation Plan (SIP). Appendix N consists of regulations developed by the Air Pollution Control District of Jefferson County (the District), and applies only in Jefferson County, Kentucky; they are implemented by the District. EPA approval of the regulations enables the District to retain authority for all subject activities in Jefferson County.

EFFECTIVE DATE: This action will be effective April 3, 1990, unless notice is received within 30 days that someone wishes to submit adverse or critical comments. If the effective date is delayed, timely notice will be published in the **Federal Register.**

ADDRESSES: Written comments should be addressed to Richard A. Schutt of EPA Region IV's Air Programs Branch (see EPA Region IV address below). Copies of the material submitted by Kentucky may be examined during normal business hours at the following locations:

Public Information reference Unit, Library Systems Branch, Environmental Protection Agency, 401 M Street, SW., Washington DC 20460.

Air Programs Branch, Environmental Protection Agency, 345 Courtland Street, Atlanta, Georgia 30365.

Kentucky Department for Environmental Protection, Frankfort Office Park 18 Reilly Road, Frankfort, Kentucky 40601.

Air Pollution Control District of Jefferson County, 914 East Broadway, Louisville, Kentucky 40204.

FOR FURTHER INFORMATION CONTACT: Richard A. Schutt of the EPA Region IV Air Programs Branch at 404-347-2864 (FTS-257-2864) and at the above address.

SUPPLEMENTARY INFORMATION: The Air Pollution Control District of Jefferson County (the District) develops and implements air quality regulations in Jefferson County, Kentucky. The District's regulations are at least as stringent as corresponding Kentucky regulations. The District's regulations are incorporated by the State as part of the Kentucky SIP; in this manner, the State has the authority to implement the regulations in Jefferson County if the District cannot.

The SIP revisions affected by today's approval were adopted by the Air Pollution Control Board of Jefferson County on February 16, 1983, and revised on April 20, 1988. The revisions were submitted to EPA by Kentucky on January 19, 1989 and July 12, 1989. The regulation being approved by this notice is Regulation 4, Emergency Episode.

Regulation 4 was originally submitted by Kentucky June 29, 1979, as part of the 79 part D SIP. However, EPA did not take action on Regulation 4 because section 2 of 4.02 did not have an alert level for NO_2 in subparagraph (b) as contained in the State's regulation 401 KAR 55:010. The District has since made the necessary change to add the alert level for NO_2. In addition the District made changes to Regulation 4.02 to drop TSP and add PM_{10} in all three phases of the episode criteria such that alerts, warnings and emergencies reflect the concentration levels as set forth in 40 CFR part 51, appendix L. This amendment for PM_{10} was submitted to EPA on January 19, 1989 and discussed in an April 20, 1989, **Federal Register** at 54 FR 15932.

EPA is publishing this action without prior proposal because the Agency views this as a noncontroversial amendment and anticipates no adverse comments. This action will be effective April 3, 1990 unless, within 30 days of its publication, notice is received that adverse or critical comments will be submitted.

If such notice is received, this action will be withdrawn before the effective date by publishing two subsequent notices. One notice will withdraw the final action and another will begin a new rulemaking by announcing a proposal of the action and establishing a comment period. If no such comments are received, the public is advised that this action will be effective April 3, 1990.

Final Action

EPA is today finalizing approval of the entire Emergency Episode regulations as contained in Appendix N of the Kentucky State Implementation Plan. This revision also reflects the adoption of the PM_{10} standard for particulates.

This action has been classified as a Table 3 action by the Regional Administrator under the procedures published in the **Federal Register** on January 19, 1989 (54 FR 2214-2225). On January 6, 1989, the Office of Management and Budget waived Table 2 and 3 SIP revisions (54 FR 2222) from the requirements of Section 3 of Executive Order 12291 for a period of two years.

Under section 307(b)(1) of the Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by April 3, 1990. This action may not be challenged later in proceedings to enforce its requirements (see 307(b)(2)).

Nothing in this action shall be construed as permitting or allowing or establishing a precedent for any future request for a revision to any state implementation plan. Each request for revision to the state implementation plan shall be considered separately in light of specific technical economic and environmental factors and in relation to relevant statutory and regulatory requirements.

List of Subjects in 40 CFR Part 52

Air pollution control, Incorporation by reference, Intergovernmental relations.

Note: Incorporation by reference of Kentucky State Implementation Plan was approved by the Director of the Federal Register on July 1, 1982.

Dated: October 11, 1989.

Lee A. DeHihns,

Acting Regional Administrator.

Part 52 of chapter I, title 40, Code of Federal Regulations, is amended as follows:

PART 52—[AMENDED]

Subpart S—Kentucky

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

Authority: 42 U.S.C. 7401-7642.

2. Section 52.920 is amended by revising paragraph (c)(59) to read as follows:

§ 52.920 Identification plan.

* * * * *

(c) * * *

(59) Revision to Jefferson County Regulations 3.05, Methods of Measurement submitted on January 19, 1989, by the Kentucky Natural Resources and Environmental Protection Cabinet.

(i) Incorporation by reference.

(A) Revisions to the Jefferson County Regulations, 3.05. Methods of Measurement.

This revision became State-effective April 20, 1988.

(ii) Other material.

(A) Letter of January 19, 1989, from the Kentucky Natural Resources and Environmental Protection Cabinet.

* * * * *

3. Section 52.920 is amended by adding paragraph (c)(64) as follows:

§ 52.920 Identification of plan.

* * * * *

(c) * * *

(64) Revisions to Jefferson County Regulation 4, Emergency Episode submitted on January 19, 1989 and July 12, 1989, by the Kentucky Natural Resources and Environmental Protection Cabinet.

(i) Incorporation by reference.

(A) Revisions to the following Jefferson County Regulation.

(1) Regulation 4, except Regulation 4.02, effective February 16, 1983.

(2) Regulation 4.02 Episode Criteria effective April 20, 1988.

(ii) Other material.

(A) Letters of January 19, 1989 and July 12, 1989, from the Kentucky Natural Resources and Environmental Protection Cabinet.

* * * * *

[FR Doc. 90-2298 Filed 2-1-90; 8:45 am]

BILLING CODE 6560-50-M

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40 CFR Part 52

[FRL-3719-5; AL-025]

Approval and Promulgation of Implementation Plans; Alabama State Regulation for Prevention of Significant Deterioration (PSD)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: In this action, EPA is disapproving a revision to the Alabama State Implementation Plan (SIP) which was submitted to EPA on June 29, 1988. Alabama's revision deletes part (2) of the definition of "Significant" in § 16.4.2(w) of chapter 16. This deletion makes the definition inconsistent with the federal definition contained in 40 CFR 51.166(b)(23)(ii). Since such significance provisions are still contained in the federal requirements, the deletion of § 16.4.2(w)(2) is not acceptable. Therefore, EPA is disapproving it.

DATES: This action will be effective, March 5, 1990.

ADDRESSES: Copies of the documents relevant to this action are available for public inspection during normal business hours at the following locations:

EPA Region IV, Air Programs Branch, 345 Courtland Street, NE. Atlanta, Georgia 30365.

Alabama Department of Environmental Management, 1751 Congressman William L. Dickinson Drive, Montgomery, Alabama 36130.

FOR FURTHER INFORMATION CONTACT: Beverly T. Hudson, Air Programs Branch, EPA Region IV, at the above address and telephone number (404) 347-2864 or FTS 257-2864.

SUPPLEMENTARY INFORMATION: On December 5, 1974, EPA published regulations for the prevention of significant deterioration of air quality (PSD) under the 1970 version of the Clean Air Act. These regulations established a program for protecting areas with air quality better than the National Ambient Air Quality Standards (NAAQS). The Clean Air Act Amendments of 1977 changed the 1970 Act and EPA's regulations in many respects, particularly with regard to PSD. In addition to mandating certain changes to EPA's PSD regulations immediately, the new Clean Air Act, in sections 160-169, contained comprehensive new PSD requirements. These new requirements were to be incorporated by states into their implementation plans.

On June 19, 1978 (43 FR 26380), and August 7, 1980 (45 FR 52676), EPA promulgated guidance to assist states in preparing State Implementation Plan (SIP) revisions meeting the new requirements. Alabama submitted such revisions on January 29, 1981, and EPA approved them on November 10, 1981 (46 FR 55517).

On June 29, 1988, the State of Alabama submitted to EPA a revision to its EPA-approved PSD regulations which was the subject of a public hearing on March 21, 1988. EPA had commented on the revision and found it to be deficient for the following reason:

Chapter 16, Rule 16.4.2(w)—EPA cannot allow the deletion of part (2) of the definition of "significant" in rule 16.4.2(w). Such deletion makes the definition inconsistent with the federal definition contained in 40 CFR 51.166(b)(23)(ii). Since part (2) is intended to include other emission rates "subject to regulation under the Clean Air Act" that are "not listed in Subparagraph (w)(1)," the deletion of part (2) would exclude these emission rates, making the definition incomplete.

On August 4, 1989, (54 FR 32101), EPA proposed to disapprove the revisions which Alabama submitted on June 29, 1988. At that time, the public was invited to submit written comments on the proposed action.

One comment was received from the Alabama Department of Environmental Management (ADEM). The comment expressed surprise that EPA had proposed disapproval of the regulation when ADEM had proposed a method for determining significance levels for regulated pollutants for which no significance levels have been established. EPA has reviewed this proposed method and is currently working to set guidelines by which Alabama may establish significance levels. Any such significance levels, however, must be proposed as a formal revision to the State Implementation Plan. The fact that ADEM has proposed a method for determining significance levels does not alleviate EPA's responsibility to formally disapprove the current regulation which is in conflict with the corresponding federal regulation.

Final Action: EPA has concluded that the revision to Alabama's regulation for prevention of significant deterioration does not meet the requirements of 40 CFR 51.166(b)(23)(ii). Therefore, EPA is disapproving the Alabama revision. EPA proposed to disapprove the revision on August 4, 1989, (54 FR 32101).

Under section 307(b)(1) of the Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by April 3, 1990. This action may not be challenged later in proceedings to enforce its requirements. (See 307(b)(2).)

This action has been classified as a Table 3 action by the Regional Administrator under the procedures published in the **Federal Register** on January 19, 1989 (54 FR 2214-2225). On January 6, 1989, the Office of Management and Budget waived Table 2 and 3 SIP revisions (54 FR 2222) from the requirements of section 3 of Executive Order 12291 for a period of two years.

Nothing in this action shall be construed as permitting or allowing or establishing a precedent for any future request for a revision to any state implementation plan. Each request for revision to the state implementation plan shall be considered separately in light of specific technical economic and environmental factors and in relation to relevant statutory and regulatory requirements.

Under 5 U.S.C. 605(b), I certify that these revisions will not have a significant economic impact on a substantial number of small entities. (See 46 FR 8709.)

List of Subjects in 40 CFR Part 52

Air pollution control, Intergovernmental relations.

Authority: 42 U.S.C. 7401–7642.

Dated: January 10, 1990.

Patrick M. Tobin,

Acting Regional Administrator.

[FR Doc. 90–2438 Filed 2–1–90; 8:45 am]

BILLING CODE 6560–50–M

40 CFR Part 52

[FRL–3718–4]

Approval and Promulgation of Air Quality Implementation Plans; Louisiana; Alternative Emission Reduction Plan for Vista Chemical Co., Westlake, LA

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: Today's notice approves a revision to the Louisiana State Implementation Plan (SIP) that allows an alternative emission reduction plan ("bubble") for the Vista Chemical Company (formerly Conoco) facility in Westlake, Louisiana. The bubble allows Vista to use emission reduction credits (ERCs) garnered from the change in manufacturing process at its vinyl chloride monomer (VCM) plant to delay compliance of two oil/water separators with Louisiana Air Quality Regulation (LAQR) 22.6 and to forego control of two alcohol plant batch oxidation reactors as required by LAQR 22.8.

EFFECTIVE DATE: This final rule becomes effective March 5, 1990.

ADDRESSES: Copies of documents related to today's notice are available for public inspection during normal business hours at the following locations:

Environmental Protection Agency, Region 6, 1445 Ross Avenue, Dallas, Texas 75202–2733;

Louisiana Department of Environmental Quality, 625 N. 4th Street, 8th Floor, Baton Rouge, Louisiana 70804–4096;

U.S. Environmental Protection Agency, Public Information Reference Unit, 401 M Street SW., Washington, DC 20460.

Please contact the person named below to arrange a time to inspect the documents.

FOR FURTHER INFORMATION CONTACT: Barbara Durso, (214) 655–7214 or FTS 255–7214.

SUPPLEMENTARY INFORMATION: Today's notice takes final action to approve a request to revise the Louisiana SIP to allow an alternative emission reduction plan ("bubble") for the Vista Chemical Company facility in Westlake, Louisiana. The Governor of Louisiana originally submitted this request to EPA on November 22, 1983. EPA proposed to approve this request at 50 FR 25093 (June 17, 1985) and later reopened the comment period at 54 FR 37815 (September 13, 1989) to accept comments on an aspect of the bubble not discussed in the proposed approval.

The bubble plan consists of two parts. In brief, Vista sought credit for eliminating 3936.8 tons per year of halogenated volatile organic compounds (VOCs) in its vinyl chloride monomer (VCM) oxychlorination vent stream when it changed from an air-oxidation process to an oxygen-oxidation process. These credits were "banked" and applied to two oil/water separators and two alcohol plant batch oxidation reactors. Vista permanently "withdrew" 434.0 tons per year of credits from its bank to cover excess emissions from the two oil/water separators for a period of approximately one year resulting from delayed compliance of these two units with the requirements of LAQR 22.6. Even though the two separators were eventually taken out of service and replaced with one unit controlled as required by LAQR 22.6, Vista agreed not to return the credits to its emissions bank. Vista also withdrew another 676.8 tons of credit from the bank in lieu of controlling two alcohol plant batch oxidation reactors as required by LAQR 22.8. Finally, the State assessed a ten percent surcharge of 67.6 tons of credits to make the total withdrawal for the alcohol plant reactors 744.4 tons of credit.

EPA is approving this revision to the Louisiana SIP, because it meets the requirements of EPA's April 7, 1982, interim policy on emissions trading.[1] As noted in the proposed rule, EPA finds that this trade meets the requirements for an acceptable bubble: The trades involve the same pollutant; all uses of emission reduction credits must satisfy ambient tests; trades should not increase net baseline emissions in nonattainment areas; emission trades should not increase hazardous air pollutants; and emission trades cannot be used to meet technology-based requirements.

Public Comment and Response

EPA received many comments on the proposed SIP revision: two letters from an environmental group, two letters from industrial representatives, and oral comments from a representative of the Louisiana Department of Environmental Quality (LDEQ). The comments have been categorized and paraphrased to reflect what EPA believes is an accurate summary of the commenters' concerns. The comments and responses are given below.

Comment: EPA failed to recognize that the source of the ERCs was the complete change in operations of Vista's VCM plant, not the incineration of the vent.

Response: EPA reviewed its files and determined that the commenter was correct. The Agency believes that this final rule clarifies the source of the ERCs. In the proposed approval published in 1985, EPA erroneously stated that the ERCs were created as a result of the installation of an incinerator at Vista's VCM plant. This fallacy was perpetuated in the 1989 notice to reopen the comment period for the proposed approval.

The facts concerning the creation of the ERCs are these: The VCM plant began operation in late 1960s under the control of Conoco. In the 1970s, Conoco began incinerating the waste gas stream as required by the vinyl chloride NESHAP. The State of Louisiana considered this incinerator to be in compliance with LAQR 22.8.[2] At that time, Conoco used an air-oxidation process in its reactor to manufacture VC. The plant was modified in 1983 to use an oxygen-oxidation process in the reactor and then sold to Vista Chemical in 1984.

The first process, air-oxidation, produces a greater amount of waste product compared to the second process, oxygen-oxidation. This difference occurs because oxygen, the reactive compound in both processes, constitutes only about twenty-one percent of air. Seventy-nine percent of the compounds in air creates waste gas that must be vented from the reactor. In either process, the waste gas is vented to an incinerator, but in the oxygen-oxidation process, less waste gas is produced that must then be incinerated (or that might be released as fugitive emissions).

[1] See 47 FR 15076 "Emissions Trading Policy Statement: General Principles for Creation, Banking, and Use of Emission Reduction Credits." According to the final policy statement on emissions trading published on December 4, 1986 (51 FR 43814), EPA considers the interim policy to be the applicable standard for this trade because the request was pending and had been proposed for approval at the time the final policy statement was published.

[2] LAQR 22.8(a), which established RACT for waste gas streams under the 1979 Louisiana ozone SIP, requires that nonhalogenated organic compounds in waste gas disposal streams be controlled by burning at 1300 °F for 0.3 second or greater in a director-flame afterburner or equally effective device. LAQR 22.8(b), which is not a part of the 1979 SIP, requires that halogenated hydrocarbons be burned and the products of combustion subsequently controlled.

If an incinerator is ninety-five percent efficient and it is getting 10,000 tons of waste gas per year, then it will release 500 tons of uncombusted waste gas per year. But if that same incinerator only receives 2,000 tons of waste gas per year, then it will only release 100 tons of uncombusted waste gas per year. In this example, the benefit to the environment is that 400 fewer tons of uncombusted waste gas per year are being released to the atmosphere. By changing from the air-oxidation to oxygen-oxidation in the reaction chamber, Vista reduced the amount of waste gas created in the reaction. The ERCs are a result of the process change and not the result of installing an incinerator.

The ERCs are surplus, because the SIP does not require the change from air-oxidation to oxygen-oxidation in the reaction chamber. They are permanent, because the process change is permanent. They are also quantifiable, because we can calculate and measure the reduction in waste gases produced by the process change. And finally, the ERCs are enforceable, because the State issued an enforceable permit (1828 M–2 dated September 25, 1986) that delineates the terms of the emissions trade.

Comment: One commenter challenges this bubble on the grounds that the emission reduction credits (ERCs) upon which Vista relies are not acceptable for banking under the terms of the 1982 emissions trading policy. According to that policy, all ERCs must come from reductions that are "surplus" to assure that a trade does not go against the relevant requirements of the Act.[3] For an ERC to count as surplus, it must not be the result of a requirement of the Clean Air Act. Specifically, the reviewer argues that the method by which Vista controls the emissions from its VCM oxychlorination vent ("oxyvent") does not produce creditable emission reductions, because the control measure is one which should be required by section 112 of the Clean Air Act ("the Act") where emissions standards for hazardous air pollutants are established; *ergo*, the ERCs do not qualify as surplus.

Response: At the time the above comment was made, EPA was being sued by the Natural Resources Defense Council (NRDC) to revise the national emission standard for vinyl chloride (VC), a hazardous air pollutant.[4] NRDC argued that EPA should not consider cost and technical feasibility when setting a national emission standard for hazardous air pollutants (NESHAP), that the Act only allows EPA to consider protection of public health. NRDC argued that even if cost and technological feasibility were acceptable considerations in setting a NESHAP, the very fact that three out of four VCM facilities [5] incinerated the oxyvent stream proved that the technology was feasible and economically reasonable. Furthermore, NRDC asserted, since incinerating the oxyvent virtually eliminates all VC from the waste gas stream and therefore results in zero risk, EPA's standard which allows the company to emit waste gas with a concentration of 0.2 grams of VC per kilogram of ethylene dichloride produced (0.2 g VC/kg EDC) is unacceptable.

In its decision regarding EPA's obligation under section 112 of the Act, the entire D.C. Circuit held that consideration of costs and feasibility in setting NESHAPs was proper; however, EPA's decision-making approach had to be modified. The Court concluded that Section 112 does not require elimination of all risk, but that when setting a NESHAP, EPA must first decide what is a "safe" level for a pollutant and then decide what cost and technological feasibility can be considered while still providing an "ample margin of safety." At this time, EPA is revisiting the logic of its vinyl chloride NESHAP. Until the review is complete, the vinyl chloride NESHAP at 40 CFR part 61 is still in effect.

To assure the public that this issue is not crucial to the outcome of the acceptability of this bubble, the Region considered the possibility of the vinyl chloride NESHAP being lowered from the current standard to virtually zero. Assuming that all ERCs gained from destruction of VC were disallowed, one would only eliminate about 60 tons per year of ERCs from the "bank," and Vista would still have more than enough ERCs to accomplish this trade.

Comment: One commenter objects to EPA's classification of Calcasieu Parish as "rural." Second, once the parish was classified as rural, the commenter contends that EPA improperly applied its rural ozone nonattainment policy. According to the reviewer, the policy has been "perverted" in this instance because Calcasieu Parish is the source of the VOC emissions that cause its local ozone problem and is not the victim of VOC sources out of its control. Therefore, the rural ozone policy that allows a State to limit emission control requirements in a rural area to major sources of VOCs for which EPA has developed control technique guidelines (CTGs) should not be acceptable in this instance.

Response: For the purpose of 1979 SIPs, EPA's standard for classifying whether an area is classified as "rural" or "urban" was taken from the 1970 U.S. Census. An urban area meant "a central city and surrounding closely settled areas with a population of 200,000 or more * * *." [6] All other areas were considered to be rural. The population of Lake Charles and its surrounding communities (including Westlake) is roughly 100,000; therefore, the classification of Lake Charles area as rural was proper pursuant to the 1979 SIP requirements. Given that Lake Charles is the most populated area in Calcasieu Parish, the classification of the parish as rural is also proper.

The rural ozone policy referred to by the commenter is not an integral part of this bubble. According to that policy,[7] the State of Louisiana did not need to produce a specific demonstration that its 1979 ozone SIP would result in attainment of the ozone standard for rural nonattainment areas. The rationale was that rural areas downwind of urban areas were probably experiencing ozone violations as a result of pollutants being transported from the urban areas to the rural areas and once the urban problem was eliminated, the rural problem would also be eliminated.

For urban areas, the State had to provide a specific demonstration of attainment which was to include an emissions inventory of mobile and stationary sources and the adoption of regulations to impose reasonably available control technology (RACT) on all major sources of VOCs, regardless of whether the sources was covered by a CTG, a document prepared by EPA to identify methods for controlling VOC emissions for a specific industrial process.[8] On the other hand, in rural areas the State only had to impose RACT on major VOC sources covered by CTGs.

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[3] 47 FR 15077, column two, paragraph five (April 7, 1982).

[4] *Natural Resources Defense Council, Inc.* v. U.S. Environmental Protection Agency, 824 F. 2d. 1146 (D.C. Cir. 1987) (en banc).

[5] Radian Corporation Memo from Karen Fidler to Vinyl Chloride file, re: "Survey of Control Technologies Used on Oxychlorination Vents as EDC/VC Plants," August 31, 1984, as cited by NRDC in its July 31, 1985, letter to EPA, Region 6.

[6] See 44 FR 20367, footnote 23 (April 4, 1979).

[7] See 44 FR 20367 (April 4, 1979)

[8] CTGs were developed for those processes believed to contribute the greatest amounts of VOC emissions from stationary sources. Examples of sources covered by CTGs include paper coating operations, degreasing operations, loading and unloading of gasoline, and cutback asphalt use.

The State of Louisiana went beyond this minimum level of stationary source control in its rural ozone nonattainment areas by requiring that VOC controls be imposed state-wide regardless of whether the source was covered by a CTG. Although the Vista VCM facility in Westlake is a non-CTG source, it was required to meet RACT as defined by LAQR 22.8(a) in the 1979 SIP and is indeed going beyond what EPA considered as a minimally acceptable level of control for a rural area under a 1979 SIP.

However, one must bear in mind that Vista is not being credited for going beyond that minimum level of stationary source control as described in the rural ozone policy. What is being credited is that effort which goes beyond the requirements of the federally-approved SIP, given its mandated level of control, i.e., LAQR 22.8(a). In sum, the rural ozone policy is not a significant factor in the consideration of this bubble.

Comment: The control device on the oxyvent now in place represents RACT. Even with EPA's "extraordinarily strained" interpretation of 22.8, both classes of VOCs—halogenated and nonhalogenated—contribute to excessive ozone levels, and both classes are controlled by the routine operation of the oxyvent incinerator.

Response: This comment is probably the result of the erroneous background material given in the proposed rulemaking notice of 1985. To further prompt this comment, the 1989 notice to reopen the public comment period also considered the argument that the ERCs claimed from the control of halogenated VOCs occur through the routine operation of the control device and should not be allowed because the facility is not doing anything beyond the requirements of the SIP. In that same notice, EPA also discussed two other scenarios concerning the validity of the ERCs based on various interpretations of the facts. Unfortunately, the "facts" as discussed in that notice and the previous one were erroneous.

As discussed above, the ERCs are a result of a process change at the Vista VCM plant and not from installing an incinerator. As stated earlier, both processes had incinerators but in the case of oxygenoxidation, less waste gas is produced that must be sent to an incinerator. The fact that LAQR 22.8(b), which requires control of halogenated hydrocarbons in waste gas streams, is not a part of the federally-approved ozone SIP for Louisiana is important to establishing the validity of these ERCs in this regard: Any reduction in the waste gas stream from the oxyvent of nonhalogenated hydrocarbons cannot be counted as surplus because the SIP (at LAQR 22.8(a)) requires that all nonhalogenated hydrocarbons in the waste gas stream be burned at a specific temperature for a specific amount of time. By the same token, EPA does not allow a State to take credit in an ozone SIP for the reduction of certain VOCs that have been found to be negligibly photochemically reactive. Thus the reduction of negligibly photochemically reactive compounds in the waste stream from the oxyvent cannot be counted as ERCs either, and Vista does not count the reduction of any negligibly photochemically reactive compounds in its 3936.8 tons per year of ERCs. On the other hand, the SIP does not require that halogenated hydrocarbons in a waste stream be incinerated at a specific time and temperature and the reduction of those compounds in the waste stream from the oxyvent may be counted as ERCs, if the State finds that they are controlled beyond the requirements of 22.8(b).

Undoubtedly, EPA was concerned about the validity of these ERCs and consequently, reopened the comment period four years after proposing to approve the bubble. In the 1989 notice, the Agency tried to identify what it saw as plausible interpretations of the request and the policy and invited comment from all interested parties to debate the merits of the bubble. However, time has not changed the facts of this SIP revision request, only EPA's comprehension of them. The facts are that the ERCs result from reductions in waste gas emitted from the oxyvent because of a process change and not from the installation of an incinerator.

Comment: EPA reopened the comment period without sound basis and created an unreasonable delay of six year to complete processing of this request.

Response: EPA believes that it had legitimate concerns about the validity of these credits and felt that the Federal Register was the appropriate place to air its deliberations.

In the notice to reopen the comment period, EPA discussed three arguments under which it could evaluate this bubble request. One argument, that the ERCs would not be valid because they resulted from the routine operation of the incinerator, is considered above. As stated earlier, the ERCs result from a process change, not incineration of the waste gas stream. Another argument, that 22.8(b) is not part of the federally-approved SIP and any control of halogenated hydrocarbons in a waste gas disposal stream is a legitimate source of ERCs, was also discussed above. EPA reiterates that the only bearing of 22.8(b) on this bubble is that the company was allowed to count reductions in emissions of halogenated VOCs from the VCM oxyvent, because the State found that reductions of these emissions from the oxyvent went beyond State requirements. The last argument, that the halogenated VOCs regulated under LAQR 22.8(b) could be considered different pollutants than the nonhalogenated VOCs regulated under LAQR 22.8(a) and thus would fail the requirement for like-for-like emissions trade, is discussed here. Although LAQR 22.8 allows different controls for halogenated and nonhalogenated VOCs in a waste gas disposal stream and one could argue that this division implies that the two subclasses of VOCs are somehow different under the law, the fact is that EPA policy has never been to classify VOCs as either halogenated or nonhalogenated for purposes of regulation development. EPA policy has created two classes of VOCs based on photochemical reactivity, but this is independent of whether the VOC is halogenated or not. EPA believes it would be disingenuous to suddenly adopt such a differentiation of VOCs just to provide grounds for disapproval of this bubble request; therefore, the Agency rejects this argument given in the notice to reopen the comment period.

Comment: One commenter questioned whether it was legal for EPA to approve the part of this bubble covering the two uncontrolled oil/water separators, because the bubble was requested after these separators had been replaced by the one controlled separator, apparently to avoid retroactive liability for past violations of LAQR 22.6.

Response: First, the request for the bubble was submitted on November 22, 1983, which was before the two uncontrolled separators were replaced on December 31, 1983, with one separator controlled as required by LAQR 22.6. Second, after reviewing the 1982 interim emissions trading policy, EPA can find no language that indicates that this portion of the trade is unlawful. Clearly, EPA developed the bubble policy to give sources latitude in complying with air quality regulations. The 1982 interim policy states that it broadens the opportunities for using a bubble compared to the original bubble policy [9] by "allowing sources to use the bubble to come into compliance, instead of having to be on a compliance schedule with original SIP limits to be eligible to bubble * * * *" [10] The

[9] 44 FR 71779 (December 11, 1979).

[10] 44 FR 15076, third column, last paragraph (April 7, 1982).

interim policy further states that "States need not require sources to develop and go forward with detailed plans (including ordering equipment) to meet original emission limits when new limits which will supercede them are pending under a bubble application." [11] The thrust of the interim policy is to recognize EPA's and the States' enforcement discretion to allow them to work with companies in resolving issues of noncompliance, and contrary to the commenter's assertion, there does not seem to be any particular constraint against this portion of the bubble.

Final Action

Today's notice approves the emissions trade for the Vista Chemical Plant in Westlake, Louisiana, as submitted by the Governor of Louisiana in a letter dated November 22, 1983, and amended with a permit number 1828 M–2 dated September 25, 1986.

The bubble plan consists of two parts. Vista receives credit for eliminating 3936.8 tons per year of halogenated hydrocarbons in its vinyl chloride monomer (VCM) oxyvent stream by switching from an air-oxidation process to an oxyen-oxidation process. These credits are "banked" and applied to two oil/water separators and two alcohol plant batch oxidation reactors. Vista permanently "withdraws" 434.0 tons per year of credits from its bank to cover excess emissions from the two oil/water separators for a period of approximately one year resulting from delayed compliance of these two units with the requirements of LAQR 22.6. Even though the two separators have been taken out of service and replaced with one unit controlled as required by LAQR 22.6, Vista agrees not to return the credits to its emissions bank. Vista also withdraws another 744.4 tons of credit from the bank in lieu of controlling two alcohol plant batch oxidation reactors as required by LAQR 22.8. This withdrawal for the alcohol batch plant reactors includes a ten percent surcharge of 67.6 tons of credit.

EPA notes that the Regional Administrator notified the Governor of Louisiana on November 8, 1989, that the 1979 SIP for Calcasieu Parish is insufficient to demonstrate attainment of the ozone standard based upon monitoring data from 1986 through 1988. The State is free to review the permit under which this bubble is authorized and may wish to consider additional controls in its Post '87 efforts to demonstrate future attainment of the ozone standard.

Nothing in this action should be construed as permitting or allowing or establishing a precedent for any future request for revision to any State implementation plan. Each request for revision to the State implementation plan shall be considered separately in light of specific technical, economic, and environmental factors and in relation to relevant statutory and regulatory requirements.

This action has been classified as a Table 3 action by the Regional Administrator under the procedures published in the **Federal Register** at 54 FR 2214–2225 (January 19, 1989). On January 6, 1989, the Office of Management and Budget (OMB) waived Table 2 and 3 SIP revisions (54 FR 2222) from the requirements of section 3 of Executive Order 12291 for a period of two years.

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by April 3, 1990. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subject in 40 CFR Part 52

Air pollution control, Hydrocarbon, Incorporation by Reference, Ozone.

Note: Incorporation by reference of the State Implementation Plan for the State of Louisiana was approved by the Director of the **Federal Register** on July 1, 1982.

Dated: December 18, 1989.

Robert E. Layton Jr.,

Regional Administrator (6A).

40 CFR part 52, subpart T, is amended as follows:

PART 52—[AMENDED]

Subpart T—Louisiana

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

Authority: 42 U.S.C. 7401–7642.

2. Section 52.970 is amended by adding paragraph (c)(54) to read as follows:

§ 52.970 Identification of plan.

* * * * *

(c) * * *

(54) A revision to allow an alternative emission reduction plan ("bubble") for the Vista Chemical Company facility in Westlake, Louisiana, as submitted by the Governor on November 22, 1983, and amended by Louisiana Department of Environmental Quality Air Quality Division permit #1828 M–2 issued September 25, 1986.

(i) Incorporation by reference.

(A) Louisiana Department of Environmental Quality Air Quality Division permit #1828 M–2 issued September 25, 1986.

(ii) Additional material.

None.

[FR Doc. 90–2439 Filed 2–1–90; 8:45 am]

BILLING CODE 6560–50–M

[11] 44 FR 15078, second column, second paragraph (April 7, 1982).

Proposed Rules

Federal Register
Vol. 55, No. 23
Friday, February 2, 1990

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

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Urban Mass Transportation Administration

23 CFR Part 771

[FHWA Docket No. 89-17]

RIN 2125-AC18

Environmental Impact and Related Procedures; Constructive Use; Section 4(f)

AGENCIES: Federal Highway Administration (FHWA) and Urban Mass Transportation Administration (UMTA), Department of Transportation.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The FHWA and UMTA are proposing to amend their joint regulation on Section 4(f) to establish the circumstances under which a "constructive use" of certain protected resources would or would not occur. The protected resources include certain parks, recreation areas, refuges and historic sites. No criterion for constructive use exists in the present regulation.

DATES: Comments must be received on or before April 3, 1990.

ADDRESSES: Submit written and signed comments to FHWA Docket No. 89-17, Federal Highway Administration, room 4232, HCC-10, 400 Seventh Street, SW., Washington, DC 20590. All comments received will be available for examination at the above address between 8:30 a.m. and 3:30 p.m., e.t., Monday through Friday, except legal holidays. Those desiring notification of receipt of comments must include a self-addressed, stamped postcard.

FOR FURTHER INFORMATION CONTACT: Harter M. Rupert, Office of Environmental Policy, (202) 366-4093, or Mr. L. Harold Aikens, Jr., Office of the Chief Counsel (202) 366-0791, Federal Highway Administration, 400 Seventh Street, SW., Washington, DC 20590. Office hours are from 7:45 a.m. to 4:15 p.m., e.t., Monday through Friday, except legal holidays.

SUPPLEMENTARY INFORMATION: The Federal Highway Administration and the Urban Mass Transportation Administration (hereafter referred to as "the Administration") propose to amend their regulation on Section 4(f) of the Department of Transportation Act, 49 U.S.C. 303 and 23 U.S.C. 138 [referred to hereafter as "Section 4(f)"] to establish the circumstances under which a constructive use of certain protected resources would or would not occur. It continues to be the policy of the Administration "that special effort should be made to preserve the natural beauty of the countryside and public park and recreation lands, wildlife and waterfowl refuges, and historic sites." 49 U.S.C. 303(a).

Section 4(f), however, permits the "use" of land for a transportation project from a significant publicly owned public partk, recreational area, wildlife or waterfowl refuge, or any significant historic site when the Administration has determined that (1) there are no feasible and prudent alternatives to such "use" and (2) the project includes all possible planning to minimize harm to the property resulting from such "use".

Use

The purpose of section 4(f) is to preserve parkland, recreation areas, refuges, and historic sites by limiting the circumstances under which such land can be "used" for transportation programs or projects. Where no land is permanently incorporated in a transportation project or where it is not permanently diminished in value, the statute's purpose is met and there is no "use" of land. The meaning of the term "use" has been gradually expanded by a number of court decisions to include the concept of "constructive use." When applied to transportation projects constructed near section 4(f) resources, a constructive use may occur when proximity impacts substantially impair the activities, features, or attributes of the resource.

The current regulation addresses "use" only indirectly by setting forth several situations where Section 4(f) does not apply, even where there is some physical taking of land, e.g., archeological sites which are not important for preservation in place. These provisions arise from judicial decisions which hold it possible for a physical occupancy of land that is not adverse in terms of the Section 4(f) statute's preservationist purposes to not result in a "use". No definition of "use" or "constructive use" exists in the current regulation. Therefore, the proposed rule establishes a definition for "use" of a Section 4(f) resource which includes "constructive use".

Constructive Use Issues

The divergent and contradictory views expressed by the courts, government agencies, special interest groups, and the public on what constitutes a "constructive use" have caused the Administration concern. Some persons have felt that proximity impacts, such as noise and visual intrusion, cause a constructive use even if the activities, features, or attributes that qualify a resource for protection under Section 4(f) are not sensitive to these impacts. Some courts have accepted that position, finding that event if the attributes which qualified the resource for protection under Section 4(f) are not sensitive to those particular types of impacts, such impacts nonetheless "substantially impair" the protected resource, and thus constitute a constructive use of Section 4(f) land. Those courts, for example, would find that substantial increases in noise would substantially impair a site which is historic solely due to its particular artchitectural style or because of its historical use (thus it would not be a noise sensitive resource), or find that visual impacts are more than minimal as perceived by the agency. See, *e.g., Coalition Against A Raised Expressway (CARE)* v. *Dole*, 835 F.2d 803, 810 (11th Cir. 1988) and *Citizen Advocates For Responsible Expansion, Inc. (I-CARE)* v. *Dole*, 770 F.2d 423, 442 (5th Cir. 1985). The Administration believes this is an erroneous construction of the statute and improper consideration of the actual effects of such impacts on the value of the land as a Section 4(f) resource.

The Administration has consistently taken the position that a "constructive use" of land from a Section 4(f) resource can occur only when proximity impacts are so great that the activities, features, or attributes that qualify a resource for protection under Section 4(f) are

substantially impaired. This position is based on a number of Federal court decisions which first addressed and developed the theories that surround the "constructive use" doctrine as applied by the Administration. See, *e.g., Adler* v. *Lewis*, 675 F.2d 1085, 1092 (9th Cir. 1982) (proper test is whether the government's actions create sufficiently serious impacts that would substantially impair the value of the site in terms of its prior significance and enjoyment), *Arkansas Com. Org. for Reform Now (ACORN)* v. *Brinegar*, 398 F.Supp. 685, 693 (E.D. Ark. 1975), *aff'd* 531 F.2d 864 (8th Cir. 1976) (court of appeals "affirmed on the basis of the well-reasoned opinion of the district court," which found that there was no constructive use because the highway would not substantially affect the noise and pollution levels to which park users were already subject), *Nashvillians Against I–440* v. *Lewis*, 524 F.Supp. 962, 976 (M.D.Tenn. 1981) (no use under Section 4(f) found since the claimed effects of the highway would not affect the architectural integrity of the historic houses nor impair their historic value).

We believe that these differing views are due, in part, to the lack of a clear definition of constructive use. Other than the previous issuance of policy guidelines by FHWA, neither the Department of Transportation nor the Administration has defined the term "constructive use" or articulated any general regulatory standards which would establish the parameters of constructive use. In addition, a mechanism or procedure is needed to assure future consistency in determining when a constructive use occurs.

When determining whether a constructive use would occur, the Administration will focus its review on the continued vitality of the activities, features, or attributes which led to applicability of Section 4(f), rather than on broader, and often irrelevant, concepts of property damage based on reduction of fair market value. In determining the magnitude and type of impacts which cause a "substantial impairment," it is noteworthy that the entire concept of constructive use has its origins in "indirect takings" or takings resulting not from the physical occupancy of property, but from severe impacts due to the proximity of a proposed public improvement. The issue in these cases is whether the proximity impacts constitute an infringement of a legally protected right, as opposed to an annoyance or inconvenience that the property owner must suffer as one of the costs of present day civilization. The measure of damage is usually the diminution of the fair market value of the property. For Section 4(f) resources, the standard must be somewhat different. Section 4(f) only protects certain activities, features, or attributes of the property, irrespective of considerations of fair market value.

Consequently, a substantial impairment would occur only when the proximity impacts to Section 4(f) resources are sufficiently serious that the value of the resource in terms of its prior significance as a Section 4(f) resource is substantially diminished or destroyed.

Substantial impairment is different from a "significant" impact as defined by the Council on Environmental Quality's regulations which implement the procedural provisions of the National Environmental Policy Act. Significant impact is based on the impact on the overall human environment. Substantial impairment focuses on the impact on the activities, features, or attributes that qualify a specific resource for protection under Section 4(f). For example, noise impacts can cause a substantial impairment only if a noise-sensitive activity is among the activities, features, or attributes that qualified the resource for protection under Section 4(f). Other effects, even significant environmental impacts which are not related to these activities, features, or attributes would not be relevant in determining if there is a substantial impairment of the Section 4(f) resource. Thus, a noise impact could substantially impair the function of an amphitheater in an adjacent recreation area without impairing the parking lot or maintenance area of a nearby park.

Severe impacts may already be imposed on a Section 4(f) resource from other sources including the transportation facility that is proposed to be improved. Stated another way, proximity impacts from existing conditions and from conditions that are projected to occur without the proposed improvements may substantially impair a Section 4(f) resource. In such a case, a constructive use would occur only when the proposed action's proximity impacts cause an additional substantial impairment (beyond the impairment which would occur without the proposed improvements) of an activity, feature, or attribute that qualified the resource for protection under Section 4(f).

The following are examples of when there would be substantial impairment of a particular activity, feature, or attribute. Constructive use would occur when the projected increase in noise level attributable to the proposed project would substantially interfere with the following use and enjoyment of a noise sensitive resource protected by section 4(f): hearing the performance at an outdoor amphitheater, sleeping in the sleeping area of the campground, or enjoyment of a historic site where a quiet setting is a major contributing factor to the historic significance of that site. Other examples of constructive use would be: where a transportation project's visual intrusion substantially diminishes the visual quality of a visually sensitive feature of a Section 4(f) resource, such as a wilderness area in a public park, or a vista important to the integrity of a historic site; where the action results in a restriction on access to a Section 4(f) resource which substantially diminishes the utility of a publicly owned park, recreation area, or a historic site, such as when access by motor vehicles, non-motor vehicles, or pedestrians, would be effectively eliminated; or where the impacts of vibrations from a transportation project are strong enough to substantially impair the structural integrity of a historic building.

Thus, to determine if a constructive use occurs, consideration must be given to whether and how much proximity impacts may impair the activities, features, and attributes that qualify an area or site for protection under Section 4(f). Consideration must also be given to whether and how much the proximity impacts will be mitigated. If any of the proximity impacts will be mitigated, only the net impacts after the proposed mitigation would be considered. Such factors are site specific, as the vital activities, features, or attributes of the resource, their sensitivity to proximity impacts, and the degree of impact can vary from resource to resource. Consequently, the proposed rule addresses the kind and the degree of proximity impacts which would have to occur to substantially impair a resource afforded Section 4(f) protection, giving rise to a constructive use, and the procedure the Administration will follow when determining if a constructive use will occur. Nothing in this NPRM should be construed as affecting § 771.135(g) of the current regulation with respect to archeological sites.

It is not the Administration's intention to require that a determination be made that a constructive use does not occur for every Section 4(f) resource which happens to be near a proposed action. However, the Administration is often called upon to make decisions about the potential for constructive use, either in response to specific comments on the

Administration's environmental documents or because of the nature of the proximity impacts. In order to minimize the number of determinations of nonapplicability of constructive use, the proposed rule identifies situations where the Administration has reviewed proximity impacts and determined that they would or would not normally create a constructive use of the Section 4(f) resource. For other situations, the Administration would rely on proposed § 771.135(p)(6) to determine whether there is a constructive use.

The following is a discussion on how some of the more common proximity impacts would be treated under the proposed amended regulation:

Noise

Objective technical analysis can contribute to the determination of whether a noise increase will substantially impair the activities, features, and attributes that qualify an area or site for protection under Section 4(f). The identification of traffic noise impacts and the consideration of abatement, as defined in 23 CFR part 772, is not equivalent to constructive use of Section 4(f) resources for the following reasons:

1. The identification of traffic noise impacts and consideration of abatement are not limited to noise impacts which directly result from a proposed highway improvement because 23 U.S.C. 109(i) required the promulgation of standards for highway noise levels compatible with different land uses and that the standards be met for all Federal-aid projects. The statute did not permit the standards to be applied only to the incremental noise increase caused by a proposed project but rather required consideration of the overall noise impact including the impact caused by other conditions, noise sources, or traffic on existing highways. If an existing transportation facility is to be improved and the projected noise levels approach or exceed the noise abatement criteria (NAC) in Table 1 of 23 CFR part 772, abatement measures must be considered under 23 CFR part 772 (where reasonable and feasible) even though the project action does not exacerbate the noise impact that would occur if the proposed improvement were not constructed. However, a constructive use under Section 4(f) would not arise because the noise impact occurs with or without the project and does not result from the proposed project. Under Section 4(f), the restrictions are on the approval of a project which uses land from a protected resource. Hence, for a constructive use, a substantial impact must arise from a proposed improvement and not from those conditions or sources that would occur even if the project were not approved.

2. Even if noise levels from a proposed project exceed the NAC and there is frequent human activity or some other activity that is noise-sensitive, there may not necessarily be a substantial impairment to a 4(f) resource. A substantial impairment (due to noise) can occur only when there is a traffic noise impact which substantially diminishes an activity, feature, or attribute that qualifies a resource for proteciton under Section 4(f). For example, where there are no noise-sensitive activities, features, or attributes that qualify an area or site for protection under Section 4(f) (such as a parking lot or maintenance area of a park), noise impacts, even a very high noise level, would not create a constructive use.

This rule proposes there cannot be a substantial impairment of a noise-sensitive activity, feature, or attribute caused by noise levels from the proposed action that (1) Do not exceed the NAC or (2) are a 3 dBA increase or less over the levels which would exist without the proposed action, the no-build condition. The NAC in Table 1 of 23 CFR are 57 dBA and 67 dBA (Leg) for activity category A and activity category B, respectively. Activity category A includes "lands on which serenity and quiet are of extraordinary significance and serve an important public need and where the preservation of those qualities is essential if the area is to continue to serve its intended purpose." Activity category B includes "picnic areas, recreation areas, playgrounds, active sports areas, parks, ..." It should be noted that park and recreation areas are listed under activity category B, and that only under special circumstances, such as the sleeping area of a campground or an outdoor amphitheater, would activity category A apply. A 3 dBA difference in noise levels is generally accepted by the scientific community as the threshold where the typical human ear can perceive a change. While a 3 dBA increase clearly would not cause a constructive use, a larger increase may still not cause a constructive use. Furthermore, the impaired activity, feature, or attribute would have to have qualified the resource for protection under Section 4(f). Where noise levels increase by more than 3 dBA over the no-build condition and exceed the noise abatement criteria, the procedure described in proposed § 771.135(p)(6) would be used to determine whether there would be a substantial impairment of the Section 4(f) resource.

Access

Transportation actions sometimes modify the access to a Section 4(f) resource either by increasing or decreasing the distance of travel to a Section 4(f) resource. It is readily apparent that when the utilization of the Section 4(f) resource will not substantially diminish, the change in accessibility would not substantially impair the activities, features, or attributes that qualify an area or site for protection under Section 4(f).

Visual Quality

The Administration has considered the extent to which visual intrusion upon a Section 4(f) resource due to the proximity of a nearby transportation action can constitute a constructive use. However, a constructive use does not arise merely because a proposed transportation improvement can be seen from the protected resource. Unless the activites, features, or attributes that qualify a resource for protection under Section 4(f) possess sensitive visual qualities, a construction use would not occur. For a constructive use to occur, the visual intrusion of the proposed action must substantially impair the visual features or attributes that qualify an area or site for protection under Section 4(f). For historic properties, the National Register of Historic Places nomination or determination of eligibility form may indicate whether these particular qualities existed (e.g., references to setting).

Overall Impacts

Proximity impacts (noise, visual, access, etc.) caused by a proposed action, which affect the activities, features, or attributes that qualified a resource for protection under Section 4(f), but do not substantially impair the resource individually, can create a combined effect of sufficient magnitude to cause a constructive use. A constructive use would occur when such an overall impact substantially impairs the activities, features, or attributes that qualify an area or site for protection under Section 4(f).

Historic Resource Issues

The implementing regulation for section 106 of the National Historic Preservation Act, 36 CFR part 800, is helpful in determining the degree of impairment on historic sites. That rule created the concepts of "no effect," "no adverse effect," and "adverse effect" under 36 CFR part 800 for historic sites

in the vicinity of a proposed action. When no land is physically taken from a nearby historic site by a proposed action and there is "no effect" or "no adverse effect" under 36 CFR part 800, the proposed rule concludes that the proposed action would not substantially impair the historic integrity of the historic property for purposes of Section 4(f). Since "adverse effects" under part 800 are not separated as to magnitude, the range of adverse effects can be wide. When proximity impacts result in an "adverse effect" determination under the requirements of section 106 of the National Historic Preservation Act and 36 CFR part 800, the Administration would rely on proposed § 771.135(p)(6) to determine whether a constructive use would occur.

Generally, a historic site is considered significant for purposes of Section 4(f) when the site is "on or eligible for the National Register of Historic Places." In most cases, historic sites are not eligible until they are at least 50 years old. If the age of the site is close to, but less than 50 years, and construction would begin after the site was eligible, FHWA would treat the site as a historic site on or eligible for the National Register.

Concurrent Development Issues

Proposed transportation projects and adjacent park, recreation lands, or other lands protected by Section 4(f), are often concurrently developed by two or more government agencies in consultation with each other. It is reasonable to conclude and expect that under such planning processes, the park or recreation agency expects its development to be compatible with the proposed transportation project. Consequently, the proposed rule contains a statement that constructive use would not apply when the protected resources are planned, developed or acquired concurrently with the proposed transportation project.

Subsequent Development Issues

The establishment of transportation corridors and the acquisition of right-of-way are lengthy processes, with extensive studies, analysis, coordination and public involvement. There may be times (after the location for a proposed transportation project has been selected) when land adjacent to the proposed transportation project or between the proposed transportation project and an existing park and recreation area is acquired by an agency for park, recreation, or other Section 4(f) purposes or to prevent the land from being developed for incompatible purposes. When land is purchased and developed by an agency under such circumstances, the proposed transportation project should be anticipated by the purchasing agency and the land should be developed to be compatible with the proposed transportation project. In the event that the agency develops a plan for this land in a manner incompatible with the proposed transportation project (i.e., it creates a Section 4(f) resource subsequent to the establishment of the location, or the acquisition of the right-of-way, of the transportation project), it would be unreasonable to apply Section 4(f) or to expect the Administration to shift its alignment. Requiring the Administration to shift alignments creates potential for a never ending problem and causes undue hardship and unnecessary costs and delays. The proposed rule contains a statement that a constructive use would not occur in these situations.

Regulatory Impact

The FHWA has determined that this document does not contain a major rule under Executive Order 12291, but that the rule is a significant regulation under the regulatory policies and procedures of the Department of Transportation, because of the substantial public interest involved in environmental matters.

It is anticipated that the regulatory impact of this proposed rulemaking, if any, will be minimal since the proposed amendments concern rules of practice and procedure. The proposed revisions do not impose any new mandatory standards on State and local governments, but would provide recommended criteria for determining when a constructive use would or would not occur. The revisions merely formalize existing procedures and policies which have been in effect since 1985. Accordingly, a full regulatory evaluation is not required.

For the foregoing reasons and under the criteria of the Regulatory Flexibility Act (Pub. L. 96-354), the FHWA hereby certifies that this proposal, if promulgated, will not have a significant economic impact on a substantial number of small entities.

Pursuant to the Paperwork Reduction Act (44 U.S.C. 3404(h)) no additional burdens (reporting or recordkeeping) are being place on the States or local agencies.

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

A regulatory information number (RIN) is assigned to each regulatory action listed in the Unified Agenda of Federal Regulations. The Regulatory Information Service Center publishes the Unified Agenda in April and October of each year. The RIN number for this action (2125-AC18) can be used to cross reference this action with the Unified Agenda.

List of Subjects in 23 CFR Part 771

Environmental impact statements, Grant programs—transportation, Highways and roads, Highway location and design, Public hearings, Reporting and recordkeeping requirements, Mass transportation, Historic preservation, Parks, Public lands—multiple use, Recreation areas, Wildlife refuge.

(Catalog of Federal Domestic Assistance Program Numbers: 20.205, Highway Planning and Construction; 20.500, Urban Mass Transportation Capital Grants; 20.501, Urban Mass Transportation Capital Improvement Loans; 20.504, Urban Mass Transportation Technology; 20.505, Urban Mass Transportation Technical Studies Grants; 20.506, Urban Mass Transportation Demonstration Grants; 20.507, Urban Mass Transportation Capital and Operating Assistance Formula Grants; 20.509, Public Transportation for Rural and Small Urban Areas; 20.510, Urban Mass Transportation Planning Methods, Research and Development; 23.003, Appalachian Development Highway Systems; 23.008, Appalachian Local Access Roads. The regulation implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program.)

In consideration of the foregoing, chapter I of title 23, Code of Federal Regulations, is amended as set forth below.

Issued on: January 26, 1990.

T. D. Larson,

Federal Highway Administrator, Federal Highway Administration.

Brian W. Clymer,

Administrator, Urban Mass Transportation Administration.

Part 771 of 23 CFR is amended as follows:

PART 771—ENVIRONMENTAL IMPACT AND RELATED PROCEDURES

1. The authority citation for part 771 continues to read as follows:

Authority: 42 U.S.C. 4321 *et seq;* 23 U.S.C. 109, 128, 138 and 315; 49 U.S.C. 303(c), 1602(d), 1604 (h) and (i), and 1610; 40 CFR 1500 *et seq.;* 49 CFR 1.48(b) and 1.51.

2. Section 771.135 is amended by adding a new paragraph (p) to read as follows:

§ 771.135 Section 4(f) (49 U.S.C. 303).

* * * * *

(p) *Use.* (1) Except as set forth in paragraphs (f), (g)(2), and (h) of this section, "use" (in paragraph (a)(1) of this section) occurs:

(i) When land is permanently incorporated into a transportation facility;

(ii) When there is a temporary occupancy of land that is adverse in terms of the statute's preservationist purposes; or

(iii) When there is a constructive use of land.

(2) Constructive use occurs when the transportation project does not incorporate land from a Section 4(f) resource but the project's proximity impacts are so severe that the activities, features, or attributes that qualify a resource for protection under Section 4(f) are substantially impaired. Substantial impairment would only occur when the utility of the resource in terms of its prior significance is substantially diminished or destroyed, amounting to an indirect taking of such activities, features, or attributes.

(3) The Administration is not required to determine that there is no constructive use. However, such a determination could be made at the discretion of the Administration.

(4) The administration has reviewed the following situations and determined that a constructive use would normally occur when:

(i) The projected noise level increase attributable to the action would substantially interfere with the use and enjoyment of a noise sensitive facility of a resource protected by Section 4(f), such as hearing the performances at an outdoor amphitheater, sleeping in the sleeping area of the campground, enjoyment of a historic site where a quiet setting is a major contributing factor to the historic significance of that site, or enjoyment of an urban park where serenity and quiet are of extraordinary significance.

(ii) The transportation project's visual intrusion substantially diminishes the quality of a visually sensitive feature of a Section 4(f) resource, such as a wilderness area in a public park, or a vista important to the integrity of a historic site or urban park; or

(iii) The action results in a restriction on access to a Section 4(f) resource which substantially diminishes the utility of a publicly owned park, recreation area, or a historic site, such as when access by motor vehicles, non-motor vehicles, or pedestrians, would be effectively eliminated; or

(iv) The vibration impact of the project upon the Section 4(f) resource substantially impairs its use, such as the vibrations from an expressway that are strong enough to affect the structural integrity of a historic building.

(5) The Administration has reviewed the following situations and determined that a constructive use does *not* occur when:

(i) Compliance with the requirements of section 106 of the National Historic Preservation Act and 36 CFR part 800 for proximity impacts of the proposed action, on a site listed on or eligible for the National Register of Historic Places, result in an agreement of "no effect" or "no adverse effect"; or

(ii) Projected traffic noise levels of the proposed action do not exceed the FHWA noise abatement criteria as contained in Table 1, 23 CFR part 772; or

(iii) There is a barely perceptible projected noise level increase (3 dBA or less) above the noise level projected to exist independent of the proposed action; or

(iv) Proximity impacts to a Section 4(f) resource occur where the right-of-way acquisition, an applicant's adoption of project location, or the Administration approval of an environmental impact statement or other environmental document established the location for a proposed transportation improvement before the designation, establishment, or change in the significance of the resource; or

(v) Proximity impacts of a proposed transportation improvement to a Section 4(f) resource occur where the proposed transportation improvement and the resource are concurrently planned or developed; or

(vi) Overall (combined) proximity impacts caused by a proposed action do not substantially impair the activities, features, or attributes that qualify a resource for protection under Section 4(f); or

(vii) Proximity impacts will be mitigated to a condition equivalent to, or better than, that which would occur under a no-build scenario; or

(viii) Change in accessibility will not substantially diminish the utilization of the Section 4(f) resource.

(6) When a constructive use determination is made, it will be based, to the extent it reasonably can, upon the following:

(i) Identification of the activities, features, or attributes that qualify a resource for protection under Section 4(f) and which may be sensitive to proximity impacts;

(ii) An analysis of the proximity impacts which the proposed action will have on the Section 4(f) resource. If any of the proximity impacts will be mitigated, only the net impact need be considered in this analysis. The analyses should describe and consider the impacts which could reasonably be expected if the proposed action were not taken, since such impacts should not be attributed to the proposed action;

(iii) Consultation, on the above identification and analysis, with the Federal, State, or local officials having jurisdiction over the park, recreation area, refuge, or historic site.

[FR Doc. 90-2399 Filed 2-1-90; 8:45 am]
BILLING CODE 4910-22-M

DEPARTMENT OF THE INTERIOR

Minerals Management Service

30 CFR Part 256

RIN 1010-AB38

Outer Continental Shelf Minerals and Rights-of-Way Management; Surety Bond Coverage; Correction

AGENCY: Minerals Management Service, Interior.

ACTION: Proposed rule; correction.

SUMMARY: The Minerals Management Service (MMS) is correcting an error in the preamble of a proposed rule to amend regulations concerning surety bond coverage which was published January 24, 1990 (55 FR 2388).

FOR FURTHER INFORMATION CONTACT: Gerald D. Rhodes, telephone (703) 787-1600.

SUPPLEMENTARY INFORMATION: The proposed rule would raise the lease bond coverage required by MMS for offshore lease operations by providing two new tiers of additional bond coverage, one at the Exploration Plan phase and the other at the Development and Production Plan phase. The new bond requirements proposed for individual leases (in contrast to areawide bond coverage) are $200,000 and $500,000, respectively.

The preamble to the proposed rule as it appeared in 55 FR 2388 inadvertently omitted parts of two sentences containing language specifying that a $200,000 lease bond would be required. This notice provides the corrected language for the preamble.

Dated: January 30, 1990.

William D. Bettenberg,

Associate Director for Offshore Minerals Management.

The preamble to the proposed rule published on January 24, 1990 (FR Doc. 90-1556) is corrected by revising the second sentence in the first full paragraph in the third column on page

2388 to form two sentences that read as follows: "The proposed rule would remedy this situation by adding two new tiers to current bonding requirements, which would become applicable when a lessee submits an Exploration Plan for MMS approval and when a lessee submits a Development and Production Plan or a Development Operations Coordination Document for MMS approval. A lease bond of $200,000 would have to be submitted prior to or in association with an Exploration Plan unless the lessee furnishes and maintains a $1,000,000 areawide bond."

[FR Doc. 90-2464 Filed 2-1-90; 8:45 am]

BILLING CODE 4310-MR-M

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 935

Ohio Regulatory Program; Revision of Administrative Rules

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

ACTION: Proposed rule.

SUMMARY: OSM is announcing the receipt of proposed Program Amendment Number 43 to the Ohio permanent regulatory program (hereinafter referred to as the Ohio program) under the Surface Mining Conrol and Reclamation Act of 1977 (SMCRA). The amendments are intended to revise seven administrative rules of the State program to be consistent with the corresponding Federal regulations. The proposed amendments concern regulations governing termination of jurisdiction; the definition of "road;" permit requirements, performance standards, and reclamation requirements for roads; permit and design requirements for impoundments and coal mine waste structures; spillway requirements for impoundments; vegetation stocking and success standards; and husbandry practices for revegetation.

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

DATES: Written comments must be received on or before 4 p.m. on March 5, 1990. If requested, a public hearing on the proposed amendments will be held at 1 p.m. on February 27, 1990. Requests to present oral testimony at the hearing must be received on or before 4 p.m. on February 20, 1990.

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

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

Ohio Department of Natural Resources, Division of Reclamation, Fountain Square, Building B-3, Columbus, Ohio 43224, Telephone: (614) 265-6675.

FOR FURTHER INFORMATION CONTACT: Ms. Nina Rose Hatfield, Director, Columbus Field Office, (614) 866-0578.

SUPPLEMENTARY INFORMATION:

I. Background

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

II. Discussion of the Proposed Amendments

By letter dated January 26, 1989, the Ohio Department of Natural Resources, Division of Reclamation (Ohio) submitted Revised Ohio Program Amendment Number 29 (Administrative Record No. OH-1135). This amendment concerned revegetation standards at Ohio Administrative Code (OAC) section 1501:13-9-15 and elaborated on previously proposed changes to this rule contained in Ohio Program Amendment Number 28. A final rule notice approving, with certain exceptions, Revised Ohio Program Amendment Number 29 to be published in the **Federal Register** on January 31, 1990.

On February 21, 1989, the Directory of OSM announced the approval, with certain exceptions, of Ohio Program Amendment No. 28 (54 FR 7406). In this announcement, the Director did not approve the phrase "and other locally accepted practices" at OAC section 1501:13-9-15(F)(12)(a) as submitted by Ohio on April 17, 1987. The Director required that Ohio submit a proposed amendment to remove the phrase or otherwise amend the Ohio program to clarify that all normal husbandry practices must be approved by OSM pursuant to 30 CFR 732.17.

By letter dated November 17, 1989 (Administrative Record No. OH-1240), the Director of OSM notified Ohio of a number of Federal regulations promulgated between June 9, 1988 and July 30, 1989 for which OSM had determined that the corresponding Ohio rules were now less effective than the new Federal counterparts.

In response to the OSM requirements of February 21 and November 17, 1989, Ohio submitted proposed Program Amendment No. 43 by letter dated January 16, 1990 (Administrative Record No. OH-1265). Proposed Program Admendment No. 43 would revise the Ohio program at OAC sections 1501:13-1-01, 13-4-05, 13-4-14, 13-9-04, 13-9-09, 13-9-15, and 13-10-01. The proposed revisions to OAC section 1501:13-9-15 in Ohio Program Amendment Number 43 further revise the version of this rule proposed by Ohio on January 26, 1989 in Revised Ohio Program Amendment Number 29.

Nonsubstantive changes are proposed throughout these rules to make minor grammatical corrections and to correct paragraph letter notations.

The substantive changes in these rules are discussed briefly below:

1. Termination of Jurisdiction

OAC section 1501:13-1-01 paragraph (D) is being added to clarify the authority of the Chief of the Division of Reclamation, Ohio Department of Natural Resources, (the Chief) to terminate jurisdiction over all or part of a reclaimed site in accordance with OAC section 1501:13-7. A new provision is also being added requiring the Chief to reassert jurisdiction over a site if it is demonstrated that the release of bond was based on fraud, collusion, or misrepresentation of a material fact.

2. Definition of "Road"

OAC section 1501:13-1-02 paragraph (YYYY) is being rewritten to clarify that the term "road" does not include public roadways outside the permitted area. The term does include pioneer or

construction roadway used for part of the road-construction procedure.

3. Permitting and Design Requirements for Roads

OAC section 1501:13–4–05 paragraph (M)(1)(d) and 13–4–14 paragraph (L)(1)(d) are being added to require that each permit application shall include drawings and specifications as necessary for approval by the Chief of each ford of a perennial or intermittent stream outside the mined-out area by a road that is being used as a temporary route.

OAC section 1501:13–4–05 paragraph (M)(1)(e) and 13–4–14 paragraph (L)(1)(e) are being added to require that each permit application shall include a description of plans to remove and reclaim each road that would not be retained under an approved postmining land use and shall include the schedule for this removal and reclamation.

OAC section 1501:13–4–05 paragraph (M)(2) and 13–4–14 paragraph (L)(2) are being added to allow the Chief to establish engineering design standards for primary road embankments to ensure stability comparable to a 1.3 minimum static safety factor. Applicants may demonstrate compliance with safety standards by using engineering design standards established by the Chief in lieu of performing engineering tests. OAC section 1501:13–10–01 paragraph (B)(9) which required a minimum static safety factor of 1.3 for all embankments is being deleted.

4. Performance Standards for Roads

OAC section 1501:13–10–01 paragraph (B)(1) is being rewritten to require that primary and secondary roads shall be located, designed, constructed, used, maintained, and reclaimed so as to control and prevent erosion, siltation, and the air pollution attendant to erosion, including road dust as well as dust occurring on other exposed surfaces, by measures such as vegetating or otherwise stabilizing all exposed surfaces.

OAC section 1501:13–10–01 paragraph (D)(1) is being rewritten to specify that the Chief's approval of roads located in stream channels shall be in accordance with OAC section 1501:13–9–04 paragraphs (A), (B), (E), (F), (J), (K), and (M) concerning protection of the hydrologic system.

OAC section 1501:13:10–01 paragraphs (F)(5) and (6) are being rewritten to require that reclamation of roads which are not to be retained as part of the postmining land use shall include scarifying or ripping the road bed and removing or otherwise disposing of road-surfacing materials that interfere with the postmining land use.

OAC section 1501:13–10–01 paragraph (G)(1) is being rewritten to require that an engineer shall certify the design and construction or reconstruction of primary roads as having been completed in accordance with the approved plan and the requirements of OAC section 1501:13–4–05 paragraph (M) or 13–4–14 paragraph (L), as well as meeting the requirements of OAC section 1501:13–10–01, of current engineering practices, and of the Chief.

OAC section 1501:13–10–01 paragraph (G)(3) is being added to require that each primary road embankment shall have a minimum static safety factor of 1.3 or be designed in accordance with OAC section 1501:13–4–05 paragraph (M)(2) or 13–4–14 paragraph (L)(2).

OAC section 1501:13–10–01 paragraph (G)(4) is being rewritten to delete the Chief's discretionary authority to waive the requirement that primary road drainage control systems shall be designed to pass peak runoff safely from a ten-year, six-hour precipitation event. The Chief may require that the drainage control system be designed for a larger precipitation event.

5. Permitting and Design Requirements for Impoundments

OAC section 1501:13–4–05 paragraph (H)(2)(c) and 13–4–14 paragraph (H)(2)(c) are being added to allow the Chief to establish engineering design standards for those impoundments which do not meet the size or other criteria of 30 CFR 77.126(a) and which are located where failure would not be expected to cause loss of life or serious property damage. The Chief's design standards would ensure stability comparable to a 1.3 minimum static safety factor and could be used by permit applicants in lieu of engineering tests.

OAC section 1501:13–9–04 paragraph (H)(1)(c) is being rewritten to require that impoundments meeting the criteria of 30 CFR 77.216(a) or located where failure would be expected to cause loss of life or serious property damage shall have a minimum static safety factor of 1.5 for a normal pool with steady state seepage saturation conditions, and a seismic safety factor of at least 1.2. Impoundments which do not meet the criteria of 30 CFR 77.216(a), except for coal mine waste impounding structures, and which are located where failure would not be expected to cause loss of life or serious property damage shall have a minimum static safety factor of 1.3 or be designed in accordance with OAC section 1501:13–4–05 paragraph (H)(2)(c) or 13–4–14 paragraph (H)(2)(c).

6. Impoundment Spillways

OAC section 1501:13–9–04 paragraphs (G)(3)(b)(i) through (iv) and (H)(1)(h)(i) through (iv) are being rewritten or added to require that sedimentation ponds meeting the size or other criteria of 30 CFR 77.216(a) shall include either a combination of principal and emergency spillways or a single spillway designed and constructed to safely pass a one-hundred-year, six-hour storm event or a greater event as specified by the Chief. Single spillways must be open channels of nonerodible construction which are designed to carry sustained flows. If a combination of principal and emergency spillways is used, the emergency spillway may be grass-lined.

Sedimentation ponds not meeting the size or other criteria of 30 CFR 77.216(a) shall include either a combination of principal and emergency spillways or a single spillway designed and constructed to safely pass a twentu-five-year, six-hour storm event or a greater event as specified by the Chief.

7. Impounding Structures of or for Coal Mine Waste

OAC section 1501:13–9–09 paragraph (C)(2)(b) and (C)(5) are being rewritten to require that impounding structures constructed of or intended to impound coal mine waste shall be able to pass safely the probable maximum precipitation of a six-hour precipitation event or a greater event as specified by the Chief. Ninety percent of the water shall be removed from the impounding structure within the ten days following the occurrence of the design precipitation event.

8. Design Precipitation Event

OAC section 1501:13–9–04 paragraphs (H)(2)(h) and (H)(3)(b), requiring a fifty-year, six-hour design precipitation event for permanent ponds and a twenty-five-year, six-hour design precipitation event for temporary ponds, are being deleted.

9. Planting Arrangements

Ohio is proposing further revisions to the version of OAC section 1501:13–9–15 paragraphs (F), (G), and (H) submitted on January 26, 1989 in Revised Ohio Program Amendment Number 29. These paragraphs are being rewritten to require that the Chief shall determine the appropriate planting arrangements to be used for revegetation of areas with postmining land uses specified in these paragraphs.

10. Husbandry Practices for Revegetation

Ohio is proposing further revisions to the version of OAC section 1501:13–9–15

paragraphs (I)(2)(c)(i) submitted on January 26, 1989 in Revised Ohio Program Amendment Number 29. This paragraph is being rewritten to include mowing, harvesting of crops, and crop rotation as agronomic practices on cropland or pasture land which will not be considered augmentative when the practice is an accepted local practice for comparable unmined lands that can be expected to continue as a postmining practice. The phrase "and other locally accepted practices" is being deleted from this paragraph consistent with OSM's approval of Ohio Program Amendment Number 28 on February 21, 1989 (54 FR 7406).

Ohio is proposing further revisions to the version of OAC section 1501:13–9–15 paragraphs (I)(2)(c)(ii) submitted on January 26, 1989 in Revised Ohio Program Amendment Number 29. This paragraph is being rewritten to include pasture land under the areas for which repair of rills and gullies will not be considered an augmentative practice. The repair of rills and gullies on cropland, pasture land, and forested areas will not be universally considered nonaugmentative. Ohio will make this determination based on the extent of repair and the cause of erosion as described in the administrative record documents submitted in support of Ohio Program Amendment Number 28.

11. Evaluation of Revegetation Success

OAC section 1501:13–9–15 paragraph (I)(3)(c) is being rewritten to require that planted species must meet the minimum production and ground-cover standards for any two years of the period of extended responsibility, except the first year, in order for revegetation to be determined to be successful for Phase III bond release.

III. Public Comment Procedures

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

Written Comments

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

Public Hearing

Persons wishing to comment at the public hearing should contact the person listed under **"FOR MORE INFORMATION CONTACT"** by 4 p.m. on February 20, 1990. If no one requests an opportunity to comment at a public hearing, the hearing will not be held.

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

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

Public Meeting

If only one person requests an opportunity to comment at a hearing, a public meeting, rather than a public hearing, may be held.

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

List of Subjects in 30 CFR Part 935

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

Dated: January 26, 1990.

Alfred E. Whitehouse,

Acting Assistant Director, Eastern Field Operations.

[FR Doc. 90–2429 Filed 2–1–90; 8:45 am]

BILLING CODE 4310–05–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[FRL–3719–8]

Approval and Promulgation of Implementation Plans; Ohio

AGENCY: U.S. Environmental Protection Agency (USEPA).

ACTION: Proposed rulemaking.

SUMMARY: USEPA is proposing to disapprove a site-specific revision to the ozone portion of the Ohio State Implementation Plan (SIP) for Navistar International Transportation Corporation (Navistar) in Springfield, Ohio.

The revision consists of variances for Navistar's miscellaneous metal parts and products coating lines. The variances exempt these lines from the requirements of Ohio Administrative Code (OAC) Rule 3745–21–09(U) (3.5 pounds of volatile organic compounds per gallon of coating, excluding water, limitation) and allow the source to meet control requirements by using an alternative emission control program (bubble) at its facility. USEPA is proposing to disapprove this revision because the State did not correctly determine the baseline emissions. As a result of this action, the source remains subject to the control requirements of OAC Rule 3745–21–09(U).

DATES: Comments must be received on or before March 5, 1990.

ADDRESSES: Copies of the SIP revision are available at the following addresses for review. (It is recommended that you telephone Maggie Greene, at (312) 886–6088, before visiting the Region V office.)

U.S. Environmental Protection Agency, Region V, Air and Radiation Branch (5AR–26), 230 South Dearborn Street, Chicago, IL 60604.

Ohio Environmental Protection Agency, Office of Air Pollution Control, 1800 WaterMark Drive, P.O. Box 1049, Columbus, Ohio 43266–0149.

Comments on this revision should be addressed to (please submit an original and five copies if possible): Gary Gulezian, Chief, Regulatory Analysis Section, U.S. Environmental Protection Agency, Region V, 230 South Dearborn Street, Chicago, IL 60604.

FOR FURTHER INFORMATION CONTACT: Maggie Greene, Air and Radiation Branch (5AR–26), U.S. Environmental Protection Agency, Region V, Chicago, IL 60604, (312) 886–6088.

SUPPLEMENTARY INFORMATION: USEPA approved the Ohio VOC rules as part of the ozone SIP as meeting the reasonable available control technology (RACT) part D requirements of the Clean Air Act on October 31, 1980 (45 FR 72122), and June 29, 1982 (47 FR 28097).[1] Although

[1] RACT is defined as the lowest emission rate that a source is capable of meeting by the application of control technology that is reasonably available considering technological and economic feasibility.

RACT VOC regulations are required by part D of the Clean Air Act in all ozone nonattainment areas, Ohio's rules are applicable to both attainment and nonattainment areas.

On February 28, 1989, the Ohio Environmental Protection Agency (OEPA) submitted a revision to its ozone SIP for Navistar International Transportation Corporation (Navistar). This facility is located in Clark County, which is designated as a nonattainment area for ozone. The requested revision consists of variances which exempt miscellaneous metal parts and products surface coating lines from the requirements contained in Ohio Administrative Code (OAC) Rule 3745–21–09(U), and which allow the sources to meet control requirements using an alternative control program (bubble).

Summary of the Proposed Revision

The Navistar International Transportation Corporation (Navistar) has had in operation nine miscellaneous metal parts and products coating lines at its assembly plant in Springfield, Ohio. The lines are identified as P001 (Line 57), P002 (Line 58), K010 (Line 59), K011 (Line 61), K012 (Line 64), K013 (Line 77/78), K014 (Line 26), K016 (Chassis Line #1) and K017 (Chassis Line #2). These lines are subject to OAC Rule 3745–21–09(U)(1)(a)(iii) which limits the VOC content of coatings used to 3.5 lbs/gallon of coating, less water.

Navistar believes that line K014 (Line 26) is in compliance with the rule, and currently has a "permit to operate" application pending for this line. Coating lines K010 (Line 59) and K011 (Line 61) have been removed from service and dismantled. Operations performed on these lines were transferred to P001 (Line 57). Coating lines K012 (Line 64) and P002 (Line 58) have also been decommissioned. The remaining four coating lines P001 (Line 57); K013 (Line 77/78); K016 (Chassis #1); and K017 (Chassis #2) are operating in violation of OAC Rule 3745–21–09(U). Based on an average of production years 1984–86, actual emissions from the four noncomplying lines are 390.69 tons/yr; the allowable VOC emissions would be 184.60 tons/yr.

Navistar also operates a cab prime line at the Lagonda Body plant which is currently in violation of OAC rule 3745–21–09(U)(1)(a)(iii). The source, identified as K001, is currently using coatings with a VOC content of greater than 4.29 lbs/gal. Based on an average of production years 1984–86, actual emissions from this line are 132.68 tons/yr. The allowable emissions are 93.95 tons/yr. These emissions (allowable and actual) include 25 tons/yr of miscellaneous solvent usage (called oleum wipe) associated with this process.

In November 1985, the OEPA issued to Navistar a permit to install (08–862) which covered the installation of two new topcoat lines to be controlled with thermal oxidation and a new electro-deposition prime/interior finish coating line (E-coat line). The new topcoat lines would replace operations being performed in lines 57 and 58. The new E-coat line, which would be installed at the assembly plant in conjunction with the new topcoat lines, would replace the noncomplying cab prime line at the body plant.

In order to address the four remaining noncomplying lines, Navistar is proposing to use credits generated by the shutdown of lines K001, P002, K010, K011, and K012, to offset excess emissions.

The Ohio EPA issued variances for lines K009, K013, and K016, and K017 with the following limits:

	lb/day	ton/yr	lb/gal
K009	615.6	73.87	3.90
K013	117.6	14.11	3.81
K016	1254.5	150.54	3.84
K017	450.2	54.02	3.84

The variances also limit operation of these lines to 4100 hours per year and limit the gallons of coating that may be used per day and per year on each line. The limits on pounds of VOC per gallon of coating represent a daily average for each line. The variances limit total VOC emissions from all lines (existing and new) to 419.37 tons/year.

Evaluation Of The Proposed Revision

The criteria for evaluating emissions trades (bubbles) are contained in the USEPA's Emission Trading Policy Statement dated December 4, 1986 (51 FR 43813). This policy requires that only emission reductions which are surplus, enforceable, permanent and quantifiable can qualify for credit and be used in a bubble. In order to determine the quantity of surplus emissions, a baseline must be established. Baseline emissions for any source are normally the product of three factors: emission rate, capacity utilization, and hours of operation.

For a source located in a nonattainment area with an approved attainment demonstration, such as Clark County, the baseline must be consistent with the assumptions used to develop the area's demonstration. This generally means that actual values must be used for baseline factors where actual values were used for such demonstrations and that higher allowable values for the factors may be used where allowable values were used for such demonstrations. Actual values for capacity utilization and hours of operation are generally the source's average historical values for the 2-year period preceding the source's application to bank or trade emission reduction credits. Another 2-year period may be deemed more representative of typical operations, but the emissions from the other period must be shown to be consistent with air quality planning for the area.

The OEPA determined the baseline for this bubble using the allowable emission rate of 3.5 lb VOC/gal coating and the actual capacity utilization and hours of operation for each line. The actual and allowable emissions before and after the bubble are shown in the following table:

	Emissions (tons/year)		
	Before bubble		After bubble
	Actual	Allowable	Actual/allowable
K001 [1]	132.68	93.95	0
P002 [1]	130.45	56.76	0
K010 [1]	18.80	8.10	0
K011 [1]	18.61	9.83	0
K012 [1]	54.64	27.24	0
K021 [2]	0	0	25.40
K022 [2]	0	0	25.40
K026 [2]	0		46.90
K028 [2]	0	0	29.13
K009	73.87	59.84	73.87
K013	14.11	11.97	14.11
K016	150.54	124.58	150.54
K017	54.02	44.60	54.02
Total	647.72	436.87	419.37

[1] Decommissioned [2] New source.

The "before bubble" emissions are based on average 1984–86 production. The after bubble emissions are based on the limits in the variances. This table shows that, using 1984–86 production and taking into account the emissions from the new lines, there is sufficient credit from the shutdown of lines K001, P002, K010, K011 and K012 to offset the excess emissions from lines K009, K0013, K016 and K017. In addition, the limits restricting the VOC content of coatings currently in use will prevent Navistar from using reduced production or "downtime" in order to use coatings with a higher VOC content.

OEPA submitted this SIP revision on February 28, 1989. However, the OEPA's calculations are all based on 1984, 1985 and 1986 average production. The Emission Trading Policy Statement (ETPS) clearly states that the average over the 2 years prior to application for credit must be used. The ETPS also allows for the use of a more representative 2-year period for

determining the baseline, but does not allow the use of a 3-year period. The OEPA has made no attempt to justify this deviation from the requirements of the ETPS.

Proposed Action

USEPA is proposing to desapprove this SIP revision because the State did not correctly determine the baseline emissions.

Pursuant to the provisions of U.S.C. 605(b), I certify that this action will not have a significant economic impact on a substantial number of small entities.

Nothing in this action should be construed as permitting or allowing or establishing a precedent for any future request for revision to any State Implementation Plan. Each request for a revision to the State Implementation Plan shall be considered separately in light of specific technical, economic, and environmental factors and in relation to relevant statutory and regulatory requirements.

This action has been classified as a Table 3 action by the Regional Administrator under the procedures published in the **Federal Register** on January 19, 1989 (54 FR 2214–2225).

On January 6, 1989, the Office of Management and Budget waived Table 2 and 3 SIP revisions (54 FR 2222) from the requirements of section 3 of Executive Order 12291 for a period of two years.

List of Subjects in 40 CFR Part 52

Air pollution control, Hydrocarbons, Incorporation by reference, Intergovernmental relations, Ozone.

Authority: 42 U.S.C. 7401–7642.

Dated: November 29, 1989.

Valdas V. Adamkus,

Regional Administrator.

[FR Doc. 90–2441 Filed 2–1–90; 8:45 am]

BILLING CODE 6560–50–M

DEPARTMENT OF DEFENSE

Department of the Navy

48 CFR Part 5243

Navy Acquisition Procedures Supplement; Adjustments to Prices Under Shipbuilding Contracts; Correction

AGENCY: Department of the Navy, DOD.

ACTION: Correction of proposed rule and request for comments.

SUMMARY: The Department of the Navy is promulgating part 5243, subpart 5243.70, of the Navy Acquisition Procedures Supplement (NAPS) to restrict contract price adjustments under shipbuilding contracts. Thus, implementing by regulation the requirements of 10 U.S.C. 2405. The Department is also promulgating an amendment to part 5252 to add the text of a solicitation provision and two contract clauses.

Notice was published on November 16, 1989 at 54 FR 47689, under part 5243—Contract Modifications, subpart 5243.70—Adjustments to Prices Under Shipbuilding Contracts, in which a portion of a sentence was incorrectly published at section 5243.7002, "Definitions".

DATES: Public comments are solicited and should be received by February 15, 1990.

ADDRESSES: Interested parties should submit written comments to: Office of the Assistant Secretary of the Navy (Shipbuilding and Logistics), ATTN: Mr. Richard Moye, CBM–AP, Washington, DC 20360–5000.

FOR FURTHER INFORMATION CONTACT: Mr. Richard Moye, OASN(S&L)CBM–AP, (202) 692–3558.

Accordingly, title 48, part 5243 is amended as follows:

5243.7002 [Corrected]

Section 5243.7002, in the definition for the term "Event" in paragraph (a) introductory text the second sentence is corrected to read, "The event for a formal written change, which is neither fully priced nor maximum priced prior to the contracting officer's authorization to proceed, is the contracting officer's authorization to proceed."

Dated: January 29, 1990.

Sandra M. Kay,

Department of the Navy, Alternate Federal Register Liaison Officer.

[FR Doc. 90–2369 Filed 2–1–90; 8:45 am]

BILLING CODE 3810–AE–M

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 533

[Docket No. FE–88–03; Notice 2]

[RIN 2127–AC 51]

Light Truck Average Fuel Economy Standards Model Years 1992–94

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

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes the establishment of average fuel economy standards for light trucks manufactured in model years (MY) 1992 through 1994. The issuance of the standards is required by Title V of the Motor Vehicle Information and Cost Savings Act. The agency is proposing to set the combined standard for all light trucks within a range of 20.2 mpg to 21.0 mpg for MY 1992, 20.2 mpg to 21.5 mpg for MY 1993, and 20.2 mpg to 22.0 mpg for MY 1994.

DATES: Comments must be received on or before March 5, 1990. The proposed standards would be effective for the 1992–94 model years.

ADDRESSES: Comments must refer to the docket and notice numbers set forth above and be submitted (preferably in 10 copies) to Docket section, National Highway Traffic Safety Administration, Room 5109, 400 Seventh Street SW., Washington, DC 20590. The Docket is open 9:30 a.m. to 4 p.m. Monday through Friday. Submission containing information for which confidential information is requested should be submitted (in three copies) to Chief Counsel, National Highway Traffic Safety Administration, Room 5219, 400 Seventh Street SW., Washington, DC 20590, and seven additional copies from which the purportedly confidential information has been deleted should be sent to the Docket section.

FOR FURTHER INFORMATION CONTACT: Mr. Orron Kee, Office of Market Incentives, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590 (202–366–0846).

SUPPLEMENTARY INFORMATION:

Background

In December 1975, during the aftermath of the energy crisis created by the oil embargo of 1973–74, Congress enacted the Energy Policy and Conservation Act. Congress included a provision in that Act establishing the automotive fuel economy regulatory program. That provision added a new title, title V, "Improving Automotive Efficiency," to the Motor Vehicle Information and Cost Saving Act. Title V provides for the establishment of average fuel economy standards for cars and light trucks.

Section 502(b) of the Act requires the Secretary of Transportation to issue light truck fuel economy standards for each model year. The Act provides that the fuel economy standards are to be set at the maximum feasible average fuel economy level. In determining maxium feasible average fuel economy level, the Secretary is required under section 502(e) of the Act to consider four factors: technolgical feasibility, economic

practicability, the effect of other Federal motor vehicle standards on fuel economy, and the need of the nation to conserve energy. (Responsibility for the automotive fuel economy program was delegated by the Secretary of Transportation to the Administrator of NHTSA (41 FR 25015, June 22, 1976)). Pursuant to this authority, the agency has set standards of 20.0 mpg for MY 1990 and 20.2 mpg for MY 1991.

Proposals

A. General

The agency's proposals are based on information derived from a variety of sources. One major source is the submissions received in response to a request for comments published in the **Federal Register** (54 FR 436) on January 6, 1989. That notice announced that NHTSA was beginning a rulemaking analysis to determine the level of light truck average fuel economy standards for model years after 1991 and requested information to assist the agency in developing its analysis. The comments received in response to that notice available in Docket FE–88–03–NO].

As a part of setting forth the proposals, this notice discusses a variety of issues which are being considered by the agency, all of which are relevant to the statutory criteria noted above. In discussing these issues, the agency asks a number of questions or makes a number of requests for data to help it obtain information to facilitate its analysis. For easy reference, the questions or requests are numbered consecutively throughout the document.

In providing a comment on a particular matter or in responding to a particular question, please provide any relevant factual information to support conclusions or opinions, including but not limited to statistical and cost data, and the source of such information.

B. Ranges of Proposals

This notice proposes to establish an average fuel economy standard for light trucks for each of MY's 1992–94. The standards for each of these model years will be within a range of 20.2–21.0 mpg for MY 1992, 20.2–21.5 mpg for MY 1993, and 20.2–22.0 mpg for MY 1994. The average fuel economy of each manufacturer's entire fleet of light trucks would have to meet the standards. The ranges of proposed standards are based on the agency's evaluation of manufacturer capabilities, which are discussed below. In past light truck CAFE rulemakings, the agency has provided manufacturers with the option of dividing their light trucks into two fleets, a two-wheel drive (2WD) fleet and a four-wheel drive (4WD) fleet and meeting a separate standards for each fleet. NHTSA proposes to discontinue setting these separate alternative standards, in favor of a single standard, beginning with MY 1992. At the present time, all domestic manufacturers and most import manufacturers are reporting their CAFE compliance in terms of a single CAFE value for their entire light truck fleets. Those manufacturers which report separate 2WD and 4WD CAFE values generally have the higher fuel economy values and would be unlikely to be affected by CAFE standards. Therefore, the alternative standards do not appear necessary.

Manufacturers that have earned credits in past model years by complying with the separate 2WD standards would still be able to use those credits to offset CAFE shortfalls within the three year carryforward period. NHTSA's CAFE regulations at § 535.4(e) prohibit the transfer of credits between classes of light trucks except in instances where changes have been made to the definitions of the classes between model years. Therefore, in applying these credits would be allocated according to the number of light trucks in the credit-earning class which would fall in the class subject to a civil penalty. Thus, for example, credits earned by a manufacturer's 4WD fleet in MY 1991 would be prorated to offset a future CAFE shortfall in MY 1992 according to the proportion of the future model year's production which consists of 4WD light trucks. This approach of prorating light truck credits according to the class that earns them is in accordance with long-standing agency practice. *See*, 45 FR 83233 (December 18, 1980) and 44 FR 64943 (November 8, 1979).

Manufacturer Capabilities for MY 1992–94

In evaluating manufacturer's fuel economy capabilities for MY 1992–94, the agency has analyzed manufacturer's current projections and underlying product plans and is considering what, if any, additional actions the manufacturers could take to improve their fuel economy. A more detailed discussion of these issues is contained in the agency's Preliminary Regulatory Impact Analysis (PRIA), which has been placed in the docket for this notice. Some of the information included in the PRIA, including the details of manufacturer's future product plans, has been determined by the agency to be confidential business information whose release could cause competitive harm. The public version of the PRIA omits the confidential information.

A. Manufacturer Projections

General Motors

General Motors (GM) projected in March 1989 that it could achieve combined CAFE levels of 20.6 mpg in MY 1992, 20.7 in MY 1993 and 20.8 mpg in MY 1994. By comparison, in a pre-model year report submitted in December 1988, GM projected a MY 1989 CAFE of 20.5 mpg. However, in making its projection for MYs 1992–94, GM noted that its estimates could be lowered somewhat due to various uncertainties such as consumer demand.

The expected impovement between MY 1989 and MY 1992 is attributable to increased penetration of certain engine technologies and aerodynamic improvements. These factors together account for some improvement, but are offset in part by a slight weight increase and a shift toward less efficient drivetrains, for a net improvement by 1992 of 0.1 mpg.

The 0.1 mpg increase in GM's projected CAFE from MY 1992 to MY 1993 is a result of increased penetration of certain fuel-efficient technologies.

The same improvement is projected for MY 1994, and is based upon minor adjustments to vehicle product mix.

Ford

Ford projected in March 1989 that it could achieve CAFE levels of 19.9 mpg to 20.2 mpg in MY 1992, 19.8 mpg to 20.6 mpg in MY 1993, and 20.0 to 20.4 in MY 1994. By comparison, in a pre-model year report submitted in December 1988, Ford projected a MY 1989 combined light truck CAFE of 19.9 mpg.

For purposes of consistency in evaluating Ford's projected changes in CAFE from one model year to the next, the agency used the low end of Ford's projected ranges (adjustments to Ford's projections are discussed below). Using these figures, there is no projected change in Ford's light truck CAFE between MY 1989 and MY 1992, which is projected at 19.9 mpg. This lack of change in Ford's expected CAFE between MY 1989 and MY 1992 reflects a number of offsetting factors. Various drivetrain changes are projected to increase fuel economy, but these improvements are offset by product changes which are epxected to have an equivalent negative impact.

Ford's projection for MY 1993 indicates a net decrease of 0.1 mpg, to 19.8 mpg. Increased use of engine technology improvements combine for an increase, but this gain is more than offset by a decrease attributable to possible product changes, inlcuding some needed to comply with emissions standards.

The projected increase of 0.2 mpg in 1994 would raise Ford's CAFE to 20.0 mpg. This increase is attributable to drivetrain improvements and other product changes.

Chrysler

Chrysler projected in March 1989 that it could achieve CAFE levels of 21.0 mpg in MY 1992, 20.9 mpg in MY 1993, and 20.8 in MY 1994. By comparison, Chrysler's pre-model year report indicated a MY 1989 CAFE of 20.8.

Chrysler does not anticipate any major improvements in its light truck CAFE between MY 1992 and 1994 from new technology. The 0.2 mpg increase from MY 1989 to MY 1992 is a result of engine and drivetrain changes. The full CAFE impact of these changes, however, is offset by MY 1992 due to product changes.

The 0.1 mpg decrease from MY 1992 to MY 1993 is the result of several minor changes. These include mix changes relating to drivetrains, although these decreases are partially offset by minor engine and product changes.

Chrysler's MY 1994 CAFE projection represents another 0.1 mpg net decrease, to 20.8 mpg, from MY 1993. This is due primarily to product changes, although minor technological changes help to partially offset the decrease.

Other Manufacturers

Volkswagen (VW) currently offers only one light truck model, the Vanagon compact bus. Volkswagen's combined light truck CAFE for MY 1989 is estimated at 20.8 mpg. VW has indicated that it has no significant plans to increase fuel economy during MY 1992–1994. The company's product plans are indefinite, but may involve a larger engine, or a front wheel drive model.

Range Rover has projected its light truck CAFE for MY 1989 at 15.3 mpg. The company does not expect any significant fuel economy improvement in MY 1992–1994.

Other foreign light truck manufacturers only compete in the small vehicle portion of the light truck market and are therefore expected to achieve CAFE levels well above GM, Ford, and Chrysler, which offer full ranges of truck models.

B. Possible Additional Actions to Improve MY 1992–94 CAFE

There are additional actions which, given sufficient time and resources, manufacturers may be able to take to improve their CAFE above the levels which are currently projected for MY 1992–94. These actions may be divided into three categories: further technological changes to their product plans, increased marketing efforts, and product restrictions.

1. *Further Technological Changes.* The ability to improve CAFE by further technological changes to product plans is dependent on the availability of fuel efficiency enhancing technologies which manufacturers are able to apply within available time.

The agency's PRIA discusses the fuel efficiency enhancing technologies which are expected to be available during the MY 1992–94 time period. One potential constraint on the increased use of these technologies, at least for MY 1992–93, is limited leadtime. NHTSA recognizes that the leadtime necessary to implement significant improvements in engines, transmissions, aerodynamics and rolling resistance is typically about three years. Also, as the agency discussed in establishing the final rule for MY 1990–91, once a new design is established and tested as feasible for production, the leadtime necessary to design, tool, and test components such as new body sheet-metal subsystems for mass production is typically 22 to 29 months. Other potential major changes may take longer. Leadtimes for new vehicles are usually about three years.

Given leadtime constraints, the agency does not believe that manufacturers can achieve significant improvements in their projected MY 1992 CAFE levels by additional technological actions. Nevertheless, the agency believes that manufacturers could accomplish by MY 1992 some actions resulting in improved fuel economy that do not call for major design or tooling changes, as discussed below. As to the light truck standards for MY 1993–94, the 1993 model year does not begin until 2½ years, and the 1994 model year does not begin until 3½ years, after a final rule could be published. NHTSA believes that the additional leadtime could enable manufacturers to achieve more significant CAFE improvements, particularly for their MY 1994 light truck fleets. The increased leadtime could enable manufacturers to expand the penetration of presently available technologies, such as improved transmissions and multi-valve engines, in addition to providing an opportunity for improved vehicle design features, such as increased weight reduction and improved aerodynamics.

Even for the MY 1992–93 period, manufacturers can achieve some additional CAFE improvements by increasing the penetration of technologies already in production, such as four-speed automatic transmissions, electronic controls for those transmissions, and by utilization or increased penetration of short leadtime technology improvements such as low tension piston rings, serpentine belts, electric cooling fans and small weight reductions. NHTSA has taken these types of potential improvements into account in developing this proposal.

In analyzing the issue of improving MY 1992–94 CAFE by additional technological means, the agency requests information or comments on the following question:

1. What is the technological feasibility and economic practicability of the various fuel efficiency enhancing technologies, including but not limited to: multi-valve engines; electronic engine controls; port fuel injection; engine friction reduction by improved piston rings, bearings, or roller cam followers; electronic transmission controls; and lower accessory and accessory drive losses, for improving manufacturers' CAFE for MY 1992–94? In answering this question, please address both the amount of fuel economy improvement associated with each technology *and* the potential penetrations of those technologies during this time period; i.e., the extent to which they could be incorporated across manufacturers' fleets. For each year and technology, what penetrations are feasible for each manufacturer's fleet? Why isn't a higher penetration feasible? What are the leadtimes involved in making such technological changes? Please provide cost estimates for these technologies and specific information concerning the bases for such cost estimates. Will there be CAFE effects from producing alternative-fueled vehicles? What are the manufacturers' plans to produce vehicles which can operate on fuels other than gasoline or diesel fuel?

2. *Increased Marketing Efforts.* NHTSA believes that the ability to improve light truck CAFE by marketing efforts is relatively small. Light trucks are often purchased for their work-performing capabilities. This is particularly true for the larger, less fuel-efficient light trucks. Since the smaller light trucks cannot meet the needs of all light truck users, the manufacturers' ability to use marketing efforts to encourage consumers to purchase smaller light trucks instead of larger light trucks is limited.

As a practical matter, marketing efforts to improve CAFE are largely limited to techniques which either make fuel-efficient vehicles less expensive or less fuel-efficient vehicles more expensive. Moreover, the ability of a manufacturer to increase sales of fuel-efficient light trucks depends in part on increasing its market share at the

expense of competitors or pulling ahead its own sales from the future. The ability of domestic manufacturers to make such sales increases is also affected by the strong competition in that market from Japanese manufacturers. While the Japanese manufacturers currently have an overall combined market share of about 30 percent of light trucks, their share for the smaller, more fuel-efficient light trucks is about 45 percent.

A problem with pulling ahead sales is that the manufacturers' CAFE levels for subsequent years are reduced. For example, if a manufacturer improves its MY 1992 CAFE by pulling ahead sales of fuel-efficient light trucks from MY 1993, its MY 1993 CAFE will decrease, compared with the level it would have been in the absence of any pull-ahead sales attributable to marketing efforts. For this reason, a manufacturer cannot continually improve its CAFE simply by pulling ahead sales.

Given all of these factors, NHTSA tentatively concludes that the domestic manufacturers cannot significantly improve their MY 1992–94 CAFE's by increased marketing efforts.

3. *Product Restrictions.* As an alternative to technological improvements, manufacturers could improve their CAFE by restricting their product offerings, e.g., limiting or deleting production of particular larger light truck models and larger displacement engines. Such product restrictions could have adverse economic impacts on the industry and the economy as a whole. The PRIA presents a scenario as an example in which GM and Ford are assumed to restrict production of sufficient numbers of their least fuel-efficient light truck models to obtain a 0.5 mpg improvement in CAFE beyond their projected capabilities for MY 1992–1994. Under this scenario, GM could suffer a sales loss of up to 171,000 light trucks for MY 1992, with losses possibly reaching as high as 175,000 by MY 1994, while Ford could experience a sales loss of more than 168,000 light trucks in MY 1992, 159,000 in MY 1993, and 156,000 in MY 1994. Under this scenario, the potential job losses in manufacturing and supplier industries could total 23,000 to 68,000 for MY 1992, with even higher job losses for MY 1993–94. In fact, manufacturers would likely consider such actions only after attempting marketing efforts and restricting the availability of particular engines and axle ratios. However, the scenario is illustrative of the types of impacts that could result from overly stringent standards.

In addition to the adverse impacts on the automotive industry, a wide range of businesses could be seriously affected to the extent that they could not obtain the light trucks they need for business use. Also, such product restrictions could unduly limit consumer choice.

Given these considerations, NHTSA tentatively concludes that significant product restrictions should not be considered as part of manufacturer's capabilities to improve MY 1992–94 CAFE levels.

In analyzing the possible economic impacts of fuel economy standards outside the range of those proposed, the agency requests information or comments on the following questions:

2. What would be the likely specific effects on employment sand sales of different MY 1992–94 light truck fuel economy standards, within and outside the proposed ranges? Please provide data to support arguments on this point.

3. What would be the likely specific effects on consumer choice of different standards, within and outside the proposed ranges of light truck fuel economy standards?

C. Manufacturer-Specific CAFE Capabilities

As discussed later in this notice, NHTSA is directed to take "industrywide considerations" into account in setting fuel economy standards. In carrying out this direction, the agency focuses on the least capable manufacturers with substantial shares of light truck sales. While VW's capability would fall below that of GM, Ford and Chrysler, it does not have a substantial share of industry sales. For example, its MY 1988 market share was only 0.3 percent.

GM's, Ford's and Chrysler's MY 1992–1994 CAFE projections are subject to a number of uncertainties. In its March 1989 submission, GM stated the following about its projections:

> The estimates and product plans contained within this submission are based on specific assumptions which may prove to be incorrect by 1992–1994. They are, therefore, subject to change in response to many factors beyond our control, such as fuel prices, market dynamics and future governmental or competitor actions. In particular, this response does not comprehend the adverse fuel economy effect of possible more stringent emission standards being discussed in connection with amendments to the Clean Air Act, nor new safety regulations for light duty trucks, such as the new 1992 occupant crash protection standard (FMVSS 208) and the new steering control rearward displacement standard (FMVSS 204).

Chrysler's submission noted uncertainties that could "affect CAFE, such as market shifts to larger trucks, administratively mandated changes to the definition of a truck, the price of gasoline or an economic downturn."

Ford identified risks and opportunities which could increase its CAFE between 0.3–0.8 mpg during MY 1992–94. The risks include a possible volume/mix shift, but this could be offset by a set of minor technical improvements and adjustments, and an increase in each year due to fuel economy data vehicle (FEDV) testing. FEDV testing involves testing additional vehicles to add some more efficient configurations to be averaged with the required configurations. Ford also factored into the opportunities an increase in its MY 1993 CAFE if EPA's proposed light truck emissions revisions do not become effective until MY 1994. The other manufacturers did not factor an emissions penalty into their fleet projection. Since EPA has not published a final rule requiring more stringent emissions standards for MY 1992–94, and because the agency believes that a fuel economy penalty is not necessarily associated with the current proposals for more stringent standards, NHTSA believes that Ford's projection can reasonably be increased by 0.5 mpg in MY 1993–94.

NHTSA also believes that the FEDV testing is an easily-achieved opportunity that Ford can take for all three model years, which should result in an increase of 0.3 mpg each year. In addition, the agency believes that Ford's projections for MY 1993–94 should be increased by 0.1 mpg to reflect minor technological improvements that can be made to certain large truck engines. Taking into account these adjustments, which were not subtracted by the other manufacturers in arriving at their projections, NHTSA believes Ford's CAFE projections should be adjusted as follows: MY 1992 +0.3mpg, to 20.2 mpg, MY 1993 +0.9 mpg, to 20.7, and MY 1994, +0.9 mpg, to 20.9.

NHTSA believes that it is feasible for GM, Ford and Chrysler to make larger improvements in their CAFE levels than are suggested by the projections they have submitted to the agency. As discussed above, there are a number of technological improvements, including weight reductions, and improvements to transmissions and vehicle aerodynamics, as well as use of multi-valve engines, that these manufacturers can make to their fleets in MY 1992–93, and particularly in MY 1994, to improve CAFE. The agency tentatively concludes that the longer leadtime available for the later years of this rulemaking offers the opportunity for additional CAFE improvements by facilitating at least the partial implementation of some of these considerations.

Based on its analysis, which takes account of the manufacturers' current and past projections and underlying product plans, risks and opportunities, NHTSA believes that the light truck capabilities for Ford, as discussed above are *at least* 20.4 mpg for MY 1992, 21.0 mpg for MY 1993, and 21.4 mpg for MY 1994, and that GM is capable of a light truck CAFE of at least 20.8 mpg in MY 1992, 21.1 mpg in MY 1993, and 21.3 mpg in MY 1994. The agency believes that Chrysler is capable of a light truck CAFE of at least 21.3 mpg in MY 1992, 21.5 mpg in MY 1994, and 21.7 mpg in MY 1994. Based on these projections, the agency concludes that Ford is the least capable manufacturer for MY 1992 and 1993, while GM is the least capable manufacturer for MY 1994.

Some potential opportunities, discussed below, are not reflected in the above numbers because they are subject to uncertainties as to the extent to which they could be implemented. However, while NHTSA believes that manufacturer would not likely be able to take advantage of all of such opportunities, it believes they can use some of them to achieve additional CAFE improvements during the MY 1992–94 timeframe. These opportunties, discussed below, are the basis for the high end of the agency's proposed standards.

A small amount of weight reduction beyond the manufacturer's product plans is factored into the capabilities cited above where new models show opportunity for greater weight reduction. NHTSA believes that, in addition, manufacturers may be able to use greater material substitution during this timeframe to achieve weight reduction beyond that factored into the above analysis. The agency recognizes that the amount of such reduction may be limited by the relatively high cost of premium materials. However, the agency notes that market forces could make lighter or stronger materials increasingly desirable in future years.

Likewise, only a small amount of aerodynamic improvements is factored into the above estimates of manufacturer capability, where certain new models did not match their predecessors, or current industry practice. NHTSA did not include a larger amount of aerodynamic improvements in the estimates because of uncertainties concerning the extent to which existing models can be improved in this regard. However, the agency believes that there is a potential for manfacturers to make some additional improvements in this area within the timeframe of this rulemaking.

In addition, manufacturers may be able to make greater use during these model years of some known technological improvements that are not assumed to be fully implemented in the capability estimates cited above. These improvements are not fully factored into the above analysis because it is unclear how much additional improvement can be expected. As an example, electronic controls for automatic transmissions are not assumed to be in wide use in the analyses above. In addition, variable valve timing, which is just beginning to be utilized on passenger cars, may be even more suitable for use on light trucks because of the wide variations in engine loading that trucks encounter. Finally, diesel engine use could increase if EPA's proposed requirements for improving the quality of diesel fuel makes diesel emission standards easier to achieve.

For purposes of the final rule, the agency will refine its analysis of manufacturer capabilities.

In analyzing manufacturer capabilities for MY 1992–94, the agency requests information or comments on the following question:

4. What are the manufacturers' current CAFE capabilities for MY 1992–94? Please address this issue for combined 2WD/4WD capabilities. How substantial are the uncertainties affecting manufacturers' capabilities during this time period, how can these uncertainties be minimized, and how should these uncertainties be considered in setting fuel economy standards at the maximum feasible level?

Other Federal Standards

In determining the maximum feasible fuel economy level, the agency must take into consideration the potential effects of other Federal standards. The following section discusses other government regulations, both in process and recently completed, that may have an impact on fuel economy capability.

1. Safety Standards. As discussed by the PRIA, NHTSA has evaluated several safety rulemakings for their potential impacts on light truck fuel economy in MY 1992–94. These include revisions to FMVSS Nos. 208; *Occupant crash protection*, 214; *Side door strength*, 204; *Steering control rearward displacement*, 202; *Head restraints*, 108; *Lamps, reflective devices and associated equipment*, and 216; *Roof crush resistance-passenger cars*. In addition, the agency has evaluated proposed revisions to part 523, addressing vehicle classification.

FMVSS No. 208. The agency published a final rule on November 23, 1987 (52 FR 44898) which requires that manual lap/shoulder belts installed at the front outboard seating positions of light trucks comply with the dynamic testing requirements of Standard No. 208. The rule applies to multipurpose passenger vehicles and trucks with a gross vehicle weight rating of 8500 pounds or less and an unloaded vehicle weight of 5500 pounds or less, and is effective September 1, 1991. In the MY 1990–91 light truck fuel economy rulemaking (53 FR 11074, April 5, 1988), the agency concluded that this rule was unlikely to have a significant negative impact on fuel economy capabilities. Some existing light truck designs currently meet the requirements, and others may be able to meet the requirements with relatively minor changes.

In its response to NHTSA's request for comments on manufacturers' MY 1992–94 light truck fuel economy capabilities, Ford indicated that compliance with the dynamic testing requirement could increase the weight of some of its trucks by 35 to 150 pounds, and require other changes to support customer and competitive performance requirements. However, the agency has accepted the manufacturers' weight projections for purposes of this proposed rule. As a result, any negative fuel economy impacts caused by weight increases due to compliance with the dynamic testing requirements are already included in NHTSA's estimates of manufacturers' MY 1992–94 capabilities.

In November 1988, NHTSA proposed to require all manufacturers to install lap/should belts in all forward-facing rear outboard seating positions in passenger cars, light trucks, multipurpose vehicles, and small buses. 53 FR 47982 (November 29, 1988). The proposed effective dates were September 1, 1989 for passenger cars other than convertibles, and September 1, 1991 for convertibles, light trucks, multipurpose passenger vehicles, and small buses.

NHTSA published a final rule (54 FR 25275, June 14, 1989) requiring all passenger cars manufactured after December 11, 1989 to be equipped with the rear outboard lap/shoulder belts. Most recently (54 FR 46257, November 2, 1989), the agency published a final rule extending these requirements to light trucks and multipurpose vehicles effective September 1, 1991. The November 1988 NPRM noted that manufacturers planned to voluntarily install the rear seat lap/shoulder belts in virtually all vehicles by the effective date proposed in the rule for light trucks. The projected weight increases were 1.1–5.5 pound per vehicle, depending on vehicle type. However, the

manufacturers' light truck CAFE projections for MY 1992–94 presumably reflect the effects of those voluntarily actions.

On January 9, 1990, NHTSA published an NPRM (55 FR 747) proposing to require automatic restraints on light trucks with a GVWR of 8,500 pounds or less, and an unloaded vehicle weight of 5,500 pounds or less. The proposal would phase-in this requirement, starting with 20 percent of each manufacturer's light truck fleet as of September 1, 1993. Thus, this proposal, if adopted, would have no direct impact on MY 1992–93 light trucks, and would affect only 20 percent of the MY 1994 fleet.

NHTSA has estimated the range of potential weight impacts (including secondary weight) from this proposed requirement to be between 9–36 pounds. Assuming manufacturers made changes to maintain constant acceleration and performance, fuel economy could be reduced by 0.05–0.10 mpg. However, since this requirement would affect only 20 percent of the MY 1994 fleet, the negative CAFE impact would be only 0.01–.02 mpg.

FMVSS No. 204. NHTSA has also published a final rule extending the applicability of FMVSS No. 204; *Steering control rearward displacement* to cover additional light trucks. This rule, published November 23, 1987 (52 FR 44893), and effective September 1, 1991, extends the standard to light trucks with an unloaded vehicle weight of 4000 to 5500 pounds. While NHTSA indicated its belief that the proposal would not significantly affect weight (and hence CAFE, GM and Ford argued in their comments on the proposed rule that there could be significant weight impacts. However, the agency concluded in the final rule that the steering system modifications necessary to comply with the standard would entail only minor modifications that would not have significant additional weight or fuel economy impacts. The agency also has not received sufficient information from manufacturers to indicate that any appreciable weight would be added.

FMVSS 214. NHTSA published an ANPRM on August 19, 1988 (53 FR 31716), announcing that the agency was considering proposing side impact protection requirements for light trucks, multipurpose vehicles and vans. On December 22, 1989, the agency published an NPRM (54 FR 52826), proposing to extend the existing requirements of Standard No. 214 to trucks, buses and multipurpose passenger vehicles with a GVWR of 10,000 pounds or less, effective September 1, 1992.

NHTSA has estimated that the proposal, if adopted, could result in an average weight increase of 18–20 pounds per vehicle not including possible secondary weight, or 31–35 pounds including possible secondary weight. Secondary vehicle weight refers to weight increases in other parts of the vehicle which might be made to compensate for the additional "primary weight" (i.e. the weight of side door beams). For example, secondary weight increases could include improvements to the vehicle structure to maintain load carrying capability.

If the requirement takes effect as proposed, it would have no impact on MY 1992 fuel economy capabilities. It could reduce MY 1993 and MY 1994 fuel economy levels by about 0.1 mpg. Although the potential impacts of this action were not included in the calculations of manufacturer capabilities, the proposed ranges include sufficient allowance for the potential fuel economy impacts of the proposed revisions to Standard No. 214.

FMVSS No. 202. On September 25, 1989, NHTSA published a final rule (54 FR 39183) to amend Standard No. 202 to extend the Standard's head restraint requirement to light trucks and multipurpose passenger vehicles effective September 1, 1991. This rule would have a very minor effect on MY 1992–94 light truck fuel economy. In the proposed rule, NHTSA estimated that it would add an average of seven pounds to each affected vehicle. The agency has calculated that this increase would reduce measured fuel economy by approximately 0.03 mpg. However, the agency estimates that 30 percent of light trucks are already equipped with head restraints, and that the effect on the fleet would be reduced to about 0.02 mpg.

Ford and Chrysler indicated in comments on the NPRM that they planned to equip all of their light trucks with head restraints by September 1, 1991. Thus, their CAFE projections for MY 1992–94 already include any negative weight effects. GM indicated in its comments that it planned to have head restraints on 80 percent of its light truck fleet by MY 1992, with restraints being phased in for the remainder of the fleet during MY 1993–94. Under final rule, GM will need to add head restraints to 20 percent of its MY 1992 light trucks, and to 10 percent of its MY 1993 light truck fleet. NHTSA has calculated that these changes could reduce GM's CAFE projections by 0.005 mpg for MY 1992, and by 0.003 mpg for MY 1993.

FMVSS 108. Changes to the agency's lighting standard permit the use of smaller sealed beam headlamps, replaceable light source headlamps and lower mounting height. All of these changes should give manufacturers greater design freedom to achieve lower aerodynamic drag and some weight reductions, which could have positive impacts on CAFE. However, the agency does not have any data to estimate the reduction in drag that may be economically achievable for light trucks as a result of these changes. These positive effects may be counterbalanced by possible slow consumer acceptance of light truck styling for certain models which have been influenced by aerodynamic considerations.

The agency is considering whether to require new light trucks to be equipped with Center High Mounted Stop Lamps (CHMSLs). If such a requirement were to be proposed and adopted, it would result in a weight increase of approximately one pound, and would have a negligible effect on CAFE.

FMVSS 216. On November 2, 1989 (54 FR 46275), NHTSA published an NPRM proposing to extend the roof crush protection requirements of Standard No. 216 to light trucks and multipurpose passenger vehicles with GVWRs of 10,000 pounds or less, with a proposed effective date of September 1, 1991. Based on information provided to NHTSA by light truck manufacturers, there appears to be widespread compliance with the requirements of Standard No. 216. Since essentially all vehicles already comply with the proposed requirements, and only modest increases are anticipated for the few vehicles which do not meet the proposed performance levels, this proposal is not expected to affect MY 1992–94 fuel economy capabilities.

Vehicle classification. NHTSA proposed to establish a new vehicle classification system for determining the applicability of the Federal Motor Vehicle Safety Standards on October 17, 1988. (53 FR 40463). The proposed rule would not affect the classification of vehicles for fuel economy standards. The agency is not proposing to alter the definitions of "passenger automobile" or "light truck" as they appear in 49 CFR 523. However, vehicles that are defined as light trucks for the purpose of fuel economy standards would be the type of vehicle most affected by the proposed classified changes. Vehicles classified as light trucks for fuel economy standards include many vehicles currently classified as trucks of MPVs for the purpose of safety standards. However, as the agency is specifically amending its safety regulations to ensure that re-classification, by itself, causes no change in the applicability of

safety standards, adoption of the proposed classification rule would have no impact on manufacturer's fuel economy capabilities for MY 1992–94.

2. Noise Standards. The agency is not aware of any plans on the part of EPA to promulgate noise regulations during the MY 1992–94 time period, and therefore does not anticipate any attendant fuel economy impacts.

3. Emission Standards. The Environmental Protection Agency (EPA) has several rulemakings either in progress or completed which could impact light truck fuel economy during MY 1992–94. These include a final rule addressing diesel particulate matter, and proposed rules addressing control of oxides of nitrogen (NO_x), HC exhaust emission requirements and on-board vapor recovery.

Diesel Particulate Matter. On October 31, 1988, EPA published a final rule at 53 FR 43870 amending the particulate standards for light duty diesel trucks with a loaded vehicle weight of more than 3,750 pounds. The amended standard is 0.13 gm/mi for model years 1991 and beyond. This rule was the result of a proposal in response to a petition from GM which outlined a plan to develop control technology to substantially reduce particulate emission from current control levels. However, in its comments on the MY 1990–91 proposed light truck standards, GM indicated that it did not know what effect on fuel economy would result from the EPA rulemaking, but stated that "* * * any required technology such as a particulate trap may adversely impact fuel economy." GM's MY 1992–94 light truck CAFE projections, however, do not indicate that the new standard is responsible for any loss of fuel economy. Thus, NHTSA has not made any adjustment to GM's fuel economy estimates to reflect the more stringent particulate standard. Neither Chrysler nor Ford have raised concerns about the fuel economy impact of the new standard.

Diesel fuel quality. EPA published an NPRM on August 24, 1989 (54 FR 35277) proposing a reduction in the permissible level of sulphur in diesel fuel, and a cap on aromatics at current levels for diesel fuel. The proposal would become effective October 1, 1993 if adopted. The effect of this requirement would be to lower the particulate emissions from diesel engines operating on the fuel. By making it easier for diesel-powered vehicles to comply with emissions standards, this requirement potentially could improve the performance, and therefore marketability, of diesel-powered vehicles in the U.S., giving manufacturers an additional means to improve light truck CAFE.

Hydrocarbon emissions. On September 8, 1986, EPA published an advance notice of proposed rulemaking (ANPRM) concerning more stringent HC exhaust emissions for light-duty trucks. In December 1986, both GM and Ford commented that more stringent HC standards could have a negative impact on CAFE. Ford commented that such standards could reduce its CAFE by as much as 1.0 mpg.

While EPA originally indicated that compliance with the more stringent HC standards could be required as early as MY 1989, it remains unclear whether EPA will issue a final rule requiring compliance by MY 1992–94. NHTSA notes that in the 1986 ANPRM, EPA requested comment on its statutory authority to provide less than four years leadtime for heavier light duty trucks. NHTSA will consider any potential impact on light truck fuel economy when and if EPA issues a final rule and take whatever steps are appropriate at that time.

Onboard refueling vapor control. On July 22, 1987, EPA proposed requirements for on-board refueling vapor control, as well as controls on commercial fuels volatility in summer. In its NPRM, EPA estimated that on-board controls could result in a net weight gain of 4–5 pounds per vehicle. NHTSA estimates that this weight increase could reduce the average measured fuel economy for MY 1992–94 GM or Ford light truck fleets by about 0.01 mpg if there were no secondary weight effects (such as weight increase for springs or vehicle structure to compensate for the added component weight) or changes made in the vehicle to effect the small performance loss due to the on-board weight addition. In its comments to NHTSA's MY 1990–91 light truck CAFE NPRM, GM estimated the potential weight impact at 10 pounds.

EPA has not issued a final rule concerning on-board refueling vapor control, and no manufacturer raised the issue of refueling controls in response to NHTSA's request for comments on manufacturers' light truck fuel economy capabilities for MY 1992–94. EPA's NPRM also indicated that the effective date of any final rule would be two or more years after the issuance of a final rule. In addition, under the Administration's Clean Air Act proposal, moderate to severe nonattainment areas would be required to have Stage II gasoline vapor recovery systems. In light of these considerations, NHTSA has made no adjustments to any manufacturer's MY 1992–94 light truck fuel economy capability relating to the potential effects of this proposal.

Evaporative emissions. On January 19, 1990, EPA issued an NPRM proposing modifications to test procedures for control of evaporative emissions from running losses (55 FR 1914). This proposal would affect light duty vehicles fueled by gasoline or methanol. NHTSA is currently analyzing the potential impact, if any, of this proposal on light truck fuel economy. The agency's findings will be discussed in the final rule.

Clean Air Act revisions. The Administration's proposed Clean Air Act amendments include several provisions which could potentially affect MY 1992–94 light truck fuel economy levels. Section 203 would phase-in tighter hydrocarbon and carbon monoxide standards for light trucks. This proposal would require 50 percent of MY 1994 models to comply with the stricter limits, and 100 percent of MY 1995 and later models to comply.

Section 204 of the proposal would require the EPA Administrator to establish cold temperature carbon monoxide standards for MY 1993 and later light duty trucks. It would phase-in 40 percent of covered vehicles during MY 1993, 80 percent in MY 1994 and 100 percent in MY 1995 and beyond.

Section 205 would require the EPA Administrator to establish evaporative emissions standards for gasoline-fueled vehicles during operation (running losses) and during sustained periods of non-use under summertime conditions conducive to the formation of ozone.

At this time, the prospects for enactment of these proposals, as well as their impacts on light truck fuel economy, is unclear. EPA has indicated that the changes necessary to meet the proposed hydrocarbon and carbon monoxide standards would consist primarily of engine recalibrations and potential changes in catalyst loading. Based upon a comparison of California and Federal vehicles, EPA expects no real fuel economy degradation. The cold temperature CO and evaporative emissions proposals have not been specifically defined. NHTSA invites comments on the potential impacts of these proposals, and will consider these issues further during the rulemaking.

California Standards for Oxides of Nitrogen (NO_x). The California Air Resources Board (CARB) in 1988 adopted more stringent NO_x standards for compact trucks sold in the state. The regulation phases in compliance, with 50

percent of light trucks weighing up to 4000 pounds inertia weight subject to the standard in 1989, and 65 percent of vehicles in this class required to meet the standard for MY 1990–93. Beginning in MY 1994, all compact light trucks are subject to the standard. Both Ford and GM claimed in the MY 1990–91 rulemaking that this standard will have a small negative effect on their fuel economy capability. However, in that rulemaking, NHTSA concluded that by MY 1991, manufacturers should be able to eliminate or substantially reduce the projected penalty. No manufacturer specifically raised the issue of California NO_x standards in its reponse to NHTSA's request for comments on manufacturers' light truck fuel economy capabilities for MY 1992–94. In light of these considerations, NHTSA has made no adjustments to MY 1992–94 fuel economy levels to consider the effect of the California standard.

4. EPA Test Procedures.—Gear shift indicator lights. During the MY 1990–91 fuel economy rulemaking, EPA issued a letter to manufacturers proposing to eliminate one of the two methods currently authorized to determine the fuel economy benefits of shift indicator lights. These dashboard lights are designed to inform drivers about the optimal speed, from a fuel economy standpoint, for shifting gears. EPA proposes to eliminate the driver usage rate survey, the method preferred by GM as a "more representative credit for actual shift indicator light usage than the on-road survey." At this point, EPA has not made a decision on this issue. No manufacturers raised the issue of shift indicator lights in their comments in response to NHTSA's request for comments on manufacturers' MY 1992–94 light truck fuel economy capabilities. Accordingly, the agency has not made any adjustment to fuel economy capabilities to consider this factor.

5. Other Standards.—Asbestos. On January 29, 1986, EPA proposed to prohibit the "manufacture, importation, and processing of asbestos in certain products," and the phasing out of asbestos in all other products. The implication of this rulemaking for motor vehicles would be to eliminate the use of asbestos in brake linings, clutch facings, automatic transmissions and gaskets.

On July 12, 1989, EPA published a final rule (54 FR 29460) phasing in a prohibition of asbestos in almost all products. Asbestos brake linings are banned for use by original equipment manufacturers effective MY 1994. Asbestos clutch facings, automatic transmission components and virtually all asbestos gaskets are banned as of August 25, 1993. In its comments on the MY 1990–91 light truck fuel economy rulemaking, GM indicated that the phase out would increase vehicle weight approximately 5 pounds and reduce CAFE. However, GM provided no substantiation for its estimates, and the agency has no information which would indicate any fuel economy effects from replacing asbestos with another substance. In response to NHTSA's request for comments on MY 1992–94 manufacturers' CAFE capabilities, no manufacturer indicated that this rule would have any potential impact on MY 1992–94 light truck fuel economy, and therefore, no adjustments have been made to the proposed CAFE standards.

In analyzing the effects of other Federal standards on fuel economy, the agency requests information or comments on the following question:

5. Has NHTSA identified all of the other Federal standards that might impact light truck fuel economy during MY 1992–94? What are the potential impacts of other Federal standards on individual manufacturers' CAFE levels for these model years?

The Need of the Nation To Conserve Energy

The United States imported 15 percent of its oil needs in 1955. The import share had reached 35.8 percent by 1975, the year EPCA was passed, and peaked at 46.5 percent in 1977, at a cost of $74 billion (stated in 1988 dollars). While the import share of total petroleum supply declined after that year, the cost continued to rise to a 1980 peak of $102 billion (1988 dollars).

While the import share of petroleum supply declined through 1985, it has been increasing since that time. In 1985, the import share was 27.3 percent at a cost of $50 billion (1988 dollars). For 1988, net imports were 37.0 percent of total supply. For the period January-August 1989, net imports were 42 percent of total supply. Due to sharply lower petroleum prices, however, the value of imports declined from 1985 to 1988, from $50 billion to $37 billion (1988 dollars). Imports from OPEC also declined through 1985 but have been rising since that time. From January-July 1989, OPEC imports accounted for over 23 percent of total supply, up from 20 percent for the same period in 1988.

The nation's dependence on petroleum net imports since 1975 is summarized in the following table:

Year	Net imports as percent of U.S. petroleum products supplied	
	From OPEC	From all countries
1975 Average	22.0%	35.8%
1977 Average	33.6	46.5
*	*	*
1985 Average	11.6	27.3
Second quarter 1988	21.1	39.3
1988 Average	20.3	38.1
Second quarter 1989	23.8	41.7

The current energy situation and emerging trends point to the continued importance of oil conservation. The United States now imports a higher percentage of its oil needs than it did during 1975, the year EPCA was passed, and the percentage of its oil supplied by OPEC is similar to that of 1975. Oil continues to account for well over 40 percent of U.S. energy use, and 97 percent of the energy consumed in the transportation sector. While the U.S. is the second-largest oil producer, it contains only three percent of the world's proved oil reserves. Moreover, proved reserves have declined from a peak of 39 billion barrels in 1970 to 27 billion barrels in 1987.

According to the Energy Information Administration's (EIA) 1989 Annual Energy Outlook, domestic production for its "base case" projection is expected to decline from 10.5 MMB/D in 1988 to 8.6 MMB/D in 1995, and 8.5 MMB/D in 2000. Net imports are projected to increase from 6.3 MMB/D in 1988 to 9.3 MMB/D in 1995 and 10.2 MMB/D in 2000. Thus, as a percentage of total U.S. petroleum use, EIA expects imports to rise from a 1988 level of 37 percent to 52 percent of total supply in 1995 (exceeding the previous 1977 high of 46.5 percent) and 55 percent in 2000.

In its comment to the docket for NHTSA's 1990 passenger car CAFE rulemaking, the Department of Energy (DOE) emphasized several points about transportation's role in U.S. oil use and the importance of rising fuel efficiency. DOE noted that the 11 MMB/D used by the transportation sector in 1986 is almost 80% of total U.S. fuel use of oil and over 90% of the critical light product use. Thus, DOE wanted NHTSA to consider the fact that any significant moderation in growing oil demand will require large transportation efficiency improvements. DOE also emphasized that the 1987 EIA oil demand forecasts assume that average new car efficiency will continue to improve, which DOE said does not seem likely given fuel

economy trends (at least to the levels assumed by EIA), and that even with these projected increases in fuel efficiency, U.S. oil demand is projected to increase over 1.5 MMB/D by 2000.

The level of petroleum imports is only one aspect of the total energy conservation picture. Under EPCA and NEPA, for example, national security, energy independence, resource conservation, and environmental protection must all be considered.

In March 1987, the Department of Energy submitted a report to the President entitled "Energy Security." NHTSA believes that the following quotation from that report represents a useful summary of the national security and energy independence aspects of the current energy situation:

> Although dependence on insecure oil supplies is * * * projected to grow, energy security depends in part on the ability of importing nations to respond to oil supply disruptions; and this is improving. The decontrol of oil prices in the United States, as well as similar moves in other countries, has made economies more adaptable to changing situations. Furthermore, the large strategic oil reserves that have been established in the United States (and to a lesser extent, in other major oil-importing nations) will make it possible to respond far more effectively to any future disruptions than has been the case in the past.
>
> The current world energy situation and the outlook for the future include both opportunities and risks. The oil price drop of 1986 showed how consumers can be helped by a more competitive oil market. If adequate supplies of oil and other energy resources continue to be available at reasonable prices, this will provide a boost to a world economy. At the same time, the projected increase in reliance on relatively few oil suppliers implies certain risks for the United States and the free world. These risks can be summarized as follows: If a small group of leading oil producers can dominate the world's energy markets, this could result in artificially high prices (or just sharp upward and downward price swings), which would necessitate difficult economic adjustments and cause hardships to all consumers.
>
> Revolutions, regional wars, or aggression from outside powers could disrupt a large volume of oil supplies from the Persian Gulf, inflicting severe damage on the economies of the United States and allied nations. Oil price increases precipitated by the 1978–79 Iranian revolution contributed to the largest recession since the 1930's. Similar or larger events in the future could have far-reaching economic, geopolitical, or even military implications.

As to the global environmental aspects of the energy problem, there are some who believe that there may be a role for oil conservation. The Administration believes, however, that multilateral, rather than unilateral, approaches are needed to address global environmental issues.

Based on the above, NHTSA concludes that there is a substantial, and relative to the mid-1980's, increasing, need for the nation to conserve energy.

Light trucks meeting the standards proposed by this notice would be more fuel-efficient than the average vehicle in the current light truck fleet in service, thus making a positive contribution to petroleum conservation.

In addition to these factors, NHTSA also requests comments on any other factors that may affect the benefits or costs of the proposed CAFE standards for light trucks, such as the proposal's effects on safety, vehicle performance, fleet composition, fuel consumption, competitiveness, or other issues.

Determining the Maximum Feasible Average Fuel Economy Level

As discussed above, section 502(b) requires that light truck fuel economy standards be set at the maximum feasible average fuel economy level. In making this determination, the agency must consider the four factors of section 502(e): Technological feasibility, economic practicability, the effect of other Federal motor vehicle standards on fuel economy, and the need of the nation to conserve energy.

A. Interpretation of "Feasible"

Based on definitions and judicial interpretations of similar language in other statutes, the agency has in the past interpreted "feasible" to refer to whether something is capable of being done. The agency has thus concluded in the past that a standard set at the maximum feasible average fuel economy level must: (1) Be capable of being done and (2) be at the highest level that is capable of being done, taking account of what manufacturers are able to do in light of technological feasibility, economic practicability, how other Federal motor vehicle standards affect average fuel economy, and the need of the nation to conserve energy.

B. Industrywide Considerations

The statute does not expressly state whether the concept of feasibility is to be determined on a manufacturer-by-manufacturer basis or on an industrywide basis. Legislative history may be used as an indication of congressional intent in resolving ambiguities in statutory language. The agency believes that the below-quoted language provides guidance on the meaning of "maximum feasible average fuel economy level."

The Conference Report to the 1975 Act (S. Rep. No. 94–516, 94th Cong., 1st Sess. 154–5 (1975)) states:

> Such determination [of maximum feasible average fuel economy level] should take industrywide considerations into account. For example, a determination of maximum feasible average fuel economy should not be keyed to the single manufacturer which might have the most difficulty achieving a given level of average fuel economy. Rather, the Secretary must weigh the benefits to the nation of a higher average fuel economy standard against the difficulties of individual manufacturers. Such difficulties, however, should be given appropriate weight in setting the standard in light of the small number of domestic manufacturers that currently exist, and the possible implications for the national economy and for reduced competition association (sic) with a severe strain on any manufacturer. * * *

It is clear from the Conference Report that Congress did not intend that standards simply be set at the level of the least capable manufacturer. Rather, NHTSA must take industrywide considerations into account in determining the maximum feasible average fuel economy level.

NHTSA has consistently taken the position that it has a responsibility to set light truck standards at a level that can be achieved by manufacturers whose vehicles constitute a substantial share of the market. See 49 FR 41251, October 22, 1984. The agency did set the MY 1982 light truck fuel economy standards at a level which it recognized might be above the maximum feasible fuel economy capability of Chrysler, based on the conclusion that the energy benefits associated with the higher standard would outweigh the harm to Chrysler. 45 FR 20871, 20876; March 31, 1980. However, as the agency noted in deciding not to set the MY 1983–85 light truck standards above Ford's level of capability, Chrysler had only 10–15 percent of the light truck domestic sales, while Ford had about 35 percent. 45 FR 81593, 81599; December 11, 1980.

C. Petroleum Consumption

The precise magnitude of energy savings associated with alternative light truck fuel economy standards is uncertain. The PRIA provides calculations for the hypothetical lifetime fuel consumption of the MY 1992–94 domestic light truck fleets assuming those same fleets could and would achieve alternative CAFE levels. For example, assuming that manufacturers could achieve an average CAFE of 21.0 mpg for the MY 1992 domestic light truck fleet but instead achieved 20.2 mpg with the same number of sales, there could be a maximum difference in fuel consumption of 822 million gallons over the lifetime of the model year's fleet.

However, it is possible that manufacturers may be able to achieve particular higher CAFE levels only by restricting the sales of their large light trucks. If this occurred, consumers might tend to keep their older, less-fuel efficient light trucks in service longer. Also, to the extent that a particular manufacturer might find it necessary to restrict sales of its large light trucks, consumers may be able to transfer their purchases of those same types of vehicles to another manufacturer which may have less difficulty meeting the CAFE standard. Thus, the agency believes that the actual impacts, if any, on energy consumption of alternative higher fuel economy standards, would be less than the theoretical calculations comparing different levels of industrywide CAFE.

D. The Proposed MY 1992–94 Standards

Based on its analysis, NHTSA is proposing to set the MY 1992 combined standard at between 20.2 mpg and 21.0 mpg, the MY 1993 standard between 20.2 mpg and 21.5 mpg, and the MY 1994 standard between 20.2 mpg and 22.0 mpg. This range corresponds to the CAFE capabilities of GM, Ford and Chrysler (for MY 1993 and 1994), the least capable manufacturers with substantial shares of combined light truck sales. While the agency is concerned about energy conservation, it is also concerned about the potential economic impacts of overly stringent CAFE standards, particularly on American jobs. As discussed above, the agency's analysis indicates that should standards be set at a level where GM and Ford could meet the standards only by restricting their products, the potential job losses associated with obtaining a 0.5 mpg CAFE improvement by such means could potentially number in the tens of thousands.

Unlike past years, the agency is not proposing to set separate 2WD and 4WD standards as an alternative to the combined standard. Jeep now constitutes a part of the Chrysler fleet, and all domestic manufacturers and most import manufacturers are reporting their CAFE compliance in terms of a composite CAFE value. The combined standard is a benefit to any manufacturer making solely 2WD models. It is a disadvantage to a manufacturer whose fleet consists entirely or mostly of 4WD vehicles. NHTSA notes, however, that there are only three manufacturers currently marketing fleets of predominantly 4WD vehicles. These are Suzuki, Subaru and Range Rover. Suzuki and Subaru exceed both the proposed combined standard as well as the existing 2WD standard by virtue of their fleets of small, fuel efficient models. Range Rover, on the other hand, does not meet the 4WD standard because it markets only a single model, a 4WD utility vehicle with a fairly large engine. Range Rover's limited participation in the U.S. market does not warrant establishing separate 2WD and 4WD standards. The increased penalty for the Range Rover fleet in complying with the MY 1989 composite standard instead of the 4WD standard would be approximately $75 per vehicle more than the penalty of $185 per vehicle that it is likely to owe for MY 1989.

NHTSA believes that GM, Ford and Chrysler are the least capable manufacturers with substantial shares of sales. GM projects a MY 1992 CAFE of 20.6 mpg, a MY 1993 CAFE of 20.7 mpg, and a MY 1994 CAFE of 20.8 mpg, while Ford projects CAFE levels in MY 1992 of 19.9 mpg to 20.2 mpg, in MY 1993 CAFE of 19.8 to 20.6 mpg, and in MY 1994 of 20.0 mpg to 20.4 mpg. (As indicated above, the low end of Ford's projected ranges are that company's primary estimates). Chrysler projects 21.0 mpg for MY 1992, 20.9 mpg for MY 1993 and 20.8 mpg for MY 1994. Based upon the adjustments discussed above and focusing on GM's, Ford's and Chrysler's capabilities and taking account of risks and opportunities, NHTSA is proposing to set the MY 1992 combined standard at between 20.2 mpg and 21.0 mpg, the MY 1993 standard between 20.2 mpg and 21.5 mpg, and the MY 1994 standard between 20.2 mpg and 22.0 mpg.

NHTSA recognizes that the proposed MY 1992–94 light truck standards could be above the capabilities of Volkswagen. In the absence of some type of alternative light truck standard which it could meet (an issue which is addressed below), Volkswagen would be limited to two options: paying the statutory penalties associated with failure to comply with fuel economy standards (to the extent that credits are not available) or taking drastic product actions. While the agency appreciates these difficulties, it also tentatively concludes that establishment of standards at Volkswagen's capability would likely reduce or eliminate the incentives for GM, Ford and Chrysler to achieve their maximum capabilities and essentially render meaningless any impact the light truck CAFE program has on petroleum conservation. Given that Volkswagen represents less than one-half of one percent of the light truck market and considering the above factors, NHTSA believes that it would be inappropriate to set industrywide standards based on its capability. In light of the statutory criteria, NHTSA tentatively concludes that the possible petroleum savings associated with the proposed standards outweigh the difficulties to this company.

Volkswagen suggested as an alternative to establishing a combined standard within its capability that the agency consider alternative special consideration for limited product line truck manufacturers. In establishing the MY 1980–81 light truck CAFE standards, the agency did establish a separate standard in light of International Harvester's (IH) limited product line. See 43 FR 11995, March 23, 1978. The agency noted that IH had unique problems given its limited sales volume, restricted product line, the fact that its engines were derivatives of medium duty truck (above 10,000 pounds GVWR) engines, and the fact that it did not have experience with state-of-the-are emission control technology which the other manufacturers had obtained in the passenger automobile market. The agency emphasized, however, that the separate class was being established for only two model years' duration, concluding that IH should be able to achieve levels of fuel efficiency in line with other manufacturers within that time period either through purchasing engines from outside sources or by making improvements to current engines. The agency does not believe that Volkswagen's situation is similar to that of IH. While IH's difficulties were related to being newly subject to the fuel economy program, Volkswagen's CAFE difficulties are not. Under the Cost Savings Act, manufacturers are required to meet average fuel economy standards which are set based on industrywide considerations. Given the overall statutory scheme, NHTSA tentatively declines to propose a separate standard to accommodate Volkswagen's limited product line status.

Impact Analyses

A. Economic Impacts

The agency has considered the economic implications of the proposed standards and determined that the proposal is major within the meaning of Executive Order 12291 and significant within the meaning of the Department's regulatory procedures. The agency's detailed analysis of the economic effects is set forth in a Preliminary Regulatory Impact Analysis (PRIA), copies of which are available from the Docket Section. The contents of that analysis are generally described above.

B. Environmental Impacts

The agency has analyzed the environmental impacts of the proposed MY 1992–94 light truck average fuel economy standards in accordance with the National Environmental Policy Act, 42 U.S.C. 4321 *et seq.* Copies of the Environmental Assessment will soon be available from the Docket section. The agency expects to conclude that no significant environmental impact would result from this rulemaking action.

C. Impacts on Small Entities

Pursuant to the Regulatory Flexibility Act, the agency has considered the impact this rulemaking would have on small entities. I certify that this action would not have a significant economic impact on a substantial number of small entities. Therefore, a regulatory flexibility analysis is not required for this action. No light truck manufacturer subject to the proposed rule would be classified as a "small business" under the Regulatory Flexibility Act. In the case of other small businesses, small organizations, and small governmental units which purchase light trucks, adoption of the proposed rule would not affect the availability of fuel efficient light trucks or have a significant effect on the overall cost of purchasing and operating light trucks.

D. Impact of 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 proposed rule would not have sufficient Federalism implications to warrant the preparation of a Federalism Assessment.

E. Department of Energy Review

In accordance with section 502(i) of the Cost Savings Act, the agency submitted this proposal to the Department of Energy (DOE) for review. DOE commented that NHTSA should pay greater attention to the effect on technology development and fleet fuel economy progress of continuing to hold the standard constant, as would result if NHTSA were to adopt the lower end of each of the proposed ranges. DOE noted that in NHTSA's May 1989 notice terminating action regarding the MY 1990 CAFE standard for passenger cars, this agency recognized that the impacts on these factors of holding a CAFE standard constant could become significant if the same level were retained for a larger number of years. Finally, DOE stated that, given the increasing share of the passenger car/light truck market taken by light trucks, the long term effect of holding the light truck CAFE standard constant is a critical issue in overall fuel economy progress. DOE therefore requested that NHTSA solicit comments on this issue. This agency invites the public to submit comments on that issue.

Comments

NHTSA is providing a 30-day comment period for interested parties to present data, views, and arguments on the proposed standards. The agency invites comments on the issues raised in this notice and the accompanying PRIA, as well as any other issues commenters believe are relevant to this proceeding. A longer comment period is not being provided in light of the statutory deadline for issuance of the MY 1992 standards. A longer comment period is also not being provided for the MY 1993–1994 standards in light of the desirability of issuing these standards simultaneously with the MY 1992 standards so as to promote energy conservation as well as to facilitate advance forward product planning by vehicle manufacturers. It is requested but not required that 10 copies be submitted.

All comments must not exceed 15 pages in length. (49 CFR 553.21). Necessary attachments may be appended to these submissions without regard to the 15-page limit. This limitation is intended to encourage commenters to detail their primary arguments in a concise fashion.

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

All comments received before the close of business on the comment closing date indicated above for the proposal will be considered, and will be available for examination in the docket at the above address both before and after that date. To the extent possible, comments filed after the closing date will also be considered. Comments received too late for consideration in regard to the final rule will be considered as suggestions for further rulemaking action. Comments on the proposal will be available for inspection in the docket. The NHTSA will continue to file relevant information as it becomes available in the docket after the closing date, and it is recommended that interested persons continue to examine the docket for new material.

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

List of Subjects in 49 CFR Part 533

Energy conservation, Gasoline, Imports, Motor Vehicles.

PART 533—[AMENDED]

In consideration of the foregoing, 49 CFR part 533 would be amended as follows:

1. The authority citation for part 533 would continue to read as follows:

Authority: 49 U.S.C. 1657; 15 U.S.C. 2002; delegation of authority at 49 CFR 1.50.

2. Table II in § 533.5(a) would be revised by adding MY 1992–94 average fuel economy standards at the levels determined by the agency to be the maximum feasible average fuel economy level, based on the considerations discussed above, and by deleting the separate headings for 2 wheel drive and 4 wheel drive for model years after MY 1991.

3. Section 533.5(e) would be added to read as follows:

§ 533.5 Requirements.

* * * * *

(e) For model years 1992–94, each manufacturer shall comply with the average fuel economy standard specified in paragraph (a) of this section (segregating captive import and other light trucks).

Issued on January 30, 1990.

Barry Felrice,

Associate Administrator for Rulemaking.

[FR Doc. 90-2492 Filed 1-31-90; 10:24 am]

BILING CODE 4910-59-M

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49 CFR Part 571

[Docket No. 90-01; Notice 1]

RIN 2127-AD16

Federal Motor Vehicle Safety Standards; School Bus Pedestrian Safety Devices

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

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes a new safety standard requiring school buses to be equipped with a stop signal arm. The proposed standard would require that the stop signal arm be octagonal in shape, have a red background with a white border and the word "STOP" in white letters, and be on the left side of the bus. As for the circumstances under which the stop signal arm would be activated, the standard would require that it be automatically deployed whenever the red signal lamps required by Standard No. 108 are activated. In addition, the standard would allow manufacturers to provide a means by which the driver could manually override the automatic mechanism.

This notice comprises another part of NHTSA's comprehensive efforts to improve the safety of school bus transportation. The agency's effort reflects considerable public and Congressional interest in school bus safety in recent years, and also a recent report by the National Academy of Sciences on the issue. Although statistics demonstrate that school buses already provide a very high level of safety to child passengers, the agency is committed to considering improvements in its safety standards that might provide an even higher level of safety. The agency has already issued several notices related to school bus occupant protection in and after crashes. This notice (and a recently published companion notice related to cross-view mirrors on school buses) addresses the safety of student pedestrians while boarding and leaving school buses.

DATES: Comments on this notice must be received on or before March 19, 1990. The proposed effective date is September 1, 1991.

ADDRESSES: All comments on this notice should refer to Docket No. 90–01; Notice 1 and be submitted to the following: Docket Section, room 5109, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, DC 20590 (Docket hours 9:30 a.m. to 4 p.m.).

FOR FURTHER INFORMATION CONTACT: Dr. Gerald Stewart, Office of Crash Avoidance, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, DC 20590, (202) 366–5268.

SUPPLEMENTARY INFORMATION:

Background

In the Surface Transportation and Uniform Relocation Assistance Act of 1987 ("Surface Transportation Act," Pub. L. 100–17, 204(a) 101 Stat. 219, April 2, 1987), Congress required the Department of Transportation to contract with the National Academy of Sciences (NAS) to conduct a comprehensive study and investigation related to school bus safety. The purpose of the study was to determine which safety measures would be "most effective" in protecting the safety of school children while boarding, leaving, and riding in school buses. Under NHTSA's regulations, a "bus" is a motor vehicle designed for carrying 11 or more persons (including the driver). A "school bus" is further defined as a "bus" that is sold for purposes that include carrying students to and from school or related events (excluding common carriers in urban transportation.) (49 CFR 571.3(b))

In May 1989, the National Research Council (NRC), an agency of the NAS, issued a report entitled "Improving School Bus Safety," Special Report No. 222. [Copies of this report may be obtained by contacting the Transportation Research Board, National Research Council, 2101 Constitution Avenue, NW., Washington, DC 20418 (202–334–3218).] Along with a review of the use of safety belts on school buses and school bus crashworthiness, the study also reviewed the relevant crash data and the potential safety measures which could prevent injuries suffered by student pedestrians (i.e., those under 20 years old) struck by a school bus or a vehicle passing the bus. These injuries frequently occur while the student is boarding or leaving a school bus.

The 1987 Act also required the Department to review the findings of the NAS report to determine which safety measures were potentially "most effective" in furthering school bus safety. In particular, the study recommended the following programs and devices as ways of enhancing the safety of pedestrians in school bus loading zones: driver training, pupil education, school bus monitors or driver escorts, school bus routing, improved cross-view mirrors, stop signal arms and strobe lights, crossing control arms, and electronic sensors. The agency issued a notice endorsing all the NAS recommendations, finding that each had the potential for reducing fatalities and injuries to users of school buses. (54 FR 29629, July 13, 1989). NHTSA emphasized that even though the NAS report contained these recommendations of potentially "most effective" methods to improve school bus safety, this did not represent conclusive judgments by the agency that a sufficient case had been made for the issuance of new requirements under the criteria of the Vehicle Safety Act.

In Congress, Rep. Dennis Eckart has introduced legislation (H.R. 3107), to require NHTSA to establish safety standards to require that school buses be equipped with a stop signal arm. In addition, it would "require that school buses be equipped with a system of mirrors which provides the driver with a view of the area under the front of the schoolbus." Testimony from a November 2, 1989, hearing on the bill before the Subcommittee on Transportation and Hazardous Materials of the House Committee on Energy and Commerce will be entered into the rulemaking docket on this notice. As noted in NHTSA's testimony at the hearing, the agency intends to proceed with the rulemaking, even without new legislation.

In determining which measures were potentially "most effective," NHTSA has considered a variety of factors. It considered the magnitude of the particular problem that each measure was designed to correct, as well as that measure's effectiveness in reducing the problem. In addition, because NHTSA does not have authority or responsibility to implement all of the NAS recommendations, the agency had to consider the effectiveness with which the States could implement those recommended school bus safety measures.

Injury Statistics

To determine the magnitude of the safety problem, the NAS report referred to crash data obtained from the Federal Accident Reporting System (FARS) for the years 1982 through 1986. These data concern student-aged children killed in school bus related crashes. In an average year, 12 of those killed were student-aged passengers in school buses or vehicles operated as school buses, eight were passengers of other vehicles, and 38 were student pedestrians killed after being struck by the school bus or other vehicle.

Of the 38 school bus pedestrian fatalities, approximately 26 were killed by school buses or vehicles operating as school buses. The other 12 pedestrian fatalities resulted from pedestrians being struck by other vehicles which were passing a school bus that stopped to load or unload passengers. An independent study by the Kansas Department of Transportation concluded that for the years 1980–1987, there were an average of 11 children killed each year by passing vehicles in school bus loading zones.

NHTSA conducted its own follow-up analysis of the FARS data for the years 1982 through 1988. This analysis

indicated that about half of the bus-caused pedestrian fatalities (13 annually) occurred as the children were boarding or leaving the bus.

These data indicate that despite the apparent downward trend in such pedestrian fatalities, deaths and injuries caused by vehicles passing school buses remain a significant safety problem. The data also indicate that children are at a much greater risk of being killed while boarding or leaving a school bus or at a bus stop than they are while on board a bus. Based on these considerations, the agency agrees with the NAS study's conclusion that "(i)f the cost and effectiveness of the various safety measures are the same, those measures designed to reduce or prevent pedestrian fatalities are better safety investments than measures designed to prevent passenger fatalities." (TRB report No. 222, page 134).

The NAS study explained that all the fatal crashes occurred between 6 a.m. and 7 p.m., with almost two-thirds occurring between 2 p.m. and 5 p.m. That study further noted that 77 percent of the victims were between the ages of five and eight, with 54 percent of the victims five or six year olds. The data also indicate that two-thirds of pupil pedestrian fatalities involve the area in front of the bus.

The NAS study also estimated that each year there are 950 pedestrians injured in school bus loading zones, of which it is assumed 800 involve student-aged pedestrians. Approximately 525 of these pedestrians were injured after being struck by vehicles other than the school bus; the remainder are struck by the school bus. Twenty percent of these injuries were categorized as being "incapacitating injuries," defined by the American National Standards Institute (ANSI) as any injury that prevents the injured persons from walking, driving or normally continuing activities he or she was capable of performing before the injury occurred. These included severe lacerations, broken or distorted limbs, skull and chest injuries. The majority of non-fatal injuries were caused by vehicles other than the school bus striking the student pedestrian.

NHTSA Activities

In response to the NAS study, NHTSA has initiated a series of efforts to assess methods to improve school bus safety, including pedestrian safety in school bus loading zones. In taking these steps, NHTSA wishes to emphasize that the safety record of school buses has been excellent. Although school buses transport many more passengers per trip than other vehicles, the occupant fatality rate per vehicle mile driven is only one-fourth that of passenger cars. In addition, given the fact that each day there are 5 million school age bus riders, who in aggregate board and leave school buses billions of times each school year, the number of fatalities and injuries related to pedestrians in school bus loading zones is extremely small. Nevertheless, each of these fatalities and injuries is tragic. Therefore, as safe as today's school buses are, it is incumbent upon NHTSA to consider rulemaking that might make bus fleets safer still in terms of pedestrian safety around school buses.

NHTSA issued a notice about the measures the NAS study examined which the agency has identified as being potentially "most effective" in protecting the safety of children while boarding, leaving, and riding school buses. (54 FR 29629, July 13, 1989). The list of "most effective" programs addresses the student pedestrian as much or more than the student passenger. One item on the "most effective" list is a safety program on school bus stop and boarding safety, which emphasizes the importance of safe walking to and from the stop, how and where to wait safely for the bus, and how to board and leave the bus safely. A second item focuses on safe walking to and from school, and a third on school bus driver training, with special emphasis on the driver's responsibility for the safety of children inside the bus and in loading zones. Some States use older student monitors to serve as crossing guards. Similarly, California requires the bus driver to escort young children across the street in front of the bus. Another item deals with the safe planning of bus routes, including programs to develop loading and unloading plans for all vehicles at school locations.

In terms of equipment that might increase pedestrian safety in school bus loading zones, the agency concluded that programs to require the installation of stop signal arms and crossview mirrors on school buses were potentially among the "most effective" in improving school bus safety. The NAS report also noted that requiring communications equipment that could be used to alert pedestrians, as well as drivers of other vehicles approaching a stopped bus, might reduce the number of crashes involving pedestrians struck by vehicles other than school buses.

This notice addresses stop signal arms, which are also known as "stop arms," "stop control arms" and "traffic warning signs." A stop signal arm is a device attached to the school bus that is intended to alert motorists that a school bus has stopped or is stopping. When the school bus stops, the stop signal arm extends outward from the bus. In most States, they are patterned after roadway "STOP" signs in that they are octagonal in shape with a white border and white lettering on a red background. One difference is that the school bus stop signal arms are usually smaller than roadway stop signs (18 inches in diameter rather than 24 inches). A second difference is that some school bus stop signal arms have flashing lights mounted within the sign.

The agency has recently issued a separate notice, an advance notice of proposed rulemaking (ANPRM), to obtain information intended to improve student pedestrian safety. (54 FR 53127, December 27, 1989) That notice focuses on outside cross-view mirror systems that the agency has determined are potentially "most effective" methods to improve school bus safety. In addition, it explores other types of equipment (e.g., school bus crossing control arm barriers, audible back-up warnings, video monitors, sonar detectors, and other proximity detectors) whose purpose also is to help drivers detect pedestrians and thus prevent the pedestrians from being struck by school buses.

Stop Signal Arm Effectiveness

The NAS report emphasized the difficulty in determining the effectiveness of school bus safety measures. Nevertheless, the NAS estimated the stop signal arm's effectiveness in terms of the percent reduction of death and injuries to be between 0 and 30 percent. The study explained that although there have been few field evaluations of school bus stop signal arms, the NAS was aware of studies that demonstrated that stop signal arms are effective in reducing illegal passing.

A 1983 study by Hale et al. evaluated the effectiveness of the current eight-light stop system used alone and in conjunction with stop signal arms. The NAS report explained that while it cannot be assumed from the study that all bus signaling systems had equal exposure and the opportunity to accrue passing violations, the findings suggest that stop signal arms on school buses could be effective in reducing passing violations. Among other findings, school buses that were equipped with eight-light systems and stop signal arms recorded almost 40 percent fewer passing violations than buses equipped with the conventional light systems alone. (Hale, A.R. *et al.* "Development and Test Rural Pedestrian Countermeasures," NHTSA Report DTNH22-80-CO7568.)

A study by Brackett et al. compared the passing violations before and after school buses were equipped with stop signal arms. The study concluded that "stop signal arms are effective in reducing illegal passing" and estimated that passing violations can be reduced about 30 percent through the use of stop signal arms. The study cautioned that "it is unclear how this figure translates to reduced pedestrian accidents." (Brackett, R.Q. *et al.* "Preliminary Study of Illegal Passing of School Buses," Texas Transportation Institute, The Texas A&M University System, College Station, TX, 1984). NHTSA emphasizes that further agency analysis confirms that it is very difficult to determine the actual reduction of injuries resulting from installation of a stop signal arm given the small number of actual injuries.

The NAS report concluded that—

> "Existing studies of the effectiveness of stop signals arms in reducing illegal passing of stopped school buses are impressive. Although it is difficult to quantify the safety effect by these studies, the committee believes that the use of stop signals arms will reduce the number of pedestrians struck by other vehicles in school bus loading zones. If standard flashing red lights on the stop arm were replaced with red strobe lights, the effectiveness might be further enhanced. (TRB Special Report No. 222, page 122.)

The NAS report also cited the Tenth National Conference on School Transportation—a meeting of official representatives of State Departments of Education, local school district personnel, contract school bus operators, manufacturers, and others interested in school bus safety—which recommended that stop signal arms be required as standard equipment on school buses to further reduce the number of vehicles passing stopped school buses. The conference report urged that

> There shall be a stop signal arm installed on the left outside of the body. It shall meet the applicable requirements of Society of Automotive Engineers J1133. Arm shall be of an octagonal shape with white letters and border and a red background. Flashing lamps in stop arm shall be connected to the alternatively red flashing signal lamp circuits. The stop signal arm shall be vacuum, electric or air operated. (page 27)

The Conference further recommended minimum standards for installing strobe lights for school districts which routinely operate school buses under adverse conditions such as fog or darkness.

According to the NAS report, stop signal arms are required by 28 states. These States constitute approximately 61 percent of the nation's school bus fleet. Based on recent information from school bus manufacturers and stop signal arm manufacturers, the number of States requiring stop signal arms has increased to 36. In addition, stop signal arms are now being used on a substantial number of buses in some States which do not require them. Accordingly, as of December 1989, the agency estimates that at least 71 percent of today's currently operating fleet of school buses are equipped with stop signal arms.

Existing Federal Provisions Relating to Stop Signal Arms

There are no Federal provisions which require or recommend the installation of stop signal arms. However, there are provisions relevant to the protection of student pedestrians in the vicinity of stopped school buses.

The first provision, issued by NHTSA under the National Traffic and Motor Vehicle Safety Act ("Vehicle Safety Act"), is contained in the Federal Motor Vehicle Safety Standards (FMVSSs), which set forth minimum standards of performance. One such FMVSS, Standard No. 108, *Lamps, Reflective Devices, and Associated Equipment*, (49 CFR 571.108) includes a provision requiring school buses to be equipped with either four red warning lamps (two in front of the bus and two in back of the bus) or an eight lamp system with four amber lamps and four red lamps (see section S4.1.4). The amber lamps are activated only by manual or foot operation, and if activated are automatically deactivated and the red lamps are automatically activated when the bus entrance door is opened. The purpose of these warning lights is to help alert drivers of other vehicles that the school bus is stopping or has stopped to load or discharge passengers and remind them not to pass the school bus. These lights were deemed necessary even though many States prohibit drivers from passing a school bus when the bus is stopped to load or discharge passengers, because that traffic prohibition is not always obeyed.

Any purchaser of a school bus (i.e., State, public school district, or private school) may order from a school bus manufacturer a school bus that not only meets the applicable FMVSSs, but also requirements exceeding those in the FMVSSs (e.g., contain additional lights). Under section 103(d) of the Vehicle Safety Act, which provides for the preempting of nonidentical State requirements covering the same aspect of performance as an FMVSS, a State may require school buses that are "procured for its own use" to meet a higher performance standard. With respect to school buses, the agency has interpreted this language to include any school bus procured for any public school system in a State. Further, a private school may contract on its own for the purchase of school buses whose performance exceeds that required by the FMVSSs.

The second set of provisions is in "Highway Safety Program Guidelines" (HSPGs) issued under the Highway Safety Act to assist the States in developing their own individual highway safety programs. Highway Safety Program Guideline No. 17, *Pupil Transportation Safety* (23 CFR 1204.4, Guideline 17), was designed to provide a uniform national pupil transportation safety program and to assist the States in achieving the highest level of safety in the transportation of school bus children. This guideline contains a reference to stop signal arms which states that "(w)hen vehicles are equipped with stop arms, such devices should be operated only in conjunction with red signal lamps." (Section IV.B.3.(6)c.)

SAE Recommended Practice for Stop Signal Arms

The basis for the stop signal arm requirements adopted by many States is the Society of Automotive Engineers' (SAE) recommended practice—*School Bus Stop Arm*, (SAE J1133, Apr84). As a recommended practice, it is not binding on any manufacturer or school bus user. That practice sets forth test procedures, "requirements," and guidelines for school bus stop signal arms. In particular, it incorporates some of the tests for *Motor Vehicle Lighting Devices and Components*, SAE J575, into SAE J1133. These include detailed tests for vibration, moisture, dust, corrosion, warpage, durability, and flash rate. In addition, the stop signal arm must comply with luminous intensity requirements, color requirements set forth in SAE J577, and material requirements set forth in SAE J576. Section 5.3 of SAE J1133 provides that the stop signal arm have the word "STOP" in letters at least 150 mm (approximately 5.9 inches) in height and a stroke width of at least 20 mm (approximately .79 inches). It further specifies that the stop signal arms have at least two lamps to the front and two lamps to the rear or two double faced lamps. These lamps are to be activated at the commencement of the stop signal arm extension cycle and deactivated when the stop signal arm is retracted.

In addition to these "requirements," SAE J1133 sets forth "guidelines," for photometric design, installation, and

certain design aspects. The installation guidelines recommend that the stop signal arm be installed on the left outside of the school bus body and be mounted so as to be seen readily by motorists approaching from either the front or rear of the bus. It also recommends that if a manual switch is used to activate the sign, then that switch be located so as to be easily accessible to the driver.

The SAE J1133 "design guidelines" specify that the lamps should be located in the extreme top and bottom portions of the stop signal arm, one above the other. SAE J1133 futher recommends that the word "STOP" be displayed as white letters on a red background, that the stop signal arm be the shape of a regular octagon which is at least 450 mm×450 mm (approximately 17.72 inches×17.72 inches), that the sign have a white border at least 12 mm (approximately 0.47 inches) wide, that the maximum extension should not exceed 560 mm (approximately 22 inches) beyond the left side of the vehicle, and that the two lamps on each face should flash alternatively. SAE J1133 notes that the reflectorizing of the stop signal arm is optional.

State Laws Regarding Stop Signal Arms

Although many States have based their stop signal arm requirements on SAE J1133, some States have specified different or additional requirements. For instance, Virginia sets forth the following detailed specifications for stop signal arms: The sign must be mounted on the left side near the front of the bus immediately below the window line. It must be octagonal in shape with an 18 inch diameter, be of 16 gauge cold rolled steel, and be equipped with a windguard. The sign must have a red background with a ½ inch white border and the word "STOP" on both sides in white letters that are six inches high and one inch wide. The sign must have double-faced alternately flashing red lamps, four inches in diameter, located at the top and bottom-most portions of the sign, one above the other; it must also be connected and energized through the red traffic warning lamps. In addition, there are specifications related to air operated signs.

Other States use stop signal arms that are hexagonal, pennant, or "paddle" shaped. Similarly, even though the operation of stop signal arms are generally synchronized with the large red flashing lights required by FMVSS No. 108, the agency is aware that some States may use different modes of operation for the stop signal arm.

Agency's Proposal

General Considerations

Given the studies indicating that children are struck by vehicles passing stopped school buses and those buses with stop signal arms are passed less frequently, NHTSA has tentatively determined that requiring buses to be equipped with stop signal arms would reduce the number of student pedestrians that are struck by vehicles passing stopped school buses. This notice discusses a range of issues that NHTSA is considering related to this proposal to require stop signal arms. The notice also makes a number of requests for information and data.

In providing a comment on a particular matter or in responding to a particular request for information, interested persons are requested to provide any relevant factual information to support their conclusions or opinions, including, but not limited to, narrative accounts of crashes, statistical and cost data, and the source of such information. NHTSA would like commenters to provide information concerning the following issues regarding stop signal arms on school buses:

(1) the safety need for requiring the installation of the stop signal arm,

(2) the effectiveness of the proposed performance requirements in reducing the number of instances in which vehicles passing school buses strike student pedestrians.

(3) the potential impact of such a Federal standard on existing State laws (i.e., would a State have to amend its law to comply with the proposed Federal standard in light of section 103(d) of the Vehicle Safety Act).

(4) the costs of installing stop signal arms on school buses. (Please indicate how the costs change depending on the applicable requirements, i.e., whether reflectorization or strobe lights are required.)

This notice proposed general minimum requirements instead of a more specific set of requirements because, as noted above, approximately 71 percent of the nation's currently operating fleet of school buses are equipped with stop signal arms. The agency is tentatively taking this approach because it is reluctant to preempt the detailed aspects of the State requirements unless there is sufficient reason to do so. NHTSA welcomes comments about whether the proposed requirements would be effective in reducing injuries and whether there are sufficient safety benefits to warrant more detailed requirements.

After reviewing the NAS report, the SAE standard, current industry practices, and State requirements, the agency has decided to propose that the stop signal arm be a regular octagon in shape, be on a red background with a white border and white lettering of the word "STOP" on both sides, and be installed on the left side of the bus. As for the operation of the stop signal arm, the agency is proposing that it be automatically deployed whenever the red signal lamps required by S4.1.4 of Standard No. 108 are activated, i.e., when the bus is in service and the entrance door is opened. In addition, as explained below, the agency is proposing to allow that a manual override be included.

The agency also considered a variety of other requirements, especially those in the SAE recommended practice. While the agency has not included these requirements in the proposed regulatory text at the end of the notice, it is interested in public comments on the desirability of adopting them. Those comments would be considered in reaching a decision about the next step in this rulemaking proceeding. These requirements include ones requiring flashing lights and tests related to such lights set forth in SAE J575 for "motor vehicle lighting devices and components" for vibration, moisture, dust, corrosion, and photometry. Other provisions include test procedures related to warpage, the SAE J578 color test, the durability test, and a requirement for the use of strobe lights. If NHTSA ultimately decides not to require provisions like these, bus purchasers and manufacturers could still utilize those provisions as guidelines, or a State could require some or all of them with respect to school buses procured for its use or that of its political subdivisions.

Specific Proposals

NHTSA tentatively concludes that the stop signal arm should be patterned after the conventional octagonal highway stop signs with a red background with white lettering because drivers recognize the meaning of octagonal signs and have been conditioned to stop when they see them. As with roadway stop signs, standardizing the shape and color of stop signal arms would enhance driver recognition of and response to those devices. Standardization of shape would ensure that a driver traveling out-of-state would encounter the same familiar stop signal arm design wherever he or she traveled. In addition, the agency notes that each of these features, i.e., the

sign's shape, its color scheme, and the word "stop" on both sides, reinforce the message that drivers in other vehicles must not pass a stopped bus. The agency further notes that the Federal Highway Administration's (FHWA's) *Manual on Uniform Traffic Control Devices* (1988) requires stop signs to have these characteristics and that the Tenth National Conference expressly recommended that the stop signal arm have these characteristics. Even though some States may currently require signs of different shapes or color schemes, the agency has tentatively decided that these characteristics have a significant enough safety purpose to necessitate that they be required. Accordingly, this notice proposes that stop signal arms on school buses be octagonal in shape, have a red background on which the word "STOP" is written on both sides with capitalized white letters, and have a white border. The agency welcomes comments about whether these characteristics (as well as any other characteristics) are necessary to ensure the effectiveness of the stop signal arms.

NHTSA is proposing to specify the size of the sign and its lettering. Such criteria would serve an important safety interest. For instance, in determining the size of a sign's lettering, the FHWA has determined as a "rule-of-thumb" that a letter should be one inch high per every 50 feet of sight distance. The FHWA has also promulgated the "Standard Alphabets for Highway Signs" which provides a reference guide for the standardization of the size and appearance of letters and numerals used on highway signs. The agency notes that the SAE J1133 recommended practice has adopted size requirements for the lettering of the word "STOP." Based on the above considerations, the agency is proposing the size specifications adopted from the FHWA practices and set forth in SAE J1133. Thus, the stop signal arm would be required to be a regular octagon at least 450 mm × 450 mm in diameter (approximately 17.1 inches × 17.1 inches), contain a white border at least 12 mm wide (approximately 0.47 inches), and contain white lettering which is at least 150 mm (approximately 5.9 inches) in height and have a stroke width of at least 20 mm (approximately 0.79 inches). The agency requests comments concerning whether the proposed size specifications adopted from the FHWA practice and SAE J1133 should be incorporated in the Standard. Would compliance with these proposed size requirements produce a sign sufficiently large to be seen and understood by drivers of other vehicles approaching a stopped bus?

After discussions with school bus safety organizations and manufacturers of stop signal arms and school buses, NHTSA has tentatively determined that the stop signal arm should be reflectorized. The agency believes that reflectorizing the stop signal arm would increase the likelihood that a driver in another vehicle could see the stop signal arm, especially when the ambient lighting conditions are poor. The agency further notes that the FHWA's *Traffic Control Devices Handbook* (1983) (section 7–10) recommends reflectorized signs in school bus areas explaining that the cost differential is typically only 6 percent greater for reflectorized signs. Section S5.3 of the proposed standard would require that the stop signal arms use reflectorized materials. The agency welcomes comments concerning whether it should require that the signs be reflectorized and the costs associated with reflectorization. In addition, because the agency is uncertain about the best method to set forth reflectorization requirements, it invites comments about uniform requirements related to reflectorization, e.g., *Standard Specifications for Construction of Roads and Bridges on Federal Highway Projects*, FP–85, Section 718 "Reflective Sheeting" (1985).

In addition, NHTSA has decided to propose a general requirement regarding stop signal arm location and to seek comment on more specific requirements to better ensure the device's visibility to drivers of vehicles approaching a stopped school bus. The agency notes that depending on the amount of distance that the stop signal arm extends outward from the side of the bus, there are certain locations and angles at which a driver in a vehicle behind the bus may not be able to see the stop signal arm. SAE J1133 included a guideline stating that the stop signal arm should be "installed on the left outside of the bus body and be mounted so as to be seen readily by motorists approaching from either the front or rear of the bus." (S6.21) While the agency agrees with the intent of this guideline, it believes that it would be desirable for the final rule to specify more objective requirements about precisely where the stop signal arm should be installed instead of merely requiring the stop signal arm to be on the "left side of the bus body." Accordingly, commenters should quantify their views about location (e.g., x inches from the window line) whenever possible. Some of the considerations related to installation include whether the location of the stop signal arm should be relative to the driver, the window line, or the length of the bus; whether the reference point for measuring the sign's distance from some part of the bus such as the window line should be the sign's cener point, its top border, or some other point; and whether measurements should be made when the stop signal arm is retracted or extended. Based on the above considerations, the agency requests information and comments about current practices related to the installation of stop signal arms.

NHTSA has considered whether there should be a manual device to override the automatic deployment of the stop signal arm. In analyzing this issue, the agency considered whether the benefits obtained from a manual override warrant that the agency require it, or alternatively, whether the agency merely should allow an override at the manufacturers' or purchasers' discretion. As explained below, the agency has tentatively concluded that while it would be worthwhile to permit a manual override, NHTSA is not proposing to require it given the cost considerations and the additional components and engineering considerations related to an override. The agency notes that, at times, the stop signal arm may need to be activated at the same time that the door should be closed. For instance, on cold days, the bus driver may wish to keep the school bus door closed but have the stop signal arm activated while a child is crossing the street to board the bus. Similarly, there are situations in which the stop signal arm need not or should not be activated while the door needs to be opened (e.g., when there is limited space such as in maintenance garages and parking lots or when a bus has stopped at a railroad crossing and the door is opened to see whether a train is approaching). In these and other situations, a manual override would be necessary to allow the stop signal arm to act independently from its automatic activation. Therefore, the agency is proposing to allow a manual override to the automatic deployment of the stop signal arm. The agency requests comments on this issue.

Among the aspects of this issue on which the agency seeks comment is the possibility that permitting a manual override could lead to the "permanent" overriding of the stop signal arm's automatic activation (i.e., a bus manufacturer might provide an override device which could be activated once and thereby prevent automatic extension of the stop signal arm as long as the override device is activated). The agency notes that such a "permanent" override would negate the safety

benefits obtained from the stop signal arm. Accordingly, NHTSA seeks comments from manufacturers, school bus operators, and others about their experiences with overrides in general and the potential for "permanent" override in particular, and about provisions which the agency might adopt to preclude or at least minimize that problem.

Other Requirements on Which Public Comment is Requested

As noted above, the agency also considered a variety of other requirements that it has not included in the proposed regulatory text at the end of the notice. Nevertheless, NHTSA is interested in public comments on the desirability of adopting them.

First, NHTSA seeks comments on requirements based on provisions in SAE J1133. These include requirements for flashing lights to be located on or within the stop signal arm and for those lights to comply with the related vibration, moisture, dust, corrosion, and photometry test requirements in SAE J1133 for "motor vehicle lighting devices and components." In addition, they include the warpage test, the SAE J578 color test, and the durability test. The agency requests comments about whether such requirements would improve the effectiveness of stop signal arms.

Second, the agency solicits comments on requiring strobe lights. There is some support for such a requirement. For instance, the NAS report stated that requiring strobe lights might improve the stop signal arm's effectiveness. In addition, a study by the Nashville, Tennessee Public Schools comparing stop signal arms having conventional lights with stop signal arms having strobe lights suggested that strobe lights may be more effective in reducing illegal passing. (The agency is aware that this study had some significant methodological shortcomings.)

At the same time, there are a number of reasons why it may not be desirable to require strobe lights. While strobe lights might be effective in school districts in which buses frequently operate under conditions of reduced visibility, e.g., foggy or rainy weather, those conditions are not typical in many sections of the country. Further, because most school buses operate most of the year in daylight hours, it is believed that they would provide little or no addtional safety benefits to most school districts. In addition, the agency's initial cost analysis indicates that the marginal unit cost of requirng a strobe light would be over $200. Given the significant costs associated with requiring strobe lights and their uncertain effectiveness, the use of strobe lights may be best determined at the local level.

Miscellaneous Issues

NHTSA also seeks comments on several issues that are related to, but outside the scope of, this rulemaking. One issue concerns another device that is intended to reduce the number of student pedestrians struck by vehicles passing a stopped school bus. The NAS report explored various methods of communication including external loudspeaker systems which allow the bus driver to communicate with pedestrians and other vehicles. The NAS report concluded that such loudspeakers might be effective in reducing student pedestrian injuries, but it was not aware of any formal evaluation.

Another issue involves the practice that some school districts have of panting school bus bumpers a fluorescent yellow/orange to increase bus visibility, especially when the lighting is poor. For instance, according to an article in the September 1989 issue of *National School Bus Report,* school buses in Rochester, New York painted with yellow/orange fluorescent paint were more visible to other drivers and thus experienced "a drastic reduction in rear end collisions." While this practice is also beyond the scope of this rulemaking, the agency requests comments about this practice for future consideration.

Costs

The agency has calculated the annual additional consumer cost of buying school buses meeting the proposed requirements by determining the installed unit price of stop signal arms without flashing lights on new school buses as delivered to the consumer and multiplying that amount by the number of school buses that are currently sold annually without signs. NHTSA is aware of several cost estimates for the stop signal arm like the ones proposed in this notice. The NAS report estimated that the cost of stop signal arms, including installation costs would range from $100 to $300 per bus. A 1989 Canadian report estimated that the unit cost would be about $300 for an electrically operated stop signal arm. (Burtch, T.M., *et al.,* 1989, "Background Paper on School Bus Occupant Protection in Canada." Report No. TP. 8013. Transport Canada.)

NHTSA's subsequent cost analysis of stop signal arms was based on prices obtained from the Blue Bird Body Company of Fort Valley, Georgia. Blue Bird supplied the following prices for a reflectorized stop signal arm without flashing lights, as installed and delivered to the customer: vacuum-operated arms $282, air operated arms $255, electric-operated arms $382. While the agency is aware that vacuum-powered arms are the predominant choice on smaller school buses and air-powered arms are typically used on larger buses, the agency does not have information as to the relative frequency at which the various types of stop signal arms are installed. Therefore, the agency has used a value of $300 as an approximation of the average installed, delivered price for a reflectorized stop signal arm in estimating the cost of the proposed requirement.

NHTSA has calculated the number of school buses that would be affected by the proposed requirement to be as follows. There are approximately 38,000 new school buses manufactured each year according to *School Bus Fleet Annual Fact Book* (1988). As mentioned earlier, 71.3 percent of currently operating school buses are equipped with a stop signal arm. Therefore, the agency estimates that the number of school buses that would be affected by this requirement would be 28.7 percent of 38,000, i.e., 10,900. Because this estimate is based on the assumption that the Federal standard would not conflict with the stop signal arm laws in states having such laws, the agency requests additional information from those States that anticipate that the proposed Federal Safety Standard would conflict with the State requirements. The agency believes that this additional information would allow for a more accurate determination of the costs of this proposal.

For the purposes of this notice, the agency's preliminary evaluation indicates that the approximate aggregate annual cost of this requirement would be $3,270,000 for a reflective stop signal arm without flashing lights ($300 per sign $\times$ 10,900 school buses presently sold without stop signal arms). NHTSA welcomes additional information that would enable it to develop a more comprehensive cost estimate. In particular, the agency requests that school bus and signal arm manufacturers as well as States and school districts submit the following information:

1. Whether NHTSA's preliminary cost estimates are accurate;

2. Whether volume discounts would reduce the cost estimates;

3. Whether the installation costs have been properly included;

4. Whether their buses are vacuum-, air-, or electric-operated;

5. Whether a State already requiring a stop signal arm would comply with the proposed Federal standard.

Regulatory Impacts

NHTSA has considered the costs and other impacts of this proposal, and a Preliminary Regulatory Evaluation has been prepared and placed in the docket. Based on this evaluation, the agency has determined that the proposal is neither "major" within the meaning of Executive Order 12291, nor "significant" within the meaning of the Department of Transportation's regulatory policies and procedures. Although there is general public and Congressional interest in school bus safety matters, that interest is focused primarily upon the types of school bus safety issues (exits, flammability of interior materials, and fuel system integrity) involved in the rulemaking being conducted in the aftermath of the 1988 school bus crash and fire in Kentucky.

NHTSA has considered the effects of this action under the Regulatory Flexibility Act. I hereby certify that it would not have a significant economic impact on a substantial number of small entities. School bus manufacturers are generally not small businesses within the meaning of the Regulatory Flexibility Act. Small governmental units and small organizations are generally affected by amendments to the Federal motor vehicle safety standards as purchasers of new school buses. However, any impact on small entities from this proposal would be minimal since the price increase related to this proposal of about $300 is a small fraction of the purchase price of a bus, which can range from $20,000 to $60,000 and up. Accordingly, the agency has determined that preparation of an initial regulatory flexibility analysis is unnecessary.

NHTSA has also analyzed this proposed rulemaking action for purposes of the National Environmental Policy Act. The agency has determined that implementation of this action would not have any significant impact on the quality of the human environment.

Interested persons are invited to submit comments on the proposal. It is requested but not required that 10 copies be submitted.

All comments must not exceed 15 pages in length (49 CFR 553.21). Necessary attachments may be appended to these submissions without regard to the 15-page limit. This limitation is intended to encourage commenters to detail their primary arguments in a concise fashion.

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

All comments received before the close of business on the comment closing date indicated above for the proposal will be considered, and will be available for examination in the docket at the above address both before and after that date. To the extent possible, comments filed after the closing date will also be considered. Comments received too late for consideration in regard to the final rule will be considered as suggestions for further rulemaking action. Comments on the proposal will be available for inspection in the docket. The NHTSA will continue to file relevant information as it becomes available in the docket after the closing date, and it is recommended that interested persons continue to examine the docket for new material.

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

List of Subjects in 49 CFR Part 571

Imports, Motor vehicle safety, Motor vehicles, Rubber and rubber products, Tires.

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

In consideration of the foregoing, it is proposed that 49 CFR part 571 be amended to add a new safety standard 571.131, "School bus pedestrian safety devices," as follows:

1. The authority citation for part 571 of title 49 continues to read as follows:

Authority: 15 U.S.C. 1392, 1401, 1403, 1407; delegation of authority at 49 CFR 1.50.

Section 571.131 is added to read as follows:

§ 571.131 Standard No. 131; school bus pedestrian safety devices.

S1. *Scope.* This standard establishes requirements for a stop signal arm on school buses.

S2. *Purpose.* The purpose of this standard is to reduce deaths and injuries by minimizing the likelihood of pedestrians being struck by vehicles passing a stopped school bus.

S3. *Application.* This standard applies to school buses.

S4. *Definitions.*

"Stop signal arm" means a device that can be extended outward from the side of a school bus to signal that the bus has stopped to load or discharge passengers.

S5. *Requirements.* Each school bus shall be equipped with a stop signal arm meeting the requirements of S5.1 through S5.5.

S5.1 The stop signal arm shall be a regular octagon which is at least 450 mm × 450 mm (17.72 inches × 17.72 inches) in diameter.

S5.2 The stop signal arm shall be red on both sides, except as provided in S5.2.1 and S5.2.2.

S5.2.1 The edge of the stop signal arm shall have a white border at least 12 mm (0.47 inch) wide on both sides.

S5.2.2 The stop signal arm shall have the word "STOP" displayed in white letters on both sides. The letters shall comply with the Federal Highway Administration guidelines as specified by the "Manual on Uniform Traffic Control Devices for Streets and Highways" (1988). The letters shall be at least 150 mm (5.9 inches) in height and have a stroke width of at least 20 mm (.79 inches).

S5.3 The entire surface of both sides of the stop arm shall be reflectorized.

S5.4 The stop signal arm shall be installed on the left side of the bus.

S5.5(a) Except as provided in paragraph (b) of this section, the stop signal arm shall be automatically extended so it is perpendicular to the side of the bus, plus or minus 5 degrees, whenever the red signal lamps required by S4.1.4 of Standard No. 108 are activated.

(b) In the case of a bus equipped with a device located within the reach of the driver for overriding the automatic extension of the stop arm, the stop signal arm need not automatically extend under the condition described in paragraph (a) of this section when the override device is activated.

Issued on: January 29, 1990.

Barry Felrice,

Associate Administrator for Rulemaking.

[FR Doc. 90-2451 Filed 1-30-90; 3:00 pm]

BILLING CODE 4910-59-M

Notices

Federal Register
Vol. 55, No. 23
Friday, February 2, 1990

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

DEPARTMENT OF COMMERCE

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

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

Agency: Bureau of Economic Analysis.

Title: Direct Transactions of U.S. Reporter With Foreign Affiliate.

Form Number: Agency—BE–577; OMB—0608–0004.

Type of Request: Revision of a currently approved collection.

Burden: 9,200 respondents; 4 responses per respondent per year; 36,800 reporting hours.

Average Hours per Response: 1 hour.

Needs and Uses: The survey collects sample data on transactions and positions between U.S. parent companies and their foreign affiliates. Universe estimates are developed from the reported sample data. The data are needed for compiling the U.S. balance of payments accounts, the international investment position of the United States, and the national income and product accounts. They are also needed to measure the size of U.S. direct investment abroad, monitor changes in such investment, assess its impact on the U.S. economy, and based upon this assessment, make informed policy decisions regarding U.S. direct investment abroad.

Affected Public: Business or other for-profit institutions.

Frequency: Quarterly.

Respondent's Obligation: Mandatory.

OMB Desk Officer: Donald Arbuckle, 395–7340.

Copies of the above information collection proposal can be obtained by calling or writing DOC Clearance Officer, Edward Michals, (202) 377–3271, Department of Commerce, room H6622, 14th Street and Constitution Avenue, NW., Washington, DC 20230.

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

Dated: January 29, 1990.

Edward Michals,

Department Clearance Officer, Office of Management and Organization.

[FR Doc. 90–2468 Filed 2–1–90; 8:45 am]

BILLING CODE 3510–CW–M

International Trade Administration

[A–433–064]

Railway Track Maintenance Equipment from Austria; Intent to Revoke Antidumping Finding

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

ACTION: Notice of Intent to Revoke Antidumping Finding.

SUMMARY: The Department of Commerce is notifying the public of its intent to revoke the antidumping finding on railway track maintenance equipment from Austria. Interested parties who object to this revocation must submit their comments in writing not later than 30 days from the date of publication of this notice.

EFFECTIVE DATE: February 2, 1990.

FOR FURTHER INFORMATION CONTACT: Aurthur N. DuBois or Richard Rimlinger, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, DC 20230, telephone: (202) 377–8312/1130.

SUPPLEMENTARY INFORMATION:

Background

On February 17, 1978, the Department of Commerce ("the Department") published an antidumping finding on railway track maintenance equipment from Austria (43 FR 6937). The Department has not received a request to conduct an administrative review of this finding for the most recent four consecutive annual anniversary months.

The Department may revoke an order or finding if the Secretary of Commerce concludes that it is no longer of interest to interested parties. Accordingly, as required by section 353.25(d)(4) of the Department's regulations, we are notifying the public of our intent to revoke this finding.

Opportunity to Object

Not later than February 28, 1990, interested parties, as defined in § 353.2(i) of the Department's regulations, may object to the Department's intent to revoke this antidumping finding.

Seven copies of any such objections should be submitted to the Assistant Secretary for Import Administration, International Trade Administration, Room B–099, U.S. Department of Commerce, Washington, DC 20230. If interested parties do not request an administrative review by February 28, 1990, or object to the Department's intent to revoke within thirty days from the date of publication of this notice, we shall conclude that the finding is no longer of interest to interested parties and shall proceed with the revocation.

This notice is in accordance with 19 CFR 353.25(d).

Dated: January 29, 1990.

Joseph A. Spetrini,

Deputy Assistant Secretary for Compliance.

[FR Doc. 90–2469 Filed 2–1–90; 8:45 am]

BILLING CODE 3510–M

Short-Supply Determination; Certain Steel Plate

AGENCY: Import Administration/ International Trade Administration, Commerce.

ACTION: Notice of Short-Supply Determination: Certain Steel Plate.

SHORT–SUPPLY REVIEW NUMBER: 1.

SUMMARY: Pursuant to section 4(b)(4)(A) of the Steel Trade Liberalization Program Implementation Act, Public Law No. 101–221, 103 Stat. 1886 (1989) ("the Act"), and § 357.102 of the Department of Commerce's Short-Supply Regulations, published in the **Federal Register** on January 12, 1990, 55 FR 1348 ("Commerce's Short-Supply Regulations"), the Secretary of Commerce ("Secretary") hereby determines that steel plate, 149.173–149.842 inches in width and 0.488–0.701 inch in thickness that meets or exceeds American Petroleum Institute (API) specification X–70, is in short supply the U.S. market during the first half of 1990.

On December 28, 1990, Berg Steel Pipe Corporation ("Berg") submitted an adequate short-supply petition to the Secretary requesting a short-supply allowance for 22,134 net tons of this product. It subsequently revised the quantity of this short-supply request on January 16, 1990, to 22,800 net tons. The two potential domestic suppliers of the requested plate are either unwilling to offer this material to Berg during the required time frame or cannot meet the necessary specifications. In accordance with § 357.102(a) of Commerce's Short-Supply Regulations, the Secretary hereby grants Berg a short-supply allowance for this entire tonnage.

EFFECTIVE DATE: January 26, 1990.

FOR FURTHER INFORMATION CONTACT: Richard O. Weible, Office of Agreements Compliance, Import Administration, U.S. Department of Commerce, room 7866, 14th Street and Constitution Avenue, NW., Washington, DC 20230 (202) 377–0159.

SUPPLEMENTARY INFORMATION: On December 28, 1989, Berg submitted an adquate petition requesting a short-supply allowance for 22,134 net tons of steel plate, 149.173–149.842 inches in width and 0.488–0.701 inch in thickness that meets or exceeds API specification X–70, to be delivered during the first half of 1990. This steel plate will be used by Berg to manufacture certain 48-inch diameter pipe for TransCanada Pipelines ("TransCanada"). On January 16, 1990, Berg modified its request to 22,800 net tons to reflect revised estimates of Berg's engineers as to the amount of plate necessary to compensate for manufacturing and testing loss and shipping tolerances for the TransCanada order. The request was made under article 8 of the Arrangement Between the European Coal and Steel Community and the European Economic Community, and the Government of the United States of America Concerning Trade in Certain Steel Products. Berg's petition alleges that no mill in the United States is capable of meeting the required specifications for this plate and that the qualified foreign mill for this material does not have sufficient available quota to supply this order.

Action

On December 28, 1989, the Secretary established an official record on this short-supply request (Case Number 1) in the Central Records Unit, room B–099, Import Administration, U.S. Department of Commerce at the above address. On January 9, 1990, the Secretary published a notice in the **Federal Register** announcing its review of this request and soliciting comments from interested parties. Comments were required to be received no later than January 16, 1990, and interested parties were invited to file replies to any comments not later than January 20, 1990. In order to determine whether this product could be supplied to Berg during the first half of 1990, the Secretary sent questionnaires to Bethlehem Steel Corporation ("Bethlehem") and USX Corporation ("USX"), the two potential U.S. producers of this product. The Secretary received questionnaire responses from both companies and no comments to the **Federal Register** notice.

Questionnaire Responses

Bethlehem and USX indicated in their questionnaire responses that they would not be viable suppliers of the subject plate. Bethlehem's response indicated that Berg made a recent inquiry to Bethlehem for a large quantity of plate for LDP. This inquiry covered serveral projects, but did not identify each project individually. Bethlehem quoted on most items in the inquiry, but elected to "no-quote" the X–70 grade material subject to this short-supply review, since the thickness and width specified are at the upper limit of Bethlehem's mill capability for X–70 grade plate. However, Bethlehem noted that its "no-quote" for this particular X–70 inquiry should not be interpreted as an inability to supply X–70 grade plate for future requirements.

USX indicated that it can produce X–70 material meeting Berg's general specifications, but cannot produce the material subject to this review because the required specification for this X–70 grade steel plate is more restrictive than Berg's normal X–70 grade specification.

Conclusion

The two potential domestic suppliers of X–70 grade steel plate are either unwilling to offer this material to Berg during the required time frame or cannot meet the necessary specifications. Furthermore, sufficient quota is unavailable to the foreign supplier for this steel plate. Therefore, the Secretary determines that short-supply exists with respect to the requested product. Pursuant to section 4(b)(4)(A) of the Act, and § 357.102 of Commerce's Short-Supply Regulations, the Secretary grants Berg a short-supply allowance for 22,800 net tons of the requested plate for the first half of 1990.

Dated: January 26, 1990

Eric I. Garfinkel,

Assistant Secretary for Import Administration.

[FR Doc. 90–2470 Filed 2–1–90; 8:45 am]

BILLING CODE 3510–DS–M

National Institute of Standards and Technology

[Docket No. 90104–9263]

RIN No. 0693–AA63

Approval of Federal Information Processing Standards Publication 127–1, Database Language SQL

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 127, Database Language SQL, which will be published as FIPS Publication 127–1.

SUMMARY: On February 27, 1989, notice was published in the **Federal Register** (54 FR 8225) that a revision of Federal Information Processing Standard 127, Database Language SQL, 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 standard as a Federal Information Processing Standard (FIPS), and prepared a detailed justification document for the Secretary's review in support of that recommendation.

The detailed justification document which was presented to the Secretary is part of the public record and is available for inspection and copying in the Department's Central Reference and Records Inspection Facility, room 6628, Herbert C. Hoover Building, 14th Street between Pennsylvania and Constitution Avenues NW., Washington DC 20230.

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.

A delayed effective date is not required for this FIPS because this standard is exempt from the

Administrative Procedure Act by 5 U.S.C. 553(a)(2).

EFFECTIVE DATE: This standard is effective February 2, 1990.

ADDRESSES: Interested parties may purchase copies of this 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 portion of the standard.

FOR FURTHER INFORMATION CONTACT: Dr. Leonard Gallagher, National Institute of Standards and Technology, Gaithersburg, MD 20899, telephone (301) 975–3251.

Dated: January 29, 1990.

Raymond G. Kammer,

Acting Director.

Federal Information Processing Standards Publication 127–1

Announcing the Standard for Database Language SQL

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.

1. *Name of Standard.* Database Language SQL (FIPS PUB 127–1).

2. *Category of Standard.* Software Standard, Database.

3. *Explanation.* This publication is a revision of FIPS PUB 127 and supersedes FIPS PUB 127 in its entirety. FIPS PUB 127–1 offers new conformance alternatives, new programming language interfaces, a new integrity enhancement option, clarification and correction of existing specifications, and additional considerations for use in procurements. It does not contain any new requirements that would make an existing conforming implementation nonconforming.

This publication announces adoption of American National Standard Database Language SQL with Integrity Enhancement, ANSI X3.135–1989, and American National Standard Database Language Embedded SQL, ANSI X3.168–1989, as the Federal Information Processing Standard for Database Language SQL (FIPS SQL). The exact specifications are explained in section 10 of this standard.

ANSI X3.135–1989 is a revision of ANSI X3.135–1986 that specifies syntax and semantics of SQL language interfaces for defining and accessing SQL databases. These interfaces include:

—A schema definition language, for declaring the structures and integrity constraints of a database.

—A module language, including SQL statements, for declaring the database procedures and executable statements of a specific database application. The module language specific database application. The module language specification includes language bindings for programming languages COBOL, FORTRAN, Pascal, or PL/I.

ANSI X3.135–1989 includes an addendum to ANSI X3.135–1986 that specifies an optional "integrity enhancement" feature. This feature includes referential integrity constraints, check clauses, and default clauses.

ANSI X3.135–1989 also includes various clarifications and correction of several errors known to exist in the ANSI X3.135–1986 specification. ANSI X3.163–1989 specifies embedded syntax for inserting SQL statements into application programs. It includes module language bindings for programming languages Ada or C, and specifies embedded syntax for inserting SQL statements into programming languages Ada, C, COBOL, FORTRAN, Pascal, or PL/I.

The purpose of FIPS SQL is to promote portability of database application programs and programmers among different installations. The standard is used by implementors as the reference authority in developing a FIPS conforming relational model database management system, with standard programming language interfaces to that database management system. The standard is used by application programmers to help write SQL conforming applications and by other computer professionals who need to know the precise syntactic and semantic rules of Database Language SQL.

4. *Approving Authority.* Secretary of Commerce.

5. *Maintenance Agency.* Department of Commerce, National Institute of Standards and Technology (National Computer Systems Laboratory).

6. *Cross Index*

a. American National Standard Database Language SQL with Integrity Enhancement, ANSI X3.135–1989 (revision of ANSI X3.135–1986).

b. American National Standard Database Language Embedded SQL, ANSI X3.168–1989.

c. ISO 9075–1989, Database Language SQL with Integrity Enhancement (revision of ISO 9075–1987).

7. *Related Documents*

a. Federal Information Resource Management Regulation 201–39 Acquisition of Federal Information Processing Resources by Contracting.

b. Federal Information Processing Standards Publication 124, Guideline on Functional Specifications for Database Management Systems, September 1986.

c. Federal Information Processing Standards Publication 110, Guideline for Choosing a Data Management Approach, December 1984.

d. NBS Special Publication 500–108, Guide on Data Models in the Selection and Use of Database Management Systems, January 1984.

8. *Objectives.* Federal standards for database management systems permit Federal departments and agencies to exercise more effective control over the production, management, and use of the Government's information resources. The primary objectives of Federal database management system standards are:

—To encourage more effective utilization and management of database application programmers by ensuring that skills acquired on one job are transportable to other jobs, thereby reducing the cost of database programmer retraining.

—To reduce overall software costs by making it easier and less expensive to maintain database definitions and database application programs and to transfer these definitions and programs among different computers and database management systems, including replacement database management systems.

—To reduce the cost of software development by achieving increased database application programmer productivity through the understanding and use of database methods employing standard structures and operations, standard data types, standard constraints, and standard interfaces to programming languages.

—To protect the software assets of the Federal government by ensuring to the maximal feasible extent that Federal database management system standards are technically sound and that subsequent revisions are compatible with the installed base.

Government-wide attainment of the above objectives depends upon the widespread availability and use of comprehensive and precise standard database management system specifications.

9. *Applicability*

a. Federal standards for database management systems should be used for computer database applications and programs that are either developed or

acquired for government use. The Database Language SQL is one of the database management system standards provided for use by all Federal departments and agencies. The Database Language SQL is suited for use in database applications that employ the relational data model. The relational data model is appropriate for applications requiring flexibility in the data structures and access paths of the database. The relational data model is desirable where there is a substantial need for ad hoc data manipulation by end users who are not computer professionals, in addition to the need for access by applications under production control.

Although this standard does not specifically address interactive database access through fourth generation languages, the SQL statements specified by this standard are appropriate for such use. This standard may be used to define the syntax and semantics of database access from such fourth generation languages.

Although this standard does not specifically address distributed database applications, it may be used, along with facilities for remote database access and/or distributed transaction processing, to access relational structured data at remote nodes in a distributed system.

b. The use of FIPS database languages is strongly recommended for database applications when one or more of the following situations exist:

—It is anticipated that the life of the database application will be longer than the life of the presently utilized equipment or database management system, if any.

—The database application is under constant review for updating of the specifications, and changes may result frequently.

—The database application is being designed and developed centrally for a decentralized system that employs computers of different makes and models or database software acquired from a different vendor.

—The database application will or might be run under a database management system other than that for which the database application is initially written.

—The database application is to be understood and maintained by programmers other than the original ones.

—The database application is or is likely to be used by organizations outside the Federal government (i.e., State and local governments, and others).

c. Nonstandard language features should be used only when the needed operation or function cannot reasonably be implemented with the standard features alone. A needed language feature not provided by the FIPS database languages should, to the extent possible, be acquired as part of an otherwise FIPS conforming database management system. Although nonstandard language features can be very useful, it should be recognized that their use may make the interchange of programs and future conversion to a revised standard or replacement database management system more difficult and costly.

d. It is recognized that programmatic requirements may be more economically and efficiently satisfied through the use of a database management system employing a different data model than those provided by the FIPS database languages or the use of a database management system that functionally conforms to a FIPS database language but does not conform to all other aspects of the FIPS. The use of any facility should be considered in the context of system life, system cost, data integrity, and the potential for data sharing.

e. Programmatic requirements may be more economically and efficiently satisfied by the use of automatic program generators or by database access through other high-level language information processing systems. However, if the final output of a program generator or high-level language system is language that accesses a relational database, then that language should conform to the conditions and specifications of SQL.

10. *Specifications*

10.1 *Adoption of ANSI SQL specifications.* FIPS SQL includes all provisions from ANSI X3.135–1989, Database Language SQL with Integrity Enhancement, and ANSI X3.168–1989, Database Language Embedded SQL, with the following exceptions:

a. FIPS SQL does not recognize Level 1 of ANSI SQL or partial conformance to just DDL or DML. Instead, the FIPS SQL specification is for "Full SQL conformance to level 2" as specified in § 3.4 of X3.135–1989.

b. FIPS SQL does not include PL/I language bindings, since PL/I is not a FIPS programming language.

c. FIPS SQL does not recognize conformance solely by "direct invocation of SQL data manipulation language statements" as specified in § 3.4 of X3.135–1989, because that concept is not adequately specified in ANSI SQL and implementations cannot be tested for conformance. Conformance of FIPS SQL requires a Module Language or Embedded SQL interface to one or more FIPS programming languages.

d. FIPS SQL includes a "FIPS Flagger" requirement as specified below.

10.2 *FIPS Flagger.* An implementation that provides additional facilities not specified by this standard shall also provide an option to flag nonconforming SQL language or conforming SQL language that may be processed in a nonconforming manner.

a. ANSI SQL allows a conforming implementation to provide facilities beyond those specified in the standard. The following paragraph appears in § 3.4 of ANSI X3.135–1989: "A conforming implementation may provide additional facilities not specified by this standard. An implementation remains conforming even if it provides user options to process nonconforming SQL language or to process conforming SQL language in a nonconforming manner."

The FIPS Flagger is included in FIPS SQL in order to assist application programmers in developing portable application programs. It allows informed use of implementor extensions when they are appropriate (see paragraph 9c).

b. The FIPS Flagger is intended to effect a static check of SQL language. Normally this check is applied at syntax compilation time, but for interpreted SQL language it can be enforced when the SQL language is interpreted by the implementation. There is no requirement to detect extensions that cannot be determined until execution time.

c. An implementation need only flag SQL language that is not otherwise in error as far as that implementation is concerned. An implementation may choose to check SQL language in two steps; first through its normal syntax analyzer and secondly through the flagger. The first step produces error messages for nonstandard SQL language that the implementation cannot process or recognize. The second step produces flagger messages for nonstandard SQL language that it could process. Any such two-step process should be transparent to the end user.

d. Any SQL language that violates Format or Syntax Rules, except privilege enforcement rules, is an extension and must be flagged.

e. The granularity of extension detection shall be no coarser than at the statement level. If a system is processing SQL language that contains errors, then it may be very difficult within a single statement to determine what is an error and what is an extension. However, if an implementation is processing SQL language that contains no errors as far

as that implementation is concerned, then it should be able to detect and flag all extensions at the same time.

f. In order to provide upward compatibility for its own customer base, or to provide performance advantages under special circumstances, a conforming SQL implementation may provide user options to process conforming SQL language in a nonconforming manner. If this is the case, then it is required that the implementation also provide a flagger option, or some other implementor defined means, to detect SQL conforming language that may be processed differently under the various user options. This flagger feature allows an application programmer to identify conforming SQL language that may perform differently in alternative processing environments provided by a conforming SQL implementation. It also provides a valuable tool in identifying SQL elements that may have to be modified if an application is to be moved from a nonconforming to a conforming SQL processing environment.

g. In certain circumstances (see paragraph 9c) an application programmer may choose to use a nonstandard language extension provided by an implementation (e.g., a COMPLEX data type for FORTRAN applications). It is required that the flagger detect all direct occurrences of such extensions. In addition, it is desirable (not required) that the flagger or the implementation provide support (e.g., a cross-listing of variables and database identifiers) for detecting all secondary references to such extensions. Secondary references may include variables, parameters, views, or other database identifiers that do not themselves violate syntax rules, but refer to an object that is or contains an extension. This additional feature would allow an application programmer to identify all SQL language occurrences that may have to be modified if an application is to be moved from a nonconforming to a conforming SQL processing environment.

11. *Implementation.* Implementation of this standard involves three areas of consideration: acquisition of FIPS SQL implementations, interpretation of FIPS SQL, and validation of FIPS SQL implementations.

11.1 *Acquisition of SQL Implementations.*

a. This publication is effective February 2, 1990. It is a revision of an existing FIPS that offers new conformance alternatives, a new integrity option, clarification and correction of existing specifications, and additional considerations for use in procurements. It does not contain any new requirements taht would make an existing conforming implementation nonconforming. No delayed effective date or transition period is necessary.

b. Relational model database management systems acquired for Federal use should implement FIPS SQL. Conformance to FIPS SQL should be considered whether SQL implementations are developed internally, acquired as part of an ADP system procurement, acquired by separate procurement, used under an ADP leasing arrangement, or specified for use in contracts for programming services.

11.2 *Interpretation of FIPS SQL.* NIST provides for the resolution of questions regarding FIPS SQL specifications and requirements, and issues official interpretations as needed. All questions about the interpretation of FIPS SQL should be addressed to: Director, National Computer Systems Laboratory, Attn: Database Language SQL Interpretation, National Institute of Standards and Technology, Gaithersburg, MD 20899, telephone: (301) 975–3251.

11.3 *Validation of SQL Implementations.* A suite of automated validation tests for SQL implementations is currently available. It is planned that an enhancement of this test suite will be the basis of a future "certificate of validation" offered to implementations claiming conformance to this standard. For more information on SQL validation tests, or the availability of certificates of validation, contact: Director, National Computer Systems Laboratory, Attn: Software Standards Testing Program, National Institute of Standards and Technology, Gaithersburg, MD 20899, telephone: (301) 975–3258.

12. *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.C. 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 calssified 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.

13. *Special Procurement Considerations.* FIPS SQL includes various alternatives for interfacing to programming languages, specifies "integrity enhancement" as an optional component of the standard, and does not specify any minimum requirements for the size or number of occurrences of database constructs. Any invocation of this standard in a procurement should indicate the programming languages to which it interfaces, whether direct invocation of SQL statements is required, whether module language, embedded SQL, or both are required for each language, whether the optional integrity feature is to be included, and what the sizing and occurrence requirements are. Any use of this standard in a broader database management system (DBMS) procurement should be accompanied with functional requirements for other DBMS components and facilities.

13.1 *Integrity enhancement feature.* References to this standard in a

procurement should indicate whether or not the "integrity enhancement" feature (an optional component of X3.135–1989) is required. Failure to make this indication means that the feature is not required.

13.2 *Programming language interfaces.* References to this standard in a procurement should indicate which programming languages (e.g. Ada, C, COBOL, FORTRAN, or Pascal) are to be supported for language interface. Failure to make this indication means that support for any one of these languages satisfies the FIPS SQL requirement.

13.3 *Style of language interface.* References to this standard in a procurement should indicate, for each programming language identified above, whether the language interface is to support Module Language, Embedded SQL, or both. Failure to make this indication means that support for any one interface style satisfies the FIPS SQL requirement.

13.4 *Interactive SQL.* References to this standard in a procurement should indicate whether or not "direct invocation of SQL statements" is required and, if required, which SQL statements are to be directly invocable. Failure to make this indication means that direct invocation of SQL statements is not required. A requirement for direct invocation of SQL statements that fails to identify which statements are invocable means that interactive availability of the following statements satisfies the requirement:

CREATE TABLE statement
CREATE VIEW statement
GRANT privilege statement
INSERT INTO statement
SELECT statement, with ORDER BY instead of INTO
UPDATE statement: searched
DELETE statement: searched
COMMIT WORK statement
ROLLBACK WORK statement

In Interactive SQL, if a statement causes an exception resulting in a non-zero SQLCODE, then the system shall display a message indicating that the statement failed and should give a textual description of the failure. Also, in Interactive SQL, an implementation shall provide some implementor specified symbol for representing null values.

13.5 *Sizing for database constructs.* References to this standard in a procurement should indicate minimum requirements for the precision, size, or number of occurrences of database constructs. Failure to make this indication means that the values detailed below are by default the minimum requirements.

(a) Length of an identifier	18
(b) Length of CHARACTER type	240
(c) Decimal precision of NUMERIC type	15
(d) Decimal precision of DECIMAL type	15
(e) Decimal precision of INTEGER type	9
(f) Decimal precision of SMALLINT type	4
(g) Binary precision of FLOAT type	20
(h) Binary precision of REAL type	20
(i) Binary precision of DOUBLE PRECISION type	30
(j) Columns in a table	100
(k) Values in an INSERT statement	100
(l) Set clauses in an UPDATE statement	20
(m) Length of a row (see Note 1)	2000
(n) Column specifications in a UNIQUE constraint	6
(o) Length of UNIQUE constraint (see Note 1)	120
(p) Column specifications in a GROUP BY clause	6
(q) Sort specifications in an ORDER BY clause	6
(r) Referencing columns in a FOREIGN KEY	6
(s) Table references in an SQL statement	10
(t) Cursors simultaneously open	10

Note 1: The length of a collection of columns is defined to be the sum of: twice the number of columns, length of each character column, decimal precision plus 1 of each exact numeric column, binary precision divided by 4 plus 1 of each approximate numeric column.

13.6 *Character data values.* The set of character values for the character data type and the collating sequence of characters in SQL are both implementor-defined. References to this standard in a procurement should indicate any additional character data requirements. For example, applications running in a specific programming language environment may wish to specify that the SQL character values coincide with the character values and the collating sequence of that programming language. Failure to indicate specific character set requirements means that support for representation of the 95-character graphic subset of ASCII (FIPS PUB 1–2), in an implementor specified collating sequence, is by default the minimum requirement.

13.7 *DBMS procurement.* Database software is normally purchased as a complete package called a database management system (DBMS). A DBMS is an implementation of one or more data models (e.g. the network model or the relational model), together with other components, features, or data interfaces for efficient data administration. These additional facilities are not specified by this standard, so each procurement should itself specify the functional requirements of each additional feature desired.

Additional facilities most often contained in a DBMS package include: schema manipulation, dynamic SQL, system catalog tables, special data types (e.g. date, time), database import and export tools, data dictionary, data storage specification, natural language query, report writer, query by forms, menu driven data access, application development system, graphics display, or upload and download between mainframes and workstations. Emerging specifications for an expanded SQL database language in ANSI and ISO standardization bodies may result in future standardization for some of these facilities; others may always remain implementation specific.

DBMS performance is often a critical factor in a DBMS procurement. This standard is silent on the topic of performance. The SQL test suite (see 11.3) also makes no attempt to test the performance aspects of a conforming system. Whenever performance requirements are known in advance, they may be included as an integral part of the procurement specification.

A DBMS may also provide additional data structures, such as indices, or software, such as query optimizers, to enhance performance. User requirements for monitoring database activity or tools for tuning database performance should be specified explicitly.

Some database management systems must operate in a highly secure environment that requires "trustworthy" database access control beyond the GRANT privilege facility and the VIEW definition capability specified in this standard. Procurements for systems that operate in these environments should include explicit additional requirements that must be supported.

13.8 *Integration.* In many cases a database or a database management system must be integrated with other information processing systems operating in the same environment. Examples of other systems might include: the operating system, document processing systems, engineering CAD/CAM systems, graphics systems, an information resource dictionary system, statistical analysis systems, a transaction processing system, or an artificial intelligence system. In addition, distributed data under the

control of different vendor's database management systems may require integration into a coordinated global view through remote database access or open distributed processing. All such integration is beyond the scope of this standard and, if desired, must be specified explicitly as part of procurement requirements.

14. *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 specification documents, ANSI X3.135–1989 and ANSI X3.168–1989, is by arrangement with the American National Standards Institute.) When ordering, refer to Federal Information Processing Standards Publication 127–1 (FIPSPUB127–1), and title. Payment may be made by check, money order, or deposit account.

[FR Doc. 90–2455 Filed 2–1–90; 8:45 am]
BILLING CODE 3510-CN-M

National Oceanic and Atmospheric Administration

[Modification No. 1 to Permit No. 608]

Marine Mammals; Modification of Permit; Aquarium of Niagara Falls (P99C)

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. 608 issued to the Aquarium of Niagara Falls, 701 Whirlpool Street, Niagara Falls, New York 14301–1037, on September 4, 1987 (52 FR 34267) is modified in the following manner:

Section B.5 is replaced by:

5. The authority to capture or otherwise acquire marine mammals, or to take by harassment, tagging or other activities 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 became effective on December 31, 1989.

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

Office of Protected Resources and Habitat Programs, National Marine Fisheries Service, NOAA, 1335 East West Highway, room 7324, Silver Spring, Maryland, 20910 (301/427–2289);

Director, Southeast Region, National Marine Fisheries Service, NOAA, 9450 Koger Boulevard, St. Petersburg, Florida 33702 (813/893–3141); and

Director, Northeast Region, National Marine Fisheries Service, NOAA, One Blackburn Drive, Gloucester, Massachusetts 01930 (508/281–9200).

Dated: January 25, 1990.

Nancy Foster,

Director, Office of Protected Resources and Habitat Programs, National Marine Fisheries Service.

[FR Doc. 90–2419 Filed 2–1–90; 8:45 am]
BILLING CODE 3510-22-M

[Modification No. 3 to Permit No. 558]

Marine Mammals; Permit Modification: Loro Parque (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), as modified on July 31, 1987 (52 FR 29406) and March 15, 1989 (54 FR 10694) 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, 1990. 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 became effective on January 1, 1990.

Documents pertaining to the Permit and all modifications are available for review in the following Offices:

Office of Protected Resources, National Marine Fisheries Service, 1335 East West Hwy., room 7324, Silver Spring, Maryland 20910.

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

Dated: January 26, 1990.

Nancy Foster,

Director, Office of Protected Resources and Habitat Programs, National Marine Fisheries Service.

[FR Doc. 89–2420 Filed 2–1–90; 8:45 am]
BILLING CODE 3510-22-M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Announcing 1990 Agreement Limits for Certain Cotton, Wool, Man-Made Fiber, Silk Blend and Other Vegetable Fiber Textiles and Textile Products Produced or Manufactured in Hong Kong

January 29, 1990.

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

ACTION: Notice.

FOR FURTHER INFORMATION CONTACT: Janet Heinzen, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 377–4212.

SUPPLEMENTARY INFORMATION:

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

On October 4, 1989, a notice was published in the **Federal Register** (54 FR 40903) announcing that the Government of the United States had requested consultations with the Government of Hong Kong with respect to Category 218 (fabric of yarns of different color).

As a result of consultations held October 2–4, 1989, agreement was reached to amend further the Bilateral Agreement of August 4, 1986, to establish a limit for 1990 for merged Categories 218/225/317/326, with a sublimit for yarn dyed fabric other than denim and jacquard in Category 218(1). A complete list of the 1990 limits are noted below.

A copy of the current bilateral agreement is available from the Textiles Division, Bureau of Economic and Business Affairs, U.S. Department of State, (202) 647–1998.

A description of the textile and apparel categories in terms of HTS numbers is available in the **CORRELATION:** Textile and Apparel Categories with the Harmonized Tariff Schedule of the United States (see **Federal Register** notice 54 FR 50797, published on December 11, 1989). Also see 52 FR 23491, published on June 22, 1987.

Category	12-month limit
Group I 200–229, 300–326, 360–369, 400–414, 464–469, 600–629 and 665–670, as a group.	203,226,895 square meters equivalent.
Sublevels in Group I 200	268,110 kilograms.

Category	12-month limit
219	31,097,354 square meters.
218/225/317/326	59,917,118 square meters of which not more than 3,300,000 square meters shall be in Category 218(1)—yarn dyed fabric other than denim and jacquard.[1]
226/313	55,781,975 square meters.
314	15,043,729 square meters.
315	7,437,671 square meters.
369(1)[2] (shoptowels)	611,225 kilograms.
604	184,039 kilograms.
611	4,902,917 square meters.
Group II	
237, 239, 330–359, 431–459, 630–659 and 843/844(1), as a group.	739,760,819 square meters equivalent.
Sublevels in Group II	
237	899,251 dozen.
239	3,068,514 kilograms.
331	3,655,421 dozen pairs.
333/334	245,464 dozen.
335	305,151 dozen.
336	172,002 dozen.
338/339[3] shirts and blouses other than tank tops & tops, knit).	2,619,500 dozen.
338/339(1)[4] (tank tops & knit tops).	1,968,044 dozen.
340	2,508,449 dozen.
341	2,546,612 dozen.
342	461,082 dozen.
345	373,389 dozen.
347/348	5,995,927 dozen of which not more than 2,950,967 dozen shall be in Category 347 and not more than 4,543,942 dozen shall be in Category 348.
350	113,865 dozen.
351	1,072,413 dozen.
352	5,238,171 dozen.
359(1)[5] (coveralls, overalls, & jumpsuits).	458,278 kilograms.
359(2)[6] (outer vests)	1,011,422 kilograms.
434	9,470 dozen.
435	68,960 dozen.
436	89,816 dozen.
438	780,979 dozen.
442	77,490 dozen.
443	56,664 numbers.
443/444/643/644/843/844(1) (made to measure suits).	49,944 numbers.
444	35,088 numbers.
445/446	1,219,241 dozen.
447/448	61,315 dozen.
631	499,098 dozen pairs.
633/634/645	1,116,647 dozen of which not more than 418,283 dozen shall be Categories 633/634 and not more than 856,832, dozen shall be in Category 635.
636	235,423 dozen.
638/639	4,354,274 dozen.
640	755,721 dozen.
641	752,401 dozen.
642	186,486 dozen.
644	34,200 numbers.
645/646	1,268,060 dozen.
647	415,182 dozen.
648	947,641 dozen.
649	639,215 dozen.
650	132,187 dozen.
651	253,140 dozen.
652	3,956,325 dozen.
659(1)[7] (coveralls, overalls and jumpsuits).	536,360 kilograms.
659(2)[8] (swimsuits)	211,096 kilograms.
Group III	
831–844 and 847–859, as a group.	41,338,697 square meters equivalent.
Sublevels in Group III	
835	98,155 dozen.
836	130,363 dozen.
840	583,047 dozen.
842	214,617 dozen.
847	313,117 dozen.
Limits not in a group	
845(1)[9] (sweaters made in Hong Kong).	1,097,481 dozen.
845(2)[10] (sweaters assembled in Hong Kong from knit-to-shape component parts knitted elsewhere).	2,626,953 dozen.
846(1)[11] (sweaters made in Hong Kong).	177,473 dozen.
846(2)[12] (sweaters assembled in Hong Kong from knit-to-shape component parts knitted elsewhere).	427,643 dozen.

[1] The establishment of this part-category is only temporary. In 1990, Category 218 will be modified to move other than blue denim currently classified in Category 218 to Category 225. In the interim, yarn dyed fabric other than denim and jacquard will fall into the sublimit 218(1); however the Government of Kong Kong will continue to visa these products as 218.

[2] In Category 369(1), only HTS number 6307.10.2005.

[3] In Categories 338/339, all HTS numbers except 6109.10.0018 6109.10.0023, 6109.10.0060, 6109.10.0065, 6114.20.0005 and 6114.20.0010.

[4] In Categories 338/339(1), only HTS numbers 6109.10.0018, 6109.10.0023, 6109.10.0060, 6109.10.0065, 6114.20.0005 and 6114.20.0010.

[5] In Category 359(1), only HTS numbers 6103.42.2025, 6103.49.3034, 6104.62.1020, 6104.69.3010, 6114.20.0048, 6114.20.0052, 6203.42.2010, 6203.42.2090, 6204.62.2010, 6211.32.0010, 6211.32.0025 and 6211.42.0010

[6] In Category 359(2), only HTS numbers 6103.19.2030, 6103.19.4030, 6104.12.0040, 6104.19.2040, 6110.20.1022, 6110.20.1024, 6110.20.2030, 6110.20.2035, 6110.90.0044, 6110.90.0046, 6201.92.2010, 6202.92.2020, 6203.19.1030, 6203.19.4030, 6204.12.0040, 6204.19.3040, 6211.32.0070 and 6211.42.0070.

[7] In Category 659(1), only HTS numbers 6103.23.0055, 6103.43.2020, 6103.49.2000, 6103.49.3038, 6104.63.1020, 6104.69.1000, 6104.69.3014, 6114.30.3040, 6114.30.3050, 6203.43.2010, 6203.43.2090, 6203.49.1010, 6203.49.1090, 6204.63.1510, 6204.69.1010, 6210.10.4015, 6211.33.0010, 6211.33.0017 and 6211.43.0010.

[8] In Category 659(2), only HTS numbers 6112.31.0010, 6112.31.0020, 6112.41.0010, 6112.41.0020, 6112.41.0030, 6112.41.0040, 6211.11.1010, 6211.11.1020, 6211.12.1010 and 6211.12.1020.

[9] In Category 845(1), only HTS numbers 6103.29.2074, 6104.29.2072, 6110.90.0024, 6110.90.0042 and 6117.90.0020.

[10] In Category 845(2), only HTS numbers 6103.29.2070, 6104.29.2070, 6110.90.0022 and 6110.90.0040.

[11] In Category 846(1), only HTS numbers 6103.29.2068, 6104.29.2068, 6110.90.0020, 6110.90.0038 and 6117.90.0018.

[12] In Category 846(2), only HTS numbers 6103.29.2066, 6104.29.2064, 6110.90.0018 and 6110.90.0036.

Auggie D. Tantillo,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 90–2466 Filed 2–1–90; 8:45 am]

BILLING CODE 3510-DR-M

Announcement of an Import Limit for Certain Cotton Textile Products Produced or Manufactured in the Union of Soviet Socialist Republics

January 29, 1990.

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

ACTION: Issuing a directive to the Commissioner of Customs establishing a limit for the new agreement year.

EFFECTIVE DATE: February 5, 1990.

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

SUPPLEMENTARY INFORMATION:

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

During recent negotiations, the Governments of the United States and the Union of Soviet Socialist Republics agreed to establish a bilateral textile agreement for cotton sheeting and cotton printcloth in Categories 313/315, produced or manufactured in the Union of Soviet Socialist Republics and exported during three one-year periods beginning on January 1, 1990 and extending through December 31, 1992. The United States Government has decided to control imports in Categories 313/315 for the first agreement period.

A copy of the agreement is available from the Textiles Division, Bureau of Economic and Business Affairs, U.S. Department of State, (202) 647–1998.

A description of the textile and apparel categories in terms of HTS numbers is available in the **CORRELATION:** Textile and Apparel Categories with the Harmonized Tariff Schedule of the United States (see **Federal Register** notice 54 FR 50797, published on December 11, 1989).

The letter to the Commissioner of Customs and the actions taken pursuant to it are not designed to implement all of the provisions of the bilateral agreement, but are designed to assist only in the implementation of certain of its provisions.

Auggie D. Tantillo,

Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

January 29, 1990.

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

Dear Commissioner: Under the terms of Section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854); pursuant to the Bilateral Textile Agreement of December 28, 1989, between the Governments of the United States and the Union of Soviet Socialist Republics; and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended, you are directed to prohibit, effective on February 5, 1990, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton sheeting and cotton printcloth in Categories 313/315, produced or manufactured in the Union of Soviet Socialist Republics and exported during the twelve-month period beginning on January 1, 1990 and extending through December 31, 1990, in excess of 23,000,000 square meters [1] of which not more than 4,000,000 square meters shall be in Category 315.

The level set forth above is subject to adjustment in the future according to the provisions of the bilateral agreement of December 28, 1989 between the Governments of the United States and the Union of Soviet Socialist Republics.

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

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

Sincerely,

Auggie D. Tantillo,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 90-2467 Filed 2-1-90; 8:45 am]

BILLING CODE 3510-DR-M

COMMITTEE FOR PURCHASE FROM THE BLIND AND OTHER SEVERELY HANDICAPPED

Procurement List 1990; Additions

AGENCY: Committee for Purchase from the Blind and Other Severely Handicapped.

ACTION: Additions to Procurement List.

SUMMARY: This action adds to Procurement List 1990 commodities to be produced by workshops for the blind or other severely handicapped.

EFFECTIVE DATE: March 5, 1990.

ADDRESSES: Committee for Purchase from the Blind and Other Severely Handicapped, Crystal Square 5, suite 1107, 1755 Jefferson Davis Highway, Arlington, Virginia 22202-3509.

FOR FURTHER INFORMATION CONTACT: Beverly Milkman (703) 557-1145.

SUPPLEMENTARY INFORMATION: On November 13, December 1 and 8, 1989, the Committee for Purchase from the Blind and Other Severely Handicapped published notices (54 FR 47259, 49789 and 50633) of proposed additions to Procurement List 1990, which was published on November 3, 1989 (54 FR 46540).

After consideration of the material presented to it concerning capability of qualified workshops to produce the commodities at a fair market price and impact of the additions on the current or most recent contractors, the Committee has determined that the commodities listed below are suitable for procurement by the Federal Government under 41 U.S.C. 46-48c and 41 CFR 51-2.6.

I certify that the following actions will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were: a. The actions will not result in any additional reporting, recordkeeping or other compliance requirements.

b. The actions will not have a serious economic impact on any contractors for the commodities listed.

c. The actions will result in authorizing small entities to produce the commodities procured by the Government.

Accordingly, the following commodities are hereby added to Procurement List 1989:

Strap, Webbing
5340-00-454-5963
5340-01-130-6020

Office Furniture

7110-01-148-2410	Desk
7110-01-148-2411	Desk
7110-01-170-3594	Desk
7110-01-170-3595	Desk
7110-01-170-3596	Desk
7110-01-170-3597	Desk
7110-01-170-3598	Desk
7110-01-170-7582	Desk
7110-01-148-2419	Credenza
7110-00-NFC-0450	Credenza
7110-00-NFC-0451	Credenza
7110-01-148-2421	Telephone Cabinet
7110-01-148-2414	Bookcase
7110-00-NFC-0452	Bookcase
7110-00-NFC-0453	Overhead Storage Unit
7110-01-226-9888	Table, VDT
7110-01-226-1706	Table, VDT
7110-01-226-1707	Table, Printer

Beverly L. Milkman,

Executive Director.

[FR Doc. 90-2472 Filed 2-1-90; 8:45 am]

BILLING CODE 6820-33-M

Procurement List 1990; Proposed Additions

AGENCY: Committee for Purchase from the Blind and Other Severely Handicapped.

ACTION: Proposed Additions to Procurement List.

SUMMARY: The Committee has received proposals to add to Procurement List 1990 commodities to be produced and services to be provided by workshops for the blind or other severely handicapped.

COMMENTS MUST BE RECEIVED ON OR BEFORE: March 5, 1990.

ADDRESSES: Committee for Purchase from the Blind and Other Severely Handicapped, Crystal Square 5, Suite 1107, 1755 Jefferson Davis Highway, Arlington, Virginia 22202-3509.

FOR FURTHER INFORMATION CONTACT: Beverly Milkman (703) 557-1145.

SUPPLEMENTARY INFORMATION: This notice is published pursuant to 41 U.S.C. 47(a)(2) and 41 CFR 51-2.6. Its purpose is to provide interested persons an opportunity to submit comments on the possible impact of the proposed actions.

If the Committee approves the proposed additions, all entities of the Federal Government will be required to procure the commodities and services listed below from workshops for the blind or other severely handicapped.

It is proposed to add the following commodities and services to Procurement List 1990, which was published on November 3, 1989 (54 FR 46540):

Commodities

Mast Section

5985-01-072-8065

Trunks, General Purpose

8415-01-311-0379

Services

Commissary Shelf Stocking

Naval Supply Center, Commissary Branch Store, Athens, Georgia

Food Service Attendant

Naval Air Station, Whiting Field, Milton, Florida

[1] The limit has not been adjusted to account for any imports exported after December 31, 1989.

Janitorial/Custodial

Agriculture Main Auditors Building, 14th and Independence Ave. SW., Washington, DC

Beverly L. Milkman,

Executive Director.

[FR Doc. 90-2473 Filed 2-1-90; 8:45 am]

BILLING CODE 6820-33-M

DEPARTMENT OF DEFENSE

Department of the Army

Army Science Board; Open Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), announcement is made of the following Committee Meeting:

Name of the Committee: Army Science Board (ASB).

Dates of Meeting: 20-21 February 1990.

Time: 0800-1700 each day.

Place: The Pentagon, Washington, DC.

Agenda: The Army Science Board (ASB) Ad Hoc Subgroup on Software in the Army will meet for discussions focused on problems facing the Army in software development and to review past and ongoing efforts to improve the process. This meeting will be open to the public. Any interested person may attend, appear before, or file statements with the committee at the time and in the manner permitted by the committee. The ASB Administrative Officer, Sally Warner, may be contacted for further information at (202) 695-0781/0782.

Sally A. Warner,

Administrative Officer, Army Science Board.

[FR Doc. 90-2424 Filed 2-1-90; 8:45 am]

BILLING CODE 3710-8-M

Army Science Board; Closed Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), announcement is made of the following Committee Meeting:

Name of the Committee: Army Science Board (ASB).

Dates of Meeting: 21-23 February 1990.

Time: 0800-1630 each day.

Place: Fort Bliss, Texas.

Agenda: The Army Science Board 1990 Summer Study on Use of Army Systems and Technologies in the National War on Drugs will meet for discussions focused on the current threat, mission, functions and technology challenges facing the Army's involvement in the national war on drugs. In addition, an Army Task Force based on Fort Bliss, Texas will brief on the preceived threat, the Task Force's mission, organization, and operational/technological requirements. This meeting will be closed to the public in accordance with section 552b(c) of title 5, U.S.C., specifically subparagraph (1) thereof, and title 5, U.S.C., appendix 2, subsection 10(d). The classified and unclassified matters and proprietary information to be discussed are so inextricably intertwined so as to preclude opening any portion of the meeting. The ASB Administrative Officer, Sally Warner, may be contacted for further information at (202) 695-0781/0782.

Sally A. Warner,

Administrative Officer, Army Science Board.

[FR Doc. 90-2423 Filed 2-1-90; 8:45 am]

BILLING CODE 3710-8-M

DEPARTMENT OF EDUCATION

[CFDA No. 84.207A]

Drug-Free Schools and Communities Program—Training of Teachers, Counselors, and School Personnel; Inviting Applications for Awards for Fiscal Year (FY) 1990

Purpose of Program: To provide financial assistance to State educational agencies, local or intermediate educational agencies, and institutions of higher education, or a consortia of these entities to establish, expand, or enhance programs and activities for the training of teachers, administrators, guidance counselors, social workers, psychologists, nurses, librarians, and other support staff who are employed by a school or who perform services for the school on a contractual basis concerning drug and alcohol abuse education and prevention.

Deadline for Transmittal of Applications: March 30, 1990.

Deadline for Intergovernmental Review: May 29, 1990.

Applications Available: February 12, 1990.

Available Funds: $23,500,000.

Estimated Range of Awards: $100,000-$200,000.

Estimated Average Size of Awards: $125,000.

Estimated Number of Awards: 188.

Note: The Department is not bound by any estimates in this notice.

Project Period: 12 months-18 months.

Applicable Regulations: (a) The Education Department General Administrative Regulations (EDGAR) in 34 CFR parts 74, 75, 77, 79, 81, and 85; and (b) the regulations for Student Rights in Research, Experimental Programs and Testing in 34 CFR part 98.

Invitational Priorities: The Secretary is particularly interested in applications that meet one or more of the following invitational priorities:

1. Training programs for teachers, administrators, guidance counselors, and other school personnel who work with high-risk youth in the area of drug and alcohol abuse education and prevention. A high-risk youth is defined as an individual who is under 21 years of age and is at high risk of becoming, or has been a drug or alcohol abuser, and who: Is a school dropout; has experienced repeated failure in school; has become pregnant; is economically disadvantaged; is the child of a drug or alcohol abuser; is a victim of physical, sexual, or psychological abuse; has committed a violent or delinquent act; has experienced mental health problems; has attempted suicide; has experienced long-term physical pain due to injury; or is a juvenile in a detention facility within the State.

2. Training programs for school personnel other than education personnel, e.g. guidance counselors, social workers, psychologists, nurses, librarians, or other support personnel.

3. Training programs to educate school personnel on prevention and early intervention for children of alcoholics.

4. Summer institutes for training teachers, administrators, guidance counselors, and other school personnel in the implementation of innovative programs for drug and alcohol abuse education and prevention, including programs that focus on the children of alcoholics.

5. Programs that train teachers, administrators, guidance counselors, and other school personnel to emphasize the involvement and cooperation of family, school, and community in drug and alcohol abuse prevention, education, and intervention programs.

However, under 34 CFR 75.105(c)(1), an application that meets one or more of these invitational priorities does not receive competitive or absolute preference over other applications.

Weighting for Selection Criteria: Education Department General Administrative Regulations at 34 CFR 75.210(c) authorize the Secretary to distribute an additional 15 points among the selection criteria in 34 CFR 75.210 to bring the total possible points to a maximum of 100 points. For the purpose of this competition, the Secretary will distribute the additional points as follows:

Extent of Need for the Project: (§ 75.210(b)(4)). Five (5) additional points will be added for a possible total of 25 points for this criterion.

Evaluation Plan: (§ 75.210(b)(6)). Ten additional points will be added for a possible total of 15 points for this criterion.

For Application or Information Contact: Ethel F. Jackson, The Drug-Free Schools and Communities Staff, Office of Elementary and Secondary Education, U.S. Department of Education, 400 Maryland Avenue, SW.,

room 2135, Washington, DC 20202–6439. Telephone (202) 732–3463.

Program Authority: 20 U.S.C. 3201.

Dated: January 26, 1990.

Daniel F. Bonner,

Acting Assistant Secretary for Elementary and Secondary Education.

[FR Doc. 90–2391 Filed 2–1–90; 8:45 am]

BILLING CODE 4000–01–M

DEPARTMENT OF ENERGY

Environmental Restoration and Waste Management Site Specific Plans; Solicitation of Comments

AGENCY: Chicago Operations Office, DOE.

ACTION: Solicitation of Comments From the General Public on Environmental Restoration and Waste Management Site Specific Plans for Laboratories and Facilities under the Chicago Operations Office.

SUMMARY: As discussed in several meetings with Federal and State regulatory agencies, and as described in the Department of Energy Environmental Restoration and Waste Management Five Year Plan ([DOE/S–0070], Solicitation of Comments From the General Public on the Environmental Restoration and Waste Management Five-Year Plan, September 1, 1989 [54FR36372]), the Department of Energy Chicago Operations Office has been preparing Environmental Restoration and Waste Management Site Specific Plans for the facilities under its management. These facilities include Ames Laboratory, Iowa; Argonne National Laboratory-East, Illinois; Argonne National Laboratory-West, Idaho; Battelle Columbus Laboratory, Ohio; Brookhaven National Laboratory, New York; Fermi National Accelerator Laboratory, Illinois; Princeton Plasma Physics Laboratory, New Jersey; Hallam Nuclear Power Facility, Nebraska; and Piqua Nuclear Power Facility, Ohio.

The Site Specific Plans supply additional details and budget projections for corrective activities, environmental restoration actions, waste management operations, and applied environmental research programs at each Chicago Operations organization and facility. The Site Specific Plans also provide a vehicle for evaluating DOE's progress in meeting the environmental goals established under the Five-Year Plan.

To facilitate public participation in this process, the Department of Energy is making the Environmental Restoration and Waste Management Site Specific Plans available to interested groups and individuals for review and comment. All comments received during the comment period will be considered in the preparation of the first annual update to the plan, which should be available for public review and comment in summer of 1990.

DATES: Comments will be accepted through April 3, 1990.

ADDRESSES: Persons requiring copies of these Site Specific Plans should submit their requests to Mr. Joel Haugen, Technology Management Division, U.S. Department of Energy, Chicago Operations Office, Attn: Site Specific Plans, 9800 South Cass Avenue, Argonne, IL 60439 or call (708) 972–2093. Written comments should be addressed to Mr. Haugen at the same address.

FOR FURTHER INFORMATION CONTACT: Mr. Joel Haugen on (708) 972–2093.

Hilary J. Rauch,

Manager, Chicago Operations Office.

[FR Doc. 90–2452 Filed 2–1–90; 8:45 am]

BILLING CODE 6450–01–M

Federal Energy Regulatory Commission

[Docket Nos. CP90–600–000 et al.]

Northwest Pipeline Corporation, et al.; Natural Gas Certificate Filings

January 26, 1990.

Take notice that the following filings have been made with the Commission:

1. Northwest Pipeline Corp.,

[Docket No. CP90–600–000]

Take notice that on January 22, 1990, Northwest Pipeline Corporation (Northwest), 295 Chipeta Way, Salt Lake City, Utah 84108, filed in Docket No. CP90–600–000 a request pursuant to § 157.205 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205), for authorization to provide interruptible transportation service for Enron Gas Marketing, Inc. (Enron), a marketer of natural gas, under Northwest's blanket certificate issued in Docket No. CP86–578–000, 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.

Northwest states that, pursuant to a transportation service agreement dated December 1, 1989, it proposes to transport up to 8,000 MMBtu of natural gas per day under its TI–1 Rate Schedule for National. Northwest proposes to transport the subject gas from various existing points of receipt located along its system to various existing points of delivery located along its system. Northwest estimates that the average day, and annual transportation volumes would be 400 MMBtu and 150,000 MMBtu, respectively. Northwest advises that the service commenced December 7, 1989, as reported in Docket No. ST90–1412–000 (filed January 11, 1990), pursuant to § 284.223(a) of the Commission's Regulations.

Comment date: March 12, 1990, in accordance with Standard Paragraph G at the end of this notice.

ANR Pipeline Co.

[Docket No. CP90–572–000]

Take notice that on January 18, 1990, ANR Pipeline Company (ANR), 500 Renaissance Center, Detroit, Michigan 48243, filed an application with the Commission in Docket No. CP90–572–000 pursuant to section 7(b) of the Natural Gas Act (NGA), requesting permission and approval to abandon a natural gas transportation service for Columbia Gas Transmission Corporation (Columbia), all as more fully set forth in the application which is open to public inspection.

ANR states that the Commission orders issued June 24, 1969, in Docket No. CP69–249 *et al.* (41 FPC 828) and August 4, 1970, in Docket No. CP70–163 (44 FPC 241) authorized it to transport up to 75,000 Mcf of natural gas per day and up to 65,000 Mcf of natural gas per day for Columbia, formerly United Fuel Gas Company, respectively. ANR receives Columbia's gas at two offshore Louisiana receipt points in Eugene Island Area Block 250 and South Marsh Island Area Block 58, then delivers the gas onshore at Calumet, Saint Mary Parish, Louisiana. ANR transports Columbia's gas under its FERC Rate Schedule X–13. Columbia notified ANR via letters dated August 14, 1989, and October 6, 1989, that it no longer needed this firm transportation service and wished to cancel it as of February 23, 1990.

Comment date: February 16, 1990, in accordance with Standard Paragraph F at the end of this notice.

3. Transwestern Pipeline Co.

[Docket No. CP90–521–000]

Take notice that on January 16, 1990, Transwestern Pipeline Company (Transwestern), 1400 Smith Street, Houston, Texas 77002, filed in Docket No. CP90–521–000, an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon a certain skid mounted field compressor station located in Beaver County, Oklahoma, all as more fully set forth in the application on file with the

Commission and open to public inspection.

Transwestern states that it was authorized in Docket No. G–20464 to construct and operate certain field facilities to enable it to connect new gas supplies from producers in various areas to Transwestern's pipline system. It is also stated that included in the authorized facilities was the U.S. Allen No. 1 Compressor Unit No. 809 located in Beaver County, Oklahoma, which was installed to compress gas volumes delivered into the Transwestern four-inch Laverne-Allen Lateral into Transwestern's high pressure 12-inch Lipscomb-Mocane Lateral. Transwestern states that because of field piping modifications, the compressor unit is no longer required. Transwestern also states that the compressor unit would be removed and installed at the Hoeppner Station under its blanket certificate authorization.

Comment date: February 16, 1990 in accordance with Standard Paragraph F at the end of the notice.

4. Southern Natural Gas Co.

[Docket No. CP90–613–000]

Take notice that on January 24, 1990, Southern Natural Gas Company (Southern), Post Office Box 2563, Birmingham, Alabama 3502–2563 filed in Docket No. CP90–613–000 a request pursuant to § 157.205 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205) for authorization to transport natural gas on behalf of Enron Gas Marketing, Inc. (Enron), a marketer, under its blanket authorization issued in Docket No. CP88–316–000, pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

Southern would perform the proposed interruptible transportation service for Enron, pursuant to an interruptible transportation service agreement dated October 25, 1989. The transportation agreement is effective for a primary term of one month and for successive terms of one month thereafter subject to termination by either party giving five days written notice. Southern proposes to transport 100,000 MMBtu of natural gas on a peak day; 10,000 MMBtu on an average day; and on an annual basis 3,650,000 MMBtu of natural gas for Enron. Southern proposes to receive the subject gas at various receipt points located in Alabama, Louisiana, offshore Louisiana, Mississippi, Texas and offshore Texas for delivery to various points in the states of Alabama and Georgia. Southern avers that no new facilities are required to provide the proposed service.

It is explained that the proposed service is currently being performed pursuant to the 120-day self implementing provision of § 284.233(a)(1) of the Commission's Regulations. Southern commenced such self-implementing service on November 27, 1989, as reported in Docket No. ST90–1068–000.

Comment date: March 12, 1990, in accordance with Standard Paragraph G at the end of this notice.

5. Panhandle Eastern Pipe Line Co.

[Docket No. CP90–611–000]

Take notice that on January 24, 1990, Panhandle Eastern Pipe Line Company (Panhandle), P.O. Box 1642, Houston, Texas 77251–1642, filed in Docket No. CP90–611–000, a request pursuant to § 157.205 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205) for authorization to transport natural gas for Anadarko Trading Company (Anadarko), a shipper and marketer of natural gas, pursuant to Panhandle's blanket certificate issued in Docket No. CP86–585–000 pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request on file with the Commission and open to public inspection.

Panhandle states that pursuant to a Transportation Agreement dated December 1, 1989, between Panhandle and Anadarko (Agreement), it would transport up to 100,000 dekatherms (dt) per day equivalent of natural gas on a firm basis for Anadarko. Panhandle further states that the Agreement provides for Panhandle to receive the natural gas from various firm points of receipt located in the states of Kansas, Oklahoma and Texas. Furthermore, Panhandle states that pursuant to § 6.13 of the Rate Schedule PT–Firm, Panhandle would also receive natural gas on an interruptible basis from various interruptible points of receipt in the states of Colorado, Kansas, Oklahoma and Texas. Panhandle indicates that it would then transport and redeliver the subject natural gas, less fuel used and unaccounted for line loss, to Haven Pool, Reno County, Kansas.

Panhandle states that Anadrako has indicated that the estimated daily and estimated annual quantities would be 100,000 dt and 36,500,000 dt, respectively.

Panhandle indicates that it commenced the transportation of natural gas for Anadarko on December 1, 1989, as reported in Docket No. ST90–1392–000, for a 120 day period pursuant to § 284.223(a) of the Commission's Regulations (18 CFR 284.223(a)).

Comment date: March 12, 1990, in accordance with Standard Paragraph G at the end of this notice.

6. ANR Pipeline Co.

[Docket No. CP90–590–000]

Take notice that on January 23, 1990, ANR Pipeline Company (ANR), 500 Renaissance Center, Detroit, Michigan 48423, filed in Docket No. CP90–590–000 a request pursuant to § 157.205 of the Commission's Regulations under the Natural Gas Act for authorization to provide an interruptible transportation service for Northwestern Mutual Life Insurance Company (Northwestern Mutual) 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 request on file with the Commission and open to public inspection.

ANR states that it would receive the gas for Northwestern Mutual at existing points of receipt in Louisiana, offshore Louisiana and offshore Texas, and would deliver the gas at existing interconnections in Wisconsin.

ANR states that the maximum daily, average daily and annual quantities that it would transport for Northwestern Mutual would be 11,200 dt equivalent of natural gas, 11,200 dt equivalent of natural gas and 4,088,000 dt equivalent of natural gas, respectively.

ANR indicates that in a filing made with the Commission in Docket No. ST90–1031–000, it reported that transportation service on behalf of Northwestern Mutual commenced on November 22, 1989, under the 120-day automatic authorization provisions of § 284.223(a).

Comment date: March 12, 1990, in accordance with Standard Paragraph G at the end of this notice.

7. Panhandle Eastern Pipe Line Co.

[Docket No. CP90–606–000]

Take notice that on January 24, 1990, Panhandle Eastern Pipe Line Company (Panhandle), P.O. Box 1642, Houston, Texas 77251–1642, filed in Docket No. CP90–606–000 a request pursuant to §§ 157.205 and 284.223 of the Commission's Regulations for authorization to transport natural gas for Clinton Gas Transmission (Clinton), a marketer of natural gas, under Panhandle's blanket certificate issued in Docket No. CP86–585–000 pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

Panhandle proposes to transport, on an interruptible basis, up to 50,000 dt equivalent of natural gas on a peak day, 50,000 dt equivalent on an average day and 18,250,000 dt equivalent on an annual basis for Clinton. Panhandle states that it would perform the transportation service for Clinton under Panhandle's Rate Schedule PT. Panhandle indicates that it would receive the gas at designated points on its system in Colorado, Kansas, Oklahoma and Texas and would deliver equivalent volumes of gas, less fuel used and unaccounted for line loss, to Clinton at Haven Pool, Reno County, Kansas.

It is explained that the service commenced December 4, 1989, under the automatic authorization provisions of § 284.223 of the Commission's Regulations, as reported in Docket No. ST90-1227. Panhandle indicates that no new facilities would be necessary to provide the subject service.

Comment date: March 12, 1990, in accordance with Standard Paragraph G at the end of this notice.

8. Southern Natural Gas Co.

[Docket No. CP90-596-000]

Take notice that on January 22, 1990, Southern Natural Gas Company (Southern), Post Office Box 2563, Birmingham, Alabama 35202-2563, filed in Docket No. CP90-596-000, a request pursuant to § 157.205 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205) for authorization to transport natural gas, on an interruptible basis, for Access Energy Corporation (Access), a marketer, under Southern's blanket certificate issued in Docket No. CP88-316-000 pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request on file with the Commission and open to public inspection.

Southern states that it would perform the proposed transportation services for Access pursuant to a service agreement dated November 8, 1989, under Southern's Rate Schedule IT. It is further stated that the service agreement is for a primary term of one month with successive terms of one month thereafter unless cancelled by either party. Southern indicates that the service agreement provides for a maximum quantity of 60,000 MMBtu of natural gas on a peak day but Access anticipates requesting 10,958 MMBtu of natural gas on an average day, and accordingly, 4,000,000 MMBtu of natural gas on an annual basis.

Southern states that it would receive the natural gas at various receipt points in offshore Texas and offshore Louisiana and in the states of Texas, Louisiana, Mississippi and Alabama for delivery to various points in the state of Georgia. Southern asserts that no new facilities would be required to implement to proposed service.

Southern indicates that it commenced the transportation of natural gas for Access on November 23, 1989, as reported in Docket No. ST90-1070-000, for a 120-day period pursuant to § 284.223(a) of the Commission's regulations (18 CFR 284.223(a)).

Comment date: March 12, 1990, in accordance with Standard Paragraph G at the end of this notice.

9. Texas Eastern Transmission Corp.

[Docket No. CP90-603-000]

Take notice that on January 23, 1990, Texas Eastern Transmission Corporation (Texas Eastern), P.O. Box 2521, Houston, Texas 77252, filed a request with the Commission in Docket No. CP90-603-000 pursuant to § 157.205 of the Commission's Regulations under the Natural Gas Act (NGA), for authorization to transport natural gas on behalf of Transco Energy Marketing Company (Transco), a natural gas broker, under the blanket certificate issued in Docket No. CP88-136-000 pursuant to section 7 of the NGA, all as more fully set forth in the request which is open to public inspection.

Texas Eastern proposes an interruptible natural gas transportation service of up to 2,855,000 MMBtu equivalent on peak and average days, and 1,042,075,000 MMBtu equivalent annually on behalf of Transco. Texas Eastern would receive Transco's gas at various existing receipt points on its pipeline system in Arkansas, Indiana, Louisiana, offshore Louisiana, Mississippi, Ohio, Pennsylvania, and Texas, then deliver the gas on Transco's behalf at existing delivery points in Illinois, Louisiana, offshore Louisiana, Mississippi, New Jersey, Ohio, Pennsylvania, Tennessee, and Texas. Texas Eastern states that it commenced transporting natural gas for Transco on November 2, 1989, under § 284.223(a) of the Regulations, as reported in Docket No. ST90-1293.

Comment date: March 12, 1990, in accordance with Standard Paragraph G at the end of this notice.

10. Mississippi River Transmission Corp.

[Docket No. CP90-614-000]

Take notice that on January 24, 1990, Mississippi River Transmission Corporation (MRT), 9900 Clayton Road, St. Louis, Missouri 63124, filed in Docket No. CP90-614-000 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 The Doe Run Company (Doe Run), an end user, under the blanket certificate issued in Docket No. CP88-1121-000, 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.

MRT states that pursuant to a transportation agreement dated November 16, 1989, under its Rate Schedule ITS, it proposes to transport up to 3,117 MMBtu per day equivalent of natural gas for Doe Run. MRT states that it would transport the gas from receipt points located in Oklahoma, Texas, Louisiana, Arkansas and Illinois, and would deliver the gas to a delivery point located in Missouri.

MRT advises that service under § 284.223(a) commenced December 1, 1989, as reported in Docket No. ST90-1309-000 (filed January 2, 1990). MRT further advises that it would transport 3,117 MMBtu on an average day and 1,137,705 MMBtu annually.

Comment date: March 12, 1990, in accordance with Standard Paragraph G at the end of this notice.

11. Panhandle Eastern Pipe Line Co.

[Docket No. CP90-605-000]

Take notice that on January 24, 1989, Panhandle Eastern Pipeline Company (Panhandle), P.O. Box 1642, Houston, Texas 77251-1642, filed in Docket No. CP90-605-000 a request pursuant to §§ 157.205 and 284.223 of the Commission's Regulations under the Natural Gas Act for authorization to transport natural gas for Union Electric Company (Union Electric), a shipper and LDC of natural gas, pursuant to Panhandle's blanket certificate issued in Docket No. CP86-585-000 and section 7 of the Natural Gas Act, all as more fully set forth in the request which is on file with the Commission and open for public inspection.

Specifically, Panhandle requests authority to transport up to 13,000 Dt. per day on a firm basis on behalf of Union Electric pursuant to a transportation agreement dated December 1, 1989, between Panhandle and Union Electric. It is stated that the agreement provides for Panhandle to receive gas from the firm point of receipt located in Haven Pool, Reno County, Kansas. Panhandle would then transport and redeliver subject gas, less fuel used and unaccounted for line loss, to various points in Missouri, it is stated. It is further stated that the estimated annual quantities would be 8,110 Dt. and

2,960,000 Dt., respectively. Panhandle states that service under § 284.223(a) commenced on December 1, 1989, as reported in Docket No. ST90–1149–000.

Comment date: March 12, 1990, in accordance with Standard Paragraph G at the end of this notice.

12. Colorado Interstate Gas Co.

[Docket No. CP90–594–000]

Take notice that on January 22, 1990, Colorado Interstate Gas Company (CIG), P.O. Box 1087, Colorado Springs, Colorado 80944, filed in Docket No. CP90–594–000 a request pursuant to §§ 157.205 and 284.223 of the Commission's Regulations under the Natural Gas Act [18 CFR 157.205) for authorization to transport natural gas for Amoco Production (Shipper) under the blanket certificate issued in Docket No. CP86–589–000 pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request on file with the Commission and open for public inspection.

CIG states that it proposes to transport for Shipper 10,000 Mcf on a peak day, 10,000 Mcf on an average day and 3,650 Mcf on an annual basis. CIG also states that pursuant to a Transportation Agreement dated November 1, 1989, between CIG and Shipper (Transportation Agreement) proposes it would receive gas from an existing point of receipt on its system in Colorado and redeliver the subject gas, less fuel and unaccounted for line loss to Shipper in Kearny County, Kansas.

CIG further states that it commenced this service November 1, 1989, as reported in Docket No. ST90–1130–000.

Comment date: March 12, 1990, in accordance with Standard Paragraph G at the end of this notice.

13. Colorado Interstate Gas Co.

[Docket No. CP90–591–000]

Take notice that on January 24, 1990, Colorado Interstate Gas Company (CIG), P.O. Box 1087, Colorado Springs, Colorado 80944, filed in Docket No. CP90–591–000 a request pursuant to § 157.205 of the Commission's Regulations for authorization to provide transportation service on behalf of Coastal Chem, Inc., (Coastal), under CIG's blanket certificate issued in Docket No. CP86–589–000 pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

CIG requests authorization to transport, on a firm basis, up to a maximum of 5,000 Mcf of natural gas per day for Coastal from a receipt point located in Wyoming to a delivery point located in Weld County, Colorado. CIG anticipates transporting, on an average day 5,000 Mcf and an annual volume of 1,800,000 Mcf.

CIG states that the transportation of natural gas for coastal commenced December 1, 1989, as reported in Docket No. ST90–1124–000, for a 120-day period pursuant to § 284.223(a) of the Commission's Regulations and the blanket certificate issued to CIG in Docket No. CP86–589–000.

Comment date: March 12, 1990, in accordance with Standard Paragraph G at the end of this notice.

14. Panhandle Easterm Pipe Line Co.

[Docket No. CP90–608–000]

Take notice that on January 24, 1990, Panhandle Eastern Pipe Line Company (Panhandle), P.O. Box 1642, Houston, Texas 77152–1642, filed in Docket No. CP90–608–000 an application pursuant to §157.205 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205) for authorization to transport natural gas on behalf of Williams Gas Marketing Company (Williams), a marketer of natural gas, under Panhandle's blanket certificate issued in Docket No. CP86–585–000 pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

Panhandle proposes to transport, on an interruptible basis, up to 50,000 Dt. equivalent of natural gas per day for Williams. Panhandle states that construction of facilities would not be required to provide the proposed service.

Panhandle further states that the maximum day, average day, and annual transportation volumes would be approximately 50,000 Dt. equivalent, 40,000 Dt. equivalent and 14,600,000 Dt. equivalent respectively.

Panhandle advises that service under § 284.223(a) commenced December 1, 1989, as reported in Docket No. ST90–1145.

Comment date: March 12, 1990, in accordance with Standard Paragraph G at the end of this notice.

15. Panhandle Eastern Pipe Line Co.

[Docket No. CP90–610–000]

Take notice that on January 24, 1990, Panhandle Easterm Pipe Line Company (Panhandle), P.O. Box 1642, Houston, Texas 77251–1642, filed in Docket No. CP90–610–000 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 Panda Resources, Inc. (Panda), a marketer, under the blanket certificate issued in Docket No. CP86–585–000, pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request that is on file with the Commission and open to public inspection.

Panhandle states that pursuant to a transportation agreement dated April 27, 1989, under its Rate Schedule PT, it proposes to transport up to 100,000 dekatherms (dt) per day equivalent of natural gas for Panda. Panhandle states that it would transport the gas from various receipt points in Colorado, Kansas, Oklahoma and Texas, and redeliver such gas, less fuel used and unaccounted for line loss, to Haven Pool in Reno County, Kansas.

Panhandle advises that service under § 284.223(a) commenced December 1, 1989, as reported in Docket No. ST90–1109. Panhandle further advises that it would transport 25,000 dt on an average day and 9,000,000 dt annually.

Comment date: March 12, 1990, in accordance with Standard Paragraph G at the end of this notice.

16. United Gas Pipe Line Co.

[Docket No. CP90–601–000]

Take notice that on January 22, 1990, United Gas Pipe Line Company (United), P.O. Box 1478, Houston, Texas 77251–1478, filed in Docket No. CP90–601–000 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 Entrade Corporation (Entrade), 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 a transportation agreement dated October 1, 1988, as amended on November 1, 1989, under its Rate Schedule ITS, it proposes to transport up to 103,000 MMBtu per day equivalent of natural gas for Entrade. United states that it would transport the gas from multiple receipt points as shown in Exhibit "A" of the transportation agreement and would deliver the gas to multiple delivery points shown in Exhibit "B" of the agreement.

United advises that service under §284.223(a) commenced November 20, 1989, as reported in Docket No. ST90–1259 (filed December 29, 1989). United further advises that it would transport 103,000 MMBtu on an average day and 37,595,000 MMBtu annually.

Comment date: March 12, 1990, in accordance with Standard Paragraph G at the end of this notice.

17. Panhandle Eastern Pipe Line Co.

[Docket No. CP90-612-000]

Take notice that on January 24, 1990, Panhandle Eastern Pipe Line Company (Panhandle), P.O. Box 1642, Houston, Texas 77251-1642, filed in Docket No. CP90-612-000 a request pursuant to § 152.205 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205) for authorization to provide an interruptible transportation service for Home Petroleum Corporation (HPC), a producer, under the blanket certificate issued in Docket No. CP86-585-000, pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request that is on file with the Commission and open to public inspection.

Panhandle states that pursuant to a transportation agreement dated November 16, 1989, as amended, under its Rate Schedule PT, it proposes to transport up to 4,000 dekatherms (dt) per day equivalent of natural gas for HPC. Panhandle states that it would transport the gas from a receipt point at Triton Unit 10, in Sweetwater County, Wyoming, and at points listed on the Master Receipt Point List contained in Exhibit "A" to the agreement, and redeliver such gas, less fuel used and unaccounted for line loss, to Triton/CIG Exchange also located in Sweetwater County, Wyoming.

Panhandle advises that service under § 284.223(a) commenced December 1, 1989, as reported in Docket No. ST90-1295. Panhandle further advises that it would transport 4,000 dt on an average day and 1,460,000 dt annually.

Comment date: March 12, 1990, in accordance with Standard Paragraph G at the end of this notice.

18. Panhandle Eastern Pipe Line Co.

[Docket No. CP90-607-000]

Take notice that on January 24, 1990, Panhandle Eastern Pipe Line Company (Panhandle), P.O. Box 1642, Houston, Texas 77251-1642, filed in Docket No. CP90-607-000 a request pursuant to § 157.205 of the Commission's Regulations for authorization to provide transportation service on behalf of Enogex Gas Company (Enogex), a shipper and marketer of natural gas, under Panhandle's blanket certificate issued in Docket No. CP86-585-000, pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Panhandle requests authorization to transport, on an interruptible basis, up to a maximum of 90,000 dekatherms of natural gas per day for Enogex from receipt points located in Colorado, Kansas, Oklahoma and Texas to a delivery point located in Reno County, Kansas. Panhandle anticipates transporting an annual volume of 270,000 dekatherms.

Panhandle states that the transportation of natural gas for Enogex commenced December 1, 1989, as reported in Docket No. ST90-1148-000, for a 120-day period pursuant to § 157.223(a) of the Commission's Regulations and the blanket certificate issued to Panhandle in Docket No. CP86-585-000.

Comment date: March 12, 1990, in accordance with Standard Paragraph G at the end of this notice.

19. Texas Gas Transmission Corp.

[Docket No. CP90-587-000

Take notice that on January 22, 1990, Texas Gas Transmission Corporation (Texas Gas), 3800 Frederica Street, Owensboro, Kentucky 42301, filed in Docket No. CP90-587-000 a request pursuant to §§ 157.205 and 284.223 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205 and 284.223) for authorization to provide an interruptible transportation service for Total Minatome Corporation (Total) under Texas Gas' blanket certificate issued in Docket No. CP88-686-000 pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request on file with the Commission and open to public inspection.

Texas Gas requests authorization to transport on a peak day up to 25,000 MMBtu of natural gas for Total, with an estimated average daily quantity of 1,500 MMBtu. It is indicated that gas would be received from receipt points at High Island Area, offshore Texas, and delivered to a delivery point at High Island Area, offshore Texas. On an annual basis, Total estimates a volume of 547,500 MMBtu, it is stated.

Texas Gas Further states that transportation service for Total commenced December 9, 1989, under the 120-day automatic provisions of § 284.223(a) of the Commission's Regulations, as reported in Docket No. ST90-1053.

Comment date: March 12, 1990, in accordance with Standard Paragraph G 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. 90-2411 Filed 2-1-90; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 6288–005 Wyoming]

City of Lander, WY; Surrender of Exemption

January 26, 1990.

Take notice that the City of Lander, Wyoming, Exemptee for the Lander Water Treatment Plant Project No. 6288, has requested that its exemption be terminated. The exemption for Project No. 6288 was issued November 29,1982. The project would have been located at the Lander Water Treatment Plant in Lander, Wyoming. No land disturbing activity has been undertaken.

The Exemptee filed the request on December 21, 1989, and the exemption for Project No. 6288 shall remain in effect through the thirtieth day after issuance of this notice unless that day is a Saturday, Sunday or holiday as described in 18 CFR 385.2007, in which case the exemption shall remain in effect through the first business day following that day. New applications involving this project site, to the extent provided for under 18 CFR part 4, may be filed on the next business day.

Lois D. Cashell,

Secretary.

[FR Doc. 90–2412 filed 2–1–90; 8:45 am]

BILLING CODE 6717–01–M

Office of Fossil Energy

[FE Docket No. 89–38–NG]

Boston Gas Co.; Application To Import Natural Gas From Canada

AGENCY: Office of Fossil Energy, Department of Energy.

ACTION: Notice of application for long-term authority to import Canadian natural gas.

SUMMARY: The Office of Fossil Energy (FE) of the Department of Energy (DOE) gives notice of receipt on June 22, 1989, of an application filed by Boston Gas Company (Boston Gas), as later supplemented, for authorization to import from Esso Resources Canada Limited (Esso) up to a maximum daily quantity (MDQ) of 35,000 Mcf of Canadian natural gas on a firm basis, plus additional volumes on a daily basis, subject to an aggregate term total of 192 Bcf. The term would extend for 15 years beginning November 1, 1991. The gas would be delivered by Esso at the international border near Iroquois, Ontario, where the facilities of TransCanada Pipelines Limited (TransCanada) and the proposed Iroquois Gas Transmission System (Iroquois) would interconnect and would be transported to Boston Gas by Iroquois. Iroquois has applied to the Federal Energy Regulatory Commission (FERC), Docket No. CP89–634–000, for authority to construct and operate the proposed facilities. Boston Gas proposes to use the gas to meet the market requirements in its service area. According to Boston Gas, those requirements are projected to exceed the supply available from its historical sources of supply in the near future.

The application is filed under section 3 of the Natural Gas Act (NGA) and DOE Delegation Order Nos. 0204–111 and 0204–127. Protest, motions to intervene, notices of intervention and written comment are invited.

DATES: Protests, motions to intervene, or notices of intervention, as applicable, requests for additional procedures and written comment are to be filed at the address listed below no later than 4:30 p.m., e.s.t., March 5, 1990.

ADDRESSES: Office of Fuels Programs, Fossil Energy, U.S. Department of Energy, Forrestal Building, room 3F–056, 1000 Independence Avenue, SW., Washington, DC 20585.

FOR FURTHER INFORMATION CONTACT:

Robert M. Stronach, Office of Fuels Programs, Fossil Energy, U.S. Department of Energy, Forrestal Building, room 3F–056, 1000 Independence Avenue SW., Washington, DC 20585 (202) 586–9622

Diane J. Stubbs, Natural Gas and Mineral Leasing, Office of General Counsel, U.S. Department of Energy, Forrestal Building, room 6E–042, 1000 Independence Avenue SW., Washington, DC 20585 (202) 586–6667

SUPPLEMENTARY INFORMATION: Boston Gas, a Massachusetts corporation with its principal place of business in Boston, Massachusetts, is a wholly-owned subsidiary of Eastern Enterprises and is engaged in the distribution and sale of natural gas to a total of approximately 500,000 residential, commercial and industrial customers in the City of Boston and 73 other cities and towns in eastern Massachusetts.

On May 1, 1989, Boston Gas and Esso entered into a natural gas sales agreement under which Boston Gas would purchase up to a MDQ of 35,000 Mcf of natural gas plus additional volumes if available, over a 15-year term beginning November 1, 1991. The total volume to be imported over the 15-year term would not exceed 192 Bcf. The MDQ is subject to adjustment if Boston Gas purchases less than the 75 percent for a 730 consecutive day period or if Esso's reserves are insufficient to meet delivery obligations. The agreement also contains a minimum take deficiency payment requirement if the volume of gas taken on a quarterly basis falls below 75 percent of the MDQ. If, after 365 days following a quarterly minimum take deficiency, the gas has not been repurchased it would become unpurchased gas which the seller may dispose of in its sole discretion.

The price to be paid by Boston Gas for MDQ volumes at the Iroquois, Ontario, delivery point would be comprised of a commodity charge and a transportation charge for each Mcf delivered. The commodity charge would be a function of a base price indexed according to basked of alternate fuel prices including No. 2 and No. 6 fuel oil and natural gas. The transportation charge would include all fixed and variable transportation charges paid by Esso for transportation of the gas in Canada. Boston Gas estimates that, as of November 1, 1991, the commodity charge would be $1.9827 (U.S.) and the transportation charge would be $.8654, for a toal of $2.8481 per Mcf. Adjustments to both charges would be determined monthly and, after 1991, either party could request renegotiation of the commodity charge at three-year intervals. If renegotiation does not result in agreement, the contract provides for arbitration.

If a minimum take deficiency occurs in a particular quarter, Boston Gas would pay Esso twenty percent of the arithmetic average monthly commodity charge appicable to the quarter in which the minimum take deficiency occurred. If minimum take deficiency gas accumulated in a quarter is repurchased within 365 days of the end of the quarter, Boston Gas would pay Esso the higher of the commodity charge in effect during the month in which deliveries occurred, the highest commodity charge Esso could receive from a third party, or such other commodity charge agreed to by Boston Gas and Esso, plus any and all transportation charges.

In support of its application, Boston Gas states that the terms and conditions of the sales agreement are flexible with respect to both volume and price, and thus assure a gas supply that can be marketed competitively over the life of the sales agreement. Boston Gas notes that the sales agreement provides for monthly adjustments to the commodity price based on changes in alternate fuel prices and provides for renegotiation and arbitration of key pricing terms. In addition, Boston Gas states that the price of the proposed import is designed to remain competitive against competing natural gas supplies and alternate fuels.

The decision on this application for import authority will be made consistent with the DOE's gas import policy guidelines, under which the

competitiveness of an import arrangement in the markets served is the primary consideration in determining whether it is in the public interest (49 FR 6684, February 22, 1984). Other matters to be considered in making a public interest determination in a long-term import proposal such as this include the need for the gas and security of the long-term supply. Parties that may oppose this application should comment in their responses on the issues of competitiveness, need for the gas, and security of supply as set forth in the policy guidelines. Boston Gas asserts that this import arrangement is in the public interest because the volumes are needed for its system supply, the price of the gas is competitive, and its Canadian supplier is reliable. Parties opposing the import arrangement bear the burden of overcoming these assertions.

All parties should be aware that if the requested import is approved, the authorization would be conditioned on the filing of quarterly reports indicating volumes imported and the purchase price.

NEPA Compliance

The National Environmental Policy Act (NEPA) (42 U.S.C. 4321 *et seq.*) requires the DOE to give appropriate consideration to the environmental effects of its proposed actions. The FERC is currently preparing an Environmental Impact Statement (EIS) in FERC Docket No. CP89–634–000 on the impacts of constructing and operating the proposed pipeline facilities. The DOE is a cooperating agency in the EIS process and any natural gas import authorization issued concerning the volumes to be imported would be conditioned upon completion of that process. No final decision will be issued in this proceeding until the DOE has met its NEPA responsibilities.

Public Comment Procedures

In response to this notice, any person may file a protest, motion to intervene or notice of intervention, as applicable, and written comments. Any person wishing to become a party to the proceeding and to have the written comments considered as the basis for any decision on the application must, however, file a motion to intervene or notice of intervention, as applicable. The filing of a protest with respect to this application will not serve to make the protestant a party to the proceeding, although protests and comments received from persons who are not parties will be considered in determining the appropriate action to be taken on the application. All protests, motions to intervene, notices of intervention, and written comments must meet the requirements that are specified by the regulations in 10 CFR part 590.

It is intended that a decisional record will be developed on the application through responses to this notice by parties, including the parties' written comments and replies thereto. Additional procedures will be used as necessary to achieve a complete understanding of the facts and issues. A party seeking intervention may request that additional procedures be provided, such as additional written comments, an oral presentation, a conference, or trial-type hearing. Any request to file additional written comments should explain why they are necessary. Any request for an oral presentation should identify the substantial question of fact, law, or policy at issue, show that it is material and relevant to a decision in the proceeding, and demonstrate why an oral presentation is needed. Any request for a conference should demonstrate why the conference would materially advance the proceeding. Any request for a trial-type hearing must show that there are factual issues genuinely in dispute that are relevant and material to a decision and that a trial-type hearing is necessary for a full and true disclosure of the facts.

If an additional procedure is scheduled, notice will be provided to all parties. If no party requests additional procedures, a final opinion and order may be issued based on the official record, including the application and responses filed by parties pursuant to this notice, in accordance with 10 CFR 590.316.

A copy of Boston Gas' application is available for inspection and copying in the Office of Fuels Programs Docket Room, room 3F–056 at the above address. The docket room is open between the hours of 8 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, DC, January 29, 1990.

Clifford P. Tomaszewski,

Acting Deputy Assistant Secretary for Fuels Programs, Office of Fossil Energy.

[FR Doc. 90–2453 filed 2–1–90; 8:45 am]

BILLING CODE 6450–01–M

Office of Hearings and Appeals

Cases Filed the Week of December 1, Through December 8, 1989

During the Week of December 1 through December 8, 1989, the applications for relief listed in the appendix to this Notice were filed with the Office of Hearings and Appeals of the Department of Energy.

Under DOE procedural regulations, 10 CFR part 205, any person who will be aggrieved by the DOE action sought in these cases may file written comments on the application within ten days of service of notice, as prescribed in the procedural regulations. For purposes of the regulations, the date of service of notice is deemed to be the date of publication of this Notice or the date of receipt by an aggrieved person of actual notice, whichever occurs first. All such comments shall be filed with the Office of Hearings and Appeals, Department of Energy, Washington, DC 20585.

Dated: January 26, 1990.

George B. Breznay,

Director, Office of Hearings and Appeals.

LIST OF CASES RECEIVED BY THE OFFICE OF HEARINGS AND APPEALS

[Week of Dec. 1 through Dec. 8, 1989]

Date	Name and location of applicant	Case No.	Type of submission
Dec. 4, 1990	Automatic Comfort Corporation, Washington, DC	LEF–0005	Implementation of Special refund procedures. If granted: The Office of Hearings and Appeals would implement Special Refund Procedures pursuant to 10 CFR part 205, subpart V, in connection with the Consent Order entered into with Automatic Comfort Corporation.
Dec. 7, 1989	Amoco/Alabama, Montgomery, Alabama	RM251–162	Request for modification/rescission. If granted: The December 30, 1986, Decision and Order issued to Alabama (Case No. RQ251–341) would be modified, regarding the state's plan for use of funds in the Amoco second stage refund proceeding.

REFUND APPLICATIONS RECEIVED

[Week of Dec. 1 to Dec. 8, 1989]

Date received	Name of refund applicant	Case No.
12/1/89 thru 12/8/89.	Atlantic Richfield Refund Applications Received.	RF304-10787 thru RF304-10901.
12/1/89 thru 12/8/89.	Shell Oil Refunds Applications Received.	RF315-8990 thru RF315-9655.
12/4/89	Hoskin's Spur	RF309-1380.
12/6/89	Southwest Electric Power Corp.	RF288-3.
12/7/89	Defense Fuel Supply Center.	RF318-8.
12/1/89	Flatiron Paving Co. of Boulder.	RF272-78408.
12/7/89	Webb's Texaco Service.	RF272-78409.
12/4/89	Andy's Gulf Tire Store.	RF300-10897.
12/4/89	Hanover Gulf	RF300-10898.
12/4/89	R.C. Coleman Gulf Service.	RF300-10899.
12/4/89	Gulfstream Super Service.	RF300-10900.
12/4/89	Homestead Gulf	RF300-10901.
12/4/89	Corporate Jet Refuelers, Inc.	RF300-10902.
12/6/89	Gulf Service Center.	RF300-10903.
12/7/89	White Oak Pony Keg.	RF300-10904.

[FR Doc. 90-2454 Filed 2-1-90; 8:45 am]

BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

[FRL-3719-9]

Agency Information Collection Activities Under OMB Review

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), this notice announces that the Information Collection Request (ICR) abstracted below has been forwarded to the Office of Management and Budget (OMB) for review and comment. The ICR describes the nature of the information collection and its expected cost and burden; where appropriate, it includes the actual data collection instrument.

DATES: Comments must be submitted on or before March 5, 1990.

FOR FURTHER INFORMATION CONTACT: Sandy Farmer at EPA (202) 382-2740.

SUPPLEMENTARY INFORMATION:

Office of the Administrator

Title: Wetlands Indian Regulation (ICR No. 1542.01). This is a new collection.

Abstract: Under section 518 of the Clean Water Act, Indian Tribes are eligible to be treated as States for various purposes of the CWA. In order to be considered as States, Tribes must submit certain statutorily required information to EPA, including evidence of a Tribe's governmental authority over a given territory as well as a description of the Tribe's ability to administer the Dredge and Fill Permit Program.

Burden Statement: The public reporting burden for this collection of information is estimated to average 100 hours per response, including time for reviewing instructions, and completing and reviewing the collection of information.

Respondents: Indian Tribes.

Estimated Number of Respondents: 4.

Estimated Total Annual Burden on Respondents: 400 hours.

Frequency of Collection: One time.

Send comments regarding the burden estimate, or any other aspect of these information collections, including suggestions for reducing the burden, to:

Sandy Farmer, U.S. Environmental Protection Agency, Information Policy Branch (PM-223), 401 M Street SW., Washington, DC 20460

and

Tim Hunt, Office of Management and Budget, Office of Information and Regulatory Affairs, 725 17th Street NW., Washington, DC 20530.

Dated: January 17, 1990.

David Schwarz,

Acting Director, Information and Regulatory Systems Division.

[FR Doc. 90-2437 Filed 2-1-90; 8:45 am]

BILLING CODE 6560-50-M

[ER-FRL-3720-1]

Environmental Impact Statements; Availability

RESPONSIBLE AGENCY: Office of Federal Activities, General Information (202) 382-5073 or (202) 382-5076.

Availability of Environmental Impact Statements Filed January 22, 1990 Through January 26, 1990 Pursuant to 40 CFR 1506.9.

EIS No. 900018, Draft, AFS, CA, Baldy Fire Recovery Project, Implementation, Klamath National Forest, Happy Camp Ranger District, Siskiyou County, CA, Due: March 19, 1990, Contact: Lynda Karns (916) 842-6131.

EIS No. 900019, Final, FHW, CA, CA-125 Construction, Fletcher Parkway to CA-52, Funding, San Diego County, CA, Due: March 30, 1990, Contact: Susan Klekar (916) 551-1307.

EIS No. 900019, Draft, FHW, CA, CA-125 Construction, Fletcher Parkway to CA-52, Funding, San Diego County, CA, Due: March 30, 1990, Contact: Susan Klekar (916) 551-1307.

EIS No. 900020, Final, EPA, REG, National Emission Standards for Hazardous Air Pollutants (NESHAPs) for Radionuclides, Implementation, Due: March 5, 1990, Contact: James Hardin (202) 475-9610.

EIS No. 900021, Final, FHW, KS, South Lawrence Trafficway Construction, Kansas, Due: March 5, 1990, Contact: Robert Deatrick (913) 295-2550.

EIS No. 900022, Final, EPA, AK, Diamond Chuitna Coal Project, Development and Construction, NPDES Permit and section 10 and 404 Permits, Beluga Region, Upper Cook Inlet, AK, Due: March 5, 1990, Contact: Rick Seaborne (206) 442-8510.

EIS No. 900023, Draft, EPA, NJ, Environmental Technology and Engineering (E-TEC) Facility Development, Testing and Evaluation of Hazardous Substances Control, Construction and Operation, Middlesex County, NJ, Due: March 19, 1990, Contact: Robert Hargrove (212) 264-1840.

EIS No. 900024, Final, COE, MA, Saugus River and Tributaries Flood Damage Reduction Plan, Implementation, Lynn, Malden, Revere and Saugus Communities, Essex, Middlesex and Suffolk Counties, MA, Due: March 5, 1990, Contact: William A. Hubbard (617) 647-8236.

EIS No. 900025, Final, BLM, NV, Nellis Air Force Range Planning Area Resource Management Plan, Implementation, Nye, Lincoln and Clark Counties, NV, Due: March 5, 1990, Contact: Neil D. Talbot (702) 328-6283.

EIS No. 900026, Draft, AFS, WA, Leola Sullivan Timber Sale, Implementation, Colville National Forest, Sullivan Lake Ranger District, Pend Oreille County, WA, Due: March 19, 1990, Contact: Edward L. Schultz (509) 446-2681.

EIS No. 900027, Final, COE, KS, Kansas River Commercial Dredging Project, Junction City to Kansas-Missouri State Line, section 10 Permits, Douglas, Geary, Jefferson, Johnson, Leavenworth, Pottawatomie, Riley, Shawnee, Wabawnsee and Wyandotte Counties, KS, Due: March 5, 1990, Contact: Robert J. Smith (816) 426-2118.

EIS No. 900028, F Suppl, DOE, NM, Waste Isolation Pilot Plant Construction, Updated Geological and Hydrological Information, Eddy County, NM, Due: March 5, 1990, Contact: Carol Borgstrom (202) 586–4600.

EIS No. 900029, Draft, TVA, TN, KY, VA, GA, KY, NC, AL, MS, Tennessee River Reservoir System Improvement, Operation, Funding, TN, VA, GA, KY, NC, AL and MS, Due: March 30, 1990, Contact: Christopher D. Ungate (615) 632–8502.

Amended Notices

EIS No. 900006, Draft, BLM, NV, Thousand Springs Coal-Fired Power Plan Land Exchange, Construction and Operation, Right-of-way Grant, section 404 Permit, Elko County, NV, Due: March 12, 1990, Contact: Nancy Phelp Dailey (702) 738–4071. Published FR 1–12–90—Review period extended.

Dated: January 30, 1990.

Richard E. Sanderson,

Director, Office of Federal Activities.

[FR Doc. 90–2482 Filed 2–1–90; 8:45 am]

BILLING CODE 6560–50–M

[ER–FRL–3720–2]

Environmental Impact Statements and Regulations; Availability of EPA Comments

Availability of EPA comments prepared January 15, 1990 through January 19, 1990 pursuant to the Environmental Review Process (ERP), under section 309 of the Clean Air Act and section 102(2)(c) of the National Environmental Policy Act as amended. Requests for copies of EPA comments can be directed to the Office of Federal Activities at (202) 382–5076.

An explanation of the ratings assigned to draft environmental impact statements (EISs) was published in **Federal Register** dated April 7, 1989 (54 FR 15006).

Draft EISs

ERP No. D–AFS–J02016–MT, Rating EC2, Badger-Two Medicine Area Exploratory Oil and Gas Wells Drilling, Leasing and Permit, Lewis and Clark National Forest, Rocky Mountain Ranger District, Pondera and Glacier Counties, MT.

Summary: EPA is concerned that the draft EIS does not provide sufficient information on existing ground water conditions in the proposed exploration units or on the potential impacts which could result from oil and gas activities.

ERP No. D–BLM–J61079–00, Rating EO2, Craig District Wilderness Study Areas (WSAs) Wilderness Recommendations, Designation or Nondesignation, Oil Spring Mountain, Windy Gulch, Black Mountain, Willow Creek, Skull Creek, Bull Canyon, Troublesome/Platte River Contiguous WSAs, White River/Kremmling Resource Areas, Jackson, Moffat, and Rio Blanco Counties, CO and Uintah County, UT.

Summary: EPAs' major concerns are insufficient program water quality assurance, inadequate data provided concerning assumptions underlying surface and ground water modelling, inadequate ground water modelling and a lack of cumulative impact analyses. Although, nearly all of the WSAs concerned drain into the same river basin, the BLM has not performed a cumulative impact analysis of its proposed actions.

ERP No. D–COE–J61081–CO, Rating EO2, Adam's Rib Recreation Area Resort Development, 404 Permit and Approval, Eagle County, CO.

Summary: EPA feels this document inadequately analyzes alternatives for the resort which would eliminate or reduce impacts to wetlands. EPA believes that even if the proponent were to successfully rebut the presumption that less-damaging alternatives exist, the mitigation offered to compensate for wetland impacts would be seriously inadequate.

Final EISs

ERP No. F–AFS–J61075–WY, Mountain Meadow Guest Ranch Expansion, Site Development Plan Approval, Special Use Permit Renewal, Medicine Bow National Forest, Albany County, WY.

Summary: EPA feels the review did not identify any potential environmental impacts requiring substantive changes to the preferred Alternative 4. EPA supports the monitoring well planned between the leach fields and the Cascade Springs.

ERP No. FS–AFS–L65096–AK, 1981–86 and 1986–90 Alaska Pulp Long-Term Timber Sale Operating Plan, Phase I and II, Implementation Tongass National Forest, AK.

Summary: Review of the final supplemental EIS has been completed and the project found to be satisfactory. No formal letter was sent to the agency.

ERP No. F–AFS–L82008–ID, Idaho Panhandle National Forests, Weed Pest Management Plan, Implementation, Benewah, Bonner, Boundary, Kootenai and Shoshone Counties, ID.

Summary: Review of the final EIS has been completed and the project found to be satisfactory. No formal letter was sent to the agency.

ERP No. F–AFS–L82010–00, Pacific Northwest Region National Forests, Nursery Pest Management Control Plan, Implementation, Skamania County, WA and Lane, Douglas, Deschutes and Jackson Counties, OR.

Summary: Review of the final EIS has been completed and the project found to be satisfactory. No formal letter was sent to the agency.

Dated: January 30, 1990.

Richard E. Sanderson,

Director, Office of Federal Activities.

[FR Doc. 90–2483 Filed 2–1–90; 8:45 am]

BILLING CODE 6560–50–M

FARM CREDIT ADMINISTRATION

Order Amending Order Appointing Receiver of the Federal Land Bank of Jackson, Mississippi and Federal Land Bank Association of Jackson, MS

ACTION: Notice.

SUMMARY: On December 22, 1989, the Order Appointing Receiver of the Federal Land Bank of Jackson, Mississippi, and the Federal Land Bank Association of Jackson, Mississippi, dated May 20, 1988 (53 FR 18812, May 24, 1988), as amended on November 16, 1988 (53 FR 47762, November 25, 1988) and August 4, 1988 (53 FR 30343, August 11, 1988) was amended to authorize the Receiver, acting by and through its officers or any duly authorized attorney-in-fact, to execute, acknowledge and deliver any and all instruments and documents for and on behalf of the Institutions-in-Receivership.

Dated: January 29, 1990.

Jeffrey P. Katz,

Acting Secretary, Form Credit Administration Board.

[FR Doc. 90–2465 Filed 2–1–90; 8:45 am]

BILLING CODE 6705–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Social Security Administration

Agency Forms Submitted to the Office of Management and Budget for Clearance

Each Friday the Social Security Administration publishes a list of information collection packages that have been submitted to the Office of Management and Budget (OMB) for clearance in compliance with Public Law 96–511, The Paperwork Reduction Act. The following clearance packages have been submitted to OMB since the

last list was published in the Federal Register on January 19, 1990.

Social Security Administration

(Call Reports Clearance Officer on (301) 965–4149 for copies of package)

Student's Statement Regarding School Attendance—0960–0105—The information collected on the form SSA–1372 is used by the Social Security Administration to determine if a claimant is entitled to student benefits. The affected public is comprised of claimants for Social Security student benefits.

Number of Respondents: 200,000
Frequency of Response: 1
Average Burden Per Response: 10 minutes
Estimated Annual Burden: 33,333 hours

2. State Vocational Rehabilitation Agency Claim—0960–0310—The information collected on the form SSA–199 is used by the Social Security Administration (SSA) to allow or deny claims for reimbursement filed by State Vocational Rehabilitation agencies. The affected public consists of these agencies which file claims with SSA.
Number of Respondents: 82
Frequency of Response: 137
Average Burden Per Response: 8 minutes
Estimated Annual Burden: 1,498 hours

3. Marriage Certification—0960–0009—The information collected on the form SSA–3 is issued by the Social Security Administration to verify the existence of an alleged marriage by a claimant for Social Security benefits. The affected public consists of claimants who allege a current marriage.
Number of Respondents: 300,000
Frequency of Response: 1
Average Burden Per Response: 5 minutes
Estimated Annual Burden: 25,500 hours
OMB Desk Officer: Justin Kopca

Social Security Administration

Written Comments and recommendations regarding these information collections should be sent directly to the appropriate OMB Desk Officer designated above at the following address: OMB Reports Management Branch, New Executive Office Building, Room 3208, Washington, DC 20503.

Dated: January 29, 1990.

Ron Compston,

Social Security Administration, Reports Clearance Officer.

[FR Doc. 90–2430 Filed 2–1–90; 8:45 am]

BILLING CODE 4190–11–M

Supplemental Security Income (SSI) for the Aged, Blind, and Disabled Demonstration Priorities for Fiscal Year (FY) 1990; Recommendations for Priority Areas for Outreach Demonstrations Program

AGENCY: Social Security Administration, HHS.

ACTION: Notice.

SUMMARY: The Social Security Administration (SSA) announces its intent to establish priority areas for funding grants and cooperative agreements for demonstration projects which increase outreach efforts to needy aged, blind, and disabled individuals who are potentially eligible for SSI benefits. By outreach we mean identifying potentially eligible individuals, helping them understand their rights under the SSI program and assisting them in applying for benefits. The purpose of this announcement is to request recommendations for SSA to consider in establishing priority areas for outreach demonstrations. Based on this and other information, we will publish a follow-up announcement in the Federal Register setting out priority areas and inviting submission of applications for specific grant projects. We are not requesting applications at this time.

EFFECTIVE DATE: The closing date for receipt of recommendations is March 5, 1990.

FOR FURTHER INFORMATION CONTACT: SSA, Office of Supplemental Security Income, Division of Program Management Analysis, 6401 Security Boulevard, 3–R–1 Operations Building, Baltimore, Maryland 21235, (301) 965–9840.

BACKGROUND INFORMATION:

SSA Authority and Objectives

Authority for this activity is contained in section 1110 of the Social Security Act for projects that assist in promoting the objectives or facilitate the administration of the SSI program.

SSA expects to conduct a series of SSI outreach demonstration projects, with awards made in FY 1990. The goal of these projects will be first to demonstrate innovative approaches to the identification of potentially eligible needy aged, blind, and disabled individuals and second, to aid these individuals in the application process. We generally expect to fund projects that cost between $175,000 and $230,000 and can be completed within 12 to 18 months. SSA may, however, fund some projects at higher or lower amounts and for longer or shorter periods of time.

The recommendations obtained from this announcement will be used to assist SSA in selecting the priority areas for which we may later specifically request submission of applications for demonstration projects. SSA is interested in recommendations which "break new ground"; that is, efforts that extend and/or enhance current outreach efforts conducted by SSA's field offices or other organizations such as State or local governments or private entities. We are seeking innovative approaches which fill gaps in existing programs or create entirely new outreach mechanisms involving the private sector. SSA has little interest in recommendations which replicate existing efforts unless these ideas include a major new component which will lead to significant improvement in the numbers of people being reached.

SSA is particularly interested in approaches that: (a) Link the resources of Federal and State or local agencies serving potential SSI recipients; (b) link the resources of Federal, State, local, and private nonprofit agencies; and (c) link Federal, State, and/or local resources with private sector organizations serving the aged, blind, and disabled.

The SSI Program

SSI is a Federal program administered by SSA. The program provides monthly benefit payments to aged, blind, and disabled people who have limited resources and income. In 1990, the Federal benefit rate for an individual is $386 per month and $579 per month for a couple. In addition, many States supplement the Federal benefit; the supplementary benefit amounts vary from State to State. In most States, eligibility for SSI means eligibility for Medicaid; the extent of the Medicaid coverage package varies by State. SSI recipients also may be eligible to receive Food Stamps in all but California and Wisconsin, where the State's supplementary payments are considered to include the value of Food Stamps.

To be eligible, a person must be age 65 or older or disabled or blind, have limited resources and income, and meet certain other requirements. A person 18 or older is considered disabled if a physical or mental impairment or combination of impairments prevents the person from doing any substantial gainful work and is expected to last for at least 12 months or to result in death. Disabled or blind children as well as adults may be eligible. A child under age 18 may be found disabled with a physical or mental impairment that is comparable in severity to one that

would prevent an adult from working and is expected to last at least 12 months or result in death.

In addition to age, disability or blindness, an individual or couple must meet resource, income, and residency requirements. In 1990, the resource limits are $2,000 for one person and $3,000 for a couple. However, not everything that a person owns is counted.

An individual or couple may have earned or unearned income and still may be eligible for the SSI program. A certain amount of income is disregarded in determining eligibility and computing the SSI benefit amount. People who live in a State that supplements the Federal payment may have higher amounts of income and still may qualify for some benefits.

To be eligible for SSI a person must reside in the U.S. or the Northern Mariana Islands and be a U.S. citizen, an alien lawfully admitted for permanent residence, or an alien permanently residing in the U.S. under "color of law" (PRUCOL). PRUCOL is defined in the Code of Federal Regulations at title 20, § 416.1618.

SSA administers the SSI program. State supplementary payments are administered by SSA in some States; other States administer their own supplements. SSA determines the eligibility of claimants and makes payments to recipients. SSA works cooperatively with the States, who are responsible for making disability and blindness determinations through their Disability Determination Services. SSI is financed from general revenue funds of the U.S. Treasury.

Target Population

SSA estimates that as of March 31, 1990, there will be approximately 4,805,000 SSI recipients. This breaks down to 1,430,000 aged recipients (age 65 or over) and 3,175,000 blind and disabled recipients. Of the 3,175,000 blind and disabled recipients, there will be approximately 600,000 who are age 65 or over, and 250,000 who are under age 18 (disabled children).

SSA estimates that a significant number of people are potentially eligible for SSI benefits but, for a variety of reasons, have not filed for them. Through its SSI Outreach Demonstration Program SSA wants to demonstrate and test the feasibility of special procedures and services that will help it to reach this population. The purpose of this **Federal Register** notice is to request ideas from the public as to the most effective methods of accomplishing this goal.

Possible Priority Areas for New Outreach Demonstrations

SSA is aware that barriers exist that prevent potentially eligible individuals and couples from filing for SSI benefits. Such barriers include but are not limited to (not in priority order):

—English language illiteracy,

—Limited exposure to traditional communications media,

—Disabilities which limit mobility and connection with social services organizations,

—Reluctance to accept/admit disability as a permanent condition,

—Fear/stigma associated with Acquired Immunodeficiency Syndrome (AIDS) and AIDS-Related Complex (ARC),

—Homelessness often coupled with mental illness or drug addiction/alcoholism,

—Perceived welfare stigma of receiving SSI benefits,

—Distrust or fear of government bureaucracy,

—Concern that eligibility will preclude future work attempts,

—Lack of transportation and/or access to a telephone (especially in rural areas, Indian reservations, etc.),

—Lack of understanding about how to contact SSA field offices,

—Lack of information about the SSI program by the target population and by outside organizations that provide services to these groups,

—Lack of current connection with social service organizations, and

—Limited capacity (by virtue of physical or mental impairments) to respond to outreach efforts which may require another individual to assist in making application and, when eligible, to receive the benefits as a representative payee.

We are interested in proposals for projects that are sufficiently broad in scope to get a clear analysis of the techniques being tested. We are particularly interested in proposals for projects which utilize multiagency outreach teams targeted to the homeless, mentally ill, etc. Grants and cooperative agreements may be issued in the following subject matter areas (not in priority order):

—Identification of potentially eligible elderly and adult disabled and blind individuals through coordination with State and area agencies or aging and organizations having access to the disabled and blind community—Particular emphasis should be placed on identifying homeless individuals; reaching members of minority groups; overcoming barriers such as the perceived welfare stigma, ill health, etc.; and deploying support personnel to assist with the application process.

—Transportation—Overcome barriers of distance, from SSA field facilities in some areas and poor local public transportation systems by providing various forms of transportation to bring potentially eligible individuals and couples to the local SSA field offices as well as to required medical examinations.

—Public Information—Overcome literacy, language, and educational barriers through appropriate materials (written, video, etc.) and services that inform people about the program and help them with the application process.

—Identification of Diabled Children Through Coordination With the Department of Education, Local School Districts, and Social Service Agencies—Target lower income areas and work through the school board, and/or social service agencies to identify needy disabled children. Make parents and guardians aware of the program, overcome resistance to the concept of disability in regard to their children, and help them through the application process.

—Representative Payment—Identify individuals (particularly among the homeless, mentally ill, and substance abusers) who have a physical or mental incapacity which suggests the need for assistance and match them with qualified volunteers sought among State and local community organizations (i.e., churches and synagogues, voluntary action centers, etc.). Such persons or organizations will help individuals pursue their applications with SSA and be available for appointments as representative payees.

Instructions for Making Recommendations

There is no specific format for submitting recommendations; however, submissions should include:

—A reference to this announcement;

—A clear description of the recommended priority area;

—A description of what part of the potentially eligible population (aged, blind, or disabled) it is designed to reach and what barriers it will overcome;

—A reference to any prior relevant research or other efforts that support the recommendation; and

—Possible options for demonstrations including duration, cost, and location estimates.

Recommendations should be brief. Five pages or less are preferred since it is not necessary to provide extensive background on the individual or organization making the

recommendation. Please submit one copy of the document plus the original.

Recommendations should be addressed to Rhoda M.G. Davis, Associate Commissioner for Supplemental Security Income, SSI Outreach Demonstration Program, 300 Altmeyer Building, 6401 Security Boulevard, Baltimore, MD 21235. The closing date for receipt of the recommendations is March 5, 1990.

Dated: January 29, 1989.

Gwendolyn S. King,

Commissioner of Social Security.

[FR Doc. 90-2431 Filed 2-1-90; 8:45 am]

BILLING CODE 4190-11-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Community Planning and Development

[Docket No. N-90-1917; FR-2606-N-57]

Underutilized and Unutilized Federal Buildings and Real Property Determined by HUD To Be Suitable for Use for Facilities To Assist the Homeless

AGENCY: Office of the Assistant Secretary for Community Planning and Development, HUD.

ACTION: Notice.

SUMMARY: This notice identifies unutilized and underutilized Federal property determined by HUD to be suitable for possible use for facilities to assist the homeless.

EFFECTIVE DATE: February 2, 1990.

ADDRESSES: For further information, contact James Forsberg, room 7228, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, DC 20410; telephone (202) 755-6300; TDD number for the hearing- and speech-impaired (202) 755-5965. (These telephone numbers are not toll-free.).

SUPPLEMENTARY INFORMATION: In accordance with the December 12, 1988 Court Order in *National Coalition for the Homeless* v. *Veterans Administration*, No. 88-2503-OG (D.D.C.), HUD is publishing this notice to identify Federal buildings and real property that HUD has determined are suitable for use for facilities to assist the homeless. The properties were identified from information provided to HUD by Fedeal agencies regarding unutilized and underutilized buildings and real property controlled by such agencies or by GSA regarding its inventory of excess or surplus Federal property.

The Order requires HUD to take certain steps to implement section 501 of the Steward B. McKinney Homeless Assistance Act (42 U.S.C. 11411), which sets out a process by which unutilized and underutilized Federal properties may be made available to the homeless. Under section 501(a), HUD is to collect information from Federal landholding agencies about such properties and then to determine, under criteria developed in consultation with the Department of Health and Human Services (HHS) and the Administrator of General Services (GSA), which of those properties are suitable for facilities to assist the homeless. The Order requires HUD to publish, on a weekly basis, a notice in the **Federal Register** identifying the properties determined as suitable.

The properties identified in this notice may ultimately be available for use by the homeless, but they are first subject to review by the landholding agencies pursuant to the court's Memorandum of December 14, 1988 and section 501(b) of the McKinney Act. Section 501(b) requires HUD to notify each Federal agency about any property of such agency that has been identified as suitable. Within 30 days from receipt of such notice from HUD, the agency must transmit to HUD: (1) Its intention to declare the property excess to the agency's need or to make the property available on an interim basis for use as facilities to assist the homeless; or (2) a statement of the reasons that the property cannot be declared excess or made available on an interim basis for use as facilities to assist the homeless.

First, if the landholding agency decides that the property cannot be declared excess or made available to the homeless for use on an interim basis the property will not longer be available.

Second, if the landholding agency declares the property excess to the agency's need, that property may, if subsequently accepted as excess by GSA, be made available for use by the homeless in accordance with applicable law and the December 12, 1988 Order and December 14, 1988 Memorandum, subject to screening for other Federal use.

Homeless assistance providers interested in any property identified as suitable in this Notice should send a written expression of interest to HHS, addressed to Judy Breitman, Division of Health Facilities Planning, U.S. Public Health Service, HHS, room 17A-10, 5600 Fishers Lane, Rockville, MD 20857; (301) 443-2265. (This is not a toll-free number.) HHS will mail to the interested provider an application packet, which will include instructions for completing the application. In order to maximize the opportunity to utilize a suitable property, providers should submit such written expressions of interest within 30 days from the date of this notice. For complete details concerning the timing and processing of applications, the reader is encouraged to refer to HUD's **Federal Register** notice on June 23, 1989 (54 FR 26421), as corrected on July 3, 1989 (54 FR 27975).

For more information regarding particular properties identified in this notice (*i.e.*, acreage, floor plan, existing sanitary facilities, exact street address), providers should contact the appropriate landholding agencies at the following addresses: U.S. Army: HQ-DA, Attn: DAEN-ZCI-P-Robert Conte; room 1E671 Pentagon, Washington, DC 20360-2600, (202) 693-4583; Veterans Administration: Linda Tribby, 084A, Real Property Program Management, Veterans Administration, 810 Vermont Avenue NW., Washington, DC 20420 (202) 233-5026.

Dated: January 25, 1990.

Paul Roitman Bardack,

Deputy Assistant Secretary for Program Policy Development and Evaluation.

SUITABLE LAND (by State)

MARYLAND

VA Medical Center, VA Medical Center, 9500 North Point Road, Fort Howard, MD, Co: Baltimore, Landholding Agency: VA, Property Number: 979010004, Status: Underutilized, Base Closure: NO

Comment: 10 acres; most recent use—dumpsite (leaves); area is secured with potential alternate access; 5% of property is wetlands.

SUITABLE BUILDINGS (by State)

GEORGIA

Bldg. 4922, Fort Benning, GA, Co: Muscogee, Landholding Agency: Army, Property Number: 219010001, Status: Unutilized, Base Closure: NO

Comment: 1,507 sq. ft.; most recent use—day room; needs rehab.

Bldg. 4920, Fort Benning, GA, Co: Muscogee, Landholding Agency: Army, Property Number: 219010002, Status: Unutilized, Base Closure: NO

Comment: 1,888 sq. ft.; most recent use—barracks; needs rehab.

Bldg. 4921, Fort Benning, Fort Benning, GA, Co: Muscogee, Landholding Agency: Army, Property Number: 219010003, Status: Unutilized, Base Closure: NO

Comment: 1,888 sq. ft.; most recent use—barracks; needs rehab.

Bldg. 4915, Fort Benning, Fort Benning, GA, Co: Muscogee, Landholding

Agency: Army, Property Number: 219010004, Status: Unutilized, Base Closure: NO
Comment: 1,297 sq. ft.; most recent use—headquarters building; needs rehab.
Bldg. 4914, Fort Benning, Fort Benning, GA, Co: Muscogee, Landholding Agency: Army, Property Number: 219010005, Status: Unutilized, Base Closure: NO
Comment: 810 sq. ft.; most recent use—arms building; needs rehab.
Bldg. 4910, Fort Benning, GA, Co: Muscogee, Landholding Agency: Army, Property Number: 219010105, Status: Unutilized, Base Closure: NO
Comment: 1,888 sq. ft.; most recent use—barracks; needs rehab.
Bldg. 4911, Fort Benning, GA, Co: Muscogee, Landholding Agency: Army, Property Number: 219010106, Status: Unutilized, Base Closure: NO
Comment: 1,888 sq. ft.; most recent use—barracks; needs rehab.
Bldg. 4927, Fort Benning, GA, Co: Muscogee, Landholding Agency: Army, Property Number: 219010107, Status: Unutilized, Base Closure: NO
Comment: 1,888 sq. ft.; most recent use—classrooms; 2-stories: needs rehab..
Bldg. 4928, Fort Benning, GA, Co: Muscogee, Landholding Agency: Army, Property Number: 219010108, Status: Unutilized, Base Closure: NO
Comment: 1,888 sq. ft.; most recent use—barracks; needs rehab.
Bldg. 5288, Fort Benning, GA, Co: Muscogee, Landholding Agency: Army, Property Number: 219010109, Status: Unutilized, Base Closure: NO
Comment: 1,216 sq. ft.; most recent use—arms building; needs rehab.
Bldg. 5289, Fort Benning, GA, Co: Muscogee, Landholding Agency: Army, Property Number: 219010110, Status: Unutilized, Base Closure: NO
Comment: 1,216 sq. ft.; most recent use—store house; needs rehab.
Bldg. 5290, Fort Benning, GA, Co: Muscogee, Landholding Agency: Army, Property Number: 219010111, Status: Unutilized, Base Closure: NO
Comment: 1,216 sq. ft.; most recent use—arms building; needs rehab.
Bldg. 5291, Fort Benning, GA, Co: Muscogee, Landholding Agency: Army, Property Number: 219010112, Status: Unutilized, Base Closure: NO
Comment: 2529 sq. ft.; most recent use—dining room; needs rehab.
Bldg. 5292, Fort Benning, GA, Co: Muscogee, Landholding Agency: Army, Property Number: 219010113, Status: Unutilized, Base Closure: NO
Comment: 2525 sq. ft.; most recent use—snack bar; needs rehab.
Bldg. 5293, Fort Benning, GA, Co: Muscogee, Landholding Agency: Army, Property Number: 219010114, Status: Unutilized, Base Closure: NO
Comment: 2529 sq. ft.; most recent use—dining room; needs rehab.
Bldg. 5294, Fort Benning, GA, Co: Muscogee, Landholding Agency: Army, Property Number: 219010115, Status: Unutilized, Base Closure: NO
Comment: 2529 sq. ft.; most recent use—dining room; needs rehab.
Bldg. 5295, Fort Benning, GA, Co: Muscogee, Landholding Agency: Army, Property Number: 219010116, Status: Unutilized, Base Closure: NO
Comment: 2529 sq. ft.; most recent use—dining room; needs rehab.
Bldg. 5297, Fort Benning, GA, Co: Muscogee, Landholding Agency: Army, Property Number: 219010117, Status: Unutilized, Base Closure: NO
Comment: 1080 sq. ft.; most recent use—storehouse; needs rehab.
Bldg. 5298, Fort Benning, GA, Co: Muscogee, Landholding Agency: Army, Property Number: 219010118, Status: Unutilized, Base Closure: NO
Comment: 3759 sq. ft.; most recent use—general; needs rehab.
Bldg. 5299, Fort Benning, GA, Co: Muscogee, Landholding Agency: Army, Property Number: 219010119, Status: Unutilized, Base Closure: NO
Comment: 3759 sq. ft.; most recent use—general; needs rehab.
Bldg. 5300, Fort Benning, GA, Co: Muscogee, Landholding Agency: Army, Property Number: 219010120, Status: Unutilized, Base Closure: NO
Comment: 1400 sq. ft.; most recent use—day room; needs rehab.
Bldg. 5301, Fort Benning, GA, Co: Muscogee, Landholding Agency: Army, Property Number: 219010121, Status: Unutilized, Base Closure: NO
Comment: 2124 sq. ft.; most recent use—barracks; needs rehab.
Bldg. 5302, Fort Benning, GA, Co: Muscogee, Landholding Agency: Army, Property Number: 219010122, Status: Unutilized, Base Closure: NO
Comment: 1400 sq. ft.; most recent use—day room; needs rehab.
Bldg. 5303, Fort Benning, GA, Co: Muscogee, Landholding Agency: Army, Property Number: 219010123, Status: Unutilized, Base Closure: NO
Comment: 2124 sq. ft.; most recent use—barracks; needs rehab.
Bldg. 5304, Fort Benning, GA, Co: Muscogee, Landholding Agency: Army, Property Number: 219010124, Status: Unutilized, Base Closure: NO
Comment: 2124 sq. ft.; most recent use—barracks; needs rehab.
Bldg. 5305, Fort Benning, GA, Co: Muscogee, Landholding Agency: Army, Property Number: 219010125, Status: Unutilized, Base Closure: NO
Comment: 2124 sq. ft.; most recent use—barracks; needs rehab.
Bldg. 5306, Fort Benning, GA, Co: Muscogee, Landholding Agency: Army, Property Number: 219010126, Status: Unutilized, Base Closure: NO
Comment: 2406 sq. ft.; most recent use—dining room; needs rehab.
Bldg. 5307, Fort Benning, GA, Co: Muscogee, Landholding Agency: Army, Property Number: 219010127, Status: Unutilized, Base Closure: NO
Comment: 1216 sq. ft.; most recent use—arms building; needs rehab.
Bldg. 5308, Fort Benning, GA, Co: Muscogee, Landholding Agency: Army, Property Number: 219010128, Status: Unutilized, Base Closure: NO
Comment: 1680 sq. ft.; most recent use—storehouse; needs rehab.
Bldg. 5309, Fort Benning, GA, Co: Muscogee, Landholding Agency: Army, Property Number: 219010129, Status: Unutilized, Base Closure: NO
Comment: 1829 sq. ft.; most recent use—clinic; needs rehab.
Bldg. 5310, Fort Benning, GA, Co: Muscogee, Landholding Agency: Army, Property Number: 219010130, Status: Unutilized, Base Closure: NO
Comment: 3484 sq. ft.; most recent use—diagnostic center; needs rehab.
Bldg. 5311, Fort Benning, GA, Co: Muscogee, Landholding Agency: Army, Property Number: 219010131, Status: Unutilized, Base Closure: NO
Comment: 5767 sq. ft.; most recent use—post exchange (store); needs rehab.
Bldg. 5315, Fort Benning, GA, Co: Muscogee, Landholding Agency: Army, Property Number: 219010132, Status: Unutilized, Base Closure: NO
Comment: 2930 sq. ft.; most recent use—hdqts. bldg.; needs rehab.
Bldg. 5316, Fort Benning, GA, Co: Muscogee, Landholding Agency: Army, Property Number: 219010133, Status: Unutilized, Base Closure: NO
Comment: 1400 sq. ft.; most recent use—day room; needs rehab.
Bldg. 5320, Fort Benning, GA, Co: Muscogee, Landholding Agency: Army, Property Number: 219010134, Status: Unutilized, Base Closure: NO
Comment: 2124 sq. ft.; most recent use—barracks; needs rehab.
Bldg. 5366, Fort Benning, GA, Co: Muscogee, Landholding Agency: Army, Property Number: 219010135, Status: Unutilized, Base Closure: NO
Comment: 3759 sq. ft.; most recent use—recreation bldg.; needs rehab.
Bldg. 5367, Fort Benning, GA, Co: Muscogee, Landholding Agency:

Army, Property Number: 219010136, Status: Unutilized, Base Closure: NO
Comment: 3759 sq. ft.; most recent use—recreation bldg.; needs rehab.
Bldg. 5390, Fort Benning, GA, Co: Muscogee, Landholding Agency: Army, Property Number: 219010137, Status: Unutilized, Base Closure: NO
Comment: 2432 sq. ft.; most recent use—dining room; needs rehab.
Bldg. 5404, Fort Benning, GA, Co: Muscogee, Landholding Agency: Army, Property Number: 219010138, Status: Unutilized, Base Closure: NO
Comment: 2792 sq. ft.; most recent use—recreation bldg.; needs rehab.
Bldg. 5328, Fort Benning, GA, Co: Muscogee, Landholding Agency: Army, Property Number: 219010139, Status: Unutilized, Base Closure: NO
Comment: 2486 sq. ft.; most recent use—arms bldg.; needs rehab.
Bldg. 5325, Fort Benning, GA, Co: Muscogee, Landholding Agency: Army, Property Number: 219010140, Status: Unutilized, Base Closure: NO
Comment: 2124 sq. ft.; most recent use—barracks; needs rehab.
Bldg. 5324, Fort Benning, GA, Co: Muscogee, Landholding Agency: Army, Property Number: 219010141, Status: Unutilized, Base Closure: NO
Comment: 2124 sq. ft.; most recent use—barracks; needs rehab.
Bldg. 5323, Fort Benning, GA, Co: Muscogee, Landholding Agency: Army, Property Number: 219010142, Status: Unutilized, Base Closure: NO
Comment: 2525 sq. ft.; most recent use—dining room; needs rehab.
Bldg. 5322, Fort Benning, GA, Co: Muscogee, Landholding Agency: Army, Property Number: 219010143, Status: Unutilized, Base Closure: NO
Comment: 2124 sq. ft.; most recent use—barracks; needs rehab.
Bldg. 5321, Fort Benning, GA, Co: Muscogee, Landholding Agency: Army, Property Number: 219010144, Status: Unutilized, Base Closure: NO
Comment: 2124 sq. ft.; most recent use—barracks; needs rehab.
Bldg. 5360, Fort Benning, GA, Co: Muscogee, Landholding Agency: Army, Property Number: 219010145, Status: Unutilized, Base Closure: NO
Comment: 3759 sq. ft.; most recent use—recreation bldg.; needs rehab.
Bldg. 5361, Fort Benning, GA, Co: Muscogee, Landholding Agency: Army, Property Number: 219010146, Status: Unutilized, Base Closure: NO
Comment: 3759 sq. ft.; most recent use—recreation bldg.; needs rehab.
Bldg. 5362, Fort Benning, GA, Co: Muscogee, Landholding Agency: Army, Property Number: 219010147, Status: Unutilized, Base Closure: NO
Comment: 5559 sq. ft.; most recent use—service club; needs rehab.
Bldg. 5363, Fort Benning, GA, Co: Muscogee, Landholding Agency: Army, Property Number: 219010148, Status: Unutilized, Base Closure: NO
Comment: 3759 sq. ft.; most recent use—recreation bldg.; needs rehab.
Bldg. 5404, Fort Benning, GA, Co: Muscogee, Landholding Agency: Army, Property Number: 219010149, Status: Unutilized, Base Closure: NO
Comment: 2792 sq. ft.; most recent use—recreation bldg.; needs rehab.
Bldg. 5365, Fort Benning, GA, Co: Muscogee, Landholding Agency: Army, Property Number: 219010150, Status: Unutilized, Base Closure: NO
Comment: 3759 sq. ft.; most recent use—recreation bldg.; needs rehab.
Bldg. 5392, Fort Benning, GA, Co: Muscogee, Landholding Agency: Army, Property Number: 219010151, Status: Unutilized, Base Closure: NO
Comment: 2432 sq. ft.; most recent use—dining room; needs rehab.
Bldg. 5391, Fort Benning, GA, Co: Muscogee, Landholding Agency: Army, Property Number: 219010152, Status: Unutilized, Base Closure: NO
Comment: 2432 sq. ft.; most recent use—dining room; needs rehab.

MARYLAND

Bldg. 8A, VA Medical Center, Perry Point, MD, Co: Cecil, Landholding Agency: VA, Property Number: 979010001, Status: Underutilized, Base Closure: NO
Comment: 17,000 sq. ft.; 1 floor; rehab required for access and leaking roof; 60% of total space in use for storage; no utilities.
Bldg. 9H, VA Medical Center, Perry Point, MD, Co: Cecil, Landholding Agency: VA, Property Number: 979010002, Status: Underutilized, Base Closure: NO
Comment: Underutilized space in basement only; water seepage, deter. problems. VA plans FY92 renovation and subsequent use; nursing home facility.

NORTH CAROLINA

Bldg. 9, VA Medical Center, 1100 Tunnel Road, Asheville, NC Co: Buncombe, Landholding Agency: VA, Property Number: 979010003, Status: Underutilized, Base Closure: NO
Comment: 12000 sq. ft.; 3 floors; contemporary masonry bldg.; most recent use—storage; 10–15% asbestos; no utilities.

VIRGINIA

Bldg. T413, Fort Pickett, Blackstone, VA, Co: Nottoway, Landholding Agency: Army, Property Number: 219010006, Status: Unutilized, Base Closure: NO
Comment: 4292 sq. ft.; selected periods are reserved for military/training exercises.
Bldg. T414, Fort Pickett, Blackstone, VA, Co: Nottoway, Landholding Agency: Army, Property Number: 219010007, Status: Unutilized, Base Closure: NO
Comment: 4292 sq. ft.; selected periods are reserved for military/training exercises.
Bldg. T415, Fort Pickett, Blackstone, VA, Co: Nottoway, Landholding Agency: Army, Property Number: 219010008, Status: Unutilized, Base Closure: NO
Comment: 4292 sq. ft.; selected periods are reserved for military/training exercises.
Bldg. T418, Fort Pickett, Blackstone, VA, Co: Nottoway, Landholding Agency: Army, Property Number: 219010009, Status: Unutilized, Base Closure: NO
Comment: 4292 sq. ft.; selected periods are reserved for military/training exercises.
Bldg. T421, Fort Pickett, Blackstone, VA, Co: Nottoway, Landholding Agency: Army, Property Number: 219010010, Status: Unutilized, Base Closure: NO
Comment: 4292 sq. ft.; selected periods are reserved for military/training exercises.
Bldg. T422, Fort Pickett, Blackstone, VA, Co: Nottoway, Landholding Agency: Army, Property Number: 219010011, Status: Unutilized, Base Closure: NO
Comment: 4292 sq. ft.; selected periods are reserved for military/training exercises.
Bldg. T423, Fort Pickett, Blackstone, VA, Co: Nottoway, Landholding Agency: Army, Property Number: 219010012, Status: Unutilized, Base Closure: NO
Comment: 4292 sq. ft.; selected periods are reserved for military/training exercises.
Bldg. T426, Fort Pickett, Blackstone, VA, Co: Nottoway, Landholding Agency: Army, Property Number: 219010013, Status: Unutilized, Base Closure: NO
Comment: 4292 sq. ft.; selected periods are reserved for military/training exercises.
Bldg. T427, Fort Pickett, Blackstone, VA, Co: Nottoway, Landholding Agency: Army, Property Number: 219010014, Status: Unutilized, Base Closure: NO
Comment: 4292 sq. ft.; selected periods are reserved for military/training exercises.
Bldg. T428, Fort Pickett, Blackstone, VA, Co: Nottoway, Landholding Agency:

Army, Property Number: 219010015, Status: Unutilized, Base Closure: NO
Comment: 4292 sq. ft.; selected periods are reserved for military/training exercises.

Bldg. T431, Fort Pickett, Blackstone, VA, Co: Nottoway, Landholding Agency: Army, Property Number: 219010016, Status: Unutilized, Base Closure: NO
Comment: 4292 sq. ft.; selected periods are reserved for military/training exercises.

Bldg. T432, Fort Pickett, Blackstone, VA, Co: Nottoway, Landholding Agency: Army, Property Number: 219010017, Status: Unutilized, Base Closure: NO
Comment: 4292 sq. ft.; selected periods are reserved for military/training exercises.

Bldg. T433, Fort Pickett, Blackstone, VA, Co: Nottoway, Landholding Agency: Army, Property Number: 219010018, Status: Unutilized, Base Closure: NO
Comment: 4292 sq. ft.; selected periods are reserved for military/training exercises.

Bldg. T441, Fort Pickett, Blackstone, VA, Co: Nottoway, Landholding Agency: Army, Property Number: 219010019, Status: Unutilized, Base Closure: NO
Comment: 4292 sq. ft.; selected periods are reserved for military/training exercises.

Bldg. T442, Fort Pickett, Blackstone, VA, Co: Nottoway, Landholding Agency: Army, Property Number: 219010020, Status: Unutilized, Base Closure: NO
Comment: 4292 sq. ft.; selected periods are reserved for military/training exercises.

Bldg. T443, Fort Pickett, Blackstone, VA, Co: Nottoway, Landholding Agency: Army, Property Number: 219010021, Status: Unutilized, Base Closure: NO
Comment: 4292 sq. ft.; selected periods are reserved for military/training exercises.

Bldg. T446, Fort Pickett, Blackstone, VA, Co: Nottoway, Landholding Agency: Army, Property Number: 219010022, Status: Unutilized, Base Closure: NO
Comment: 4292 sq. ft.; selected periods are reserved for military/training exercises.

Bldg. T447, Fort Pickett, Blackstone, VA, Co: Nottoway, Landholding Agency: Army, Property Number: 219010023, Status: Unutilized, Base Closure: NO
Comment: 4292 sq. ft.; selected periods are reserved for military/training exercises.

Bldg. T448, Fort Pickett, Blackstone, VA, Co: Nottoway, Landholding Agency: Army, Property Number: 219010024, Status: Unutilized, Base Closure: NO
Comment: 4292 sq. ft.; selected periods are reserved for military/training exercises.

Bldg. T1724, Fort Pickett, Blackstone, VA, Co: Nottoway, Landholding Agency: Army, Property Number: 219010025, Status: Unutilized, Base Closure: NO
Comment: 4292 sq. ft.; selected periods are reserved for military/training exercises.

Bldg. T1726, Fort Pickett, Blackstone, VA, Co: Nottoway, Landholding Agency: Army, Property Number: 219010026, Status: Unutilized, Base Closure: NO
Comment: 4292 sq. ft.; selected periods are reserved for military/training exercises.

Bldg. T1727, Fort Pickett, Blackstone, VA, Co: Nottoway, Landholding Agency: Army, Property Number: 219010027, Status: Unutilized, Base Closure: NO
Comment: 4292 sq. ft.; selected periods are reserved for military/training exercises.

Bldg. 1876, Fort Pickett, Blackstone, VA, Co: Nottoway, Landholding Agency: Army, Property Number: 219010028, Status: Unutilized, Base Closure: NO
Comment: 4292 sq. ft.; selected periods are reserved for military/training exercises.

Bldg. T1877, Fort Pickett, Blackstone, VA, Co: Nottoway, Landholding Agency: Army, Property Number: 219010029, Status: Unutilized, Base Closure: NO
Comment: 4292 sq. ft.; selected periods are reserved for military/training exercises.

Bldg. T2213, Fort Pickett, Blackstone, VA, Co: Nottoway, Landholding Agency: Army, Property Number: 219010030, Status: Unutilized, Base Closure: NO
Comment: 4292 sq. ft.; selected periods are reserved for military/training exercises.

Bldg. T2413, Fort Pickett, Blackstone, VA, Co: Nottoway, Landholding Agency: Army, Property Number: 219010031, Status: Unutilized, Base Closure: NO
Comment: 4292 sq. ft.; selected periods are reserved for military/training exercises.

Bldg. T2414, Fort Pickett, Blackstone, VA, Co: Nottoway, Landholding Agency: Army, Property Number: 219010032, Status: Unutilized, Base Closure: NO
Comment: 4292 sq. ft.; selected periods are reserved for military/training exercises.

Bldg. 4215, Fort Pickett, Blackstone, VA, Co: Nottoway, Landholding Agency: Army, Property Number: 219010033, Status: Unutilized, Base Closure: NO
Comment: 4292 sq. ft.; selected periods are reserved for military/training exercises.

Bldg. 2418, Fort Pickett, Blackstone, VA, Co: Nottoway, Landholding Agency: Army, Property Number: 219010034, Status: Unutilized, Base Closure: NO
Comment: 4292 sq. ft.; selected periods are reserved for military/training exercises.

Bldg. 2419, Fort Pickett, Blackstone, VA, Co: Nottoway, Landholding Agency: Army, Property Number: 219010035, Status: Unutilized, Base Closure: NO
Comment: 4292 sq. ft.; selected periods are reserved for military/training exercises.

Bldg. T2420, Fort Pickett, Blackstone, VA, Co: Nottoway, Landholding Agency: Army, Property Number: 219010036, Status: Unutilized, Base Closure: NO
Comment: 4292 sq. ft.; selected periods are reserved for military/training exercises.

Bldg. T2421, Fort Pickett, Blackstone, VA, Co: Nottoway, Landholding Agency: Army, Property Number: 219010037, Status: Unutilized, Base Closure: NO
Comment: 4292 sq. ft.; selected periods are reserved for military/training exercises.

Bldg. T2422, Fort Pickett, Blackstone, VA, Co: Nottoway, Landholding Agency: Army, Property Number: 219010038, Status: Unutilized, Base Closure: NO
Comment: 4292 sq. ft.; selected periods are reserved for military/training exercises.

Bldg. T2423, Fort Pickett, Blackstone, VA, Co: Nottoway, Landholding Agency: Army, Property Number: 219010039, Status: Unutilized, Base Closure: NO
Comment: 4292 sq. ft.; selected periods are reserved for military/training exercises.

Bldg. T2424, Fort Pickett, Blackstone, VA, Co: Nottoway, Landholding Agency: Army, Property Number: 219010040, Status: Unutilized, Base Closure: NO
Comment: 4292 sq. ft.; selected periods are reserved for military/training exercises.

Bldg. T2427, Fort Pickett, Blackstone, VA, Co: Nottoway, Landholding Agency: Army, Property Number: 219010041, Status: Unutilized, Base Closure: NO
Comment: 4292 sq. ft.; selected periods are reserved for military/training exercises.

Bldg. T2428, Fort Pickett, Blackstone, VA, Co: Nottoway, Landholding Agency: Army, Property Number 219010042, Status: Unutilized, Base Closure: NO
Comment: 4292 sq. ft.; selected periods are reserved for military/training exercises.

Bldg. T2429, Fort Pickett, Blackstone, VA, Co: Nottoway, Landholding Agency: Army, Property Number 219010043, Status: Unutilized, Base Closure: NO
Comment: 4292 sq. ft.; selected periods are reserved for military/training exercises.

Bldg. T2430, Fort Pickett, Blackstone, VA, Co: Nottoway, Landholding Agency: Army, Property Number 219010044, Status: Unutilized, Base Closure: NO
Comment: 4292 sq. ft.; selected periods are reserved for military/training exercises.

Bldg. T2437, Fort Pickett, Blackstone, VA, Co: Nottoway, Landholding Agency: Army, Property Number 219010045, Status: Unutilized, Base Closure: NO
Comment: 4292 sq. ft.; selected periods are reserved for military/training exercises.

Bldg. T2438, Fort Pickett, Blackstone, VA, Co: Nottoway, Landholding Agency: Army, Property Number 219010046, Status: Unutilized, Base Closure: NO
Comment: 4292 sq. ft.; selected periods are reserved for military/training exercises.

Bldg. T2439, Fort Pickett, Blackstone, VA, Co: Nottoway, Landholding Agency: Army, Property Number 219010047, Status: Unutilized, Base Closure: NO
Comment: 4292 sq. ft.; selected periods are reserved for military/training exercises.

Bldg. T2442, Fort Pickett, Blackstone, VA, Co: Nottoway, Landholding Agency: Army, Property Number 219010048, Status: Unutilized, Base Closure: NO
Comment: 4292 sq. ft.; selected periods are reserved for military/training exercises.

Bldg. T2443, Fort Pickett, Blackstone, VA, Co: Nottoway, Landholding Agency: Army, Property Number 219010049, Status: Unutilized, Base Closure: NO
Comment: 4292 sq. ft.; selected periods are reserved for military/training exercises.

Bldg. T2444, Fort Pickett, Blackstone, VA, Co: Nottoway, Landholding Agency: Army, Property Number 219010050, Status: Unutilized, Base Closure: NO
Comment: 4292 sq. ft.; selected periods are reserved for military/training exercises.

Bldg. T2445, Fort Pickett, Blackstone, VA, Co: Nottoway, Landholding Agency: Army, Property Number 219010051, Status: Unutilized, Base Closure: NO
Comment: 4292 sq. ft.; selected periods are reserved for military/training exercises.

Bldg. T2446, Fort Pickett, Blackstone, VA, Co: Nottoway, Landholding Agency: Army, Property Number 219010052, Status: Unutilized, Base Closure: NO
Comment: 4292 sq. ft.; selected periods are reserved for military/training exercises.

Bldg. T2447, Fort Pickett, Blackstone, VA, Co: Nottoway, Landholding Agency: Army, Property Number 219010053, Status: Unutilized, Base Closure: NO
Comment: 4292 sq. ft.; selected periods are reserved for military/training exercises.

Bldg. T2448, Fort Pickett, Blackstone, VA, Co: Nottoway, Landholding Agency: Army, Property Number: 219010054, Status: Unutilized, Base Closure: NO
Comment: 4292 sq. ft.; selected periods are reserved for military/training exercises.

Bldg. T2451, Fort Pickett, Blackstone, VA, Co: Nottoway, Landholding Agency: Army, Property Number: 219010055, Status: Unutilized, Base Closure: NO
Comment: 4292 sq. ft.; selected periods are reserved for military/training exercises.

Bldg. T2452, Fort Pickett, Blackstone, VA, Co: Nottoway, Landholding Agency: Army, Property Number: 219010056, Status: Unutilized, Base Closure: NO
Comment: 4292 sq. ft.; selected periods are reserved for military/training exercises.

Bldg. T2453, Fort Pickett, Blackstone, VA, Co: Nottoway, Landholding Agency: Army, Property Number: 219010057, Status: Unutilized, Base Closure: NO
Comment: 4292 sq. ft.; selected periods are reserved for military/training exercises.

Bldg. T2615, Fort Pickett, Blackstone, VA, Co: Nottoway, Landholding Agency: Army, Property Number: 219010058, Status: Unutilized, Base Closure: NO
Comment: 4292 sq. ft.; selected periods are reserved for military/training exercises.

Bldg. T2616, Fort Pickett, Blackstone, VA, Co: Nottoway, Landholding Agency: Army, Property Number: 219010059, Status: Unutilized, Base Closure: NO
Comment: 4292 sq. ft.; selected periods are reserved for military/training exercises.

Bldg. T1363, Fort Pickett, Blackstone, VA, Co: Nottoway, Landholding Agency: Army, Property Number: 219010060, Status: Unutilized, Base Closure: NO
Comment: 4292 sq. ft.; selected periods are reserved for military/training exercises.

Bldg. T1364, Fort Pickett, Blackstone, VA, Co: Nottoway, Landholding Agency: Army, Property Number: 219010061, Status: Unutilized, Base Closure: NO
Comment: 4292 sq. ft.; selected periods are reserved for military/training exercises.

Bldg. T2208, Fort Pickett, Blackstone, VA, Co: Nottoway, Landholding Agency: Army, Property Number: 219010062, Status: Unutilized, Base Closure: NO
Comment: 4292 sq. ft.; selected periods are reserved for military/training exercises.

Bldg. T2209, Fort Pickett, Blackstone, VA, Co: Nottoway, Landholding Agency: Army, Property Number: 219010063, Status: Unutilized, Base Closure: NO
Comment: 4292 sq. ft.; selected periods are reserved for military/training exercises.

Bldg. T1349, Fort Pickett, Blackstone, VA, Co: Nottoway, Landholding Agency: Army, Property Number: 219010064, Status: Unutilized, Base Closure: NO
Comment: 4292 sq. ft.; selected periods are reserved for military/training exercises.

Bldg. T1350, Fort Pickett, Blackstone, VA, Co: Nottoway, Landholding Agency: Army, Property Number: 219010065, Status: Unutilized, Base Closure: NO
Comment: 4292 sq. ft.; selected periods are reserved for military/training exercises.

Bldg. T1351, Fort Pickett, Blackstone, VA, Co: Nottoway, Landholding Agency: Army, Property Number: 219010066, Status: Unutilized, Base Closure: NO
Comment: 4292 sq. ft.; selected periods are reserved for military/training exercises.

Bldg. T1354, Fort Pickett, Blackstone, VA, Co: Nottoway, Landholding

Agency: Army, Property Number: 219010067, Status: Unutilized, Base Closure: NO
Comment: 4292 sq. ft.; selected periods are reserved for military/training exercises.

Bldg. T1355, Fort Pickett, Blackstone, VA, Co: Nottoway, Landholding Agency: Army, Property Number: 219010068, Status: Unutilized, Base Closure: NO
Comment: 4292 sq. ft.; selected periods are reserved for military/training exercises.

Bldg. T3042, Fort Pickett, Blackstone, VA, Co: Nottoway, Landholding Agency: Army, Property Number: 219010069, Status: Unutilized, Base Closure: NO
Comment: 4292 sq. ft.; selected periods are reserved for military/training exercises.

Bldg. T3043, Fort Pickett, Blackstone, VA, Co: Nottoway, Landholding Agency: Army, Property Number: 219010070, Status: Unutilized, Base Closure: NO
Comment: 4292 sq. ft.; selected periods are reserved for military/training exercises.

Bldg. T3044, Fort Pickett, Blackstone, VA, Co: Nottoway, Landholding Agency: Army, Property Number: 219010071, Status: Unutilized, Base Closure: NO
Comment: 4292 sq. ft.; selected periods are reserved for military/training exercises.

Bldg. T3045, Fort Pickett, Blackstone, VA, Co: Nottoway, Landholding Agency: Army, Property Number: 219010072, Status: Unutilized, Base Closure: NO
Comment: 4292 sq. ft.; selected periods are reserved for military/training exercises.

Bldg. T3046, Fort Pickett, Blackstone, VA, Co: Nottoway, Landholding Agency: Army, Property Number: 219010073, Status: Unutilized, Base Closure: NO
Comment: 4292 sq. ft.; selected periods are reserved for military/training exercises.

Bldg. T3047, Fort Pickett, Blackstone, VA, Co: Nottoway, Landholding Agency: Army, Property Number: 219010074, Status: Unutilized, Base Closure: NO
Comment: 4292 sq. ft.; selected periods are reserved for military/training exercises.

Bldg. T3048, Fort Pickett, Blackstone, VA, Co: Nottoway, Landholding Agency: Army, Property Number: 219010075, Status: Unutilized, Base Closure: NO
Comment: 4292 sq. ft.; selected periods are reserved for military/training exercises.

Bldg. T3051, Fort Pickett, Blackstone, VA, Co: Nottoway, Landholding Agency: Army, Property Number: 219010076, Status: Unutilized, Base Closure: NO
Comment: 4292 sq. ft.; selected periods are reserved for military/training exercises.

Bldg. T3052, Fort Pickett, Blackstone, VA, Co: Nottoway, Landholding Agency: Army, Property Number: 219010077, Status: Unutilized, Base Closure: NO
Comment: 4292 sq. ft.; selected periods are reserved for military/training exercises.

Bldg. T3053, Fort Pickett, Blackstone, VA, Co: Nottoway, Landholding Agency, Army, Property Number: 219010078, Status: Unutilized, Base Closure: NO
Comment: 4292 sq. ft.; selected periods are reserved for military/training exercises.

Bldg. T3054, Fort Pickett, Blackstone, VA, Co: Nottoway, Landholding Agency, Army, Property Number: 219010079, Status: Unutilized, Base Closure: NO
Comment: 4292 sq. ft.; selected periods are reserved for military/training exercises.

Bldg. T435, Fort Pickett, Blackstone, VA, Co: Nottoway, Landholding Agency, Army, Property Number: 219010080, Status: Unutilized, Base Closure: NO
Comment: 2900 sq. ft.; selected periods are reserved for military/training exercises.

Bldg. T436, Fort Pickett, Blackstone, VA, Co: Nottoway, Landholding Agency, Army, Property Number: 219010081, Status: Unutilized, Base Closure: NO
Comment: 2900 sq. ft.; selected periods are reserved for military/training exercises.

Bldg. T437, Fort Pickett, Blackstone, VA, Co: Nottoway, Landholding Agency, Army, Property Number: 219010082, Status: Unutilized, Base Closure: NO
Comment: 2900 sq. ft.; selected periods are reserved for military/training exercises.

Bldg. T438, Fort Pickett, Blackstone, VA, Co: Nottoway, Landholding Agency, Army, Property Number: 219010083, Status: Unutilized, Base Closure: NO
Comment: 2900 sq. ft.; selected periods are reserved for military/training exercises.

Bldg. T440, Fort Pickett, Blackstone, VA, Co: Nottoway, Landholding Agency, Army, Property Number: 219010084, Status: Unutilized, Base Closure: NO
Comment: 2900 sq. ft.; selected periods are reserved for military/training exercises.

Bldg. T1718, Fort Pickett, Blackstone, VA, Co: Nottoway, Landholding Agency, Army, Property Number: 219010085, Status: Unutilized, Base Closure: NO
Comment: 2900 sq. ft.; selected periods are reserved for military/training exercises.

Bldg. T2226, Fort Pickett, Blackstone, VA, Co: Nottoway, Landholding Agency, Army, Property Number: 219010086, Status: Unutilized, Base Closure: NO
Comment: 2900 sq. ft.; selected periods are reserved for military/training exercises.

Bldg. 1662, Fort Pickett, Blackstone, VA, Co: Nottoway, Landholding Agency, Army, Property Number: 219010087, Status: Unutilized, Base Closure: NO
Comment: 2900 sq. ft.; selected periods are reserved for military/training exercises.

Bldg. T2411, Fort Pickett, Blackstone, VA, Co: Nottoway, Landholding Agency, Army, Property Number: 219010088, Status: Unutilized, Base Closure: NO
Comment: 2900 sq. ft.; selected periods are reserved for military/training exercises.

Bldg. T2412, Fort Pickett, Blackstone, VA, Co: Nottoway, Landholding Agency, Army, Property Number: 219010089, Status: Unutilized, Base Closure: NO
Comment: 2900 sq. ft.; selected periods are reserved for military/training exercises.

Bldg. 2431, Fort Pickett, Blackstone, VA, Co: Nottoway, Landholding Agency, Army, Property Number: 219010090, Status: Unutilized, Base Closure: NO
Comment: 2900 sq. ft.; selected periods are reserved for military/training exercises.

Bldg. T2433, Fort Pickett, Blackstone, VA, Co: Nottoway, Landholding Agency, Army, Property Number: 219010091, Status: Unutilized, Base Closure: NO
Comment: 2900 sq. ft.; selected periods are reserved for military/training exercises.

Bldg. T2434, Fort Pickett, Blackstone, VA, Co: Nottoway, Landholding Agency, Army, Property Number: 219010092, Status: Unutilized, Base Closure: NO
Comment: 2900 sq. ft.; selected periods are reserved for military/training exercises.

Bldg. T2455, Fort Pickett, Blackstone, VA, Co: Nottoway, Landholding Agency, Army, Property Number: 219010093, Status: Unutilized, Base Closure: NO
Comment: 2900 sq. ft.; selected periods are reserved for military/training exercises.
Bldg. T2456, Fort Pickett, Blackstone, VA, Co: Nottoway, Landholding Agency, Army, Property Number: 219010094, Status: Unutilized, Base Closure: NO
Comment: 2900 sq. ft.; selected periods are reserved for military/training exercises.
Bldg. T2457, Fort Pickett, Blackstone, VA, Co: Nottoway, Landholding Agency, Army, Property Number: 219010095, Status: Unutilized, Base Closure: NO
Comment: 2900 sq. ft.; selected periods are reserved for military/training exercises.
Bldg. T2612, Fort Pickett, Blackstone, VA, Co: Nottoway, Landholding Agency, Army, Property Number: 219010096, Status: Unutilized, Base Closure: NO
Comment: 2900 sq. ft.; selected periods are reserved for military/training exercises.
Bldg. T2613, Fort Pickett, Blackstone, VA, Co: Nottoway, Landholding Agency, Army, Property Number: 219010097, Status: Unutilized, Base Closure: NO
Comment: 2900 sq. ft.; selected periods are reserved for military/training exercises.
Bldg. T2614, Fort Pickett, Blackstone, VA, Co: Nottoway, Landholding Agency, Army, Property Number: 219010098, Status: Unutilized, Base Closure: NO
Comment: 2900 sq. ft.; selected periods are reserved for military/training exercises.
Bldg. T2633, Fort Pickett, Blackstone, VA, Co: Nottoway, Landholding Agency, Army, Property Number: 219010099, Status: Unutilized, Base Closure: NO
Comment: 2900 sq. ft.; selected periods are reserved for military/training exercises.
Bldg. T2635, Fort Pickett, Blackstone, VA, Co: Nottoway, Landholding Agency, Army, Property Number: 219010100, Status: Unutilized, Base Closure: NO
Comment: 2900 sq. ft.; selected periods are reserved for military/training exercises.
Bldg. T2636, Fort Pickett, Blackstone, VA, Co: Nottoway, Landholding Agency, Army, Property Number: 219010101, Status: Unutilized, Base Closure: NO
Comment: 2900 sq. ft.; selected periods are reserved for military/training exercises.
Bldg. T2638, Fort Pickett, Blackstone, VA, Co: Nottoway, Landholding Agency: Army, Property Number: 219010102, Status: Unutilized, Base Closure: NO
Comment: 2900 sq. ft.; selected periods are reserved for military/training exercises.
Bldg. T2657, Fort Pickett, Blackstone, VA, Co: Nottoway, Landholding Agency: Army, Property Number: 219010103, Status: Unutilized, Base Closure: NO
Comment: 2900 sq. ft.; selected periods are reserved for military/training exercises.
Bldg. T2659, Fort Pickett, Blackstone, VA, Co: Nottoway, Landholding Agency: Army, Property Number: 219010104, Status: Unutilized, Base Closure: NO
Comment: 2900 sq. ft.; selected periods are reserved for military/training exercises.

UNSUITABLE LAND (by State)

ILLINOIS

Group 66A, Joliet Army Ammunition Plant, Joliet, IL, Co: Will, Landholding Agency: Army, Property Number: 219010414, Status: Unutilized, Base Closure: NO
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

UNSUITABLE BUILDINGS (by State)

Bldg. 704–7, Joliet Army Ammunition Plant, Joliet, IL, Co: Will, Landholding Agency: Army, Property Number: 219010153, Status: Unutilized, Base Closure: NO
Reason: Secured Area
Bldg. 704–8, Joliet Army Ammunition Plant, Joliet, IL, Co: Will, Landholding Agency: Army, Property Number: 219010154, Status: Unutilized, Base Closure: NO
Reason: Secured Area
Bldg. 601–1, Joliet Army Ammunition Plant, Joliet, IL, Co: Will, Landholding Agency: Army, Property Number: 219010155, Status: Unutilized, Base Closure: NO
Reason: Secured Area
Bldg. 706–9, Joliet Army Ammunition Plant, Joliet, IL, Co: Will, Landholding Agency: Army, Property Number: 219010156, Status: Unutilized, Base Closure: NO
Reason: Secured Area
Bldg. 707–7, Joliet Army Ammunition Plant, Joliet, IL, Co: Will, Landholding Agency: Army, Property Number: 219010157, Status: Unutilized, Base Closure: NO
Reason: Secured Area
Bldg. 707–8, Joliet Army Ammunition Plant, Joliet, IL, Co: Will, Landholding Agency: Army, Property Number: 219010158, Status: Unutilized, Base Closure: NO
Reason: Secured Area
Bldg. 715–11, Joliet Army Ammunition Plant, Joliet, IL, Co: Will, Landholding Agency: Army, Property Number: 219010159, Status: Unutilized, Base Closure: NO
Reason: Secured Area
Bldg. 722–9, Joliet Army Ammunition Plant, Joliet, IL, Co: Will, Landholding Agency: Army, Property Number: 219010160, Status: Unutilized, Base Closure: NO
Reason: Secured Area
Bldg. 722–17, Joliet Army Ammunition Plant, Joliet, IL, Co: Will, Landholding Agency: Army, Property Number: 219010161, Status: Unutilized, Base Closure: NO
Reason: Secured Area
Bldg. 704–17, Joliet Army Ammunition Plant, Joliet, IL, Co: Will, Landholding Agency: Army, Property Number: 219010162, Status: Unutilized, Base Closure: NO
Reason: Secured Area
Bldg. 704–18, Joliet Army Ammunition Plant, Joliet, IL, Co: Will, Landholding Agency: Army, Property Number: 219010163, Status: Unutilized, Base Closure: NO
Reason: Secured Area
Bldg. 706–17, Joliet, IL, Co: Will, Landholding Agency: Army, Property Number: 219010164, Status: Unutilized, Base Closure: NO
Reason: Secured Area
Bldg. 707–18, Joliet Army Ammunition Plant, Joliet, IL, Co: Will, Landholding Agency: Army, Property Number: 219010165, Status: Unutilized, Base Closure: NO
Reason: Secured Area
Bldg. 707–19, Joliet Army Ammunition Plant, Joliet, IL, Co: Will, Landholding Agency: Army, Property Number: 219010166, Status: Unutilized, Base Closure: NO
Reason: Secured Area
Bldg. 715–13, Joliet Army Ammunition Plant, Joliet, IL, Co: Will, Landholding Agency: Army, Property Number: 219010167, Status: Unutilized, Base Closure: NO
Reason: Secured Area
Bldg. 715–14, Joliet Army Ammunition Plant, Joliet, IL, Co: Will, Landholding Agency: Army, Property Number:

219010168, Status: Unutilized, Base Closure: NO
Reason: Secured Area
Bldg. 722–12, Joliet Army Ammunition Plant, Joliet, IL, Co: Will, Landholding Agency: Army, Property Number: 219010169, Status: Unutilized, Base Closure: NO
Reason: Secured Area
Bldg. 723, Joliet Army Ammunition Plant, Joliet, IL, Co: Will, Landholding Agency: Army, Property Number: 219010170, Status: Unutilized, Base Closure: NO
Reason: Secured Area
Bldg. 739–1, Joliet Army Ammunition Plant, Joliet, IL, Co: Will, Landholding Agency: Army, Property Number: 219010171, Status: Unutilized, Base Closure: NO
Reason: Secured Area
Bldg. 801–2, Joliet Army Ammunition Plant, Joliet, IL, Co: Will, Landholding Agency: Army, Property Number: 219010172, Status: Unutilized, Base Closure: NO
Reason: Secured Area
Bldg. 801–3, Joliet Army Ammunition Plant, Joliet, IL, Co: Will, Landholding Agency: Army, Property Number: 219010173, Status: Unutilized, Base Closure: NO
Reason: Secured Area
Bldg. 801–4, Joliet Army Ammunition Plant, Joliet, IL, Co: Will, Landholding Agency: Army, Property Number: 219010174, Status: Unutilized, Base Closure: NO
Reason: Secured Area
Building 801–5, Joliet Army Ammunition Plant, Joliet, IL, Co: Will, Landholding Agency: Army, Property Number: 219010175, Status: Unutilized, Base Closure: NO
Reason: Secured Area
Building 801–6, Joliet Army Ammunition Plant, Joliet, IL, Co: Will, Landholding Agency: Army, Property Number: 219010176, Status: Unutilized, Base Closure: NO
Reason: Secured Area
Building 801–7, Joliet Army Ammunition Plant, Joliet, IL, Co: Will, Landholding Agency: Army, Property Number: 219010177, Status: Unutilized, Base Closure: NO
Reason: Secured Area
Building 801–8, Joliet Army Ammunition Plant, Joliet, IL, Co: Will, Landholding Agency: Army, Property Number: 219010178, Status: Unutilized, Base Closure: NO
Reason: Secured Area
Building 801–9, Joliet Army Ammunition Plant, Joliet, IL, Co: Will, Landholding Agency: Army, Property Number: 219010179, Status: Unutilized, Base Closure: NO
Reason: Secured Area
Building 801–10, Joliet Army Ammunition Plant, Joliet, IL, Co: Will, Landholding Agency: Army, Property Number: 219010180, Status: Unutilized, Base Closure: NO
Reason: Secured Area
Building 803–1, Joliet Army Ammunition Plant, Joliet, IL, Co: Will, Landholding Agency: Army, Property Number: 219010181, Status: Unutilized, Base Closure: NO
Reason: Secured Area
Building 803–2, Joliet Army Ammunition Plant, Joliet, IL, Co: Will, Landholding Agency: Army, Property Number: 219010182, Status: Unutilized, Base Closure: NO
Reason: Secured Area
Building 803–3, Joliet Army Ammunition Plant, Joliet, IL, Co: Will, Landholding Agency: Army, Property Number: 219010183, Status: Unutilized, Base Closure: NO
Reason: Secured Area
Building 803–4, Joliet Army Ammunition Plant, Joliet, IL, Co: Will, Landholding Agency: Army, Property Number: 219010184, Status: Unutilized, Base Closure: NO
Reason: Secured Area
Building 803–5, Joliet Army Ammunition Plant, Joliet, IL, Co: Will, Landholding Agency: Army, Property Number: 219010185, Status: Unutilized, Base Closure: NO
Reason: Secured Area
Building 803–6, Joliet Army Ammunition Plant, Joliet, IL, Co: Will, Landholding Agency: Army, Property Number: 219010186, Status: Unutilized, Base Closure: NO
Reason: Secured Area
Building 803–7, Joliet Army Ammunition Plant, Joliet, IL, Co: Will, Landholding Agency: Army, Property Number: 219010187, Status: Unutilized, Base Closure: NO
Reason: Secured Area
Building 803–8, Joliet Army Ammunition Plant, Joliet, IL, Co: Will, Landholding Agency: Army, Property Number: 219010188, Status: Unutilized, Base Closure: NO
Reason: Secured Area
Building 803–9, Joliet Army Ammunition Plant, Joliet, IL, Co: Will, Landholding Agency: Army, Property Number: 219010189, Status: Unutilized, Base Closure: NO
Reason: Secured Area
Bldg. 803–10, Joliet Army Ammunition Plant, Joliet, IL, Co: Will, Landholding Agency: Army, Property Number: 219010190, Status: Unutilized, Base Closure: NO
Reason: Secured Area
Bldg. 808–1, Joliet Army Ammunition Plant, Joliet, IL, Co: Will, Landholding Agency: Army, Property Number: 219010191, Status: Unutilized, Base Closure: NO
Reason: Secured Area
Bldg. 808–2, Joliet Army Ammunition Plant, Joliet, IL, Co: Will, Landholding Agency: Army, Property Number: 219010192, Status: Unutilized, Base Closure: NO
Reason: Secured Area
Bldg. 808–3, Joliet Army Ammunition Plant, Joliet, IL, Co: Will, Landholding Agency: Army, Property Number: 219010193, Status: Unutilized, Base Closure: NO
Reason: Secured Area
Bldg. 808–4, Joliet Army Ammunition Plant, Joliet, IL, Co: Will, Landholding Agency: Army, Property Number: 219010194, Status: Unutilized, Base Closure: NO
Reason: Secured Area
Bldg. 808–5, Joliet Army Ammunition Plant, Joliet, IL, Co: Will, Landholding Agency: Army, Property Number: 219010195, Status: Unutilized, Base Closure: NO
Reason: Secured Area
Bldg. 808–6, Joliet Army Ammunition Plant, Joliet, IL, Co: Will, Landholding Agency: Army, Property Number: 219010196, Status: Unutilized, Base Closure: NO
Reason: Secured Area
Bldg. 808–7, Joliet Army Ammunition Plant, Joliet, IL, Co: Will, Landholding Agency: Army, Property Number: 219010197, Status: Unutilized, Base Closure: NO
Reason: Secured Area
Bldg. 808–8, Joliet Army Ammunition Plant, Joliet, IL, Co: Will, Landholding Agency: Army, Property Number: 219010198, Status: Unutilized, Base Closure: NO
Reason: Secured Area
Bldg. 808–9, Joliet Army Ammunition Plant, Joliet, IL, Co: Will, Landholding Agency: Army, Property Number: 219010199, Status: Unutilized, Base Closure: NO
Reason: Secured Area
Bldg. 808–10, Joliet Army Ammunition Plant, Joliet, IL, Co: Will, Landholding Agency: Army, Property Number: 219010200, Status: Unutilized, Base Closure: NO
Reason: Secured Area
Bldg. 870–1, Joliet Army Ammunition Plant, Joliet, IL, Co: Will, Landholding Agency: Army, Property Number:

219010201, Status: Unutilized, Base Closure: NO
Reason: Secured Area

Bldg. 870–2, Joliet Army Ammunition Plant, Joliet, IL, Co: Will, Landholding Agency: Army, Property Number: 219010202, Status: Unutilized, Base Closure: NO
Reason: Secured Area

Bldg. 65–20, Joliet Army Ammunition Plant, Joliet, IL, Co: Will, Landholding Agency: Army, Property Number: 219010203, Status: Unutilized, Base Closure: NO
Reason: Secured Area

Bldg. 870–3, Joliet Army Ammunition Plant, Joliet, IL, Co: Will, Landholding Agency: Army, Property Number: 219010204, Status: Unutilized, Base Closure: NO
Reason: Secured Area

Bldg. 65–21, Joliet Army Ammunition Plant, Joliet, IL, Co: Will, Landholding Agency: Army, Property Number: 219010205, Status: Unutilized, Base Closure: NO
Reason: Secured Area

Bldg. 870–4, Joliet Army Ammunition Plant, Joliet, IL, Co: Will, Landholding Agency: Army, Property Number: 219010206, Status: Unutilized, Base Closure: NO
Reason: Secured Area

Bldg. 65–22, Joliet Army Ammunition Plant, Joliet, IL, Co: Will, Landholding Agency: Army, Property Number: 219010207, Status: Unutilized, Base Closure: NO
Reason: Secured Area

Bldg. 870–5, Joliet Army Ammunition Plant, Joliet, IL, Co: Will, Landholding Agency: Army, Property Number: 219010208, Status: Unutilized, Base Closure: NO
Reason: Secured Area

Bldg. 65–23, Joliet Army Ammunition Plant, Joliet, IL, Co: Will, Landholding Agency: Army, Property Number: 219010209, Status: Unutilized, Base Closure: NO
Reason: Secured Area

Bldg. 65–24, Joliet Army Ammunition Plant, Joliet, IL, Co: Will, Landholding Agency: Army, Property Number: 219010211, Status: Unutilized, Base Closure: NO
Reason: Secured Area

Bldg. 870–6, Joliet Army Ammunition Plant, Joliet, IL, Co: Will, Landholding Agency: Army, Property Number: 219010210, Status: Unutilized, Base Closure: NO
Reason: Secured Area

Bldg. 65–25, Joliet Army Ammunition Plant, Joliet, IL, Co: Will, Landholding Agency: Army, Property Number: 219010212, Status: Unutilized, Base Closure: NO
Reason: Secured Area

Bldg. 65–26, Joliet Army Ammunition Plant, Joliet, IL, Co: Will, Landholding Agency: Army, Property Number: 219010214, Status: Unutilized, Base Closure: NO
Reason: Secured Area

Bldg. 872–1, Joliet Army Ammunition Plant, Joliet, IL, Co: Will, Landholding Agency: Army, Property Number: 219010213, Status: Unutilized, Base Closure: NO
Reason: Secured Area

Bldg. 65–27, Joliet Army Ammunition Plant, Joliet, IL, Co: Will, Landholding Agency: Army, Property Number: 219010215, Status: Unutilized, Base Closure: NO
Reason: Secured Area

Bldg. 872–2, Joliet Army Ammunition Plant, Joliet, IL, Co: Will, Landholding Agency: Army, Property Number: 219010216, Status: Unutilized, Base Closure: NO
Reason: Secured Area

Bldg. 65–28, Joliet Army Ammunition Plant, Joliet, IL, Co: Will, Landholding Agency: Army, Property Number: 219010217, Status: Unutilized, Base Closure: NO
Reason: Secured Area

Bldg. 65–31, Joliet Army Ammunition Plant, Joliet, IL, Co: Will, Landholding Agency: Army, Property Number: 219010219, Status: Unutilized, Base Closure: NO
Reason: Secured Area

Bldg. 872–3, Joliet Army Ammunition Plant, Joliet, IL, Co: Will, Landholding Agency: Army, Property Number: 219010208, Status: Unutilized, Base Closure: NO
Reason: Secured Area

Bldg. 65–32, Joliet Army Ammunition Plant, Joliet, IL, Co: Will, Landholding Agency: Army, Property Number: 219010220, Status: Unutilized, Base Closure: NO
Reason: Secured Area

Bldg. 872–4, Joliet Army Ammunition Plant, Joliet, IL, Co: Will, Landholding Agency: Army, Property Number: 219010221, Status: Unutilized, Base Closure: NO
Reason: Secured Area

Bldg. 65–33, Joliet Army Ammunition Plant, Joliet, IL, Co: Will, Landholding Agency: Army, Property Number: 219010222, Status: Unutilized, Base Closure: NO
Reason: Secured Area

Bldg. 872–5, Joliet Army Ammunition Plant, Joliet, IL, Co: Will, Landholding Agency: Army, Property Number: 219010223, Status: Unutilized, Base Closure: NO
Reason: Secured Area

Bldg. 65–35, Joliet Army Ammunition Plant, Joliet, IL, Co: Will, Landholding Agency: Army, Property Number: 219010224, Status: Unutilized, Base Closure: NO
Reason: Secured Area

Bldg. 65–36, Joliet Army Ammunition Plant, Joliet, IL, Co: Will, Landholding Agency: Army, Property Number: 219010226, Status: Unutilized, Base Closure: NO
Reason: Secured Area

Bldg. 872–6, Joliet Army Ammunition Plant, Joliet, IL, Co: Will, Landholding Agency: Army, Property Number: 219010225, Status: Unutilized, Base Closure: NO
Reason: Secured Area

Bldg. 601–A–4, Joliet Army Ammunition Plant, Joliet, IL, Co: Will, Landholding Agency: Army, Property Number: 219010227, Status: Unutilized, Base Closure: NO
Reason: Secured Area

Bldg. 875–1, Joliet Army Ammunition Plant, Joliet, IL, Co: Will, Landholding Agency: Army, Property Number: 219010228, Status: Unutilized, Base Closure: NO
Reason: Secured Area

Bldg. 601–A–32, Joliet Army Ammunition Plant, Joliet, IL, Co: Will, Landholding Agency: Army, Property Number: 219010229, Status: Unutilized, Base Closure: NO
Reason: Secured Area

Bldg. 605–2–3, Joliet Army Ammunition Plant, Joliet, IL, Co: Will, Landholding Agency: Army, Property Number: 219010231, Status: Unutilized, Base Closure: NO
Reason: Secured Area

Bldg. 875–2, Joliet Army Ammunition Plant, Joliet, IL, Co: Will, Landholding Agency: Army, Property Number: 219010230, Status: Unutilized, Base Closure: NO
Reason: Secured Area

Bldg. 605–2–29, Joliet Army Ammunition Plant, Joliet, IL, Co: Will, Landholding Agency: Army, Property Number: 219010232, Status: Unutilized, Base Closure: NO
Reason: Secured Area

Bldg. 605–3–4, Joliet Army Ammunition Plant, Joliet, IL, Co: Will, Landholding Agency: Army, Property Number: 219010234, Status: Unutilized, Base Closure: NO
Reason: Secured Area

Bldg. 875–3, Joliet Army Ammunition Plant, Joliet, IL, Co: Will, Landholding Agency: Army, Property Number:

219010233, Status: Unutilized, Base Closure: NO
Reason: Secured Area
Bldg. 875–4, Joliet Army Ammunition Plant, Joliet, IL, Co: Will, Landholding Agency: Army, Property Number: 219010235, Status: Unutilized Base Closure: NO
Reason: Secured Area
Bldg. 875–5, Joliet Army Ammunition Plant, Joliet, IL, Co: Will, Landholding Agency: Army, Property Number: 219010236, Status: Unutilized Base Closure: NO
Reason: Secured Area
Bldg. 875–6, Joliet Army Ammunition Plant, Joliet, IL, Co: Will, Landholding Agency: Army, Property Number: 219010237, Status: Unutilized Base Closure: NO
Reason: Secured Area
Bldg. 871–1, Joliet Army Ammunition Plant, Joliet, IL, Co: Will, Landholding Agency: Army, Property Number: 219010238, Status: Unutilized Base Closure: NO
Reason: Secured Area
Bldg. 871–2, Joliet Army Ammunition Plant, Joliet, IL, Co: Will, Landholding Agency: Army, Property Number: 219010239, Status: Unutilized Base Closure: NO
Reason: Secured Area
Bldg. 704–1, Joliet Army Ammunition Plant, Joliet, IL, Co: Will, Landholding Agency: Army, Property Number: 219010240, Status: Unutilized Base Closure: NO
Reason: Secured Area
Bldg. 704–2, Joliet Army Ammunition Plant, Joliet, IL, Co: Will, Landholding Agency: Army, Property Number: 219010242, Status: Unutilized Base Closure: NO
Reason: Secured Area
Bldg. 880–1, Joliet Army Ammunition Plant, Joliet, IL, Co: Will, Landholding Agency: Army, Property Number: 219010241, Status: Unutilized Base Closure: NO
Reason: Secured Area
Bldg. 704–3, Joliet Army Ammunition Plant, Joliet, IL, Co: Will, Landholding Agency: Army, Property Number: 219010243, Status: Unutilized Base Closure: NO
Reason: Secured Area
Bldg. 882–1, Joliet Army Ammunition Plant, Joliet, IL, Co: Will, Landholding Agency: Army, Property Number: 219010244, Status: Unutilized Base Closure: NO
Reason: Secured Area
Bldg. 883–1, Joliet Army Ammunition Plant, Joliet, IL, Co: Will, Landholding Agency: Army, Property Number: 219010246, Status: Unutilized Base Closure: NO
Reason: Secured Area
Bldg. 704–4, Joliet Army Ammunition Plant, Joliet, IL, Co: Will, Landholding Agency: Army, Property Number: 219010245, Status: Unutilized Base Closure: NO
Reason: Secured Area
Bldg. 883–2, Joliet Army Ammunition Plant, Joliet, IL, Co: Will, Landholding Agency: Army, Property Number: 219010247, Status: Unutilized Base Closure: NO
Reason: Secured Area
Bldg. 704–6, Joliet Army Ammunition Plant, Joliet, IL, Co: Will, Landholding Agency: Army, Property Number: 219010248, Status: Unutilized Base Closure: NO
Reason: Secured Area
Bldg. 706–1, Joliet Army Ammunition Plant, Joliet, IL, Co: Will, Landholding Agency: Army, Property Number: 219010250, Status: Unutilized Base Closure: NO
Reason: Secured Area
Bldg. 802–1, Joliet Army Ammunition Plant, Joliet, IL, Co: Will, Landholding Agency: Army, Property Number: 219010249, Status: Unutilized, Base Closure: NO
Reason: Secured Area
Bldg. 706–2, Joliet Army Ammunition Plant, Joliet, IL, Co: Will, Landholding Agency: Army, Property Number: 219010251, Status: Unutilized, Base Closure: NO
Reason: Secured Area
Bldg. 802–2, Joliet Army Ammunition Plant, Joliet, IL, Co: Will, Landholding Agency: Army, Property Number: 219010252, Status: Unutilized, Base Closure: NO
Reason: Secured Area
Bldg. 706–3, Joliet Army Ammunition Plant, Joliet, IL, Co: Will, Landholding Agency: Army, Property Number: 219010253, Status: Unutilized, Base Closure: NO
Reason: Secured Area
Bldg. 706–4, Joliet Army Ammunition Plant, Joliet, IL, Co: Will, Landholding Agency: Army, Property Number: 219010255, Status: Unutilized, Base Closure: NO
Reason: Secured Area
Bldg. 706–5, Joliet Army Ammunition Plant, Joliet, IL, Co: Will, Landholding Agency: Army, Property Number: 219010256, Status: Unutilized, Base Closure: NO
Reason: Secured Area
Bldg. 802–3, Joliet Army Ammunition Plant, Joliet, IL, Co: Will, Landholding Agency: Army, Property Number: 219010254, Status: Unutilized, Base Closure: NO
Reason: Secured Area
Bldg. 706–6, Joliet Army Ammunition Plant, Joliet, IL, Co: Will, Landholding Agency: Army, Property Number: 219010257, Status: Unutilized, Base Closure: NO
Reason: Secured Area
Bldg. 715–5, Joliet Army Ammunition Plant, Joliet, IL, Co: Will, Landholding Agency: Army, Property Number: 219010259, Status: Unutilized, Base Closure: NO
Reason: Secured Area
Bldg. 802–4, Joliet Army Ammunition Plant, Joliet, IL, Co: Will, Landholding Agency: Army, Property Number: 219010258, Status: Unutilized, Base Closure: NO
Reason: Secured Area
Bldg. 715–6, Joliet Army Ammunition Plant, Joliet, IL, Co: Will, Landholding Agency: Army, Property Number: 219010260, Status: Unutilized, Base Closure: NO
Reason: Secured Area
Bldg. 802–5, Joliet Army Ammunition Plant, Joliet, IL, Co: Will, Landholding Agency: Army, Property Number: 219010261, Status: Unutilized, Base Closure: NO
Reason: Secured Area
Bldg. 715–7, Joliet Army Ammunition Plant, Joliet, IL, Co: Will, Landholding Agency: Army, Property Number: 219010262, Status: Unutilized, Base Closure: NO
Reason: Secured Area
Bldg. 715–8, Joliet Army Ammunition Plant, Joliet, IL, Co: Will, Landholding Agency: Army, Property Number: 219010263, Status: Unutilized, Base Closure: NO
Reason: Secured Area
Bldg. 802–6, Joliet Army Ammunition Plant, Joliet, IL, Co: Will, Landholding Agency: Army, Property Number: 219010264, Status: Unutilized, Base Closure: NO
Reason: Secured Area
Bldg. 715–9, Joliet Army Ammunition Plant, Joliet, IL, Co: Will, Landholding Agency: Army, Property Number: 219010265, Status: Unutilized, Base Closure: NO
Reason: Secured Area
Bldg. 715–10, Joliet Army Ammunition Plant, Joliet, IL, Co: Will, Landholding Agency: Army, Property Number: 219010267, Status: Unutilized, Base Closure: NO
Reason: Secured Area
Bldg. 802–7, Joliet Army Ammunition Plant, Joliet, IL, Co: Will, Landholding Agency: Army, Property Number:

219010266, Status: Unutilized, Base Closure: NO
Reason: Secured Area
Bldg. 722–1, Joliet Army Ammunition Plant, Joliet, IL, Co: Will, Landholding Agency: Army, Property Number: 219010268, Status: Unutilized, Base Closure: NO
Reason: Secured Area
Bldg. 722–2, Joliet Army Ammunition Plant, Joliet, IL, Co: Will, Landholding Agency: Army, Property Number: 219010269, Status: Unutilized, Base Closure: NO
Reason: Secured Area
Bldg. 722–3, Joliet Army Ammunition Plant, Joliet, IL, Co: Will, Landholding Agency: Army, Property Number: 219010270, Status: Unutilized, Base Closure: NO
Reason: Secured Area
Bldg. 802–8, Joliet Army Ammunition Plant, Joliet, IL, Co: Will, Landholding Agency: Army, Property Number: 219010271, Status: Unutilized, Base Closure: NO
Reason: Secured Area
Bldg. 722–4, Joliet Army Ammunition Plant, Joliet, IL, Co: Will, Landholding Agency: Army, Property Number: 219010272, Status: Unutilized, Base Closure: NO
Reason: Secured Area
Bldg. 802–9, Joliet Army Ammunition Plant, Joliet, IL, Co: Will, Landholding Agency: Army, Property Number: 219010273, Status: Unutilized, Base Closure: NO
Reason: Secured Area
Bldg. 722–5, Joliet Army Ammunition Plant, Joliet, IL, Co: Will, Landholding Agency: Army, Property Number: 219010274, Status: Unutilized, Base Closure: NO
Reason: Secured Area
Bldg. 722–6, Joliet Army Ammunition Plant, Joliet, IL, Co: Will, Landholding Agency: Army, Property Number: 219010276, Status: Unutilized, Base Closure: NO
Reason: Secured Area
Bldg. 802–10, Joliet Army Ammunition Plant, Joliet, IL, Co: Will, Landholding Agency: Army, Property Number: 219010275, Status: Unutilized, Base Closure: NO
Reason: Secured Area
Bldg. 806–1, Joliet Army Ammunition Plant, Joliet, IL, Co: Will, Landholding Agency: Army, Property Number: 219010277, Status: Unutilized, Base Closure: NO
Reason: Secured Area
Bldg. 806–2, Joliet Army Ammunition Plant, Joliet, IL, Co: Will, Landholding Agency: Army, Property Number: 219010278, Status: Unutilized, Base Closure: NO
Reason: Secured Area
Bldg. 806–3, Joliet Army Ammunition Plant, Joliet, IL, Co: Will, Landholding Agency: Army, Property Number: 219010279, Status: Unutilized, Base Closure: NO
Reason: Secured Area
Bldg. 806–4, Joliet Army Ammunition Plant, Joliet, IL, Co: Will, Landholding Agency: Army, Property Number: 219010280 Status: Unutilized, Base Closure: NO
Reason: Secured Area
Bldg. 806–5, Joliet Army Ammunition Plant, Joliet, IL, Co: Will, Landholding Agency: Army, Property Number: 219010281 Status: Unutilized, Base Closure: NO
Reason: Secured Area
Bldg. 806–6, Joliet Army Ammunition Plant, Joliet, IL, Co: Will, Landholding Agency: Army, Property Number: 219010282 Status: Unutilized, Base Closure: NO
Reason: Secured Area
Bldg. 806–7, Joliet Army Ammunition Plant, Joliet, IL, Co: Will, Landholding Agency: Army, Property Number: 219010283 Status: Unutilized, Base Closure: NO
Reason: Secured Area
Bldg. 806–8, Joliet Army Ammunition Plant, Joliet, IL, Co: Will, Landholding Agency: Army, Property Number: 219010284 Status: Unutilized, Base Closure: NO
Reason: Secured Area
Bldg. 806–9, Joliet Army Ammunition Plant, Joliet, IL, Co: Will, Landholding Agency: Army, Property Number: 219010285 Status: Unutilized, Base Closure: NO
Reason: Secured Area
Bldg. 806–10, Joliet Army Ammunition Plant, Joliet, IL, Co: Will, Landholding Agency: Army, Property Number: 219010286 Status: Unutilized, Base Closure: NO
Reason: Secured Area
Bldg. 812–1, Joliet Army Ammunition Plant, Joliet, IL, Co: Will, Landholding Agency: Army, Property Number: 219010287 Status: Unutilized, Base Closure: NO
Reason: Secured Area
Bldg. 812–2, Joliet Army Ammunition Plant, Joliet, IL, Co: Will, Landholding Agency: Army, Property Number: 219010288 Status: Unutilized, Base Closure: NO
Reason: Secured Area
Bldg. 812–3, Joliet Army Ammunition Plant, Joliet, IL, Co: Will, Landholding Agency: Army, Property Number: 219010289 Status: Unutilized, Base Closure: NO
Reason: Secured Area
Bldg. 812–4, Joliet Army Ammunition Plant, Joliet, IL, Co: Will, Landholding Agency: Army, Property Number: 219010290 Status: Unutilized, Base Closure: NO
Reason: Secured Area
Bldg. 812–5, Joliet Army Ammunition Plant, Joliet, IL, Co: Will, Landholding Agency: Army, Property Number: 219010291 Status: Unutilized, Base Closure: NO
Reason: Secured Area
Bldg. 812–6, Joliet Army Ammunition Plant, Joliet, IL, Co: Will, Landholding Agency: Army, Property Number: 219010292 Status: Unutilized, Base Closure: NO
Reason: Secured Area
Bldg. 812–7, Joliet Army Ammunition Plant, Joliet, IL, Co: Will, Landholding Agency: Army, Property Number: 219010293 Status: Unutilized, Base Closure: NO
Reason: Secured Area
Bldg. 812–8, Joliet Army Ammunition Plant, Joliet, IL, Co: Will, Landholding Agency: Army, Property Number: 219010294 Status: Unutilized, Base Closure: NO
Reason: Secured Area
Bldg. 812–9, Joliet Army Ammunition Plant, Joliet, IL, Co: Will, Lanhholding Agency: Army, Property Number: 219010295, Status: Unutilized, Base Closure: NO
Reason: Secured Area
Bldg. 812–10, Joliet Army Ammunition Plant, Joliet, IL, Co: Will, Lanhholding Agency: Army, Property Number: 219010296, Status: Unutilized, Base Closure: NO
Reason: Secured Area
Bldg. 873–1, Joliet Army Ammunition Plant, Joliet, IL, Co: Will, Lanhholding Agency: Army, Property Number: 219010297, Status: Unutilized, Base Closure: NO
Reason: Secured Area
Bldg. 873–2, Joliet Army Ammunition Plant, Joliet, IL, Co: Will, Lanhholding Agency: Army, Property Number: 219010298, Status: Unutilized, Base Closure: NO
Reason: Secured Area
Bldg. 873–3, Joliet Army Ammunition Plant, Joliet, IL, Co: Will, Lanhholding Agency: Army, Property Number: 219010299, Status: Unutilized, Base Closure: NO
Reason: Secured Area
Bldg. 873–4, Joliet Army Ammunition Plant, Joliet, IL, Co: Will, Lanhholding Agency: Army, Property Number:

219010300, Status: Unutilized, Base Closure: NO
Reason: Secured Area

Bldg. 873–5, Joliet Army Ammunition Plant, Joliet, IL, Co: Will, Lanhholding Agency: Army, Property Number: 219010301, Status: Unutilized, Base Closure: NO
Reason: Secured Area

Bldg. 873–6, Joliet Army Ammunition Plant, Joliet, IL, Co: Will, Lanhholding Agency: Army, Property Number: 219010302, Status: Unutilized, Base Closure: NO
Reason: Secured Area

Bldg. 874–1, Joliet Army Ammunition Plant, Joliet, IL, Co: Will, Lanhholding Agency: Army, Property Number: 219010303, Status: Unutilized, Base Closure: NO
Reason: Secured Area

Bldg. 874–2, Joliet Army Ammunition Plant, Joliet, IL, Co: Will, Lanhholding Agency: Army, Property Number: 219010304, Status: Unutilized, Base Closure: NO
Reason: Secured Area

Bldg. 874–3, Joliet Army Ammunition Plant, Joliet, IL, Co: Will, Lanhholding Agency: Army, Property Number: 219010305, Status: Unutilized, Base Closure: NO
Reason: Secured Area

Bldg. 874–4, Joliet Army Ammunition Plant, Joliet, IL, Co: Will, Lanhholding Agency: Army, Property Number: 219010306, Status: Unutilized, Base Closure: NO
Reason: Secured Area

Bldg. 874–5, Joliet Army Ammunition Plant, Joliet, IL, Co: Will, Lanhholding Agency: Army, Property Number: 219010307, Status: Unutilized, Base Closure: NO
Reason: Secured Area

Bldg. 874–6, Joliet Army Ammunition Plant, Joliet, IL, Co: Will, Lanhholding Agency: Army, Property Number: 219010308, Status: Unutilized, Base Closure: NO
Reason: Secured Area

Bldg. 704–20, Joliet Army Ammunition Plant, Joliet, IL, Co: Will, Lanhholding Agency: Army, Property Number: 219010309, Status: Unutilized, Base Closure: NO
Reason: Secured Area

Bldg. 704–21, Joliet Army Ammunition Plant, Joliet, IL, Co: Will, Landholding Agency: Army, Property Number: 219010310, Status: Unutilized, Base Closure: NO
Reason: Secured Area

Bldg. 707–1, Joliet Army Ammunition Plant, Joliet, IL, Co: Will, Landholding Agency: Army, Property Number: 219010311, Status: Unutilized, Base Closure: NO
Reason: Secured Area

Bldg. 707–2, Joliet Army Ammunition Plant, Joliet, IL, Co: Will, Landholding Agency: Army, Property Number: 219010312, Status: Unutilized, Base Closure: NO
Reason: Secured Area

Bldg. 707–3, Joliet Army Ammunition Plant, Joliet, IL, Co: Will, Landholding Agency: Army, Property Number: 219010313, Status: Unutilized, Base Closure: NO
Reason: Secured Area

Bldg. 707–4, Joliet Army Ammunition Plant, Joliet, IL, Co: Will, Landholding Agency: Army, Property Number: 219010314, Status: Unutilized, Base Closure: NO
Reason: Secured Area

Bldg. 707–5, Joliet Army Ammunition Plant, Joliet, IL, Co: Will, Landholding Agency: Army, Property Number: 219010315, Status: Unutilized, Base Closure: NO
Reason: Secured Area

Bldg. 707–6, Joliet Army Ammunition Plant, Joliet, IL, Co: Will, Landholding Agency: Army, Property Number: 219010316, Status: Unutilized, Base Closure: NO
Reason: Secured Area

Bldg. 715–16, Joliet Army Ammunition Plant, Joliet, IL, Co: Will, Landholding Agency: Army, Property Number: 219010317, Status: Unutilized, Base Closure: NO
Reason: Secured Area

Bldg. 750–1, Joliet Army Ammunition Plant, Joliet, IL, Co: Will, Landholding Agency: Army, Property Number: 219010318, Status: Unutilized, Base Closure: NO
Reason: Secured Area

Bldg. 401–1, Joliet Army Ammunition Plant, Joliet, IL, Co: Will, Landholding Agency: Army, Property Number: 219010319, Status: Unutilized, Base Closure: NO
Reason: Secured Area

Bldg. 403–3, Joliet Army Ammunition Plant, Joliet, IL, Co: Will, Landholding Agency: Army, Property Number: 219010320, Status: Unutilized, Base Closure: NO
Reason: Secured Area

Bldg. 411–11, Joliet Army Ammunition Plant, Joliet, IL, Co: Will, Landholding Agency: Army, Property Number: 219010321, Status: Unutilized, Base Closure: NO
Reason: Secured Area

Bldg. 411–12, Joliet Army Ammunition Plant, Joliet, IL, Co: Will, Landholding Agency: Army, Property Number: 219010313, Status: Unutilized, Base Closure: NO
Reason: Secured Area

Bldg. 412–1, Joliet Army Ammunition Plant, Joliet, IL, Co: Will, Landholding Agency: Army, Property Number: 219010323, Status: Unutilized, Base Closure: NO
Reason: Secured Area

Bldg. 402–1, Joliet Army Ammunition Plant, Joliet, IL, Co: Will, Landholding Agency: Army, Property Number: 219010324, Status: Unutilized, Base Closure: NO
Reason: Secured Area

Bldg. 411, Joliet Army Ammunition Plant, Joliet, IL, Co: Will, Landholding Agency: Army Property Number: 219010325, Status: Unutilized, Base Closure: NO
Reason: Secured Area

Bldg. 411–11–1, Joliet Army Ammunition Plant, Joliet, IL, Co: Will, Landholding Agency: Army Property Number: 219010326, Status: Unutilized, Base Closure: NO
Reason: Secured Area

Bldg. 411–13, Joliet Army Ammunition Plant, Joliet, IL, Co: Will, Landholding Agency: Army Property Number: 219010327, Status: Unutilized, Base Closure: NO
Reason: Secured Area

Bldg. 412–2, Joliet Army Ammunition Plant, Joliet, IL, Co: Will, Landholding Agency: Army Property Number: 219010328, Status: Unutilized, Base Closure: NO
Reason: Secured Area

Bldg. 413, Joliet Army Ammunition Plant, Joliet, IL, Co: Will, Landholding Agency: Army Property Number: 219010329, Status: Unutilized, Base Closure: NO
Reason: Secured Area

Bldg. 707–21, Joliet Army Ammunition Plant, Joliet, IL, Co: Will, Landholding Agency: Army Property Number: 219010330, Status: Unutilized, Base Closure: NO
Reason: Secured Area

Bldg. 25–11, Joliet Army Ammunition Plant, Joliet, IL, Co: Will, Landholding Agency: Army Property Number: 219010331, Status: Unutilized, Base Closure: NO
Reason: Secured Area

Acid Area Bldg. 1, Joliet Army Ammunition Plant, 300 Series Bldgs., Joliet, IL, Co: Will, Landholding Agency: Army Property Number: 219010332, Status: Unutilized, Base Closure: NO
Reason: Secured Area

Acid Area Bldg. 2, Joliet Army Ammunition Plant, 300 Series Bldgs.,

Joliet, IL, Co: Will, Landholding Agency: Army Property Number: 219010333, Status: Unutilized, Base Closure: NO
Reason: Secured Area
Acid Area Bldg. 3, Joliet Army Ammunition Plant, 300 Series Bldgs., Joliet, IL, Co: Will, Landholding Agency: Army Property Number: 219010334, Status: Unutilized, Base Closure: NO
Reason: Secured Area
Acid Area Bldg. 4, Joliet Army Ammunition Plant, 300 Series Bldgs., Joliet, IL, Co: Will, Landholding Agency: Army Property Number: 219010335, Status: Unutilized, Base Closure: NO
Reason: Secured Area
Bldg. 814, Joliet Army Ammunition Plant, Joliet, IL, Co: Will, Landholding Agency: Army Property Number: 219010336, Status: Unutilized, Base Closure: NO
Reason: Secured Area
Bldg. 814–1, Joliet Army Ammunition Plant, Joliet, IL, Co: Will, Landholding Agency: Army Property Number: 219010337, Status: Unutilized, Base Closure: NO
Reason: Secured Area
Bldg. 502–2, Joliet Army Ammunition Plant, Joliet, IL, Co: Will, Landholding Agency: Army Property Number: 219010338, Status: Unutilized, Base Closure: NO
Reason: Secured Area
Bldg. 503–1–2, Joliet Army Ammunition Plant, Joliet, IL, Co: Will, Landholding Agency: Army Property Number: 219010340, Status: Unutilized, Base Closure: NO
Reason: Secured Area
Bldg. 503–1–5, Joliet Army Ammunition Plant, Joliet, IL, Co: Will, Landholding Agency: Army, Property Number: 219010341, Status: Unutilized, Base Closure: NO
Reason: Secured Area
Bldg. 1001–2, Joliet Army Ammunition Plant, Joliet, IL, Co: Will, Landholding Agency: Army, Property Number: 219010339, Status: Unutilized, Base Closure: NO
Reason: Within 2000 ft. of flammable or explosive material, Secured Area
Bldg. 503–1–7, Joliet Army Ammunition Plant, Joliet, IL, Co: Will, Landholding Agency: Army, Property Number: 219010342, Status: Unutilized, Base Closure: NO
Reason: Secured Area
Bldg. 505–1, Joliet Army Ammunition Plant, Joliet, IL, Co: Will, Landholding Agency: Army, Property Number: 219010344, Status: Unutilized, Base Closure: NO
Reason: Secured Area
Bldg. 1002–7, Joliet Army Ammunition Plant, Joliet, IL, Co: Will, Landholding Agency: Army, Property Number: 219010343, Status: Unutilized, Base Closure: NO
Reason: Within 2000 ft. of flammable or explosive material, Secured Area
Bldg. 503–1–1, Joliet Army Ammunition Plant, Joliet, IL, Co: Will, Landholding Agency: Army, Property Number: 219010345, Status: Unutilized, Base Closure: NO
Reason: Secured Area
Bldg. 503–1–4, Joliet Army Ammunition Plant, Joliet, IL, Co: Will, Landholding Agency: Army, Property Number: 219010347, Status: Unutilized, Base Closure: NO
Reason: Secured Area
Bldg. 1002–8, Joliet Army Ammunition Plant, Joliet, IL, Co: Will, Landholding Agency: Army, Property Number: 219010346, Status: Unutilized, Base Closure: NO
Reason: Within 2000 ft. of flammable or explosive material, Secured Area
Bldg. 503–1–6, Joliet Army Ammunition Plant, Joliet, IL, Co: Will, Landholding Agency: Army, Property Number: 219010348, Status: Unutilized, Base Closure: NO
Reason: Secured Area
Bldg. 1002–9, Joliet Army Ammunition Plant, Joliet, IL, Co: Will, Landholding Agency: Army, Property Number: 219010349, Status: Unutilized, Base Closure: NO
Reason: Within 2000 ft. of flammable or explosive material, Secured Area
Bldg. 503–1–8, Joliet Army Ammunition Plant, Joliet, IL, Co: Will, Landholding Agency: Army, Property Number: 219010350, Status: Unutilized, Base Closure: NO
Reason: Secured Area
Bldg. 1002–10, Joliet Army Ammunition Plant, Joliet, IL, Co: Will, Landholding Agency: Army, Property Number: 219010351, Status: Unutilized, Base Closure: NO
Reason: Within 2000 ft. of flammable or explosive material, Secured Area
Bldg. 505–2, Joliet Army Ammunition Plant, Joliet, IL, Co: Will, Landholding Agency: Army, Property Number: 219010352, Status: Unutilized, Base Closure: NO
Reason: Secured Area
Bldg. 1002–11, Joliet Army Ammunition Plant, Joliet, IL, Co: Will, Landholding Agency: Army, Property Number: 219010353, Status: Unutilized, Base Closure: NO
Reason: Within 2000 ft. of flammable or explosive material, Secured Area
Bldg. 852–1, Joliet Army Ammunition Plant, Joliet, IL, Co: Will, Landholding Agency: Army, Property Number: 219010354, Status: Unutilized, Base Closure: NO
Reason: Within 2000 ft. of flammable or explosive material, Secured Area
Bldg. 1002–12, Joliet Army Ammunition Plant, Joliet, IL, Co: Will, Landholding Agency: Army, Property Number: 219010355, Status: Unutilized, Base Closure: NO
Reason: Within 2000 ft. of flammable or explosive material, Secured Area
Bldg. 852–2, Joliet Army Ammunition Plant, Joliet, IL, Co: Will, Landholding Agency: Army, Property Number: 219010356, Status: Unutilized, Base Closure: NO
Reason: Within 2000 ft. of flammable or explosive material, Secured Area
Bldg. 852–3, Joliet Army Ammunition Plant, Joliet, IL, Co: Will, Landholding Agency: Army, Property Number: 219010357, Status: Unutilized, Base Closure: NO
Reason: Within 2000 ft. of flammable or explosive material, Secured Area
Bldg. 1003–7, Joliet Army Ammunition Plant, Joliet, IL, Co: Will, Landholding Agency: Army, Property Number: 219010358, Status: Unutilized, Base Closure: NO
Reason: Within 2000 ft. of flammable or explosive material, Secured Area
Bldg. 852–4, Joliet Army Ammunition Plant, Joliet, IL, Co: Will, Landholding Agency: Army, Property Number: 219010359, Status: Unutilized, Base Closure: NO
Reason: Within 2000 ft. of flammable or explosive material, Secured Area
Bldg. 1003–8, Joliet Army Ammunition Plant, Joliet, IL, Co: Will, Landholding Agency: Army, Property Number: 219010360, Status: Unutilized, Base Closure: NO
Reason: Within 2000 ft. of flammable or explosive material, Secured Area
Bldg. 852–5, Joliet Army Ammunition Plant, Joliet, IL, Co: Will, Landholding Agency: Army, Property Number: 219010361, Status: Unutilized, Base Closure: NO
Reason: Within 2000 ft. of flammable or explosive material, Secured Area
Bldg. 1003–9, Joliet Army Ammunition Plant, Joliet, IL, Co: Will, Landholding Agency: Army, Property Number: 219010362, Status: Unutilized, Base Closure: NO
Reason: Within 2000 ft. of flammable or explosive material, Secured Area
Bldg. 852–6, Joliet Army Ammunition Plant, Joliet, IL, Co: Will, Landholding Agency: Army, Property Number: 219010363, Status: Unutilized, Base Closure: NO

Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 855–1, Joliet Army Ammunition Plant, Joliet, IL, Co: Will, Landholding Agency: Army, Property Number: 219010365, Status: Unutilized, Base Closure: NO

Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 1003–10, Joliet Army Ammunition Plant, Joliet, IL, Co: Will, Landholding Agency: Army, Property Number: 219010364, Status: Unutilized, Base Closure: NO

Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 855–2, Joliet Army Ammunition Plant, Joliet, IL, Co: Will, Landholding Agency: Army, Property Number: 219010367, Status: Unutilized, Base Closure: NO

Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 1003–11, Joliet Army Ammunition Plant, Joliet, IL, Co: Will, Landholding Agency: Army, Property Number: 219010366, Status: Unutilized, Base Closure: NO

Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 1003–12, Joliet Army Ammunition Plant, Joliet, IL, Co: Will, Landholding Agency: Army, Property Number: 219010369, Status: Unutilized, Base Closure: NO

Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 855–3, Joliet Army Ammunition Plant, Joliet, IL, Co: Will, Landholding Agency: Army, Property Number: 219010368, Status: Unutilized, Base Closure: NO

Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 1004–7, Joliet Army Ammunition Plant, Joliet, IL, Co: Will, Landholding Agency: Army, Property Number: 219010370, Status: Unutilized, Base Closure: NO

Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 855–4, Joliet Army Ammunition Plant, Joliet, IL, Co: Will, Landholding Agency: Army, Property Number: 219010371, Status: Unutilized, Base Closure: NO

Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 855–5, Joliet Army Ammunition Plant, Joliet, IL, Co: Will, Landholding Agency: Army, Property Number: 219010373, Status: Unutilized, Base Closure: NO

Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 1004–8, Joliet Army Ammunition Plant, Joliet, IL, Co: Will, Landholding Agency: Army, Property Number: 219010372, Status: Unutilized, Base Closure: NO

Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 1004–9, Joliet Army Ammunition Plant, Joliet, IL, Co: Will, Landholding Agency: Army, Property Number: 219010374, Status: Unutilized, Base Closure: NO

Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 1004–10, Joliet Army Ammunition Plant, Joliet, IL, Co: Will, Landholding Agency: Army, Property Number: 219010375, Status: Unutilized, Base Closure: NO

Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 1004–11, Joliet Army Ammunition Plant, Joliet, IL, Co: Will, Landholding Agency: Army, Property Number: 219010376, Status: Unutilized, Base Closure: NO

Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 1004–12, Joliet Army Ammunition Plant, Joliet, IL, Co: Will, Landholding Agency: Army, Property Number: 219010377, Status: Unutilized, Base Closure: NO

Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 1005–7, Joliet Army Ammunition Plant, Joliet, IL, Co: Will, Landholding Agency: Army, Property Number: 219010378, Status: Unutilized, Base Closure: NO

Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 1005–8, Joliet Army Ammunition Plant, Joliet, IL, Co: Will, Landholding Agency: Army, Property Number: 219010379, Status: Unutilized, Base Closure: NO

Reason: Within 2000 ft. of flammable or explosive material, Floodway, Secured Area

Bldg. 860–1, Joliet Army Ammunition Plant, Joliet, IL, Co: Will, Landholding Agency: Army, Property Number: 219010380, Status: Unutilized, Base Closure: NO

Reason: Within 2000 ft. of flammable or explosive material, Floodway, Secured Area

Bldg. 1005–9, Joliet Army Ammunition Plant, Joliet, IL, Co: Will, Landholding Agency: Army, Property Number: 219010381, Status: Unutilized, Base Closure: NO

Reason: Within 2000 ft. of flammable or explosive material, Floodway, Secured Area

Bldg. 860–2, Joliet Army Ammunition Plant, Joliet, IL, Co: Will, Landholding Agency: Army, Property Number: 219010383, Status: Unutilized, Base Closure: NO

Reason: Within 2000 ft. of flammable or explosive material, Floodway, Secured Area

Bldg. 1005–10, Joliet Army Ammunition Plant, Joliet, IL, Co: Will, Landholding Agency: Army, Property Number: 219010382, Status: Unutilized, Base Closure: NO

Reason: Within 2000 ft. of flammable or explosive material, Floodway, Secured Area

Bldg. 861–3, Joliet Army Ammunition Plant, Joliet, IL, Co: Will, Landholding Agency: Army, Property Number: 219010384, Status: Unutilized, Base Closure: NO

Reason: Within 2000 ft. of flammable or explosive material, Floodway, Secured Area

Bldg. 1005–11, Joliet Army Ammunition Plant, Joliet, IL, Co: Will, Landholding Agency: Army, Property Number: 219010385, Status: Unutilized, Base Closure: NO

Reason: Within 2000 ft. of flammable or explosive material, Floodway, Secured Area

Bldg. 860–1, Joliet Army Ammunition Plant, Joliet, IL, Co: Will, Landholding Agency: Army, Property Number: 219010386, Status: Unutilized, Base Closure: NO

Reason: Within 2000 ft. of flammable or explosive material, Floodway, Secured Area

Bldg. 1005–12, Joliet Army Ammunition Plant, Joliet, IL, Co: Will, Landholding Agency: Army, Property Number: 219010387, Status: Unutilized, Base Closure: NO

Reason: Within 2000 ft. of flammable or explosive material, Floodway, Secured Area

Bldg. 1006–2, Joliet Army Ammunition Plant, Joliet, IL, Co: Will, Landholding Agency: Army, Property Number: 219010388, Status: Unutilized, Base Closure: NO

Reason: Within 2000 ft. of flammable or explosive material, Floodway, Secured Area

Bldg. 861–2, Joliet Army Ammunition Plant, Joliet, IL, Co: Will, Landholding Agency: Army, Property Number: 219010389, Status: Unutilized, Base Closure: NO

Reason: Within 2000 ft. of flammable or explosive material, Floodway, Secured Area

Bldg. 861–3, Joliet Army Ammunition Plant, Joliet, IL, Co: Will, Landholding Agency: Army, Property Number: 219010391, Status: Unutilized, Base Closure: NO

Reason: Within 2000 ft. of flammable or explosive material, Floodway, Secured Area

Bldg. 1008–2, Joliet Army Ammunition Plant, Joliet, IL, Co: Will, Landholding Agency: Army, Property Number: 219010390, Status: Unutilized, Base Closure: NO

Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 861–4, Joliet Army Ammunition Plant, Joliet, IL, Co: Will, Landholding Agency: Army, Property Number: 219010392, Status: Unutilized, Base Closure: NO

Reason: Within 2000 ft. of flammable or explosive material, Floodway, Secured Area

Bldg. 1009–1–1, Joliet Army Ammunition Plant, Joliet, IL, Co: Will, Landholding Agency: Army, Property Number: 219010393, Status: Unutilized, Base Closure: NO

Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 861–5, Joliet Army Ammunition Plant, Joliet, IL, Co: Will, Landholding Agency: Army, Property Number: 219010394, Status: Unutilized, Base Closure: NO

Reason: Within 2000 ft. of flammable or explosive material, Floodway, Secured Area

Bldg. 1009–2–1, Joliet Army Ammunition Plant, Joliet, IL, Co: Will, Landholding Agency: Army, Property Number: 219010395, Status: Unutilized, Base Closure: NO

Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 861–6, Joliet Army Ammunition Plant, Joliet, IL, Co: Will, Landholding Agency: Army, Property Number: 219010396, Status: Unutilized, Base Closure: NO

Reason: Within 2000 ft. of flammable or explosive material, Floodway, Secured Area

Bldg. 1009–1–2, Joliet Army Ammunition Plant, Joliet, IL, Co: Will, Landholding Agency: Army, Property Number: 219010397, Status: Unutilized, Base Closure: NO

Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 1009–2–2, Joliet Army Ammunition Plant, Joliet, IL, Co: Will, Landholding Agency: Army, Property Number: 219010399, Status: Unutilized, Base Closure: NO

Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 862–4, Joliet Army Ammunition Plant, Joliet, IL, Co: Will, Landholding Agency: Army, Property Number: 219010398, Status: Unutilized, Base Closure: NO

Reason: Within 2000 ft. of flammable or explosive material, Floodway, Secured Area

Bldg. 70–6, Joliet Army Ammunition Plant, Joliet, IL, Co: Will, Landholding Agency: Army, Property Number: 219010400, Status: Unutilized, Base Closure: NO

Reason: Secured Area

Bldg. 861–7, Joliet Army Ammunition Plant, Joliet, IL, Co: Will, Landholding Agency: Army, Property Number: 219010401, Status: Unutilized, Base Closure: NO

Reason: Within 2000 ft. of flammable or explosive material, Floodway, Secured Area

Bldg. 861–8, Joliet Army Ammunition Plant, Joliet, IL, Co: Will, Landholding Agency: Army, Property Number: 219010402, Status: Unutilized, Base Closure: NO

Reason: Within 2000 ft. of flammable or explosive material, Floodway, Secured Area

Bldg. 70–8, Joliet Army Ammunition Plant, Joliet, IL, Co: Will, Landholding Agency: Army, Property Number: 219010403, Status: Unutilized, Base Closure: NO

Reason: Secured Area

Bldg. 861–9, Joliet Army Ammunition Plant, Joliet, IL, Co: Will, Landholding Agency: Army, Property Number: 219010404, Status: Unutilized, Base Closure: NO

Reason: Within 2000 ft. of flammable or explosive material, Floodway, Secured Area

Bldg. 70–9, Joliet Army Ammunition Plant, Joliet, IL, Co: Will, Landholding Agency: Army, Property Number: 219010405, Status: Unutilized, Base Closure: NO

Reason: Secured Area

Bldg. 880–2, Joliet Army Ammunition Plant, Joliet, IL, Co: Will, Landholding Agency: Army, Property Number: 219010406, Status: Unutilized, Base Closure: NO

Reason: Within 2000 ft. of flammable or explosive material, Floodway, Secured Area

Bldg. 70–10, Joliet Army Ammunition Plant, Joliet, IL, Co: Will, Landholding Agency: Army, Property Number: 219010407, Status: Unutilized, Base Closure: NO

Reason: Secured Area

1201 Lead Azide Area, Joliet Army Ammunition Plant, Joliet, IL, Co: Will, Landholding Agency: Army, Property Number: 219010408, Status: Unutilized, Base Closure: NO

Reason: Secured Area

Bldg. 70–13, Joliet Army Ammunition Plant, Joliet, IL, Co: Will, Landholding Agency: Army, Property Number: 219010409, Status: Unutilized, Base Closure: NO

Reason: Secured Area

Group #1 Load Line, Joliet Army Ammunition Plant, Joliet, IL, Co: Will, Landholding Agency: Army, Property Number: 219010410, Status: Unutilized, Base Closure: NO

Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 70–16, Joliet Army Ammunition Plant, Joliet, IL, Co: Will, Landholding Agency: Army, Property Number: 219010411, Status: Unutilized, Base Closure: NO

Reason: Secured Area

Group #2 Load Line, Joliet Army Ammunition Plant, Joliet, IL, Co: Will, Landholding Agency: Army, Property Number: 219010412, Status: Unutilized, Base Closure: NO

Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 70–34, Joliet Army Ammunition Plant, Joliet, IL, Co: Will, Landholding Agency: Army, Property Number: 219010413, Status: Unutilized, Base Closure: NO

Reason: Secured Area

Bldg. 70–37, Joliet Army Ammunition Plant, Joliet, IL, Co: Will, Landholding Agency: Army, Property Number: 219010415, Status: Unutilized, Base Closure: NO

Reason: Secured Area

Bldg. 71–9, Joliet Army Ammunition Plant, Joliet, IL, Co: Will, Landholding Agency: Army, Property Number: 219010416, Status: Unutilized, Base Closure: NO

Reason: Secured Area

Bldg. 71–10, Joliet Army Ammunition Plant, Joliet, IL, Co: Will, Landholding Agency: Army, Property Number: 219010417, Status: Unutilized, Base Closure: NO

Reason: Secured Area

Bldg. 704–10, Joliet Army Ammunition Plant, Joliet, IL, Co: Will, Landholding Agency: Army, Property Number: 219010418, Status: Unutilized, Base Closure: NO

Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 704–11, Joliet Army Ammunition Plant, Joliet, IL, Co: Will, Landholding Agency: Army, Property Number: 219010419, Status: Unutilized, Base Closure: NO

Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 707–11, Joliet Army Ammunition Plant, Joliet, IL, Co: Will, Landholding Agency: Army, Property Number:

219010421, Status: Unutilized, Base Closure: NO
Reason: Within 2000 ft. of flammable or explosive material, Secured Area
Bldg. 70–40, Joliet Army Ammunition Plant, Joliet, IL, Co: Will, Landholding Agency: Army, Property Number: 219010420, Status: Unutilized, Base Closure: NO
Reason: Secured Area
Bldg. 707–12, Joliet Army Ammunition Plant, Joliet, IL, Co: Will, Landholding Agency: Army, Property Number: 219010422, Status: Unutilized, Base Closure: NO
Reason: Within 2000 ft. of flammable or explosive material, Secured Area
Bldg. 70–42, Joliet Army Ammunition Plant, Joliet, IL, Co: Will, Landholding Agency: Army, Property Number: 219010423, Status: Unutilized, Base Closure: NO
Reason: Secured Area
Bldg. 715–12, Joliet Army Ammunition Plant, Joliet, IL, Co: Will, Landholding Agency: Army, Property Number: 219010425, Status: Unutilized, Base Closure: NO
Reason: Within 2000 ft. of flammable or explosive material, Secured Area
Bldg. 70–43, Joliet Army Ammunition Plant, Joliet, IL, Co: Will, Landholding Agency: Army, Property Number: 219010424, Status: Unutilized, Base Closure: NO
Reason: Secured Area
Bldg. 706–7, Joliet Army Ammunition Plant, Joliet, IL, Co: Will, Landholding Agency: Army, Property Number: 219010426, Status: Unutilized, Base Closure: NO
Reason: Within 2000 ft. of flammable or explosive material, Secured Area
Bldg. 70–44, Joliet Army Ammunition Plant, Joliet, IL, Co: Will, Landholding Agency: Army, Property Number: 219010427, Status: Unutilized, Base Closure: NO
Reason: Secured Area
Bldg. 706–8, Joliet Army Ammunition Plant, Joliet, IL, Co: Will, Landholding Agency: Army, Property Number: 219010428, Status: Unutilized, Base Closure: NO
Reason: Within 2000 ft. of flammable or explosive material, Secured Area
Bldg. 70–45, Joliet Army Ammunition Plant, Joliet, IL, Co: Will, Landholding Agency: Army, Property Number: 219010429, Status: Unutilized, Base Closure: NO
Reason: Secured Area
Bldg. 707–16, Joliet Army Ammunition Plant, Joliet, IL, Co: Will, Landholding Agency: Army, Property Number: 219010430, Status: Unutilized, Base Closure: NO
Reason: Within 2000 ft. of flammable or explosive material, Secured Area
Bldg. 70–46, Joliet Army Ammunition Plant, Joliet, IL, Co: Will, Landholding Agency: Army, Property Number: 219010431, Status: Unutilized, Base Closure: NO
Reason: Secured Area
Bldg. 722–7, Joliet Army Ammunition Plant, Joliet, IL, Co: Will, Landholding Agency: Army, Property Number: 219010432, Status: Unutilized, Base Closure: NO
Reason: Within 2000 ft. of flammable or explosive material, Secured Area
Bldg. 70–47, Joliet Army Ammunition Plant, Joliet, IL, Co: Will, Landholding Agency: Army, Property Number: 219010433, Status: Unutilized, Base Closure: NO
Reason: Secured Area
Bldg. 70–48, Joliet Army Ammunition Plant, Joliet, IL, Co: Will, Landholding Agency: Army, Property Number: 219010434, Status: Unutilized, Base Closure: NO
Reason: Secured Area
Bldg. 722–8, Joliet Army Ammunition Plant, Joliet, IL, Co: Will, Landholding Agency: Army, Property Number: 219010435, Status: Unutilized, Base Closure: NO
Reason: Within 2000 ft. of flammable or explosive material, Secured Area
Bldg. 70–49, Joliet Army Ammunition Plant, Joliet, IL, Co: Will, Landholding Agency: Army, Property Number: 219010436, Status: Unutilized, Base Closure: NO
Reason: Secured Area
Bldg. 70–50, Joliet Army Ammunition Plant, Joliet, IL, Co: Will, Landholding Agency: Army, Property Number: 219010437, Status: Unutilized, Base Closure: NO
Reason: Secured Area
Bldg. 70–59, Joliet Army Ammunition Plant, Joliet, IL, Co: Will, Landholding Agency: Army, Property Number: 219010438, Status: Unutilized, Base Closure: NO
Reason: Secured Area
Bldg. 70–60, Joliet Army Ammunition Plant, Joliet, IL, Co: Will, Landholding Agency: Army, Property Number: 219010439, Status: Unutilized, Base Closure: NO
Reason: Secured Area

NEW JERSEY

Bldg. No. 1415, Armament Res. Dev. & Eng. Ctr., Picatinny Arsenal, NJ Co: Morris, Location: Route 15 North, Landholding Agency: Army, Property Number: 219010440, Status: Excess, Base Closure: NO
Reason: Within 2000 ft. of flammable or explosive material, Secured Area
Bldg. No. 1425, Armament Res. Dev. & Eng. Ctr., Picatinny Arsenal, NJ Co: Morris, Location: Route 15 North, Landholding Agency: Army, Property Number: 219010442, Status: Excess, Base Closure: NO
Reason: Within 2000 ft. of flammable or explosive material, Secured Area
Bldg. No. 1352A, Armament Res. Dev. & Eng. Ctr., Picatinny Arsenal, NJ Co: Morris, Location: Route 15 North, Landholding Agency: Army, Property Number: 219010441, Status: Excess, Base Closure: NO
Reason: Within 2000 ft. of flammable or explosive material, Secured Area
Bldg. No. 1354A, Armament Res. Dev. & Eng. Ctr., Picatinny Arsenal, NJ Co: Morris, Location: Route 15 North, Landholding Agency: Army, Property Number: 219010444, Status: Excess, Base Closure: NO
Reason: Within 2000 ft. of flammable or explosive material, Secured Area
Bldg. No. 1429, Armament Res. Dev. & Eng. Ctr., Picatinny Arsenal, NJ Co: Morris, Location: Route 15 North, Landholding Agency: Army, Property Number: 219010443, Status: Excess, Base Closure: NO
Reason: Within 2000 ft. of flammable or explosive material, Secured Area
Bldg. No. 1375, Armament Res. Dev. & Eng. Ctr., Picatinny Arsenal, NJ Co: Morris, Location: Route 15 North, Landholding Agency: Army, Property Number: 219010445, Status: Excess, Base Closure: NO
Reason: Within 2000 ft. of flammable or explosive material, Secured Area
Bldg. No. 1377, Armament Res. Dev. & Eng. Ctr., Picatinny Arsenal, NJ Co: Morris, Location: Route 15 North, Landholding Agency: Army, Property Number: 219010447, Status: Excess, Base Closure: NO
Reason: Within 2000 ft. of flammable or explosive material, Secured Area
Bldg. No. 1355, Armament Res. Dev. & Eng. Ctr., Picatinny Arsenal, NJ Co: Morris, Location: Route 15 North, Landholding Agency: Army, Property Number: 219010446, Status: Excess, Base Closure: NO
Reason: Within 2000 ft. of flammable or explosive material, Secured Area
Bldg. No. 1380, Armament Res. Dev. & Eng. Ctr., Picatinny Arsenal, NJ Co: Morris, Location: Route 15 North, Landholding Agency: Army, Property Number: 219010448, Status: Excess, Base Closure: NO
Reason: Within 2000 ft. of flammable or explosive material, Secured Area
Bldg. No. 1402A, Armament Res. Dev. & Eng. Ctr., Picatinny Arsenal, NJ Co:

Morris, Location: Route 15 North, Landholding Agency: Army, Property Number: 219010450, Status: Excess, Base Closure: NO
Reason: Within 2000 ft. of flammable or explosive material, Secured Area
Bldg. No. 1361A, Armament Res. Dev. & Eng. Ctr., Picatinny Arsenal, NJ Co: Morris, Location: Route 15 North, Landholding Agency: Army, Property Number: 219010449, Status: Excess, Base Closure: NO
Reason: Within 2000 ft. of flammable or explosive material, Secured Area
Bldg. No. 1405, Armament Res. Dev. & Eng. Ctr., Picatinny Arsenal, NJ Co: Morris, Location: Route 15 North, Landholding Agency: Army, Property Number: 219010451, Status: Excess, Base Closure: NO
Reason: Within 2000 ft. of flammable or explosive material, Secured Area
Bldg. No. 1308, Armament Res. Dev. & Eng. Ctr., Picatinny Arsenal, NJ Co: Morris, Location: Route 15 North, Landholding Agency: Army, Property Number: 219010452, Status: Excess, Base Closure: NO
Reason: Within 2000 ft. of flammable or explosive material, Secured Area
Bldg. No. 1410, Armament Res. Dev. & Eng. Ctr., Picatinny Arsenal, NJ Co: Morris, Location: Route 15 North, Landholding Agency: Army, Property Number: 219010453, Status: Unutilized, Base Closure: NO
Reason: Within 2000 ft. of flammable or explosive material, Secured Area
Bldg. No. 1309, Armament Res. Dev. & Eng. Ctr., Picatinny Arsenal, NJ Co: Morris, Location: Route 15 North, Landholding Agency: Army, Property Number: 219010454, Status: Excess, Base Closure: NO
Reason: Within 2000 ft. of flammable or explosive material, Secured Area
Bldg. No. 1411A, Armament Res. Dev. & Eng. Ctr., Picatinny Arsenal, NJ Co: Morris, Location: Route 15 North, Landholding Agency: Army, Property Number: 219010455, Status: Unutilized, Base Closure: NO
Reason: Within 2000 ft. of flammable or explosive material, Secured Area
Bldg. No. 1350, Armament Res. Dev. & Eng. Ctr., Picatinny Arsenal, NJ Co: Morris, Location: Route 15 North, Landholding Agency: Army Property Number: 219010456, Status: Excess, Base Closure: NO
Reason: Within 2000 ft. of flammable or explosive material, Secured Area
Bldg. No. 1369, Armament Res. Dev. & Eng. Ctr., Picatinny Arsenal, NJ Co: Morris, Location: Route 15 North, Landholding Agency: Army, Property Number: 219010457, Status: Base Closure: NO
Reason: Within 2000 ft. of flammable or explosive material, Secured Area
Bldg. No. 1370, Armament Res. Dev. & Eng. Ctr., Picatinny Arsenal, NJ Co: Morris, Location: Route 15 North, Landholding Agency: Army, Property Number: 219010458, Status: Unutilized, Base Closure: NO
Reason: Within 2000 ft. of flammable or explosive material, Secured Area
Bldg. No. 1071G, Armament Res. Dev. & Eng. Ctr., Picatinny Arsenal, NJ Co: Morris, Location: Route 15 North, Landholding Agency: Army, Property Number: 219010459, Status: Excess, Base Closure: NO
Reason: Within 2000 ft. of flammable or explosive material, Secured Area
Bldg. No. 1370A, Armament Res. Dev. & Eng. Ctr., Picatinny Arsenal, NJ Co: Morris, Location: Route 15 North, Landholding Agency: Army, Property Number: 219010467, Status: Excess, Base Closure: NO
Reason: Within 2000 ft. of flammable or explosive material, Secured Area
Bldg. No. 1374, Armament Res. Dev. & Eng. Ctr., Picatinny Arsenal, NJ Co: Morris, Location: Route 15 North, Landholding Agency: Army, Property Number: 219010461, Status: Excess, Base Closure: NO
Reason: Within 2000 ft. of flammable or explosive material, Secured Area
Bldg. No. 1362, Armament Res. Dev. & Eng. Ctr., Picatinny Arsenal, NJ Co: Morris, Location: Route 15 North, Landholding Agency: Army, Property Number: 219010462, Status: Unutilized, Base Closure: NO
Reason: Within 2000 ft. of flammable or explosive material, Secured Area
Bldg. No. 1364, Armament Res. Dev. & Eng. Ctr., Picatinny Arsenal, NJ Co: Morris, Location: Route 15 North, Landholding Agency: Army, Property Number: 219010464, Status: Unutilized, Base Closure: NO
Reason: Within 2000 ft. of flammable or explosive material, Secured Area
Bldg. No. 1221A, Armament Res. Dev. & Eng. Ctr., Picatinny Arsenal, NJ Co: Morris, Location: Route 15 North, Landholding Agency: Army, Property Number: 219010463, Status: Unutilized, Base Closure: NO
Reason: Within 2000 ft. of flammable or explosive material, Secured Area
Bldg. No. 1365, Armament Res. Dev. & Eng. Ctr., Picatinny Arsenal, NJ Co: Morris, Location: Route 15 North, Landholding Agency: Army, Property Number: 219010465, Status: Unutilized, Base Closure: NO
Reason: Within 2000 ft. of flammable or explosive material, Secured Area
Bldg. No. 1221B, Armament Res. Dev. & Eng. Ctr., Picatinny Arsenal, NJ Co: Morris, Location: Route 15 North, Landholding Agency: Army, Property Number: 219010466, Status: Excess, Base Closure: NO
Reason: Within 2000 ft. of flammable or explosive material, Secured Area
Bldg. No. 1366, Armament Res. Dev. & Eng. Ctr., Picatinny Arsenal, NJ Co: Morris, Location: Route 15 North, Landholding Agency: Army, Property Number: 219010467, Status: Unutilized, Base Closure: NO
Reason: Within 2000 ft. of flammable or explosive material, Secured Area
Bldg. No. 1368, Armament Res. Dev. & Eng. Ctr., Picatinny Arsenal, NJ Co: Morris, Location: Route 15 North, Landholding Agency: Army, Property Number: 219010467, Status: Excess, Base Closure: NO
Reason: Within 2000 ft. of flammable or explosive material, Secured Area
Bldg. No. 1240, Armament Res. Dev. & Eng. Ctr., Picatinny Arsenal, NJ Co: Morris, Location: Route 15 North, Landholding Agency: Army, Property Number: 219010468 Status: Unutilized, Base Closure: NO
Reason: Within 2000 ft. of flammable or explosive material, Secured Area
Bldg. No. 1352, Armament Res. Dev. & Eng. Ctr., Picatinny Arsenal, NJ Co: Morris, Location: Route 15 North, Landholding Agency: Army, Property Number: 219010470, Status: Excess, Base Closure: NO
Reason: Within 2000 ft. of flammable or explosive material, Secured Area
Bldg. No. 1037, Armament Res. Dev. & Eng. Ctr., Picatinny Arsenal, NJ Co: Morris, Location: Route 15 North, Landholding Agency: Army, Property Number: 219010471, Status: Excess, Base Closure: NO
Reason: Within 2000 ft. of flammable or explosive material, Secured Area
Bldg. No. 1038, Armament Res. Dev. & Eng. Ctr., Picatinny Arsenal, NJ Co: Morris, Location: Route 15 North, Landholding Agency: Army, Property Number: 219010472, Status: Unutilized, Base Closure: NO
Reason: Within 2000 ft. of flammable or explosive material, Secured Area
Bldg. No. 1052A, Armament Res. Dev. & Eng. Ctr., Picatinny Arsenal, NJ Co: Morris, Location: Route 15 North, Landholding Agency: Army, Property Number: 219010473, Status: Excess, Base Closure: NO
Reason: Within 2000 ft. of flammable or explosive material, Secured Area
Bldg. No. 1071C, Armament Res. Dev. & Eng. Ctr., Picatinny Arsenal, NJ Co: Morris, Location: Route 15 North, Landholding Agency: Army, Property

Number: 219010474, Status: Excess, Base Closure: NO
Reason: Within 2000 ft. of flammable or explosive material, Secured Area
Bldg. No. 935, Armament Res. Dev. & Eng. Ctr., Picatinny Arsenal, NJ Co: Morris, Location: Route 15 North, Landholding Agency: Army, Property Number: 219010476, Status: Unutilized, Base Closure: NO
Reason: Within 2000 ft. of flammable or explosive material, Secured Area
Bldg. No. 1030, Picatinny Arsenal, NJ Co: Morris, Location: Route 15 North, Landholding Agency, Army: Property Number: 219010478, Status: Excess, Base Closure: NO
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

TENNESSEE

Bldg. 100, Volunteer Army Ammo. Plant, Chattanooga, TN, Co: Hamilton, Landholding Agency: Army, Property Number: 219010475, Status: Unutilized, Base Closure: NO
Reason: Within 2000 ft. of flammable or explosive material, Secured Area
Bldg. 819–1, Volunteer Army Ammo. Plant, Chattanooga, TN, Co: Hamilton, Landholding Agency: Army, Property Number: 219010477, Status: Underutilized, Base Closure: NO
Reason: Secured Area
Bldg. 819–2, Volunteer Army Ammo. Plant, Chattanooga, TN, Co: Hamilton, Landholding Agency: Army, Property Number: 219010479, Status: Underutilized, Base Closure: NO
Reason: Secured Area
Bldg. 819–3, Volunteer Army Ammo. Plant, Chattanooga, TN, Co: Hamilton, Landholding Agency: Army, Property Number 219010480, Status: Underutilized, Base Closure: NO
Reason: Secured Area
Bldg. 711–5, Volunteer Army Ammo. Plant, Chattanooga, TN, Co: Hamilton, Landholding Agency: Army, Property Number 219010482, Status: Underutilized, Base Closure: NO
Reason: Secured Area
Bldg. 819–1A, Volunteer Army Ammo. Plant, Chattanooga, TN, Co: Hamilton, Landholding Agency: Army, Property Number: 219010481, Status: Underutilized, Base Closure: NO
Reason: Secured Area
Bldg. 200–1, Volunteer Army Ammo. Plant, Chattanooga, TN, Co: Hamilton, Landholding Agency: Army, Property Number: 219010483, Status: Underutilized, Base Closure: NO
Reason: Secured Area
Bldg. 819–3A, Volunteer Army Ammo. Plant, Chattanooga, TN, Co: Hamilton, Landholding Agency: Army, Property Number: 219010484, Status: Underutilized, Base Closure: NO
Reason: Secured Area
Bldg. 823–2, Volunteer Army Ammo. Plant, Chattanooga, TN, Co: Hamilton, Landholding Agency: Army, Property Number: 219010486, Status: Underutilized, Base Closure: NO
Reason: Within 2000 ft. of flammable or explosive material, Secured Area
Bldg. 819–10, Volunteer Army Ammo. Plant, Chattanooga, TN, Co: Hamilton, Landholding Agency: Army, Property Number: 219010485, Status: Underutilized, Base Closure: NO
Reason: Within 2000 ft. of flammable or explosive material, Secured Area
Bldg. 821–3, Volunteer Army Ammo. Plant, Chattanooga, TN, Co: Hamilton, Landholding Agency: Army, Property Number: 219010487, Status: Underutilized, Base Closure: NO
Reason: Within 2000 ft. of flammable or explosive material, Secured Area
Bldg. 712, Volunteer Army Ammo. Plant, Chattanooga, TN, Co: Hamilton, Landholding Agency: Army, Property Number: 219010488, Status: Underutilized, Base Closure: NO
Reason: Secured Area
Bldg. 820–3, Volunteer Army Ammo. Plant, Chattanooga, TN, Co: Hamilton, Landholding Agency: Army, Property Number: 219010489, Status: Underutilized, Base Closure: NO
Reason: Within 2000 ft. of flammable or explosive material, Secured Area
Bldg. 767, Volunteer Army Ammo. Plant, Chattanooga, TN, Co: Hamilton, Landholding Agency: Army, Property Number: 219010490, Status: Underutilized, Base Closure: NO
Reason: Within 2000 ft. of flammable or explosive material, Secured Area
Bldg. 200–2A, Volunteer Army Ammo. Plant, Chattanooga, TN, Co: Hamilton, Landholding Agency: Army, Property Number: 219010491, Status: Underutilized, Base Closure: NO
Reason: Secured Area
Bldg. 769, Volunteer Army Ammo. Plant, Chattanooga, TN, Co: Hamilton, Landholding Agency: Army, Property Number: 219010492, Status: Underutilized, Base Closure: NO
Reason: Within 2000 ft. of flammable or explosive material, Secured Area
Bldg. 822, Volunteer Army Ammo. Plant, Chattanooga, TN, Co: Hamilton, Landholding Agency: Army, Property Number: 219010493, Status: Underutilized, Base Closure: NO
Reason: Within 2000 ft. of flammable or explosive material, Secured Area
Bldg. 820–1, Volunteer Army Ammo. Plant, Chattanooga, TN, Co: Hamilton, Landholding Agency: Army, Property Number: 219010494, Status: Underutilized, Base Closure: NO
Reason: Within 2000 ft. of flammable or explosive material, Secured Area
Bldg. 820–2, Volunteer Army Ammo. Plant, Chattanooga, TN, Co: Hamilton, Landholding Agency: Army, Property Number: 219010495, Status: Underutilized, Base Closure: NO
Reason: Within 2000 ft. of flammable or explosive material, Secured Area
Bldg. 821–1, Volunteer Army Ammo. Plant, Chattanooga, TN, Co: Hamilton, Landholding Agency: Army, Property Number: 219010496, Status: Underutilized, Base Closure: NO
Reason: Within 2000 ft. of flammable or explosive material, Secured Area
Bldg. 200–2B, Volunteer Army Ammo. Plant, Chattanooga, TN, Co: Hamilton, Landholding Agency: Army, Property Number: 219010497, Status: Underutilized, Base Closure: NO
Reason: Secured Area
Bldg. 200–3, Volunteer Army Ammo. Plant, Chattanooga, TN, Co: Hamilton, Landholding Agency: Army, Property Number: 219010498, Status: Underutilized, Base Closure: NO
Reason: Secured Area
Bldg. 704–1, Volunteer Army Ammo. Plant, Chattanooga, TN, Co: Hamilton, Landholding Agency: Army, Property Number: 219010499, Status: Underutilized, Base Closure: NO
Reason: Within 2000 ft. of flammable or explosive material, Secured Area
Bldg. 711–2, Volunteer Army Ammo. Plant, Chattanooga, TN, Co: Hamilton, Landholding Agency: Army, Property Number: 219010500, Status: Underutilized, Base Closure: NO
Reason: Secured Area

[FR Doc. 90–2231 Filed 2–1–90; 8:45 am]
BILLING CODE 4210–29–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[NM–030–00–4212–13; NMNM 82657]

A Plan Amendment/Environmental Assessment To Resolve an Occupancy Trespass in Grant County, NM

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Intent to Prepare a Plan Amendment.

SUMMARY: The BLM will prepare a plan amendment/environmental assessment for a proposed exchange to resolve a trespass ranch headquarters located on the following public land:

T. 26 S., R. 15 W., NMPM
Section 34, SE¼SW¼.
Containing 40 acres more or less.

DATES: Comments must be submitted on or before March 5, 1990.

ADDRESSES: Comments should be sent to District Manager, BLM, Las Cruces District Office, 1800 Marquess, Las Cruces, New Mexico 88005.

FOR FURTHER INFORMATION CONTACT: Marvin M. James at the address above or at (505) 525–8228.

SUPPLEMENTARY INFORMATION:

Description of Proposed Planning Action: The proposed exchange is to add the public land to The Nature Conservancy (TNC)/BLM exchange pool. TNC will sell the public land to the occupant and offer BLM private land in the exchange pool.

The Type of Issue Anticipated: The resolution of the occupancy trespass is the only issue to be addressed.

Criteria to Guide Development of the Planning Action: The planning criteria were identified to help guide the resolution of the issue:

—Public land will be considered for disposal in the following priority:

1. Public land which will resolve unintentional unauthorized occupancy.
2. Public land which can be exchanged for Non-Federal lands that have been identified for acquisition to enchance BLM programs.
3. Public land where size, location, or other physical characteristic make them difficult or uneconomical for BLM to manage.

As new information becomes available during the planning process or through public participation, additional criteria may be developed for future guidance of this planning effort.

The Disciplines to be Represented on the Interdisciplinary Team: The planning amendment/environmental assessment will be prepared by an interdisciplinary team consisting of a realty specialist, geologist, wildlife biologist, archaeologist, writer-editor, and an environmental coordinator.

The Kind and Extent of Public Participation Activities to be Provided: A press release will be sent to the local newspapers in the area about the planning action. The BLM District Advisory Council and Grazing Advisory Board, Grant County Commissioners, and the Governor of New Mexico will be sent this notice. Depending on the nature and degree of interest expressed during the 30 days following publication of this notice, meetings may be scheduled or additional comments may be solicited.

The Location and Availability of Documents Relevant to the Planning Process: Pertinent information is available at the BLM Office at 1800 Marquess, Las Cruces, New Mexico 88005 and is subject to public review on weekdays from 7:45 a.m. to 4:30 p.m.

Dated: January 29, 1990.

Larry L. Woodard,
State Director.

[FR Doc. 90–2425 Filed 2–1–90; 8:45 am]
BILLING CODE 4310-FB-M

[MT-030-00-4120-10]

Resource Management Plan; Mercer County, ND

AGENCY: Bureau of Land Management, Dickinson District Office, Interior.

ACTION: Notice of intent to prepare a resource management plan amendment for a coal leasing suitability change on a specific tract in Mercer County, North Dakota.

SUMMARY: A Resource Management Plan Amendment/Environment Assessment will be prepared on a proposed change of coal leasing suitability designation for a split estate tract of private surface/Federal coal located in the SE¼ sec. 6, T. 145 N., R. 87 W., Fifth Principal Meridian. The North Dakota Resource Management Plan (1988) designated about 150 acres of the above noted tract as suitable for coal leasing. The other 10 acres were designated as unsuitable for coal leasing because habitat for migratory birds would be lost. The amendment is being done to analyze the environmental effects of a proposed change from unsuitable to suitable for coal leasing on the 10 acre portion of the tract.

The action will entail requests to industry for pertinent data, mailing of a scoping letter to interested or affected parties and consultation with the U.S. Fish and Wildlife Service.

DATES: A public scoping period will begin on February 2, 1990 and end 30 days later on March 5, 1990.

FOR FURTHER INFORMATION CONTACT: Bureau of Land Management, Attention: Don Rufledt, 2933 Third Avenue West, Dickinson, North Dakota, 58601, Phone: (701) 225–9148.

Dated: January 26, 1990.

William F. Krech,
District Manager.

[FR Doc. 90–2545 Filed 2–1–90; 8:45 am]
BILLING CODE 4310-DN-M

Minerals Management Service

Pacific Northwest Outer Continental Shelf (OCS) Task Froce; Fourth Meeting; February 12, 1990

The Pacific Northwest OCS Task Force will meet February 12, 1990, from 9 a.m. to 5 p.m. at the Shilo Inn, 30 North Prom, Seaside, Oregon 97138 (503–738–9571). This will be the fourth meeting of the task force, which was established January 19, 1989, in accordance with the provisions of the Federal Advisory Committee Act Public Law 92–463, 5 U.S.C. appendix 1. The meeting is open to the public.

The agenda for the meeting will cover the following principal topics: the environmental study recommendations of the technical subcommittee; the proposed issuance of a Request for Interest by the Minerals Management Service (MMS) which would solicit industry comments on whether sufficient interest exists to proceed with the presale leasing process; the President's OCS Task Force Report; and the Oregon Ocean Resources Management Plan.

The task force is composed of representatives of the Columbia River Intertribal Fish Commission, Northwest Indian Fisheries Commission, State of Oregon, State of Washington, and the MMS. The purpose of the task force is to assist the Secretary of the Interior with resolution of OCS issues specific to the Northwest and to help develop coordinated programs and policies related to the potential leasing and development of oil and gas resources of the OCS off Oregon and Washington.

Minutes of the meeting will be made available for public inspection and copying at the MMS, Pacific OCS Region, Suite 244, 1340 West Sixth Street, Los Angeles, California 90017. For more information, contact John Smith or Ann Copsey at (213) 894–4154 or 894–7107.

Dated: January 26, 1990.

Barry A. Williamson,
Director, Minerals Management Service.

[FR Doc. 90–2526 Filed 2–1–90; 8:45 am]
BILLING CODE 4310-MR-M

INTERNATIONAL TRADE COMMISSION

[Investigation No. 731–TA–438 (Final); Limousines from Canada

AGENCY: United States International Trade Commission.

ACTION: Institution of a final antidumping investigation and scheduling of a hearing to be held in connection with the investigation.

SUMMARY: The Commission hereby gives notice of the institution of final antidumping investigation No. 731–TA–438 (Final) under section 735(b) of the Tariff Act of 1930 (19 U.S.C. 1673d(b)) (the act) to determine whether an industry in the United States is materially injured, or is threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of imports from Canada of limousines,[1] provided for under subheadings 8703.23.00 and 8703.24.00 of the Harmonized Tariff Schedule of the United States (HTS) and that may be dutiable under subheading 9802.00.50 of the HTS (items 692.10 and 806.20 of the former Tariff Schedules of the United States (TSUS)), that have been found by the Department of Commerce, in a preliminary determination, to be sold in the United States at less than fair value (LTFV). Unless the investigation is extended, Commerce will make its final LTFV determination on or before March 19, 1990, and the Commission will make its final injury determination by May 8, 1990, (see sections 735(a) and 735(b) of the act (19 U.S.C. 1673d(a) and 1673(b))).

For further information concerning the conduct of this investigation, hearing procedures, and rules of general application, consult the Commission's Rules of Practice and Procedure, part 207, subparts A and C (19 CFR part 207), and part 201, subparts A through E (19 CFR part 201).

EFFECTIVE DATE: January 9, 1990.

FOR FURTHER INFORMATION CONTACT: Mary Trimble (202–252–1193), Office of Investigations, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436. Hearing-impaired individuals are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on 202–252–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–252–1000.

SUPPLEMENTARY INFORMATION:

Background. This investigation is being instituted as a result of an affirmative preliminary determination by the Department of Commerce that imports of limousines from Canada are being sold in the United States at less than fair value within the meaning of section 733 of the act (19 U.S.C. § 1673). The investigation was requested in a petition filed on July 24, 1989, by Southampton Coachworks, Ltd., Farmingdale, NY. In response to that petition the Commission conducted a preliminary antidumping investigation and, on the basis of information developed during the course of that investigation, determined that there was a reasonable indication that an industry in the United States was materially injured by reason of imports of the subject merchandise (54 FR 37838, Sept. 13, 1989).

Participation in the investigation. Persons wishing to participate in this investigation as parties must file an entry of appearance with the Secretary to the Commission, as provided in § 201.11 of the Commission's rules (19 CFR 201.11), not later than twenty-one (21) days after the publication of this notice in the **Federal Register.** Any entry of appearance filed after this date will be referred to the Chairman, who will determine whether to accept the late entry for good cause shown by the person desiring to file the entry.

Public service list. Pursuant to § 201.11(d) of the Commission's rules (19 CFR 201.11(d)), the Secretary will prepare a public service list containing the names and addresses of all persons, or their representatives, who are parties to this investigation upon the expiration of the period for filing entries of appearance. In accordance with §§ 201.16(c) and 207.3 of the rules (19 CFR 201.16(c) and 207.3), each public document filed by a party to the investigation must be served on all other parties to the investigation (as identified by the public service list), and a certificate of service must accompany the document. The Secretary will not accept a document for filing without a certificate of service.

Limited disclosure of business proprietary information under a protective order and business proprietary information service list. Pursuant to § 207.7(a) of the Commission's rules (19 CFR 207.7(a)), the Secretary will make available business proprietary information gathered in this final investigation to authorized applicants under a protective order, provided that the application be made not later than twenty-one (21) days after the publication of this notice in the **Federal Register.** A separate service list will be maintained by the Secretary for those parties authorized to receive business proprietary information under a protective order. The Secretary will not accept any submission by parties containing business proprietary information without a certificate of service indicating that it has been served on all the parties that are authorized to receive such information under a protective order.

Staff report. The prehearing staff report in this investigation will be placed in the nonpublic record on March 23, 1990, and a public version will be issued thereafter, pursuant to § 207.21 of the Commission's rules (19 CFR 207.21).

Hearing. The Commission will hold a hearing in connection with this investigation beginning at 9:30 a.m. on April 5, 1990, at the U.S. International Trade Commission Building, 500 E Street SW., Washington, DC. Requests to appear at the hearing should be filed in writing with the Secretary to the Commission not later than the close of business (5:15 p.m.) on March 30, 1990. A nonparty who has testimony that may aid the Commission's deliberations may request permission to present a short statement at the hearing. All parties and nonparties desiring to appear at the hearing and make oral presentations should attend a prehearing conference to be held at 10 a.m. on April 3, 1990, at the U.S. International Trade Commission Building. Pursuant to § 207.22 of the Commission's rules (19 CFR § 207.22) each party is encouraged to submit a prehearing brief to the Commission. The deadline for filing prehearing briefs is April 2, 1990.

Testimony at the public hearing is governed by 207.23 of the Commission's rules (19 CFR 207.23). This rule requires that testimony be limited to a nonbusiness proprietary summary and analysis of material contained in prehearing briefs and to information not available at the time the prehearing brief was submitted. Any written materials submitted at the hearing must be filed in accordance with the procedures described below and any business proprietary materials must be submitted at least three (3) working days prior to the hearing (see § 201.6(b)(2) of the Commission's rules (19 CFR 201.6(b)(2))).

Written submissions. Prehearing briefs submitted by parties must conform with the provisions of § 207.22 of the Commission's rules (19 CFR 207.22) and should include all legal arguments, economic analyses, and factual materials relevant to the public hearing. Posthearing briefs submitted by

[1] For purposes of these investigations, limousines are defined as extended wheelbase and expanded seating capacity motor vehicles principally designed for the transport of persons, of a cylinder capacity exceeding 1,500 cubic centimeters, and having spark-ignition internal combustion reciprocating piston engines of six or more cylinders (gasoline-engine powered).

parties must conform with the provisions of § 207.24 (19 CFR 207.24) and must be submitted not later than the close of business on April 10, 1990. In addition, any person who has not entered an appearance as a party to the investigation may submit a written statement of information pertinent to the subject of the investigation on or before April 10, 1990.

A signed original and fourteen (14) copies of each submission must be filed with the Secretary to the Commission in accordance with § 201.8 of the Commission's rules (19 CFR 201.8). All written submissions except for business proprietary data will be available for public inspection during regular business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary to the Commission.

Any information for which business proprietary treatment is desired must be submitted separately. The envelope and all pages of such submissions must be clearly labeled "Business Proprietary Information." Business proprietary submissions and requests for business proprietary treatment must conform with the requirements of §§ 201.6 and 207.7 of the Commission's rules (19 CFR 201.6 and 207.7).

Parties which obtain disclosure of business proprietary information pursuant to § 1207.7(a) of the Commission's rules (19 CFR 207.7(a)) may comment on such information in their prehearing and posthearing briefs, and may also file additional written comments on such information no later than April 13, 1990. Such additional comments must be limited to comments on business proprietary information received in or after the posthearing briefs.

Authority: This investigation is being conducted under authority of the Tariff Act of 1930, title VII. This notice is published pursuant to § 207.20 of the Commission's rules (19 CFR 207.20).

By order of the Commission.

Issued: January 29, 1990.

Kenneth R. Mason,

Secretary.

[FR Doc. 90–2409 Filed 2–1–90; 8:45 am]

BILLING CODE 7020–02–M

INTERSTATE COMMERCE COMMISSION

Intent To Engage in Compensated Intercorporate Hauling Operations

This is to provide notice as required by 49 U.S.C. 10524(b)(1) that the named corporations intend to provide or use compensated intercorporate hauling operations as authorized in 49 U.S.C. 10524(b).

1. Parent corporation and address of principal office:

STAR GAS CORPORATION, 500 Birchfield, Mt. Laurel, NJ 08054

2. Wholly-owned subsidiaries which will participate in the operations, and State of incorporation:

Name & address	State of incorporation
Highway Pipeline Trucking Co., 2727 Appelt Drive, Houston, TX 77015.	Texas.
Federal Petroleum Corporation, Rt. 1, Weslaco, TX 78596.	Texas.
Greene's Propane Gas Corporation, 4004 Broadway, Macon, GA.	Georgia.
Maingas, Inc., 733 Roosevelt Trail, Windham, ME 04062.	Maine.
Silgas, Incorporated, 4025 Highway 31E, Jeffersonville, IN 47130.	Indiana.
Rural Natural Gas Company, 7828 Beechmont Avenue, Cincinnati, OH 45230.	Ohio.
Robert B. Sahagen & Co., Inc., 760 Pleasant Street, Rochdale, MA 01542.	Massachusetts.
The New Island Gas, Inc., 513 S. Lenola Rd., Moorestown, NJ 08057.	Massachusetts.
Blue Flame Gas Corporation, P.O. Box 376, Bluffton, IN 46714.	Delaware.

Kathleen M. King,

Acting Secretary.

[FR Doc. 90–2449 Filed 2–1–90; 8:45 am]

BILLING CODE 7035–01–M

[Ex Parte No. 431 (Sub-No. 1); Ex Parte No. 477]

Adoption of the Uniform Railroad Costing System as a General Purpose Costing System for All Regulatory Costing Purposes; Modifications to General Purpose Costing System—GPCS

AGENCY: Interstate Commerce Commission.

ACTION: Notice of postponement for compliance with policy determination.

SUMMARY: The Commission has postponed the date for compliance with the decisions in Ex Parte No. 431 (Sub-No. 1), *Uniform Railroad Costing System*, 5 I.C.C.2d 894 (1989) and Ex Parte No. 477, *Modifications to General Purpose Costing System—GPCS*, 5 I.C.C.2d 880 (1989), until April 1, 1990. Abandonment cases may be based on cost evidence developed using either Rail Form A or URCS until July 1, 1990. Nonetheless, if a party introduces properly computed, URCS-based costs in any abandonment proceeding during this grace period, we will find such costs preferable to those developed using Rail Form A. This act in response to a motion the Association of American Railroads supported by the National Industrial Transportation League.

DATES: Effective January 31, 1990.

FOR FURTHER INFORMATION CONTACT: William T. Bono, (202) 275–7354 Thomas A. Schmitz, (202) 275–7549 [TDD for hearing impaired (202) 275–1721]

SUPPLEMENTARY INFORMATION: Additional information is contained in the Commission's decision. To purchase a copy of the full decision, write to, call, or pick up in person from: Dynamic Concepts, Inc., room 2229, Interstate Commerce Commission Building, Washington, DC 20423. Telephone (202) 289–4357 or 4359. [Assistance for the hearing impaired is available through TDD Services at (202) 275–1721.]

This action will not significantly affect either the quality of the human environment or energy conservation.

Authority: 49 U.S.C. 10321, 10705a and 10709.

Decided: January 26, 1990.

By the Commission, Chairman Gradison, Vice Chairman Phillips, Commissioners Simmons, Lamboley, and Emmett.

Kathleen M. King,

Acting Secretary.

[FR Doc. 90–2450 Filed 2–1–90; 8:45 am]

BILLING CODE 7035–01–M

DEPARTMENT OF JUSTICE

Extension of Public Comment Period on Proposed Consent Decree

In accordance with section 122 of the Comprehensive Environmental Response Compensation and Liability Act ("CERCLA"), 42 U.S.C. 9622 and Departmental policy, 28 CFR 50.7, notice was published in the **Federal Register** on December 28, 1989, that a complaint was file on December 18, 1989, in *United States* v. *Avondale Industries, Inc.* Civil Action No. 89–957–B in the United States District Court for the Middle District of

Louisiana. Simultaneously, a consent decree between the United States and twenty potentially responsible parties was lodged with the court resolving claims of the United States against the twenty parties under sections 106 and 107 of CERCLA, 42 U.S.C. 9606 and 9607, in connection with the Dutchtown Superfund Site, located in Dutchtown, Louisiana.

The prior notice stated that public comments on the proposed consent decree would be received for a period of thirty (30) days from the date of publication of the notice. In response to considerable interest in the decree on behalf of local citizens, the public comment period on the proposed consent decree is being extended until March 2, 1990.

Accordingly, the Department of Justice will receive comments relating to the proposed consent decree until March 2, 1990. Comments should be addressed to the Assistant Attorney General, Land and Natural Resources Division, Department of Justice, Washington, DC 20530, and should refer to *United States v. Avondale Industries, Inc.* (M.D.La.), DOJ Reference No. 90–11–2428. The proposed Decree may be examined at the office of the United States Attorney for the Middle District of Louisiana, 352 Florida Street, Second Floor, Baton Rouge, Louisiana 70801 (contact: John Gaupp (504) 389–0443); at the Region 6, Office of Regional Counsel, Environmental Protection Agency, 1445 Ross Avenue, 12th floor, Dallas, TX 75202 (contact: D. Bruce Jones (214) 655–2120); and at the Environmental Enforcement Section, Land and Natural Resources Division of the United States Department of Justice, room 1515, 10th and Pennsylvania Avenue, NW., Washington, DC 20530. In requesting copies, please enclose a check in the amount of $4.70 (10 cents per page reproduction charge) payable to the Treasurer of the United States.

Barry Hartman,

Acting Assistant Attorney General, Land and Natural Resources Division.

[FR Doc. 90–2471 Filed 2–1–90; 8:45 am]

BILLING CODE 4410–01–M

DEPARTMENT OF LABOR

Office of the Secretary

[TA–W–23,828]

V.L. Modern Coat, Inc.; West New York, N.J.; Termination of Investigation

Pursuant to section 221 of the Trade Act of 1974, an investigation was initiated on January 8, 1990, in response to a worker petition received on January 8, 1990, which was filed (by) the International Ladies Garment Workers Union on behalf of workers at V.L. Modern Coat, Inc.

All workers were separated from the subject firm more than one year prior to the date of the petition. Section 223 of the Act specifies that no certification may apply to any worker whose last separation occurred more than one year before the date of the petition. Consequently further investigation in this case would serve no purpose, and the investigation has been terminated.

Signed at Washington, DC, this 25th day of January 1990.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 90–2476 Filed 2–1–90; 8:45 am]

BILLING CODE 4510–30–M

Agency Recordkeeping/Reporting Requirements Under Review by the Office of Management and Budget (OMB)

Background: The Department of Labor, in carrying out its responsibilities under the Paperwork Reduction Act (44 U.S.C. chapter 35), considers comments on the reporting and recordkeeping requirements that will affect the public.

List of recordkeeping/reporting requirements under review: As necessary, the Department of Labor will publish a list of the Agency recordkeeping/reporting requirements under review by the Office of Management and Budget (OMB) since the last list was published. The list will have all entries grouped into new collections, revisions, extensions, or reinstatements. The Departmental Clearance Officer will, upon request, be able to advise members of the public of the nature of the particular submission they are interested in. Each entry may contain the following information:

The Agency of the Department issuing this recordkeeping/reporting requirement.

The title of the recordkeeping/reporting requirement.

The OMB and Agency identification numbers, if applicable.

How often the recordkeeping/reporting requirement is needed.

Who will be required to or asked to report or keep records.

Whether small businesses or organizations are affected.

An estimate of the total number of hours needed to comply with the recordkeeping/reporting requirements and the average hours per respondent.

The number of forms in the request for approval, if applicable.

An abstract describing the need for and uses of the information collection.

Comments and questions: Copies of the recordkeeping/reporting requirements may be obtained by calling the Departmental Clearance Officer, Paul E. Larson, telephone (202) 523–6331. Comments and questions about the items on this list should be directed to Mr. Larson, Office of Information Management, U.S. Department of Labor, 200 Constitution Avenue NW., room N–1301, Washington, DC 20210. Comments should also be sent to the Office of Information and Regulatory Affairs, Attn: OMB Desk Officer from (BLS/DM/ESA/ETA/OLMS/MSHA/OSHA/PWBA/VETS), Office of Management and Budget, room 3208, Washington, DC 20503 (Telephone (202) 395–6880).

Any member of the public who wants to comment on a recordkeeping/reporting requirement which has been submitted to OMB should advise Mr. Larson of this intent at the earliest possible date.

Revision

Bureau of Labor Statistics.

Collective Bargaining Agreement Studies.

1220–0001; BLS 2451, BLS 2452, BLS 2453.

On negotiation of new labor contracts—usually every 2–3 years State or local governments, businesses or other for-profit, and non-profit institutions.

Form No.	Affected public	Respondent	Frequency	Per response (minutes)
BLS 2453	Government and business	32	1	6
BLS 2452	Government and business	32	1	6
BLS 2451	Government and business	1100	1	13⅓

257 total hours.

The Bureau of Labor statistics is required to maintain a file of collective bargaining agreements to aid public and private parties in settling labor disputes. Wage and benefit and related information from the agreements, from telephone contacts with bargainers, and from press accounts are the basis of the major collective bargaining statistical series, a major economic indicator.

Extension

Mine Safety and Health Administration.

Mine Operator Dust Data Card.

1219–0011.

Bimonthly.

Businesses and other for profit; small businesses or organizations.

2,350 respondents; 38.7234 responses per respondent; 1.016 hours per response; 92,456 total burden hours.

Approximately 50 percent of coal mine operators are required to collect and submit respirable dust samples to MSHA for analysis. Pertinent information associated with identifying and analyzing these samples is submitted on the dust data card that accompanies the samples.

Employment Standards Administration.

Carrier's or Self-Insurer's Report on Rehabilitation to Deputy Commissioner.

1215–0051; LS–222.

On occasion.

Businesses or other for profit.

46 respondents; 121 total hours; .25 hr. per response; 1 form Notifies OWCP of disabled workers who may need vocational rehabilitation services. Serves as an early referral mechanism to assure that disabled workers receive rehabilitation before their disabilities become fixed, and they develop unwholesome attitudes that are difficult to change. Submitted by insurance carriers and self-insured.

Employment Standards Administration.

Optional Use Payroll Form under the Davis-Bacon Act.

1215–0149; WH–347.

45 wks. per year average.

Individuals or households; State or local governments; Businesses or other for-profit; Federal agencies or employees; Small businesses or organizations.

244,400 respondents; 5,500,000 total hours; ½ hour per response;

1 form.

Report is used by contractors to certify payrolls in accordance with requirements of Copeland and Davis-Bacon Acts. Attesting that proper wage rates and fringe benefits were paid: reviewed by contracting agencies to verify that rates are legal and that employees are properly classified.

Employment and Training Administration.

Forms for Interstate Clearance Program of Services to Migratory Workers and Employers.

1205–0134; ETA 790, 795, 785, 785A.

Form No.	Affected public	Respondents	Frequency	Average time per response (hour)
ETA 790	State/Local Govt	52	2,000	1
ETA 795	State/Local Govt	52	3,000	½
ETA 785	State/Local Govt	52	3,500	½
ETA 785A	State/Local Govt	52	2,500	½

6,500 total hours.

State Employment Security Agencies use forms in servicing agricultural employers to insure their labor needs for domestic migratory agricultural workers are met; in servicing domestic agricultrual workers to assist them in locating jobs expeditiously and orderly; and to insure exposure of employment opportunities to domestic agricultural workers before certification for employment of foreign workers.

Signed at Washington, DC this 30th day of January, 1990.

Paul E. Larson,

Departmental Clearance Officer.

[FR Doc. 90–2474 Filed 2–1–90; 8:45 am]

BILLING CODE 4510–27–M

Employment Standards Administration, Wage and Hour Division

Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions

General wage determination decisions of the Secretary of Labor are issued in accordance with applicable law and are based on the information obtained by the Department of Labor from its study of local wage conditions and data made available from other sources. They specify the basic hourly wage rates and fringe benefits which are determined to be prevailing for the described classes of laborers and mechanics employed on construction projects of a similar character and in the localities specified therein.

The determinations in these decisions of prevailing rates and fringe benefits have been made in accordance with 29 CFR part 1, by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR part 1, Appendix, as well as such additional statutes as may from time to time be enacted containing provisions for the payment of wages determined to be prevailing by the Secretary of Labor in accordance with the Davis-Bacon Act. The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and machanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public comment procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in the effective date as prescribed in that section, because the necessity to issue current construction industry wage determinations frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General wage determination decisions, and modifications and supersedeas decisions thereto, contain no expiration dates and are effective from their date of notice in the **Federal Register**, or on the date written notice is received by the agency, whichever is earlier. These decisions are to be used in accordance with the provisions of 29 CFR parts 1 and 5. Accordingly, the applicable decision, together with any modifications issued, must be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR part 5. The wage rates

and fringe benefits, notice of which is published herein, and which are contained in the Government Printing Office (GPO) document entitled "General Wage Determinations Issued Under The Davis-Bacon And Related Acts," shall be the minimum paid by contractors and subcontractors to laborers and mechanics.

Any person, organization, or governmental agency having an interest in the rates determined as prevailing is encouraged to submit wage rate and fringe benefit information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting his data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Wage and Hour Division, Division of Wage Determinations, 200 Constitution Avenue, NW., room S-3504, Washington, DC 20210.

Supersedeas Decisions to General Wage Determination Decisions

Volume I:		
Massachusetts	MA90-5	P.442a, pp.442b-442d
Volume II:		
Arkansas	AK90-7	P.14a, pp.14b-14c
Kansas	KS90-10	P.374a, p.374b
Kansas	KS90-11	P.374c, p.374d
Missouri	MO90-12	P.714a, p.714b

The numbers of the decisions being superseded and their date of notice in the **Federal Register** are listed with each State. Supersedeas decision numbers are in parentheses following the number of the decisions being superseded.

Modifications to General Wage Determination Decisions

The numbers of the decisions listed in the Government Printing Office document entitled "General Wage Determinations Issued Under the Davis-Bacon and Related Acts" being modified are listed by Volume, State, and page number(s). Dates of publication in the **Federal Register** are in parentheses following the decisions being modified.

Volume I:		
Connecticut	CT90-1 (Jan. 5, 1990)	p. 63, pp. 64-69
Florida	FL90-13 (Jan. 5, 1990)	p. 131, p. 132
Florida	FL90-45 (Jan. 5, 1990)	p. 209, p. 211
Georiga	GA90-3 (Jan. 5, 1990)	p. 217, pp. 218-220
Georgia	GA90-4 (Jan. 5, 1990)	p. 221, pp. 222-224
Georgia	GA90-31 (Jan. 5, 1990)	p. 279, pp. 280-28al, p. 280a2
Georgia	GA90-35 (Jan. 5, 1990)	p. 280g, p. 280h
Massachusetts	MA90-2 (Jan. 5, 1990)	p. 417, pp. 418-421
Massachusetts	MA90-3 (Jan. 5, 1990)	p. 31, pp. 432-434
Maryland	MD90-1 (Jan. 5, 1990)	p. 443, p. 444
New York	NY90-2 (Jan. 5, 1990)	p. 739, pp. 744, 748-p. 749
New York	NY90-7 (Jan. 5, 1990)	p. 797, p. 799
New York	NY90-9 (Jan. 5, 1990)	p. 827, p. 828
New York	NY90-10 (Jan. 5, 1990)	p. 831, pp. 832-834, p. 835
Pennsylvania	PA90-4 (Jan. 5, 1990)	p. 941, pp. 942-943
Pennsylvania	PA90-9 (Jan. 5, 1990)	p. 997, p. 999
Virginia	VA90-14 (Jan. 5, 1990)	p. 1239, p. 1240
Virginia	VA90-35 (Jan. 5, 1990)	p. 1297, p. 1298
Virginia	VA90-70 (Jan. 5, 1990)	p. 1370a, p. 1370b
West Virginia	WV90-3 (Jan. 5, 1990)	p. 1415, pp. 1416, 1418-pp. 1424, 1428
Volume II:		
Arkansas	AR90-1 (Jan. 5, 1990)	p. 3, p. 4
Arkansas	AR90-8 (Jan. 5, 1990)	p. 15, p. 16
Iowa	IA90-1 (Jan. 5, 1990)	p. 17, pp. 18-19
Iowa	IA90-2 (Jan. 5, 1990)	p. 23, pp. 24-28
Iowa	IA90-3 (Jan. 5, 1990)	p. 29, p. 30
Iowa	IA90-4 (Jan. 5, 1990)	p. 33, p. 34
Iowa	IA90-5 (Jan. 5, 1990)	p. 37, pp. 38-39
Iowa	IA90-13 (Jan. 5, 1990)	p. 57, p. 58
Illinois	IL90-8 (Jan. 5, 1990)	p. 135, p. 137
Illinois	IL90-9 (Jan. 5, 1990)	p. 143, pp. 144-146
Indiana	IN90-2 (Jan. 5, 1990)	p. 249, pp. 253-255, pp. 258-260
Texas	TX90-19 (Jan. 5, 1990)	p. 1033, p. 1034
Texas	TX90-27 (Jan. 5, 1990)	p. 1049, p. 1050, p. 1051
Wisconsin	WI90-1 (Jan. 5, 1990)	p. 1157, p. 1159
Volume III:		
Alaska	AK90-1 (Jan. 5, 1990)	p. 1, p. 2
California	CA90-2 (Jan. 5, 1990)	p. 41, pp. 42, 44-54, pp. 56, 58, pp. 60-66b
Idaho	ID90-1 (Jan. 5, 1990)	p. 147, p. 148
South Dakota	SD90-2 (Jan. 5, 1990)	p. 335, p. 336
South Dakota	SD90-3 (Jan. 5, 1990)	p. 337, p. 338
Washington	WA90-8 (Jan. 5, 1990)	p. 425, pp. 426-427, p. 428

General Wage Determination Publication

General wage determinations issued under the Davis-Bacon and related Acts, including those noted above, may be found in the Government Printing Office (GPO) document entitled "General Wage Determinations Issued Under The Davis-Bacon And Related Acts". This publication is available at each of the 50 Regional Government Depository Libraries and many of the 1,400

Government Depository Libraries across the country. Subscriptions may be purchased from: Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402 (202) 783–3238.

When ordering subscription(s), be sure to specify the State(s) of interest, since subscriptions may be ordered for any or all of the three separate volumes, arranged by State. Subscriptions include an annual edition (issued on or about January 1) which includes all current general wage determinations for the States covered by each volume. Throughout the remainder of the year, regular weekly updates will be distributed to subscribers.

Signed at Washington, DC this 26th day of January 1990.

Alan L. Moss,

Director, Division of Wage Determinations.

[FR Doc. 90–2256 Filed 2–1–90; 8:45 am]

BILLING CODE 4510–27–M

Employment and Training Administration

[TA–W–23,673]

Mettler Automation; Landing, New Jersey; Termination of Investigation

Pursuant to section 221 of the Trade Act of 1974, an investigation was initiated in response to a worker petition which was filed on December 4, 1989 on behalf of workers at Mettler Automation, Landing, New Jersey.

The petitioner has requested that the petition be withdrawn. Consequently, further investigation in this case would serve no purpose, and the investigation has been terminated.

Signed at Washington, DC., this 25th day of January 1990.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 90–2475 Filed 2–1–90; 8:45 am]

BILLING CODE 4510–30–M

Investigations Regarding Certifications of Eligibility To Apply for Worker Adjustment Assistance

Petitions have been filed with the Secretary of Labor under section 221(a) of the Trade Act of 1974 ("the Act") and are identified in the appendix to this notice. Upon receipt of these petitions, the Director of the Office of Trade Adjustment Assistance, Employment and Training Administration, has instituted investigations pursuant to section 221(a) of the Act.

The purpose of each of the investigations is to determine whether the workers are eligible to apply for adjustment assistance under title II, chapter 2, of the Act. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

The petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than February 12, 1990.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than February 12, 1990.

The petitions filed in this case are available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Employment and Training Admnistration, U.S. Department of Labor, 601 D Street NW., Washington, DC 20213.

Signed at Washington, DC, this 22nd day of January 1990.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

APPENDIX

Petitioner (Union/Workers/Firm)	Location	Date received	Date of petition	Petition number	Articles produced
Barnes Group-Associated Springs (UAW)	Corry, PA	1/22/90	1/15/90	23,868	Transmission Parts.
Clifford Resources, Inc. (Company)	Oklahoma City, OK	1/22/90	1/10/90	23,869	Oil & Gas.
Cole Apparel (Workers)	Crawford, TN	1/22/90	12/14/89	23,870	Ladies' Jeans.
Dye Craftsmen, Inc. (ACTWU)	Taunton, MA	1/22/90	1/4/90	23,871	Yarn.
Flag-Redfern Oil Co. (Company)	Midland, TX	1/22/90	12/28/89	23,872	Oil & Gas.
Foster-Forbes Glass Div. (Company)	Millville, NJ	1/16/90	1/3/90	23,873	Glass Bottles & Jars.
General Motors, BOC (UAW)	Linden, NJ	1/22/90	1/2/90	23,874	Passenger Cars.
Harriman Hoisery Co. (Workers)	Harriman, TN	1/22/90	1/8/90	23,875	Ladies' Hoisery.
HR Exploration Co. (Workers)	Englewood, CO	1/22/90	1/11/90	23,876	Oil & Gas.
International Drilling, Fluids, Inc. (Workers)	Denver, CO	1/22/90	11/14/89	23,877	Oil Well Fluids.
Jameco Chevrolet (Workers)	Jamaica, NY	1/22/90	12/14/89	23,878	Auto Dealer.
John B. Collins B–J Oil Co.	Hays, KS	1/22/90	1/10/90	23,879	Oil & Gas.
John B. Collins B–J Oil Co.	Plainsville, KS	1/22/90	1/10/90	23,880	Oil & Gas.
Navistar International (USWA)	Waukesha, WI	1/22/90	1/12/90	23,881	Iron Castings.
NBI Incorp & NBI Supplies (Workers)	Boulder, CO	1/22/90	1/9/90	23,882	Computer Parts.
North American Philips Corp. (Workers)	Emporium, PA	1/22/90	10/31/89	23,883	Machinery & Equip.
Presidio Exploration, Inc. (Workers)	Englewood, CO	1/22/90	1/4/90	23,884	Oil & Gas.
Progress Lighting Co. (Workers)	Philadelphia, PA	1/22/90	1/10/90	23,885	Lighting Fixtures.
Raymond Merch. Div. (UAW)	Corry, PA	1/22/90	1/15/90	23,886	Transmission Parts.
Robertshaw Controls Co. (Workers)	Knoxville, TN	1/22/90	1/12/90	23,887	Auto Components.
Sterile Products, Inc. (Company)	Valley Park, MO	1/22/90	1/8/90	23,888	Sponges.
Textronix, Inc. (Workers)	Forest Grove, OR	1/22/90	1/9/90	23,889	Circuit Boards.
Trent Tube (USWA)	E. Troy, WI	1/22/90	1/12/90	23,890	Tubing.
Umetco Minerals Corp. (Workers)	Blanding, UT	1/22/90	1/10/90	23,891	Vanadium & Uranium.
Vassarette (Workers)	Athens, TX	1/22/90	1/8/90	23,892	Ladies' Undergarments.
Walker Bros. Drilling Co., Inc. (Workers)	Konawa, OK	1/22/90	12/7/89	23,893	Oil & Gas.
Warner Electric Brakes & Clutch Co. (ISAIR)	Roscoe, IL	1/22/90	1/12/90	23,894	Brakes & Clutches.
Warwick Co. (Workers)	Cheaspeake, VA	1/22/90	1/12/90	23,895	Compact Refrigerators.
Westex Production Serv. (Workers)	Compton, CA	1/22/90	12/1/89	23,896	Oil & Gas.
Westex Production Serv. (Workers)	Andrews, TX	1/22/90	12/1/89	23,897	Oil & Gas.
Westex Production Serv. (Workers)	Seminole, TX	1/22/90	12/1/89	23,898	Oil & Gas.

APPENDIX—Continued

Petitioner (Union/Workers/Firm)	Location	Date received	Date of petition	Petition number	Articles produced
Westex Production Serv. (Workers)	Odessa, TX	1/22/90	12/1/89	23,899	Oil & Gas.

[FR Doc. 90–2477 Filed 2–1–90; 8:45 am]
BILLING CODE 4510–30–M

Commission on Achieving Necessary Skills; Establishment

In accordance with the provisions of the Federal Advisory Committee Act, and after consultation with the General Services Administration, the Secretary of Labor has determined that the establishment of the Commission on Achieving Necessary Skills is in the public interest.

The Commission will advise the Secretary on national competency guidelines for the level of basic skills required for entry into employment. The Commission will be charged with the practical task of specifying and quantifying levels of basic skills attainment required to adequately perform different types of entry-level jobs. These basic skills guidelines will be used by local education systems to revise curricula to better prepare high school youth for entry into employment.

In carrying out this charge, the Commission will:

- Recommend, for major occupational clusters, the specific basic skills needed to achieve work readiness.
- Propose acceptable levels of proficiency for each of these specific basic skills.
- Suggest the most effective ways to measure individuals' basic skills.
- Propose alternative ways of disseminating these basic skills guidelines and measurement techniques to the education community.

The Commission will require up to 24 months to carry out its assignment and will report its findings to the Secretary of Labor. During the course of the Commission's work, the Secretary of Labor will consult with the Secretaries of Commerce and Education, reviewing the Commission's progress and soliciting ideas and insights on issues relevant to firms and schools. The Secretary of Labor will share the Commission's preliminary findings and recommendations with and solicit advice from the Secretaries of Commerce and Education.

The Commission will have approximately eight meetings, will convene on a quarterly basis, and will terminate 24 months after the date of establishment. The Employment and Training Administration of the Department will provide the necessary support for the Commission.

The Commission will be comprised of 25 members representative of business, labor, education, and other sectors of the community with an interest in the basic skills required for employment. The members shall not be compensated and shall not be deemed to be employees of the United States.

The Commission will function solely as an advisory body and in compliance with the provisions of the Federal Advisory Committee Act. Its charter will be file be filed under the Act fifteen (15) days from the date of this publication.

Interested persons are invited to submit comments regarding the establishment of the Secretary's Commission on Achieving Necessary Skills. Such comments should be addressed to: Mr. Roberts T. Jones, Assistant Secretary of Labor, U.S. Department of Labor, Employment and Training Administration, 200 Constitution Avenue NW., Room S–2307, Washington, DC 20210, Telephone: (202) 523–6050.

Signed at Washington, DC this 30 day of January 1990.

Elizabeth Dole,

Secretary of Labor.

[FR Doc. 90–2531 Filed 2–1–90; 8:45 am]
BILLING CODE 4510–30–M

Job Training Partnership Act; Announcement of Proposed Noncompetitive Grant Awards

AGENCY: Employment and Training Administration, Labor.

ACTION: Notice of intent to award noncompetitive grant.

SUMMARY: The Employment and Training Administration (ETA) announces its intent to modify our current grant on a noncompetitive basis with Contact Center to provide specialized services under the authority of the Job Training Partnership Act (JTPA).

DATES: It is anticipated that this grant agreement will be executed by February 28, 1990, and will be funded for one year. Submit comments by 4:45 p.m. (Eastern Time), on February 16, 1990.

ADDRESSES: Submit comments regarding the proposed assistance award to: U.S. Department of Labor, Employment and Training Administration, Room C–4305, 200 Constitution Avenue NW., Washington, DC 20210, Attention: Betty Koonce; Reference FR–DAA–001.

SUPPLEMENTARY INFORMATION: The Employment and Training Administration (ETA) announces its intent to modify our current grant with Contact Center. The grantee will provide information on the Job Training Partnership Act (JTPA) by phone to callers to the Project PLUS system and follow-up with written information where appropriate. Grantee will also inform JTPA Service Delivery Areas of all referrals of Project PLUS caller to their SDAs on a monthly basis. Funds for this activity are authorized by the Job Training Partnership Act (JTPA), as amended, Title IV—Federally Administered Programs. The proposed funding is $48,000 for a period of twelve (12) months.

Signed at Washington, DC, on January 22, 1990.

Robert D. Parker,

ETA Grant Officer.

[FR Doc. 90–2481 Filed 2–1–90; 8:45 am]
BILLING CODE 4510–30–M

Mine Safety and Health Administration

[Docket No. M–90–7–C]

Betty B. Coal Co. Inc.; Petition for Modification of Application of Mandatory Safety Standard

Betty B. Coal Company, Inc., P.O. Box 1139, Coeburn, Virginia 24230 has filed a petition to modify the application of 30 CFR 75.305 (weekly examinations for hazardous conditions) to its No. 12 Mine (I.D. No. 44–06423) located in Wise County, Virginia. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statement follows:

1. The petition concerns the requirement that aircourses be examined in their entirety on a weekly basis.

2. Due to roof falls and adverse conditions certain areas of the mine cannot be safely traveled, and to

required certified personnel to perform weekly examinations would result in a diminution of safety.

3. As an alternate method, petitioner proposes to establish checkpoints where the quantity and quality of the air entering and leaving the affected area would be monitored.

4. In support of this request petitioner states that—

(a) Barriers along with danger signs would be placed at points entering the affected area;

(b) Examinations for air quality and quantity would be taken on a weekly basis and a log would be kept at the checkpoints;

(c) Any variations would be noted and corrective measures would be taken; and

(d) Methane has never been detected in the mine.

5. Petitioner states that the proposed alternate method will provide the same degree of safety for the miners affected as that afforded by the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before March 5, 1990. Copies of the petition are available for inspection at that address.

Dated: January 25, 1990.

Patricia W. Silvey,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 90-2478 Filed 2-1-90; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-90-11-C]

Lucky Break Coal Co.; Petition for Modification of Application of Mandatory Safety Standard

Lucky Break Coal Company, P.O. Box 144, Pineville, Kentucky 40939 has filed a petition to modify the application of 30 CFR 75.313 to its No. 1 Mine (I.D. No. 15-16682) located in Knox County, Kentucky. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that a methane monitor be installed on electric face cutting equipment, continuous mining machines, longwall face equipment and loading machines. The monitor is required to be properly maintained and frequently tested.

2. As an alternate method, petitioner proposes to use hand-held continuous oxygen and methane monitors instead of methane monitors on three-wheel tractors as outlined in the petition.

3. In support of this request, petitioner states that:

(a) No methane has been detected in the mine;

(b) Each three-wheel tractor would be equipped with a hand-held continuous monitoring methane and oxygen detector and all persons would be trained in the use of the detector;

(c) Prior to allowing the coal loading tractor in the face area, a gas test would be performed to determine the methane concentrations in the atmosphere. When the elapsed time between trips does not exceed 20 minutes, the air quality would be monitored continuously after each trip. This would provide continuous monitoring of the mine atmosphere for methane to assure the detection of any methane buildup between trips; and

(d) If one percent methane is detected, the operator would manually deenergize the battery tractor immediately. Production would cease and would not resume until the methane level is lower than one percent.

4. Petitioner states that the proposed alternate method will provide the same degree of safety for the miners affected as that afforded by the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before March 5, 1990. Copies of the petition are available for inspection at that address.

Dated: January 26, 1990.

Patricia W. Silvey,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 90-2479 Filed 2-1-90; 8:45 am]

BILLING CODE 4510-43-M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 90-11]

NASA Advisory Council (NAC); Aerospace Medicine Advisory Committee (AMAC); Meeting

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, Public Law 92-463, as amended, the National Aeronautics and Space Administration announces a forthcoming meeting of the NASA Advisory Council, Aerospace Medicine Advisory Committee.

DATES: February 22, 1990, 8:30 a.m. to 5:30 p.m., and February 23, 1990, 8:15 a.m. to 3 p.m.

ADDRESSES: Nassau Bay Hilton Hotel, 3000 NASA Road One, Houston, TX 77058.

FOR FURTHER INFORMATION CONTACT: Dr. Richard J. Keefe, Code EBF, National Aeronautics and Space Administration, Washington, DC 20546 (202/453-1525).

SUPPLEMENTARY INFORMATION: The Aerospace Medicine Advisory Committee consults with and advises the NASA Office of Space Science and Applications (OSSA) on long range planning of aerospace medicine research. The Committee will meet to discuss the life sciences program status and new initiatives, and space station medical support and environmental control issues. The Committee is chaired by Dr. Harry C. Holloway and is composed of 24 members. The meeting will be closed at 5 p.m. until adjournment to allow for a discussion on qualifications of individuals being considered for membership to the Aerospace Medicine Committee. Such a discussion would invade the privacy of the individuals involved. Since this session will be concerned with matters listed in 5 U.S.C. 552b(c)(6), it has been determined that the meeting will be closed to the public for this period of time. The remainder of the meeting will be open to the public up to the seating capacity of the room (approximately 40 people including members of the committee). It is imperative that the meeting be held on this date to accommodate the scheduling priorities of the participants.

Type of Meeting: Open—except for a closed session, as noted in the agenda below.

Agenda:

Thursday, February 22

8:30 a.m.—Space Station Medical Support.

1:30 p.m.—Assured Crew Return Vehicle (ACRV) Program Status.

2:30—Life Sciences Division New Initiative Readiness.

5 p.m.—Closed Session.

5:30 p.m.—Adjourn.

Friday, February 23

8:15 a.m.—Space Station Freedom Environmental and Life Support

Control.
10:15 a.m.—Human Exploration Initiative Status.
12:45 p.m.—Radiation Studies.
3 p.m.—Adjourn.

Dated: January 29, 1989.

John W. Gaff,

Advisory Committee Management Officer, National Aeronautics and Space Administration.

[FR Doc. 90-2456 Filed 2-1-90; 8:45 am]

BILLING CODE 7510-01-M

NUCLEAR REGULATORY COMMISSION

[Docket No. 50-271-OLA-4; ASLBP No. 89-595-03-OLA (Construction Period Recapture)]

Vermont Yankee Nuclear Power Corp; Hearing

January 26, 1990.

Before Administrative Judges: Robert M. Lazo, Chairman, Jerry Harbour, Frederick J. Shon.

In the Matter of Vermont Yankee Nuclear Power Corporation, Vermont Yankee Nuclear Power Station.

On July 26, 1989, the Nuclear Regulatory Commission published in the Federal Register a notice of opportunity for hearing with respect to a proposed operating-license amendment which would extend the expiration date of the Operating License of the Vermont Yankee Nuclear Power Station, located in Vernon, Vermont, approximately five miles south of Brattleboro, Vermont, from December 11, 2007 to March 21, 2012. 52 FR 31120. One request for a hearing and petition for leave to intervene was received. On September 7, 1989, an Atomic Safety and Licensing Board was established to rule upon this request/petition and to preside over the proceeding in the event that a hearing was ordered. 54 FR 38309, published September 15, 1989.

After holding a prehearing conference on November 15, 1989, the Atomic Safety and Licensing Board granted the request for a hearing and petition for leave to intervene of the State of Vermont. This ruling was memorialized by a Prehearing Conference Memorandum and Order, dated January 26, 1990, LBP-90-6, 31 NRC ____ (1990).

Please take notice that a hearing will be conducted in this proceeding. The Atomic Safety and Licensing Board designated to preside over this proceeding consists of Jerry Harbour, Frederick J. Shon, and Robert M. Lazo, who will serve as Chairman of the Board.

During the course of the proceeding, the Licensing Board may hold one or more additional prehearing conferences pursuant to 10 CFR 2.752. The public is invited to attend all prehearing conferences and any evidentiary hearing which may be held. The Board will establish the schedules for any such sessions at a later date, through notices to be published in the Federal Register and/or made available to the public at the Public Document Rooms.

Supplementing the opportunity afforded at the initial prehearing conference, during some or all of these sessions, and in accordance with 10 CFR 2.715(a), any person, not a party to the proceeding, will be permitted to make a limited appearance statement either orally or in writing, setting forth his or her position on the issues. These statements do not constitute testimony or evidence but may assist the Board and/or parties in the definition of issues being considered. The number of persons making oral statements and the time allotted for each statement may be limited depending upon the time available at various sessions. Written statements may be submitted at any time. Written statements and requests to make oral statements should be submitted to the Office of the Secretary, Docketing and Service Branch, U.S. Nuclear Regulatory Commission, One White Flint North, Washington, DC 20555. A copy of such statement or request should also be served on the Chairman of the Licensing Board, U.S. Nuclear Regulatory Commission (EWW-439), Washington, DC 20555.

Documents relating to this application are on file at the Local Public Document Room located at the Brooks Memorial Library, 224 Main Street, Brattleboro, Vermont 05301, as well as at the Commission's Public Document Room, 2120 L Street NW., Washington, DC 20555.

Dated at Bethesda, Maryland, this 26th day of January 1990.

For the Atomic Safety and Licensing Board.

Robert M. Lazo,

Chairman, Administrative Judge.

[FR Doc. 90-2436 Filed 2-1-90; 8:45 am]

BILLING CODE 7590-01-M

SECURITIES AND EXCHANGE COMMISSION

Self-Regulatory Organizations; Applications for Unlisted Trading Privileges and of Opportunity for Hearing; Cincinnatti Stock Exchange, Incorporated

January 29, 1990.

The above named national securities exchange has filed applications with the Securities and Exchange Commission ("Commission") pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder for unlisted trading privileges in the following securities:

Cable Wireless PLC
Common Stock, No Par Value (File No. 7-5689)
Capstead Mortgage Corp.
$1.60 Series A Conv. Pfd., No Par Value (File No. 7-5690)
Chilie Fund, Inc.
Common Stock, $.001 Par Value (File No. 7-5691)
Cooper Industries, Inc.
$8.00 Conv. Exch. Pfd., No Par Value (File No. 7-5692)
CRI Liquidating, Inc.
Common Stock, No Par Value (File No. 7-5693)
CRI Mortgage Association
Common Stock, $.01 Par Value (File No. 7-5694)
Enron Oil & Gas Co.
Common Stock, No Par Value (File No. 7-5695)
First Philippine Fund, Inc.
Common Stock, $.01 Par Value (File No. 7-5696)
Hudson Foods, Inc.
Class A Common Stock, $.01 Par Value (File No. 7-5697)
Lamson & Sessions Co.
Common Stock, No Par Value (File No. 7-5698)
Portugal Fund, Inc.
Common Stock, $.001 Par Value (File No. 7-5699)
Putnam Diversified Premium Income Trust
Common Stock, No Par Value (File No. 7-5700)
Rhone-Poulnic SA
Common Stock, No Par Value (File No. 7-5701)
Stratus Computer, Inc.
Common Stock, $.01 Par Value (File No. 7-5702)
Super Food Services, Inc.
Common Stock, $1.00 Par Vlaue (File No. 7-5703)
Templeton Emerging Market Fund
Common Stock, $.01 Par Value (File No. 7-5704)

These securities are listed and registered on one or more other national securities exchange and are reported in the consolidated transaction reporting system.

Interested persons are invited to submit on or before February 20, 1990, written data, views and arguments concerning the above-referenced applications. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Following this opportunity for hearing, the Commission will approve the applications if it finds, based upon all the information available to it, that

the extensions of unlisted trading privileges pursuant to such applications are consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 90–2406 Filed 2–1–90; 8:45 am]

BILLING CODE 8010–01–M

Self-Regulatory Organizations; Applications for Unlisted Trading Privileges and of Opportunity for Hearing; Midwest Stock Exchange, Incorporated

January 29, 1990.

The above named national securities exchange has filed applications with the Securities and Exchange Commission ("Commission") pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f–1 thereunder for unlisted trading privileges in the following securities:

Safecard Services, Inc.
Common Stock, $.01 Par Value (File No. 7–5715)
Stratus Computer Incorported
Common Stock, $.01 Par Value (File No. 7–5716)
Nuveen Municipal Advantage Fund, Inc.
Common Stock, $.01 Par Value (File No. 7–5717)
Stotler Group, Inc.
Common Stock, $.01 Par Value (File No. 7–5718)

These securities are listed and registered on one or more other national securities exchange and are reported in the consolidated transaction reporting system.

Interested persons are invited to submit on or before February 20, 1990, written data, views and arguments concerning the above-referenced applications. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, 450 Fifth Street NW., Washington, DC 20549. Following this opportunity for hearing, the Commission will approve the applications if it finds, based upon all the information available to it, that the extensions of unlisted trading privileges pursuant to such applications are consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 90–2407 Filed 2–1–90; 8:45 am]

BILLING CODE 8010–01–M

Self-Regulatory Organizations; Applications for Unlisted Trading Privileges and of Opportunity for Hearing; Philadelphia Stock Exchange, Incorporated

January 29, 1990.

The above named national securities exchange has filed applications with the Securities and Exchange Commission ("Commission") pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f–1 thereunder for unlisted trading privileges in the following securities:

ACM Managed Income Fund, Inc.
Common Stock, $0.01 Par Value (File No. 7–5705)
Cascade Natural Gas Corporation
Common Stock, $1 Par Value (File No. 7–5706)
Daniel Industries, Inc.
Common Stock, $1.25 Par Value (File No. 7–5707)
Dreyfus Municipal Income, Inc.
Common Stock, $0.001 Par Value (File No. 7–5708)
Galveston-Houston Company
Common Stock, $0.25 Par Value (File No. 7–5709)
Geico Corporation
Common Stock, $1 Par Value (File No. 7–5710)
Global Income Plus Fund, Inc.
Common Stock, $0.001 Par Value (File No. 7–5711)
Nerco, Inc.
Common Stock, No Par Value (File No. 7–5712)
SafeCard Services, Inc.
Common Stock, $0.01 Par Value (File No. 7–5713)
Turkish Investment Fund, Inc.
Common Stock, $0.01 Par Value (File No. 7–5714)

These securities are listed and registered on one or more other national securities exchange and are reported in the consolidated transaction reporting system.

Interested persons are invited to submit on or before February 20, 1990, written data, views and arguments concerning the above-referenced application. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, 450 5th Street NW., Washington, DC 20549. Following this opportunity for hearing, the Commission will approve the application if it finds, based upon all the information available to it, that the extensions of unlisted trading privileges pursuant to such applications are consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegatged authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 90–2468 Filed 2–1–90; 8:45 am]

BILLING CODE 8010–01–M

[Rel. No. 34–27650; File No. SR–PHLX–89–53]

Self-Regulatory Organizations; Philadelphia Stock Exchange, Inc.; Order Approving Proposed Rule Change Relating to Required Staffing on the Options Floor

On November 8, 1989, the Philadelphia Stock Exchange, Inc. ("PHLX" or "Exchange") submitted to the Securities and Exchange Commission ("Commission"), pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act")[1] and Rule 19b–4 thereunder,[2] a proposed rule change to require representatives from options specialist units, floor brokerage units, clearing firms, Floor Brokers and Registered Options Traders ("ROT") to be present on the floor on expiration Saturdays.

The proposed rule change was published for comment in Securities Exchange Act Release No. 27487 (November 30, 1989), 54 FR 50558 (December 7, 1989). No comments were received on the proposed rule change.

Currently, the Exchange requires every options specialist unit, floor brokerage unit, clearing firm, Floor Broker and ROT to have a representative available on the options floor for thirty minutes before the opening, thirty minutes after the close of trading, and one hour after preliminary trade reports are distributed. Under the proposed rule, such representatives will also be required to be on the floor on expiration Saturdays from 8 am to the Exchange's last call for adjustments in expiring options.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities

[1] 15 U.S.C. 78s(b)(1) (1982).
[2] 17 CFR 240.19b–4 (1989).

exchange, and in particular, the requirements of section 6.[3] Specifically, the Commission finds that requiring a representative from every options specialist unit, floor brokerage unit, clearing firm, Floor Broker and ROT to be available on expiration Saturdays is consistent with section 6(b)(5) in that it will facilitate the correction of transactional errors or mismatched trades on expiration Saturdays. This should improve the clearing and processing of PHLX options transactions.

It is therefore ordered, pursuant to section 19(b)(2) of the Act,[4] that the proposed rule change (SR–PHLX–89–53) is approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[5]

Dated: January 29, 1990.

Jonathan G. Katz,

Secretary.

[FR Doc. 90–2445 Filed 2–1–90; 8:45 am]

BILLING CODE 8010–01–M

DEPARTMENT OF STATE

Office of the Secretary

[Pub. Notice 1158]

Extension of the Restriction on the Use of United States Passport for Travel To, In, or Through Lebanon

On January 26, 1987, pursuant to the authority of 22 U.S.C. 211a and Executive Order 11295 (31 FR 10603), and in accordance with 22 CFR 51.73(a)(3), all United States passports with the exception of the category cited below, were declared invalid for travel to, in, or through Lebanon unless specifically validated for such travel. This action was required because the situation in Lebanon, and in West Beirut in particular, was so chaotic that it was determined that American citizens could not be considered safe from terrorist acts.

Review of the situation in Lebanon has led me to conclude that conditions there for American travelers have not improved by any measurable degree.

Therefore, in light of these circumstances, I have determined that Lebanon continues to be an area ". . . where there is imminent danger to the public health and physical safety of United States travelers" within the meaning of § 51.73(a)(3) of title 22, Code of Federal Regulations.

Accordingly, all United States passports, except for those passport holders who are immediate family members of hostages in Lebanon, shall remain invalid for travel to, in, or through Lebanon unless specifically validated for such travel under the authority of the Secretary of State.

This Public Notice shall be effective upon publication in the **Federal Register** and shall expire at the end of one year unless extended or sooner revoked by Public Notice.

Dated: January 30, 1990.

James A. Baker, III,

Secretary of State.

[FR Doc. 90–2499 Filed 2–1–90; 8:45 am]

BILLING CODE 4710–06–M

DEPARTMENT OF TRANSPORTATION

Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits Filed Under Subpart Q During Week Ended January 26, 1990

The following applications for certificates of public convenience and necessity and foreign air carrier permits were filed under subpart Q of the Department of Transportation's Procedural Regulations (See 14 CFR 302.1701 et. seq.). The due date for answers, conforming 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: 46747.
Date filed: January 24, 1990.
Due Date for Answers, Conforming Applications, or Motion to Modify Scope: February 21, 1990.
Description: Application of Societe Anonyme Belge D'Exploitation De La Navigation Aerienne and Sabena World Airlines, pursuant to section 402 of the Act and subpart Q of the Regulations to amend the foreign air carrier permit held by SABENA issued pursuant to Order 86–3–59, to allow SWA to operate the foreign air transportation services authorized in SABENA's foreign air carrier permit; and reissue the foreign air carrier permit to SABENA and SWA.

Docket Number: 46748.
Date filed: January 24, 1990.
Due Date for Answers, Conforming Applications, or Motion to Modify Scope: February 21, 1990.
Description: Application of Alaska Airlines, Inc. pursuant to section 401 of the Act and subpart Q of the Regulations, requests a certificate of public convenience and necessity to operate scheduled service in foreign air transportation for passengers, property and mail between San Jose, California nad Guadalajara and Acapulco, Mexico.

Docket Number: 46750.
Date filed: January 24, 1990.
Due Date for Answers, Conforming Applications, or Motion to Modify Scope: February 21, 1990.
Description: Application of Transporturile Aeriene Romane (TAROM) pursuant to section 402 of the Act and subpart Q of the Regulations applies for an emergency renewal of its foreign air carrier permit, or for an emergency extension of its foreign air carrier permit.

Docket Number: 46752.
Date filed: January 24, 1990.
Due Date for Answers, Conforming Applications, or Motion to Modify Scope: February 21, 1990.
Description: Joint Application of American Airlines, Inc. and Trans World Airlines, Inc. pursuant to section 401(h) of the Act and subpart Q of the Regulations, applies for the transfer to American of TWA's nonstop Chicago-London Authority contained in its certificate of public convenience and necessity for Route 147.

Docket Number: 46757.
Date filed: January 26, 1990.
Due Date for Answers, Conforming Applications, or Motion to Modify Scope: February 23, 1990.
Description: Application of AirBC Ltd., pursuant to section 402 of the Act and subpart Q of the Regulations, requests a foreign air carrier permit to carry persons, property and mail between Portland, Oregon, and Vancouver, British Columbia, Canada on a scheduled basis.

Phyllis T. Kaylor,

Chief, Documentary Services Division.

[FR Doc. 90–2444 Filed 2–1–90; 8:45 am]

BILLING CODE 4910–62–M

Fitness Determination of Gulf Flite Center, Inc.

AGENCY: Department of Transportation.

ACTION: Notice of Commuter Air Carrier Fitness Determination—Order 90–1–58, Order to show cause.

SUMMARY: The Department of Transportation is proposing to find Gulf Flite Center, Inc., fit, willing, and able to provide commuter air service for the period of one year under section 419(e)(1) of the Federal Aviation Act.

[3] 15 U.S.C. 78f (1982).
[4] 15 U.S.C. 78s(b)(2) (1982)
[5] 17 CFR 200.30–30–3(a)(12) (1989).

RESPONSES: All interested persons wishing to respond to the Department of Transportation's tentative fitness determination should file their responses with the Air Carrier Fitness Division, P–56, Department of Transportation, 400 Seventh Street, SW., room 6401, Washington, DC 20590, and serve them on all persons listed in Attachment A to the order Responses shall be filed no later than February 13, 1990.

FOR FURTHER INFORMATION CONTACT: Ms. Carol A. Woods, Air Carrier Fitness Division (P–56, room 6401), U.S. Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590, (202) 366–2340.

Dated: January 29, 1990.

Jeffrey N. Shane,

Assistant Secretary for Policy and International Affairs.

[FR Doc. 90–2443 Filed 2–1–90; 8:45 am]

BILLING CODE 4910–62–M

Federal Aviation Administration

Advisory Circular: Auxiliary Fuel Systems for Reciprocating and Turbine Powered Part 23 Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of availability of proposed advisory circular (AC) and request for comments.

SUMMARY: This notice announces the availability of an request for comments on a proposed AC which provides information and guidance concerning auxiliary fuel systems for reciprocating and turbine powered part 23 airplanes.

DATES: Comments must be received on or before April 3, 1990.

ADDRESSES: Send all comments on the proposed AC to: Federal Aviation Administration, Small Airplane Directorate, Aircraft Certification Service, Standards Office (ACE–110), 601 East 12th Street, Kansas City, Missouri 64106.

FOR FURTHER INFORMATION CONTACT: Roland H. West, Aerospace Engineer, Standards Office (ACE–110), Small Airplane Directorate, Aircraft Certification Service, Federal Aviation Administration, 601 East 12th Street, Kansas City, Missouri 64106; commercial telephone (816) 426–6941 or FTS 867–6941.

SUPPLEMENTARY INFORMATION: Any person may obtain a copy of this proposed AC by writing to: Federal Aviation Administration, Small Airplane Directorate, Aircraft Certification Service, Standards Office (ACE–110), 601 East 12th Street, Kansas City, Missouri 64106.

Comments Invited: Interested parties are invited to submit comments on the proposed AC. Commenters must identify AC 23–XX–16, and submit comments to the address specified above. All communications received on or before the closing date for comments will be considered by the FAA before issuing the final AC. The proposed AC and comments received may be inspected at the Standards Office (ACE–110), room 1544, Federal Office Building, 601 East 12th Street, Kansas City, Missouri, between the hours of 7:30 a.m. and 4 p.m. weekdays, except Federal holidays.

Background: Many applications requesting approval of additional fuel tanks on airplanes have been received. This AC is presented to provide guidance for the certification of fuel systems incorporating additional fuel tanks. Accordingly, the FAA is proposing and requesting comments on AC 23–XX–16 which will provide an acceptable means of compliance with part 23 of the Federal Aviation Regulations (FAR) and part 3 of the Civil Air Regulations (CAR) or earlier corresponding regulations applicable to auxiliary fuel tank installations.

Issued in Kansas City, Missouri, January 25, 1990.

Barry D. Clements,

Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 90–2414 Filed 2–1–90; 8:45 am]

BILLING CODE 4910–13–M

Availability of Draft Environmental Impact Statement; Halls Crossing, UT

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice.

SUMMARY: The Northwest Mountain Region of the FAA announces: (1) That a Draft Environmental Impact Statement (EIS) prepared by the FAA in cooperation with the National Park Service and the Bureau of Land Management concerning a proposal by the County of San Juan, Utah to develop a replacement airport at Halls Crossing, Utah is available for public review and comment and (2) that a public hearing will be held to receive public views on the content of the Draft EIS.

DATES: The public hearing on the contents of the Draft EIS will be held on March 7, 1990 at 7 p.m. at the San Juan County Courthouse, Monticello, Utah. In order to be considered by the FAA in the final EIS, all public hearing and other comments on the Draft EIS, must be in writing and received on or before March 29, 1990 by: Mrs. Barbara Johnson, Federal Aviation Administration, Denver Airports District Office, 5440 Roslyn, Suite 300, Denver, Colorado 80216–6026, Telephone: (303) 286–5527.

Questions concerning the draft EIS or the process being applied by the FAA in connection with this project should also be directed to Mrs. Barbara Johnson.

ADDRESSES: The draft EIS is available to anyone wishing to review it during regular business hours at the following locations.

Monticello Public Library, 66 North Main, Monticello, Utah.

Federal Aviation Administration, Denver Airports District Office, 5440 Rosyln, Suite 300, Denver, Colorado.

San Juan County, Administrative Offices, Monticello, Utah.

SUPPLEMENTARY INFORMATION: This draft EIS was prepared following the issuance by FAA of a notice of intent to do so. In connection with that notice of intent, the proposed development of a replacement airport was the subject of a Federal scoping meeting and the receipt of written scoping comments for a period of three months.

Information, data, views and comments obtained in the course of that process have been used in the preparation of the draft EIS. The purpose of this notice is to inform the public and state, local and Federal governmental agencies of the fact that the draft EIS is now available for their review and comments, and to provide those interested in doing so with an opportunity to present their views, comments, information, data, or other relevant observations concerning the environmental impacts related to implementation of this proposal.

The proposed development includes the following items and actions:

(a) The acquisition of land necessary to construct and operate the airport itself,

(b) Construction of runway, taxiway, apron, and ancillary facilities,

(c) Construction of a road designed to provide access to and serve the new airport, and the integration of that road into the existing road system in the area,

(d) Within the limits of available appropriations and subject to other demands for funds, Federal grant-in-aid funds would be provided for eligible airport development items under the airport and airway improvement program or its successor,

(e) Approval of an airport layout plan showing the above described development, and

(f) Submission of a request under section 516 of the Airport and Airway Improvement Act of 1982, as amended, for the transfer of sufficient interest in certain lands administered by the U.S. Department of the Interior, Bureau of Land Management to San Juan County, Utah for the purpose of constructing and operating an airport.

The following alternatives to the proposed action are evaluated:

(a) The "no-build" alternative—under this alternative a new airport would not be developed.

(b) Build the airport at the identified preferred location.

(c) Build the airport at an alternative location, one other than the identified preferred location.

Issued in Seattle, Washington, on January 17, 1990.

Edward G. Tatum,

Manager, Airports Division, Federal Aviation Administration, Northwest Mountain Region, Seattle, Washington.

[FR Doc. 90-2416 Filed 2-1-90; 8:45 am]

BILLING CODE 4910-13-M

[Summary Notice No. PE-90-6]

Petition for Exemption; Summary of Petitions Received; Dispositions of Petitions Issued

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of petitions for exemption received and of dispositions of prior petitions.

SUMMARY: Pursuant to FAA's rulemaking provisions governing the application, precessing, and disposition of petitions for exemption (14 CFR part 11), this notice contains a summary of certain petitions seeking relief from specified requirements of the Federal Aviation Regulations (14 CFR chapter I), dispositions of certain petitions previously received, and corrections. The purpose of this notice is to improve the public's awareness of, and participation in, this aspect of FAA's regulatory activities. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of any petition or its final disposition.

DATES: Comments on petitions received must identify the petition docket number involved and must be received on or before: February 22, 1990.

ADDRESSES: Send comments on any petition in triplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rules Docket (AGC-10), Petition Docket No._____, 800 Independence Avenue SW., Washington, DC 20591.

FOR FURTHER INFORMATION: The petition, any comments received, and a copy of any final disposition are filed in the assigned regulatory docket and are available for examination in the Rules Docket (AGC-10), room 915G, FAA Headquarters Building (FOB 10A), 800 Independence Avenue SW., Washington, DC 20591; telephone (202) 267-3132.

This notice is published pursuant to paragraphs (c), (e), and (g) of § 11.27 of part 11 of the Federal Aviation Regulations (14 CFR part 11).

Issued in Washington, DC, on January 29, 1990.

Denise Donohue Hall,

Manager, Program Management Staff, Office of the Chief Council.

Petitions for Exemption

Docket No.: 25233.
Petitioner: Alaska Air Carriers Association.
Sections of the FAR Affected: 14 CFR 43.3(g).
Description of Relief Sought: To extend Exemption No. 4802, as amended, that allows pilots employed by the petitioner's member carriers to perform preventive maintenance by removing and/or replacing the passenger seats of aircraft used in part 135 operations. Exemption No. 4802, as amended, will expire on May 31, 1990.

Docket No.: 26087.
Petitioner: Boeing Commercial Airplanes.
Sections of the FAR Affected: 14 CFR 121.312.
Description of Relief Sought: To allow additional time for compliance with Amendment 121-198, which requires that all airplanes manufactured on or after August 20, 1990, meet the 65/65 heat release and smoke testing provisions of § 25.853 in effect on September 26, 1988. If granted, the exemption would extend the compliance date until November 8, 1990, for airplanes whose delivery dates were impacted by the recently concluded International Association of Machinists and Aerospace workers' strike.

Docket No.: 26092.
Petitioner: Trans World Airlines, Inc.
Sections of the FAR Affected: 14 CFR 121.314.
Description of Relief Sought: To extend the compliance date for meeting the flammability standards for baggage compartment liners on all transport-category aircraft used in part 121 operations to July 20, 1992, for 13 of petitioner's L-1011 aircraft.

Docket No.: 26103.
Petitioner: Northwest Seaplanes, Inc.
Sections of the FAR Affected: 14 CFR 135.203(a)(1).
Description of Relief Sought: To allow petitioner to conduct part 135 operations at an altitude below 500 feet over water outside of controlled airspace.

Docket No.: 26105.
Petitioner: Sundstrand Data Control, Inc.
Sections of the FAR Affected: 14 CFR 91.42(a)(1), (c), and (3) and 21.191.
Description of Relief Sought: To allow petitioner to carry on its experimental aircraft company personnel and occasionally some company equipment for company business purposes.

Docket No.: 24165.
Petitioner: The Department of the Air Force.
Sections of the FAR Affected: 14 CFR 91.73 (a) and (b).
Description of Relief Sought/Disposition: To extend and amend Exemption No. 4764 that allows helicopters to conduct flight operations at night without aircraft lights and ground operations on an airport not illuminated, in an area not marked with lights, or without the operation of the aircraft's position lights. The amendment would add fixed-wing aircraft to the exemption. *Partial Grant, January 22, 1990, Exemption No. 5138.*

Docket No.: 25276.
Petitioner: Crew Pilot Training.
Sections of the FAR Affected: 14 CFR 61.63(d) (2) and (3) and 61.157(d) (1) and (2), and portions of appendix A of part 61.
Description of Relief Sought/Disposition: To extend Exemption No. 5011 that allows petitioner to use the FAA-approved visual simulators to meet certain training and testing requirements of the Federal Aviation Regulations. *Grant, January 12, 1990, Exemption No. 5011A.*

Docket No.: 25762.
Petitioner: General Electric Company.
Sections of the FAR Affected: 14 CFR 21.325.
Description of Relief Sought/Disposition: To allow petitioner to use an alternate method to certify the airworthiness of Class III export

products. *Withdrawn. December 19, 1989.*

Docket No.: 25893.
Petitioner: George Loegering.
Regulations Affected: 14 CFR 91.52(b)(h).
Description of Relief Sought/ Disposition: To allow petitioner to operate his Beechcraft Bonanza without an automatic type emergency locator transmitter that is in operating condition attached to the airplane. *Denial, January 22, 1990, Exemption No. 5140.*

Docket No.: 25935.
Petitioner: New Creations, Inc., d/b/a U.S. Check.
Sections of the FAR Affected: 14 CFR 43.3 (a) and (h).
Description of Relief Sought/ Disposition: To allow persons not certificated as mechanics under the provisions of part 65 to conduct preventive maintenance and other simple maintenance and inspection procedures on aircraft operated by U.S. Check. *Denial, January 22, 1990, Exemption No. 5139.*

Docket No.: 062CE.
Petitioner: Caproni Vizzola.
Sections of the FAR Affected: 14 CFR 23.677(b)(2).
Description of Relief Sought/ Disposition: To allow exemption from rudder trim tab stability requirements. *Grant, January 11, 1990, Exemption No. 5131.*

[FR Doc. 90-2415 Filed 2-1-90; 8:45 am]
BILLING CODE 4910-13-M

Radio Technical Commission for Aeronautics (RTCA) Special Committee 162 on Aviation Systems Design Guidelines for Open Systems Interconnection (OSI); Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. App. I), notice is hereby given for the tenth meeting of RTCA Special Committee 162 on Aviation Systems Design Guidelines for Open Systems Interconnection (OSI) to be held February 26-28, 1990, in the RTCA Conference Room, One McPherson Square, 1425 K Street, NW., Suite 500, Washington, DC 20005, commencing at 9:30 a.m.

The agenda for this meeting is as follows: (1) Chairman's remarks; (2) approval of the ninth meeting's minutes, RTCA Paper No. 5-90/SC162-65 (previously distributed); (3) reports of working group activities; (4) reports of related activities being conducted by other organizations; (5) review of comments on draft 4 of the Internetworking Report, RTCA Paper No. 437-89/SC162-64 (previously distributed); (6) working groups meet in separate sessions; (7) coordinate Special Committee 162 and working group work programs; (8) other business; and (9) date and place of next meeting.

Attendance is open to the interested public but limited to space available. With the approval of the Chairman, members of the public may present oral statements at the meeting. Persons wishing to present statements or obtain information should contact the RTCA Secretariat, One McPherson Square, 1425 K Street, NW., Suite 500, Washington, DC 20005; (202) 682-0266. Any member of the public may present a written statement to the committee at any time.

Issued in Washington, DC, on January 22, 1990.

Geoffrey R. McIntyre,
Designated Officer.

[FR Doc. 90-2397 Filed 2-1-90; 8:45 am]
BILLING CODE 4910-13-M

Maritime Administration

Removal From Roster of Approved Trustees

Notice is hereby given that in response to its request, Trust Services of America, Inc., Los Angeles, CA 90017, is removed from the Roster of Approved Trustees, pursuant to Public Law 89-346 and 46 CFR 221.21-221.30.

This notice shall become effective on February 2, 1990.

Dated: January 25, 1990.

James E. Saari,
Secretary.

[FR Doc. 90-2434 Filed 2-1-90; 8:45 am]
BILLING CODE 4910-81-M

Urban Mass Transportation Administration

UMTA Section 3 and 9 Grant Obligations

AGENCY: Urban Mass Transportation Administration (UMTA), DOT.
ACTION: Notice.

SUMMARY: The Department of Transportation and Related Agencies Appropriations Act, 1990, Public Law 101-164, signed into law by President George Bush on November 21, 1989, contained a provision requiring the Urban Mass Transportation Administration to publish an announcement in the **Federal Register** every 30 days of grants obligated pursuant to sections 3 and 9 of the Urban Mass Transportation Act of 1964, as amended. The statute requires that the announcement include the grant number, the grant amount, and the transit property receiving each grant. This notice provides the information as required by statute.

FOR FURTHER INFORMATION CONTACT: Edward R. Fleischman, Director, Office of Capital and Formula Assistance, Department of Transportation, Urban Mass Transportation Administration, Office of Grants Management, 400 Seventh Street, SW., room 9305, Washington, DC 20590, (202) 366-2053

SUPPLEMENTARY INFORMATION: The Section 3 program was established by the Urban Mass Transportation Act of 1964 to provide capital assistance to eligible recipients in urban areas. Funding for this program is distributed on a discretionary basis. The Section 9 formula program was established by the Surface Transportation Assistance Act of 1982. Funds appropriated to this program are allocated on a formula basis to provide capital and operating assistance in urbanized areas. Pursuant to the statute UMTA reports the following grant information:

SECTION 3.—GRANTS

Transit property	Grant No.	Grant amount (dollars)	Obligation date
County of Hawaii, Hilo, HI	HI-03-0013	31,950	12-29-89
Virgin Islands Department of Public Works, St. Thomas, VI	VI-03-0004	3,000,000	1-4-90

SECTION 9.—GRANTS

Transit property	Grant No.	Grant amount (dollars)	Obligation date
Mobile Transit Authority, Mobile, AL	AL-90-X034-01	4,684	12/27/89
City of Montgomery, Montgomery, AL	AL-90-X044-00	1,692,581	12/29/89
City of Gadsden, Gadsden, AL	AL-90-X045-00	50,363	12/27/89
Birmingham-Jefferson County Transit Authority, Birmingham, AL	AL-90-X046-00	2,748,320	12/29/89
City of Tucson, Tucson, AZ	ZA-90-X024-00	7,468,795	12/29/89
City of Modesto, Modesto, CA	CA-90-X265-00	1,615,186	12/28/89
Santa Maria Area Transit, Santa Maria, CA	CA-90-X298-00	253,980	12/29/89
City of Fairfield, Fairfield, CA	CA-90-X350-00	259,486	12/29/89
Public Utilities Commission, San Francisco-Oakland, CA	CA-90-X372-00	25,614,962	12/29/89
City of Santa Rosa, Santa Rosa, CA	CA-90-X375-00	661,982	12/29/89
Sacramento Regional Transit District, Sacramento, CA	CA-90-X379-00	9,725,570	12/29/89
Santa Clara County Transportation Agency, San Jose, CA	CA-90-X382-00	10,396,597	12/29/89
Mesa County, Grand Junction, CO	CO-90-X050-00	380,309	12/29/89
City of Pueblo, Pueblo, CO	CO-90-X051-00	520,047	12/29/89
City of Stamford, Stamford CT	CT-90-X155-00	297,067	12/28/89
Greater Hartford Transit District, Hartford, CT	CT-90-X156-00	1,703,000	12/29/89
Midstate Regional Planning Agency, Meriden, CT	CT-90-X157-00	22,400	12/29/89
Housatonic Area Regional Transit District, Danbury, CT.-NY	CT-90-X158-00	298,765	12/29/89
Delaware Transportation Authority, Wilmington, DE	DE-90-X009-00	1,942,393	12/29/89
Orange-Seminole-Osceola Transportation Authority, Orlando, FL	FL-90-X133-00	2,140,192	12/27/89
Lakeland Area Mass Transit District, Lakeland, FL	FL-90-X138-00	794,444	12/27/89
City of Gainesville, Gainesville, FL	FL-90-X139-00	795.617	12/27/89
Metropolitan Dade Transit Agency, Miami, FL	FL-90-X140-00	18,709,917	12/29/89
Hillsborough Area Regional Transit Authority, Tampa, FL	FL-90-X141-00	2,196,251	12/29/89
East Volusia County, Daytona Beach, FL	FL-90-X142-00	823,307	12/29/89
Sarasota County Area Transportation Authority, Sarasota-Bradenton, FL	FL-90-X143-00	1,078,106	12/27/89
Broward County Board of Commissioners, Fort Lauderdale-Hollywood, FL	FL-90-X144-00	6,551,416	12/29/89
City of Tallahassee, Tallahassee, FL	FL-90-X145-00	1,114,411	12/27/89
Consolidated Government of Columbus, Columbus, GA.-AL	GA-90-X042-02	87,666	12/27/89
Gwinnett County, Atlanta, GA	GA-90-X053-00	40,000	12/27/89
Metropolitan Atlanta Rapid Transit Authority, Atlanta, GA	GA-90-X054-00	19,590,342	12/29/89
University of Iowa, Iowa City, IA	IA-90-X099-01	131,743	12/29/89
Keyline Bus System, Dubuque, IA.-IL	IA-90-X103-03	68,257	12/29/89
Keyline Bus System, Dubuque, IA.-IL	IA-90-X103-02	348,599	12/29/89
Des Moines Metropolitan Transit Authority, Des Moines, IA	IA-90-X106-02	1,788,090	12/29/89
Waterloo Metro Transit Authority, Waterloo, IA	IA-90-X107-01	497,373	12/29/89
City of Coralville, Iowa City, IA	IA-90-X108-00	55,580	12/29/89
Iowa City Transit, Iowa City, IA	IA-90-X109-00	187,011	12/29/89
University of Iowa, Iowa City, IA	IA-90-X110-00	68,115	12/29/89
City of Pocatello, Pocatello, ID	ID-90-X018-00	362,334	12/29/89
City of Boise, Boise, ID	ID-90-X019-00	812,062	12/29/89
Champaign-Urbana Mass Transit District, Champaign-Urbana, IL	IL-90-X150-00	868,800	12/29/89
Rock Island County Metropolitan Mass Transit District, Davenport-Rock Isl-MO. IA.-IL	IL-90-X151-00	441,680	12/29/89
Bloomington-Normal Public Transit System, Bloomington-Normal, IL	IL-90-X153-00	604,001	12/29/89
Pekin Municipal Bus Service, Peoria, IL	IL-90-X154-00	121,790	12/29/89
Fort Wayne Public Transportation Corp., Fort Wayne, IN	IN-90-X129-00	1,499,443	12/29/89
Indianapolis Public Transportation Corporation, Indianapolis, IN	IN-90-X130-00	4,493,903	12/29/89
Greater Lafayette Public Transportation Corporation, Lafayette-West Lafayette, IN	IN-90-X132-00	640,025	12/29/89
Transit Authority of the Lexington-Fayette Urban County Govt., Lexington-Fayette, KY	KY-90-X043-01	100,000	12/26/89
City of Lafayette, Lafayette, LA	LA-90-X096-00	1,315,239	12/29/89
City of Baton Rouge, Baton Rouge, LA	LA-90-X101-00	2,271,327	12/29/89
Cape Ann Transportation Authority, Boston, MA	MA-90-X096-00	76,100	12/28/89
Montachusett Regional Transit Authority, Fitchburg-Leominster, MA	MA-90-X099-00	343,505	12/28/89
Pioneer Valley Transit Authority, Springfield-Chic-Holy, MA.-CT	MA-90-X100-00	4,133,835	12/29/89
Worcester Regional Trransit Authority, Worcester, MA	MA-90-X101-00	1,740,888	12/29/89
Lowell Regional Transit Authority, Lowell, MA.-NH	MA-90-X102-00	1,027,448	12/29/89
Massachusetts Bay Transportation Authority, Boston, MA	MA-90-X103-00	48,103,466	12/29/89
Southeastern Regional Transit Authority, New Bedford, MA	MA-90-X104-00	3,180,426	12/29/89
Merrimack Valley Regional Transit Authority, Lawrence-Haverhill, MA.-NH	MA-90-X105-00	1,344,236	12/29/89
Mass Transit Administration, Baltimore, MD	MD-90-X041-00	18,193,655	12/26/89
Maine Department of Transportation, ME	ME-90-X048-00	308,948	12/29/89
Grand Rapids Area Transit Authority, Grand Rapids, MI	MI-90-X125-00	2,487,731	12/29/89
Jackson Transit System, Jackson, MI	MI-90-X126-00	431,382	12/29/89
Twin Cities Area Transportation Authority, Benton Barbor, MI	MI-90-X127-00	329,719	12/29/89
City of Moorhead, Fargo-Moorhead, ND.-MN	MN-90-X043-00	245.101	12/29/89
Kansas City Area Transportation Authority, Kansas City, MO.-KS	MO-90-X051-01	2,191,823	12/29/89
City of Columbia, Columbia, MO	MO-90-X061-00	345,014	12/29/89
Kansas City Area Transportation Authority, Kansas City, MO.-KS	MO-90-X062-00	4,539,143	12/29/89
Bi-State Development Agency, St. Louis, MO.-IL	MO-90-X063-00	14,619,721	12/29/89
City of Springfield, Springfield, MO	MO-90-X064-00	807,000	12/29/89
Mid-America Regional Council, Kansas City, MO.-KS	MO-90-X065-00	115,000	12/29/89
City of Hattiesburg, Hattiesburg, MS	MS-90-X030-00	336,666	12/27/89
City of Raleigh, Raleigh, NC	NC-90-X094-01	686,299	12/26/89
City of Wilmington, Wilmington, NC	NC-90-X100-01	36,000	12/26/89
Gaston County, Gastonia, NC	NC-90-X105-00	76,800	12/26/89
Town of Carrboro, Durham, NC	NC-90-X106-00	24,000	12/26/89
County of Durham, Durham, NC	NC-90-X107-00	28,000	12/26/89
City of Charlotte, Charlotte, NC	NC-90-X108-00	1,611,589	12/29/89

SECTION 9.—GRANTS—Continued

Transit property	Grant No.	Grant amount (dollars)	Obligation date
Omaha Metro Area Transit, Omaha, NE.-IA	NE-90-X016-02	326,372	12/29/89
City of Lincoln, Lincoln, NE	NE-90-X024-00	1,097,893	12/29/89
Manchester Transit Authority, Manchester, NH	NH-90-X019-00	620,362	12/20/89
New Jersey Transit Corporation, NJ	NJ-90-X029-00	35,334,392	12/29/89
Regional Transportation Commission of Washoe County, Reno, NV	NV-90-X013-00	835,658	12/29/89
New York Metropolitan Transportation Authority, New York, NY-Northeastern NJ	NY-90-X171-00	266,908,946	12/29/89
Nassau County, New York, NY-Northeastern NJ	NY-90-X172-00	9,230,068	12/28/89
Niagara Frontier Transportation Authority, Buffalo, NY	NY-90-X173-00	7,907,428	12/28/89
City of Glens Falls, Glen Falls, NY	NY-90-X174-00	245,483	12/27/89
City of Poughkeepsie, Poughkeepsie, NY	NY-90-X175-00	300,000	12/27/89
Utica Transit Authority, Utica-Rome, NY	NY-90-X176-00	520,000	12/27/89
Miami Valley Regional Transit Authority, Dayton, OH	OH-90-X125-00	9,168,097	12/29/89
Toledo Area Regional Transit Authority, Toledo, OH.-MI	OH-90-X128-00	8,640,196	12/29/89
Metro Regional Transit Authority, Akron, OH	OH-90-X129-00	2,111,784	12/29/89
Southwest Ohio Regional Transit Authority, Cincinnati, OH.-KY	OH-90-X130-00	6,339,734	12/29/89
Metropolitan Tulsa Transit Authority, Tulsa, OK	OJ-90-X033-00	3,304,546	12/29/89
Lane Transit District, Eugene, OR	OR-90-X032-00	1,215,000	12/29/89
Rogue Valley Transportation District, Medford, OR	OR-90-X033-00	316,779	12/29/89
Cumberland-Dauphin-Harrisburg Transit Authority, Harrisburg, PA	PA-90-X166-01	1,119,562	12/26/89
Centre Area Transportation Authority, State College, PA	PA-90-X167-00	466,831	12/26/89
County of Lackawanna Transit System, Scranton-Wilkes Barre, PA	PA-90-X177-01	793,275	12/26/89
Luzerne County Transportation Authority, Scranton-Wilkes Barre, PA	PA-90-X178-00	1,037,235	12/28/89
Beaver County Transit Authority, Pittsburgh, PA	PA-90-X179-00	514,817	12/26/89
Port Authority of Allegheny County, Pittsburgh, PA	PA-90-X180-00	21,082,222	12/29/89
Southeastern Pennsylvania Transportation Authority, Philadelphia, PA.-NJ	PA-90-X181-00	28,005,102	12/29/89
Municipality of Manati, Vega-Baja-Manati, PR	PR-90-X031-00	796,000	12/29/89
Commonwealth of Puerto Rico, San Juan, PR	PR-90-X052-00	580,000	12/27/89
Metropolitan Bus Authority, San Juan, PR	PR-90-X053-00	8,488,026	12/29/89
Greenville Transit Authority, Greenville, SC	SC-90-X021-04	12,490	12/27/89
Spartanburg County Government, Spartanburg, SC	SC-90-X028-00	476,771	12/29/89
City of Anderson, Anderson, SC	SC-90-X031-00	266,224	12/29/89
Central Midlands Regional Planning Council, Columbia, SC	SC-90-X032-00	1,126,985	12/29/89
City of Rapid City, Rapid City, SD	SD-90-X015-00	240,928	12/29/89
City of Sioux Falls, Sioux Falls, SD	SD-90-X016-00	1,034,804	12/29/89
Chattanooga Area Regional Transportation Authority, Chattanooga, TN.-GA	TN-90-X077-00	1,560,427	12/29/89
Jackson Transit Authority, Jackson, TN	TN-90-X078-00	336,000	12/29/89
Memphis Area Transit Authority, Memphis, TN.-AR.-MS	TN-90-X079-00	5,236,125	12/28/89
Metropolitan Transit Authority, Nashville-Davidson, TN	TN-90-X080-00	2,781,096	12/29/89
City of Grand Prairie, Dallas-Ft. Worth, TX	TX-90-X123-01	39,378	12/29/89
Via Metropolitan Transit Authority, San Antonio, TX	TX-90-X153-01	4,966,714	12/20/89
City of Mesquite, Dallas-Ft. Worth, TX	TX-90-X160-00	10,000	12/29/89
City of Plano, Dallas-Ft. Worth, TX	TX-90-X167-00	10,200	12/29/89
Forth Worth Transportation Authority, Dallas-Ft. Worth, TX	TX-90-X169-00	4,995,000	12/29/89
City of Laredo, Laredo, TX	TX-90-X174-00	3,443,600	12/29/89
City of Arlington, Dallas-Ft. Worth, TX	TX-90-X177-00	104,500	12/29/89
Peninsula Transportation District Commission, Newport News-Hampton, VA	VA-90-X057-01	377,860	12/26/89
Peninsula Transportation District Commission, Newport News-Hampton, VA	VA-90-X065-01	1,020,145	12/26/89
Greater Richmond Transit Company, Richmond, VA	VA-90-X070-01	2,964,528	12/26/89
City of Charlottesville, VA	VA-90-X072-00	499,035	12/26/89
Tidewater Transportation District Commission, Norfolk-Portsmouth, VA	VA-90-X073-00	4,512,148	12/26/89
Chittenden County Transportation Authority, Burlington, VT	VT-90-X010-00	398,674	12/29/89
Snohomish County Transportation Authority, Seattle-Everett, WA	WA-90-X101-00	188,500	12/29/89
Milwaukee County Transit System, Milwaukee, WI	WI-90-X109-02	1,766,688	12/29/89
City of Cheyenne, Cheyenne, WY	WY-90-X007-00	328,880	12/29/89

Issued on: January 29, 1990.

Brian W. Clymer,

Administrator.

[FR Doc 90-2404 Filed 2-1-90; 8:45 am]

BILLING CODE 4910-57-M

DEPARTMENT OF THE TREASURY

Public Information Collection Requirements Submitted to OMB for Review

The Department of the Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1980, Public Law 96-511. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, room 2224, 1500 Pennsylvania Avenue NW., Washington, DC 20220.

Internal Revenue Service

OMB Number: 1545-0301.

Form Number: Letter 1117(c), Notices 633 and 634.

Type of Review: Extension.

Title: Confirmation Letter.

Description: To fully satisfy some audit objectives, it is necessary to directly communicate with taxpayers and/or other knowledgeable parties to obtain verification of information such as correct amount of tax due, and required returns filed, etc. Response information is used to determine accuracy of tax and general ledger accounts, etc.

Respondents: Individuals or households, State or local governments, Farms, Businesses or other for-profit, Federal agencies or employees, Non-profit institutions, Small businesses or organizations.

Estimated Number of Responses: 9,627.
Estimated Burden Hours Per Respondent: 5 minutes.
Frequency of Response: On occasion.
Estimated Total Recordkeeping/Reporting Burden: 799 hours.
OMB Number: 1545–0390.
Form Number: IRS Form 5306.
Type of Review: Extension.
Title: Application for Approval of Prototype or Employer Sponsored Individual Retirement Account.
Description: This application is used by employers who want to establish an individual retirement account trust to be used by their employees. The application is also used by persons who want to establish approved prototype individual retirement accounts or annuities. The data collected is used to determine if plans may be approved.
Respondents: Businesses or other for-profit, Small businesses or organizations.
Estimated Number of Responses/Recordkeepers: 600.
Estimated Burden Hours Per Respondent/Recordkeeper:
Recordkeeping, 11 hrs., 14 mins.
Learning about the law or the form, 18 mins.
Preparing and sending the form to IRS, 29 mins.
Frequency of Response: On occasion.
Estimated Total Reporting/Recordkeeping Burden: 7224 hours.
OMB Number: 1545–0441.
Form Number: IRS Form 6559.
Type of Review: Extension.
Title: Transmitter Report of Magnetic Media Filing.
Description: Form 6559 is needed to identify the transmitters of wage and pension information who file on magnetic media. The Social Security Administration (SSA) to the accuracy of the information transmitted.
Respondents: State and local governments, Farms, Businesses or other for-profit, Non-profit institutions, Small businesses or organizations.
Estimated Number of Responses: 100,000.
Estimated Burden Hours Per Respondent: 10 minutes.
Frequency of Response: Annually.
Estimated Total Reporting Burden: 16,700 hours.
Clearance Officer: Garrick Shear (202) 535–4297, Internal Revenue Service, room 5571, 1111 Constitution Avenue, NW., Washington, DC 20224.
OMB Reviewer: Milo Sunderhauf (202) 395–6880, Office of Management and Budget, room 3001, New Executive Office Building, Washington, DC 20503.

Lois K. Holland,
Departmental Reports Management Officer.

[FR Doc. 90–2403 Filed 2–1–90; 8:45 am]
BILLING CODE 4830–01–M

Customs Service

[T.D. 90–11]

Waiver of Period of Limitations Prescribed Under 19 U.S.C. 1621

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

SUMMARY: Notice is hereby given of a change in Customs policy concerning waivers of the statute of limitations in certain penalties and forfeitures cases. In certain circumstances, the Customs Service has been unable to consider the merits of a petition for relief from the assessment of Customs civil penalties because of the imminent expiration of the period of time prescribed in section 621 of the Tariff Act of 1930, as amended (19 U.S.C. 1621). The statute sets out the period of time within which the Government is required to institute suit to enforce the collection of a monetary penalty or the forfeiture of property. If it appears that further administrative consideration would promote final disposition of the matter, Customs has the authority to accept an offer to "waive" the tolling of the prescribed period, from a party otherwise entitled to assert the expiration of that period as a defense against civil suit. Customs has adopted a policy that waivers must be for a period of not less than 2 years, absent compelling reasons.

FOR FURTHER INFORMATION CONTACT: Robert Pisani, Penalties Branch, 202–566–8317.

SUPPLEMENTARY INFORMATION: Under 19 U.S.C. 1621, generally referred to as a statute of limitations, the Government is required to initiate suit to enforce the collection of a monetary penalty or forfeiture of property, within the time prescribed in the statute. In certain circumstances, in order to resolve the matter through continued administrative proceedings rather than judicial action, the party involved will submit to the Government a limited waiver of its right to assert the statute of limitations as a defense in any prospective judicial action.

In light of the views expressed by the Department of Justice, the agency responsible for instituting most of the judicial actions in connection with Customs penalty matters, and in order to provide adequate time for orderly continuation of administrative proceedings, Customs has adopted a policy permitting offers by a party to "waive" the statute of limitations for a period of not less than two years. It should be noted that the two-year period ordinarily commences from the date of the waiver, unless another commencement date is specified by the waiving party. Absent compelling circumstances, Customs will not, as a matter of policy, favorably entertain offers to waive the statute for a shorter period of time than the two-year period.

In order to inform the public of this practice and to suggest a format for requesting acceptance of a waiver of the period of limitations, which commences from the date of the waiver and extends for a period of not less than two years, notice is hereby given that a request will be considered, and may be granted by the Director, Regulatory Procedures and Penalties Division, Office of Regulations and Rulings, whenever a party is entitled to assert the defense of the running of the period of limitation prescribed under the statute, as a bar to any suit to collect a monetary penalty or to forfeit property under the Customs laws. The request for acceptance of a waiver of the period of limitations should be addressed, in triplicate, and in substantially the following form, to:

Director, Regulatory Procedures and Penalties Division, U.S. Customs Service Headquarters, 1301 Constitution Avenue NW., Washington, DC 20229.

Dear Sir:

(*Name of Party*) hereby waives the period of limitations contained in 19 U.S.C. 1621 and any other applicable statute(s) of limitations with respect to (*Number of Entries*) Customs entries of (*Description of Articles(s) Entered*, Entry No(s). _____ dated _____, and entered at (*Port of Entry*) for a period of 2 (two) years commencing with the date of this waiver. (*Name of Party*) agrees that it will not assert any statutes of limitations defense in any action brought by the United States Government concerning the (*Number of entries*) entries designated above with respect to the 2 (two) year period for which the statute of limitations is hereby waived. As of the date of this waiver, the statute(s) of limitations designated above has not yet run.

This waiver is made knowingly and voluntarily by (*Name of Party*) in order that (*Name of Party*) might obtain the benefits of the orderly continuation and conclusion of an administrative proceeding currently being conducted or contemplated by the United States Customs Service, in which the Customs Service is reviewing all of the formal Customs entries (including the (*Number of Entries*) entries designated above) of (*Description of Articles Entered*) from (*Date of Earliest Entry*) to the present.

Date: _____

By _____
(*Name of Party*)

(*Address of Party*)

I hereby acknowledge receipt and acceptance of the above waiver.
Date: — _____

Director, Regulatory Procedures and Penalties Division

The request for acceptance of a waiver of the statute of limitations must, where the requesting party is a corporation or other business entity, be signed by a person authorized to act for the corporation or other business entity, and proof of such authorization must be included with the request.

If the request is accepted, a copy of the request signed as accepted by the Director, Regulatory Procedures and Penalties Division, will be mailed to the requesting party.

This Treasury Decision supersedes and rescinds Treasury Decision No. 76–33 dated January 22, 1976, 41 FR 4302

Stuart P. Seidel,

Director, Regulatory Procedures and Penalties Division.

[FR Doc. 90–2421 Filed 2–1–90; 8:45 am]

BILLING CODE 4820–02–M

[Dept. Circ. 570, 1989 Rev., Supp. No. 8]

Surety Companies Acceptable on Federal Bonds; Atlantic Employers Insurance Co.

A Certificate of Authority as an acceptable surety on Federal bonds is hereby issued to the following company under sections 9304 to 9308, title 31, of the United States Code. Federal bond-approving officers should annotate their reference copies of the Treasury Circular 570, 1989 Revision, on page 27804 to reflect this addition:

Atlantic Employers Insurance Company

Business Address: 1600 Arch Street, Philadelphia, PA 19103.

Underwriting Limitation b/: $2,421,000.

Surety Licenses c/: NJ.

Incorporated In: New Jersey.

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 (202) 287–3921.

Dated: January 29, 1990.

Mitchell A. Levine,

Assistant Commissioner, Comptroller Financial Management Service.

[FR Doc. 90–2401 Filed 2–1–90; 8:45 am]

BILLING CODE 4810–35–M

UNITED STATES INSTITUTE OF PEACE

Annual Solicited Grants Competition From the Grants Program; 1990 Cycle

AGENCY: United States Institute of Peace.

ACTION: Notice, call for applications.

SUMMARY: The United States Institute of Peace announces the 1990 cycle of its annual Solicited Grants competition from the Grants Program. This year's topics are: (1) Prospects for Conflict or Peace in Central and Eastern Europe; and (2) War, Peace, and Conflict Resolution in Latin America and the Caribbean. The Institute encourages applications from nonprofit organizations, official public institutions, and individuals. Detailed information and application material are available upon request.

DATES: Applications must be received by April 15, 1990 in order to be considered in the current cycle. Announcements of awards will be made on or about September 1, 1990.

ADDRESSES: United States Institute of Peace, 1550 M Street NW., Suite 700 FR, Washington, DC 20005–1708.

FOR FURTHER INFORMATION CONTACT: Solicited Grant Projects; Hrach Gregorian, Barry O'Connor, telephone (202) 457–1706.

Dated: January 26, 1990.

Bernice Carney,

Director of Administration.

[FR Doc. 90–2364 Filed 2–1–90; 8:45 am]

BILLING CODE 3150–01–M

Sunshine Act Meetings

Federal Register
Vol. 55, No. 23
Friday, February 2, 1990

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

INTERSTATE COMMERCE COMMISSION

Commission Voting Conference

Time and date: 10:00 a.m., Friday, February 9, 1990.

Place: Hearing Room A, Interstate Commerce Commission, 12th and Constitution Avenue, NW., Washington, DC 20423.

Status: The purpose of the conference is for the Commission to discuss among themselves, and to vote on, the agenda item. Although the conference is open for the public observation, no public participation is permitted.

Matters to be discussed:

First Agenda Item—
Finance Docket No. 28905 [Sub-No. 22]
CSX Corporation—Control—Chessie System, Inc. and Seaboard Coast Line Industries, Inc.
Finance Docket 29430 [Sub-No. 20]
Norfolk Southern Corporation—Control—Norfolk and Western Railway Company and Southern Railway Company
Second Agenda Item—
Discussion on the structure of regularly scheduled Commission meetings or conferences

Contact person for more information: A. Dennis Watson, Office of Government and Public Affairs, Telephone: (202) 275–7252.

Kathleen M. King,
Acting Secretary.
[FR Doc. 90–2576 Filed 1–31–90; 1:34 pm]
BILLING CODE 7035-01-M

NATIONAL CREDIT UNION ADMINISTRATION

Notice of previously held emergency meeting

Time and date: 11:25 a.m., Wednesday, January 31, 1990.

Place: Chairman's Office, 6th Floor, 1776 G Street, NW., Washington, DC 20456.

Status: Closed.

Matter considered:

1. Personnel Actions and Agency Structure. Closed pursuant to exemptions (2) and (6).

The Board voted unanimously that Agency business required that a meeting be held with less than the usual seven days advance notice.

The Board voted unanimously to close the meeting under the exemptions listed above. The Deputy General Counsel certified that the meeting could be closed under those exemptions.

For more information contact: Becky Baker, Secretary of the Board, Telephone (202) 682–9600.

Becky Baker,
Secretary of the Board.
[FR Doc. 90–2581 Filed 1–31–90; 1:50 pm]
BILLING CODE 7535-01-M

NATIONAL CREDIT UNION ADMINISTRATION

Notice of Meetings

Time and date: 1:30 p.m., Wednesday, February 7, 1990.

Place: Filene Board Room, 7th Floor, 1776 G Street, NW., Washington, DC 20456.

Status: Open.

Matters to be considered:

1. Approval of Minutes of Previous Open Meeting.
2. Economic Commentary.
3. Central Liquidity Facility Report and Review of CLF Lending Rate.
4. Insurance Fund Report.
5. Proposed Rule: Part 722 and Proposed Amendment to: Section 741.4, Real Estate Appraisals, NCUA's Rules and Regulations.
6. Final Amendment: Part 745, Payment of Share Insurance and Appeals, NUCA's Rules and Regulations.
7. Final Amendments: Part 747, Subparts J & K, Rules and Procedures Applicable to Conduct of Investigations.
8. Semiannual Agenda of Regulations.

Time and date: 10:30 a.m., Wednesday, February 7, 1990.

Place: Filene Board Room, 7th Floor, 1776 G Street, NW., Washington, DC 20456.

Status: Closed.

Matters to be considered:

1. Approval of Minutes of Previous Open Meeting.
2. Special Assistance under section 208 of the Federal Credit Union Act. Closed pursuant to exemptions (8), (9)(A)(ii), and (9)(B).
3. Administrative Action under section 206 of the Federal Credit Union Act. Closed pursuant to exemptions (8), (9)(A)(ii), and (9)(B).
4. Personnel Actions and Agency Structure. Closed pursuant to exemptions (2), (5), (6), and (7).

Recess: 12:30 p.m.

For More Information Contact: Becky Baker, Secretary of the Board, Telephone (202) 682–9600.

Becky Baker,
Secretary of the Board.
[FR Doc. 90–2582 Filed 1–31–90; 1:50 pm]
BILLING CODE 7535-01-M

Corrections

Federal Register
Vol. 55, No. 23
Friday, February 2, 1990

This section of the FEDERAL REGISTER contains editorial corrections of previously published Presidential, Rule, Proposed Rule, and Notice documents. These corrections are prepared by the Office of the Federal Register. Agency prepared corrections are issued as signed documents and appear in the appropriate document categories elsewhere in the issue.

DEPARTMENT OF AGRICULTURE

Rural Electrification Administration

7 CFR Part 1772

REA Specification for Seven Wire Galvanized Steel Strand

Correction

In rule document 90-1211 beginning on page 1791 in the issue of Friday, January 19, 1990, make the following correction:

§ 1772.30 [Amended]

On page 1792, in the second column, under § 1772.370(a), in the 13th line, remove "(insert date of publication of final rule)" and add "January 19, 1990".

BILLING CODE 1505-01-D

DEPARTMENT OF ENERGY

Battelle Memorial Institute

Correction

In notice document 90-1279 beginning on page 1867 in the issue of Friday, January 19, 1990, make the following correction:

On page 1867, in the third column, under **DATE**, in the last line, "January 20, 1990" should read "March 20, 1990".

BILLING CODE 1505-01-D

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. CP90-468-000, et al.]

Tennessee Gas Pipeline Company, et al.; Natural Gas Certificate Filings

Correction

In notice document 90-1745 beginning on page 2683 in the issue of Friday, January 26, 1990, make the following correction:

On page 2686, in the third column, under entry **14. Trunkline Gas Co.**, the docket number should read "[Docket No. CP90-510-000]".

BILLING CODE 1505-01-D

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 86

[AMS-FRL-3698-9]

RIN 2060-AC64

Control of Air Pollution From New Motor Vehicles and New Motor Vehicle Engines: Evaporative Emission Regulations for Gasoline and Methanol-Fueled Light-Duty Vehicles, Light-Duty Trucks, and Heavy-Duty Vehicles

Correction

In proposed rule document 90-1069 beginning on page 1914 in the issue of Friday, January 19, 1990, make the following correction:

On page 1914, in the first column, under **DATES**, in the second line, the second sentence should read "EPA will conduct a public hearing on this proposal in Ann Arbor, Michigan, about 30 days after publication in the **Federal Register**".

BILLING CODE 1505-01-D

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 558

New Animal Drugs for Use in Animal Feeds; Lasalocid

Correction

In rule document 89-16358 beginning on page 29544 in the issue of Thursday, July 13, 1989, make the following correction:

§ 558.311 Lasalocid.

On page 29544, in the third column, section heading "§ 58.311 Lasalocid" should read as set forth above.

BILLING CODE 1505-01-D

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 89N-0528]

Drug Export; Etidronate Disodium Tablet Granulation, 400 MG Etidronate Disodium Tablets, USP 400 MG

Correction

In notice document 90-264 appearing on page 487 in the issue of Friday, January 5, 1990, make the following correction:

On page 487, in the second column, in the second complete paragraph, in the third line, "January 5, 1990" should read "January 16, 1990".

BILLING CODE 1505-01-D

DEPARTMENT OF INTERIOR

Bureau of Land Management

[CA-067-00-4352.12]

Closure of Public Land to Vehicle Parking and Overnight Camping Within the West Mesa Area, Imperial County, California

Correction

In notice document 90-1259 appearing on page 1878 in the issue of Friday, January 19, 1990, make the following correction:

1. On page 1878, in the second column, under **San Bernardino Base and Meridian**, in the seventh and eighth lines, the land description should read N½, N½ SE¼, SE¼ SE¼, N½ SW¼ SE¼, NE¼ SW¼, NE¼ NW¼ SW¼, Section 27.

BILLING CODE 1505-01-D

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 73

[Airspace Docket No. 89-AWP-21]

Alteration of Restricted Areas R-2306A Yuma West, R-2307 Yuma and R-2308A Yuma East and Establishment of R-2306E Yuma West; Arizona

Correction

In rule document 90-367 appearing on page 610 in the issue of Monday,

January 8, 1990, make the following corrections:

§ 73.23 [Corrected]

1. On page 610, in the third column, under **R-2307 Yuma, AZ [Amended]**, in the third line, "114°17″W." should read "114°17′00″W."

§ 73.23 [Corrected]

2. On the same page, in the same column, under **R-2308A Yuma East, AZ**, in the second line, "114°17′21″W " should read "114°17′20″W.".

BILLING CODE 1505-01-D

federal register

Friday
February 2, 1990

Part II

Environmental Protection Agency

40 CFR Part 228

Ocean Dumping Regulations; De-designation of Un-needed, Expired, or Terminated Sites; Final Rules and Proposed Rule

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 228

[FRL-3632-9]

Ocean Dumping Regulations; De-designation of Expired or Terminated Sites

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency today is revising the list of designated ocean dumping sites as set forth in 40 CFR part 228. This revision is necessary to update the regulations to reflect the expiration, termination, or reclassification of certain sites. The revision would remove from the list of designated ocean dumping sites those sites with expired or terminated designations and make changes to ensure that designated sites are listed under their correct classification. Today's action also would make final the previously proposed de-designation of the Deepwater Industrial Waste Site.

EFFECTIVE DATE: This action becomes effective on February 2, 1990.

ADDRESSES: Inquiries regarding this action should be sent to John Lishman, Office of Marine and Estuarine Protection (WH-556F), Environmental Protection Agency, 401 M Street SW., Washington, DC 20460. Supporting information for this action is available for inspection and copying at the Environmental Protection Agency Public Information Reference Unit, 401 M Street SW., room 2402, Washington, DC 20460. The Environmental Protection Agency's public information regulations (40 CFR part 2) provide that a reasonable fee may be charged for copying.

FOR FURTHER INFORMATION CONTACT: John Lishman at (202) 475-7177, Office of Marine and Estuarine Protection (WH-556F), 401 M Street SW., Washington, DC 20460.

SUPPLEMENTARY INFORMATION:

Background

1. Overview

Title I of the Marine Protection, Research, and Sanctuaries Act, 33 U.S.C. 1401 et seq., (hereinafter referred to as "the Act" or "the MPRSA") regulates the ocean dumping and transportation of material for purposes of ocean dumping. With few exceptions, the MPRSA prohibits the transportation of material from the United States for the purpose of ocean dumping except as may be authorized by a permit issued under the MPRSA. Environmental Protection Agency (EPA) regulations implementing the Act are set forth at 40 CFR parts 220-229.

The Act further provides that EPA may designate recommended times and sites for ocean dumping (MPRSA section 102(c)). EPA site designations specify the latitude and longitude of the site and also typically include limitations on the duration of use and type of materials which may be disposed of at the site. If a site is designated by EPA, disposal at the site may not take place unless a permit authorizing the dumping is obtained in accordance with the MPRSA and EPA's ocean dumping permitting criteria. Permits are to contain terms and conditions to ensure that the limitations established by the site designation are met. See, 40 CFR 228.8.

EPA's ocean dumping regulations (40 CFR 228.4(b)) provide that the designation of an ocean dumping site is accomplished by promulgation in part 228 specifying the site. The list of EPA-designated ocean dumping sites and the terms and conditions associated with each designated site appear at 40 CFR 228.12.

Under the regulations there are two categories of site designations: (1) Interim sites (40 CFR 228.12(a)), and (2) approved sites (40 CFR 228.12(b)). Interim sites were designated prior to completion of environmental studies on the basis of historical usage. The interim site designation category was created after enactment of the MPRSA in 1972. It was intended to facilitate a smooth transition to regulation under the MPRSA by placing historically used sites into the interim category so as to allow for time to complete the necessary environmental reviews. Once the necessary environmental studies are performed, interim sites are redesignated as approved sites if they are found to meet the regulations' environmental criteria. See, 40 CFR 228.12(a). The approved site category thus contains those sites for which environmental studies are completed and which are found to meet the environmental criteria.

Today's action addresses sites designated primarily for disposal of sewage sludge, industrial waste, or similar types of material. This action amends 40 CFR 228.12 by removing from the list of designated sites those entries for sites with expired or terminated designations and by removing from the list of interim sites those entries for sites which have been re-designated as approved sites. Details regarding the specific sites addressed by today's action are set forth later in this preamble.

2. Ocean Dumping Ban Act

Most of the sites included in today's action originally were designated primarily for disposal of sewage sludge or industrial waste. The MPRSA was recently amended to end the ocean dumping of such materials. The Ocean Dumping Ban Act (Pub. L. 100-688) (hereinafter referred to as "ODBA"), enacted on November 18, 1988, amends the MPRSA to categorically prohibit the ocean dumping of sewage sludge and industrial waste. ODBA makes it unlawful for existing dumpers of sewage sludge and industrial waste to continue dumping beyond December 31, 1991, and further prohibits any new dumpers from commencing ocean dumping of these materials.

Specifically, ODBA establishes three key prohibitions on ocean dumping. First, ODBA amends the MPRSA to provide that no person shall ocean dump, or transport for purposes of ocean dumping, sewage sludge or industrial waste unless, within 270 days of enactment (i.e., August 14, 1989), such person has entered into an agreement to terminate such dumping and obtained a permit under the MPRSA. MPRSA, section 104B(a)(1)(A). Second, ODBA amends the MPRSA to provide that it shall be unlawful for any person to ocean dump, or transport for purposes of ocean dumping, sewage sludge or industrial waste after December 31, 1991, and provides penalties for dumping beyond that date. MPRSA, section 104B(a)(1)(B). Third, ODBA amends the MPRSA to prohibit new entrants by forbidding the issuance of permits for the ocean dumping or transportation for the purpose of dumping of sewage sludge or industrial waste unless the permittee was previously authorized to dump such materials as of September 1, 1988, by an MPRSA permit or court order. MPRSA section 104B(a)(2).

For purposes of its prohibition on ocean dumping, ODBA defines "industrial waste" as any solid, semisolid, or liquid waste generated by a manufacturing or processing plant, other than (1) dredged material dumped by the Corps of Engineers or dumped pursuant to a Corps of Engineers permit and (2) waste from a tuna cannery operation in American Samoa or Puerto Rico dumped pursuant to an EPA-issued permit. MPRSA, sections 104B(k) (3) and (4). ODBA defines "sewage sludge" as any solid, semisolid, or liquid waste generated by a wastewater treatment plant other than dredged material or

tuna cannery waste from American Samoa or Puerto Rico. MPRSA, sections 104B(k) (3) and (6).

3. Status of Industrial Waste and Sewage Sludge Dumping Activities

Since enactment of the MPRSA in 1972, the amount of industrial waste dumped in the oceans has declined dramatically. In 1973, approximately six million wet tons of industrial waste were dumped at sea; in 1986, this number had declined to approximately 306,000 wet tons. In September 1988, the last dumper of "industrial waste" (as defined in ODBA) ceased its dumping operations. ODBA prohibits any new dumpers from commencing the ocean dumping of "industrial waste".

With regard to sewage sludge dumping, there are currently nine sewerage authorities, all in New York and New Jersey, using ocean dumping to dispose of their sludge. This dumping occurs at the Deepwater Municipal Sludge Dump Site—Region II (40 CFR 228.12(b)(18), which is approximately 120 miles off the nearest point of land on the New Jersey coast. ODBA provides that it will be unlawful for these existing sewage sludge dumpers to continue dumping beyond December 31, 1991. There are no other ocean dumpers of sewage sludge, and ODBA prohibits any new dumpers from commencing this practice. In addition, ODBA required the nine existing sludge dumpers, by August 14, 1989, to enter into agreements setting schedules to terminate their dumping and obtain permits for their dumping from EPA. In accordance with ODBA, EPA has negotiated enforcement agreements with the existing sewage sludge dumpers to terminate their dumping and has issued permits containing conditions regulating the dumping activities so as to avoid adverse impacts.

Description of Action

1. Today's Action

Today's action amends 40 CFR 228.12 by removing from the Code of Federal Regulations 21 entries from the list of ocean dumping sites. The affected sites originally were designated for use in disposing of sewage sludge, industrial waste, or other types of non-dredged materials. Table 1 identifies the entries which would be deleted and the reasons for removing them from the Code of Federal Regulations. The sites affected by today's action fall into three main categories, as discussed below.

First, today's action removes entries from the Code of Federal Regulations for sites with designations that were terminated by previous rulemaking. These sites are listed in entries 1–7 of Table 1, together with a reference to the earlier rulemaking which terminated their designation. Second, today's action removes the interim site entries for sites which have previously been redesignated as approved sites. Since these sites were previously reclassified into the approved site category, their entries in the interim category should be deleted. Sites in this category are listed in entries 8–10 of Table 1, together with a reference to the rulemaking action designating them on an approved basis. Third, today's action removes entries from the Code of Federal Regulations for sites for which the designated period of use has expired. Those sites appear in entries 11–20 of Table 1, together with reference to their expiration date and the rulemaking action which established the expiration date.

Today's action is a technical correction to the regulations to eliminate the continued appearance in the Code of Federal Regulations of entries for sites which have expired, have been reclassified, or have been terminated as a result of previous rulemaking. Today's action is intended to conform the Code of Federal Regulations listing of designated sites to such previous rulemaking.

Sites with expired periods of designation or sites which have been terminated are no longer valid ocean dumping sites. Therefore, the entries for these sites should be removed from the Code of Federal Regulations. The continued presence in the Code of Federal Regulations of terminated or expired sites creates potential for misunderstanding as to their status and also needlessly clutters the list of ocean dumping sites with outdated information.

Similarly, when an interim site is redesignated as an approved site following completion of environmental reviews, the interim site entry should be removed from the Code of Federal Regulations in order to clarify that it is now designated as an approved, rather than interim, site. Listing of a site in multiple categories creates needless confusion in the Code of Federal Regulations as to its actual status.

Moreover, many of the sites subject to today's action originally were designated primarily for industrial waste or sewage sludge, materials which are subject to the prohibitions established by the Ocean Dumping Ban Act discussed previously in this preamble. Since such sites are not being used by existing dumpers, and the Ocean Dumping Ban Act prohibits new dumpers from commencing to dump sewage sludge or industrial waste, there should be no need for those sites in the future.

In addition to removing from the Code of Federal Regulations entries for expired, terminated, or reclassified ocean dumping sites, today's action also would delete the Deepwater Industrial Waste Site (commonly referred to as the 106 Mile Industrial Site) from the list of approved ocean dumping sites (see entry 21 of Table 1). Unlike the sites previously discussed, that site was designated for continuing use. However, the de-designation of this site was previously proposed for public comment (53 FR 47979, November 29, 1988), and the last dumper using that site has ceased ocean dumping. In addition, the site designation restricts its use to wastes generated by a manufacturing or processing plant, materials which are now subject to the dumping prohibitions of the Ocean Dumping Ban Act. Only one comment was received on the proposed de-designation of the site, and that comment supported the proposed de-designation. In light of this, the Agency is taking final action to de-designate that site.

TABLE 1—OCEAN DUMPING SITE ENTRIES REMOVED FROM CFR BY TODAY'S ACTION

CFR Citation/Site Description	Designation type	Present status	Discussion
1. § 228.12(a) Approved Interim Dumping Sites Table. Industrial Wastes Site—Region I. 43°33'00" N., 69°55'00" W., 1nm radius.	Interim	Terminated	Designation terminated by interim and final rules. 45 FR 3053 (1/16/80); 45 FR 81042 (12/09/80).
2. § 228.12(a) Approved Interim Dumping Sites Table. Industrial Wastes Site—Region I. 42°25'42" N., 70°35'00" W., 1 nm radius.	do	do	Do.
3. § 228.12(a) Approved Interim Dumping Sites Table. Wrecks Site—Region II. 40°10'00" N., 73°42'00" W., 0.5 nm radius.	do	do	Do.

TABLE 1—OCEAN DUMPING SITE ENTRIES REMOVED FROM CFR BY TODAY'S ACTION—Continued

CFR Citation/Site Description	Designation type	Present status	Discussion
4. § 228.12(a) Approved Interim Dumping Sites Table. Acid Wastes Site—Region III. 38°30'00" N., 38°35'00" N., 74°15'00" W., 74°25'99" W.	do	do	Do.
5. § 228.12(a) Approved Interim Dumping Sites Table. Industrial Wastes Site—Region IV. 31°46'00" N., 80°30'00" W., 31°47'06" N., 80°29'00" W., 31°48'00" N., 80°30'30" W., 31°46'30" N., 80°32'00" W.	do	do	Do.
6 § 228.12(a) Approved Interim Dumping Sites Table. Industrial Wastes Site—Region VI. 27°12'00" N., 27°28'00" N.; 94°28'00" W., 94°44'00" W.	do	do	Designation terminated by interim rule. 45 FR 3053 (1/16/80).
7. § 228.12(a) Approved Interim Dumping Sites Table. Industrial Wastes Site—Region VI. 28°00'00" N., 28°10'00" N.; 89°15'00" W., 89°30'00" W.	do	do	Designation terminated by interim and final rules. 45 FR 3053 (1/16/80); 45 FR 81042 (12/09/80).
8. § 228.12(a) Approved Interim Dumping Sites Table. Cellar Dirt Site—Region II. 40°23'00" N., 73°49'00" W., 0.6 nm radius.	do	Redesignated as an approved site.	Redesignated as an approved site through notice and comment rulemaking. 48 FR 14898 (4/06/83) [40 CFR 228.12(b)(13)]
9 § 228.12(a) Approved Interim Dumping Sites Table. Acid Wastes Site—Region II. 40°16'00" N., 40°20'00" N.; 73°36'10" W., 73°40'00" W.	do	do	Redesignated as an approved site through notice and comment rulemaking. 46 FR 31413 (5/16/81). See Proposed Rules section of today's FEDERAL REGISTER for information on proposed action to de-designate this site.
10. § 228.12(a) Approved Interim Dumping Sites Table. Municipal Sewage Sludge Site—Region II. 40°22'30" N., 40°25'00" W., 73°41'30" W., 78°45'00" W.**.	do	do	Redesignated as an approved site through notice and comment rulemaking. 44 FR 29052 (5/18/79). See entry (16).
11. § 228.12(a) Approved Interim Dumping Sites Table. Industrial Wastes Site—Region II. 19°10'00" N., 19°20'00" N.; 66°35'00" W., 66°50'00" W.	do	Expired	Interim and final rules provided site to remain in force until waste treatment plant built. 45 FR 3053 (1/16/80); 45 FR 81042 (12/09/80). Last permit authorizing site use expired 9/81.
12. § 228.12(a) Approved Interim Dumping Sites Table. Municipal Sewage Sluge Site—Region III. 38°20'00" N., 38°25'00" N.; 74°10'00" W., 74°20'00" W.	do	do	Expiration date of 12/31/80 established by interim and final rules. 45 FR 3053 (1/16/80); 45 FR 81042 (12/09/80).
13. § 228.12(a) Last Entry Following Dredged Material. Sites Table. Fish Cannery Wastes Site—Region IX. 14°22' S., 170°41" W.; 1 nm diameter.	do	do	Designated after notice and comment rulemaking with expiration date of 36 months from publication date. 45 FR 77434 (11/24/80).
14. § 228.12(b)(2). Herbicide Orange Incineration Site—Headquarters. 15°45" N., 17°45' N.; 171°30" W., 173°30" W.	Approved	do	Designated after notice and comment rulemaking with 4/15/77–9/30/77 period of use. 42 FR 22144 (5/02/77).
15. § 228.12(b)(3). Kwajalein Ocean Dumping Site—Region IX. 08°47' N., 167°36' E.; 1,000 yd radius.	do	do	Designated after notice and comment rulemaking with expiration date of 3 years from permit issuance. 43 FR 33711 (8/01/78). Permit was issued 11/21/78.
16. § 228.12(b)(4). Sewage Sludge Site—Region II. 40°22'30" N., 40°25'00" N.; 73°41'30" W., 73°45'00" W.	do	do	Designated after notice and comment rulemaking with expiration date of 12/31/81. 44 FR 29052 (5/18/79).
17. § 228.12(b)(5). Alternate Sewage Sludge Site—Region II. 40°10'30" N., 40°13'30" N.; 72°40'30", 72°43'30" W.	do	do	Designated after notice and comment rulemaking with 12/31/81 expiration date. 44 FR 29052 (5/18/79).
18. § 228.12(b)(6). San Nicolas Basin Ocean Dumping Site—Region IX. (Cuttings, drilling mud, solid waste). 32°55" N., 119°17' W. (NW corner).	do	do	Designated after notice and comment rulemaking with expiration date of 3 years from permit issuance. 45 FR 79809 (12/02/80). Permits issued 1/12/81.
19. § 228.12(b)(16). Gulf of Mexico Platform Jacket Site—Region VI. 27°39'44.665" N., 91°10'03.059" W.; 27°39'42.304" N., 91°07'06.927" W.; 27°37'05.471" N., 91°07'09.610" W.; 27°37'07.828" N., 91°10'05.672" W.	do	do	Designated after notice and comment rulemaking with period of use not to exceed 3 years from date of publication. 45 FR 4942 (2/09/84).
20. § 228.12(b)(21). Drilling Muds and Cuttings Site—Region IX. 33°34'30" N., 118°27'30" W.; 3 nm diameter.	do	do	Designated after notice and comment rulemaking with period of use of 3 years from effective date. 50 FR 9273 (3/07/85). Effective date of designation was 4/08/85.
21. § 228.12(b)(17). Region II Deepwater Industrial Waste Dump Site. 38°45'00" N., 72°20'00" W.; 3 nm radius.	do	Terminated by today's rule.	This site was proposed for termination at 53 FR 47979 (11/29/88). No opposing comments were received.

** 73°45'00" W. is correct coordinate and was used in FR rulemaking notice. CFR incorrectly shows coordinate as 78°45'00" W.

2. *Related Rulemaking.* In the proposed rules section of today's **Federal Register**, the Agency is taking separate action proposing to de-designate the Gulf Ocean Incineration Site located in the Gulf of Mexico (40 CFR 228.12(b)(1)) and the Acid Waste Site—Region II (40 CFR 228.12(b)(7)). The Agency is requesting public comment on that proposal. Interested readers should refer to the proposed rules section of today's **Federal Register** for further information.

In addition, the Agency plans to undertake additional actions related to ocean dumping sites in the near future. The Agency is aware of typographical and technical errors in the listing of several ocean dumping sites as set forth in the Code of Federal Regulations. The Agency also believes that the format and arrangement of sites listed in the Code of Federal Regulations should be modified in order to identify approved ocean dumping sites more clearly and legibly. Finally, the Agency is aware that there are expired or terminated

dredged material sites included in the existing list of sites (e.g., 40 CFR 228.12(a)(2)(vi)). The Agency intends to take future action to correct identified errors in site designations, re-format the display of sites in the **Federal Register**, and remove entries for expired or terminated dredged material sites from the list of sites published in the Code of Federal Regulations.

Compliance With Other Laws and Executive Orders

1. Administrative Procedure Act

The Administrative Procedure Act (APA), 5 U.S.C. 551 *et seq.*, generally requires notice of proposed rulemaking to be published in the **Federal Register** and publication of substantive rules not less than 30 days before their effective date. However, the APA establishes exceptions to these general requirements. The Agency has published today's action as final and immediately effective in accordance with the APA, as is explained more fully below.

The Agency does not believe that today's action removing the expired or terminated sites from the list in the Code of Federal Regulations is a "rule" as defined in section 551 of the APA because it merely amends the Code of Federal Regulations to reflect past rulemaking and, as is explained more fully below, does not in itself terminate the use of any designated sites. Even if it were a "rule", under section 553(b)(B) of the APA it would be exempt from notice and public comment requirements "when the agency for good cause finds (and incorporates the finding and a brief statement of reasons therefor in the rules issued) that notice and public procedure thereon are impracticable, unnecessary or contrary to the public interest."

In the case of the Deepwater Industrial Waste Site, the Agency has previously proposed for public comment a rule to de-designate the site. 53 FR 47979 (November 29, 1988). Thus, today's final action to de-designate that particular site does not involve any exception to the APA's general requirement that regulations be proposed for public comment prior to promulgation.

With regard to the other sites addressed by today's action, the Agency has concluded that public comment is unnecessary. Today's action corrects the Code of Federal Regulations to reflect earlier rulemaking action previously undertaken by the Agency. Today's action does not in itself terminate or establish expiration dates for any sites; it merely removes entries from the Code of Federal Regulations for site which already are expired, terminated, or reclassified. Even without today's action, these sites are expired or terminated, and thus no longer are designated ocean dumping sites. In addition, none of these sites currently is being used for ocean dumping, nor are there any permit applications pending for these sites.

In the case of deletions from the list of interim sites, the entries being deleted are for sites which were previously moved into the approved site category by earlier rulemaking. Deletion of the interim site entries for those sites is being undertaken merely to ensure that sites which are in fact approved sites no longer also continue to be listed as interim sites.

It is well settled that for technical administrative changes, such as today's action, which do not substantively alter the regulatory framework and do not have a detrimental impact on regulated parties, public comment under the APA is unnecessary. See, *National Helium Corp* v. *FEA*, 569 F. 2d 1137 at 1146 (T.E.C.A. 1969). Moreover, as shown in Table 1, the earlier actions reclassifying, setting expiration dates, or terminating ocean dumping sites were taken after notice of proposed rulemaking and comment, or final rules were issued after the close of the comment period on an interim final rule. Since today's action merely corrects the Code of Federal Regulations to reflect previous rulemaking, the sites addressed in today's action are not being used, and the previous actions affecting the status of the sites were issued in accordance with the APA, the Agency has determined there is good cause for finding public comment on today's action unnecessary.

Under section 553(d)(3) of the APA, a rule is not required to be published at least 30 days prior to its effective date if the agency otherwise provides for good cause found and published with the rule. The APA's provision for a 30-day delay prior to the effective date of a rule generally may be viewed as providing affected individuals sufficient lead time to comply with new rules.

With the exception of the Deepwater Industrial Waste Site, the rulemaking actions which substantively affected the status of the sites addressed by today's action were promulgated several years ago. Thus, any individuals affected by such changes in site status have had ample time to respond to the changes made by those earlier rules. In addition, as noted above these earlier rules were promulgated in accordance with APA requirements. As today's action does not have a substantive impact and consists chiefly of technical corrections to the Code of Federal Regulations to conform it to previous rulemaking, the Agency has determined that there is good cause for issuing today's action with an immediate effective date. In the case of the Deepwater Industrial Waste Site, good cause also exists since that site is no longer being used, ODBA precludes its future use, and the only comment received on the proposed de-designation supported the proposed action.

2. Executive Order 12291

Executive Order 12291 (46 FR 13193, February 9, 1981) requires that a regulatory agency determine whether a new regulation is "major", and therefore subject to the requirement for a Regulatory Impact Analysis. Under the Executived Order, a major rule is defined as a regulation which is likely to result in:

(1) An annual effect on the economy of $100 million or more;

(2) A major increase in costs or prices for consumers, individual industries, Federal, State and local government agencies, or geographic areas; or

(3) Significant adverse effect on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

As previously noted, today's action chiefly corrects the Code of Federal Regulations to remove entries from the list of ocean dumping sites for sites which are reclassified, expired, or previously terminated. None of the sites being removed from the Code of Federal Regulations is being used by any ocean dumpers, nor are any applications pending for the use of these sites. Accordingly, today's action does not have any significant economic impacts and thus does not meet the criteria established by Executive Order 12291 for classification as a major rule.

Executive Order 12291 further requires, regardless of whether a rule is "major", that it be submittee to the Office of Management and Budget for review. Today's notice was submitted to the Office of Management and Budget for review in accordance with that Executive Order.

3. Paperwork Reduction Act

The Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.*, is intended to minimize the reporting and recordkeeping burden on the regulated community as well as minimize the cost of Federal information collection and dissemination. In general, the Act

requires that information requests and recordkeeping requirements affecting 10 or more non-Federal respondents be approved by the Office of Management and Budget. Since today's action does not establish or modify any information and recordkeeping requirements it is not subject to the requirements of the Paperwork Reduction Act.

4. Regulatory Flexibility Act

Under the Regulatory Flexibility Act (RFA), 5 U.S.C. 601*et seq.*, EPA must prepare a Regulatory Flexibility Analysis for regulations having a significant impact on a substantial number of small entities. The RFA recognizes three kinds of small entities and defines them as follows:

(1) Small governmental jurisdictions—any government of a district with a population of less than 50,000.

(2) Small business—any business which is independently owned and operated and not dominant in its field as defined by Small business Administration regulations under Section 3 of the Small Business Act.

(3) Small organization—any not-for-profit enterprise that is independently owned and operated and not dominant in its field.

None of the sites being removed from the Code of Federal Regulations is being used by any ocean dumpers, nor are any applications pending for the use of these sites. Accordingly, EPA has determined that today's action does not have a significant impact on a substantial number of small entities and that a Regulatorty Flexibility Analysis therefore is unnecessary.

List of Subjects 40 CFR Part 228

Water pollution control.

Dated: January 18, 1990.

William K. Reilly,

Administrator, Environmental Protection Agency.

For the reasons set out in the preamble, part 228 of title 40 of the Code of Federal Regulations is amended as follows:

PART 228—[AMENDED]

1. The authority citation for part 228 continues to read as follows:

Authority: 33 U.S.C. 1412 and 1418.

§ 228.12 [Amended]

2. Section 228.12(a) is amended by removing paragraphs (2)(i), (ii), (iii), (iv) and (v), redesignating paragraph (2)(vi) as paragraph (2)(i), removing from paragraph (a)(3) in the table under "Approved Interim Dumping Sites" lines 1 through 13 (i.e., the first 12 sites), and removing from paragraph (a)(3) under "Dredged Material Sites" the entry for "Fish Cannery Wastes Site—Region IX."

§ 228.12 [Amended]

3. Section 228.12(b) is amended by removing the paragraphs as shown in the table below and redesignating, without any other changes, its remaining paragraphs as shown in the table below:

Existing Paragraph and Site Description	*Renumber/ remove*
(1) Gulf Ocean Incineration	(1).
(2) Herbicide Orange Incineration	Remove.
(3) Kwajalein Ocean Dumping	Remove.
(4) Sewage Sludge Site	Remove.
(5) Alternate Sewage Sludge Site	Remove.
(6) San Nicolas Basin	Remove.
(7) Acid Waste Site	(2).
(8) South Oahu	(3).
(9) Nawiliili	(4).
(10) Port Allen	(5).
(11) Kahului	(6).
(12) Hilo	(7).
(13) Cellar Dirt	(8).
(14) Tampa Harbor Site 4	(9).
(15) New York Bight Dredged Material	(10).
(16) Gulf of Mexico Platform Jacket	Remove.
(17) Deepwater Industrial Wastes	Remove.
(18) Deepwater Municipal Sludge	(11).
(19) Jacksonville Dredged Material	(12).
(20) Galveston Dredged Material	(13).
(21) Drilling Muds and Cuttings	Remove.
(22) San Francisco Channel Bar	(14).
(23) Mouth of Columbia River Site A	(15).
(24) Mouth of Columbia River Site B	(16).
(25) Mouth of Columbia River Site E	(17).
(26) Mouth of Columbia River Site F	(18).
(27) Coos Bay Site E	(19).
(28) Coos Bay Site F	(20).
(29) Coos Bay Site H	(21).
(30) Fernandina Beach	(22).
(31) Morehead City	(23).
(32) Savannah	(24).
(33) Charleston	(25).
(34) Charleston Harbor Deepening	(26).
(35) Wilmington	(27).
(36) Nome—West	(28).
(37) Nome—East	(29).
(38) Houma Navigation Canal	(30).
(39) Corpus Cristi Ship Channel	(31).
(40) Georgetown Harbor	(32).
(41) Brunswick Harbor	(33).
(42) Sabine-Neches Site 1	(34).
(43) Sabine-Neches Site 2	(35).
(44) Sabine-Neches Site 3	(36).
(45) Sabine-Neches Site 4	(37).
(46) [Reserved]	(38).
(47) Portland	(39).
(48) Pensacola	(40).
(49) Mobile	(41).
(50) Gulfport	(42).
(51) Calcasieu Site 1	(43).
(52) Calcasieu Site 2	(44).
(53) Calcasieu Site 3	(45).
(54) San Juan Harbor	(46).
(55) Dam Neck	(47).
(56) Arecibo Harbor	(48).
(57) Mayaguez Harbor	(49).
(58) Ponce Harbor	(50).
(59) Yabucoa Harbor	(51).
(60) Rockaway Inlet	(52).
(61) East Rockaway Inlet	(53).
(62) Jones Inlet	(54).
(63) Fire Island Inlet	(55).
(64) Shark River	(56).
(65) Manasquan	(57).
(66) Absecon Inlet	(58).
(67) Cold Spring Inlet	(59).
(68) [Reserved]	(60).
(69) [Reserved]	(61).
(70) Homeport Project	(62).
(71) [Reserved]	(63).
(72) Pensacola (offshore)	(64).
(73) Southwest Pass	(65).
(74) [Reserved]	(66).
(75) Mississippi River Gulf Outlet	(67).
(76) [Reserved]	(68).
(77) [Reserved]	(69).
(78) [Reserved]	(70).
(79) [Reserved]	(71).
(80) [Reserved]	(72).
(81) Barataria Bay	(73).

§ 228.12 [Amended]

4. Newly redesignated paragraph (b)(64) of section 228.12 is amended in the Restriction paragraph by removing the words "(§ 228.12(b)(48))" and substituting in lieu thereof the words "(§ 228.12(b)(40))".

[FR Doc. 90–1852 Filed 2–1–90; 8:45 am]
BILLING CODE 6560–50–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 228

[FRL-3633-1]

Ocean Dumping Regulations; De-designation of Un-needed sites

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency today proposes to revise the list of designated ocean dumping sites as set forth in 40 CFR part 228. This revision is necessary to eliminate certain unused and un-needed sites. The revision would de-designate the Gulf Ocean Incineration Site located in the Gulf of Mexico and the Acid Waste Site—Region II.

DATES: Written comments on this proposed rule will be accepted until March 19, 1990.

ADDRESSES: Send written comments to John Lishman, Office of Marine and Estuarine Protection (WH-556F), Environmental Protection Agency, 401 M Street SW., Washington, DC 20460. Supporting information for this proposed rule is available for inspection and copying at the Environmental Protection Agency Public Information Reference Unit, 401 M Street SW., room 2402, Washington, DC 20460. The Environmental Protection Agency's public information regulations (40 CFR part 2) provide that a reasonable fee may be charged for copying.

FOR FURTHER INFORMATION CONTACT: John Lishman at (202) 475-7177, Office of Marine and Estuarine Protection (WH-556F), 401 M Street SW., Washington, DC 20460.

SUPPLEMENTARY INFORMATION:

Background

1. Overview

Title I of the Marine Protection, Research, and Sanctuaries Act, 33 U.S.C. 1401 et seq., (hereinafter referred to as "the Act" or "the MPRSA") regulates the ocean dumping and transportation of material for purposes of ocean dumping. With few exceptions, the MPRSA prohibits the transportation of material from the United States for the purpose of ocean dumping except as may be authorized by a permit issued under the MPRSA. Environmental Protection Agency (EPA) regulations implementing the Act are set forth at 40 CFR parts 220-229.

The Act further provides that EPA may designate recommended times and sites for ocean dumping (MPRSA section 102(c)). The regulations set forth criteria to be considered in designating ocean dumping sites and criteria for determining when sites should be de-designated. 40 CFR 228.5, 228.6, and 228.11. If a site is designated by EPA, disposal at the site may not take place unless a permit authorizing the dumping is obtained in accordance with the MPRSA and EPA's ocean dumping permitting criteria. Permits issued are to contain terms and conditions to assure that the limitations established by the site designation are met. See, 40 CFR 228.8.

EPA's ocean dumping regulations (40 CFR 228.4(b)) provide that the designation of an ocean dumping site is accomplished by promulgation in part 228 specifying the site. The regulations further provide that withdrawal of designated sites from use will be made through promulgation of an amendment to the site designation. 40 CFR 228.11(a). The list of EPA designated ocean dumping sites and the terms and conditions associated with each designated site appear at 40 CFR 228.12.

2. Ocean Dumping Ban Act

The Ocean Dumping Ban Act (Pub. L. 100-688) (hereinafter referred to as "ODBA"), enacted on November 18, 1988, amends the MPRSA to categorically prohibit the ocean dumping of sewage sludge and industrial waste. ODBA makes it unlawful for existing dumpers of sewage sludge and industrial waste to continue dumping beyond December 31, 1991, and further prohibits any new dumpers from commencing ocean dumping of these materials.

Specifically, ODBA establishes three key prohibitions on dumping as follows. First, ODBA amends the MPRSA to provide that no person shall ocean dump, or transport for purposes of ocean dumping, sewage sludge or industrial waste unless, within 270 days of enactment (i.e., August 14, 1989), such person has entered into an agreement to terminate such dumping and obtained a permit under the MPRSA. MPRSA, section 104B(a)(1)(A). Second, ODBA amends the MPRSA to provide that it shall be unlawful for any person to ocean dump, or transport for purposes of ocean dumping, sewage sludge or industrial waste after December 31, 1991, and provides penalties for dumping beyond that date. MPRSA, section 104B(a)(1)(B). Third, ODBA amends the MPRSA to prohibit new entrants by forbidding the issuance of permits for the ocean dumping or transportation for the purpose of dumping of sewage sludge or industrial waste unless the permittee was previously authorized to dump such materials as of September 1, 1988, by an MPRSA permit or court order. MPRSA section 104B(a)(2). This last prohibition is of the most significance to today's proposal.

For the purposes of its prohibition on ocean dumping of industrial waste, ODBA defines industrial waste as any solid, semisolid, or liquid waste generated by a manufacturing or processing plant, other than (1) dredged material dumped by the Corps of Engineers or dumped pursuant to a Corps of Engineers permit and (2) waste from a tuna cannery operation in American Samoa or Puerto Rico dumped pursuant to an EPA issued permit. MPRSA, sections 104B(k) (3) and (4).

3. Relationship of Ocean Dumping Ban Act to Incinceration at Sea

The MPRSA broadly defines dumping as disposition of material. MPRSA section 3(f). Since incinceration-at-sea results in emissions from the incineration process entering ocean waters, the MPRSA's regulation of ocean dumping extends not only to the direct disposal of material overboard, but also the incineration of material at sea. See, 39 FR 37,058 (October 17, 1974). The Agency's ocean dumping regulations explicitly apply to incineration-at-sea; those regulations establish a permit category for ocean incineration activities. Because the MPRSA's regulation of dumping activities embraces incineration-at-sea, by amending the MPRSA to establish prohibitions on the ocean dumping of industrial waste, ODBA necessarily also operates to bar the incineration-at-sea of industrial wastes. *Seaburn, Inc.* v. *EPA*, 29 ERC 14 (D.D.C. 1989) (upholding EPA's interpretation that ODBA bars the issuance of permits for the incinceration-at-sea of industrial wastes).

Description of Proposal

1. Today's proposal

EPA is proposing to de-designate two sites designated in 40 CFR 228.12(b). The sites proposed for de-designation are the Gulf of Mexico ocean incineration site (40 CFR 228.12(b)(1)), and the Region II acid waste ocean dumping site (40 CFR 228.12(b)(7). Each of these proposed actions is discussed below. The Agency solicits public comment on all aspects of the proposed de-designations.

Gulf site

The Gulf Ocean Incineration Site was originally designated on September 15, 1976 (41 FR 39139) and was

subsequently re-designated on April 26, 1982 (47 FR 17817). The current designation states its primary use is "At sea incineration primarily for organochlorine wastes." The designation also states "Incineration of other wastes will require research studies or equivalent technical documentation to determine acceptability for ocean incineration." 40 CFR 228.12(b)(1).

The site was last used in 1981 and 1982 when liquid PCB wastes were incinerated there under research permits. Applications for special permits to use the site were denied on May 22, 1984, at which time the Agency announced it would defer issuing special (operating) permits until specific ocean incineration regulations were promulgated. Subsequently, on May 28, 1986, applications for research permits were also denied (51 FR 20,344 (June 4, 1986)). At that time, the Agency further announced that it would defer consideration of research permits until regulations specifically governing ocean incineration were promulgated. The deferral policy was upheld in *Waste Management Inc.* v. *EPA*, 669 F.Supp. 536 (D.D.C. 1987). In February 1988 the Agency suspended work on the development of specific incineration-at-sea regulations. A subsequent challenge to EPA's refusal to consider an incineration-at-sea permit application was thereafter filed and ultimately was dismissed in light of the provisions of ODBA prohibiting the incineration-at-sea of industrial waste. *Seaburn, Inc.* v. *EPA, supra.*

The primary use for which the Gulf incineration site was designated, incineration-at-sea of organochlorine wastes, has been drastically limited, if not wholly barred, by the prohibitions on the disposal of industrial waste that are established by ODBA. ODBA prohibits any person, other than persons already authorized as of September 1, 1988, by MPRSA permit or court order, from ocean dumping industrial wastes; as previously discussed, this prohibition extends to the incineration-at-sea of industrial waste. MPRSA section 104B(a)(2); *Seaburn, Inc.* v. *EPA*. Since there were no persons authorized by MPRSA permit or court order as of September 1, 1988, to incinerate industrial waste at sea, the effect of MPRSA section 104B(a)(2) is to impose an immediate prohibition on the incineration of industrial waste at sea.

Moreover, ODBA has broadly defined industrial waste as any solid, semisolid, or liquid waste generated by a manufacturing or processing plant other than dredged material or wastes from certain tuna canneries. MPRSA section 104B(k) (3) and (4). According to chapter 3 of an August 1986 study by the Congressional Office of Technology Assessment entitled *Ocean Incineration: Its Role in Managing Hazardous Wastes* (OTA–0–313), the bulk of potentially ocean incinerable hazardous wastes are generated by the petroleum and chemical industries. By precluding the incineration-at-sea of industrial waste, ODBA thus effectively acts to bar the use of this site for the type of waste for which it was primarily designated. In light of this, the Agency has determined that it is appropriate to initiate action to de-designate this site.

In addition, the environmental impact statement forming the technical basis for the designation of this site focussed on its use for incineration of organochlorine wastes. By the express terms of the designation, incineration of any other materials at the Gulf site would require additional studies, and the suitability of the site for the incineration of other types of materials is uncertain. The Agency thus finds that it would be inappropriate to retain the designation of this site. The ocean dumping regulations expressly provide that changed circumstances concerning use of the site constitutes grounds for withdrawal of a site (40 CFR 228.11(a)), and the virtual elimination of the opportunity to use the site for the type of materials which formed the primary technical basis for designating the site constitutes a fundamental change in circumstances warranting de-designation.

Acid waste site

The Region II acid waste site was initially designated on an interim basis in 1973. 38 FR 12872 (May 16, 1973); see generally, 40 CFR 228.12(a). Subsequent to its interim designation, environmental studies and review were completed resulting in the site being re-designated on an approved basis. 46 FR 31413 (May 16, 1981) [1] Since enactment of the MPRSA, only three permittees have used the site, and since 1985 only one permittee has used the site. The most recent permit authorizing use of the site expired in September 1988, and that permittee has withdrawn its permit re-application. The site was last used in September 1988.

The primary use specified in the site designation is for the dumping of aqueous acid waste. 40 CFR 228.12(b)(7). The wastes disposed of at the site have come from manufacturing and processing plants, and manufacturing and processing plants are the likely principal sources of aqueous industrial wastes. The prohibitions established by the Ocean Dumping Ban Act with regard to the dumping of industrial waste thus operate to severely restrict, if not totally eliminate, the ability to use this site. The environmental impact statement forming the technical basis for the approved designation of this site focussed on its use for the dumping of acid wastes. As previously noted, 40 CFR 228.11(a) provides that changed circumstances surrounding use of the site constitute grounds for withdrawal of a site, and the virtual elimination of the opportunity to use the site for the type of materials forming the technical basis for its designation constitutes a fundamental change in circumstances warranting de-designation of the site. Finally, the last dumper to use the site has ceased dumping and there are no permit applications pending for use of this site. In light of these circumstances, the Agency has determined that de-designation of this site is appropriate.

2. Related Rulemaking

In the final rules section of today's **Federal Register**, the Agency is undertaking action to remove entries for 21 expired, terminated, or reclassified sites from the list of designated ocean dumping sites in the Code of Federal Regulations. Interested readers should refer to the final rules section of today's **Federal Register** for further information on that action. [2]

In addition, the Agency plans to take additional actions related to ocean dumping sites in the near future. The Agency is aware of typographical and technical errors in the listing of several ocean dumping sites as set forth in the Code of Federal Regulations. The Agency also believes that the format and arrangement of sites listed in the Code of Federal Regulations should be modified in order to identify approved ocean dumping sites more clearly and legibly. Finally, the Agency is aware that there are expired or terminated dredged material sites included in the existing list of sites. The Agency intends to take future action to correct identified errors in site designations, re-format the display of sites in the **Federal Register**, and remove expired or terminated

[1] The Code of Federal Regulations lists the Acid Waste Site as both an interim and approved site designation. The final rule section of today's **Federal Register** removes this site from the list of interim sites.

[2] That action extensively renumbers existing provisions of 40 CFR 228.12(b) as a result of the deletions it makes to site listings. However, for the readers ease of reference, today's proposed rule continues to follow the numbering of § 228.12(b) as set forth in the present Code of Federal Regulations.

dredged material sites from the list of sites published in the Code of Federal Regulations.

Compliance With Other Laws and Executive Orders

1. Executive Order 12291

Executive Order 12291 (46 FR 13193, February 9, 1981) requires that a regulatory agency determine whether a new regulation is "major," and therefore subject to the requirement for a Regulatory Impact Analysis. Under the Executive order, a major rule is defined as a regulation which is likely to result in:

(1) An annual effect on the economy of $100 million or more;

(2) A major increase in costs or prices for consumers, individual industries, Federal, State and local government agencies, or geographic areas; or

(3) Significant adverse effect on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

As previously noted, none of the sites being proposed for de-designation is being used by any ocean dumpers. In addition, use of these sites is severely restricted if not precluded by virtue of the Ocean Dumping Ban Act's prohibitions on the disposal of industrial waste at sea. Accordingly, today's proposal would not have any significant economic impacts, and thus does not meet the criteria established by Executive Order 12291 for classification as a major rule.

Executive Order 12291 further requires, regardless of whether a rule is "major", that it be submitted to the Office of Management and Budget for review. Today's proposal was submitted to the Office of Management and Budget for review as required by that Executive Order.

2. Paperwork Reduction Act

The Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.*, is intended to minimize the reporting and record keeping burden on the regulated community as well as minimize the cost of Federal information collection and dissemination. In general, the Act requires that information requests and record keeping requirements affecting 10 or more non-Federal respondents be approved by the Office of Management and budget. Since today's proposal would not establish or modify any information and record keeping requirements it is not subject to the requirements of the Paperwork Reduction Act.

3. Regulatory Flexibility Act

Under the Regulatory Flexibility Act (RFA), 5 U.S.C. 601 *et seq.*, EPA must prepare a Regulatory Flexibility Analysis for regulations having a significant impact on a substantial number of small entities. The RFA recognizes three kinds of small entities and defines them as follows:

(1) Small governmental jurisdictions—any government of a district with a population of less than 50,000.

(2) Small business—any business which is independently owned and operated and not dominant in its field as defined by Small Business Administration regulations under section 3 of the Small Business Act.

(3) Small organization—any not-for-profit enterprise that is independently owned and operated and not dominant in its field.

None of the sites being proposed for de-designation are being used by any ocean dumpers. In addition, use of these sites is severely restricted if not precluded by virtue of the Ocean Dumping Ban Act's prohibitions on disposal of industrial waste at sea. Accordingly, EPA has determined that today's proposal would not have a significant impact on a substantial number of small entities and that a Regulatory Flexibility Analysis therefore is unnecessary.

List of Subjects 40 CFR Part 228

Water pollution control.

Dated: January 18, 1990.

William K. Reilly,

Administrator, Environmental Protection Agency.

For the reasons set out in the preamble, part 228 of title 40 of the Code of Federal regulations is proposed to be amended as follows:

PART 228—[AMENDED]

1. The authority citation for part 228 continues to read as follows:

Authority: 33 U.S.C. 1412 and 1418

§ 228.12 [Amended]

2. Section 228.12 is proposed to be amended by removing paragraphs (b)(1) and (b)(7) and redesignating the remaining paragraphs accordingly.

[FR Doc. 90-1853 Filed 2-1-90; 8:45 am]

BILLING CODE 6560-50-M

federal register

Friday
February 2, 1990

Part III

Department of Transportation

Federal Aviation Administration

14 CFR Part 121

Anti-Drug Program for Personnel Engaged in Specified Aviation Activities; Rule

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 121

[Docket No. 25148; Amdt. No. 121-211]

RIN 2120-AC33

Anti-Drug Program for Personnel Engaged in Specified Aviation Activities

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; revision of periodic drug testing requirements.

SUMMARY: On November 14, 1988, the FAA issued a final rule requiring specified aviation employers and operators to submit and to implement anti-drug programs for personnel performing sensitive safety- and security-related functions. This final rule amending the periodic testing requirement of the anti-drug program is intended to provide increased flexibility for employers and operators who must implement periodic drug testing as part of an anti-drug program. This rulemaking action, necessary to facilitate implementation of the final rule issued on November 14, 1988, is expected to mitigate some of the economic and administrative burdens noted by employers and operators in implementing the periodic testing requirement of the anti-drug program.

EFFECTIVE DATE: This final rule is effective on February 2, 1990.

FOR FURTHER INFORMATION CONTACT: Ms. Heidi Mayer, Office of Aviation Medicine, Drug Abatement Branch (AAM-220), Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591; telephone (202) 267-3410.

SUPPLEMENTARY INFORMATION:

Availability of Final Rule

Any person may obtain a copy of this final rule by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attn: Public Inquiry Center (APA-230), 800 Independence Avenue SW., Washington, DC 20591, or by calling (202) 267-3484. Requests must include the amendment number identified in this final rule. Persons interested in being placed on a mailing list for future rulemaking actions should request a copy of Advisory Circular 11-2A, Notice of Proposed Rulemaking Distribution System, which describes the application procedures.

Background

The rulemaking process that led to promulgation of the final anti-drug regulation began in late 1986. On December 4, 1986, the FAA issued an advance notice of proposed rulemaking (ANPRM) (51 FR 44432; December 9, 1986). The ANPRM invited comment from interested persons on drug and alcohol abuse by personnel in the aviation industry. The ANPRM also solicited comment on the options that the FAA should consider to protect and to maintain aviation safety in light of any drug and alcohol use in the aviation industry.

On March 3, 1988, the FAA issued a notice of proposed rulemaking (NPRM) (53 FR 8368; March 14, 1988) that analyzed the comments submitted on the ANPRM and set forth proposed regulations for comment by interested persons. The FAA received over 900 comments in response to the ANPRM and the NPRM.

The FAA also held three public hearings across the country on the proposed regulations contained in the NPRM. Each hearing was recorded by a court reporter and the hearing transcript was placed in the public docket for the rulemaking.

The FAA issued the final anti-drug rule requiring certain aviation employers and operators to develop and to implement an anti-drug program for employees performing specified aviation activities on November 14, 1988 (53 FR 47024; November 21, 1988). After the final rule was issued, the FAA continued to review the implementation requirements contained in the final anti-drug rule and became aware that the timeframes for employers' submission of their anti-drug program plans for FAA approval were unrealistic. Consequently, the FAA amended the final rule to extend certain compliance dates and make other minor revisions (54 FR 15148; April 14, 1989). More recently, the FAA issued an amendment to the final rule on December 11, 1989, to delay the compliance date for drug testing of covered employees located outside the territory of the United States (54 FR 53282; December 27, 1989).

Recognizing its responsibility for providing guidance to the industry regarding program compliance, the FAA has undertaken a process of continuing review of the rule's implementation requirements. Representatives of aviation organizations and employers subject to the final rule recently expressed concern about periodic drug testing and some specific procedural requirements, and suggested that revision of the final rule is warranted. While similar issues were addressed generally by commenters in the prior rulemaking action, the process of actually developing the anti-drug program has increased FAA and industry awareness of the impact of specific requirements of the program, prompting the submissions to the FAA that result in this amendment.

The section of the anti-drug rule causing industry concern is found in appendix I of part 121 and reads as follows:

> (V)(B) *Periodic testing.* Each employee who performs a function listed in section III of this appendix for an employer, and who is required to undergo a medical examination under part 67 of this chapter, shall submit to a periodic test. The employee shall be tested for the presence of marijuana, cocaine, opiates, phencyclidine (PCP), and amphetamines or a metabolite of those drugs as a part of the first medical evaluation of the employee during the first calendar year of implementation of the employer's anti-drug program. An employer may discontinue periodic testing of its employees after the first calendar year of implementation of the employer's anti-drug program when the employer has implemented an unannounced testing program based on random selection of employees.
>
> (53 FR 47058; November 21, 1988)

Periodic testing and related procedural requirements have been the subject of submissions to the FAA by Delta Air Lines, Inc. (Delta), the Regional Airline Association (RAA), the Air Transport Association of America (ATA), and the Allied Pilots Association (APA). Copies of these documents are available for review by interested persons in Docket No. 25148.

Delta's submission requests a qualified exemption of the periodic testing requirement to permit periodic test specimen collection at a time other than when the part 67 medical examinations are conducted. Specifically, Delta seeks to collect periodic test specimens in conjunction with part 67 certificate holders' first 1990 recurrent training session, held in the first six months of the calendar year. Specimen collection when the periodic test group is gathered at a central location early in the first year of anti-drug program implementation would relieve Delta of the burden of individual specimen collections at medical examinations. In addition, such group collection would facilitate the specimen collection process because many physicians who conduct part 67 medical examinations are not familiar with DOT and FAA specimen collection, storage and transmission requirements.

Although the Delta submission is styled as a request for exemption, this

issue potentially applies to all subject aviation entities. Accordingly, the FAA believes that a final rule amendment is in order.

The FAA concurs with the Delta request for flexibility in the time of periodic test specimen collection as long as FAA's primary objective is met: That individuals subject to part 67 medical examinations be subject to testing early in the implementation of an employer's anti-drug program. While the final rule requires periodic test specimen collection "* * * as part of the first medical evaluation of the employee * * *," FAA has previously provided program guidance clarifying that this collection need not be done either by the physician conducting the medical evaluation, or on the same day the medical examination is conducted. As stated in FAA guidance to the industry, "* * * periodic collections must be within a couple of days either side of the periodic physical * * *" ("Most Frequently Asked Questions About The Aviation Industry Anti-Drug Program," November 17, 1989.) Nevertheless, FAA recognizes that additional flexibility is warranted.

The RAA submission is offered on behalf of its drug-testing consortium and its members. The RAA petition for exemption from the anti-drug rule's periodic testing requirement seeks permission to substitute full implementation of random testing (at the 50 percent annualized rate) at the anti-drug program's outset in lieu of periodic testing. RAA first notes that the final rule permits entities with a December 18, 1989, anti-drug program commencement date to cease periodic testing after the first year, when their random testing programs are implemented at an annualized rate of at least 50 percent (after a first-year phase-in rate of at least 25 percent). Aware of this, RAA requests authorization for entities to delete entirely periodic testing if random testing is conducted at an annualized rate of 50 percent of all covered employees from the start of approved anti-drug programs. As with the Delta submission, the FAA is treating the RAA submission in the rulemaking context because of its general applicability.

While it is true that termination of periodic testing is allowed after the first year of anti-drug program implementation when random testing is at the 50 percent annualized rate, the requested substitution is not an equivalent one, as different objectives are achieved by the two tests. Periodic testing assures that 100 percent of part 67 medical certificate holders are tested early in the implementation of employers' anti-drug programs. Although scheduled tests do permit all but the most heavily drug-dependent individuals to escape detection by temporary abstinence, there may be part 67 certificate holders who are so heavily drug dependent, or who misjudge the effective abstinence period, as to be identified through periodic testing.

In contrast, while random testing is an effective deterrent given the difficulty in evading drug use detection when subject to an unannounced random drug testing program, it serves a distinctly different purpose. Exclusive reliance on random testing presents the risk of continuing and undetected drug use among those who, while part of the random test population pool, have not yet been selected for testing. This is a consequence that the FAA has determined could have potential adverse impact on aviation safety in light of the unique responsibility for commercial air safety of part 67 certificate holders.

After careful consideration of the relative benefits of periodic testing and RAA's random testing alternative, the FAA is not persuaded that the proposal meets the periodic testing objective of assuring that all part 67 certificate holders are subject to drug testing early in the anti-drug program. Hence, the FAA denies RAA's request to include a random testing alternative to periodic testing. The agency, however, does believe that some of the troublesome program implementation issues prompting RAA's request may be mitigated by the final rule amendment contained in this action.

The ATA "Petition For Amendment or Exemption" seeks complete elimination of the periodic testing provision from the final rule. Arguing that the periodic testing requirement is unwarranted, ATA notes the acknowledged ease with which detection through scheduled, announced drug tests may be avoided and the low deterrence value of such scheduled tests compared with random tests. Additionally, ATA argues that part 67 certificate holders, being well educated and highly motivated, are unlikely to use drug, but if drugs are used, temporary abstinence is likely given the career risk. ATA further points to peer and supervisor observation and identification of part 67 certificate holders exhibiting behavioral and physical indications of drug dependence or heavy drug use.

It must be noted, however, that ATA raised similar arguments in comments submitted by the association during the comment period for the final rule. Responding to those comments when issuing the final rule, the FAA was not persuaded that periodic testing should be eliminated entirely:

> The FAA agrees with commenters that announced periodic testing can be circumvented by an employee's abstinence from drug use. However, periodic testing does enable an employer to identify those employees who are so heavily dependent on drugs that they are unable to abstain from drug use for even a short period of time prior to a periodic test.
>
> (53 FR 47033; November 21, 1988)

The FAA continues to believe that periodic testing has an important role in an overall anti-drug program and that simply eliminating entirely the requirement for periodic testing during the first year is unwarranted. Part 67 certificate holders have direct and considerable responsibility for safe commercial air travel; and drug testing this group during the first year of anti-drug program implementation has safety benefits that justify the requirement.

The APA submission urges "* * * deleting the requirement for medical certificate holders to undergo a periodic drug test in conjunction with the airman's scheduled FAA physical." The concerns expressed by APA involve the Aviation Medical Examiners' lack of familiarity with DOT and FAA specimen collection and chain-of-custody procedures, the potential costs that might be incurred by individuals who select their own Aviation Medical Examiner to conduct the physical exam and the attendant specimen collection for periodic testing, and the sanctions that might be imposed if an employee forgets to provide a periodic test specimen at the part 67 medical evaluation.

As previously noted in the discussion of Delta's submission, the FAA has issued guidance that substantively resolved APA's concerns. Nevertheless, the concerns raised by APA are further addressed by the FAA action taken in this final rule to increase the flexibility allowed in meeting periodic testing program requirements.

Discussion of the Amendment

Amended by this final rule is the periodic testing requirement found in appendix I to part 121. The amendment changes the periodic testing program to increase employer flexibility in meeting certain program implementation requirements.

The amendment addresses the final rule's periodic test requirement by permitting specimen collection at a time other than the part 67 medical examination.

Recognizing that many other methods of periodic test specimen collection would meet FAA's concerns, the agency is amending its final rule to permit employers to implement an alternative method for periodic test specimen collection if it meets with FAA approval. An example of an acceptable specimen collection alternative is that proposed by Delta: Collection of periodic test specimens when part 67 certificate holders are gathered at a central location for their first recurrent training session during 1990. The FAA is taking this action to mitigate some of the burdens imposed on employers by the final rule's restrictive time of collection requirement.

Those employers desiring to implement an alternative method for periodic test specimen collection into their approved anti-drug program must submit plan amendments to the FAA for review and approval.

Reason for No Notice and Immediate Adoption

The FAA does not believe that issuing an NPRM would result in the receipt of significant and useful comments. Therefore, the FAA has determined that notice and public comment procedures are unnecessary and contrary to the public interest.

Moreover, this amendment to the final anti-drug rule is needed immediately to mitigate certain administrative burdens imposed by the final rule. Because of the December 18, 1989, program implementation date for most anti-drug programs, this amendment must be implemented as soon as possible to permit the industry to benefit from the increased flexibility now allowed for meeting certain program requirements. Consequently, the FAA has determined that good cause exists to make this final rule effective in less than 30 days.

Economic Assessment

In accordance with the requirements of Executive Order 12291, the FAA reviewed the costs and the benefits of the final anti-drug rule issued on November 14, 1988. At that time, the FAA prepared a comprehensive Regulatory Impact Analysis of the final anti-drug rule. The FAA included that analysis in the public docket. The FAA also summarized and analyzed the comments submitted by interested persons on the economic issues in the final rulemaking document published in the **Federal Register** on November 21, 1988.

This final rule modifies existing requirements to provide for greater flexibility in employers' periodic drug testing programs. This rulemaking action does not change the fundamental regulatory structure promulgated in the final anti-drug rule. Instead, it merely provides a narrowly defined compliance option for regulated entities. The FAA anticipates that there would be no additional costs associated with the provision allowing optional methods of compliance in the amendment of this final rule.

It is possible that modest cost savings may result as a consequence of this rulemaking action for those employers and operators who can perform tests more efficiently under the latitude provided. Because this specimen collection option may or may not be widely utilized, however, and because in any event the FAA believes that potential savings are minimal, the FAA has determined that revision of the comprehensive Regulatory Impact Analysis for the final anti-drug rule is not necessary and preparation of a separate economic analysis for this final rule is not warranted.

Regulatory Flexibility Determination

The Regulatory Flexibility Act of 1980 requires a Federal agency to review any final rule to assess its impact on small entities. The amendment contained in this final rule provides a specimen collection option to the final rule periodic drug testing requirements, allowing employers greater flexibility in a limited aspect of program implementation. In consideration of the nature of this amendment, the FAA has determined that this final rule will not have a significant economic impact, positive or negative, on a substantial number of small entities.

International Trade Impact Statement

This final rule contains an amendment that provides options to the periodic drug testing requirements of the final anti-drug rule, allowing employers greater flexibility in a limited aspect of program implementation. Thus, the FAA has determined that this final rule will not have an impact on trade opportunities for U.S. firms doing business overseas or on foreign firms doing business in the United States.

Paperwork Reduction Act Approval

The recordkeeping and reporting requirements of the final anti-drug rule, issued on November 14, 1988, previously were submitted to the Office of Management and Budget (OMB) for approval in accordance with the Paperwork Reduction Act of 1980. OMB approved those requirements on March 23, 1989 (OMB approval under control number 2120–0535.) Because this final rule does not amend the recordkeeping and reporting requirements, it is not necessary to amend the prior approval received from OMB.

Federalism Implications

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

Conclusion

This final rule provides employers with flexibility in meeting periodic drug testing implementation, which was addressed in the prior rulemaking actions that led to promulgation of the final anti-drug rule. This rulemaking action is necessary to facilitate implementation of the final rule issued on November 14, 1988. Intended to alleviate some burdens imposed by the final anti-drug rule, this rulemaking action will increase employers' flexibility in implementation of the final rule's periodic testing requirement.

Pursuant to the terms of the Regulatory Flexibility Act of 1980, the FAA certifies that the final rule will not have a significant economic impact, positive or negative, on a substantial number of small entities. In addition, the final rule will not result in an annual effect on the economy of $100 million or more and will not result in a significant increase in consumer prices; thus, the final rule is not a major rule pursuant to the criteria of Executive Order 12291. However, because the rule involves issues of substantial interest to the public, the FAA has determined that the final rule is significant under the Regulatory Policies and Procedures of the Department of Transportation (44 FR 11034; February 2, 1979).

List of Subjects in 14 CFR Part 121

Air carriers, Air transportation, Aircraft, Aircraft pilots, Airmen, Airplanes, Aviation safety, Drug abuse, Drugs, Narcotics, Pilots, Safety, Transportation.

The Amendment

Accordingly, the Federal Aviation Administration amends part 121 of the Federal Aviation Regulations (14 CFR Part 121) as follows:

PART 121—CERTIFICATION AND OPERATIONS: DOMESTIC, FLAG, AND SUPPLEMENTAL AIR CARRIERS AND COMMERCIAL OPERATORS OF LARGE AIRCRAFT

1. The authority citation for part 121 continues to read as follows:

Authority: 49 U.S.C. 1354(a), 1355, 1356, 1357, 1401, 1421–1430, 1472, 1485, and 1502; 49 U.S.C. 106(g) (Revised, Pub. L. 97–449, January 12, 1983).

Appendix I [Amended]

2. By revising paragraph (B) of section V of appendix I to part 121 to read as follows:

* * * * *

B. *Periodic testing.* Each employee who performs a function listed in section III of this appendix for an employer and who is required to undergo a medical examination under part 67 of this chapter shall submit to a periodic drug test. The employee shall be tested for the presence of marijuana, cocaine, opiates, phencyclidine (PCP), and amphetamines or a metabolite of those drugs during the first calendar year of implementation of the employer's anti-drug program. The test shall be conducted in conjunction with the first medical evaluation of the employee or in accordance with an alternative method for collecting periodic test specimens detailed in an employer's approved anti-drug program. An employer may discontinue periodic testing of its employees after the first calendar year of implementation of the employer's anti-drug program when the employer has implemented an unannounced testing program based on random selection of employees.

* * * * *

Issued in Washington, DC, on January 29, 1990.

James B. Busey,

Administrator.

[FR Doc. 90–2413 Filed 1–30–90; 9:12 am]

BILLING CODE 4910–13–M

federal register

Friday
February 2, 1990

Part IV

Department of Transportation

Coast Guard

33 CFR Part 161

Regulations for Required Participation in Vessel Traffic Service, NY; Proposed Rule

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 161

[CGD 89-062]

RIN 2115-AD39

Regulations for Required Participation in Vessel Traffic Service, New York

AGENCY: Coast Guard, DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: Vessel Traffic Service (VTS) New York is being reestablished in response to heightened public concern for vessel traffic safety in New York Harbor. The VTS provides assistance by making information available to participants about navigational hazards and vessel traffic. The proposed regulations would require all vessels subject to the "Bridge-to-Bridge Radiotelephone Act" operating within the Vessel Traffic Service (VTS) New York area to comply with reporting procedures upon entry into and while navigating in the VTSNY Area. These regulations are necessary to promote safety by ensuring participation in VTS New York and improving the accuracy of the information VTS provides.

DATES: Comments must be received by March 19, 1990.

ADDRESSES: Comments should be mailed to Executive Secretary, Marine Safety Council (G-LRA-2/3600), (CGD 89-062), U.S. Coast Guard Headquarters, 2100 2nd St. SW., Washington, DC, 20593-0001. Comments may be delivered to and will be available for public inspection or copying in room 3600 between the hours of 8 a.m. and 3:30 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Bruce Riley, Project Officer, Commandant (G-NSP) U.S. Coast Guard, 2100 2nd St. SW., Washington, DC 20593-0001, tel. (202) 267-0412.

SUPPLEMENTARY INFORMATION:

Request for Comments

The public is invited to participate in this proposed rulemaking by submitting written views, data, or arguments. Comments should include the name and address of the person submitting them, identification of this notice as CGD 89-062, and give reasons to support recommended changes or additions. Receipt of comments will be acknowledged if a stamped self-addressed postcard or envelope is enclosed.

All comments received before the expiration of the comment period will be considered before final action is taken on this proposal. No public hearing is planned, but if a written request is received and it is determined that the opportunity to make oral presentations will be beneficial to this rulemaking, one will be held. The date and place of the meeting, if required, will be published in a subsequent notice of the **Federal Register.**

Drafting information

The principal persons involved in drafting this proposal are Bruce Riley, Project Officer and Christena Green, Project Counsel, Office of Chief Counsel, U.S. Coast Guard.

Background and Discussion

On 17 October 1978, the President signed into law the "Port and Tanker Safety Act of 1978" (Pub. L. 95-474, 92 Stat. 1471) which amends and supersedes the "Ports and Waterways Safety Act of 1972". The amendments were in response to the findings of Congress that—

(a) Navigation, vessel safety, and protection of the marine environment are matters of major national importance;

(b) Increased vessel traffic in the nation's ports and waterways creates substantial hazards to life, property, and the marine environment; and

(c) Greater supervision of vessel and port operations is necessary in order to reduce the hazards created by increased vessel traffic.

For these reasons, section 4 of the amended Act authorizes the establishment of vessel traffic services for managing vessel traffic by imposing reporting and operating requirements on vessels.

In January of 1985, the Coast Guard established a Vessel Traffic Service in New York Harbor, operating on a voluntary basis and serving an area bounded to the south by Norton's Point on Coney Island, the Arther Kill Railroad Bridge to the west, the Lehigh Valley Bridge in Newark Bay, and Holland Tunnel in the Hudson River to the north and Hell Gate in the East River to the east. The VTS was forced to close in July 1988 due to budget constraints.

Recent legislative and budget actions have provided for the reestablishment of VTS New York. The VTS is now scheduled to be operational in 1990.

New York Harbor is a geographic area within the waters of the states of New York and New Jersey. The harbor has an extensive deepwater channel system commonly used by large seagoing vessels. The prime navigational hazard consists of the mixture of heavy vessel traffic, narrow channels, strong tidal currents, bridge crossings and obscured channel bends.

Under conditions of high traffic density and restricted waterways there exists a threat of collisions, allisions, and groundings with an ensuing high potential for loss of life, property damage and environmental pollution. The proposed Vessel Traffic Service in New York Harbor would reduce the probability of these occurrences by providing advance information on the movements of other vessels, traffic congestion, weather conditions, and other potential hazards to navigation. With this information, persons on each vessel would be aware of surrounding vessel traffic, developing congestion, and unusual navigational circumstances and could adjust course, speed, or route accordingly to avoid hazardous situations. The VTS's surveillance system and radiotelephone network would be the primary means of collecting and providing this information.

The establishment of VTS New York will be completed in three phases. The area included in Phase I is Upper New York Bay bounded by the Verrazano-Narrows Bridge to the south, the Brooklyn Bridge and Holland Tunnel to the east and north, Kill Van Kull to the west end of the channel North of Shooters Island Reach, and Newark Bay to the New Jersey Turnpike Extension Bridge. In the proposed regulations, this area is defined as the "VTSNY Area" and is described in § 161.580.

Phases II and III, if approved and funded, would extend VTS Coverage into the Lower Bay, Arthur Kill, Raritan Bay and East River. A proposal to add these areas to the regulations would be published in a separate Notice of Proposed Rulemaking in the future.

The Coast Guard would provide radar and closed circuit TV surveillance systems and a VHF-FM radio communications system within the VTSNY Area. The combination of radar and TV surveillance would provide nearly 100% coverage of the more heavily travelled of New York Harbor channels.

The communications system of the vessel traffic service would allow reliable communication of information in the VTSNY Area. Three VHF-FM channels would be used to provide complete communications coverage. The Vessel Traffic Center (VTC) would also maintain a continuous guard on Channels 13 and 16. All communications to or from the VTC would be recorded and the recording equipment would provide instant playback for VTS personnel.

All of the surveillance and communications equipment would be operated from the VTC located on Governors Island.

To assist users of the service operating under these rules, Commander First Coast Guard District would publish a VTS New York Operating Manual. This manual would contain the VTS Regulations plus other useful information such as local anchorage regulations. Copies could be obtained from the Marine Inspection Office or from Commanding Officer, U.S. Coast Guard Vessel Traffic Service, New York.

Under proposed § 161.505 the VTC could direct the movements of vessels or terminate an unsafe practice. This authority is vital to the VTS mission of increasing harbor safety by preventing collisions, allisions and groundings. For example, it would give the VTC the authority to require a vessel proceeding at an unsafe speed to alter that speed, or to require a vessel experiencing equipment difficulties to moor at a suitable place, proceed to an anchorage, or remain moored until the difficulty is corrected.

Proposed §§ 161.536 through 161.539 describe the Vessel Movement Reporting System (VMRS). In the event of reduced visibility in the television surveillance areas or other loss of surveillance capability, the Vessel Traffic Center would require participation in the VMRS. Under the VMRS, each vessel would report its position at reporting points listed in § 161.540. This would enable the Vessel Traffic Center to maintain a plot of participating vessels and permit the Vessel Traffic Center to continue to provide information necessary for safe navigation. The Vessel Traffic Center could activate the VMRS requirement throughout the VTSNY Area or in one or more smaller areas as circumstances warrant.

Regulatory Evaluation

The proposed regulations are not considered major under Executive Order 12291 and are not considered significant under Department of Transportation regulatory policies and procedures (DOT Order 2100.5 of May 22, 1980).

Impact on the Environment

This action has been thoroughly reviewed by the Coast Guard and it has been determined to be categorically excluded from further environmental documentation, in accordance with paragraphs 2.B.2. (a), (c) and (d) of the National Environmental Policy Act, Implementing Procedures. Implementation of this act will not result in any significant cumulative impacts on the human environment, substantial controversy, or change to existing environmental conditions. A categorical Exclusion Determination statement has been prepared and is included as part of the regulatory package.

Regulatory Flexibility

The Coast Guard certifies, pursuant to section 605(b) of the Regulatory Flexibility Act (94 Stat. 1164; Pub. L. 96–354), that this proposed rulemaking will not have significant economic impact on a substantial number of small entities.

The only potential cost to VTS users would be the purchase price of communications equipment, if not already installed. Most vessels would need no additional equipment. Some may need to re-crystallize at a cost of about $60 per crystal, installed. Others may have to purchase a single or multi-channel guard receiver, which could cost as much as $500.

Federalism

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

Collection of Information

The collection of information under the Paperwork Reduction Act and 5 CFR part 1320 has been approved by a blanket OMB approval for 33 CFR part 161. Approval number 2115–0540.

List of Subjects in 33 CFR Part 161

Harbors, Navigation (water), Vessels, Waterways.

In consideration of the foregoing, the Coast Guard proposes to amend part 161 of title 33 CFR as follows:

PART 161—[AMENDED]

1. The authority citation for part 161 continues to read as follows:

Authority: 33 U.S.C. 1231; 49 CFR 1.46.

2. Part 161 is amended by adding new §§ 161.501 through 161.580 to read as follows:

Vessel Traffic Service New York General Rules

Sec.

161.501 Purpose and applicability.
161.503 Definitions.
161.504 Vessel operation in the VTSNY Area.
161.505 VTC directions.
161.506 Requirement to carry regulations.
161.507 Laws and regulations not affected.
161.508 Authorization to deviate from these rules.
161.510 Emergencies.

Communications Rules

161.520 Radio listening watch.
161.522 Radiotelephone equipment.
161.523 Use of designated frequencies.
161.524 English language.
161.526 Time.
161.528 Radio failure.
161.530 Report of radio failure.
161.532 Report of impairment to the operation of the vessel.

Vessel Movement Reporting System Rules

161.536 Initial report.
161.537 Follow-up reports.
161.538 Movement reports.
161.539 Invoking of the VMRS rules.
161.540 VMRS reporting points.
161.542 Final report.

Special Rules

161.575 Action during reduced visibility.

Descriptions and Geographic Coordinates

161.580 VTSNY Area.

* * * * *

New York Vessel Traffic Service—General Rules

§ 161.501 Purpose and applicability.

(a) Sections 161.501 through 161.580 of this part prescribe rules for vessel operation in the Vessel Traffic Service New York Area (VTSNY Area) to prevent collisions and groundings and to protect the navigable waters of the VTSNY Area from environmental harm resulting from collisions and groundings.

(b) The General Rules in §§ 161.501 through 161.504 of this part apply to the operation of all vessels.

(c) The Requirement to Carry Regulations Rule (§ 161.506), the VTC Directions Rule (§ 161.507), the Communications Rules (§§ 161.520 through 161.532), the Vessel Movement Reporting System Rules (§§ 161.536 through 161.542), and the Special Rules (§ 161.575) only apply to the operation of—

(1) Power driven vessels of 20 meters in length and upward;

(2) Vessels of 100 gross tons and upward carrying one or more passengers for hire while navigating;

(3) Commercial vessels of 26 feet or more in length engaged in towing another vessel astern, alongside, or by pushing ahead; and

(4) Every dredge and floating plant.

(d) Geographic coordinates expressed in terms of latitude and longitude are not intended for plotting on maps or charts whose referenced horizontal datum is the North American Datum of 1983 (NAD 83), unless such geographic coordinates are expressly labeled NAD

83. Geographic coordinates without the NAD 83 reference may be plotted on maps or charts referenced to NAD 83 only after application of the appropriate corrections that are published on the particular map or chart being used.

§ 161.503 Definitions.

As used in §§ 161.501 through 161.580 of this part:

"*Commercial Vessel*" means any vessel operating in return for payment or other type of compensation.

"*ETA*" means estimated time of arrival.

"*Floating Plant*" means any vessel, other than a vessel underway and making way, engaged in any construction, manufacturing, or exploration operation, and which may restrict the navigation of other vessels.

"*Master*" means a licensed master or operator or, on vessels not requiring a licensed operator, the person directing the movement of the vessel.

"*Person*" includes an individual, firm, corporation, association, partnership, and governmental entity.

"*Vessel Movement Reporting System* (VMRS)" is a method for monitoring vessel progress based on position reports from the vessel rather than on electronic surveillance.

"*Vessel Traffic Center* (VTC)" means the shore based facility that operates the New York Vessel Traffic Service.

"*Vessel Traffic Service*" (VTSNY AREA) means the area described in § 161.560 of this part.

§ 161.504 Vessel operation in the VTSNY Area.

No person may cause or authorize the operation of a vessel in the VTSNY Area contrary to the rules in §§ 161.501 through 161.580 of this part.

§ 161.505 VTC directions.

(a) During conditions of vessel congestion, adverse weather, reduced visibility, or other hazardous circumstances in the VTSNY area the VTC may issue directions to control and supervise traffic by specifying times when vessels may enter, move within or through, or depart from ports, harbors or other waters in the VTSNY Area.

(b) The master or pilot of a vessel in the VTSNY Area shall comply with each direction issued to the vessel under this section.

§ 161.506 Requirement to carry regulations.

The master of a vessel listed in § 161.501(c) of this part shall ensure that a copy of the current edition of the Vessel Traffic Service New York regulations, title 33, Code of Federal Regulations, §§ 161.501 through 161.580, is available on board the vessel at all times when it is navigating in the VTSNY Area.

Note: The New York VTS Operating Manual includes the VTS regulations described above. Additional information for efficient operation in the VTS system is also included. The manual may be obtained free-of-charge from U.S. Coast Guard Marine Inspection Office, Battery Park Building, New York, N.Y. 10004, and from Commander, U.S. Coast Guard Vessel Traffic Service, Bldg 400, U.S. Coast Guard Support Center, Governors Island, New York, NY 10004.

§ 161.507 Laws and regulations not affected.

Nothing in §§ 161.501 through 161.580 of this part is intended to relieve any person from complying with any other applicable laws or regulations.

§ 161.508 Authorization to deviate from these rules.

(a) The Commander, First Coast Guard District may, upon written request, issue an authorization to deviate from any rule in §§ 161.501 through 161.580 of this part if he or she finds that the proposed operation can be done safely. An application for an authorization to deviate from a rule must state the need for the deviation and describe the proposed operation.

(b) The VTC may, upon verbal request, issue an authorization to deviate from any rule in §§ 161.501 through 161.580 of this part for the voyage on which a vessel is embarked or about to embark.

§ 161.510 Emergencies.

In an emergency, any master or pilot may deviate from any rule in §§ 161.501 through 161.580 of this part to the extent necessary to avoid endangering persons, property, or the environment but shall report the deviation to the VTC as soon as possible.

Communications Rules

§ 161.520 Radio listening watch.

(a) When underway, or anchored or moored to a buoy when gale warnings (forecast winds ranging from 34–48 knots) or greater are in effect in the VTSNY Area, the master or pilot of a vessel in the VTSNY Area shall continuously monitor the VTS radio frequencies, except when transmitting on that frequency.

(b) The radio listening watch required by paragraph (a) of this section may be maintained in a location other than the vessel's navigational bridge when the vessel is anchored or moored to a buoy.

§ 161.522 Radiotelephone equipment.

Except when anchored or moored to a buoy as provided in § 161.520, the master or pilot shall ensure all reports and communications required by §§ 161.501 through 161.580 of this part are made from the navigational bridge of the vessel, or in the case of a dredge, at its main control station. Such reports and communications must be made to the VTC on its designated frequency using a radiotelephone that is in effective operating condition.

§ 161.523 Use of designated frequencies.

(a) In accordance with Federal Communications Commission regulations, no person may use the frequencies designated in this section to transmit any information other than information necessary for the safety of vessel traffic.

(b) All transmissions on the VTS frequencies shall be initiated on low power, if available; high power may only be used if low power communications are unsuccessful or in an emergency.

(c) The following frequencies must be used when communicating with the VTC:

(1) Primary frequencies: 156.550 MHz (channel 11), 156.600 MHz (channel 12), and 156.700 MHz (channel 14).

(2) Secondary frequency (to be used if communication is not possible on a primary frequency): 156.650 MHz (channel 13).

§ 161.524 English language.

Each report required by §§ 161.501 through 161.580 of this part must be made in the English language.

§ 161.526 Time.

Each report required by §§ 161.501 through 161.580 of this part must specify time using:

(a) The time zone in effect in the VTSNY Area and

(b) The 24-hour clock system.

§ 161.528 Radio failure.

Whenever a vessel's radiotelephone equipment—

(a) Fails while underway in the VTSNY Area or is inoperative when entering the VTSNY Area—

(1) Compliance with §§ 161.520 and 161.538 of this Part is not required; and

(2) Compliance with §§ 161.536, 161.537, and 161.542 of this part is not required unless these reports can be made by other means.

(b) Before getting underway in the frequencies Area, permission to get underway must be obtained from the VTC; and

(c) The master shall restore the radiotelephone to operating condition as soon as possible.

§ 161.530 Report of radio failure.

Whenever the master or pilot of a vessel deviates from any rule in §§ 161.501 through 161.580 of this part because of radio failure, the deviation and radio failure shall be reported to the VTC as soon as possible.

§ 161.532 Report of impairment to the operation of the vessel.

The master of a vessel in the VTSNY Area shall report to the VTC as soon as possible—

(a) Any condition on the vessel that may impair its navigation, such as fire, malfunctioning propulsion machinery, malfunctioning steering equipment, or malfunctioning radar; and

(b) Any tow that the towing vessel is unable to control or can control only with difficulty.

(c) When involved in a grounding, collision or allision with a fixed or floating object.

Note: In the New York VTSNY Area, the reports required in 33 CFR part 164 to be made to the COTP may be made to the VTC instead.

Vessel Movement Reporting System Rules

§ 161.536 Initial report.

15 minutes before a vessel enters or gets underway in the VTSNY Area, the master of the vessel shall report the following information to the VTC:

(a) The type and name of the vessel.

(b) The estimated time and point of entry in the VTSNY Area.

(c) Destination and route in the VTSNY Area.

(d) Deepest draft of the vessel.

(e) Speed of advance of the vessel.

(f) Whether or not any dangerous cargo listed in part 160, Subpart C of this chapter, is onboard the vessel or its tow.

(g) Any impairment to the operation of the vessel as described in § 161.532 (a) and (b) of this part.

(h) Any planned maneuvers that may impede traffic.

§ 161.537 Follow-up reports.

When entering or beginning to navigate in the VTSNY Area, or if the vessel deviates from its route plan as reported in the initial report, the master of the vessel shall report the following information by radiotelephone to the VTC:

(a) Vessel name.

(b) Location of the vessel.

(c) Any revision to the initial report in § 161.540 of this part.

§ 161.538 Movement reports.

When the VMRS is in operation, or at other times when directed by the VTC, the master of a vessel passing a reporting point listed in § 161.540 of this part shall report the following to the VTC by radiotelephone:

(a) Vessel name.

(b) Reporting point or location of the vessel.

§ 161.539 Invoking of the VMRS rules.

In the event of impairment of surveillance capability or when otherwise required for the safety of navigation, the Vessel Movement Reporting System (VMRS) may be invoked by the VTC.

§ 161.540 VMRS reporting points.

No.	Position description	Geographic location
1	Buoy 22	Gowanus Flats Lighted Bell Buoy 22 (LL32255).
2	Statue of Liberty	Passing abeam Liberty Island
3	Con Hook Range	Approaching Kill Van Kull prior to coming on Con Hook Range.
4	Bayonne Bridge	Before or after passing under the Bayonne Bridge.
5	Buoy 14	Passing Newark Bay Middle Reach.

§ 161.542 Final report.

When a vessel anchors in, moors in, or departs from the VTSNY AREA, the master shall report the place of anchoring, mooring, or departing to the VTC.

Special Rules

§ 161.575 Action during reduced visibility.

When visibility is less than 2 nautical miles, any vessel that is operating without radar shall notify the VTC immediately.

Descriptions and Geographic Coordinates

§ 161.580 VTSNY Area.

The VTSNY Area will consist of the navigable waters of the United States bounded by the Verrazano-Narrows Bridge to the south, the Brooklyn Bridge to the east, and a line drawn east-west from the Holland Tunnel ventilator shaft at latitude 40°43.7N and longitude 74°01.6W to the north. The Kill Van Kull to the west end of the channel North of Shooters Island Reach and Newark Bay to the New Jersey Extension Bridge are also included in the VTSNY Area.

Dated: January 12, 1990.

R.T. Nelson,

Rear Admiral, U.S. Coast Guard, Chief, Office of Navigation Safety and Waterway Services.

[FR Doc. 90-2405 Filed 2-1-90; 8:45 am]

BILLING CODE 4910-14-M

federal register

Friday
February 2, 1990

Part V

Department of Labor

Employment and Training Administration

Work-based Learning: Training America's Workers; Notice of Report Availability

DEPARTMENT OF LABOR

Employment and Training Administration

"Work-Based Learning: Training America's Workers"; Executive Summary

AGENCY: Employment and Training Administration, Labor.

ACTION: Notice.

SUMMARY: The Employment and Training Administration of the Department of Labor (DOL) announces the completion of its *Apprenticeship 2000* initiative, a review of the apprenticeship concept to ascertain its feasibility as a model for meeting future needs for a highly skilled work force. The results and conclusions of this review are now available in a report entitled "Work-Based Learning: Training America's Workers".

FOR FURTHER INFORMATION CONTACT: James D. Van Erden, Administrator, Office of Work-Based Learning, Employment and Training Administration, Department of Labor, Room N–4649, 200 Constitution Avenue NW., Washington, DC 20210, telephone: (202) 535–0540. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: This final report concludes the *Apprenticeship 2000* initiative and contains policy recommendations for adapting the apprenticeship concept to help meet the country's need to develop and maintain a highly skilled work force. The report proposes ways to strengthen and expand the current apprenticeship system, as well as ways to apply the apprenticeship principles of structured, on-the-job training and theoretical instruction to meet a wide range of worker skill development needs. These recommendations result from a two-year review involving short term research, a broad public dialogue, and analyses of related studies on human resource development and skill gaps in the U.S. economy. As a group, they represent opportunities for improving the skill levels of the work force today, and for better preparing youth for the jobs of tomorrow.

The directions recommended in the report are within the scope of the Department's current efforts to strengthen the American work force. Secretary of Labor Dole announced a series of initiatives in her October 26, 1989 "State of the Workforce" address. The Secretary proposed:

- Establishment of a "Secretary's Commission on Achieving Necessary Skills";
- Establishment of a "National Advisory Board on Workplace Training", which will promote skill enhancement of employed workers and propose a system for providing "portable credentials" for workers receiving workplace training;
- Conducting a national conference to discuss school-to-work transition issues and share effective approaches and programs, and initiating a series of demonstration projects;
- Establishment of a Workforce Quality clearinghouse of information on programs that break down barriers to employment (e.g., flexible benefit packages and child care) and to promote wider adoption of "best practices";
- Increasing labor market efficiency through employment service reform, research on labor shortages, and revision of the Dictionary of Occupational Titles; and
- Establishment of a series of "LIFT AMERICA AWARDS" to recognize and encourage the meaningful involvement of the business community in education at all levels.

Several of these items are also discussed in the "Work-Based Learning" report.

The Department's commitment to building worker skill levels is reflected in a series of demonstration projects launched in Spring 1989 to further develop and test various innovative approaches in the area of work-based training.

Similar demonstration projects are planned to assess programs that facilitate the school-to-work transition for non-college bound youth. In addition, the Department has recently created an Office of Work-Based Learning within the Employment and Training Administration to focus on issues relating to work force skill development. Publication of this *Apprenticeship 2000* report, the ongoing demonstration projects, and the recently-announced initiatives and internal reorganization all reflect the extent to which the Department of Labor considers issues of work force skill development to be of paramount concern.

The Executive Summary of the *Apprenticeship 2000* final report appears below. The Department will mail the report to all organizations and individuals who have previously received *Apprenticeship 2000* publications. Others who wish to receive single copies may do so, free of charge, by sending a written request to DOL at the address listed above.

Signed at Washington, DC, this 24th day of January 1990.

Roberts T. Jones,

Assistant Secretary of Labor.

Work-Based Learning

Training American Workers

Executive Summary

Introduction

The following quote from a September 1988 "Business Week" article illustrates the increasing concern about the skill level of American workers.

> The nation's ability to compete is threatened by inadequate investment in our most important resource: people. Put simply, too many workers lack the skills to perform more demanding jobs.

The factors driving these concerns are identifiable.

- Demographics—The labor force is growing much more slowly than in prior years as a result of declining birth rates and changes in immigration policies. The pool of young workers is shrinking, thereby requiring employers to look beyond their traditional sources for entry level workers. While the supply of labor, in absolute numbers, is projected to be adequate to meet employment demands, greater percentages of the labor force will be comprised of those groups which have traditionally faced the greatest barriers to full participation in the labor force.
- Technological Change—Rapid technological change is increasing the complexity of the workplace. The fundamental shifts in the nature of work require a work force that is both highly skilled and highly adaptive. Workers need basic literacy skills which include cognitive skills that enable an individual to continue to learn and adjust to new work situations. For example, recent studies estimate that "the occupational half-life," the time it takes for one-half of workers' skills to become obsolete, has declined from 7–14 years to 3–5 years [National Research Council, 1986]. In fact, for some companies this time period is much shorter.
- International Competition—The United States is part of an increasingly global marketplace. Within this marketplace are countries whose industries are technologically advanced and whose workers are well-educated and highly skilled. Thus, U.S. industries must continue to upgrade their processes and their work force in order to maintain a competitive position in the world market. To do otherwise jeopardizes this country's continued economic well-being.

The Massachusetts Institute of Technology Commission on Industrial Productivity recently completed and published a large-scale study on the decline in U.S. productivity, called "Made In America, Regaining the Competitive Edge." This study examined practices in a number of U.S. industries since World War II. Included in the areas examined was the way firms invest in human resources. This study found that, while a number of American firms see the importance of upgrading skills, the best practices of these firms are not being filtered down quickly or widely enough. The study attributes the problems to the fact that many small and mid-size firms lack the resources necessary to provide training, and others are concerned about losing the workers they have trained. The study concluded that:

> While there are a few positive signs that emerging patterns of labor-management bargaining may focus on training, they do not seem sufficient to overcome the legacy of long neglect. Because of the widespread reluctance on the part of firms to invest more substantially in training and to reorganize the workplace in ways that promote continuous learning, we believe that the natural diffusion of best practices will not work broadly or rapidly enough to produce the kind of educational effort that is needed.

Finding solutions will, according to the authors, "require national political leadership."

Apprenticeship 2000 Review

Over the past several years the Department of Labor (hereafter referred to as "the Department") has directed resources into identifying the demographic and technological changes affecting the American worker and the workplace. The lessons learned from these efforts led to the Employment and Training Administration's Apprenticeship 2000 initiative. The objective of this initiative, launched in December 1987, was to determine what role the apprenticeship concept might play in raising the skill levels of American workers. The initiative has involved several components:

- Broad public dialogue accomplished through public meetings, **Federal Register** notices, and meetings with representatives from a variety of interest groups;
- A short-term research program to examine issues surrounding expansion of the apprenticeship concept; and
- Analysis of relevant studies on learning and skills acquisition and workplace dynamics, as well as consultation with experts in the employment and training field.

The first stage of this initiative is complete. Key findings from this review lay the foundation for recommendations for a major new emphasis on the training of American workers. These findings include the following points.

- This country's continued economic well-being is tied to how well it manages its human resources.
- Changing demographics, combined with the increasing complexity of the workplace, have made training and retraining of all American workers critical issues requiring national leadership and policy.
- Increasing evidence points to work-based learning as the most effective method of skill acquisition because this method of experimental learning generally works best for individual learners and because the training can be tailored to the employer's needs.
- The current apprenticeship program can be strengthened and improved to permit expansion within its "traditional" boundaries. However, this system should be preserved as a means of training for occupations that involve a broad range of largely mechanical skills that require longer periods of time to master.
- New training program models should be developed to encourage expansion of structured, work-based training programs, incorporating features from apprenticeship.
- Features from apprenticeship have broad applicability as means of effectively training and retraining workers in all trades as well as the traditional building and manufacturing trades. These features include:

—The basic model of structured on-the-job training combined with classroom or theoretical instruction;
—The formal recognition afforded programs and the awarding of worker credentials upon completion;
—Private sponsorship, tailored to the workplace, with limited support from government and education;
—The transfer of skills on the job through a mentor, skilled supervisor or skilled co-workers; and,
—A contract or agreement between the training sponsor and the trainees on the processes and outcomes of training.

Recommendations

Based on these (and other) key findings, the Department should take the initiative to provide new national leadership on skills development for American workers. The framework for this new national leadership is described in eight broad recommendations. Under each policy recommendation are additional recommendations for specific actions. These recommendations represent a significant new role for the Department. In the past, the Department has focused its resources and attention almost exclusively on the needs of hard to serve population groups, including at-risk youth and dislocated workers. Marketplace circumstances, both national and international, now drive the need for more emphasis on training and retraining issues affecting all workers. The eight recommendations are organized in three parts, as follows:

Part A. The New Model—Credentialing Structured, Work-Based Training Programs

Recommendation 1. Expand structured, work-based training programs through development and implementation of new training program models based on features of apprenticeship.

Recommendation 2. Establish a national work-based training body to recommend policy and direction for supporting and assisting in the delivery of work-based training programs.

Part B. Strengthening the Basic Apprenticeship Model

Recommendation 3. Streamline and coordinate federal regulations and policies affecting apprenticeship in order to encourage expansion of the basic apprenticeship model.

Recommendation 4. Improve administration of the existing system so that it operates effectively and fairly.

Part C. Supporting and Expanding Structured, Work-Based Training Programs, Including Apprenticeship

Recommendation 5. Enhance the recognition value of program sponsorship and certification of skill attainment by instituting program criteria designed to ensure quality.

Recommendation 6. Develop work-based learning alternatives for noncollege-bound youth to assist them in effectively making the transition from school to a meaningful career path.

Recommendation 7. Provide additional incentives to encourage employers to adopt structured, work-based training programs.

Recommendation 8. Intensify publicity at national, state and local levels.

These recommendations, in effect, propose a two-tiered strategy for raising the skill level of America's work force to:

- Strengthen and preserve the current apprenticeship system; and

• Encourage expansion of structured work-based training which incorporates successful features of apprenticeship.

The first strategy can be accomplished largely through administrative and regulatory changes to the existing apprenticeship program and through additional support activities. The second strategy will be pursued initially through a series of demonstration projects in which the Department will form partnerships with large companies, associations, and State and local governments to implement and evaluate work-based training program strategies.

Through these demonstration projects the Department will:

• Develop new program models that provide for formal recognition of specialized training programs and certification of skill competencies (these models would apply to both entry level and training to upgrade skills);

• Develop flexible approaches for accrediting structured work-based training programs;

• Explore options for assisting small and midsize firms in sponsoring training programs; and,

• Explore strategies for stronger interventions to help youth, including potential school drop-outs, actual drop-outs and the young working poor to make successful transitions to meaningful careers.

Implementation

The recommendations contained in this report include very specific, short-term procedural change as well as far-reaching program and structural changes. Some recommendations can be implemented immediately. Others will require more research, development and public discussion. Ultimately, regulatory, and possibly legislative, changes will be needed to fully implement this new policy. The changes envisioned by this report can be this new policy. The changes envisioned by this report can be accomplished only over time and through the consensus of those involved in sectors of the economy affected by these recommendations. This report sets the stage for this process to begin.

[FR Doc. 90–2480 Filed 2–1–90; 8:45 am]

BILLING CODE 4510-30-M

federal register

Friday
February 2, 1990

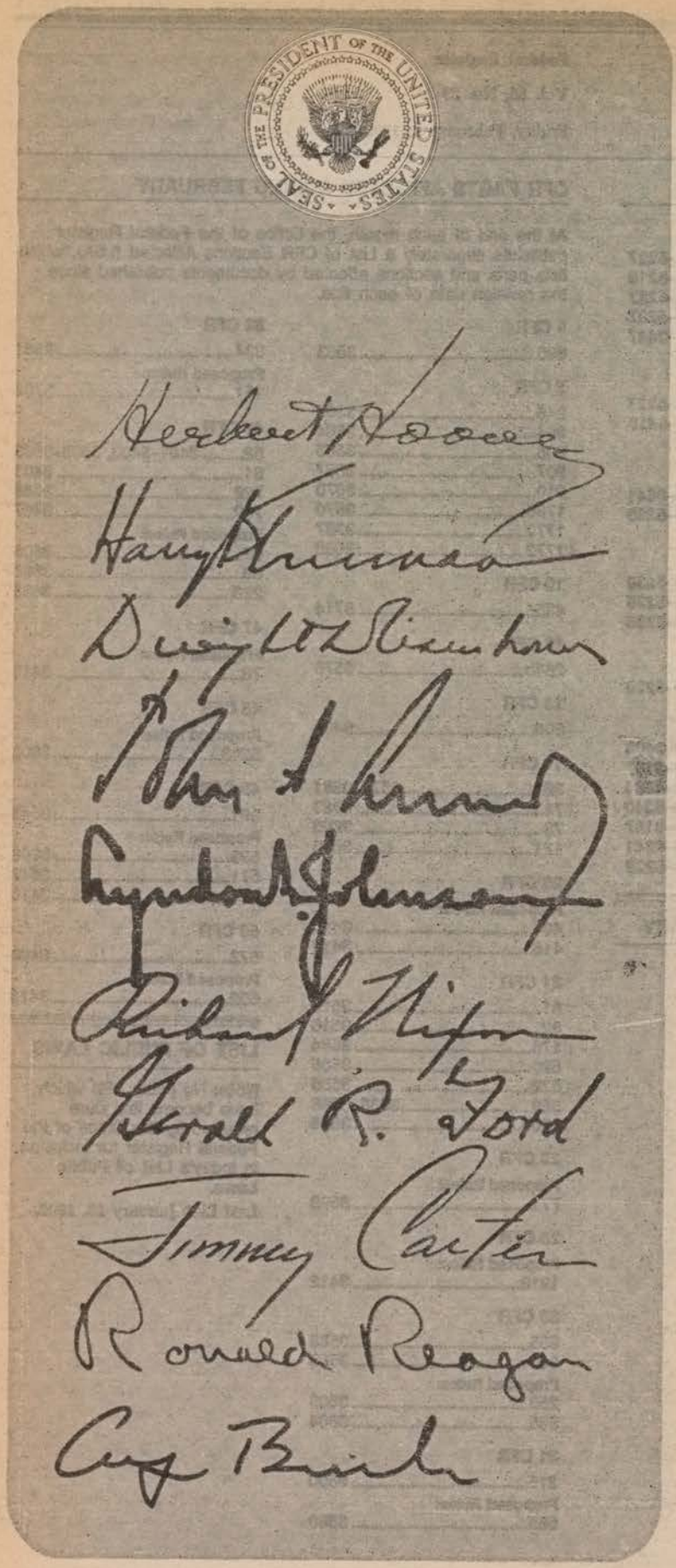
Part VI

Department of Energy

Office of Conservation and Renewable Energy

10 CFR Part 435

Energy Conservation Voluntary Performance Standards for New Commercial and Multi-Family High Rise Residential Buildings; Mandatory for New Federal Buildings; Notice of Supplement to Public Record and Changes in Comment Dates



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