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

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

WHO: The Office of the Federal Register.

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

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

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

DALLAS, TX

WHEN: September 25, at 9:00 a.m.
WHERE: Federal Office Building,
1100 Commerce Street,
Room 7A23–175,
Dallas, TX.
RESERVATIONS: 1–800–366–2998.

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Presidential Documents

Title 3—

The President

Presidential Determination No. 90–35 of August 26, 1990

Television Broadcasting to Cuba

Memorandum for the Secretary of State

Pursuant to the authority vested in me by section 247 of the Foreign Relations Authorization Act, Fiscal Years 1990 and 1991 (Public Law 101–246) (the Act), I hereby determine that the test of television broadcasting to Cuba (as authorized by title V of the Departments of Commerce, Justice, and State, the Judiciary and Related Agencies Appropriations Act, 1989 (Public Law 100–459)) has demonstrated television broadcasting to Cuba is feasible and will not cause objectionable interference with the broadcasts of incumbent domestic licensees.

You are authorized and directed to transmit this determination to the appropriate committees of Congress (as defined in section 248 of the Act) and to arrange for its publication in the **Federal Register**.

George Bush

THE WHITE HOUSE,
Washington, August 26, 1990.

[FR Doc. 90–22487
Filed 9–18–90; 3:59 pm]
Billing code 3195–01–M

Rules and Regulations

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

DEPARTMENT OF AGRICULTURE

Office of the Secretary

7 CFR Parts 1 and 3

Debt Collection

AGENCY: Office of the Secretary, USDA.
ACTION: Final rule.

SUMMARY: This document establishes the final regulations to implement the statutory provisions of the Debt Collection Act of 1982 (Pub. L. No. 97–365). The Debt Collection Act authorizes the Federal Government to collect debts owed it by means of administrative offsets; assess interest, penalties, and administrative costs on overdue debts against its debtors; to contract for private collection services; and to disclose information on debts to credit reporting agencies and the Internal Revenue Service.

EFFECTIVE DATE: This final rule is effective October 22, 1990.

FOR FURTHER INFORMATION CONTACT: David Rector, Acting Deputy Director, Policy, Office of Finance and Management, room 118–W, U.S. Department of Agriculture, Washington, DC 20250, phone (202) 447–8748.

SUPPLEMENTARY INFORMATION: USDA published an interim rule that established Departmental debt collection regulations in the Federal Register on February 26, 1985 (50 FR 7721–7726). Comments were received from four non-governmental commenters and seven governmental commenters.

One commenter noted that the interim regulations were published without notice and/or an opportunity for comment. Since no proposed regulations were proposed prior to publication of the interim regulations, no opportunity for comment was provided prior to publication of the interim regulations. Even if a comment period was required by law, an opportunity for comment has been afforded prior to publication of final regulations. Hence, the commenter's concerns have been addressed.

Section 3.21(b) is amended to clarify the Departmental practice of permitting agencies to develop their own debt collection procedures not inconsistent with the Debt Collection Act and the Federal Claims Collection Standards.

Various comments were received which noted that the interim rule fails to provide procedures for determining the validity and amount of the underlying debt before the administrative offset is declared. Although § 3.25(b)(7) of the regulations gives the debtor a right to a review of the agency determination that the debt exists, USDA is amending §§ 3.22, 3.23 and 3.29 to address more clearly the commenters' concern. Other comments addressed credit reporting referral procedures; identification of exempt funds; offset priority determinations; and duties and selection of Debt Management Officer and Reviewing Officer. These matters are considered internal in nature and more appropriate for implementation by internal directives.

Commenters requested inclusion of the requirement that offset not be effected until attempts to collect the debt under 31 U.S.C. 3711(a) are complete and that the agency consider the cost effectiveness of leaving claims unresolved for more than 6 years. Section 3.23 addresses these concerns. However, for purposes of clarification, § 3.23(a) is amended to incorporate these statutory requirements by reference.

Section 3.23(d) is amended in order to clarify the procedural differences between the collection of contract debts under the Contract Disputes Act, 41 U.S.C. 601 to 613, and under the Debt Collection Act of 1982, 31 U.S.C. 3701, 3711, 3716 to 3719. The amended language clarifies the present practice of the Department and is consistent with case law that has evolved since publication of the interim rule.

One commenter addressed the right of an individual to inspect USDA records relating to disclosures to consumer credit reporting agencies, as well as to administrative offset. Section 3.27 is amended to address this concern.

Section 3.29 is amended to clarify the ambiguities in interpretation relating both to the scope of the reviewing officer's decision and the meaning of "final agency action." The amended language sets forth specifically the reviewing officer's scope of review.

A commenter expressed concern over the need for agency Reviewing Officer's written decisions and determinations as to waivers of interest, penalties and administrative costs to be forwarded to the Assistant Secretary for Administration, USDA. Accordingly, §§ 3.29, 3.32 and 3.34 are amended to address these concerns.

Section 3.35(a), concerning referral of commercial and consumer debts to credit reporting agencies, is amended to conform to the statutory language of 31 U.S.C. 3711(f)(1) by replacing the word "will" with "may."

A commenter suggested that the provision concerning disclosure to credit reporting agencies be clarified so as to apply only to consumer debts. Section 3.35(b) is amended to address more clearly the commenter's concerns.

Section 3.36 is amended to clarify the requirement for using collection agencies in conformance with OMB Circular A–129.

One commenter requested flexibility to extend time limits for documentary review, submission of evidence, and length of stays. This request was deemed reasonable. Accordingly, §§ 3.29 and 3.30 were amended to provide flexibility where a time period, other than that provided by the regulations, is arranged by mutual agreement between the debtor and the agency.

Other commenters addressed matters relating to the definition of the term "debt," as used in the regulation; the opportunity to make voluntary payment in lieu of offset; the requirement for oral hearing on issues of credibility or veracity; and the collection of interest. Since this regulation provides USDA implementation of, and compliance with, the Debt Collection Act and the Federal Claims Collection Standards and since such issues are addressed sufficiently therein, further treatment of these issues in this regulation is unnecessary.

Regulatory Impact

USDA has reviewed this final rule in accordance with Executive Order 12291 and has determined that it is not a major rule. The Department has determined that this action will not have a

significant effect on the economy and will not result in a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or have significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

It is anticipated that this final rule will enable USDA to increase collections by about $50 million, representing money that is already owed and overdue. It will impact on only a small percentage of USDA program recipients: those who are delinquent in repaying their debts to the Government.

Under the circumstances explained above, the Department has determined that this action will not have a significant economic impact on a substantial number of small entities. Further, this final rule will not result in additional procedures or paperwork not already required by law. Therefore, the provisions of the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*) are not applicable. This final rule sets forth procedures for debt management and does not affect the environment.

List of Subjects in 7 CFR Part 3

Administrative offset, Claims, Debt management.

Accordingly, the interim rule amending 7 CFR parts 1 and 3 which was published at 50 FR 7721–7726 on February 26, 1985, is adopted as final rule with the following amendments to part 3:

PART 3—DEBT MANAGEMENT

Subpart A—Settlement of Small or Old Debts

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

Authority: Section 1, 58 Stat. 836; 12 U.S.C. 1150.

2. Secton 3.2 is amended by revising paragraph (b) to read as follows:

§ 3.2 Definitions.

* * * * *

(b) *Indebtedness* with respect to any person, means a debt to the Government under each of the acts and programs listed in § 3.10.

* * * * *

3. In § 3.6, remove the words "Office of Budget and Finance" and substitute in lieu thereof the words "Office of Management and Budget."

§ 3.6 [Amended]

4. In § 3.9, remove the words "Secretary of the Treasury" and substitute in lieu thereof the words "Comptroller General."

§ 3.9 [Amended]

5. Section 3.10 is amended by removing item number "49" and redesignating items "50" and "51" as items "49" and "50," respectively.

§ 3.10 [Amended]

Subpart B—Debt Collection

6. The authority citation for part 3, subpart B continues to read as follows:

Authority: 31 U.S.C. 3701, 3711, 3716–3719, 3728; 4 CFR part 102; 4 CFR 105.4.

7. Section 3.21 is amended by revising paragraph (b) to read as follows:

§ 3.21 Debt collection standards.

* * * * *

(b) The head of each agency of the Department may carry out the duties and exercise the authority of the Secretary under 31 U.S.C. 3701, 3711, 3716–3719, 3728, the Joint Regulations of the Attorney General and the Comptroller General, and the regulations in this part, with respect to the claims of the agency. An agency head may adopt regulations, in accordance with the Debt Collection Act and the Joint Regulations, setting out agency procedures for the collection by administrative offset of such claims and debts. If the head of an agency of the Department adopts regulations separate from this subpart, the procedures thereby established, rather than those set out in this part, shall be followed for the collection of the claims and debts to which the separate regulations apply. If an agency does not adopt separate regulations, the Director of the Office of Finance and Management may carry out the duties and exercise the authority of the Secretary on behalf of agency heads.

* * * * *

8. Section 3.22(e) is revised to read as follows:

§ 3.22 Definitions.

* * * * *

(e) *Reviewing officer* means an agency employee responsible for conducting a hearing or providing documentary review on the existence of the debt and the propriety of administrative offset.

§ 3.23 [Amended]

9. Secton 3.23 is amended by adding the words "31 U.S.C. 3716 and" after the phrase "in accordance with" in § 3.23(a), adding a new paragraph (b)(4), removing the word "aprart" and substituting in lieu thereof the word "apart" in the second sentence of paragraph (d), and by revising the first sentence of paragraph (d) to read as follows:

§ 3.23 Collection by administrative offset.

* * * * *

(b) * * *

(4) Whether the agency has substantiated the existence of the debt.

* * * * *

(d) These procedures will be used to collect any debt subject to 31 U.S.C. 3716, including contract debts, but not including intracontractual claims or intracontractual disputes. * * *

* * * * *

§ 3.25 [Amended]

10. In § 3.25(a), remove the word "of" the second time it appears and substitute in lieu thereof the word "or."

§ 3.27 [Amended]

11. In § 3.27, remove the words "in connection with an administrative offset" and substitute in lieu thereof the words "with respect to the claim."

12. Section 3.29 is amended by revising the heading and by revising paragraphs (c), (d), and (f)(2) to read as follows:

§ 3.29 Hearings and reviews.

* * * * *

(c) Unless otherwise arranged by mutual agreement between the debtor and the agency, evidenced in writing, any documentary review or hearing will be conducted not less than 10 calendar days and no more than 45 calendar days after receipt of the request for review.

(d) Unless otherwise arranged by mutual agreement between the debtor and the agency, evidenced in writing, a documentary review or hearing will be based on agency records plus other relevant documentary evidence which may be submitted by the debtor within 10 calendar days after the request for review is received.

* * * * *

(f) * * *

(2) The reviewing officer's decision constitutes final agency action as to the following issues:

(i) All issues of fact relating to the basis of the debt (including the existence of the debt and the propriety of administrative offset), in cases where the debtor previously had not been afforded due process; and

(ii) The existence of the debt and the propriety of administrative offset, in cases where the debtor previously had been afforded due process as to issues of fact relating to the basis of the debt.

§ 3.30 [Amended]

13. In § 3.30(a)(1), insert at the beginning "Unless otherwise arranged by mutual agreement between the debtor and the agency, evidenced in writing,".

§ 3.32 [Amended]

14. Section 3.32 is amended by removing paragraph (b) and the designation (a) before the remaining text.

§ 3.34 [Amended]

15. In § 3.34 paragraph (e) is redesignated as paragraph (d) and the last sentence is removed.

16. Section 3.35 is amended by removing the word "will" and substituting the word "may" in paragraph (a), and revising paragraph (b) to read as follows:

§ 3.35 Disclosure to a credit reporting agency.

* * * * *

(b) Disclosure of delinquent consumer debts must be consistent with the requirements of 31 U.S.C. 3711(f), 4 CFR 102.3(c), and 5 U.S.C. 552a (the Privacy Act).

17. Section 3.36 is revised to read as follows:

§ 3.36 Use of collection agencies.

USDA agencies should use collection agencies at any time accounts become delinquent. Agencies must refer all accounts 6 months or more delinquent unless other collection actions are being pursued or referral is prohibited by statute.

Done this 24th day of August 1990 in Washington, DC.

Jack C. Parnell,

Acting Secretary of Agriculture.

[FR Doc. 90-22225 Filed 9-19-90 8:45 am]

BILLING CODE 3410-90-M

SMALL BUSINESS ADMINISTRATION

13 CFR Part 101

[Rev. 2; Amdt. 51]

Delegation of Authority—Certified Development Co. Debenture Guarantees; Correction

AGENCY: Small Business Administration.

ACTION: Final rule; correction.

SUMMARY: This document corrects a final rule which began at page 35296 in the issue of Wednesday, August 29, 1990. The final rule concerned increases in the overall project size for which Certified Development Company debenture guarantees may be approved by certain SBA officers.

FOR FURTHER INFORMATION CONTACT: Wayne S. Foren, Director, Office of Economic Development, Small Business Administration, room 720, 1441 L Street NW., Washington, DC 20416, Tel. (202) 653-6416.

PART 101—[CORRECTED]

In Federal Register document 90-20274, beginning on page 35296, in the issue of Wednesday, August 29, 1990, in the third column, amendatory instruction number 3 to § 101.3-2 is corrected in the first line by revising "item 2." to read "item 2.c".

Dated: September 12, 1990.

Sally B. Narey,

(Acting) Administrator.

[FR Doc. 90-22244 Filed 9-19-90; 8:45 am]

BILLING CODE 8025-01-M

13 CFR Part 121

Small Business Size Standards

AGENCY: Small Business Administration.

ACTION: Final rule.

SUMMARY: On December 21, 1989 the Small Business Administration (SBA) published a final rule pertaining to its small business size standards (54 FR 52633). Two sections of that final rule (§§ 121.403 and 121.1202(a)) were published as interim final rules because of issues raised by public comment to the proposed rule and passage of the Canada-United States Free Trade Agreement. This final rule implements §§ 121.403 and 121.1202(a).

EFFECTIVE DATE: This final rule shall be effective October 22, 1990.

FOR FURTHER INFORMATION CONTACT: Gene F. VanArsdale, Director, Office of Procurement Policy and Liaison, (202) 653-6588.

SUPPLEMENTARY INFORMATION: On December 21, 1989 SBA published a final rule reorganizing its procedural size rules in order to obtain a logical progression, clarify ambiguities in previous rules and conform the rules to present SBA policy. Several important issues were raised by two sections of that rule (§§ 121.403 and 121.1202(a)) through public comment to the rule as proposed and passage and implementation of the Canada-United States Free Trade Agreement (approved and implemented on September 28, 1988, as Pub. L. 100-449, 102 Stat. 1851).

Section 121.403 sets forth the definition of the term "business concern or concern". The definition contained in § 121.403 restates SBA's definition of "concern" previously found at § 121.3(b). This longstanding definition requires a "business concern" to be organized for profit, to have a place of business located in the United States, and to make a significant contribution to the United States economy through payment of taxes and/or use of American products, material and/or labor. SBA had proposed to add a requirement of 51 percent United States ownership and control to the definition of "business concern or concern" however, in response to public comment, SBA determined to retain the previous definition in favor of further comment and consideration.

Section 121.1202(a) adds a 51 percent United States ownership requirement to the definition of "concern" for purposes of the Small Business Innovation Research (SBIR) Program. This requirement is consistent with paragraph 4(g) of SBA's SBIR Program Policy Directive which has been in effect since 1983. The SBIR Program definition reflects Congressional intent, as expressed in the legislative history to the SBIR Program authorizing legislation, that the SBIR Program assist U.S. owned firms in developing innovations which could be used to bring the United States into technological parity with other countries [S. Rept. No. 194, 97th Cong., 1st Sess. (1981), H. Rept. No. 349, Part I, 97th Cong., 1st Sess. (1981), Cong. Rec. H. 3586, *et seq.*, June 17, 1982].

SBA received two comments on this interim final rule both related to the definition of "business concern or concern" set forth in § 121.403. One comment, from a representative of the Canadian Government, expressed approval of the retention of the existing definition because it would permit Canadian companies which have established, invested in or struck partnerships with small businesses in the United States to be eligible to bid on U.S. Federal government contracts. The second comment, from a Board representing Federal agencies, stated disapproval of the omission of a 51 percent U.S. ownership and control requirement due to their belief that small business set-asides are part of a preferential program designed to aid only domestically owned firms.

Upon consideration of these two diametrically opposed comments, SBA has determined to adopt the definition of the term "business concern or concern" which was set out in the interim final rule published on December 21, 1989. This is the same definition used in the previously existing

size regulations. This determination is based upon the view of SBA that a more restrictive rule would be inconsistent with the spirit of the Free Trade Agreement with Canada, favoring unhindered commercial exchange and free access to markets; counterproductive to the U.S. policy to encourage and assist the changing and developing economies of Eastern Europe; and, in light of the economic union of Europe which will take place in 1992, inappropriate for furthering the U.S. competitive position in the developing global economy.

SBA received no comments on the definition, set forth in § 121.1202(a), of the term "concern" for purposes of the SBIR Program. As such, SBA is adopting, as final, the definition contained in the interim final rule.

Compiance With Executive Orders 12291 and 12612, the Regulatory Flexibility Act, and the Paperwork Reduction Act

For purposes of Executive Order 12291, SBA certifies that this rule is not a major rule having an annual economic effect of $100 million or more because it states the definition of a term as that previously existing in the regulation.

For purposes of the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.*, SBA certifies that this rule will not have a significant effect on a substantial number of small entities for the same reason that it is not a major rule.

For purposes of Executive Order 12612, SBA certifies that this rule will not have federalism implications warranting the preparation of a Federalism Assessment.

For purposes of the Paperwork Reduction Act, 44 U.S.C. ch. 35, SBA certifies that this rule does not impose any new reporting or recordkeeping requirements.

List of Subjects in 13 CFR Part 121

Small businesses, Standard industrial classification codes.

PART 121—SMALL BUSINESS SIZE REGULATIONS

Subpart A—Size Eligibility Provisions and Standards

Accordingly, the interim final rule amending 13 CFR part 121, §§ 121.403 and 121.1202(a), which was published at 54 FR 52633—52675 on December 21, 1989, is adopted as a final rule without change.

Dated: July 23, 1990.

Susan S. Engeleiter,

Administrator.

[FR Doc. 90-22246 Filed 9-19-90; 8:45 am]

BILLING CODE 8025-01-M

13 CFR Part 122

Business Loans, Maturities

AGENCY: Small Business Administration (SBA).

ACTION: Final rule.

SUMMARY: This final regulation does two things. It clarifies that a loan may have a maturity which exceeds ten years when it refinances real estate or the construction or the acquisition of equipment with a useful life exceeding ten years. It eliminates provisions which have been retained for historical purposes but which no longer have any relevancy in the regulation.

DATES: *Effective Date:* September 20, 1990. Comments may be submitted to SBA on or before October 22, 1990.

FOR FURTHER INFORMATION CONTACT: Charles R. Hertzberg, Assistant Administrator for Financial Assistance, Small Business Administration, 1441 L Street NW., Washington, DC 20416, telephone (202) 653-6574.

SUPPLEMENTARY INFORMATION: When Public Law 97-35 was enacted on August 13, 1981 (95 Stat. 769), it prescribed express requirements which SBA had to comply with in refinancing any loan prior to October 1, 1985. Specifically, the requirements dealt with the aggregate term of the original loan and the SBA refinancing, plus the amortization of the refinancing loan. SBA implemented such statutory provisions in § 122.6-1(b) of its regulations (13 CFR 122.6-1(b)). By their terms, these provisions are no longer relevant to refinancings made since October 1, 1985, so there is no need to retain them in the regulation.

Presently, the same section of the regulations provides that a loan may have a maturity in excess of ten years if it finances real estate or the construction or acquisition of equipment with a useful life exceeding ten years. SBA is clarifying the regulation to show that this same provision also applies to refinancing loans. This reflects what has been Agency policy but it has not been expressly covered in the regulation.

There is an administrative need to promulgate this rule in final form without prior public notice and comment because it clarifies what has been SBA policy.

For purposes of the Regulatory Flexibility Act (5 U.S.C. 605(b)), SBA certifies that this final rule will not have a significant impact on a substantial number of small businesses since the language that is being deleted is of historical significance only and the addition of the refinancing provision reflects present Agency policy. SBA certifies that this rule does not constitute a major rule for the purposes of Executive Order 12291, since the change is not likely to result in an annual effect on the economy of $100 million or more.

The rule does not impose additional reporting or recordkeeping requirements which would be subject to the Paperwork Reduction Act, 44 U.S.C. chapter 35.

This final rule does not have federalism implications warranting the preparation of a Federal Assessment in accordance with Executive Order 12612.

List of Subjects in 13 CFR Part 122

Loan programs/business, Small business.

Pursuant to the authority contained in section 5(b)(6) of the Small Business Act (15 U.S.C. 634(b)(6)), SBA is amending part 122, chapter I, title 13, Code of Federal Regulations, as follows:

PART 122—BUSINESS LOANS

1. The authority citation for part 122 continues to read as follows:

Authority: 15 U.S.C. 634(b)(6) and 636(a).

2. Section 122.6-1(b) is revised to read as follows:

§ 122.6-1 Maturities.

* * * * *

(b) The maximum maturity shall not be available for every loan. The maturity of each loan will be the shortest feasible term commensurate with the repayment ability of the borrower and shall not exceed ten years, except when the loan finances or refinances real estate or the construction or the acquisition of equipment with a useful life exceeding ten years. Amortization will generally require equal monthly payments of principal or interest but may be adjusted to accommodate the cash flow of the borrower. See sec. 122.8-4(g) of this part. SBA may also extend the maturity of or renew a loan pursuant to section 7(c)(1) of the Act (including any loan transferred to SBA pursuant to Reorganization Plans No. 2 of 1954 and No. 1 of 1957) for additional periods not to exceed ten years beyond their original maturity, limited to such periods of time as appear necessary to avoid forced liquidation of loans. Extensions are granted under the preceding sentence only when it appears that no other course will result in a greater or earlier recovery of the indebtedness.

(Catalogue of Federal Domestic Assistance Programs, No. 59.012, Small Business Loans)

Dated: August 13, 1990.

Susan Engeleiter,

Administrator.

[FR Doc. 90-22245 Filed 9-19-90; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 90-NM-69-AD; Amdt. 39-6748]

Airworthiness Directives; Boeing Model 757 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to certain Boeing Model 757 series airplanes, which requires replacement of the latch subassembly of the ram air turbine (RAT) deployment actuator. This amendment is prompted by a report that a deployment actuator failed to deploy the RAT. This condition, if not corrected, could result in the loss of all hydraulic power if the RAT fails to deploy in the event of a dual engine failure.

EFFECTIVE DATE: October 29, 1990.

ADDRESSES: The applicable service information may be obtained from Boeing Commercial Airplane Group, P.O. Box 3707, Seattle, Washington 98124. This information may be examined at the FAA, Northwest Mountain Region, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington.

FOR FURTHER INFORMATION CONTACT: Susan Letcher, Seattle Aircraft Certification Office, Systems & Equipment Branch, ANM-130S; telephone (206) 227-2670. Mailing address: FAA, Northwest Mountain Region, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington 98055-4056.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations to include an airworthiness directive, applicable to certain Boeing Model 757 series airplanes, which requires removal of defective RAT deployment actuator latch subassemblies, installation of modified latch subassemblies, and functional testing, was published in the Federal Register on June 7, 1990 (55 FR 23229).

Interested persons have been afforded an opportunity to participate in the making of this amendment. Due consideration has been given to the single comment received.

The Air Transport Association (ATA) of America had no objections to the rule as proposed.

Paragraph B. of the final rule has been revised to specify the current procedure for submitting requests for approval of alternate means of compliance.

After careful review of the available data, the FAA has determined that air safety and the public interest require the adoption of the rule with the change described above. The FAA has determined that this change will neither increase the economic burden on any operator nor increase the scope of the rule.

There are approximately 73 Model 757 series airplanes of the affected design in the worldwide fleet. It is estimated that 73 airplanes of U.S. registry will be affected by this AD, that it will take approximately nine manhours per airplane to accomplish the required actions, and that the average labor cost will be $40 per manhour. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be $26,280.

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.

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

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

Adoption of the Amendment

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

PART 39—[AMENDED]

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

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

§ 39.13 [Amended]

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

Boeing: Applies to Model 757 series airplanes, equipped with Arkwin Industries Incorporated part number (P/N) 1211233-005 ram air turbine deployment actuators with serial numbers 213 through 285, certificated in any category. Compliance required within the next 3,000 hours time in-service after the effective date of this AD, unless previously accomplished.

To prevent loss of hydraulic power due to failure of the ram air turbine to deploy in the event of dual engine failure, accomplish the following:

A. Replace the ram air turbine deployment actuator in accordance with Arkwin Industries Incorporated Service Bulletin 1211233-29-02, dated July 25, 1989.

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

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

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

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

This amendment becomes effective October 29, 1990.

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

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 90-22287 Filed 9-19-90; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 39

[Docket No. 90-NM-46-AD; Amdt. 39-6747]

Airworthiness Directives; Boeing Model 727 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment supersedes an existing airworthiness directive (AD), applicable to Boeing Model 727 series airplanes, which currently requires ultrasonic inspections of upper body skin bonded tear straps for disbonding, and repair, if necessary. This action also requires repetitive inspections of repairs using blind fasteners, and replacement of blind fasteners with solid fasteners within a specified threshold. This amendment is prompted by the FAA's determination that repairs made using blind fasteners have a limited fatigue life. This condition, if not corrected, could result in fuselage skin cracks and subsequent cabin decompression.

EFFECTIVE DATE: October 29, 1990.

ADDRESSES: The applicable service information may be obtained from Boeing Commercial Airplane Group, P.O. Box 3707, Seattle, Washington 98124. This information may be examined at the FAA, Northwest Mountain Region, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington.

FOR FURTHER INFORMATION CONTACT: Ms. Kathi N. Ishimaru, Seattle Aircraft Certification Office, Airframe Branch, ANM-120S; telephone (206) 227-2778. Mailing address: FAA, Northwest Mountain Region, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington 98055-4056.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations by superseding AD 81-17-07, Amendment 39-4191 (46 FR 42252, August 20, 1981), applicable to Boeing Model 727 series airplanes, to require repetitive inspections of repairs using blind fasteners, and replacement of blind fasteners with solid fasteners within a specified threshold, was published in the **Federal Register** on April 25, 1990 (55 FR 17453).

Interested persons have been afforded an opportunity to participate in the making of this amendment. Due consideration has been given to the comments received.

One commenter stated that it is inappropriate for the proposed rule to contain a repair that is not approved by the manufacturer or identified in the manufacturer's service bulletin or structural repair manual. Specifically, the commenter noted the replacement of 5/32-inch blind fasteners with 3/16-inch solid rivets. The FAA does not concur. The repair provided in paragraph G. of this AD was coordinated with the manufacturer. The repair is simple enough that it was incorporated in the AD instead of waiting for the manufacturer to revise the appropriate service documents.

This same commenter further requested that paragraph G. be clarified by adding a reference to the Boeing 727 Structural Repair Manual, Subject 53-30-4, paragraph 2.D., Method IV, instead of referring to the service bulletin. The FAA concurs, and paragraph G. of the final rule has been revised accordingly.

One commenter, a Model 727 operator, stated that the proposed AD is not necessary because of inspections this operator currently performs in the crown skin area. The FAA does not concur. The FAA has determined that, in order to ensure the integrity of the fuselage skin, specific inspections of the blind fasteners are required and that mandatory replacement with solid fasteners is required.

One commenter requested that the initial inspection of the blind fasteners be extended an additional 2,000 landings (or at the next "C" check). The commenter referred to analyses performed by Boeing which showed the load transfer is nominal for tear strap fasteners and much lower than that of the lap splices; therefore, safety would not be compromised by the delay in the inspection time. Another commenter considered the inspection requirement at 1,000 landings as overly restrictive. Furthermore, Boeing requested that the life limit of the blind fasteners be extended from the proposed 10,000 landings to 20,000 landings, based upon the findings of the analysis and survey it conducted. The FAA concurs. Since the issuance of the Notice, Boeing surveyed ten operators to determine their in-service experience with blind fasteners used in tear strap repairs. Nine out of ten operators responded and reported no lost or loose blind fasteners. In addition, the manufacturer re-analyzed the fatigue life of blind fasteners used in tear straps; the analysis showed that the life limit may be extended to 20,000 flight cycles in certain locations. Based on in-service experience of these airplanes and Boeing's analysis, the FAA has revised the final rule to require the initial inspection of the blind fasteners within 3,000 landings after the effective date of this AD, and to extend the life limit of the blind fasteners, except those installed at the tear strap splice locations, to 20,000 landings.

Another commenter contended that the replacement of the blind fasteners at 3,000 landings, as proposed, may pose a significant problem for some operator with newly-acquired airplanes because the transferred records may not clearly indicate the date of installation of the blind fasteners currently on the airplane, in which case extensive disassembly would be required to replace the blind fasteners. The commenter proposed a one-time removal of blind fasteners, followed by an eddy current inspection to detect cracks, reinstallation of blind fasteners, and, finally, installation of solid fasteners after 10,000 additional landings. The FAA has determined that the one-time replacement of blind fasteners with blind fasteners is not necessary if the threshold for replacement with solid fasteners is increased. After careful review of the in-service experience of these airplanes and the analysis done by Boeing, the FAA has determined that blind fasteners that have exceeded the landing threshold can be replaced within 10,000 landings without compromising the safety of the fleet. The final rule has been revised to require replacement of the blind fasteners that have exceeded the landing threshold within 10,000 landings after the effective date of this AD, in lieu of the 3,000 landings as proposed in the Notice.

Another commenter believed that the life limit of the blind fasteners was arbitrary and requested substantiation of the 10,000 flight cycle life limit. The FAA does not concur. The manufacturer performed a fatigue analysis of the blind fastener installation. The FAA used this information to determine that mandatory action was required, and furthermore determined that blind fasteners would be life limited to 10,000 landings.

Two typographical errors which appeared in the Notice have been corrected in the final rule: The fastener identified incorrectly as "BACR15CED6" has been changed to "BACR15CE6D" in paragraph G. In paragraph F., method IV has been changed to method V.

Paragraph H. of the final rule has been revised to specify the current procedure for submitting requests for approval of an alternate means of compliance.

After careful review of the available data, including the comments noted above, the FAA has determined that air safety and the public interest require the adoption of the rule with the changes described above. The FAA has determined that these changes will neither increase the economic burden on any operator nor increase the scope of the rule.

There are approximately 557 Model 727 series airplanes of the affected design in the worldwide fleet. It is estimated that 450 airplanes of U.S. registry will be affected by this AD, that it will take approximately 16 manhours per airplane to accomplish the required actions, and that the average labor cost will be $40 per manhour. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be $288,000.

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.

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

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

Adoption of the Amendment

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

PART 39—[AMENDED]

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

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

§ 39.13 [Amended]

2. Section 39.13 is amended by superseding Amendment 39-4194 (46 FR 42252; August 20, 1981), AD 81-17-07, with the following new airworthiness directive:

Boeing: Applies to Model 727 series airplanes, listed in Boeing Service Bulletin 727-53-0082, Revision 5, dated November 9, 1989, certificated in any category. Compliance required as indicated, unless previously accomplished.

To detect delamination of the upper body skin bonded tear straps from Fuselage Station 277 to Station 1130, accomplish the following:

A. Within 14 months from August 20, 1981 (the effective date of Amendment 39-4194), inspect the upper body skin bonded tear straps for delamination from the upper body skin in accordance with the ultrasonic inspection procedures described in Boeing Service Bulletin 727-53-0082, Revision 3, dated June 19, 1981; Revision 4, dated April 16, 1982; or Revision 5, dated November 9, 1989.

B. If the ultrasonic inspection required by paragraph A. of this AD reveals areas of delamination, prior to further flight, inspect the areas for corrosion in accordance with Boeing Service Bulletin 727-53-0082, Revision 5.

C. Perform either of the following repetitive inspections:

1. Within 24 months from the initial inspection, reinspect as required by paragraph A. of this AD, and in accordance with the following schedule:

a. Repeat inspections for Group I airplanes starting with Zone I, alternating between Zones I, II, and III at intervals not to exceed 24 months, in accordance with Boeing Service Bulletin 727-53-0082, Revision 3, 4, or 5.

b. Repeat inspections for Group II airplanes alternating between Zones I and II at intervals not to exceed 24 months, in accordance with Boeing Service Bulletin 727-53-0082, Revision 3, 4, or 5.

c. Any strap found delaminated, while inspecting a zone, must be inspected along its entire length (e.g., stringer 14R to stringer 14L) prior to further flight.

2. Within 30 months from the initial inspection, reinspect Zones I, II, and if applicable, Zone III, as required by paragraph A. of this AD. Repeat the inspection at intervals not to exceed 30 months.

D. If tear strap corrosion is detected or bond delaminations exceed the limits specified in Boeing Service Bulletin 727-53-0082, Revision 5, prior to further flight, repair in accordance with the service bulletin.

E. If tear strap corrosion is not detected and bond delaminations are within the limits specified in Boeing Service Bulletin 727-53-0082, Revision 5, perform either of the following:

1. Repair in accordance with the service bulletin prior to further flight.

2. Reinspect for delamination growth and corrosion at intervals not to exeed 24 months in accordance with the service bulletin.

F. Repairs or modifications made in accordance with Boeing 727 Structural Repair Manual Subject 53-30-4, Paragraph 2.C., Method II or V; or Paragraph 2.D., Method III; terminate the inspection requirements of paragraph C. of this AD for the repaired area.

G. Blind fasteners installed in accordance with Boeing 727 Structural Repair Manual Subject 53-30-4, Paragraph 2.D., Method IV, are approved as an interim repair only. Inspect blind fastener repair for loose or missing fasteners within the next 3,000 landings after the effective date of this AD, and thereafter at intervals not to exceed 2,500 landings.

1. Replace the tear strap blind splice fasteners with solid fasteners prior to accumulating 10,000 landings or within the next 10,000 landings after the effective date of this AD, whichever occurs later.

Note: Splice fasteners are the 9 rivets at the terminating end of a tear strap. Each body station that has tear straps has 4 locations where the tear straps terminate with 9 splice rivets; just above stringer (S) 4L, S-4R, S-10L, and S-10R.

2. Replace the remaining tear strap blind fasteners with solid fasteners prior to accumulating 20,000 landings or within the next 10,000 landings after the effective date of this AD, whichever occurs later.

In skin gauges .063 inches or greater, use solid fastener BACR15CE6D. In skin gauges less than .063 inches, use solid fastener MS20470D6. Replacement with solid fasteners terminates the inspection requirements of this AD for the repaired area.

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

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

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

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

This amendment supersedes Amendment 39-4191, AD 81-17-07.

This amendment becomes effective on October 29, 1990.

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

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 90-22286 Filed 9-19-90; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 95

[Docket No. 26343; Amdt. No. 359]

IFR Altitudes; Miscellaneous Amendments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts miscellaneous amendments to the required IFR (instrument flight rules) altitudes and changeover points for certain Federal airways, jet routes, or direct routes for which a minimum or maximum en route authorized IFR altitude is prescribed. This regulatory actions are needed because of changes occurring in the National Airspace System. These changes are designed to provide for the safe and efficient use of the navigable airspace under instrument conditions in the affected areas.

DATES: *Effective:* October 18, 1990.

FOR FURTHER INFORMATION CONTACT: Paul J. Best, Flight Procedures Standards Branch (AFS–420), Technical Programs Division, Flight Standards Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone: (202) 267–8277.

SUPPLEMENTARY INFORMATION: This amendment to part 95 of the Federal Aviation Regulations (14 CFR part 95) amends, suspends, or revokes IFR altitudes governing the operation of all aircraft in if flight over a specified route or any portion of that route, as well as the changeover points (COPs) for Federal airways, jet routes, or direct routes as prescribed in part 95. The specified IFR altitudes, when used in conjunction with the prescribed changeover points for those routes, ensure navigation aid coverage that is adequate for safe flight operations and free of frequency interference. The reasons and circumstances which create the need for this amendment involve matters of flight safety, operational efficiency in the National Airspace System, and are related to published aeronautical charts that are essential to the user and provide for the safe and efficient use of the navigable airspace. In addition, those various reasons or circumstances require making this amendment effective before the next scheduled charting and publication date of the flight information to assure its timely availability to the user. The effective date of this amendment reflects those considerations. In view of the close and immediate relationship between these regulatory changes and safety in air commerce, I find that notice and public procedure before adopting this amendment are unnecessary, impracticable, and contrary to the public interest and that good cause exists for making the amendment effective in less than 30 days.

The FAA has determined that this 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. For the same reason, the FAA certifies that this amendment 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 95

Aircraft, Airspace.

Issued in Washington, DC, on September 13, 1990.

Daniel C. Beaudette,

Director, Flight Standards Service.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, part 95 of the Federal Aviation Regulations (14 CFR part 95) is amended as follows effective at 0901 GMT:

PART 95—[AMENDED]

1. The authority citation for part 95 continues to read as follows:

Authority: 49 U.S.C. 1348, 1354, and 1510; 49 U.S.C. 106(g) (Revised Pub. L. 97–449, January 12, 1983); and 14 CFR 11.49(b)(2).

2. Part 95 is amended to read as follows:

BILLING CODE 4910–13–M

REVISIONS TO MINIMUM ENROUTE IFR ALTITUDES & CHANGEOVER POINTS

AMENDMENT 359 EFFECTIVE DATE, OCTOBER 18, 1990

§95.1001 DIRECT ROUTES-U.S.

IS AMENDED TO DELETE

FROM	TO	MEA
BELLAIRE, OH VORTAC	SACKY, WV FIX	3500
BINGHAMTON, NY VORTAC	GEORGETOWN, NY VORTAC	3900
CAMBRIDGE, NY VORTAC	GLENS FALLS, NY VORTAC	3800
CARMEL, NY VORTAC	ANDLE, CT FIX	2600
GEORGETOWN, NY VORTAC	VASTS, NY FIX	3900
GROTON, CT VOR	FLIBB, CT FIX	*2000
*1500 - MOCA		MAA-17500
INT HPW VORTAC 105 & HCM VORTAC 134	HOPEWELL, VA VORTAC	2000
LIBBR, WV FIX	CLARKSBURG, WV VOR/DME	3100
		MAA-17500
MONTEBELLO, VA VOR/DME	ELKINS, WV VORTAC	6600
MORGANTOWN, WV VORTAC	INT AGC VORTAC 237 & EWC VORTAC 190	3800
NORWICH, CT VORTAC	LAFAY, RI FIX	2000
		MAA-17500
PATUXENT, MD VORTAC	INT PXT VORTAC 172 & ORF VORTAC 008	2000
REVLOC, PA VOR/DME	GRACE, PA FIX	4000
		MAA-17000
SYRACUSE, NY VORTAC VIA SYR VORTAC 357 & YGK NDB 178 *2300 - MOCA	U.S. CANADIAN BORDER	*3000

§95.1001 DIRECT ROUTES-U.S.

ATLANTIC ROUTES

A39 IS DELETED

MINOW, FL FIX *1200 - MOCA	EPSON, FL FIX	*7000
EPSON, FL FIX *1200 - MOCA	SALTO, FL FIX	*4000
SALTO, FL FIX *1200 - MOCA	MARCI, FL FIX	*2300
MARCI, FL FIX *1200 - MOCA	COOK, FL NDB	*2000
COOK, FL NDB *1500 - MOCA	URSUS, BF FIX	*3000

A5C9 IS ADDED TO READ

MINOW, FL FIX *1200 - MOCA	EPSON, FL FIX	*7000
EPSON, FL FIX *1200 - MOCA	SALTO, FL FIX	*4000
SALTO, FL FIX *1200 - MOCA	MARCI, FL FIX	*2300
MARCI, FL FIX *1500 - MOCA	COOK, FL NDB	*2000
COOK, FL NDB	URSUS, BF FIX	3000

§95.6002 VOR FEDERAL AIRWAY 2

IS AMENDED TO READ IN PART

FROM	TO	MEA
MISSOULA, MT VORTAC *8900 - MOCA	DRUMMOND, MT VOR	*10000
GARRI, MT FIX *9200 - MOCA	HELENA, MT VORTAC	*9800

§95.6009 VOR FEDERAL AIRWAY 9

IS AMENDED TO READ IN PART

GILMORE, AR VOR/DME *2300 - MOCA	MALDEN, MO VORTAC	*3000
MALDEN, MO VORTAC	FARMINGTON, MO VORTAC	3000
FARMINGTON, MO VORTAC	GLASS, MO FIX	3000

§95.6010 VOR FEDERAL AIRWAY 10

IS AMENDED TO READ IN PART

STAFF, KS FIX	HUTCHINSON, KS VORTAC	3800
EMPORIA, KS VORTAC	NAPOLEON, MO VORTAC	3100
NAPOLEON, MO VORTAC *2700 - MOCA	KIRKSVILLE, MO VORTAC	*3000
KIRKSVILLE, MO VORTAC *2700 - MOCA	LOAMY, MO FIX	*3000
LOAMY, MO FIX *2200 - MOCA	BURLINGTON, IA VORTAC	*2700

§95.6012 VOR FEDERAL AIRWAY 12

IS AMENDED TO READ IN PART

WICHITA, KS VORTAC *4000 - MRA	*INDIC, KS FIX	3600
EMPORIA, KS VORTAC	NAPOLEON, MO VORTAC	3100
NAPOLEON, MO VORTAC *4000 - MRA	*OCTAM, MO FIX	3000
JOHNSTOWN, PA VORTAC	POLLS, PA FIX	6000
POLLS, PA FIX	LOMON, PA FIX	13000
LOMON, PA FIX	HARRISBURG, PA VORTAC	5000

§95.6013 VOR FEDERAL AIRWAY 13

IS AMENDED TO READ IN PART

BOYLE, AR FIX *2900 - MOCA	RAZORBACK, AR VORTAC	*3500

§95.6031 VOR FEDERAL AIRWAY 31

IS AMENDED TO READ IN PART

HARRISBURG, PA VORTAC *5000 - MRA	*MORTO, PA FIX	3000
MORTO, PA FIX	SELINSGROVE, PA VORTAC	5000

FROM	TO	MEA
§95.6045 VOR FEDERAL AIRWAY 45		
IS AMENDED TO READ IN PART		
CHARLESTON, WV VORTAC	HENDERSON, WV VORTAC	3500
§95.6047 VOR FEDERAL AIRWAY 47		
IS AMENDED TO READ IN PART		
GILMORE, AR VOR/DME	DYERSBURG, TN VORTAC	2500
§95.6063 VOR FEDERAL AIRWAY 63		
IS AMENDED TO READ IN PART		
GAMPS, AR FIX	BILIE, MO FIX	3300
BARTI, MO FIX	GIBSN, MO FIX	3000
§95.6084 VOR FEDERAL AIRWAY 84		
IS AMENDED TO READ IN PART		
NORTHBROOK, IL VORTAC	*KUBBS, IL FIX	**2500
*4000 - MRA		
**1900 - MOCA		
§95.6096 VOR FEDERAL AIRWAY 96		
IS AMENDED TO READ IN PART		
FORT WAYNE, IN VORTAC	*WOCKY, OH FIX	2500
*7000 - MRA		
WOCKY, OH FIX	WATERVILLE, OH VOR/DME	2500
§95.6098 VOR FEDERAL AIRWAY 98		
IS AMENDED TO READ IN PART		
DAYTON, OH VOR/DME	HINES, OH FIX	3000
HINES, OH FIX	*WOCKY, OH FIX	7000
*7000 - MRA		
*7000 - MCA WOCKY FIX, S BND		
WOCKY, OH FIX	*PIONS, OH FIX	10000
*4000 - MRA		
*10000 - MCA PIONS FIX, S BND		
PIONS, OH FIX	MIZAR, MI FIX	3000
§95.6101 VOR FEDERAL AIRWAY 101		
IS AMENDED BY ADDING		
REAPS, ID FIX	HAILEY, ID NDB/DME	8600
HAILEY, ID NDB/DME	SOLDE, ID FIX	8600
§95.6115 VOR FEDERAL AIRWAY 115		
IS AMENDED TO READ IN PART		
CRESTVIEW, FL VORTAC	PIGON, AL FIX	2500

FROM	TO	MEA
§95.6120 VOR FEDERAL AIRWAY 120		
IS AMENDED TO READ IN PART		
MULLAN PASS, ID VOR/DME	*CHARL, MT FIX	**13000
*16000 - MRA		
**9200 - MOCA		
§95.6132 VOR FEDERAL AIRWAY 132		
IS AMENDED TO READ IN PART		
NASHE, MO FIX	SPRINGFIELD, MO VORTAC	3000
§95.6140 VOR FEDERAL AIRWAY 140		
IS AMENDED TO READ IN PART		
HARRISON, AR VOR/DME	VILLO, AR FIX	3000
§95.6161 VOR FEDERAL AIRWAY 161		
IS AMENDED TO READ IN PART		
DUFFA, TX FIX	POLKA, TX FIX	3400
§95.6187 VOR FEDERAL AIRWAY 187		
IS AMENDED TO READ IN PART		
GRAND JUNCTION, CO VORTAC	*TESSY, CO FIX	10000
*10500 - MRA		
*10700 - MCA TESSY FIX, N BND		
§95.6194 VOR FEDERAL AIRWAY 194		
IS AMENDED BY ADDING		
SCURRY, TX VORTAC	TEAKY, TX FIX	*2300
*1700 - MOCA		
TEAKY, TX FIX	COLLEGE STATION, TX VORTAC	*4000
*1900 - MOCA		
COLLEGE STATION, TX VORTAC	PRARI, TX FIX	2000
PRARI, TX FIX	SEALY, TX FIX	3500
SEALY, TX FIX	HOBBY, TX VOR/DME	2000
§95.6206 VOR FEDERAL AIRWAY 206		
IS AMENDED TO READ IN PART		
NAPOLEON, MO VORTAC	KIRKSVILLE, MO VORTAC	*3000
*2700 - MOCA		
§95.6231 VOR FEDERAL AIRWAY 231		
IS AMENDED TO READ IN PART		
CHARL, MT FIX	SKOTT, MT FIX	*13500
*9500 - MOCA		

FROM	TO	MEA

§95.6234 VOR FEDERAL AIRWAY 234

IS AMENDED TO READ IN PART

BYWAY, KS FIX	GABIE, KS FIX	4300
GABIE, KS FIX	HUTCHINSON, KS VORTAC	3800

§95.6276 VOR FEDERAL AIRWAY 276

IS AMENDED TO READ IN PART

RASHE, PA FIX *5000 - MRA	*MORTO, PA FIX	4000
MORTO, PA FIX	RAVINE, PA VORTAC	4000

§95.6303 VOR FEDERAL AIRWAY 303

IS AMENDED TO READ IN PART

BLIMP, AR FIX	FORT SMITH, AR VORTAC	2700

§95.6345 VOR FEDERAL AIRWAY 345

IS AMENDED TO READ IN PART

HAYWARD, WI VOR/DME *2900 - MOCA	ASHLAND, WI VOR/DME	*3400

§95.6437 VOR FEDERAL AIRWAY 437

IS AMENDED TO READ IN PART

PAHOKEE, FL VORTAC	MELBOURNE, FL VOR/DME	2000

FROM	TO	MEA

§95.6484 VOR FEDERAL AIRWAY 484

IS AMENDED BY ADDING

HAILEY, ID NDB/DME	KINZE, ID FIX	8600

IS AMENDED TO READ IN PART

MYTON, UT VORTAC *13000 - MRA **9000 - MOCA	*WINDO, UT FIX	**10500
WINDO, UT FIX	GRAND JUNCTION, CO VORTAC	10500

§95.6532 VOR FEDERAL AIRWAY 532

IS AMENDED TO READ IN PART

BLIMP, AR FIX	FORT SMITH, AR VORTAC	2700

§95.6571 VOR FEDERAL AIRWAY 571

IS AMENDED TO READ IN PART

LEONA, TX VORTAC	TEAKY, TX FIX	2300
TEAKY, TX FIX *1700 - MOCA	SCURRY, TX VORTAC	*2300

§95.6574 VOR FEDERAL AIRWAY 574

IS AMENDED TO READ IN PART

DAISETTA, TX VORTAC	BEAUMONT, TX VORTAC	2300

FROM	TO	MEA	MAA

§95.7053 JET ROUTE NO. 53

IS AMENDED TO DELETE

ELLWOOD CITY, PA VORTAC	U.S. CANADIAN BORDER	18000	45000

§95.7152 JET ROUTE NO. 152

IS AMENDED TO READ IN PART

JOHNSTOWN, PA VORTAC	HARRISBURG, PA VORTAC	18000	40000

§95.8003 VOR FEDERAL AIRWAYS CHANGEOVER POINTS

AIRWAY SEGMENT		CHANGEOVER POINTS	
FROM	TO	DISTANCE	FROM
	V-12		
	IS AMENDED TO READ IN PART		
JOHNSTOWN, PA VORTAC	HARRISBURG, PA VORTAC	62	JOHNSTOWN
	V-31		
	IS AMENDED BY ADDING		
HARRISBURG, PA VORTAC	SELINSGROVE, PA VORTAC	19	HARRISBURG
	V-433		
	IS AMENDED TO READ IN PART		
LA GUARDIA, NY VOR/DME	BRIDGEPORT, CT VOR	9	LA GUARDIA
	V-469		
	IS AMENDED TO READ IN PART		
HARRISBURG, PA VORTAC	DUPONT, DE VORTAC	32	HARRISBURG
	V-475		
	IS AMENDED TO READ IN PART		
LA GUARDIA, NY VOR/DME	BRIDGEPORT, CT VOR	9	LA GUARDIA
	V-487		
	IS AMENDED TO READ IN PART		
LA GUARDIA, NY VOR/DME	BRIDGEPORT, CT VOR	9	LA GUARDIA

§95.8005 JET ROUTES CHANGEOVER POINTS

AIRWAY SEGMENT			CHANGEOVER POINTS
FROM	TO	DISTANCE	FROM
J-152			
IS AMENDED TO READ IN PART			
JOHNSTOWN, PA VORTAC	HARRISBURG, PA VORTAC	62	JOHNSTOWN

[FR Doc. 90-22296 Filed 9-19-90; 8:45 am]
BILLING CODE 4910-13-C

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 440

[Docket No. 90N-0241]

Antibiotic Drugs; Penicillin G Potassium Injection

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the antibiotic drug regulations to provide for the inclusion of accepted standards for a new dosage form of penicillin G potassium, penicillin G potassium injection. The manufacturer has supplied sufficient data and information to establish its safety and efficacy.

DATES: Effective October 22, 1990. Written comments, notice of participation, and request for hearing by October 22, 1990; data, information, and analyses to justify a hearing by November 20, 1990.

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

FOR FURTHER INFORMATION CONTACT: Peter A. Dionne, Center for Drug Evaluation and Research (HFD-520), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-4290.

SUPPLEMENTARY INFORMATION: FDA has evaluated data submitted in accordance with regulations promulgated under section 507 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 357), as amended, with respect to a request for approval of a new dosage form of penicillin G potassium, penicillin G potassium injection. The agency has concluded that the data supplied by the manufacturer concerning this antibiotic drug are adequate to establish its safety and efficacy when used as directed in the labeling and that the regulations should be amended in part 440 (21 CFR part 440) to provide for the inclusion of accepted standards for this product.

I. Environmental Impact

The agency has determined under 21 CFR 25.24(c)(6) that this action is of a type that does not individually or cumulatively have a significant effect on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

II. Submitting Comments and Filing Objections

This final rule announces standards that FDA has accepted in a request for approval of an antibiotic drug. Because this final rule is not controversial and because when effective it provides notice of accepted standards, FDA finds that notice and comment procedure is unnecessary and not in the public interest. This final rule, therefore, becomes effective October 22, 1990. However, interested persons may, on or before October 22, 1990, submit comments to the Dockets Management Branch (address above). Two copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document. Received comments may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

Any person who will be adversely affected by this final rule may file objections to it and request a hearing. Reasonable grounds for the hearing must be shown. Any person who decides to seek a hearing must file (1) on or before October 22, 1990, a written notice of participation and request for hearing, and (2) on or before November 20, 1990, the data, information, and analyses on which the person relies to justify a hearing, as specified in 21 CFR 314.300. A request for a hearing may not rest upon mere allegations or denials, but must set forth specific facts showing that there is a genuine and substantial issue of fact that requires a hearing. If it conclusively appears from the face of the data, information, and factual analyses in the request for hearing that no genuine and substantial issue of fact precludes the action taken by this order, or if a request for hearing is not made in the required format or with the required analyses, the Commissioner of Food and Drugs will enter summary judgment against the person(s) who request(s) the hearing, making findings and conclusions and denying a hearing. All submissions must be filed in three copies, identified with the docket number appearing in the heading of this document and filed with the Dockets Management Branch.

The procedures and requirements governing this order, a notice of participation and request for hearing, a submission of data, information, and analyses to justify a hearing, other comments, and grant or denial of a hearing are contained in 21 CFR 314.300.

All submissions under this order, except for data and information prohibited from public disclosure under 21 U.S.C. 331(j) or 18 U.S.C. 1905, 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 440

Antibiotics.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs, 21 CFR part 440 is amended as follows:

PART 440—PENICILLIN ANTIBIOTIC DRUGS

1. The authority citation for 21 CFR part 440 continues to read as follows:

Authority: Section 507 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 357).

2. New § 440.80 is added to subpart A to read as follows:

§ 440.80 Penicillin G potassium.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality and purity.* Penicillin G potassium is potassium 3,3-dimethyl-7-oxo-6-(2-phenylacetamido)-4-thia-1-azabicyclo[3.2.0]heptane-2-carboxylate. It is so purified and dried that:

(i) Its potency is not less than 1,440 units and not more than 1,680 units per milligram.

(ii) Its loss on drying is not more than 1.5 percent.

(iii) The pH of an aqueous solution containing 60 milligrams per milliliter is not less than 5.0 and not more than 7.5.

(iv) Its penicillin G content is not less than 80.8 percent and not more than 94.3 percent.

(v) It is crystalline.

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 432.5 of this chapter.

(3) *Requests for certification; samples.* In addition to complying with the requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of test and assays on the batch for potency, loss on drying, pH, penicillin G content, and crystallinity.

(ii) Samples, if required by the Center for Drug Evaluation and Research: 10 packages, each containing approximately 300 milligrams.

(b) *Test and methods of assay*—(1) *Potency.* Proceed as directed in § 440.80a(b)(1).

(2) *Loss on drying.* Proceed as directed in § 436.200(b) of this chapter.

(3) *pH.* Proceed as directed in § 436.202 of this chapter, using an aqueous solution containing 60 milligrams per milliliter.

(4) *Penicillin G content.* Proceed as directed in § 436.316 of this chapter.

(5) *Crystallinity.* Proceed as directed in § 436.203(a) of this chapter.

3. New § 440.280c is added to subpart C to read as follows:

§ 440.280c Penicillin G potassium injection.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Penicillin G potassium injection is a frozen, aqueous, iso-osmotic solution of penicillin G potassium which may contain one or more suitable and harmless buffer substances and a tonicity adjusting agent. Each milliliter contains penicillin G potassium equivalent to 20,000, 40,000, or 60,000 units of penicillin G. Its penicillin G content is satisfactory if it is not less than 90 percent and not more than 115 percent of the number of units of penicillin G that it is represented to contain. It is sterile. It is nonpyrogenic. Its pH is not less than 5.5 and not more than 8.0. The penicillin G potassium used conforms to the standards prescribed by § 440.80(a)(1).

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 432.5 of this chapter. In addition, this drug shall be labeled "penicillin G potassium injection".

(3) *Requests for certification; samples.* In addition to complying with the requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(A) The penicillin G potassium used in making the batch for potency, loss on drying, pH, penicillin G content, and crystallinity.

(B) The batch for penicillin G content, sterility, pyrogens, and pH.

(ii) Samples, if required by the Center for Drug Evaluation and Research:

(A) The penicillin G potassium used in making the batch: 10 packages, each containing approximately 300 milligrams.

(B) The batch:

(*1*) For all tests except sterility: A minimum of 10 immediate containers.

(*2*) For sterility testing: 20 immediate containers, collected at regular intervals throughout each filling operation.

(b) *Tests and methods of assay.* Thaw the sample as directed in the labeling. The sample solution used for testing must be at room temperature.

(1) *Penicillin G content.* Proceed as directed in § 440.280b(b)(1) of this chapter, except use the thawed solution.

(2) *Sterility.* Proceed as directed in § 436.20 of this chapter, using the method described in paragraph (e)(1) of that section.

(3) *Pyrogens.* Proceed as directed in § 436.32(a) of this chapter, except inject a sufficient volume of the undiluted solution to deliver 20,000 units of penicillin G per kilogram.

(4) *pH.* Proceed as directed in § 436.202 of this chapter, using the undiluted solution.

Dated: August 29, 1990.

Sammie R. Young,

Acting Director, Office of Compliance, Center for Drug Evaluation and Research.

[FR Doc. 90–22204 Filed 9–19–90; 8:45 am]

BILLING CODE 4160–01–M

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21 CFR Part 444

[Docket No. 90N–0239]

Antibiotic Drugs; Amikacin Sulfate

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the antibiotic drug regulations to provide for the inclusion of accepted standards for a new bulk form of amikacin, amikacin sulfate. The manufacturers have supplied sufficient data and information to establish its safety and efficacy.

DATES: Effective October 22, 1990; written comments, notice of participation, and request for hearing by October 22, 1990; data, information and analyses to justify a hearing by November 20, 1990.

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

FOR FURTHER INFORMATION CONTACT: Peter A. Dionne, Center for Drug Evaluation and Research (HFD–520), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–4290.

SUPPLEMENTARY INFORMATION: FDA has evaluated data submitted in accordance with regulations promulgated under section 507 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 357), as amended, with respect to a request for approval of a new bulk form of amikacin, amikacin sulfate. The agency has concluded that the data supplied by the manufacturers concerning this antibiotic drug are adequate to establish its safety and efficacy when used as directed in the labeling and that the regulations should be amended in part 444 (21 CFR part 444) to provide for the inclusion of accepted standards for this product.

Environmental Impact

The agency has determined under 21 CFR 25.24(c)(6) that this action is of a type that does not individually or cumulatively have a significant effect on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

Submitting Comments and Filing Objections

This final rule announces standards that FDA has accepted in a request for approval of an antibiotic drug. Because this final rule is not controversial and because when effective it provides notice of accepted standards, FDA finds that notice and comment procedure is unnecessary and not in the public interest. This final rule, therefore, becomes effective October 22, 1990. However, interested persons may, on or before October 22, 1990, submit comments to the Dockets Management Branch (address above). Two copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document. Received comments may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

Any person who will be adversely affected by this final rule may file objections to it and request a hearing. Reasonable grounds for the hearing must be shown. Any person who decides to seek a hearing must file (1) On or before October 22, 1990, a written notice of participation and request for hearing, and (2) on or before November 20, 1990, the data, information, and analyses on which the person relies to justify a hearing, as specified in 21 CFR 314.300. A request for a hearing may not rest upon mere allegations or denials, but must set forth specific facts showing that there is a genuine and substantial issue of fact that requires a hearing. If it conclusively appears from the face of the data, information, and factual analyses in the request for hearing that no genuine and substantial issue of fact precludes the action taken by this order, or if a request for hearing is not made in the required format or with the required analyses, the Commissioner of Food and Drugs will enter summary judgment against the person(s) who request(s) the hearing, making findings and conclusions and denying a hearing. All submissions must be filed in three copies, identified with the docket number appearing in the heading of this

document and filed with the Dockets Management Branch.

The procedures and requirements governing this order, a notice of participation and request for hearing, a submission of data, information, and analyses to justify a hearing, other comments, and grant or denial of a hearing are contained in 21 CFR 314.300.

All submissions under this order, except for data and information prohibited from public disclosure under 21 U.S.C. 331(j) or 18 U.S.C. 1905, 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 444

Antibiotics.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs, 21 CFR part 444 is amended as follows:

PART 444—OLIGOSACCHARIDE ANTIBIOTIC DRUGS

1. The authority citation for 21 CFR part 444 continues to read as follows:

Authority: Section 507 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 357).

2. New § 444.7 is added to subpart A to read as follows:

§ 444.7 Amikacin sulfate.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Amikacin sulfate is the sulfate salt of *D*-streptamine, *O*-3-amino-3-deoxy-α-*D*-glucopyranosyl(1-6)-*O*-[6-amino-6-deoxy-α-*D*-glucopyranosyl(1-4)]-*N*^{1}-(4-amino-2-hydroxy-1-oxobutyl)-2-deoxy-,(S)-. It is so purified and dried that:

(i) Its potency is not less than 674 micrograms and not more than 786 micrograms per milligram on an anhydrous basis if the molar ratio of amikacin to sulfuric acid (H_2SO_4) is 1:2 and is not less than 691 micrograms and not more than 806 micrograms per milligram on an anhydrous basis if the molar ratio of amikacin to H_2SO_4 is 1:1.8.

(ii) Its loss on drying is not more than 13.0 percent.

(iii) The pH of an aqueous solution containing 10 milligrams of amikacin sulfate per milliliter is not less than 2.0 and not more than 4.0 if the molar ratio of amikacin to H_2SO_4 is 1:2 and not less than 6.0 and not more than 7.3 if the molar ratio of amikacin to H_2SO_4 is 1:1.8.

(iv) It gives a positive identify test for amikacin.

(v) Its residue on ignition is not more than 1.0 percent.

(vi) Its specific rotation is not less than +76° and not more than +84° on the anhydrous basis.

(vii) It is crystalline.

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 432.5 of this chapter.

(3) *Requests for certification; samples.* In addition to complying with the requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on the batch for potency, loss on drying, pH, identity, residue on ignition, specific rotation, and crystallinity.

(ii) Samples, if required by the Center for Drug Evaluation and Research: 10 packages, each containing approximately 500 milligrams.

(b) *Tests and methods of assay*—(1) *Potency.* Proceed as directed in § 436.216 of this chapter, using a 25-centimeter by 4.6-millimeter column packed with irregular 5-micron octadecyl hydrocarbon bonded silica, thermostatted at 30 °C, an ultraviolet detection system operating at a wavelength of 340 nanometers, a flow rate not exceeding 2.0 milliliters per minute, a chart speed of 1.0 centimeter per minute (the chart speed is increased to 5.0 centimeters per minute to obtain chromatograms used for performance parameter determinations), and a known injection volume between 15.0 and 30.0 microliters. Retention times of amikacin and kanamycin are about 10 and 15 minutes, respectively. Reagents, working standard solution, sample solution, resolution test solution, system suitability requirements, and calculations are as follows:

(i) *Reagents*—(A) *1.0 percent 2,4,6-trinitrobenzenesulphonic acid solution.* Dissolve 1.0 gram of 2,4,6-trinitrobenzenesulphonic acid in 100 milliliters of distilled water.

(B) *0.02M potassium dihydrogen phosphate.* Dissolve 2.72 grams of potassium dihydrogen phosphate in 800 milliliters of distilled water and mix to dissolve the solid. Dilute to 1,000 milliliters with distilled water and mix.

(C) *Mobile phase.* Mix 0.02*M* potassium dihydrogen phosphate and methanol, high performance liquid chromatography reagent grade (28:72 by volume). Adjust the pH to 6.5 with 0.4*M* potassium hydroxide. Filter the mobile phase through a suitable glass filter or equivalent which is capable of removing particulate matter contamination greater than 0.5 micron in diameter. Degas the mobile phase just prior to its introduction into the chromatograph.

(ii) *Preparation of working standard and sample solutions.* (A) *Working standard solution.* Dissolve an accurately weighed portion of the amikacin working standard with sufficient distilled water to obtain a solution containing approximately 1.0 milligram of amikacin activity per milliliter. This preparation is stable for 1 week. Transfer 50 microliters of this solution directly to the bottom of a 50-milliliter, glass-stoppered centrifuge tube, using an automatic micropipetter. Add 3.2 milliliters of pyridine and 2.0 milliliters of 1 percent 2,4,6-trinitrobenzenesulphonic acid reagent just above the surface of the solution in the centrifuge tube. Close the tube tightly, mix and heat the tube in a water bath maintained at 75 °C±1° for 45 minutes. Remove the tube from the bath and cool it at room temperature. Filter the contents through a 0.5 micron membrane. Use the filtrate for the quantitative chromatographic determinations.

(B) *Preparation of sample solution.* Dissolve an accurately weighed portion of sample with sufficient distilled water to obtain a solution containing 1.0 milligram of amikacin activity per milliliter (estimated). This preparation is stable for 1 week. Proceed as directed in paragraph (b)(1)(ii)(A) of this section, beginning at "Transfer 50 microliters * * *".

(C) *Resolution test solution.* Prepare an aqueous solution containing about 1.0 milligram per milliliter each of amikacin and kanamycin. Proceed as directed in paragraph (b)(1)(ii)(A) of this section, beginning at "Transfer 50 microliters * * *".

(iii) *System suitability requirements*—(A) *Asymmetry factor.* The asymmetry factor (A_s) of the amikacin peak is satisfactory if it is not more than 1.3 at 10 percent of peak height.

(B) *Efficiency of the column.* The absolute efficiency (h_r) is satisfactory if it is not more than 20.0 for the amikacin peak.

(C) *Resolution.* The resolution (R) between the amikacin peak and the kanamycin peak is satisfactory if it is not less than 5.0.

(D) *Coefficent of variation* (relative standard deviation). The coefficient of variation (S_r in percent) of five replicate injections is satisfactory if it is not more than 2.0 percent. If the system suitability parameters have been met, then proceed as described in § 436.216(b) of this chapter.

(iv) *Calculations.* Calculate the micrograms of amikacin per milligram of sample as follows:

$$\text{Micrograms of amikacin per milligram} = \frac{A_u \times P_s \times 100}{A_s \times C_u \times (100 - m)}$$

where:

A_u = Area of the amikacin peak in the chromatogram of the sample (at a retention time equal to that observed for the standard);

A_s = Area of the amikcacin peak in the chromatogram of the amikacin working standard;

P_s = Amikacin activity in the amikacin working standard solution in micrograms per milliliter;

C_u = Milligrams of the sample per milliliter of sample solution; and

m = Percent loss on drying of the sample.

(2) *Loss on drying.* Proceed as directed in § 436.200(c) of this chapter.

(3) *pH.* Proceed as directed in § 436.202 of this chapter, using an aqueous solution containing 10 milligrams per milliliter.

(4) *Identity.* Proceed as directed in § 436.318 of this chapter.

(5) *Residue on ignition.* Proceed as directed in § 436.207(a) of this chapter.

(6) *Specific rotation.* Proceed as directed in § 436.210 of this chapter, using an aqueous solution containing 20 milligrams of amikacin sulfate per milliliter, and a 1.0 decimeter polarimeter tube. Calculate the specific rotation on the anhydrous basis.

(7) *Crystallinity.* Proceed as directed in § 436.203(a) of this chapter.

3. Section 444.206 is amended by revising the last sentence in paragraph (a)(1) to read as follows:

§ 444.206 Amikacin sulfate injection.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* * * * The amikacin used conforms to the standards prescribed by § 444.6(a)(1) or, if amikacin sulfate is used, to the standards prescribed by § 444.7(a)(1).

* * * * *

Dated: August 29, 1990.

Sammie R. Young,

Acting Director, Office of Compliance, Center for Drug Evaluation and Research.

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DEPARTMENT OF LABOR

Occupational Safety and Health Administration

29 CFR Part 1910

[Docket No. S-012A]

RIN 1218-AA53

Control of Hazardous Energy Sources (Lockout/Tagout)

AGENCY: Occupational Safety and Health Administration (OSHA), DOL.

ACTION: Final rule; corrections and technical amendments.

SUMMARY: This document amends the final rule on the Control of Hazardous Energy (Lockout/Tagout) (29 CFR 1910.147) which was published on September 1, 1989 (54 FR 36645). This action is necessary to correct typographical errors, include some information inadvertently omitted, and to correct some inconsistencies in the preamble and regulatory text.

EFFECTIVE DATE: September 20, 1990.

FOR FURTHER INFORMATION CONTACT: Mr. James F. Foster, Occupational Safety and Health Administration, room N3649, U.S. Department of Labor, Washington, DC 20210, (202) 523-8148.

SUPPLEMENTARY INFORMATION:

Background

The final standard for the control of hazardous energy (Lockout/Tagout), which was promulgated on September 1, 1989 (54 FR 36644), requires employers to develop an energy control program consisting of the adoption and utilization of written procedures for shutting off and disabling machines and equipment whenever maintenance or servicing are performed on those machines and equipment, the instruction in use of the procedure to employees and the periodic inspection of the use of the procedure. This notice amends the preamble and the standard to correct errors or inconsistencies in those components of the final rule.

Accordingly, the Final Rule document published September 1, 1989 at 54 FR 36644-36696, **Federal Register** Document No. 89-20574, and 29 CFR 1910.147 are corrected as follows:

Preamble

1. Page 36644, column 3, the sentence which begins on line 18 is corrected to read, "The present OSHA regulations for locking out or tagging out machines and equipment, where they do exist, are not uniform in their coverage."

2. On page 36647, column 2, the sentence which begins on line 7 is revised to read, "Practices such as reaching around guards during the cleaning of rollers of printing presses or the feed points or screw conveyors while the equipment is operating, violate the safeguarding requirements set forth in § 1910.212, and therefore, such activities are violations of that rule."

3. On page 36652, column 2, the sentence beginning on line 27 is revised to read, "These activities differ from other activities which are routinely conducted during normal production operations in that they are usually done only on an as-needed basis."

4. On page 36653, column 2, on lines 56 to 58, one of the "a program which incorporates" is deleted.

5. On page 36654, column 1, the sentence which begins on line 45 is revised to read, "The most vigorously contested issue was over the need to use locks or tags as the primary means to prevent operation of energy isolating devices, such as electrical disconnects, hydraulic or pneumatic valves."

6. On page 36655, column 1, the sentence on lines 21-27 is revised to read as follows: "In order to provide adequate protection to employees, the Final Rule requires employers to develop and utilize a comprehensive energy control program consisting of: procedures for shutting down and isolating machines and equipment and locking or tagging out the energy isolating devices; employee training; and periodic inspections of the energy control procedure to maintain its effectiveness."

7. On page 36655, column 1, the parenthetical phrase beginning on line 66 is corrected to read, "except through extraordinary means such as by the use of bolt-cutters".

8. On page 36655, column 2, the citation on line 29 is corrected to read, "(Tr. pg. H194-214, W2-3 to 2-39)."

9. On page 36656, the first sentence on that page should read, "Some equipment would need to be replaced or modified significantly to accept lockable-type energy isolating devices."

10. On page 36656, column 1, the second half of the sentence which begins on line 10 is revised to read, "such efforts are most effectively achieved when done during machine or equipment replacement, major repair, renovation or modification or when new equipment is installed rather than retrofitting existing equipment within a set time frame established in this standard."

11. On page 36656, column 1, a new sentence is added beginning on line 38 to read as follows, "Second, retrofitting of existing equipment may not be technologically or economically feasible."

12. On page 36656, column 1, the sentences beginning on line 59 through the end of the paragraph are revised to read, "For such equipment, OSHA will allow employers to use the tagout program as prescribed by (c)(2)(i), but only until the equipment is replaced, or has major repair, renovation or modification performed on it. At that time, the new, renovated or modified equipment must be equipped with lockable energy isolating devices, and the energy control procedure must be

revised to make use of that capability, except when the employer can demonstrate that the tagout program in use provides full employee protection."

13. On page 36656, column 2, the sentence beginning on line 6 is revised to read as follows: "OSHA is confident that this standard is a cost-effective approach to providing protection against the restarting of machines or equipment and the release of hazardous energy."

14. On page 36656, column 2, the sentence beginning on line 13 is revised to read as follows: "It requires that the employer develop and utilize an energy control program consisting of written procedures, employee training and periodic inspections for servicing and maintenance of machines and equipment, using lockout or its equivalent on the great majority of energy isolating devices, namely those which are capable of being locked out."

15. On page 36656, column 3, lines 4 through 9 are revised to read, "installed within a cabinet, enclosure or cutout box containing several other energy isolating devices or valves and the only means of preventing access to the energy isolating device or valve is to lock the doors of the cabinet, enclosure or box. In this instance,"

16. On page 36656, column 3, the second and third sentences beginning on line 55 are combined to read, "For standards dealing with exposure to toxic substances and harmful physical agents which were promulgated under section 6(b)(5) of the OSH Act, section 8(c)(3) of the Act spells out specific requirements for employee observation of monitoring activities and access to records of monitoring."

17. On page 36657, column 3, the sentence beginning on line 53 is the start of a new paragraph.

18. On page 36658, column 1, the sentence beginning on line 11 is revised to read, "Section 4(b)(1) provides that when another Federal agency exercises statutory authority to prescribe or enforce standards or regulations affecting occupational safety or health, that exercise of authority will preempt OSHA from covering those same working conditions."

19. On page 36658, column 1, the sentence beginning on line 52 is revised to read, "On the other hand, one commenter (Ex. 2–50) spoke out in favor of this OSHA standard applying to piping systems."

20. On page 36659, column 1, the sentence beginning on line 4 is revised to read, "The tag, in this case, supplements the blank flange or blind by identifying the employees performing the maintenance, thereby establishing a method of continuous individual accountability for the employees. An effective system of administrative control, such as the use of a single master tag with provision for individuals to sign in and out as they begin or end their work on the machine or equipment, would satisfy this requirement."

21. On page 36659, column 2, the sentence beginning on line 18 is corrected to read as follows: "The amount of detail in a procedure for shutting down a simple conveyor with a single source of power, and single feed and discharge points, could be much less than the procedure for shutting down a long assembly line conveyor with multiple feed and discharge points and multiple power sources."

22. On page 36659, column 2, the title of the major subdivision of the preamble (line 42) is "Summary and Explanation of the Final Standard".

23. On page 36659, column 3, the sentence beginning on line 23 is revised to read, "This Final Rule does not contain specifications which must be followed in all circumstances, but rather, provides flexibility for each employer to develop an effective program (procedures, training and inspections) which meets the needs of the particular workplace and the particular types of machines and equipment being maintained or serviced."

24. On page 36660, column 1, the sentence beginning on line 6 is replaced with the following: "Since the standard requires that lockout and tagout devices identify the person that affixed (and is to be protected by) the device, the employer must develop and utilize a method to identify the persons that the bolted blinds and blank flanges are intended to protect. The use of individual tags or a group tag which provides for continuous individual accountability would meet this requirement."

25. On page 36661, column 1, the sentence which begins on line 58 is corrected to read, "In the proposed standard, OSHA suggested excluding these operations (paragraph (a)(2)(iii) stated, 'when it is necessary to perform the activity and if the activity is performed using alternative measures which the employer can demonstrate are equally effective')."

26. On page 36661, column 2, the sentence which begins on line 20 is revised to read as follows: "These hazards may be manifested when the employee must either remove or bypass guards or other safety devices which were not designed or intended to be removed, when the employee is required to place any part of his or her body into an unguarded point of operation of the machine or equipment, or when an employee must reach into or enter an associated danger zone when a machine is operating."

27. On page 36661, column 3, the sentence beginning on line 30 is revised to read as follows: "Their reasoning essentially was that if alternative methods are used to keep the employee out of the danger zone or to eliminate the danger zone, there is nothing for the standard to cover, since the employee would not be exposed to a hazard. (Tr. p. H290–291)."

28. On page 36661, column 3, the sentence which begins on line 61 is amended to begin with the word "However," so the sentence reads, "However, minor tool adjustments and changes or other minor servicing activities performed during normal production operations, are not covered by lockout or tagout requirements * * * *"

29. On page 36662, column 1, the sentence beginning on line 59 is revised to read as follows: "OSHA emphasizes that this exclusion was intended to cover the types of routine, repetitive, minor servicing and adjustments which are integral to and necessary for the production process."

30. On page 36662, column 2, the sentence beginning on line 9 is replaced with the following four sentences: "An example of the use of an alternative method of safeguarding which takes place during normal production operations and which would not require deenergization and lockout or tagout of an entire system involves the removal of a finished part from an injection molding machine. Once the machine has completed a cycle, opening the interlocked sliding gate guard prevents the machine from beginning another cycle until the operator reposition the guard. Similarly, when the operator stops a machine by using the stop/start controller, the use of interlocked movable guards which prevent activation of the machine while the guard is not in place satisfies this condition, provided that the means of control of the machine remains in the exclusive control of the person afforded the protection. This is necessary to ensure that no other person can restart the machine without the knowledge and consent of the person performing the servicing."

31. The sentence beginning on line 14, column 2 of page 36662 is the beginning of a new paragraph. The new paragraph is revised to read as follows: "It must be emphasized that the exclusion from lockout or tagout does not mean that the employer can avoid providing

protection. As the exclusion itself makes clear, the work must be performed using alternative safeguarding measures which provide effective employee protection. This will generally involve compliance with OSHA's machine guarding standards throughout the production process."

32. On page 36662, column 2, the sentence beginning on line 26 is revised to read as follows: "In evaluating servicing performed during normal production operations, the first question to be asked is whether employees must remove or bypass fixed guards or otherwise expose themselves to the dangers of the unexpected release of hazardous energy."

33. On page 36662, column 2, lines 40 through 60 are revised to read as follows: "However, if the servicing operation is routine, repetitive and must be performed as an integral part of the production process, lockout or tagout may not be necessary, because these procedures would prevent the machine from economically being used in production. OSHA will continue to treat these machine operations as being covered by the general machine guarding requirements of subpart O. The employer must provide appropriate safeguards to protect employees from the hazards of the point of operation and the power transmission apparatus of the equipment when employees are exposed to hazards. The use of protective measures which prevent employee exposure to hazards, such as specially designed servicing tools and remote oilers, could satisfy the requirements of subpart O. Safeguarding for minor servicing during normal production operations also may include, for example, interlocked barrier guards, local disconnects or control switches which are under the exclusive control of the employee performing the minor servicing, provided they enable the employee to perform such minor servicing without being exposed to the unexpected energization or activation of the equipment or the release of stored energy."

34. On page 36663, column 2, the sentence beginning on line 5 to revised to read, "First, process shutdowns and start-ups of equipment of this nature pose extreme hazards of explosion and fire due to the type of materials being handled, and the complexities of and potential interactions between materials being conveyed or otherwise available in the workplace."

35. On page 36664, column 1, the sentence beginning on line 12 is revised to read, "This standard requires the development of a program centered around the use of a standardized, written procedure, the training of employees in their role in the successful use of the procedure, and periodic inspections to maintain the effectiveness of the program."

36. On page 36664, column 1, the sentence beginning on line 28 is revised to read, "In paragraph (a)(3)(ii), OSHA states that the intention of the standard is not to replace existing specific OSHA lockout and/or tagout provisions, but to supplement and support these provisions with requirements for using a written procedure, for training employees and for periodic inspections of the use of that procedure."

37. On page 36664, column 1, on line 46, the last entry under the heading Overhead and Gantry Cranes is corrected to read, "1910.179(l)(2)(i) (A), (B), (C), (D)."

38. On page 36664, column 1, lines 48 and 49, the entries under the heading Derricks are corrected to read:

1910.180(f)(2)(i)(C)
1910.180(f)(2)(i)(D)

39. On page 36664, column 1, line 57, through column 2, line 7, the entries under the heading Forging Machines are revised to read as follows:

1910.218(a)(3)(iii), (iv)
1910.218(d)(2)
1910.218(e)(1)(ii)
1910.218(f)(1)(i), (ii), (iii)
1910.218(f)(2)(i), (ii)
1910.218(h)(2), (5)
1910.218(i)(1), (2)
1910.218(j)(1)

40. On page 36664, column 2, the following entries are added between the end of the Forging Machine entries and the text at line 8:

Welding, Cutting & Brazing

1910.252(c)(1)(i)
1910.252(c)(2)(ii)

Pulp, Paper and Paperboard Mills

1910.261(b)(4)
1910.261(f)(6)(i)
1910.261(g)(15)(i)
1910.261(g)(21)
1910.261(j)(4)(iii)
1910.261(j)(5)(iii)
1910.261(k)(2)(ii)

Textiles

1910.262(c)(1)
1910.262(n)(2)
1910.262(p)(1)
1910.262(q)(2)

Bakery Equipment

1910.263(k)(12)(i)
1910.263(l)(3)(iii)(B)
1910.263(l)(8)(iii)

Sawmills

1910.265(c)(12)(v)
1910.265(c)(13)
1910.265(c)(26)(v)

Grain Handling Facilities

1910.272(e)(1)(ii)
1910.272(g)(1)(ii)
1910.272(l)(4)

41. On page 36664, column 2, the sentence beginning on line 49, the words "it from" are added to the phrase identified as item (1) to read as follows, "(1) To provide equipment with the physical means or capability to isolate it from energy sources during maintenance and repair activities; or"

42. On page 36664, column 3, the sentences beginning on line 11 and ending at line 19 are revised to read, "For the most part, they address the importance of the proper installation of energy controls for particular types of equipment. The types of controls required by this category of current rules will determine how such equipment may be isolated from the energy source under this Final Rule."

43. On page 36664, column 3, the sentences beginning on line 50 are corrected to read, "An example of a provision which specifies the use of locks as a means of controlling the energy is found in § 1910.179(l)(2)(i)(C) which states, 'The main or emergency switch shall be open and locked in the open position.' Provisions of similar content are found in paragraphs: * * *"

44. On page 36665, column 1, lines 1 through 8 are corrected to read, "An example of a provision which specifies the use of locks or tags is found in § 1910.261(j)(4)(iii) which states, 'When cleaning, inspecting, or other work requires that persons enter the beaters, all control devices shall be locked or tagged out, in accordance with paragraph (b)(4) of this section.' Provisions of similar content are found in the following: * * *"

45. On page 36665, column 1, the sentence beginning on line 29 is revised to read, "Provisions of similar content are found in: * * *"

46. On page 36665, column 1, the sentence beginning on line 43 is corrected to read as follows: "This standard supplements the other provisions in much the same way as with the first category in that it requires the establishment of procedures for energy control, the training of employees and periodic inspections of the procedures."

47. On page 36665, column 1, the sentence beginning on line 54 is revised to read as follows: "When current standards require the use of locks and/or tags, those standards are supplemented rather than replaced by the requirements of this standard for the utilization of written procedures,

training of employees and periodic inspections."

48. On page 36665, column 3, the sentences beginning on line 2 through line 35 are corrected to read, "If an employee is performing servicing or maintenance, and therefore must use the energy control procedure, that employee is an "authorized employee". By contrast, an "affected employee" is one who does not perform the servicing or maintenance but whose work duties are performed in an area in which servicing or maintenance is performed. The affected employee needs to know only when the energy control procedure is being used, and to understand the importance of not attempting to start up or to use the equipment which has been locked out or tagged out. The definition of "authorized employee" also states that an affected employee is an authorized employee whenever that person performs servicing or maintenance covered by this standard on a machine or equipment. In this case, that person, as an authorized employee, must have the training and knowledge to perform the servicing or maintenance safely.

49. On page 36665, column 3, the sentence beginning on line 60 is revised to read, "The revised definition assures that when a servicing task is performed by an employee, that employee who is directly exposed to the hazards of the servicing operation will have to affix his/her personal lockout or tagout device before beginning the work and to remove it when he/she completes the work."

50. On page 36666, column 1, the sentence beginning on line 62 is revised to read, " 'Energy' as used in the standard means mechanical motion (kinetic energy—the energy of motion); potential energy due to gravity or springs; electrical energy; thermal energy resulting from high or low temperature; and hydraulic or pneumatic energy."

51. On page 36666, column 2, the sentence beginning on line 9 is revised to read, "1. Mechanical motion (kinetic energy—the energy of motion) may be linear translation, rotation or a combination of the two. This type of energy cannot be turned off or on but may be contained or stopped."

52. On page 36666, column 2, the sentence beginning on line 14 is corrected to read, "2. Potential energy can be due to the position or location of an object above some datum plane or it can be due to the energy stored in springs. Potential energy can be minimized by moving an object to a lower position. The energy of springs can be dissipated or controlled; it cannot be turned off or on."

53. On page 36666, column 2, a fifth numbered item is added between line 35 and line 36 to read as follows: "5. Hydraulic or pneumatic energy is the pressure (either above or below atmospheric) contained in a liquid (such as oil or water) or in a gas (such as air). Hydraulic or pneumatic energy may be turned off. Hydraulic or pneumatic energy also may be stored; in which case, it must be released or dissipated."

54. On page 36666, column 3, the sentences beginning at line 44 through line 69 are revised to read, "This adjustment, which is done as part of the normal operation of the machine, is covered by the machine guarding requirements. Guarding must be provided to keep the employee's body away from the point of operation and other hazardous areas of the machine. However, if it becomes necessary, as a minor routine, repetitive activity which is integral to the production process, to change the speed of the machine by adjusting belt drives or other components which are normally guarded, and effective alternative safeguarding is provided which will protect employees from exposure to the hazards addressed by this standard, then the lockout/tagout requirements of this Final Rule do not apply. If effective alternative safeguarding is not provided, the minor servicing is covered by this standard. Similarly, if it becomes necessary to adjust the movement of a long-bed milling machine worktable and the isolating hydraulic cut-off valve is not in the exclusive control of the person making the adjustment, or this requires the employee to negate the effectiveness of the safeguards so that the employee is exposed to the hazard of unexpected energization of the machine (i.e., there is no alternative protection), this final standard applies. However, if this step is performed without the employee having to remove or bypass any safeguards or otherwise expose his/her body to the potential release of energy or the unexpected activation of the machine, this Final Rule does not apply."

55. On page 36667, column 1, the sentence beginning on line 37 is corrected to read, "Anything that is done to prepare a machine or equipment to perform its normal production operation, such as changing a machine part (e.g., changing the blade of a power saw), is not considered utilization of a machine or equipment and is classified as servicing or maintenance rather than normal production operations."

56. On page 36667, column 1, the sentence on lines 56 through 61 is corrected to read, "The definition of servicing or maintenance includes those activities which require an employee to remove or bypass guards or other safety devices which were not intended to be removed during normal production operations (i.e., resulting in exposure to the hazards addressed by this standard), or to otherwise expose himself/herself to hazardous machine elements.

57. On page 36667, column 2, the sentence beginning on line 30 is revised to read, "The Final Rule requires that authorized, affected and other employees be trained in and understand those things which are necessary for each employee to know in order to have servicing or maintenance performed safely."

58. On page 36667, column 3, the sentence beginning on line 3 is corrected to read, "Methods of evaluating and maintaining the effectiveness of these procedures are provided in two other paragraphs of the standard: paragraph (c)(6), which addresses periodic inspections for observing employee adherence to the procedures; and paragraph (c)(7), which covers initial and follow-up training as required to develop and maintain the knowledge and skills needed by employees for the safe application and removal of energy control devices."

59. On page 36667, column 3, the sentence beginning on line 19 is revised to read, "OSHA makes a distinction between the method of controlling the energy (the type of energy control devices utilized) based primarily upon whether or not the energy isolating device is capable of being locked out."

60. On page 36668, column 3, the sentences beginning on line 68 through line 10 of column 1 of page 36669 are corrected to read, "In lockout, the presence of a servicing employee's lockout device on an energy isolating device will prevent another employee from activating or energizing the equipment, even if that other employee does not understand the restrictions of the energy control program. By contrast, tagout is highly dependent on human factors, and requires constant vigilance to ensure that tagout devices are not removed, bypassed or disregarded."

61. On page 36669, column 1, the sentence beginning on line 14 is revised to read, "Such training, which involves a review of the employee's responsibilities under the energy control program and the limitations of tagout, has been incorporated into the periodic inspection requirements in paragraph (c)(6) of the Final Rule, and, as such, must be provided on at least an annual basis."

62. On page 36669, column 1, the sentence beginning on line 21 is revised to read, "In addition, the standard requires that the employer's energy control procedure incorporate provisions for enforcing compliance with the restrictions and prohibitions of the program."

63. On page 36669, column 1, the paragraph beginning on line 31 is corrected to read, "Paragraph (c)(2)(i) states that tagout may be used when the energy devices are not 'capable of being locked out' as defined in the standard. This paragraph allows the employer to use tagout in this limited circumstance. If the employer wishes to perform modifications of the equipment to accommodate a lockout device, OSHA encourages such modifications, but as noted above, the standard does not require them until replacement or major modifications or repairs of the equipment is undertaken."

64. On page 36669, column 1, the first two sentences of the paragraph beginning on line 44 are corrected to read, "In paragraph (c)(2)(ii), OSHA requires the use of lockout if the energy isolating devices are 'capable of being locked out' unless the employer can demonstrate that the utilization of tagout will provide full employee protection'."

65. On page 36669, column 1, the sentence beginning on line 54 is corrected to read, "In brief, 'full employee protection' in this context means that when equipment is capable of being locked out, the employer must demonstrate that the tagout program provides a level of safety equivalent to that obtained by using a lockout program."

66. On page 36669, column 1, a sentence is added beginning on line 63 to read as follows: "This will provide additional assurance that the energy isolating device will not be accidentally or inadvertently turned on."

67. On page 36669, column 2, the sentence beginning on line 16 is corrected to read, "In order for an employer to demonstrate that a tagout program provides a level of safety equivalent to a lockout program for a piece of equipment which has lockable energy isolating devices, the employer will need to show additional steps which have been taken to enhance the tagout program."

68. On page 36669, column 2, the sentences beginning on line 50 through 56 are corrected to read, "Several parties contended that because of statistical limitations and due to underreporting, the use of accident data to evaluate an energy control program would not give a true picture of the effectiveness of the program. Similarly, discussions with authorized and affected employees could be used only for determining the thoroughness of the training and their knowledge of the energy control program."

69. On page 36670, column 1, a sentence is added following the sentence which ends at line 59 to read, "The procedure must detail that information which the authorized employees must know to accomplish the lockout or tagout."

70. On page 36670, column 1, line 67, insert, "such as" before the word "those".

71. On page 36670, column 2, the sentence beginning on line 9 is revised to read, "For example, if there is a machine with a single energy source that must be serviced or maintained, and the means to shut down and isolate the machine is uncomplicated and apparent, such as first pushing a stop button, then opening an electrical disconnect which is at the machine, and locking out that energy isolating device, the written procedure could be very simple."

72. On page 36671, column 1, the sentence beginning on line 22 is corrected to read, "The amount of detail in an employer's procedure will depend on the complexity of the machine or piece of equipment, and what the servicing employee must know to shut down and isolate the machine or equipment."

73. On page 36671, column 3, the sentence beginning on line 7 is corrected to read, "The purpose of the standard as stated in paragraph (a)(3) is to require employers to establish and utilize a program for disabling machines and equipment during their maintenance or servicing in order to prevent injury to employees."

74. On page 36671, column 3, the sentence beginning on line 63 is revised to read, "For the energy control procedure to be effective, these devices must have a single meaning to employees: "Do not energize or attempt to start or operate a machine or equipment when such a device is affixed to an energy isolating device which controls the energy to that machine or equipment"."

75. On page 36672, column 2, the sentence beginning on line 5 is corrected to read, "This requirement will enable employers and other employees to determine at a glance which authorized employees are performing a given servicing operation."

76. On page 36672, column 3, the sentence beginning on line 48 is corrected to read, "The proposal was intended to require that tags have some type of commonly used message which would serve to prohibit an employee from removing, bypassing or disregarding the tag."

77. On page 36673, column 1, the sentence which begins on line 52 is corrected to read, "Indeed, group meetings can be the most effective way of dealing with this situation, because they reinforce the employees' knowledge of the procedures and their recognition that they need to follow the procedures carefully."

78. On page 36673, column 2, a sentence is added beginning on line 22 to read as follows: "This is done to ensure that the employee performing the inspections knows the procedures and how they are to be utilized, and to be able to recognize any problems with the energy control program."

79. On page 36673, column 2, the sentence beginning on line 51 is corrected to read, "Therefore, OSHA does not believe that a requirement for additional employee involvement in these inspections is necessary under the OSH Act.

80. On page 36673, column 2, the text beginning at line 66 and continuing through line 12 of column 3 is deleted.

81. On page 36673, column 3, the paragraph beginning on line 19 is corrected to read, "In paragraph (c)(7), OSHA specifies that the employer provide effective initial training, as well as retraining as required by changing conditions in the workplace, or when an inspection conducted in accordance with the requirement for (c)(6) reveals the need for retraining. Additionally, this provision requires certification of such training of employees. OSHA considers these requirements to be of critical importance in helping to ensure that the applicable provisions, restrictions and prohibitions of the energy control program are known, understood and strictly adhered to by employees."

82. On page 36673, column 3, the sentence beginning on line 36 is corrected to read, "However, in order to provide adequate information, any training program under this standard will need to cover at least four areas: The employer's energy control program, the elements of the energy control procedures which are relevant to the employee's duties, the restrictions of the program applicable to each employee, and the requirements of this Final Rule."

83. On page 36673, column 3, the sentence beginning on line 63 is revised to read, "Because authorized employees must use the energy control procedures, it is important that they receive training in recognizing and understanding all

potentially hazardous energy that they might be exposed to during their work assignments, and that they also be trained in the use of adequate methods and means for the control of such energy."

84. On page 36674, column 1, the sentence beginning on line 5 is revised to read, "The authorized employees are the ones who must use the energy control procedure to provide for their protection when they are performing the servicing or maintenance of the machines or equipment."

85. On page 36674, column 1, the sentence beginning on line 45 is corrected to read, "Considerable latitude is given to employers in the development and conduct of the required training for authorized, affected and other employees."

86. On page 36674, column 2, the sentence beginning on line 11 is revised to read, "This instruction on the employer's energy control program can be conveyed during new employee orientations, by the use of employee handbooks, or through regularly scheduled safety meetings."

87. On page 36674, column 2, the sentence beginning at line 56 is corrected to read, "In paragraph (c)(7)(iii), OSHA requires that retaining be provided for authorized and affected employees whenever there is a change in their job assignments, a change in the machines or equipment that present a new hazard, or when there is a change in the energy control procedure. This is in addition to the review of the procedure which is part of the annual inspection and is required under paragraphs (c)(8)(i) (C) and (D)."

88. On page 36674, column 3, the last two sentences of the paragraph beginning at line 47 are replaced with the following: "The standard provides for maintaining employee proficiency by requiring that the procedures be reviewed with employees whenever a periodic inspection is conducted. This review is with authorized employees when lockout is in use and with authorized and affected employees when tagout is in use. The retraining requirements of (c)(7)(iii) apply when employees receive new job assignments for which they were not previously trained in lockout/tagout requirements, when a change in machines, equipment or processes presents a new hazard or when there is a change in the energy control procedures. Additionally, retraining is required whenever a periodic inspection reveals, or whenever the employer has reason to believe, that there are deviations from or inadequacies in the knowledge of use of the energy control procedures."

89. On page 36674, column 3, the paragraph which begins at line 57 is replaced with the following: "Retraining must be conducted to reestablish employee proficiency. The scope and content of all the formal retraining must be based upon the severity of the problems encountered with the use of the energy control program and must be directed toward elimination of those problems."

90. On page 36675, column 1, the sentence beginning on line 30 is corrected to read, "Such inadequacies in the procedure could be the result of using a general procedure that does not handle effectively a specific application, or they may arise because changes have been made to the equipment or process that the existing energy control procedure did not take into consideration."

91. On page 36675, column 1, line 46, the words "annual retraining requirement" are changed to "requirement for an annual review of the procedure during the periodic inspection".

92. On page 36675, column 1, line 58, the words "annual retraining" are changed to "an annual review of the procedure".

93. On page 36675, second column, line 16, the paragraph reference (c)(7)(iv) is changed to (c)(8)(i)(D) and lines 18–20 are corrected to read as follows: "and affected employees must review the use of the tagout system as part of the annual inspection. This additional review".

94. On page 36675, second column, line 42, the word "retraining" is changed to "review of the procedure".

95. On page 36676, column 1, the sentence beginning on line 17 is revised to read, "Authorized employees are required at (c)(7)(i)(A) to receive training in and to know that information relating to hazardous energy."

96. On page 36676, column 2, the sentence beginning on line 15 is revised to read, "The new paragraph (c)(8) requires that lockout or tagout be performed only by the authorized employees who are performing the maintenance or servicing."

97. On page 36676, column 2, the sentence beginning on line 29 is corrected to read, "In paragraph (c)(9), OSHA requires that whenever servicing or maintenance might affect other employees' work activities, the employer or the authorized employee must tell those employees before applying lockout or tagout devices and after they are removed that servicing or maintenance is going to be done or has been completed on a machine or equipment."

98. On page 36676, the sentence which begins on line 37 of the third column is corrected to read, "The main thrust of the standard is to mandate the development, documentation and utilization of procedures, the training of employees in their responsibilities under the energy control program and periodic inspections to ensure the continued effectiveness of the energy control program."

99. On page 36676, column 3, the sentence which begins on line 67 is corrected to read, "Paragraph (d) of the Final Rule provides that six separate and distinct steps be followed in stopping, deenergizing and locking out or tagging machines or equipment, and that the actions be taken in the sequence presented."

100. On page 36677, column 1, the sentence beginning on line 13 is revised to read, "Paragraph (d)(2) then requires that the machine or equipment be turned off or shut down according to the procedure normally employed for stopping the machine or equipment." This will be done by the authorized employee or the affected employee (the machine or equipment operator or user).

101. On page 36677, column 1, the sentence beginning on line 27 is corrected to read, "In other cases, however, such as those found in a refining or chemical process, there are many control devices that must be closed, shut down or stopped in a particular sequence."

102. On page 36677, column 2, the sentence beginning on line 63 is revised to read, "Instead of adding individual restrictions to each of the procedural steps of the standard, OSHA has added a new paragraph (c)(8) to the final standard which requires that all steps of the procedure except initial shutdown of the equipment as provided in paragraph (d)(1) be performed only by the authorized employee(s) who are performing the servicing or maintenance."

103. On page 36677, column 3, the sentence which begins on line 3 is revised to read, "Since the use of lockout or tagout is presumed by OSHA to be individual protection, identification and operation of the energy isolating devices are done by the authorized employees who are applying the locks or tags under the procedures and who are performing the servicing or maintenance."

104. On page 36678, column 1, the sentence beginning on line 20 is revised to read, "For this type of machinery, the cam or concentric dictates the motion of the machinery component. Stoppage of the machine with the cam or concentric

follower in or near a peak position can cause the machinery elements to move if the cam or concentric is set in motion by inadvertent employee contact."

105. On page 36678, column 2, the sentence beginning on line 42 is corrected to read, "Verification of isolation shall be continued until the servicing or maintenance is completed, or until the possibility of reaccumulation of stored energy no longer exists."

106. On page 36678, column 3, the first three sentences of the paragraph beginning at line 28 is revised to read, "This step of the procedure may involve a deliberate attempt to start the equipment which has been isolated from the energy. It is an action intended to assure the employee that the machine or equipment is isolated from the energy, that residual or stored energy has been dissipated or blocked and that injury could not result from the inadvertent activation of the operating controls. Another means of verifying is testing the machine or equipment with the appropriate test instruments."

107. On page 36679, column 1, the sentence which begins on line 19 is revised to read, "These actions are intended to ensure that: (1) The machine or equipment has been returned to a safe operating condition; (2) any employees who might be exposed to injury due to the starting of the machine or equipment know that the machine or equipment is being energized; and (3) those employees who applied the energy control devices are available to remove those devices."

108. On page 36679, column 1, the sentence beginning on line 50 is revised to read, "Paragraph (e)(2) then requires a check to ensure that employees are safely positioned and have been notified that the machine or equipment is to be reenergized."

109. On page 36679, column 1, a sentence is added at the end of line 61 to read, "Affected employees may be notified of the impending start up of the machine or equipment by the use of warning bells or lights provided these employees know what that signal indicates."

110. On page 36679, column 2, the sentence which begins on line 28 is revised to read, "Depending on the size or complexity of the machine and the type and degree of the servicing performed, visual inspection alone might be sufficient to meet this requirement; however, additional measures, such as checklists and other administrative procedures might have to be utilized for large, complex machines or equipment."

111. On page 36679, column 2, the sentence beginning on line 42 is revised to read "OSHA believes that the cleanup requirement must of necessity be a broad one, since virtually any extraneous item in the servicing area can potentially cause injury to employees if the machine or equipment were to be reenergized or started up before such items are removed."

112. On page 36679, column 2, the sentence which begins on line 64 is revised to read, "This determination usually can be accomplished by a visual inspection, however, depending on the size and/or complexity of the equipment and the scope of the operation, may necessitate the use of warning devices such as horns, bells or buzzers."

113. On page 36679, column 3, the sentence which begins on line 22 is revised to read, "The employer is in the best position to evaluate the equipment in the workplace, and to make a determination of the areas where employees may be exposed to the hazards of the machine or equipment unexpectedly becoming energized or starting up."

114. On page 36679, column 3, the text beginning at line 34 and ending at line 43 is revised to read, "Lockout or tagout is personal protection. For this reason, OSHA requires in paragraph (e)(3) that lockout or tagout devices be removed by the employees who applied them except in limited situations. In the proposed standard, OSHA considered whether an exception should be provided whenever two conditions exist which would necessitate the removal of a lockout or tagout device by an authorized employee other than the employee who applied the device."

115. On page 36680, column 3, the sentence beginning on line 12 is revised to read, "This exception provides for a temporary measure to be used only to accomplish a particular task for which reenergization is essential."

116. On page 36680, column 3, the paragraph beginning at line 16 is revised to read, "In paragraphs (f)(2) (i) and (ii), the final standard requires that whenever outside servicing personnel are engaged to perform any of the activities covered by this standard, each employer must inform the other employer of their respective lockout or tagout procedures. Each employer shall ensure that his/her employees understand and comply with the restrictions and prohibitions of the other employer's energy control program."

117. On page 36681, column 1, the sentence which begins at line 4 is corrected to read, "OSHA sees the proper utilitization of these provisions, when they are understood and adhered to, as a way to prevent misunderstandings by either plant employees or outside service personnel regarding the use of lockout or tagout procedures in general, the use of specific lockout or tagout devices that are selected for a particular application, and the restrictions and prohibitions imposed upon each group of employees by the other employer's energy control program."

118. On page 36681, column 1, the paragraph beginning on line 31 is revised to read, "The standard requires that each employer inform the other employer of the procedures used by his/her employees and that each employer's employees understand and comply with the restrictions and prohibitions of the other employer's energy control program. For example, if there are elements of the contractor's procedures which need to be explained to the facility employees, or if there are other steps needed to assure the safety of the contractor's employees, the facility employer must provide his/her employees with the information to provide the necessary protection."

119. On page 36681, column 1, the sentence beginning at line 60 is revised to read, "However, OSHA believes that if each employer provides the necessary information on his/her energy control procedures to the other employer, both employers will be able to evaluate the different procedure and determine what information needs to be provided to their respective employees."

120. On page 36681, column 2, the sentence which begins on line 1 is revised to read, "Accordingly, paragraph (f)(2) of the Final Rule requires that the contracting and contractor employers inform each other about the lockout or tagout procedures each uses; and that the employees of each employer understand and comply with the restrictions and prohibitions of the other employer's energy control program."

121. On page 36681, column 3, the remainder of the paragraph beginning at line 23 is revised to read, "This is necessary for several reasons: first, the placement of a personal lockout or tagout device enables that employee to control his/her own protection, rather than having to depend upon another person; second, the use of a personal lockout or tagout device will enable each servicing employee to verify that the equipment has been properly deenergized in accordance with the energy control procedure, and to affix his/her device to indicate that verification; third, the presence of an employee's lockout or tagout device will inform all other persons that the employee is working on the equipment; fourth, as long as that device remains attached, all employees know that the

job is not completed and that it is not safe to reenergize the equipment; and fifth, the servicing employee will continue to be protected by the presence of his/her device until he/she removes it. The authorized employee in charge of the group lockout or tagout cannot reenergize the equipment until each employee in the group has removed his/her personal device, indicating that he/she is no longer exposed to the hazards from reenergization of the machine or equipment. OSHA is convinced that the use of individual lockout or tagout devices as part of the group lockout provides the greatest assurance of protection for servicing employees."

122. On page 36682, column 1, the sentence beginning at line 17 is revised to read, "As in the case of personal lockout or tagout, the employer who uses group lockout or tagout must develop a procedure which encompasses the elements set forth in paragraph (c)(4)."

123. On page 36682, column 1, the sentence which begins on line 23 is corrected to read, "Paragraph (f)(3) contains several key provisions which must be included in all group lockout or tagout procedures."

124. On page 36682, column 1, the sentence beginning at line 52 is revised to read, "This method provides individual protection for all employees working under the protection of a particular lockout or tagout device."

125. On page 36682, column 2, the sentence which begins at line 31 is revised to read, "For that reason, it involves a closer examination of the conditions, methods and procedures needed for effective individual employee protection."

126. On page 36682, column 3, two sentences are added beginning at line 35 to read as follows: "When complex equipment is being serviced, OSHA recognizes the need to provide employers with the option of utilizing an alternative procedure to each employee locking or tagging out each energy isolating device. When an alternative procedure is used, it must provide equivalent protection for the authorized employees."

127. On page 36682, column 3, the sentence beginning at line 45 is revised to read, "As with group lockout or tagout, the method of accomplishing this task must be part of the procedures that are defined in performance language in paragraph (c)(4)."

128. On page 36683, column 1, the sentence which begins on line 5 is revised to read, "This assurance may involve action by the authorized supervisory employee responsible for the transfer to verify the continued isolation of the machine or equipment from the energy source."

129. On page 36683, column 2, the two sentences which begin on line 21 are revised to read, "In the case of the type of complex servicing operation described by EEI and others (Ex. 2–33, 2–36, 2–39, 2–46 and 2–69) involving large numbers of energy isolating devices, large numbers of servicing employees, and multiple shifts, OSHA acknowledges that the removal and replacement of the lockout/tagout devices each shift could be overly burdensome. In these situations, when the complexity of the servicing operation necessitates an alternative to such frequent attachment and removal of lockout or tagout devices, the use of the work permit or comparable means, with each employee signing in and out as he or she begins or stops working on the equipment, combined with the servicing employees verifying that the equipment is deenergized prior to beginning work, would be an acceptable approach to compliance with group lockout/tagout and shift change provisions of the standard."

130. In addition to the revisions and corrections stated above, there are additional minor corrections made in the preamble, which are identified below:

FR page	Column	Line	Correction
36644	3	42	Change "limited" to "partial".
36644	3	43	Change "upon" to "by".
36645	2	7	Change "consideration" to "account".
36646	1	7	Change "request" to "requests".
36647	1	24	Change "which" to "when".
36650	3	44	Change "issued" to "is used".
36650	3	45	Change "means" to "device".
36651	1	22	Delete the word "additional".
36651	1	23	Delete the word "jointly".
36651	2	30	Change "which" to "which".
36655	1	48	Change "mechanisms" to "devices".
36655	2	50	Delete "various types of".
36655	3	55	Change "facilitating" to "enabling".
36655	3	66	Delete the word "also".
36657	2	2	Change "earth moving" to "earthmoving".
36657	2	5	Change "machine" to "Vehicle".
36657	3	41	Delete "in which".
36658	1	24	Change "determination" to "basis".
36659	2	66	Change "fuse" to "use".
36659	3	14	Change "defines" to "describes".
36659	3	32	Change "suggest" to "suggested".
36660	2	10	Change "with" to "by".
36660	3	45	Change "then" to "them".
36660	3	54	Change "the machines" to "it".
36661	3	53	Delete "alternative".
36662	1	3	Delete "will".
36662	1	47	Change "must" to "need not".
36662	3	30	Change "procedures" to "measures".
36662	3	52	Delete "hand".
36664	1	27	Delete "(d)(5)" to "(d)(6)".
36664	2	17	Change "measures" to "devices".
36664	2	45	Change "6(a)" to "general industry".
36664	3	11	Change "design" to "installation".
36664	3	57	Change "1910.181(f)(2)(i)(c)" to "1910.181(f)(2)(i)(C)".
36664	3	63	Change "1910.263(1)(3)(iii)(b)" to "1910.263(1)(3)(iii)(B)".
36665	1	54	Delete "sources".

FR page	Column	Line	Correction
36665	3	56	Change "(d)(3)" to "(d)(4)".
36666	2	37	Change "noted" to "stated".
36666	2	64	Change "subpart" to "Subpart".
36666	2	65	Change "part" to "Part".
36666	3	42	Change "must" to "may have to".
36667	1	35	Change "the" to "that".
36667	2	44	Change "(c)(7)(v)" to "(d)(1)".
36667	3	37	Change "an" to "the".
36667	3	56	Change "has been" to "was".
36668	1	2	Change "must" to "should".
36668	1	54	Delete "either lockout or".
36668	2	5	Delete "lockout or".
36668	2	15	Delete the hyphen.
36668	3	12	Change "a tagout procedure" to "tagout".
36668	3	16	Change "tagout devices" to "tagout".
36670	2	39	Change "projections" to "protection".
36670	3	56	Change "companies" to "operations".
36671	1	35	Change "(c)(7)(vi)" to "(d)(1)'.
36672	1	19	Change "is requiring" to "requires".
36672	1	56	Change "item (d)" to "paragraph (c)(5)(ii)(D)".
36673	1	2	Change "system" to "procedure".
36673	1	5	Change "program" to "procedure".
36674	2	61	Change "and" to "an".
36675	2	45	Change "(c)(7)(v)" to "(c)(7)(iv)".
36676	1	22	Delete "For example".
36676	1	62	Change "(c)(7)(vi)" to "(d)(1)'.
36676	3	66	Change "(a)(3)(iii)" to "(a)(3)(ii)".
36678	1	66	Change "(d)(4)" to "(d)(5)".
36678	2	46	Delete "stored".
36679	2	40	Change "machines" to "items".
36679	3	61	Change "that where" to "when".
36680	1	30	Delete "such".
36680	1	61	Change "attached" to "in use".
36680	2	44	Change "required" to "necessary".
36680	3	57	Change "own employer" to "fellow employees".
36681	2	26	Change "must" to "will need to".
36681	3	25	Change "personnal" to "personal".
36682	1	39	Change "lockout" to "lockbox".
36683	1	37	Change "control means" to "isolating devices".
36683	2	6	Change "machinery" to "machine".

Regulatory Text

The following technical amendments are made to correct 29 CFR 1910.147, which was issued on September 1, 1989. The original effective date of § 1910.147, October 31, 1989, was extended to January 2, 1989, by notice published on November 6, 1989 (54 FR 46610).

PART 1910—[AMENDED]

§ 1910.147 [Amended]

131. The definition of Authorized employee in paragraph (b) of § 1910.147 is revised to read as follows:

(b) * * *

Authorized employee. A person who locks out or tags out machines or equipment in order to perform servicing or maintenance on that machine or equipment. An affected employee becomes an authorized employee when that employee's duties include performing servicing or maintenance covered under this section.

* * * * *

§ 1910.147 [Amended]

132. The definition of capable of being locked out in paragraph (b) of § 1910.147 is revised to read:

(b) * * *

Capable of being locked out. An energy isolating device is capable of being locked out if it has a hasp or other means of attachment to which, or through which, a lock can be affixed, or it has a locking mechanism built into it. Other energy isolating devices are capable of being locked out, if lockout can be achieved without the need to dismantle, rebuild, or replace the energy isolating device or permanently alter its energy control capability."

* * * * *

§ 1910.147 [Amended]

133. The definition of Energy Isolating Device in paragraph (b) of § 1910.147 is revised to read:

(b) * * *

"*Energy isolating device.* A mechanical device that physically prevents the transmission or release of energy, including but not limited to the following: A manually operated electrical circuit breaker; a disconnect switch; a manually operated switch by which the conductors of a circuit can be disconnected from all ungrounded supply conductors, and, in addition, no pole can be operated independently; a line valve; a block; and any similar device used to block or isolate energy. Push buttons, selector switches and other control circuit type devices are not energy isolating devices.

* * * * *

§ 1910.147 [Amended]

134. The definition of Lockout Device in paragraph (b) of § 1910.147 is revised to read as follows:

(b) * * *

"*Lockout device.* A device that utilizes a positive means such as a lock, either key or combination type, to hold an energy isolating device in a safe position and prevent the energizing of a machine or equipment. Included are blank flanges and bolted slip blinds."

* * * * *

§ 1910.147 [Amended]

135. Paragraphs (c)(1), (c)(2)(iii), (c)(6)(i)(B), (c)(7)(i), (c)(8), (d) introductory text, (d)(2), (e)(2)(ii), (f)(2)(ii) and (f)(4) of § 1910.147 are revised to read as follows:

(c) *General*—(1) *Energy control program.* The employer shall establish a program consisting of energy control procedures, employee training and

periodic inspections to ensure that before any employee performs any servicing or maintenance on a machine or equipment where the unexpected energizing, start up or release of stored energy could occur and cause injury, the machine or equipment shall be isolated from the energy source, and rendered inoperative."

* * * * *

(2) *Lockout/Tagout.* * * *

(iii) After January 2, 1990, whenever replacement or major repair, renovation or modification of a machine or equipment is performed, and whenever new machines or equipment are installed, energy isolating devices for such machine or equipment shall be designed to accept a lockout device."

* * * * *

(6) *Periodic inspection.* (i) * * *

(B) The periodic inspection shall be conducted to correct any deviations or inadequacies identified."

* * * * *

(7) *Training and communication.* (i) The employer shall provide training to ensure that the purpose and function of the energy control program are understood by employees and that the knowledge and skills required for the safe application, usage, and removal of the energy controls are acquired by employees. The training shall include the following:

* * * * *

(8) *Energy isolation.* Lockout or tagout shall be performed only by the authorized employees who are performing the servicing or maintenance.

* * * * *

(d) *Application of control.* The established procedures for the application of energy control (the lockout or tagout procedures) shall cover the following elements and actions and shall be done in the following sequence: * * *

(2) *Machine or equipment shutdown.* The machine or equipment shall be turned off or shut down using the procedures established for the machine or equipment. An orderly shutdown must be utilized to avoid any additional or increased hazard(s) to employees as a result of the equipment stoppage.

* * * * *

(e) *Release from lockout or tagout.* * * *

(2) *Employees.* * * *

(iii) After lockout or tagout devices have been removed and before a machine or equipment is started, affected employees shall be notified that the lockout or tagout device(s) have been removed.

* * * * *

(f) *Additional requirements.* * * *

(2) *Outside personnel.* * * *

(ii) The on-site employer shall ensure that his/her employees understand and comply with the restrictions and prohibitions of the outside employer's energy control program.

* * * * *

(4) *Shift or personnel changes.* Specific procedures shall be utilized during shift or personnel changes to ensure the continuity of lockout or tagout protection, including provision for the orderly transfer of lockout or tagout device protection between off-going and oncoming employees, to minimize exposure to hazards from the unexpected energization or start-up of the machine or equipment, or the release of stored energy.

136. Appendix A to § 1910.147 is revised to read as follows:

Appendix A—Typical Minimal Lockout Procedure

General

The following simple lockout procedure is provided to assist employers in developing their procedures so they meet the requirements of this standard. When the energy isolating devices are not lockable, tagout may be used, provided the employer complies with the provisions of the standard which require additional training and more rigorous periodic inspections. When tagout is used and the energy isolating devices are lockable, the employer must provide full employee protection (*see* paragraph (c)(3)) and additional training and more rigorous periodic inspections are required. For more complex systems, more comprehensive procedures may need to be developed, documented and utilized.

Lockout Procedure

Lockout procedure for

(Name of Company for single procedure or identification of equipment if multiple procedures are used)

Purpose

This procedure establishes the minimum requirements for the lockout of energy isolating devices whenever maintenance or servicing is done on machines or equipment. It shall be used to ensure that the machine or equipment is stopped, isolated from all potentially hazardous energy sources and locked out before employees perform any servicing or maintenance where the unexpected energization or start-up of the machine or equipment or release of stored energy could cause injury.

Compliance With This Program

All employees are required to comply with the restrictions and limitations imposed upon them during the use of lockout. The authorized employees are required to perform the lockout in accordance with this procedure. All employees, upon observing a machine or piece of equipment which is locked out to perform servicing or maintenance shall not attempt to start, energize or use that machine or equipment.

Type of compliance enforcement to be taken for violation of the above.

Sequence of Lockout

(1) Notify all affected employees that servicing or maintenance is required on a machine or equipment and that the machine or equipment must be shut down and locked out to perform the servicing or maintenance.

Name(s)/Job Title(s) of affected employees and how to notify.

(2) The authorized employee shall refer to the company procedure to identify the type and magnitude of the energy that the machine or equipment utilizes, shall understand the hazards of the energy, and shall know the methods to control the energy.

Type(s) and magnitude(s) of energy, its hazards and the methods to control the energy.

(3) If the machine or equipment is operating, shut it down by the normal stopping procedure (depress stop button, open switch, close valve, etc.).

Type(s) and location(s) of machine or equipment operating controls.

(4) De-activate the energy isolating device(s) so that the machine or equipment is isolated from the energy source(s).

Type(s) and location(s) of energy isolating devices.

(5) Lock out the energy isolating device(s) with assigned individual lock(s).

(6) Stored or residual energy (such as that in capacitors, springs, elevated machine members, rotating flywheels, hydraulic systems, and air, gas, steam, or water pressure, *etc.*) must be dissipated or restrained by methods such as grounding, repositioning, blocking, bleeding down, etc.

Type(s) of stored energy—methods to dissipate or restrain.

(7) Ensure that the equipment is disconnected from the energy source(s) by first checking that no personnel are exposed, then verify the isolation of the equipment by operating the push button or other normal operating control(s) or by testing to make certain the equipment will not operate.

Caution: Return operating control(s) to neutral or "off" position after verifying the isolation of the equipment.

Method of verifying the isolation of the equipment.

(8) The machine or equipment is now locked out.

Restoring Equipment to Service. When the servicing or maintenance is completed and the machine or equipment is ready to return

to normal operating condition, the following steps shall be taken.

(1) Check the machine or equipment and the immediate area around the machine or equipment to ensure that nonessential items have been removed and that the machine or equipment components are operationally intact.

(2) Check the work area to ensure that all employees have been safely positioned or removed from the area.

(3) Verify that the controls are in neutral.

(4) Remove the lockout devices and reenergize the machine or equipment.

Note: The removal of some forms of blocking may require reenergization of the machine before safe removal.

(5) Notify affected employees that the servicing or maintenance is completed and the machine or equipment is ready for use.

Signed at Washington, DC, this 13th day of September 1990.

Gerard F. Scannell,

Assistant Secretary of Labor.

[FR Doc. 90-22063 Filed 9-19-90; 8:45 am]

BILLING CODE 4510-26-M

DEPARTMENT OF DEFENSE

Department of the Navy

32 CFR Part 706

Certifications and Exemptions Under the International Regulations for Preventing Collisions at Sea, 1972; Amdt.

AGENCY: Department of the Navy, DOD.

ACTION: Final rule.

SUMMARY: The Department of the Navy is amending its certifications and exemptions under the International Regulations for Preventing Collisions at Sea, 1972 (72 COLREGS), to reflect determination by the Acting Judge Advocate General of the Navy that USS ARLEIGH BURKE (DDG 51) is a vessel of the Navy which, due to its special construction and purpose, cannot comply fully with certain provisions of the 72 COLREGS without interfering with its special function as a naval destroyer. The intended effect of this rule is to warn mariners in waters where 72 COLREGS apply.

EFFECTIVE DATE: September 11, 1990.

FOR FURTHER INFORMATION CONTACT: Captain R.R. Rossi, JAGC, U.S. Navy, Admiralty Counsel, Office of the Judge Advocate General, Navy Department, 200 Stovall Street, Alexandria, VA 22332-2400, Telephone number: (202) 325-9744.

SUPPLEMENTARY INFORMATION: Pursuant to the authority granted in 33 U.S.C. 1605, the Department of the Navy amends 32 CFR part 706. This amendment provides notice that the Acting Judge Advocate General of the Navy, under authority delegated by the Secretary of the Navy, has certified that USS ARLEIGH BURKE (DDG 51) is a vessel of the Navy which, due to its special construction and purpose, cannot comply fully with 72 COLREGS, Annex 1, section 3(a) pertaining to the location of the forward masthead light in the forward quarter of the vessel, the placement of the after masthead light, and the horizontal distance between the forward and after masthead lights; Annex I, section 2(f)(i) pertaining to placement of the masthead light or lights above and clear of all other lights and obstructions; and, Annex I, section 3(c) pertaining to placement of task lights not less than 2 meters from the fore and aft centerline of the ship in the athwartship direction; without interfering with its special function as a Navy ship. The Acting Judge Advocate General of the Navy has also certified that the lights involved are located in closest possible compliance with the applicable 72 COLREGS requirements.

Moreover, it has been determined, in accordance with 32 CFR parts 296 and 701, that publication of this amendment for public comment prior to adoption is impracticable, unnecessary, and contrary to public interest since it is based on technical findings that the placement of lights on this vessel in a manner differently from that prescribed herein will adversely affect the ship's ability to perform its military functions.

List of Subjects in 32 CFR Part 706

Marine safety, navigation (water), and vessels.

PART 706—[AMENDED]

Accordingly, 32 CFR part 706 is amended as follows:

1. The authority citation for 32 CFR part 706 continues to read:

Authority: 33 U.S.C. 1605.

§ 706.2 [Amended]

2. Table Four of § 706.2 is amended by adding the following paragraphs:

15. Task (restricted maneuverability) lights on the following ships do not comply with Annex I, section 3(c).

Vessel	No.	Horizontal distance from the fore and aft centerline of the vessel in the athwartship direction
USS ARLEIGH BURKE	DDG 51	1.85 meters.

16. On the following ships, the arc of visibility of the forward masthead light, required by rule 21(a), may be obstructed at the following angles relative to ship's heading:

Vessel	No.	Obstruction angle relative ship's headings
USS Arleigh Burke	DDG 51	89.25° thru 106.67°

§ 706.2 [Amended]

3. Table Five of § 706.2 is amended by adding the following vessel:

Vessel	No.	Masthead lights not over all other lights and obstructions. Annex I, sec. 2(f)	Forward masthead light not in forward quarter of ship. Annex I, sec. 3(a)	After masthead light less than 1/2 ship's length aft of forward masthead light. Annex I. sec. 3(a)	Percentage horizontal separation attained.
USS Arleigh Burke	DDG 51	X	X	X	13

Dated: September 11, 1990.
Approved:
J.E. Gordon,
Acting Judge Advocate General.
[FR Doc. 90–22265 Filed 9–19–90; 8:45 am]
BILLING CODE 3810–01–M

DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

49 CFR Part 198

[Docket No. PS–116]

RIN 2137–AB 66

Grants for State Pipeline Safety Programs; State Adoption of One-Call Damage Prevention Program

AGENCY: Research and Special Programs Administration (RSPA), DOT.

ACTION: Final rule.

SUMMARY: This final rule sets forth regulations that require each State to adopt or seek to adopt a one-call damage prevention program as a condition to receiving a full grant-in-aid for the State's pipeline safety compliance program. The final rule implements section 303(a) of the Pipeline Safety Reauthorization Act of 1988 (Reauthorization Act) (Pub. L. 100–561; October 31, 1988), which directs the Secretary of Transportation to require each State to adopt a one-call damage prevention program for the establishment, operation, and enforcement of one-call notification systems. The intended effect of these regulations is to reduce the incidence of excavation damage to gas and hazardous liquid pipelines and other underground facilities.

EFFECTIVE DATE: This final rule takes effect September 20, 1990.

FOR FURTHER INFORMATION CONTACT: Albert C. Garnett, (202) 366–2036, regarding the subject matter of this document, or the Dockets Unit, (202) 366–5048, for copies of this document or other material in the docket.

SUPPLEMENTARY INFORMATION:

Background

The most widely accepted approach to reducing excavation damage, or "dig-ins," to underground gas and hazardous liquid pipelines and other underground facilities is a formalized damage prevention program that makes use of a one-call notification system. Latest available information indicates that there are 88 (less than in the notice, because some systems have merged) one-call notification systems operating in 47 States and the District of Columbia.

A one-call notification system provides a communication link between excavators and operators of pipelines and other underground facilities. The nucleus of the system is an operational center whose principal function is to promptly transfer information received from excavators about their intended excavation activities to the operators of pipelines and other underground facilities participating in the system. Excavators have to make only a single call (includes various methods of communication) to an operational center to start the process, thus the name "one call". Upon receipt of the information, the participating operators of pipelines and other underground facilities that could be affected by the excavation activity arrange for the timely identification and temporary marking of their underground facilities that are in the area of the intended activity. When necessary the underground operators inspect the site being excavated and advise the excavator of the need for special measures to protect buried or exposed facilities. One-call notification systems may perform various other functions relevant to protecting pipelines and other underground facilities from damage, such as recordkeeping and public awareness programs.

Approximately 39 States and the District of Columbia have damage prevention laws designed to protect underground facilities from damage by excavation activities. Although State damage prevention laws are not uniform, they most often require persons engaging in defined excavation activities to provide operators of specified underground facilities advance notice, with relevant details, of their intended excavations.

Common provisions of the State laws include: definition of excavation activities, specification of underground facilities, notification and response times, accuracy of temporary marking, color code for identification of temporary marking, protection of underground facilities, emergency clauses, exemptions, excavation permits, and penalties for violations.

RSPA has long supported the efforts of one-call systems to prevent damage to underground pipelines. For example, under 49 CFR 192.614, "Damage prevention program," a regulation which has been in effect since April 1, 1983 (47 FR 13818; April 1, 1982), operators of gas pipelines must carry out a damage prevention program patterned after typical one-call notification systems. Operators must perform required duties either by themselves or by participation in a public service program, such as a one-call system. A similar damage prevention requirement has been proposed for hazardous liquid pipelines (Docket PS–101) (53 FR 24747; June 30, 1988).

Congress Urges States to Enact One-Call Laws

Congress supports efforts by the private sector and various branches of government to protect underground facilities. A new section 20 of the Natural Gas Pipeline Safety Act of 1968 (NGPSA) (49 App. U.S.C. 1687), as added by section 303(a) of the Reauthorization Act, requires the Secretary of Transportation to issue regulations that are intended to prompt States without one-call damage prevention laws to enact them and to provide commonality among all such State laws. The regulations require that each State adopt or seek to adopt a one-call damage prevention program under State law for protection of underground pipeline facilities as a condition to receiving a full grant-in-aid for its pipeline safety compliance program under section 5 of the NGPSA (49 App. U.S.C. 1674) and section 205 of the Hazardous Liquid Pipeline Safety Act of 1979 (HLPSA) (49 App. U.S.C. 2004). The new section 20 lays out nine requirements that are to be included in the regulations and form the core of each State's one-call damage prevention program.

In enacting these new requirements, Congress was aware that a one-call notification system operates most effectively when all pipelines and other underground facilities in the region covered by the system participate in the system. Only in this way can excavators truly use one call to reach operators of all potentially affected underground facilities.

Notice of Proposed Rulemaking

RSPA's Office of Pipeline Safety (OPS) published a notice of proposed rulemaking (NPRM), titled "Grant Regulations: State Adoption of One-Call Damage Prevention Program," in the **Federal Register** on July 11, 1990 (55 FR 28419). The notice proposed the addition of a new part 198, "Regulations For Grants To Aid State Pipeline Safety Programs." The regulations proposed in the notice emulated the 9 requirements prescribed by Congress for State one-call damage prevention programs.

Comments on the notice were received from 43 respondents comprised of: 19 gas distribution companies, 8 trade associations, 5 gas or hazardous

liquid transmission companies, 5 one-call notification systems, 4 State or Federal regulatory agencies, 1 communications company, and 1 State highway department. A majority (42 respondents) expressed support for one-call damage notification systems and spoke to various issues which they believed would improve the effectiveness of the proposed one-call State damage prevention programs.

General Issues

To conform with the format of parts 190 through 195 of the Pipeline Safety Regulations, in this final rule, the definitions proposed in § 198.33 of the notice have been combined with the definitions proposed in § 198.3.

Also in this final rule § 198.37 (e), (f), (g) and (h) have been revised or redesignated from that shown in the notice. The changes are as follows: Section 198.37(e)(1) in the notice has been redesignated as § 198.37(e) in the final rule and revised to include an exception for certain interstate pipelines. Section 198.37(e)(2) in the notice has been redesignated as § 198.37(f) in the final rule. Section 198.37(f) in the notice has been redesignated as § 198.37(g) in the final rule and the exception from public awareness programs has been revised. Finally, § 198.37(g) in the notice has been redesignated as § 198.37(h) in the final rule and revised to include an exception for certain interstate pipelines. The redesignation of the sections improves the form and clarity of the new regulations and the need for the revisions is discussed below.

The following recommendations were made by 6 or more commenters:

(1) Require specific time frames for notifications from excavators, one-call operational center responses to participating members, and locating and temporary markings by participating operators.

(2) Provide for operators of underground facilities to have some oversight of the one-call notification systems where they are required to participate. Particular areas recommended for oversight were development of fees and monitoring of performance.

(3) Require governmental agencies, such as highway departments, to use one-call notification systems.

RSPA agrees that these types of requirements might improve one call damage prevention programs. However, RSPA wants to avoid serious disruption of existing one-call programs by imposing too many requirements. Thus, RSPA is leaving the decision on the inclusion of these matters to the individual States.

A State utilities board expressed concern about the gap (see below—Gaps in Coverage * * * in the State one-call damage prevention programs caused by the inability of the States to adopt and enforce safety standards applicable to interstate pipeline transportation. RSPA agrees and intends to address the issue of mandatory participation by operators of interstate pipeline facilities in the current rulemaking on damage prevention programs referred to above (Docket PS–101). However, in the interim, RSPA urges operators of the interstate pipeline facilities to participate in the one-call damage prevention programs established by the States in which the facilities are located.

Specific Issues

Regarding the proposed § 198.37(c), RSPA believes the word "appropriate" in the proposal that excavators be required to notify the operational center of the "appropriate" one-call notification system is subject to misinterpretation. Therefore, RSPA has deleted "appropriate" and substituted its meaning. As adopted, the final rule requires that excavators be required to notify the operational center of the one-call notification system "that covers the area of each intended excavation activity."

The proposed language of § 198.1, "Scope," provided that part 198 "prescribes regulations governing grants to aid State pipeline safety compliance programs." One commenter believed this statement of scope to be inaccurate because the focus of the notice was one-call damage prevention programs. However, RSPA has retained the scope statement as proposed, because § 198.1 applies to all of part 198, not just subpart C, which covers one-call damage prevention programs; and RSPA sees the potential to expand part 198 in the future to cover other aspects of the State grant-in-aid program.

The proposed § 198.33 set forth a definition of "one-call notification system" as "a system of telephonic communication in which an operational center receives notices from excavators of intended excavation activities and transmits the notices to operators of pipeline facilities and any other utilities that participate in the system." Four commenters recommended revisions of various portions of this definition. RSPA has adopted the recommendation from two commenters to delete "telephonic" to avoid the implication that other means of communication may not be used. As suggested by another commenter to avoid confusion in identifying the proper one-call system, in the final rule, RSPA has also modified the proposed definition to provide that a one-call notification system is one that qualifies under the criteria of part 198 and the State's one-call damage prevention program. RSPA also adopted the recommendation of another commenter who recommended that the word "utilities" be replaced with "facilities," which includes underground facilities that are not necessarily considered a utility.

In the proposed § 198.37(c)(3), OPS proposed that excavators be required to notify the operational center and give the "location" of each intended excavation. Two commenters pointed out that safety is jeopardized if an excavator fails to provide sufficient information to permit the underground operators to determine the specific location of the intended excavation activities. RSPA understands that underground operators need specific locations to enable them to determine if their facilities are present and, if so, to provide the required identification and temporary marking. In response to this need, RSPA has modified paragraph (c)(3) by adding a requirement that the excavator tell the "specific" location.

Also in the proposed § 198.37(c), OPS addressed emergency situations by stating that excavators "may be allowed to begin an excavation activity if they are required to notify the operational center at the earliest practicable moment." A commenter pointed out that any requirement that does not absolutely allow operators to repair their facilities is unworkable. RSPA understands the need to insure that in an emergency, excavators are permitted to expeditiously begin urgent work. In response to this obvious need, the final rule requires that the State program "must" allow an excavator to begin excavating in an emergency and, in such case, must require the excavator to notify the one-call notification system at the earliest practicable moment.

Another commenter recommended that the exception for emergency situations apply only "where life or property is endangered," to prevent the exception from being used too broadly. RSPA has not adopted this recommendation, preferring not to alter the usual understanding of "emergency" as any situation demanding immediate action. Moreover, many excavators that would be subject to a State's damage prevention program under the new part 198 often excavate to repair underground facilities in situations where life or property is not threatened, but where the public need for the service compels immediate action.

RSPA does not want part 198 to hinder these legitimate emergency responses.

The proposed § 198.37(d) provided that a State must determine whether "telephonic" communications to the operational center are to be toll free. A commenter said that although the present communications may be primarily "telephonic," other means of communication may be used. Because the Reauthorization Act requires that States determine whether "communications" are to be toll free, RSPA has revised the wording so that this State determination is not limited to telephonic communications.

In the proposed § 198.37(f), OPS proposed that the requirement to notify the public and known excavators about the use of one-call systems exclude "condominium or cooperative associations or operators who only own or operate gas distribution systems in connection with leasing of real property." A federal agency replied that since some cooperative gas distribution systems cover large areas not under their control, potentially systems serving multi-country areas, the exclusion should not apply to them. RSPA agrees. Cooperative associations that operate gas systems as a primary activity are not the type of operator the exclusion was intended to reach. Rather, the exclusion was intended to relieve persons whose primary business is something other than the production, transportation, or marketing of gas or hazardous liquids from the notification requirement. This task can be fulfilled more capably by larger operators or the one-call notification systems themselves. Therefore, RSPA has revised the exclusion to apply only to persons whose primary business does not include the production, transportation, or marketing of gas or hazardous liquids.

In the notice of proposed rulemaking, OPS proposed to apply requirements pertaining to notification of excavators (§ 198.37(f)), civil penalty and injunctive relief (§ 198.37(g)), and one-call notification system qualifications (§ 198.39(a)) to persons who "control" one-call notification systems. One commenter suggested that the word "control" be replaced with "operate" to remove the implication that the part 198 regulations apply to boards of directors of one-call notification systems. In the final rule, RSPA has adopted "operate" instead of "control." This change in terms is not for the purpose of exempting boards of directors from any obligation they may have under State law to comply with one-call damage prevention programs. Instead it is intended to ensure that the State places the obligation to meet program requirements on persons who are responsible for the operation of one-call notification systems, and are in a position to assure compliance.

Gaps in Coverage of One-Call Damage Prevention Programs

There are two gaps in the coverage for one-call damage prevention programs provided under this final rule.

First, RSPA does not have authority to require the States to include other underground facilities that are not gas or hazardous liquid pipeline related. These other underground facilities include water mains, storm sewers, sanitary sewers, steam lines, electric power cables, telephone cables, fiber optic cables, television cables and traffic signal cables.Twenty-one commenters urged participation by the operators of these other underground facilities. RSPA agrees and urges the States to include such other underground facilities within their one-call damage prevention programs. However, because of the lack of authority, no change is made to the language of the final rule to mandate their inclusion.

Secondly, States are preempted by statute from adopting or enforcing safety standards with respect to interstate pipeline transportation (49 App. U.S.C. 1672(a)(1) and 2002(d)). Consequently, to recognize this preemption, RSPA has modified the final rule by removing the provision requiring a State to mandate participation by, and to enforce requirements against, operators of interstate pipeline facilities.

Impact on Grants-In-Aid for State Pipeline Safety Programs

Under section 5 of the NGPSA and section 205 of the HLPSA, OPS annually reimburses State agencies up to 50 percent of the cost of their pipeline safety programs, using funds that Congress appropriates for this purpose. Reimbursement amounts are determined by applying a grant-allocation formula, which weights certain factors related to the size and adequacy of the program and performance of the agency.

The new section 20 of the NGPSA affects these determinations by requiring a reduction in the reimbursement of any State that does not adopt or seek to adopt a one-call damage prevention program under the regulations of the final rule. Congress left the amount of such reduction to OPS's discretion, and it will be calculated by modifying the current performance factors. OPS will assign performance points to each of the nine requirements prescribed by Congress. These points will be assigned as to the importance of each requirement and will not necessarily be equal. (The present performance portion of the grant allocation that addresses one-call damage prevention is comprised of four out of 27 points for the gas program and four out of 17 points for the liquid program.) OPS will work with its State partners through the National Association of Pipeline Safety Representatives (NAPSR) and the National Association of Regulatory Utility Commissioners (NARUC) to implement this modification of the performance criteria of the grant allocation. The earliest that these modifications will affect the participating State agencies is the grant allocation of Calendar Year 1991. OPS will review the status of each State's one-call damage program under this final rule in connection with the annual Federal grant-in-aid reimbursements.

Availability of Grants for States to Adopt One-Call Damage Prevention Program

Section 303(a) of the Reauthorization Act authorizes DOT to make grants to States for development and establishment of one-call damage prevention programs that are consistent with the regulations under this final rule. Congress appropriated $672,000 (after mandated Fiscal Year 1990 adjustments) for these supplemental grants, but restricted obligation of this amount to fiscal-year 1990, which ends September 30, 1990 (Pub. L. No. 101–164).

Due to mandated ceilings on grant payments prescribed in the NGPSA and the HLPSA, only those States that have received less than 50 percent reimbursement are eligible to apply for the supplemental grants. Because the period between issuance of this final rule and September 30, 1990 is brief, OPS will have little time to evaluate any grant applications received. Therefore, eligible States should submit applications as soon as possible, demonstrating how their development and implementation actions will result in one-call damage prevention programs consistent with the part 198 regulations. States wishing more information about grant applications should contact OPS's State Programs Officer, Tom Fortner, at (202) 366–4564.

Impact Assessment

Approximately 88 one-call notification systems operate in 47 States and the District of Columbia. Additionally, there are some 39 States and the District of Columbia that have damage prevention laws that are intended to require the use

of one-call notification systems to protect underground facilities from damage by excavators. This final rule would merely specify minimal one-call damage prevention program requirements that a State must adopt or seek to adopt to receive a full grant-in-aid for its pipeline safety compliance program under the NGPSA or the HLPSA. A State that does not seek grant funding for this purpose is not affected by this final rule. The regulations parallel the general features of one-call notification systems and provide flexibility for most States with one-call damage prevention programs to meet the requirements. However, additional laws will be necessary in those few States without one-call damage prevention programs. Therefore, this final rule is considered to be nonmajor under Executive Order 12291 and nonsignificant under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979). Since the rule should require minimal compliance expense, it does not warrant preparation of a Draft Evaluation. Also, based on the facts available concerning the impact of this final rule, I certify under section 605 of the Regulatory Flexibility Act that it would not, have a significant economic impact on a substantial number of small entities.

Paperwork Reduction Act

The preparation of this final rule is mandated by section 303(a) of the Reauthorization Act and the rule merely implements the nine requirements prescribed by Congress for State one-call damage prevention programs. None of the information collection requirements of this final rule are for submittal to RSPA.

Since publication of the notice, RSPA has determined that there is no need to submit the information collection requirements of this final rule to the Office of Management and Budget (OMB) for approval under the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*). There are 88 one-call notification systems currently in place covering 47 of the 50 States and the District of Columbia. Additionally, some 39 States and the District of Columbia have current laws relating to the prevention of damage to underground facilities. Most of these systems keep records of calls as required under § 198.39. As existing one-call notification systems come into compliance with the State one-call notification programs that are the subject of this final rule, RSPA expects these systems also will handle the information collection duties under § 198.37(g) for their participating members. Heretofore, operators of gas pipelines have been handling these information collection duties as required by § 192.614(b)(1) and (2), either through an established one-call system or on their own. Many operators of hazardous liquid pipelines are voluntarily performing similar requirements either through established one-call systems or on their own. Therefore, to the extent that appropriate one-call notification systems take over the paperwork burden now assumed by many individual underground operators, the cumulative effect will be a net decrease in the total paperwork burden for those persons that are affected by this final rule.

Federalism

This action has been analyzed in accordance with the principles and criteria contained in Executive Order 12612. The requirements contained herein are statutorily mandated. In implementing the statute, RSPA is limiting the requirements to the nine statutory criteria. OPS has determined that it does not have sufficient federalism implications to warrant preparation of a Federalism Assessment.

Effective Date

RSPA finds good cause to make this rule effective upon publication. The final rule merely sets forth the criteria the States must meet in order to qualify for full grants-in-aid. Under the statute the money for the supplemental grants must be obligated by September 30, 1990. Therefore, providing an effective date 30 days after publication would be unfair to States who would otherwise qualify for the supplemental grant.

List of Subjects in 49 CFR Part 198

Grant programs—Transportation, Pipeline safety, Reporting and recordkeeping requirements.

In consideration of the foregoing, RSPA amends chapter I of title 49 of the Code of Federal Regulations by adding part 198 to read as follows:

PART 198—REGULATIONS FOR GRANTS TO AID STATE PIPELINE SAFETY PROGRAMS

Subpart A—General

Sec.

198.1 Scope.
198.3 Definitions.

Subpart B—[Reserved]

Subpart C—Adoption of One-Call Damage Prevention Program

198.31 Scope.
198.33 [Reserved]
198.35 Grants conditioned on adoption of one-call damage prevention program.
198.37 State one-call damage prevention program.
198.39 Qualifications for operation of one-call notification system.

Authority: 49 App. U.S.C. 1674, 1687 and 2004; 49 CFR 1.53.

Subpart A—General

§ 198.1 Scope.

This part prescribes regulations governing grants-in-aid for State pipeline safety compliance programs.

§ 198.3 Definitions.

As used in this part:

Adopt means establish under State law by statute, regulation, license, certification, order, or any combination of these legal means.

Excavation activity means an excavation activity defined in § 192.614(a) of this chapter, other than a specific activity the State determines would not be expected to cause physical damage to underground facilities.

Excavator means any person intending to engage in an excavation activity.

One-call notification system means a communication system that qualifies under this part and the one-call damage prevention program of the State concerned in which an operational center receives notices from excavators of intended excavation activities and transmits the notices to operators of underground pipeline facilities and other underground facilities that participate in the system.

Person means any individual, firm, joint venture, partnership, corporation, association, state, municipality, cooperative association, or joint stock association, and including any trustee, receiver, assignee, or personal representative thereof.

Underground pipeline facilities means buried pipeline facilities used in the transportation of gas subject to the Natural Gas Pipeline Safety Act of 1968 (49 App. U.S.C. 1671 *et seq.*) or the transportation of a hazardous liquid subject to the Hazardous Liquid Pipeline Safety Act of 1979 (49 App. U.S.C. 2001 *et seq.*).

Secretary means the Secretary of Transportation or any person to whom the Secretary of Transportation has delegated authority in the matter concerned.

Seeking to adopt means actively and effectively proceeding toward adoption.

State means each of the several States, the District of Columbia, and the Commonwealth of Puerto Rico.

Subpart B—[Reserved]

Subpart C—Adoption of One-Call Damage Prevention Program

§ 198.31 Scope.

This subpart implements section 20 of the Natural Gas Pipeline Safety Act of 1968 (49 App. U.S.C. 1687), which directs the Secretary to require each State to adopt a one-call damage prevention program as a condition to receiving a full grant-in-aid for its pipeline safety compliance program.

§ 198.33 [Reserved]

§ 198.35 Grants conditioned on adoption of one-call damage prevention program.

In allocating grants to State agencies under section 5 of the Natural Gas Pipeline Safety Act of 1968 (49 App. U.S.C. 1674) and under section 205 of the Hazardous Liquid Pipeline Safety Act of 1979 (49 App. U.S.C. 2004), the Secretary considers whether a State has adopted or is seeking to adopt a one-call damage prevention program in accordance with § 198.37. If a State has not adopted or is not seeking to adopt such program, the State agency may not receive the full reimbursement to which it would otherwise be entitled.

§ 198.37 State one-call damage prevention program.

A State must adopt a one-call damage prevention program that requires each of the following at a minimum:

(a) Each area of the State that contains underground pipeline facilities must be covered by a one-call notification system.

(b) Each one-call notification system must be operated in accordance with § 198.39.

(c) Excavators must be required to notify the operational center of the one-call notification system that covers the area of each intended excavation activity and provide the following information:

(1) Name of the person notifying the system.

(2) Name, address and telephone number of the excavator.

(3) Specific location, starting date, and description of the intended excavation activity.

However, an excavator must be allowed to begin an excavation activity in an emergency but, in doing so, required to notify the operational center at the earliest practicable moment.

(d) The State must determine whether telephonic and other communications to the operational center of a one-call notification system under paragraph (c) of this section are to be toll free or not.

(e) Except with respect to interstate transmission facilities as defined in section 2 of the Natural Gas Pipeline Safety Act of 1968, 49 App. U.S.C. 1671, and interstate pipelines as defined in § 195.2 of this chapter, operators of underground pipeline facilities must be required to participate in the one-call notification systems that cover the areas of the State in which those pipeline facilities are located.

(f) Operators of underground pipeline facilities participating in the one-call notification systems must be required to respond in the manner prescribed by § 192.614 (b)(4) through (b)(6) of this chapter to notices of intended excavation activity received from the operational center of a one-call notification system.

(g) Persons who operate one-call notification systems or operators of underground pipeline facilities participating or required to participate in the one-call notification systems must be required to notify the public and known excavators in the manner prescribed by § 192.614 (b)(1) and (b)(2) of this chapter of the availability and use of one-call notification systems to locate underground pipeline facilities. However, this paragraph does not apply to persons (including operator's master meters) whose primary activity does not include the production, transportation or marketing of gas or hazardous liquids.

(h) Operators of underground pipeline facilities (other than operators of interstate transmission facilities as defined in section 2 of the Natural Gas Pipeline Safety Act of 1968, 49 App. U.S.C. 1671, and interstate pipelines as defined in § 195.2 of this chapter), excavators, and persons who operate one-call notification systems who violate the applicable requirements of this subpart must be subject to civil penalties and injunctive relief that are substantially the same as are provided under sections 11 and 12 of the Natural Gas Pipeline Safety Act of 1968 (49 App. U.S.C. 1679a and 1679b).

§ 198.39 Qualifications for operation of one-call notification system.

A one-call notification system qualifies to operate under this subpart if it complies with the following:

(a) It is operated by one or more of the following:

(1) A person who operates underground pipeline facilities or other underground facilities.

(2) A private contractor.

(3) A State or local government agency.

(4) A person who is otherwise eligible under State law to operate a one-call notification system.

(b) It receives and records information from excavators about intended excavation activities.

(c) It promptly transmits to the appropriate operators of underground pipeline facilities the information received from excavators about intended excavation activities.

(d) It maintains a record of each notice of intent to engage in an excavation activity for the minimum time set by the State or, in the absence of such time, for the time specified in the applicable State statute of limitations on tort actions.

(e) It tells persons giving notice of an intent to engage in an excavation activity the names of participating operators of underground pipeline facilities to whom the notice will be transmitted.

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

Travis P. Dungan,

Administrator, Research and Special Programs.

[FR Doc. 90–22242 Filed 9–19–90; 8:45 am]

BILLING CODE 4910–60–M

Proposed Rules

Federal Register
Vol. 55, No. 183
Thursday, September 20, 1990

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

DEPARTMENT OF AGRICULTURE

Federal Crop Insurance Corporation

7 CFR Part 414

[Amdt. No. 3; Docket No. 7939S]

Forage Seeding Crop Insurance Regulations

AGENCY: Federal Crop Insurance Corporation, USDA.

ACTION: Proposed rule.

SUMMARY: The Federal Crop Insurance Corporation (FCIC) proposes to amend the Forage Seeding Crop Insurance Regulations (7 CFR part 414), effective for the 1991 and succeeding crop years, to provide cancellation and termination dates for counties in New Hampshire, Pennsylvania, and Vermont, recently approved for such insurance. The intended effect of this rule is to provide the cancellation and termination dates for policyholders in those states.

DATES: Written comments, data, and opinions on this proposed rule must be submitted not later than October 22, 1990, to be sure of consideration.

ADDRESSES: Written comments on this proposed rule should be sent to Peter F. Cole, Office of the Manager, Federal Crop Insurance Corporation, Room 4090, South Building, U.S. Department of Agriculture, Washington, DC 20250.

FOR FURTHER INFORMATION CONTACT: Peter F. Cole, Secretary, Federal Crop Insurance Corporation, U.S. Department of Agriculture, Washington, DC 20250, telephone (202) 447–3325.

SUPPLEMENTARY INFORMATION: This action has been reviewed under USDA procedures established by Departmental Regulation 1512–1. This action now constitutes a review as to the need, currency, clarity, and effectiveness of these regulations under those procedures. The sunset review date established for these regulations is June 1, 1995.

David W. Gabriel, Acting Manager, FCIC, (1) Has determined that this action is not a major rule as defined by Executive Order 12291 because it will not result in: (a) An annual effect on the economy of $100 million or more; (b) major increases in costs or prices for consumers, individual industries, Federal, State, or local governments, or a geographical region; or (c) significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of U.S.-based enterprises to compete with foreign-based enterprises in domestic or export markets; and (2) certifies that this action will not increase the Federal paperwork burden for individuals, small businesses, and other persons and will not have a significant economic impact on a substantial number of small entities.

This action is exempt from the provisions of the Regulatory Flexibility Act; therefore, no Regulatory Flexibility Analysis was prepared.

This program is listed in the Catalog of Federal Domestic Assistance under No. 10.450.

This program is not subject to the provisions of Executive Order 12372 which requires intergovernmental consultation with State and local officials. See the Notice related to 7 CFR part 3015, subpart V, published at 48 FR 29115, June 24, 1983.

This action is not expected to have any significant impact on the quality of the human environment, health, and safety. Therefore, neither an Environmental Assessment nor an Environmental Impact Statement is needed.

FCIC herewith proposes to amend the Forage Seeding Crop Insurance Regulations (7 CFR part 414) to provide cancellation and termination dates for counties in New Hampshire, Pennsylvania, and Vermont, recently approved for such insurance.

FCIC is soliciting public comment on this proposed rule for 30 days following publication in the **Federal Register**. Written comment should be sent to Peter F. Cole, Office of the Manager, Federal Crop Insurance Corporation, Room 4090, South Building, U.S. Department of Agriculture, Washington, DC 20250.

All written comments received pursuant to this proposed rule will be available for public inspection and copying in the Office of the Manager, Federal Crop Insurance Corporation, Room 4090, South Building, U.S. Department of Agriculture, Washington, DC 20250, during regular business hours, Monday through Friday.

List of Subjects in 7 CFR Part 414

Crop insurance, Forage seeding.

Proposed Rule

Accordingly, pursuant to the authority contained in the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 *et seq.*), the Federal Crop Insurance Corporation proposes to amend the Forage Seeding Crop Insurance Regulations (7 CFR part 414), proposed to be effective for the 1991 and succeeding crop years, in the following instances:

1. The authority citation for 7 CFR part 414 is revised to read as follows:

Authority: 7 U.S.C. 1506, 1516.

2. 7 CFR part 414.7(d) is amended by revising paragraph 15.d. to read as follows:

§ 414.7(d) The application and policy.

* * * * *

15. Life of Contract: Cancellation and Termination

* * * * *

d. The cancellation and termination dates are:

State	Cancellation date	Termination date for indebtedness
New Hampshire, New York, Pennsylvania, Vermont.	July 31	July 31
All other States	April 15	April 15

Done in Washington, DC, on September 10, 1990.

David W. Gabriel,

Acting Manager, Federal Crop Insurance Corporation.

[FR Doc. 90–22313 Filed 9–19–90; 8:45 am]

BILLING CODE 3410–08–M

7 CFR Part 430

[Amdt. No. 2; Docket No. 7895S]

Sugar Beet Crop Insurance Regulations

AGENCY: Federal Crop Insurance Corporation, USDA.

ACTION: Proposed rule.

SUMMARY: The Federal Crop Insurance Corporation (FCIC) proposes to amend the Sugar Beet Crop Insurance Regulations (7 CFR part 430), effective for the 1992 and succeeding crop years, to: (1) Correct planting dates and clarify the insurance period in California; (2) change the end of insurance period for Texas; and, (3) change the definition of crop year in California and Texas. The intended effect of this rule is to simplify the sugar beet program in California and Texas with respect to planting dates and insurance period to more closely reflect farming practices.

DATES: Written comments, data, and opinions on this proposed rule should be received not later than October 22, 1990 to be sure of consideration.

ADDRESSES: Written comments on this proposed rule should be sent to Peter F. Cole, Office of the Manager, Federal Crop Insurance Corporation, room 4090, South Building, U.S. Department of Agriculture, Washington, DC, 20250.

FOR FURTHER INFORMATION CONTACT: Peter F. Cole, Secretary, Federal Crop Insurance Corporation, U.S. Department of Agriculture, Washington, DC, 20250, telephone (202) 447–3325.

SUPPLEMENTARY INFORMATION: This action has been reviewed under USDA procedures established by Departmental Regulation 1512–1. This action does not constitute a review as to the need, currency, clarity, and effectiveness of these regulations under those procedures. The sunset review date established for these regulations is May 1, 1994.

David Gabriel, Acting Manager, FCIC, (1) Has determined that this action is not a major rule as defined by Executive Order 12291 because it will not result in: (a) An annual effect on the economy of $100 million or more; (b) major increases in costs or prices for consumers, individual industries, Federal, State, or local governments, or a geographical region; or (c) significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of U.S.-based enterprises to compete with foreign-based enterprises in domestic or export markets; and (2) certifies that this action will not increase the federal paperwork burden for individuals, small businesses, and other persons and will not have a significant economic impact on a substantial number of small entities.

This action is exempt from the provisions of the Regulatory Flexibility Act; therefore, no Regulatory Flexibility Analysis was prepared.

This program is listed in the Catalog of Federal Domestic Assistance under No. 10.450.

This program is not subject to the provisions of Executive Order 12372 which requires intergovernmental consultation with State and local officials. See the Notice related to 7 CFR part 3016, subpart V, published at 48 FR 29115, June 24, 1983.

This action is not expected to have any significant impact on the quality of the human environmental, health, and safety. Therefore, neither an Environmental Assessment nor an Environmental Impact Statement is needed.

FCIC proposes to amend the Sugar Beet Crop Insurance Regulations (7 CFR part 430), effective for the 1992 and succeeding crop years, by (1) Correcting planting dates and clarifying the insurance period in California; (2) changing the end of insurance period for Texas; and, (3) changing the definition of crop year in California and Texas. This action will simplify the sugar beet program in California and Texas with respect to planting dates and insurance period to more closely reflect farming practices for sugar beets.

FCIC is soliciting public comment on this proposed rule for 30 days following publication in the **Federal Register**. Written comment should be sent to Peter F. Cole, Office of the Manager, Federal Crop Insurance Corporation, room 4090, South Building, U.S. Department of Agriculture, Washington, DC 20250

All written comments received pursuant to this proposed rule will be available for public inspection and copying in the Office of the Manager, Federal Crop Insurance Corporation, room 4090, South Building, U.S. Department of Agriculture, Washington, DC 20250, during regular business hours, Monday through Friday.

List of Subjects in 7 CFR Part 430

Crop insurance; Sugar beet.

Proposed Rule

Accordingly, pursuant to the authority contained in the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 *et seq.*), the Federal Crop Insurance Corporation proposes to amend the Sugar Beet Crop Insurance Regulations (7 CFR part 430), proposed to be effective for the 1992 and succeeding crop years, in the following instances:

1. The authority citation for 7 CFR part 430 continues to read as follows:

Authority: 7 U.S.C. 1506, 1516.

2. 7 CFR 430.7(d) is amended revising paragraph 7, subparagraph 15.e., and paragraph 16, to read as follows:

§ 430.7 The application and policy.

* * * * *

(d) * * *

7. Insurance Period

Insurance attaches when the sugar beets are planted and ends at the earliest of:

(a) Total destruction of the sugar beets;

(b) Harvest of the sugar beets on the unit;

(c) Final adjustment of a loss; or

(d) The following calendar dates;

(1) July 15 for Arizona and Imperial County, California;

(2) The dates established by practice as contained in the actuarial table for all other California counties;

(3) November 25 in Ohio;

(4) December 31 in Texas; and

(5) November 15 in all other states.

* * * * *

15. Life of Contract: Cancellation and Termination

* * * * *

(e) The cancellation and termination dates are:

State and county	Cancellation and termination dates
Arizona and Imperial County, California.	August 31.
All other California counties	March 31.
All other states	April 15.

* * * * *

16. Contract Changes

We may change any terms and provisions of the contract from year to year. If your price election at which indemnities are computed is no longer offerred, the actuarial table will provide the price election which you are deemed to have elected. All contract changes will be available at your service office by:

(a) April 30, preceding the cancellation date for Arizona and Imperial County, California;

(b) November 30 preceding the cancellation date for all other California counties;

(c) December 31, preceding the cancellation date for all other states.

Acceptance of changes will be conclusively presumed in the absence of notice from you to cancel the contract.

Done in Washington, DC, on September 10, 1990.

David Gabriel,

Acting Manager, Federal Crop Insurance Corporation.

[FR Doc. 90–22314 Filed 9–19–90; 8:45 am]

BILLING CODE 3410–08–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 90-NM-153-AD]

Airworthiness Directives; Boeing Model 747-400 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This notice proposes to adopt a new airworthiness directive (AD), applicable to certain Boeing Model 747-400 series airplanes, which would require modification of the engine fire extinguishing system wiring to preclude improper connection during maintenance. This proposal is prompted by reports of crossed wiring and plumbing in the engine fire extinguishing system on Boeing airplanes of similar design. This condition, if not corrected, could result in severe damage to an airplane in the event of an engine fire.

DATES: Comments must be received no later than November 13, 1990.

ADDRESSES: Send comments on the proposal in duplicate to the Federal Aviation Administration, Northwest Mountain Region, Transport Airplane Directorate, ANM-103, Attention: Airworthiness Rules Docket No. 90-NM-153-AD, 1601 Lind Avenue SW., Renton, Washington 98055-4056. The applicable service information may be obtained from Boeing Commercial Airplane Group, P.O. Box 3707, Seattle, Washington 98124. This information may be examined at the FAA, Northwest Mountain Region, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington.

FOR FURTHER INFORMATION CONTACT: Mr. Michael E. Dostert, Seattle Aircraft Certification Office, Propulsion Branch, ANM-140S; telephone (206) 227-2688. Mailing address: FAA, Northwest Mountain Region, 1601 Lind Avenue, SW., Renton, Washington 98055-4056.

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

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

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this Notice must submit a self-addressed, stamped post card on which the following statement is made: "Comments to Docket Number 90-NM-153-AD." The post card will be date/time stamped and returned to the commenter.

Discussion

On May 1, 1989, the FAA issued AD 89-03-51, Amendment 39-6213 (54 FR 20118, May 10, 1989), to require inspections and/or functional checks for improperly installed wiring and plumbing in the engine and cargo compartment fire protection systems on various Boeing model airplanes. The checks and inspections are also required to be performed following any maintenance action which could cause mis-wiring or mis-plumbing. That action was prompted by numerous reports of improperly installed plumbing or wiring on several different Boeing airplane models. This condition, if not corrected could result in severe damage to an airplane in the event of an engine fire. The inspection/check procedures required by AD-89-03-51 were considered interim action until final action was identified.

The Model 747-400 series airplanes had not been certificated at the time AD 89-03-51 was issued, and the engine and cargo fire detection and fire extinguishing systems for this model were not included in that AD action.

Since issuance of AD 89-03-51, the FAA has determined that the crossed wiring and plumbing connections were caused by the close physical location of similar connections. Review of the Model 747-400 series airplane's engine fire extinguishing system design indicates that the plumbing system is designed to preclude cross connecting; however, the wiring design does not preclude cross electrical connection during maintenance.

The FAA has reviewed and approved Boeing Service Bulletin 747-26-2138, Revision 1, dated March 1, 1990, and Boeing Service Bulletin 747-26-2141 Revision 1, dated July 12, 1990, which describe modifications of the engine fire extinguishing system wiring. These modifications include rerouting wiring to physically isolate hardware, and installing of a new electrical connector with unique clocking which will ensure that wiring connections will be reinstalled correctly after system maintenance. Not all Model 747-400 airplanes require both modifications.

Since this condition is likely to exist or develop on airplanes of this same type design, an AD is proposed which would require modification of the engine fire extinguishing system wiring in accordance with the service bulletins previously described.

There are approximately 74 Model 747-400 series airplanes of the affected design in the worldwide fleet. It is estimated that 10 airplanes of U.S. registry would be affected by this AD. Approximately 57 manhours per airplane would be required to accomplish the required actions on 6 of these airplanes; the required part kits for these 6 airplanes are estimated to cost $392 per airplane. Approximately 7 manhours per airplane would be required to accomplish the required actions on the remaining 4 airplanes (these airplanes would not require the additinal part kits). The average labor cost would be $40 per manhour. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be $17,152.

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

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

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

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

PART 39–[AMENDED]

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

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

§ 39.13 [Amended]

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

Boeing: Applies to Model 747–400 series airplanes, listed in Boeing Service Bulletin 747–26–2138, Revision 1, dated March 1, 1990, and Boeing Service Bulletin 747–26–2141, Revision 1, dated July 12, 1990, certificated in any category. Compliance required within the next 180 days after the effective date of this AD, unless previously accomplished.

To preclude cross connection of fire extinguishing wiring during maintenance, accomplish the following:

A. For airplanes identified in Boeing Service Bulletin 747–26–2138, Revision 1, dated March 1, 1990: Modify the engine fire extinguishing system in accordance with that service bulletin.

B. For airplanes identified in Boeing Service Bulletin 747–26–2141, Revision 1, dated July 12, 1990: Modify the fire control module in accordance with that service bulletin.

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

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

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

All persons affected by this directive who have not already received the appropriate service documents from the manufacturer may obtain copies upon request to Boeing Commercial Airplane Group, P.O. Box 3707, Seattle, Washington 98124. These documents may be examined at the FAA, Northwest Mountain Region, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

Issued in Renton, Washington, on September 12, 1990.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 90–22289 Filed 9–19–90; 8:45 am]

BILLING CODE 4910–13–M

14 CFR Part 39

[Docket No. 90–NM–154–AD]

Airworthiness Directives; Boeing Model 737 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This notice proposes to adopt a new airworthiness directive (AD), applicable to Model 737 series airplanes, which would require inspections of the main landing gear (MLG) actuator beam arm and actuator beam attach bolts for cracking, plating degradation, and corrosion, and rework or replacement, if necessary. This proposal is prompted by reports of failure of the actuator beam arm and trunnion pin due to corrosion. This condition, if not corrected, could lead to structural damage and severing the control cables and hydraulic tubing in this area, and could reduce controllability of the airplane.

DATES: Comments must be received no later than November 13, 1990.

ADDRESSES: Send comments on the proposal in duplicate to the Federal Aviation Administration, Northwest Mountain Region, Transport Airplane Directorate, ANM–103, Attention: Airworthiness Rules Docket No. 90–NM–154–AD, 1601 Lind Avenue SW., Renton, Washington 98055–4056. The applicable service information may be obtained from Boeing Commercial Airplane Group, P.O. Box 3707, Seattle, Washington 98124. This information may be examined at the FAA, Northwest Mountain Region, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington.

FOR FURTHER INFORMATION CONTACT: Mr. Dan. R. Bui, Seattle Aircraft Certification Office, Airframe Branch, ANM–120S; telephone (206) 227–2785. Mailing address: FAA, Northwest Mountain Region, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington 98055–4056.

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

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

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this Notice must submit a self-addressed, stamped post card on which the following statement is made: "Comments to Docket Number 90–NM–154–AD." The post card will be date/time stamped and returned to the commenter.

Discussion

Operators of Boeing Model 737 airplanes have reported medium to heavy corrosion on the MLG actuator beam arm in the actuator beam attach lugs, the actuator beam attach bolt assemblies, and the trunnion pin. Fretting, plating degradation, corrosion, cracking, and fracture of the actuator beam arm and trunnion pin have been reported on airplanes prior to the first scheduled gear overhaul. Metallurgical examination of the failed actuator beam arms indicated that fracture originated at corrosion pits located in the actuator beam attach arm. This condition, if not corrected, could lead to gouging of the main landing gear beam and the wing rear spar, and damaging or severing the aileron and spoiler control cables and hydraulic tubing in this area; this could reduce the ability of the pilot to safely control the airplane.

The FAA has reviewed and approved Boeing Alert Service Bulletin 737–32A1224, Revision 1, dated April 12, 1990, which describes procedures for inspection for cracking, plating degradation, and corrosion of the actuator beam arm and actuator beam attach bolts to ensure their structural integrity, and rework or replacement, if necessary.

Since this condition is likely to exist or develop on other airplanes of this same type design, an AD is proposed

which would require inspections of the main landing gear actuator beam and actuator beam attach bolts, and rework or replacement, if necessary, in accordance with the service bulletin previously described.

There are approximately 1,943 Model 737 series airplanes of the affected design in the worldwide fleet. It is estimated that 824 airplanes of U.S. registry would be affected by this AD, that it would take approximately 54 manhours per airplane to accomplish the required actions, and that the average labor cost would be $40 per manhour. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be $1,779,840.

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

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

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

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

PART 39—[AMENDED]

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

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

§ 39.13 [Amended]

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

Boeing: Applies to Model 737 series airplanes, listed in Boeing Alert Service Bulletin 737–32A1224, Revision 1, dated April 12, 1990, certificated in any category. Compliance required as indicated, unless previously accomplished.

To ensure the structural integrity of the main landing gear (MLG) actuator beam arm and actuator beam attached bolts, accomplish the following:

A. Prior to the accumulation of 10,000 landings or 4 years of service, after new or overhauled main landing gear installation, whichever occurs first, or within the next 600 landings after the effective date of this AD, whichever occurs later, accomplish the following:

1. Perform visual and ultrasonic inspections of the actuator beam arm clevis for evidence of cracking, in accordance with Boeing Alert Service Bulletin 737–32A1224, Revision 1, dated April 12, 1990.

a. If cracks are found, prior to further flight, remove and rework, or replace the actuator beam arm in accordance with the service bulletin.

b. If no cracks are found, repeat the ultrasonic inspections in accordance with the service bulletin, at intervals not to exceed 600 landings.

2. Remove both of the actuator beam bolts and perform a one-time visual and dye penetrant inspection for evidence of plating degradation, corrosion, or cracking, in accordance with the service bulletin. If evidence of plating degradation, corrosion, or cracking is found, prior to further flight, rework or replace the bolts in accordance with the service bulletin.

B. Modification of the actuator beam arm, in accordance with Boeing Alert Service Bulletin 737–32A1224, Revision 1, dated April 12, 1990, constitutes terminating action for the inspections required by paragraph A.1. of this AD.

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

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

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

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

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

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 90–22290 Filed 9–19–90; 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Part 39

[Docket No. 90–NM–173–AD]

Airworthiness Directives; British Aerospace Model ATP Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This notice proposes to adopt a new airworthiness directive (AD), applicable to all British Aerospace Model ATP series airplanes, which would require repetitive visual inspections to detect cracks in the engine jet-pipe assembly, and repair or replacement with a serviceable unit, if necessary. This proposal is prompted by reports of cracks in the engine jet pipes on in-service airplanes. This condition, if not corrected, could result in loss of required engine power and/or overheating of structural components.

DATES: Comments must be received no later than November 13, 1990.

ADDRESSES: Send comments on the proposal in duplicate to the Federal Aviation Administration, Northwest Mountain Region, Transport Airplane Directorate, ANM–103, Attention: Airworthiness Rules Docket No. 90–NM–173–AD, 1601 Lind Avenue SW., Renton, Washington 98055–4056. The applicable service information may be obtained from British Aerospace, PLC, Librarian for Service Bulletins, P.O. Box 17414, Dulles International Airport, Washington, DC 20041–0414. This information may be examined at the FAA, Northwest Mountain Region, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington.

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

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

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

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

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this Notice must submit a self-addressed, stamped post card on which the following statement is made: "Comments to Docket Number 90–NM–173–AD." The post card will be date/time stamped and returned to the commenter.

Discussion

The United Kingdom Civil Aviation Authority (CAA), in accordance with existing provisions of a bilateral airworthiness agreement, has notified the FAA of an unsafe condition which may exist on all British Aerospace Model ATP series airplanes. There have been reports of cracks in the engine jet pipes on in-service airplanes. The cause of the cracking is unknown at this time. This condition, if not corrected, could result in loss of required engine power and or/overheating of structural components.

British Aerospace has issued Service Bulletin ATP–78–1, Revision 2, dated March 26, 1990, which describes procedures for repetitive detailed visual inspections to detect cracks in the engine jet pipes, and repair or replacement with a serviceable unit, if necessary. The United Kingdom CAA has classified this service bulletin as mandatory.

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

Since this condition is likely to exist or develop on other airplanes of the same type design registered in the United States, an AD is proposed which would require repetitive detailed visual inspections to detect cracks in the engine jet pipes, and repair or replacement with a serviceable unit, if necessary, in accordance with the service bulletin previously described.

It is estimated that 15 airplanes of U.S. registry would be affected by this AD, that it would take approximately one manhour per airplane to accomplish the required actions, and that the average labor cost would be $40 per manhour. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be $600.

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

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

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

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

PART 39—[AMENDED]

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

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

§ 39.13 [Amended]

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

British Aerospace: Applies to all Model ATP series airplanes, certificated in any category. Compliance is required as indicated, unless previously accomplished.

To detect cracks in the engine jet pipes, accomplish the following:

A. Prior to the accumulation of 500 hours time-in-service since new, or within 50 hours time-in-service after the effective date of this AD, whichever occurs later, and thereafter at intervals not to exceed 250 hours time-in-service, perform a detailed visual inspection of the engine jet pipe on the right and left engine, in accordance with the Accomplishment Instructions in British Aerospace Service Bulletin ATP–78–1, Revision 2, dated March 26, 1990.

B. If cracks are found in the *aft jet pipe assembly*, prior to further flight, replace it with a serviceable unit; or if cracks measuring less than 1.75 inches are found at the ends of the spacer channels, prior to further flight, repair in accordance with British Aerospace Service Bulletin ATP–78–1, Revision 2, dated March 26, 1990. Repair any other cracks in a manner approved by the Manager, Standardization Branch, ANM–113, Transport Airplane Directorate. Following repair or replacement, the inspections specified in paragraph A. of this AD are still required.

C. If cracks are found in the *forward jet pipe assembly*, prior to further flight, replace it with a serviceable unit, or repair in a manner approved by the Manager, Standardization Branch, ANM–113, FAA, Transport Airplane Directorate. Following repair, the inspections specified in paragraph A. of this AD are still required.

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

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

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

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

Issued in Renton, Washington, on September 12, 1990.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 90–22294 Filed 9–19–90; 8:45 am]

BILLING CODE 4910–13–M

14 CFR Part 39

[Docket No. 90-NM-163-AD]

Airworthiness Directives; Boeing Model 747 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This notice proposes to adopt a new airworthiness directive (AD), applicable to certain Boeing Model 747 series airplanes, which would require inspection of certain trailing edge flap tracks for adequate cadmium plating of the fail-safe bar bolt holes and plating of such holes, if necessary. This proposal is prompted by reports of missing cadmium plating and corrosion in certain flap track fail-safe bar bolt holes. This condition, if not corrected, could result in fracture of the trailing edge flap track, separation of the flap supported by the track, and resultant reduction of the controllability of the airplane and/or damage to other structure from impact with the departing debris.

DATES: Comments must be received no later than November 13, 1990.

ADDRESSES: Send comments on the proposal in duplicate to the Federal Aviation Administration, Northwest Mountain Region, Transport Airplane Directorate, ANM-103, Attention: Airworthiness Rules Docket No. 90-NM-163-AD, 1601 Line Avenue SW., Renton, Washington 98055-4056. The applicable service information may be obtained from Boeing Commercial Airplane Group, P.O. Box 3707, Seattle, Washington, 98124. This information may be examined at the FAA, Northwest Mountain Region, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington.

FOR FURTHER INFORMATION CONTACT: Mr. Richard H. Yarges, Seattle Aircraft Certification Office, Airframe Branch, ANM-120S; telephone (206) 227-2773. Mailing address: FAA, Northwest Mountain Region, 1601 Lind Avenue SW., Renton, Washington 98055-4056.

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

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

Commenters wishing the FAA to acknowledge receipt of their comments submtted in response to this Notice must submit a self-addressed, stamped post card on which the following statement is made: "Comments to Docket Number 90-NM-163-AD." The post card will be date/time stamped and returned to the commenter.

Discussion

The FAA has received reports of some current production Boeing Model 747 series airplane trailing edge flap tracks which are now in service that are lacking cadmium plating on the fail-safe bar bolt holes. Apparently, during production of the trailing edge flap tracks, cadmium plating was not applied to the fail-safe bar bolt holes. As a result, some in-service airplanes with these flap tracks installed also may not have cadmium plating applied to the bolt holes.

The lack of cadmium plating increases the potential for corrosion which, consequently, would greatly increase the potential for cracking in the flap tracks. Although cracking has not been detected in current production flap tracks, corrosion has been detected in the bolt holes. With the earlier design flap tracks, cracking has been, and continues to be, a serious problem.

The earlier design Model 747 flap tracks have been the subject of previously issued FAA Airworthiness Directives (AD) because of stress corrosion cracking in the fail-safe bar bolt holes. In particular, the forward four fail-safe bar bolt holes on each side of the flap tracks have had very stringent inspections imposed by AD 89-05-04, Amendment 39-6148 (54 FR 7759, February 23, 1989) because of incidents in which the tracks fractured and the flaps nearly separated from the airplane during landing. Loss of a trailing edge flap would result in a servere reduction in the controllability of the airplane, and departing pieces of the flap could impact and damage other airplane structure. Because cracking propagates at a rapid growth rate, early detection of cracks via inspections, prior to reaching critical proportions, is extremely difficult.

The current production flap tracks were designed with thicker material to reduce stress levels, and better corrosion protection to alleviate the cracking problems of the earlier design. Service experience has greatly improved on the current production flap tracks, and as noted previously, cracking has yet to be detected in this design. However, corrosion is the precursor to cracking, and if cracks were to develop, they would be expected to propagate repidly even in the improved tracks, although at a somewhat slower rate than experienced on the earlier design. Therefore, the FAA has determined that to reduce the potential for cracking, cadmium plating must be incorporated in the forward four bolt holes, if inspection reveals that it is missing.

The FAA has reviewed and approved Boeing Service Bulletin 747-57-2256, dated March 8, 1990, which describes inspection, cadmium plating, and corrosion rework procedures for the trailing edge flap track fail-safe bolt holes.

Since this condition is likely to exist or develop on other airplanes of this same type design, an AD is proposed which would require inspections of the forward four bolt holes on each side of current production Model 747 trailing edge flap tracks for missing cadmium plating, corrosion, and cracks, in accordance with the service bulletin previously described. This AD would also require replacement of the flap track if cracks are found, and the reporting of inspection findings to the FAA.

Information collection requirements contained in this proposed regulation have been approved by the Office of Management and Budget (OMB) under the provisions of the Paperwork Reduction Act of 1980 Pub. L. 96-511) and have been assigned OMB Control Number 2120-0056.

There are approximately 750 Model 747 series airplanes of the affected design in the worldwide fleet. It is estimated that 170 airplanes of U.S. registry would be affected by this AD, that it would take approximately 50 manhours per airplane to accomplish the required actions, and that the average labor cost would be $40 per manhour. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be $340,000.

The regulations proposed herein would not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of

power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this proposal would not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

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

List of Subjects in 14 CFR part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

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

PART 39—[AMENDED]

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

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

§ 39.13 [Amended]

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

Boeing: Applies to Model 747 series airplanes, listed in Boeing Service Bulletin 747–57–2256, dated March 8, 1990, certificated in any category.

Compliance is required as indicated, unless previously accomplished. To prevent flap track failures, accomplish the following:

A. Prior to the accumulation of 30,000 flight hours, or 8 years time-in-service, on current production flap tracks, whichever occurs first, or within 2,000 flight cycles after the effective date of this AD, whichever occurs later, perform a borescope inspection of the forward four bolt holes on each side of the affected trailing edge flap tracks for corrosion and adequate cadmium plating, in accordance with the procedures specified in Boeing Service Bulletin 747–57–2256, dated March 8, 1990 (hereafter referred to as "the Bulletin"). If the cadmium plating is adequate, as specified in the Bulletin, and no corrosion or cracks are found, no further action with respect to this AD is required. If the cadmium plating is not adequate, or if corrosion exists in the bolt hole, prior to further flight, conduct an eddy current inspection of the bolt hole for cracks in accordance with the Bulletin.

B. If cadmium plating is not adequate and no corrosion or cracks are found during the inspections required by paragraph A. of this AD, prior to further flight, cadmium plate the affected bolt holes in accordance with the Bulletin.

C. If cracks are found in any flap track during the inspections required by this AD, prior to further flight, replace the affected flap track with a serviceable track.

D. If corrosion, but no cracking, is found during the inspections required by paragraph A. of this AD, rework the forward four bolt holes on each side of the affected track within the next 1,000 flight cycles in accordance with the Bulletin, and conduct the following inspections of the track in accordance with the Bulletin until the rework is accomplished:

1. Perform a close visual inspection of each side of the track, at the lower chord, for cracks emanating from the forward four fail-safe bar bolt holes within 50 flight-cycles after the inspection required by paragraph A. of this Ad, and repeat thereafter at intervals not to exceed 50 flight cycles.

2. Perform an eddy current inspection for cracks of all the bolt holes found to have corrosion, within 100 flight-cycles after the inspection required by paragraph A. of this AD, and repeat thereafter at intervals not to exceed 100 flight cycles.

3. Prior to each flight on which a fifth engine is to be carried, conduct a close visual inspection of each side of the track, at the lower chord, for cracks emanating from the forward four fail-safe bar bolt holes.

E. Terminating action for this AD consists of any of the following:

1. Determining that the affected flap track bolt holes have adequate cadmium plating and no corrosion, as described in paragraph A. of this AD; or

2. Application of cadmium plating to bolt holes where the cadmium plating was found to be inadequate, as required by paragraph B. of this AD; or

3. Rework of corroded bolt holes, as required by paragraph D. of this AD.

F. If any cracks are found as a result of the inspections required by this AD, within 15 days after discovery, report the following to the Manager of the Seattle Aircraft Certification Office, 1601 Lind Avenue SW., Renton, Washington 98055–4056:

1. Size of the crack.
2. Location of the crack.
3. Number of cycles on the airplane.

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

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

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

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

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

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 90–22291 Filed 9–19–90; 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Part 39

[Docket No. 90–NM–175–AD]

Airworthiness Directives; Boeing Model 747–400 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This notice proposes to adopt a new airworthiness directive (AD), applicable to certain Boeing Model 747–400 series airplanes, which would require modification of certain second observers' ashtray installations. This proposal is prompted by a report of smoking material possibly falling behind the sidewall lining when the ashtray is either partially open or closed. This condition, if not corrected, could result in the smoking material starting a fire.

DATES: Comments must be recieved no later than November 13, 1990.

ADDRESSES: Send comments on the proposal in duplicate to the Federal Aviation Administration, Northwest Mountain Region, Transport Airplane Directorate, ANM–103, Attention: Airworthiness Rules Docket No. 90–NM–175–AD, 1601 Lind Avenue SW., Renton, Washington 98055–4056. The applicable service information may be obtained from Boeing Commercial Airplane Group, P.O. Box 3707, Seattle, Washington 98124. This information may be examined at the FAA, Northwest Mountain Region, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington.

FOR FURTHER INFORMATION CONTACT: Jayson B. Claar, Seattle Aircraft Certification Office, Airframe Branch, ANM–120S; telephone (206) 227–2784. Mailing address: FAA, Northwest Region, Transport Airplane Directorate,

1601 Lind Avenue SW., Renton, Washington 98055–4056.

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

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

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this Notice must submit a self-addressed, stamped post card on which the following statement is made: "Comments to Docket Number 90–NM–175–AD." The post card will be date/time stamped and returned to the commenter.

Discussion

During a recent inspection of a Boeing Model 747–400 series airplane, it was found that when the ashtray, located on the second observer's seat base on the left side of the flight deck, is in the partially open or closed position, the top of the ashtray remains open; this positioning allows smoking materials to fall behind the sidewall lining. This condition may cause a fire in an area that cannot be easily accessed.

The FAA has reviewed and approved Boeing Alert Service Bulletin 747–25A2862, dated June 28, 1990, which describes installation of a housing assembly that totally encloses the outboard side of the ashtray, thus preventing any hot ashes or burning material from dropping behind the sidewall panel.

Since this condition is likely to exist on other airplanes of this same type design, an AD is proposed which would require the installation of a housing to enclose the outboard side of the ashtray in accordance with the service bulletin previously described.

There are approximately 79 Model 747–400 series airplanes of the affected design in the worldwide fleet. It is estimated that 16 airplanes of U.S. registry would be affected by this AD, that it would take approximately 2 manhours per airplane to accomplish the required actions, and that the average labor cost would be $40 per manhour. Parts would be supplied by the manufacturer at no charge to operators. Based on these figures, the total cost impact of the AD on U.S. operators in estimated to be $1,280.

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

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

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

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

PART 39—[AMENDED]

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

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

§ 39.13 [Amended]

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

Boeing: Applies to Model 747–400 series airplanes, as listed in Boeing Alert Service Bulletin 747–25A2862, dated June 28, 1990, certificated in any category. Compliance is required within the next 9 months after the effective date of this AD, unless previously accomplished.

To prevent smoking material from dropping behind the sidewall lining at the second observers station, accomplish the following:

A. Install a housing on the outboard side of second observer's ashtray in accordance with Boeing Alert Service Bulletin 747–25A2862, dated June 28, 1990.

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

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

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

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

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

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 90–22292 Filed 9–19–90; 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Part 39

[Docket No. 90–NM–172–AD]

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

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This notice proposes to adopt a new airworthiness directive (AD), applicable to all British Aerospace Model BAC 1–11 200 and 400 series airplanes, which would require repetitive visual inspections to detect cracks in the flight deck pilot's and co-pilot's side glazing frame at Pillars B and

C, followed by an eddy current inspection to determine extent of damage, and repair or replacement, if necessary. This proposal is prompted by reports of cracks found in the direct view window aperture at Pillars B and C. This condition, if not corrected, could result in reduced structural capability of the glazing frame and possible rapid decompression of the airplane.

DATES: Comments must be received no later than November 13, 1990.

ADDRESSES: Send comments on the proposal in duplicate to the Federal Aviation Administration, Northwest Mountain Region, Transport Airplane Directorate, ANM–103, Attention: Airworthiness Rules Docket No. 90–NM–172–AD, 1601 Lind Avenue SW., Renton, Washington 98055–4056. The applicable service information may be obtained from British Aerospace, Librarian for Service Bulletins, P.O. Box 17414, Dulles International Airport, Washington, DC 20041–0414. This information may be examined at the FAA, Northwest Mountain Region, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington.

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

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

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

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this Notice must submit a self-addressed, stamped post card on which the following statement is made: "Comments to Docket Number 90–NM–172–AD." The post card will be date/time stamped and returned to the commenter.

Discussion

The United Kingdom Civil Aviation Authority (CAA), in accordance with existing provisions of a bilateral airworthiness agreement, has notified the FAA of an unsafe condition which may exist on all British Aerospace Model BAC 1–11 200 and 400 series airplanes. There have been several reports of cracks found in the direct view (DV) window aperture at Pillars B and C. The crack location in Pillar B was at the forward bottom corner of the DV window aperture, initiating at the top of the corner radius and running forward parallel to the sill. Cracks in Pillar C initiated at the top of the radius at the aft bottom corner of the DV window aperture, and propagated rearward and inboard through the tee section. The cracks in both pillars are considered to have been caused by a combination of fatigue and stress corrosion. This condition, if not corrected, could result in reduced structural capability of the glazing frame and possible rapid decompression of the airplane.

British Aerospace has issued Alert Service Bulletin 53–A–PM5985, Issue 1, dated March 21, 1990, which describes procedures for repetitive internal and external visual inspections to detect cracks in the flight deck side glazing frame at Pillars B and C (pilot's and co-pilot's direct view window aperture), followed by an eddy current inspection to determine the extent of damage, and repair or replacement with serviceable parts, if necessary. The United Kingdom CAA has classified this service bulletin as mandatory.

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

Since this condition is likely to exist or develop on other airplanes of the same type design registered in the United States, an AD is proposed which would require repetitive visual inspections to detect cracks in the flight deck pilot's and co-pilot's side glazing frame at Pillars B and C, followed by an eddy current inspection to determine extent of damage, and repair or replacement, if necessary, in accordance with the service bulletin previously described.

It is estimated that 70 airplanes of U.S. registry would be affected by this AD, that it would take approximately one manhour per airplane to accomplish the required actions, and that the average labor cost would be $40 per manhour. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be $2,800.

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

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

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

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

PART 39—[AMENDED]

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

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

§ 39.13 [Amended]

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

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

To prevent reduced structural capability of the glazing frame and possible rapid decompression of the airplane, accomplish the following:

A. For airplanes operating at a maximum cabin differential pressure of 7.5 pounds per square inch (psi): Prior to the accumulation of 20,000 landings on the glazing frame since

new, or within 1,600 landings after the effective date of this AD, whichever occurs later, and thereafter at intervals not to exceed 1,600 landings, perform an internal and external visual inspection, or non-destructive testing (NDT) inspection, of the pilot's and co-pilot's direct view (DV) window aperture (flight deck side glazing frame at Pillars B and C), in accordance with the Accomplishment Instructions of British Aerospace Alert Service Bulletin 53–A–PM5985, Issue 1, dated March 21, 1990.

B. For airplanes modified for operation above 7.5 psi to a maximum of 8.2 psi cabin differential pressure: Prior to the accumulation of 14,000 landings on the glazing frame since new, or within 1,100 landings after the effective date of this AD, whichever occurs later, and thereafter at intervals not to exceed 1,100 landings, perform an internal and external visual inspection, or non-destructive testing (NDT) inspection, of the pilot's and co-pilot's DV window aperture (flight deck side glazing frame at Pillars B and C), in accordance with the Accomplishment Instructions of British Aerospace Alert Service Bulletin 53–A–PM5985, Issue 1, dated March 21, 1990.

C. If cracks are found during inspections required by paragraphs A. and B. of this AD, prior to further flight, perform an eddy current inspection, in accordance with British Aerospace Alert Service Bulletin 53–A–PM5985, Issue 1, dated March 21, 1990; *and*

1. For cracks equal to or less than 0.2 inch, damage may be blended out in accordance with Table 1 or Table 2 of the service bulletin, as appropriate.

2. All other cracks must be repaired in accordance with the Structural Repair Manual, as specified in Table 1 and Table 2 of the service bulletin, as appropriate; or repaired in a manner approved by the Manager, Standardization Branch, ANM–113, FAA, Transport Airplane Directorate; or the glazing frame must be replaced with a serviceable part.

3. If blending has been previously accomplished, all cracks must be repaired in accordance with the BAC 1–11 Structural Repair Manual, as specified in Table 1 or Table 2 of the service bulletin, as appropriate; or repaired in a manner approved by the Manager, Standardization Branch, ANM–113, FAA, Transport Airplane Directorate.

4. Following repair or replacement, the inspections specified in paragraphs A. and B. of this AD are still required.

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

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

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

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

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

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 90–22293 Filed 9–19–90; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

29 CFR Parts 1910 and 1926

[Docket number H–033–e]

RIN 1218–AB25

Occupational Exposure to Asbestos, Tremolite, Anthophyllite and Actinolite

AGENCY: Occupational Safety and Health Administration, Department of Labor.

ACTION: Notice of proposed rulemaking; extension of time to submit comments and notices of intention to appear at hearing; rescheduling of informal hearing; clarification regarding submission of Advisory Committee on Construction Safety and Health.

SUMMARY: On July 20, 1990 the Occupational Safety and Health Administration (OSHA) published a notice of proposed rulemaking (NPRM) on Asbestos (55 FR 29712). Today's notice extends the period for the submission of public comments and for the submission of notices of intention to appear at an informal hearing on the NPRM from September 25, 1990, until December 3, 1990. It also reschedules the beginning of the informal hearing from October 23, 1990 to January 23, 1991. These changes are intended to allow interested parties additional opportunity to participate more fully in this rulemaking.

In addition, this notice clarifies that the report of the Advisory Committee on Construction Safety and Health (Exhibit 1–126) discussed in the July 20 NPRM was drafted by the labor representatives on the Committee and was submitted by the entire Committee on OSHA for consideration in this rulemaking.

DATES: Written comments concerning the proposal and notices of intention to appear at the public hearing must be postmarked on or before December 3, 1990. Parties requesting more than 10 minutes for their presentation at the hearing, and parties planning to present documentary evidence at the hearing must submit the full text of their testimony and all documentary evidence not later than December 3, 1990. The hearing will take place in Washington, DC and will begin at 9:30 a.m. on January 23, 1991.

ADDRESSES: Comments should be submitted in quadruplicate to the docket Officer, Docket H–033e, Occupational Safety and Health Administration, 200 Constitution Avenue NW., room N2625, Washington, DC 20210; telephone (202) 523–7894.

Notices of intention to appear at the hearing, testimony, and documentary evidence should be submitted in quadruplicate to Mr. Tom Hall, Division of Consumer Affairs, Docket H–033e, Occupational Safety and Health Administration, 200 Constitution Avenue NW., room N3647, Washington, DC 20210; telephone (202) 523–8615.

The informal public hearing will begin at 9:30 a.m. on January 23, 1991 at the following location: Auditorium, U.S. Department of Labor, Frances Perkins Building, 200 Constitution Avenue NW., Washington, DC 20210.

FOR FURTHER INFORMATION CONTACT: James F. Foster, Director of Information and Consumer Affairs, Occupational Safety and Health Administration, U.S. Department of Labor, room N3649, 200 Constitution Avenue, NW., Washington, DC 20210.

SUPPLEMENTARY INFORMATION: On July 20, 1990, OSHA published a NPRM to revise the asbestos standards, 29 CFR 1910.1001 and 1926.58. In that notice, OSHA required public comment and testimony to be postmarked by September 25, 1990, and scheduled a hearing to begin October 23, 1990. The Agency has received requests to extend these dates by at least 60 days from trade associations, including the following: International Council of Shopping Centers, National Apartment Association, National Association of Industrial and Office Parks, National Association of Realtors, National Multi Housing Council, National Realty Committee and Safe Buildings Alliance. The requests state that the scope of the proposed revisions are unexpectedly broad and the collection of relevant data cannot be completed in time to

meet OSHA's timetable in the NPRM. OSHA believes that these requests have merit. The objective of developing a complete rulemaking record will be better served by providing adequate time for parties to collect and present relevant data. Therefore, OSHA is extending the comment period to December 3, 1990 and is rescheduling the public hearing to commence January 23, 1991.

On March 14, 1990 the Advisory Committee for Construction Safety and Health (ACCSH) met to consider OSHA's proposed draft revisions to the asbestos standards (Exhibit 1–113). To faciliate consultation, the labor representatives on the Committee reviewed OSHA's draft and prepared an alternative regulatory text for some provisions. These alternate provisions were presented by the labor representatives at the March 14 meeting. The Committee voted unanimously that OSHA consider these alternative provisions. However, the Committee as a whole did not consider or adopt these provisions as its work product. OSHA wishes to clarify that any reference to ACCSH recommendations in the July 20 proposal was meant only to convey that the Committee agreed that OSHA consider such alternatives. OSHA trusts this will clarify the role of ACCSH in preparing the alternative provisions discussed in the July 20 NPRM.

Public Hearing

Under section 6(b)(3) of the Occupational Safety and Health Act 29 U.S.C. 655(b)(3)) and OSHA regulations at 29 CFR part 1911, an opportunity to testify orally concerning the issues raised in the NPRM will be provided at an informal public hearing beginning on January 23, 1991, at 9:30 a.m., in the Auditorium, Frances Perkins Department of Labor Building, 200 Constitution Avenue NW., Washington, DC 20210.

Notice of Intention To Appear

All persons desiring to participate in the hearing must file four copies of a notice of intention to appear with Mr. Thomas Hall, Division of Consumer Affairs; Docket H–033e; Occupational Safety and Health Administration; room N3647; 200 Constitution Avenue NW., Washington, DC 20210. Telephone (202) 523–8615. The Notice of Intention to Appear also may be transmitted by facsimile to (202) 523–5046 or (for FTS) to 8–523–5986, provided the original and 4 copies of the notice are sent to the above address thereafter. This notice must be filed on or before December 3, 1990.

Notices of intention to appear, which will be available for public inspection and copying at the OSHA Docket Office (address previously listed) must contain the following information:

1. The name, address and telephone number of each person who will testify;
2. The capacity in which the person will appear;
3. The approximate amount of time required for the presentation;
4. The specific issues that will be addressed;
5. A detailed statement of the position that will be taken with respect to each issue addressed; and
6. Whether the party intends to submit documentary evidence, and if so, a brief summary of that evidence.

Filing of Testimony and Evidence Before Hearing

Any party requesting more than 10 minutes for a presentation at the hearing, or who will submit documentary evidence, must provide, in quadruplicate, the complete text of the testimony, including any documentary evidence to be presented at the hearing, to the OSHA Division of Consumer Affairs. This material must be received by December 3, 1990, and will be available for inspection and copying at the OSHA Docket Office. Each such submission will be reviewed in light of the amount of time requested in the notice of intention to appear. In those instances where the information contained in the submission does not justify the amount of time requested, a more appropriate amount of time will be allocated and the participant will be notified of that fact.

Any party who has not substantially complied with this requirement may be limited to a 10 minute presenation and may be requested to return for questioning at a later time. Any party who has not filed a notice of intention to appear may be allowed to testify, as time permits, at the discretion of the Administrative Law Judge.

OSHA emphasizes that the hearing is open to the public, and that interested persons are welcome to attend. However, only persons who have filed proper notices of intention to appear at the hearing will be entitled to ask question and otherwise participate fully in the proceeding.

Conduct and Nature of the Hearing

The hearing will commence at 9:30 a.m., on January 23, 1991, in the Auditorium, Frances Perkins Department of Labor Building, 200 Constitution Avenue NW., Washington, DC 20210. At that time, any procedural matters relating to the proceeding will be resolved.

The nature of an informal hearing is established in the legislative history of section 6 of the Act and is reflected by the OSHA hearing regulations (see 29 CFR 1911.15(a)). Although the presiding officer is an Administrative Law Judge and questioning by interested persons is allowed on crucial issues, the proceeding shall remain informal and legislative in nature. The Agency's intent, in essence, is to provide an opportunity for effective oral presentations which can proceed expeditiously, in the absence of rigid procedures which impede or protract the rulemaking process.

Additionally, since the hearing is primarily for information gathering and clarification, it is an informal administrative proceeding, rather than an adjudicative one. The technical rules of evidence, for example, do not apply. The regulations that govern hearings and the pre-hearing guidelines to be issued for this hearing will ensure fairness and due process and also facilitate the development of a clear, accurate and complete record. Those rules and guidelines will be interpreted in a manner that furthers that development. Thus, questions of relevance, procedures and participation generally will be decided so as to favor development of the record.

The hearing will be conducted in accordance with 29 CFR part 1911. The hearing will be presided over by an Administrative Law Judge who makes no decision or recommendation on the merits of OSHA's proposal. The responsibility of the Administrative Law Judge is to ensure that the hearing proceeds at a reasonable pace and in an orderly manner. The Administrative Law Judge, therefore, will have all the powers necessary and appropriate to conduct a full and fair informal hearing as provided in 29 CFR part 1911 including the powers:

1. To regulate the course of the proceedings;
2. To dispose of procedural requests, objections, and comparable matters;
3. To confine the presentation to the matters pertinent to the issues raised;
4. To limit the time for questioning;
5. In the Judge's discretion to regulate the conduct of those present at the hearing by appropriate means; and,
6. In the Judge's discretion, to keep the record open for a reasonable stated time to receive additional written data, views and arguments from any person who has participated in the oral proceeding.

Written Comments

Interested persons are invited to submit written comments on the issues raised in the proposal. Written comments must be postmarked by December 3, 1990 and submitted in quadruplicate to the Docket Office, Docket Number H–033e, room N2625, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210. The telephone number of the Docket Office is (202) 523–7894, and its hours of operation are 8:15 a.m. to 4:45 p.m., Monday through Friday, except Federal holidays, comments limited to 10 pages or less in length may also be transmitted by facsimile to (202) 523–5046 or (for FTS) to 8–523–5046, provided the original and 4 copies of the comment are sent to the Docket Officer thereafter. Written submissions must clearly identify the issues raised in the Notice which are addressed and the position taken on each issue.

All materials submitted will be available for inspection and copying at this address. All timely submissions will be part of the record of the proceeding.

Certification of Record and Final Determination After Hearing

Following the close of the hearing or of any post-hearing comment period, the presiding Administrative Law Judge will certify the record to the Assistant Secretary of Labor for Occupational Safety and Health. The proposed standard will be reviewed in light of all testimony and written submissions received as part of the record and a final standard will be issued based on the entire record of the proceeding, including the earlier written comments and data received from the public.

Authority and Signature

This document was prepared under the direction of Gerard F. Scannell, Assistant Secretary of Labor for Occupational Safety and Health, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, DC 20210.

It is issued pursuant to section 6(b) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 655); Secretary of Labor's Order No. 9–83 (48 FR 35736); and 29 CFR part 1911.

Signed at Washington, DC, this 18th day of September 1990.

Gerard F. Scannell,

Assistant Secretary of Labor.

[FR Doc. 90–22453 Filed 9–19–90; 8:45 am]

BILLING CODE 4510–26–M

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 571

[Docket No. 89–17; Notice 02]

RIN 2127–AC82

Safe Entry and Exit Requirements for Commercial Vehicles

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation.

ACTION: Termination of rulemaking.

SUMMARY: This notice terminates a rulemaking begun in 1980 when NHTSA granted a petition from the International Brotherhood of Teamsters requesting that the agency establish entry and exit requirements for commercial vehicles. NHTSA does not believe that issuance and implementation of a safety standard for entry and exit under the National Traffic and Motor Vehicle Safety Act would significantly improve safety. Manufacturers already use Federal Motor Carrier Safety Regulations, Recommended Practices of the Maintenance Council of the American Trucking Associations, and standards of other groups as guidelines in designing and manufacturing such vehicles.

FOR FURTHER INFORMATION CONTACT: Mr. Scott Shadle, NRM–11, Office of Vehicle Safety Standards, National Highway Traffic Safety Administration, 400 Seventh St. SW., Washington, DC 20590. Telephone: (202) 366–5273.

SUPPLEMENTARY INFORMATION: In April 1979, the International Brotherhood of Teamsters (Teamsters) petitioned NHTSA to issue a regulation on "safe entry and exit from commercial vehicles." The Teamsters made this request because, at the time of the petition, they believed that on-going rulemaking by the Federal Highway Administration (FHWA) concerning step, handhold and deck requirements was proceeding too slowly, and because they believed that the application of the FHWA regulation would be too narrow. First, the FHWA regulation would apply only to high profile cab-over-engine (COE) vehicles (i.e., a truck or truck-tractor having all, or the front portion, of the engine under the cab, and the door sill step above the height of the front tires). Second, the FHWA regulation would apply only to vehicles operating in interstate commerce. The FHWA published its final rule on step, handhold and deck requirements in July 1979, applicable to high profile COE trucks and truck-trailers manufactured on or after September 1, 1982 (49 CFR part 399, subpart L; 44 FR 43730; July 26, 1979.)

NHTSA granted the Teamsters' petition, agreeing to "make a determination of whether to propose a new Federal motor vehicle safety standard." (45 FR 45336; July 3, 1980.) However, NHTSA made clear that, by granting the petition, the agency was "not publicly stating that it will eventually adopt some form of step, handhold, and deck requirements for commercial motor vehicles."

On August 28, 1989, NHTSA published a request for comments on issues relating to the rulemaking begun with the grant of the Teamsters' petition in 1980. (54 FR 35515.) NHTSA stated that the agency had been unable to find data indicating a safety need for a standard establishing entry and exit requirements (i.e., some form of step, handhold, and deck requirements) for vehicles not already subject to FHWA entry and exit requirements. NHTSA requested information that would assist the agency in determining whether further rulemaking was warranted. Specifically, NHTSA sought responses from drivers, fleet owners, manufacturers and other parties to the following questions concerning driver "slip and fall" injuries from truck tractors and trailers:

1. What is the frequency and severity of driver slip and fall injuries from trucks, truck tractors and trailers occurring annually, and under what conditions (weather, time of day, operations, etc.) and from which locations on the vehicle have drivers had the most falls?

2. Which vehicles (make a model year) or type of vehicle (e.g., cab over engine) have been involved in driver slip and fall injuries?

3. To what extent, if any, have mandated or voluntary actions by manufacturers addressed the frequency and magnitude of such injuries?

NHTSA requested that interested persons provide available relevant factual information to support their conclusions or opinions, including statistical data, estimated costs and benefits, and the source of such information. NHTSA stated that depending on the information provided by the comments and NHTSA's consideration of them, the agency would either develop a proposal or terminate the rulemaking.

NHTSA received 13 comments in response to the request for comments. Four commenters supported further rulemaking to establish entry and exit requirements for at least certain

commercial vehicles. Six commenters believed that there was no safety need for further rulemaking in view of the industry's adherence to existing safety guidelines. Three commenters submitted information without taking a position on whether further rulemaking was appropriate. Some of the information submitted with comments was anecdotal in nature, some of the information related to off-highway construction equipment, and some of the information was from other countries. The information submitted with the comments did not demonstrate a safety problem that could be alleviated by issuance of performance requirements by NHTSA.

Commenters pointed out that there are a number of existing safety guidelines concerning entry and exit. First, part 399, subpart L of the Federal Motor Carrier Safety Regulations (FMCSR) (49 CFR part 399, subpart L) specified requirements for high profile cab over engine (COE) trucks and truck-tractors. While the FMCSR only apply to vehicles in interstate commerce, commenters stated that the industry designs and manufactures all COE trucks and truck-tractors so that companies can meet the FMCSR requirements. In addition, The Maintenance Council has a Recommended Practice on Truck and Truck Tractor Access Systems (RP–404). This Recommended Practice was originally issued in 1976 and most recently revised in April 1989. The Recommended Practice applies to conventional, COE, and cab forward of engine (CFE) trucks and truck-tractors. Commenters stated that the industry follows the recommended practices in designing and manufacturing these vehicles. A commenter also noted the existence of Recommended Practices from the Truck Trailer Manufacturers Association for the Top of Tank Trailers (TTMA RP–59) and the Tarping Location-Dump Trailers (TTMA draft). Another commenter stated that they consider Society of Automotive Engineers (SAE) standards (apparently referring to SAE J–185, "Access Systems for Construction and Industrial Equipment") as well as Recommended Practices of The Maintenance Council when Designing vehicles.

Further, NHTSA has concluded that any requirements for entry and exit systems would not affect the majority of slip and fall injries in trailer and truck cargo areas. The majority of such injuries in those areas occur during such activities as load securing operations, the loading and unloading of cargo, and walking or climbing on or around cargo, rather than during entry or exit.

In view of the industry's use of the FMCSR, the Recommended Practices of The Maintenance Council, and similar standards from other groups as guidelines in designing and manufacturing vehicles, NHTSA does not believe that the establishment by NHTSA of a safety standard for entry and exit would significantly improve safety. NHTSA believes, as stated by commenters, that current vehicle designs provide drivers with stable systems for entering and exiting the vehicle. These systems generally allow a driver to maintain three-point contact.

Some commenters stated that the most effective way to reduce slip and fall injuries is through driver training programs. Studies indicate that many drivers do not properly use available entry and exit systems, do not wear safe work shoes, and do not take extra precautionary measures during adverse weather or operating conditions. Under these circumstances, issuance of a NHTSA safety standard for entry and exit would be particularly unlikely to have a significant impact on safety. For the reasons above, NHTSA is terminating the rulemaking concerning entry and exit for commercial vehicles.

Authority: 15 U.S.C. 1392, 1401, 1407; delegation of authority at 49 CFR 1.50.

Issued: September 11, 1990.

Barry Felrice,

Associate Administrator for Rulemaking.

[FR Doc. 90–22239 Filed 9–19–90; 8:45 am]

BILLING CODE 4910–59–M

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49 CFR Part 581

[Docket No. 73–19; Notice 36]

Bumper Standard–Bumper Height

AGENCY: National Highway Traffic Safety Administration (NHTSA), DOT.

ACTION: Termination of rulemaking.

SUMMARY: This notice terminates a rulemaking begun in respone to a petition by Subaru requesting that vehicles with an adjustable-height suspension system not be required to comply with the *Bumper Standard's* requirement except when the vehicles are in their non-elevated position. The Agency has decided that the requested amendment would increase the potential for bumper mismatch between vehicles in low-speed collisions, thus resulting in greater damage to the vehicles and their bumpers. Since the requested amendment has the potential to reduce protection against damage without any significant corresponding benefits, the agency is terminating the rulemaking.

FOR FURTHER INFORMATION CONTACT: Nelson Gordy, National Highway Traffic Safety Administration, 400 Seventh St., SW., Washington DC 20590. Telephone: (202) 366–4797.

SUPPLEMENTARY INFORMATION: The Motor Vehicle Information and Cost Savings Act ("Cost Savings Act") directs the Secretary of Transportation to "promulgate bumper standards applicable to all passenger motor vehicles manufactured in or imported into the United States." (15 U.S.C. 1912(a)). This authority has been delegated by the Secretary to the National Highway Traffic Safety Administration (NHTSA). Passenger motor vehicles are defined as motor vehicles with motive power, designed for carrying twelve persons or less, except motorcycles or trucks not designed primarily to carry its operator or passengers. (15 U.S.C. 1901(1)). Multipurpose passenger motor vehicles (MPVs) are a type of passenger motor vehicle constructed on a truck chassis or with special features for off-road operations. (15 U.S.C. 1901(a)).

Under the Cost Savings Act, NHTSA May for good cause exempt partially or completely from the bumper standard any passenger motor vehicle or multipurpose passenger motor vehicle. Exemptions for any make, model, or class of passenger motor vehicles manufactured for a special use may be made if the standard would unreasonally interfere with the special use of such a vehicle. (15 U.S.C. 1912(c)(1)).

Based on these statutory provisions, the agency promulgated part 581, *Bumper Standard,* (49 CFR 581), which applies to passenger motor vehicles other than MPVs. The purpose of the standard is to reduce physical damage to the front and rear ends of passenger motor vehicles caused by low speed collisions. The standard sets forth requirements for impact resistance and damagability of certain vehicle components for vehicles involved in such collisions. The standard provides that longitudinal and corner impact testing must be conducted at a height from 16 to 20 inches, inclusive. The height testing requirement reflects the agency's concern about increased damage from bumper mismatch when vehicles collide at low-speeds. The standard, however, does not include a test condition specifically about suspension height.

Subaru of America (Subaru) inquired about how the bumper standard would

apply to one of its MPV models if Subaru reclassified it as a "passenger motor vehicle other than a multipurpose vehicle" (in other words, as a passenger car). This vehicle has an adjustable-height suspension system which a driver can activate so as to elevate the vehicel chassis, including the bumper, to obtain higher ground clearance for driving on uneven surfaces or snow-covered roads. When parked with the engine off and when driving at speeds over 40 mph, a vehicle with this system would comply with the bumper standard's height requirement applicable to passenger motor vehicles. However, when driving at lower speeds with the suspension system activated at the "high" position, this vehicle would not comply with the height provision.

In interpretation letters to Subaru, the agency explained that a vehicle must be capable of meeting the standard's damage criteria at any height position to which the suspension can be adjusted. This agency interpretation is consistent with the bumper standard's purpose of reducing physical damage to the front and rear ends of passenger motor vehicles from low-speed collisions. Physical damage to vehicles might increase if a vehicle's suspension could be adjusted so that its bumper height resulted in bumper mismatch with other vehicles in low-speed collisions.

In response to the agency's interpretation, Subaru petitioned the agency on July 9, 1987 to amend the bumper standard "to clarify the test conditions applicable to a vehicle with a suspension system whose height can be raised by a driver-activated control." In particular, the petitioner requested that the general test conditions in § 581.6(a) be amended to state that "(t)he height of a suspension system than can be raised by a driver-activated control is in the normal (not elevated) setting." The petitioner requested this amendment to enable its vehicles with adustable-height suspension systems to meet the test requirements of the bumper standard applicable to passenger cars. According to the petitioner, having to meet the bumper standard's pendulum requirements at the "high" suspension setting would partially negate benefits from the increased ground clearance provided by it system.

On March 25, 1988, the agency informed Subaru that it was granting the petition in relation to the agency's activities on vehicle reclassification. (52 FR 41475, October 28, 1987). The letter explained that granting the petition did not necessarily mean that the Standard would be revised as requested. Instead, the granting of this petition signified that the agency believed that a further review of the issues raised in the petition appeared to have merit. The agency indicated that any decision to amend part 581 would have to comply with statutory criteria.

After further review, the agency has decided to terminate the action to amend the standard as requested by Subaru. The requested amendment would have increased the potential for bumper mismatch between vehicles in low-speed collisions because the elevated vehicle's higher bumper would override other vehicles' lower bumpers. Such bumper mismatch could increase the ensuing damage to the bumper and other vehicle components. The petitioner's requested amendment, therefore, would result in all passenger vehicles becoming more vulnerable to bumper mismatch without any significant corresponding benefits.

The agency also notes that it granted the petition in response to Subaru's desire to classify the vehicle-in-question as a passenger car. That action was taken in large part to encourage manufactuers to classify vehicles, which might be classified as either passenger cars or multipurpose passenger vehicles for safety standards purposes, as passenger cars. As passenger cars, the vehicles would have been subject to more federal motor vehicle safety standards. However, given the agency's current policy of extending safety standards to multipurpose passenger vehicles, this rationale for pursuing this rulemaking proceedings has been significantly weakened.

Despite the agency's decision to terminate rulemaking on Subaru's petition, Subaru may classify the vehicles in question as "passenger motor vehicles other than multipurpose passenger vehicles' and request a vehicle-specific exemption from the bumper standard. The agency could grant an exemption if the standard were found to interfere unreasonably with the special use of that vehicle. (see 15 U.S.C. 1912(c)(1)). The agency believes that such a case-by-case approach is superior to adopting the petitioner's request because it allows the agency to evaluate the special use of a specific vehicle rather than weaken the regulation designed to protect all passenger motor vehicles.

Based on the above considerations, the agency has decided to terminate the rulemaking to amend the bumper standard's test procedures on bumper height.

Issued on: September 11, 1990.

Barry Felrice,

Associated Administrator for Rulemaking.

[FR Doc. 90-22238 Filed 9-19-90; 8:45 am]

BILLING CODE 4910-59-M

Federal Railroad Administration

49 CFR Part 234

[FRA Docket No. RSCG-3; Notice No. 5]

RIN 2130—AA45

Grade Crossing Signal System Safety

AGENCY: Federal Railroad Administration (FRA), Department of Transportation (DOT).

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: FRA proposes to require railroads to report instances of grade crossing signal system device failures and to file with the FRA copies of their standards governing the maintenance, testing and inspection of grade crossing signal devices.

DATES: (1) Written comments must be received no later than November 23, 1990. Comments received after that date will be considered to the extent possible without incurring additional expense or delay.

(2) A public hearing will be held at 10 a.m. on November 7, 1990. Any person who desires to make an oral statement at the hearing is requested to notify the Docket Clerk at least five working days prior to the hearing, by phone or by mail, and to submit three copies of the oral statement that he or she intends to make at the hearing.

ADDRESSES: (1) Written comment should be submitted to the Docket Clerk, Office of Chief Counsel, FRA, 400 Seventh Street SW., Washington, DC 20590. Persons desiring to be notified that their written comments have been received by FRA should submit a stamped, self-addressed postcard with their comments. The Docket Clerk will indicate on the postcard the date on which the comments were received and will return the card to the addressee. Written comments will be available for examination, both before and after the closing date for comments, during regular business hours in Room 8201 of the Nassif Building at the above address.

(2) A public hearing will be held in room 2230 of the Nassif Building, 400 Seventh Street SW., Washington, DC. Persons desiring to make oral statements at the hearing should notify the Docket Clerk by telephone (202-366-

0628) or by writing to the Docket Clerk at the address above.

FOR FURTHER INFORMATION CONTACT: Philip Olekszyk, Deputy Associate Administrator for Safety, FRA, 400 Seventh Street, SW., Washington, DC 20590 (telephone 202–366–0897), or Mark Tessler, Office of Chief Counsel, FRA, 400 Seventh Street SW., Washington, DC 20590 (telephone 202–366–0628).

SUPPLEMENTARY INFORMATION:

Background

Section 23 of the Rail Safety Improvement Act of 1988 (Pub. L. 100–342) amended section 202 of the Federal Railroad Safety Act of 1970 by adding new subsection "q" as follows: "The Secreary shall, within one year after the date of the enactment of the Rail Safety Improvement Act of 1988, issue such rules, regulations, orders, and standards as may be necessary to ensure the safe maintenance, inspection, and testing of signal systems and devices at railroad highway grade crossings."

On November 23, 1988, FRA published in the **Federal Register** an Advance Notice of Proposed Rulemaking (ANPRM) (53 FR 47554) regarding grade crossing signal system safety. The purpose of that proceeding was to (1) Determine whether Federal regulatory intervention is required to ensure adequate maintenance, inspection, and testing of signal systems and devices at railroad highway crossings, and (2) determine whether such regulations would be cost beneficial.

A public hearing was held on December 19 and 20, 1988 in Washington, DC at which representatives of industry, labor, and rail suppliers testified.

This rulemaking is the latest in a series of investigations conducted by FRA on the need for standards governing the inspection, testing, and maintenance of active grade crossing warning devices. FRA provided a summary of those earlier investigations in the ANPRM (53 FR 47555).

Virtually all public rail-highway grade crossings are, at a minimum, equipped with a passive device that alerts motorists to the railroad/highway crossing. Active warning devices, which may include wig-wags, flashing lights, bells, and automatic gates, are installed on more than 58,000 grade crossings (approximately 32 percent of the nation's public crossings). These warning devices are activated by the passage of a train over a detection circuit in the track approaching the crossing. This circuit uses the rails as conductors in such a way that the presence of an electrical bypath such as that provided by the wheels and axles of a locomotive or railroad car, shunts the circuit and thus activates the warning device.

The circuits controlling active warning devices normally trigger operation no later than 20 seconds before the arrival of a train. This minimum warning time is designed to ensure that a vehicle that might have stopped at the crossing and then proceeded to cross just before the flashing lights began operating can clear the crossing safely. On the other hand, if the warning time is excessive, it can lead to the "credibility" problems discussed below. Grade crossing warning devices with predetermined warning times must of course be set for the fastest train operation over the crossing. This can lead to long waits for the slower freight trains to reach and clear the crossing. To overcome this situation, some crossings are equipped with "constant warning time track circuits" that measure the speed of an approaching train and activate the warning equipment to provide the pre-selected minimum warning time.

All active grade crossing warning devices are designed to be "fail-safe." Any shunt of the circuit, whether by railroad equipment, vandalism, or an "open circuit" such as a broken rail or bond (track connection) will cause the unit to respond as though a train were approaching. This "fail-safe" aspect of the system is designed to afford the public the maximum warning possible at grade crossings.

However, the "fail-safe" design can lead to what has been called "false restrictive" (also referred to as "false positive") indications in which the warnings provided to the automobile driver incorrectly indicate the imminent approach of a train. While no one has argued that this is more dangerous than a warning device failing to warn of an approaching train (a "false proceed indication" (also referred to as "false negative")), some commenters have argued that repeated false restrictive indications result in a specific crossing device (or crossing devices in general) losing "credibility" with the public, with the result that drivers ignore valid warnings of approaching trains.

In response to the November 23, 1988 ANPRM, 20 organizations participated in this rulemaking proceeding. Ten railroads (five Class I railroads, two short lines, and three commuter railroads, one of which is also a freight carrier), three labor organizations, three industry associations, and four state regulatory agencies either testified or submitted written comments.

In this proceeding FRA sought the following information:

(a) Current practices regarding maintenance, inspection, and testing of rail/highway grade crossing systems:

(b) The frequency of grade crossing accidents in general, and, more specifically, accidents attributable in whole or in part to the malfunctioning of devices;

(c) Evidence, if any, relating accidents to inadequacies in current maintenance, inspection, and testing practices or evidence suggesting that Federal standards on maintenance, inspection, and testing could have avoided such accidents.

(d) Data relating to the costs and benefits of Federal regulatory intervention in these areas; and

(e) Information on the effectiveness of current and anticipated systems designed to ensure detection of signal malfunctions.

There was sharp disagreement among commenters as to whether there is a problem in the current level of maintenance, inspection, and testing of grade crossing devices. None of the responding railroads believed that a problem exists—proof being the extremely low accident rate attributed to defective warning devices. The Long Island Railroad (LIRR), with 307 grade crossings, reported that in the past ten years (with 60 million gate operations and over three billion motor vehicle crossings) the railroad has not had any grade crossing accidents attributed to malfunctioning warning devices. The Norfolk Southern, New Jersey Transit, Richmond Fredericksburg and Potomac Railroad, the Keokuk Junction, Monongahela, and Southeastern Pennsylvania Transportation Authority (SEPTA), also indicated that no accidents were attributed to device malfunction during the last five years. CSX indicated that only three accidents in 1988 and two in 1987 (.34% and .19% of all CSX crossing accidents, respectively) were attributed to device failures. The Association of American Railroads (AAR) believes there is no safety problem related to maintenance, inspection, and testing and strongly emphasized the industry's grade crossing accident record in support of this view.

Citing the 1987 grade crossing accident statistics furnished to FRA by the railroads as required by 49 CFR part 225, the AAR claimed that of the 2,857 accidents at grade crossings equipped with active warning devices, 45 were reported to the FRA as involving equipment failure (1.6% of all accidents at equipped grade crossings). However, the AAR reported that further investigation with the reporting

railroads shows that 44 of the 45 "failures" were not in fact equipment failures. Instead, they involved passive warning devices, by definition incapable of malfunctioning, properly functioning equipment and erroneous reporting, manually flagged crossings, or railroad equipment involved in the accident not designed to activate the signal system. AAR concluded that one of the 2,857 accidents was due to equipment failure (.035% of all accidents at equipped crossings-at-grade). The AAR further stressed that the sole equipment malfunction would not necessarily have been prevented by Federal rules on maintenance, inspection, and testing. The AAR's position is that not only does the present statistical record not support Federal involvement, but that the present record is the result of overreporting of equipment malfunctions. Thus, it is claimed that there is even less a problem than is shown by today's statistics.

The AAR argues that the railroad industry "generally has and follows reasonably appropriate and effective written practices" regarding grade crossing signal system maintenance, inspection, and testing and that the declining accident rate is proof of their adequacy.

The American Short Line Railroad Association (ASLRA) also stated that there was no need for Federal regulations in this area. It argued that short line operators have good safety records and that even though an operation may be new, it generally hires qualified signal maintainers with many years of experience or contracts work out to qualified personnel. In a survey of member railroads in which 143 shortline operators responded, ASLRA reports that no grade crossing accidents were attributed to grade crossing warning device failures.

Brotherhood of Railroad Signalmen (BRS), the leading proponent of Federal regulation, testified and supplied eleven volumes of material in support of its position. The BRS claims that the increase in grade crossing accident fatalities can be attributed to inadequate maintenance, inspection, and testing of grade crossing signal systems. (The number of grade crossing accidents is decreasing, while the number of fatalities associated with those that do occur has increased.) The BRS claims that "false proceed indications" (when the signal system fails to warn of an approaching train) not resulting in accidents and "false restrictive indications" occur with such frequency that the credibility of warning devices is severely impaired. It is alleged that when a given crossing warning system loses credibility with the motorist, he or she will ignore its false warnings and at some point might ignore valid warnings. BRS introduced testimony indicating that the effect of false restrictive indication is not just on the one crossing where it occurs, but affects the motorist's perception of grade crossing systems in general. It is alleged that poor system credibility ultimately results in accidents at crossings even though the warning devices are fully functional at the time of the accident.

Because present reporting regulations only require reporting of the operating status of warning devices when reporting accidents, FRA has no statistics regarding the frequency of grade crossing warning device failures in general. Nor can FRA presently determine whether a false restrictive indication was involved in a grade crossing accident. As the BRS pointed out, FRA has no information as to how many accidents, if any, occur at grade crossings in which the warning device had been activated for a longer single period than normal or has frequently activated over a significant time span.

An area of common concern among various commenters was the lack of adequate statistical information regarding grade crossing warning device failures, or malfunctions—for example, the AAR's argument that 44 of 45 reported instances of equipment failure during 1987 resulted from incorrect reports filed with FRA.

Railroads are required to submit to FRA Form F 6180–57 "Rail-Highway Grade Crossing Accident/Incident Report" upon any impact, regardless of severity, between a railroad on-track equipment consist an a highway user. Block 32 of that form asks whether the crossing warning device was working, providing only a choice between "yes" or "no." Some of those completing the form have apparently been confused as to how to indicate certain situations, e.g., when a railroad vehicle involved in the accident is not designed to shunt the track circuit or when the warning devices have been disconnected for maintenance or some other reason. Some devices have been reported as "not working" when they were in fact merely passive warning devices. FRA's instructions direct that "(i)f the crossing site was not protected by train-activated warning devices, or if the rail consist was intentionally insulated to prevent activation of the warning mechanism, enter 'N/A'." However, it appears that some personnel completing the form are not familiar with the instructions. Both the AAR and the BRS have testified as to the confusion and misinformation apparently resulting from deficiencies in the reporting form.

The AAR argues that problems with Block 32 merely result in overstating equipment failures; the BRS argues that our reporting form is more seriously deficient in that it should be asking for information beyond whether the warning device was operating: Did the warning device require adjustment or resetting before post-accident testing could be accomplished? Do the warning devices at the crossing have a history of problems, e.g., past reports of continuous operation or malfunctions? Do witnesses dispute whether the warning device was operating or not? Was the warning device train detection circuitry designed, installed, and set to accommodate the train operation involved in the accident? When was the warning device last tested, and by whom? How long had the warning device been operating prior to the train's arrival at the crossing? The BRS contends that without answers to these questions, the response to Block 32 can be misleading. For example, the warning device may have been operating at the time of the accident, as intended, and may have in fact been operating continuously for several hours. In that situation, the present FRA form would permit an affirmative answer to the question, "Was the device operating?" Similarly, the device may not have started to operate until the train reached an island circuit (because the approach track circuit used by the train had not been included in the original circuit plan), thus failing to provide adequate warning time to motorists. However, because the warning device was operating at the time of the accident, an affirmative response would be placed in Block 32.

The BRS has argued that the railroad industry is slow in responding to reports of warning device malfunction, often allowing devices to operate continuously for hours or even days before repairs are made. The BRS claims that the railroads do not follow their own rules regarding maintenance, inspection, and testing and that therefore Federal involvement in the area is required.

The BRS was the only commenter proposing specific Federal rules regarding maintenance, inspection, and testing of grade crossing warning devices. It proposed that each railroad submit for FRA approval its own program for testing, maintenance, and inspection. The program would be required to have provisions for periodic testing and inspection, for responding to

crossings without undue delay, for sight-distance for motorists, and for record keeping.

Four state regulatory agencies (California Public Utilities Commission (CPUC), New Jersey Department of Transportation (NJDOT), New York State Department of Transportation (NYSDOT), and the Oregon Public Utilities Commission (OPUC)) submitted comments in this proceeding. These agencies differed in many of their views. Both CPUC and NJDOT found that current maintenance practices are adequate, while OPUC and NYSDOT expressed concern that the overall, industry-wide reduction in railroad maintenance forces would affect the quality of grade crossing maintenance. NYSDOT and OPUC have concerns about the ability of short lines to adequately maintain crossings. While OPUC's concerns are for the future, NYSDOT categorically stated that the maintenance practices of certain short lines are substantially inferior to those of Class I railroads.

Despite these differing views as to the quality of railroad maintenance efforts, poor maintenance was not cited by any state agency as a factor in any grade crossing accident. The state agencies similarly disagreed over the need for Federal involvement in this area. Both NYSDOT and NJDOT were in favor of Federal regulation, although NJDOT does not perceive a present safety problem. CPUC is in favor of regulation, but believes it should best be left to state agencies. It stated that the only justification for regulations would be that the states are doing poor jobs and that Federal standards would bring improved safety. The state argues that no evidence supports either contention. OPUC, on the other hand, cannot say whether a safety problem exists or whether Federal regulations would be effective.

Proposed Actions

As a result of the information gathered in this proceeding, it is clear that an insufficient factual basis exists at this time to issue specific Federal regulations establishing standards pertaining to the maintenance, inspection, and testing of rail-highway grade crossing warning devices.

Virtually all of the extensive information FRA received from various commenters was anecdotal. Some of that information was relevant to the inquiry at hand, some not. However, this agency cannot place a substantial burden on the railroad industry without first knowing (1) The extent of accidents caused by malfunctioning grade crossing warning devices, and (2) whether such accidents could be reduced or eliminated by Federally imposed maintenance, inspection, and testing standards. The record of this proceeding, and the record of our earlier proceedings, does not provide that needed factual basis.

At this time, the facts we do have do not support Federal intervention. We recognize, however, that those facts may not tell the entire story. Therefore, FRA is taking the following steps to be able to more accurately assess the need for Federal regulatory intervention:

1. FRA is clarifying Form F 6180–57 "Rail-Highway Grade Crossing Accident/Incident Report" to eliminate reporting errors of the type testified to in this proceeding. FRA will require more detailed information regarding the operating status of grade crossing warning devices at accident crossings.

2. FRA is proposing to add a new part 234 to title 49 of the Code of Federal Regulations to require reporting of each false proceed indication and false restrictive indication failure of a rail-highway grade crossing warning device. This requirement would apply whenever a railroad is aware of a false proceed indication or false restrictive indication failure; it is not limited to accident situations. FRA proposes that each false proceed indication failure be reported within 15 days of the occurrence and each false restrictive indication failure be reported on a monthly basis, similar to the present accident reporting system. An option under consideration is to place a finite time limit on these reporting requirements that would enable FRA to gather sufficient data while also limiting railroad reporting burdens. We solicit comments on this alternative.

Proposed part 234 would also require telephone notification to FRA of all grade crossing accidents involving a false proceed indication failure condition. These reports would be made without regard to the extent of injuries or property damage.

FRA also proposes to require that each railroad file a copy of its rail-highway grade crossing maintenance, inspection, and testing rules with FRA so that information on maintenance practices can be correlated with our expanded grade crossing data base. Railroads with no written plans would be required to file a statement to that effect.

3. FRA has initiated an inspection program of over 1,000 randomly selected grade crossings equipped with automatic warning devices. This program will provide statistically reliable maintenance and operating information on rail-highway grade crossing warning devices.

FRA believes the above actions will enable it to develop a sufficient factual basis for determining the future direction the Federal government should take in this area.

FRA invites public comment on all aspects of this proposal. FRA specifically requests comments on the definitions of "false restrictive indication failure" and "false proceed indication failure." Clear and unambiguous definitions will help prevent reporting errors of the type disclosed earlier. The proposed rule is designed to improve the quality of information available regarding the success of those devices in promoting safety.

FRA also invites public comment on the use of self-monitoring automatic crossing devices capable of automatically reporting device and component failures. We seek information regarding the cost of such systems, whether they could be effective in reporting crossing device failures, and if so, what portion of the crossings presently equipped with automatic warning devices should be upgraded.

Regulatory Impact

E.O. 12291 and DOT Regulatory Policies and Procedures

This proposed rule has been evaluated in accordance with existing policies and procedures, and is considered to be nonmajor under Executive Order 12291 but significant under DOT policies and procedures (44 FR 11034, February 26, 1979). The rule will not have any significant direct or indirect economic impact for the following reasons. First, its requirements apply only in the case of rail-highway grade crossing accidents involving malfunctioning warning devices or in other clearly limited situations involving malfunctioning warning devices. Second, compliance with the notification requirements should not be difficult because in some cases it is accomplished by a toll free phone call (in accident situations) and in other cases (non-accident situations), by completing a short standard form supplied by the agency. Compliance with the remainder of the rule merely requires sending a copy of a railroad's procedures to FRA.

The purpose of the proposed rule is to collect information on the extent of grade crossing warning device malfunctions. Because this information is not currently available to us, it is difficult to estimate the frequency of the

events that will trigger the new reporting requirements. At this time, we expect very few events to require telephone notification or the filing of new forms. If this proves to be true, the cost to the industry for these new requirements will be insignificant. To the extent that this assumption proves to be false, the benefit of the knowledge that a significant problem exists would be substantial in that this knowledge would form the basis for corrective action. Without the proposed data collection effort, we are unable to justify regulatory action.

FRA certifies that this rule will not have a significant economic impact on a substantial number of small entities. There are no direct or indirect economic impacts for small units of government, businesses, or other organizations. State rail agencies remain free to participate in the administration of FRA's rules, but are not required to do so.

Paperwork Reduction Act

The proposed rule contains information collection requirements. FRA is submitting these information collection requirements to the Office of Management and Budget for approval under the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*). The proposed sections that contain information collection requirements and the estimated time to fulfill each requirement are as follows:

Proposed section	Brief description	Estimated average time
234.7	Telephone notification of accident involving grade crossing signal failure.	15 minutes each.
234.9	Grade crossing signal failure report.	15 minutes each.
234.11	Filing railroad rules or statement of no rules.	One hour each railroad.
234.11	Filing amendments to railroad's rules.	20 minutes each filing.

All estimates include the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. FRA solicits comments on the accuracy of the FRA estimates; the practical utility of the information; and the alternative methods that might be less burdensome to obtain this information. Persons desiring to comment on this topic should submit their views in writing to FRA (Gloria D. Swanson, Federal Railroad Adminsitration, 400 Seventh Street, SW., Washington, DC 20590) and to Office of Management and Budget, (Desk Officer, Regulatory Policy Branch (OMB No. 2130–AA45), Office of Management and Budget, New Executive Office Building, 726 Jackson Place, NW., Washington, DC 20530. Copies of any such comments should also be submitted to the docket clerk of this rulemaking at the address provided above.

Environmental Impact

FRA has evaluated these proposed regulations in accordance with its procedures for ensuring full consideration of the potential environmental impacts of FRA actions, as required by the National Environmental Policy Act and related directives. This notice meets the criteria that establish this as a non-major action for environmental purposes.

Federalism Implications

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 does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

List of Subjects in 49 CFR Part 234

Railroad safety, Rail-highway grade crossings.

The Proposed Rule

In consideration of the foregoing, FRA proposes to amend chapter II, subtitle B of title 49, Code of Federal Regulations by adding new part 234 to read as follows:

PART 234—GRADE CROSSING SIGNAL SYSTEM REPORTING REQUIREMENTS

Sec.

234.1 Scope.
234.3 Application.
234.5 Definitions.
234.7 Accidents involving grade crossing signal failure.
234.9 Grade crossing signal failure reports.
234.11 Railroad rules.
234.13 Civil penalty.
234.15 Criminal penalty.

Authority: Secs 202, 208, and 209 of the Federal Railroad Safety Act of 1970, as amended (45 U.S.C. 431, 437, and 438, as amended); Pub. L. 100–342; Accident Reports Act (45 U.S.C. 38 and 42); and 49 CFR 1.49 (f), (g), and (m).

§ 234.1 Scope.

This part prescribes reporting requirements with respect to the operation of rail-highway grade crossing warning devices.

§ 234.3 Application.

(a) Except as provided in paragraph (b) of this section, this part applies to railroads that operate on standard gage track which is part of the general railroad system of transportation.

(b) This part does not apply to rail rapid transit operations conducted over track that is used exclusively for that purpose and that is not part of the general railroad system of transportation.

§ 234.5 Definitions.

As used in this part:

(a) *Rail-highway grade crossing* means a location where one or more railroad tracks cross a public highway, road, or street or a private roadway, at grade, and includes sidewalks and pathways at or associated with the crossing.

(b) *False restrictive indication failure* means the activation of a rail-highway grade crossing warning device when no train is present. (This failure indicates to the motorist that it is not safe to cross the railroad track when, in fact, it is safe to do so.)

(c) *False proceed indication failure* means the failure of a rail-highway grade crossing warning device to indicate the approach of a train at least 20 seconds prior to the train's arrival at the crossing. (This failure indicates to the motorist that it is safe to proceed across the railroad tracks when, in fact, it is not safe to do so.)

(d) *Train* means a locomotive, with or without cars.

§ 234.7 Accidents involving grade crossing signal failure.

(a) Each railroad shall report to the FRA every impact between on-track railroad equipment and an automobile, bus, truck, motorcycle, bicycle, farm vehicle, or pedestrian at a rail-highway grade crossing involving a false proceed indication failure of the rail-highway grade crossing warning device. Notification shall be provided to the Office of Safety, FRA, at (202) 366–9252 by 5 p.m. EST (or EDT) the following business day. Complete reports shall thereafter be filed with FRA pursuant to § 234.9(a) of this part (report of false proceed indication failure) and 49 CFR 225.11 (accident/incident report).

(b) Each telephone report must state the:

(1) Name of the railroad;

(2) Name, title, and telephone number of the individual making the report;

(3) Time, date, and location of accident;

(4) U.S. DOT–AAR Grade Crossing Identification Number;

(5) Circumstances of the accident including operating details of the grade crossing warning device;

(6) Number of persons killed or injured, if any;

(7) Maximum authorized train speed; and

(8) Posted highway speed limit.

§ 234.9 Grade crossing signal failure reports.

(a) Each railroad shall report within 15 days to FRA each false proceed indication failure of a rail-highway grade crossing warning device. FRA Form No. 6180.81, "Rail-Highway Grade Crossing Warning Device Failure Report," shall be used for this purpose and completed in accordance with instructions printed on the form.

(b) Each railroad shall complete FRA Form No. 6180.81, "Rail-Highway Grade Crossing Warning Device Failure Report," for each false restrictive indication failure of a rail-highway grade crossing warning device. Each report required by this paragraph (b) shall be submitted to FRA within 30 days after expiration of the month during which the false restrictive indication failure occurred.

§ 234.11 Railroad rules.

(a) Before (six months after effective date), each railroad shall file with the FRA Regional Office for the region in which the railroad headquarters is located, one copy of its current rail-highway grade crossing maintenance, inspection, and testing rules and procedures. Each railroad commencing operations after the above date shall comply with this paragraph before commencing operations.

(b) If a railroad has no written maintenance, inspection, and testing procedures, a statement to that effect shall be filed with the FRA Regional Office for the region in which the railroad headquarters is located.

(c) Each amendment to a railroad's rail-highway grade crossing maintenance, inspection, and testing rules and procedures shall be filed with the FRA within 30 days after it is issued.

§ 234.13 Civil penalty.

Any person (including a railroad and any manager, supervisor, official, or other employee or agent of a railroad) who violates any requirement of this part or causes the violation of any such requirement is subject to a civil penalty of $2,500 except that: Penalties may be assessed against individuals only for willful violations, and where a grossly negligent violation or a pattern of repeated violations has created an imminent hazard of death or injury to persons, or has caused death or injury, a penalty not to exceed $20,000 per violation may be assessed. Each day a violation continues shall constitute a separate offense. See Appendix A to this part for a statement of agency civil penalty policy.

§ 234.15 Criminal penalty.

Whoever knowingly and willfully

(a) Makes, causes to be made, or participates in making of a false entry in reports required to be filed by this part, or

(b) Files a false report or other document required to be filed by this part is subject to a $5,000 fine and 2 years imprisonment as prescribed by 49 U.S.C. 522(a) and section 209(e) of the Federal Railroad Safety Act of 1970, as amended (45 U.S.C. 438(e)).

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

S. Mark Lindsey,

Acting Administrator.

[FR Doc. 90–22240 Filed 9–19–90; 8:45 am]

BILLING CODE 4910–06–M

Notices

Federal Register
Vol. 55, No. 183
Thursday, September 20, 1990

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

DEPARTMENT OF AGRICULTURE

Forms Under Review by Office of Management and Budget

September 14, 1990.

The Department of Agriculture has submitted to OMB for review the following proposals for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35) since the last list was published. This list is grouped into new proposals, revisions, extension, or reinstatements. Each entry contains the following information:

(1) Agency proposing the information collection; (2) Title of the information collection; (3) Form number(s), if applicable; (4) How often the information is requested; (5) Who will be required or asked to report; (6) An estimate of the number of responses; (7) An estimate of the total number of hours needed to provide the information; (8) An indication of whether section 3504(h) of Pubic Law 96–511 applies; (9) Name and telephone number of the agency contact person.

Questions about the items in the listing should be directed to the agency person named at the end of each entry. Copies of the proposed forms and supporting documents may be obtained from: Department Clearance Officer, USDA, OIRM, Room 404–W Admin. Bldg., Washington, DC 20250, (202) 447–2118.

Revision

• Farmers Home Administration
7 CFR 1944–E, Rural Rental and Rural Cooperative Housing Loan Policies, Procedures and Authorizations
FmHA 1944–7, –33, –34, –38
On occasion
State or local governments; Businesses or other for profit; Non-profit institutions; Small businesses or organizations; 21,945 responses; 143,375 hours; not applicable under 3504(h)
Jack Holston (202) 382–9736

New Collection

• Food Safety and Inspection Service
Establishment Request for Vehicle Ante-Mortem Inspection
FSIS–6200–17
On occasion
Businesses or other for-profit; 148,800 responses; 4,960 hours; not applicable under 3504(h)
Roy Purdie, Jr. (202) 447–5372

Larry K. Roberson,

Acting Departmental Clearance Officer.

[FR Doc. 90–22241 Filed 9–19–90; 8:45 am]

BILLING CODE 3410–01–M

Commodity Credit Corporation

1990 Price Support Levels for Fire-Cured (Type 21), Fire-Cured (Types 22–23), Dark Air-Cured (Types 35–36), Virginia Sun-Cured (Type 37), Cigar-Filler and Binder (Types 42–44, 53–55) and Cigar-Filler (Type 46) Tobaccos

AGENCY: Commodity Credit Corporation (CCC), USDA.

ACTION: Notice of determination of 1990 price support levels for six kinds of tobacco.

SUMMARY: This notice sets forth the levels of price support for fire-cured (type 21), (2) fire-cured (types 22–23), (3) dark air-cured (types 35–36), (4) Virginia sun-cured (type 37), (5) cigar-filler and binder (types 42–44; 53–55), and (6) cigar-filler (type 46) kinds of tobacco for the 1991 marketing year. The levels of price support for these kinds of tobacco are required to be determined under the provisions of section 106 of the Agricultural Act of 1949, as amended.

EFFECTIVE DATE: September 20, 1990.

FOR FURTHER INFORMATION CONTACT: Robert H. Miller, (202) 447–8839 or Kenneth Robinson, (202) 447–7477. A Final Regulatory Impact Analysis describing the options considered in developing this notice and the impact of implementing each option is available on request from Mr. Robinson.

SUPPLEMENTARY INFORMATION: This notice has been reviewed under USDA procedures established in accordance with Executive Order 12291 and Departmental Regulation 1512–1, and has been classified as "not major." The provisions of this notice will not 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 Governments, or geographical regions; or (3) significant adverse effects on competition, employment, investment, productivity, innovation, the environment, or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

The title and number of the Federal Assistance Program to which this notice applies are: Title—Commodity Loans and Purchases; Number—10.051, as set forth in the Catalog of Federal Domestic Assistance.

It has been determined that the Regulatory Flexibility Act is not applicable to this notice since the Commodity Credit Corporation (CCC) is not required by 5 U.S.C. 553 or any other provision of law to publish a notice of proposed rulemaking with respect to the subject of this notice.

This program/activity is not subject to the provisions of Executive Order 12372 which requires intergovernmental consultation with State and local officials. See the Notice related to 7 CFR part 3015, subpart V, published at 48 FR 29115 (June 24, 1983). It has been determined by an environmental evaluation that this action will have no significant impact on the quality of the human environment. Therefore, neither an Environmental Assessment nor an Environmental Impact Statement is needed.

Determination of Levels of Price Support

Price support is required to be made available for each crop of a kind of tobacco for which marketing quotas are in effect or for which marketing quotas have not been disapproved by producers. With respect to the 1990 crop of the six kinds of tobacco which are the subject of this notice, the respective maximum level of support is determined in accordance with section 106 of the Agricultural Act of 1949, as amended (the "Act").

Section 106(f)(6)(A) of the Act provides that the level of support for the 1990 crop of a kind of tobacco shall be the level in cents per pound at which the 1989 crop of such kind of tobacco was supported, plus or minus, respectively, the amount by which (i) The support level for the 1990 crop, as determined

under section 106(b) of the Act, is greater or less than (ii) the support level for the 1989 crop, as determined under section 106(b) of the Act, as the difference may be adjusted by the Secretary under section 106(d) of the Act if the support level under clause (i) is greater than the support level under clause (ii).

Accordingly, under section 106(f)(6)(A) of the Act, the support level for the 1990 crop of such kind of tobacco will be the 1989 level, adjusted by the difference between (plus or minus) the 1990 "Basic support level" and the 1989 "basic support level."

In addition, section 106(f)(6)(B) of the Act provides that to the extent requested by the board of directors of an association through which price support is made available to producers ("producer association") the Secretary may reduce the support level determined under section 106(f)(6)(A) for any kind of tobacco (except flue-cured and burley) to more accurately reflect the market value and improve the marketability of tobacco. Accordingly, the price support levels for a kind of tobacco which are set forth in this notice could be reduced if such a request is made.

The levels of price support for the 1989 crops of various kinds of tobacco, which were determined in accordance with section 106(f)(6)(A), are as follows:

Kind and type	Support
Virginia fire-cured, type 21	120.8
KY-TN fire-cured, types 22-23	124.3
Dark air-cured, types 35-36	105.9
Virginia sun-cured, type 37	106.7
Cigar-filler and binder, types 42-44, 53-55	92.2
Puerto Rican filler, type 46	75.1

Section 106(b) of the Act provides that the "basic support level" for any year is determined by multiplying the support level for the 1959 crop of such kind of tobacco by the ratio of the average of the index of prices paid by farmers including wage rates, interest, and taxes (referred to as the "parity index") for the three previous calendar years to the average index of such prices paid by farmers, including wage rates, interest, and taxes for the 1959 calendar year (298). For the 1990-crop year, the average parity indexes for the three previous years are: 1987—1110; 1988—1165; and 1989—1220. The average of the parity indexes for these years is 1165 and the ratio of the 1987–89 index to the 1959 index is 3.91. For the 1989-crop year, the average parity indexes used to calculate the 1989 "basic support level" were: 1986—1093; 1987—1110; 1988—1166. The ratio of the 1986–88 index to the 1959 index equaled 3.77. Thus, the "basic support level" for the 1989 and 1990 crops of the various kinds of tobaccos and the annual increases are as shown in the following table:

Kind and type	Basic support level		Increase in 1990 from 1989
	1989	1990	
	Cents per pound		
Virginia fire-cured type 21	146.3	151.7	5.4
Kentucky-Tennessee fired-cured, types 22-23	146.3	151.7	5.4
Dark air-cured, types 35-36	130.1	134.9	4.8
Virginia sun-cured, types 37	130.1	134.9	4.8
Cigar filler and binder, types 42-44, 54-55	107.8	111.8	4.0
Puerto Rican filler, type 46	112.0	116.1	4.1

Section 106(d) of the Act provides that the Secretary of Agriculture may reduce the level of support which would otherwise be established for any grade of such kind of tobacco which the Secretary determines will likely be in excess supply. In addition, the weighted average of the level of support for all eligible grades of such tobacco must, after such reduction, reflect not less than 65 percent of the increase in the support level for such kind of tobacco which would otherwise be established under section 106 of the Act if the support level is higher than the support level for the preceding crop. Before any such reduction is made, the Secretary must consult with the associations handling price support loans and consideration must be given to the supply and anticipated demand of such tobacco, including the effect of such reduction on other kinds of quota tobacco. In determining whether the supply of any grade of any kind of tobacco of a crop will be excessive, the Secretary shall take into consideration the domestic supply, including domestic inventories, the amount of such tobacco pledged as security for price support loans, an anticipated domestic and export demand, based on the maturity, uniformity and stalk position of such tobacco.

For Puerto Rican filler (type 46) tobacco, the carrover from the 1989–90 market year is estimated to be 2.9 million pounds and the reserve supply level set at 0.6 million pounds, an excess supply situation exists. Because of the excess supply situation and the determination (55 FR 7750) of a zero quota for the 1990–91 crop year, zero pounds are eligible to be marketed by a producer without the assessment of a penalty during the 1990–91 marketing year. Even though no Puerto Rican filler production is expected it will eliminate confusion in future price support calculations to determine a price support level for the 1990–91 marketing year. The 1990 support level consists of the 1989 level of support increased by the difference between the 1990 "basic support level" and the 1989 "basic support level."

Since the supply-use ratios suggest adequate supplies, prices being well above the support level, and loan receipts low for fire-cured (type 21), fire cured (types 22–23), dark air-cured (types 35–36), Virginia sun-cured (type 37, and cigar filler and binder (types 42–44; 53–55) tobaccos, the 1990 support level for each kind consists of the 1989 level of support increased by the difference between the 1990 "basic support level" and the 1989 "basic support level".

Because the total supply is well above the reserve supply level of Puerto Rican (type 46) tobacco, the 1990 support level consists of the 1989 level of support increases by 65 percent of the difference between the 1990 "basic support level" and the 1989 "basic support level."

Determinations

Accordingly, the Secretary of Agriculture has determined, in accordance with sections 106(f)(6)(A) and 106(f)(8)(A) of the 1949 Act, the following price support levels for the 1989 crops of Virginia fire-cured (type 21), Kentucky-Tennessee fire-cured (types 22–23), dark air-cured (types 35–36), Virginia sun-cured (type 37), cigar filler and binder (types 42–44, 53–55), and Puerto Rican filler (type 46) tobaccos:

Kind and type	Amount (cents per pound)
Virginia fire-cured, (type 21)	126.2
Kentucky-Tennessee fire-cured, (types 22-23)	129.7
Dark air-cured, (types 35-36)	110.7
Virginia sun-cured, (type 37)	111.5
Cigar-filler and binder, (types 42-44, 53-55)	96.2
Puerto Rican filler, (type 46)	77.8

Authority: 15 U.S.C. 714b, 714c; 7 U.S.C. 1441, 1445.

Signed at Washington, DC on September 13, 1990.

Keith D. Bjerke,

Executive Vice President, Commodity Credit Corporation.

[FR Doc. 90-22318 Filed 9-19-90; 8:45 am]

BILLING CODE 3410-05-M

Forest Service

Mt. Lemmon Ski Valley Master Development Plan, Coronado National Forest, Pima County, AZ

AGENCY: Forest Service, USDA.

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

SUMMARY: The Forest Service will prepare an environmental impact statement (EIS) on a proposal to develop improvements for winter and summer recreation use at the existing Mt. Lemmon ski area.

DATES: Comments concerning the scope of the analysis were received previously during preparation of an environmental assessment. Additional comments relative to the scope of this analysis should be received by October 19, 1990.

ADDRESSES: Send written comments to the district Ranger, Santa Catalina Ranger District, 5700 North Sabino Canyon Road, Tucson, AZ 85715.

FOR FURTHER INFORMATION CONTACT: Paula Huter, Recreation Staff, Santa Catalina Ranger District, (602) 749-8700.

SUPPLEMENTARY INFORMATION: Walter Dawgie Ski Corporation submitted a Master Development Plan which is a proposal for several recreation user improvements at Mt. Lemmon Ski Valley located on the Coronado National Forest. The decision to be made is whether or not the improvements as proposed should be permitted. The decision could include all, some, or none of the improvements. For making the decision, the responsible official is the Forest Supervisor, Coronado National Forest, 300 W. Congress, Tucson, AZ 85704. The lead agency is the USDA Forest Service.

The Master Development Plan was the subject of an environmental analysis resulting in the preparation of an Environmental Assessment (EA) which was released for additional public comments in August 1989. During the scoping and analysis process, three meetings (December 1986 and February 1987) were conducted by the Forest Service and proponent. Numerous written comments were received from interested parties from December 1986 through January 1990. This input resulted in the following general issues and concerns to be addressed in this EIS:

1. Effects on water quality and quantity.
2. Effects on existing vegetation, including old growth habitat and unique vegetation communities.
3. Effects on plant and wildlife species, especially threatened, endangered and sensitive species.
4. Effects on riparian areas and floodplains.
5. Effects on the quality of the existing visual resource.
6. Effects of increased traffic on air quality.
7. Effects on other recreation opportunities and facilities.
8. Effects on solitude from increased visitation and noise.

As a minimum, the following preliminary alternatives will be addressed in this analysis.

1. No additional development. (No Action Alternative.)
2. Develop according to the proposed Master Plan.
3. Develop additional winter use improvements (east side lift and run). No development of additional summer use improvements (alpine slide).
4. Develop additional summer use improvements (alpine slide). No development of additional winter use improvements (east side lift and run).

The ski area is curently under permit to the Walter Dawgie Ski Corporation. Any new improvements will require an amendment to the special use permit as authorized by the Forest Service.

Agencies, Native American tribes, organizations and individuals may submit additional written comments on the scope of this analysis. These must be received by October 19, 1990 to be considered in the draft environmental impact statement (DEIS). There are no additional meetings planned prior to release of the DEIS. It is anticipated the DEIS will be filed and available to the public in December 1990.

The comment period on the DEIS will last at least 45 days from the date the environmental Protection Agency's notice of availability appears in the **Federal Register.** It is very important that those interested in this proposed action participate at that time. To be most helpful, comments on the DEIS should be as specific as possible and may address the adequacy of the statement or the merits of the alternatives discussed (see the Council on Environmental Quality Regulations for implementing the procedural provisions of the National Environmental Policy Act at 40 CFR 1503.3).

In addition, Federal Court decisions have established that reviewers of draft environmental impact statements must structure their participation in the environmental review of the proposal so that it is meaningful and alerts an agency to the reviewer's position and contentions, *Vermont Yankee Nuclear Power Corp.* v. *NRDC,* 435 U.S. 519-553 (1978). Environmental objections that could have been raised at the draft stage may be waived if not raised until after completion of the final environmental impact statement, *City of Angoon* v. *Hodel,* (9th Circuit, 1986) and *Wisconsin Heritages, Inc.* v. *Harris,* 490 F. Supp. 1334, 1338 (E.D. Wis. 1980). The reason for this is to ensure that substantive comments and objections are made available to the Forest Service at a time when it can meaningfully consider them and respond to them in the final environmental impact statement (FEIS).

After the comment period ends, the comments will be analyzed and considered by the Forest Service in preparing the FEIS. It is anticipated the FEIS will be completed and filed by March 1991. The responsible official will consider the responses, disclosure of environmental consequences, and applicable laws, regulations, and policies in making a decision regarding this proposal. The responsible official will document the decision and rationale in a Record of Decision. That decision will be subject to administrative review pursuant to 36 CFR part 217.

Dated: September 14, 1990.

James R. Abbott,

Forest Supervisor.

[FR Doc. 90-22320 Filed 9-19-90; 8:45 am]

BILLING CODE 3410-11-M

DEPARTMENT OF COMMERCE

Bureau of Export Administration

Joint Meeting of the Computer Peripherals, Components, and Related Test Equipment Technical Advisory Committee and the Computer Systems Technical Advisory Committee; Closed Meeting

A joint meeting of the Computer Peripherals, Components, and Related Test Equipment Technical Advisory Committee (CPTAC) and the Computer Systems Technical Advisory Committee (CSTAC) will be held October 16, 1990, 9:30 a.m., in the Herbert C. Hoover Building, room 1629, 14th Street & Pennsylvania Avenue, NW., Washington, DC. The CPTAC advises the Office of Technology and Policy

Analysis with respect to technical questions which affect the level of export controls applicable to computer peripherals, components, and related test equipment or technology. The CSTAC advises the Office of Technology and Policy Analysis with respect to technical questions that affect the level of export controls applicable to computer systems or technology.

The Committees will meet only in Executive Session to discuss matters properly classified under Executive Order 12356, dealing with the U.S. and COCOM control program and strategic criteria related thereto.

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

A copy of the Notice of Determination to close meetings or portions of meetings of the Committee is available for public inspection and copying in the Central Reference and Records Inspection Facility, room 6628, U.S. Department of Commerce, Washington, DC 20230. For further information, contact Lee Ann Carpenter on (202) 377–2583.

Dated: September 17, 1990.

Betty Anne Ferrell,

Director, Technical Advisory Unit.

[FR Doc. 90–22328 Filed 9–19–90; 8:45 am]

BILLING CODE 3510–DT–M

International Trade Administration

[A–351–806]

Initiation of Antidumping Duty Investigation: Silicon Metal From Brazil

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

ACTION: Notice.

SUMMARY: On the basis of a petition filed in proper form with the U.S. Department of Commerce (the Department), we are initiating an antidumping duty investigation to determine whether imports of silicon metal from Brazil are being, or are likely to be, sold in the United Sttes at less than fair value. We are notifying the U.S. International Trade Commission (ITC) of this action so that it may determine whether imports of silicon metal from Brazil are materially injuring, or threaten material injury to, a U.S. industry. If this investigation proceeds normally, the ITC will make its preliminary determination on or before October 9, 1990. If that determination is affirmative, we will make our preliminary determination on or before January 31, 1991.

EFFECTIVE DATE: September 20, 1990.

FOR FURTHER INFORMATION CONTACT: Kate Johnson or John Beck, Office of Antidumping Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone (202) 377–8830 or (202) 377–3464, respectively.

SUPPLEMENTARY INFORMATION:

The Petition

On August 24, 1990, we received a petition filed in proper form by American Alloys, Inc., Globe Metallurgical, Inc., Silicon Metaltech Inc., and SiMETCO, Inc., on behalf of the U.S. industry producing silicon metal. In compliance with the filing requirements of § 353.12 of the Department's regulations (19 CFR 353.12 (1990)), petitioners allege that imports of silicon metal from Brazil are being, or are likely to be, sold in the United States at less than fair value within the meaning of section 731 of the Tariff Act of 1930, as amended (the Act), and that these imports are materially injuring, or threaten material injury to, a U.S. industry.

Petitioners have stated that they have standing to file the petition because they are an interested party, as defined under section 771(9)(C) of the Act, and because they have filed the petition on behalf of the U.S. industry producing the product that is subject to this investigation. If any interested party, as described under paragraphs (C), (D), (E), or (F) of section 771(9) of the Act, wishes to register support for, or opposition to, this petition, please file written notification with the Assistant Secretary for Import Administration.

Under the Department's regulations, any producer or reseller seeking exclusion from a potential antidumping duty order must submit its request for exclusion within 30 days of the date of the publication of this notice. The procedures and requirements regarding the filing of such requests are contained in § 353.14 of the Department's regulations.

United States Price and Foreign Market Value

Petitioners' estimate of United States price is based on the monthly weighted-average unit Customs value of silicon metal. To calculate an F.O.B. price, petitioners deducted estimated foreign inland freight. Petitioners also calculated United States price based on reported selling prices to consumers in the United States, with appropriate deductions to net back to an F.O.B. foreign factory value. Deductions were made, where appropriate, for movement charges, U.S. Customs duties, and warehousing in the United States.

To calculate foreign market value, petitioners obtained domestic market selling prices for silicon metal offered for sale by two Brazilian producers. We made adjustments for differences in circumstances of sale, where appropriate, for differences in credit expenses and commissions, in accordance with § 353.56 of the Department's regulations.

Based on a comparison of United States price and foreign market value, we calculated dumping margins ranging from 29.17 percent to 66.07 percent.

Petitioners have alleged that "critical circumstances" exist, within the meaning of section 733(e) of the Act, with respect to imports of silicon metal from Brazil.

Initiation of Investigation

Under section 732(c) of the Act, the Department must determine, within 20 days after a petition is filed, whether the petition sets forth the allegations necessary for the initiation of an antidumping duty investigation, and whether the petition contains information reasonably available to the petitioner supporting the allegations.

We have examined the petition on silicon metal from Brazil and found that the petition meets the requirements of section 732(b) of the Act. Therefore, in accordance with section 732 of the Act, we are initiating an antidumping duty investigation to determine whether imports of silicon metal from Brazil are being, or are likely to be, sold in the United States at less than fair value. We will also make a determination as to whether critical circumstances exist with respect to the subject merchandise. If our investigation proceeds normally, we will make our preliminary determination by January 31, 1991.

Scope of Investigation

The merchandise covered by this investigation is silicon metal containing at least 96.00 but less than 99.99 percent of silicon by weight. The subject

merchandise is used primarily as an alloying agent for aluminum and in the chemical industry as a precursor to silicon. Silicon metal is currently provided for under subheadings 2804.69.10 and 2804.69.50 of the *Harmonized Tariff Schedule* (HTS) as a chemical product, but is commonly referred to as a metal. Semiconductor-grade silicon (silicon metal containing by weight not less than 99.99 percent of silicon and provided for in subheading 2804.61.00 of the HTS) is not subject to this investigation. The HTS item numbers are provided for convenience and U.S. Customs Service purposes. The written description remains dispositive.

ITC Notification

Section 732(d) of the Act requires us to notify the ITC of this action and to provide it with the information we used to arrive at this determination. We will notify the ITC and make available to it all non-privileged and non-proprietary information. We will allow the ITC access to all privileged and business proprietry information in the Department's files, provided the ITC confirms in writing that it will not disclose such information, either publicly or under administrative protective order, without the written consent of the Deputy Assistant Secretary for Investigations, Import Administration.

Preliminary Determination by ITC

The ITC will determine by October 9, 1990, whether there is a reasonable indication that imports of silicon metal from Brazil are materially injuring, or threaten material injury to, a U.S. industry. If its determination is negative, the investigation will be terminated; otherwise, the investigation will proceed according to statutory and regulatory time limits.

This notice is published pursuant to section 732(c)(2) of the Act.

Dated: September 13, 1990.

Marjorie A. Chorlins,

Acting Assistant Secretary for Import Administration.

[FR Doc. 90-22332 Filed 9-19-90; 8:45 am]

BILLING CODE 3510-DS-M

[A-570-806]

Initiation of Antidumping Duty Investigation: Silicon Metal From the People's Republic of China

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

ACTION: Notice.

SUMMARY: On the basis of a petition filed in proper form with the U.S. Department of Commerce (the Department), we are initiating an antidumping duty investigation to determine whether imports of silicon metal from People's Republic of China (PRC) are being, or are likely to be, sold in the United States at less than fair value. We are notifying the U.S. International Trade Commission (ITC) of this action so that it may determine whether imports of silicon metal from the PRC are materially injuring, or threaten material injury to, a U.S. industry. If this investigation proceeds normally, the ITC will make its preliminary determination on or before October 9, 1990. If that determination is affirmative, we will make our preliminary determination on or before January 31, 1991.

EFFECTIVE DATE: September 20, 1990.

FOR FURTHER INFORMATION CONTACT: Kate Johnson or John Beck, Office of Antidumping Investigation, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone (202) 377-8830 or (202) 377-3464, respectively.

SUPPLEMENTARY INFORMATION:

The Petition

On August 24, 1990, we received a petition filed in proper form by American Alloys, Inc., Globe Metallurgical, Inc., Silicon Metaltech Inc., SiMETCO, Inc., Elkem Metals Company, and SKW Alloys, Inc., on behalf of U.S. industry producing silicon metal. In compliance with the filing requirements of § 353.12 of the Department's regulations (19 CFR 353.12 (1990)), petitioners allege that imports of silicon metal from the PRC are being, or are likely to be, sold in the United States at less than fair value within the meaning of section 731 of the Tariff Act of 1930, as amended (the Act), and that these imports are materially injuring, or threaten material injury to, a U.S. industry.

Petitioners have stated that they have standing to file the petition because they are an interested party, as defined under section 771(9)(C) of the Act, and because they have filed the petition on behalf of the U.S. industry producing the product that is subject to this investigation. If any interested party, as described under paragraphs (C), (D), or (F) of section 771(9) of the Act, wishes to register support for, or opposition to, this petition, please file written notification with the Assistant Secretary for Import Administration.

Under the Department's regulations, any producer or reseller seeking exclusion from a potential antidumping duty order must submit its request for exclusion within 30 days of the date of the publication of this notice. The procedures and requirements regarding the filing of such requests are contained in § 353.14 of the Department's regulations.

United States Price and Foreign Market Value

Petitioners' estimate of United States price is based on the monthly weighted-average unit Customs value of silicon metal. To calculate an F.O.B. price, petitioners deducted estimated foreign inland freight. Petitioners also calculated United States price based on reported selling prices to consumers in the United States, with appropriate deductions to net back to an F.O.B. foreign factory value. Deductions were made, where appropriate, for movement charges, U.S. Customs duties, and warehousing in the United States.

Petitioners allege that the PRC is a nonmarket economy country within the meaning of section 773(c) of the Act. Accordingly, petitioners based foreign market value (FMV) on constructed value (CV). Constructed value was calculated using the factors of production as developed for the PRC. These factors were valued based on costs incurred in a country at a stage of economic development comparable to the PRC (i.e., India). Petitioners included silica, petroleum coke, coal and woodchips as raw materials in CV. Petitioners also included process materials (electrodes) in the CV. Unit values of the reductants (coal, woodchips and petroleum coke), silica and electrodes were based on 1990 costs in India. Petitioners then included energy and other utilities (electricity and water), labor, other operating costs, and depreciation costs in CV. Petitioners obtained basic wage rates in India from a source at the Office of Indian Affairs at the World Bank. The capital cost for a ferroalloy plant in India was obtained from *Metal Bulletin*. Petitioners estimated five percent of fixed capital for annual depreciaiton costs. Petitioners also added the statutory minimums of ten percent for general, selling and administrative expenses, and eight percent for profit, in accordance with section 773(e)(1)(B) of the Act. We made adjustments for differences in circumstances of sale, where appropriate, for differences in credit expenses and commissions, in

accordance with § 353.56 of the Department's regulations.

Based on a comparison of USP and FMV, we calculated dumping margins ranging from 134.73 percent to 139.49 percent.

Petitioners also allege that "critical circumstances" exist, within the meaning of section 733(e) of the Act, with respect to imports of silicon metal from the PRC.

Initiation of Investigation

Under section 732(c) of the Act, the Department must determine, within 20 days after a petition is filed, whether the petition sets forth the allegations necessary for the initiation of an antidumping duty investigation, and whether the petition contains information reasonably available to the petitioner supporting the allegations.

We have examined the petition on silicon metal from the PRC and found that the petition meets the requirements of section 732(b) of the Act. Therefore, in accordance with section 732 of the Act, we are initiating an antidumping duty investigation to determine whether imports of silicon metal from the PRC are being, or are likely to be, sold in the United States at less than fair value. We will also make a determination as to whether critical circumstances exist with respect to the subject merchandise. If our investigation proceeds normally, we will make our preliminary determination by January 31, 1991.

Scope of Investigation

The merchandise covered by this investigation is silicon metal containing at least 96.00 but less than 99.99 percent of silicon by weight. The subject merchandise is used primarily as an alloying agent for aluminum and in the chemical industry as a precursor to silicons. Silicon metal is currently provided for under subheadings 2804.69.10 and 2804.69.50 of the *Harmonized Tariff Schedule* (HTS) as a chemical product, but is commonly referred to as a metal. Semiconductor-grade silicon (silicon metal containing by weight not less than 99.99 percent of silicon and provided for in subheading 2804.61.00 of the HTS) is not subject to this investigation. The HTS item numbers are provided for convenience and U.S. Customs Service purposes. The written description remains dispositive.

ITC Notification

Section 732(d) of the Act requires us to notify the ITC of this action and to provide it with the information we used to arrive at this determination. We will notify the ITC and make available to it all non-privileged and non-proprietary information. We will allow the ITC access to all privileged and business proprietary information in the Department's files, provided the ITC confirms in writing that it will not disclose such information, either publicly or under administrative protective order, without the written consent of the Deputy Assistant Secretary for Investigations, Import Administration.

Preliminary Determination by ITC

The ITC will determine by October 9, 1990, whether there is a reasonable indication that imports of silicon metal from the PRC are materially injuring, or threaten material injury to, a U.S. industry. If its determination is negative, the investigation will be terminated; otherwise, the investigation will proceed according to sutatutory and regulatory time limits.

This notice is published pursuant to section 732(c)(2) of the Act.

Dated: September 13, 1990.

Marjorie A.Chorlins,

Acting Assistant Secretary for Import Administration.

[FR Doc. 90–22333 Filed 9–19–90; 8:45 am]

BILLING CODE 3510–DS–M

[A–307–701, C–307–702]

Certain Electrical Conductor Aluminum Redraw Rod From Venezuela; Court Decision and Suspension of Liquidation

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

ACTION: Notice.

SUMMARY: On August 22, 1990, the United States Court of International Trade ("CIT") determined that the petition antidumping and in the countervailing duty investigations of certain electrical conductor aluminum redraw rod from Venezuela was not supported by a majority of the domestic industry. The CIT therefore held that the investigations were a nullity and the resultant orders were vacated. *Suramerica de Aleaciones* versus *United States,* Court No. 88–09–00726, Slip Op. 90–79 (Aug. 22, 1990).

In accordance with the decision of the Court of Appeals for the Federal Circuit ("CAFC") in *Timken Company* versus *United States,* Court No. 89–1498 (January 4, 1990), Commerce will not order the liquidation of the subject merchandise prior to a conclusive decision in this lawsuit.

EFFECTIVE DATE: September 1, 1990.

FOR FURTHER INFORMATION CONTACT: Gayle Longest or Paul McGarr, Office of Countervailing Compliance, Import Administration, U.S. Department of Commerce, 14th Street and Constitution Ave. NW., Washington, DC 20230, telephone: (202) 377–2786.

SUPPLEMENTARY INFORMATION:

Background

On June 30, 1988, Commerce issued affirmative determinations in its antidumping and countervailing duty investigations of aluminum redraw rod from Venezuela. *Certain Electrical Conductor Aluminum Redraw Rod From Venezuela; Final Affirmative Antidumping Duty Determination,* 53 FR 24,755; *Final Affirmative Countervailing Duty Determination,* 53 FR 24,763. On August 22, 1988, Commerce published antidumping and countervailing duty orders on all entries of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after August 17, 1988, the date of the International Trade Commission's determination that a U.S. industry was threatened with material injury from imports of the subject merchandise.

Subsequent to Commerce's antidumping and countervailing duty orders, counsel for Venezuelan respondents filed a lawsuit challenging Commerce's determinations. On August 22, 1990, the CIT determined that the petition was not supported by the domestic industry. The CIT therefore held that the petition was improper and the ensuing investigations were a nullity. The resultant antidumping and countervailing duty orders were vacated.

Suspension of Liquidation

In its decision in *Timken Company* versus *United States,* Court No. 89–1489 (January 4, 1990), the CAFC held that Commerce must publish notice of a decision of the CIT or the CAFC which is not in harmony with Commerce's determination. Publication of this notice fulfills that obligation. The CAFC also held that in such a case, Commerce must suspend liquidation until there is a "conclusive" decision in the action. Therefore, Commerce must suspend liquidation pending the expiration of the period to appeal the CIT's August 22, 1990 decision vacating the antidumping and countervailing duty orders, or pending a final decision of the CAFC if that decision is appealed.

Because entries of the subject merchandise are currently being suspended pursuant to the antidumping and countervailing duty orders in effect,

Commerce need not order Customs to suspend liquidation. Commerce will not order the lifting of the suspension of liquidation before there is a conclusive court decision in this lawsuit.

Eric I. Garfinkel,

Assistant Secretary for Import Administration.

[FR Doc. 22329 Filed 9–19–90; 8:45 am]

BILLING CODE 3510–DS–M

[A–357–804]

Initiation of Antidumping Duty Investigation: Silicon Metal From Argentina

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

ACTION: Notice.

SUMMARY: On the basis of a petition filed in proper form with the U.S. Department of Commerce (the Department), we are initiating an antidumping duty investigation to determine whether imports of silicon metal from Argentina are being, or are likely to be, sold in the United States at less than fair value. We are notifying the U.S. International Trade Commission (ITC) of this action so that it may determine whether imports of silicon metal from Argentina are materially injuring, or threaten material injury to, a U.S. industry. If this investigation proceeds normally, the ITC will make its preliminary determination on or before October 9, 1990. If that determination is affirmative, we will make our preliminary determination on or before January 31, 1991.

EFFECTIVE DATES: September 20, 1990.

FOR FURTHER INFORMATION CONTACT: Kate Johnson or John Beck, Office of Antidumping Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone (202) 377–8830 or (202) 377–3464, respectively.

SUPPLEMENTARY INFORMATION:

The Petition

On August 24, 1990, we received a petition filed in proper form by American Alloys, Inc., Globe Metallurgical, Inc., Silicon Metaltech Inc., SiMETCO, Inc., Elkem Metals Company, and SKW Alloys, Inc., on behalf of the U.S. industry producing silicon metal. In compliance with the filing requirements of § 353.12 of the Department's regulations (19 CFR 353.12 (1990)), petitioners allege that imports of silicon metal from Argentina are being, or are likely to be, sold in the United States at less than fair value within the meaning of section 731 of the Tariff Act of 1930, as amended (the Act), and that these imports are materially injuring, or threaten material injury to, a U.S. industry.

Petitioners have stated that they have standing to file the petition because they are an interested party, as defined under section 771(9)(C) of the Act, and because they have filed the petition on behalf of the U.S. industry producing the product that is subject to this investigation. If any interested party, as described under paragraphs (C), (D), (E), or (F) of section 771(9) of the Act, wishes to register support for, or opposition to, this petition, please file written notification with the Assistant Secretary for Import Administration.

Under the Department's regulations, any producer or reseller seeking exclusion from a potential antidumping duty order must submit its request for exclusion within 30 days of the date of the publication of this notice. The procedures and requirements regarding the filing of such requests are contained in § 353.14 of the Department's regulations.

United States Price and Foreign Market Value

Petitioners' estimate of United States price is based on the monthly weighted-average unit Customs value of silicon metal. To calculate an F.O.B. price, petitioners deducted estimated foreign inland freight. Petitioners also calculated United States price based on reported selling prices to consumers in the United States, with appropriate deductions to net back to an F.O.B. foreign factory value. Deductions were made, where appropriate, for movement charges, U.S. Customs duties, and warehousing in the United States.

To calculate foreign market value, petitioners obtained three prices for silicon metal offered for sale by an exclusive distributor in Argentina. We made adjustments for differences in circumstances of sale, where appropriate, for differences in credit expenses and commissions, in accordance with § 353.56 of the Department's regulations.

Based on a comparison of United States price and foreign market value, we calculated dumping margins ranging from 49.35 percent to 113.27 percent.

Petitioners have alleged that "critical circumstances" exist, within the meaning of section 733(e) of the Act, with respect to imports of silicon metal from Argentina. We have determined, however, that petitioners have not submitted reasonably available factual information supporting the allegation, as required by § 353.16 of the Department's regulations. Official import statistics indicate that imports from Argentina have actually decreased. As such, we are not initiating a critical circumstances investigation against silicon metal from Argentina.

Initiation of Investigation

Under section 732(c) of the Act, the Department must determine, within 20 days after a petition is filed, whether the petition sets forth the allegations necessary for the initiation of an antidumping duty investigation, and whether the petition contains information reasonably available to the petitioner supporting the allegations.

We have examined the petition on silicon metal from Argentina and found that the petition meets the requirements of section 732(b) of the Act. Therefore, in accordance with section 732 of the Act, we are initiating an antidumping duty investigation to determine whether imports of silicon metal from Argentina are being, or are likely to be, sold in the United States at less than fair value. If our investigation proceeds normally, we will make our preliminary determination by January 31, 1991.

Scope of Investigation

The merchandise covered by this investigation is silicon metal containing at least 96.00 but less than 99.99 percent of silicon by weight. The subject merchandise is used primarily as an alloying agent for aluminum and in the chemical industry as a precursor to silicons. Silicon metal is currently provided for under subheadings 2804.69.10 and 2804.69.50 of the *Harmonized Tariff Schedule* (HTS) as a chemical product, but is commonly referred to as a metal. Semiconductor-grade silicon (silicon metal containing by weight not less than 99.99 percent of silicon and provided for in subheading 2804.61.00 of the HTS) is not subject to this investigation. The HTS item numbers are provided for convenience and U.S. Customs Service purposes. The written description remains dispositive.

ITC Notification

Section 732(d) of the Act requires us to notify the ITC of this action and to provide it with the information we used to arrive at this determination. We will notify the ITC and make available to it all non-privileged and non-proprietary information. We will allow the ITC access to all privileged and business proprietry information in the Department's files, provided the ITC confirms in writing that it will not

disclose such information, either publicly or under administrative protective order, without the written consent of the Deputy Assistant Secretary for Investigations, Import Administration.

Preliminary Determination by ITC

The ITC will determine by October 9, 1990, whether there is a reasonable indication that imports of silicon metal from Argentina are materially injuring, or threaten material injury to, a U.S. industry. If its determination is negative, the investigation will be terminated; otherwise, the investigation will proceed according to statutory and regulatory time limits.

This notice is published pursuant to section 732(c)(2) of the Act.

Dated: September 13, 1990.

Marjorie A. Chorlins,

Acting Assistant Secretary for Import Administration.

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BILLING CODE 3510-DS-M

[A-588-054]

Tapered Roller Bearings Four Inches or Less in Outside Diameter and Certain Components Thereof From Japan; Final Results of Antidumping Duty Administrative Review

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

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

SUMMARY: On August 16, 1989, the Department of Commerce published the preliminary results of its administrative review of the antidumping finding on tapered roller bearings four inches or less in outside diameter and certain components thereof from Japan. The review covers six manufacturers/exporters of this merchandise to the United States and the period August 1 1986 through July 31, 1987.

We gave interested parties an opportunity to comment on our preliminary results. Based on our analysis of the comments received we have changed the margins for some companies.

EFFECTIVE DATES: September 20, 1990.

FOR FURTHER INFORMATION CONTACT: Maura Kim or Laurie A. Lucksinger, Office of Antidumpting Compliance, International Trade Administration, U.S. Department of Commerce, Washington, DC 20230, telephone: (202) 377-5253.

SUPPLEMENTARY INFORMATION:

Background.

On August 16, 1989, the Department of Commerce (the Department) published in the **Federal Register** (55 FR 1071) the preliminary results of its administrative review of the antidumping finding on tapered roller bearings four inches or less in outside diameter and certain components thereof from Japan (54 FR 33749, August 16, 1989). The Department has not completed that administrative review in accordance with section 751 of the Tariff Act of 1930 (the Tariff Act).

Scope of the Review

Imports covered by the review are shipments of tapered roller bearings (TRBs) four inches or less in outside diameter when assembled, including inner race or cone assemblies and outer race or cups, sold either as a unit or separately. During the review period such merchandise was classifiable under item numbers 680.3932, 680.3934, and 680.3938 of the Tariff Schedules of the United States Annotated (TSUSA). This merchandise is currently classifiable under Harmonized Tariff Schedule (HTS) items 8482.20.00 and 8482.99.30. The TSUSA and HTS item numbers are provided for convenience and Customs purposes. The written description remains dispositive.

The review covers six mnufacturers/exporters of TRBs, Koyo Seiko, Toyota, Nippon Seiko (NSK), Isuzu Motors, Nissan Motors Company, and Nachi-Fujikoshi, and the period August 1, 1986 through July 31, 1987.

Analysis of Comments Received

We gave interested parties an opportunity to comment on the preliminary results. At the request of the petitioner and one respondent, we held a hearing on November 17, 1989. We received case and rebuttal briefs from petitioner, Koyo, NSK, Nissan, and Isuzu.

Comments by The Timken Company

Comment 1: Timken argues that the model match methodology used in this proceeding is inconsistent with the methodology the Department used in the final determination of sales at less than fair value on *Tapered Roller Bearings Over Four Inches from Japan* (52 FR 30700, August 17, 1987) (the 1987 LTFV determination). In the 1987 LTFV determination, the Department compared the difference between individual criteria of U.S. and home market models.

In this proceeding, the Department used the sum of the deviations methodology, in which the Department measured the sum of the values of the criteria. Timken also argues that the Department did not apply a ten percent limit on the deviation for any single criterion as in the 1987 LTFV determination. Timken asserts that the Department assured it in 1987 that the full 1987 LTFV methodology would apply to reviews of the 1976 finding.

Timken further argues that, since the Department has already determined that home market comparison merchandise is of aproximately equal commercial value according to section 771(16) of the Tariff Act, limiting the difference in physical characteristics by applying a twenty percent cost test is unnecessary. Timken asserts that, because commercial value is a function of the five physical dimensions used to determine similarity, the Department's test for cost differences is redundant. In addition, Timken argues that the "caps" in the model program are superfluous and should be eliminated.

Department's Position: In the 1987 LTFV determination, the Department used five criteria to match models and applied the "greatest single deviation" methodology, which included a ten percent limit on deviation, in its analysis. In this review of the 1976 finding, we did adopt the five criteria. We informed Timken of our decision to use the five criteria, but we made no commitment on the methodology we would apply.

We integrated the five criteria into the "sum of deviations" methodology, which arose in decisions by the Court of International Trade (the Court) on litigation of final results for other parties under this 1976 finding (*Timken* v. *United States,* Slip. Op 84-63 (7 CIT 319) (June 5, 1984) (*Timken*), (*Timken* v. *United States,* 630 F. Supp. 1327 (CIT 1986) (*Timken I*—, and *Timken* v. *United States,* 673 F. Supp. 495 (CIT 1987) (*Timken II*)).

We did not apply the "greatest single deviation" methodology of the 1987 LTFV determination, with its ten percent deviation cap, because we had begun to collect data for use with the "sum of the deviations" methodology. Moreover, Timken has not provided persuasive reasons for changing the methodology at this late stage of the proceeding.

We added a twenty percent cost cap in order to ensure that the home market model chosen is of approximately equal commercial value with the U.S. model. While the five criteria of the U.S. model and the comparison home market model should not be greatly different, the cap merely sets an outside limit on cast differences and provides an additional check on the selection of comparison merchandise.

Comment 2: Timken argues that the Department should compare sales of U.S. cups and cones to home market cups and cones sold individually. Only if no such matches exist should the Department match U.S. sales to home market cups and cones resulting from set splitting.

Department's Position: A TRB set is comprised of a cup and cone. We split home market sets into component parts in order to find such or similar matches with cups and cones sold in the United States. To split sets, we require information identifying the cost ratio between the cost of production of the individual cup (or cone), when produced separately, and the sum of the costs of production of the cup and cone when produced separately.

It has been our consistent practice to create the largest possible FMV pool of comparable merchandise by splitting home market sets into component cups and cones and adding them to the home market sales dataset of individually-sold cups and cones before making sales comparisons with U.S. sales (*Final Results of Antidumping Administrative Review, Tapered Roller Bearings Four Inches or Less in Outside Diameter and Certain Components Thereof*, 55 FR 22389, June 1, 1990). Therefore, our results reflect the underlying principle of set splitting, which is that parts with identical nomenclature that are sold differently (*i.e.*, as an individual cup or cone, rather than as part of a set) are identical to parts sold as a set.

Comment 3: Timken argues that for model matching purposes the Department should not have limited home market sales to TRBs with an outside diameter of four inches or less. Timken further argues that the Department should use sales information for TRBs over four inches in size, to the extent that any respondent provided it.

Department's Position: The scope of the antidumping finding covers TRBs four inches or less in outside diameter. We limited our request for home market sales information to products covered by the scope of the finding. While a bearing with an outside diameter of, for example, 4.01 inches may be comparable to a bearing sold in the U.S., we based our selection of similar home market models on information respondents provided during the review, rather than expand the request for data at this late stage of the proceeding. However, to the extent such information was submitted, we incorporated it into our analysis.

Comment 4: Timken contends that the Department has not enforced the antidumping finding vigilantly. Timken also contends that the Department has provided inaccurate information in the past regarding volume and value of imports into the United States. Petitioner requests that the Department determine the volume of imports that remain unliquidated, although they should have been liquidated, and the number of imports that have been improperly liquidated. Timken further argues that if the Department finds improperly liquidated entries, it must return them to an unliquidated status.

Department's Position: We are not aware of improperly liquidated entries for this review period. We continue to instruct Customs on proper implementation of our instructions to suspend liquidation on entries of TRBs and collect a cash deposit, as appropriate.

Comment 5: Timken argues that its counsel should be permitted additional time to submit its analysis of exhibits which Koyo presented to the Department at verification.

Department's Position: The Department does not normally accept unsolicited comments from parties after the due date of the case briefs. In this case, while we acknowledge that some verification exhibits were released late in the proceeding, petitioner has not attempted to offer any further comment on those exhibits.

Comment 6: Timken argues that, when foreign market value is based on constructed value, the Department should not adjust for differences in circumstances of sale (defined by section 773(a)(4) of the Tariff Act). Additionally, Timken argues that the Department should not apply 19 CFR 353.56(b)(2) in the analysis of exporter's sales price (ESP) sales in the United States. Timken argues that the Department does not have the authority to commingle two independent statutory provisions, section 773(a)(4)(b) of the Tariff Act, which addresses differences in circumstances of sale, and section 773(e) of the Tariff Act, which addresses constructed value.

Department's Position: Consistent with our interpretation of section 773(e) of the Tariff Act, we have used home market general, selling, and administrative expenses (GS&A) to calculate the constructed value of the merchandise. Therefore, an adjustment to constructed value for selling expenses is appropriate. The Department is required by section 772(e) of the Tariff Act and 19 CFR 353.41 to reduce the ESP by the amount of the selling expenses incurred for the account of the exporter in the United States. This adjustment is not limited to cases in which home market or third country sales prices form the basis of FMV. Section 773(a)(4) of the Tariff Act states that an adjustment shall be made to FMV for any differences in circumstances of sale and does not distinguish among the three possible bases for FMV—home market sales, third country sales, or constructed value. This interpretation has been reflected in prior proceedings: *Tapered Roller Bearing from Japan* (52 FR 30700, August 17, 1987), *Cellular Mobile Telephones and Subassemblies from Japan* (50 FR 45447, October 31, 1985), and *Spun Acrylic Yarn from Italy* (50 FR 35849, September 4, 1985). It was also upheld by the Court in *Timken II.*

Comment 7: Timken argues that the Department should deduct from ESP the profits earned by U.S. subsidiaries. The 1979 International Antidumping Code, which the 1979 Trade Agreements Act (the 1979 Act) implementing into law, requires a deduction of reasonable profit earned by the U.S. subsidiary.

Department's Position: As we stated in the 1987 LTFV determination, the only provision in the U.S. law under which the Department could deduct profit is in reference to "commission". In *Timken I*, the Court rejected Timken's argument that the word "commission" in section 204 of the 1921 Trade and Tariff Act includes profits. Furthermore, the Court noted that the relevant language of the 1967 International Antidumping Code, which is the same as the 1979 Code, "was never perceived as the equivalent of section 204 of the 1921 Act but, to the contrary, was regarded as 'consistent' with that section only because the (1967) Code provision was not viewed as mandatory." The legislative history of the 1979 Act does not indicate that Congress intended to alter the meaning of the term "commissions" when it enacted section 772(e)(1) of the Tariff Act. In addition, reducing U.S. price without a corresponding adjustment to foreign market value would lead to unfair comparisons.

Comment 8: Timken argues that, because the Department allowed Koyo to report only home market sales to related purchasers for certain home market sales, the sales listings that Koyo submitted for this proceeding are incomplete and inaccurate. Timken argues that, before allowing them to be included in the sales listings, the Department must be satisfied that Koyo's sales to related parties in the home market were at arms length. Additionally, Timken argues that the Department should reject Koyo's home market sales listing because Koyo corrected prices and adjustments during verification.

Timken also requests that the Department check whether part

numbers with packing codes affected the model comparisons. Timken argues that an inconsistency between the U.S. model names and the home market model names could prevent the Department from making comparisons between identical merchandise.

Department's Position: We compared Koyo's home market prices to unrelated parties and related parties and found that prices to its related customers were higher. Therefore, we considered sales to related customers to be at arms length according to 19 CFR 353.45. The Department reviewed the corrected prices during verification and concluded that Koyo adequately supported the corrections, which were relatively minor. We have checked the part numbers in the home market and U.S. sales listings and are satisfied that packing codes do not interfere with matching U.S. models with home market models.

Comment 9: Timken argues that the Department should not have shortened home market part numbers in its model match analysis. Timken asserts that, as a result of this error, the Department may not have selected the most similar home market model to compare to a U.S. model. Moreover, Timken points out that shortening part numbers caused errors in merging the cost data with home market sales and the home market sales with set splitting information.

Department's Position: We agree and have corrected our model match analysis for the final results.

Comment 10: Timken notes that the Department could not split Koyo's home market sets which lacked variable cost data. Timken asserts that the Department should apply best information otherwise available to those sets to split them. In addition, Timken argues that the Department should not disregard those home market sets in the comparison of U.S. sets.

Department's Position: The preliminary results did not reflect our intent to include all home market sets in set splitting. For the final results, we have corrected this error. We have reviewed our calculations and have applied best information otherwise available to home market sets lacking cost ratio data. We determined the average cup and cone cost ratios from Koyo's data and split the sets using those averages. In addition, we have included all sets, with or without cost ratio data, in our pool of home market sets to compare to U.S. sets.

Comment 11: Timken asserts that Koyo incorrectly calculated its home market inland freight adjustment. Timken argues that, since Koyo reported the expense on the basis of sales value, rather than weight, the Department must reject Koyo's home market freight expense, because it does not reflect the actual costs incurred.

Department's Position: We disagree. At verification, we confirmed the accuracy of Koyo's home market inland freight expense claim. In addition, Koyo's records clearly supported its assertion that it does not incur its inland freight expense on the basis of weight shipped.

Comment 12: Timken argues that the Department should deny Koyo's adjustment for home market discounts, because Koyo could not tie its claim to payment documents at verification. Timken also contends that the discount adjustment should not be granted because Koyo did not prove that discounts were directly related to the products under review.

Department's Position: At verification we discovered that Koyo's claim for discounts actually was based on the total rebates it had paid. However, Koyo could not support its claimed figure for the total rebates. Therefore, we have not adjusted FMV for home market discounts or rebates in the final results.

Comment 13: Timken contends that, because Koyo was unable to either accurately allocate its home market packing expenses or report the expense it incurred at one of its plants, the Department should reject its claim and make no adjustment for home market packing.

Department's Position: We found a discrepancy at verification in the amount Koyo reported for one of the packing materials. However, Koyo recalculated its packing expense during verification and provided documents supporting the recalculation. Since Koyo was unable to identify at which plant each bearing was produced, as best information otherwise available, we used the packing rates which Koyo reported for one plant for all home market packing expenses.

Comment 14: Timken argues that the Department should recalculate Koyo's home market short-term interest expense using the outstanding promissory notes rate, instead of the home market short-term loans rate. Timken bases its argument on the assumption that Koyo incurred a credit expense on outstanding promissory notes at a lower rate than the rate for short-term loans in Japan.

Department's Position: We disagree. Contrary to petitioner's assertion, we found no evidence that Koyo incurred credit expense by discounting promissory notes during the review period.

Comment 15: Timken alleges that Koyo allocated advertising expenses it incurred in other markets to home market sales. Timken argues that, since Koyo did not demonstrate that home market advertising expense was limited to home market sales, the Department must reject Koyo's claim for an adjustment to FMV for its home market advertising expense.

Department's Position: Koyo could not provide documents at verification to support that it actually incurred the amount it claimed for home market advertising. Therefore, we have rejected Koyo's claim for home market advertising expense in the final results.

Comment 16: Timken contends that the Department should not make either a direct or indirect adjustment to FMV for technical services expense, because Koyo neither limited the claimed amount to products covered by the scope of the finding, nor tied the amont directly to sales.

Department's Position: Koyo allocated its total technical services expense to its sales of the merchandise within the scope of the finding by deriving a ratio between total technical service expense and total home market sales. Koyo then applied to the value of merchandise within the scope of the finding. At verification we examined documents which, in fact, supported the figures underlying Koyo's allocation.

Koyo could not tie this expense directly to its home market sales during the review period, and, therefore, the Department did not treat this as a direct expense. We did, however, treat it as an indirect expense, because Koyo had demonstrated that it had incurred an expense for technical services.

Comment 17: Timken argues that the Department should adjust its deduction of home market selling expenses from FMV in its analysis of Koyo. Timken maintains that Koyo would have incurred expenses in Japan on its sales of export merchandise, expenses which Koyo may have included in its home market expense claim, yet the Department did not make any adjustment to U.S. price to account for those expenses.

Department's Position: We disagree. We verified Koyo's claim and did not find that Koyo improperly allocated its home market expenses. Therefore, we have not changed our calculations from the preliminary results of review.

Comment 18: Timken argues that Koyo reported incorrect sale dates for its U.S. sales. Timken argues that, because the terms of sale were not fixed until the invoice date, Koyo's use of the purchase order date as the sale date is

inaccurate and that the Department should reject Koyo's response.

Department's Position: In our analysis of Koyo's U.S. sales we used the invoice date as the date of sale because we determined that all terms were not final until that date.

Comment 19: Timken argues that Koyo's reported U.S. credit expense was unsupported at verification, because Koyo was unable to show how it derived the average months outstanding for accounts receivable in the United States. Timken argues that the Department should apply the longest payment terms for any U.S. sale to all U.S. sales as best information otherwise available.

Department's Position: Koyo did not report the payment date for U.S. sales, so, therefore, we were unable to calculate an actual credit figure for each U.S. sale. Since the number of days Koyo reported as average months outstanding for accounts receivable was longer than any of the payment times which we verified, we applied the figure Koyo reported in its response as best information otherwise available in the final results.

Comment 20: Timken argues that, because Koyo did not demonstrate its claim that its U.S. advertising expenses were indirect in nature, the Department should treat advertising as a direct selling expense for the final results of review.

Department's Position: Koyo reported U.S. advertising expenses as indirect, because it claimed that the expenses were not specifically related to the products covered by the review. Koyo provided a few samples of its U.S. advertising at our verification which demonstrated that its U.S. advertising expense was not product specific. Therefore, we had deducted the U.S. advertising expense from ESP as an indirect selling expense.

Comment 21: Timken contends that Koyo's U.S. technical services expense was probably understated, and, therefore, the Department should take a proportional amount from Koyo's corporate-wide technical service expense and allocate it to U.S. sales as a U.S. selling expense. Timken also argues that Koyo was unable to demonstrate that its U.S. technical services expense was an indirect selling expense.

Department's Position: We verified the amounts paid for U.S. technical services expense in American Koyo Corporation's (AKC) expense records. We also traced a line item from its corporate expense summary to payment records. Koyo allocated U.S. technical services expense to its U.S. sales by applying the ratio of total U.S. technical services expense to total U.S. sales value. Koyo did not tie each technical services expense to the specific sale involved. Therefore, we treated it as an indirect selling expense.

Comment 22: Timken notes that at verification the Department found substantial problems with Koyo's cost of production (COP) data. Specifically, Timken argues that the Department could not verify Koyo's cost of materials, subcontracting costs, labor costs, factory overhead, and GS&A. In addition, Koyo should have indicated the plant where it produced each bearing. Therefore, the Department should reject Koyo's response and apply the best information otherwise available.

Department's Position: At verification, we verified Koyo's total material costs for a six month period. Koyo adjusted its material costs by a variance based on actual costs and quantities produced during the same six month period. Koyo's basic material costs were based on the cost experience of the previous six months.

We also verified Koyo's subcontracting expense, labor, factory overhead, and GS&A expenses. Koyo calculated a variance for direct labor and direct factory overhead. Koyo combined this direct labor and direct factory overhead variance into one variance. We confirmed that Koyo doubled the basic labor costs for three months of the review period in order to calculate wage per processing cost center for a six month period. In addition, we verified that Koyo's cost variances reflected the experience at both plants which produce TRBs within the scope of the finding.

Although we discovered minor errors in Koyo's COP response at verification, in general, Koyo sufficiently supported its methodology of reporting costs. Therefore, we do not believe that the response warrants rejection and the application of best information otherwise available to the entire period of review.

Comment 23: Timken argues that the Department should not have relied on engineering drawings to verify Koyo's material costs and standard cycle times.

Department's Position: Koyo's engineering drawings identify the material input requirements for a particular model, not material costs. We verified that Koyo's reported material costs were reflected in Koyo's records.

Comment 24: Timken argues that the Department should have verified the reasonableness of prices charged by related and unrelated party subcontractors which performed processing of TRB components.

Department's Position: In its cost of production response and supplemental response, Koyo claimed that processing costs charged by related party subcontractors were at arms length. We have accepted Koyo's explanation.

Comment 25: Timken argues that the Department should reject Koyo's COP response, because the Department's verification report stated that Koyo's actual processing time could vary from the basic processing time by more than 20 percent. However, yet Koyo did not provide any supporting documentation.

Department's Position: Koyo used basic processing time to calculate labor cost per hour, basing the figure on its actual experience of the prior six months. At verification Koyo demonstrated that its basic processing times reflected actual processing time after application of the variance. Therefore, we are satisfied that Koyo's COP response reflected its actual cost of production.

Comment 26: Timken argues that, because Koyo allocated its benefits on figures from outside the review period, the Department should reject Koyo's COP response and rely on the best information available for Koyo's labor cost.

Department's Position: As a result of verification, we are satisfied that Koyo's methodology represents the experience of the review period. Therefore, we have used Koyo's costs in our analysis.

Comment 27: Timken argues that Koyo should not have used corporate-wide GS&A in its response, particularly since the TRBs under review were produced in only two of Koyo's factories.

Department's Position: See our response to comment 22.

Comment 28: Timken argues that Koyo did not provide costs for waste recovery or waste transportation in its total COP response.

Department's Position: Koyo included the costs of waste recovery and waste transportation in its material costs.

Comment 29: Timken argues that Koyo did not demonstrate a direct relationship between interest income and manufacturing costs of products within the scope of the finding.

Department's Position: The interest income in question was interest earned on compensatory balances. For interest income, as opposed to investment income, the Department does not require that such interest be directly related to the product subject to review, but only to the ordinary operations of the firm.

Comment 30: Due to a programming error, Timken argues that the

Department did not exclude Koyo's below cost sales in the home market.

Department's Position: We have corrected the programming error to ensure that we properly excluded sales below cost in the home market for the final results.

Comment 31: Timken argues that the Department's practice requires that direct or variable factory overhead be included in the adjustment for differences in merchandise. In addition, Timken challenges whether the difference in merchandise adjustment for Koyo is correct, since all but one of the similar models selected for comparison purposes failed the 20 percent cost difference test.

Department's Position: The preliminary results did not reflect our intent to include variable factory overhead in cost of manufacture. We have corrected the calculation of the difference in merchandise adjustment for the final results. We have reviewed the results and note that more of Koyo's home market sales passed the 20 percent test.

Comment 32: Timken argues that NSK should have reported home market prices to the first unrelated party. Timken argues that NSK did not demonstrate that sales to related parties were at prices comparable to those NSK charged to unrelated parties. Therefore, Timken contends that the Department should exclude all of NSK's sales to its related home market customers.

Department's Position: We requested information on NSK's sales to the first unrelated customers in the home market. Pursuant to 19 CFR 353.45(a), we include home market sales to related customers in our analysis only if we are satisfied they were made at arms-length prices. NSK claimed that prices to its related home market customers were at arms-length. Our analysis of NSK's home market sales data revealed that prices to related customers were arms length, since they were higher than prices to unrelated customers. Therefore, we included NSK's sales to related parties in our pool of home market sales.

Comment 33: Timken contends that the Department did not include in its analysis of NSK home market cups and cones resulting from set splitting in the pool of home market sales which were compared to U.S. sales.

Department's Position: The preliminary results did not reflect our intention to add the parts resulting from splitting home market sets to the home market sales dataset before making sales comparisons between the U.S. and home market models. We have corrected our analysis for the final results so that the home market sales dataset includes the results of set splitting.

Comment 34: Timken contends that NSK may have included impermissible items such as returned merchandise in its home market freight expense. Timken argues that freight expense to NSK's distribution center should not have been included in NSK's home market freight adjustment because it was a pre-sale expense (see *Final Determination of Sales at Less than Fair Value, Antifriction Bearings from Japan* (54 FR 18992, May 3, 1989), where NSK included freight expense for returned merchandise in its home market inland freight expense claim). Timken further argues that the Department should determine whether NSK has overstated its home market inland freight costs.

Department's Position: At verification we did not find evidence that NSK included freight expenses either for returned merchandise or for shipment from the factory to its distribution centers.

Comment 35: Timken argues that the Department should not allow NSK to include credit costs incurred on compensating balances in NSK's home market credit adjustment. Timken argues that NSK's claim that compensating balances are mandatory in Japan are unsubstantiated. In addition, Timken notes that NSK could not demonstrate that any of its bank deposits were tied directly to loan requirements at verification. Timken further argues that the Department should recalculate NSK's home market credit expense on the basis of nominal interest rates in the home market, without regard to alleged compensating balances.

Department's Position: We examined and reviewed NSK's documents at verification. NSK supported the figures in its home market interest expense worksheets. As we have made this adjustment in the past, we based our calculations on the borrowing experience of the respondent and the interest rate actually paid (see the 1987 LTFV determination).

Comment 36: Timken contends that NSK's home market technical services claim was not only for technical services expense incurred on home market sales, but included expenses for the company as a whole.

Department's Position: We disagree. NSK allocated total technical services expense to its home market sales by multiplying total technical services expense by the ratio of total home market technical services expense to total home market sales value. Since NSK did not tie the expense directly to the sales during the period of review, we treated it as an indirect expense.

Comment 37: Timken argues that during verification NSK failed to demonstrate its home market advertising expense was related to home market sales. Additionally, Timken notes that NSK did not prove that its home market advertising expense was directed at NSK's customers' customers. Timken argues that the Department should not grant an adjustment for home market advertising expense, either as a direct or indirect selling expense.

Department's Position: We confirmed the accuracy of the figures at verification. Because NSK supported its figures and the allocation of advertising to sales value is reasonable, we have accepted the figures. However, NSK did not demonstrate that it incurred this expense on advertising for its customers' customers. Consistent with longstanding practice, we treated it as an indirect selling expense.

Comment 38: Timken argues that, since the Department found errors during verification of NSK's reporting of rebates and discounts on U.S. sales, the Department should reject NSK's sales response or assign the highest rebate identified to every U.S. sale subject to the review.

Department's Position: Contrary to the instructions in our questionnaire, NSK reported U.S. prices net of rebates and discounts. We received information from NSK regarding the rebates during the first half of the review, but we did not receive information on its rebates during the second half of the review.

At verification, we found clerical errors in NSK's rebate calculations for several U.S. customers, which NSK was able to correct and support while we were conducting the verification.

After verification NSK submitted rebate percentages for the second half of the review period. For the preliminary results we adjusted the U.S. price for the corrected rebate amounts. However, because NSK's submission of rebate information for the second half of the review period was untimely, we used rebates from the first half of the review period as the best information otherwise available for the second half of the review period.

Comment 39: Timken argues that the Department should disregard all home market sales made between May and August 1987 as below cost, since NSK did not provide cost data for May through August 1987.

Department's Position: NSK reported its costs based on its fiscal year (April 1986 through March 1987) instead of the

review period. We decided to use this information as best information otherwise available. Given our knowledge of the TRB industry, we have no reason to believe that annualized costs which did not include the exact months of the review would significantly affect the average costs.

Comment 40: Timken argues that NSK underreported the cost of production on part numbers by reporting the production costs of only part numbers produced in the highest volume within a product family. Timken argues that the Department verified only the method used to report the materials cost, and not their accuracy. Timken further asserts that the Department was unable to verify whether NSK's selection of materials prices was based on "the grestest number of bearings produced in a single transaction during the year." Timken argues that due to NSK's selective reporting of material costs, many below cost sales may have been included in the Department's analysis.

Department's Position: Within each product family, NSK submitted costs for the part sold in the greatest quantity, rather than produced in the greatest quantity. We verified NSK's product costs for all models, as well as its cost accounting system. We are satisfied that NSK captured its costs and allocated the costs appropriately. Therefore, Timken's argument that below cost sales were included in the home market dataset is unsubstantiated.

Comment 41: Timken argues that, because NSK failed to demonstrate that it was likely to recover costs on items sold at less than the cost of production, the Department should consider all of NSK's sales to have been made below the cost of production. In addition, the Department gave NSK an opportunity to explain how it would have recovered its costs of selling below cost, yet respondent did not provide data to support its contention that it would have recovered its costs within a reasonable period of time.

Department's Position: We agree with petitioner that NSK did not demonstrate that it would recover the costs of selling TRBs below cost within a reasonable period of time. NSK did not provide a rationale for why it sold these TRBs below cost or why the costs should be allocated to different periods. In addition, we requested information on how NSK would recover the specific costs in the future. NSK was not able to provide such information demonstrating recovery of costs. Therefore, we determined that NSK's sales below cost were at prices which could not recover costs within a reasonable period of time.

Comments by Koyo Seiko

Comment 42: Koyo argues that we should terminate the 1986–87 review. It asserts that the Department was able to initiate this proceeding only because the Department acted in an improper fashion in conducting its review of the 1974–79 period. Koyo believes that the margins for those years should have been zero. Had the Department completed its earlier review, the finding would have been revoked with respect to Koyo, and its shipments during the 1986–87 period would not have been subject to review. If the present review is not terminated, it should be discontinued until the disposition of the 1974–79 review is resolved.

Department's Position: Koyo is raising issues which are relevant to a different proceeding and we have addressed those issues in our final results of review for the 1974–79 period, published June 1, 1990 in the **Federal Register**. The issues in those final results are not pertinent to this proceeding. Koyo will have an opportunity for judicial review of that proceeding. Based on our final results of review for the 1974–79 period, the Department is required to proceed with subsequent administrative reviews.

Comment 43: Koyo argues that, by deleting the last two digits from the nomenclatures of parts (cups and cones), the Department made incorrect merchandise comparisons. In addition, Koyo argues that the Department inconsistently shortened set and part names throughout its analysis. Koyo argues that this caused the Department to merge home market sales with cost data without regard to part type.

Department's Position: We agree. See our response to comment 9.

Comment 44: Koyo asserts that the Department's analysis applied erroneous price and cost values for any home market sets for which there was no set-splitting information. Koyo argues that these sets should simply not be split.

Department's Position: For the preliminary results of review, we inadvertently derived incorrect nomenclature, price, and cost data on home market sets for which Koyo had not provided splitting information. Consequently, we should have applied the best information otherwise available to these sets for set splitting purposes. Because the home market sets constitute such or similar merchandise, there is no basis for excluding them from the home market dataset or from our sales comparisons. Failure to use best information otherwise available where a response is incomplete may encourage inadequate responses in the future.

In order to obtain cup and cone FMVs in set splitting we require cup and cone names, part identifiers, and set splitting ratios. Since Koyo did not provide this information for many home market models, which affected many home market sales, we split the sets where we had information to identify the cups and cones of the sets. Then we calculated and applied the average cup and cone ratios from Koyo's information to the sets for which we lacked ratios as best information otherwise available.

Comment 45: Koyo requests that the Department correct the set splitting ratios, because they were overstated due to a clerical error in Koyo's response.

Department's Position: We have made the correction for the final results.

Comment 46: Koyo argues that the Department erred in its model match methodology by not attempting to match the U.S. model with the remaining similar models, once a home market comparison model failed the 20 percent test on cost difference. Koyo asserts that any one of the remaining similar models might have passed the 20 percent cost difference test. Therefore, Koyo argues that bypassing the other similar models and calculating FMV based on constructed value was unreasonable and not in keeping with practice and statutory preference for using actual home market prices rather than constructed value in determining FMV.

Department's Position: Our model match methodology is based on comparing the five physical dimensions of the U.S. model and home market model. When the cost of a home market comparison model differed from that of the U.S. model by more than 20 percent, we considered the costs to be too dissimilar for purposes of our analysis. In these instances, we used constructed value as the basis for FMV.

Although we have established a 20 percent limit on cost differences, cost itself is not a criterion for comparing merchandise. Respondent's proposal that we search for another home market similar comparison model if one home market similar comparison model fails the 20 percent cost difference test would make cost an additional criterion in the determination of similar merchandise. We cannot rely on cost to identify physically similar merchandise. Rather, we use the 20 percent cost test as a check on comparable merchandise. See also the discussion of 20 percent cost difference cap in our response to comment 1.

Comment 47: Koyo argues that the Department failed to make comparisons of sales in the U.S. and home markets at

the same levels of trade before making those comparisons at different levels of trade. Koyo also notes that the Department failed to make a level of trade adjustment to price for comparisons made at different levels of trade. Koyo contends that the adjustment should be based on an average of the variance between prices at different levels of trade for given models.

Department's Position: On the basis of data that Koyo submitted to support its claim that two levels of trade existed in the home and U.S. markets, we have changed our analysis to compare sales at the same levels of trade. For these final results, we have compared contemporaneous sales of U.S. models to sales of identical home market models, first at the same level of trade, and then at the other level of trade. If no identical home market sale of occurred, we searched the same level of trade for sales of the next similar model before searching the other level.

Koyo has attempted to correlate an adjustment to variances in prices at different levels of trade. However, the data Koyo presented were based on average prices which, in general, we could not tie to average prices we calculated from Koyo's response. Therefore, we were not satisified that the information accurately reflected the difference, and we did not grant the adjustment.

Comment 48: Koyo opposes the Department's practice of deducting U.S. direct selling expenses from ESP rather than adding them to FMV. Koyo argues that the Court concluded in *Timken II* that direct selling expenses should be added to FMV according to section 773(a)(4) of the Tariff Act.

Department's Position: We respectfully disagreed with the Court's position on this issue in the *Final Results of Redetermination Pursuant to Court Remand* (March 22, 1990). The Court held that the Department could not deduct direct expenses from ESP under section 772 of the Tariff Act. According to the Court, the Department must adjust FMV pursuant to section 773 of the Tariff Act. We maintain that section 773 of the Tariff Act does not preclude us from deducting selling expenses from ESP. Consequently, we have applied our longstanding practice of making adjustments for direct expenses in ESP cases under section 772 of the Tariff Act.

Comment 49: Koyo argues that the Department calculated several adjustments to home market price with an incorrect sales value.

Department's Position: We agree and have made the corrections in the final results of review.

Comment 50: Koyo disputes the Department's rejection of below cost sales because the Department failed to demonstrate why Koyo's sales were at prices that would not allow recovery of costs over a reasonable period of time.

Department's Position: Koyo has not been able to demonstrate that it would have been able to recover costs of selling models below cost in the home market within a reasonable period of time. Koyo failed to respond to the Department's inquiry regarding reasons why its production costs were expected to decline, why these costs were not recovered until after the review period, and why, if costs were declining, as Koyo asserted, it made sales at below cost prices. Koyo neglected to explain all of the above in terms of general or model specific information. Nor did Koyo provide specific information to demonstrate how it expected to recover costs through its declining manufacturing costs and increased sales volume.

Koyo did not explain why it sold certain home market models below cost. A possible explanation might have been that a new product requiring a substantial research and development investment might have led Koyo to expense start-up costs over future products and thus recover them in the future. However, Koyo stated that its costs were reported on a fully absorbed basis, which means that there were no expenses incurred during the 1986–87 period that benefitted future sales, and no expenses incurred prior to this period that benefitted sales made in 1986–87.

Comment 51: Koyo argues that the Department erred by not calculating constructed value and relying instead on best information otherwise available for almost seventy-five percent of the U.S. sales for which the Department found no match. Koyo argues that it supplied complete cost of manufacture information for U.S. and home market models, which the Department verified. Therefore, the Department should not rely on best information otherwise available due to missing cost information.

Department's Position: With the corrections described in response to comment 9, we have successfully matched the majority of U.S. sales to home market monthly weighted-average FMVs. However, for the remaining unmatched sales, we relied on constructed value.

Although Koyo provided variable cost of manufacture data for purposes of calculating an adjustment for differences in merchandise, this information is not adequate for purposes of calculating constructed value. The Department also needs full cost of production data, including fixed costs. Koyo did not provide full cost of production data. Therefore, we used the best information otherwise available for these U.S. sales, which was the weighted-average margin of Koyo's sales which we were able to analyze.

Comment 52: Koyo argues that, since its U.S. subsidiary included products in inventory from the bill of lading date, indirect credit expense (representing the credit cost Koyo incurred from the date of export to the date of import by or for the account of the U.S. subsidiary) was deducted from U.S. price when the Department made a deduction for inventory carrying cost. The Department's additional calculation of imputed credit costs had the effect of deducting the expense twice.

Department's Position: We agree. We verified that AKC's inventory costs reflected the time from the lading date. Therefore, we have changed our calculation for the final results.

Comment 53: Koyo argues it is not liable for interest on antidumping duties assessed on entries during this review period, because the payment of interest is tied to deposits. In addition, Koyo has not been required to make estimated duty deposits on its entries.

Department's Position: We agree. Interest is payable on cash deposits only. Section 778 of the Tariff Act provides that interest is payable on underpayments of amounts deposited on merchandise entered, or withdrawn from warehouse, for consumption on and after the date of a finding under the Antidumping Act of 1921. We have concluded that the words "amounts deposited" refer only to cash deposits of estimated antidumping duties upon entry and not to other kinds of security such as a bond, because the Tariff Act repeatedly links the words "deposit" to "cash" (see, *e.g.*, sections 733(d)(2), 734(f)(2)(A)(iii), and 735(c)(3)(B) of the Tariff Act). Thus, since a bond is not cash, it does not constitute an "amount deposited." The 1979 Act contained no provision for the immediate conversion of existing antidumping findings from bonds to cash. Section 106(a) of the 1979 Act merely provided that outstanding antidumping findings would remain in effect and would be subject to review under section 751 of the Tariff Act. Section 751(a)(2) provides that the administrative review "shall be the basis for requiring cash * * * deposits of estimated duties." Thus, the legal basis for requiring cash deposits under

the 1979 Act is a review under section 751 of the Tariff Act or an order pursuant to section 736 of the Tariff Act. The Department is without power to require the imposition of a cash deposit until the completion of an administrative review. In any event, since interest is only collectible on cash deposits (even if the cash deposit requirement is zero), interest would accrue only from the time that Customs required a deposit of cash. Consequently, interest would not be retroactive to the time of entry under bond.

Comment 54: Koyo argues that the Department should publish a notice of amended preliminary results of review, because the margin from the preliminary results negatively affects Koyo's commercial interest.

Department's Position: The purpose of the preliminary results of review is to present to interested parties, for comment, the work and decisions that result in our preliminary antidumping analysis. We amended and released our calculations twice for comment by all parties. Given the purpose of releasing preliminary results and accompanying calculations, publication of an amended notice of preliminary results would serve no further purpose in providing the parties an opportunity for comment.

Comments by NSK

Comment 55: NSK raises a number of issues with regard to the Department's final results of review in the 1974–80 period. In general, NSK claims that, had the Department conducted its 1974–1980 review appropriately, NSK would have been revoked from the finding and the Department would not have conducted a review of the 1986–87 period. NSK further argues that delay in the 1974–80 review prejudiced NSK's rights under the antidumping law.

NSK asserts that by failing to complete the 1974–80 review in a timely manner, the Department discriminated against NSK by treating it differently than other exporters of Japanese TRBs, giving unfair advantage to its competitors. Finally, NSK asserts that it was denied the opportunity to comply with the purpose of the antidumping law by adjusting its prices.

Department's Position: These issues were addressed in our notice of final results of review for the 1974–80 period, published June 1, 1990 and do not relate to the final results for the 1986–87 period. See our response to comment 42.

Comment 56: NSK argues that completion of reviews for the 1980–86 period is a required precondition to the Department's conduct of the 1986–87 review period.

Department's Position: The Department is trying to complete its current reviews in a timely manner, as well as complete its backlogged reviews. To delay current reviews until backlogged reviews were completed would simply perpetuate the backlog and compound the problems which arise from delayed completion of reviews.

Comment 57: NSK argues that export packing for the U.S. should have been calculated on the basis of C.I.F. price, rather than resale price. In addition, the figure the Department used for the expense was incorrect.

Department's Position: We have corrected the error for the final results.

Comment 58: NSK argues that, although the Department verified that NSK had given early payment discounts in the home market, the Department disallowed the claim on the grounds that NSK could not substantiate the total amount of early payment discount it had paid.

Department's Position: To be satisfied with allocations of expenses, the Department must be able to verify total amounts paid. However, NSK was unable to provide documents to support the total amount it had paid for early payment discounts. Therefore, we have not adjusted FMV for early payment discounts.

Comment 59: NSK argues that the Department made clerical errors in several adjustments to U.S. price in the preliminary results of review. First, the Department used the wrong variable as the U.S. entry date in its calculation of U.S. inland freight and U.S. duty expense. Second, the Department should have calculated these adjustments, as well as various transportation expenses, on the basis of C.I.F. price. Third, U.S. duty should be calculated on the basis of F.O.B. price. Finally, the Department deducted inventory carrying cost from U.S. price twice.

Department's Position: We agree and have corrected these errors in the final results of review.

Comment 60: NSK argues that the Department's correction for U.S. rebate amounts should have been calculated based on NSK's gross selling price.

Department's Position: We have made the correction for the final results.

Comment 61: NSK points out that the Department's computer printout shows zeros in the rebate fields for all observations.

Department's Position: We made the correction for the final results and the rebate amounts are reflected in the calculations.

Comment 62: NSK argues that the Department should have taken level of trade into consideration when it compared home market sales to U.S. sales. NSK argues that it submitted customer codes identifying the category of customer as either OEM or AM for its U.S. and home market sales.

Department's Position: We agree and, for these final results, we have compared U.S. sales to home market sales at the same level of trade before examining the other level of trade for sales of comparable merchandise.

Comment 63: NSK argues that the Department incorrectly determined that certain home market below cost sales occurred over an extended period of time and in substantial quantities. NSK further argues that the Department did not consider the TRB industry, specifically when it interpreted the "extended period of time" requirement of the statute in determining which below cost sales to disregard.

Department's Position: The Department considers below cost sales of 10 percent or more to represent substantial quantities. This interpretation has been upheld by the Court in *Timken II.*

NSK did not argue that it conducted year-end or obsolete model clearance sales at which it sold bearings below the cost of production. Therefore, we have determined that a three month period is sufficient to indicate an extended period of time in this industry and within the meaning of the statute. When there were sales below cost sales in substantial quantities and they occurred in at least three months, we disregarded them in our analysis.

Comment 64: NSK argues that when the Department finds that 90 percent or more of sales of a model were sold below cost, it is inappropriate to disregard the remaining above cost sales of that model on the basis that they are inadequate to form the basis of FMW. NSK goes on to argue that comparing the number of sales to third country sales should determine whether the remaining sales are adequate. If they are adequate, NSK argues that the Department should include them in the home market dataset as possible comparison sales. If the remaining sales are inadequate, NSK argues that the statute directs the Department to use constructed value.

Department's Position: The comparison of home market sales to third country sales is for the determination of which market to use as a basis for FMV, and is done on the basis of total sales, whereas the test for sufficiency of remaining above cost sales is necessarily performed on a model-specific basis. We first determine whether the home market is appropriate based on section 773(a)(1)(B) of the

Tariff Act. Section 773(b) of the Tariff Act requires that the Department, after disregarding certain sales because they are sold at prices less than cost, determine if the remaining sales which are above cost are inadequate for the determination of foreign market value.

NSK's argument that we should test the remaining above cost sales against third country sales would require collection of data on third country sales on a model-specific basis. Further, we would have to determine which of these third country sales were above cost, because there would be little purpose in comparing only those home market sales which are above cost with third country sales of both above and below cost prices. Therefore, we consider the test suggested by NSK to determine whether remaining above cost sales are sufficient to be impracticable in conducting administrative reviews in a timely fashion. As the best method available, given the data and time constraints, we have analyzed the remaining above cost sales as a percentage of total home market sales, on a model-by-model basis. When at least 10 percent of home market sales of a particular model was above cost we considered the above cost sales to be adequate to determine foreign market value.

Comment 65: NSK argues that the Department should not have used Koyo's dumping margin rate as best information available for any of NSK's bearings. NSK argues that the Department could have used the rate found for all other NSK sales, or a rate based on a comparison of a non-contemporaneous NSK sale but still within the period of review. It argues that the Department made no attempt to show that Koyo's rate was better than NSK's rate or more representative of NSK sales.

Department's Position: We requested cost information for all U.S. and home market bearings sold during the period of review from NSK. Since we were missing certain U.S. and home market models' costs for purposes of calculating differences in physical characteristics adjustments, we used best information otherwise available. Because Koyo's rate was the highest rate of responding firms, and consistent with our practice, we applied that rate to the sales for which we lacked information.

Comments by Isuzu Motors

Comment 66: Isuzu argues that the Department should use a rate for best information otherwise available which more accurately reflects Isuzu's unusual circumstances. Isuzu argues that it cooperated to the best of its abilities and did not attempt to mislead the Department, evade its responsibilities under the law, or manipulate the outcome of the proceeding. Isuzu argues that, if a respondent has made good faith efforts to cooperate, the Department should select the most accurate and analogous information as best information available, rather than impose the highest available margin.

Department's Position: Section 776(c) of the Tariff Act allows the Department to use best information otherwise available when a party "refuses or is unable to produce information requested in a timely manner and in the form required." The Department's use of best information otherwise available depends, in part, on the degree of deficiency of a party's response (see 19 CFR 353.37). Where a party's response is so seriously deficient that the Department cannot calculate a dumping margin, we generally use the highest rate for a responding firm during the same review. If, on the other hand, there are only minor or occasional omissions in a party's response, the Department may use partial best information otherwise available and apply it only to those omissions. In this case, however, Isuzu's original response was seriously deficient, and Isuzu failed to respond at all to the Department's supplemental questionnaire. Therefore, the Department had no choice but to use the highest rate of another party, because we lacked the necessary information to conduct our analysis.

Comment 67: Isuzu argues that it voluntarily requested an administrative review, while petitioner did not, thereby indicating that it was not dumping.

Department's Position: Without the information we requested in our supplemental questionnaries, we were unable to make a determination whether Isuzu was dumping. We cannot assume that respondent's request for a review indicates Isuzu's margins were zero or *de minimis* on the basis that it requested a review.

Comment 68: Isuzu argues that the Department should have used either the margins of the most similarly situated parties in the proceeding or Isuzu's margin from the preceding review period.

Department's Position: Applying margins from a preceding review period would encourage a lack of response if a company's margin from the preceding review period was low. Therefore, for Isuzu we have applied the highest margin of a responding firm as best information otherwise available.

Comment 69: Isuzu argues that, unlike the Department's source of best information available (Koyo), Isuzu is not a TRB manufacturer and has no incentive to engage in dumping.

Department's Position: Incentive to dump is not a criterion under the statute. The Department is required to determine whether dumping exists by comparison of prices in the U.S. and in the home market.

Comment 70: Isuzu argues that, since it is a reseller, like Toyota and Nissan, the margins of these other two companies are the most accurate source of best information available.

Department's Position: We disagree. Because Nissan's dumping margin was *de minimis*, to apply that rate as best information otherwise available would have rewarded Isuzu for failing to respond to the Department's questionnaires. Because Toyota did not fully respond to our questionnaire, we used best information otherwise available.

Comments by Nissan Motors

Comment 71: Nissan argues that the Department disregarded home market monthly weighted-average sales prices for all of Nissan Motor Corporation sales made in January 1987.

Department's Position: We have corrected the error for the final results.

Comment 72: Nissan states that two numbers in Nissan's U.S. sales listings were erroneous and should be corrected.

Department's Position: We have corrected these errors for the final results.

Comment 73: Nissan argues that neither the law nor the Department's regulations specify that "similar" merchandise within the meaning of section 771(16) (C)(iii) shall be limited to merchandise with physical differences reflecting a maximum cost difference of plus or minus twenty percent. Nissan cites the preliminary determination of *Certain Small Business Telephone Systems and Subassemblies* from Taiwan (54 FR 31987, August 3, 1989) as an exception to this practice..

Department's Position: In administrative reviews, the Department generally applies the twenty percent test as a guideline to determine whether merchandise is approximately "equal in commercial value" within the meaning of section 771(16) (B)(iii) of the Tariff Act. In this case, none of the parties has demonstrated why this guideline would be inappropriate. We have determined the most similar home market merchandise based on five physical dimensions. The twenty percent cap on differences in cost serves as an outer limit to cost differences between the home market and U.S. model. See our response to comment 1.

Comment 74: Nissan opposes the Department's use of the highest margin of another company as best information available. Nissan argues that since it has fully cooperated with the Department, application of the most punitive dumping margin as best information available would not be appropriate. Nissan contends that the Department is obligated to use the most accurate information as best information available. Nissan further argues that applying the highest margin as best information available in this proceeding distorted the economic reality of the transaction and therefore cannot be sustained by the antidumping law..

Department's Position: Nissan made certain omissions in its response. The Department has determined that, because Nissan's weighted-average margin for those sales with adequate information is *de minimis,* use of that margin on the sales lacking information would reward Nissan for an inadequate response. Therefore, we have applied Koyo's rate to the sales for which Nissan did not provide adequate information.

Comment 75: Nissan argues that the Department overlooked information concerning additional product dimensions which it submitted as a supplement to its questionnaire response.

Department's Position: We agree and have incorporated the supplemental information into our analysis for the final results of review.

Comment 76: Nissan argues that the Department should establish separate deposit rates for each of its corporate entities. It argues that establishing deposit rates for each of Nissan's three selling companies would result in a more accurate antidumping duty deposit rate.

Department's Position: The cash deposit requirements are estimates of antidumping duties. The actual dumping margins applicable to sales by each of the entities, which are subsidiaries of Nissan, witll be reflected in final assessment at the conclusion of an administrative review.

Final Results of the Review

As a result of the comments received and the correction of certain clerical errors, we determine that the following margins exist:

Manufacturer/exporter	Margin (percent)
Nippon Seiko K.K.	35.00
Koyo Seiko	52.17
Isuzu Motors	52.17
Nissan	3.29
Toyota	1.11
Nachi-Fujikoshi	* 18.07

* No shipments during the period; margin from the last review in which there were shipments.

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

Furthermore, as provided for in section 751(a)(1) of the Tariff Act, a cash deposit of estimated antidumping duties based on the above margins shall be required on entries of this merchandise from these firms. These deposit requirements are effective for all shipments of Japanese tapered roller bearings four inches or less in outside diameter and certain components thereof entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice.

For any shipments of this merchandise manufactured or exported by the remaining known manufacturers and/or exporters not covered in this review, the cash deposit will continue to be at the rate published in the final results of the last administrative review for these firms (49 FR 8976, March 9, 1984). For any future entries of this merchandise from a new exporter, not covered in this or prior administrative reviews, whose first shipments occurred after July 31, 1987, and who is unrelated to any previously reviewed firm, a cash deposit of 52.17 percent shall be required.

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

Dated: September 12, 1990.

Marjorie A. Chorlins,

Acting Assistant Secretary for Import Administration.

[FR Doc. 90–22219 Filed 9–19–90; 8:45 am]

BILLING CODE 3510-DS-M

[C-351-807]

Initiation of Countervailing Duty Investigation: Silicon Metal From Brazil

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

ACTION: Notice.

SUMMARY: On the basis of a petition filed in proper form with the U.S. Department of Commerce (the Department), we are initiating a countervailing duty investigation to determine whether manufacturers, producers, or exporters in Brazil of silicon metal, (hereinafter referred t as the subject merchandise), as described in the "Scope of Investigation" section of this notice, receive benefits which constitute subsidies within the meaning of the countervailing duty law. We are notifying the U.S. International Trade Commission (ITC) of this action so that it may determine whether imports of silicon metal from Brazil materially injure, or threaten material injury to, a U.S. industry. If this investigation proceeds normally, the ITC will make its preliminary determination on or before October 9, 1990. If that determination is affirmative, we will make our preliminary determination on or before November 19, 1990.

EFFECTIVE DATE: September 20, 1990.

FOR FURTHER INFORMATION CONTACT: Ross Cotjanle or Carole Showers, Office of Countervailing Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone: (202) 377–3534 and (202) 377–3217, respectively.

SUPPLEMENTARY INFORMATION:

The Petition

On August 24, 1990, we received a petition in proper form filed by American Alloys, Inc., Globe Metallurgical, Inc., Silicon Metaltech Inc., and SiMETCO, Inc., on behalf of the U.S. industry producing silicon metal. On September 7, 1990, we received additional information from petitioners supplementing their original countervailing duty petition. In compliance with the filing requirements of § 355.12 of the Department's regulations (19 CFR 355.12), petitioners allege that manufacturers, producers, and exporters of silicon metal in Brazil receive subsidies within the meaning of section 701 of the Tariff Act of 1930, as amended (the Act). Petitioners also allege that "critical circumstances" exist within the meaning of section 703(e) of the Act, with respect to imports of silicon metal from Brazil.

Since Brazil is a "country under the Agreement" within the meaning of section 701(b) of the Act, title VII of the Act applies to this investigation, and the ITC is required to determine whether imports of the subject merchandise from

Brazil materially injure, or threaten material injury to, the U.S. industry.

Petitioners have stated that they have standing to file the petition because they are an interested party, as defined under section 771(9)(C) of the Act and because they have filed the petition on behalf of the U.S. industry producing the product that is subject to this investigation. If any interested party, as described under paragraphs (C), (D), (E), or (F) of section 771(9) of the Act, wishes to register support for, or opposition to, this petition, please file written notification with the Assistant Secretary for Import Administration.

Initiation of Investigation

Under section 702(c) of the Act, we must determine whether to initiate a countervailing duty proceeding within 20 days after a petition is filed. Section 702(b) of the Act requires the Department to initiate a countervailing duty proceeding whenever an interested party files a petition, on behalf of an industry, that (1) alleges the elements necessary for the imposition of a duty under section 701(a), and (2) is accompanied by information reasonably available to the petitioner supporting the allegations. We have examined the petition on silicon metal from Brazil and have found that most of the programs alleged in the petition meet these requirements. Therefore, we are initiating a countervailing duty investigation to determine whether Brazilian manufacturers, producers, or exporters of silicon metal receive subsidies. However, we are not initiating an investigation on certain alleged programs because petitioners failed to provide supporting documentation for their allegations or the alleged programs were determined to be not countervailable in previous investigations. *See Final Affirmative Countervailing Duty Determination: Certain Carbon Steel Products From Brazil* (49 FR 17988, April 26, 1984) and *Final Affirmative Countervailing Duty Determination: Steel Wheels From Brazil* (54 FR 15523, April 18, 1989). We will also make a determination as to whether critical circumstances exist with respect to the subject merchandise. If our investigation proceeds normally, we will make our preliminary determination on or before November 19, 1990.

Scope of Investigation

The merchandise covered by this investigation is silicon metal containing at least 96.00 but less than 99.99 percent of silicon by weight. The subject merchandise is used primarily as an alloying agent for aluminum and in the chemical industry as a precursor to silicons. Silicon metal is currently provided for in subheadings 2804.69.10 and 2804.69.50 of the *Harmonized Tariff Schedule* (HTS) as a chemical product, but is commonly referred to as a metal. Semiconductor-grade silicon (silicon metal containing by weight not less than 99.99 percent of silicon and provided for in subheading 2804.61.00 of the HTS) is not subject to this investigation. The HTS item numbers are provided for convenience and U.S. Customs Service purposes. The written description remains dispositive.

Allegations of Subsidies

Section 702(b) of the Act requires the Department to initiate a countervailing duty proceeding whenever an interested party files a petition on behalf of an industry that (1) alleges the elements necessary for the imposition of a duty under section 701(a) and (2) is accompanied by information reasonably available to the petitioner supporting the allegations. The elements the Department considers when analyzing the sufficiency of a domestic subsidy allegation consist of the following: (1) Specificity (*i.e.*, the program is limited to a specific enterprise or industry or group of enterprises or industries); and (2) provision of a countervailable benefit. To determine the sufficiency of an export subsidy allegation, the Department considers the following: (1) Receipt of benefits contingent upon export performance; and (2) provision of a countervailable benefit.

Petitioners list a number of practices by the Government of Brazil which allegedly confer subsidies on manufacturers, producers, or exporters of silicon metal. Based on our analysis of petitioners' subsidy allegations, we have determined the following:

I. Programs To Be Investigated

For the programs listed below, the requirements of sections 701(a) and 702(b) of the Act were fulfilled in the petition.

A. *Income Tax Exemption for Export Earnings*

B. *Preferential Working Capital Financing for Exports Provided by the Department of Foreign Commerce of the Central Bank of Brazil (CACEX)*

C. *Benefits Provided by the Commission for the Granting of Fiscal Benefits to Special Export Programs (BEFIEX)*

D. *Export Financing Provided by the Fundo de Financiamento a Exportacao (FINEX) (Resolution 68 and 509 of the Conselho Nacional do Comercio Exterior (CONCEX)*

E. *Financing for the Storage of Merchandise Destined for Export (Resolution 330 of the Central Bank of Brazil)*

F. *Export Production Financing Provided Under the Programa de Financiamento a Producao para a Exportacao (PROEX) (Resolutions 882 and 883 of the Monetary Finance Council)*

G. *Provision of Electricity at Preferential Rates to Silicon Metal Producers Located in Minas Gerais*

II. Programs Not To Be Investigated

For the programs listed below, the requirements of section 701(a) of the Act were not fulfilled in the petition.

A. National Bank for Economic and Social Development (BNDES) Loans

Petitioners allege that at least one Brazilian producer of silicon metal has received a government subsidy in the form of BNDES financing for the purchase of capital equipment. Further, petitioners allege that this financing is provided at below-market rates and is limited only to a specific enterprise or industry or group thereof. In *Final Affirmative Countervailing Duty Determination: Certain Carbon Steel Products From Brazil* (49 FR 17988, April 26, 1984), we determined that the provision of BNDES loans was not limited to a specific enterprise or industry or group of enterprises or industries. Absent the provision of new evidence, or an allegation of change circumstances, we have no basis upon which to re-initiate an investigation of BNDES financing.

B. CIC–OPCRE 6–2–6 (CIC–CREGE 14–11)

Petitioners allege that short-term loans are being provided to exporters at preferential rates for export financing, contingent on maintaining on deposit a minimum level of foreign exchange. In *Final Affirmative Countervailing Duty Determination: Steel Wheels From Brazil* (54 FR 15523, April 18, 1989), we stated that these loans are no longer preferential. Absent the provision of new evidence, or an allegation of changed circumstances, we have no basis upon which to re-initiate an investigation of CIC–OPCRE 6–2–6 (CIC–CREGE 14–11).

C. Release of Certain Contractual Obligations and Reduction in Compulsory Loans to the Government-Owned Power Company, ELETROBRAS

Petitioners allege that the government-owned power company, ELETROBRAS, has released silicon metal producers

from all or part of their obligations under the take-or-pay contracts through which these companies obtain power. Additionally, petitioners allege that ELETROBRAS provided one company in Minas Gerais state, Rima Eletrometalurgica S.A., with a reduction in the amount of its compulsory loans. Because petitioners failed to provide any documentation reasonably available to them to support their allegations, we have no basis upon which to initiate an investigation of this program.

ITC Notification

Section 702(d) of the Act requires us to notify the ITC of this action and to provide it with the information we used to arrive at this determination. We will notify the ITC and make available to it all non-privileged and non-proprietary information. We will also allow the ITC access to all privileged and business proprietary information in the Department's files, provided the ITC confirms in writing that it will not disclose such information, either publicly or under administrative protective order, without the written consent of the Deputy Assistant Secretary for Investigations, Import Administration.

Preliminary Determination by ITC

The ITC will determine by October 9, 1990, whether there is a resonable indication that imports of silicon metal materially injure, or threaten material injury to, a U.S. industry. If its determination is negative, this investigation will be terminated; otherwise, this investigation will proceed according to statutory and regulatory time limits.

This notice is published pursuant to section 702(c)(2) of the Act.

Dated: September 13, 1990.

Marjorie A. Chorlins,

Acting Assistant Secretary for Import Administration.

[FR Doc. 90-22334 Filed 9-19-90; 8:45 am]

BILLING CODE 3510-DS-M

[C-401-056]

Viscose Rayon Staple Fiber From Sweden; Final Results of Countervailing Duty Administrative Review

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

ACTION: Notice of final results of countervailing duty administrative review.

SUMMARY: On July 13, 1990, the Department of Commerce published the preliminary results of its administrative review of the countervailing duty order on viscose rayon staple fiber from Sweden. We have now completed that review and determine the net subsidy during the period January 1, 1988 through December 31, 1988 to be 10.66 percent *ad valorem*.

EFFECTIVE DATES: September 20, 1990.

FOR FURTHER INFORMATION CONTACT: Britt Doughtie or Maria MacKay, Office of Countervailing Compliance, International Trade Administration, U.S. Department of Commerce, Washington, DC 20230; telephone: (202) 377-2786.

SUPPLEMENTARY INFORMATION:

Background

On July 13, 1990, the Department of Commerce (the Department) published in the **Federal Register** (55 FR 28800) the preliminary results of its administrative review of the countervailing duty order on viscose rayon staple fiber from Sweden (44 FR 28319; May 15, 1979). The Department has now completed that administrative review in accordance with section 751 of the Tariff Act of 1930, as amended (the Tariff Act).

Scope of Review

Imports covered by this review are shipments of Swedish regular viscose rayon staple fiber and high-wet modulus (modal) viscose rayon staple fiber. During the review period, such merchandise was classifiable under item numbers 309.4320 and 309.4325 of the Tariff Schedules of the United States Annotated (TSUSA). This merchandise is currently classifiable under item number 5504.10.0000 of the Harmonized Tariff Schedule (HTS). The TSUS and HTS item numbers are provided for convenience and Customs purposes. The written description remains dispositive.

The review covers the period January 1, 1988 through December 31, 1988 and three programs: (1) Loans/Grants for Plant Creation; (2) Elderly Employment Compensation Program; and (3) Grant for Manpower Reduction. The only known Swedish exporter of this merchandise to the United States during the review period was Svenska Rayon AB.

Analysis of Comments Received

We gave interested parties an opportunity to comment on the preliminary results. We received no comments.

Final Results of Review

As a result of our review, we determine the net subsidy to be 10.66 percent *ad valorem* during the period January 1, 1988 through December 31, 1988.

Therefore, the Department will instruct the Customs Service to assess countervailing duties of 10.66 percent of the f.o.b. invoice price on all shipments of this merchandise exported on or after January 1, 1988 and on or before December 31, 1988.

Further, the Department will instruct the Customs Service to collect a cash deposit of estimated countervailing duties of 10.66 percent of the f.o.b. invoice price on all shipments of this merchandise entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice. This deposit requirement shall remain in effect until publication of the final results of the next administrative review.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and 19 CFR 355.22.

Dated: September 13, 1990.

Marjorie A. Chorlins,

Acting Assistant Secretary for Import Administration.

[FR Doc. 90-22330 Filed 9-19-90; 8:45 am]

BILLING CODE 3510-DS-M

Export Trade Certificate of Review

AGENCY: International Trade Administration, Department of Commerce.

ACTION: Notice of application.

SUMMARY: The Office of Export Trading Company Affairs, International Trade Administration, Department of Commerce, has received an application for an Export Trade Certificate of Review. This notice summarizes the conduct for which certification is sought and requests comments relevant to whether the Certificate should be issued.

FOR FURTHER INFORMATION CONTACT: George Muller, Director, Office of Export Trading Company Affairs, International Trade Administration, 202/377-5131. This is not a toll-free number.

SUPPLEMENTARY INFORMATION: Title III of the Export Trading Company Act of 1982 (15 U.S.C. 4001-21) authorizes the Secretary of Commerce to issue Export Trade Certificates of Review. A Certificate of Review protects the holder and the members identified in the Certificate from state and federal government antitrust actions and from private, treble damage antitrust actions for the export conduct specified in the

Certificate and carried out in compliance with its terms and conditions. Section 302(b)(1) of the Act and 15 CFR 325.6(a) require the Secretary to publish a notice in the **Federal Register** identifying the applicant and summarizing its proposed export conduct.

Request for Public Comments

Interested parties may submit written comments relevant to the determination whether a Certificate should be issued. An original and five (5) copies should be submitted no later than 20 days after the date of this notice to: Office of Export Trading Company Affairs, International Trade Administration, Department of Commerce, room 1800H, Washington, DC 20230. Information submitted by any person is exempt from disclosure under the Freedom of Information Act (5 U.S.C. 552). Comments should refer to this application as "Export Trade Certificate of Review, application number 90–00014." A summary of the application follows.

Summary of the Application

Applicant: American Textile Export Company, Inc. ("AMTEC"), P.O. Box 66, Gastonia, North Carolina 28053.

Contact: Jim Conner, Secretary.

Telephone: (704) 824–7803.

Application No.: 90–00014.

Date Deemed Submitted: September 7, 1990.

Members (in addition to applicant): Artee Industries, Inc.; The Borden Manufacturing Co.; Fashion Spun (Brodnax); Carolina Mills, Inc.; Cheraw Yarn Mills, Inc.; Cross Mills, Inc.; Dixie Yarns, Inc.; Dominion Yarn Corporation; Doran Textiles, Inc.; Elk Yarn Mills; Glen Raven Mills, Inc.; Graniteville Trading Company; Grover Industries; Hadley-Peoples Mfg. Co.; Harriet & Henderson Yarns, Inc.; Jones Companies, Ltd; The Kent Manufacturing Co.; Kindley Yarns, Inc.; LaFar Industries; Little Cotton Manufacturing Co.; North Carolina Spinning Mills; Parkdale Mills, Inc.; Pioneer Yarn Mills, Inc.; SCT Yarns, Inc.; Shuford Mills, Inc.; Spray Cotton Mills; R.L. Stowe Mills, Inc.; Stowe-Pharr Mills; Swift Spinning Mills; Thomaston Mills; Trio Manufacturing Co.; Tultex Yarns; United Merchants Sales; Vintage Yarns; Waverly Mills, Inc.; Wehadkee Yarn Mills; and Wiscassett Mills Company.

Export Trade

1. Products

Products of the textile industry, including but not limited to, spun yarn (SIC 2281), textured filament yarn (SIC 2282), thread (SIC 2284), cordage and twine (SIC 2298), and dyed yarn (SIC 2269).

2. Export Trade Facilitation Services (as they relate to the export of Products)

Technical service, international research, marketing and trade promotion, trade show participation, insurance, legal assistance, transportation, trade documentation and freight forwarding, communication and processing of export orders, warehousing, foreign exchange, financing, and taking title to goods.

Export Markets

The Export Markets include all parts of the world except the United States (the fifty states of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, Guam, the Commonwealth of the Northern Mariana Islands, and the Trust Territory of the Pacific Islands).

Export Trade Activities and Methods of Operation

1. AMTEC in cooperation with its members may:

a. Engage in joint bidding or other joint selling arrangements of Products and/or Services in Export Markets and allocate sales resulting from such arrangements;

b. Establish export prices for sales of Products and/or Services by the Members in Export Markets, with each Member being free to deviate from such prices by whatever amount it sees fit;

c. Discuss and reach agreements relating to interface specifications and engineering requirements demanded by specific potential customers for Products in Export Markets;

d. Refuse to quote prices for, or to market or sell, Products and/or Services is Export Markets;

e. Provide and/or jointly negotiate for and purchase from Suppliers Export Trade Facilitation Services for Members;

f. Solicit non-Member Suppliers (a) to sell their Products and/or Services or (b) to offer their Export Trade Facilitation Services, through the certified activities of AMTEC and/or its Members;

g. Coordinate with respect to the sales and servicing of Products in Export Markets;

h. Engage in joint promotional activities, such as advertising and trade shows, aimed at developing existing or new Export Markets; and

i. Bring together from time to time groups of Members to discuss how to fulfill the technical Products, Service, and/or Technology requirements of specific export customers or Export Markets.

2. AMTEC and/or its Members may enter into agreements wherein AMTEC and/or one or more Members agree to act in certain countries or markets as the Member's exclusive or non-exclusive Export Intermediary for Products and/or Services in that country or market. In such agreements, Members may agree (i) that they will export for sale in the relevant country or market only through AMTEC acting as exclusive Export Intermediary, and/or (ii) that they will export independently to the relevant country or market, either directly or through any other Export Intermediary.

3. AMTEC and/or its Members may exchange and discuss the following types of information:

a. Information that is already generally available to the trade or public;

b. Information about sales and marketing efforts, activities and opportunities for sales of Products and Services, selling strategies, prices and pricing, projected demands, customary terms of sale, customer specifications, and the types of Products and/or Services available from competitors in Export Markets;

c. Information about export prices, quality and quantity, sources, available capacity to produce, and delivery dates of Products available from Members of export; provided, however, that exchanges of information and discussions as to Product quantity, source, available capacity to produce, and delivery dates must be on a transaction-by-transaction basis only and shall relate solely to Products intended for or available for export;

d. Information about terms and conditions of contracts for sales in Export Markets to be considered and/or bid on by AMTEC and its Members.

e. Information about joint bidding, selling, or servicing arrangements for Export Markets and allocation of sales resulting from such arrangements among the Members;

f. Information about expenses specific to exporting to and within Export Markets, including without limitation transportation, intermodal shipments, insurance, inland freight to port, port storage, commissions, export sales, documentation, financing, customs duties, and taxes;

g. Information about U.S. and foreign legislation and regulations affecting sales of Products and/or Services in Export Markets; and

h. Information about AMTEC or its Members' export operations, including without limitation sales and distribution

networks established by AMTEC or its Members in Export Markets, and prior export sales by Members, such as export price information.

4. AMTEC may provide its Members or other non-Member Suppliers the benefit of any Export Trade Facilitation Service to facilitate the export of Products and/or Services to Export Markets. This may be accomplished by AMTEC itself, or by agreement with Members or other parties.

5. AMTEC and/or its Members may forward to the appropriate individual Member requests for information received from a foreign government or its agent (such as private pre-shipment inspection firms) concerning that Member's domestic or export activities (such as prices and/or costs). If such individual Member elects to respond, it shall respond directly to the requesting foreign government or its agent with respect to such information.

6. AMTEC and/or its Members may refuse to provide Export Trade Facilitation Services or participation in the Export-Trade, Export Activities and Methods of Operation to non-Members.

7. AMTEC and/or its Members may meet to engage in the activities described in paragraphs one through six above.

Definitions

1. *Export Intermediary* means a person who acts as a distributor, sales representative, sales or marketing agent, or broker for the sale of Products and/or Services in Export Markets, or who performs similar functions, including providing or arranging for the provision of Export Trade Facilitation Services.

2. *Member* means those companies of AMTEC listed as Members in the proposed Certificate, which is incorporated herein by reference, and those member companies of AMTEC subsequently incorporated in the proposed Certificate pursuant to the amendment procedures set forth below.

New AMTEC and current AMTEC Members not listed in the proposed Certificate, may be incorporated in the proposed Certificate through an abbreviated amendment procedure described below. An abbreviated amendment shall consist of a written notification to the Secretary of Commerce and the Attorney General identifying the AMTEC member that desires to become a member under this Certificate pursuant to the abbreviated amendment procedure, and certifying for each such AMTEC member the number of its employees. Notice of the member so identified shall be published in the **Federal Register**. However, AMTEC may withdraw one or more individual members from the application for the abbreviated amendment. If 30 days or more following publication in the **Federal Register**, the Secretary of Commerce, with the concurrence of the Attorney General, determines that the incorporation in the Certificate of these members through the abbreviated amendment procedure is consistent with the standards of the Act, the Secretary of Commerce shall amend the Certificate of Review to incorporate such members, effective as of the date on which the application for amendment is deemed submitted. If the Secretary of Commerce does not within 60 days of publication in the **Federal Register** so amend the Certificate of Review, such amendment must be sought through the non-abbreviated amendment procedure.

3. *Supplier* means a person who produces, provides, or sells a Product, Service, Technology, and/or Export Trade Facilitation Services.

Dated: September 17, 1990.

George Muller,

Director, Office of Export Trading, Company Affairs.

[FR Doc. 90-22315 Filed 9-19-90; 8:45 am]

BILLING CODE 3510-DR-M

Short Supply Review: Certain Continuous Cast Steel Slabs

AGENCY: Import Administration/ International Trade Administration, Commerce.

ACTION: Notice of short-supply review and request for comments; certain continuous cast steel slabs.

SUMMARY: The Secretary of Commerce ("Secretary") hereby annnounces a review and request for comments on a short-supply request for 125,000 net tons of certain continuous cast steel slabs for the fourth quarter of 1990 under Article 8 of the U.S.-EC steel arrangement.

SHORT-SUPPLY REVIEW NUMBER: 22.

SUPPLEMENTARY INFORMATION: Pursuant to section 4(b)(3)(B) of the Steel Trade Liberalization Program Implementation Act, Public Law No. 101-221, 103 Stat. 1886 (1989) ("the Act"), and § 357.104(b) 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 hereby announces that a short-supply determination is under review with respect to certain continuous cast steel slabs for use in the manufacture of hot-rolled coils, plate coils and cut-to-length plate. On September 12, 1990, the Secretary received an adequate petition from Tuscaloosa Steel Corp. ("Tuscaloosa Steel") requesting a short-supply allowance for 125,000 net tons of this product during the fourth quarter of 1990 under Article 8 of 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.

The requested material meets the following specifications:

Dimensions

Guoge: 8 inches–10 inches.
Width: 60 inches–less than 84 inches.
Length: 240 inches–384 inches.

Tolerances

Thickness: ±0.10 inch.
Width: +0.750 inch–0.500 inch.
Length: +0.0%–1.0%.
Flatness: ≦1.0% bow maximum.
Camber: ≧ length maximum.
Weight: ± 2.0% ordered weight with actual weight provided.
Taper: Maximum 1.0 inch in 384 inches (slab must be dimensionally within ordered width including width tolerances).
Wedge: Maximum 0.187 inch.

Chemical Composition

C—0.09% to 0.13%.
MN—0.80% to 1.10%.
P—0.030% maximum.
S—0.020% maximum.
SI—0.15% to 0.30%.
AL—0.020% to 0.065%.
N2—0.010% maximum.
Residuals 0.12% maximum.

Certified chemical test reports are required per heat.

Quality

Continuous cast process.
Fully conditioned for rolling to hot-roll product.
Hand conditioning is permissible.
Torch cutting to length (1/4 inch to 3/8 inch maximum dross allowable).

Identification

Each slab must be identified with a heat number, slab number, and Tuscaloosa Steel order number (complete heat traceability is required).

Miscellaneous

Supplier is required to provide a quality slab capable of meeting API, ASTM, or similar product specifications without further inspection or conditioning. Slab supplier will be expected to utilize statistical process control procedures to insure quality and any non-conforming quality condition traceable to slab quality is considered for the account of the slab producer.

Section 4(b)(4)(B)(ii) of the Act and § 357.106(b)(2) of Commerce's Short-Supply Regulations require the Secretary to make a determination with respect to a short-supply petition not later than the 30th day after the petition is filed, unless the Secretary finds that one of the following conditions exist: (1) The raw steelmaking capacity utilization in the United States equals or exceeds 90 percent; (2) the importation of additional quantities of the requested steel product was authorized by the Secretary during each of the two immediately preceding years; or (3) the requested steel product is not produced in the United States. The Secretary finds that none of these conditions exist with respect to the requested product, and therefore, the Secretary will determine whether this product is in short supply not later than October 12, 1990.

COMMENTS: Interested parties wishing to comment upon this review must send written comments not later than September 27, 1990 to the Secretary of Commerce, Attention: Import Administration, room 7866, U.S. Department of Commerce, Pennsylvania Avenue and 14th Street NW., Washington, DC 20230. Interested parties may file replies to any comments submitted. All replies must be filed not later than 5 days after September 27, 1990. All documents submitted to the Secretary shall be accompanied by four copies. Interested parties shall certify that the factual information contained in any submission they make is accurate and complete to the best of their knowledge.

Any person who submits information in connection with a short-supply review may designate that information, or any part thereof, as proprietary, thereby requesting that the Secretary treat that information as proprietary. Information that the Secretary designates as proprietary will not be disclosed to any person (other than officers or employees of the United States Government who are directly concerned with the short-supply determination) without the consent of the submitter unless disclosure is ordered by a court of competent jurisdiction. Each submission of proprietary information shall be accompanied by a full public summary or approximated presentation of all proprietary information which will be placed in the public record. All comments concerning this review must reference the above noted short-supply review number.

FOR FURTHER INFORMATION CONTACT: Sally A. Craig or Richard O. Weible, Office of Agreements Compliance, Import Administration, U.S. Department of Commerce, room 7866, Pennsylvania Avenue and 14th Street NW., Washington, DC 20230, (202) 377–0165 or (202) 377–0159.

Eric I. Garfinkel,

Assistant Secretary for Import Administration.

[FR Doc. 90–22335 Filed 9–19–90; 8:45 am]

BILLING CODE 3510–DS–M

National Institute of Standards and Technology

[Docket No. 900831–0231]

National Voluntary Laboratory Accreditation Program

AGENCY: National Institute of Standards and Technology, Commerce.

ACTION: List of Laboratories Accredited for Airborne Asbestos Analysis by TEM as of July 30, 1990.

SUMMARY: The National Institute of Standards and Technology (NIST) announces the publication of a listing of laboratories accredited to perform airborne asbestos analysis by TEM as of July 30, 1990. The testing laboratories receiving the accreditation are competent to perform airborne asbestos analysis in accordance with 40 CFR part 763 (10–30–87 edition) subpart E, appendix A or the current U.S. Environmental Protection Agency method for the analysis of airborne asbestos by transmission electron microscopy.

To obtain copies, write to the National Voluntary Laboratory Accreditation Program (NVLAP), National Institute of Standards and Technology, Building 411, Room A124, Gaithersburg, MD 20899. Please include a self-addressed mailing label.

FOR FURTHER INFORMATION CONTACT: Nancy M. Trahey, Chief, Laboratory Accreditation Program, National Institute of Standards and Technology, Gaithersburg, MD 20899, (301) 975–4016.

SUPPLEMENTARY INFORMATION: This supplement to the 1990 NVLAP Directory of Accredited Laboratories (NISTIR 90–4280) is published pursuant to 7.6(b) of the National Voluntary Laboratory Accreditation Program (NVLAP) Procedures (15 CFR 7.68(b)).

Dated: September 14, 1990.

John W. Lyons,

Director.

[FR Doc. 90–22319 Filed 9–19–90; 8:45 am]

BILLING CODE 3510–13–M

National Oceanic and Atmospheric Administration

Western Pacific Fishery Management Council; Public Meeting

AGENCY: National Marine Fisheries Service, NOAA, Commerce.

The Western Pacific Fishery Management Council's Bottomfish Advisory Review Board (BARB), will hold a public meeting on September 20, 1990, from 1:30 to 3:30 p.m., at the Department of Land and Natural Resources, 1151 Punchbowl Street, room 322B, Honolulu, HI.

The BARB's meeting agenda items are: (1) Introduction of BARB members and review of BARB functions; (2) first-year review of the Northwestern Hawaiian Islands (NWHI) limited entry program; (3) discussion and identification of emergency problems and possible solutions within the bottomfish fishery, and continuing cooperative efforts with the Division of Conservation and Resource Enforcement/Department of Aquatic Resources (DOCARE/DOAR); (4) the description and status of proposed regulations regarding observer requirements; (5) use of longline gear in the NWHI fishery and other developments; (6) requests for new entry permits into the Ho'omalu Zone, and (7) discussion of other agenda items.

For more information contact Kitty M. Simonds, Executive Director, Western Pacific Fishery Management Council, 1164 Bishop Street, suite 1405, Honolulu, HI 96813; telephone: (808) 523–1368.

Dated: September 14, 1990.

David S. Crestin,

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

[FR Doc. 90–22257 Filed 9–19–90; 8:45 am]

BILLING CODE 3510–22–M

National Technical Information Service

Notice of Prospective Grant of Exclusive Patent License

This is notice in accordance with 35 U.S.C. 209(c)(1) and 37 CFR 404.7(a)(1)(i) that the National Technical Information Service (NTIS), Department of Commerce, is contemplating the grant of an exclusive license in the United States and certain foreign countries to practice the invention embodied in U.S. Patent Application Serial Number SN 7–365,772 "Monoclonal Antibody Against Complement Regulatory Protein, sgp 120" to Genpath Therapeutics, Inc.,

having a place of business in New York City, NY 10017. The patent rights in this invetion have been assigned to the United States of America.

The prospective exclusive license will be royalty-bearing and will comply with the terms and conditions of 35 U.S.C. 209 and 37 CFR 404.7. The prospective exclusive license may be granted unless, within sixty days from the date of this published Notice, NTIS receives written evidence and argument which establishes that the grant of the license would not be consistent with the requirements of 35 U.S.C. 209 and 37 CFR 404.7.

The invention is related to providing a monoclonal antibody which specifically bind to complement regulatory plasma sailoglycoprotein of about 120 kDa (herein referred to as sgp 120). A method of detecting the presence of sgp 120 secreted by the hybridoma, a kit for detecting its presence and a method for purification of Sgp 120 from impurities by binding with antibody and recovering it in substantially pure form.

The availability of the invention for licensing was published in the Federal Register Vol 54, No. 242 (1989).

Inquiries, comments and other materials relating to the contemplated license must be submitted to Girish C. Barua, Office of Federal Patent Licensing, NTIS, Box 1423, Springfield, VA 22151.

Douglas J. Campion,

Patent Licensing Specialist, Center for the Utilization of Federal Technology.

[FR Doc. 90-22264 Filed 9-19-90; 8:45 am]

BILLING CODE 3510-04-M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Adjustment of Import Limits for Certain Cotton, Wool, Man-Made Fiber, Silk Blend and Other Vegetable Fiber Textiles and Textile Products Produced or Manufactured in the Republic of Korea

September 14, 1990.

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

ACTION: Issuing a directive to the Commissioner of Customs adjusting limits.

EFFECTIVE DATE: September 17, 1990.

FOR FURTHER INFORMATION CONTACT: Ross Arnold, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 377-4212. For information on the quota status of these limits, refer to the Quota Status Reports posted on the bulletin boards of each Customs port or call (202) 566-8041. For information on embargoes and quota re-openings, call (202) 377-3715.

SUPPLEMENTARY INFORMATION:

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

The current limits for certain categories are being increased, variously, for swing, carryover and carryforward.

A description of the textile and apparel categories in terms HTS numbers is available in the Correlation: Textile and Apparel Categories with the Harmonized Tariff Schedule of the United States (see **Federal Register** notice 54 FR 50797, published on December 11, 1989). Also see 55 FR 1706, published on January 18, 1990.

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.

Dated: September 17, 1990.

Auggie D. Tantillo,

Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

September 14, 1990.

Commissioner of Customs,

Department of the Treasury, Washington, DC 20229.

Dear Commissioner: This directive amends, but does not cancel, the directive issued to you on January 11, 1990 by the Chairman, Committee for the Implementation of Textile Agreements. This directive concerns imports into the United States of certain cotton, wool, man-made fiber, silk blend and other vegetable fiber textiles and textile products, produced or manufactured in the Republic of Korea and exported during the period which began on January 1, 1990 and extends through December 31, 1990.

Effective on September 17, 1990, you are directed to amend the directive of January 11, 1990 to include adjusted limits for the following categories, in accordance with the provisions of the current bilateral agreement between the Governments of the United States and the Republic of Korea:

Category	Adjusted twelve-month limit [1]
Sublevel in Group I:	
200	403,300 kilograms.
611	3,270,000 square meters.
625/626/627/628/629	13,952,000 square meters.
Sublevels in Group II:	
338/339	1,080,000 dozen.
347/348	399,600 dozen.
435	35,138 dozen.
444	53,769 numbers.
448	35,363 dozen.
633/634/635	1,375,679 dozen of which not more than 150,000 dozen shall be in Category 633 and not more than 581,360 dozen shall be in Category 635.
638/639	5,356,000 dozen.
641	1,068,775 dozen of which not more than 37,730 dozen shall be in Category 641-Y [2].
647/648	1,300,227 dozen.
659-H [3]	1,255,857 kilograms.
Sublevel in Group III	
835	30,023 dozen

[1] The limits have not been adjusted to account for any imports exported after December 31, 1989.

[2] Category 641-Y: only HTS numbers 6204.23.0050, 6204.29.2030, 6206.40.3010 and 6206.40.3025.

[3] Category 659-H: only HTS numbers 6502.00.9030, 6504.00.9015, 6504.00.9060, 6505.90.5060, 6505.90.6080, 6505.90.7060 and 6505.90.8060.

The Committee for the Implementation of Textile Agreements has determined that these actions fall within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,

Auggie D. Tantillo,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 90-22263 Filed 9-19-90; 8:45 am]

BILLING CODE 3510-DR-M

DEPARTMENT OF DEFENSE

Office of the Secretary of Defense

DIA Advisory Board Meetings

AGENCY: Defense Intelligence Agency Advisory Board, Department of Defense.

ACTION: Notice of cancellation of closed meetings.

SUMMARY: Notice is hereby given that the closed meeting of the DIA Advisory Board's Low-Intensity Conflict Panel scheduled for September 11, 1990, announced in the **Federal Register** on Tuesday, August 21, 1990, Page 34048, Volume 55, has been cancelled.

FOR FURTHER INFORMATION CONTACT: Lieutenant Colonel John G. Sutay, USAF, Chief, DIA Advisory Board Office, Washington, DC 20340-1328 (202/373-4930).

Note: This document was received at the office of the Federal Register on September 17, 1990.

L.M. Bynum,

Alternative OSD Federal Register, Liaison Officer, Department of Defense.

Dated: September 7, 1990.

[FR Doc. 90-22344 Filed 9-19-90; 8:45 am]

BILLING CODE 3810-01-M

The Joint Staff; Joint Strategic Target Planning Staff (JSTPS), Scientific Advisory Group: Closed Meeting

AGENCY: Joint Strategic Target Planning Staff, Department of Defense.

ACTION: Notice of Closed Meeting.

SUMMARY: The Director of Strategic Target Planning has scheduled a closed meeting of the Scientific Advisory Group.

DATES: The meeting will be held on 31 October and 1 November 1990.

ADDRESSES: The meeting will be held at Offutt AFB, Nebraska.

FOR FURTHER INFORMATION CONTACT: The Joint Strategic Target Planning Staff, Scientific Advisory Group, Offutt AFB, Nebraska 68113.

SUPPLEMENTARY INFORMATION: The purpose of the meeting is to discuss strategic issues which relate to the development of the Single Intergrated Operational Plan (SIOP). Full development of the topics will require discussion of information classified TOP SECRET in accordance with Executive Order 12356, 2 April 1982. Access to this information must be strictly limited to personnel having requisite security clearances and specific need-to-know. Unauthorized disclosure of the information to be discussed at the SAG meeting could have excxeptionally grave impact upon national defense. Accordingly, the meeting will be closed in accordance with 5 U.S.C. App II Para 10(d) (1976), as amended.

Dated: September 7, 1990.

Linda M. Bynum,

Alternate OSB Federal Register Liaison Officer, Department of Defense.

[FR Doc. 90-22345 Filed 9-19-90; 8:45 am]

BILLING CODE 3810-01-M

Department of the Navy

Patent Licenses, Exclusive: Advanced Photolysis Technology Inc.,

AGENCY: Department of the Navy.

ACTION: Intent to Grant Exclusive Patent License; Advanced Photolysis Technology, Inc.

SUMMARY: The Department of the Navy hereby gives notice of its intent to grant to Advanced Photolysis Technology, Inc., a revocable, nonassignable, exclusive license to practice the Government-owned invention described in U.S. Patent No. 4,012,321, "Oxidation of Refractory Organics in Aqueous Waste Streams by Hydrogen Peroxide or Ultraviolet Light," issued March 15, 1977.

Anyone wishing to object to the grant of this license has 60 days from the date of this notice to file written objections along with supporting evidence, if any. Written objections are to be filed with the Office of the Chief of Naval Research (Code OOCCIP), Arlington, Virginia 22217-5000.

DATES: September 20, 1990.

FOR FURTHER INFORMATION CONTACT: Mr. R. J. Erickson, Staff Patent Attorney, Office of the Chief of Naval Research (Code OOCIP), 800 N. Quincy Street, Arlington, Virginia 22217-5000, telephone (202) 696-4001.

Dated: August 12, 1990.

Jane M. Virga,

LT, JAGC, USNR, Department of the Navy, Alternate Federal Register Liaison Officer.

[FR Doc. 90-22266 Filed 9-19-90; 8:45 am]

BILLING CODE 3810-AE-M

Patent Licenses, Exclusive; Concept Development & Commercialization Corp.

AGENCY: The Department of the Navy, DOD.

ACTION: Intent to Grant Exclusive Patent License; Concept Development & Commercialization Corp.

SUMMARY: The Department of the Navy hereby gives notice of its intent to grant to Concept Development & Commercialization Corp, a revocable, nonassignable, exclusive license to practice the Government-owned invention described in U.S. Patent No. 4,685,462, "Method and Apparatus for Treatment of Hypothermia by Electromagnetic Energy," issued August 11, 1987.

Anyone wishing to object to the grant of this license has 60 days from the date of this notice to file written objections along with supporting evidence, if any. Written objections are to be filed with the Office of the Chief of Naval Research (Code OOCCIP), Arlington, Virginia 22217-5000.

DATES: September 20, 1990.

FOR FURTHER INFORMATION CONTACT: Mr. R.J. Erickson, Staff Patent Attorney, Office of the Chief of Naval Research (Code OOCCIP), 800 N. Quincy Street, Arlington, Virginia 22217-5000, telephone (202) 696-4001.

Dated: August 12, 1990.

Jane M. Virga,

Lt. JAGC, USNR, Department of the Navy, Alternate Federal Register Liaison Officer.

[FR Doc. 90-22267 Filed 9-19-90; 8:45 am]

BILLING CODE 3810-AE-M

DEPARTMENT OF EDUCATION

Notice of Proposed Information Collection Requests

AGENCY: Department of Education.

ACTION: Notice of proposed information collection requests.

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

DATES: Interested persons are invited to submit comments on or before October 22, 1990.

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

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

SUPPLEMENTARY INFORMATION: Section 3517 of the Paperwork Reduction Act of 1980 (44 U.S.C. chapter 35) requires that the Office of Management and Budget (OMB) provide interested Federal agencies and the public an early opportunity to comment on information collection requests. OMB may amend or waive the requirement for public consultation to the extent that public participation in the approval process would defeat the purpose of the information collection, violate State or Federal law, or substantially interfere with any agency's ability to perform its statutory obligations.

The Acting Director, Office of Information Resources Management, publishes this notice containing proposed information collection requests prior to submission of these requests to OMB. Each proposed

information collection, grouped by office, contains the following:

(1) Type of review requested, e.g., new, revision, extension, existing or reinstatement; (2) Title; (3) Frequency of collection; (4) The affected public; (5) Reporting burden; and/or (6) Recordkeeping burden; and (7) Abstract. OMB invites public comment at the address specified above. Copies of the requests are available from James O'Donnell at the address specified above.

Dated: September 14, 1990.

James O'Donnell,

Acting Director, for Office of Information Resources Management.

Office Of Special Education and Rehabilitative Services

Type of Review: Reinstatement.
Title: Annual Report on State Agency Independent Living Rehabilitation Services title VII, part A.
Frequency: Annually.
Affected Public: State and local governments.
Reporting Burden:
Responses: 78.
Burden Hours: 780.
Recordkeeping Burden:
Recordkeepers: 0.
Burden Hours: 0.
Abstract: This information will be used to analyze and evaluate the Independent Living Rehabilitation services provided by State agencies funded under title VIII, part A of the Rehabilitation Act, as amended.

Office of Educational Research and Improvement

Type of Review: Revision.
Title: Teacher Lists for Research Panel for the Schools and Staffing Survey.
Frequency: One time only.
Affected Public: State and local governments; businesses or other for-profit; non-profit institutions.
Reporting Burden:
Responses: 2963.
Burden Hours: 4505.
Recordkeeping Burden:
Recordkeepers: 0.
Burden Hours: 0.
Abstract: This form will be used by sample schools to provide the Department with a list of teachers. The Department will use this sample for further research in support of the Schools and Staffing Surveys.

[FR Doc. 90-22224 Filed 9-19-90; 8:45 am]

BILLING CODE 4000-01-M

[CFDA 84.060A]

Notice Inviting Applications for New Awards Under the Indian Education Act of 1988, Subpart 1—Formula Grant Program for Fiscal Year 1991

Purpose: Provides grants to local educational agencies (LEAs) and certain schools operated by Indian tribes and organizations (Tribal schools) that received funds under this program in fiscal year 1988, and, if sufficient funds are available, as determined under the Act, to schools operated by the Bureau of Indian Affairs (BIA) and LEAs and Tribal schools that were not grantees in fiscal year 1988. Supplementary projects that meet the special educational and culturally related academic needs of Indian children enrolled in the applicant schools are supported.

Deadline for Transmittal of Applications: December 3, 1990.

Deadline for Intergovernmental Review: February 4, 1991.

Applications Available: October 5, 1990.

Available Funds: The appropriation for this program for fiscal year 1991 is expected to be $53,556,000. The final appropriation is expected to be sufficient to fund all applicants. Therefore, we encourage all eligible entities to apply, including those entities who were not grantees under this program in fiscal year 1988.

Estimated Range of Awards: $1,401 to $1,311,715.

Estimated Average Size of Awards: $44,630

Estimated Number of Awards: 1,200.

Note: The Department is not bound by any estimates in this notice.

Project Period: 12 to 36 months.

Applicable Regulations: (a) The regulations for this program in 34 CFR parts 250 and 251; and (b) the Education Department General Administrative Regulations (EDGAR) in 34 CFR parts 75, 77, 78, 79, 80, 81, 82, 85, and 86.

For Applications or Information Contact: Division of Program Operations, U.S. Department of Education, 400 Maryland Avenue, SW., room 2177, Washington, DC 20202-6335, telephone: Eastern Branch Chief at (202) 401-1926 (FTS 441-1926) or Western Branch Chief at (202) 401-1907 (FTS 441-1907).

Program Authority: 25 U.S.C. 2601-2606, 2651.

Dated: September 13, 1990.

John T. MacDonald

Assistant Secretary, Office of Elementary and Secondary Education.

[FR Doc. 90-22222 Filed 9-19-90; 8:45 am]

BILLING CODE 4000-01-M

DEPARTMENT OF ENERGY

Conduct of Employees

Section 602(a) of the Department of Energy Organization Act (Pub. L. No. 95-91, hereinafter referred to as the "Act") prohibits a "supervisory employee" (defined in section 601(a) of the Act) of the Department from knowingly receiving compensation from, holding any official relation with, or having any pecuniary interest in any "energy concern" (defined in section 601(b) of the Act).

Section 602(c) of the Act authorizes the Secretary of Energy to waive the requirements of section 602(a) in cases of exceptional hardship or where the pecuniary interest is a pension, insurance, or similarly vested interest.

Dr. Calvin A. Kent has been appointed to the position of Administrator of the Energy Information Administration. Dr. Kent is a tenured Professor at Baylor University. The university has been determined to be an "energy concern" within the meaning of section 601(b) of the Act.

It has been established to my satisfaction that requiring Dr. Kent to sever his relationship with Baylor University would impose an exceptional hardship on him. Accordingly, I have granted Dr. Kent a waiver of the divestiture requirements of section 602(a) of the Act, for the duration of his employment with the Department, with respect to his relationship with the university.

In accordance with section 208, title 18, United States Code, Dr. Kent has been directed not to participate personally and substantially, as a Government employee, in any particular matter the outcome of which could have a direct and predictable effect upon Baylor University unless his supervisor and the Counselor agree that his financial interest in the particular matter is not so substantial as to be deemed likely to affect the integrity of the services which the Government may expect of him.

Dated: September 10, 1990.

James D. Watkins,

Admiral, U.S. Navy (Retired), Secretary of Energy.

[FR Doc. 90-22325 Filed 9-19-90; 8:45 am]

BILLING CODE 6450-01-M

Voluntary Agreement and Plan of Action To Implement the International Energy Program Meeting

In accordance with section 252(c)(1)(A)(i) of the Energy Policy and

Conservation Act (42 U.S.C. 6272(c)(1)(A)(i)), the following meeting notice is provided:

A meeting of the Industry Advisory Board (IAB) to the International Energy Agency (IEA) will be held on Tuesday, September 24, at the office of the Organization for Economic Cooperation and Development (OECD), Conference room 1, 2 rue Andre Pascal, Paris, France, beginning at 9:30 a.m. The purpose of this meeting is to permit attendance by representatives of U.S. company members of the IAB at a meeting of the IEA's Standing Group on Emergency Questions (SEQ), which is scheduled to be held at the OECD on that date. The agenda for the meeting is under the control of SEQ. It is expected that the following draft agenda will be followed:

1. Adoption of the agenda.
2. Summary Record of SEQ Meeting of September 12, 1990.
3. "The Emergency Response Potential of IEA/OECD Countries" (draft report by the SEQ to the IEA Governing Board Meeting of September 28, 1990).
4. Any other business.

As provided in section 252(c)(A)(ii) of the Energy Policy and Conservation Act, the meeting is open only to representatives of members of the IAB, their counsel, representatives of the Department of Energy, Justice, State, the Federal Trade Commission, and the General Accounting Office, representatives of Committees of the Congress, representatives of the IEA, representatives of members of the SEQ, representatives of the Commission of the European Communities, and invitees of the IAB, or the IEA.

As permitted by seciotn 5(c)(2) of the Voluntary Agreement and Plan of Action to Implement the International Energy Program, the Secretary of Energy has approved the submission of the agenda less that 14 calendar days in advance of the date of the meeting, because the draft agenda was not available from the IEA Secretariat until September 14, 1990. As permitted by 10 CFR 209.32, the usual 7-day period for publication of this notice in the **Federal Register** has been shortened because of the late availability of the draft agenda for the SEQ meeting.

Issued in Washington, DC, September 18, 1990.

Stephen A. Wakefield,

General Counsel.

[FR Doc 90-22476 Filed 9-19-90; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Docket Nos. ST90-3651-000 through ST90-4147-000 [1]]

Tennessee Gas Pipeline Co.; Self-Implementing Transactions

September 14, 1990.

Take notice that the following transactions have been reported to the Commission as being implemented pursuant to part 284 of the Commission's regulations, sections 311 and 312 of the Natural Gas Policy Act of 1978 (NGPA) and section 5 of the Outer Continental Shelf Lands Act.[2]

The "Recipient" column in the following table indicates the entity receiving or purchasing the natural gas in each transaction.

The "Part 284 Subpart" column in the following table indicates the type of transaction..

A "B" indicates transportation by an interstate pipeline on behalf of an intrastate pipeline or a local distribution company pursuant to § 284.102 of the Commission's regulations and section 311(a)(1) of the NGPA.

A "C" indicates transportation by an intrastate pipeline on behalf of an interstate pipeline or a local distribution company served by an interstate pipeline pursuant to § 284.122 of the Commission's regulations and section 311(a)(2) of the NGPA.

A "D" indicates a sale by an intrastate pipeline to an interstate pipeline or a local distribution company served by an interstate pipeline pursuant to § 284.142 of the Commission's Regulations and section 311(b) of the NGPA. Any interested person may file a complaint concerning such sales pursuant to § 284.147(d) of the Commission's Regulations.

An "E" indicates an assignment by an intrastate pipeline to any interstate pipeline or local distribution company pursuant to § 284.163 of the Commission's regulations and section 312 of the NGPA.

A "G" indicates transportation by an interstate pipeline on behalf of another interstate pipeline pursuant to § 284.222 and a blanket certificate issued under § 284.221 of the Commission's regulations.

A "G-S" indicates transportation by interstate pipelines on behalf of shippers other than interstate pipelines pursuant to § 284.223 and a blanket certificate issued under § 284.221 of the Commission's regulations.

A "G-LT" or "G-LS" indicates transportation, sales or assignments by a local distribution company on behalf of or to an interstate pipeline or local distribution company pursuant to a blanket certificate issued under § 284.224 of the Commission's regulations.

A "G-HT" or "G-HS" indicates transportation, sales or assignments by a Hinshaw Pipeline pursuant to a blanket certificate issued under § 284.224 of the Commission's regulations.

A "K" indicates transportation of natural gas on the Outer Continental Shelf by an interstate pipeline on behalf of another interstate pipeline pursuant to § 284.303 of the Commission's regulations.

A "K-S" indicates transportation of natural gas on the Outer Continental Shelf by an intrastate pipeline on behalf of shippers other than interstate pipelines pursuant to § 284.303 of the Commission's regulations.

Lois D. Cashell,

Secretary.

[1] Docket Nos. ST90-3699-000, ST90-3730-000, ST90-3807, ST90-3851-000 and ST4140 are not noticed at this time pending further Commission review.

[2] Notice of a transaction does not constitute a determination that the terms and conditions of the proposed service will be approved or that the noticed filing is in compliance with the Commission's regulations.

Docket No.[1]	Transporter/seller	Recipient	Date filed	Part 284 subpart	Est. max. daily quantity [2]
ST90-3651	Tennessee Gas Pipeline Co.	Tennessee River Intrastate Gas Co.	07-02-90	B	15,000
ST90-3652	Tennessee Gas Pipeline Co.	Public Service Electric and Gas Co.	07-02-90	B	50,000
ST90-3653	Tennessee Gas Pipeline Co.	Southern Natural Gas Co.	07-02-90	G	1,000,000
ST90-3654	U T Offshore System	Hadson Gas Systems Inc.	07-02-90	K-S	40,497

Docket No.[1]	Transporter/seller	Recipient	Date filed	Part 284 sub-part	Est. max. daily quantity [2]
ST90-3655	National Gas Pipeline Co. of America	Exxon Corp.	07-02-90	G-S	75,000
ST90-3656	National Gas Pipeline Co. of America	Oxy U.S.A., Inc	07-02-90	G-S	10,000
ST90-3657	National Gas Pipeline Co. of America	Barbara Fasken	07-02-90	G-S	4,562
ST90-3658	National Gas Pipeline Co. of America	Green Valley Chemical Corp.	07-02-90	G-S	3,800
ST90-3659	Stingray Pipeline Co.	Howell Gas Management Co.	07-02-90	K-S	20,000
ST90-3660	Stingray Pipeline Co.	Diamond Shamrock Offshore Partners, L.P.	07-02-90	K-S	30,000
ST90-3661	Stingray Pipeline Co.	Louisiana Resources Co.	07-02-90	B	100,000
ST90-3662	Stingray Pipeline Co.	Clinton Gas Transmission, Inc.	07-02-90	K-S	15,000
ST90-3663	Natural Gas Pipeline Co. of America	Centran Corp	07-02-90	G-S	30,000
ST90-3664	Natural Gas Pipeline Co. of America	Arcadian Corp	07-02-90	G-S	150,000
ST90-3665	Sabine Pipe Line Co	Exxon Corp	07-02-90	G-S	1,043
ST90-3666	Sabine Pipe Line Co	Northern Indiana Public Service Co.	07-02-90	B	75,000
ST90-3667	Sabine Pipe Line Co	Exxon Corp	07-02-90	G-S	1,043
ST90-3668	Sabine Pipe Line Co	Exxon Corp	07-02-90	G-S	1,043
ST90-3669	Sabine Pipe Line Co	Elizabethtown Gas Co.	07-02-90	B	250,000
ST90-3670	Sabine Pipe Line Co	Lousiana Resources Co.	07-02-90	B	30,000
ST90-3671	Sabine Pipe Line Co	Consolidated Edison Co of NY, Inc.	07-02-90	B	620,000
ST90-3672	Mississippi River Transmission Corp	Rheox, Inc.	07-02-90	G-S	450
ST90-3673	Mississippi River Transmission Corp.	American Steel Foundaries, Amsted Indust.	07-02-90	G-S	1,000
ST90-3674	Arkla Energy Resources	Intrastate Pipeline Segment of AER	07-02-90	B	20,000
ST90-3675	Arkla Energy Resources	Intrastate Pipeline Segment of AER	07-02-90	B	50,000
ST90-3676	Columbia Gas Transmission Co.	Polaris Pipeline Co.	07-02-90	G-S	50,000
ST90-3677	Columbia Gas Transmission Co.	Commonwealth Gas Services	07-02-90	B	100,000
ST90-3678	Columbia Gas Transmission Co.	Commonwealth Gas Services	07-02-90	B	50,000
ST90-3679	Columbia Gas Transmission Co.	Columbia Gas of New York, Inc	07-02-90	B	30,000
ST90-3680	Columbia Gas Transmission Co.	Natural Fuel Gas Supply Corp.	07-02-90	G	600
ST90-3681	Columbia Gas Transmission Co.	Cranberry Pipeline Corp.	07-02-90	B	450
ST90-3682	Trancontinental Gas Pipe Line Corp.	Direct Gas Supply Transportation	07-02-90	G-S	9,600
ST90-3683	Sonat Interstate-Alabama Inc.	Tennessee Gas Pipeline Co.	07-02-90	C	2,000
ST90-3684	Texas Eastern Transmission Corp.	Arkla Energy Marketing	07-02-90	G-S	50,000
ST90-3685	Brooklyn Union Gas Co	Citizens Gas Supply Corp.	07-02-90	G-HT	10,000
ST90-3686	Tennessee Gas Pipeline Co.	Western Gas Marketing USA LTD	07-02-90	G-S	144,640
ST90-3687	Trunkline Gas Co	Semco Energy Services, Inc	07-02-90	G-S	380
ST90-3688	Trunkline Gas Co	Bishop Pipeline Corp.	07-02-90	B	10,000
ST90-3689	Trunkline Gas Co.	Transamerican Natural Gas Corp.	07-02-90	B	75,000
ST90-3690	Natural Gas Pipeline Co. of America	Acadian Gas Pipeline System	07-03-90	B	50,000
ST90-3691	ANR Pipeline Co.	Coastal Gas Marketing Co	07-03-90	G-S	150,000/80,000
ST90-3692	ANR Pipeline Co.	Mobil Vanderbilt-Beaumont Pipeline Co.	07-03-90	B	100,000
ST90-3693	United Gas Pipe Line Co	Consolidated Fuel Corp.	07-03-90	G-S	66,950
ST90-3694	United Gas Pipe Line Co	Laser Marketing Co.	07-03-90	G-S	618,000
ST90-3695	Sipco Gas Transmission Corp.	Natural Gas Pipeline Co. of America	07-03-90	C	170,000
ST90-3696	Columbia Gas Transmission Corp.	Consolidated Fuel Corp	07-03-90	G-S	20,000
ST90-3697	Columbia Gulf Transmission Co.	NGC Transportation, Inc.	07-03-90	G-S	50,000
ST90-3698	Crosstex Pipeline Partners, Ltd.	Natural Gas Pipeline Co. of America	07-03-90	C	6,000
ST90-3700	Questar Pipeline Co.	Northwest Natural Gas Co.	07-05-90	B	30,000
ST90-3701	Northern Natural Gas Co.	Coastal Gas Marketing Co.	07-05-90	G-S	100,000
ST90-3702	ANR Pipeline Co.	Louisiana Gas System, Inc.	07-05-90	B	13,300
ST90-3703	ANR Pipeline Co.	Tennessee Gas Pipeline Co	07-05-90	G	30,000
ST90-3704	Arkla Energy Resources	Arkansas Louisiana Gas Co.	07-05-90	B	26,000
ST90-3705	Arkla Energy Resources	AER Interstate Pipeline	07-05-90	B	46,000
ST90-3706	Natural Gas Pipeline Co of America	NGC Interstate Pipeline Co	07-05-90	B	100,000
ST90-3707	ANR Pipeline Co.	Tarpon Gas Marketing Ltd.	07-05-90	G-S	150,000
ST90-3708	Delhi Gas Pipeline Corp.	El Paso Natural Gas Co.	07-06-90	C	75,000
ST90-3709	ANR Pipeline Co.	Entrade, Corp	07-06-90	G-S	35,000
ST90-3710	ANR Pipeline Co.	Mobil Vanderbilt-Beaumont Pipeline Co.	07-06-90	B	100,000
ST90-3711	ANR Pipeline Co.	Consumers Power Co.	07-06-90	B	2,500
ST90-3712	ANR Pipeline Co.	Mobil Vanderbilt-Beaumont Pipeline Co.	07-06-90	B	100,000
ST90-3713	ANR Pipeline Co.	Consumers Power Co.	07-06-90	B	1,500
ST90-3714	Williston Basin Interstate P/L Co	Coastal Gas Marketing Co.	07-06-90	G-S	51,300
ST90-3715	United Gas Pipe Line Co.	Kogas Inc.	07-06-90	G-S	206,000
ST90-3716	United Gas Pipe Line Co.	Cresent Gas Corp	07-06-90	B	2,575
ST90-3717	Transcontinental Gas Pipe Line Corp	FMI Hydrocarbons Co.	07-06-90	G-S	20,000
ST90-3718	Transcontinental Gas Pipe Line Corp	Public Service Electric and Gas Co.	07-09-90	B	40,000
ST90-3719	Transcontinental Gas Pipe Line Corp	Philadelphia Electric Co	07-09-90	B	50,000
ST90-3720	Transcontinental Gas Pipe Line Corp	Commission of Public Works, Greer	07-09-90	B	31,866
ST90-3721	Transcontinental Gas Pipe Line Corp	Louisiana Natural Gas Pipeline, Inc.	07-09-90	B	70,500
ST90-3722	Transcontinental Gas Pipe Line Corp	Delmarva Power and Light Co.	07-09-90	B	53,985
ST90-3723	Transcontinental Gas Pipe Line Corp	City of Alexander City	07-09-90	B	60,000
ST90-3724	Transcontinental Gas Pipe Line Corp	Public Service Electric and Gas Co.	07-09-90	B	42,500
ST90-3725	Transcontinental Gas Pipe Line Corp	South Carolina Pipeline Corp.	07-09-90	B	53,985
ST90-3726	Transcontinental Gas Pipe Line Corp	Washington Gas Light Co.	07-09-90	B	44,500
ST90-3727	Transcontinental Gas Pipe Line Corp	Atlanta Gas Light Co	07-09-90	B	61,050
ST90-3728	Transcontinental Gas Pipe Line Corp	Northern Illinois Gas Co.	07-09-90	B	100,000
ST90-3729	Transcontinental Gas Pipe Line Corp	Baltimore Gas and Electric Co.	07-09-90	B	140,000
ST90-3731	Transcontinental Gas Pipe Line Corp	CSX Intrastate Gas Co.	07-09-90	B	50,000
ST90-3732	Transcontinental Gas Pipe Line Corp	Pennsylvania Gas and Water Co.	07-09-90	B	180,000
ST90-3733	Transcontinental Gas Pipe Line Corp	Consumers Power Co.	07-09-90	B	11,000
ST90-3734	Transcontinental Gas Pipe Line Corp	Excel Intrastate Pipeline Co	07-09-90	B	2,685,000
ST90-3735	Transcontinental Gas Pipe Line Corp	New Jersey Natural Gas Co.	07-09-90	B	34,000

Docket No.[1]	Transporter/seller	Recipient	Date filed	Part 284 sub-part	Est. max. daily quantity [2]
ST90-3736	Transcontinental Gas Pipe Line Corp	Southern Indiana Gas & Electric Co	07-09-90	B	74,000
ST90-3737	Transcontinental Gas Pipe Line Corp	East Ohio Gas Co	07-09-90	B	200,000
ST90-3738	Transcontinental Gas Pipe Line Corp	City of Bessemer City	07-09-90	B	9,000
ST90-3739	Black Marlin Pipeline Co.	Enron Industrial Natural Gas Co	07-09-90	B	100,000
ST90-3740	Black Marlin Pipeline Co.	Transok, Inc	07-09-90	B	50,000
ST90-3741	Colorado Interstate Gas Co	Phillips Pipeline Co.	07-09-90	G-S	200
ST90-3742	Colorado Interstate Gas Co	Northern Gas Co.	07-09-90	B	3,000
ST90-3743	Trailblazer Pipeline Co.	Mobil Vanderbilt-Beaumont Pipeline Co	07-09-90	B	353,000
ST90-3744	Natural Gas Pipeline Co. of America	NGC Transportation, Inc	07-09-90	G-S	50,000
ST90-3745	United Gas Pipe Line Co.	Tennessee Gas Pipeline Co.	07-09-90	G	25,750
ST90-3746	Questar Pipeline Co.	Mountain Fuel Supply Co.	07-10-90	B	53,850
ST90-3747	Trancontinental Gas Pipe Line Corp	Public Service Electric and Gas Co	07-10-90	B	50,000
ST90-3748	Transcontinental Gas Pipe Line Corp	Piedmont Natural Gas Co.	07-10-90	B	82,000
ST90-3749	Transcontinental Gas Pipe Line Corp	Corpus Christi Industrial Pipeline Co	07-10-90	B	286,000
ST90-3750	Transcontinental Gas Pipe Line Corp.	Distrigas of Massachusetts Corp	07-10-90	G	2,420,000
ST90-3751	Texas Eastern Transmission Corp.	TXG Gas Marketing Co.	07-10-90	G-S	200,000
ST90-3752	Texas Eastern Transmission Corp.	Polaris Pipeline Co.	07-10-90	G-S	100,000
ST90-3753	Columbia Gulf Transmission Co.	Centran Corp	07-10-90	G-S	30,000
ST90-3754	Columbia Gas Transmission Corp	Equitrans, Inc.	07-10-90	G	2,133
ST90-3755	Arkla Energy Resources	Arkansas Louisiana Gas Co	07-10-90	B	310,000
ST90-3756	Arkla Energy Resources	Arkansas Louisiana Gas Co	07-10-90	B	35,000
ST90-3757	Arkla Energy Resources	Colony Pipeline Corp.	07-10-90	B	45,000
ST90-3758	Columbia Gas Transmission Corp.	Mason Producing, Inc.	07-11-90	G-S	5,000
ST90-3759	Questar Pipeline Co	Northern Gas of Wyoming	07-11-90	B	10,000
ST90-3760	Transcontinental Gas Pipe Line Corp.	Bridgeline Gas Distribution Co	07-11-90	B	236,000
ST90-3761	Transcontinental Gas Pipe Line Corp.	Philadelphia Gas Works	07-11-90	B	170,000
ST90-3762	Transcontinental Gas Pipe Line Corp.	North Carolina Natural Gas Corp.	07-11-90	B	140,000
ST90-3763	Transcontinental Gas Pipe Line Corp.	Baltimore Gas and Electric Co	07-11-90	B	50,000
ST90-3764	Transcontinental Gas Pipe Line Corp.	City of Bowman	07-11-90	B	3,000
ST90-3765	Transcontinental Gas Pipe Line Corp.	City of Butler	07-11-90	B	7,500
ST90-3766	Transcontinental Gas Pipe Line Corp.	Centran Corp.	07-11-90	G-S	1,200,000
ST90-3767	Transcontinental Gas Pipe Line Corp.	City of Alexander City	07-11-90	B	42,000
ST90-3768	Transcontinental Gas Pipe Line Corp.	Commonwealth Gas Pipeline Corp.	07-11-90	B	70,000
ST90-3769	Transcontinental Gas Pipe Line Corp.	Mid Louisiana Gas Co	07-11-90	G	26,000
ST90-3770	Transcontinental Gas Pipe Line Corp.	Seagull Louisiana Intrastate P/L Co	07-11-90	B	710,000
ST90-3771	Transcontinental Gas Pipe Line Corp.	Pontchartrain Natural Gas System	07-11-90	B	40,000
ST90-3772	Transcontinental Gas Pipe Line Corp.	Public Service Electric and Gas Co	07-11-90	B	50,000
ST90-3773	Transcontinental Gas Pipe Line Corp.	United Texas Transmission Co	07-11-90	B	200,000
ST90-3774	Transcontinental Gas Pipe Line Corp.	Natural Gas Clearinghouse Intra. P/L Co	07-11-90	B	2,940,000
ST90-3775	Transcontinental Gas Pipe Line Corp.	Clinton Newberry Nat. Gas Authority	07-11-90	B	40,000
ST90-3776	Transcontinental Gas Pipe Line Corp.	Alabama Gas Corp.	07-11-90	B	24,000
ST90-3777	Acadian Gas Pipeline System	Natural Gas Pipeline Co. of America	07-11-90	C	90,000
ST90-3778	ANR Pipeline Co	Michigan Gas Co	07-11-90	B	8,000
ST90-3779	ANR Pipeline Co	Michigan Gas Co	07-11-90	B	10,081
ST90-3780	ANR Pipeline Co	NGC Transportation, Inc	07-11-90	G-S	305,476
ST90-3781	ANR Pipeline Co	Northern Illinois Gas Co.	07-11-90	B	5,000
ST90-3782	ANR Pipeline Co	Northern Illinois Gas Co.	07-11-90	B	10,000
ST90-3783	ANR Pipeline Co	Manville Sales Corp.	07-11-90	G-S	20,000
ST90-3784	Pacific Gas Transmission Co	Washington Water Power Power Co	07-12-90	B	530,000
ST90-3785	Pacific Gas Transmission Co	Pacific Gas and Electric Co.	07-12-90	B	92,000
ST90-3786	ANR Pipeline Co	TPC Pipeline Inc.	07-12-90	B	90,000
ST90-3787	ANR Pipeline Co	TPC Pipeline Inc.	07-12-90	B	100,000
ST90-3788	ANR Pipeline Co	Connecticut Natural Gas Co.	07-12-90	B	51,300
ST90-3789	ANR Pipeline Co	Orange and Rockland Utilities, Inc.	07-12-90	B	50,000
ST90-3790	ANR Pipeline Co	Boyd Rosene & Associates	07-12-90	G-S	30,000
ST90-3791	ANR Pipeline Co	Stellar Gas Co	07-12-90	B	135,767
ST90-3792	ANR Pipeline Co	Consolidated Edison Co. of NY, Inc.	07-12-90	B	50,000
ST90-3793	Texas Gas Transmission Corp.	Polaris Pipeline Co.	07-12-90	G-S	100,000
ST90-3794	Texas Gas Transmission Corp.	CH4 Trading Co., Inc.	07-12-90	G-S	50,000
ST90-3795	Texas Eastern Transmission Corp.	TXG Gas Marketing Co	07-12-90	G-S	400,000
ST90-3796	Texas Eastern Transmission Corp.	FEC Marketing, Inc.	07-12-90	G-S	200,000
ST90-3797	Columbia Gas Transmission Corp.	Atlas Gas Marketing	07-12-90	G-S	1,500
ST90-3798	Columbia Gas Transmission Corp.	Mountaineer Gas Co	07-12-90	B	100,000
ST90-3799	Columbia Gas Transmission Corp.	West Ohio Gas Co.	07-12-90	B	1,500
ST90-3800	Williams Natural Gas Co	Centel Corp.	07-12-90	G-S	30,000
ST90-3801	Williams Natural Gas Co	Rural Energy Systems, Inc	07-12-90	B	5,000
ST90-3802	Williams Natural Gas Co	Missouri Public Service Co	07-12-90	B	26,700
ST90-3803	Midwestern Gas Transmission Co	Equitable Resources Marketing Co	07-12-90	G-S	100,000
ST90-3804	Arkla Energy Resources	Enron Gas Marketing	07-12-90	G-S	75,000
ST90-3805	Transcontinental Gas Pipe Line Corp.	Public Service Electric and Gas Co.	07-12-90	B	800,000
ST90-3806	Transcontinental Gas Pipe Line Corp	Atlanta Gas Light Co	07-12-90	B	1,050,000
ST90-3808	Transcontinental Gas Pipe Line Corp	Commonwealth Gas Pipeline Corp	07-12-90	B	700,000
ST90-3809	Transcontinental Gas Pipe Line Corp	TPC Pipeline Inc.	07-12-90	B	3,185,000
ST90-3810	Transcontinental Gas Pipe Line Corp	South Carolina Pipeline Corp	07-12-90	B	625,000
ST90-3811	Transcontinental Gas Pipe Line Corp	Pennsylvania Gas and Water Co	07-12-90	B	348,500
ST90-3812	Alabama-Tennessee Natural Gas Co	Goodyear Tire and Rubber Co	07-13-90	G-S	1,545
ST90-3813	Natural Gas Pipeline Co. of America	Associated Natural Gas Co	07-13-90	B	1,000
ST90-3814	Williston Basin Interstate P/L Co	Montana-Dakota Utilities Co	07-13-90	B	900
ST90-3815	Williston Basin Interstate P/L Co	Amerada Hess Corp	07-13-90	G-S	375

Docket No.[1]	Transporter/seller	Recipient	Date filed	Part 284 sub-part	Est. max. daily quantity [2]
ST90-3816	Willston Basin Interstate P/L Co	Montana-Dakota, Utilities Co	07-13-90	B	119,560
ST90-3817	Williston Basin Interstate P/L Co	Marathon Oil Co	07-13-90	G-S	245
ST90-3818	El Paso Natural Gas Co	Williams Gas Marketing Co	07-13-90	G-S	25,750
ST90-3819	Delhi Gas Pipeline Corp	Panhandle Eastern Pipe Line Co	07-16-90	C	4,000
ST90-3820	Tennessee Gas Pipeline Co	NGC Transportation, Inc	07-16-90	G-S	20,000
ST90-3821	U T Offshore System	Sun Operating Limited Partnership	07-16-90	K-S	3,601
ST90-3822	High Island Offshore System	PSI, Inc	07-16-90	K-S	1,435,000
ST90-3823	Northern Natural Gas Co	Adobe/Midland Joint Venture	07-16-90	G-S	50,000
ST90-3824	Columbia Gulf Transmission Co	System Supply for End-Users, Inc	07-16-90	G-S	30,000
ST90-3825	Columbia Gulf Transmission Co	Texaco Gas Marketing, Inc	07-16-90	G-S	25,000
ST90-3826	Columbia Gulf Transmission Co	Phibro Energy, Inc	07-16-90	G-S	100,000
ST90-3827	Columbia Gulf Transmission Co	Union Exploration Partners, Ltd	07-16-90	G-S	30,000
ST90-3828	Columbia Gulf Transmission Co	Stellar Gas Co	07-16-90	G-S	20,000
ST90-3829	Columbia Gulf Transmission Co	Columbia Gas Development Corp	07-16-90	G-S	250,000
ST90-3830	Tennessee Gas Pipeline Co	CNG Transmission Corp	07-16-90	G	102,800
ST90-3831	Columbia Gulf Transmission Co	Union Texas Petroleum Corp	07-16-90	G-S	100,000
ST90-3832	Stingray Pipeline Co	Louisiana Resources Co	07-17-90	B	50,000
ST90-3834	Transcontinental Gas Pipe Line Corp	Public Service Co. of NC, Inc	07-17-90	B	1,400,000
ST90-3835	Transcontinental Gas Pipe Line Corp	City of Royston	07-17-90	B	15,000
ST90-3836	Transcontinental Gas Pipe Line Corp	East Central Alabama Gas District	07-17-90	B	12,000
ST90-3837	Transcontinental Gas Pipe Line Corp	Philadelphia Electric Co	07-17-90	B	1,050,000
ST90-3838	Transcontinental Gas Pipe Line Corp	City of Greer	07-17-90	B	60,000
ST90-3839	Transcontinental Gas Pipe Line Corp	North Carolina Natural Gas Corp	07-17-90	B	1,400,000
ST90-3840	Transcontinental Gas Pipe Line Corp	Elizabethtown Gas Co	07-17-90	B	560,000
ST90-3841	Transcontinental Gas Pipe Line Corp	Fountain Inn Natural Gas Authority	07-17-90	B	30,000
ST90-3842	Transcontinental Gas Pipe Line Corp	City of Social Circle	07-17-90	B	4,400
ST90-3843	Transcontinental Gas Pipe Line Corp	Washington Gas Light Co	07-17-90	B	1,400,000
ST90-3844	Transcontinental Gas Pipe Line Corp	City of Lexington	07-17-90	B	60,000
ST90-3845	Transcontinental Gas Pipe Line Corp	City of Linden	07-17-90	B	10,000
ST90-3846	Transcontinental Gas Pipe Line Corp	City of Roanoke	07-17-90	B	12,500
ST90-3847	Transcontinental Gas Pipe Line Corp	City of Greenwood	07-17-90	B	105,000
ST90-3848	Transcontinental Gas Pipe Line Corp	City of Covington	07-17-90	B	30,000
ST90-3849	Transcontinental Gas Pipe Line Corp	Frederick Gas Co	07-17-90	B	60,000
ST90-3850	Transcontinental Gas Pipe Line Corp	City of Hartwell	07-17-90	B	24,000
ST90-3852	Pacific Gas Transmission Co	Pacific Gas and Electric Co	07-17-90	B	33,000
ST90-3853	Texas Eastern Transmission Corp	Fina Oil and Chemical Co	07-17-90	G-S	160,000
ST90-3854	Arkla Energy Resources	Enogex Inc	07-17-90	B	2,000
ST90-3855	CNG Transmission Corp	River Gas Co	07-17-90	B	150
ST90-3856	CNG Transmission Corp	Niagara Mohawk Power Corp	07-17-90	B	30,000
ST90-3857	CNG Transmission Corp	Corning Natural Gas Corp	07-17-90	B	4,000
ST90-3858	CNG Transmission Corp	East Ohio Gas Co	07-17-90	B	455
ST90-3859	CNG Transmission Corp	Commonwealth Gas Co	07-17-90	B	100,000
ST90-3860	CNG Transmission Corp	River Gas Co	07-17-90	B	100,000
ST90-3861	CNG Transmission Corp	Niagara Mohawk Power Corp	07-17-90	B	50,000
ST90-3862	CNG Transmission Corp	East Ohio Gas Co	07-17-90	B	20,000
ST90-3863	CNG Transmission Corp	Niagara Mohawk Power Corp	07-17-90	B	750
ST90-3864	CNG Transmission Corp	River Gas Co	07-17-90	B	150
ST90-3865	CNG Transmission Corp	Tennessee Gas Pipline Co	07-17-90	G	250,000
ST90-3866	CNG Transmission Corp	Corning Natural Gas Corp	07-17-90	B	5,000
ST90-3867	CNG Transmission Corp	National Fuel Gas Distribution Corp	07-17-90	B	25,000
ST90-3868	CNG Transmission Corp	Transcontinental Gas Pipe Line Corp	07-17-90	G	250,000
ST90-3869	CNG Transmission Corp	Transcontinental Gas Pipe Line Corp	07-17-90	G	75,000
ST90-3870	CNG Transmission Corp	Transcontinental Gas Pipe Line Corp	07-17-90	G	40,000
ST90-3871	CNG Transmission Corp	East Ohio Gas Co	07-17-90	B	750
ST90-3872	CNG Transmission Corp	Hanley and Bird	07-17-90	B	7,000
ST90-3873	CNG Transmission Corp	New York State Electric and Gas Corp	07-17-90	B	1,000
ST90-3874	CNG Transmission Corp	Rochester Gas & Electric Corp	07-17-90	B	2,000
ST90-3875	CNG Transmission Corp	Boston Gas Co	07-17-90	B	300,000
ST90-3876	CNG Transmission Corp	River Gas Co	07-17-90	B	5,000
ST90-3877	CNG Transmission Corp	National Fuel Gas Distribution Corp	07-17-90	B	400
ST90-3878	CNG Transmission Corp	East Ohio Gas Co	07-17-90	B	15,000
ST90-3879	CNG Transmission Corp	Hope Gas, Inc	07-17-90	B	40,000
ST90-3880	CNG Transmission Corp	Niagara Mohawk Power Corp	07-17-90	B	1,500
ST90-3881	Southern Natural Gas Co	Southern Industrial Gas Corp	07-17-90	B	750
ST90-3882	Southern Natural Gas Co	Centran Corp	07-17-90	G-S	15,000
ST90-3883	Southern Natural Gas Co	Scana Hydrocarbons	07-17-90	G-S	100,000
ST90-3884	Southern Natural Gas Co	Southern Industrial Gas Corp	07-17-90	B	750
ST90-3885	Southern Natural Gas Co	Midcon Marketing Corp	07-17-90	G-S	300,000
ST90-3886	Southern Natural Gas Co	Enron Gas Marketing	07-17-90	G-S	200,000
ST90-3887	Southern Natural Gas Co	Dixie Clay Co	07-17-90	G-S	500
ST90-3888	Southern Natural Gas Co	Shell Gas Trading Co	07-17-90	G-S	20,000
ST90-3889	Southern Natural Gas Co	Consolidated Fuel Corp	07-17-90	G-S	25,000
ST90-3890	Transcontinental Gas Pipe Line Corp	Town of Rockford	07-17-90	B	1,250
ST90-3891	Transcontinental Gas Pipe Line Corp	Delhi Gas Pipeline Corp	07-17-90	B	300,000
ST90-3892	Transcontinental Gas Pipe Line Corp	City of Shelby	07-17-90	B	84,000
ST90-3893	Transcontinental Gas Pipe Line Corp	Philadelphia Electric Co	07-17-90	B	50,000
ST90-3894	Transcontinental Gas Pipe Line Corp	City of Lawrenceville	07-17-90	B	36,000
ST90-3895	Transcontinental Gas Pipe Line Corp	City of Kings Mountain	07-17-90	B	24,600
ST90-3896	Transcontinental Gas Pipe Line Corp	City of Elberton	07-17-90	B	27,000

Docket No.[1]	Transporter/seller	Recipient	Date filed	Part 284 sub-part	Est. max. daily quantity [2]
ST90-3897	Transcontinental Gas Pipe Line Corp	Delhi Gas Pipeline Corp	07-17-90	B	245,000
ST90-3898	Natural Gas Pipeline Co. of America	Amarillo Natural Gas Co., Inc	07-18-90	B	1,500
ST90-3899	Natural Gas Pipeline Co. of America	Interstate Power Co	07-18-90	B	5,000
ST90-3900	Natural Gas Pipeline Co. of America	Wisconsin Natural Gas Co	07-18-90	B	30,000
ST90-3901	Algonquin Gas Transmission Co	Catamount Natural Gas, Inc	07-18-90	G-S	68,163
ST90-3902	Mid Louisiana Gas Co	United Gas Pipe Line Co	07-18-90	G	15,000
ST90-3903	Arkla Energy Resources	Mountain Front Pipeline Corp., Inc	07-18-90	B	30,000
ST90-3904	Arkla Energy Resources	Arkansas Louisiana Gas Co	07-18-90	B	26,000
ST90-3905	Equitrans, Inc	Citizens Gas Supply Corp	07-18-90	G-S	153,615
ST90-3906	Transcontinental Gas Pipe Line Corp	United Cities Gas Co., NC & SC Div	07-18-90	B	70,000
ST90-3907	Transcontinental Gas Pipe Line Corp	City of Wedowee	07-18-90	B	4,000
ST90-3908	Transcontinental Gas Pipe Line Corp	Pennsylvania Gas and Water Co	07-18-90	B	420,000
ST90-3909	Transcontinental Gas Pipe Line Corp	United Cities Gas Co	07-18-90	B	70,000
ST90-3910	Transcontinental Gas Pipe Line Corp	City of Sugar Hill	07-18-90	B	6,600
ST90-3911	United Gas Pipe Line Co	Texaco Gas Marketing, Inc	07-18-90	G-S	206,000
ST90-3912	United Gas Pipe Line Co	Sonat Marketing Co	07-18-90	G-S	91,670
ST90-3913	United Gas Pipe Line Co	Mid Louisiana Gas Co	07-18-90	B	41,200
ST90-3914	United Gas Pipe Line Co	Southern Industrial Gas Corp	07-18-90	B	1,467
ST90-3915	United Gas Pipe Line Co	Union Texas Petroleum Corp	07-18-90	G-S	14,265
ST90-3916	United Gas Pipe Line Co	Centran Corp	07-18-90	G-S	80,312
ST90-3917	United Gas Pipe Line Co	Enermark Gas Gathering Corp	07-18-90	G-S	103,000
ST90-3918	United Gas Pipe Line Co	Crescent Gas Corp	07-18-90	B	10,300
ST90-3919	United Gas Pipe Line Co	Olympic Pipeline Co	07-18-90	B	3,090
ST90-3920	Tennessee Gas Pipeline Co	Coast Energy Group	07-18-90	G-S	50,000
ST90-3921	Tennessee Gas Pipeline Co	Voss Energy Grup, Inc	07-18-90	G-S	75,000
ST90-3922	Columbia Gulf Transmission Co	Xebec Gas Co	07-18-90	G-S	3,500
ST90-3923	Columbia Gulf Transmission Co	American Central Gas Cos., Inc	07-18-90	G-S	40,000
ST90-3924	Columbia Gulf Transmission Co	Yuma Gas Corp	07-18-90	G-S	30,000
ST90-3925	Columbia Gulf Transmission Co	Texaco Gas Marketing, Inc	07-18-90	G-S	40,000
ST90-3926	Columbia Gulf Transmission Co	PSI, Inc	07-18-90	G-S	100,000
ST90-3927	Columbia Gulf Transmission Co	IAMS Co. (The)	07-18-90	G-S	700
ST90-3928	Columbia Gulf Transmission Co	Columbia Gas of Ohio, Inc	07-18-90	B	150
ST90-3929	Columbia Gulf Transmission Co	Columbia Gas of New York, Inc	07-18-90	B	25,000
ST90-3930	K N Energy, Inc	Williams Gas Marketing Co	07-19-90	G-S	80,000
ST90-3931	K N Energy, Inc	Sun Gas Transmission L.P	07-19-90	G-S	130,000
ST90-3932	K N Energy, Inc	Maxus Exploration Co	07-19-90	G-S	50,000
ST90-3933	Northern Border Pipeline Co	Western Gas Processors	07-19-90	G-S	48,000
ST90-3934	Northern Natural Gas Co	Cibola Corp	07-19-90	G-S	15,000
ST90-3935	Northern Natural Gas Co	Inland Steel Co	07-19-90	G-S	10,261
ST90-3936	Northern Natural Gas Co	Sunrise Energy Co	07-19-90	B	2,130
ST90-3937	Northern Natural Gas Co	Gas Energy Development	07-19-90	G-S	6,700
ST90-3938	Northern Natural Gas Co	Enron Gas Marketing	07-19-90	G-S	20,000
ST90-3939	Northern Natural Gas Co	Peoples Natural Gas Co	07-19-90	B	500
ST90-3940	Northern Natural Gas Co	Panda Resources, Inc	07-19-90	G-S	500,000
ST90-3941	Panhandle Eastern Pipe Line Co	Battle Creek Gas Co	07-19-90	B	6,000
ST90-3942	Panhandle Eastern Pipe Line Co	KPL Gas Service Co	07-19-90	B	100,000
ST90-3943	Panhandle Eastern Pipe Line Co	Energy Dynamics, Inc	07-19-90	G-S	50,000
ST90-3944	Panhandle Eastern Pipe Line Co	Mountain Front Pipeline Corp., Inc	07-19-90	B	20,000
ST90-3945	Sabine Pipe Line Co	Exxon Gas System, Inc	07-19-90	B	7,302
ST90-3946	Sabine Pipe Line Co	Enron Gas Marketing, Inc	07-19-90	G-S	375,600
ST90-3947	Sabine Pipe Line Co	Enron Gas Marketing, Inc	07-19-90	G-S	625,920
ST90-3948	Sabine Pipe Line Co	Enron Gas Marketing, Inc	07-19-90	G-S	876,240
ST90-3949	Sabine Pipe Line Co	Tuscaloosa Pipeline Co	07-19-90	B	35,000
ST90-3950	Sabine Pipe Line Co	Phibro Energy, Inc	07-19-90	G-S	7,302
ST90-3951	Sabine Pipe Line Co	Elizabethtown Gas Co	07-19-90	B	100,000
ST90-3952	Sabine Pipe Line Co	Energy Marketing Exchange, Inc	07-19-90	G-S	626
ST90-3953	Sabine Pipe Line Co	Winnie Pipeline Co	07-19-90	B	100,000
ST90-3954	Sabine Pipe Line Co	Gulf States Pipeline Corp	07-19-90	B	45,000
ST90-3955	Sabine Pipe Line Co	Coast Energy Group	07-19-90	G-S	1,043
ST90-3956	Sabine Pipe Line Co	Exxon Gas System, Inc	07-19-90	B	3,130
ST90-3957	Sabine Pipe Line Co	Exxon Gas System, Inc	07-19-90	B	5,216
ST90-3958	Transok, Inc	Black Marlin Pipeline Co	07-19-90	C	50,000
ST90-3959	Transok, Inc	Black Marlin Pipeline Co	07-19-90	C	50,000
ST90-3960	Transok, Inc	Black Marlin Pipeline Co	07-19-90	C	50,000
ST90-3961	Louisiana Resources Co	Stingray Pipeline Co	07-19-90	C	50,000
ST90-3962	Northwest Pipeline Corp	KN Gas Marketing, Inc	07-19-90	G-S	1,200
ST90-3963	Mississippi River Transmission Corp	Transamerican Gas Transmission Corp	07-19-90	B	150,000
ST90-3964	Mississippi River Transmission Corp	Jefferson Smurfit Corp	07-19-90	G-S	75
ST90-3965	Mississippi River Transmission Corp	Ladd Gas Marketing, Inc	07-19-90	G-S	105,000
ST90-3966	Mississippi River Transmission Corp	Mississippi Fuel Co	07-19-90	B	30,000
ST90-3967	United Gas Pipe Line Co	Cornerstone Production Corp	07-19-90	G-S	103,000
ST90-3968	Sea Robin Pipeline Co	Nortech Energy Corp	07-19-90	G-S	15,965
ST90-3969	CNG Transmission Corp	General Motors Corp	07-19-90	G-S	2,300
ST90-3970	CNG Transmission Corp	Connecticut Natural Gas Corp	07-19-90	B	46,000
ST90-3971	CNG Transmission Corp	North Atlantic Utilities, Inc	07-19-90	G-S	20,000
ST90-3972	CNG Transmission Corp	NGC Transportation, Inc	07-19-90	G-S	20,000
ST90-3973	CNG Transmission Corp	Hope Gas, Inc	07-19-90	B	300
ST90-3974	CNG Transmission Corp	CNG Development Co	07-19-90	G-S	6,500
ST90-3975	Transcontinental Gas Pipe Line Corp	UGI Corp	07-19-90	B	98,000

Docket No.[1]	Transporter/seller	Recipient	Date filed	Part 284 sub-part	Est. max. daily quantity [2]
ST90-3976	Transcontinental Gas Pipe Line Corp	Pennsylvania Gas and Water Co	07-19-90	B	68,000
ST90-3977	Transcontinental Gas Pipe Line Corp	City of Winder	07-19-90	B	30,000
ST90-3978	Transcontinental Gas Pipe Line Corp	Golden Gas Energies, Inc	07-19-90	B	10,000
ST90-3979	Transcontinental Gas Pipe Line Corp	Longhorn Pipeline Co	07-19-90	B	50,000
ST90-3980	Transcontinental Gas Pipe Line Corp	City of Thomaston	07-19-90	B	1,500
ST90-3981	Transcontinental Gas Pipe Line Corp	Tri-County Natural Gas Co	07-19-90	B	16,200
ST90-3982	Transcontinental Gas Pipe Line Corp	Southwestern Virginia Gas Co	07-19-90	B	175,000
ST90-3983	Transcontinental Gas Pipe Line Corp	UGI Corp	07-19-90	B	400,000
ST90-3984	Transcontinental Gas Pipe Line Corp	City of Toccoa	07-19-90	B	30,000
ST90-3985	Natural Gas Pipeline Co. of America	Cokinos Natural Gas Co	07-20-90	B	5,000
ST90-3986	Panhandle Eastern Pipe Line Co	Mountain Iron & Supply Co	07-20-90	G-S	1,000
ST90-3987	Panhandle Eastern Pipe Line Co	United Cities Gas Co	07-20-90	B	700
ST90-3988	Panhandle Eastern Pipe Line Co	Bishop Pipeline Corp	07-20-90	B	50,000
ST90-3989	Panhandle Eastern Pipe Line Co	Olin Corp	07-20-90	G-S	1,000
ST90-3990	United Gas Pipe Line Co	Kerr-McGee Corp	07-23-90	G-S	154,500
ST90-3991	Transcontinental Gas Pipe Line Corp	South Jersey Gas Co	07-20-90	B	875,000
ST90-3992	Equitrans, Inc	Columbia Gas of Pennsylvania, Inc	07-20-90	G-S	18,026
ST90-3993	Equitrans, Inc	Virginia Electric & Power Co	07-20-90	G-S	43,400
ST90-3994	United Gas Pipe Line Co	Eagle Natural Gas Co	07-23-90	G-S	25,750
ST90-3995	United Gas Pipe Line Co	North Central Public Service CO	07-23-90	B	20,600
ST90-3996	United Gas Pipe Line Co	Texaco Gas Marketing, Inc	07-23-90	G-S	0
ST90-3997	Trunkline Gas Co	Coastal Gas Marketing Co	07-23-90	G-S	200,000
ST90-3998	Trunkline Gas Co	Memphis Light, Gas and Water Division	07-23-90	B	5,200
ST90-3999	Trunkline Gas Co	Colony Pipeline Corp	07-23-90	B	100,000
ST90-4000	Trunkline Gas Co	Colony Natural Gas Corp	07-23-90	G-S	100,000
ST90-4001	Colorado Interstate Gas Co	Intermountain Gas Co	07-23-90	B	30,000
ST90-4002	ANR Pipeline Co	Tejas Power Corp	07-23-90	G-S	100,000
ST90-4003	ANR Pipeline Co	Williams Natural Gas Co	07-23-90	G	10,000
ST90-4004	ANR Pipeline Co	Northern Illinois Gas Co	07-23-90	B	400,000
ST90-4005	ANR Pipeline Co	Consumers Power Co	07-23-90	B	1,500
ST90-4006	ANR Pipeline Co	Entrade Corp	07-23-90	G-S	100,000
ST90-4007	ANR Pipeline Co	Texaco Gas Marketing, Inc	07-23-90	G-S	250,000
ST90-4008	ANR Pipeline Co	Consumers Power Co	07-23-90	B	1,000
ST90-4009	Texas Gas Transmission Corp	Transco Energy Marketing Co	07-24-90	G-S	300,000
ST90-4010	Texas Gas Transmission Corp	Polaris Pipeline Co	07-24-90	G-S	100,000
ST90-4011	K N Energy, Inc	Centran Corp	07-24-90	G-S	50,000
ST90-4012	K N Energy, Inc	Energy Dynamics, Inc	07-24-90	G-S	30,000
ST90-4013	Superior Offshore Pipeline Co	Energy Development Corp	07-24-90	G-S	600
ST90-4014	Equitrans, Inc	Access Energy Corp	07-25-90	G-S	30,723
ST90-4015	El Paso Natural Gas Co	Amoco Gas Co	07-25-90	B	94,936,500
ST90-4016	Algonquin Gas Transmission Co	Phibro Distributors Corp	07-25-90	G-S	50,000
ST90-4017	Algonquin Gas Transmission Co	Catamount Natural Gas, Inc	07-25-90	G-S	60,000
ST90-4018	Algonquin Gas Transmission Co	Catamount Natural Gas, Inc	07-25-90	G-S	100,000
ST90-4019	Algonquin Gas Transmission Co	Phibro Distributors Corp	07-25-90	G-S	50,000
ST90-4020	Algonquin Gas Transmission Co	Phibro Distributors Corp	07-25-90	G-S	50,000
ST90-4021	Algonquin Gas Transmission Co	Phibro Distributors Corp	07-25-90	G-S	50,000
ST90-4022	Algonquin Gas Transmission Co	Paragon Gas Corp	07-25-90	G-S	45,000
ST90-4023	Algonquin Gas Transmission Co	Phibro Distributors Corp	07-25-90	G-S	50,000
ST90-4024	Algonquin Gas Transmission Co	Phibro Distributors Corp	07-25-90	G-S	50,000
ST90-4025	Algonquin Gas Transmission Co	Colonial Gas Company	07-25-90	B	5,000
ST90-4026	Algonquin Gas Transmission Co	Paragon Gas Corp	07-25-90	G-S	50,000
ST90-4027	Stingray Pipeline Co	Elf Exploration, Inc	07-25-90	K-S	75,000
ST90-4028	Stingray Pipeline Co	Sun Operating Limited Partnership	07-25-90	K-S	50,000
ST90-4029	Natural Gas Pipeline Co. of America	Chevron U.S.A., Inc	07-25-90	G-S	35,000
ST90-4030	Natural Gas Pipeline Co. of America	Seagull Marketing Services, Inc	07-25-90	G-S	50,000
ST90-4031	Natural Gas Pipeline Co. of America	Caterpillar, Inc	07-25-90	G-S	8,000
ST90-4032	Natural Gas Pipeline Co. of America	PSI, Inc	07-25-90	G-S	100,000
ST90-4033	United Gas Pipe Line Co	FRM, Inc	07-25-90	G-S	15,450
ST90-4034	United Gas Pipe Line Co	Arkla Energy Marketing	07-25-90	G-S	206,000
ST90-4035	United Gas Pipe Line Co	Arkla Energy Marketing	07-25-90	G-S	206,000
ST90-4036	Colorado Interstate Gas Co	Vesgas Co	07-25-90	B	5,000
ST90-4037	Colorado Interstate Gas Co	Peoples Natural Gas Co	07-25-90	B	5,500
ST90-4038	Transcontinental Gas Pipe Line Corp	Trunkline Gas Co	07-25-90	G	7,000
ST90-4039	Transcontinental Gas Pipe Line Corp	Union Gas Co	07-25-90	B	27,000
ST90-4040	Transcontinental Gas Pipe Line Corp	UGI Corp	07-25-90	B	551,000
ST90-4041	Transcontinental Gas Pipe Line Corp	Public Service Co. of N. Carolina	07-25-90	B	6,000
ST90-4042	Transcontinental Gas Pipe Line Corp	Union Gas Co	07-25-90	B	5,000
ST90-4043	Tex/Con Gas Pipeline Co	Transwestern Pipeline Co	07-26-90	C	5,200
ST90-4044	Valero Transmission, L.P	El Paso Natural Gas Co	07-26-90	C	11,261
ST90-4045	Equitrans, Inc	Phoenix Diversified Ventures, Inc	07-26-90	G-S	1,024
ST90-4046	Tennessee Gas Pipeline Co	Aluminum Co. of America	07-26-90	G-S	50,000
ST90-4047	Natural Gas Pipeline Co. of America	Tennessee Gas Pipeline Co	07-26-90	G	15,000
ST90-4048	Natural Gas Pipeline Co. of America	Victoria Gas Corp	07-26-90	G-S	20,000
ST90-4049	Natural Gas Pipeline Co. of America	Phillips Gas Marketing Co	07-26-90	G-S	30,000
ST90-4050	Natural Gas Pipeline Co. of America	Access Energy Corp	07-26-90	G-S	200,000
ST90-4051	Transcontinental Gas Pipe Line Corp	Baltimore Gas and Electric Co	07-26-90	B	6,000
ST90-4052	Transcontinental Gas Pipe Line Corp	Corpus Christi Industrial Pipeline Co	07-26-90	B	80,000
ST90-4053	Transcontinental Gas Pipe Line Corp	Atlanta Gas Light Co	07-26-90	B	81,000
ST90-4054	Transcontinental Gas Pipe Line Corp	City of Buford	07-26-90	B	24,000

Docket No.[1]	Transporter/seller	Recipient	Date filed	Part 284 sub-part	Est. max. daily quantity [2]
ST90-4055	Transcontinental Gas Pipe Line Corp	City of Bessemer City	07-26-90	B	12,000
ST90-4056	Transcontinental Gas Pipe Line Corp	Pontchartrain Natural Gas System	07-26-90	B	40,000
ST90-4057	Transcontinental Gas Pipe Line Corp	Philadelphia Electric Co	07-26-90	B	80,000
ST90-4058	Transcontinental Gas Pipe Line Corp	Clinton Newberry Natural Gas Authority	07-26-90	B	70,000
ST90-4059	Transcontinental Gas Pipe Line Corp	Blackburg Natural Gas Co	07-26-90	B	15,000
ST90-4060	Transcontinental Gas Pipe Line Corp	City of Commerce	07-26-90	B	18,000
ST90-4061	Columbia Gas Transmission Corp	Virginia Electric & Power Co	07-26-90	G-S	43,000
ST90-4062	Columbia Gas Transmission Corp	Access Energy Corp	07-26-90	G-S	50,000
ST90-4063	United Gas Pipe Line Co	Equitable Resources Marketing Co	07-26-90	G-S	257,500
ST90-4064	Kansas Pipeline Co., L. P.	KPL Gas Service Co	07-26-90	G-HT	10,000
ST90-4065	Kansas Natural Partnership	KPL Gas Service Co	07-26-90	C	10,000
ST90-4066	Riverside Pipeline Co., L. P.	KPL Gas Service Co	07-26-90	B	10,000
ST90-4067	Colorado Interstate Gas Co	Associated Intrastate Pipeline Co	07-26-90	B	1,000
ST90-4068	ANR Pipeline Co	S.C. Johnson Wax	07-26-90	G-S	700
ST90-4069	ANR Pipeline Co	Consumers Power Co	07-26-90	B	10,000
ST90-4070	ANR Pipeline Co	Public Service Electric and Gas Co	07-26-90	B	45,000
ST90-4071	ANR Pipeline Co	Wintershall Energy	07-26-90	G-S	25,000
ST90-4072	ANR Pipeline Co	Michigan Gas Utilities Co	07-26-90	B	175
ST90-4073	ANR Pipeline Co	Northern States Power Co	07-26-90	B	15,000
ST90-4074	ANR Pipeline Co	St. Joseph Light & Power Co	07-26-90	B	2,000
ST90-4075	ANR Pipeline Co	Citizens Gas Supply Corp	07-26-90	G-S	100,000
ST90-4076	ANR Pipeline Co	Michigan Gas Utilities Co	07-26-90	B	1,000
ST90-4077	ANR Pipeline Co	Michigan Gas Co	07-26-90	B	900
ST90-4078	Colorado Interstate Gas Co	PSI, Inc	07-26-90	G-S	25,000
ST90-4079	Acadian Ga Pipeline System	Natural Gas Pipeline Co. of America	07-27-90	C	60,000
ST90-4080	Tennessee Gas Pipeline Co	Yankee Gas Service Co	07-27-90	B	500,000
ST90-4081	Transwestern Pipeline Co	Plains Gas Farmers Co-Op	07-27-90	G-S	5,000
ST90-4082	Transwestern Pipeline Co	NGC Transportation, Inc	07-27-90	G-S	100,000
ST90-4083	Transwestern Pipeline Co	Texaco Gas Marketing, Inc	07-27-90	G-S	10,000
ST90-4084	Transwestern Pipeline Co	West Texas Gas, Inc	07-27-90	B	50,000
ST90-4085	Transok, Inc	Black Marlin Pipeline Co	07-27-90	C	25,000
ST90-4086	Transok, Inc	Black Marlin Pipeline Co	07-27-90	C	50,000
ST90-4087	Transok, Inc	Black Marlin Pipeline Co	07-27-90	C	50,000
ST90-4088	Transok, Inc	Black Marlin Pipeline Co	07-27-90	C	50,000
ST90-4089	Transok, Inc	Black Marlin Pipeline Co	07-27-90	C	10,000
ST90-4090	Texas Eastern Transmission Corp	Access Energy Corp	07-27-90	G-S	50,000
ST90-4091	Texas Eastern Transmission Corp	Stellar Pipeline Co	07-27-90	B	90,000
ST90-4092	Northern Natural Gas Co	Enron Gas Marketing	07-27-90	G-S	30,000
ST90-4093	ANR Pipeline Co	ARCO Natural Gas Marketing, Inc	07-27-90	G-S	100,000
ST90-4094	ANR Pipeline Co	Northern Illinois Gas Co	07-27-90	B	500,000
ST90-4095	ANR Pipeline Co	Coastal Gas Marketing Co	07-27-90	G-S	500,000
ST90-4096	ANR Pipeline Co	Coastal Gas Marketing Co	07-27-90	G-S	800,000
ST90-4097	ANR Pipeline Co	Iowa-Illinois Gas & Electric Co	07-27-90	B	150,000
ST90-4098	ANR Pipeline Co	Northern Illinois Gas Co	07-27-90	B	100,000
ST90-4099	ANR Pipeline Co	East Ohio Gas Co	07-27-90	B	100,000
ST90-4100	ANR Pipeline Co	Illinois Power Co	07-27-90	B	500,000
ST90-4101	ANR Pipeline Co	Coastal Gas Marketing Co	07-27-90	G-S	50,000
ST90-4102	ANR Pipeline Co	Pacific Gas and Electric Co	07-27-90	B	100,000
ST90-4103	Delhi Gas Pipeline Corp	Texas Eastern Transmission Corp	07-30-90	C	6,000
ST90-4104	High Island Offshore System	American Central Gas Marketing Co	07-27-90	K-S	330,000
ST90-4105	High Island Offshore System	Tejas Power Corp	07-27-90	K-S	215,000
ST90-4106	El Paso Natural Gas Co	Eastex Gas Transmission Co	07-30-90	G-S	144,200
ST90-4107	Transcontinental Gas Pipe Line Corp	South Carolina Pipeline Corp	07-30-90	B	16,000
ST90-4108	Northern Natural Gas Co	PSI, Inc	07-30-90	G-S	20,657
ST90-4109	Mid Louisiana Gas Co	Tejas Power Corp	07-30-90	G-S	100,000
ST90-4110	Questar Pipeline Co	Northwest Pipeline Corp	07-30-90	G	20,000
ST90-4111	Questar Pipeline Co	Coastal Gas Marketing Co	07-30-90	G-S	5,000
ST90-4112	Questar Pipeline Co	Mountain Fuel Supply Co	07-30-90	B	5,000
ST90-4113	Questar Pipeline Co	Northwest Pipeline Corp	07-30-90	G	50,000
ST90-4114	Questar Pipeline Co	Mountain Fuel Supply Co	07-30-90	B	500
ST90-4115	Questar Pipeline Co	Mountain Fuel Supply Co	07-30-90	B	6,000
ST90-4116	Midwestern Gas Transmission Co	Trinity Pipeline Co	07-30-90	G-S	100,000
ST90-4117	Natural Gas Pipeline Co. of America	International Paper Co	07-31-90	G-S	5,000
ST90-4118	Natural Gas Pipeline Co. of America	Texaco Gas Marketing, Inc	07-31-90	G-S	100,000
ST90-4119	Natural Gas Pipeline Co. of America	Shell Gas Trading Co	07-31-90	G-S	25,000
ST90-4120	Natural Gas Pipeline Co. of America	Midwest Gas Co., Iowa Pub. Serv. Co	07-31-90	B	15,000
ST90-4121	Natural Gas Pipeline Co. of America	Hadson Gas Systems, Inc	07-31-90	G-S	50,000
ST90-4122	Natural Gas Pipeline Co. of America	Midcon Marketing Corp	07-31-90	G-S	50,000
ST90-4123	Moraine Pipeline Co	Wisconsin Natural Gas Co	07-31-90	B	30,000
ST90-4124	Midwestern Gas Transmission Co	Enserch Gas Co	07-31-90	G-S	50,000
ST90-4125	Midwestern Gas Transmission Co	Entrade Corp	07-31-90	G-S	150,000
ST90-4126	Tennessee Gas Pipeline Co	Houston Pipe Line Co	07-31-90	B	102,800
ST90-4127	Tennessee Gas Pipeline Co	Midwestern Gas Transmission Co	07-31-90	G	102,800
ST90-4128	Tennessee Gas Pipeline Co	United Gas Pipeline Co	07-31-90	G	102,800
ST90-4129	Wycotex Gas Transport	Columbia Gas Transmission Corp	07-31-90	C	10,000
ST90-4130	Northern Natural Gas Co	Phillips Petroleum Co	07-31-90	G-S	100,000
ST90-4131	Northern Natural Gas Co	Phillips Gas Marketing Co	07-31-90	G-S	100,000
ST90-4132	Northern Natural Gas Co	Phillips 66 Natural Gas Co	07-31-90	G-S	200,000
ST90-4133	Tennessee Gas Pipeline Co	Houston Pipe Line Co	07-31-90	B	1,000,000

Docket No.[1]	Transporter/seller	Recipient	Date filed	Part 284 sub-part	Est. max. daily quantity [2]
ST90-4134	Tennessee Gas Pipeline Co	Pennsylvania and Southern Gas Co	07-31-90	B	1,500
ST90-4135	Tennessee Gas Pipeline Co	East Tennessee Natural Gas Co	07-31-90	G	212,175
ST90-4136	Tennessee Gas Pipeline Co	City of Dickson	07-31-90	B	1,000,000
ST90-4137	Trunkline Gas Co	Enron Gas Marketing, Inc	07-31-90	G-S	100,000
ST90-4138	Equitrans, Inc	Bethlehem Steel Corp	07-31-90	G-S	2,090
ST90-4139	Western Gas Supply Co	Public Service Co. of Colorado	07-31-90	C	3,200
ST90-4141	Transcontinental Gas Pipe Line Corp	Piedmont Natural Gas Co	07-31-90	B	1,872,382
ST90-4142	Transcontinental Gas Pipe Line Corp	Commission of Public Works, Laurens	07-31-90	B	63,000
ST90-4143	Transcontinental Gas Pipe Line Corp	Kimball Resources, Inc	07-31-90	G-S	3,000
ST90-4144	Transcontinental Gas Pipe Line Corp	Sabine Gas Transmission Co	07-31-90	B	500,000
ST90-4145	Transcontinental Gas Pipe Line Corp	Bishop Pipeline Corp	07-31-90	B	900,000
ST90-4146	Transcontinental Gas Pipe Line Corp	Pennsylvania Gas and Water Co	07-31-90	B	265,000
ST90-4147	Transcontinental Gas Pipe Line Corp	Brooklyn Union Gas Co	07-31-90	B	2,450,000

[1] Notice of transactions does not constitute a determination that filings comply with commission regulations in accordance with Order No. 436 (final rule and notice requesting supplemental comments, 50 FR 42,372, 10/10/85).
[2] Estimated maximum daily volumes includes volumes reported by the filing company in MMBTU, MCF and DT.

[FR Doc. 90-22235 Filed 9-19-90; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. TM90-14-22-000]

CNG Transmission Corp.; Proposed Changes in FERC Gas Tariff

September 14, 1990.

Take notice that CNG Transmission Corporation ("CNG"), on September 11, 1990, pursuant to section 4 of the Natural Gas Act, the Stipulation and Agreement approved by the Commission on October 6, 1989, in Docket Nos. RP88-217, *et al.*, and section 12.9 of the General Terms and Conditions of CNG's FERC Gas Tariff, filed six (6) copies of the following revised tariff sheets to its FERC Gas Tariff, First Revised Volume No. 1:

First Revised Sheet No. 53
First Revised Sheet No. 209
Second Revised Sheet No. 210

The tariff sheets are proposed to become effective on September 1, 1990.

The purpose of the filing is to flow through changes in take-or-pay costs allocated to CNG by its pipeline suppliers.

CNG states that copies of this filing were served upon CNG's customers as well as interested parties.

Any person desiring to be heard or to protest said filing should file a protest or motion to intervene with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC, 20426, in accordance with rules 214 and 211 of the Commission's Rules of Practice and Procedure, 18 CFR 385.214 and 385.211. All motions or protests should be filed on or before September 21, 1990. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,
Secretary.

[FR Doc. 90-22236 Filed 9-19-90; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. TQ91-1-33-001 RP86-157-004, TM91-1-33-001]

El Paso Natural Gas Co. Correction to Tariff Sheet Designation

September 14, 1990.

Take notice that on September 11, 1990, El Paso Natural Gas Company ("El Paso") filed, pursuant to part 154 of the Federal Energy Regulatory Commission's ("Commission") Regulations Under the Natural Gas Act, corrections to (i) its Quarterly Adjustment in Rates and Revisions to the Special Liquids Surcharge and Annual Charge Adjustment at Docket Nos. TQ91-1-33-000, RP86-157-003 and TM91-1-33-000, respectively, and (ii) Revision to Rates and Charges for Take-or-Pay Buyout and Buydown Cost Recovery at Docket No. TM91-2-33-000. El Paso had requested in both tariff filings that the tariff sheets tendered therewith be made effective October 1, 1990.

El Paso states on August 31, 1990, at Docket No. RP90-153-000, the Commission accepted and suspended for five (5) months until February 1, 1991, subject to refund and conditions, certain tariff sheets filed by El Paso on August 1, 1990. Such tariff sheets reflect changes to, among other things, rate calculations and points of delivery. El Paso States that as a result of such suspension, it became necessary to repaginate tendered First Revised Third Revised Sheet No. 101 included in the tariff filing described in item (i) above and tendered Fourth Revised Sheet No. 101 included in the tariff filing described in item (ii) above to El Paso's Second Revised Volume No. 1 Tariff.

El Paso states that it submitted renumbered First Revised Second Revised Sheet No. 101 in lieu of First Revised Third Revised Sheet No. 101 and Second Revised Sheet No. 101 in lieu of Fourth Revised Sheet No. 101 to reflect the correct superseded tariff sheet pagination. El Paso respectfully requests that said tariff sheets be substituted for those counterpart tariff sheets currently pending Commission approval at Docket Nos. TQ91-1-33-000, RP86-157-003, TM91-1-33-000 and TM91-2-33-000.

El Paso states that copies of the filing were served upon all of El Paso's interstate pipeline system sales customers and all interested State regulatory commissions. El Paso states that no other parties are affected by the instant changes.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with rules 214 and 211 of the Commission's Rules of Practice and Procedure (18 CFR 385.214, 385.211 (1990). All such protests should be filed on or before September 21, 1990. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Persons that are already parties to this proceeding need not file a motion to intervene in this matter. Copies of this filing are on file with the

Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 90–22237 Filed 9–19–90; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP89–50–012]

Florida Gas Transmission Co.; Proposed Changes in FERC Gas Tariff

September 14, 1990.

Take notice that on September 4, 1990, Florida Gas Transmission Company (FGT) tendered for filing to become part of its FERC Gas Tariff, the following tariff sheets to be effective August 1, 1990:

FERC Gas Tariff, Second Revised Volume No. 1

Substitute Original Sheet No. 51
Second Substitute Original Sheet No. 116
Second Substitute Original Sheet No. 143
Second Substitute Original Sheet No. 185

FERC Gas Tariff, Original Volume No. 3

Substitute First Revised Sheet No. 1039

Reason for Filing

The above-referenced tariff sheets are being filed to comply with a Letter Order Pursuant to § 375.307 (b)(1) and (b)(3), Office of Pipeline and Producer Regulation—Cost of Service Branch, dated August 15, 1990 in Docket No. RP89–50–011. In the August 15, 1990 Letter Order, FGT was required to make certain tariff revisions to its July 13, 1990 Compliance Filing in this docket. Accordingly, pursuant to and in compliance with such letter order, FGT submits herewith the revised tariff sheets.

In addition, FGT has submitted workpapers which support the current adjustment set forth in Original Sheet No. 8.

FGT states that a copy of its filing has been served on all customers receiving gas under its FERC Gas Tariff, Second Revised Volume No. 1, Original Volume No. 3, and interested State Commissions.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 214 and 211 of the Commission's Rules of Practice and Procedure (18 CFR §§ 385.214, 385.211 (1990). All such protests should be filed on or before September 21, 1990. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Persons that are already parties to this proceeding need not file a motion to intervene in this matter. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 90–22232 Filed 9–19–90; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. TM91–1–73–001]

Ozark Gas Transmission System; Amended Filing

September 14, 1990.

Take notice that Ozark Gas Transmission System ("Ozark") on September 11, 1990, tendered for filing an amendment to its August 31, 1990 filing of the following revised tariff sheet in its FERC Gas Tariff, Original volume No. 1:

Sixth Revised Sheet No. 5

The proposed effective date is October 1, 1990.

Ozark states that it is amending its transportation rate schedule to reflect its Commission-authorized Annual Charge Adjustment ("ACA") unit charge of $.0019. Ozark states that this filing is submitted in compliance with § 154.38(d)(6)(iii) of the Commission's Regulations.

Ozark states that copies of the filing were served upon Ozark's jurisdictional customers.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 214 and 211 of the Commission's Rules of Practice and Procedure (18 CFR 385.214, 385.211 (1990). All such protests should be filed on or before September 21, 1990. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Persons that are already parties to this proceeding need not file a motion to intervene in this matter. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 90–22293 Filed 9–19–90; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP90–187–000]

Valero Interstate Transmission Co.; Notice of Proposed Changes in FERC Gas Tariff

September 14, 1990.

Take notice that Valero Interstate Transmission Company ("Vitco"), on September 12, 1990 tendered for filing the following tariff sheets containing changes to Original Volume No. 2 of Vitco's FERC Gas Tariff in order to implement a customer settlement of take-or-pay buyout/buydown cost recovery:

Valero Interstate Transmission Company

FERC Gas Tariff, Original Volume No. 2
Schedule of Rates to Be Charged

26th Revised Sheet No. 6

Revised Rate Schedule S–3

1st Revised Sheet Nos. 84–94
5th Revised Sheet No. 95
2nd Revised Sheet No. 95.1
1st Revised Sheet Nos. 96–106.4

The proposed effective date of the above filing is upon Commission approval of a Customer Settlement, but no later than November 15, 1990. Vitco requests a waiver of any Commission order or regulations which are necessary for implementation.

These tariff sheets implement a settlement with Vitco's sole remaining jurisdictional sales customer, El Paso Natural Gas Company ("El Paso"). Vitco's recovery of take-or-pay buyout and buydown payments made to producers whose contracts were dedicated exclusively to El Paso. The Settlement provides that:

(i) Vitco shall absorb twenty five (25 percent of the take-or-pay buyout/buydown costs of $15,740,000.

(ii) Vitco shall bill and El Paso shall pay in one lump sum twenty five percent (25%) of Vitco's take-or-pay buyout and buydown costs paid to the producers.

(iii) Vitco shall bill and El Paso shall pay a Take-or-Pay Commodity Rate Surcharge over a three (3) year period to recover an amount which would equal fifty percent (50%) of Vitco's take-or-pay payments, provided, however, at the end of the three (3) year period Vitco shall bill El Paso in a lump sum for any amount of the fifty percent (50%) of take-or-pay charges including interest not collected or shall refund to El Paso any amount of over collection including interest of the fifty percent (50%) of take-or-pay payments. The amount of the Take-or-Pay Commodity Rate Surcharge for the first period is $0.3741 per MMBtu as shown on 26th Revised Sheet No. 6.

(iv) Vitco shall credit to El Paso all amounts currently in Account 191—Settlement through a Surcharge Rate. The amount of the Account 191—Settlement

credit is $0.1687 per MMBtu as shown on 26th Revised Sheet No. 6.

(v) Vitco shall credit to El Paso in the Fixed Component of the Commodity Charge of its Rate Schedule S–3 firm sales rate an amount of four cents (4¢) per MMBtu, provided, however, that the Total Commodity Rate shall not be reduced below the variable portion including the Currently Effective ACA charge.

(vi) Vitco shall charge El Paso the actual gas cost for gas purchased in the spot market which is no higher than three cents (3¢) above the arithmatic average of the "Average" quotes for Regional Spot Gas Prices, Delivered to Pipelines, 30-Day Supply Transaction for Southern Texas, Interstate Pipelines, as quoted in all issues published during the applicable production month of Natural Gas Intelligence Gas Price Index for the gas deliverable in the same month as the production month.

Basically, the settlement provides that the Order No. 500 standards as set forth in Section 2.104 be followed with certain exceptions. Under the settlement and the Order No. 500 cost recovery options, Vitco elects to absorb twenty five percent (25%) of the take-or-pay payments and recover an equal amount of twenty five percent (25%) through a fixed charge. The fixed charge is to be a lump sum payment to be paid by El Paso fifteen (15) days after Vitco pays the entire amount due the producers. The remaining fifty percent (50%) is to be recovered through a Take-or-Pay Commodity Rate Surcharge. This surcharge is to be calculated assuming El Paso will purchase an annual daily quantity of 25,000 MMBtu per day over a three year period. El Paso agrees to purchase an average of 25,000 MMBtu per day over each 12 month period given market and supply constraints and further agrees to pay by lump sum payment any portion of the fifty percent (50%) not recovered at the end of the three year period. In return for El Paso's assurances of payment of the Take-or-Pay Commodity Rate Surcharge Vitco agrees to credit the Fixed Component of the Commodity Rate of the Rate Schedule S–3 sales rate by four cents (4¢) per MMBtu. To the extent this structure differs from the structure set forth in section 2.104, Vitco requests a waiver for good cause.

In order to implement the requirement to charge El Paso spot market gas costs, Vitco files simultaneously herewith a revised PGA in Docket No. TQ91–1–56. Because this PGA is part and parcel of this settlement, Vitco requests any waivers necessary to implement a PGA as a part of this proceeding.

Also, Vitco today is filing simultaneously with these tariff sheets an application for an order amending Vitco's existing certificate of public convenience and necessity in Docket No. CP81–168–013 in the following ways in order to implement the replacement Rate Schedule S–3:

(1) Change the maximum daily swing quantity to a range between 5,000 MMBtu to 50,000 MMBtu per day,

(2) Delete two existing delivery points and add a new point, and

(3) Replace the contract contained in the currently effective Rate Schedule No. S–3 with a new contract dated September 1, 1990, in order to delete specifically dedicated gas purchase contracts, to allow for purchases on the spot market, and to reflect the agreement between Vitco and El Paso relating to take-or-pay costs.

Any person desiring to be heard or protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capital Street, NE., Washington, DC 20426, in accordance with §§ 385.214 and 385.211 of the Commission's Rules and Regulations. All such motions or protests should be filed on or before September 21, 1990. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference room.

Lois D. Cashell,

Secretary.

[FR Doc. 90–22234 Filed 9–19–90; 8:45 am]

BILLING CODE 6717–01–M

Western Area Power Administration

Environmental Impact Statement, Post-1989 General Power Marketing and Allocation Criteria; Salt Lake City Area Integrated Projects—Public Scoping Meetings

AGENCY: Western Area Power Administration, DOE.

ACTION: Notice of public scoping meetings.

SUMMARY: The Western Area Power Administration (Western) announced its intent to prepare an environmental impact statement (EIS) on its Post-1989 General Power Marketing and Allocation Criteria (Marketing Criteria) in the **Federal Register** on April 4, 1990 (55 FR 12550), pursuant to the National Environmental Policy Act of 1969 (NEPA) and the Council on Environmental Quality (CEQ) regulations for implementing NEPA (40 CFR 1500–1508).

The public scoping period began with publication of the **Federal Register** notice on April 4, 1990. Five public scoping meetings have now been scheduled at the locations and dates listed in this notice. The scoping period will end November 16, 1990, 30 days after the last public scoping meeting.

The Marketing Criteria were published in the **Federal Register** on February 7, 1986 (51 FR 4844). The Marketing Criteria set the terms by which Western allocated long-term firm capacity and energy from the Colorado River Storage Project (CRSP), the Collbran Project, and the Rio Grande Project, known collectively as the Salt Lake City Area Integrated Projects (SLCA Integrated Projects), during the period from October 1, 1989, through September 30, 2004. Allocation of marketable capacity and energy was in accordance with the preference provisions of Reclamation Law and the Marketing Criteria. Adjusted final post-1989 firm power allocations for the SLCA Integrated Projects were published in the **Federal Register** on August 24, 1989 (54 FR 35234).

This EIS process will document existing marketing practices and identify alternatives to the existing practices and analyze the economic and environmental effects of the existing practices and alternatives. Generally, this will involve a review of how marketable capacity and energy are quantified, allocated, and scheduled from SLCA Integrated Projects generating facilities and the consequences of alternative marketing scenarios.

Western's purpose in the EIS is to investigate the impact of new marketing criteria for the marketing and allocation of SLCA Integrated Projects power. Several possible alternatives have been identified at this time; it is expected that modifications to these alternatives and additional alternatives may be developed during the public scoping process, which includes the meetings identified in this notice. The base case/no action alternative defines the basis upon which all other alternatives are assessed. The no action alternative would consist of a return to the marketing and allocation methods as represented by the CRSP, Collbran Project, and Rio Grande Project contracts that were in effect March 7, 1986, with the associated marketed resource levels, allocations, and customers. The CRSP marketing and allocation methods were based on the Marketing Criteria published in the **Federal Register** February 8, 1978, and amended January 5, 1984.

One alternative to the no action alternative is the continuation of the

Interim Marketing Plan under which SLCA Integrated Projects power is being temporarily marketed pending completion of the EIS. An additional alternative is implementation of the Post-1989 Marketing Criteria, as published in the February 7, 1986, **Federal Register**. Other alternatives will be formulated based on issues raised and public comments and suggestions during the scoping process.

In addition to and/or part of the alternatives, Western's EIS shall adequately address the following issues, among others:

a. The cumulative impacts of the Post-1989 Marketing Criteria on the environment and the operations of CRSP dams;
b. The impacts of operations of CRSP dams pursuant to the Post-1989 Marketing Criteria upon endangered or threatened species;
c. Alternatives to the current operations of CRSP dams and to the Post-1989 Marketing Criteria; and
d. Mitigation measures in connection with the environmental impacts of the Post-1989 Marketing Criteria for the cumulative impacts of dam operations to the extent such impacts are identified.

Additional issues for study or consideration will be identified in the scoping process.

Western intends to consolidate the public involvement process associated with NEPA and the Administrative Procedure Act, 5 U.S.C. 553, so that Western's Record of Decision on the Marketing Criteria will reflect the procedural requirements of all applicable legislation and regulations. The scoping process is being conducted in accordance with the CEQ regulations and the Department of Energy's "Guidelines for Compliance with the National Environmental Policy Act" (52 FR 47662) (DOE Guidelines), as amended.

An information packet relating to the proposed action is available on request by writing or telephoning the address provided in this notice.

Interested persons are invited to make suggestions or comment on the scope of the EIS, including issues relative to and alternatives to the proposed action. Written comments may be sent to the address given in this notice until November 16, 1990. Comments may be made in person at any of the five public scoping meetings. Written comments will also be accepted at the public scoping meetings.

Western will prepare an EIS implementation plan in accordance with the DOE Guidelines to record the results of the scoping process and provide guidance for preparation of the EIS. The Implementation Plan will be made available to the Public for information.

DATES: Scoping meetings will be held at the following dates and locations. All meetings will begin at 7 p.m.

October 9, 1990, Red Lion Inn, 255 South West Temple, Salt Lake City, Utah
October 10, 1990, Denver Marriott West, Denver West-Marriott Blvd., Golden, Colorado
October 11, 1990, Phoenix Sheraton, 111 North Central, Phoenix, Arizona
October 15, 1990, Holiday Inn Pyramid, 5151 San Francisco Road, NE, Albuquerque, New Mexico
October 16, 1990, Flagstaff High School Auditorium, 400 West Elm, Flagstaff, Arizona.

FOR FURTHER INFORMATION CONTACT: Mr. David Sabo, EIS Coordinator, Salt Lake City Area Office, Western Area Power Administration, P.O. Box 11606, Salt Lake City, UT 84147, (801) 524–5493.

SUPPLEMENTARY INFORMATION: Western was established by Section 302 of the Department of Energy Organization Act, effective October 1, 1977, and was tasked with implementing national energy policy by marketing Federal hydropower over an efficient and reliable transmission system while encouraging conservation and the use of renewable energy resources.

Western's Salt Lake City Area markets hydropower from the SLCA Integrated Projects, the Provo River Project, and the Falcon-Amistad Projects. The resources of the SLCA Integrated projects include the following powerplants operated by the Bureau of Reclamation: Flaming Gorge in Utah; Glen Canyon in Arizona; Blue Mesa, Morrow Point, Crystal, Upper Molina, and Lower Molina in Colorado; Fontenelle in Wyoming; and Elephant Butte in New Mexico. The Marketing Criteria apply only to the SLCA Integrated Projects.

The Glen Canyon Dam and Powerplant are the largest components of the CRSP system. On July 26, 1989, the Secretary of the Department of the Interior (DOI) announced preparation of an EIS to analyze the existing operating criteria of Glen Canyon Dam and to develop a set of environmental criteria that will be used by the Department of the Interior during the development of the Annual Operating Plan for the operation of Glen Canyon Dam. In a **Federal Register** notice dated October 27, 1989 (54 FR 43870), Reclamation stated that the Glen Canyon EIS will address the requirements of the Colorado River Compact, the Colorado River River Storage Project Act, the Endangered Species Act, National Park Service mandates, recreation issues, and the requirements of the Department of Energy. Western is a cooperating agency in development of DOI's Glen Canyon Dam EIS.

Although Western's Marketing Criteria EIS and DOI's Glen Canyon Dam EIS are related, there will be two separate documents. The Glen Canyon Dam EIS is site-specific concentrating on downstream effects and does not address power marketing. The Marketing Criteria EIS focuses on the governing principles of the terms and conditions for allocating, selling, and delivering Integrated Projects power and any related physical impacts of dam operations at Glen Canyon Dam and eight additional hydropower facilities. Western's quantification of hydropower available for sale is influenced, but not controlled, by the operation of Glen Canyon Dam. The other powerplants in the Integrated Projects system and the ability to purchase power to meet contract commitments when water conditions are poor allow Western some flexibility when determing the amount of power available for sale.

Western will consider the scope of DOI's Glen Canyon Dam EIS in order to avoid duplication of effort in preparing the Marketing Criteria EIS. Western will work with the Bureau of Reclamation to coordinate preparation of the two EIS's.

Issued at Golden, Colorado September 13, 1990.

William H. Clagett,

Administrator.

[FR Doc. 90–22326 Filed 9–19–90; 8:45 am]

BILLING CODE 6450–01–M

EXPORT-IMPORT BANK OF THE UNITED STATES

Open Meeting of Advisory Committee

SUMMARY: The Advisory Committee was established by Public Law 98–181, November 30, 1983, to advise the Export-Import Bank on its programs and to provide comments for inclusion in the reports on the Export-Import Bank to the United States Congress.

TIME AND PLACE: Tuesday, October 2, 1990, from 9:30 a.m. to 12 noon. The meeting will be held at Eximbank in Room 1143, 811 Vermont Avenue, NW., Washington, DC 20571.

AGENDA: The meeting agenda will include a discussion of the following topics: Major Operations Issues, Financial and Budget Status Report, Congressional Report, Issues Overview,

Foreign Content Subcommittee Review, Small Business Subcommittee Review, International Issues Subcommittee Review, External Delegated Subcommittee Review, and other topics.

PUBLIC PARTICIPATION: The meeting will be open to public participation; and the last 15 minutes will be set aside for oral questions or comments. Members of the public may also file written statement(s) before or after the meeting. In order to permit the Export-Import Bank to arrange suitable accommodations, members of the public who plan to attend the meeting should notify Joan P. Harris, room 935, 811 Vermont Avenue, NW., Washington, DC 20571, (202) 566–8871, not later than October 1, 1990. If any person wishes auxiliary aids (such as a sign language interpreter) or other special accommodations, please contact, prior to September 27, 1990, the Office of the Secretary, room 935, 811 Vermont Avenue, NW., Washington, DC 20571, Voice: (202) 566–8871 or TDD: (202) 535–3913.

FURTHER INFORMATION: For further information, contact Joan P. Harris, Room 935, 811 Vermont Avenue, NW., Washington, DC 20571, (202) 566–8871.

Joan P. Harris,

Corporate Secretary.

[FR Doc. 90–22312 Filed 9–19–90; 8:45 am]

BILLING CODE 6690–01–M

FEDERAL COMMUNICATIONS COMMISSION

Applications for Consolidated Hearing

1. The Commission has before it the following groups of mutually exclusive applications for five new FM stations:

Applicant, City and state	File No.	MM docket No.
I		
A. Oak Harbor Community Broadcasting, Inc.; Oak Harbor, OH.	BPH–88016NJ	90–396
B. Ms. Elise Gaydos and Ms. Vicki Theobald, d/b/a Ottawa Broadcasting Co.; Oak Harbor, OH.	BPH–880816ON	
C. Oak Communications, Inc.; Oak Harbor, OH.	BPH–880816OS	

Issue Heading and applicants

1. Comparative, A–C
2. Ultimate, A–C

Applicant, City and state	File No.	MM docket No.
II		
A. Donn M. Parker; Orange, MA.	BPH–880–812MS	90–395
B. Deane Brothers Broadcasting Corporation; Orange, MA.	BPH–880815MW	
C. B&E Partnership; Orange, MA.	BPH–880816NC	

Issue heading and applicants

1. Evironmental, B
2. Comparative, A–C
3. Ultimate, A–C

III		
A. WPLY, Inc.; Plymouth, WI.	BPH–880823MF	90–398
B. Sheboygan Broadcasting Corporation; Plymouth, WI.	BPH–880825MB	
C. Jubilation Ministries, Inc.; Plymouth, WI.	BPH–880825NG	

Issue heading and applicant

1. Financial, B
2. Air Hazard, A,B
3. Comparative, All applicants
4. Ultimate, All applicants

IV		
A. Star Communications, Inc.; Spencer, WV.	BPH–881202MA	90–397
B. Donald L. Mills; Spencer, WV.	BPH–881221MC	

Issue heading and applicants

1. Air Hazard, B
2. Comparative, A, B
3. Ultimate, A, B

V		
A. Miller-Parker Broadcast Co., Sylvester, GA.	BPH–890412ME	90–400
B. Douglas M. Sutton, Jr. and James D. Hardy DBA Radio South Georgia; Sylvester, GA.	BPH–890413MB	90–400
C. K&B Broadcasting Co., Inc. c/o Karen Barnard; Sylvester, GA.	BPH–890413MI	
D. Albert E. Smith tr/as Southwest Georgia Broadcasters; Sylvester, GA.	BPH–890413NJ	

Issue heading and applicants

1. Air Hazard, D
2. Comparative, A–D
3. Ultimate, A–D

2. Pursuant to section 309(e) of the Communications Act of 1934, as amended, the above applications have been designated for hearing in a consolidated proceeding upon the issues whose headings are set forth below. The text of each of these issues has been standardized and is set forth in its entirety under the corresponding headings at 51 FR 19347, May 29, 1986. The letter shown before each applicant's name, above, is used below to signify whether the issue in question applies to that particular applicant.

3. If there is any non-standardized issue in this proceeding, the full text of the issue and the applicants to which it applies are set forth in an appendix to this Notice. A copy of the complete HDO in this proceeding is available for inspection and copying during normal business hours in the FCC Dockets Branch (room 230), 1919 M Street, NW., Washington DC. The complete text may also be purchased from the Commission's duplicating contractor, International Transcription Services, Inc., 2100 M Street, NW., Washington, DC 20037. (Telephone (202) 857–3800).

W. Jan Gay,

Assistant Chief, Audio Services Division.

[FR Doc. 90–22336 Filed 9–19–90; 8:45 am]

BILLING CODE 6712–01–M

Applications for Consolidated Hearing

1. The commission has before it the following mutually exclusive applications for 5 new FM stations:

Applicant, City and State	File No.	MM docket No.
I		
A. Threshold Communications; Copperopolis, CA.	BPH–890501ME	90–365
B. Garry E. and K. Diane Thompson; Copperopolis, CA.	BPH–890501MI	
C. Chester P. Coleman; Copperopolis, CA.	BPH–890502MD	
D. Copperopolis Broadcasting Company; Copperopolis, CA.	BPH–890502ME	

Issue heading and applicants

1. Comparative, A,B,C,D
2. Ultimate, A,B,C,D

II		
A. MBC Limited Partnership; Hali' Imaile, HI.	BPH–890503MD	90–364
B. Derob Io Communication, Inc.; Hali' Imaile, HI.	BPH–890503MJ	
C. Rey-Cel Broadcasting Limited Partnership; Hali' Imaile, HI.	BPH–890503MM	

Applicant, City and State	File No.	MM docket No.
Issue heading and applicants		
1. Air Hazard, B		
2. Financial, A		
3. Environmental, A,C		
4. Comparative, A,B,C		
5. Ultimate, A,B,C		
III		
A. Greer Broadcasting Co., Inc.; Greer, SC.	BPH-880503MB	90-369
B. Greer Communications, A Limited Partnership; Greer, SC.	BPH-880504MD	
C. Pinacle Communications Group; Greer, SC.	BPH-880505OF	
D. Twin Cities Radio Partnership (4P); Greer, SC.	BPH-880505PD	
E. Upstate Broadcasting Associates; Greer, SC.	BPH-880505PI	
F. South Winds Communications Limited Partnership; Greer, SC.	BPH-880505PR	
G. Piedmont Broadcasting Company; Greer, SC.	BPH-880505NX (Previously Returned)	
Issue heading and applicants		
1. Environmental, A		
2. See Appendix, See HDO issues		
3. See Appendix, See HDO issues		
4. See Appendix, See HDO issues		
5. Comparative, A,B,C,D,E,F,G		
6. Ultimate, A,B,C,D,E,F,G		
IV		
A. Herrin Broadcasting, Inc.; Herrin, IL.	BPH-890405ME	
B. Adlai E. Stevenson IV; Herrin, IL.	BPH-890405MF	
C. Pyracom, Inc.; Herrin, IL.	BPH-890405MG	
D. Jerry Lacey; Herrin, IL.	BPH-890405MI	
E. C.L.C. Broadcasting, Inc.; Herrin, IL.	BPH-890405MK	
Issue heading and applicants		
1. Air Hazard, E		
2. Comparative, All Applicants		
3. Ultimate, All Applicants		
V		
A. Goodhart Broadcasting, Inc.; California, MD.	BPH-880915MH	90-367
B. Southern Shore Radio Limited Partnership; California, MD.	BPH-880915MK	
C. Tidewater Braodcasting Company, Inc.; California, MD.	BPH-880915NM	
D. Barbara Wall duTreil, d/b/a Tippity wichity Communications Company; California, MD.	BPH-880915NN	
Issue heading and applicants		
1. Financial, A		
2. Site Availability, C		
3. Air Hazard, B		
4. Comparative, A,B,C,D		
5. Ultimate, A,B,C,D		

2. Pursuant to section 309(e) of the Communications Act of 1934, as amended, the above applications have been designated for hearing in a consolidated proceeding upon the issues whose headings are set forth below. The text of each of these issues has been standardized and is set forth in its entirety under the corresponding headings at 51 FR, 19347, May 29, 1986. The letter shown before each applicant's name, above, is used below to signify whether the issue in question applies to that particular applicant.

3. If there are any non-standardized issues in this proceeding, the full text of the issue and the applicants to which it applies are set forth in an appendix to this Notice. A copy of the complete HDO in this proceeding is available for inspection and copying during normal business hours in the FCC Dockets Branch (room 230), 1919 M Street, NW., Washington DC. The complete text may also be purchased from the Commission's duplicating contractor, International Transcription Services, Inc., 2100 M Street, NW., Washington, DC 20037. (Telephone (202) 857-3800).

W. Jan Gay,

Assistant Chief, Audio Services Division, Mass Media Bureau.

Appendix (Greer, South Carolina)

2. To determine whether Sonrise Management Services, Inc. is an undisclosed party to the application of D (Twin Cities Radio Partnership, LP).

3. To determine whether D's (Twin Cities Radio Partnership, LP) organizational structure is a sham.

4. To determine, from the evidence adduced pursuant to Issues 2 and 3 above, whether D (Twin Cities Radio Partnership, LP) possesses the basic qualifications to be a licensee of the facilities sought herein.

[FR Doc. 90-22337 Filed 9-19-90; 8:45 am]

BILLING CODE 6712-01-M

FEDERAL MARITIME COMMISSION

Agreement(s) Filed

The Federal Maritime Commission hereby gives notice that the following agreement(s) has been filed with the Commission pursuant to section 15 of the Shipping Act, 1916, and section 5 of the Shipping Act of 1984.

Interested parties may inspect and obtain a copy of each agreement at the Washington, DC Office of the Federal Maritime Commission, 1100 L Street NW., room 10220. Interested parties may submit protests or comments on each agreement to the Secretary, Federal Maritime Commission, Washington, DC 20573, within 10 days after the date of the Federal Register in which this notice appears. The requirements for comments and protests are found in § 560.602 and/or § 572.603 of title 46 of the Code of Federal Regulations. Interested persons should consult this section before communicating with the Commission regarding a pending agreement.

Any person filing a comment or protest with the Commission shall, at the same time, deliver a copy of that document to the person filing the agreement at the address shown below.

Agreement No. 224-200396-001.

Title: Jacksonville Port Authority/ Carolina Stevedoring Company, Inc. Terminal Agreement.

Parties:

Jacksonville Port Authority (Port)
Carolina Stevedoring Company, Inc. (Lessee).

Filing Party: Carl L. Timmer, General Traffic Manager, Jacksonville Port Authority, 2701 Talleyrand Avenue, Jacksonville, Florida 32206.

Synopsis: The Agreement amends the basic lease agreement to (1) permit Lessee to handle the account of CAVN Orinoco River Service at the 11th Street Terminal leased facilities; (2) delete the ad valorem tax exemption; (3) modify the indemnification and insurance provisions; and (4) reflect under Exhibit B of the agreement the fees and charges relating to the CAVN Orinoco River Service account.

By Order of the Federal Maritime Commission.

Dated: September 14, 1990.

Ronald D. Murphy,

Assistant Secretary.

[FR Doc. 90-22226 Filed 9-19-90; 8:45 am]

BILLING CODE 6730-01-M

Agreement(s) Filed

The Federal Maritime Commission hereby gives notice of the filing of the following agreement(s) pursuant to section 5 of the Shipping Act of 1984.

Interested parties may inspect and obtain a copy of each agreement at the Washington, DC Office of the Federal Maritime Commission, 1100 L Street NW., room 10220. Interested parties may submit comments on each agreement to the Secretary, Federal Maritime Commission, Washington, DC 20573,

within 10 days after the date of the **Federal Register** in which this notice appears. The requirements for comments are found in § 572.603 of title 46 of the Code of Federal Regulations. Interested persons should consult this section before communicating with the Commission regarding a pending agreement.

Agreement No.: 224–200381–001.
Title: Georgia Ports Authority/ Savannah International, Terminals Agreement.
Parties:

Georgia Ports Authority,
Savannah International Terminals.

Synopsis: The Agreement amends the parties' basic agreement to revise rates applicable to Zim-American Israeli Shipping Company, Inc. for loaded TEU's; empty containers; rail loading/ unloading; stack charges; and other services. The effective date of the revised rates is April 1, 1991.

Agreement No.: 224–200403–001.
Title: Georgia Ports Authority/ Safbank Terminal Agreement.
Parties:

Georgia Ports Authority,
Safbank.

Synopsis: The Agreement amends the parties' basic agreement to provide a revised schedule of rates effective October 1, 1990, for a consolidated rate for containers on/off ships, loaded or empty; as well as specific rates for receiving and delivery in stacks; rail loading/unloading; stack utilization fee; and import box computer fee. The rates are subject to increase October 1, each year.

Agreement No.: 224–200224–003.
Title: Georgia Ports Authority/ Chiquita Brands, Inc. Terminal Agreement.
Parties:

Georgia Ports Authority,
Chiquita Brands, Inc.

Synopsis: The Agreement amends the parties' basic agreement to provide a revised schedule of rates effective October 1, 1990, for premount or demount of containers; and keeping Gate No. 5 open other than normal hours of operation.

Agreement No.: 224–200230–002.
Title: Georgia Ports Authority/ Wilhelmsen A/S Terminal Agreement.
Parties:

Georgia Ports Authority,
Wilhelmsen A/S.

Synopsis: The Agreement amends the parties' basic agreement to provide a revised schedule of rates effective October 1, 1990, for consolidated field services rate per container on/off ships, loaded or empty.

Agreement No.: 224–200262–003.
Title: Georgia Ports Authority/Hapag Lloyd A.G./Gulf Container Line, B.V./ Compagnie Generale Maritime Terminal Agreement.
Parties:

Georgia Ports Authority,
Hapag Lloyd A.G. (HL),
Gulf Container Line, B.V.,
Compagnie Generale Maritime.

Synopsis: The Agreement amends the parties' basic agreement to provide a revised schedule of rates effective October 1, 1990, for wharfage, crane rental and slot fee; and rail loading and unloading. The Agreement also revises charges applicable to only HL for stack utilization fee; and computer service charge for customs releases.

Agreement No.: 224–200103–004.
Title: Georgia Ports Authority/A/S Ivarans Rederi Terminal Agreement.
Parties:

Georgia Ports Authority,
A/S Ivarans Rederi.

Synopsis: The Agreement amends the parties' basic agreement to provide a revised schedule of rates effective October 1, 1990, for a consolidated rate for containers on/off ships, loaded or empty; receiving and delivery in stacks; rail loading and unloading; stack utilization fee; and import box computer fee.

Agreement No.: 224–200371–001.
Title: Georgia Ports Authority/ Compagnie Generale Maritime Terminal Agreement.
Parties:

Georgia Ports Authority,
Compagnie Generale Maritime.

Synopsis: The Agreement amends the parties' basic agreement to provide a revised schedule of rates effective October 1, 1990, for a consolidated rate for containers loaded on/off vessels, empty or loaded; and wharfage.

Agreement No.: 224–200284–001.
Title: Georgia Ports Authority/United Arab Shipping Company Terminal Agreement.
Parties:

Georgia Ports Authority,
United Arab Shipping Company.

Synopsis: The Agreement amends the parties' basic agreement to provide a revised schedule of rates effective October 1, 1990, for fixed rates based on annual volume of containers; and other rates.

Agreement No.: 224–200102–003.
Title: Georgia Ports Authority/Ocean Star Container Line Terminal Agreement.
Parties:

Georgia Ports Authority (GPA),
Ocean Star Container Line.

Synopsis: The Agreement amends the parties' basic agreement to provide a revised schedule of rates effective October 1, 1990, for a consolidated rate per container. This rate is subject to increase October 1, each year. All other charges are assessed at 80% of GPA's Terminal Tariff No. 1–F.

Agreement No.: 224–200294–001.
Title: Georgia Ports Authority/ Japanese Three Lines Terminal Agreement.
Parties:

Georgia Ports Authority,
Japanese Three Lines.

Synopsis: The Agreement amends the parties' basic agreement to provide a revised schedule of rates effective October 1, 1990, for a consolidated rate of wharfage, dockage, crane rental, land use and stevedoring use fee; as well as specific rates for rail loading and unloading; daily reefer charge; receiving and delivery to/from motor carrier and special service moves; stack utilization charge; and terminal inventory data fee.

Agreement No.: 224–010749–004.
Title: Georgia Ports Authority/ Yangming Marine Transport Corporation.
Parties:

Georgia Ports Authority,
Yangming Marine Transport Corporation.

Synopsis: The Agreement amends the parties' basic agreement to provide a revised schedule of rates effective October 1, 1990, for a consolidated rate per container; computer service charge for customs release; handling containers to and from rail cars; and stack utilization fee when field equipment is leased to place or remove containers in stack, replacing billing of storage.

By Order of the Federal Maritime Commission.

Dated: September 14, 1990.

Ronald D. Murphy,

Assistant Secretary.

[FR Doc. 90–22227 Filed 9–19–90; 8:45 am]

BILLING CODE 6730–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control

Immunization Practices Advisory Committee: Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), the Centers for Disease

Control (CDC) announces the following Committee meeting:

Name: Immunization Practices Advisory Committee.

Time and Date: 8:30 a.m.–5 p.m., October 16, 1990; 8:30 a.m.–12 noon, October 17, 1990.

Place: Auditorium A, Building 2, CDC, 1600 Clifton Road, NE, Atlanta, Georgia 30333.

Status: Open to the public, limited only by the space available.

Purpose: The Committee is charged with advising the Director, CDC, on the appropriate uses of immunizing agents.

Matters to be Discussed: The Committee will discuss draft recommendations for a statement on DTP; measles; hepatitis; *Haemophilus Influenzae* type b; immunization of immunocompromised individuals; and will consider other matters of relevance among the Committee's objectives. Agenda items are subject to change as priorities dictate.

Contact Person for More Information: Cheryl Counts, Staff Specialist, CDC (1–B46), 1600 Clifton Road, NE,. Mailstop A20, Atlanta, Georgia 30333, telephone 404/639–3851, FTS 236–3851.

Dated: September 14, 1990.

Elvin Hilyer,

Associate Director for Policy Coordination, Centers for Disease Control.

[FR Doc. 90–22298 Filed 9–19–90; 8:45 am]

BILLING CODE 4160–18–M

Mine Health Research Advisory Committee: Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), the Centers for Disease Control (CDC) announces the following National Institute for Occupational Safety and Health (NIOSH) Committee meeting:

Name: Mine Health Research Advisory Committee (MHRAC).

Time and Date: 12:30 p.m.–5 p.m., October 10, 1990; 9 a.m.–12:30 p.m., October 11, 1990.

Place: Appalachian Laboratory for Occupational Safety and Health, Conference room 138, NIOSH, CDC, 944 Chestnut Ridge Road, Morgantown, West Virginia 26505.

Status: Closed 4 p.m.–5 p.m., October 10, 1990. All other portions of the meeting are open to the public, limited only by the space available.

Purpose: The Committee is charged with advising the Secretary of Health and Human Services on matters involving or relating to mine health research, including grants and contracts for such research.

Agenda: Agenda items for the meeting will include announcements, consideration of minutes of the previous meeting, a report from the Director of NIOSH, mine health program reports, work group reports, and consideration of a subcommittee report on the autopsy program regarding coal workers' pneumoconiosis. Beginning at 4 p.m. through 5 p.m., October 10, the Committee will discuss certain matters the public disclosure of which would constitute a violation of sections 552b(c)(6) and/or 552b(c)(9)(B) of title 5 U.S.C. Therefore, pursuant to said provisions and the determination of the director of CDC, this position of the meeting will not be open to the public.

Agenda items are subject to change as priorities dictate.

Contact Person for Additional Information: Melvin L. Myers, Executive Secretary, MHRAC, NIOSH, CDC, 1600 Clifton Road, NE., D37, Atlanta, Georgia 30333, telephone 404/639–2376 or FTS 236–2376.

The portions of the meeting so indicated are open to the public for observation and participation. Anyone wishing to make an oral presentation should notify the contact person listed above as soon as possible before the meeting. The request should state the amount of time desired, the capacity in which the person will appear, and a brief outline of the presentation. Oral presentations will be scheduled at the discretion of the Chairman and as time permits.

A roster of members and other relevant information regarding the meeting may be obtained from the contact person listed above.

Dated: September 14, 1990.

Elvin Hilyer,

Associate Director for Policy Coordination, Centers for Disease Control.

[FR Doc. 90–22299 Filed 9–19–90; 8:45 am]

BILLING CODE 4160–10–M

Food and Drug Administration

[Docket No. 89D–0398]

Sponsored Compounds Used in Food-Producing Animals; Guideline for the Safety Evaluation of Bound Residues From Carcinogenic Animal Drugs; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the availability of a revised guideline, "VIII. Guideline for the Human Food Safety Evaluation of Bound Residues Derived from Carcinogenic New Animal Drugs." The guideline describes the kinds of data that FDA considers in evaluating the toxicological significance of bound residues derived from carcinogenic animal drugs. The guideline applies to human food safety, not to target animal safety. FDA invites interested persons to submit written comments on the guideline.

DATES: Written comments on the guideline may be submitted at any time.

ADDRESSES: Submit written requests for single copies of "VIII. Guideline for the Human Food Safety Evaluation of Bound Residues Derived from Carcinogenic New Animal Drugs" to the Division of Chemistry (HFV–140), Center for Veterinary Medicine, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857. Send two self-addressed adhesive labels to assist that office in processing your requests. Submit written comments on "VIII. Guidelines for the Human Food Safety Evaluation of Bound Residues Derived from Carcinogenic New Animal Drugs" to the Dockets Management Branch (HFA–305), Food and Drug Administration, rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857. Written comments should be identified with docket number 89D–0398. The guideline and received comments are available for public examination in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Steven D. Brynes, Center for Veterinary Medicine (HFV–140), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–2841.

SUPPLEMENTARY INFORMATION: In the Federal Register of December 31, 1987 (52 FR 49589; Docket No. 83D–0288), FDA announced the availability of a series of seven guidelines that describe the tests that a sponsor of a new animal drug may conduct to establish the safe conditions of use of the drug in food-producing animals. Although one of these guidelines, "I. Guideline for Metabolism Studies and for Selection of Residues for Toxicological Testing," discussed in general terms some considerations relevant to bound residues, FDA had not prepared a guideline dealing specifically with the safety evaluation of bound residues derived from carcinogenic drugs.

In the Federal Register of December 6, 1989 (54 FR 50435), FDA published a notice announcing the availability of a draft guideline "VIII. Guideline for the Human Food Safety Evaluation of Bound Residues Derived from Carcinogenic New Animal Drugs." The notice provided that while comments could be submitted at any time, FDA would respond to those comments received within 60 days after publication. Although FDA received numerous requests for copies of the draft guideline, no written comments were submitted to the Dockets Management Branch.

FDA did, however, receive some oral comments on the draft guideline. These comments expressed overall agreement with its provisions. In particular, oral comments concurred with the kinds of data requested by FDA and strongly supported its position that the bound residue situation for each drug would be

assessed on a case-by-case basis. One area that did receive some adverse comment related to the discussion regarding studies on gastrointestinal binding and gastrointestinal carcinogenesis. Comments questioned the reliability and usefulness of the results of studies of the type cited in the draft guideline. The comments argued, moreover, that information regarding a drug's potential for gastrointestinal carcinogenesis could most readily be inferred from chronic feeding studies in toxicological test species.

FDA concurs with the above comments. Consequently, FDA has deleted the discussion in question from the revised guideline. If chronic feeding studies show that the gastrointestinal tract is a target for a drug's carcinogenicity, then FDA may require specific studies to evaluate the bound residue(s) of the drug.

This guideline has been combined with the other seven guidelines concerned with the human food safety evaluation of sponsored compounds in food-producing animals (Docket No. 83D–0288). The complete series of guidelines is available for public examination at the Dockets Management Branch (address above).

Dated: September 12, 1990

Ronald G. Chesemore,

Associate Commissioner for Regulatory Affairs.

[FR Doc. 90–22205 Filed 9–19–90; 8:45 am]

BILLING CODE 4160–01–M

[Docket No. 89P–0222]

Liquid Eggs Deviating From the Standard of Identity; Extension of Temporary Permit for Market Testing

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that the expiration date of a temporary permit to market test in interstate commerce "ultrapasteurized liquid whole eggs" and "ultrapasteurized liquid whole eggs with citric acid" is being extended. This extension will allow the permit holder to continue experimental market testing of the product and to gather data in support of a petition to amend the standard of identity for liquid eggs that was submitted by the parent firm of the permit holder.

DATES: The new expiration date of the temporary permit will be either the effective date of a final rule for any proposal to amend the standard of identity for liquid eggs that may result from the petition or 30 days after termination of such a proposal.

FOR FURTHER INFORMATION CONTACT: Joanne Travers, Center for Food Safety and Applied Nutrition (HFF–414), Food and Drug Administration, 200 C Street SW., Washington, DC 20204, 202–485–0106.

SUPPLEMENTARY INFORMATION: FDA issued a temporary permit (July 21, 1989; 54 FR 30612) under the provisions of 21 CFR 130.17 to Crystal Foods, Inc., 6465 Wayzata Blvd., Minneapolis, MN 55426, a subsidiary of Michael Foods, Inc., to market test experimental packs of "ultrapasteurized liquid whole eggs" and "ultrapasteurized liquid whole eggs with citric acid." The temporary permit was issued in order to facilitate the market testing of foods that deviate from the requirements of the standard of identity promulgated under section 401 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 341). These products are not provided for in the U.S. standards of identity for liquid eggs in § 160.115 (21 CFR 160.115) because they are processed by a special procedure that involves increased heat treatment combined with aseptic processing and packing. The purpose of the special process is to: (1) Render the egg product free of *Salmonella* and *Listeria monocytogenes,* (2) substantially reduce the number of spoilage bacteria in the liquid whole eggs and liquid whole eggs with citric acid, (3) prevent postprocess contamination of the products, and (4) obtain a shelf life greater than 4 weeks under refrigeration. Citric acid is added at a level of 0.15 percent to preserve color.

Michael Foods, Inc., has requested that the expiration date of the temporary permit issued to Crystal Foods, Inc., be extended to allow the firm to continue to gather data while the agency considers action on its petition to amend the standard. The petition would amend the standard of identity for liquid eggs (§ 160.115) to provide for "ultrapasteurized liquid whole eggs" and "ultrapasteurized liquid whole eggs with citric acid." FDA believes that it is in the interest of consumers to issue this extension.

FDA invites interested persons to participate in the market test under conditions that apply to Crystal Foods, Inc., including the labeling requirements and the amounts of test product to be distributed, except that the designated areas of distribution shall not apply. In addition, all interested persons must submit to the agency a detailed description of the process to be utilized, whether the firm chooses to duplicate Crystal Foods' process in its entirety, or provide evidence including data, in support of a similarly successful process, whereby the egg product is free of *Salmonella* and *L. monocytogenes.*

Any interested person who wishes to participate in the market test must notify, in writing, the Acting Director, Division of Food Chemistry and Technology (HFF–410), Food and Drug Administration, 200 C St. SW., Washington, DC 20204. The notification must state the amount of test product to be distributed, the areas of distribution, and the labeling that will be used for the test product.

Therefore, under the provisions of 21 CFR 130.17(i), FDA is extending the expiration date so that the permit expires either on the effective date of a final rule for any proposal to amend the standard of identity for liquid eggs that may result from the petition or 30 days after termination of such a proposal. All other conditions and terms remain the same.

Dated: September 4, 1990.

Fred R. Shank,

Director, Center for Food Safety and Applied Nutrition.

[FR Doc. 90–22261 Filed 9–19–90; 8:45 am]

BILLING CODE 4160–01–M

[Docket No. 88D–0367]

FDA Bacteriological Analytical Manual, Chapter 29—Listeria Isolation; Culture Medium Substitution in Method of Analysis

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is providing notice of revised methodology for detecting and confirming the presence of *Listeria monocytogenes* in foods. the revised method will simplify and enhance the analysis of foods for *L. monocytogenes* and, therefore, will allow FDA to obtain necessary analytical results more readily for support of the agency's regulatory or administrative actions. The revised method will be incorporated into and will replace the *Listeria* isolation method in chapter 29—"*Listeria* Isolation" of the *Bacteriological Analytical Manual* (6th Edition, Supplement, 1987; 2nd Printing 1989). The modified method for *Listeria* species is as analytically sensitive as the method that is being changed.

FOR FURTHER INFORMATION CONTACT: Anthony D. Hitchins, Center for Food

Safety and Applied Nutrition (HFF–234) Food and Drug Administration, 200 C Street SW., Washington, DC 20204, 202–245–2450.

SUPPLEMENTARY INFORMATION: The analytical methods used by FDA for the microbiological examination of foods and cosmetics are published by the Association of Official Analytical Chemists (AOAC) [1] in a manual entitled *Bacteriological Analytical Manual* (BAM). Chapters contained in the BAM each generally deal with the methodology that is to be utilized for the isolation of particular microorganisms.

In the current FDA method for isolation of *Listeria*, use of modified McBride agar (MMA) sometimes is complicated by excess growth of other microbes that are resistant to the selective agents employed. These competitors may mask *Listeria* colonies, makign detection difficult, particularly with the special illumination system that is needed. Oxford Agar (OXA), which will replace MMA, suppresses competitors more efficiently. It also has the advantage of making colonies of *Listeria* species distinctly visible in regular illumination because of the development of black colonial pigmentation and a black halo around colonies.

From its own data and that of other laboratories, FDA has determined that OXA can be substituted for MMA in the isolation procedure (section D, page 29.05, chapter 29, *Bacteriological Manual*, Second Printing (2/89) of the Supplement (9/87) of the 6th Edition (1984)). Accordingly, section D will now read as follows:

D. Isolation Procedure

At 24 h and at 2 days, streak EB culture onto Oxford agar (OXA) and onto lithium chloride-phenylethanol-moxalactam (LPM) agar. Incubate OSA plates at 35 °C for 24 to 48 h and LPM plates at 30 °C for 24 to 48 h. On OXA, *L. monoytogenes* and other *Listeria* species form black colonies surrounded with a black halo within 24 to 48 h. Oblique transmitted light illumunation is inapplicable and redundant. Certain other bacteria can form weakly brownish black colonies, but their color development takes longer than 2 days. Examine LPM plates for suspect colonies by using beamed white light powerful enough to illuminate the plate well, striking plate bottom at 45° angle (Figure 2). When examined in this oblique-transmitted light from an eye position directly above the plate (i.e., at 90° to the plate) either directly or with a low power microscope or dissecting microscope (with mirrors detached), colonies of *Listeria* species appear sparkling blue (bluish crushed glass) or white on LPM. The use of positive and negative control colonies on LPM (not the test plate) to attune the observer's eyes is recommended. Although there are variations in the components of the optical systems used, the important points are the 45° angle of incident light and the 90° angle of emergent light. Pick five or more typical colonies from OXA and/or LPM to trypticase soy agar with 0.6% yeast extract (TSA–YE), for streaking of isolated colonies. Incubate TSA–YE plates at 30 °C for 24 h or until.

In the chapter 29 Media Supplement section, the following should be substituted for medium #4 (Modified McBride Agar):

4 Oxford Agar medium (OXA)

Obtain the dehydrated medium and antibiotic supplement mixture commercially, e.g., from Oxoid USA, Inc., Columbia, MD, or from Difco, Detroit, MI, and follow the supplier's directions. But, if making the medium from its components, note that the appropriate stock solutions of cefoetan and fosfomycin should be filter-sterilized. Autoclave the remainder of the medium at 121 °C for 15 min and temper to 50 °C before adding the two antibiotics.

The formula is:

Columbia blood agar base (available commercially)	39.0 g
Esculin	1.0 g
Ferric (iron III) ammonium citrate	0.5 g
Lithium chloride	15.0 g
Cycloheximide	0.4 g
Colistin	0.02 g
Acriflavin	0.005 g
Cefotetan	0.002 g
Fosfomycin	0.01 g
Purified water	1.0 L

To the Reference section of chapter 29, add the following reference:

13. Curtis, G.D.W., R.G. Mitchell, A.F. King, and E.J. Griffin. 1989. A selective differential medium for the isolation of *Listeria monocytogenes*. Lett. Appl. Microbiol. 8:95–98.

FDA notes that it is not obligated to publish in the **Federal Register** the changes in methodology contained within the BAM (21 CFR 10.90(b)(10)). However, because of the public health ramifications associated with *L. monocytogenes*, FDA believes that it is in the public interest to provide **Federal Register** notice of the modified *L. monocytogenes* isolation methodology and therefore is publishing the change.

Dated: September 12, 1990.

Ronald G. Chesemore,

Associate Commissioner for Regulatory Affairs.

[FR Doc. 90–22137 Filed 9–19–90; 8:45 am]

BILLING CODE 4160–01–M

[1] 2200 Wilson Boulevard, suite 400, Arlington, Virginia 22201–3301.

Health Care Financing Administration

Statement of Organization, Functions, and Delegations of Authority

Part F. of the Statement of Organization, Functions, and Delegations of Authority of the Department of Health and Human Services, Health Care Financing Administration (HCFA), (49 FR 35247, dated September 6, 1984) is amended to include the Secretary's delegation of authority, to the administrator, HCFA, to approve waivers of disallowances of Federal financial participation to States as a result of a State being found to be above its target error rate in determining Medicaid eligibility associated with the Medicaid Eligibility Quality Control program.

The specific changes to Part F. are described below:

Section F. 30., Delegations of Authority, is amended by adding paragraph DD. The new delegation of authority reads as follows:

DD. The authority under section 101(g) of Public Law No. 96–123, the 1980 Continuing Resolution, which refers to the 1980 Labor-HEW Appropriations Act, H.R. 4389, 96th Cong., 1st Sess., as adopted by the House of Representatives on August 2, 1979, the latter including in section 201 an incorporation of the Conference Report on the 1979 Supplemental Appropriations Act, Public Law No. 96–38, that is, H.R. Rep. No. 331, 96th Cong., 1st Sess. 34f. (1979) and 42 CFR 431.862 (redesignated at 55 FR 22170 (May 31, 1990)) to approve waivers of disallowances of Federal financial participation to States as a result of a State being found to be above its target error rate in determining Medicaid eligibility relating to the Medicaid Eligibility Quality Control program.

The waiver authority herein delegated may not be redelegated. This delegation of authority is effective immediately. In addition, I hereby affirm and ratify any actions taken by you which, in effect, involved the exercise of this subject authority prior to the effective date of this delegation.

Dated: September 10, 1990.

Louis W. Sullivan,

Secretary.

[FR Doc. 90–22303 Filed 9–18–90; 8:45 am]

BILLING CODE 4120–03–M

Public Health Service

Office of the Assistant Secretary for Health; Titles XXIII and III of the Public Health Service Act, Title II of the Health Omnibus Programs Extension of 1988, Delegation of Authority

Notice is hereby given that in furtherance of the delegations of authority to the Assistant Secretary for Health on February 6, 1989, and on January 14, 1981, by the Secretary of Health and Human Services, the Assistant Secretary for Health has delegated to the Director, National Institutes of Health, specific authorities under titles XXIII and III of the Public Health Service (PHS) Act and subtitle E of title II of the Health Omnibus Programs Extension of 1988, as amended, as follows:

Title XXIII, PHS Act, as amended, authorities delegated:

- Section 2302 (42 U.S.C. 300cc–1, as amended): Expedite grant and contract awards for acquired immunodeficiency syndrome (AIDS) research;
- **Section 2304 (42 U.S.C. 300cc–3, as amended): through the Director, National Institute on Allergy and Infectious Diseases (NIAID), establish the AIDS Clinical Research Review Committee [renamed the AIDS Research Advisory Committee, NIAID];**
- Section 2311 (42 U.S.C. 300cc–11, as amended): acting through the Director, National Cancer Institute, and NIAID, establish clinical evaluation units, and provide related clinical support;
- Section 2312(a)(2)(A) (42 U.S.C. 300cc–12, as amended): make recommendations concerning new drugs [through the AIDS Clinical Research Review Committee, renamed the AIDS Research Advisory Committee, NIAID];
- Section 2313(d) (42 U.S.C. 300cc–13, as amended): withhold financial assistance for experimental treatment clinical trials unless certain conditions are met;
- Section 2314 (42 U.S.C. 300cc–14, as amended): establish a program of evaluation of certain treatments; the Food and Drug Administration (FDA) has concurrent authority, with NIH serving as the lead agency in the development of scientific and ethical guidelines, for the evaluation of non-FDA-approved drugs under section 2314(c);
- Section 2315 (42 U.S.C. 300cc–15, as amended): Establish an international program of AIDS grants, contracts, and cooperative agreements;
- Section 2316 (42 U.S.C. 300cc–16, as amended): Acting through the Director, NIAID, may make grants and contracts for centers for AIDS research;
- Section 2317 (c), (d), and (e) (42 U.S.C. 300cc–17, as amended): Establish and provide information services programs; because NIH plays a role in the gathering and dissemination of information, FDA and NIH should have concurrent authority under sections 2317 (d) and (e);
- Section 2319 (42 U.S.C. 300cc–19, as amended): After consultation with the Director, National Heart, Lung, and Blood Institute (NHLBI), and the Commissioner, FDA, establish a national program of blood resource education;
- Section 2320(c) (42 U.S.C. 300cc–20, as amended): Make grants for long-term research into treatments for AIDS:
- Section 2351 (42 U.S.C. 300cc–41, as amended): Support an NIH Office of AIDS Research.

Title III, PHS Act, as amended, authority:

- **Section 373(b) of the PHS Act, as amended: establish a registry of voluntary bone marrow donors [section 373(b) of the PHS Act was amended by section 404 of Public Law 100–607].**

Section 255 of Public Law 100–607 authority:

- Section 255: provide technical assistance to public and nonprofit private entities carrying out AIDS programs, projects, and activities.

This delegation excludes the authorities to issue regulations, to submit reports to Congress or a congressional committee, to establish advisory committees or councils, or to appoint members to advisory committees or councils.

NIH shall exercise the authority under section 2317 in accordance with the policies established by the Assistant Secretary for Health regarding coordination and integration of HIV-related information.

Redelegation

These authorities may be redelegated.

Dated: September 7, 1990.

James O. Mason,

Assistant Secretary for Health.

[FR Doc. 90–22262 Filed 9–19–90; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[ID–010–00–4212–14; IDI–6872, IDI–27435]

Termination of Recreation and Public Purposes Classification and Realty Action; Direct Sale of Public Land in Canyon County, ID

SUMMARY: This order terminates a Bureau of Land Management classification affecting 320 acres of public land southwest of Caldwell, Idaho, near Pickles Butte. After termination of the Classification, the underlying lands excepting the W½SW¼NE½ and W½W½SE¼ (both surface and mineral estates, except oil and gas, and geothermal) will immediately become available for disposal by sale pursuant to section 203 of the Federal Land Policy and Management Act of 1976 at the appraised fair market value. The following public lands are involved in this action:

Boise Meridian, Idaho

T.2 N., R. 3 W.,
Sec. 21, W½SW¼NE¼, NW¼NW¼, S½NW¼, N½SW¼, SW¼SW¼, N½SE¼SW¼, W½W½SE¼.
Containing 320 acres.

By virtue of the authority vested in the Secretary of the Interior by the Recreation and Public Purposes Act of June 14, 1926, as amended (43 U.S.C. 869, 869–4), it is ordered as follows: Pursuant to the regulations in 43 CFR 2091.7–1(b)(1) and the authority delegated to me by BLM Manual section 1203, the classification of the 320 acres of public land as suitable for recreation and public purposes under the Act of June 14, 1926, as amended (43 U.S.C. 869–4), under serial number IDI–6872, is hereby revoked. Upon termination of the classification, the lands except the W½SW¼NE¼ and W½,W½SE¼, both surface and mineral estates, except oil and gas and gothermal) will be sold under the authority of section 203 of the Federal Land Policy and Management Act to Canyon County.

The previously-described lands have been examined and through land use planning and public input has been determined to be suitable for disposal by sale pursuant to section 203 of the Federal Land Policy and Management act of 1976.

DATES: The sale offering will be held no earlier than November 21, 1990 and no later than December 31, 1990. If the parcel is not sold at that time, the sale will be cancelled.

The previously-described lands are hereby segregated from appropriation under the public land laws, including the mining laws, except Section 203 of the Federal Land Policy and Management Act of 1976, for a period of 270 days or until patent is issued, whichever comes first.

For a period of 45 days from the date of publication of this notice in the **Federal Register**, interested parties may submit comments to the District Manager, Bureau of Land Management, at the address shown below.

ADDRESSES: The sale offering will be held at the Boise District Office, Bureau of Land Management, 3948 Development Avenue , Boise, Idaho 83705.

FOR FURTHER INFORMATION CONTACT: Detailed information concerning the sale can be obtained by contacting Effie Schultsmeier, Realty Specialist, at (208) 334–1582 or at the above address.

SUPPLEMENTARY INFORMATION: When patented, the lands will be subject to the following reservations:

1. A right-of-way for ditches or canals constructed by the authority of the United States. Act of August 30, 1890, 26 Stat. 391; 43 U.S.C. 945.

2. Oil and gas and geothemal resources will be reserved with the right to explore and remove under applicable law, and such regulations as the Secretary of the Interior may prescribe, as required by section 209 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1719.

3. The subject landfill probably contains some amounts of hazardous substances in the form of household hazardous waste and exempt small commercial quantities of hazardous waste, but there is no indication that the materials pose a significant health risk to the public or danger to the environment.

4. This patent is subject to the indemnification agreement signed by the Canyon Country Commissioners.

This parcel is being offered directly to Canyon County based on historical use adjacent land use, and value added by them to the land. Failure of the proponent to purchase the land by December 31, 1990, will result in cancellation of the sale. The lands will be withdrawn from sale, the R&PP Act classification will be continued and the lands will continue under management by the Bureau of Land Management.

The offer to purchase will be at fair market value and will consititute an application to purchase the minerial estate. A 30 percent (30%) deposit must accompany the offer. An additional $50.00 non-returnable mineral conveyance processing fee is required. The filing fee and deposit must be paid by certified check, money order bank draft or cashier's check. The offer will be rejected if accompanied by payment other than as listed above.

The remainder of the full price shall be paid within 180 days of the date of the sale. Failure to pay the full price within the 180 days shall disqualifiy the purchaser and cause the deposit to be forfeited to the BLM.

Objections to this Notice of Realty Action will be reviewed by the State Director who may sustain, vacate, or modify this realty action. In the absence of any objections, this realty action will become the final determination of the Department of the Interior.

Dated: September 12, 1990.

J. David Brunner,

District Manager.

[FR Doc. 90–22297 Filed 9–19–90; 8:45 am]

BILLING CODE 4310–66–M

[NV–930–00–4212–16; N–21754]

Termination of Desert Land Classification; Nevada

September 7, 1990.

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: This action terminates desert land classification N–21754 in part.

EFFECTIVE DATE: Partial termination of the classification is effective with the publication of this document.

FOR FURTHER INFORMATION CONTACT: Mary Clark, BLM Nevada State Office, 850 Harvard Way, P.O. Box 12000, Reno, NV 89520, (702) 785–6530.

SUPPLEMENTARY INFORMATION: Pursuant to section 7 of the Taylor Grazing Act (48 Stat. 1272), desert land classification N–21754 is hereby terminated in part. The following described lands are affected by this action:

Mount Diablo Meridian, Nevada

T. 31 N., R. 59 E.,
Sec. 10, lots 3, 4, 6, 7, 8, 10, SW¼SE¼, SE¼SW¼.

The area described contains 184.81 acres in Elko County, Nevada.

The classification was accomplished pursuant to the Desert Land Act (43 U.S.C. 231, as amended) in response to several applications, including N–23404 which requested the above described lands. Application N–23404 was rejected on July 20, 1989. The classification on said lands is no longer considered appropriate and is hereby terminated.

Upon publication of this notice, the lands described above will become open to the operation of the public land laws and location under the mining laws.

Robert G. Steele,

Deputy State Director, Operations.

[FR Doc. 90–22271 Filed 9–19–90; 8:45 am]

BILLING CODE 4310–HC–M

[ID–010–00–4410–02]

Boise District Grazing Advisory Board Meeting

AGENCY: Boise District, Bureau of Land Management, Interior.

ACTION: Notice of meeting.

SUMMARY: The Boise District Grazing Advisory Board will meet October 18 to discuss proposed expenditure of Range Improvement (8100) Funds. A public comment period will be held from 2 p.m to 3 p.m.

DATES: The meeting will begin at 9 a.m. on Thursday, October 18, 1990. It will be held in the district office conference room.

ADDRESSES: The Boise District Office is located at 3948 Development Avenue, Boise, Idaho 83705.

FOR FURTHER INFORMATION CONTACT: Fred Schley, Boise District, BLM, (208) 384–3457.

Dated: September 11, 1990.

J. David Brunner,

District Manager.

[FR Doc. 90–22301 Filed 9–19–90; 8:45 am]

BILLING CODE 4310–66–M

[CO–010–00–4320–02]

Craig District Grazing Advisory Board Meeting

Time and Date: October 12, 1990 at 10 a.m. (originally scheduled for October 11, 1990).

Place: Craig District Office, 455 Emerson Street, Craig, Colorado 81625.

Status: Open to public, interested persons may make oral statements between 10 a.m. and 11 a.m., or may file written statements.

Matters to be Considered:

1. Election of officers
2. Riparian task force update
3. Little Snake Coordinated Management Plan
4. Status report on FY '90 range improvement projects
5. Area reports
6. Expenditures of Grazing Advisory Board Funds

Contact Person for More Information: John Denker, Craig District Office, 455 Emerson Street, Craig, Colorado 81625–1129, Phone: (303) 824–8261.

Dated: September 12, 1990.
William J. Pulford,
District Manager.
[FR Doc. 90-22272 Filed 9-19-90; 8:45 am]
BILLING CODE 4310-JB-M

[ID-030-00-4212-12]

Corrected Notice of Realty Action

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of correction of amendment of Big Desert Management Framework Plan (MFP) Exchange of Public Lands in Bingham County, ID I-26444.

SUMMARY: Correction of Notice of Realty Action/Amendment of Big Desert Management Framework (MFP) published in the September 7, 1990 **Federal Register** (Vol. 55, No. 174, Pg. 36911).

The first legal description of the township and range published in the above **Federal Register** Notice under "public lands to be transferred" should be corrected to read: T. 2 N., R. 33 E. instead of T. 2 N., R. 30 E. All other information listed in the original notice remains unchanged.

Dated: September 14, 1990.
Gary L. Bliss,
Acting District Manager.
[FR Doc. 90-22273 Filed 9-19-90; 8:45 am]
BILLING CODE 4310-GG-M

[NV-930-00-4212-13; N-39112]

Realty Action; Private Exchange in Clark County, NV

The following described lands have been determined to be suitable for disposal by exchange under section 206 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1716:

T. 21 S., R. 60 E., Mount Diablo Meridian, Nevada,
Sec. 24: SE¼SW¼NW¼.
Comprising 10 acres of public land.

In exchange for these lands, the United States will acquire the following described lands from Kenneth R. Gragson:

T. 21 S., R. 60 E., Mount Diablo Meridian, Nevada,
Sec. 24: SE¼SE¼NW¼.
Comprising 10 acres of public land.

On October 14, 1979, a patent was issued to Kenneth R. Gragson for a 10-acre parcel of land in the Las Vegas Valley. The patent failed to include right-of-way N-18767 which was previously granted to Clark County Department of Public Works for the construction, operation and maintenance of a flood control channel. The flood control channel was constructed subsequent to the time of patent. Furthermore, the right-of-way grant was not recorded by Clark County as required by Nevada Revised Statute 111.310, *et. seq.* Since Mr. Gragson was unaware of the existence of the right-of-way grant, the Bureau of Land Management is proposing an exchange to accommodate the oversight. An exchange would relieve the county from having to relocate the flood control channel which would be very costly to the taxpayers. The public interest will be served by completing this exchange.

The land has not been used and is not required for any federal purpose. The disposal is consistent with the Bureau's planning system.

The values of the lands to be exchanged are equal. Lands to be transferred from the United States will be subject to the following reservations, terms, and conditions.

1. Excepting and reserving to the United States of America a right-of-way for ditches and canals constructed pursuant to the Act of August 30, 1890 (43 U.S.C. 945).

2. All minerals shall be reserved to the United States, together with the right to prospect for, mine and remove the minerals. A more detailed description of this reservation, which will be incorporated in the patent document, is available for review at the Las Vegas BLM office.

All will be subject to:

1. An easement for streets, roads and utilities in accordance with the transportation plan for Clark County.

2. Those rights for flood control channel purposes which have been granted to Clark County Department of Public Works, its successors or assigns, by right-of-way number W-18767, under the Act of October 21, 1976, 90 Stat. 2776.

Publication of this notice in the **Federal Register** will segregate the public lands described above from all forms of appropriation under the public land laws, including the general mining laws for a period of two years from date of first publication.

Further information concerning the exchange, including the Environmental Assessment is available for review at the Bureau of Land Management, Las Vegas District Office, 4765 Vegas Drive, Las Vegas, Nevada.

For a period of 45 days from date of first publication interested parties may submit comments to the District Manager, Las Vegas District, Bureau of Land Management, P.O. Box 26569, Las Vegas, Nevada 89126.

Dated: September 11, 1990.
Ben F. Collins,
(District Manager, Las Vegas, NV).
[FR Doc. 90-22274 Filed 9-19-90; 8:45 am]
BILLING CODE 4310-HC-M

[ID-050-00-4410-08]

Initiation of Resource Management Plan (RMP) and Environmental Impact Statement (EIS) and Invitation To Identify Issues for the Bennett Hills Resource Area in Idaho

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of intent is hereby given to initiate a Resource Management plan (RMP) and prepare an Environmental Impact Statement (EIS) for the Bennett Hills Resource Area in southcentral Idaho and invitation to participate in the identification of issues (Scoping).

SUMMARY: Pursuant to section 202 of the Federal Land Policy and Management Act of 1976 (FLPMA) and section 102(2)(C) of the National Environmental Policy Act of 1969 (NEPA), the Bureau of Land Management (BLM) Shoshone District will prepare a Resource Management Plan (RMP) and an Environmental Impact Statement (EIS) for the Bennett Hills Resource Area in Blaine, Elmore, Camas, Gooding, Lincoln, and Jerome Counties, Idaho. The Resource Management Plan will guide resource management in the Bennett Hills Resource Area over the next 20 years. The plan will be prepared under guidance provided in BLM planning regulations (43 CFR part 1600). The public, state and local governments, and other Federal agencies are invited to participate in the planning process.

DATES: Any public meetings pursuant to The National Environmental Policy Act regulations (40 CFR 1501.7) and BLM planning regulations (43 CFR 1601.2) to help identify and determine the issues to be addressed and the scope of the plan and the Environmental Impact Statement will be announced in the local media and through a mailing list.

Specific dates and locations for meetings have not been determined.

To be considered in the draft RMP and EIS, comments or issues must be received in this office on or before October 22, 1990.

ADDRESSES: Comments should be sent to: Bennett Hills Resource Area Manager, Bureau of Land Management, P.O. Box 2-B, Shoshone, ID 83352.

FOR FURTHER INFORMATION CONTACT: Bennett Hills Resource Area Manager,

Bureau of Land Management, P.O. Box 2-B, Shoshone, ID 83352.

SUPPLEMENTARY INFORMATION: The Bennett Hills Resource Area is located in southcentral Idaho, north of the Snake River and south of the Sawtooth National Forest, and is bordered on the west by King Hill Creek and on the east by the Willow Creek/Camas Creek/Big Wood River and the Milner/Gooding Canal. The Resource Area covers all or part of the counties of Lincoln, Jerome, Gooding, Camas, Blaine, and Elmore, and encompasses approximately 649,000 acres of public land administered by the BLM. The planning and environmental analysis process will evaluate a range of alternative resource uses and will address issues identified during the scoping process.

Potential issues to be addressed during the process include, but are not limited to, land tenure adjustments, water quality, vegetation management (including needs for livestock grazing, wildlife, riparian values, threatened or endangered species, watershed protection and fire management), isolated tracts for wildlife benefit, special management areas (including the nomination of Fir Grove, Kings Crown, Camas Creek, Dry Creek and Pot-of-Gold cave system as Areas of Critical Environmental Concern for the purpose of research natural areas; and evaluation of eligibility, tentative classification and protective interim management of stream segments for Wild and Scenic Rivers).

The Resource Management Plan and Environmental Impact Statement will be prepared by an interdisciplinary team primarily from the Bennett Hills Resource Area. Team disciplines will include rangeland management, wildlife, soils, realty, minerals, recreation, vegetation, fire, cultural resources and economics. Additional technical support and expertise will be available as needed. Public participation will occur throughout the planning process. The public will be specifically invited to participate during four steps in the planning process: (1) Identification of Issues; (2) Review of Proposed Planning Criteria; (3) Review of Draft Plan/Statement, and (4) Review of Proposed Plan/Final Environmental Impact Statement. Invitations for public participation will be announced through the local media and our mailing list. The planning process is currently scheduled for completion in about three years.

Dated: September 10, 1990.

K Lynn Bennett,

District Manager.

[FR Doc. 90-22216 Filed 9-19-90; 8:45 am]

BILLING CODE 4310-66-M

[ID-942-00-4730-12]

Idaho: Filing of Plats of Survey; Idaho

The plat of survey of the following described land was officially filed in the Idaho State Office, Bureau of Land Management, Boise, Idaho, effective 9 a.m., September 12, 1990.

The plat representing the dependent resurvey of portions of the west boundary and subdivisional lines and the subdivision of section 19, T. 3 N., R. 46 E., Boise Meridian, Idaho, Group No. 793, was accepted September 5, 1990.

This survey was executed to meet certain administrative needs of this Bureau.

All inquires about this land should be sent to the Idaho State Office, Bureau of Land Management, 3380 Americana Terrace, Boise, Idaho, 83706.

Dated: September 12, 1990.

Duane E. Olsen,

Chief Cadastral Surveyor for Idaho.

[FR Doc. 90-22275 Filed 9-19-90; 8:45 am]

BILLING CODE 4310-GG-M

[AA-230-00-6310-12]

Restrictions on Exports of Unprocessed Timber

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: Notice is hereby given that the "Forest Resources Conservation and Shortage Relief Act of 1990" (Pub. L. 101-382), hereafter referred to as the Act, was signed into law on August 20, 1990. This Act prohibits the following export activities as they apply to public lands administered by the Bureau of Land Management.

(1) Exporting of Unprocessed Federal Timber: Any person who acquires unprocessed timber originating from Federal lands west of the 100th meridian in the contiguous 48 states is prohibited from exporting such timber, or selling, trading, exchanging, or otherwise conveying such timber to any other person for the purpose of exporting such timber from the United States. This prohibition does not apply to specific quantities of species and grades of unprocessed timber originating from Federal lands that the Secretary of the Interior determines to be surplus to domestic manufacturing needs.

(2) Direct Substitution: All persons are prohibited from purchasing directly from any department or agency of the United States unprocessed timber originating from Federal lands west of the 100th meridian in the contiguous 48 states if such timber is to be used in substitution for exported unprocessed timber originating from private lands, or if such person has during the preceding 24-month period exported unprocessed timber originating from private lands. However, the Act exempts from the 24-month test any person who before August 20, 1990, legally purchased unprocessed Federal timber originating from Federal lands west of the 100th meridian in the contiguous 48 states in substitution for exported unprocessed private timber under a historic quota approved by the Secretary of the Interior, provided that person certifies to the Secretary within 3 months after August 20, 1990, that the person will cease exporting unprocessed timber originating from private lands within 6 months after August 20, 1990, and then ceases exports in accordance with such certification. The Act provides that all timber sale contracts entered into between the purchaser and the Secretary of the Interior prior to the issuance of regulations to carry out this Act shall be governed by the Secretary's direct substitution restrictions in effect prior to issuance.

(3) Indirect Substitution: Effective 21 days after enactment of this Act, i.e. September 10, 1990, all persons are prohibited from purchasing from any other person unprocessed timber originating from Federal lands west of the 100th meridian in the contiguous 48 states if such person would be prohibited from purchasing such timber directly from any department or agency of the United States.

The Act specifically excludes from this prohibition persons who indirectly acquire and domestically process Western red cedar originating from Federal lands.

The Act defines "person" as any individual, partnership, corporation, association or other legal entity and includes any subsidiary, subcontractor or parent company and business affiliates where one affiliate controls or has the power to control the other or when both are controlled directly or indirectly by a third person.

The Act institutes significant civil penalties and administrative remedies for violation of the Act and/or regulations promulgated to implement the Act. These penalties are not exclusive of any other penalty provided by law. Any person who violates the

prohibition may be debarred for up to 5 years and may have contracts cancelled. The civil penalties and administrative remedies provided in the Act for violations of these prohibitions are effective immediately.

FOR FURTHER INFORMATION CONTACT: Richard W. Bird of the Division of Forestry, Bureau of Land Management, 1849 C Street NW., Washington, DC 20240, telephone (202) 653–8864, (FTS) 653–8864.

Cy Jamison,

Director.

[FR Doc. 90–22311 Filed 9–19–90; 8:45 am]

BILLING CODE 4310–84–M

[CO–930–00–4214–10; C–43908]

Proposed Withdrawal; Opportunity for Public Meeting; Colorado; Correction

AGENCY: Bureau of Land Management, Interior.

ACTION: Correction.

Federal Register document 90–19574 appearing in 55 FR 34089 on August 21, 1990, is hereby corrected to include an omitted parcel in the land description:

Column 2, Sixth Principle Meridian, Arapaho National Forest, T. 7 S., R. 78 W., is corrected to include the nominal NE¼NE¼ of section 4.

Robert S. Schmidt,

Chief, Branch of Reality Programs.

[FR Doc. 90–22276 Filed 9–19–90; 8:45 am]

BILLING CODE 4310–JB–M

Fish and Wildlife Service

Meeting, Klamath Fishery Management Council

AGENCY: Department of the Interior.

ACTION: Notice of meeting.

SUMMARY: Pursuant to section 10(a)(2) of the Federal Advisory Committee Act 5 U.S.C. App. I), this notice announces a meeting of the Klamath Fishery Management Council, established under the authority of the Klamath River Basin Fishery Resources Restoration Act (16 U.S.C. 460ss et seq.). The meeting is open to the public.

DATES: The Klamath Fishery Management Council will meet from 8:30 a.m. to 4 p.m. Tuesday, October 2, 1990; from 8:30 a.m. to 6 p.m. on Wednesday, October 3, 1990; and from 8:30 a.m. to 12:00 Noon on Thursday, October 4, 1990.

PLACE: The meeting will be held at the Southwest Fisheries Center, 8604 La Jolla Shores Drive, La Jolla, California.

FOR FURTHER INFORMATION CONTACT: Dr. Ronald A. Iverson, Project Leader, U.S. Fish and Wildlife Service, P.O. Box 1006 (1030 South Main), Yreka, California 96097–1006, telephone (916) 842–5763.

SUPPLEMENTARY INFORMATION: For background information on the Council, please refer to the notice of their initial meeting that appeared in the **Federal Register** on July 8, 1987 (52 FR 25639).

The Council will complete a review draft of the long-range plan and policy for management of in-river and ocean harvest affecting anadromous fish stocks of the Klamath River basin. This task is expected to require the entire scheduled meeting time, except for a public comment period during the afternoon of October 3.

Dated: September 10, 1990.

Don Weathers,

Acting Regional Director, U.S. Fish and Wildlife Service.

[FR Doc. 90–22270 Filed 9–19–90; 8:45 am]

BILLING CODE 4310–55–M

INTERSTATE COMMERCE COMMISSION

Release of Waybill Data for Use by Skill Transportation Consulting, Inc.

The Commission has received a request from Skill Transportation Consulting, Inc. for permission to use certain data from the Commission's 1989 ICC Waybill Sample. The data are requested to assist parties interested in acquiring rail lines that the ATSF and UP have announced will be either sold or abondoned. Skill Transportation Consulting, Inc. request permission to use origin and destination station, commodity type and shipment size (number of carloads and tons) for all records originating, terminating or passing through the state of Kansas.

The Commission requires rail carriers to file waybill sample information if in any of the past three years they terminated on their lines; (1) 4,500 revenue carloads or (2) 5 percent of revenue carloads in any one State (49 CFR part 1244). From the waybill information, the Commission has developed a Public Use Waybill File that has satisfied the majority of all our waybill data requests while protecting the confidentiality of proprietary data submitted by the railroads. However, if confidential waybill data are requested, as in this case, we will consider releasing the data only after certain protective conditions are met and public notice is given. More specifically, under the Commission's current policy for handling waybill requests, we will not release any confidential waybill data until after: (1) Public notice is provided so affected parties have an opportunity to object and (2) certain requirements designed to protect the data's confidentiality are agreed to by the requesting party (Ex Parte No. 385 (Sub-No. 2), 52 FR 12415, April 16, 1987).

Accordingly, if any parties object to this request, they should file their objections (an original and 2 copies) with the Director of the Commission's Office of Transportation Analysis (OTA) within 14 calendar days of the publication of this notice. They should also include all grounds for objections to the full or parital disclosure of the requested data. The Director of OTA will consider these objections in determining whether to release the requested waybill data. Any parties who objected will be timely notified of the Director's decision.

Contact: James A. Nash, (202) 275–6864.

Sidney L. Strickland, Jr.,

Secretary

[FR Doc. 90–22321 Filed 9–19–90; 8:45 am]

BILLING CODE 7035–01–M

[Docket No. AB–6 (Sub-No. 326X)]

Exemption; Burlington Northern Railroad—Abandonment Exemption—in Minnehaha County, SD

Applicant has filed a notice of exemption under 49 CFR 1152 Subpart F—Exempt Abandonments to abandon its 0.54-mile line of railroad between mileposts 150.13 and 150.67, in Sioux Falls, Minnehaha County, SD.

Applicant has certified that: (1) No local traffic has moved over the line for at least 2 years; (2) any overhead traffic on the line can be rerouted over other lines; and (3) no formal complaint filed by a user of rail service on the line (or a State or local government entity acting on behalf of such user) regarding cessation of service over the line either is pending with the Commission or with any U.S. District Court or has been decided in favor of the complainant within the 2-year period. The appropriate State agency has been notified in writing at least 10 days prior to the filing of this notice.

As a condition to use of this exemption, any employee affected by the abandonment shall be protected under Oregon Short Line R. Co.—Abandonment—Goshen, 360 I.C.C. 91 (1979). To address whether this condition adequately protects affected employees, a petition for partial revocation under 49 U.S.C. 10505(d) must be filed.

Provided no formal expression of intent to file an offer of financial assistance has been received, this exemption will be effective on October 20, 1990 (unless stayed pending reconsideration). Petitions to stay that do not involve environmental issues,[1] formal expressions of intent to file an offer of financial assistance under 49 CFR 1152.27(c)(2),[2] and trail use/rail banking statements under 49 CFR 1152.29 must be filed by October 1, 1990.[3] Petitions for reconsideration and requests for public use conditions under 49 CFR 1152.28 must be filed by October 10, 1990, with: Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423.

A copy of any petition filed with the Commission should be sent to applicant's representative: Sarah J. Whitley, Burlington Northern Railroad Company, 3800 Continental Plaza, 777 Main Street, Fort Worth, TX 76102.

If the notice of exemption contains false or misleading information, use of the exemption is void *ab initio*.

Applicant has filed an environmental report which addresses environmental or energy impacts, if any, from this abandonment.

The Section of Energy and Environment (SEE) will prepare an environmental assessment (EA). SEE will issue the EA by September 25, 1990. Interested persons may obtain a copy of the EA from SEE by writing to it (Room 3219, Interstate Commerce Commission, Washington, DC 20423) or by calling Elaine Kaiser, Chief, SEE at (202) 275–7684. Comments on environmental and energy concerns must be filed within 15 days after the EA becomes available to the public.

Environmental, public use, or trail use/rail banking conditions will be imposed, where appropriate, in a subsequent decision.

Decided: September 13, 1990.

[1] A stay will be routinely issued by the Commission in those proceedings where an informed decision on environmental issues (whether raised by a party or by the Section of Energy and Environment in its independent investigation) cannot be made prior to the effective date of the notice of exemption. *See* Exemption of Out-of-Service Rail Lines, 5 I.C.C. 2d 377 (1989). Any entity seeking a stay involving environmental concerns is encouraged to file its request as soon as possible in order to permit this Commission to review and act on the request before the effective date of this exemption.

[2] *See* Exempt. of Rail Abandonment—Offers of Finan. Assist., 4 I.C.C. 2d 164 (1987).

[3] The Commission will accept a late-filed trail use statement so long as it retains jurisdiction to do so.

By the Commission, David M. Konschnik, Director, Office of Proceedings.

Sidney L. Strickland, Jr.,

Secretary.

[FR Doc. 90–22322 Filed 9–19–90; 8:45 am]

BILLING CODE 7035–01–M

DEPARTMENT OF JUSTICE

Lodging a Final Judgment by Consent Pursuant to the Comprehensive Environmental Response, Compensation and Liability Act

Notice is hereby given that on September 11, 1990, a proposed consent decree in *United States of America* v. *ASARCO, Inc.*, Civil Action No. CV–90–46–H–CCL was lodged with the United States District Court for the District of Montana.

The proposed consent decree requires ASARCO, Inc. ("ASARCO") to implement the November, 1988 Record of Decision ("ROD") of the United States Environmental Protection Agency (EPA) to address the release and threatened release of hazardous substances at the East Helena Smelter Site, in East Helena, Montana ("the Site"). The ROD addresses the cleanup of the process ponds at the Site as the first operable unit of remedial action at the Site. Further remedial actions will be selected by EPA through the issuance of additional RODs. The decree also requires ASARCO to reimburse the federal government for past costs incurred in connection with the Site, and to pay all future oversight costs to be incurred by the United States at the Site overseeing the implementation of work under the decree.

The Department of Justice will receive comments relating to the proposed consent decree for a period of thirty days from the date of publication of this notice. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, Department of Justice, Washington, DC, 20530, and should refer to *United States* v. *ASARCO, Inc.* Civil Action No. CV–90–46–H–CCL, DOJ Ref. No. 90–11–2–563. The proposed consent decree may be examined at the office of the United States Attorney, District of Montana, Federal Building, 301 S. Park Avenue, Helena, Montana, or at the office of the Environmental Protection Agency, Region VIII, Montana Office, Federal Building, 301 S. Park Avenue, Helena, Montana. A copy of the proposed consent decree may also be examined at the Environmental Enforcement Section Document Center, 1333 F Street, NW., suite 600, Washington, DC 20004. A copy of the proposed consent decree may be obtained in person or by mail from the Document Center. In requesting a copy please enclose a check in the amount of $22.00 (25 cents per page reproduction costs) payable to "Consent Decree Library".

George W. Van Cleve,

Deputy Assistant Attorney General, Environment and Natural Resources Division.

[FR Doc. 90–22277 Filed 9–19–90; 8:45 am]

BILLING CODE 4410–01–M

Notice of Lodging of Consent Decree Pursuant to Comprehensive Environmental Response, Compensation, and Liability Act

In accordance with Departmental policy, 28 CFR 50.7, notice is hereby given that on September 11, 1990 a proposed consent decree in *United States* v. *Puget Sound Power & Light Company et. al.*, Civil Action No. C90–5373, was lodged with the United States District Court for the Western District of Washington at Tacoma. The proposed consent decrees concern a complaint filed by the United States under section 106 and 107 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended by the Superfund Amendments and Reauthorization Act of 1986 (CERCLA), 42 U.S.C. 9606, 9607. This is a civil action for recovery of response costs that have been and will be incurred by the United States in response to releases and threatened releases of hazardous substances from the same facility, known as the "Tacoma Tar Pits Site" located in the commencement Bay Tide Flats area of Tacoma, Washington, between the Puyallup River and the City of Tacoma waterway. The consent decrees provide that the generator defendants (six electric utilities) will pay $963,000 and the four landowner defendants will pay $218,700 to the Hazardous Substances Trust Fund for a total payment or $1,182,300. This total represents EPA's past costs in responding to the contaminated conditions at the Site. In addition to the cash payment to be made pursuant to their consent decree, the landowners must also provide access to their property for remedial activities, and agree to institutional land use controls restricting future use of property contained within the Site.

The Department of Justice will receive for a period of thirty (30) days from the date of publication comments relating to the proposed consent decree. Comments should be addressed to the Assistant Attorney General of the Environment

and Natural Resources Division, Department of Justice, Washington, DC 20530, and should refer to *United States* v. *Puget Sound Power & Light Company, et al.*, D.J. Ref. 90–11–3–307.

The proposed consent decrees may be examined at the office of the United States Attorney for the Western District of Washington at Tacoma, 1145 Broadway Plaza, Tacoma, Washington, 98402 and at the Region X Office of the United States Environmental Protection Agency, Office of Regional Counsel, 1200 Sixth Avenue, Seattle, WA 98101. The proposed consent decrees may be examined at the Environmental Enforcement Section Document Center, 1333 F Street, NW., suite 600, Washington, DC 20004, 202–347–7829. A copy of the proposed consent decrees may be obtained in person or by mail from the Document Center. In requesting a copy, please enclose a check in the amount of $5.40 (10 cents per page reproduction cost) payable to the Treasurer of the United States.

Richard B. Stewart,

Assistant Attorney General, Environment and Natural Resources Division.

[FR Doc. 90–22278 Filed 9–19–90; 8:45 am]

BILLING CODE 4410–01–M

Drug Enforcement Administration

Manufacturer of Controlled Substances; Registration

By Notice dated July 25, 1990, and published in the **Federal Register** on August 1, 1990 (55 FR 31240), Sterling Drug Inc., 333 Riverside Avenue, Rensselaer, New York 12144, made application to the Drug Enforcement Administration to be registered as a bulk manufacturer of pethidine (9230), a basic class of controlled substance listed in Schedule II.

No comments or objections have been received. Therefore, pursuant to section 303 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 and 21 CFR 1301.54(e), the Deputy Assistant Administrator hereby orders that the application submitted by the above firm for registration as a bulk manufacturer of the basic class of controlled substance listed above is granted.

Dated: September 11, 1990.

Gene R. Haislip,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 90–22221 Filed 9–19–90; 8:45 am]

BILLING CODE 4410–09–M

Importer of Controlled Substances; Registration

By Notice dated July 19, 1990, and published in the **Federal Register** on August 1, 1990 (55 FR 31240), Wildlife Laboratories, Inc., 1401 Duff Drive, Suite 600, Fort Collins, Colorado 80524, made application to the Drug Enforcement Administratrion to be registered as an importer of carefentanil (9743), a basic class of controlled substance listed in Schedule II.

No comments or objections have been received. Therefore, pursuant to section 1008(a) of the Controlled Substances Import and Export Act and 21 CFR 1311.42, the above firm is granted registration as an importer of the basic class of controlled substance listed above.

Dated: September 11, 1990.

Gene R. Haislip,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 90–22220 Filed 9–19–90; 8:45 am]

BILLING CODE 4410–09–M

LIBRARY OF CONGRESS

American Folklife Center Board of Trustees Meeting

AGENCY: Library of Congress.

ACTION: Notice of meeting.

SUMMARY: This notice announces a meeting of the Board of Trustees of the American Folklife Center. This notice also describes the functions of the Center. Notice of this meeting is required in accordance with Public Law 94–463.

DATES: Friday, September 28, 1990, 9 a.m. to 1 p.m.

ADDRESSES: Dining Room A, Library of Congress, 101 Independence Avenue SE., Washington, DC 20540.

FOR FURTHER INFORMATION CONTACT: Raymond L. Dockstader, Deputy Director, American Folklife Center, Washington, DC 20540.

SUPPLEMENTARY INFORMATION: The meeting will be open to the pubic. It is suggested that persons planning to attend this meeting as observers contact Raymond Dockstader at (202) 707–6590.

The American Folklife Center was created by the U.S. Congress with passage of Public Law 94–201, the American Folklife Preservation Act, in 1976. The Center is directed to "preserve and present American folklife" through programs of research, documentation, archival preservation, live presentation, exhibition, publications, dissemination, training, and other activities involving the many folk cultural traditions of the United States. The Center is under the general guidance of a Board of Trustees composed of members from Federal agencies and private life widely recognized for their interest in American folk traditions and arts.

The Center is structured with a small core group of versatile professionals who both carry out programs themselves and oversee projects done by contract by others. In the brief period of the Center's operation it has energetically carried out its mandate with programs that provide coordination, assistance, and model projects for the field of American folklife.

Rhoda W. Canter,

Associate Librarian for Management.

[FR Doc. 90–22217 Filed 9–19–90; 8:45 am]

BILLING CODE 1410–01–M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 90–77]

Agency Report Forms Under OMB Review

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of agency report forms under OMB review.

SUMMARY: Under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35), agencies are required to submit proposed information collection requests to OMB for review and approval, and to publish a notice in the **Federal Register** notifying the public that the agency has made the submission.

Copies of the proposed forms, the requests for clearance (S.F. 83's), supporting statements, instructions, transmittal letters and other documents submitted to OMB for review, may be obtained from the Agency Clearance Officer. Comments on the items listed should be submitted to the Agency Clearance Officer and the OMB Paperwork Reduction Project.

DATES: Comments are requested in writing by October 22, 1990. If you anticipate commenting on a form but find that time to prepare will prevent you from submitting comments promptly, you should advise the OMB Paperwork Reduction Project and the Agency Clearance Officer of your intent as early as possible.

ADDRESSES: D.A. Gerstner, NASA Agency Clearance Officer, Code NTD, NASA Headquarters, Washington, DC 20546; Office of Management and

Budget, Paperwork Reduction Project (2700–0064), Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Shirley C. Peigare, NASA Reports Officer, (703) 271–5542.

Reports

Title: Locator and Information Services Tracking System (LISTS).
Type of request: Extension.
Frequency of report: As required.
Type of respondent: Individuals or households, federal agencies or employees.
Number of respondents: 13,982.
Responses per respondent: 1.
Annual responses: 13,982.
Annual burden hours: 1161.
Abstract-need/uses: The LISTS is primarily needed to support services on the Center dependent upon accurate locator-type information. Additionally, the Privacy Act information is maintained, protected and used for mandatory security functions. The system will also serve as a tool for performing short- and long-term institutional planning.

Dated: September 11, 1990.

D.A. Gerstner,

Director, IRM Policy Division.

[FR Doc. 90–22284 Filed 9–19–90; 8:45 am]

BILLING CODE 7510-01-M

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Performance Review Board

AGENCY: National Endowment for the Humanities, National Foundation on the Arts and the Humanities.

ACTION: Notice.

SUMMARY: This notice announces a revision in the membership of the SES Executive Resources and Performance Review Board.

FOR FURTHER INFORMATION CONTACT: Timothy G. Connelly, Director of Personnel, National Endowment for the Humanities, 1100 Pennsylvania Avenue, NW., Washington, DC 20506, (202) 786–0415.

SUPPLEMENTARY INFORMATION: Pursuant to 5 U.S.C. 4314(c) the National Endowment for the Humanities hereby revises the notice of membership published in the **Federal Register** on January 29, 1990, 55 FR 2909.

Effective September 12, 1990, Anne Neal, General Counsel and Congressional Liaison, has been designated to replace Rex O. Arney, General Counsel and Congressional Liaison as a member of the SES Executive Resources and Performance Review Board until December 31, 1990.

Lynne Cheney,

Chairman.

[FR Doc. 90–22324 Filed 9–19–90; 8:45 am]

BILLING CODE 7536-01-M

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–293]

Boston Edison Co., Pilgrim Nuclear Power Station; Environmental Assessment and Finding of No Significant Impact

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an one-time exemption from the requirements of 10 CFR part 55 to Boston Edison Company (the licensee) for the Pilgrim Nuclear Power Station (Pilgrim) located in Plymouth County, Massachusetts.

Environmental Assessment

Identification of Proposed Action

The exemption would grant relief from 10 CFR 55.59(a), which requires that a requalification program for operator licensees and senior operator licensees be conducted for a continuous period not to exceed 24 months in duration and that an annual requalification examination be administered. The licensee has requested an exemption which would extend the 24 month requalification program cycle from March 1992 to May 1992 and the annual requalification examination from March 1992 to May 1992.

The licensee's request for exemption and the bases therefore are contained in a letter dated July 12, 1990.

The Need for the Proposed Action

The proposed exemption is from 10 CFR 55.59(a), which requires that a requalification program for operator licensees and senior operator licensees be conducted for a continuous period not to exceed 24 months in duration. In addition, an annual requalification examination must be passed. The licensees requested an exemption to extend the 24-month requalification cycle from March 1992 to May 1992, for the purpose of aligning the Pilgrim program with the new NRC national examination schedule. The licensees also requested an exemption from the annual requalification examination from March 1992 to May 1992 for the same reason. This one-time exemption would result in a permanent adjustment to the 24-month requalification cycle and the annual requalification examination schedule.

Environmental Impacts of Proposed Action

The proposed exemption would align the Pilgrim requalification cycle with the NRC national examination schedule. This exemption will not increase the risk of facility accidents. Thus, post-accident radiological release will not be greater than previously determined, nor does the proposed exemption otherwise affect the quantity of radiological plant effluents, nor result in any significant increase in occupational exposure. Likewise, the exemption does not affect non-radiological plant effluents and has no other environmental impact. Therefore, the Commission concludes that there are no significant radiological or non-radiological environmental impacts associated with the proposed exemption.

Alternatives to the Proposed Action

Because it has been concluded that there is no measurable impact associated with the proposed exemption, any alternatives to the exemption will have either no environmental impact or greater environmental impact.

The principal alternative to the exemption would be to deny the requested exemption. Such action would not reduce environmental impacts of the Pilgrim Nuclear Power Station operations and would result in reduced operational flexibility.

Alternative Use of Resources

This action does not involve the use of resources not previously considered in connection with the "Final Environmental Statement Related to the Operation of the Pilgrim Nuclear Power Station," dated May 1972.

Agencies and Persons Consulted

The NRC staff has reviewed the licensee's request that supports the proposed exemption. The NRC staff did not consult with other agencies or persons.

Finding of No Significant Impact

The Commission has determined not to prepare an environmental impact statements for the proposed exemption.

Based on the foregoing environmental assessment, the staff concludes that the proposed action will not have a significant effect on the quality of the human environment.

For further information with respect to this action, see the application for exemption previously listed, which is

available for public inspection at the Commission's Public Document Room, 2120 L Street, NW., Washington, DC 20555 and at the Plymouth Public Library, 11 North Street, Plymouth Massachusetts 02360.

Dated at Rockville, Maryland, this 12th day of September, 1990.

For the Nuclear Regulatory Commission.

Victor Nerses,

Acting Director, Project Directorate I–3, Division of Reactor Projects–I/II, Office of Nuclear Reactor Regulation.

[FR Doc. 90–22307 Filed 9–19–90; 8:45 am]

BILLING CODE 7590–01–M

[Docket No. 50–220]

Niagara Mohawk Power Corp. (Nine Mile Point Nuclear Unit 1); Receipt of Petition for Director's Decision

Notice is hereby given that by Petition of July 26, 1990, Ms. Rosemary S. Pooler, on behalf of Retire Nine Mile 1, requested, pursuant to § 2.206 of title 10 of the Code of Federal Regulations (10 CFR), that the U.S. Nuclear Regulatory Commission (NRC) institute a proceeding to modify, suspend, or revoke Niagara Mohawk's license to operate Nine Mile Point Unit 1 (NMP–1).

As stated in letters of May 14, 1990, and of July 26, 1990, from the Petitioner to the Commissioners, Petitioner alleges the following bases for its request: (1) There is continuing evidence of thinning of the torus walls, and therefore, the plant should not be allowed to restart before the torus is repaired; (2) the most recent Systematic Assessment of Licensee Performance (SALP) report shows enduring evidence of managerial incompetence at NMP–1; and (3) the history of Niagara Mohawk's management, together with the specific questions relating to restart, call for a different standard at NMP–1 than that applied to other plants with regard to implementation of all safety issues from generic letters and bulletins.

As noted herein, the Petitioner attached a separate letter addressed to the Commissioners of July 26, 1990, with its Petition, in which Petitioner further specified its basis. The Commission will consider the issues raised in Petitioner's letter of July 26, 1990, as part of the Petition.

Petitioner's request, including the issues raised in its July 26th letter, is being treated pursuant to 10 CFR 2.206 of the Commission's regulations. The NRC will take appropriate action on this request within a reasonable time.

A copy of the Petition is available for inspection and copying in the Commission's Public Document Room, 2120 L Street, NW., Washington, DC 20555 and at the local public document room in the Reference and Documents Department, Penfield Library, State Universary of New York, Oswego, New York 13126.

Dated at Rockville, Maryland, this 31st day of August, 1990.

For the Nuclear Regulatory Commission.

Thomas E. Murley, Director,

Office of Nuclear Reactor Regulation.

[FR Doc. 90–22310 Filed 9–19–90; 8:45 am]

BILLING CODE 7590–01–M

[Docket No. 50–440]

The Cleveland Electrical Illuminating Co. et al.; Issuance of Amendemnt to Facility Operating License and Final Determination of No Significant Hazards Consideration

The U.S. Nuclear Regulatory Commission (Commission) has issued Amendment No. 33 to Facility Operating License No. NPF–58, issued to the Cleveland Electric Illuminating Company, Duquesne Light Company, Ohio Edison Company, Pennsylvania Power Company, and Toledo Edison Company (the licensee) which revised the Technical Specifications for operation of the Perry Nuclear Power Plant, Unit No, 1 located in Lake County, Ohio. The amendment was effective as of the date of its issuance, to be implemented within 10 days of issuance.

The amendment removed cycle-spedific parameters from the Technical Specifications (TSs) Sections 3.2.1 (Average Planer Linear Heat Generation Rate), 3.2.2 (Minimum Critical Power Ratio), and 3.2.3. (Linear Heat Generation Rate), and placed them in the Core Operating Limits Report (COLR). It also modified Section 5.3.1 of the TS for fuel descriptions and added a definition for the COLR to the TS. It also added a reporting requirement to submit the COLR to the NRC staff for informaiton.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments.

Notice of Consideration of Issuance of Amendment and Proposed No Significant Hazards Consideration Determination in connection with this action was published in the Federal Register on February 7, 1990 (55 FR 4282). A supplement to the request was noticed in the Federal Register on May 3, 1990 (55 FR 18690). A request for a hearing was filed on March 8, 1990 by Susan L. Hiatt on behalf of the Ohio Citizens for Responsible Energy, and on May 31, 1990 by the Utility Radiological Safety Board of Ohio on behalf of the State of Ohio.

Under its regulations, the Commission may issue and make an amendment immediately effective, notwithstanding the pendency before it of a request for a hearing from any person, in advance of the holding and completion of any required hearing, where it has determined that no sinificant hazards consideration is involved.

The Commission has applied the standards of 10 CFR 50.92 and has made a final determination that the amendment involves no significant hazards consideration. The basis for this determination is contained in the Safety Evaluation related to this action. Accordingly, as described above, the amendment has been issued and made immediately effective and any hearing will be held after issuance.

The Commission has determined that this amendment satisfies the criteria for categorical exclusion in accordance with 10 CFR 51.22(c)(9) and (10). Therefore, pursuant to 10 CFR 51.22(b), no environemntal impact statement or environmental assessment need be prepared for this amemdment.

For further details with respect to this action see (1) The application for amendment dated December 19, 1989 as supplemented March 30, 1990, (2) Amendment No. 33 to License No. NPF–58, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, Gelman Building, 2120 L Street NW., Washington, DC and at the Perry Public Library, 3753 Main Street, Perry, Ohio. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Director, Division of Reactor Projects III, IV, V and Special Projects.

Dated At Rockville, Maryland this 13th day of September 1990.

For the Nuclear Regulatory Commission.

John N. Hannon, Director,

Project Directorate III–3, Division of Reactor Projects—III, IV, V and Special Projects, Office of Nuclear Reactor Regulation.

[FR Doc. 90–22309 Filed 9–19–90; 8:45 am]

BILLING CODE 7590–01–M

[Docket No. 030-04041 License No. 12-00622-07 EA 90-046]

MQS Inspection, Inc. Elk Grove Village, IL; Order Imposing Civil Monetary Penalty

I

MQS Inspection, Inc. (Licensee) is the holder of Byproduct Material License No. 12-00622-07 issued by the Nuclear Regulatory Commission (NRC or Commission) on July 12, 1963, and amended in its entirety on June 27, 1989. The license authorizes the licensee to conduct industrial radiography in accordance with the conditions specified therein.

II

An inspection of the Licensee's activities was conducted on November 6, 1989, and February 21 and 27, 1990. The results of this inspection indicated that the Licensee had not conducted its activities in full compliance with NRC requirements. A written Notice of Violation and Proposed Imposition of Civil Penalty (Notice) was served upon the Licensee by letter dated April 20, 1990. The Notice states the nature of the violations, the provisions of the NRC's requirements that the Licensee violated, and the amount of the civil penalty proposed for the violations. The Licensee responded to the Notice by letter dated May 9, 1990. In its response, the Licensee denied Violation C and admitted Violations A, B, and D. In addition, the Licensee requested 100 percent mitigation of the civil penalty.

III

After consideration of the Licensee's response and the statements of fact, explanation, and agrument for mitigation contained therein, the NRC staff has determined, as set forth in the appendix to this Order, that the violations occurred as stated, and that the civil penalty should be escalated 50 percent because of past performance. Additionally, the licensee's prompt corrective actions justify 25 percent mitigation. Therefore, the amount of the civil penalty remains at $6,250.

IV

In view of the foregoing and pursuant to section 234 of the Atomic Energy Act of 1954, as amended (Act), 42 U.S.C. 2282, and 10 CFR 2.205, *it is hereby ordered that:*

The Licensee pay a civil penalty in the amount of $6,250 within 30 days of the date of this Order, by check, draft, or money order, payable to the Treasurer of the United States and mailed to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, DC 20555.

V

The Licensee may request a hearing within 30 days of the date of this Order. A request for a hearing should be clearly marked as a "Request for an Enforcement Hearing" and shall be addressed to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, DC 20555. Copies also shall be sent to the Secretary, U.S. Nuclear Regulatory Commission, and the Assistant General Counsel for Hearings and Enforcement at the same address and to the Regional Administrator, NRC Region III, 799 Roosevelt Road, Glen Ellyn, Illinois 60137.

If a hearing is requested, the Commission will issue an Order designating the time and place of the hearing. If the Licensee fails to request a hearing within 30 days of the date of this Order, the provisions of this Order shall be effective without further proceedings. If payment has not been made by that time, the matter may be referred to the Attorney General for collection.

In the event the Licensee requests a hearing as provided above, the issues to be considered at such hearing shall be:

(a) Whether the Licensee was in violation of the NRC requirement as described in Violation C set forth in the Notice referenced in Section II above, which the Licensee denied, and

(b) Whether on the basis of that violation and the additional violations set forth in the Notice, which the licensee admitted, this Order should be sustained.

Dated at Rockville, Maryland, this 13th day of September 1990.

For the Nuclear Regulatory Commission.

Hugh L. Thompson, Jr.,

Deputy Executive Director for Nuclear Materials Safety, Safeguards and Operations Support.

Appendix

Evaluations and Conclusions

On April 20, 1990, a Notice of Violation and Proposed Imposition of Civil Penalty (Notice) was issued for violations identified during an NRC inspection, MQS Inspection, Inc., responded to the Notice on May 9, 1990. In its response, the licensee admitted Violations A, B, and D denied Violation C. In addition, the licensee requested 100 percent mitigation of the civil penalty. The NRC's evaluation and conclusion regarding the licensee's requests are as follows:

I. Restatement of Violation A

10 CFR 20.101(b) requires that a licensee limit the total occupational dose to the whole body of an individual in a restricted area to three rems during any calendar quarter.

Contrary to the above, during the fourth quarter of 1989, an individual who performed radiography in a restricted area received a total whole body occupational dose of 4.490 rems.

Summary of licensee's response to violation A. The licensee admits the overexposure occurred, but points out that most of the exposure (4.374 rem) was as a result of a single event. The licensee characterizes its corrective actions as immediate and extensive in that MQS immediately investigated the event, revoked the involved radiographer's radiation safety certification and reinstructed all radiographic personnel in its employ concerning the conducting of surveys and the details of this radiation exposure incident.

NRC's evaluation of licensee's response to violation A. The licensee admits the violation. The NRC agrees that most of the exposure (4.374 rem) was as a result of a single event. This does not change the fact that the licensee violated 10 CFR 20.101(b). With regard to the licensee's assertion that its corrective actions were immediate and extensive, as we stated in our letter of April 20, 1990, we believe the licensee's corrective actions were prompt, justifying 25 percent mitigation. However, as we noted in that letter, "Full mitigation was not given for your corrective actions because while they were considered prompt, adequate, and acceptable, they were not considered extensive in that the event occurred in a hard to work in environment and your corrective actions did not appear to address specific actions to address the special problems associated with working in these areas."

Restatement of violation B. 10 CFR 34.43(b) requires that the licensee ensure a survey with a calibrated and operable radiation survey instrument is made after each exposure to determine that the sealed source has been returned to its shielded position. The entire circumference of the radiographic exposure device must be surveyed. If the radiographic exposure device has a source guide tube, the survey must include the guide tube.

Contrary to the above, on October 17, 1989, a radiographer and a radiographer's assistant made

approximately 32 radiographic exposures and did not survey the entire circumference of the radiographic exposure device and the source guide tube after any of these exposures to ensure the sealed source had been returned to its shielded position.

Summary of licensee's response to violation B. The licensee admits the violation and agrees that the radiographer did not perform a proper survey which included the entire circumference of the exposure device. The licensee notes, however, that the radiographer had placed a survey instrument 2 to 3 feet in front of the exposure device along the guide tube. The licensee concluded that this survey meter position should have facilitated an evaluation of the guide tube radiation levels and a likely indication of abnormal exposure device source exit port readings. The licensee contended that the failure to perform the required survey was not due to the precarious location of the work but rather the radiographer decided to perform the required survey incorrectly as a matter of convenience.

NRC's evaluation of licensee's response to violation B. The licensee admits the violation. The NRC agrees with the licensee's contention that the radiographer decided to perform the survey incorrectly as a matter or convenience. However, the NRC does not agree that positioning the survey meter in a fixed position provides a meaningful evaluation of the source position or the radiation levels that may exist when the source is not fully retracted into the stored position. NRC regulations clearly state that a radiation survey of the entire circumference as well as the source guide tube be made after each radiographic exposure. There is no provision in the NRC regulations for alternative survey techniques.

Restatement of violation C. 10 CFR 20.403(b)(1) requires that each licensee, within 24 hours of discovery of the event, report any event involving licensed material possessed by the licensee that may have caused or threatens to cause exposure of the whole body of any individual to five rems or more of radiation; exposure of the skin of the whole body of any individual to 30 rems or more of radiation, or any exposure of feet, ankels, hands, or forearms to 75 rems or more of radiation.

Contrary to the above, on October 17, 1989, a radiographer and a radiographer's assistant entered an area containing an exposed 55.8 curie iridium-192 sealed source which may have caused or threatened to cause a personnel radiation exposure in excess of that specified in 10 CFR 20.403(b)(1) and a report was not made within 24 hours of discovery of the event. Specifically, the event was discovered at 8 a.m. on October 17, 1989, and it was not determined that the whole body dose was less than five rem until 4 p.m. on October 18, 1989, a period of 32 hours. The licensee notified the NRC of the event on October 26, 1989.

Summary of licensee's response to violation C. The licensee denies this violation. The licensee contends that the event did not cause a whole body exposure greater than 5 rem. In addition, the reenactment which the licensee performed within the first 24 hours following the event led the licensee to believe there was no potential for a whole body exposure greater than 5 rems to the radiographer or radiographer's assistant. The licensee contends that the requirements in 10 CFR 20.403(b)(1) are ambiguous and do not specify paramenters which define a threat. To support this contention, the licensee quotes statements that were published in the **Federal Register**, Vol. 53, No. 50, in which the Commission stated it was considering additional guidance on reporting events as required by 10 CFR and ensuring that these reports include clear information concerning equipment.

With regard to the fact that the radiographer's and the assistant radiographer's pocket dosimeters had discharged "off scale," the licensee contends that loss of a pocket dosimeter charge may be caused by several means. Loss of charge is possible by subjecting the dosimeter to impact, subjecting it to excessive moisture and dirt or by dosimeter damage. The licensee further states that the prevalence of conditions adverse to producing accrurate pocket dosimeter readings, along with the conflicting zero readings of the radiographic instrument surveys, provided a reasonable suspicion that the pocket dosimeter readings were not indicative of exposure to radiation. In summary, the licensee stated it denies Violation C because it performed an initial assessment using data believed to be accurate and which is usually accurate.

NRC's evaluation of licensee's response to violaltion C. The NRC does not agree witht he licensee's contention that the regulation in 10 CFR 20.403(b)(1) is ambiguous. The regulation clearly states that each licensee shall within 24 hours of discovery of the event, report any event involving licensed material possessed by the licensee that may have caused or threatens to cause exposure of the whole body of any individual to 5 rems or more of radiation. It is clear from the licensee's response that it understood that this twenty-four hour notification requirement is to be based on an evaluation of the radiological significance of an event.

The regulation allows for judgment by the licensee regarding whether an exposure may have caused or threatens to cause an exposure greater than 5 rems. This judgment must consider the threat or potential for exposure based on the information available at the time the judgment is made. After reviewing the licensee's response, the NRC has concluded that the licensee's analysis of information that was available during the first 24 hours after the event, including the licensee's analysis of the reenactment of the event, is flawed and is not supported by sound health physics principles. The NRC's conclusion is based on the following considerations.

1. In its response, the licensee noted that it is usually assumed that dosimeters are discharged by exposure to radiation. However, in this case the licensee chose to ignore that premise and concluded that due to the prevalence of conditions adverse to producing accurate pocket dosimeter readings, along with conflicting zero readings of instrument surveys, the "off-scale" dosimeter readings of both the radiographer and the assistant radiographer were not in fact indicative of exposure to radiation. However, nowhere in its response does the licensee provide information to support this conclusion. There is neither a description of the conditions which the licensee claims might have caused erroneous readings of the dosimeters, nor data to support the licensee's premise based on prior experience in similar situations.

In addition, the licensee concluded that both dosimeters failed simultaneously and provided unreliable readings. The NRC staff believes it was not reasonable for the licensee to draw such a highly unlikely conclusion.

2. The licensee acknowledged that the radiographer made inadequate surveys in that neither the circumference of the exposure device nor the source guide tube were surveyed as required. The NRC staff believes that given the two discharged dosimeters and the failure to perform adequate surveys, it was not reasonable for the licensee to conclude that due to its close proximity the survey instrument should have served as a representation of the radiographer's likely radiation exposure.

3. the licensee stated that it did not discover that the radiation dose rate measurement data from the survey

instrument were inaccurate until the radiographer's and assistant radiographer's film badge results were reported. The licensee stated the inaccuracy of the data from the survey instrument had been caused by either a false reading produced by a staturated G–M tube or intentional misrepresentation by the radiographer and assistant radiographer of the survey instrument readings. It was later determined that the G–M tube was not subject to saturation under these specific conditions.

4. The licensee performed a total of 32 radiographic exposures using a 55.8 curie iridium-192 sealed source. This source produces a radiation level of 290 R/hr at a distance of 1 foot from the exposed source. Since each exposure lasted 2 minutes and 15 seconds, the source was exposed for a total of 72 minutes during this series of exposures. Based on the large activity of the source, a very short duration exposure could result in an exposure to the radiographer or the radiographer's assistant requiring the notification provided for in 10 CFR 20.403(b)(1).

5. The NRC issued Information Notice No. 87–45, Recent Safety-Related Violations of NRC Requirements by Industrial Radiography Licensees, on September 25, 1987 to all radiography licensees. This Notice reminded licensees, among other things, to properly review, evaluate, and report all incidents which may have caused personnel exposures in excess of the Part 20 limits.

The NRC has concluded that the uncertainties associated with the October 17, 1989, event were such that the licensee could not reasonably have concluded that the whole body doses received by the radiographer and radiographer's assistant were less than 5 rem and it was fortuitous that the dose was limited to 4.374 rem. This event clearly threatened to cause a whole body exposure in excess of 5 rems. Therefore, the licensee should have reported the event to the NRC within the required 24 hour reporting period.

Restatement of violation D. License Condition No. 20 of Amendment No. 73, dated August 2, 1989, requires that the licensee conduct its program in accordance with statements, representations, and procedures contained in the Application dated October 27, 1987 (with attached manual).

The referenced manual, 30.J.2, "Operating and Emergency Procedures," § 13.1.4, requires that upon assuring that the source is in a safe position, survey and lock the exposure device. This procedure shall be conducted after each exposure.

Contrary to the above, on October 17, 1989, a radiographer did not assure the source was in a safe position and did not lock the exposure device after each exposure.

Summary of licensee's response to violation D. The licensee admits the violation and describes corrective actions which included revocation of the radiographer's certification and retraining of all radiography personnel.

II. Licensee's request for mitigation of the civil penalty

The licensee sets forth the following reasons as a basis for mitigation of the proposed civil penalty.

1. Violation C., for failure to report, should not have been issued.

2. The civil penalty should not be escalated 50 percent for past performance since (a) The facility affected by this event is a separate operation from any one where previous events occurred, (b) the licensee performs a significant number of exposures per year without event, and (c) the facility involved has a good past performance history.

3. The licensee could not reasonably foresee the occurrence of this event and had procedures implemented that normally preclude this type of event. The licensee also states that the radiographers were properly trained in those procedures and their actions conflict with those procedures.

4. The failure of the Commission to allow mitigation of the civil penalty due to "ease of discovery" is subjective and lacks a definitive means of measurement. The licensee claims its investigation was intensive, involved several persons, and resulted in a determination of fact.

5. The licensee is disadvantaged in this evaluation due to its comparatively large size. If the Commission continues to evaluate the licensee based on a time element comparison only, then it should consider each of the licensee's locations separately.

NRC's evaluation of the licensee's request for mitigation. The NRC has determined that the licensee had sufficient information to conclude that the event involving licensed material may have caused or threatened to cause exposure of the whole body of the radiographer and radiographer's assistant to greater than 5 rem requiring the licensee to report the event within 24 hours of discovery, pursuant to 10 CFR 20.403(b)(1). The violation is valid.

Key considerations under the Past Performance factor are effectiveness of previous corrective actions for similar problems and overall past performance. A similar event, in which one of the licensee's radiographers failed to perform required surveys, occurred on November 3, 1988, and resulted in a $5,000 civil penalty. The fact that a similar violation involving a failure to perform a survey of the exposure device, which is a basic radiation safety requirement, reoccurred in less than two years demonstrates that additional emphasis is needed to assure that lasting corrective action is taken. As a result, the NRC has concluded that an escalation of the base civil penalty by 50 percent, because of past performance, is appropriate.

The NRC's failure to allow mitigation because of ease of discovery is not based on a belief that the licensee did not take adequate steps to evaluate and correct the root causes of the violations. Instead, it is based on the self-disclosing nature of the event. The entire investigation and corrective actions were triggered by the dosimeters of the two individuals going "off-scale" and not by problems identified during a self-initiated licensee audit or program evaluation. Moreover, the event was not reported within 24 hours, as required.

As to the size of the licensee's activities, radiographers are trained to make a complete radiation survey after each exposure and, due to the substantial hazard involved, a failure to make such a survey cannot be tolerated. Thus, the failure to make the required survey is not justified by the size of the licensee's program or the number of facilities. It is recognized that a larger organization may have a more difficult job to control activities. Conversely, it may also have more resources to apply to management control. Regardless of the size, if the public health and safety is to be protected, the Commission's requirements must be met with each use of radioactive material.

Finally, the NRC does not take the position that the licensee should necessarily have foreseen the radiographer's failure to make the required surveys. It is not appropriate to withhold a sanction because the employee's failure was not foreseen, i.e., an employee acted in violation of requirements without prior management knowledge. Such a policy would be contrary to the NRC Enforcement Policy and Remove incentives for management to be involved in licensed activities. Moreover, it is the licensee that hires, supervises, and disciplines employees. In assigning individuals to serve as radiographers, the licensee is selecting a person who by definition in 10 CFR 34.2 is responsible to the licensee for

assuring that Commission requirements are met. The licensee obtains the benefits of good employees and accepts the risk of poor employees, as it is recognized that a corporation can only act through its employees or agents. Therefore, licensees are held accountable for the actions of their employees. Civil penalties are an appropriate sanction to emphasize to the licensee, including the management and employees, the need for strict compliance with the Commission requirements which are designed to protect the public health and safety. *Atlantic Research Corporation*, CLI–80–7, 11 NRC 413 (1980).

III. NRC Conclusion

Based on the information presented by the licensee and evaluated by the NRC, it has been concluded that the civil penalty of $6,250 proposed by the staff in its Notice to the licensee of April 20, 1990 is justified and appropriate and should be imposed.

[FR Doc. 90–22308 Filed 9–19–90; 8:45 am]

BILLING CODE 7590–01–M

POSTAL RATE COMMISSION

Notice of Visit to Postal Facility

September 14, 1990.

Notice is hereby given that members of the advisory staff of the Postal Rate Commission will visit the Postal Processing Facility in Tampa, Florida, on Thursday, September 20, 1990 at 3 p.m. The purpose of the visit is to view the operation of the wide area bar code reader at the facility. A report of the visit will be on file at the Office of the Secretary of the Commission. For further information contact Gerald Cerasale at (202) 789–6871.

Charles L. Clapp,

Secretary.

[FR Doc. 90–22260 Filed 9–19–90; 8:45 am]

BILLING CODE 7710–FW–M

SECURITIES AND EXCHANGE COMMISION

Self-Regulatory Organizations; Applications for Unlisted Trading Privileges and of Opportunity for Hearing; Chicago Board Options Exchange, Inc.

September 14, 1990.

The Chicago Board Options Exchange, Inc. ("CBOE") has filed application with the Securities and Exchange Commssion ("Commission") pursuant to section 12(f)(1)(B) and (C) of the Securities Exchange Act of 1934 ("Act") [1] and Rule 12f-1 thereunder [2] for unlisted trading privileges ("UTP") in the security listed below solely for the purpose of trading this security as part of a market basket on the Standard & Poor's 500 and 100 Indexes ("Index").[3]

Biomet, Inc.

Common Stock, $0 Par Value (File No. 7–6231)

As indicated in the application, Biomet, Inc. is over-the-counter ("OTC") security that is quoted on the National Association of Securities Dealers Automated Quotation System ("NASDAQ") and that is not registered on any national securities exchange. Last sale information in the stock, is reported through NASDAQ facilities.

Interested persons are invited to submit on or before October 1, 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. Commentators are asked to address whether they believe the requested grants of UTP would be consistent with section 12(f)(2) of the Act. Under this section the Commission can only approve the UTP application if it finds, after this notice and opportunity for hearing, that the extensions of unlisted trading privileges pursuant to such application is consistent with the maintenance of fair and orderly markets and the protection of investors.

Further, in considering the CBOE's application for extension of UTP in stocks not registered on another national securities exchange, section 12(f)(2) of the Act requires the Commission to consider, among other matters, the public trading activity in such securities, the character of such trading, the impact of such extension on the existing markets for such securities, and the desirability of removing impediments to and the progress that has been made toward the development of a national market system. The Commission may not grant such application if any rule of the national securities exchange making an application under section 12(f)(1) of the Act would unreasonably restrict competition among dealers in such securities or between such dealers acting in the capacity of market makers who are specialists and such dealers who are not specialists.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 90–22228 Filed 9–19–90; 8:45 am]

BILLING CODE 8010–01–M

[1] 15 U.S. 781(F)(1) (1982).

[2] 17 CFR 240.12f–1 (1989).

[3] *See* Securities Exchange Act Release No. 27383, (October 26, 1989) 54 FR 45846 approving the trading of baskets of stocks, based on the S&P Indexes, at a single trading location on the exchange.

[Release No. 34–28431; File No. SR–MBSCC–90–05]

Self-Regulatory Organizations; Proposed Rule Change by MBS Clearing Corporation Relating to Minimum Market Margin Difference Deposit Requirement

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"), 15 U.S.C. 78s(b)(1), notice is hereby given that on August 20, 1990, the MBS Clearing Corporation ("MBSCC") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I, II and III below, which items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

MBSCC's proposed rule change revises MBSCC's rules and procedures to: (i) Impose a minimum market margin differential [1] ("MMD") deposit requirement for MBSCC participants, and (ii) after the calculation of MMD deposits for MBSCC transactions that have not settled on or after the designated settlement date.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commisison, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at

[1] A participant's market margin differential generally is the sum of the net excess of original contract value over current market value of its net long open commitments plus the net excess of current market value over the original contract value of the participant's net short open commitments.

the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in sections (A), (B) and (C) below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

The purpose of the proposed rule change is to (i) establish a minimum MMD deposit requirement of at least $250,000, and (ii) exclude from the computation of MMD positive amounts attributable to open transactions that have not settled on or after settlement date.

Minimum MMD Requirement

Under MBSCC's rules, participants are required to maintain: (a) A basic deposit of $10,000 for each account included in an account group; and (b) a MMD deposit in such amount as MBSCC may determine from time to time ("required deposit").[2] MBSCC's Board of Directors may increase the amount of the basic deposit or required deposit, and calculates these amounts for each of a participant's accounts on a daily basis.

MBSCC proposes to establish a minimum dollar amount for its participants' required deposits. Under its proposal, MBSCC participants will be required to maintain at all times a required deposit in an amount equal to the greater of $250,000 or 50% of the participant's average daily change in MMD.[3] Thus, in the event a participant's required deposit fell below $250,000 on a particular day, that participant would be required to maintain a required deposit equal to the greater of the foregoing amounts.

Finally, the proposed rule change clarifies that MBSCC's Board may increase the amount of the basic deposit or minimum MMD requirement without a specific recommendation from MBSCC's risk management committee. This is to ensure that the Board has the independent capability to promptly make necessary changes to the basic deposit or minimum MMD amounts without any undue delay.

Profit and Loss Offsets

MBSCC currently computes required MMD amounts for a participant's transactions (and option contracts) in each account. In making this calculation, MBSCC allows positive amounts resulting from the MMD computation (profitable trades) to offset negative amounts (loss trades).[4] The only exception to this procedure is that positive amounts for trades with an impending settlement date do not offset negative amounts for trades not involving an impending settlement date and vice versa.

In conducting a review of the settlement of transactions by participants, MBSCC realized that a firm experiencing financial difficulty is far more likely to settle profitable trades (those resulting in a positive MMD calculation) before, or in lieu of, settling loss trades (those resulting in a negative MMD calculation). This propensity, together with a financially troubled firm's overall delay in notifying MBSCC of settlements, may result in MBSCC (unknowingly) not excluding profitable trades in the calculation of MMD amounts, even though the firm has already settled its profitable trades.

If a participant has settled profitable trades and delayed reporting this fact to MBSCC, MBSCC's MMD might not provide an adequate margin to protect a non-defaulting participant from market exposure on open failed transactions. Under normal circumstances, as a participant settles profitable trades and reports this fact in its MBSCC notification of settlement, MBSCC eliminates the transaction(s) from its records and removes it in the calculation of required MMD. When profitable trades are in fact settled, but are not reported as settled, MBSCC may unknowingly assume that these trades continue to remain unsettled, and include them in the calculation of MMD, thereby allowing these realized profitable trades to offset unrealized loss trades. As a result, MBSCC may have inadequate collateral to satisfy all claims for losses if MBSCC or non-defaulting participants have to liquidate a defaulting participant's open failed position(s).

In an effort to significantly reduce the above-described risks, MBSCC's Board has approved a rule change which omits positive amounts in the calculation of open failed transactions. Specifically, the proposed rule change authorizes MBSCC to eliminate positive amounts for the calculation of MMD at the end of the month following settlement date. The month's end date is generally at least 10 days after the designated settlement date for a current-month trade.

A review of participant data at month-end of post-settlement date unsettled trades indictes that most of these trades are the result of a participant's failure to notify MBSCC of settled transactions. The proposed rule change should encourage firms to timely report to MBSCC notification of settlement, while at the same time ensuring that MBSCC's MMD is an adequate reflection of exposure and risks to MBSCC and its participants.

The proposed rule change is consistent with the purposes and requirements of section 17A of the Act because it enhances MBSCC's ability to safeguard the funds and securities in its possession and control.

(B) Self-Regulatory Organization's Statement on Burden on Competition

MBSCC does not believe that any burdens will be placed on competition as a result of the proposed rule change.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

MBSCC provided formal notice of the proposed rule changes in a bulletin to participants. To date, MBSCC has received informal comments in support of the proposed rule changes. The proposed changes also received the unanimous endorsement of MBSCC's risk management and new products/services committees.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve the proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions

[2] In general, the required deposit is an amount equal to the difference between the contract value and the market value of a participant's open and unsettled trades multiplied by a factor of 130%.

[3] MBSCC's management will peridiocally review the adequacy of this percentage and recommend any necessary changes to the Board of Directors ("Board") for further consideration.

[4] The MMD computation is designed to limit market exposure in the event that a participant's open commitments are liquidated at a loss. Both trades that have not reached settlement date, as well as those trades that have reached settlement date (open fails), are included in the MMD computation.

should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street NW., Washington, DC 20549. Copies of such filing will also be available for inspection and copying at the principal office of MBSCC. All submissions should refer to file number SR–MBSCC–90–05 and should be submitted by October 11, 1990.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Dated: September 13, 1990.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 90–22231 Filed 9–19–90; 8:45 am]

BILLING CODE 8010–01–M

Self-Regulatory Organizations; Applications for Unlisted Trading Privileges and of Opportunity for Hearing; Midwest Stock Exchange, Inc.

September 14, 1990.

The Midwest Stock Exchange, Inc. ("MSE") has filed an application with the Securities and Exchange Commission ("Commission") pursuant to section 12(f)(1)(C) of the Securities Exchange Act of 1934 ("Act") and Rule 12f-1 thereunder for unlisted trading privileges ("UTP") in the one security listed below solely for the purpose of trading this security as part of a portfolio transaction traded through the MSE's Portfolio Trading System during its Secondary Trading Session. The one security listed below is all over-the-counter security that is quoted on the National Association of Securities Dealers Automated Quotation System ("NASDAQ"). Last sale information for this security is reported through NASDAQ facilities.

Biomet, Inc.

Common Stock, No Par Value (File No. 7–6230)

Interested persons are invited to submit on or before October 1, 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. Commentators are asked to address whether they believe the requested grants of UTP would be consistent with section 12(f) of the Act. Under this section the Commission can only approve the UTP application if it finds, after this notice and opportunity for hearing, that the extensions of unlisted trading privileges pursuant to such application is consistent with the maintenance of fair and orderly markets and the protection of investors.

Further, in considering the MSE's application for extension of UTP in the one NASDAQ stocks, section 12(f)(2) of the Act requires the Commission to consider, among other matters, the public trading activity in such securities, the character of such trading, the impact of such extension on the existing markets for such security, and the desirability of removing impediments to and the progress that has been made toward the development of a national market system. The Commission may not grant such application if any rule of the national securities exchange making an application under section 12(f)(1)(C) of the Act would unreasonably restrict competition among dealers in such security or between such dealers acting in the capacity of market makers who are specialists and such dealers who are not specialists.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 90–22229 Filed 9–19–90; 8:45 am]

BILLING CODE 8010–01–M

Self-Regulatory Organizations; Applications for Unlisted Trading Privileges and of Opportunity for Hearing; New York Stock Exchange, Inc.

September 14, 1990.

The above named national securities exchange has filed an application with the Securities and Exchange Commission ("Commission") pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 ("Act") [1] and Rule 12f–1 thereunder [2] for unlisted trading privileges ("UTP") in the security listed below solely for the purpose of trading the security as part of the Exchange Stock Portfolios ("ESPs") which is based on the Standard & Poors 500 Portfolio Index ("Index").[3]

Biomet, Inc.

Common Stock, No Par Value (File No. 7–6232)

The stock is an over/the-counter ("OTC") security that is quoted on the National Association of Securities Dealers Automated Quotation System ("NASDAQ") and that is not registered on any national securities exchange. Last sale information in the stock is reported through NASDAQ facilities.

Interested persons are invited to submit on or before October 1, 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. Commentators are asked to address whether they believe the requested grants of UTP would be consistent with section 12(f)(2) of the Act. Under this section the Commission can only approve the UTP application if it finds, after this notice and opportunity for hearing, that the extensions of unlisted trading privileges pursuant to such application is consistent with the maintenance of fair and orderly markets and the protection of investors.

Further, in considering the NYSE's application for extension of UTP in stocks not registered on another national securities exchange, section 12(f)(2) of the act requires the Commission to consider, among other matters, the public trading activity in such securities, the character of such trading, the impact of such extension on the existing markets for such securities, and the desirability of removing impediments to and the progress that has been made toward the development of a national market system. The commission may not grant such application if any rule of the national securities exchange making an application under section 12(f)(1) of the Act would unreasonably restrict competition among dealers in such securities or between such dealers acting in the capacity of market makers who are specialists and such dealers who are not specialists.

[1] 15 U.S.C. 781(f)(1) (1982).

[2] 17 CFR 240.12f–1 (1989).

[3] See Securities Exchange act Release 27382 (October 26, 1989) 54 FR 45834 approving the trading of ESPs based on the Index.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 90–22230 Filed 9–19–90; 8:45 am]

BILLING CODE 8010–01–M

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Loan Area #2447; Amdt. #1]

Illinois; Declaration of Disaster Loan Area

The above-named Declaration is hereby amended in accordance with amendments dated September 2 and 5, 1990, to the President's major disaster declaration of August 29, to include the counties of Kendall and Kane in the State of Illinois as a disaster area as a result of damages caused by tornadoes which occurred on August 28, 1990.

In addition, applications for economic injury loans from small businesses located in the contiguous counties of DeKalb, LaSalle, and McHenry in the State of Illinois may be filed until the specified date at the previously designated location.

Any counties contiguous to the above-named primary counties and not listed herein have previously been named as contiguous or primary counties for the same occurrence.

All other information remains the same, i.e., the termination date for filing applications for physical damage is October 29, 1990, and for economic injury until the close of business on May 29, 1991.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008)

Dated: September 12, 1990.

Alfred E. Judd,

Acting Assistant Administrator for Disaster Assistance.

[FR Doc. 90–22247 Filed 9–19–90; 8:45 am]

BILLING CODE 8025–01–M

[Declaration of Disaster Loan Area #2447]

Illinois (With Contiguous County in Indiana); Declaration of Disaster Loan Area

As a result of the President's major disaster declaration on August 29, 1990, I find that Will County in the State of Illinois constitutes a disaster area as a result of damages caused by tornadoes which occurred on August 28, 1990. Applications for loans for physical damage may be filed until the close of business on October 29, 1990, and for loans for economic injury until the close of business on May 29, 1991, at the address listed below: Disaster Area 2 Office, Small Business Administration, 120 Ralph McGill Blvd., 14th Fl., Atlanta, Georgia 30308, or other locally announced locations. In addition, applications for economic injury loans from small businesses located in the contiguous Cook, Du Page, Grundy, Kane, Kankakee, and Kendall in the State of Illinois and Lake County in the State of Indiana may be filed until the specified date at the above location.

The interest rates are:

For Physical Damage:	
Homeowners With Credit Available Elsewhere	8.000%
Homeowners Without Credit Available Elsewhere	4.000%
Businesses With Credit Available Elsewhere	8.000%
Businesses and Non-Profit Organizations Without Credit Available Elsewhere	4.000%
Others (Including Non-Profit Organizations) With Credit Available Elsewhere	9.250%
For Economic Injury:	
Businesses and Small Agricultural Cooperatives Without Credit Available Elsewhere	4.000%

The number assigned to this disaster for physical damage is 244712 and for economic injury the numbers are 711600 for the State of Illinois and 711700 for the State of Indiana.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008)

Dated: September 5, 1990.

Alfred E. Judd,

Acting Assistant Administrator for Disaster Assistance.

[FR Doc. 90–22248 Filed 9–19–90; 8:45 am]

BILLING CODE 8025–01–M

[Declaration of Disaster Loan Areas #2450 & #2451]

Indiana (and Contiguous Counties in Illinois); Declaration of Disaster Loan Area

Fulton and Lake Counties and the contiguous counties of Cass, Jasper, Kosciusko, Marshall, Miami, Newton, Porter, Pulaski, Starke, and Wabash in the State of Indiana and Cook, Kankakee, and Will Counties in the State of Illinois constitute a disaster area as a result of damages caused by flooding which occurred on August 17 and 18, 1990. Applications for loans for physical damages as a result of this disaster may be filed until the close of business on Nov. 8, 1990 and for economic injury until the close of business on June 7, 1991 at the address listed below:

Disaster Area 2 Office, Small Business Administration, 120 Ralph McGill Blvd., 14th Fl. Atlanta, Georgia 30308.

or other locally announced locations.

The interest rates are:

	Percent
For physical damage	
Homeowners With Credit Available Elsewhere	8.000
Homeowners Without Credit Available Elsewhere	4.000
Businesses With Credit Available Elsewhere	8.000
Businesses and Non-Profit Organizations Without Credit Available Elsewhere	4.000
Others (Including Non-Profit Organizations) With Credit Available Elsewhere	9.250
For Economic Injury	
Businesses and Small Agricultural Cooperatives Without Credit Available Elsewhere	4.000

The numbers assigned to this disaster for physical damage are 245006 for Indiana and 245106 for Illinois.

For economic injury the numbers are 712000 for Indianas and 712100 for Illinois.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008).

Dated: September 7, 1990.

Sally B. Narey,

Acting Administrator.

[FR Doc. 90–22249 Filed 9–19–90; 8:45 am]

BILLING CODE 8025–01–M

[Declaration of Disaster Loan Area #2452]

Iowa (With Contiguous Counties in Nebraska, Missouri, Wisconsin), Declaration of Disaster Loan Area

As a result of the President's major disaster declaration on September 6, 1990, I find that the Counties of Black Hawk, Buchanan, Cerro Gordo, Chickasaw, Clayton, Fayette, Franklin, Fremont, Jones, and Linn in the State of Iowa constitute a disaster area as a result of damages caused by severe storms and flooding beginning on July 25, 1990. Applications for loans for physical damage may be filed until the close of business on November 5, 1990, and for loans for economic injury until the close of business on June 6, 1991, at the address listed below:

Disaster Area 3 Office, Small Business Administration, 4400 Amon Carter Blvd., suite 102, Ft. Worth, TX 76155

or other locally announced locations. In addition, applications for economic injury loans from small business located in the contiguous counties of Allamakee, Benton, Bremer, Butler, Cedar, Clinton, Delware, Dubuque, Floyd, Grundy,

Hamilton, Hancock, Hardin, Howard, Iowa, Jackson, Johnson, Mills, Mitchell, Montgomery, Page, Tama, Winnebago, Winneshiek, Worth, and Wright in the State of Iowa; Crawford and Grant Counties in the State of Wisconsin; Atchison County in the State of Missiouri; and Cass and Otoe Counties in the State of Nebraska may be filed until the specified date at the above location.

The interest rates are:

	Percent
For Physical Damage	
Homeowners With Credit a Available Elsewhere	8.000
Homeowners Without Credit Available Elsewhere	4.000
Businesses With Credit Available Elsewhere	8.000
Businesses and Non-Profit Organizations Without Credit Available Elsewhere	4.000
Others (including Non-Profit Organizations) with Credit Available Elsewhere	9.250
For Economic Injury	
Businesses and Small Agricultural Cooperatives Without Credit Available Elsewhere	4.000

The number assigned to this disater for physical damage is 245206 and for economic injury the numbers are 712400 for the State of Iowa; 712500 for the State of Wisconsin, 712600 for the State of Missouri; and 712700 for the State of Nebraska.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008)

Dated: September 11, 1990.

Alfred E. Judd,

Acting Asssistant Administrator for Disaster Assistance.

[FR Doc. 90-22250 Filed 8-19-90; 8:45 am]

BILLING CODE 8025-01-M

[Declaration of Economic Injury Disaster Loan Areas #7122 & #7123]

North Carolina (And Contiguous Counties in the State of South Carolina); Declaration of Disaster Loan Area

Union County and the contiguous counties of Anson, Cabarrus, Mecklenburg, and Stanly in the State of North Carolina and Chesterfield and Lancaster Counties in the State of South Carolina constitute an Economic Injury Disaster Loan Area due to a fire and explosion which occurred in the central business district of the City of Monroe, Union County, on July 28, 1990. Eligible small businesses without credit available elsewhere and small agricultural cooperatives without credit available elsewhere may file applications for economic injury assistance until the close of business on June 7, 1991 at the address listed below:

Disaster Area 2 Office, Small Business Administration, 120 Ralph McGill Blvd., 14th floor, Atlanta, GA 30308

or other locally announced locations. The interest rate for eligible small businesses and small agricultural cooperatives is 4 percent.

The numbers assigned to this declaration for economic injury are 712200 for the State of North Carolina and 712300 for the State of South Carolina.

(Catalog of Federal Domestic Assistance Program No. 59002)

Dated: September 7, 1990.

Sally Narey,

Acting Administrator.

[FR Doc. 90-22251 Filed 9-19-90; 8:45 am]

BILLING CODE 8025-01-M

[Declaration of Disaster Loan Area #2448]

Ohio; Declaration of Disaster Loan Area

Pike County and the contiguous counties of Adams, Highland, Jackson, Ross, and Scioto in the State of Ohio constitute a disaster area as a result of damages caused by flooding which occurred on August 21, 1990. Applications for loans for physical damage as a result of this disaster may be filed until the close of business on November 2, 1990 and for economic injury until the close of business on May 31, 1991 at the address listed below:

Disaster Area 2 Office, Small Business Administration, 120 Ralph McGill Blvd., 14th Fl., Atlanta, Georgia 30308

or other locally announced locations.

The interest rates are:

	Percent
For Physical Damage	
Homeowners With Credit Available Elsewhere	8.000
Homeowners Without Credit Available Elsewhere	4.000
Businesses With Credit Available Elsewhere	8.000
Businesses and Non-Profit Organizations Without Credit Available Elsewhere	4.000
Others (Including Non-Profit Organizations) With Credit Available Elsewhere	9.250
For Economic Injury	
Businesses and Small Agricultural Cooperatives Without Credit Available Elsewhere	4.000

The number assigned to this disaster for physical damage is 244806 and for economic injury the number is 711800.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008)

Dated: August 31, 1990.

Sally B. Narey,

Acting Administration,

[FR Doc. 90-22252 Filed 9-19-90; 8:45 am]

BILLING CODE 8025-01-M

[Declaration of Disaster Loan Areas #2445 & #2446]

West Virginia (And Contiguous Counties in Ohio); Declaration of Disaster Loan Area

Wood County and the contiguous counties of Jackson, Pleasants, Ritchie, and Wirt in the State of West Virginia and Athens, Meigs, and Washington Counties in the State of Ohio constitute a disaster area as a result of damages caused by flooding which occured on August 18-19, 1990. Applications for loans for physical damage as a result of this disaster may be filed until the close of business on November 2, 1990 and for economic injury until the close of business on May 31, 1991 at the address listed below:

Disaster Area 2 Office, Small Business Administration, 120 Ralph McGill Blvd., 14th Fl., Atlanta, Georgia 30308

or other locally announced locations.

The interest rates are:

	Percent
For Physical Damage	
Homeowners With Credit Available Elsewhere	8.000
Homeowners Without Credit Available Elsewhere	4.000
Businesses With Credit Available Elsewhere	8.000
Businesses and Non-Profit Organizations Without Credit Available Elsewhere	4.000
Others (Including Non-Profit Organizations) With Credit Available Elsewhere	9.250
For Economic Injury	
Businesses and Small Agricultual Cooperatives Without Credit Available Elsewhere	4.000

The numbers assigned to this disaster for physical damage are 244506 for the State of West Virginia and 244606 for the State of Ohio. For economic injury the numbers are 711400 for New York and 711500 for Ohio.

(Catalog of Federal Assistance Program Nos. 59002 and 59008)

Dated: August 31, 1990.

Sally B. Narey,

Acting Administrator.

[FR Doc. 90-22253 Filed 9-19-90; 8:45 am]

BILLING CODE 8025-01-M

[Declaration of Disaster Loan Area #2449]

Wisconsin; Declaration of Disaster Loan Area

As a result of the President's major disaster declaration on August 30, 1990, I find that Monroe County in the State of Wisconsin constitutes a disaster area as a result of damages caused by severe storms and flooding beginning on August 17, 1990. Applications for loans for physical damage may be filed until the close of business on October 29, 1990, and for loans for economic injury until the close of business on May 30, 1991, at the address listed below:

Disaster Area 2 Office, Small Business Administration, 120 Ralph McGill Blvd., 14th fl., Atlanta, Georgia 30308

or other locally announced locations. In addition, applications for economic injury loans from small businesses located in the contiguous Jackson, Juneau, LaCrosse, and Vernon in the State of Wisconsin may be filed until the specified date at the above location.

The interest rates are:

	Percent
For Physical Damage	
Homeowners With Credit Available Elsewhere	8.000
Homeowners Without Credit Available Elsewhere	4.000
Businesses With Credit Available Elsewhere	8.000
Businesses and Non-Profit Organizations Without Credit Available Elsewhere	4.000
Others (Including Non-Profit Organizations) With Credit Available Elsewhere	9.250
For Economic Injury	
Businesses and Small Agricultural Cooperatives Without Credit Available Elsewhere	4.000

The number assigned to this disaster for physical damage is 244906 and for economic injury the number is 711900.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008)

Dated: September 5, 1990.

Alfred E. Judd,

Acting Assistant Administrator for Disaster Assistance.

[FR Doc. 90–22254 Filed 9–19–90; 8:45 am]

BILLING CODE 8025–01–M

[Application No. 02/02–5543]

Filing of an Application for a License to Operate as a Small Business Investment Company; Empire State Capital Corp.

Notice is hereby given of the filing of an application with the Small Business Administration (SBA) pursuant to § 107.102 of the Regulations governing small business investment companies (13 CFR 107.102 (1990)) by Empire State Capital Corporation, 330 Seventh Avenue, 15th Floor, New York, New York 10001, for a license to operate as a small business investment company (SBIC) under the Small Business Investment Act of 1958, as amended, (15 U.S.C. et seq.), and the Rules and Regulations promulgated thereunder.

The proposed officers, directors and shareholders are:

Name	Title	Percentage of ownership
Joseph Ching-Yaun Wu, 330 Seventh Avenue, New York, New York 10001	President/Director	29.20
Jin Wen Wang, 330 Seventh Avenue, New York, New York 10001	Vice President/Director	22.12
Peter Koo, 330 Seventh Avenue, New York, New York 10001	Secretary and Director	13.28
Chien-Jen Huang, 330 Seventh Avenue, New York, New York 10001	Director	13.28
Wu-Jan Lin, 330 Seventh Avenue, New York, New York 10001	Director	11.06
Aileen Ming-Ling Cheng, 330 Seventh Avenue, New York, New York 10001	Director	11.06

The applicant will begin operations with a capitalization of $2,260,000 and will be a source of equity capital and long term funds for qualified small business concerns.

As a section 301(d) Licensee it will provide assistance solely to small business concerns which will contribute to a well-balanced national economy of facilitating ownership in such concerns by persons whose participation in the free enterprise system is hampered because of social or economic disadvantages.

Matters involved in SBA's consideration of the application include the general business reputation and character of the proposed owners and management, and the probability of successful operations of the new company under their management, including profitability and financial soundness in accordance with the Act and Regulations.

Notice is hereby given that any person may, not later than 30 days from the date of publication of this Notice, submit written comments on the proposed SBIC to the Deputy Associate Administrator for Investment, Small Business Administration, 1441 "L" Street, NW., Washington, DC 20416.

A copy of this Notice will be published in a newspaper of general circulation in New York, New York.

(Catalog of Federal Domestic Assistance Programs No. 59.011, Small Business Investment Companies)

Bernard Kulik,

Associate Administrator for Investment.

[FR Doc. 90–22255 Filed 9–19–90; 8:45 am]

BILLING CODE 8025–01–M

[Application No. 02/02–0545]

Application for License to Operate as a Small Business Investment Company (SBIC); InterEquity Capital Corp.

Notice is hereby given of the filing of an application with the Small Business Administration (SBA) pursuant to 13 CFR 107.102 (§ 107.102 (1990)) by InterEquity Capital Corporation, suite 1001, 220 Fifth Avenue, New York, New York 10001, for a license to operate as a small business investment company (SBIC) under the Small Business Investment Act of 1958 (the Act), as amended (15 U.S.C. *et seq.*).

The proposed officers, directors and shareholders are:

Name	Title	Percentage of ownership
Irwin Schlass, 115 Central Park West, New York, New York 10023	President/Director	22.08
Jack Schleifer, 22nd Floor, 60 East 42nd Street, New York, New York 10165	Treasurer/Director	22.08
Abraham Goldstein, 920 East 17th Street, Apt. 310, Brooklyn, New York 11230	Secretary/Director	2.00
Stephen E. Raphael, 289 Piping Rock Road, Old Brookville, New York 11545	Exec. V.P./Director	10.72
Jason Schwartz, 333 East 56th Street, Apartment 2-E, New York, New York 10022	Vice President/Director	0.23
John Radziwill, 550 Park Avenue, New York, New York 10021	Director	5.36
Myron Weinblatt, 320 Central Park West, New York, New York 10025	Director	10.72
George Sarner, 288 Farms Road, Stamford, Connecticut 06903	Director	10.72
Eugene Wong, 460 Cherry Lane, No. 1, Mandham, New Jersey 07945	Director	7.51
Kenneth Leon, 12221 Taylor Court, Lawrenceville, New Jersey 08648	Director	-0-
Three Other Shareholders none of which own more than 10 percent	8.58	

The Applicant, which is a New York corporation, will begin operations with a capitalization of $2,250,000 and will be a source of equity capital and long-term loan funds for qualified small business concerns.

Matters involved in SBA's consideration of the application include the general business reputation and character of the proposed owners and management, and the probability of successful operations of the new company under their management, including profitability and financial soundness in accordance with the Act and Regulations.

Notice is hereby given that any person may, not later than 30 days from the date of publication of this Notice, submit written comments on the proposed SBIC to the Associate Administrator for Investment, Small Business Administration, 1441 "L" Street, NW., Washington, DC 20416.

A copy of this Notice will be published in a newspaper of general circulation in New York, New York.

(Catalog of Federal Domestic Assistance Programs No. 59.011, Small Business Investment Companies)

Dated: September 14, 1990.

Bernard Kulik,

Associate Administrator for Investment.

[FR Doc. 90-22256 Filed 9-19-90; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF STATE

[Public Notice 1266]

Determination, Assistance to Egypt

Pursuant to the authority vested in me by section 620(q) of the Foreign Assistance Act of 1961, as amended (the Act), Executive Order 12163, and the Department of State Delegation of Authority No. 145, I hereby determine that the furnishing of assistance under the Act to Egypt is in the national interest of the United States.

This determination shall be reported to the Congress as required by law.

This determination shall be published in the **Federal Register.**

Dated: August 13, 1990.

James A. Baker, III,

Secretary of State.

[FR Doc. 90-22280 Filed 9-19-90; 8:45 am]

BILLING CODE 4710-08-M

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

Reports, Forms, and Recordkeeping Requirements: Submittals to OMB on September 12, 1990

AGENCY: Office of the Secretary, Department of Transportation (DOT).

ACTION: Notice.

SUMMARY: This notice lists those forms, reports, and recordkeeping requirements imposed upon the public which were transmitted by the Department of Transportation on September 12, 1990, to the Office of Management and Budget (OMB) for its approval in accordance with the requirements of the Paperwork Reduction Act of 1980 (44 U.S.C. chapter 35).

FOR FURTHER INFORMATION CONTACT: John Chandler, Susan Pickrel, or Cordelia Shepherd, Information Requirements Division, M-34, Office of the Secretary of Transportation, 400 Seventh Street, SW., Washington, DC 20590, telephone, (202) 366-4735, or Edward Clarke or Wayne Brough, Office of Management and Budget, New Executive Office Building, room 3228, Washington, DC 20503, (202) 395-7340.

SUPPLEMENTARY INFORMATION:

Background

Section 3507 of title 44 of the United States Code, as adopted by the Paperwork Reduction Act of 1980, requires that agencies prepare a notice for publication in the **Federal Register,** listing those information collection requests submitted to the Office of Management and Budget (OMB) for initial, approval, or for renewal under that Act. OMB reviews and approves agency submittals in accordance with criteria set forth in that Act. In carrying out its responsibilities, OMB also considers public comments on the proposed forms, reporting and recordkeeping requirements. OMB approval of an information collection requirement must be renewed at least once every three years.

Information Availability and Comments

Copies of the DOT information collection requests submitted to OMB may be obtained from the DOT officials listed in the "For Further Information Contact" paragraph set forth above. Comments on the requests should be forwarded, as quickly as possible, directly to the OMB officials listed in the "For Further Information Contact" paragraph set forth above. If you anticipate submitting substantive comments, but find that more than 10 days from the date of publication are needed to prepare them, please notify the OMB officials of your intent immediately.

Items Submitted for Review by OMB

The following information collection requests were submitted to OMB on September 12, 1990.

DOT No.: 3392.

OMB No.: 2130-0519.

Administration: Federal Railroad Administration.

Title: Bad Order and Home Shop Card.

Need for Information: To determine when cars which are defective and pose an immediate hazard are being moved in trains.

Proposed Use of Information: To allow movement of defective rail cars to a designated repair point.

Frequency: On occasion.

Burden Estimate: 8,000 hours.

Respondents: 400 Railroads.

Form(s): None.

Average Burden Hours Per Response: 20 hours.

DOT No.: 3393.

OMB No.: 2132–0500.
Administration: Urban Mass Transportation Administration.
Title: Section 18 and 16(b)(2) Program Requirements.
Need for Information: Data is needed to ensure compliance with Federal requirements and by UMTA Headquarters for program management and evaluation activities.
Proposed Use of Information: The information is used by UMTA Regional Offices to determine eligibility for grant benefits.
Frequency: Annually.
Burden Estimate: 11,370 hours.
Respondents: State or Local Government.
Form(s): None.
Average Burden Hours Per Response: 102 hours.
DOT No.: 3394.
OMB No.: 2127–0038.
Administration: National Highway Traffic Safety Administration.
Title: Assigning DOT Code Numbers to Glazing Manufacturers.
Need for Information: To identify the manufacturer if a defect is found in the glazing material.
Proposed Use of Information: FMVSS No. 205 requires all automotive glazing materials to be certified by affixing a DOT Code Number on each piece of glazing material they manufacture. The DOT Code Number is assigned by NHTSA.
Frequency: On occasion.
Burden Estimate: 9 hours.
Respondents: Manufacturers of Glazing materials.
Form(s): None.
Average Burden Hours Per Respondent: 30 minutes.
DOT No.: 3395.
OMB No.: 2130–0526.
Administration: Federal Railroad Administration.
Title: Control of Alcohol and Drug Use in Railroad Operations.
Need for Information: To deter use of alcohol or drug involvement in railroad operations.
Proposed Use of Information: FRA and the railroad industry use this information to determine the extent of alcohol and drug problems and to curtail the widespread use of alcohol and drugs.
Frequency: Recordkeeping, On occasion, Monthly.
Burden Estimate: 124,521 Hours.
Respondents: 225 Railroads.
Form(s): FRA–F–6180.73 and FRA–F–6180.74.
Average Burden Hours Per Response: .89 Hours (Reporting) 549.46 Hours (Recordkeeping).
DOT No.: 3396.
OMB No.: 2127–0539.
Administration: National Highway Traffic Safety Administration.
Title: 49 CFR Part 542—Procedures for Selecting Lines to be Covered by the Theft Prevention Standard.
Need for Information: To identify certain motor vehicles and their major replacement parts to impede motor vehicle theft.
Proposed Use of Information: Manufacturers of passenger automobiles identify new model introductions that are likely to be high-theft lines as defined in title VI of the Motor Vehicle Information and Cost Savings Act.
Frequency: one-time only.
Burden Estimate: 2,240 hours.
Respondents: Manufacturers.
Form(s): None.
Average Burden Hours Per Respondent: 6 hours.
DOT No.: 3397.
OMB No.: New.
Administration: Federal Highway Administration.
Title: Random Controlled Substance Testing.
Need for Information: For FHWA to determine the extent of controlled substances by drivers of commercial motor vehicles (CMV) in interstate operations.
Proposed Use of Information: To assist FHWA in justifying its controlled testing ruling.
Frequency: One-time.
Burden Estimate: 1,000 hours.
Respondents: Motor Carriers.
Form(s): None.
Average Burden Hours Per Response: 30 minutes.
DOT No.: 3398.
OMB No.: New.
Administration: U.S. Coast Guard.
Title: Benzene.
Need for Information: This information is a recordkeeping requirement which is needed to ensure that ships and barges carrying benzene and benzene mixtures (1) establish and maintain accurate records of employee exposure to benzene; (2) monitor employee exposure to benzene; (3) provide medical surveillance; and (4) train employees about the hazards of benzene.
Proposed Use of Information: Employers, employees' physicians and the Coast Guard will use these records to ensure that employees are not harmed by exposure to benzene.
Frequency: On occasion.
Burden Estimate: 59,656 hours.
Respondents: Carriers of benzene and products containing benzene.
Form(s): None.
Average Burden Hours Per Respondent: 298 hours.
DOT No.: 3399.
OMB No.: 2115–0137.
Administration: U.S. Coast Guard.
Title: Report of Oil or Hazardous Substance Discharge.
Need for Information: This information collection is needed to provide adequate responses to oil or hazardous substance discharges and to execute adequate spill mitigations.
Proposed Use of Information: Coast Guard uses this information to ensure quick response to pollution incidents and to minimize the hazard to lives, property and the environment.
Frequency: On occasion.
Burden Estimate: 2262.5 hours.
Respondents: Person in charge of a vessel or shore facility.
Form(s): None.
Average Burden Hours Per Respondent: .1 hour.

Issued in Washington, DC, on September 12, 1990.

Robert J. Woods,

Director of Information, Resource Management.

[FR Doc. 90–22206 Filed 9–19–90; 8:45 am]

BILLING CODE 4910–62–M

Federal Aviation Administration

[Summary Notice No. PE–90–38]

Petitions 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, processing, 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 October 10, 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. XXXXX, 800 Independence Avenue, SW., Washington, DC 20591.

FOR FURTHER INFORMATION CONTACT: 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 September 14, 1990.

Clara Thieling,

Acting Manager, Program Management Staff, Office of the Chief Counsel.

Petitions for Exemption

Docket No.: 25080.
Petitioner: Aeroservice Aviation Center, Inc.
Sections of the FAR Affected: 14 CFR 61.63 (d)(2) and (d)(3); 61.157 (d)(1) and (d)(2) and (e)(1) and (e)(2); part 61, appendix A; and part 121, appendix H.
Description of Relief Sought: To extend Exemption No. 4745A, which allows petitioner and persons who contract with petitioner to use FAA-approved simulators to meet certain training and testing requirements. Exemption No. 4745A will expire on January 31, 1991.

Docket No.: 26072.
Petitioner: Allison Gas Turbine Division, General Motors Corporation.
Sections of the FAR Affected: 14 CFR 33.69.
Description of Relief Sought: To waive the dual ignition system requirements of § 33.69 to permit certification of Allison 250 series engines using a single primary/secondary ignition system for category A operation under part 29.

Docket No.: 26298.
Petitioner: North American Airlines.
Sections of the FAR Affected: 14 CFR 121.356(a).
Description of Relief Sought: To allow petitioner a 6-month extension, from December 31, 1991, until June 30, 1992, for the installation of an approved TCAS II traffic alert and collision avoidance system for its Boeing 727 airplane.

Docket No.: 26311.
Petitioner: Fly America Corporation.
Sections of the FAR Affected: 14 CFR 91.9(a)(2) [old § 91.319(a)(2) and §§ 103.1(a), 103.1 (e)(1), and (e)(4).
Description of Relief Sought: To allow petitioner to operate two-seater powered ultralight vehicles for purpose of flight instruction. A grant of exemption would also allow the licensing of the subject vehicles in the experimental aircraft category.

Docket No.: 25630.
Petitioner: State of Hawaii Department of Transportation.
Sections of the FAR Affected: 14 CFR 45.29(h).
Description of Relief Sought/Disposition: To extend Exemption No. 5003, which allows persons operating in Hawaii to operate their aircraft without displaying 12-inch nationality and registration marks when penetrating the inner boundary of the Hawaiian Coastal Air Defense Identification Zone. *GRANT, September 5, 1990, Exemption No. 5003A.*

Docket No.: 26197.
Petitioner: Jeff Meaders.
Sections of the FAR Affected: 14 CFR 141.35(b)(4).
Description of Relief Sought/Disposition: To allow petitioner to be a chief flight instructor without meeting all of the recency of experience requirements. *GRANT, August 31, 1990, Exemption No. 5233.*

Docket No.: 26300.
Petitioner: Sowell Aviation Co., Inc.
Sections of the FAR Affected: 14 CFR 141.35(b)(4), (c)(5)(ii), (d)(4)(i), and (e).
Description of Relief Sought/Disposition: To allow Mr. Daniel R. Keenan to serve as chief flight instructor and ground instructor of petitioner's approved part 141 flight and ground school without meeting certain experience requirements for such designation. *GRANT, August 29, 1990, Exempting No. 5234.*

[FR Doc. 90–22295 Filed 9–19–90; 8:45 am]
BILLING CODE 4910–13–M

Federal Highway Administration

Environmental Impact Statement

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of intent.

SUMMARY: The FHWA is issuing this notice to advise the public that an environmental impact statement will be prepared for a proposed highway project in the City of Santa Cruz, Santa Cruz County, California.

FOR FURTHER INFORMATION CONTACT: C. Glenn Clinton, District Engineer, Federal Highway Administration, P.O. 1915, Sacramento, California 95812–1915, Telephone: (916) 551–1314.

SUPPLEMENTARY INFORMATION: The FHWA, in cooperation with the California Department of Transportation and the City of Santa Cruz, will prepare a draft environmental impact statement (EIS) on a proposal to widen River Street from its existing two-lane configuration to a four-lane facility with bike lanes and a landscaped median. The limits of the proposed action will be between Water Street and State Route 1 which is approximately one-half mile.

River Street connects to State Route 9 at State Route 1 and provides direct access to the Santa Cruz downtown area which is centered on Front Street and Pacific Avenue. The downtown area can be alternately accessed from Ocean Street via Water Street and the Water Street Bridge and by Chestnut Street via several possible east-west connecting streets such as Walnut Avenue. The existing River Street operates at capacity during most of the daytime period.

The project is located in an existing urban area which will require right-of-way and will affect commercial and residential properties, some of which may have historical interest. The project is funded by the Federal-aid Urban Program with a local agency contribution. The EIS will discuss the no-project alternative as well as other alternatives to the proposed action. These project alternatives include design variations on the proposed project, the improvement of existing alternative streets accessing the downtown area, and improvement of existing or new mass transit systems.

A scoping meeting was scheduled for September, 1990 at the Santa Cruz City Hall Council Chambers at 809 Center Street in the City of Santa Cruz, California. The purpose of the meeting was to determine the related significant, social, economic and environmental issues to be addressed and analyzed by the draft EIS.

To ensure that the full range of issues related to this proposed action are addressed, and all significant issues are identified, comments and suggestions are invited from all interested parties. Comments or questions concerning this proposed action and the EIS should be directed to the FHWA at the address previously provided in this document.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Research, Planning, and Construction. The regulations implementing Executive Order 12372

regarding intergovernmental consultation of Federal Programs and activities apply to this program.)

Issued on: September 14, 1990.

Lee W. Onstott,

Area Engineer, Sacramento, California.

[FR Doc. 90-22282 Filed 9-19-90; 8:45 am]

BILLING CODE 4910-22-M

Research and Special Programs Administration

Applications for Exemptions; Acuracy Systems, Inc., et al.

AGENCY: Research and Special Programs Administration, DOT.

ACTION: List of applicants for exemptions.

SUMMARY: In accordance with the procedures governing the application for, and the processing of, exemptions for the Department of Transportation's Hazardous Materials Regulations (49 CFR part 107, subpart B), notice is hereby given that the Office of Hazardous Materials Transportation has received the applications described herein. Each mode of transportation for which a particular exemption is requested is indicated by a number in the "Nature of Application" portion of the table below as follows: 1—Motor vehicle, 2—Rail freight, 3—Cargo vessel, 4—Cargo-only aircraft, 5—Passenger-carrying aircraft.

DATES: Comments must be received on or before October 22, 1990.

ADDRESS COMMENTS TO: Dockets Branch, Research and Special Programs Administration, U.S. Department of Transportation, Washington, DC 20590.

Comments should refer to the application number and be submitted in triplicate. If confirmation of receipt of comments is desired, include a self-addressed stamped postcard showing the exemption application number.

FOR FURTHER INFORMATION: Copies of the applications are available for inspection in the Dockets Branch, room 8426, Nassif Building, 400 7th Street, SW., Washington, DC.

NEW EXEMPTIONS

Application	Applicant	Regulation(s) affected	Nature of exemption thereof
10443-N	Accuracy Systems, Inc., Phoenix, AZ	49 CFR 172.411	To authorize transportation of a Class A explosive to be shipped as a Class C explosive when packaged in specially designed non-DOT Specification containers consisting of a 20" × 30" × 3/16" steel tubes placed in heat sealed poly bags overpacked in DOT Specification fiberboard box. (Modes 1, 2, 4.)
10451-N	Hoechst Celanese Corp., Dallas TX	49 CFR 173.119(a)(3)	To authorize the one time shipment of triethylamine, classed as flammable liquid, in DOT Specification 17E 20/18 gauge steel drums. (Mode 1.)
10452-N	Container Products, Inc., Southfield, MI.	49 CFR 178.11-12, 178.116-12, 178.15-12, 178.81-13, 178.82-13, 178.98-11, 178.99-11.	To authorize hydrostatic and drop tests to be performed on single DOT Specification series stainless steel drums representative of each capacity to be tested and retained indefinitely. (Modes 1, 2, 3, 4.)
10455-N	Shell Chemical Co., Houston, TX	49 CFR 173.119(m)	To authorize transportation of material classed as flammable liquid in a manifold consisting of 3/4" steel pipe fittings attached to a 3/4" ball valve and pressure gauge, placed in the opening of a DOT Specification 5B, nominal 43 gallon drum, overpacked inside an 85 gallon non-DOT salvage drum. (Modes 1 and 3.)
10456-N	General Chemical Corp., Parsippany, NJ.	49 CFR 173.274	To authorize transportation of fluosulfonic acid, classed as corrosive material, in DOT Specification 111A60W7 analogous stainless steel tank cars. (Mode 2.)
10457-N	Tatcher Co., Salt Lake City, UT	49 CFR 173.33(h)(4)(ii)	To authorize the installation of alternative A-120-ML-B excess flow check valves in the liquid and gas lines in place of the specified valves for general chlorine service on bulk chlorine cargo tanks. (Mode 2.)
10458-N	MARSULEX Inc., North York, Ontario, Canada.	49 CFR 174.67(j)	To authorize pre-hookup of tank cars at sulfuric acid depots in advance of unloading or to remain connected if unloading is discontinued. (Mode 2.)
10459-N	Halliburton Services, Division of Halliburton Co., Dundan, OK.	49 CFR 171.8	To authorize transportation loading and unloading of presently authorized portable tanks on company-owned and driver-operated skid mounted vehicles for material classed as corrosive and flammable liquids, oxidizers and blasting agents. (Mode 1.)
10460-N	W.H. Stewart Co., Oklahoma City, OK IL.	49 CFR 173.420(a)(2)(i)	To authorize transportation of radioactive material in UF6 cylinders manufactured in accordance with ANSI and ASME standards except for 5/8" head thickness. (Mode 1.)
10461-N	Cryolor S.A., Vigy, France	49 CFR 172.101, 173.315(a), 178.338	To manufacture, mark and sell vacuum-insulated non-DOT specification portable tanks designed in accordance with the ASME standards with a maximum allowable working pressure of the inner vessel of 132.3 psig for transportation of nonflammable gas. (Modes 1 and 3.)
10462-N	McDonnell Douglas Helicopter Co., Mesa, AZ.	49 CFR 173.92(b)	To authorize shipment of rocket motors with igniters installed, Class B explosives in DOT approved shipping container and packaging. (Modes 1 and 4.)
10463-N	Allied Universal Corp., Miami, FL	49 CFR 173.277(1)	To authorize shipment of sodium hypochlorite, classed as corrosive material, in one-gallon 2E bottles stacked in DOT Specification 34 55-gallon drums with top cut off and supported by 3/8" polyethylene. (Mode 1.)
10464-N	Liquid Air Corp., Walnut Creek, CA	49 CFR 173.34(e)	To authorize an alternative method for periodic retesting and reinspection of certain DOT Specification cylinders used for shipment of compressed gas. (Mode 1.)
10465-N	EPOPLEX, Maple Shade, NJ	49 CFR 173.245(17)	To authorize shipment of material, classed as corrosive material, in DOT Specification 5-gallon unlined steel pails with a 26 gauge removable steel lid. (Mode 1.)

This notice of receipt of applications for new exemptions is published in accordance with part 107 of the Hazardous Materials Transportation Act (49 U.S.C. 1806; 49 CFR 1.53(e)).

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

J. Suzanne Hedgepeth,

Chief, Exemptions Branch, Office of Hazardous Materials Transportation.

[FR Doc. 90-22207 Filed 9-19-90; 8:45 am]

BILLING CODE 4910-60-M

Applications for Renewal or Modification of Exemptions or Applications To Become a Party to Exemption; Department of State

AGENCY: Research and Special Programs Administration, DOT.

ACTION: List of applications for Renewal or modification of exemptions or application to become a party to an exemption.

SUMMARY: In accordance with the procedures governing the application for, and the processing of, exemptions from the Department of Transportation's Hazardous Materials Regulations (49 CFR part 107, subpart B), notice is hereby given that the Office of Hazardous Materials Transportation has received the applications described herein. This notice is abbreviated to expedite docketing and public notice. Because the sections affected, modes of transportation, and the nature of application have been shown in earlier **Federal Register** publications, they are not repeated here. Except as otherwise noted, renewal applications are for extension of the exemption terms only. Where changes are requested (e.g. to provide for additional hazardous materials, packaging design changes, additional mode of transportation, etc.) they are described in footnotes to the application number. Application numbers with the suffix "X" denote renewal; application numbers with the suffix "P" denote party to. These applications have been separated from the new applications for exemptions to facilitate processing.

DATES: Comments must be received on or before October 5, 1990.

ADDRESS COMMENTS TO: Dockets Branch, Research and Special Programs, Administration, U.S. Department of Transportation, Washington, DC 20590.

Comments should refer to the application number and be submitted in triplicate. If confirmation of receipt of comments is desired, include a self-addressed stamped postcard showing the exemption number.

FOR FURTHER INFORMATION: Copies of the applications are available for inspection in the Dockets Branch, room 8426, Nassif Building, 400 7th Street, SW. Washington, DC.

Application No.	Applicant	Renewal of exemption
2709-X	U.S. Department of Defense, Falls Church, VA.	2709
2709-X	Trojan Corp., Spanish Fork, UT.	2709
3095-X	Dow Chemical Co., Midland, MI.	3095
3121-X	U.S. Department of the Army, Falls Church, VA (See Footnote 1).	3121
3498-X	U.S. Dapartment of Defense, Falls Church, VA.	3498
4242-X	U.S. Department of Defense, Falls Church, VA.	4242
4338-X	Akzo Chemical, Inc., Chicago, IL.	4338
4453-X	Wampum Hardware Co., New Galilee, PA.	4453
4453-X	Buckley Powder Co., Englewood, CO.	4453
4575-X	Linde Gases of the Mid-Atlantic, Inc., Moorestown, NJ.	4575
5206-X	Atlas Powder Co., Dallas, TX.	5206
5600-X	Ozark-Mahoning Co., Tulsa, OK.	5600
6117-X	Montana Sulphur & Chemical Co., Billings, MT.	6117
6267-X	Berry Plastics, Inc., Evansville, IN.	6267
6267-X	Alden Leeds, Inc., South Kearny, NJ.	6267
6614-X	All Pure Chemical Co., Inc., Tracy, CA.	6614
6614-X	Continental Chemical Co., Sacramento, CA.	6614
6614-X	Hasa Chemicals, Inc., Santa Clarita, CA.	6614
6922-X	GE Silicones, Waterford, NY.	6922
7026-X	HR Textron, Pacoima, CA.....	7026
7517-X	Trinity Industries, Inc., Dallas, TX.	7517
7607-X	Hanson Engineers, Inc., Springfield, IL.	7607
7657-X	Welker Engineering Co., Sugar Land, TX.	7657
7808-X	Waterbury Co., Inc., Waterbury, CT.	7808
7834-X	U.S. Department of Defense, Falls Church, VA.	7834
7835-X	Linde Gases of the West, Inc., San Ramon, CA.	7835
7835-X	Sunox, Inc., Charlotte, NC.....	7835
7835-X	Linde Gases of New England, Inc., West Hartford, CT.	7835
7835-X	GenEx, Ltd., Des Moines, IA.	7835
7835-X	Linde Gases of the Mid-Atlantic, Inc., Moorestown, NJ.	7835
7835-X	UNIGAS, Inc., Mercedita, PR.	7835
7835-X	National Welders Supply Co., Inc., Charlotte, NC.	7835
7835-X	Linde Gases of the Northwest, Inc., Portland, OR.	7835
7835-X	Solkatronic Chemicals, Inc., Fairfield, NJ.	7835
7846-X	Linde Gases of the Mid-Atlantic, Inc., Moorestown, NJ.	7846
8053-X	Eastman Kodak Co., Rochester, NY (See Footnote 2).	8053
8086-X	U.S. Department of Defense, Falls Church, VA.	8086
8126-X	Compagnie des Containers Reservoirs, Paris, France.	8126
8196-X	Societe Auxiliarie de Transports et d' Industries, Paris, France.	8196
8232-X	Societe Auxiliarie de Transports et d' Industries, Paris, France.	8232
8236-X	TRW Safety Systems/Mesa, Mesa, AZ (See Footnote 3).	8236
8494-X	Fruehauf Trailers—Liquid and Bulk Tank Division, Omaha, NE.	8494
8518-X	Barnett Trucking, Inc., Fillmore, CA.	8518
8518-X	University Engineering, Inc., Benicia, CA.	8518
8518-X	GSX Services of California, Inc., Martinez, CA.	8518
8519-X	Atlantic Container Line, South Plainfield, NJ.	8519
8519-X	Hoegh Ugland Auto Liners A/S, Oslo, Norway.	8519
8520-X	Atlas Powder Co., Dallas, TX.	8520
8522-X	Tuscarora Plastics, Inc., Conyers, GA.	8522
8526-X	Stoops Express, Inc., Anderson, IN.	8526
8526-X	Fore Way Express, Inc., Wausau, WI.	8526
8552-X	Brenner Tank, Inc., Fond du Lac, WI.	8552
8554-X	J.H. Van Amburgh Explosives, Inc, Dallas, TX.	8554
8554-X	Ramac Explosives of Pennsylvania, Inc., Allentown, PA.	8554
8554-X	Buckley Powder Co., Englewood, CO.	8554
8570-X	Snyder Industries, Inc., Lincoln, NE (See Footnote 4).	8570
8582-X	Kansas City Southern Railway Co., Kansas City, MO.	8582
8645-X	Mining Services International Corp., Salt Lake City, UT.	8645
8864-X	Miller Transporters, Inc., Jackson, MS.	8864
8901-X	Hopkins Agricultural Chemical Co., Madison, WI.	8901
8942-X	Poly Cal Plastics Co., French Camp, CA.	8942
9023-X	Chemical Industries of Northern Greece, Thessaloniki, Greece.	9023
9138-X	National Aeronautics & Space Administration (NASA), Washington, DC.	9138
9228-X	Southern California Chemical Co., Inc., Santa Fe Springs, CA.	9228
9271-X	The Atchison, Topeka and Santa Fe Railway Co., Topeka, KS.	9271
9275-X	McCormick & Co., Inc., Hunt Valley, MD.	9275

Application No.	Applicant	Renewal of exemption
9280-X	GE Silicones, Waterford, NY.	9230
9295-X	Applied Companies, San Fernando, CA.	9295
9305-X	ARCO Pipe Line, Co., Independence, KS.	9305
9316-X	Fluoroware, Inc., Chaska, MN.	9316
9323-X	U.S. Department of Defense, Falls Church, VA.	9323
9327-X	Precision Measurement, Inc., Tulsa, OK.	9327
9332-X	Chromalloy R & T Division, Orangeburg, NY.	9332
9381-X	Pasminco, Inc., Stamford Torrance, CA.	9381
9430-X	ENPAC Corp., Jacksonville, FL.	9430
9499-X	Cleveland Container Corp., Cleveland, OH (See Footnote 5).	9499
9507-X	Linde Gases of New England, Inc., West Hartford, CT.	9507
9507-X	Linde Gases of The Southeast, Inc., Wilmington, NC.	9507
9507-X	Linde Gases of the West, Inc., San Ramon, CA.	9507
9507-X	Linde Gases of the South, Inc., Houston, TX.	9507
9507-X	Linde Puerto Rico, Inc., Gurabo, PR.	9507
9507-X	Linde Gases of the Mid-Atlantic, Inc., Moorestown, NJ.	9507
9507-X	Linde Gases of the Northwest, Inc., Portland, OR.	9507
9579-X	IRECO, Inc., Salt Lake City, UT (See Footnote 6).	9579
9617-X	Buckley Powder Co., Englewood, CO.	9617
9623-X	Buckley Powder Co., Englewood, CO.	9623
9623-X	IRECO, Inc., Salt Lake City, UT.	9623
9672-X	Akzo Chemicals, Inc., Chicago, IL.	9672
9692-X	Halliburton Co., Duncan, OK.	9692
9700-X	Dow Chemical Co., Midland, MI.	9700
9723-X	Triumvirate Environmental, Inc., Qunicy, MA.	9723
9733-X	Rheem Container Corp., Danbury, CT (See Footnote 7).	9733
9771-X	Honeywell Inc., New Brighton, MN.	9771
9830-X	Worthington Cylinder Corp., Columbus, OH.	9830
9920-X	Tri-Wall Co., Louisville, KY (See Footnote 8).	9920
9926-X	Implementos Agricolas LaLa, N.A., Durango, Mexico.	9926
9946-X	Union Carbide Industrial Gases, Inc., Danbury, CT.	9946
9946-X	Linde Gases of the West, Inc., San Ramon, CA.	9946
9952-X	Greif Bros. Corp., Springfield, NJ.	9952
9975-X	Allied-Signal, Inc., Morristown, NJ (See Footnote 9).	9975
9990-X	Honeywell, Inc., Brooklyn Park, MN.	9990
9996-X	Transac, Inc., Macon, GA.....	9996
9998-X	Accumulators, Inc., Houston, TX.	9998
10015-X	Greif Bros. Corp., Springfield, NJ.	10015
10020-X	Allwaste, Inc., Houston, TX ...	10020
10032-X	MCM, Management Control & Maintenance, S.A., Geneva, Switzerland.	10032
10046-X	Eveready Battery Co., Inc., Cleveland, OH.	10046
10193-X	Liquid and Gas Transport, B.V., Rotterdam, The Netherlands.	10193
10424-X	Pennsylvania Engineering Co., Philadelphia, PA (See Footnote 10).	10424
10436-X	Sandoz Chemicals Corp., Charlotte, NC (See Footnote 11).	10436

FOOTNOTES

(1) To authorize an additional thermally insulated trailer design for shipment of nitrogen tetroxide, classed as a poison A.

(2) To renew and authorize cargo vessel as an additional mode of transportation.

(3) To authorize additional inflators and modules for passenger restraining systems classed as flammable solids.

(4) To modify exemption to authorize shipment of certain material classed as Poison B in polyethlene portable tanks.

(5) To modify exemption to increase specific gravity to 1.6 for shipment of corrosive liquids and flammable liquids in DOT specification polyethylene drums.

(6) To modify exemption to provide for an additional non-DOT spec. tank for transportation of ammonium nitrate solution containing not less than 15% water, classed as an oxidizer.

(7) To modify exemption to authorize the manufacture, mark and sell of a 5 gallon capacity DOT spec. 35 drum, not to exceed 50 lbs. total weight, for packaging of material classed as oxidizers.

(8) To modify exemption to provide for material classed as oxidizers and flammable waste solids.

(9) To modify exemption to increase pounds per container from 200 pounds to a maximum of 500 pounds.

(10) To reissue exemption originally issued on an emergency basis to authorize shipment of mixture of ethylene oxide-dichlorodifluoromethane classed as nonflammable gas in DOT spec. 4BA240 cylinders.

(11) To reissue exemption originally issued on an emergency basis to authorize shipment of Dinitrochlorobenzene, classed as a poison B in DOT Specification MC-307 stainless steel cargo tanks.

Application No.	Applicant	Parties to exemption
4453-P	Mine Equipment & Mill Supply Co., Dawson Springs, KY.	4453
7052-P	Advanced Telemetry Systems, Inc., Isanti, MN.	7052
7052-P	Alden Electronics, Inc., Westborough, MA.	7052
7052-P	General Dynamics Convair Division, San Diego, CA.	7052
7071-P	Clayton Chemical, Great Falls, VA.	7071
7607-P	PACE, Inc., Minneapolis, MN.	7607
7607-P	John Crane, Inc., Morton Grove, IL.	7607
7835-P	Welders Supply Co. (WESCO), Billerica, MA.	7835
7846-P	Henderson Limited, Inc., Richardson, TX.	7846
7943-P	Surpass Chemical Co., Inc., Albany, NY.	7943
7943-P	Abcana Industries, El Cajon, CA.	7943
8214-P	Flint Packaging, Inc., Burton, MI.	8214
8214-P	Alfa Romeo Distributors of North America, Orlando, FL.	8214
8236-P	Flint Packaging, Inc., Burton, MI.	8236
8273-P	Flint Packaging, Inc., Burton, MI.	8273
8519-P	Senator Linie, Martinister, West Cermany.	8519
8526-P	Haliamore Corp., Auburn, MA.	8526
8526-P	Burlington Motor Carriers, Inc., Joplin, MO.	8526
8526-P	Wingate/Taylor Maid, Inc., Albany, GA.	8526
8526-P	Monroe Trucking, Inc., West Monroe, LA.	8526
8554-P	Mine Equipment & Mill Supply Co., Dawson Springs, KY.	8554
8723-P	Mine Equipment & Mill Supply Co., Dawson Springs, KY.	8723
8966-P	Abcana Industries, El Cajon, CA.	8966
9066-P	Flint Packaging, Inc., Burton, MI.	9066
9275-P	Givaudan, Clifton, NJ.....	9275
9741-P	Metal Products of America, Inc., Miami, FL.	9741
9953-P	Transport Corp. of America, Inc., Minneapolis, MN.	9953
10094-P	Ireco, Inc., Salt Lake City, UT.	10094

This notice of receipt of applications for renewal of exemptions and for party to an exemption is published in accordance with part 107 of the Hazardous Materials Transportations Act (49 U.S.C. 1806; 49 CFR 1.53(e)).

Issued in Washington, DC, on September 13, 1990.

J. Suzanne Hedgepeth,

Chief, Exemptions Branch, Office of Hazardous Materials Transportation.

[FR Doc. 90-22208 Filed 9-19-90; 8:45 am]

BILLING CODE 4910-60-M

DEPARTMENT OF THE TREASURY

Public Information Collection Requirements Submitted to OMB for Review

Dated: September 14, 1990.

The Department of the Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1980, Public Law 96-511. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed

and to the Treasury Department Clearance Officer, Department of the Treasury, Room 3171 Treasury Annex, 1500 Pennsylvania Avenue NW., Washington, DC 20220.

Internal Revenue Service

OMB number: New.
Form number: 706–QDT.
Type of review: New Collection.
Title: U.S. Estate Tax Return for Qualified Domestic Trusts.
Description: Form 706–QDT is used by the trustee or the designated filer to compute and report the Federal estate tax imposed on qualified domestic trusts by Internal Revenue Code section 2056A. IRS uses the information to enforce this tax and to verify that the tax has been properly computed.
Respondents: Individuals or households, Businesses or other for-profit.
Estimated number of repsondents: 100.
Estimated burden hours per response/recordkeeping:

Recordkeeping—20 minutes
Learning about the law or the form—31 minutes
Preparing the form—48 minutes
Copying, assembling, and sending the form to IRS—31 minutes

Frequency of response: Annually.
Estimated total recordkeeping/reporting burden: 216 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.

Irving W. Wilson, Jr.,
Departmental Reports Management Officer.
[FR Doc. 90–22283 Filed 9–19–90; 8:45 am]
BILLING CODE 4830–01–M

Internal Revenue Service

Art Advisory Panel; Closed Meeting

AGENCY: Internal Revenue Service, Treasury.

ACTION: Notice of closed meeting of Art Advisory Panel.

SUMMARY: Closed meeting of the Art Advisory Panel will be held in Washington, DC.

DATES: The meeting will be held October 17 and 18, 1990.

FOR FURTHER INFORMATION CONTACT: Karen Carolan, CC:AP:AS:4 901 D Street, SW., Washington, DC 20024 Telephone No. (202) 252–8128, (not a toll free number).

Notice is hereby given pursuant to section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1988), that a closed meeting of the Art Advisory Panel will be held on October 17 and 18, 1990, in room 118 beginning at 9:30 a.m., Aerospace Center Building, 901 D Street, SW., Washington, DC 20024.

The agenda will consist of the review and evaluation of the acceptability of fair market value appraisals of works of art involved in federal income, estate, or gift tax returns. This will involve the discussion of material in individual tax returns made confidential by the provisions of section 6103 of title 26 of the United States Code.

A determination as required by section 10(d) of the Federal Advisory Committee Act has been made that this meeting is concerned with matters listed in section 552b(c) (3), (4), (6), and (7) of title 5 of the United States Code, and that the meeting will not be open to the public.

The Commissioner of Internal Revenue has determined that this document is not a major rule as defined in Executive Order 12291 and that a regulatory impact analysis therefore is not required. Neither does this document constitute a rule subject to the Regulatory Flexibility Act (5 U.S.C. chapter 6).

Fred T. Goldberg, Jr.,
Commissioner.
[FR Doc. 90–22214 Filed 9–19–90; 8:45 am]
BILLING CODE 4830–01–M

[Delegation Order No. 159 (Rev. 3)]

Delegation of Authority; Director, Employee Plans Technical and Actuarial Division

AGENCY: Internal Revenue Service, Treasury.

ACTION: Delegation of authority.

SUMMARY: The authority to waive the minimum funding standards under section 412 of the Internal Revenue Code may be further redelegated by Branch Chiefs in the Employee Plans Technical and Actuarial Division to reviewers Grade GS–13 and higher for waivers not exceeding $100,000. The text of the delegation order appears below.

EFFECTIVE DATE: September 17, 1990.

FOR FURTHER INFORMATION CONTACT: John H. Turner, E:EP:R:5, room 6244, 1111 Constitution Avenue, NW., Washington, DC 20224, telephone (202) 566–3698 (not a toll-free call).

Order No. 159 (Rev. 3)

Effective date: 9–17–90

Requests for Variance From Minimum Funding Standards (IRC 412(d))

1. Pursuant to authority vested in the Commissioner of Internal Revenue by Treasury Order 150–10, there is hereby delegated to the Director, Employee Plans Technical and Actuarial Division, the authority to:

a. Waive the minimum funding standards under IRC 412 in accordance with subsection (d) thereof, and

b. perform the corresponding duties of the Secretary of the Treasury under section 303 of the Employee Retirement Income Security Act of 1974 (ERISA) with respect to the minimum funding standards under ERISA section 302.

2. For purposes of this Order, a substantial waiver is a waiver with respect to a plan's minimum funding requirements for a plan year which, based on information reported to the Internal Revenue Service, exceeds one million dollars on a noncumulative basis (that is, exclusive of any amount with respect to which a waiver was requested for a prior plan year or years).

3. The authority contained in paragraph 1 may be redelegated to Branch Chiefs, Employee Plans Technical and Actuarial Division, for such waivers which are not determined substantial as defined in paragraph 2, with authority to further redelegate to reviewers Grade GS–13 and higher for waivers not exceeding $100,000.

4. Delegation Order No. 159 (Rev. 2), effective October 31, 1987, is superseded.

Dated: August 30, 1990.

Approved:

Charles H. Brennan,
Deputy Commissioner (Operations).
[FR Doc. 90–22211 Filed 9–19–90; 8:45 am]
BILLING CODE 4830–01–M

DEPARTMENT OF VETERANS AFFAIRS

Information Collection Under OMB Review

AGENCY: Department of Veterans Affairs.

ACTION: Notice.

The Department of Veterans Affairs has submitted to OMB the following proposal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35). This document lists the following information: (1) The agency responsible for sponsoring the information collection; (2) the title of the information collection; (3) the Department form number(s), if applicable; (4) a description of the need and its use; (5) frequency of the information collection, if applicable; (6)

who will be required or asked to respond; (7) an estimate of the number of responses; (8) an estimate of the total number of hours needed to complete the information collection; and (9) an indication of whether section 3504(h) of Public Law 96–511 applies.

ADDRESSES: Copies of the proposed information collection and supporting documents may be obtained from Patti Viers, VA Clearance Officer (723), Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420 (202) 233–3172.

Comments and questions about the items on the list should be directed to VA's OMB Desk Officer, Joseph Lackey, Office of Management and Budget, 726 Jackson Place NW., Washington, DC 20503, (202) 395–7316. Do not send requests for benefits to this address.

DATES: Comments on the information should be directed to the OMB Desk Officer by October 22, 1990.

Dated: September 13, 1990.

By direction of the Secretary.

Frank E. Lalley,

Director, Office of Information Resources Policies.

Extension

1. Office of Acquisition and Material Management.

2. VA Procurement Activities (VA Acquisition Regulations (VAAR) Parts 13, 14, and 15).

3. Not applicable.

4. Acquisition information is collected by VA purchasing and contracting personnel for the purpose of issuing purchase orders and awarding contracts for goods and services necessary to the operation of VA offices and health care facilities. The collection is a prerequisite to the acquisitions upon which VA depends in order that it serve beneficiaries.

5. On occasion.

6. Individuals or households; Businesses or other for profit; Small businesses or organizations.

7. 380,258 responses.

8. 2,448 hours.

9. Not applicable.

[FR Doc. 90–22210 Filed 9–19–90; 8:45 am]

BILLING CODE 8320–01–M

Sunshine Act Meetings

Federal Register
Vol. 55, No. 183
Thursday, September 20, 1990

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

FEDERAL DEPOSIT INSURANCE CORPORATION

Notice of a Matter To Be Added for Consideration at an Agency Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that the following matter will be added to the agenda for consideration at the open meeting of the Board of Directors of the Federal Deposit Insurance Corporation scheduled to be held at approximately 2:30 p.m. (or immediately following the adjournment of the open meeting of the Board of Directors of the Resolution Trust Corporation which is scheduled to begin at 2:00 p.m.) on Tuesday, September 18, 1990, in the Amphitheater of the RTC Building located at 801—17th Street, NW., Washington, DC:

Memorandum and resolution re: Amendments to part 337 of the Corporation's rules and regulations, entitled "Unsafe and Unsound Banking Practices," which prohibit the acceptance of brokered deposits by any undercapitalized insured depository institution after December 7, 1989, except on specific application to and waiver of the prohibition by the Corporation.

Requests for further information concerning the meeting may be directed to Mr. Hoyle L. Robinson, Executive Secretary of the Corporation, at (202) 898–3813.

Dated: September 17, 1990.

Federal Deposit Insurance Corporation.

Robert E. Feldman,

Deputy Executive Secretary.

[FR Doc. 90–22370 Filed 9–18–90; 9:14 am]

BILLING CODE 6714–01–M

FEDERAL ELECTION COMMISSION

* * * * *

DATE AND TIME: Tuesday, September 25, 1990, 10:00 a.m.

PLACE: 999 E Street, NW., Washington, DC.

STATUS: This meeting will be closed to the public.

ITEMS TO BE DISCUSSED:

Compliance matters pursuant to 2 U.S.C. § 437g.
Audits conducted pursuant to 2 U.S.C. § 437g, § 438(b), and Title 26 U.S.C.
Matters concerning participation in civil actions or proceedings or arbitration.
Internal personnel rules and procedures or matters affecting a particular employee.

* * * * *

DATE AND TIME: Thursday, September 27, 1990, 10:00 a.m.

PLACE: 999 E Street, NW., Washington, DC (Ninth Floor).

STATUS: This meeting will be open to the public.

MATTERS TO BE CONSIDERED:

Correction and Approval of Minutes
Advisory Opinions:
1990–16—Robert T. Markowski on behalf of Citizens for Thompson
1990–21—Honorable Edward Madigan
Requests for additional comments of MCFL rulemaking
Allocation Regulations: Announcement of Effective Date
Debt Settlement Rules: Announcement of Effective Date
Computerized Magnetic Media Rules: Announcement of Effective Date
Fiscal 1992 Budget Request
Administrative Matters.

* * * * *

PERSON TO CONTACT FOR INFORMATION: Mr. Fred Eiland, Press Officer, Telephone: (202) 376–3155.

Hilda Arnold,

Administrative Assistant, Office of the Secretariat.

[FR Doc. 90–22468 Filed 9–18–90; 2:59 am]

BILLING CODE 6715–01–M

federal register

Thursday,
September 20, 1990

Part II

Department of Housing and Urban Development

Office of the Assistant Secretary

24 CFR Part 200

Revision of Use of Materials Bulletin Used in the HUD Building Product Standards and Certification Program for Plywood and Other Performance Rated Wood-Based Structural-Use Panels; Final Rule

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Housing—Federal Housing Commissioner

24 CFR Part 200

[Docket No. R-90-1370; FR-2407-P-02]

RIN 2502-AD01

Revision of Use of Materials Bulletin (UM) 40c Used in the HUD Building Product Standards and Certification Program for Plywood and Other Performance Rated Wood-Based Structural-Use Panels

AGENCY: Office of the Assistant Secretary for Housing—Federal Housing Commissioner, HUD.

ACTION: Final rule.

SUMMARY: This final rule adopts a Use of Materials Bulletin for plywood and wood-based structural-use panels (UM-40c) that references national voluntary consensus standards. In accordance with 24 CFR 200.935, this Use of Materials Bulletin also provides a labeling and a third party certification program to assure that the building products used in HUD programs meet the appropriate voluntary consensus standard. The rule also supplements HUD's Building Product and Certification Program by requiring that certain additional information be included on the label, tag, or mark that each manufacturer places on a certified product. It also specifies the frequency with which products are to be tested in order to be acceptable to HUD.

DATES: This regulation is effective March 20, 1991. The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of September 12, 1990.

FOR FURTHER INFORMATION CONTACT: Mr. Leslie H. Breden, Office of Manufactured Housing and Regulatory Functions, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, DC 20410; telephone, voice 708-1929; (TDD) (202) 708-4594. (These are not toll-free numbers.)

SUPPLEMENTARY INFORMATION: On May 14, 1990 the Department published in the Federal Register a proposed rule (55 FR 19895) which would (1) Adopt a Use of Materials Bulletin for plywood and wood-based structural-use panels that references national voluntary consensus standards; (2) require plywood manufacturers to include certain additional data on certified products; and (3) state the frequency with which products would be tested in order to be accepted by HUD.

Two comments were received on the proposed rule. One commenter stated that the proposed rule states that new certification labels would require plywood manufacturers to comply with UM 40c thereby subjecting it to a distinct hardship at considerable extra expense to immediately recall all of the old certification labels. This final rule will not become effective until six (6) months after publication thus giving the manufacturers sufficient time to comply with this rule.

The same commenter also stated that the rule should refer to UM 40 instead of UM 40c. It stated that this revision would eliminate the need for certification labels to be changed every time a new edition of UM 40 is promulgated. Reference to UM 40c is necessary because different standards are in UM 40. Therefore, the Department will not eliminate the reference to UM 40c.

Another commenter stated that it supported continuing the use of descriptive standards for building products. UM 40c recognizes both the descriptive standards and the performance-based standard (see § 200.944(a) (1) and (2)).

The text of UM 40c is not being reproduced in this rule because the substance is embodied in a new section of 24 CFR part 200 set forth below. However, copies of the UM are available for public inspection during regular business hours in the Technical Support Branch, Office of Manufactured Housing and Regulatory Functions, room 6270, and in the Office of the Rules Docket Clerk, Office of General Counsel, room 10276, Department of Housing and Urban Development, Washington, DC 20410.

A Finding of No Significant Impact with respect to the environment has been made in accordance with HUD regulations at 24 CFR part 50, which implement section 102(2)(C) of the National Environmental Policy Act of 1969, as amended. The Finding of No Significant Impact is available for public inspection between 7:30 a.m. and 5:30 p.m. weekdays in the Office of the Rules Docket Clerk at the above address.

This rule does not consitute a "major rule" as that term is defined in section 1(d) of the Executive Order on Federal Regulations issued by the President on February 17, 1981. An analysis of the rule indicates that it does not (1) Have an annual effect on the economy of $100 million or more; (2) cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or (3) have 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.

Under 5 U.S.C. 605(b) (the Regulatory Flexibility Act), the Undersigned hereby certifies that this rule would not have a significant economic impact on a substantial number of small entities. This Use of Materials Bulletin would adopt standards that are nationally recognized throughout the affected industry and will not create a burden on manufacturers currently meeting the standards.

This rule was listed as item 1138 in the Department's Semiannual Agenda of Regulations published on April 23, 1990 (55 FR 16226, 16239) under Executive Order 12291 and the Regulatory Flexibility Act.

The General Counsel, as the Designated Official under section 6(a) of Executive Order 12612, *Federalism*, has determined that the policies contained in the rule do not have federalism implications and, thus, are not subject to review under the Order. The rule would only update Use of Materials Bulletin UM 40b.

The General Counsel, as the Designated Official under Executive Order 12606, *The Family*, has determined that this rule does not have potential for significant impact on family formation, maintenance, and general well-being, and thus is not subject to review under the Order.

List of Subjects in 24 CFR Part 200

Administrative practice and procedures, Claims, Equal employment opportunity, Fair housing, Housing standards, Loan program, Housing community development, Mortgage insurance, Organization and functions (government agencies), Reporting and recordkeeping requirements, Minimum property standards, Incorporation by reference.

Accordingly, 24 CFR part 200 is amended to read as follows:

PART 200—INTRODUCTION

1. The authority citation for 24 CFR part 200 reads as follows:

Authority: Titles I and II, National Housing Act (12 U.S.C. 1701-1715z-18); sec. 7(d), Department of Housing and Urban Development Act (42 U.S.C. 3535(d)).

2. A new § 200.944 is added to read as follows:

§ 200.944 Supplementary specific requirements under the HUD Building Products Standards and Certification Program for Plywood and Other Performance Rated Wood-Based Structural-Use Panels.

(a)(1) All plywood made to specifications of Voluntary Product Standard, PS 1–83, "Construction and Industrial Plywood" (published by the U.S. Department of Commerce, National Bureau of Standards (May 1984)) and grade marked as PS 1–83 shall conform to the requirements of PS 1–83, except that all veneers may be D-grade. A copy of PS 1–83 may be obtained from the U.S. Department of Commerce, National Institute for Standards and Technology, Office of Product Standards, Gaithersburg, MD 20899.

(2) All plywood panels not meeting the veneer grade requirements of PS 1–83, and all performance rated composite and nonveneer structural-use panels shall comply with the requirements described in the APA PRP–108, "Performance Standards and Policies for Structural-Use panels" (published by the American Plywood Association, June 1988). However, in ASTM D–3043–87, "Standard Methods of Testing Structural Panels in Flexure" (published by the American Society for Testing and Materials, August 28, 1987), Method B may be used in lieu of Method C for measuring the mechanical properties of the panel, provided that the test specimen has a width of at least 12 inches. The impact load shall be 150 ft. lbs. for single-layer floor panels excluding any floor finishes. Copies of the APA Standard may be obtained from the American Plywood Association, P.O. Box 11700, Tacoma, WA 98411–0770. Copies of the ASTM Standard may be obtained from the American Society of Testing and Materials, 1916 Race Street, Philadelphia, PA 19103.

(3) Structural-use panels shall be installed in accordance with the manufacturer's installation instructions and Form No. E30K, "APA Design/Construction Guide-Residential and Commercial" (published by the American Plywood Association, January 1989).

(4) These standards have been approved by the Director of the Federal Register for incorporation by reference in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies of the standards are available for inspection at the Office of the Federal Register, 1100 L Street NW., room 8401, Washington, DC.

(b) *Labeling.* Under the procedures set forth in § 200.935(d)(6) concerning labeling of a product, the administrator's validation mark and the manufacturer's certification of compliance with the applicable standards are required to be on the certification label issued by the administrator to the manufacturer. Panels that conform to the Performance Standards and Policy for Structural-Use Panels shall be marked as conforming to UM 40c. All panels complying with APA PRP–108 shall be marked with a label formatted in the manner similar to the trademark examples shown in APA PRP–108. All panels will be marked with the mill number. The certification mark shall be stamped on each panel and be located so that it is available for inspection.

(c) *Periodic tests and qualify control inspections.* Under the procedures set forth in § 200.935(d)(8) concerning periodic tests and quality control inspections, the frequency of testing for a product shall be described in the specific building product certification program. In the case of plywood and wood-based structural-use panels, testing and inspection shall be conducted as follows:

(1) Testing shall be done in an Administrator's laboratory or an Administrator-approved laboratory every three months. All plywood qualified for conformance with PS 1–83 shall be tested in accordance with PS 1–83.

(2) All thickness and lay-ups of structural-use panels in production made in conformance with the Performance Standards shall be tested in accordance with procedures set forth in APA PRP–108 Performance Standards and Policies for Structural-Use Panels (published by the American Plywood Association Standard June 1988).

(3) The Administrator shall examine each manufacturer's quality control procedures to assure they are the same as or equivalent to those set forth under the Quality Assurance Policy section 4.2.3 of the publication referenced in paragraph (2) above or PS 1–83 section 3.8.6.6, Reexamination.

(4) The Administrator shall inspect the manufacturer's procedures at the plant at least every three months to assure that the initially accepted quality control procedures are being followed.

Dated: August 17, 1990.

James E. Schoenberger,

Associate General Deputy Assistant Secretary for Housing—Federal Housing Commissioner.

[FR Doc. 90–22304 Filed 9–19–90; 8:45 am]

BILLING CODE 4210–27–M

Federal Register

Thursday
September 20, 1990

Part III

Department of Defense
General Services Administration
National Aeronautics and Space Administration

48 CFR Parts 2, 3, and 52
Federal Acquisition Regulation (FAR); Threshold Requirements; Proposed Rule

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Parts 2, 3, and 52

Federal Acquisition Regulation (FAR); Threshold Requirements

AGENCIES: Department of Defense (DoD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Proposed rule.

SUMMARY: The Civilian Agency Acquisition Council and the Defense Acquisition Regulatory Council are considering changes to (1) FAR 2.201 to require the clause at FAR 52.202–1 in fixed-price research and development contracts in excess of $25,000; (2) FAR 3.404 to revise the prescription; and (3) the clauses at FAR 52.202–1 and 52.203–5 to make editorial changes.

DATE: Comments should be submitted to the FAR Secretariat at the address shown below on or before November 20, 1990 to be considered in the formulation of a final rule.

ADDRESSES: Interested parties should submit written comments to: General Services Administration, FAR Secretariat (VRS), 18th & F Streets NW., room 4041, Washington, DC 20405.

Please cite FAR Case 90–51 in all correspondence related to this issue.

FOR FURTHER INFORMATION CONTACT: Ms. Sharon A. Kiser, FAR Secretariat, room 4041, GS Building, Washington, DC 20405, (202) 501–4755. Please cite FAR Case 90–51.

SUPPLEMENTARY INFORMATION:

A. Regulatory Flexibility Act

The proposed rule is not expected to have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601, et seq., because it merely adds definitions to a larger group of contracts, and removes a requirement from certain contracts for a contractor to make a representation when sealed bid procedures were used. Therefore, an Initial Regulatory Flexibility Analysis has not been performed. However, comments from small entities concerning the affected FAR sections will also be considered in accordance with section 610 of the Act. Such comments must be submitted separately and cite section 90–610 (FAR Case 90–51) in correspondence.

B. Paperwork Reduction Act

The Paperwork Reduction Act does not apply because the proposed changes to the FAR do not impose recordkeeping information collection requirements or collection of information from offerors, contractors, or members of the public which require the approval of OMB under 44 U.S.C. 3501, et seq.

List of Subjects in 48 CFR Parts 2, 3, and 52

Government procurement.

Dated: September 14, 1990.

Albert A. Vicchiolla,

Director, Office of Federal Acquisition Policy.

Therefore, it is proposed that 48 CFR parts 2, 3, and 52 be amended as set forth below:

1. The authority citation for 48 CFR parts 2, 3, and 52 continues to read as follows:

Authority: 40 U.S.C. 486(c); 10 U.S.C. chapter 137; and 42 U.S.C. 2473(c).

PART 2—DEFINITIONS OF WORDS AND TERMS

2. Section 2.201 is revised to read as follows:

2.201 Contract clause.

The contracting officer shall insert the clause at 52.202–1, Definitions, in solicitations and contracts except when the contract is not expected to exceed the small purchase limitation in part 13. If the contract is for personal services, construction, architect-engineer services, or dismantling, demolition, or removal of improvements, the contracting officer shall use the clause with its Alternate I. Additional definitions may be included, *provided* they are consistent with the clause and the Federal Acquisition Regulation.

PART 3—IMPROPER BUSINESS PRACTICES AND PERSONAL CONFLICTS OF INTEREST

3. Section 3.404 is amended by revising paragraph (b) to read as follows:

3.404 Solicitation provision and contract clause.

* * * * *

(b) The contracting officer shall insert the provision at 52.203–4, Contingent Fee Representation and Agreement, in solicitations, except when—

(1) The contract amount is not expected to exceed the limitation prescribed in 13.000;

(2) The solicitation is for personal services to be paid for on a time basis;

(3) The solicitation is for utility services, at rates regulated by Federal, State, or other regulatory bodies, from a public utility company that is the sole source;

(4) The award under the solicitation is to be made in a foreign country; or

(5) Any other Department of Defense contracts, individually or by class, have been designated by the Secretary for exception. Reports of such exceptions shall be filed promptly with the Administrator of the General Services Administration.

* * * * *

PART 52—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

4. Section 52.202–1 is amended by revising the introductory text of the clause to read as follows:

52.202–1 Definitions.

As prescribed in subpart 2.2, insert the following clause:

* * * * *

5. Section 52.203–5 is amended by revising the introductory text of the clause to read as follows:

52.203–5 Covenant Against Contingent Fees.

As prescribed in 3.404(c), insert the following clause:

* * * * *

[FR Doc. 90–22268 Filed 9–19–90; 8:45 am]

BILLING CODE 6820–34–M

federal register

Thursday
September 20, 1990

Part IV

Department of Defense
General Services Administration
National Aeronautics and Space Administration

48 CFR Part 20

Federal Acquisition Regulation (FAR); Utilization of LSA Concerns; Proposed Rule

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Part 20

Federal Acquisition Regulation (FAR); Utilization of LSA Concerns

AGENCIES: Department of Defense (DoD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Proposed rule.

SUMMARY: The Civilian Agency Acquisition Council and the Defense Acquisition Regulatory Council are considering changes to FAR 20.302(a) to clarify that the use of Labor Surplus Area clauses is not appropriate in acquisitions for petroleum and petroleum products because there is no likelihood of labor surplus area subcontracting under such contracts.

DATES: Comments should be submitted to the FAR Secretariat at the address shown below on or before November 20, 1990, to be considered in the formulation of a final rule.

ADDRESSES: Interested parties should submit written comments to: General Services Administration, FAR Secretariat (VRS), 18th and F Streets NW., Room 4041, Washington, DC 20405.

Please cite FAR Case 90–44 in all correspondence related to this issue.

FOR FURTHER INFORMATION CONTACT: Mrs. Victoria Moss, Office of Federal Acquisition Policy, Room 4041, GS Building, Washington, DC 20405, (202) 501–0168. Please cite FAR Case 90–44.

SUPPLEMENTARY INFORMATION:

A. Regulatory Flexibility Act

The proposed revision to FAR 20.302, concerning the use of labor surplus area subcontracting clauses in solicitations and contracts for petroleum and petroleum products, is not expected to have a significant impact on a number of substantial entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601, et seq., because there is no likelihood of labor surplus area subcontracting in such contracts. However, an Initial Regulatory Flexibility Analysis (IRFA) has been prepared and will be provided to the Chief Counsel for Advocacy, Small Business Administration. A copy of the IRFA may be obtained from the FAR Secretariat. Comments are invited from small businesses and other interested parties. Comments from small entities concerning the affected FAR section will also be considered in accordance with section 610 of the Act. Such comments must be submitted separately and cite section 90–610 (FAR Case 90–44) in correspondence.

B. Paperwork Reduction Act

The Paperwork Reduction Act does not apply because the proposed change to the FAR does not impose recordkeeping information collection requirements or collection of information from offerors, contractors, or members of the public which require the approval of OMB under 44 U.S.C. 3501, et seq.

List of Subjects in 48 CFR Part 20

Government procurement.

Dated: September 14, 1990.

Albert A. Vicchiolla,

Director, Office of Federal Acquisition Policy.

Therefore, it is proposed that 48 CFR part 20 be amended as set forth below:

PART 20—LABOR SURPLUS AREA CONCERNS

1. The authority citation for 48 CFR part 20 continues to read as follows:

Authority: 40 U.S.C. 486(c); 10 U.S.C. chapter 137; and 42 U.S.C. 2473(c).

2. Section 20.302 is amended by removing "and" at the end of the paragraph (a)(1); by removing the period at the end of paragraph (a)(2) and inserting in its place "; and "; and by adding paragraph (a)(3) to read as follows:

20.302 Contract Clauses.

(a) * * *

(3) Contracts with the petroleum and petroleum products industry.

* * * * *

[FR Doc. 90–22300 Filed 9–19–90; 8:45 am]

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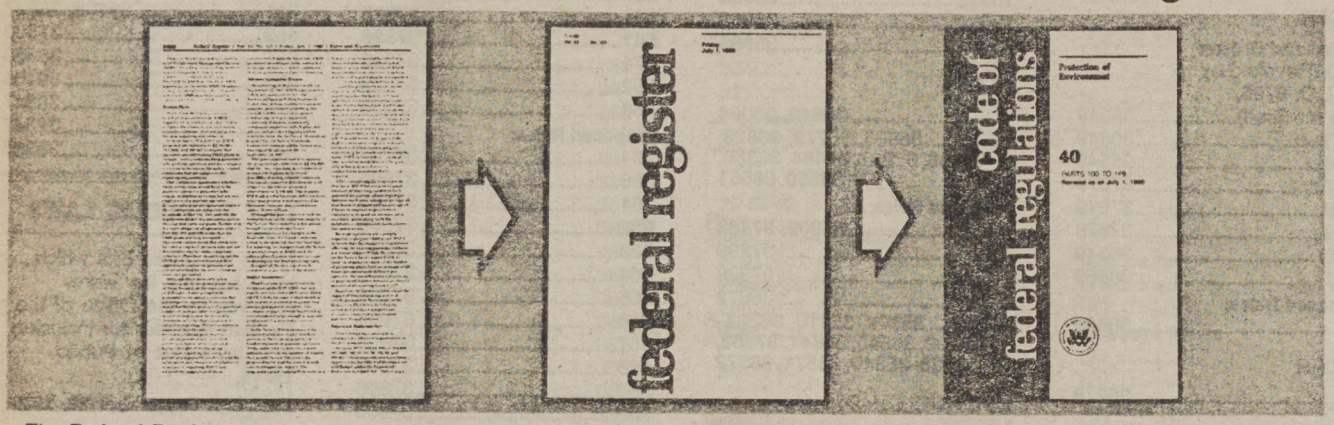

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