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WHAT IT IS AND HOW TO USE IT

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

WHO: The Office of the Federal Register.

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

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

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

DURHAM, NC

WHEN: March 20, at 9:30 a.m.
WHERE: Duke University,
Allen Building Conference Room,
Durham, NC.
RESERVATIONS: 919–684–3030.

SALT LAKE CITY, UT

WHEN: March 29, at 9:00 a.m.
WHERE: State Office Building Auditorium,
Capitol Hill,
Salt Lake City, UT.
RESERVATIONS: Call the Utah Department of
Administrative Services, 801–538–3010.

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

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Presidential Documents

Title 3—

The President

Executive Order 12703 of February 20, 1990

Support for East European Democracy (SEED) Program

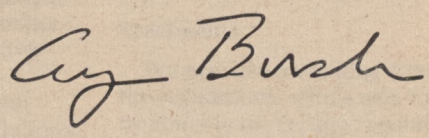
By the authority vested in me as President by the Constitution and laws of the United States of America, including the Support for East European Democracy (SEED) Act (P.L. 101–179, hereinafter referred to as the "Act") and section 301 of Title 3 of the United States Code, it is hereby ordered as follows:

Section 1. *SEED Program Coordinator.* The functions conferred by Title VII of the Act relating to reports to the Congress are hereby delegated to the Coordinator of the SEED Program. The Coordinator is authorized to assign responsibility for particular aspects of the reports to appropriate agencies.

Sec. 2. *United States Agency for International Development.* The functions conferred upon the President by section 201 of the Act relating to Enterprise Funds for Poland and Hungary are hereby delegated to the Administrator of the United States Agency for International Development. The Administrator shall consult, as appropriate, with other relevant agencies in exercising the functions herein delegated.

Sec. 3. *Department of Commerce.* The functions conferred upon the President by section 602 of the Act regarding the establishment of a SEED Information Center System in cooperation with the Governments of Poland and Hungary are hereby delegated to the Secretary of Commerce. This authority is to be exercised in consultation with the SEED Program Coordinator and in consultation with other agencies as appropriate.

Sec. 4. *Department of the Treasury.* The functions conferred upon the President by section 104 of the Act regarding debt reduction of certain East European countries are hereby delegated to the Secretary of the Treasury. The Secretary shall consult, as appropriate, with other relevant agencies in exercising the functions herein delegated.



THE WHITE HOUSE,
February 20, 1990.

[FR Doc. 90–4314
Filed 2–21–90; 2:40 pm]
Billing code 3195–01–M

Rules and Regulations

Federal Register
Vol. 55, No. 37
Friday, February 23, 1990

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

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

7 CFR Part 301

[Docket No. 90-014]

Mediterranean Fruit Fly: Addition to the Quarantined Areas; Treatments

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Interim rule.

SUMMARY: We are amending the Mediterranean fruit fly regulations by expanding and combining the quarantined area in Los Angeles County and Orange County in California, and by adding three treatments for regulated citrus fruit. These actions are necessary on an emergency basis to prevent the spread of the Mediterranean fruit fly into noninfested areas of the United States and to lessen the restrictions on the interstate movements of regulated articles for which treatments are added.

DATES: Interim rule effective February 16, 1990. Consideration will be given only to comments received on or before April 24, 1990.

ADDRESSES: To help ensure that your comments are considered, send an original and three copies to Chief, Regulatory Analysis and Development, PPD, APHIS, USDA, Room 866, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782. Please state that your comments refer to Docket Number 90-014. Comments received may be inspected at USDA, Room 1141, South Building, 14th and Independence Avenue SW., Washington, DC, between 8 a.m. and 4:30 p.m., Monday through Friday, except holidays.

FOR FURTHER INFORMATION CONTACT: Milton C. Holmes, Senior Operations Officer, Domestic and Emergency Operations, PPQ, APHIS, USDA, Room 642, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, (301) 436-8247.

SUPPLEMENTARY INFORMATION:

Background

The Mediterranean fruit fly, *Ceratitis capitata* (Wiedemann), is one of the world's most destructive pests of numerous fruits and vegetables, especially citrus fruits. The Mediterranean fruit fly (Medfly) can cause serious economic losses. Heavy infestations can cause complete loss of crops, and losses of 25 to 50 percent are not uncommon. The short life cycle of this pest permits the rapid development of serious outbreaks.

We established the Mediterranean fruit fly regulations and quarantined an area in Los Angeles County, California (7 CFR 301.78 *et seq.*; referred to below as the regulations), in a document effective August 23, 1989, and published in the **Federal Register** on August 29, 1989 (54 FR 35629-35635, Docket Number 89-146). Circumstances have compelled us to make a series of amendments to these regulations, in the form of interim rules, in an effort to prevent the further spread of the Mediterranean fruit fly. These amendments were made effective on September 14, October 11, November 17, and December 7, 1989, and on January 3 and January 25, 1990 (54 FR 38643-38645, Docket Number 89-169; 54 FR 42478-42480, Docket Number 89-182; 54 FR 48571-48572, Docket Number 89-202; 54 FR 51189-51191, Docket Number 89-206; 55 FR 712-715, Docket Number 89-212, and 55 FR 3037-3039, Docket Number 89-227).

These areas remain infested with Mediterranean fruit fly. The regulations impose restriction on the interstate movement of regulated articles from quarantined areas in order to prevent the spread of the Mediterranean fruit fly into noninfested areas.

Quarantined Areas

Recent trapping surveys by inspectors of California State and county agencies and by inspectors of the Animal and Plant Health Inspection Service, an agency of the U.S. Department of Agriculture, reveal that infestations of Medfly have been discovered in Los Angeles County in areas near Lakewood, Glendale, La Canada, Flintridge, and Pasadena, California.

The regulations in § 301.78-3 provide that the Administrator of the Animal and Plant Health Inspection Service shall list as a quarantined area each State, or each portion of a State, in which the Mediterranean fruit fly has been found by an inspector, in which the Administrator has reason to believe the Mediterranean fruit fly is present, or that the Administrator considers necessary to regulate because of its inseparability for quarantine enforcement purposes from localities in which the Mediterranean fruit fly has been found.

In accordance with these criteria, we are amending § 301.78-3 of the regulations by expanding the quarantined area in Los Angeles County, Californria, and combining this area with the previously designated quarantined area in Los Angeles and Orange Counties to form one contiguous quarantined area. A description of the quarantined area is set forth in full in the rule portion of this document. The quarantined areas in Santa Clara and San Bernardino Counties, California, are not affected by this rule.

There does not appear to be any reason to designate other additional quarantined areas in California. California has adopted and is enforcing regulations imposing restrictions on the intrastate movement of the regulated articles that are equivalent to those imposed on the interstate movement of regulated articles under this subpart.

Treatments

We are also amending § 301.78-10 of the regulations, which sets forth treatments for certain regulated articles, by adding additional treatments for citrus fruit. Under the regulations, a regulated article from a quarantined area is eligible for interstate movement pursuant to a certificate if, among other things, it has been treated in accordance with § 301.78-10 of the regulations, and is eligible for interstate movement pursuant to a limited permit if it is moving under certain conditions to a specified destination for the treatment. Based on research, it has been determined that there are three additional treatments for citrus fruit that are adequate to destroy the Mediterranean fruit fly. These treatments are as follows:

Regulated citrus fruit that has been harvested:

(1) Fumigation with methyl bromide at normal atmospheric pressure with 32 g/m³ (2 pounds per 1000 cubic feet) for 3½ hours at 21 °C. (70 °F.) or above.

Note: Some varieties of fruit may be injured by methyl bromide exposure. Shippers should test treat before making commercial shipments.

(2) Fumigation plus refrigeration: Fumigation with methyl bromide at normal atmospheric pressure with 32 g/m³ (2 pounds per 1000 cubic feet) at 21 °C. (70 °F.) or above.

Fumigation exposure time	Refrigeration
2 hours	4 days at 0.55 to 0.7 °C. (33 to 37 °F.); or 11 days at 3.33 to 8.3 °C. (38 to 47 °F.).
2½ hours	4 days at 1.11 to 4.44 °C. (34 to 40 °F.); or 6 days at 5.0 to 8.33 °C. (41 to 47 °F.); or 10 days at 8.88 to 13.33 °C. (48 to 56 °F.).
3 hours	3 days at 6.11 to 8.33 °C. (43 to 47 °F.); or 6 days at 9.88 to 13.33 °C. (48 to 56 °F.).

Note:—Some varieties of fruit may be injured by methyl bromide exposure. Shippers should test treat before making commercial shipments.

Time lapse between fumigation and start of cooling not to exceed 24 hours. Chamber load not to exceed 80 percent of volume.

(3) Cold treatment: 10 days at 0 °C. (32 °F.) or below; or 11 days at 0.55 °C. (33 °F.) or below; or 12 days at 1.11 °C. (34 °F.) or below; or 14 days at 1.66 °C. (35 °F.) or below; or 16 days at 2.22 °C. (36 °F.) or below.

Adding these treatments relieves unnecessary restrictions by allowing the interstate movement of citrus fruit from quarantined areas in those instances where the risk of spreading the pest to noninfested areas can be eliminated.

Emergency Action

James W. Glosser, Administrator of the Animal and Plant Health Inspection Service, has determined that an emergency situation exists that warrants publication of this interim rule without prior opportunity for public comment. Because the Mediterranean fruit fly could be spread to noninfested areas of the United States, it is necessary to act immediately to prevent its spread. Immediate action is also necessary to prevent economic losses to shippers who, without the treatments added by this rule, would be unable to move interstate their harvested citrus fruit.

Since prior notice and other public procedures with respect to this interim rule are impracticable and contrary to the public interest under these conditions, there is good cause under 5 U.S.C. 553 to make it effective upon signature. We will consider comments received within 60 days of publication of this interim rule in the **Federal Register.** After the comment period closes, we will publish another document in the **Federal Register,** including a discussion of any comments we receive and any amendments we are making to the rule as a result of the comments.

Executive Order 12291 and Regulatory Flexibility Act

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

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

This regulation affects the interstate movement of regulated articles from portions of Los Angeles County, California. Approximately 401 entities within these newly regulated areas will be affected by this rule. All would be considered small entities. They include 283 fruit/produce markets, 86 nurseries, 25 vendors, 2 landfills, 6 flea markets, and 2 small growers with approximately 7 acres of figs and citrus. These entities comprise less than 1 percent of the total of similar enterprises operating in the State of California. Most of these small entities sell regulated articles primarily for local intrastate movement, not interstate movement, and the sale of these articles would not be affected by this regulation. Many of these entities also sell other items in addition to the regulated articles so that the effect, if any, of this regulation on these entities appears to be minimal. Further, the conditions in the Mediterranean fruit fly regulations and treatments in the Plant Protection and Quarantine Treatment Manual, incorporated by reference in the regulations, allow interstate movement of most articles without significant added costs.

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

Paperwork Reduction Act

The regulations in the subpart contain no new information collection or recordkeeping requirements under the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*).

Executive Order 12372

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

List of Subjects in 7 CFR Part 301

Agricultural commodities, Plant diseases, Plant pests, Plants (Agriculture), Quarantine, Transportation, Mediterranean fruit fly, Incorporation by reference.

Accordingly, 7 CFR part 301 is amended to read as follows:

PART 301—DOMESTIC QUARANTINE NOTICES

1. The authority citation for 7 CFR part 301 continues to read as follows:

Authority: 7 U.S.C. 150bb, 150dd, 150ee, 150ff; 161, 162, and 164–167; 7 CFR 2.17, 2.51, and 371.2(c)

2. In § 301.78–3, paragraph (c), the description of the quarantined area for Los Angeles County is removed, and the description of the quarantined area for Orange County and Los Angeles County, California, is revised to read as follows:

§ 301.78–3 Quarantined areas.

* * * * *

(c) * * *

California

Los Angeles and Orange Counties

That portion of the counties in the Brea, Whittier, Baldwin Park, Valinda, San Gabriel Valley, Lakewood, Elysian Park, San Fernando Valley, Glendale, and Glendora areas bounded by a line drawn as follows: Beginning at the intersection of Interstate Highway 10 and Grand Avenue; then southerly along this avenue to its intersection with Valley Boulevard; then southwesterly along this boulevard to its intersection with Brea Canyon Road; then southerly along this road to its intersection with State Highway

60; then westerly along this highway to its intersection with Nogales Street; then southerly along this street to its intersection with Colima Road; then westerly along this road to its intersection with Fullerton Road; then southerly along this road to its intersection with the La Habra Heights city limits; then southeasterly from this intersection along an imaginary line to the intersection of the Los Angeles-Orange County line and State Highway 57; then southerly along this highway to its intersection with Bastanchury Road; then westerly along this road to its intersection with Euclid Street; then northerly along this street to its intersection with Rosecrans Avenue; then westerly along this avenue to its intersection with Santa Gertrudes Avenue; then northerly along this avenue to its intersection with Imperial Highway; then westerly along this highway to its intersection with Telegraph Road; then northwesterly along this road to its intersection with Leffingwell Road; then southwesterly along this road to its intersection with Carmenita Road; then southerly along this road to its intersection with Artesia Boulevard; then westerly along this boulevard to its intersection with Pioneer Boulevard; then southerly along this boulevard to its intersection with Carson Street; then westerly along this street to its intersection with Lakewood Boulevard; then northerly along this boulevard to its intersection with Del Amo Boulevard; then westerly along this boulevard to its intersection with Downey Avenue; then northerly along this avenue to its intersection with Artesia Boulevard; the westerly along this boulevard to its intersection with State Highway 91; then westerly along this highway to its intersection with Wilmington Avenue; then southerly along this avenue to its intersection with University Drive; then westerly along this drive to its intersection with Avalon Boulevard; then southerly along this boulevard to its intersection with 192nd Street; then westerly along this street to its intersection with Main Street; then southwesterly along this street to its intersection with Interstate Highway 405; then northwesterly along this highway to its intersection with Prairie Avenue; then northerly along this avenue to its intersection with Florence Avenue; then easterly along this avenue to its intersection with Vermont Avenue; then northerly along this avenue to its intersection with Slauson Avenue; then easterly along this avenue to its intersection with Central Avenue; then northerly along this avenue to its intersection with 41st Street; then easterly along this street to its intersection with 38th Street; then easterly along this street to its intersection with 37th Street; then easterly along this street to its intersection with Soto Street; then northeasterly along this street to its intersection with Whittier Boulevard; then westerly along this boulevard to its intersection with 6th Street; then northwesterly along this street to its intersection with Broadway; then southwesterly along Broadway to its intersection with Interstate Highway 10; then westerly along this highway to its intersection with Western Avenue; then north along this avenue to its intersection with Venice Boulevard; then westerly along this boulevard to its intersection with Crenshaw Boulevard; then northeasterly along this boulevard to its intersection with Olympic Boulevard; then westerly along this boulevard to its intersection with Highland Avenue; then northerly along this avenue to its intersection with U.S. Highway 101; then northwesterly along this highway to its intersection with Interstate Highway 405; then northerly along this highway to its intersection with Victory Boulevard; then westerly along this boulevard to its intersection with Balboa Boulevard; then northerly along this boulevard to its intersection with Foothill Boulevard; then easterly and southerly along this boulevard to its intersection with Maclay Avenue; then northeasterly along this avenue to its intersection with Interstate Highway 210; then southeasterly along this highway to its intersection with Paxton Street; then northeasterly along this street to its intersection with the Los Angeles city limits; then northerly, easterly, and southerly along the Los Angeles city limits to its intersection with Glendale city limits; then southerly along the Glendale city limits to its intersection with the Angeles National Forest boundary; then easterly, southerly, and easterly along this boundary to its intersection with the Pasadena city limits; then northerly, easterly, and southerly along the Pasadena city limits to its intersection with the Angeles National Forest boundary, then southerly and easterly along this boundary to its intersection with the Sierra Madre city limits; then northerly and easterly along the Sierra Madre city limits to its intersection with the Arcadia city limits; then easterly along the Arcadia city limits to its intersection with the Monrovia city limits; then northerly and easterly along the Monrovia city limits to its intersection with the Duarte city limits; then easterly and southerly along the Duarte city limits to its intersection with the Azusa city limits; then easterly and southerly along the Azusa city limits to its intersection with the Glendora city limits; then northerly and easterly along the Glendora city limits to its intersection with the San Dimas city limits; then easterly and southerly along the San Dimas city limits to its intersection with the Angeles National Forest boundary; then easterly along this boundary to its intersection with the La Verne city limits; then northerly, easterly, and southerly along the La Verne city limits to its intersection with State Highway 30; then easterly along this highway to its intersection with Towne Avenue; then Southerly along this avenue to its intersection with Interstate Highway 10; then westerly along this highway to the point of beginning.

* * * * *

3. In § 301.78–10, paragraphs (c) and (d) are redesignated as paragraphs (d) and (e), respectively, and a new paragraph (c) is added to read as follows:

§301.78–10 Treatments.

* * * * *

(c) *Regulated citrus fruit that has been harvested.* (1) Fumigation with methyl bromide at normal atmospheric pressure with 32 g/m³ (2 pounds per 1000 cubic feet) for 3½ hours at 21 °C. (70 °F.) or above.

Note: Some varieties of fruit may be injured by methyl bromide exposure. Shippers should test treat before making commercial shipments.

(2) Fumigation plus refrigeration: Fumigation with methyl bromide at normal atmospheric pressure with 32 g/m³ (2 pounds per 1000 cubic feet) at 21 °C. (70 °F.) or above.

Fumigation exposure time	Refrigeration
2 hours	4 days at 0.55° to 0.7 °C. (33° to 37 °F.); or 11 days at 3.33° to 8.3 °C. (38° to 47 °F.).
2½ hours	4 days at 1.11° to 4.44 °C. (34° to 40 °F.); or 6 days at 5.0° to 8.33 °C. (41° to 47 °F.); or 10 days at 8.88° to 13.33 °C. (48° to 56 °F.).
3 hours	3 days at 6.11° to 8.33 °C. (43° to 47 °F.); or 6 days at 9.88° to 13.33 °C. (48° to 56 °F.).

Note: Some varieties of fruit may be injured by methyl bromide exposure. Shippers should test treat before making commercial shipments.

Time lapse between fumigation and start of cooling not to exceed 24 hours. Chamber load not to exceed 80 percent of volume.

(3) Cold treatment: 10 days at 0 °C. (32 °F.) or below; or 11 days at 0.55 °C. (33 °F.) or below; or 12 days at 1.11 °C. (34 °F.) or below; or 14 days at 1.66 °C. (35 °F.) or below; or 16 days at 2.22 °C. (36 °F.) or below.

* * * * *

Done in Washington, DC, this 16th day of February 1990.

James W. Glosser,

Administrator Animal and Plant Health Inspection Service.

[FR Doc. 90–4191 Filed 2–22–90; 8:45 a.m.]

BILLING CODE 3410–34–M

Agricultural Marketing Service

7 CFR Part 907

[Navel Orange Regulation 708]

Navel Oranges Grown in Arizona and Designated Part of California

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This regulation establishes the quantity of California-Arizona navel oranges that may be shipped to

domestic markets during the period from February 23 through March 1, 1990. Consistent with program objectives, such action is needed to balance the supplies of fresh navel oranges with the demand for such oranges during the period specified. This action was recommended by the Navel Orange Administrative Committee (Committee), which is responsible for local administration of the navel orange marketing order.

EFFECTIVE DATE: Regulation 708 (7 CFR part 907) is effective for the period from February 23 through March 1, 1990.

FOR FURTHER INFORMATION CONTACT: Maureen T. Pello, Marketing Specialist, Marketing Order Administration Branch, Fruit and Vegetable Division, Agricultural Marketing Service, U.S. Department of Agriculture, Room 2523–S, P.O. Box 96456, Washington, DC 20090–6456; telephone: (202) 382–1754.

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

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

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

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

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

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

The three basic outlets from California-Arizona navel oranges are the domestic fresh, export, and processing markets. The domestic (regulated) fresh market is a preferred market for California-Arizona navel oranges. The Committee estimates that about 59 percent of the 1989–90 crop of 85,500 cars will be utilized in fresh domestic channels (50,700 cars), with the remainder being exported fresh (9 percent), processed (30 percent), or designated for other uses (2 percent). This compares with the 1988–89 total of 45,581 cars shipped to fresh domestic markets, about 64 percent of that year's crop.

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

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

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

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

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

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

The Committee met publicly on February 20, 1990, in Visalia, California, to consider the current and prospective conditions of supply and demand and recommended, with seven members voting in favor, three opposing, and one abstaining, that 1,800,000 cartons is the quantity of navel oranges deemed advisable to be shipped to fresh

domestic markets during the specified week. The marketing information and data provided to the Committee and used in its deliberations was compiled by the Committee's staff or presented by Committee members at the meeting.

This information included, but was not limited to, price data for the previous week from Department market news reports and other sources, preceding week's shipments and shipments to date, crop conditions, weather and transportation conditions, and a reevaluation of the prior week's recommendation in view of the above.

The Department reviewed the Committee's recommendation in light of the Committee's projections as set forth in its 1989–90 marketing policy. This recommended amount is 50,000 cartons less than estimated in the January 9, 1990, tentative shipping schedule. Of the 1,800,000 cartons, 1,566,000 are allotted for District 1, and 234,000 are allotted for District 2. Districts 3 and 4 are not regulated since approximately 86 percent of District 3's crop and 89 percent of District 4's crop to date have been utilized and handlers would not be able to utilize their allotments.

During the week ending on February 15, 1990, shipments of navel oranges to fresh domestic markets, including Canada, totaled 1,904,000 cartons compared with 1,924,000 cartons shipped during the week ending on February 16, 1989. Export shipments totaled 365,000 cartons compared with 193,000 cartons shipped during the week ending on February 16, 1989. Processing and other uses accounted for 782,000 cartons compared with 624,000 cartons shipped during the week ending on February 16, 1989.

Fresh domestic shipments to date this season total 27,034,000 cartons compared with 22,253,000 cartons shipped by this time last season. Export shipments total 4,311,000 cartons compared with 3,365,000 cartons shipped by this time last season. Processing and other use shipments total 7,519,000 cartons compared with 6,998,000 cartons shipped by this time last season.

For the week ending on February 15, 1990, regulated shipments of navel oranges to the fresh domestic market were 1,865,000 cartons on an adjusted allotment of 1,911,000 cartons which resulted in net undershipments of 46,000 cartons. Regulated shipments for the current week (February 16 through February 22, 1990) are estimated at 1,900,000 cartons on an adjusted allotment of 1,901,000 cartons. Thus, undershipments of 1,000 cartons could be carried over into the week ending on March 1, 1990.

The average f.o.b. shipping point price for the week ending on February 15, 1990, was $7.35 per carton based on a reported sales volume of 1,473,000 cartons compared with last week's average of $7.33 per carton on a reported sales volume of 1,739,000 cartons. The season average f.o.b. shipping point price to date is $7.65 per carton. The average f.o.b. shipping point price for the week ending on February 16, 1989, was $6.61 per carton; the season average f.o.b. shipping point price at this time last season was $7.71 per carton.

According to a February 9 crop report issued by the National Agricultural Statistics Service, citrus production as of February 1 is forecast at 9.92 million tons, 3 percent greater than in January but 23 percent below last season. This reduction was due to the severe freezing temperatures in the Florida and Texas citrus belts during late December. Fruit droppage was heavy in most areas of Florida and the Texas harvest has ended. Orange production is up 17 percent from a January 1 forecast but 19 percent below last season. This decline was due mostly to Florida's 32 percent decrease from last season. The severe December freeze in Florida's citrus belt further reduced an already short Florida orange crop. The increase since January reflected better than expected salvage operations in Florida and increased production expectations in California.

The Department's Market News Service reported that, as of February 20, overall demand for California-Arizona navel oranges was moderate, and the market for sizes 138s (both first grade and choice), first grade 113s and choice 40s was slightly lower while the market for other grades and sizes was "about steady." Committee members reported that demand has declined with instances of price discounting occurring and increased handler inventories of navel oranges. The market was characterized as fair to weak. However, one member reported a firm market with no evidence of price discounting. Committee members and observers discussed different levels of allotment as well as open movement. However, two Committee members favored open movement while one other member favored a higher allotment level. The majority of Committee members favored continuation of volume regulation at this time to maintain market stability.

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

Based upon fresh utilization levels indicated by the Committee and an econometric model developed by the Department, the 1989–90 season average fresh on-tree price is estimated to be between $4.59 and $4.84 per carton. This range is equivalent to 73 to 76 percent of the projected season average fresh on-tree parity equivalent price of $6.33 per carton. Thus, the 1989–90 season average fresh on-tree price is not expected to exceed the projected season average fresh on-tree parity equivalent price.

Limiting the quantity of navel oranges that may be shipped during the period from February 23 through March 1, 1990, would be consistent with the provisions of the marketing order by tending to establish and maintain, in the interest of producers and consumers, an orderly flow of navel oranges to market.

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

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

In addition, market information needed for the formulation of the basis for this action was not available until February 20, 1990, and this action needs to be effective for the regulatory week which begins on February 23, 1990. Further, interested persons were given an opportunity to submit information and views on the regulation at an open meeting, and handlers were apprised of its provisions and effective time. It is necessary, therefore, in order to effectuate the declared purposes of the Act, to make this regulatory provision effective as specified.

List of Subjects in 7 CFR Part 907

Marketing agreements, Oranges, Reporting and recordkeeping requirements.

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

PART 907—[AMENDED]

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

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

2. Section 907.1008 is added to read as follows:

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

§ 907.1008 Navel Orange Regulation 708.

The quantity of navel oranges grown in California and Arizona which may be handled during the period from February 23 through March 1, 1990, is established as follows:

(a) District 1: 1,566,000 cartons;
(b) District 2: 234,000 cartons;
(c) District 3: unlimited cartons;
(d) District 4: unlimited cartons.

Dated: February 21, 1990.

Robert C. Keeney,

Deputy Director, Fruit and Vegetable Division.

[FR Doc. 90–4302 Filed 2–22–90; 8:45 am]

BILLING CODE 3410–02–M

7 CFR Part 910

[Lemon Regulation 706]

Lemons Grown in California and Arizona; Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: Regulation 706 establishes the quantity of fresh California-Arizona lemons that may be shipped to market at 346,792 cartons during the period from February 25, 1990, through March 3, 1990. Such action is needed to balance the supply of fresh lemons with market demand for the period specified, due to the marketing situation confronting the lemon industry.

EFFECTIVE DATE: Regulation 706 (7 CFR part 910) is effective for the period from February 25, 1990, through March 3, 1990.

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

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

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

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

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

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

This regulation is consistent with the California-Arizona lemon marketing policy for 1989–90. The Committee met publicly on February 20, 1990, in Los Angeles, California, to consider the current and prospective conditions of supply and demand and unanimously recommended a quantity of lemons deemed advisable to be handled during the specified week. The Committee reports that overall demand for lemons is strong.

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

List of Subjects in 7 CFR Part 910

Lemons, Marketing agreements, and Reporting and recordkeeping requirements.

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

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

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

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

2. Section 910.706 is added to read as follows:

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

§ 910.706 Lemon Regulation 706.

The quantity of lemons grown in California and Arizona which may be handled during the period from February 25, 1990, through March 3, 1990, is established at 346,792 cartons.

Dated: February 21, 1990.

Robert C. Keeney,

Deputy Director, Fruit and Vegetable Division.

[FR Doc. 90–4301 Filed 2–22–90; 8:45 am]

BILLING CODE 3410–02–M

Animal and Plant Health Inspection Service

9 CFR Part 92

[Docket No. 89–185]

RIN 0579–AA26

Procedures for Importing Animals Through the Harry S Truman Animal Import Center; Approval of Embarkation Quarantine Facilities

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: We are amending the regulations concerning the Harry S Truman Animal Import Center (HSTAIC) to establish more efficient procedures for allocating space in that facility. To help streamline procedures for the use of HSTAIC, we are eliminating provisions for giving multiple importers use of HSTAIC for the same importation. We are also establishing priorities for granting use of HSTAIC. First, we are amending the regulations to provide that the Secretary of Agriculture may give priority to applications to use HSTAIC filed by agencies of the United States Government for importations of potential value to the general public. Under the amended regulations, importations by United States Government agencies will be limited to one per year. Second, the order in which names of applicants are drawn during an annual lottery will determine the priority given to their applications for use of HSTAIC during the following calendar year. This lottery will consist of four categories, based on the types of animals intended for importation and the disease status of the countries or areas from which the animals are to come. Third, we are amending the regulations to change the criteria for approving embarkation facilities, so that a facility will receive Animal and Plant Health Inspection Service approval for a specific quarantine only.

EFFECTIVE DATE: March 26, 1990.

FOR FURTHER INFORMATION CONTACT: Dr. Mark E. Teachman, Staff Veterinarian, Import-Export Animals Staff, Veterinary Services, APHIS, USDA, Room 764, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, 301–436–8590.

SUPPLEMENTARY INFORMATION:

Background

The regulations in 9 CFR part 92, §§ 92.41 and 92.42 (referred to below as the regulations) set forth the conditions under which importers may qualify animals to enter the United States through the Harry S Truman Animal Import Center (HSTAIC) in Fleming Key, Florida.

On September 5, 1989, we published a document in the **Federal Register** (54 FR 36806–36815, Docket No. 87–060), in which we proposed to amend the regulations to eliminate provisions for giving multiple importers use of HSTAIC for the same importation. We also proposed that the Secretary of Agriculture may give priority to applications to use HSTAIC filed by agencies of the United States government for importations of potential value to the general public, with such importations limited to one per year. Additionally, we proposed that the order in which names of applicants are drawn during an annual lottery would determine the priority given to their applications for use of HSTAIC during the calendar year. We proposed that the lottery would consist of four categories, based on the types of animals intended for importation and the disease status of the countries or areas from which the animals would come. We also proposed to change the criteria for approving embarkation quarantine facilities for animals from countries where certain exotic diseases exist, to provide that an embarkation facility would receive Animal and Plant Health Inspection Service (APHIS) approval for a specific quarantine only.

We solicited comments concerning the proposed rule for a 30-day period ending October 5, 1989, and received 12 comments. The commenters included the United States Animal Health Association (USAHA), and associations and individuals involved in the importation or sale of exotic animals, including llamas and alpacas. One commenter supported the proposed rule without change. Requests for Extension of Comment Period.

Three commenters requested that we extend the period during which we would accept comments on the proposed rule. One of these commenters, the USAHA, stated that the extended comment period would allow its members to discuss the proposed rule at the association's annual meeting, and perhaps develop recommendations based on those discussions. The other two commenters, the International Llama Association and a corporation involved in the importation of llamas, stated that additional time for commenting was necessary in light of proposed rules we recently published regarding the disease status of Chile and the potential importation of camelids from that country.

We are not extending the comment period for Docket No. 87–060. Because the great majority of the provisions in the proposed rule deal with procedural, rather than technical or biological matters, we believe that the comment period provided was sufficient for the public to analyze and respond to the proposed provisions. Additionally, we do not believe that the disease status of a specific country should affect the review of Docket No. 87–060, which contains provisions that apply to all foreign countries.

Lottery Categories

The proposed rule included provisions for a four-part lottery for the opportunity to import animals through HSTAIC. We proposed that the first two parts of the lottery would include animals from countries in which certain exotic diseases exist—including rinderpest, foot-and-mouth disease, African swine fever, hog cholera, and swine vesicular disease—because HSTAIC is the only quarantine facility in the United States authorized for the importation of these animals. As proposed, the third and fourth categories would include animals from countries in which those diseases do not exist, because the animals could be imported through Federally operated quarantine facilities other than HSTAIC. One commenter stated that if the regulations were amended in the future to require the importation through HSTAIC of animals from a particular country in which the specified exotic diseases do not exist, because of the risk of an exotic disease being brought into the United States from that country, the lottery system as proposed would discriminate against those animals. We agree with the commenter that if animals from countries free of the specified exotic diseases were required to be imported through HSTAIC, it would not be fair to include them in the last two parts of the lottery. Therefore, we are adding provisions to the regulations to include in the first and second parts of the lottery animals that are required by the United States Department of Agriculture to be imported through HSTAIC, even if exotic diseases do not exist in the country from which the animals are imported.

One commenter stated that the provision in our proposed rule that the animals in any one importation be of the same species is inconsistent with our established policy of allowing llamas and alpacas to be combined in the same importation. The commenter requested that we amend the proposed rule to allow llamas and alpacas to be imported together. We agree that, although llamas and alpacas are not of the same species, their physiological and temperamental similarities make them highly compatible. Therefore, we are providing

in this final rule that an importation through HSTAIC must contain animals of the same species, except that llamas and alpacas may be included in the same importation.

Three commenters stated that our proposal to give priority in the lottery to applicants intending to import cattle, sheep, goats, or swine was inappropriate, based on the declining interest in importing these animals through HSTAIC, and the growing interest in importing animals such as llamas and alpacas. We are making no changes based on these comments. Our proposal to give priority to cattle, sheep, goats, and swine was based on the legislative intent of Congress in approving the establishment of HSTAIC, not on current market demands. While we are responsible for scheduling and administering importations through HSTAIC, the facility itself owes its existence to congressional mandate, which must be considered in establishing priorities for importation quarantines carried out there.

Scheduling and Deadlines

Two commenters recommended that we allow 30 days for an applicant who "wins" the lottery to return a signed and completed cooperative-service agreement to us, rather than 14 days as proposed. The commenters stated that the additional time is necessary to ensure that importers have all their stock purchased and assembled and have foreign government approval for the exportation of the animals. When we proposed the 14 day deadline for return of an agreement, we did so primarily to ensure that no more time than necessary elapses between the date of the lottery and the actual importation through HSTAIC. Although we believe that 14 days would in most cases be sufficient time for completion and return of a cooperative-service agreement, we recognize that situations might arise where circumstances out of the importer's control make it difficult for him or her to commit to an importation within the proposed time period. To accommodate such situations, we are providing that, in order to qualify for use of HSTAIC, a prospective importer return to us a signed cooperative-service agreement within 30 days of its receipt. This additional amount of time will meet the needs of importers while allowing sufficient time to initiate importations at the start of each calendar year.

One commenter recommended that the annual lottery be held in early September, rather than in October as proposed, to allow additional time for those applicants selected first in the lottery to determine if satisfactory arrangements can be made for the use of existing embarkation facilities, and, if they cannot, to allow sufficient time for construction and approval of an embarkation facility. We are making no changes based on this comment. As discussed in the preceding paragraph, we are extending to 30 days the amount of time a prospective importer has to return a signed cooperative-service agreement. We believe that the 30-day period is sufficient for the prospective importer to determine if suitable arrangements can be made regarding an embarkation quarantine facility. However, we are adding a clarification to the regulations as proposed, to make it clear that if the embarkation quarantine facility specified by the applicant in the cooperative-service agreement is not approved by APHIS, the applicant would have the option of seeking APHIS approval of an alternative embarkation quarantine facility during the 42 days following the applicant's signing of the cooperative-service agreement. The proposed rule specified only that the applicant would have 42 days from the signing of the agreement to complete all necessary arrangements in the country from which the animals are imported.

Limitations on Importations

One commenter recommended that we amend the proposed rule to provide that importers be limited to one importation through HSTAIC every 3 years, rather than one every 2 years as proposed, in order to help ensure that as many different entities as possible have an opportunity to use the facility. We agree that limiting entities to one importation during the period encompassing the year of the importation and the following two years would allow a greater number of entities to use HSTAIC, and we are adding such a limitation to the regulations. However, importers who are granted use of HSTAIC during this 3 year period will nevertheless be eligible for additional exclusive use of the facility during the period if it is not being used by other importers.

Another commenter recommended that entities that have already imported llamas into the United States through HSTAIC be excluded from the first lottery held under the new regulations, in order to give other entities a better chance of participating in the llama market in the United States. We are making no changes based on this comment. We do not believe it would be fair to impose such a restriction at this time, because it would be tied to an action taken before the regulation was proposed.

Priority to Federal Agencies

One commenter was opposed to the proposed provision to allow the Secretary of Agriculture to give priority to one importation by a United States government agency each year. The commenter stated that HSTAIC was built for American business, not for Federal experimentation, and that United States government agencies should have to participate in the proposed lottery with all other interested parties. We are making no changes based on this comment. Importations by United States government agencies will be granted priority only if they are of potential value to the general public. Further, because we expect few such requests from United States government agencies, we do not anticipate that this provision will have a significant effect on the number of importations through HSTAIC by other entities and individuals.

Another commenter recommended that instead of accepting applications from United States government agencies during the same period we accept them from the public, we should determine at some earlier date whether the Secretary of Agriculture will give priority to a United States government agency for a given calendar year. According to the commenter, this change in scheduling would allow prospective applicants from the public to decide whether to submit an application, based on whether, and for how long, a United States government agency will be given use of HSTAIC. We agree that advance notice of the status of United States government agency applications would help other potential applicants make an informed decision whether to apply for the lottery, and we are therefore amending the provisions as proposed to require that, to be considered for priority status, United States government agencies have their application to us no later than July 15 of the year preceding the proposed importation. If the Secretary of Agriculture grants priority status to such an importation, we will publish a notice of the Secretary's decision in the Federal Register, prior to September 1 of the year prceding the proposed importation.

Letter of Credit

Two commenters stated that our proposed requirement that applicants submit a $50,000 letter of credit with each application would favor importers with enough financial resources to

submit multiple applications. We are making no changes based on these comments. Based on the significant administrative problems we encountered under prior regulations, when we accepted applications on a "first-come-first-served" basis, we believe that a lottery is the most workable and equitable means of allotting space for importations through HSTAIC. We also believe, based on our experience, that a substantial letter of credit is necessary to discourage "nuisance" applicants—i.e., individuals who submit applications and schedule importations, but who lack the interest or financial means to follow through on the importations. Such applicants would have the potential to prevent legitimate applicants from using HSTAIC, by backing out on scheduled importations when it was too late for a legitimate applicant to carry out an importation during the scheduled quarantine period.

One commenter stated that requiring a $50,000 letter of credit might not prevent some applicants from securing multiple letters of credit on one $50,000 deposit at a bank, thereby gaining an advantage in the lottery by submitting multiple applications. The commenter did not recommend any specific changes, and we are making none based on this comment. We can only assume that financial institutions that issue letters of credit will adhere to standard procedures for that industry, and segregate sufficient funds for each letter of credit.

One commenter stated that because applicants proposing to import animals that fall into the third and fourth parts of the lottery have significantly less chance of being granted space in HSTAIC than do applicants for the first two categories, those applicants with animals in parts three and four of the lottery should not have to provide a $50,000 letter of credit until selected to use the facility. The purpose of the $50,000 letter of credit is to discourage "nuisance" applications—i.e., those submitted by applicants lacking the means or interest to follow through on an importation. We believe such applications were sometimes submitted in the past to prevent or delay legitimate applicants from bringing animals through HSTAIC, which is the only quarantine facility in the United States authorized for the importation of animals from countries with certain exotic diseases. If animals falling into parts one and two of the lottery are prevented importation through HSTAIC, they are effectively denied importation into United States. However, there would be no advantage in submitting a nuisance application for the third or fourth part of the lottery, because animals falling into those two categories are eligible for importation through other Federally operated facilities in the United States. Because there is no reason to discourage nuisance applications for the third or fourth parts of the lottery, we are providing that no letter of credit need accompany applications falling into those two categories. If an applicant for the third or fourth part of the lottery is awarded exclusive use of HSTAIC, that applicant is required to provide for payment of estimated costs (except capital expenditures at HSTAIC) to APHIS with return of the cooperative-service agreement.

Limitations and Disclosures

One commenter recommended, without explanation, that we require that applicants proposing to import animals through HSTAIC be citizens or corporations of the United States. We do not believe such a requirement would have any practical effect. Even if such a requirement were established, there would be no way for us to prevent a citizen or corporation of a foreign country from arranging for a citizen or corporation of the United States to serve as the applicant for an importation by the foreign entity. We are therefore making no changes based on the comment.

One commenter stated that the regulations should require that the importer listed on the application and on the cooperative agreement reveal all partners, the interests of those partners, and whether they intend to possess some of the imported animals. The commenter stated that any such partners should also be excluded from importing animals through HSTAIC during the required "waiting" period. According to the commenter, these requirements would ensure that the same individuals do not enter into a variety of partnerships or other agreements to hide their participation in a previous importation. We are making no changes based on this comment. We anticipate that in some cases an applicant will not know, at the time of the lottery, who his or her partners will be. For instance, in cases where an applicant is granted the use of HSTAIC, then subsequently negotiates with a number of importers to assemble one importation, it might be impossible for the applicant to accurately list his or her partners on the application.

Advance Payment

One commenter was opposed to the provision in the proposed rule that requires an importer to include full payment of the cost of an importation (as estimated by APHIS) with return of a completed cooperative-service agreement. We are making no changes based on this comment. The cost to APHIS of processing an importation will begin as soon as the cooperative-service agreement is returned. At that time, APHIS must begin obligating funds for items such as supplies and personnel costs. In order to ensure that APHIS is fully reimbursed for its costs (excluding capital expenditures at HSTAIC), it is necessary to require that the estimated costs of the importation be paid when the completed cooperative-service agreement is returned.

Blueprints for Embarkation Facilities

The regulations require that certain animals imported through HSTAIC first be quarantined in an embarkation quarantine facility, approved by APHIS, in the country of export. The proposed amendments to the regulations include the provision that, before approval of an embarkation quarantine facility, the site-specific blueprints for the facility be submitted to APHIS. One commenter recommended that the requirement that blueprints be submitted not apply in cases where the facility has already been approved for prior importations. We are making no changes based on this comment. Embarkation quarantine facilities that are approved for one importation might be used for purposes other than the quarantine of animals between importations and consequently might be altered, or might have to be altered to accommodate the animals in another importation. In order to ensure that APHIS has access to updated site-specific blueprints for all facilities, site-specific blueprints will be required for all embarkation quarantine facilities for which approval is requested.

Dates for First Lottery

In anticipation of this final rule being made effective sometime after September 1989, we included provisions in the proposed rule indicating that the annual lottery would be held the first week of October each year, except in 1989, and that applications would have to reach us between September 1 and September 15 each year, except in 1989. We indicated in the proposed rule that we would include the dates for accepting applications for the 1989 lottery, and a date for the lottery itself, in this final rule. We have now determined that the first lottery will be held April 30, 1990. Accordingly, we are specifying in this final rule that to be eligible for the April 30, 1990, lottery,

applications must reach us no earlier than March 26, 1990, the effective date of this final rule, and no later than April 16, 1990. The April 30, 1990, lottery will establish a priority list for importations carried out during 1990. Additionally, as indicated in the proposed rule, a lottery will be held in October 1990, and each subsequent October, for importations to be carried out during the year following the October lottery.

Miscellaneous

We are making several nonsubstantive changes to the wording, including changes regarding the dates associated with the April 30, 1990, lottery, are redesignating footnotes to conform with **Federal Register** format, and are removing § 92.41(g) of the regulations, because it concerns a 1989 Federal importation through HSTAIC that has been completed.

Executive Order 12291 and Regulatory Flexibility Act

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

This proposed rule will change the procedures according to which we allocate space in the Harry S Truman Animal Import Center. While demand for use of space in that facility, the only one in the United States equipped and authorized to quarantine ruminants and swine from countries where certain exotic diseases exist, continues to exceed HSTAIC's capacity, competition among importers has caused administrative problems. We believe certain potential importers took advantage of the original application process, which they deliberately exploited, proceeding with negotiations solely as a delaying tactic while waiting for the United States Department of Agriculture to recognize countries such as Chile as free of foot-and-mouth disease. While they were negotiating, possibly in bad faith, for the exclusive right to an importation through HSTAIC, they prevented importers seriously interested in importing animals from doing so. The regulations exacted no penalty from those applicants who prevented us from scheduling HSTAIC importations. As a result, while HSTAIC stood empty, other importers, as well as the Federal Government and the general public, "paid." Importers denied use of HSTAIC lost the opportunity to compete freely in both foreign and domestic markets. The money of taxpayers covered the cost of maintaining HSTAIC, a cost that should have been borne by the importer authorized to use it.

Having identified the flaws in the original procedures, we are establishing a new system for allocating space in HSTAIC. By requiring prospective importers with animals that may be imported only through HSTAIC to submit deposits of $50,000 with their completed application forms, we are establishing a screening system that should prevent parties who would otherwise submit "nuisance" applications from doing so.

We will approve embarkation quarantine facilities (EQF's) on a case-by-case basis to accommodate the interests of importers, who may choose to quarantine animals in any facility that meets the standards in our regulations. This change will give importers several alternatives and more economic flexibility when choosing an EQF. They may use an existing EQF; they may contract for use of a newly built EQF; or they may arrange to construct their own EQF.

Our intent in establishing a new system for granting importers use of HSTAIC is to ensure that they all compete equally; that our allocation system is the fairest possible. All proposed changes, from the administration of the annual lottery itself to required deposits and clarification of the HSTAIC-importer's responsibilities for all costs (other than capital expenditures at HSTAIC) incurred during every stage of the importation, will work to that end.

Under the regulations in this final rule, there is no formal provision—as there was under the regulations that were amended—for importers of small numbers of animalsto take part in a lottery to assemble with other importers a larger group of animals for importation. However, under the regulations in this final rule, importers of small numbers of animals can organize independently and arrange to import larger numbers of animals in a single importation. Market demand in recent years, however, has indicated virtually no interest in such aggregate importations and has indicated instead increasing demand for exclusive use importations, which in recent years have been given priority over importations by lottery. Since 1984, only one lottery has been held—in 1985, for 17 importers and involving a total of 90 animals. On the other hand, in the approximately four years between November 1984, and December 1988, HSTAIC has been used for three exclusive use importations, involving 319, 167, and 472 animals, and importers continue to show increasing interest in exclusive use. Thus, with increasing demand for exclusive use, it is market demand that will be the primary limiting factor on importations by small importers, not the changes to the regulations.

The regulations amended by this final rule required a deposit of $1,000 per animal from importers allocated space in HSTAIC under the lottery system. An importer proposing to import 50 animals, the minimum number accepted per importation under the prior regulations, would have been required to deposit $50,000, the sum we will require of all applicants for use of HSTAIC. While this figure will remain constant, regardless of the size of the proposed importation or the species involved, we expect applicants for the right to a HSTAIC importation to propose to quarantine considerably more than 50 animals at a time. Our requirement that one importer assume complete responsibility for all non-capital expenditures incurred during the HSTAIC-importation process will not prevent small-scale importers from undertaking an importation in their common interest. However, in accordance with the regulations, the Animal and Plant Health Inspection Service will work exclusively with the importer signing the cooperative-service agreement, regardless of independently reached agreements among importers, or other private business matters involving the importer of record.

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

Paperwork Reduction Act

Information collection requirements contained in this document have been approved by the Office of Management and Budget (OMB) under the provisions of the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*) and have been assigned OMB control number 0579–0040.

List of Subjects in 9 CFR Part 92

Animal diseases, Canada, Imports, Livestock and livestock products, Mexico, Poultry and poultry products, Quarantine, Transportation, Wildlife.

Accordingly 9 CFR part 92 is amended as follows:

PART 92—IMPORTATION OF CERTAIN ANIMALS AND POULTRY AND CERTAIN ANIMAL AND POULTRY PRODUCTS; INSPECTION AND OTHER REQUIREMENTS FOR CERTAIN MEANS OF CONVEYANCE AND SHIPPING CONTAINERS THEREON

1. The authority citation for part 92 continues to read as follows:

Authority: 7 U.S.C. 1622; 19 U.S.C. 1306; 21 U.S.C. 102–105, 111, 134a, 134b, 134c, 134d, 134f, and 135; 31 U.S.C. 9701; 7 CFR 2.17, 2.51, and 371.2(d).

2. Section 92.41 is revised to read as follows:

§ 92.41 Importation of animals through the Harry S Truman Animal Import Center (HSTAIC).

(a) *Exclusive right to use HSTAIC.* The Animal and Plant Health Inspection Service will enter into a cooperative-service agreement with only one importer for each importation through the Harry S Truman Animal Import Center (HSTAIC). An importer granted the exclusive right to use HSTAIC may include in his/her allotted number, animals of the same species belonging to other persons interested in importing animals through HSTAIC, except that llamas and alpacas may be included in the same importation. However, the Animal and Plant Health Inspection Service will deal exclusively with the importer in whose name the application for use of HSTAIC was submitted. The Animal and Plant Health Inspection Service will hold this importer solely responsible for all costs (excepting capital expenditures at HSTAIC) incurred during the animal qualification process. HSTAIC can accommodate a finite number of animals at one time, but the maximum allowed for a particular importation will vary, depending on the size of the species. The Animal and Plant Health Inspection Service will specify this figure in the cooperative-service agreement, reproduced in paragraph (d) of this section.

(b) *Scheduling.* Applications from prospective users of HSTAIC are processed according to the following system:

(1)(i) *All applications for use of HSTAIC.* To qualify to use HSTAIC, an importer must submit a completed application,[1] providing estimates when exact information as required on the application form is unavailable.

(ii) *Applications for the importation of animals restricted to importation through HSTAIC.* Application for the importation of animals specified in paragraph (b)(3)(i)(A) or paragraph (b)(3)(i)(B) of this section must include a deposit, in the form of an irrevocable letter of credit, in the name of the applicant and in the amount of $50,000, payable to the United States Department of Agriculture, Animal and Plant Health Inspection Service. Each such application must be accompanied by a separate irrevocable letter of credit. The irrevocable letter of credit is to remain in effect until the end of the calendar year of the prospective importation, unless revised in accord with the cooperative-service agreement set forth in paragraph (d) of this section. The deposits of all unsuccessful applicants will be returned to the applicant at the end of the calendar year of the prospective importation, or whenever an applicant removes his/her name from the priority list described in paragraph (b)(4) of this section. The deposit of an importer whose application is selected, and who returns a signed cooperative-service agreement accepting the exclusive right to use HSTAIC, is nonrefundable.

(2)(i) During the first seven days of October,[2] the Animal and Plant Health Inspection Service will hold a lottery, randomly drawing the names of applicants in an order that will determine the order in which they will be offered use of HSTAIC for an importation during the next calendar year. To be included in the annual October lottery, applications must reach the Import-Export Animals Staff, Veterinary Services, no earlier than September 1 and no later than September 15 of that year.

(ii) In 1990, in addition to the lottery held in October, a lottery will be held on April 30, 1990. To be included in the April 30, 1990, lottery, applications must reach the Import-Export Animals Staff, Veterinary Services, no earlier than March 26, 1990, and no later than April 16, 1990.

(iii) One application is required for each importation proposed. In the case of applications requiring deposits under paragraph (b)(1)(ii) of this section, the required deposit must accompany each application.

(3)(i) The lottery will consist of four parts, as follows:

(A) The first part will include the names of applicants proposing to import:

(*1*) Cattle, sheep, goats, or swine from locations identified in § 94.1 of this chapter as those in which rinderpest or foot-and-mouth disease exists;

(*2*) Swine from locations identified in §§ 94.8, 94.9, or 94.12 of this chapter, respectively, as those in which African swine fever exists or the Administrator has reason to believe that it exists, hog cholera is known to exist, or swine vesicular disease is considered to exist; or

(*3*) Cattle, sheep, goats, or swine that are otherwise required to be quarantined in HSTAIC before entry into the United States.

(B) The second part will include the names of applicants proposing to import:

(*1*) Llamas, alpacas, water buffalo, camels, or deer or other ruminants susceptible to rinderpest and foot-and-mouth disease and raised under domestic conditions, from locations identified in § 94.1 of this chapter as those in which rinderpest or foot-and-mouth disease exists; or

(*2*) Llamas, alpacas, water buffalo, camels, or deer or other ruminants that are otherwise required to be quarantined in HSTAIC before entry into the United States.

(C) The third part will include the names of applicants proposing to import cattle, sheep, goats or swine that are not required to be quarantined in HSTAIC before entry into the United States.

(D) The fourth part will include the names of applicants proposing to import llamas, alpacas, water buffalo, camels, or deer or other ruminants that are not required to be quarantined in HSTAIC before entry into the United States.

(ii) All names will appear sequentially in the order drawn on the priority list, with the order of precedence established by the priority of the lottery part: names drawn in the first part of the lottery would take precedence over those in subsequent parts; names in the second part would take precedence over those in the third and fourth parts, and names in the third part would take precedence over those in the fourth part. The priority list established by the annual October lottery will remain effective from January 1 through December 31 of the next calendar year, superseding all previous lists. The priority list established by the April 30, 1990, lottery will remain effective from the date of the lottery through December 31, 1990.

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[1] Application forms are available from, and must be submitted to the Administrator, c/o Import-Export Animals Staff, Veterinary Services, APHIS, USDA, Room 764, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782.

[2] The Animal and Plant Health Inspection Service will publish a notice announcing the exact date in the **Federal Register** at least 30 days in advance of the October drawing.

(4) Except as provided in paragraph (b)(2)(ii) of this section, the names of all applicants whose applications, with deposits if required, have reached the Import-Export Animals Staff, Veterinary Services, no earlier than September 1 and no later than September 15 (see paragraphs (b) (1) and (2) of this section) will be drawn during the next month's lottery. The order in which names appear on the priority list will correspond to that established by the lottery. If the person first offered the right to use HSTAIC does not ensure receipt of the cooperative-service agreement by the Import-Export Animals Staff, Veterinary Services, within 30 days of receiving the cooperative-service agreement, the Animal and Plant Health Inspection Service will void that offer, and make an offer to the applicant next on the priority list. The Animal and Plant Health Inspection Service will limit importations to one per importer for the period encompassing the calendar year for which the lottery is held and the following two calendar years, except when no other lottery participants are prepared to use HSTAIC during the time it would be available in those years. The priority list established during the October lottery will remain in effect during the calendar year following the lottery, and will take precedence over any applications received after September 15th. Applications received after September 15th will be added to the priority list, with precedence established by the order in which the Import-Export Animals Staff, Veterinary Services, receives them. For the April 30, 1990, lottery, the priority list established during that lottery will remain in effect from the date of the lottery through December 31, 1990, and will take precedence over any applications received after April 16, 1990. Applications received after April 16, 1990, will be added to the priority list, with precedence established by the order in which the Import-Export Animals Staff, Veterinary Services, receives them.

(5) If the Import-Export Animals Staff, Veterinary Services, does not receive more than one application between September 1st and September 15th for the October lottery, the October lottery for that year will be cancelled, and the Animal and Plant Health Inspection Service will grant the exclusive right to use HSTAIC for an importation during the next calendar year in the order applications are received. For the April 30, 1990, lottery, if the Import-Export Animals Staff, Veterinary Services, does not receive more than one application between March 26, 1990, and April 16, 1990, that lottery will be cancelled, and the Animal and Plant Health Inspection Service will grant the exclusive right to use HSTAIC for an importation during 1990 in the order applications are received.

(6) The Secretary of Agriculture may grant priority over other applications to an application from an agency of the United States Government, if for an importation potentially of value to the general public, and if received before July 15 of the year preceding the proposed importation.[3] However, an agency of the United States Government must submit its application in accordance with this section, except that, in lieu of an irrevocable letter of credit, an agency of the United States Government must enter into an interagency agreement with the Animal and Plant Health Inspection Service for a deposit of $50,000. HSTAIC importations by agencies of the United States government will be limited to one per year, except when HSTAIC is available and the Import-Export Animals Staff, Veterinary Services, has received no other applications for its use during that year.

(c) *Responsibilities of the Applicant Selected.* By certified mail, return receipt requested, the Animal and Plant Health Inspection Service will send a cooperative-service agreement to the applicant being offered the exclusive right to use HSTAIC, as provided in paragraph (d) of this section. The applicant must, within 30 days of receipt, sign and ensure that the Import-Export Animals Staff, Veterinary Services, receives the cooperative-service agreement. The cooperative-service agreement must be accompanied by a certified check, a money order, an irrevocable letter of credit, or an increase in the irrevocable letter of credit that accompanied the application for use of HSTAIC, if such an irrevocable letter of credit was required (with the letter of credit or increase having an effective date 90 days after the animals' schedule release date from HSTAIC), for the amount specified in the cooperative-service agreement. If a $50,000 deposit was required as part of the application, that amount will be applied to the quarantine costs, and will be deducted from the balance due with the cooperative-service agreement. At the time the cooperative-service agreement is returned to the Import-Export Animals Staff, Veterinary Services, the effective date of such $50,000 irrevocable letter of credit must be revised to extend 90 days beyond the animals' scheduled release from HSTAIC. For importations requiring use of an embarkation quarantine facility, including site-specific blueprints and location, must be included when the cooperative-service agreement is returned to the Import-Export Animals Staff, Veterinary Services.

(1) An importer interested in animals ineligible for importation because officials in the exporting country or area will not allow the Animal and Plant Health Inspection Service to provide the services prescribed in the cooperative-service agreement, may, upon notification of this ineligibility from the Animal and Plant Health Inspection Service, propose to substitute animals available from another location. If this importer has not returned the signed cooperative-service agreement within the 30 days specified in the cooperative-service agreement, the Animal and Plant Health Inspection Service will return the importer's deposit. In that case, the applicant next in priority will be offered the exclusive right to use HSTAIC, in accordance with the procedures in this section.

(2) The importer may not abrogate his/her responsibility for costs incurred after the signing of the cooperative-service agreement, regardless of any occurrences that prevent the importation from proceeding as planned.

(3) The importer signing the cooperative-service agreement returned to the Animal and Plant Health Inspection Service is responsible for paying all costs, excluding capital expenditures at HSTAIC, incurred in qualifying the specified animals for importation through HSTAIC. A partial list of costs for which the importer must assume responsibility includes: expenses for sentinel animals in the United States, when required, and for tested animals prevented, for any reason, from moving from HSTAIC elsewhere within the United States; laboratory tests; medical treatment; official travel by Animal and Plant Health Inspection Service personnel, including per diem expenses in the country from which animals are being exported, when required; courier services to transport test samples to the Foreign Animal Disease Diagnostic Laboratory, when required; salaries of HSTAIC personnel; all supplies for animal care, maintenance, and testing during the quarantine and in the post-quarantine cleaning and disinfection of

[3] If the Secretary grants priority to an application from an agency of the United States Government, the Animal and Plant Health Inspection Service will publish a notice in the Federal Register prior to September 1 of the year preceding the proposed importation.

HSTAIC; utilities and overhead, including support staff, during the quarantine and post-quarantine cleanup.

(4) Capital expenditures at HSTAIC constitute the only costs for which the importer will not be held responsible.

(5) For costs incurred during any stage of the importation through HSTAIC—that is, costs not calculated into the amount collected from the importer in accordance with the cooperative-service agreement—the Animal and Plant Health Inspection Service will bill the importer at a later date. Payment will be due upon receipt of the bill.

(6) The Animal and Plant Health Inspection Service will return to the importer any part of the money remitted with the cooperative-service agreement set forth in paragraph (d) of this section that is not used to cover the non-capital costs of the importation through HSTAIC.

(d) *Cooperative-Service Agreement.* Each importer being granted the right to use HSTAIC must sign, and comply with, the cooperative-service agreement with the Animal and Plant Health Inspection Service. A sample cooperative-service agreement for importers other than agencies of the United States government is reproduced in this paragraph. (Agencies of the United States government being granted the right to use HSTAIC must enter into an interagency agreement with the Animal and Plant Health Inspection Service.) The amount of money the importer must advance, left blank in the following sample, will depend on figures unique to a particular importation. This amount will be specified in the cooperative-service agreement the importer receives.

Cooperative-Service Agreement Between (Name of Importer) and the United States Department of Agriculture, Animal and Plant Health Inspection Service

The importer, _____, wishes to qualify animals for importation into the United States. The United States Department of Agriculture, Animal and Plant Health Inspection Service, administers the Harry S Truman Animal Import Center (HSTAIC), a facility through which the importer may import animals into the United States.

To effect this importation, both parties agree to the following terms:

The importer agrees:

1. To have this cooperative-service agreement in the office of the Animal and Plant Health Inspection Service's Import-Export Animals Staff, Veterinary Services, within 30 days of the date of receipt, evidenced by the postal return-receipt.

2. To remit with this cooperative-service agreement a certified check, money order, irrevocable letter of credit, or increase in the irrevocable letter of credit that accompanied the application for use of HSTAIC, if such a letter of credit was required (with the letter of credit or increase having an effective date that extends 90 days beyond the animals' scheduled release from HSTAIC), payable to the United States Department of Agriculture, Animal and Plant Health Inspection Service, in the amount of $_____. (This amount represents the estimated cost (except capital expenditures at HSTAIC) of qualifying the animals for importation through HSTAIC, less, where appropriate, the $50,000 deposited with the application for the exclusive right to use HSTAIC.)

3. To revise the effective date of the irrevocable letter of credit submitted with the original application for the importation, if such an irrevocable letter of credit was required, to extend 90 days beyond the animals' scheduled date of release from HSTAIC, if the effective date of the irrevocable letter of credit does not extend 90 days beyond the animals' scheduled date of release from HSTAIC.

4. To limit to _____ the number of animals, species _____ transported to HSTAIC for an importation scheduled to begin on or about _____ and to end with the animals' release from HSTAIC, scheduled for _____.

5. To assume liability for all costs (except capital expenditures at HSTAIC) attributable to qualifying animals for and through quarantine in the embarkation quarantine facility (EQF), when quarantine in an EQF is required, and in HSTAIC for importation into the United States. (A partial list of these costs would include expenses for sentinel animals in the United States and for tested animals prevented, for any reason, from moving from HSTAIC elsewhere within the United States; laboratory tests; medical treatment; official travel by Animal and Plant Health Inspection Service personnel, including per diem expenses in the country from which the animals are being exported; courier services to transport test samples to the Foreign Animal Disease Diagnostic Laboratory; salaries of HSTAIC personnel; all supplies for animal care, maintenance, and testing during the quarantine and in the post-quarantine cleaning and disinfection of HSTAIC; utilities and overhead, including support staff, during the quarantine and post-quarantine cleanup.)

6. To obtain from foreign government officials authorizations granting Animal and Plant Health Inspection Service personnel free access to the EQF, when quarantine in an EQF is required, and permits for export.

7. To secure from animal carriers permission for Animal and Plant Health Inspection Service personnel to accompany the animals to the EQF, when quarantine in an EQF is required, and from the EQF to HSTAIC.

8. To maintain and operate the EQF, when quarantine in an EQF is required, in compliance with 9 CFR 92.42 of the Code of Federal Regulations.

9. To accept as final the findings of the Administrator, Animal and Plant Health Inspection Service, on the animals' eligibility to enter the EQF, when quarantine in an EQF is required, to enter HSTAIC, and to be released from HSTAIC.

10. To follow procedures prescribed by the Animal and Plant Health Inspection Service, appropriate to the disease and pest status of the quarantined animals. (When quarantine in an EQF is required, the presence in the EQF of even one animal either exposed to, or infected with, rinderpest, foot-and-mouth disease, hog cholera, African swine fever, swine vesicular disease, or certain other contagious, exotic diseases, automatically disqualifies all animals in the EQF from entering HSTAIC. The presence in HSTAIC of even one animal either exposed to, or infected with, one of the diseases referred to in this paragraph, automatically disqualifies all animals in HSTAIC from moving anywhere within the United States after the period in quarantine.)

11. To assume responsibility for disposal of quarantined animals that do not qualify to move into or within the United States. (In the case of animals disqualified while quarantined in HSTAIC, the Animal and Plant Health Inspection Service will stipulate the conditions under which the disqualified animals in HSTAIC must be destroyed. The importer must, within 10 days of notification from the Animal and Plant Health Inspection Service, remove from the EQF or HSTAIC, animals untreatable or treated for, but not cured of, a communicable disease other than foot-and-mouth disease or any of certain other exotic diseases. Animals removed from HSTAIC must be moved out of the United States or be destroyed under conditions stipulated by the Animal and Plant Health Inspection Service.)

12. To assume responsibility for all costs the Animal and Plant Health Inspection Service incurs during this importation, excluding capital expenditures at HSTAIC.

13. To pay, upon receipt, post-quarantine billings incurred during this importation, for costs exceeding the amount remitted with this cooperative-service agreement, or for costs exceeding the amount remitted with the cooperative-service agreement plus the initial $50,000 deposit, if such a deposit was required.

The Animal and Plant Health Inspection Service Agrees:

1. To provide the personnel required to perform inspections, laboratory procedures, and examinations, and to provide on-site supervision of the isolation, quarantine, care and handling of animals on premises of origin, in the EQF when quarantine in an EQF is required, and in HSTAIC.

2. To inform the importer of any quarantined animals in the EQF or in HSTAIC that fail to qualify for entry into the United States, and to inform the importer that he/she must assume responsibility for their disposal.

3. To finance capital expenditures at HSTAIC without charging the importer.

4. To account for all money disbursed from the amount remitted, and to provide the importer with a complete written accounting upon termination of this cooperative-service agreement.

5. To refund to the importer any part of the money remitted with this cooperative-service agreement that is not used to cover the non-

capital costs of the importation through HSTAIC.

Both parties agree:

1. That this cooperative-service agreement is effective upon signature by both parties.

2. That this cooperative-service agreement will not be signed by the Administrator if the Import-Export Animals Staff, Veterinary Services, Animal and Plant Health Inspection Service, has not received this signed cooperative-service agreement, including the specified remittance for the amount due, by 4:30 p.m. on the thirtieth calendar day after the date on the United States Postal Service's return receipt, evidencing its receipt by the importer.

3. That this cooperative-service agreement will not be signed by the Administrator if the cooperative-service agreement is not accompanied by the physical plans for the EQF, including its location and site-specific blueprints (except when quarantine in an EQF is not required).

4. That this cooperative-service agreement will be voided if the Administrator, Animal and Plant Health Inspection Service, determines that the importer has not completed arrangements with the responsible officials in the exporting country by 4:30 p.m. on the date 42 calendar-days after the importer's signing of this cooperative-service agreement.

5. That, if both parties agree, this cooperative-service agreement may be amended in writing.

6. That either party may terminate this cooperative-service agreement upon giving 30 days; written notice to the other party, but premature termination will not relieve the importer of responsibility for costs incurred, as provided in this cooperative-service agreement, nor will it relieve the Animal and Plant Health Inspection Service of responsibility for providing the importer with a complete written accounting of money disbursed from the amounts remitted.

7. That during the performance of this cooperative-service agreement, the importer agrees to be bound by the Equal Employment Opportunity and Nondiscrimination provisions set forth in Exhibit A and the Nonsegregation of Facilities provisions set forth in Exhibit B, which are attached to and made part of this cooperative-service agreement.

8. That no member of, or delegate to, Congress may participate in, or benefit from, this cooperative-service agreement.

Date Importer

Date Administrator
Animal and Plant Health Inspection Service,
United States Department of Agriculture

3. In § 92.42, the phrase "approved embarkation quarantine facility" is amended by revising the phrase to read "embarkation quarantine facility" wherever it appears.

4. In § 92.42, the introductory paragraph, and paragraphs (a)(2), (a)(4), (b)(1) (i) and (ii), and (b)(2)(iv) are revised to read as follows:

§ 92.42 Embarkation quarantine facility; criteria and standards for approval.

Criteria for the establishment of an embarkation quarantine facility outside the United States for the purpose of importing animals into the United States that are eligible for importation only through the Harry S Truman Animal Import Center are as follows:

(a) * * *

(2) To qualify for designation as an embarkation quarantine facility (EQF) for a specifically authorized importation, the facility must meet the requirements of paragraph (b) this section.

* * * * *

(4) The Animal and Plant Health Inspection Service requires that the importer submit the physical plans for the EQF for which he/she is requesting approval. The physical plans must include location of the facility and site-specific blueprints. The importer must send these physical plans, due with the cooperative-service agreement as provided in § 92.41(d) to the Import-Export Animals Staff, Veterinary Services, Animal and Plant Health Inspection Service, United States Department of Agriculture, Federal Building, 6505 Belcrest Road, Hyattsville, Maryland 20782. The Animal and Plant Health Inspection Service will, after reviewing the importer's physical plans and conducting an on-site inspection, approve an EQF found to meet the requirements of this section. Approval of an EQF will expire at the end of the specifically authorized quarantine. Subsequent importers granted use of HSTAIC and proposing to use one of the existing EQFs must apply for approval as if for a new facility. No more than one EQF will receive approval for a specific HSTAIC importation. If the EQF specified in the signed cooperative-service agreement, as provided in § 92.41(d), is not approved by the Animal and Plant Health Inspection Service, the importer may use an alternative EQF, provided it is approved by the Animal and Plant Health Inspection Service during the 42 days following the date the importer signs the cooperative-service agreement. If an EQF closes down or loses its "approved" status for any reason, the Animal and Plant Health Inspection Service may approve replacement following the method specified in this paragraph.

* * * * *

(b) *Standards for approval of embarkation quarantine facilities.* (1) *Location.* (i) The EQF must be in an area isolated from ruminants, swine, and poultry. It must be located near the point of embarkation: a dock, if the animals will travel by ocean vessel; an airport, if the animals will travel by plane.

(ii) The animals' route from EQF to the point of embarkation will be limited to areas free of ruminants, swine, and poultry.

* * * * *

(2) *Building.* * * *

(iv) Mesh double screens must protect all open areas, so that insects cannot gain access to the animal holding area. If the animals are removed from the double-screened building before export to the HSTAIC, or if the United States Department of Agriculture Veterinarian in Charge of the quarantine operation determines that insects capable of transmitting communicable animal diseases are entering the animal holding area, the Animal and Plant Health Inspection Service will require implementation of a program of insect vector control. This vector control program will involve treating animals, building interiors, and environs with United States Environmental Protection Agency-registered pesticides. The pesticides must be used in the manner prescribed on the United States Environmental Protection Agency-approved label, and in accordance with the requirements of the government of the country in which the EQF is located.

* * * * *

§ 92.42 [Amended]

5. In § 92.42, paragraph (b)(4) is redesignated as paragraph (b)(5) and new paragraph (b)(4) is added to read as follows:

(b) * * *

(4) *Feed.* The animal feed supply in the EQF must consist only of feed obtained from a country or area that is listed as free of foot-and-mouth disease (see § 94.1(a)(2) of this chapter) and any other exotic disease necessitating the quarantine or that could jeopardize the quarantine.

* * * * *

Done in Washington, DC, this 15th day of February 1990.

James W. Glosser,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 90-4100 Filed 2-22-90; 8:45 am]

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DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 271

[Docket No. RM82-32-002; Order No. 519]

Limitation on Incentive Prices for High-Cost Gas to Commodity Values

Issued February 12, 1990.

AGENCY: Federal Energy Regulatory Commission.

ACTION: Final rule.

SUMMARY: The Federal Energy Regulatory Commission (Commission) is revising 18 CFR part 271, in response to the court remand in *Williams Natural Gas Co.* v. *FERC*, 872 F.2d 438 (D.C. Cir. 1989), by terminating in part the incentive ceiling prices for first sales of high-cost gas under section 107(c)(5) of the Natural Gas Policy Act of 1978 (NGPA). This termination affects all tight formation gas where the well is spudded or recompleted after May 12, 1990, and all production enhancement gas where the production enhancement work is begun after that date. The Commission rejects the imposition of a commodity price cap on the incentive ceiling prices or retroactive changes in these prices, which were set at the lesser of the negotiated contract rate or 200% of the NPGA section 103 price for tight formation gas and up to the NGPA section 109 ceiling price for production enhancement gas. The Commission is taking this action after careful review and consideration of all the comments filed in this proceeding and of the developments in the natural gas industry that have occurred since those comments were filed.

EFFECTIVE DATE: This rule is effective March 26, 1990.

FOR FURTHER INFORMATION CONTACT: Merrill Hathaway, Office of the General Counsel, 202–357–8530.

SUPPLEMENTARY INFORMATION: In addition to publishing the full text of this document in the **Federal Register**, the Commission also provides all interested persons an opportunity to inspect or copy the contents of this document during normal business hours in Hearing Room A at the Commission's Headquarters, 825 North Capitol Street, NE., Washington, DC 20426.

The Commission Issuance Posting System (CIPS), an electronic bulletin board service, provides access to the texts of formal documents issued by the Commission. CIPS is available at no charge to the user and may be accessed using a personal computer with a modem by dialing (202) 357–8997. To access CIPS, set your communications software to use 300, 1200 or 2400 baud, full duplex, no parity, 8 data bits, and 1 stop bit. The full text of this final rule will be available on CIPS for 30 days from the date of issuance. The complete text of diskette in WordPerfect format may also be purchased from the Commission's copy contractor, La Dorn Systems Corporation, also located in Hearing Room A, 825 North Capitol Street, NE., Washington, DC 20426.

Before Commissioners: Martin L. Allday, Chairman; Charles A. Trabandt, Elizabeth Anne Moler and Jerry J. Langdon.

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I. Introduction

In response to the court remand in *Williams Natural Gas Co.* v. *FERC*, 872 F.2d 438 (D.C. Cir. 1989), the Federal Energy Regulatory Commission (Commission) is revising 18 CFR part 271 to terminate in part the incentive ceiling prices for first sales of high-cost gas under section 107(c)(5) of the Natural Gas Policy Act of 1978 (NGPA).[1] The termination affects all tight formation gas where the well is spudded or recompleted after May 12, 1990, and all production enhancement gas where the production enhancement work is begun after that date. The Commission rejects the imposition of a commodity price cap on the incentive ceiling prices or any retroactive change in these prices, which were set at the lesser of the negotiated contract rate or 200% of the NGPA section 103 ceiling price for tight formation gas and up to the NGPA section 109 ceiling price for production enhancement gas.[2] The Commission takes this action after careful review and consideration of all the comments filed in this proceeding and of developments in the natural gas industry that have occurred since those comments were filed.[3]

II. Background

A. Natural Gas Policy Act of 1978

In 1978 Congress enacted the NGPA in an attempt to solve the many problems that had been caused by the regulation of wellhead sales of natural gas pursuant to the Natural Gas Act (NGA).[4] The NGPA initially established price ceilings for all first sales but provided for phased partial decontrol which would leave the nation's wellhead markets for natural gas partly subject to price regulation and partly free from price regulation.

The NGPA generally incorporated existing pre-enactment price ceilings on "old" interstate gas. These price ceilings were allowed to escalate with inflation. As a production incentive, significantly higher prices were allowed for "new" gas. These new gas ceiling prices were also allowed to escalate with inflation. An additional increment was allowed as a production incentive for certain categories of gas, such as section 102 gas. Gas sold in the intrastate market under existing contracts was made subject to federal price ceilings for the first time, and gas produced from marginal wells (*i.e.*, stripper wells) was subject to a higher price ceiling that was set at a level that attempted to encourage continued production. In all,

[1] Natural Gas Policy Act of 1978, 15 U.S.C. 3301–3432 (1988).

[2] Order No. 99, "Regulations Covering High-Cost Natural Gas Produced from Tight Formations," 45 FR 56,034 (Aug. 22, 1980), FERC Stats. & Regs. [Regulations Preambles 1977–1981] ¶ 30,183 (Aug. 15, 1980) (*aff'd on appeal*, see note 10, *infra*.); Order No. 107, "High-Cost Natural Gas: Production Enhancement Procedures," 45 FR 77,421 (Nov. 24 1980), FERC Stats. & Regs. [Regulations Preambles 1977–1981] ¶ 30,210 (Nov. 13, 1980).

[3] These comments are listed and summarized in the Appendix.

[4] Natural Gas Act, Pub. L. No. 75–688, 52 Stat. 821, codified at 15 U.S.C. 717–717w (1988).

the NGPA established over 20 different wellhead ceiling prices for natural gas, ranging from $0.332 to $2.224 per MMBTU as of December 1978.[5]

To stimulate supply through the development of new and unconventional sources of gas, the NGPA also freed some natural gas from ceiling prices altogether. Effective November 1, 1979, ceiling prices were removed from all high-cost gas described in NGPA sections 107(c)(1)–(4), covering new wells completed to depths below 15,000 feet, gas produced from geopressured brine, occluded natural gas produced from coal seams, and gas produced from Devonian shale.[6] Effective January 1, 1985, and July 1, 1987, specific categories of new gas were decontrolled and no longer subject to price ceilings.[7]

In a further effort to stimulate supply through the development of other sources of gas, Congress also delegated to the Commission the authority to prescribe incentive prices, that would be higher than the otherwise applicable ceiling prices, for any wellhead sales of natural gas that the Commission determined to be high-cost, *i.e.*, produced under conditions presenting extraordinary risks or costs. The relevant statutory language reads as follows:

Section 107 Ceiling Price for High-Cost Natural Gas

* * * * *

(b) Commission Authority to Prescribe Higher Incentive Prices.—The Commission may, by rule or order, prescribe a maximum lawful price, applicable to any first sale of any high-cost natural gas, which exceeds the otherwise applicable maximum lawful price to the extent that such special price is necessary to provide reasonable incentives for the production of such high-cost natural gas.

(c) Definition of High-Cost Natural Gas.—For purposes of this section, the term "high-cost natural gas" means natural gas determined in accordance with section 503 to be—

* * * * *

(5) Produced under such other conditions as the Commission determines to present extraordinary risks or costs.[8]

B. Order Nos. 99 and 107

Soon after the NGPA was enacted, the Commission undertook a series of administrative steps designed to discharge its responsibilities under section 107(c)(5).[9] These steps culminated in the issuance of Order Nos. 99 and 107, that adopted final regulations establishing an incentive price for natural gas produced from tight formations and for production enhancement gas.

In Order No. 99, which was upheld in court,[10] the Commission recognized tight formation gas as natural gas produced under extraordinary risks or costs, as defined in NGPA section 107(c)(5). Tight formation gas is natural gas produced from geological formations of low permeability. Because of this low permeability, which impedes the flow of natural gas to the surface of a well, it is usually necessary for the producer to undertake certain enhanced production techniques to create fractures that can enhance the flow of gas. These techniques include such measures as hydraulic fracturing and explosive fracturing. Thus a typical producer of tight formation gas must incur not only the ordinary risks and costs of exploring for and developing a producing gas well, but also the additional risks and costs of enhanced production techniques, which are expensive and may be unsuccessful or only partly successful. If these techniques are successful, the result is typically a well that has high production potential for a very short period of time, followed by low (but steady) production potential for a long period of time, as compared to gas wells in historically lower-cost areas. The Commission was motivated in part to establish an incentive price for tight formation gas because of the very large reserves of such gas in the United States and the desirable characteristics of those reserves.[11]

The Commission allowed the higher incentive ceiling price to apply to any well drilled into a qualifying tight formation on or after July 16, 1979 and where recompletion work was begun into a tight formation on or after that date. In addition, in order to be authorized by law to collect up to the incentive price the producer had to have a contract covering the sale of such gas with a a price clause that establishes the price either by reference to the Commission's incentive price authority under NGPA section 107(c)(5) or by a fixed rate or a fixed escalator (changing the price of the gas by a specified amount on a specified date). Absent this negotiated contract price, a producer was not authorized to collect the incentive price, and was limited to the otherwise applicable ceiling price for wellhead sales under the NGPA.

A critical component of Order No. 99 was the selection of the mechanism to determine the incentive price itself. The Commission considered both producer cost and risk factors for tight formation gas and commodity measures of value for wellhead sales of natural gas, that in combination established a "zone of reasonableness" within which the Commission set a specific incentive ceiling price with an automatic adjustment.[12] The Commission chose to set the incentive ceiling price at 200% of the ceiling price for section 103(b)(1) gas under the NGPA. Therefore the incentive price could escalate with general inflation in the price level, in the same manner as the NGPA ceiling price for section 103(b)(1) gas. The incentive ceiling price for tight formation gas was $4.548 as of August, 1980.[13]

The Commission also established an incentive maximum lawful price under section 107(c)(5) for certain sections 104, 105 and 106 gas produced from wells on which production enhancement work has been performed.[14] The incentive

[5] 18 CFR 271.101 (1989). The minimum rate for gas was $0.203 per Mcf at this time.

[6] NGPA 121, 15 U.S.C. 3331 (1988); Incremental Price Rule Order No. 49, issued September 28, 1979 in Docket No. RM79–14, FERC Stats. & Regs. ¶ 30,085.

[7] Order No. 406, "Deregulation and Other Pricing Changes on January 1, 1985, under the Natural Gas Policy Act, 49 FR 46,874 (Nov. 29, 1984); FERC Stats. & Regs. [Regulations Preambles 1982–1985] ¶ 30,614 (Nov. 16, 1984); *reh'g* 49 FR 50,637 (Dec. 31, 1984), FERC Stats. & Regs. [Regulations Preambles 1982–1985] ¶ 30,622 (Dec. 21, 1984) and Order No. 476, "Natural Gas Policy Act; Deregulation and Other Pricing Changes on July 1, 1987," 52 Fed. Reg. 26,473 (July 15, 1987), FERC Stats. & Regs. ¶ 30,753 (July 1, 1987). *See FERC* v. *Martin Exploration Management Co.*, 108 S.Ct. 1765 (1988).

[8] 15 U.S.C. 3317 (1988).

[9] These steps included issuance of: Notice of Inquiry on June 13, 1979, in Docket No. RM79–44, 44 FR 34,511 (June 18, 1979); FERC Stats. & Regs. ¶ 35,502 (June 13, 1979); Notice of Proposed Rulemaking, High Cost Natural Gas Produced from Tight Formations, Docket No. RM79–76, 44 Fed. Reg. 52,253 (Sept. 7, 1979), FERC Stats. & Regs. [Proposed Regulations 1977–1981] ¶ 32,037; Interim Rule Covering High-Cost Natural Gas Produced from Tight Formations, Docket No. RM79–76, 45 FR 13414 (Feb. 28, 1980), FERC Stats. & Regs. [Regulations Preambles 1977–1981] ¶ 30,130: Order No. 99, *supra*; and Order No. 99–A, *reh'g denied*, 45 Fed. Reg. 71,563 (Oct. 29, 1980), FERC Stats. & Regs. [Regulations Preambles 1977–1981] ¶ 30,198.

[10] *Pennzoil Co.* v. *FERC*, 671 F.2d 119 (5th Cir. 1982).

[11] Order No. 99, FERC Stats. & Regs. [Regulations Preambles 1977–1981] at 31, 260; comments of Indicated Producers, Ex. B at 12.

[12] The Commission also determined that the incentive price needed for a significant supply response ranged from $3.50–$4.00 to $7.54. Order No. 99, FERC Stats. & Regs. [Regulations Preambles 1977–1981] at 31,268. The Commission rejected proposals to set the incentive price by a formula that would reference Btu-equivalent energy prices in the marketplace, such as the cost of imported crude oil or fuel oil or imported natural gas.

[13] This ceiling was over 11 times higher than the ceiling price of $0.400 for section 104 gas (certain Appalachian Basin gas—other contracts) as of the same date.

[14] High Cost Natural Gas: Production Enhancement Procedures, Order No. 107 (for

Continued

price that was established was the lesser of the section 109 ceiling price or the negotiated contract price.[15] The Commission established the incentive price to induce producers of low-priced old gas to perform production enhancement work to maintain or increase production from marginal wells. Because the Commission was concerned that the increase cost to purchasers would not exceed the price that they would have to pay for new supplies or alternative fuels, the Commission imposed a unit cost cap (equal to 200 percent of the section 103 price) on incremental production which had to be met before the producer was entitled to collect the section 109 ceiling price.

c. The Notice of Proposed Rulemaking

The Commission commenced the instant proceeding with a Notice of Proposed Rulemaking (NOPR).[16] There the Commission proposed to modify the incentive prices it had established by capping the incentive prices for tight formation gas and for production enhancement gas at an imputed commodity value calculated with respect to a reference fuel.

At that time, the Commission relied as the basis for the NOPR on general events in the Nation's energy markets, which it characterized as marked by declining prices and demand in a stagnant economy, and on developments in the natural gas markets:

> Currently, as a general matter, demand for natural gas at the end user level is falling, while gas prices have only slowly and reluctantly responded to the decreased demand. The pricing provisions of conventional gas purchase contracts do not permit downward pricing flexibility and market forces have not restrained producers from receiving the full ceiling prices established for high-cost gas under section 107(c)(5) and from receiving even higher prices for deregulated gas. At the same time, the delivered price for gas in many areas is now higher than the delivered price of competing fuels, and many distributors and pipelines claim to have lost industrial customers who can switch to cheaper No. 6 fuel oil. The result is still higher prices to residential and other customers who remain, since the transmission and distribution fixed costs are spread among fewer customers.
>
> It is apparent, therefore, that the average price for gas has reached or exceeded market-clearing levels in some U.S. gas markets. It is also clear that the Commission must now consider whether its own decisions in setting incentive ceilings under NGPA section 107(c)(5) are exacerbating the current gas pricing problems. The Commission believes that a ceiling price in excess of the commodity value of gas, as measured by reference to the prices of competing fuels, is contrary to the public interest * * *[17]

The Commission focused on the question of which methodology should be used to compute the commodity value cap. The Commission stated its tentative preference for a cap based on No. 6 rather than No. 2 fuel oil prices:

> While No. 2 fuel oil may be the primary fuel other than natural gas used by residential and commercial consumers, their consumption represents only 40 percent of the total natural gas demand. Approximately 60 percent of the natural gas market is consumed by industrial or electric utilities, the vast majority of which would, or could, rely on No. 6 residual fuel oil as an alternative fuel. Consumers who burn No. 6 fuel oil are more representative of the alternative fuel market because of their dual burning capability; that is, they have the facilities to easily switch from burning one fuel to another. Moreover, consumers who are capable of burning No. 6 fuel oil are likely to abandon the use of natural gas if the price increases, or to consume additional gas if a more plentiful supply reduces the price. Thus, it is more appropriate to establish a "cap" based on the price of No. 6 fuel oil, as it reflects the value of the alternative fuel used by the marginal gas consumers.[18]

The No. 6 cap was based on the Btu-equivalent delivered price for that fuel to electric utility facilities, adjusted for imputed gas transportation and distribution costs. This cap for February 1983 would have been: $4.69 minus $1.19 equals $3.50 per MMBtu. The No. 2 cap was based on the Btu-equivalent of that fuel sold to residential users adjusted for imputed gas transportation and distribution costs. This cap for February 1983 would have been: $8.37 minus $3.14 equals $5.23 per MMBtu. The crude oil cap was based on 70 percent of the Btu-equivalent refiner acquisition cost. This cap for February 1983 would have been: 0.7 multiplied by $5.43 equals $3.80 per MMBtu. These caps compare to a February 1983 incentive price for section 107(c)(5) gas of $5.464.[19]

The Commission proposed to apply the price cap to incentive prices for all tight formation gas the surface drilling of which commenced after the date of publication of the NOPR in the **Federal Register**, or February 22, 1983. The Commission also proposed to apply the cap to recompletion tight formation gas from wells completed for production after that date, and for all gas produced from wells on which production enhancement work commenced after that date.[20] Alternatively, the Commission proposed to apply the price cap to all sales of section 107(c)(5) gas, regardless of when the wells were drilled or recompletion work was done.[21] The Commission requested comments on "any impacts such a[n alternative] rule would have on production under existing contracts for high-cost gas which may have been premised on receipt of a higher price."[22]

D. The Termination Order and the Williams Case

The Commission terminated the NOPR in 1986 in Order No. 459 and denied rehearing in Order No. 459–A in 1988.[23] In Order No. 459, the Commission briefly reviewed the major comments in the rulemaking[24] and noted that the NOPR "may be no longer relevant to current conditions in the natural gas market."[25] On rehearing, a number of pipelines argued that in terminating the rulemaking in this manner the Commission had not met the procedural standards established in case law and sought the imposition of a commodity value cap on the section 107(c)(5) incentive price for tight formation gas, as proposed in the NOPR. The pipelines argued that the incentive

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Section 105 gas), 45 FR 77,421 (Nov. 24, 1980), FERC Stats. & Regs. [Regulations Preambles 1977–1981] ¶ 30,210; High-Cost Natural Gas; Production Enhancement Procedures, Order No. 107–A, (for sections 104 and 106 gas), 48 FR 45,097 (Oct. 3, 1983), FERC Stats. and Regs. [Regulations Preambles 1982–1985] ¶ 30,497 (Sept. 26, 1983).

[15] The section 109 ceiling price was $1.929 per MMBtu when Order No. 107 was issued. By January 1990, the section 109 ceiling price had escalated to $2.909 per MMBtu.

[16] 48 Fed. Reg. 7469 (Feb. 22, 1983); FERC Stats. & Regs. [Proposed Regulations 1982–1987] ¶ 32,294 (Feb. 10, 1983).

[17] NOPR, FERC Stats. & Regs. [Proposed Regulations 1982–1987] at 32,497 (footnotes omitted).

[18] NOPR, FERC Stats. & Regs. [Proposed Regulations 1982–1987] at 32,498 (footnotes omitted).

[19] *Id.* Comments were invited on alternative methodologies to compute the proposed price cap. The cap prices were based on three-month rolling averages of data compiled and published monthly by the Energy Information Administration, U.S. Dept. of Energy (EIA). Comments were invited on whether adjustments ought to be provided to adjust for this lag time.

[20] The Commission also stated that it would apply any commodity price cap to any incentive price subsequently adopted for intermediate deep gas and for deep water gas, the subject of then-ongoing rulemakings. Since those rulemakings were subsequently terminated without adoption of the proposed incentive prices, and those terminations are final as a matter of law, this wider application of the price cap is now moot.

[21] The NOPR was silent as to when such a rule, if adopted would become effective.

[22] NOPR, FERC Stats. & Regs. [Proposed Regulations 1982–1987] at 32,501.

[23] Basket Termination Order, Order No. 459, 51 Fed. Reg. 44,634 (December 11, 1986), FERC Stats. & Regs. [Proposed Regulations 1982–1987] ¶ 32,432, *reh'g denied*, Order No. 459–A, 42 FERC ¶ 61,146 (Feb. 3, 1988).

[24] These comments are summarized in detail in the Appendix to this final rule.

[25] Order No. 459, FERC Stats. & Regs. [Proposed Regulations 1982–1987] at 33,328.

ceiling price was unreasonably high and the Commission was required by law to cap the incentive price at a comparable commodity value.

In order No. 459–A, the Commission concluded once again that changes in the natural gas industry supported its decision to terminate the rulemaking.[26] The Commission noted its policies to promote "an increased reliance on competitive market forces to establish the prices and production of natural gas," and that these policies were helping to establish competitive prices in the natural gas markets.[27] The Commission noted the ability of parties to contracts for high-cost gas to renegotiate an appropriate price below the incentive price (if the contract did not contain market-responsive price adjustment or market-out clauses). Because the Commission believed that the market was acting to limit section 107(c)(5) gas prices to competitive levels, it was "not necessary to establish an artificial cap on incentive gas prices at this time." [28]

The Commission's decision was challenged in court by pipelines arguing that the Commission's termination of the NOPR was unlawful and that the NGPA and Order No. 99 prohibited the Commission from retaining the incentive price for tight formation gas sold after January 1, 1985, unless additional findings in support of the incentive price were made. While the court did not agree with the latter argument, the court concluded that the Commission had failed to justify its termination of the NOPR and remanded the proceeding back to the Commission for further consideration.[29]

The court stated in its opinon:

> The original NOPR in no way bound the agency to promulgate a final rule if further reflection, or changed circumstances, convinced the Commission that no regulatory change was warranted. Issuance of the NOPR did, however, oblige the agency to consider the comments it received and to articulate a reasoned explanation for its decision. We do not believe that the Commission has met these requirements.[30]

The court went on to state that the Commission must provide a "satisfactory explanation" for any termination of the docket, in which it retained "wide discretion on remand."[31] The court emphasized that even if a change in the incentive price rule were found to be appropriate, the "Commission may now believe that retroactive application of any change in the incentive ceiling is undesirable (or impermissable)."[32]

III. Final Rule

A. Termination of the Incentive Price

The Commission has decided to terminate the incentive ceiling price for sales of tight formation natural gas produced from wells spudded or recompleted after May 12, 1990, and for sales of production enhancement gas where the production enhancement work is begun after that date. This decision is based on a number of factors, which together confirm that maintenance of the incentive ceiling price for sales of new supplies of such gas is no longer necessary to provide reasonable incentives for the production of the gas.

As a result of the dynamics of the natural gas markets and regulation under the NGPA in the 1980's, the details of which have been chronicled elsewhere,[33] most natural gas has been decontrolled or is being sold at levels beneath the applicable ceiling price. We conclude that in these circumstances the incentive ceiling prices for section 107(c)(5), gas have become increasingly irrelevant in stimulating new supplies of this gas. Therefore, continuation of the incentive ceiling price is no longer necessary to stimulate new production of this gas, and for such supplies, commitment of new money by producers in reliance on the incentive ceiling price is no longer in the public interest.

The incentive ceiling prices are no longer able to stimulate the production of new supplies of gas because the competitive natural gas market can no longer sustain the above-market prices provided for in the incentive price rule. The rule did, however, achieve its objective of a quick supply response immediately after its passage because of the vintage gas pricing system then in place.

The passage of the Natural Gas Wellhead Decontrol Act of 1989,[34] also supports termination of the incentive ceiling price for new supplies of gas. Under this Act, all remaining wellhead price controls on natural gas are being phased out by January 1, 1993. However, gas sold under certain contracts has already been deregulated, and gas from newly spudded wells will be deregulated on May 15, 1991. The resulting free market for natural gas at the wellhead will require gas producers to compete for markets without the benefits or burdens of ceiling prices. In this transitional period to a fully competitive wellhead market, it is not in the public interest for producers to develop additional supplies of gas in reliance on the incentive price rule.

The Commission has decided not to terminate the incentive price for tight formation natural gas sold from wells spudded or recompleted by producers on or before May 12, 1990, or for enhanced production gas where the production enhancement work was begun on or before that date. These producers relied on the continued application of the incentive price to sales of gas from these wells, and in the Commission's judgment, it would be unfair to them and disruptive to ongoing adjustments to current market conditions to eliminate the incentive ceiling prices for sales of gas from wells already spudded, recompleted or reworked. Similarly, the Commission will not remove the incentive ceiling prices for past deliveries of natural gas. Such an action would penalize producers who had relied on the incentive price rule in good faith and would upset completed financial transactions, settlements between pipelines and producers and federal income tax credits already received.

The Commission has decided not to adopt the NOPR's proposal of capping the incentive ceiling prices based on the prices of alternate fuels, such as fuel oil or crude oil. Order Nos. 99 and 107 set the incentive ceiling prices by reference to the NGPA sections 103 and 109 ceiling prices. In order to accomplish the statutory objective and to be effective these incentive ceiling prices must be above the otherwise applicable ceiling prices and above the average wellhead price for natural gas. After further reflection, the Commission has concluded that no specific commodity price cap will work and that the reasoning of the NOPR in support of such a cap is not supported by facts in the record and in the public domain.

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[26] The changes specifically mentioned by the Commission in Order No. 459–A included "the promulgation of a comprehensive transportation program in Order Nos. 436 and 500, revision of the maximum lawful prices for natural gas under sections 104 and 106 of the NGPA in Order No. 451, and the partial deregulation of natural gas prices in January 1985 and July 1987 * * *" Order No. 459–A, 42 FERC at 61,561.

[27] *Id.*

[28] *Id.*

[29] *Williams Natural Gas Co.* v. *FERC* 872 F.2d 438 (D.C. Cir. 1989). The Court expressly considered and rejected as inadequate each reason advanced in support of the termination of the NOPR in Order Nos. 459 and 459–A. *Id.* at 446–450.

[30] *Id.* at 450.

[31] *Id.*

[32] *Id.* at 451, note 11.

[33] *See generally* Pierce, Reconstituting the Natural Gas Industry from Wellhead to Burnertip, 9 Energy L.J. 1 (1988).

[34] Pub. L. No. 101–60, July 26, 1989, 103 Stat. 157 (1989). The legislative history of the Wellhead Decontrol Act of 1989 is set forth in: H.R. Rep. Nos. 29, 100, 101st Cong., 1st Sess. (1989); S. Rep. No. 38, 101st Cong., 1st Sess. (1989).

The Commission concludes that given the dramatic declines in price of high-cost gas in recent years, high-cost gas producers have shared with pipelines and consumers the burden of adjusting the contract prices for this gas to current market conditions. Attempting to place the entire burden of adjustment on producers is neither required by law nor in the public interest of maintaining a healthy natural gas industry.

1. Developments in Energy Markets and Gas Regulation

a. *World Energy Prices.* The prices of energy in the world market have been quite volatile since passage of the NGPA in 1978 and issuance of Order No. 99 in 1980. Given the dramatic rise in world energy prices in the 1970's, many believed that these prices would continue to rise in the 1980's. While those prices did rise early in the decade, since then they have fallen significantly. These trends are best illustrated by examining prices for imported crude oil and natural gas.

In 1973, domestic refiners' average acquisition cost for imported crude oil stood at $4.08 per barrel.[35] This price rose to $14.57 by 1978 and $33.89 by 1980. The price continued to rise until it peaked at $37.05 in 1981. Thereafter the price gradually declined until 1986, hitting a low of $14.00 in that year. Since then the price has risen somewhat, but remained at only $14.64 in 1988. In current dollars this was approximately the same price level as in 1978, but when adjusted for the general inflation in the economy that has occurred since 1978, it is clear that world crude prices have declined significantly since that time.

Prices for imported natural gas have followed a similar pattern. The average price for imported natural gas was $0.35 per Mcf in 1973. By 1978 this price had risen to $2.13.[36] By 1980 this price had doubled to $4.28 and then peaked at $5.03 in 1982. Thereafter this price declined at an accelerating rate through 1985–86 and continued to decline until the price stood at only $1.94 in 1987. The 1987 price was significantly lower than the 1978 price in current dollars and much lower when adjusted for inflation.

While the wellhead prices of domestic natural gas remained subject in part to price ceilings under the NGPA that distorted the wellhead market for gas in the U.S., the market has prevented domestic producers from collecting prices at or near the NGPA ceiling levels (including the incentive ceiling price for tight formation gas).

b. *Domestic Wellhead Gas Prices and Supplies Under the NGPA.* Since 1978, gas producers have responded to the NGPA incentive prices by making more gas available for delivery to the market. Demand for gas did not increase as many believed, and market prices for most gas at the wellhead fell below the ceiling prices. The result was a supply surplus of natural gas, characterized by an ability (and willingness) of producers to deliver more natural gas than was needed by consumers. In addition, on January 1, 1985, and July 1, 1987, wellhead ceiling prices were removed for most "new" natural gas and some "old" intrastate gas pursuant to the decontrol provisions of the NGPA. The remaining ceiling prices continued to escalate with inflation, and, in some cases, with the additional production incentives allowed by the NGPA. Consequently, most of the NGPA ceiling prices have become increasingly disengaged from the market and no longer serve to constrain producer prices, which are limited now largely by the supply and demand of the marketplace and not by government price controls.[37] At the same time the supply of old gas, whose price had been kept artificially low, declined sharply. Given these developments it would be unrealistic to expect new supplies of tight formation gas to be developed in reliance on the incentive ceiling price.

In 1982 the deliverability surplus of natural gas at the wellhead was about 1.5 Tcf, or 8.3 percent of total deliverability. By 1983, this surplus had grown to 4 Tcf, about 20 percent of total deliverability. The surplus increased further to 19.5 percent in 1986.[38] Prices at the wellhead declined correspondingly with this growing surplus.

In considering proposals to amend the NGPA, Congress directed specific questions to the Department of Energy's Energy Information Administration (EIA) concerning the state of the natural gas markets and the effects of the NGPA wellhead price controls in these markets. Congress considered EIA's response to those questions and the data supplied in enacting the Natural Gas Wellhead Decontrol Act of 1989. The Commission has reviewed the EIA data in this rulemaking in making the following analysis.

As demonstrated by the EIA data, the average wellhead price for domestic gas sold in the interstate market and subject to NGPA ceiling prices stood at the same level in 1988 as in 1981, $1.82 per Mcf, falling from a high of $2.63 in 1984. In constant dollars terms (*i.e.*, adjusted for inflation), the average wellhead price fell by 23% during this time period.[39] The average wellhead price for decontrolled gas sold into the interstate market fell from a high of $7.83 in 1982 to $2.47 in 1988. The average wellhead price of gas sold on the spot market declined from $2.92 in 1984 to $1.60 in 1988. Finally, the average wellhead price for all domestic gas declined from $1.98 in 1981 to $1.71 in 1988.[40]

EIA data show that all categories of natural gas under the NGPA have been selling below their ceiling prices, with the exception of certain subcategories of section 104 and 106 gas.[41] The difference between average selling prices and ceiling prices has increased significantly since 1985. For example, July 1987 ceiling prices (per Mcf) and average wellhead prices in 1987 for old gas, new gas and tight formation gas have been:

NGPA category	Ceiling price	Average well-head price
Section 104: Old interstate post-'74	$2.65	$2.15
Section 102	4.60	2.38
Section 103	3.20	2.79
Section 107(c)(5): Tight Formation [42]	6.40	3.18

[35] The source for the figures in this paragraph is: Energy Information Administration, U.S. Dept. of Energy, Pub. No. DOE-EIA-0035 (89/06), Monthly Energy Review 101, Table 9.1 (June 1989).

[36] DOE/EIA-0384, Annual Energy Review 169, Table 74 (1988).

[37] An EIA study indicates that market-out clauses apply to about 64% of gas flowing under contracts dated after 1982 DOE/EIA-0505. An Analysis of Natural Gas Contracts, Volume III: Contract Provisions Covering Production of New Gas 52 (May 1987).

[38] Executive Enterprises Publications Co., Inc., The 1988 Natural Gas Yearbook, Figure XI.

[39] H.R. Rep. No. 29 at 11–12, 15, Table 2 (Response of EIA to Subcommittee on Energy and Power, Committee on Energy and Commerce).

[40] *Id.*

[41] *Id.* at 12, 16, Table 3. The figures in this paragraph express the ceiling prices in MMBtu and the selling prices in Mcf. EIA states that the difference between the two measures is less than 3% for dry gas.

[42] The average sales price for section 107(c)(5) gas fell from $4.68 per Mcf in 1984 to $3.18 in 1987, a decline of 32%. *Id.* The volume of this gas still subject to the incentive ceiling price has increased modestly (despite sharply higher production of gas from tight formations) due to the phased NGPA decontrol in 1985 and 1987. *See* Order No. 406, Deregulation and Other Pricing Changes on January 1, 1985, under the Natural Gas Policy Act, 49 Fed. Reg. 46,874 (Nov. 29, 1984); FERC Stats. & Regs. [Regulations Preambles 1982–1985] ¶ 30,614 (Nov. 16, 1984), *reh'g*, Order No. 406–A, 49 Fed. Reg. 50,637 (Dec. 31, 1985), FERC Stats. & Regs. [Regulations Preambles 1982–1985] ¶ 30.622 (Dec. 21, 1984), *aff'd, sub nom. FERC* v. *Martin Exploration Management Co.*, 108 S. Ct. 1765 (1988) (tight formation gas that otherwise qualifies for decontrol is no longer subject to any ceiling price). The volume of tight formation gas still subject to the NGPA section 107(c)(5) ceiling price (and *not* otherwise decontrolled) was 187 Bcf in 1987, about 1% of domestic natural gas production. *See* III.C.4 *infra.*

As the EIA data further show, analyzing volumes of controlled gas, decontrolled gas, and gas still controlled but selling below its ceiling price, leads to the conclusion that during the 1980's at the wellhead most domestic natural gas was decontrolled or sold at prices below ceiling levels. In 1984, the only decontrolled gas was section 107(c)(1)–(4) gas, and the volume equalled only 0.95 Tcf, 5.4% of total U.S. supply (excluding Canadian imports).[43] The majority of new gas and some intrastate gas was decontrolled under the NGPA in 1985, at which time the volume of decontrolled gas grew to 8.10 Tcf, approximately 50% of total U.S. production. After the final state of NGPA wellhead price decontrol went into effect in 1987, this volume increased further to 10.13 Tcf in 1988, representing 61% of total U.S. production. Gas volumes still subject to price ceilings but selling at prices substantially below ceiling prices increased from 0.50 Tcf in 1981 to 5.51 Tcf in 1988.[44] When these volumes are added to volumes of gas that were decontrolled and released (including gas sold on the spot market), the volume of lower 48 gas at the wellhead that was either decontrolled or sold at levels below ceiling prices rose from 1.39 Tcf in 1981 to 15.64 Tcf in 1988, an increase from a 7% to a 94% share of total U.S. production.

The volume of old gas available to support the price of high-cost has declined significantly in recent years, so that the natural gas markets are no longer able to accommodate additional supplies of this gas priced at or near the incentive ceiling price level. This old gas decline is primarily due to the progressive exhaustion of old gas supplies. For example, EIA data indicate that in the interstate market the volume of old gas sold in 1988 was 1.67 Tcf, a decline of 72% from the 6.00 Tcf of old gas sold in this market in 1981. The volume of old gas represented 56% of the gas sold in interstate and carriage/spot markets in 1981, but this percentage had declined to only 13% by 1988.[45]

Thus, under the NGPA and Wellhead Decontrol Act scheme, the natural gas market is moving away from a regime where large supplies of artificially low-priced gas may be available to support the production of significant supplies of new and high-cost gas, toward a system where natural gas commands at the wellhead prices related to its market value and unrelated to its specific source (*i.e.*, NGPA category). This trend has been demonstrated in the gradual convergence of natural gas prices at the wellhead during this decade. The average price paid at the wellhead for all section 107 gas has declined from $6.25 per Mcf in 1983 to $2.61 in 1988, a decline of 58%.[46] During the same period new gas declined in average price at the wellhead from $3.43 to $2.41.[47] Thus section 107 gas is now being sold at a level only slightly above that being paid for new gas, in contrast to earlier in the decade, when the price difference between these two NGPA categories was much greater. Similarly, both the section 107 average wellhead price and the average new gas price are now much closer to the average price at which gas is sold at the wellhead. The average wellhead price for natural gas sold in the United States was $2.59 in 1983 and declined 35% to $1.69 in 1988.[48] Thus while section 107 gas, for example, commanded a premium of 141% in 1983 over average gas prices, this premium declined to only 54% in 1988.

The supply response of tight formation gas producers has slowed in recent years, in response to the declining of the old gas supplies and declining market prices for natural gas. Producers have increasingly recognized that the marketplace can no longer afford additional supplies of tight formation gas which require above-market prices to be economically produced. Thus, while the production from tight formation wells first beginning production averaged 210 Bcf per year from 1980 to 1985, for 1986 and 1087 this new well production increment has averaged only 121 Bcf per year. While the number of these wells beginning production each year averaged 6,233 from 1980 through 1985, for 1986 and 1987 these new tight formation wells averaged only 3,713 per year.[49]

Pipelines and other purchasers therefore no longer have the ability to roll in additional supplies of high-cost gas (at significantly above average prices) with new and old gas and still maintain a competitive weighted average cost of gas and reasonable charges for gas when these costs are passed through to end-use markets. Because any incentive ceiling price for section 107(c)(5) gas must be above the otherwise applicable NGPA ceiling prices, and those ceiling prices (for new gas) are themselves above the current market levels (as measured by average wellhead prices), the competitive gas markets are no longer able to support incentive prices for new supplies of high cost gas.

c. *Regulatory Developments.* During the 1980's the Commission took several steps that attempted to foster competition in the natural gas industry. These steps have had the effect of increasing gas-on-gas competition in end-use markets, increasing the transportation of gas owned by third parties, and increasing producer access to transportation services. These developments helped increase competition at the wellhead.

For instance, the Commission's open-access transportation program requires that pipelines that accept blanket certificates of public convenience and necessity under NGA section 7 or that provide transportation service under NGPA section 311 must transport natural gas for third parties on a nondiscriminatory basis. This program has altered for many pipelines the traditional role of merchants of gas to transporters of gas, has helped to increase the competitive market for gas, has stimulated the growth of third-party gas marketers and brokers that match buyers and sellers, and has assisted producers in selling gas in the marketplace that might otherwise have been shut-in. Twenty-two of the 23 major interstate pipelines have accepted blanket certificates and become open access transporters. Over 90 percent of the natural gas moved through the nation's interstate pipelines now moves through open-access pipelines. In 1984, the last full year prior to adoption of Order No. 436, eight percent of market deliveries were transportation gas, *i.e.*, gas transported by interstate pipelines for third parties as opposed to gas bought and sold by these pipelines. By 1988, transportation gas had increased to 63 percent of gas delivered.[50] As a result, gas markets in the U.S. have become more competitive, and the markets will no longer support development of new supplies of gas that attempt to rely on above-market prices. For this reason also, retention of the incentive ceiling price for new supplies of tight formation gas or for enhanced production gas is not in the public interest, as it is apparent that the marketplace is solving the problem of high-cost contracts.[51]

[43] H.R. Rep. No. 29 at 13, 17, Table 4.

[44] *Id.* at 13–14, 19, Table 7.

[45] H.R. Rep No. 29 at 15, Table 1.

[46] DOE/EIA–0130 (89/08), Natural Gas Monthly 42, Table 5 (Aug. 1989).

[47] *Id.* at 41, Table 5.

[48] *Id.* at 38, Table 4. Compare the trend in the wellhead price of old gas, which was sold at an average price of $1.40 in 1983 and had increased to an average price of $1.49 in 1988. *Id.* at 40., Table 5.

[49] DOE/EIA–0130 (89/09), Natural Gas Monthly 8, Table FE3 (Sep. 1989).

[50] S. Rep. No. 38 at 6.

[51] See the discussion in section III.A.1.b. *infra.*

2. The Incentive Ceiling Price Has Achieved Its Objective

The incentive ceiling price has achieved its original objective of stimulating a quick supply response for tight formation gas. The number of gas wells producing this gas increased from 5,351 in 1980 (when the incentive price rule was adopted) to 45,178 in 1987, an increase of over 700%.[52] Production of this gas likewise skyrocketed after adoption of the rule, rising from 211 Bcf in 1980 to 1,413 Bcf in 1987, an increase of over 500%. The number of new tight formation wells increased from 4,294 wells beginning production in 1980 to 7,639 wells beginning production in 1982, an increase of 78%. Production of tight formation gas thus has grown in this decade, in contrast to average domestic production, which has remained relatively constant.[53]

3. The Wellhead Decontrol Act Favors Termination of the Incentive Price

Passage of the Natural Gas Wellhead Decontrol Act of 1989 also supports termination of the incentive ceiling prices for new supplies of gas. In this Act, Congress amended the NGPA and mandated that all wellhead price controls be phased out in the next several years. On January 1, 1993, Title I of the NGPA, which contains all the wellhead pricing provisions (including the authorization for the incentive price rule), will be repealed.

The phased decontrol of wellhead pricing under the Act works as follows. Effective on the Act's date of enactment, there were no more wellhead price controls for any natural gas whose preexisting first sales contract expires or is terminated, for any natural gas sold under certain renegotiated contracts, and for any natural gas not subject to a first sale contract as of that date.[54] Wellhead sales of natural gas from wells spudded after July 26, 1989, subject to contracts on July 26, 1989, will no longer be subject to price controls as of May 15, 1991.[55] And all wellhead sales of natural gas, including sales of old gas that would have remained indefinitely under price controls under the NGPA as it was originally enacted, will be free from price controls as of January 1, 1993.[56]

As the legislative history of the Wellhead Decontrol Act makes clear, Congress recognized that continuing the elaborate system of vintages and categories of wellhead price controls in the NGPA was not in the public interest. Congress in 1978 had been intent on ending the natural gas shortages of the 1970's by giving incentives to new and high-cost gas production. But the regulatory pricing scheme distorted the marketplace, by encouraging development of higher cost sources of production than may have been developed in a free market. Consumer interests were not fostered by the remaining price controls, since they affected only a small and declining portion of the market and certain gas could receive above-market prices as new and decontrolled gas.[57] In this competitive market environment, the escalating price ceilings of the NGPA have become increasingly irrelevant.

Congress therefore concluded that it was in the national interest to move away from the partly regulated environment of the NGPA to a wellhead market for natural gas that is completely free from price controls. In this market, all gas will compete on the basis of its own value, and supply and demand will play a greater role in determining whether producers develop whatever gas will be the least expensive in cost to produce and the most valuable to sell, but only that gas that the market needs.[58] As the phased decontrol of the Act takes effect, therefore, all natural gas will increasingly have to compete without the benefits (or burdens) of price controls.

In this transition period until the repeal of all wellhead price controls, therefore, it is no longer necessary to maintain the incentive prices for new supplies of section 107(c)(5) gas. Given the long lead times to develop and produce this gas and the current state of the gas markets, as discussed above, it is not in the public interest for any producer to make new investments in producing high-cost gas in reliance on the incentive price rule.

B. It Is Inappropriate To Apply the Rule Change to Gas From Existing Wells or to Prior Deliveries

The Commission has determined to retain the existing incentive prices for section 107(c)(5) gas for wells which have been spudded, recompleted or reworked prior to and or before May 12, 1990 because of the reliance that producers of this gas have placed on the continuation of the incentive ceiling price, as shown in their comments in this proceeding. The Commission has decided not to adopt its proposal to apply any change in the incentive price rule to gas from all wells spudded, recompleted or reworked after February 22, 1983. The Commission has also decided not to adopt the alternative considered in the NOPR, of applying any change in the incentive ceiling price to all future sales of section 107(c)(5) gas. The Commission did not propose that any rule change be applied to prior deliveries of gas, which has been requested by Williams Natural Gas Co.

All of these rulemaking proposals would have a high potential for penalizing producers who have made substantial long-term financial commitments to develop section 107(c)(5) gas in reliance on the incentive price rule. Continuation of the incentive ceiling prices for tight formation gas has served (and will continue to serve) as a basis for settlements between high-cost gas producers and purchasers seeking to adjust their contractual arrangements to changing market conditions, and as a basis for federal income tax credits.[59] The Commission does not wish to take any action to undo existing settlements, to jeopardize future settlements, or to frustrate federal tax incentives adopted by Congress.[60] Receipts from sales of section 107(c)(5) gas are disbursed by producers to pay expenses, royalties, dividends and partnership distributions, severance and other taxes, as well as being invested in exploration and additional development of gas reserves. Moreover, there does not appear to be any public interest need to remove the incentive price for gas already developed, given the sharp downturn in price experienced by section 107(c)(5) gas in response to competitive market conditions.[61] The Commission is also sensitive to the need to maintain as much stability and predictability as possible in its incentive pricing policy, in order not to undercut the very benefit adoption of the incentive price rule sought to achieve: A supply response by high-cost gas producers.[62]

[52] Natural Gas Monthly 8, Table FE3 (Sep. 1989).

[53] The data in this paragraph for tight formation gas includes all lower 48 wells qualifying as NGPA section 107(c)(5) tight formation wells, even if the wells also qualified under other NGPA categories (as most wells did so qualify). *id.*; Indicated Producers Comments, Ex. B at 12.

[54] NGPA section 121(f)(1)–(3), 15 U.S.C. 3331.

[55] NGPA section 121(f)(4).

[56] Wellhead Decontrol Act, section 2(b).

[57] The EIA estimated that only about 8% of the nation's total supply of natural gas consists of old gas, and most gas still subject to price ceilings sells at far less than the applicable ceilings due to competitive market conditions. H.R. Rep. No. 29 at 3–4.

[58] H.R. Rep. No. 29 at 6–7, S. Rep. No. 38 at 10–11.

[59] See Appendix II.D.

[60] The importance of these settlements in the take-or-pay context is discussed at length in Order No. 500–H, *supra*.

[61] See discussion in section III.A.1.b, *infra*.

[62] The Commission does not believe that the proposal of some commenters, to apply the incentive price rule change to all flowing gas but to allow producers adversely affected to petition for

Continued

As discussed above, the incentive price rule has played a role in stimulating producers to develop tight formation gas more quickly than would have occurred absent the rule and to continue that development. This supply response has made an important contribution to the nation's gas supply needs.

By the incentive price rule (which contained no provision for future price reductions or termination for flowing gas), the Commission struck a regulatory "bargain" with high-cost gas producers. If they developed additional supplies of section 107(c)(5) gas, the producers would not be prohibited by law from collecting up to the incentive ceiling price for the gas so developed. It would not be conducive to future positive reactions by the natural gas industry to government incentives, now by Commission order to deprive the producers of the benefit of this bargain once they have undertaken the burden to develop this gas (and purchasers have received the long-term benefit of this secure and dependable additional supply).[63] Such a result would conflict with the incentive pricing scheme and legislative history of the NGPA, that sought to stimulate new gas supplies, and would be contrary to the custom of the FPC under the NGA, which generally did not reduce final ceiling prices for wellhead sales of flowing gas in subsequent ratemakings.[64] Congress has also recently emphasized the importance of equitable treatment of parties, who may have relied on the continuation of wellhead price controls under the NGPA.[65]

For the same reasons the Commission has decided not to apply the rule change adopted herein to gas sold from wells spudded, recompleted or reworked after February 22, 1983, as the NOPR proposed. It would not be fair or in the public interest to expect producers to halt on-going gas development projects on the basis of only a proposal. A NOPR is not based on a record and does not have the force of law. A NOPR is often used to outline potential changes in the Commission's regulations that deserve public discussion and that may or may not be finally adopted based on the comments received and upon further analysis and reflection. Proposed rules, even if adopted, are often modified in response to the comments received. Here, many producers commented on the NOPR and recommended that the rule changes proposed either not be adopted or be substantially modified. Given the Commissions customary practices, it was reasonable for the producers to have concluded that the specific application dates of the proposed rule might never become law. In fact, as discussed below, the Commission was eventually persuaded not to adopt those proposals.

C. Rejection of the Commodity Price Cap on the Incentive Ceiling Price

1. Order Nos. 99 and 107 Properly Set the Incentive Ceiling Prices

Order No. 99 and the proceedings leading up to it properly established the incentive price for tight formation gas developed between 1979 and the present based on the standards of the NGPA. These standards included the particular cost and risk factors for producing this gas, the goal of creating a stable and predictable incentive that would have an immediate and positive effect on producer investments in tight formation gas, and the long-term need to develop the abundant reserves of this attractive gas supply in order to alleviate chronic shortages of natural gas in the interstate market. In those proceedings the Commission considered both producer cost factors and commodity measures of value to establish a "zone of reasonableness" within which the Commission set the specific incentive ceiling price.

The incentive ceiling price selected was compatible with the NGPA scheme, by indexing the price to an NGPA-prescribed ceiling for "new" gas, at a fixed ratio in excess of that ceiling and with the same escalators for general price inflation built into all the NGPA ceilings. The Commission concluded based on the facts in the record that the incentive ceiling price selected, a ceiling equal to 200% of the NGPA section 103(b)(1) ceiling price, would provide a reasonable incentive to produce this high-cost gas. The Commission rejected requests to index the incentive ceiling price to commodity values.

Similarly, the Commission determined in Order No. 107 that the incentive ceiling price it established for production enhancement gas (the section 109 price) was reasonable when evaluated in the context of other NGPA Title I prices.

No party in this proceeding has challenged the validity of Order Nos. 99 and 107, which were not questioned by the court on appeal in this case.

2. The Incentive Ceiling Price Must Be Above the Average Wellhead Price

The NOPR advocated a sharp departure from this incentive pricing scheme in proposing in the alternative a specific commodity cap on the incentive ceiling price, *i.e.*, limiting the incentive ceiling price to average prices paid for fuel oil or crude oil on a Btu-equivalent basis, adjusted for imputed transportation and distribution costs. In this respect, the NOPR rests on reasoning that cannot be supported: An incentive ceiling price is not in the public interest if it is above the "commodity value" for natural gas at the wellhead at any particular time: the incentive ceiling price has been above this commodity value; the incentive ceiling price is therefore against the public interest. In fact, an incentive price by its very nature is expected to be above the otherwise applicable ceiling price. Under the NGPA the ceiling price for new gas (for which most tight formation gas would qualify) and the ceiling price for section 109 gas is by statutory design substantially above the ceiling price for old gas. Since the average wellhead price of gas is between the price of new gas and the price of old gas, the incentive ceiling price for section 107(c)(5) gas must exceed the average wellhead price.

As the record in this proceeding demonstrates, it is the average wellhead price (as well as other average gas prices), and not the ceiling price for any particular category of price-controlled gas, that should roughly correspond to alternate fuel prices that are comparable. Therefore it is an inherent part of the regulatory scheme that Congress adopted in the NGPA, for the incentive ceiling price for high-cost gas to have the potential to be above alternate fuel prices. Only in this manner could the goal of Congress be achieved: to encourage the development

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exception relief, is either fair or practicable. The producer comments demonstrated that producers of tight formation gas generally relied on continuation of the incentive price rule. The producer comments also showed how difficult and fruitless it would be for the Commission to determine on a case-by-case basis the adverse financial impact on a specific producer of changing the incentive ceiling price for all flowing gas.

[63] While progressive decontrol of wellhead prices under the NGPA, to be completed by the Wellhead Decontrol Act, is eliminating the Commission's jurisdiction over wellhead sales of natural gas, it remains important for the Commission, as a government agency with continuing responsibilities to regulate the natural gas industry, not to undermine the position of those parties who relied on the Commission's incentive price rule.

[64] *E.g.*, Indicated Producers Comments at 21–29.

[65] The Wellhead Decontrol Act provides for a transition period (until January 1, 1993) for full wellhead price decontrol, as described in section IV.A.3. above. The purpose of this transition period was "for equity purposes to permit parties to adapt their gas purchase arrangements to a fully decontrolled environment." S. Rep. No. 38 at 8.

of high-cost gas with the "value" not charged by producers for old gas.

When compared on this basis, it is evident that the average prices paid by purchasers for natural gas have remained competitive with other fuels, although the artificial price advantage in end-use markets enjoyed by natural gas due to wellhead price controls has diminished. For example, through 1989 natural gas has been the lowest cost of all major competing fuels to residential (and individual) users.[66] When comparing the costs of the major fossil fuels delivered to and used by steam-electric utility plants since 1976, it is seen that natural gas has always been much less expensive than heavy oil and more expensive than coal on an annual basis.[67]

The Commission has updated the commodity price caps proposed in the NOPR to the present time.[68] The average wellhead price of natural gas remained substantially below the cap levels for both No. 2 and No. 6 fuel oil until 1987. Since that time, the caps have roughly tracked the average wellhead price (but with much greater volatility). For example, in February of 1983, the average wellhead price of gas was $2.660/Mcf, far below the $5.634 for the No. 2 cap and $3.614 for the No. 6 cap. In February of 1985, the average wellhead price of gas had increased slightly to $2.710 but remained below the No. 2 cap at $3.530 and the No. 6 cap at $3.614. For April 1989 the average wellhead price had declined to $1.620 (a decrease of 39 percent since February of 1983), as compared to the No. 2 cap at $0.465 and the No. 6 cap at $1.536.

[66] Monthly Energy Review 24, Figure 1.8 and Table 1.9 (June 1989). This data shows that through 1986 the cost of residential natural gas to end users was considerably less than the cost of residential heating oil, motor gasoline at retail and residential electricity, in constant 1982–84 dollars per MMBtu. For example, in 1985 the average cost of residential natural gas was $5.52 per MMBtu, while the average costs of heating oil, motor gasoline and electricity were $7.06, $8.29 and $21.22 per MMBtu, respectively. Since 1987 the cost of gas has been comparable to the cost of heating oil, but has remained much cheaper than the costs of motor gasoline and electricity. *Id.*

[67] *Id.* at 112–13, Figure 9.4 and Table 9.10. In the last 3 years, on a monthly basis there have been only two months (October and November, 1988) when natural gas costs exceeded heavy oil costs for these plants.

[68] The caps were calculated in accordance with the NOPR's formula. Although the NOPR indicated that the caps in February 1983 would be $3.50 for No. 6 and $5.23 for No. 2 fuel oil, the data for June, July and August 1982 on which the caps were based were subsequently revised by EIA. Using the revised data results in a slight change in the caps to $3.614 for the No. 6 cap and $5.634 for the No. 2 cap. The revised data were used in updating the caps. The caps are calculated in dollars per MMBtu.

3. No Specific Commodity Price Formula Will Work

The record also shows that no specific commodity price cap is appropriate for the incentive ceiling prices for high-cost gas. Even among commenters supporting imposition of a cap, there was no agreement on how a suitable cap mechanism should be constructed. Major representatives of pipelines and consumers agreed with the view that a commodity cap based on average nationwide prices for alternate fuels was unrealistic and unworkable.[69] The caps proposed cannot meet the statutory standards discussed above, since they are too volatile and short-range in focus. The analysis, referenced above, confirms the high volatility of the caps, especially the No. 2 cap but also, to a lesser degree, the No. 6 cap. At times the No. 2 cap would have dropped below $1.00, far below the average wellhead price of natural gas, and the No. 6 cap would also have dropped below $2.00 and the average wellhead price of natural gas.

Such low and volatile price levels obviously could not serve as an incentive for a producer to develop high-cost gas. At times even the average wellhead prices have appeared to offer inadequate return for many producers of natural gas. All these prices are, of course, far below many of the remaining ceiling prices for gas under the NGPA,[70] and therefore by definition are unsuited for use as a section 107(c)(5) incentive ceiling price, that must be above the otherwise applicable ceiling price.

4. The Tentative Conclusions of the NOPR Are Unsupported by the Record

The NOPR suggested that the incentive ceiling prices, particularly the tight formation incentive price, was responsible in part for the problems the domestic gas markets encountered in making a transition from a controlled to a largely uncontrolled pricing environment. These problems were inevitable, given the ambitious goals that the Congress set in the NGPA, and have appeared in similar form in other areas of the world economy, as governments moved from price regulation of not only crude oil and natural gas, but also a wide range of other commodities. This gradual decontrol trend, of which the NGPA price ceilings and incentives and phased decontrol were a part, has stimulated world energy supply and reduced demand (thus depressing energy prices) to a degree many did not believe would happen twelve years ago when the NGPA was passed. In addition, tight formation gas subject only to the section 107(c)(5) ceiling price has represented only a tiny fraction of the country's domestic gas production. Although the production of tight formation gas has grown significantly in the 1980's, the amount of this gas whose price is constrained by the tight formation incentive ceiling price has increased modestly due to the decontrol of new gas under the NGPA.[71] For most consumers, sales of this gas thus have not had major impacts on end-use gas prices, which have been largely determined by the prices paid for other sources of gas supply (especially decontrolled domestic or imported gas).

The NOPR contended that contracts for tight-formation gas do not have downward pricing flexibility and that market forces have not restrained producers from receiving the full incentive ceiling prices or even higher prices for decontrolled gas, causing pipelines and distributors to lose industrial load and charge higher and higher prices to residential customers. The facts, however, as set forth above show clearly that domestic wellhead gas prices have not escalated but rather have declined dramatically in the 1980's, and this decline has been most marked for high-cost gas, including tight-formation gas.[72] Contract prices for high-cost gas have declined due to price-adjustment provisions, market-outs, and renegotiation. The competitive environment for energy prices, marked by still competition both in the gas fields and in end-use energy markets, has forced most producers to grant pricing-related concessions in order to preserve their cash flow and market access. Exceptions to this trend exist, but they too are an inevitable part of a market in transition, where a significant (but steadily declining) amount of old gas remains price-controlled.[73] Simply put,

[69] *E.g.*, INGAA Comments at 9–10.

[70] For example, as of October, 1989, the ceiling price for NGPA section 102(d) gas was $5.459, for section 105(b)(3) gas was $5.222, and for section 108 gas was $5.846. As noted above, large quantities of gas have now been decontrolled pursuant to the NGPA and can be lawfully sold at the wellhead at any price.

[71] In 1987 the production of natural gas from tight formation wells that only qualified for the section 107(c)(5) ceiling price was about 1% of domestic natural gas production. Between 1983 and 1987 this volume grew from 94 to 187 Bcf. Production from tight formation wells that also may qualify under other NGPA categories has risen from 0.8 Tcf to 1.4 Tcf during this same period. Natural Gas Monthly 8, 12, Table FE3, FE5 (Sep. 1989).

[72] *E.g.*, DOE/EIA–0130 (85/07), Natural Gas Monthly 11–12, 16, Table 5 and Figure 2 (July 1985); Natural Gas Monthly 40–43, Table 5 and Figure 5 (Aug. 1989).

[73] See discussion in section III.A.1.a.

the nation's consumers have not been adversely affected by maintaining the incentive price.

For example, in 1983 the average purchased gas wellhead price for high-cost gas was $6.25/Mcf, while the average price for new gas was $3.43 and for old gas was $1.40. By 1985, high-cost gas had declined in average price to $4.71, while new gas had increased to $3.62 and old gas had remained relatively constant at $1.47. By 1988, the average high-cost price had fallen still further to $2.61, slightly above the new gas price of $2.41 and above the old gas price of $1.49. Domestic wellhead gas prices have remained in this range through September of 1989. These facts make clear that high-cost gas contracts were responsive to market conditions, contrary to the NOPR's suggestion, and that the producers of this gas were sharing in the burden of adjusting to more competitive market conditions.[74]

The comments of the pipelines and others favoring the approach described in the NOPR did not present any evidence linking section 107(c)(5) gas contracts with competitive problems they were experiencing in their markets. Even if such a link had been established, it alone would not be a sufficient basis for retroactively changing the incentive ceiling price for tight-formation gas under the NGPA, given the other facts of record that support the necessity and reasonableness of the incentive ceiling price as it has existed.

In fact, residential consumers have benefited from the wellhead gas price declines summarized above. Gas prices to residential consumers have declined, although gas prices to industrial and electric utility consumers have declined even more.[75] Throughout this decade natural gas has remained a secure and reliable source of energy and the least costly source commonly used by residential consumers, who have increased their demand for this fuel since 1983.[76]

Natural gas marketers have largely been able to maintain their sales of natural gas in this decade, and gas sales have recently been rising.[77] While gas sales to electric utilities have declined, this is attributable not to their gas purchase prices (which have declined dramatically) or to fuel-switching to No. 6 fuel oil, but rather to the switch of electric utilities to coal and nuclear fuels.[78]

Thus the Commission's tentative conclusions in the NOPR, that the incentive ceiling price was responsible in part for gas prices being unresponsive to market conditions, for the loss of electrical utility and industrial load, and for excessive costs being shifted to residential consumers, cannot upon further reflection be substantiated on the basis of this record. The Commission has therefore determined not to adopt the commodity-price caps proposed for the section 107(c)(5) incentive ceiling prices. Instead, in response to the comments received and on further reflection, the Commission will terminate the incentive prices for new supplies of tight formation and production enhancement gas.

D. The Final Rule Adopted

For the reasons discussed above, the Commission is revising 18 CFR 271.703 and 271.704 of its regulations. The incentive ceiling price for section NGPA section 107(c)(5) gas, previously applicable to all tight formation gas and qualified production enhancement gas, will apply only to: (1) Tight formation gas where the well from which the gas is produced was spudded or recompleted on or before May 12, 1990; or (2) qualified production enhancement gas where the production enhancement work was begun on or before May 12, 1990. The Commission's purpose in selecting the May 12, 1990 date is to minimize confusion by designating a fixed date that is expected to be reasonably close to—and subsequent to—the date of issuance of any order on rehearing in this proceeding, so that everyone potentially affected by the final rule will know the exact date of the rule's operation, and to ensure that the rule's operation will be purely prospective in nature.

The final rule adopted herein is the result the Commission believes is most appropriate, given the facts of record and in the public domain, as analyzed above. If any persons aggrieved by this result believe that the Commission has erred in its reasoning or in any factual determination, however, we invite them (whether or not they have previously filed comments in this proceeding) to submit applications for rehearing, which the Commission will fully and promptly consider.

IV. Environmental Statement

Commission regulations require that an environmental assessment or an environmental impact statement must be prepared for any Commission action that may have a significant adverse effect on the human environment.[79] The Commission excludes certain actions from this requirement as not having a significant effect on the human environment.[80] No environmental analysis is necessary for adoption of this rule because, like rate orders generally, it is merely economic and financial in nature, clarifying under what circumstances producers of natural gas may sell gas qualifying for the NGPA section 107(c)(5) ceiling

[74] Natural Gas Monthly 40–42, Table 5 (Aug. 1989). To the extent that high-cost gas prices did not decline to the level of average gas prices, pipelines and consumers shared with producers the burden imposed by changing market conditions, consistent with Commission policy. *See e.g.*, Order No. 500–H section IV.A (all segments of the natural gas industry are sharing the cost of settling the take-or-pay problem).

[75] Between 1983 and 1988, residential consumers enjoyed a price decline of 9% in delivered gas prices, while industrial and electric utilities enjoyed price declines of 29% and 35% in the same period. These price declines would be even greater if calculated on a constant-dollar basis (*i.e.*, with the prices adjusted to take the effects of general price inflation into account). It is true that gas prices to residential consumers have remained significantly higher than prices to electric utility and industrial customers, as has been the case historically. For example, in 1988 the national average gas price to residential consumers was $5.49 per Mcf, as compared to $2.96 for industrial and $2.34 for electric utility consumers. Natural Gas Monthly 10, Table 4 (July 1989).

[76] Monthly Energy Review 24, Figure 1.8 and Table 1.9 (June 1989). Natural Gas Monthly 8, Table 3 (July 1989). During this same period industrial consumers have also used more gas, although electric utilities have used less. *Id.* In this decade there have been no reductions or curtailments in gas supply to end-users of the type that threatened the interstate market in the 1970's. We also note that retail rate design questions (dealing with the proper allocation of transportation and distribution costs among classes of purchaser) are not the Commission's responsibility but are the responsibility of local distribution companies and the state PUC's that regulate them pursuant to state law. *E.g.*, NOPR Hearing Transcript at 190.

[77] Natural Gas Monthly 19, Table 7 (July 1989).

[78] *Id.* at 8, Table 3; Monthly Energy Review 68, 89, Tables 4.3, 7.3 (June 1989). Electric utility consumption of natural gas peaked at 3682 Bcf in 1980 and declined to 2635 Bcf (−28%) in 1988, while electric utilities' consumption of heavy petroleum also decreased from 391,163 barrels to 229,019 barrels (−41%) and their consumption of coal increased from 569,274 tons to 757,522 (+33%) in the same period. The energy input at electric utilities measured in quadrillion (10^{15}) Btu rose from 12.123 to 15.850 (+31%) for coal and from 2.739 to 5.678 (+107%) for nuclear power, and fell from 3.810 to 2.719 (−29%) for natural gas and from 2.634 to 1.561 (−41%) for petroleum, between 1980 and 1988. *Id.* at 39, Table 2.6. The statutory restrictions of the Powerplant and Industrial Fuel Use Act of 1978, Pub. L. No. 95–620, 92 Stat. 3289 (1979) (codified in scattered sections of 15, 42, 45 and 49 U.S.C.) (PIFUA), had contributed to this decline in natural gas use by electric utilities. Congress substantially amended PIFUA in 1981 and 1987, virtually eliminating these restrictions. Pub. L. No. 97–35, Title X subtitle B section 1021(a), 95 Stat. 614 (1981); Pub. L. No. 100–42, 101 Stat. 310 (1987).

[79] Regulations Implementing National Environmental Policy Act, 52 FR 47,897 (Dec. 17, 1987); FERC Stats. & Regs. ¶ 30,783 (Dec. 10, 1987).

[80] 18 CFR 380.4 (1988).

price.[81] The rule therefore does not have any environmental impact.

V. Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA)[82] requires rulemakings to either contain a description and analysis of the impact the rule will have on small entities or certify that the rule will not have a significant economic impact on a substantial number of small entities. The final rule, by modifying the incentive price rule, will not have any effect on the regulatory burden of producers or pipelines, including those that may be considered small entities. The Commission therefore certifies pursuant to the Regulatory Flexibility Act[83] that this rule will not have a "significant economic impact on a substantial number of small entities."

VI. Information Collection Requirements

The Office of Management and Budget's (OMB)[84] regulations require that OMB approve certain information collection requirements imposed by agency rules. This final rule, modifying the incentive price rule, does not alter the information collection requirements in part 271. The Commission is notifying OMB that this information collection requirement has not been altered.

VII. Effective Date

The Commission makes this final rule effective 30 days after publication in the **Federal Register**. This final rule is therefore effective March 26, 1990.

In consideration of the foregoing, the Commission amends part 271, chapter I, title 18, Code of Federal Regulations, as set forth below.

By the Commission. Commissioner Trabandt concurred with a separate statement attached.

Lois D. Cashell,

Secretary.

PART 271—CEILING PRICES

1. The authority citation for part 271 is revised to read as follows:

Authority: Natural Gas Act, 15 U.S.C. 717–717w (1988); Department of Energy Organization Act, 42 U.S.C. 7101–7352 (1982); E.O. 12009, 3 CFR 1978 Comp., p. 142; Natural Gas Policy Act of 1978, 15 U.S.C. 3301–3432 (1988).

2. In § 271.703, paragraphs (b)(2)(ii), (b)(3)(i) and (b)(3)(ii) are revised to read as follows:

§ 271.703 Tight formations.

* * * * *

(b) *Definitions.* * * *

(2) * * *

(ii) Which is produced from a designated tight formation through a well the surface drilling of which began on or after July 16, 1979, but on or before May 12, 1990.

(3) * * *

(i) If such well was completed for production from such designated formation on or after July 16, 1979, but on or before May 12, 1990, or

(ii) If such well was completed for production from such designated formation prior to July 16, 1979, such gas is produced from a completion location completed after December 27, 1983, but on or before May 12, 1990, and such gas could not have been produced from any completion location which was in existence in the wellbore on or before December 27, 1983.

* * * * *

3. In § 271.704, paragraphs (c)(1)(i)(A)(*1*), (c)(1)(i)(A)(*2*), (c)(1)(i)(B)(*1*) and (c)(1)(i)(B)(*2*), are revised to read as follows:

§ 271.704 Qualified production enhancement gas.

* * * * *

(c) *Qualified production enhancement gas.* * * *

(1) * * *

(i) * * *

(A) * * *

(*1*) From a well on which production enhancement work (other than production enhancement work described in paragraph (d)(3) of this section) was commenced on or after May 29, 1980, but on or before May 12, 1990; or

(*2*) From a zone that is perforated in accordance with paragraph (d)(3) of this section on or after May 29, 1980, but on or before May 12, 1990;

(B) * * *

(*1*) From a well on which production enhancement work (other than production enhancement work described in paragraph (d)(3) of this section) was commenced on or after September 26, 1983, but on or before May 12, 1990; or

(*2*) From a zone that is perforated in accordance with paragraph (d)(3) of this section on or after September 26, 1983, but on or before May 12, 1990.

* * * * *

Note.—This Appendix will not be published in the Code of Federal Regulations.

Appendix

I. List of Commenters

A. Parties Submitting Comments in Reponse to NOPR

1. Amberex Corp.
2. American Public Gas Association
3. Amoco Production Company
4. Anderson Petroleum, Inc.
5. ANR Production Company
6. Associated Gas Distributors (AGD)
7. Hon. Steve Bartlett
8. Bright & Company Henderson Clay Products, Inc. and McGoldrick Oil Co.
9. Cabot Oil & Gas Corp. *et al.*
10. Capitol Records, Inc.
11. Carlyle Petroleum, Inc.
12. Carolina Pipeline, Inc. and South Carolina Electric & Gas Company
13. Cass Oil Company
14. Central Florida Gas Corporation
15. Champlin Petroleum Company
16. Coors Energy Company
17. Copperweld Energy, Inc.
18. DE-GAS
19. Department of Water and Power of the City of Los Angeles
20. Dugan Production Corp.
21. Energetics, Inc.
22. Enserch Exploration Inc.
23. Florida Gas Transmission Company
24. Four Corners Gas Production Association
25. Fox Oil & Gas, Inc.
26. Getty Oil Company
27. Grace Petroleum Corporation
28. Henderson Clay Products, Inc.
29. Henderson Independent School District
30. Independent Oil & Gas Association of West Virginia (IOGA)
31. The Independent Petroleum Association of New Mexico (IPANM)
32. Indicated Producers[85]
33. Industrial Groups[86]
34. Interstate Natural Gas Association of America (INGAA)
35. Iowa State Commerce Commission
36. Mesa Petroleum Co.
37. Midwest Gas Users Association
38. Mitchell Energy Corporation
39. Norbert D. McIntyre
40. Natural Gysum Energy Company
41. Natural Gas Pipeline Company of America
42. Northwest Central Pipeline Corporation and Northwest Pipeline Corporation
43. Ohio Oil and Gas Association, the Pennsylvania Natural Gas Associates, and the Independent Oil and Gas Association of New York (Appalachian Producers)
44. Pacific Gas and Electric Company
45. Panhandle Eastern Pipe Line Company

[81] *See, e.g.*, 18 CFR 380.4(a)(25) (1988).

[82] 5 U.S.C. 601-612 (1988).

[83] 5 U.S.A. 603, 605(b) (1988).

[84] 5 CFR 1320.13 (1988).

[85] These comments were filed by: Ashland Exploration, Inc.; Cabot Oil & Gas Corp.; Cities Services Co.; Exxon Corp.; Getty Oil Co.; Gulf Oil Corp.; Hunt Oil Co.; Kerr-McGee Corp.; Marathon Oil Co.; Mitchell Energy Corp.; Mobil Oil Co.; Pennzoil Co. et. al.; Phillips Petroleum Co. et. al.; Placid Oil Co.; Sun Exploration and Production Co.; Tenneco Oil Co.; Texaco, Inc.; and Union Texas Petroleum Corp.

[86] These comments were filed by: The Process Gas Consumers Group, the American Iron and Steel Institute; the Association of Businesses Advocating Tariff Equity; the Brick People et. al.; and the Georgia Industrial Group.

46. The People of the State of California and the Public Utilities Commission of the State of California
47. The Peoples Gas Light and Coke Company and North Shore Gas Company
48. The Philadelphia Electric Company
49. Pitts Oil Company
50. Pogo Producing Company
51. Prima Energy Corporation
52. The Public Service Commission of the State of New York
53. Public Service Commission of West Virginia
54. Public Service Company of Colorado, Western Slope Gas Company, and Cheyenne Light Fuel & Power Company
55. Public Service Commission of South Carolina
56. Public Utilities Commission of Ohio
57. Sabine Production Company
58. San Diego Gas & Electric Company
59. Southern California Gas Company and Pacific Lighting Gas Supply Company (SoCal Gas)
60. Southwest Gas Corporation
61. The State of New Mexico
62. The Superior Oil Company
63. Teton Energy Co., Inc.
64. Texas Gas Transmission Corporation
65. Texas Oil & Gas Corp.
66. Transcontinental Gas Pipeline Corporation (Transco)
67. Senator John Tower
68. UGI Corporation
69. United Gas Pipe Line Company
70. United Texas Transmission Company
71. Valero Transmission Company
72. Virginia State Corporation Commission

B. Parties Speaking at Public Hearing

1. Anderson Petroleum, Inc.
2. Bright & Company
3. Henderson Clay Products, Inc.
4. John H. Hill
5. Independent Petroleum Association of New Mexico
6. Indicated Producers
7. Industrial Groups
8. Los Angeles Department of Water & Power
9. McGoldrick Oil Company
10. Northwest Pipeline Corporation and Northwest Central Pipeline Corporation
11. Pacific Gas and Electric Company
12. Pacific Lighting Gas Supply and Southern California Gas Company
13. Pennsylvania Natural Gas Associates
14. Petro-Lewis Corporation
15. Pitts Oil Company
16. Public Service Commission of the State of New York

C. Parties Submitting Comments on Remand

1. Amoco Production Company
2. Associated Gas Distributors
3. Columbia Gas Transmission Corporation
4. Exxon Corporation
5. Pennzoil Exploration and Production Company *et al.*
6. Producers [87]
7. Southern California Gas Company
8. Undersigned Producers [88]
9. Williams Natural Gas Company
10. T.M. Hopkins Operating Company

II. Summary of Comments

A. Standards for Setting the Incentive Price

The producers argued that the NOPR ignored the standards of the NGPA that apply to the Commission's responsibility for setting (or changing) an incentive ceiling price under section 107(c)(5). These standards require that any change be based on record evidence that includes an investigation into the relative costs and risks of producing the high-cost gas in question, which the NOPR ignores. The producers claimed that Order No. 99 properly considered such factors in setting the existing incentive ceiling price, and the Commission may change this ceiling price only if a departure from Order No. 99, its findings and conclusions are explained and justified, which the NOPR did not do.[89] The producers also claimed that the NOPR ignored the statutory scheme and intent of the NGPA, in which Congress sought to stimulate the supply of high-cost, marginal supplies of gas through market subsidies obtained from holding the price of old gas far below market-clearing levels. Congress intended that the wellhead price of high-cost gas be much higher than the price of other categories of price-controlled gas, such as old gas.[90]

Producers asserted that adoption of any limitation on the incentive ceiling price, as the NOPR proposed, would hamper the development of high-cost gas supplies, which are an increasingly important part of the nation's long-term reserves of natural gas.[91] In their opinion the NOPR took a short-term view of gas supplies and was unduly swayed by short-term movements in gas deliverability and prices, while the focus of any inquiry into the incentive ceiling price should be on the long-term energy outlook.[92] The NOPR ingnored the extra value inherent in supplies of tight formation gas, which may include especially long-lived reserves, steady long-term production capabilities, and proximity to end-use markets.[93]

Many pipelines, distributors and consumer interests supported the NOPR's general approach and asked for a reduction or termination of the incentive ceiling price for high-cost gas. They maintained that the ceiling price could not be justified under current market conditions, where wellhead prices should be falling, not escalating like the incentive ceiling price. They generally agreed with the NOPR's statement that an incentive ceiling price above market-level energy prices cannot be justified and should not be continued.[94]

Comments filed by other groups, such as government representatives, were divided on support for the NOPR's general approach. Certain parties wanted the incentive ceiling price reduced or eliminated,[95] while others opposed such action.[96]

B. Relationship Between Gas Wellhead Prices and Energy Markets

The NOPR made a number of statements about the relationship between gas wellhead prices, including the prices for high-cost gas, and the energy markets that generated a substantial number of comments pro and con. Producer and certain other interests disagreed strongly with the NOPR in this respect, while the viewspoints of other parties, such as pipelines, distributors and consumer interests, were in general agreement with the NOPR's characterization of the gas and energy markets.

The producers took issue with the NOPR's claim that contracts for high-cost gas were inflexible and were not responding to market forces of increased supply and decreased demand. The producers alleged that high-cost gas contracts were responding to market forces, which were preventing most producers from receiving the full incentive ceiling price for high-cost gas, regardless of contract provisions. Wellhead prices for high-cost gas were falling, not rising, as contract prices

[87] These comments were filed by: The Atlantic Richfield Company; Enserch Exploration, Inc.; and Texaco Inc.

[88] These comments were filed by: Grace Petroleum Corporation; Hurley Petroleum Corporation, Independent Oil & Gas Assocation of West Virginia; NICOR Exploration Company; Parker & Parsley Petroleum Company; and Pennsylvania Natural Gas Associates.

[89] *E.g.*, Indicated Producers at 20–24; National Gypsum at 2; Sabine at 2.

[90] *E.g.*, Indicated Producers at 8–12, Ex. A at 6–10, 30; Bright at 3–5; Champlin at 4; Four Corners Gas at 1; National Gypsum at 1–8; Texas Oil & Gas.

[91] *E.g.*, Indicated Producers at 9, 44–45, Ex. B at 10–12; Cass Oil; Energetics at 2; Mesa at 4; Pitts Oil at 6; Sabine at 9; Hearing Transcript at 75–76, 165.

[92] *E.g.*, Indicated Producers at 40–41; Bright at 7–8.

[93] *E.g.*, ANR Production; Cooperweld; Appalachian Producers at 8–9.

[94] *E.g.*, INGAA at 5, 10; Panhandle Eastern at 7, Natural Gas Pipeline at 4–5; AGD at 3; Industrial Groups at 9; Midwest Gas Users; Pacific Gas & Electric at 6–8; Southern California Gas at 3.

[95] *E.g.*, Virginia State Corporation Commission; the State of California at 2; Public Service Commission of New York; Public Service Commission of West Virginia; American Public Gas Association at 5–7.

[96] *E.g.*, State of New Mexico.

ratcheted downward and purchasers exercised contract market-outs or successfully renegotiated for lower high-cost gas prices. The incentive ceiling price offered producers no protection from the rigors of competition in end-use and wellhead markets, which was placing exceptional pressure on all high-cost gas producers (as the marginal or swing suppliers to the markets) to lower prices and grant other valuable concessions to purchasers. While producers may have had in many cases strong legal arguments to insist on enforcement of existing contracts calling for payment of the incentive ceiling price, the weakness of many producers' bargaining positions has forced them to grant purchasers contract relief.[97]

The comments asserted that many producers of high-cost gas have been in weak or vulnerable financial condition and needed the continuing cash flow from gas sales to continue in business and avoid defaults to their creditors.[98] It was stated that this is especially true of the large number of small and independent producers of high-cost gas, many of whom expanded their operations significantly [99] in response to adoption of the incentive price rule and were not prepared for the sudden and sharp deterioration of conditions for producers in energy markets that occurred in the 1980's. According to these comments, many producers, large and small, have remained dependent on pipelines for access to the gas markets. If these pipelines did not honor their purchase contracts for the producers' gas, they could lose all access to the marketplace. It was claimed that pipelines have not hesitated to use their resulting leverage over the producers, as they have unilaterally shut in producers' gas because of market conditions, or declared "force majeure" or cited other reasons for refusing to take gas and pay the contract price for it.[100] Producers vulnerable to such pressures have been forced to renegotiate their contract prices downward or to give other valuable considerations to the pipelines.

The producers introduced evidence that average gas prices, such as the weighted average cost of gas to the pipelines (WACOG), have remained below the prices of alternate fuels in most markets. For example, the cost of gas to electric utilities has been below the cost of alternate fuels.[101] Such gas prices, and not high-cost gas prices alone, are the proper basis for making general comparisons between the level of prices in the natural gas and petroleum markets.[102] So long as the levels of these prices remain comparable, it cannot be validly concluded that wellhead prices of natural gas (such as the price of high-cost gas) are excessive.[103]

Many parties noted that since tight-formation gas has only enjoyed a 1–2% share of the market for wellhead gas sales, prices for this gas cannot be responsible for increases in price levels in end-use markets.[104] Producer interests strongly criticized the idea that gas markets could be "balanced" (assuming they were out of balance) on the basis of such a small share of supply, and pointed to the much larger supply shares of imported and other high-cost gas supplies, as well as to the increasing supplies of new gas under the NGPA, which could lawfully command rising ceiling prices set by statute.[105] Producers also argued that any rise in retail gas prices was due primarily to changes in the mix of gas supplied to pipelines (*i.e.*, relatively more new and high-cost gas and less old gas), as well as to increases in transmission and distribution costs.[106] Producers and other commenters also contended that the NOPR looked solely to the price of gas sold on a short-term, "spot" basis in its characterization of the condition of the gas markets, instead of recognizing the value of non-price terms (like long-term supply commitments) and the importance of producer expectations of future price levels.[107]

Pipelines and distributors held high-cost gas producers responsible in part for the difficulties they were having in selling their gas at anticipated price and volume levels. The share of gas supply attributable to tight-formation gas was considerably above 2% for certain pipelines, and costs for such gas exceeded 10% of total gas cost at some of these pipelines.[108] The pipelines complained of loss of industrial load by their distributors due to the price impact of high-cost gas contracts, and noted the downturn in demand for natural gas among fuel-switching customers, especially those able to use No. 6 fuel oil (like electric utilities).[109]

C. Options for Revising the Incentive Price

Producer interests vigorously attacked the idea of a commodity-price cap on the incentive ceiling price as unjustifiable. They argued that such a cap would be unnecessary and unworkable. It would conflict with the producer-incentive goals of section 107 of the NGPA, especially since any cap selected could fall below the otherwise applicable ceiling price, thus removing the incentive based on transitory market condition.[110] Such a cap would not prevent the continuation of fuel-switching, due to the impact of other high-cost and new gas supplies.[111] The producers maintained that there is no extrinsic mechanism by which the "true" market value of natural gas at the wellhead can be determined, other than the operation of a free market. Alleged values are themselves statistical constructs, the product of mathematical formulas such as averages or means, that by definition do not fit particular circumstances.[112] The producers viewed the proposed caps as flawed because they are national in scope and are tied to one alternative fuel, such as No. 6 fuel oil, ignoring the tremendous diversity in regional and local energy markets.[113] In some of these markets, No. 6 fuel oil may be the dominant alternative fuel, but in other markets this alternative may be No. 2 fuel oil, electricity, coal or some other form of energy. Fuel values may also be substantially affected by other factors that vary greatly by region and locality, such as transportation and distribution costs, pollution laws and concerns, as well as by the needs of particular consumers.[114] The preference of the NOPR for pegging the commodity cap to prices charged to electric utilities cannot be defended, since if ther is one

[97] *E.g.*, Indicated Producers at 36–39, Ex. A at 28, Schedules 9, 9A; Anderson at 3; Four Corners Gas at 2; Getty at 1; Mesa at 2; Enserch at 2; Grace Petroleum at 2; Hearing Transcript at 71–72, 99, 110–13, 123–24, 130, 137–38, 152.

[98] Anderson at 3–5; Carlyle; IOGA at 11; Mesa at 4; National Gysum at 13–15.

[99] *Id.*, Appalachian Producers at 6–9; Bright at 13; Cabot 3–4, App.; IPANM at 5; Indicated Producers, Ex. B at 14; Hearing Transcript at 110, 154.

[100] Appalachian Producers at 7–9; Copperweld at 3; IOGA at 2–3; Ohio PUC; Indicated Producers, Ex. A, Schedules 9, 9a; Hearing Transcript at 59, 110.

[101] Indicated Producers at 31–33, Ex. A at 25–26, Schedule 6; Hearing Transcript at 76–77.

[102] Indicated Producers at 31–33, Ex. A at 8–14.

[103] This point enjoyed support from certain non-producer interests filing comments. For example, the Industrial Groups agreed that it was the WACOG, and not the price for high-cost gas alone; that should be used as a basis for comparing price levels in the natural gas and alternate fuel markets. Industrial Groups at 5.

[104] *E.g.*, Indicated Producers at 29–34, Ex. A at 27.

[105] Indicated Producers at 31–34, EX. A at 14.

[106] Indicated Producers at 29–34.

[107] Indicated Producers at 37, 40–41, 44–45, Ex B at 5-7; Bright at 7–8, 23; Superior at 3–5; Hearing Transcript at 185.

[108] *E.g.*, Valero at 2–4; Southwest Gas at 4; Northwest Central at 3.

[109] *E.g.*, Panhandle Eastern at 6–7; Florida Gas at 2; Northwest Central at 4–6; Valero at 4–8; Southwest Gas at 3–4; United Gas Pipe Line at 3–4.

[110] Indicated Producers at 12–14.

[111] *E.g.*, Copperweld at 2; Pogo at 2; Indicated Producers, Ex. A at 8.

[112] Indicated Producers, Ex. A at 4, Ex. B at 1–5, 8; Bright at 20–28.

[113] Indicated Producers at 6, 46–49, 56, Ex. A at 4, 15–24 and Ex. B at 1, 5–7; Hearing Transcript at 77.

[114] Certain industrial processes require the use of natural gas as a feedstock or the burning of natural

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dominant user of natural gas nationwide it is not electric utilities but industrial consumers, and such indexing would not recognize the inability of many consumers to switch to other fuels.[115]

Pipelines, distributors and consumer interests believed that a valid commodity price cap could be constructed and applied to the incentive ceiling price. Concerns about the "fit" of such a cap could be taken care of by the design of the particular cap selected. There was support for a cap that would vary by region or by locality (as for each pipeline) and that would take into account the specific competing fuel in that market.[116] Other mechanisms could also be used to take care of potential problems with the cap. Some commenters therefore favored a cap based on "new new" gas prices or net-back pricing concepts increasingly used in contractual arrangements in the energy markets.[117] Another commenter wanted the price cap tied to the relationship between a particular pipeline's WACOG and competing fuel prices in the market served by the pipeline.[118]

Most producers criticized the specific commodity-price caps proposed in the NOPR.[119] They alleged that the favored cap, based on No. 6 fuel oil, was wholly unsuitable as the basis for an incentive price for high-cost gas, since the price of No. 6 has usually been far too low to serve as a meaningful incentive for the development of this gas. The producer comments continued as follows. Residual fuel oil is one of the least valued petroleum products of the refining process. No. 6 is very volatile in price. No. 6 is also hard to handle, requiring bulk transportation and storage facilities not available to many consumers.[120] Many consumers (including industrial, commercial and residential consumers) are not able to burn No. 6 fuel oil, which requires special equipment, and No. 6 fuel oil is not suited to certain industrial process use. The burning of No. 6 fuel oil is prohibited for certain users and areas because of pollution problems.[121] For these reasons, the use of No. 6 fuel oil is confined to electric utilities and certain large industrial users that are not representative of end-use gas markets.

Producers thought the proposal to use a crude oil cap was arbitrary and lacked any support, since it does not compete with natural gas in end-use markets.[122] While they believed that No. 2 fuel oil was more relevant than No. 6 to the natural gas markets (since natural gas and No. 2 fuel oil often compete, along with electricity, for new customers), the producers still objected to the use of any commodity cap on incentive prices that would be tied to a specific fuel.

Pipelines, distributors and consumer interests did not agree on what commodity price cap the Commission should adopt, if it enacted its proposal as a final rule. The majority of commenters in these groups favored the No. 6 fuel oil cap,[123] but others favored the No. 2 cap,[124] the crude oil cap,[125] or alternative caps based on such referents as "new new" gas contracts.[126] Some commenters insisted that the best solution to rising incentive ceiling prices for high-cost gas during a falling gas market was to do away with the incentive ceiling price (at least for new wells) since additional supplies of high-cost gas were not needed.[127]

D. Application of Rule Change

The producers strongly opposed any change in the incentive price rule for high-cost gas that would apply to all future sales, as proposed as an alternative in the NOPR. Some producers maintained that applying a rule change to gas from wells drilled under existing contracts is not authorized by statute and does not meet judicial standards for rulemaking.[128] Other producers took the position that if a reduction in the incentive ceiling price is necessary, it should apply only to new wells, in order to avoid adverse producer impacts.[129] It was argued that only such a course would be consistent with the Commission's practices under the NGA, with the legislative history of the NGPA and with the Commission's responsibility under settled case law to take equitable considerations into account in its decisionmaking.[130]

The basis for the producers' equitable arguments on this point was the producers' good-faith reliance on the maintenance of the incentive price rule in making large investments in developing high-cost gas.[131] Removal or reduction of the incentive price for gas from wells already drilled would cause great hardship for producers and could raise Constitutional questions about an unlawful taking of the producers' property.[132] The incentive price was relied on not only by producers, but also by lending institutions and investors.[133] Proposals to make the producers whole by providing for adjustment relief under NGPA section 502(c) would be wholly inadequate to remedy the problems of a change in the incentive price rule that would apply to all future sales.[134] This statutory section was not designed to take care of such problems.

Many pipelines, distributors and consumer representatives filing comments favored applying any reduction or removal of the incentive price to all flowing gas, so that no future sales of natural gas would be entitled to receive the existing incentive price, regardless of when the contracts for such gas were signed or the wells producing such gas were drilled.[135]

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gas to generate heat, either because of the inherent requirements of the process or because of the particular equipment installed by the industry (often at great expense). *E.g.*, Indicated Producers, Ex. A at 20; Henderson Clay Products at 23; Hearing Transcript at 148–49. Other industrial users may be able to use a variety of fuels, and they may have made the necessary investments to switch from one fuel to another on the basis of even minute price differences, assuming that the alternative fuel is available and can be delivered when it is wanted. This switching capability has been most developed by certain electric utilities, who may be able to switch on a moment's notice from the burning of natural gas to the burning of fuel oil in their large boilers. *E.g.*, Capitol Records; City of Los Angeles; Socal Gas at 10–11.

[115] *E.g.*, Indicated Producers at 47–49. Ex. A at 15–25.

[116] *E.g.*, Natural Gas Pipeline at 4–7; Northwest Central at 11.

[117] *E.g.*, INGAA at 9; Texas Gas Transmission at 7. INGAA noted that it had advanced this concept as part of a legislative proposal to Congress.

[118] Industrial Groups at 5–6, 10–13.

[119] *E.g.*, Indicated Producers at 45–50; Bright at 20–28.

[120] *E.g.*, Appalachian Producers at 12.

[121] *E.g.*, Cooperweld Energy.

[122] *E.g.*, Indicated Producers at 49–50.

[123] More than twenty pipelines, distributors and other commenters favored the use of No. 6 fuel oil as a cap, and for other commenters a cap based on No. 6 fuel oil was a second best alternative. *E.g.*, Public Service Co. of Colorado at 7; Philadelphia Electric at 3–4; Capitol Records at 2; Peoples Gas Light and Coke at 1; Central Florida Gas at 3–4; UGI at 4; PG&E at 8–9; SoCal Gas; United Gas Pipe Line; Southwest Gas; Valero; Northwest Central at 9; Texas Gas Transmission; Florida Gas at 4; United Texas Transmission at 3; Virginia State Corporation Commission.

[124] Amberex.

[125] Those favoring a cap based on a crude oil included Transco and the City of Los Angeles.

[126] *E.g.*, INGAA at 9.

[127] *E.g.*, AGD at 5; Natural Gas Pipeline at 4–5, 11; PSC of New York; State of California.

[128] *E.g.*, Indicated Producers at 24–29.

[129] *E.g.*, Mesa at 4; Anderson at 5–6; Enserch at 2.

[130] Amoco Production Co.; Indicated Producers at 15, 24–29.

[131] Indicated Producers at 42, Ex. B at 13–15; Bright at 11–13; Cabot at section II, App. A; Carlyle Petroleum; IPANM at 5–6; Hearing Transcript at 27, 30, 73–74, 87–89, 122, 128, 134–136, 161, 165, 176–77, 181.

[132] *E.g.*, Bright at 29; Hearing Transcript at 112–13, 131–132, 136.

[133] *E.g.*, Indicated Producers, Ex. B at 13–14; Hearing Transcript at 118–25, 171.

[134] *E.g.*, Indicated Producers at 53–56; Hearing Transcript at 180–81.

[135] *E.g.*, Transco at 3–4; United Texas Transmission at 2; Florida Gas Transmission at 3–4; Texas Gas Transmission at 5; Northwest Central Pipeline at 12–13; Midwest Gas Users; Industrial Groups; Socal Gas; American Public Gas Ass'n; Iowa State Commerce Comm'n.

Pipelines claimed that without this application of a rule change to all flowing gas, reduction or removal of the incentive price would have few if any positive benefits to pipelines and consumers, especially after the January 1, 1985 date when large quantities of new gas under the NGPA were decontrolled.[136]

E. Court Remand and Retroactivity Issue

On remand from the court decision in this proceeding, Williams Natural Gas Co. filed a motion asking that the Commission expedite action and, retroactively to February 22, 1983, either eliminate the incentive price rule or impose the commodity price cap based on No 6 fuel oil proposed in the NOPR.[137] Williams suggested that the court's opinion favored this result, as the Commission had allegedly admitted the unlawfulness of the incentive price in the NOPR. Williams noted that the disparity between the incentive ceiling price and alternative fuel prices had grown since 1983 and that the reasons for eliminating or capping the incentive ceiling price had become stronger than ever. Williams emphasized the importance of the retroactive application of any rule change, pointing out that the real problem with the incentive ceiling price occurs in connection with pre-1983 contracts for high-cost gas that did not have market-out or other clauses to ensure that the price of the gas remained consonant with the changing market. After that time, few high-cost wells have been drilled and where new supplies of gas came to market, purchasers have ensured that their contracts contained some means to ensure market-based pricing. Other pipelines and distributors supported Williams' motion, claiming that justification for any incentive ceiling price in excess of market-clearing prices has been lacking since gas supply exceeded demand in the early 1980's.[138]

A number of producers filed oppositions to Williams' motion. Some of these parties thought that the Commission should reopen the record for further comment in the proceeding, in order to update the evidence and obtain comment on the Commission's current options.[139] Other parties thought that the Commission could terminate the rulemaking if it supplied the analysis and reasoning required by the court's opinion, but if the Commission wished to pursue any other result it must resubmit the question to notice and comment.[140] The producers argued against any retroactive elimination or change in the incentive ceiling price, because the Commission lacked the legal authority to take such action [141] and it would be extremely unfair to producers and others who had relied on the existing rule.[142]

The producers accused Williams of seeking a "regulatory bailout" to relieve it of contractual obligations it voluntarily undertook to purchase tight-formation gas from Amoco prior to 1983, which contracts lacked provisions to adjust the price to changing market conditions.[143] The producers urged the Commission to reject Williams' request, just as it has rejected the use of NGA section 5 remedies to deal with the take-or-pay problems discussed in the Order No. 500 proceedings, following the remand of Order No. 436.

The producers also raised the issue of tax credits under section 29 of the Windfall Profits Tax as another reason why retaining the incentive price is necessary. The statute gives producers of gas from qualifying formations a federal income tax credit based on the diffference between the price actually received for gas sold and the ceiling price. They claimed that this credit has facilitated the renegotiation of many contracts for high-cost gas down to market levels. Reducing or eliminating the incentive ceiling price would destroy this tax credit and decrease producers' willingness to renegotiate their contracts with purchasers, contrary to Commission policy.[144]

Trabandt, Commissioner, Concurring:

I concur on both procedural and substantive grounds in this Final Rule. I agree that the Commission should act now to consider further the issue of incentive pricing under section 107(c)(5) of the Natural Gas Policy Act (1) to satisfy the court remand in *Williams Natural Gas Co.* v. *FERC*, 872 F.2d 438 (D.C. Cir. 1989) (*Williams*) and, (2) to fulfill our commitment in Order No. 500-H to do so no later than February 12, 1990. This opinion will discuss the various procedural and substantive issues for the purpose of seeking additional public comment from interested parties in petitions for rehearing and clarification to support further consideration of the Final Rule.

1. Procedural Issues

A. *The Final Rule.* The Commission staff proposed a Final Rule with the same substantive result as the instant order, but with the amendments of existing regulations terminating incentive pricing to be immediately effective upon issuance. After considerable debate, the Commission decided to make the amendments effective on May 12, 1990. The Commission explained the delayed effectiveness as follows (slip op. 49).

The Commission's purpose in selecting the May 12, 1990 date is to minimize confusion by designating a fixed date that is expected to be reasonably close to—and subsequent to—the date of issuance of any order on rehearing in this proceeding, so that everyone potentially affected by the final rule will know the exact date of the rule's operation, and to ensure that the rule's operation will be purely prospective in nature . . . If any persons aggrieved by this [final rule] believe that the Commission has erred in its reasoning or in any factual determination, however, we invite them (whether or not they have previously filed comments in this proceeding) to submit applications for rehearing, which the Commission will fully and promptly consider.

Additionally, Chairman Allday stated at the January 31, 1990, Commission meeting that he would review the rehearing record and modify the Final

[136] *E.g.*, Valero at 12; Northwest Central at 12–13. None of the commenters argued for applying any rule change retroactively, to gas sold prior to the date of a final rule, nor was such an argument made at the public hearing or in any rehearing application. The argument for retroactive application of a rule change (*i.e.*, to sales made prior to the date of a final rule) was first made in the challenging pipelines' petitions for review in the U.S. Court of Appeals for the D.C. Circuit. [cite].

[137] Motion of Williams Natural Gas Company for Expedited Action on Remand and for Retroactive Elimination or Modification of the Incentive Tight Sands Price, dated July 10, 1989. In court Williams had not challenged the incentive ceiling prices as it existed prior to January 1, 1985.

[138] *E.g.*, Columbia Gas Transmission Corp.'s Answer of October 4, 1989; AGD's Answer of July 26, 1989; Socal Gas' Answer of July 21, 1989.

[139] Producers at 13–23; Amoco Production at 19.

[140] Undersigned Producers; Exxon; Pennzoil.

[141] The producers argued that such retroactive action would violate the APA and the NGPA, which authorize prospective reulmaking only, and the filed rate doctrine. Undersigned Producers at 7; Amoco Production at 8–14.

[142] The Undersigned Producers stated at 7–8: Even if the Commission did attempt to eliminate the incentive price as of February 22, 1983, many independent producers will be unable to make the required refunds. Proceeds have been paid to investors and royalty owners or have been reinvested in additional exploration and production of natural gas. Producers relied on the availability of the incentive price in drilling new well[s] and recompleting existing wells * * * *

Amoco Production stated at 17: If Williams were to succeed in rewriting these published ceiling prices after-the-fact, the entire natural gas industry would be thrown into disarray. Audited financial statements would have to be reopened and revised; private contract settlements would have to be discarded and renegotiated; huge cash refund payments would be caluculated, litigated and distributed among the various segments of the industry. As a result, the courts and the Commission would become swamped with refund disputes—and countless small producers would face extreme financial burdens.

[143] Undersigned Producers at 5.

[144] Undersigned Producers at 8; Mitchell Energy.

Rule before May 12, if that was demonstrated to be necessary.

B. *State of the Record.* The record in this docket is completely stale and out of date, with comments received seven years ago in 1983. Since then, the natural gas industry, and our regulation of it, have changed dramatically. The instant Final Rule reflects that fact by utilizing extra-record, general data almost exclusively to support the result of termination of incentive pricing. In fact, there are no recent comments or specific data on whether, in 1990 and future years, incentive pricing regulations remain necessary for the production of tight formation gas and production enhancement gas.

The *Williams* court recognized the state of the record in this docket on remand, as follows:

> The Commission is required to reopen this docket, but it retains wide discretion on remand. The agency might, for instance, wish to solicit new comments in order to obtain updated information. 872 F.2d at 450.

Thus, the court has provided the Commission the opportunity to seek additional public comment before adopting a Final Rule.

Also, the complete termination of incentive pricing adopted in the instant Final Rule arguably exceeds the scope of the initial proposal in the 1983 NOPR, which would have continued incentive pricing with a cap. Thus, the 1983 record may not have been adequate to support complete termination at any time, even if it was not seven years old. That concern may be heightened by the substantive issues of more recent vintage discussed below.

As a result of these factors, interested parties should comment on whether the Commission should delay the effectiveness of this Final Rule and provide for an additional round of public comment to obtain the "updated information" noted by the *Williams* court.

C. *Effectiveness of the Final Rule.* The incentive pricing regulations are amended by this Final Rule to terminate incentive pricing for tight formations wells drilled after May 12, 1990, and for qualified production enhancement work begun after May 12, 1990. As discussed in A. above, the Commission states that this delay is intended to provide time for the Commission to consider any adverse comments in petitions for rehearing, and to act on them, prior to May 12. Nevertheless, this Final Rule is effective as a matter of law 30 days after publication in the **Federal Register** (slip op. 51), which means the Final Rule will be effective legally on or about March 22, 1990, shortly after rehearing petitions are due to be filed.

It is conceivable, if not probable, that the legal effectiveness of the Final Rule will trigger wellhead contract provisions which will be adverse to natural gas producers (and perhaps irreversibly so), without any realistically practical opportunity for the Commission to act on rehearing (a) to prevent that adverse impact from occurring, or (b) to remedy the adverse impact once it has occurred. Thus, the effectiveness of the Final Rule could lead to negative impact for natural gas producers on a *de facto* self-executing basis for no apparent public policy reason. And, it is quite possible that the Commission will learn only after the fact that its action has inadvertently produced irreversible negative impact on certain natural gas producers.

Interested parties should comment on whether the Final Rule will have immediate adverse impacts that may require the Commission to stay the legal effectiveness of the rule pending further order of the Commission.

2. Substantive Issues

A. *State Programs.* The Commission has not had the benefit of consultation with state regulatory authorities to determine what impact the termination of Federal incentive pricing may have on complementary state policies, programs or requirements dependent, in whole or in part, on the existence and/or continuation of Federal price incentives. Consequently, state regulatory authorities in natural gas producing states and other interested parties should comment on any such impacts on those state policies, programs or requirements. Comments should address whether Federal incentive prices should be continued because of such state policies, programs or requirements. Also, comments should address how any termination of Federal incentive prices should be implemented to minimize negative impacts on related state activities.

B. *Tax Credits.* The Commission would benefit from an analysis of the relationship of these Federal incentive pricing regulations and the availability of Federal tax credits under section 29 of the Internal Revenue Code. That issue was raised in several petitions opposing the Motion of Williams Natural Gas Company for Expedited Action on Remand and for Retroactive Elimination or Modification of the Incentive Tight Sands Price (Williams Motion). However, the Commission has no current record with regard to the potential impact of this Final Rule on Federal tax credits.

Also, just prior to issuance of the Final Rule adopted at the January 31, 1990, Committee Meeting, the Commission received a letter of February 8, 1990, from Chairman J. Bennett Johnston of the Senate Committee on Energy and Natural Resources and Senator Jeff Bingaman, Chairman of the Subcommittee on Mineral Resources and Development. The thrust of their letter is to request the Commission to delay the effective date of the Final Rule and to continue the well category determination procedures, because the Final Rule would make new production of tight formation gas ineligible for the nonconventional fuels tax credit under section 29 of the Internal Revenue Code.

More specifically, they request that the Commission delay the effective date until Congress has had an opportunity to consider legislation that would amend section 29 to repeal the requirement that tight formation gas be subject to incentive price regulation under the NGPA. To that end, they have informed Senator Bentsen, Chairman of the Senate Finance Committee, that it is now imperative that section 29 be amended in that manner. Such legislation was reported favorably by the Senate Finance Committee last year. The letter from Senator Johnston and Senator Bingaman, and their letter to Senator Bentsen have been made part of the record in this proceeding.

Interested parties should provide comments generally on the relationship between the Final Rule and section 29 of the Internal Revenue Code. Also, parties should provide specific comments on the requests of Chairman Johnston and Senator Bingaman for delay of the effective date and continuation of well category determination procedures until Congress has acted to amend the Internal Revenue Code.

C. *Well Category Determination Filings.* The Commission would benefit from an analysis of Commission data that indicates that over 1800 filings for section 107(c)(5) eligibility were made in fiscal year 1989, and over 500 such filings were made in the last quarter of calendar year 1989 (suggesting perhaps at least 2000 total filings will be made in this fiscal year), to determine why filings were made despite lower prices in the marketplace. For example, the Johnston-Bingaman letter highlighted the significance of the filings for tax credit eligibility. Also, the Commission would benefit from the views of state regulatory authorities or producer associations to explore (1) the rational for, and significance of, such filings in today's natural gas market, and (2) the

impact of terminating incentive pricing and the related filing process for any Federal and state law requirements.

Interested parties should provide public comment on the current significance of the Well Category Determination Process and how it should be operated in the future. Also, parties should comment on how the procedures should be handled, if the section 107(c)(5) Federal price incentives are terminated.

D. *The 1989 Decontrol Act and Newly Spudded Wells.* The Commission would benefit from an analysis of the relationship of the termination of Federal incentive pricing regulations and the so-called "newly spudded wells" provisions of the Natural Gas Wellhead Decontrol Act of 1989 (1989 Decontrol Act). As stated in the Conference Report for that Act (House Report No. 101–100, page 4),

> Deliveries of natural gas produced from wells spudded after the date of enactment of the Natural Gas Wellhead Decontrol Act of 1989 will be decontrolled on May 15, 1991. This is a compromise between the House bill which decontrols such gas on enactment (approximately July 1, 1989) and the Senate bill which decontrols such gas on January 1, 1993. This provides a period for transition and equity purposes to both sellers and buyers of gas under existing contracts.

The Senate Committee Report (Senate Report 101–38, page 8) explained the need for the newly spudded well provision, as follows:

> It should be noted here that the Senate wellhead decontrol bill differs from the House-passed bill in only one material respect; the Senate bill does not include a provision decontrolling gas delivered from a "newly spudded" well. That provision was excluded from the Senate bill because it was viewed as not in keeping with the policy direction embodied in the bill. In particular, the Committee believes that the transition period, which ends January 1, 1993, is important for equity purposes to permit parties to adapt their gas purchase arrangements to a fully decontrolled environment. In that regard, it would be unfair to single out gas delivered from a "newly spudded" well for treatment different from that given to other categories of natural gas production. During the transition period, the Senate bill does not decontrol gas under existing contracts, including gas delivered from a "newly spudded" well, unless contracts covering such gas expire or are renegotiated. This policy offers some protection to investors who committed capital to natural gas production under the expectation of continued price control. Thus under the Senate bill, gas delivered from a "newly spudded" well will be decontrolled with all other remaining price controlled gas no later than January 1, 1993.

Oppponents of the Williams Motion argued that Congress in the 1989 Decontrol Act effectively decided to continue *all* existing price regulation, including section 107(c)(5) incentive pricing, until the specified date in that Act. They point out that the Act was passed after the remand in the *Williams* case. They also argued that termination of such incentive pricing would frustrate the clear Congressional intent underlying the newly spudded well provision as set forth in the Senate Report and the Conference Report. The Johnston-Bingaman letter also touched on that Congressional intent. The Commission has no current record, other than those arguments, on which to base a conclusion. And, the discussion of the 1989 Decontrol Act in the Final Rule (slip op. 31–33) does not address those arguments.

Interested parties should provide comment on the relationship of the Final Rule and the 1989 Decontrol Act with regard to two issues. First, does the Congressional intent manifested in the 1989 Act and its legislative history demonstrate that Congress, as a matter of law and/or as a matter of policy, either required or intended that the Commission should continue and should not administratively terminate the section 107(c)(5) Federal price incentives, which effectively would dispose of the *Williams* remand altogether? Second, does the specific provision in the 1989 Act for newly spudded wells reflect Congressional intent that the Commission, at a minimum, should not terminate the eligibility for incentive prices prior to May 15, 1991? Does this Final Rule as a practical matter render the newly spudded well provision null and void for tight formation gas as of May 12, 1990?

E. *Grandfather Provisions.* The Final Rule has the effect of grandfathering natural gas produced from enhanced production activity begun prior to May 13, 1990 and tight sands wells spudded prior to May 13, 1990. In all likelihood, there may be a broader spectrum of existing activity that should be grandfathered to reflect equitably contractual commitments already made and financial obligations already incurred in reliance on the existence of the long effective Federal incentive prices, tax credits, and any related state programs. The grandfather issue also may have some special significance in light of the Congressional decisions in the 1989 Decontrol Act discussed above, which clearly intended to provide a transitional period to decontrol, with newly spudded wells covered through May 15, 1991. Also, the Johnston-Bingaman letter touched on that issue in the context of the relationship between the 1989 Decontrol Act and eligibility for tax credits.

Interested parties should provide comment on the appropriate nature of the grandfather provisions in the Final Rule in light of these factors, assuming Federal incentive prices are terminated as provided in the Rule.

F. *The Current Significance of Incentive Pricing.* It is clear that the substantial over-deliverability of natural gas discussed in detail in the Final Rule has largely diminished as a result of increased demand in the natural gas market and decreased surplus deliverability at the well-head. A host of factors, such as tax law changes, low oil prices, low natural gas spot market prices, short term contracts and the transition to open access transportation services, have combined to create a sustained period of markedly reduced drilling activity for natural gas. A growing body of expert opinion supports the need now and in the immediate future for additional commitments to new drilling activity. Consequently, it would appear to be reasonable to determine with some precision the potential impact of terminating existing incentive prices for tight sands in reviewing the Final Rule. Similarly, additional supplies of gas otherwise subject to vintage gas price controls under the NGPA may be able to be produced with the production enhancement gas pricing incentive, and it would be desirable to know what practical effect termination of that incentive will have. At this point, the Commission has no specific information about those potential impacts.

Interested parties should provide comments on the extent to which the continuation of these Federal incentive prices until the dates for decontrol established in the 1989 Decontrol Act would serve to bridge the apparent need for additional drilling to provide increased deliverability in the next several years during the final transition to total decontrol. In that way, the Commission will have a more precise estimate of the impact of termination of incentive pricing.

G. *Retroactive Termination.* The opponents of the Williams Motion argued that the Supreme Court decision in *Georgetown University Hospital* v. *Bowen*, 109 S. Ct. 468 (1988), which affirmed the decision of the D.C. Circuit Court, 821 F.2d 750, stands for the proposition that the Commission as a matter of law in this proceeding could not grant the Williams Motion with regard to retroactive termination of incentive prices. The Final Rule does not reach this legal question, but rather

bases the decision against retroactivity on equity and policy grounds, which I also support. The *Williams* court expressly acknowledged the possibility that the Commission could conclude that retroactive termination would exceed our statutory authority under both the NGPA and the Administrative Procedures Act. If the Commission did make such a legal conclusion, as urged by the opponents of the Williams Motion, the Commission would dispose of the retroactive termination aspect of this proceeding on strict legal grounds, as supplemented by the supporting equity and policy considerations discussed in the supporting final Rule. Such legal disposition also would preclude any future debate as to the public interest nature of incentive pricing, declared contrary to the public interest in the 1983 NOPR and now again here in the 1990 Final Rule, with regard to the intervening period on a retroactive basis.

Much of the Commission debate about prospective termination of incentive pricing focused on the asserted need to establish a balanced approach reflecting the decision against retroactive termination as a matter of policy. If, however, retroactive termination was disposed of as a matter of law, there would be no apparent need to terminate incentive pricing prospectively in order to achieve a policy balance on remand. On that basis, the Commission could then conclude that the 1989 Decontrol Act largely disposed of the legal and/or policy issues associated with continuation of incentive pricing, taking into account the tax credit and new spudded well concerns. Potentially, the Commission also would be able to modify the Final Rule by deciding to terminate the 1983 rulemaking in an Order on Remand reflecting a 1990 analysis that incorporates all these factors, and by deferring to Congressional decisions in the 1989 Decontrol Act.

Interested parties should provide comments on these alternative approaches to responding to the *Williams remand.*

H. *Order No. 500 and Take-or-Pay Policy.* The Final Rule also is responsive to our commitment in Order No. 500-H to consider further the section 107(c)(5) pricing issue initially raised in the Order No. 500 Interim Rule issued in August, 1987. Here, the Commission does have some extensive data developed during the Order No. 500 proceedings. That data clearly demonstrates that the section 107(c)(5) incentive pricing has had and will have a *de minimis* impact on the multi-billion dollar take-or-pay problem. Consequently, there does not appear to be any take-or-pay policy rationale to support the termination of incentive prices in this Final Rule, apart from any perceived symbolism associated with the mere existence *per se* of Federal incentive pricing under the NGPA in today's natural gas market, or the termination thereof, in the context of the Commission's actions in the Order No. 500 proceedings.

Interested parties may wish to comment on the relative impact of terminating section 107(c)(5) price incentives in order to address the take-or-pay problem and achieve the Commission's policy objectives in Order No. 500.

3. Conclusion

I have concurred in this Final Rule, because it is my judgment that the Commission would benefit from additional data and information addressing section 107(c)(5) incentive pricing, to respond to the remand in the *Williams* case and to consider the take-or-pay impacts in the Order No. 500 proceedings. I also have concluded that the Commission may wish to consider an alternative result as a matter of law and policy on rehearing of this order. Hopefully, the discussion of the procedural and substantive issues in this separate opinion will assist in providing the public comments necessary for that effort.

For these reasons, I concur.

Charles A. Trabandt,

Commissioner.

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DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 184

[Docket No. 88G-0371]

Direct Food Substances Affirmed as Generally Recognized as Safe; Microparticulated Protein Product

AGENCY: Food and Drug Administration

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending its regulations for substances that are generally recognized as safe (GRAS) to affirm as GRAS the use of microparticulated protein product in frozen dessert-type products. This action is in response to a petition filed by The NutraSweet Co. requesting that a microparticulated egg white and milk protein product be affirmed as GRAS for use as a direct food ingredient.

EFFECTIVE DATE: February 23, 1990.

FOR FURTHER INFORMATION CONTACT: JoAnn Ziyad, Center for Food Safety and Applied Nutrition (HFF-334), Food and Drug Administration, 200 C Street SW., Washington, DC 20204, 202-426-9463.

SUPPLEMENTARY INFORMATION:

I. Background

A. Regulatory History

In accordance with the procedures described in § 170.35 (21 CFR 170.35), The NutraSweet Co., Box 1751 Lake Cook Rd., Deerfield, IL 60015, submitted a petition (GRASP 8G0345) proposing that microparticulated egg white and milk protein product be affirmed as GRAS as a direct food ingredient. FDA published a notice of the filing of this petition in the **Federal Register** of November 23, 1988 (53 FR 47580), and gave interested persons an opportunity to submit comments to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857. The five comments received in response to the filing notice are discussed below.

B. Standards for GRAS Affirmation

Pursuant to 21 CFR 170.30, general recognition of safety may be based only on the views of experts qualified by scientific training and experience to evaluate the safety of substances.

The basis of such views may be either (1) scientific procedures or (2) in the case of a substance used in food prior to January 1, 1958, experience based on common use in food. General recognition of safety based upon scientific procedures requires the same quantity and quality of scientific evidence as is required to obtain approval of a food additive regulation and ordinarily is to be based upon published studies, which may be corroborated by unpublished studies and other data and information (21 CFR 170.30(b)). General recognition of safety through experience based on common use in food prior to January 1, 1958, may be determined without the quantity or quality of scientific procedures required for approval of a food additive regulation but ordinarily is to be based upon generally available data and information concerning its pre-1958 history of use.

II. Manufacturing Process/Use/Exposure

A. Manufacturing Process

According to the information in the petition, microparticulated protein product is manufactured from egg whites or milk protein or a combination of egg whites and milk protein. The protein-containing mixture is high-shear heat processed to produce particles of protein that are microscopic in size. According to the petition, these microparticles are roughly spheroidal in shape. The particles are basically nonaggregated when formed, although aggregation does occur upon heating. High-shear heat processing is followed by a series of steps that may include ultrafiltration, dry-blending of ingredients, hydration with water, and pH adjustment with food-grade acids, bases, or both. Other steps may include deaeration and heat pasteurization. Safe and suitable ingredients may be added to the egg whites and milk proteins to aid in accomplishing the desired technical effect before or after the high-shear heat processing. The use of these ingredients must be in accordance with the regulations in 21 CFR parts 172, 182, or 184.

B. Uses

The proposed use of the substance is as a thickener or texturizer in frozen dessert-type products at levels not to exceed current good manufacturing practice. The petition states that a typical use level would be 32 percent by weight of product, with a range of 25 to 53 percent. The petition also states that there is no technical limitation on either the minimum or maximum amount of microparticulated protein product that can be added to a frozen dessert-type product. The desired sensory qualities determine the level of use of the substance in the finished product. The petitioner found that the oral sensation produced by the hydrated microparticles of gelled product is one of smoothness and is much the same as that produced by fat.

C. Consumer Exposure

The only proposed use for microparticulated protein product requested in the petition is as a fat replacer to perform the technical effects of fat in frozen dessert-type products.

FDA based its daily intake calculations for the petitioned ingredient on the food intake values for frozen desserts of the Market Research Corp. of America (MRCA) Survey of Frequency of Food Consumption, 1977–1978, using the U.S. Department of Agriculture-National Food Consumption Survey (USDA–NFCS), 1977–1978, for portion size. The frozen dessert intake values (eaters-only) are as follows: 2 to 5 year age group, 29.5 grams per person per day (g/p/d) (mean) and 61.1 g/p/d (90th percentile); for the 2+ years age group, the values are 38.5 g/p/d (mean) and 80 g/p/d (90th percentile). At a use level of 53 percent, and assuming that all frozen desserts consumed contain the petitioned products, the microparticulated protein product daily intake would be 15.6 g/p/d (2 to 5 years, mean), 32.4 g/p/d (2 to 5 years, 90th percentile), 20.4 g/p/d (2+ years, mean), and 42.4 g/p/d (2+ years, 90th percentile). Because no product-specific use levels were available, and because there are no known technologically self-limiting use levels, FDA used the maximal likely use level (53 percent) to calculate a conservative estimated daily intake of microparticulated protein product.

Because microparticulated protein product will replace a portion of fat in the diet of people that consume frozen desserts, the petitioner estimated that the proposed use of the product will increase the protein intake of the consumer by 3.5 g/p/d (90th percentile). Based on the information provided in the petition and the above referenced data bases (MRCA and USDA–NFCS), FDA estimated the mean and the 90th percentile increases in protein intake from the maximal proposed use of microparticulated protein product in frozen dessert-type product to be 2.3 and 4.9 g/p/d for 2- to 5-year-old children and 3.1 and 6.4 g/p/d for the 2+ year-old group, respectively. Assuming that there is no change in the amount of protein contributed by other ingredients, this additional protein intake represents an increase in the average protein intake of the two age groups of 4 percent for average consumers of microparticulated protein-containing products and of about 9 percent for heavy consumers. After adjusting for expected decreases in fat intake, the protein intake estimates represent an increase in dietary energy (calorie) contribution from protein for all age groups and intake categories of about 0.5 to 1.5 percent. Based on calculations derived from the above data, the agency finds that this amount does not represent a significant increase in dietary protein (Ref. 41).

III. Evaluation of the Microparticulation Process

The major constituents of microparticulated protein product, egg whites and milk protein, have been safely consumed by humans as sources of food protein throughout recorded history and, therefore, are GRAS (§ 170.30(d)). In evaluating the petition to determine whether the use of microparticulated protein product as a fat replacer in frozen dessert-type products can be affirmed as GRAS, the agency focused on the steps that make up the microparticulation process. FDA discovered that these steps were nothing more than commonly used food processing steps that have been shown through published studies not to change the nutritional value and, therefore, the safety of food, including egg whites and milk protein. Thus, based on published data, for the reasons discussed below, FDA concludes that egg whites and milk protein treated by microparticulation processing can be affirmed as GRAS.

A. Homogenization/Microparticulation

Published studies show that commonly used food processing techniques that reduce the size of food particles, such as homogenization and high-speed, high-shear mixing, modify the sensory properties (viscosity, texture, mouthfeel) of the food that is processed (Ref. 23). To maintain these modified sensory properties, it is routinely necessary to use gums (such as xanthan gum) to stabilize the particles (Refs. 23 and 24). The reduction in particle size produced by these techniques often increases the digestibility of the food. For example, Renner reports that in rat studies, homogenized milk produced a better utilization of protein compared with whole milk (Ref. 20). Although these processing techniques produce some reduction in vitamin concentration, they generally do not change the nutritional value of the food (Ref. 23).

Based on its evaluation of these published studies, the agency finds that these techniques do not affect the safety of milk and egg protein. In addition, these studies demonstrate that microparticulated egg and milk protein products will act as thickeners and texturizers and therefore can serve to replace the fat ordinarily used for these purposes (Refs. 23 and 24).

B. Heating

Eggs and milk have been heat-processed for probably as long as humans have cooked food. A rather extensive literature exists on heat processing of raw food ingredients. In summarizing much of our knowledge concerning the heating of milk, FDA notes the following facts:

1. Heat-induced denaturation of milk proteins is not detrimental to nutrition (Ref. 20).

2. Heating changes the secondary and tertiary structure[1] of proteins, increasing accessibility to digestive enzymes and thus increasing utilization of the protein (Ref. 20).

3. Milk proteins undergo chemical reactions during the heating of milk. The products of these reactions have been consumed without adverse effects since milk was first cooked in food preparation. Therefore, the normal heating of milk-containing foods is not harmful (Ref. 20).

Other reports show that heat sterilization of milk has little effect on levels of vitamins and virtually no effect on lipids, carbohydrates, and minerals (Ref. 21).

Concerning the effects of cooking on eggs, studies show that some loss of vitamins occurs. The loss is dependent on the method of cooking (Ref. 22). With respect to protein quality, Froning (Ref. 22) reports a study showing a slightly lower protein efficiency ratio (PER) value for hard-boiled eggs than for dried eggs. (Dried eggs have a PER value identical with fresh eggs.) Therefore, the effects of heat on egg protein may differ slightly depending on the extent and method of heating. However, the agency finds based on the foregoing data that within the temperature ranges employed, the level of heat has no adverse effect on the safety of the food.

C. pH Modification

Food-grade acids and bases are commonly used to adjust the pH of foods and food formulations. The available information indicates that pH modification does not adversely affect the quality and utility of food protein. Acidification is extensively used in cooking; for flavor, color, and texture modification; for preservation; and for aiding in the gelling of proteins (especially in baked products) (Ref. 25). Additionally, acidification is used to denature proteins (e.g. curdling milk or making cottage cheese). Ingested foods are subjected to acid conditions in the stomach. Under these physiological conditions proteins are denatured and rendered more accessible to attack by digestive enzymes. Alkali is used to modify proteins, to enhance emulsification properties of proteins, and to increase the solubility, elasticity, and resistance to heat-induced aggregation of proteins (Ref. 26).

[1] The secondary structure of a protein refers to the regular structural arrays found in proteins, principally helices, which are formed by folding a single segment of polypeptide chain, and β structures or pleated sheets, formed by two or more chains. The tertiary structure is the total conformation of the molecule, that is, its disposition in three dimensions (Ref. 43).

D. Ultrafiltration

Ultrafiltration is a process by which water is removed from a solution by passing the solution through a semi-permeable membrane. It is routinely used in food processing because the food being filtered is not heated, resulting in little loss of nutrients or volatile flavor components (Ref. 27). In addition, it is very energy efficient compared with other methods of concentration (Ref. 27). Ultrafiltration is commonly used to concentrate whey proteins from cheese manufacture and to concentrate milk products before the manufacture of dairy products.

As stated above, ultrafiltration has little effect on the nutritional quality of foods (Ref. 27). Some low molecular weight sugars, vitamins, and amino acids may be lost during ultrafiltration, but fats, proteins, and carbohydrates are retained without loss of sensory or nutritional qualities (Ref. 27).

E. Conclusion

Based on the summaries above, it is clear that there is adequate published information for experts to conclude that the processes used in the microparticulation of egg and milk protein are commonly used food processing techniques that do not materially change the quality, utility, functionality, or safety of food products. The use of these techniques is just as common in the home as it is in the food industry, and it is generally known by experts and laypersons alike that these techniques do nothing except make food more palatable or appealing. Therefore, FDA concludes on the basis of the published data discussed above that microparticulated egg and milk protein is safe.

IV. Corroborating Evidence of No Adverse Effect on Protein Quality and of Safety

A. Microparticles in Other Foods

Protein microparticles occur in many foodstuffs, such as in milk from humans, cows, goats, and camels and in the cheeses made from some of these milks (Refs. 1 through 4). The formation of microparticles also occurs during the normal processing of foods, e.g., blending, mixing, pasteurizing, pH-modification, and baking (Ref. 42). As discussed above, the petitioner has incorporated established food processing techniques into a distinct process that consistently yields a product containing protein microparticles that are roughly uniform in size, quality, and distribution (GRASP 8G0345).

B. Structure of Microparticles

The petition contains unpublished studies on the morphology of the microparticles using scanning electron microscopy and transmission electron microscopy to look for changes in the microparticulated protein product before and after freezing (GRASP 8G0345, pp. 559–596). These studies show the product's microparticle stability through several freeze-thaw cycles such as might be encountered by the product in transit through the food-distribution system. The studies found no significant differences in protein structure before and after freezing.

The petition also includes the results of studies using transmission electron microscopy and scanning electron microscopy that investigated the microstructures of the constituent, and of the final, microparticulated protein product. These studies showed that the high-shear heat treatment of the mixture of milk and egg white protein yields casein micelles (predominantly spheroidal in shape) surrounded by flocculated egg white protein.

Further characterization of the proteins by one- and two-dimensional gel electrophoresis showed "marked similarity (to one another) among all gels in which all the protein bands could be identified as either milk or egg white proteins" (Ref. 18). Therefore, these studies demonstrate that the microparticulation process does not change the egg and milk protein into new or novel substances that do not have a history of safe use.

C. Amino Acid Profiles

The amino acid profile can be used to characterize proteins (Ref. 43). Recognizing this, the petitioner submitted data that provide evidence that the amino acid profiles of the egg white and milk proteins used as test materials and those of the processed product are not significantly different. Because there are no significant differences between the amino acid profiles of the source protein and of the processed protein, the agency concludes that the microparticulation process does not cause changes in the amino acid composition of the egg and milk protein product that would affect its safety.

D. Protein Efficiency Radio (PER)

To provide additional evidence of the safety of microparticulated protein products, the petitioner submitted data from unpublished studies that compare the PER's of the source proteins and of the processed product. In these studies, rats were fed either of the following diets: (1) Casein (standard reference

protein for PER bioassay); (2) casein plus 15 percent sucrose; (3) mixture of unprocessed starting ingredients for the product (premix); (4) premix exposed to gentle heat (325 °F for 1 hour); (5) premix exposed to severe heat for 15 minutes; (6) premix processed to contain microparticulated egg white and condensed milk proteins; and (7) processed product with 20 percent sucrose (weight/weight) to potentially enhance the stability of the product during long-term storage at freezer temperatures. The rats were fed the diets for 28 days. There were no statistically significant differences between the PER's of the processed and the unprocessed materials. These studies provide evidence that the microparticulation process does not change the nutritive value of the egg white and milk protein.

E. Allergenicity Studies

Published studies show that both eggs and milk produce allergic reactions in sensitive individuals (Ref. 45). To test what effect the microparticulated protein product would have on such individuals, the petitioner submitted an unpublished in vitro allergenicity/antigenicity study of the product with sera from 13 people with an allergy to either milk or egg proteins or to both. The test employed the sodium dodecyl sulfate-polyacrylamide gel electrophoretic (SDS–PAGE) analysis of the test materials. The test materials included: (1) Premix containing a mixture of unprocessed starting materials; (2) premix gently heated (custard-like); (3) premix severely heated (scrambled egg-like); (4) properly prepared microparticulated protein product; (5) properly prepared product with extra sugar; (6) ultrafiltered egg white and condensed milk; (7) fresh egg whites; and (8) fresh cow's milk.

If antibodies to proteins in the test material are present in human sera, they can react with the SDS-PAGE-separated proteins to form antibody-antigen complexes. Seven patients who were clinically symptomatic (allergic) to both eggs and cow's milk were chosen for the study. The study also included three patients symptomatic to eggs only, three symptomatic to milk only, and two controls. The results of these studies produced no evidence of novel proteins in the test materials and no evidence of increased immunologic activity when the final product was compared with the premix of unprocessed starting materials and discrete ingredients (Ref. 19).

The agency concludes, however, that patients clinically allergic to either eggs or cow's milk, or to both, have antibodies to protein fractions in eggs, cow's milk, and the five test materials at approximately equal levels of binding. If an individual who is allergic to either egg or cow's milk, or both, ingested microparticulated protein product test materials, it is likely that he/she would experience an allergic reaction similar to that produced by egg or cow's milk or both.

Under section 409(c)(1) of the act (21 U.S.C. 348(c)(1)), FDA is authorized, in approving the use of a food additive, to list the conditions under which the additive may be safely used. These conditions may include any labeling requirements that the agency finds necessary to ensure the safe use of the additive.

Similarly, under 21 CFR 184.1(b)(2), in affirming a substance as GRAS, FDA is authorized to set forth, by means of specific limitations, the particular conditions, including labeling, under which there is general recognition among qualified experts that use of a substance is safe. After careful review of the information on the allergenicity of egg and milk protein, given the fact that the microparticulated protein products will continue to produce allergic-type reactions, FDA has concluded that the use of microparticulated egg and milk protein product is GRAS only (except in the restaurant-type setting) when the conditions of its use include a declaration on the label or labeling of the presence of the egg and milk protein in the food. This specific limitation is set forth below in new § 184.1498(b)(3). Persons who know that they are sensitive to the protein used in the product are likely to be selective in the types of foods that they use and, with appropriate label declaration, will be able to avoid the potential hazard from allergic-type reactions to the proteins in the product by reading the label.

F. Biotin/Avidin Binding

The agency has considered the possible effect of increased egg white consumption on biotin deficiencies. Biotin, a water- and alcohol-soluble vitamin essential for the activity of many enzyme systems, may be inactivated by avidin, a glycoprotein found in egg whites. Avidin has a high affinity for biotin, and the prolonged ingestion of very large quantities of raw eggs may result in a biotin deficiency. However, because biotin is widely distributed in the food supply and is formed by the intestinal flora, biotin deficiencies occur very infrequently, only with abnormal diets low in biotin or very high in avidin (200 g of dried egg whites per day (Ref. 5)) or a combination of these conditions (Ref. 6). Heat processing, such as the high-shear heat treatment used in microparticulation, readily denatures avidin and prevents its binding to biotin (Ref. 7). For this reason, the agency finds that there is no basis for concern that a biotin deficiency will develop in people consuming microparticulated protein product.

V. Comments

FDA received five comments in response to the published notice. One comment was from a nutrition consultant, one from a physician, one from a consumer, one from a consumer interest group, and one from a law firm. The specific comments and the agency's responses are discussed below.

1. The comment from the nutrition consultant questioned whether there was breakdown of protein in the microparticulated product into amino acids, particularly glycine, and if so, whether the level is less than the) 0.2 percent limitation specified in the food additive regulation for the use of glycine in § 172.812 (21 CFR 172.812).

The agency finds that there is no basis for the concerns expressed in this comment. Based on published information about the effects of processing techniques on food protein (Refs. 20, 21, 22, and 46), the agency finds that under the conditions used in the processing of the egg whites and milk proteins to form microparticulated egg white and milk protein products, the proteins would not break down into the component amino acids, including glycine, during the processing. Further, § 172.812 (21 CFR 172.812) establishes a 0.2 percent limit for the food additive use of the free amino acid glycine in certain foods to produce limited and specific technical effects. This limit on an added amino acid has no relationship to consumer exposure to the amino acids that are present in intact food proteins such as those found in the egg whites and milk protein in microparticulated protein product at physiologically safe levels. Thus, the comment is irrelevant to the exposure to the amino acids derived from microparticulated protein product.

2. Citing five specific references (Refs. 9, 10, 14, 15, and 16), the comment from the physician identified six issues that he believes should be addressed in the evaluation of the safety of microparticulated protein product. However, the comment did not provide copies of these five references or of others identified in his letter (see GRASP 8G0345—comment 3) (Refs. 8, 11, 12, and 13). The agency has evaluated the available references as

reflected in the responses provided below. The physician did not present any conclusion on whether the use of microparticulated protein product is GRAS.

The first issue identified by the comment is whether particle size and homogenization influence the absorption and metabolism of the component amino acids. The comment stated that "it is known * * * for example, that such alteration of milk or whole eggs increases the absorption of free cholesterol and * * * that particle size significantly alters the physical characteristics of aspartame."

The agency has evaluated the relevant references cited by the comment and finds that the references document a controversy regarding the subject of absorption of cholesterol as a function of homogenization of milk or eggs that contain both protein and fat. The studies referred to in the references submitted in the comment were designed to measure fat absorption, which would include cholesterol absorption, but were not designed to measure amino acid/protein absorption. Amino acids/proteins are absorbed by a different mechanism than cholesterol. Therefore, the comment and references are not relevant to the absorption of the microparticulated protein product, which consists of only the protein from milk and eggs.

Although the references cited in the comment address the absorption of a different macromolecule (cholesterol) that is absorbed by a different mechanism than that by which protein and amino acids are absorbed, it is true that modification of amino acid/protein absorption may be influenced by homogenization (Ref. 20). Studies have shown that homogenization of milk produces a better utilization of the protein in milk (Ref. 20) as compared with nonhomogenized milk.

Also, as discussed in section IV, protein quality (PER) data show that there were no significant differences between the growth responses of rats fed the simple mixtures of egg white and milk proteins and of those fed microparticulated protein product. Based upon its review of all the data, the agency finds that decreased particle size and homogenization may favorably influence the absorption and utilization of the protein in microparticulated protein product and finds no evidence of adverse effects from these factors.

The significance of the comment "that particle size significantly alters the physical characteristics of aspartame" is unclear to the agency. No data were submitted to support this contention or to explain what its implications would be. Therefore, it provides no basis for the agency to alter its evaluation of the petition.

The second issue identified by the comment is whether independent peptide chemists have demonstrated stereochemical changes from heating or prolonged storage of the microparticulated protein product.

The comment appears to question whether conditions of heating or prolonged storage would alter protein conformation (e.g., the folding pattern of the protein), which might affect the availability of the protein for digestion and metabolism. The comment submitted no specific study reports on the stereochemical conformation (spatial arrangement) of protein in the microparticulated protein product after heating or storage or both.

Based on a review of published studies about the effects of processing on food proteins (Refs. 20, 21, and 46), the agency finds no evidence that would lead one to believe that the stereochemical conformational changes in the structure of the product's protein during heating and storage are different from those that occur during heating and storage of other dietary egg and milk protein products. Therefore, this issue does not require further study by independent peptide chemists.

The third issue identified by the comment is, "Can this product induce malabsorption and nutritional deficiencies other than the excessive caloric reduction sought by weight-conscious persons, or undermine an adequate diet in young children through massive promotion?"

Based on a review of the published information on both the steps used in the production of microparticulated egg and milk protein products and on the properties of the constituents of the product (Ref. 46), the agency finds no evidence that would lead one to believe that these products will induce malabsorption or nutritional deficiencies. No such evidence was presented by the comment. Therefore, the agency finds that there is no basis to consider this issue further.

The fourth issue identified by the physician concerns whether the brain "is capable of adapting to the rapid influx of phenylalanine and other amino acids present in 'egg whites' without neurologic, psychiatric or behavioral risk * * * especially in a fetus."

In response to this issue, the agency finds that, as stated above in its response to comment 1, microparticulated protein product contains intact protein and not free amino acids as indicated in the comment. Thus, microparticulated protein product is metabolized in the same manner as egg white and milk protein. The agency concludes, therefore, that there is no basis for the concerns expressed in the comment, and that the use of microparticulated protein product will not present a neurologic, psychiatric, or behavioral risk to the general public or to the fetus.

The fifth issue identified by the comment was whether the risks of neurologic, psychiatric, or behavioral and fetal effects cited in its first question might be compounded by the projected combination of aspartame and microparticulated protein product in certain products.

Based on a review of published information on the constituents of microparticulated protein product (Ref. 46) and because the individual would be consuming intact protein rather than free amino acids, the agency finds no reason to expect any risks of neurological, psychiatric, behavioral, or fetal effects from the consumption of microparticulated protein product if it is combined with aspartame. Persons routinely consume food products containing aspartame and intact egg or milk protein similar to that found in microparticulated protein product, e.g., frozen desserts and flavored milk beverages, with no evidence of adverse effects. The agency also has no evidence to indicate adverse neurological, psychiatric, behavioral, or fetal effects from aspartame when it is consumed at levels that would be expected in frozen dessert-type products (see the **Federal Register** of June 7, 1988 (53 FR 20842)). Therefore, the agency finds no reason to expect that an adverse effect would result from a combination of microparticulated protein product and aspartame. The comment provided no information to indicate or to suggest that these ingredients would cause adverse effects.

The last issue identified by the physician was whether sugar consumption will rise as more fat-substituted frozen dessert-type products include various natural sweeteners, such as cane sugar, in their formulation.

The agency has no evidence, nor did the physician provide any, to suggest that the use of natural sweeteners in frozen dessert-type products will increase, or that the intake of frozen dessert products or substitutes will increase because of the use of microparticulated protein product in these products. Based on proposed formulations in the petition, the same level of sugar will typically be used in the frozen dessert-type products as is

used in ice cream or other frozen desserts.

3. Comment number three was from a consumer who expressed concern that glutamate intake from the use of casein (milk protein) in microparticulated protein product would be increased. The comment provided a reference on the "Brain Damaging Potential of Protein Hydrolysates," and asked about the amount of the product that would be fed to babies.

The reference (Ref. 17) submitted in this comment on potential brain damage from protein hydrolysates reports the results of a study of the effects of total parenteral nutrition using hydrolyzed protein (free amino acids) but does not consider the normal absorption, digestion, and metabolism of intact protein such as that from egg whites and milk, which is the nature of the substance at issue in this proceeding. Therefore, the reference is not relevant to the issue of the consumption of microparticulated protein product. In response to the question on the amount of the product consumed by babies (6 to 23 months), the agency estimates that the intake of microparticulated protein product from its use in frozen dessert-type products will be 9.8 g/p/d (mean) and a 90th percentile) 22 g/p/d for "eaters only" based on the proposed maximum 53 percent use level (Ref. 44).

4. The comment from the consumer interest group stated that there does not appear to be a safety concern with the petitioned product. However, it expressed concern, as did the comment from the consumer, about the undesirable effects on the total dietary pattern of replacing fat. The comment stated that people will consume more "junk foods" containing fat replacers, and that, as a result, there will be less room for the consumption of foods containing whole grains, fruits, and vegetables. The comment noted that there are groups, such as the growing elderly population and obese people on low calorie diets, that particularly need nutrient-dense food. These groups may be particularly vulnerable to the replacement of macro-nutrients in the diet. The comment asked the agency to monitor the nutrient composition of diets of individuals who consume the most fat replacers as a proportion of their diets and to determine whether certain groups may be vulnerable to the effects of fat displacement.

Certain subpopulations do have special dietary needs that require that they control their eating behavior patterns. The U.S. Department of Health and Human Services (DHHS) has a role in educating consumers about diet and has issued dietary recommendations (Dietary Guidelines for Americans, 2d Ed., 1985, USDA and DHHS). However, FDA finds no basis to question whether microparticulated protein product is GRAS simply because certain individuals may not make good judgments about their dietary choices.

The comment does not contain any data or other information to support the necessity of monitoring dietary habits of the consumers expected to be exposed to fat replacers in frozen desserts. The agency does monitor the use of food ingredients by the industry and, as appropriate, may evaluate the consumption of specific ingredients. Without data to suggest that the level of use of microparticulated protein product as a fat replacer is sufficient to adversely affect the health of consumers, the agency does not see a basis for conducting a separate study as suggested in this comment.

5. The comment from the consumer group also requested that the agency require that the labeling of microparticulated protein product ensure the protection of consumers who are allergic to egg white or milk protein or to both. The comment argued that restaurants and other institutions should be required to notify consumers of foods containing these products.

The agency agrees that consumers should be informed of the presence of microparticulated protein product in foods so that they can avoid those foods if they are allergic to egg white and milk protein. As stated above, given the fact that microparticulated protein products will produce allergic-type reactions in sensitive individuals, FDA has concluded that the use of microparticulated egg and milk protein product must be labeled as set forth below in § 184.1498(b)(3). The agency believes that where the identify of the source of the protein in the product is included in the name of the ingredient, no additional label statement is necessary.

Because the source of the protein in the microparticulated protein product will be listed in the ingredient statement on the label of frozen dessert-type products that contain this substance, persons who are allergic to egg white and milk protein, and who purchase frozen dessert-type products at the retail level (for example, at grocery stores), will be able to become familiar with the possible presence of egg and milk proteins in frozen dessert-type products. In a restaurant, allergic individuals will know to seek information from restaurant employees about whether the frozen dessert products contain microparticulated protein.

Because of the requirement that the source of the protein be included on the name of the product, workers in institutions will also be aware of the presence of the constituent ingredients (egg white and milk protein) and can inform inquiring customers who are allergic to egg and milk protein of their presence if or when requested.

6. The last comment, from a law firm, agreed that the petitioner is correct that the ingredients used for making the subject microparticulated protein product are GRAS, and that particle size reduction processes are not new. However, the comment opposed GRAS affirmation of the microparticulated protein product for the "new" use on the grounds that the product is a combination of ingredients already commonly used for the requested function. In support of its position, the comment provided limited data on the particle size of certain components of currently available standardized frozen desserts to demonstrate that they contain microparticles well within the size specifications for the petitioned product.

The comment stated that FDA would not be able to monitor the presence or absence of this "new" ingredient as compared to ingredients that have been subjected to a similar or identical process. The comment further asked FDA to reject the special labeling provisions asked for by the petitioner which would not require the listing of all ingredients in the microparticulated protein product because to permit such labeling would be, in effect, to grant a special license.

The agency agrees that the submitted data show that prepared food products have similar particle size profiles. However, simple particle size is not the only issue involved. The petition for microparticulated protein product claims that this product is a new ingredient. The petition contains information that describes a process whereby the ingredients are processed under high-shear and heat conditions to produce a densely packed mass of particles that resembles an oil in water emulsion. This form is what is to be recognized as the "new" product or ingredient. This new form of product is what is to be accepted as a replacement for fat as a thickener and texturizer in food.

In response to the comment's concern about the special labeling provisions asked for by the petitioner, the agency notes that it is not permitting such labeling. The ingredients of the product must be listed on the label in accordance with 21 CFR 101.4(b)(2).

Moreover, § 184.1498 specifies that the name of the product should contain the source of the microparticulated protein.

VI. Conclusion

Based on its evaluation of the published information on the steps used in the production of microparticulated protein products, FDA concludes that these steps are nothing more than commonly used food processing steps that have been shown through published studies not to change the nutritional value or the safety of food, especially egg and milk protein. These normal and widely used processing techniques, e.g., heating, pH control, homogenization/microparticulation, and ultrafiltration, do not cause the appearance of unknown or unexpected compounds that would adversely affect the safety of routinely processed dairy products. Further, the agency finds the scientific literature confirms the existence of protein microparticles (e.g., micelles and aggregates) in normal and widely consumed dairy products (Refs. 1 through 4). The literature also establishes that microparticulated protein products will have their intended technical effects.

In addition, FDA finds that the likely increase in the intake of dietary protein from the consumption of microparticulated egg and milk protein product is not significant. Based on a review of the published literature, the agency finds no basis for the concerns expressed by the comments on the adverse effects of increased levels of free amino acids, particle size, stereochemical changes, malabsorption, and nutritional deficiencies. The agency concludes that the labeling of the product as required in § 184.1498 will address concerns of persons who may be allergic to egg and milk proteins.

Therefore, based on published data on the steps in the microparticulation process and corroborated by results of animal studies on the similarity of the protein quality (PER and amino acid profiles) of milk and egg protein and the microparticulated protein product, FDA concludes that the use of microparticulated protein products in frozen dessert-type products is GRAS.

VII. Environmental Effects

The agency has carefully considered the potential environmental effects of this action and has concluded that the action will not have a significant impact on the human environment and that an environmental impact statement is not required. The agency's finding of no significant impact and the evidence supporting that finding, contained in an environmental assessment, may be seen in the Dockets Management Branch, Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857 between 9 a.m. and 4 p.m., Monday through Friday. This action was considered under FDA's final rule implementing the National Environmental Policy Act (21 CFR part 25).

VIII. Economic Effects

FDA, in accordance with the Regulatory Flexibility Act, has considered the effects that this regulation would have on small entities, including small businesses, and has determined that the effect of this final regulation is to provide for the new use of microparticulated protein product by both large and small businesses. Therefore, FDA certifies in accordance with section 605(b) of the Regulatory Flexibility Act that no significant economic impact on a substantial number of small entities will derive from this action.

In accordance with Executive Order 12291, the agency has analyzed the economic effects of this final rule and has determined that this rule will not be a major rule as defined by that Order.

The agency's finding of no major economic impact and no significant impact on a substantial number of small entities, and the evidence supporting these findings, are contained in a threshold assessment which may be seen in the Dockets Management Branch (address above).

IX. References

The following references have been placed on display in the Dockets Management Branch (address above) and may be seen by interested persons between 9 a.m. and 4 p.m., Monday through Friday.

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List of Subjects in 21 CFR Part 184

Food ingredients.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs, 21 CFR part 184 is amended as follows:

PART 184—DIRECT FOOD SUBSTANCES AFFIRMED AS GENERALLY RECOGNIZED AS SAFE

1. The authority citation for 21 CFR part 184 continues to read as follows:

Authority: Secs. 201, 402, 409, 701 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321, 342, 348, 371).

2. New § 184.1498 is added to subpart B to read as follows:

§ 184.1498 Microparticulated protein product.

(a) Microparticulated protein product is prepared from egg whites or milk protein or a combination of egg whites and milk protein. These protein sources may be used alone or in combination with other safe and suitable ingredients to form the microparticulated product. The mixture of ingredients is high-shear heat processed to achieve a smooth and creamy texture similar to that of fat. Safe and suitable ingredients used in the preparation of the microparticulated protein product must be used in compliance with the limitations of the appropriate regulations in parts 172, 182, and 184 of this chapter.

(b) The ingredient is used in food in accordance with § 184.1(b)(2) at levels not to exceed current good manufacturing practice. The affirmation of the use of this ingredient as generally recognized as safe (GRAS) as a direct human food ingredient is based upon the following conditions of use:

(1) The ingredient is used in food as a thickener as defined in § 170.3(o)(28) of this chapter or as a texturizer as defined in § 170.3(o)(32) of this chapter.

(2) The ingredient is used in frozen dessert-type products except that the ingredient may not be used to replace the milk fat required in standardized frozen desserts.

(3) The name of the ingredient used in the ingredient statement on both bulk and packaged food must include the source of the protein (e.g., "microparticulated egg white protein"), followed by a parenthetical listing of each of the ingredients in the microparticulated protein product, in descending order of predominance. Microparticulated protein product must be used in accordance with this requirement or its addition to food will be considered by FDA to constitute the use of an unapproved food additive (see § 184.1(b)(2)).

Dated: February 14, 1990.

Douglas L. Archer,

Acting Director, Center for Food Safety and Applied Nutrition.

[FR Doc. 90–4199 Filed 2–22–90; 8:45 am]

BILLING CODE 4160–01–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

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 that the Judge Advocate General of the Navy has determined that USS *Guardian* (MCM–5) 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 functions as a mine countermeasures ship. The intended effect of this rule is

to warn mariners in waters where 72 COLREGS apply.

EFFECTIVE DATE: February 14, 1990.

FOR FURTHER INFORMATION CONTACT: Captain P.C. Turner, 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 Judge Advocate General of the Navy, under authority delegated by the Secretary of the Navy, has certified that USS *Guardian* (MCM–5) 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 placement of the after masthead light and the horizontal distance between the forward and after masthead lights, without interfering with its special functions as a Navy ship. The Judge Advocate General of the Navy has also certified that the aforementioned lights 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 ship in a manner differently from that prescribed herein will adversely affect the vessel's ability to perform its military functions.

List of Subjects in 32 CFR Part 706

Marine safety, Navigation (water), Vessels.

Accordingly, 32 CFR part 706 is amended as follows:

PART 706—[AMENDED]

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

Authority: 33 U.S.C. 1605.

§ 706.2 [Amended]

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

Vessel	Number	Forward masthead light less than the required height above hull. Annex I, sec. 2(a)(i)	Aft masthead light less than 4.5 meters above forward masthead light. Annex I, sec. 2(a)(ii)	Masthead lights not over all other lights and obstructions. Annex I, sec. 2(f)	Vertical separation of masthead lights used when towing less than required by Annex I, sec. 2(a)(i)	Aft masthead lights not visible over forward light 1,000 meters ahead of ship in all normal degrees of trim. Annex I, sec. 2(b)	Forward masthead light not in forward quarter of ship. Annex I, sec. 3(a)	After masthead light less than ½ ship's length aft of forward masthead light. Annex I, sec. (3)(a)	Percentage horizontal separation attained.
USS Guardian.	MCM–5	.....	.....	.....	.....	.....	.....	X	69

Dated: February 14, 1990.

Approved:

E.D. Stumbaugh,

Rear Admiral, JAGC, U.S. Navy, Judge Advocate General.

[FR Doc. 90–4143 Filed 2–22–90; 8:45 am]

BILLING CODE 3810–AE–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Public Land Order 6769

[CO–930–00–4214–10; C–28613]

Partial Revocation of Executive Order Dated August 9, 1916, Powersite Reserve No. 539; Colorado

AGENCY: Bureau of Land Management, Interior.

ACTION: Public Land Order.

SUMMARY: This order revokes an Executive order insofar as it affects 27.82 acres of public land withdrawn for Powersite Reserve No. 539. This revocation is needed to permit consummation of an exchange. The land is no longer needed for waterpower purposes. This action will open the land to surface entry and disposal. The land has been and remains open to mining and to mineral leasing.

EFFECTIVE DATE: March 26, 1990.

FOR FURTHER INFORMATION CONTACT: Doris E. Chelius, BLM Colorado State Office, 2850 Youngfield Street, Lakewood, Colorado 80215–7076, 303–236–1752.

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

1. Executive Order dated August 9, 1916, which withdrew public land for Powersite Reserve No. 539, is hereby revoked insofar as it affects the following described land:

Sixth Principal Meridian

T. 16 S., R. 68 W.,
sec. 6, lot 3.
The area described contains 27.82 acres in Teller County.

2. At 9 a.m. on March 26, 1990, the land described in paragraph 1 will be opened to the operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications at or prior to 9 a.m. on March 26, 1990, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

Dated: February 14, 1990.

Dave O'Neal,

Assistant Secretary of the Interior.

[FR Doc. 90–4160 Filed 2–22–90; 8:45 am]

BILLING CODE 4310–JB–M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 2 and 80

[Gen. Dkt. No. 88–550; FCC 90–39]

Accommodation of the Government Next Generation Weather Radars in the 2900–3000 MHz Band

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: By this action the Commission is amending the Table of Frequency Allocations to permit Government Next Generation Weather Radars (NEXRAD) to operate in the 2900–3000 MHz band on a co-primary basis. The 2900–3000 MHz band is currently allocated to Government and non-Government Maritime Radionavigation on a primary basis and

radiolocation on a secondary basis. The majority of NEXRADs will operate in the 2700–2900 MHz band, which is already allocated to the meteorological aids service. However, due to frequency congestion, it will be necessary for a relatively small number of NEXRAD systems to operate in the 2900–3000 MHz band. The new footnote will permit NEXRAD operation in the higher band only when operation in the lower band is not possible. NEXRAD operations are expected to have little, if any, impact on the existing services authorized to operate in the 2900–3000 MHz band.

EFFECTIVE DATE: March 30, 1990.

ADDRESSES: Federal Communications Commission; Washington, DC 20554.

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

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Report and Order in General Docket 88–550, FCC 90–39, adopted Janaury 25, 1990 and released February 13, 1990.

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

Summary of Report and Order

1. In this Report and Order, the Commission is amending part 2 of its rules to permit Government Next Generation Radar (NEXRAD) systems to utilize the 2900–3000 MHz frequency band. This action is in response to a request from the National Telecommunications and Information Administration (NTIA). NEXRAD, a joint development of the Department of Commerce, the Air Force, and the Federal Aviation Administration is a new, improved weather radar system that will replace existing, outdated meteorological aids service weather radars in the 2700–2900 MHz band. NTIA stated that NEXRAD would operate primarily in the 2700–2900 MHz band. However, it also indicated that NEXRAD operations in this band would be precluded in some geographical areas due to frequency congestion. To resolve this problem, NTIA proposed that the 2900–3000 MHz band also be allocated on a primary basis to the meteorological aids service for NEXRAD operation. This band is currently allocated for maritime radionavigation on a primary basis and radiolocation by both government and non-Government users on a secondary basis. To minimize the impact on existing services, NTIA proposed that NEXRAD operations in the 2900–3000 MHz band be limited to those systems that are not technically practical in the 2700–2900 MHz band. NTIA also advised that interference between NEXRAD systems and existing services in the 2900–3000 MHz band could be avoided through frequency coordination.

2. On November 29, 1988, the Commission adopted a Notice of Proposed Rule Making (Notice) (54 FR 157, January 4, 1989) proposing to amend the Table of Frequency Allocations to provide additional spectrum for NEXRAD operations, as requested by NTIA. No comments were filed in response to the Notice.

3. The Commission therefore reaffirms its initial determination that allocation of the 2900–3000 MHz band for use by NEXRAD systems as proposed would benefit the public interest. It stated that the advanced weather prediction capabilities of NEXRAD systems will improve safety in connection with air travel, as well as being of value to our national defense forces. The Commission also concludes that any potential for interference to maritime radionavigation stations and radiolocation systems can be resolved through the routine coordination process of the Frequency Assignment Subcommittee (FAS) of the Interdepartment Radio Advisory Committee. In addition, the Coast Guard has concurred to the accommodation of NEXRAD systems in the 2900–3000 MHz band subject to the understanding that coast and ship radionavigation stations will continue to be afforded protection against interference through the FAS coordination process.

4. A regulatory flexibility analysis is not required in this case. NEXRADs operating in the 2900–3000 MHz band will not have a significant impact on small entities. Therefore, we certify that section 605(b) of the Regulatory Flexibility Act of 1980 (Pub. L. 96–354) does not apply to this proceeding. The Commission is adopting this Report and Order to allow NEXRADs to operate in the 2900–3000 MHz band on a co-primary basis when it is not feasible to do so in the 2700–2900 MHz band. No other significant alternatives have been identified.

5. Accordingly, *It is ordered* That pursuant to sections 4(i), 303(c), 303(f), 303(g), and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. Sections 154(i), 303(c), 303(f), 303(g), and 303(r); parts 2 and 80 of the Commission's Rules, 47 CFR part 2 and part 80 *are amended* as set forth below. In addition, *It is ordered* That this Order will become effective March 30, 1990. *It is further ordered* That this proceeding *is terminated.*

List of Subjects

47 CFR Part 2

Frequency allocations, Radio.

47 CFR Part 80

Radio.

Rule Changes

Parts 2 and 80 of chapter I of title 47 of the Code of Federal Regulations are amended as follows:

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

1. The authority citation in part 2 continues to read:

Authority: Sec. 4, 303, 48 Stat. 1066, 1082, as amended; 47 U.S.C. 154, 303, unless otherwise noted.

2. Section 2.106, the Table of Frequency Allocations, is amended by revising the entries in columns 4 and 5 for the 2900–3100 MHz band and by adding the text of footnote US309 to the list of footnotes at the end of the table to read as follows:

§ 2.106 Table of frequency allocations.

United States table	
Government allocation (MHz)	Non-Government allocation (MHz)
(4)	(5)
* * * * *	
2900–3100	2900–3100.
MARITIME RADIONAVIGATION.	MARITIME RADIONAVIGATION
772 774 775	772 774 775.
	Radiolocation.
Radiolocation	US44 US309.
US44 US309 G56	
* * * * *	

* * * * *

United States (US) Footnotes

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US309 The band 2900–3000 MHz is also allocated on a primary basis to the Meteorological Aids Service. Operations in this service are limited to Government Next Generation Weather Radar (NEXRAD) systems where accommodation in the 2700–2900 MHz band is not technically practical and are subject to coordination with existing authorized stations.

PART 80—STATIONS IN THE MARITIME SERVICES

1. The authority citation in part 80 continues to read:

Authority: Sec. 4, 303, 48 Stat. 1066, 1082, as amended; 47 U.S.C. 154, 302, unless otherwise noted. Interpret or apply 48 Stat. 1064–1068, 1081–1105, as amended; 47 U.S.C. 151–155, 301–609; 3 UST 3450, 3 UST 4726, 12 UST 2377, unless otherwise noted.

2. In Section 80.375 paragraph (d) (2)(ii) is revised to read as follows:

§ 80.375 Radiodetermination frequencies.

* * * * *

(d) *Radiodetermination frequency bands over 2400 MHz.* * * *

(2) * * *

(ii) The use of the 2900–3100 MHz, 5470–5650 MHz and 9300–9500 MHz bands for radiolocation must not cause harmful interference to the radionavigation and Government radiolocation services. Additionally, the use of the 2900–3000 MHz band for radiolocation must not cause harmful interference to the Government meteorological aids service.

* * * * *

Federal Communications Commission.

Donna R. Searcy,

Secretary.

[FR Doc. 90–4083 Filed 2–22–90; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 73

[MM Docket No. 89–25; RM–6570, RM–6587, RM–6646]

Radio Broadcasting Services; Algona, IA, et al.

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Commission, at the request of Osage Broadcasting Company, KLGA, Incorporated, and Pilot Knob Broadcasting, substitutes Channel 279A for Channel 224A at Osage, Iowa, Channel 224C2 for Channel 224A at Algona, Iowa, and Channel 297C2 for Channel 272A at Forest City, Iowa. In addition, their licenses for Stations KCZY, KLGA and KIOW are modified to specify operation on Channels 279A, 224C2 and 297C2, respectively. The channels can be allotted to each community in compliance with the Commission's minimum distance separation requirements and can be used at the present transmitter sites of the respective stations. The coordinates for Channel 279A at Osage are North Latitude 43–19–20 and West Longitude 92–51–22. The coordinates for Channel 224C2 at Algona are 43–04–05 and 94–12–08. The coordinates for Channel 297C2 at Forest City are 43–04–35 and 93–35–55. With this action, this proceeding is terminated.

EFFECTIVE DATE: April 2, 1990.

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

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 89–25, adopted January 30, 1990, and released February 16, 1990.

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

List of Subjects in 47 CFR Part 73

Radio broadcasting.

PART 73—[AMENDED]

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

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

§ 73.202 [Amended]

2. Section 73.202(b), the FM Table of Allotments, is amended under Iowa, by removing Channel 224A and adding Channel 224C2 at Algona, by removing Channel 272A and adding Channel 297C2 at Forest City, and by removing Channel 224A and adding Channel 279A at Osage.

Federal Communications Commission.

Karl A. Kensinger,

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

[FR Doc. 90–4084 Filed 2–22–90; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 73

[MM Docket No. 89–100; RM–6647]

Radio Broadcasting Services; Sargent, NE

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Commission, at the request of E. Eugene McCoy, Jr., allots Channel 221C1 to Sargent, Nebraska, as the community's first local FM service. Channel 221C1 can be allotted to Sargent in compliance with the Commission's minimum distance separation requirements without the imposition of a site restriction. The coordinates for this allotment are North Latitude 41–38–30 and West Longitude 99–22–18. With this action, this proceeding is terminated.

DATES: Effective April 2, 1990. The window period for filing applications will open on April 3, 1990, and close on May 3, 1990.

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

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 89–100, adopted January 29, 1990, and released February 16, 1990. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, (202) 857–3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

PART 73—[AMENDED]

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

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

§ 73.202 [Amended]

2. Section 73.202(b), the FM Table of Allotments is amended under Nebraska by adding Sargent, Channel 221C1.

Federal Communications Commission.

Karl A. Kensinger,

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

[FR Doc. 90–4085 Filed 2–22–90; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 73

[MM Docket No. 89–303; RM–6661]

Television Broadcasting Services; Arcade, NY

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Commission, at the request of Robert Bennett, allots UHF TV Channel 62– to Arcade, New York, as the community's first local television service. Channel 62– can be allotted to

Arcade in compliance with the Commission's minimum distance separation requirements with a site restriction of 15.2 kilometers (9.5 miles) east to avoid a short-spacing to the construction permit for Channel 48+ at Corning, New York, and to unused Channel 55 at Niagara Falls, Ontario, Canada. The coordinates for this allotment are North Latitude 42–28–44 and West Longitude 78–15–15. Canadian concurrence has been received. This allotment is not affected by the Commission's freeze on new television allotments since it is not located within the minimum co-channel distance to any of the markets affected by the freeze. *See Order*, 52 FR 28346, July 29, 1987. With this action, this proceeding is terminated.

EFFECTIVE DATE: April 2, 1990.

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

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 89–303, adopted January 30, 1990, and released February 16, 1990.

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

List of Subjects in 47 CFR Part 73

Television broadcasting.

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

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

§ 73.606 [Amended]

2. Section 73.606(b), the TV Table of Allotments under New York is amended by adding Arcade, Channel 62—.

Federal Communications Commission.

Karl A. Kensinger,

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

[FR Doc. 90–4089 Filed 2–22–90; 8:45 am]

BILLING CODE 6712–01–M

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47 CFR Part 73

[MM Docket No. 89–302; RM–6664]

Radio Broadcasting Services; Beaver Springs, PA

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Commission, at the request of Susan A. Bernstein, allots Channel 291A to Beaver Springs, Pennsylvania, as the community's first local FM service. Channel 291A can be allotted to Beaver Springs in compliance with the Commission's minimum distance separation requirements with a site restriction of 5.2 kilometers (3.2 miles) south to avoid a short-spacing to Stations WZKZ, Channel 291B, Corning, New York, and WHLM, Channel 293B, Bloomsburg, Pennsylvania. The coordinates for this allotment are North Latitude 40–42–04 and West Longitude 77–13–34. Canadian concurrence has been received. With this action, this proceeding is terminated.

DATES: Effective April 2, 1990. The window period for filing applications will be open on April 3, 1990, and close on May 3, 1990.

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

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 89–302, adopted January 30, 1990, and released February 16, 1990. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, (202) 857–3800, 2100 M Street NW., Suite 140, Washington, DC 20037.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

PART 73—[AMENDED]

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

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

§ 73.202 [Amended]

2. Section 73.202(b), the FM Table of Allotments under Pennsylvania is amended by adding Beaver Springs, Channel 291A.

Federal Communications Commission.

Karl A. Kensinger,

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

[FR Doc. 90–4086 Filed 2–22–90; 8:45 am]

BILLING CODE 6712–01–M

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47 CFR Part 73

[MM Docket No. 89–50; RM–6615]

Radio Broadcasting Services; Walhalla, SC

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Commission, at the request of Appalachian Broadcasting Company, allots Channel 242A to Walhalla, South Carolina, as the community's first local FM service. Channel 242A can be allotted to Walhalla in compliance with the Commission's minimum distance separation requirements with a site restriction of 11.2 kilometers (7.0 miles) northeast to avoid a short-spacing to Stations WEOA, Channel 241C, Atlanta, Georgia, and WRXR–FM, Channel 242C2, Aiken, South Carolina. The coordinates for this allotment are North Latitude 34–51–11 and West Longitude 83–00–17. With this action, this proceeding is terminated.

DATES: Effective April 2, 1990. The window period for filing applications will open on April 3, 1990, and close on May 3, 1990.

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

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 89–50, adopted January 29, 1990, and released February 16, 1990. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, (202) 857–3800, 2100 M Street NW., Suite 140, Washington, DC 20037.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

PART 73—[AMENDED]

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

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

§ 73.202 [Amended]

2. Section 73.202(b), the FM Table of Allotments under South Carolina, is amended by adding Walhalla, Channel 242A.

Federal Communications Commission.

Karl A. Kensinger,

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

[FR Doc. 90-4088 Filed 2-22-90; 8:45 am]

BILLING CODE 6712-01-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Parts 611, 672 and 675

[Docket No. 900244-0044]

Foreign Fishing; Groundfish of the Gulf of Alaska; Groundfish of the Bering Sea and Aleutian Islands

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

ACTION: Emergency interim rule.

SUMMARY: The Secretary of Commerce (Secretary) has determined that an emergency exists in the groundfish fisheries off Alaska. This emergency results from the burgeoning practice of stripping roe from female pollock and discarding female and male pollock carcasses without further processing. Pollock roe stripping is a wasteful practice that allows for an accelerated harvest of pollock and an inequitable distribution of pollock total allowable catch (TAC) in favor of the roe fishery. The continued expansion of pollock roe-stripping operations and the accompanying increase in the amount of pollock harvested during the spawning season will, at some point that cannot now be specified, adversely impact declining pollock stocks. The Secretary, therefore, is limiting the practice of roe-striping as recommended by the North Pacific Fishery Management Council (Council). This action is necessary to curb the harvesting and processing capacity in the pollock roe fishery, reduce wastage of the pollock resource, and provide for a more equitable distribution of the pollock resource to all sectors of the groundfish industry.

The intended effect of this action is to promote the fishery management objectives of the fishery management plans for the Groundfish Fishery of the Gulf of Alaska and the Groundfish Fishery of the Bering Sea and Aleutian Islands Area.

DATES: Effective February 16, 1990 through May 16, 1990. Comments are invited on the environmental assessment until March 19, 1990.

ADDRESSES: Copies of the environmental assessment may be obtained from Steven Pennoyer, Regional Director, National Marine Fisheries Service, P.O. Box 21668, Juneau, AK 99802.

FOR FURTHER INFORMATION CONTACT: Susan J. Salveson (Fishery Management Biologist NMFS), 907-586-7230.

SUPPLEMENTARY INFORMATION:

Background

The domestic and foreign groundfish fisheries in the Gulf of Alaska and Bering Sea and Aleutian Islands areas are managed by the Secretary according to fishery management plans (FMPs) prepared by the Council under the authority of the Magnuson Fishery Conservation and Management Act (Magnuson Act). The FMPs are implemented by regulations for the foreign fisheries at 50 CFR 611.92 and 611.93 and for the U.S. fisheries at 50 CFR parts 672 and 675. General regulations that also pertain to the U.S. fisheries are codified at 50 CFR part 620.

Currently, types of processing that occur in the Alaskan groundfish fisheries are not restricted. During winter and early spring (January–April), portions of the trawl fleet target on pre-spawning aggregations of pollock. Female pollock taken during this period contain eggs or roe, which is a valuable product in Asian markets. Although some groundfish processors do not utilize the roe, most do. Some processors extract the roe from the females, and further process the female carcasses (and the males) into products such as fillets, surimi, or fish meal. Other processors extract only roe, discarding the female carcasses and males. This practice is called roe-stripping. Extraction of only the roe results in a lower physical yield (recovery rate) than other processing techniques such as fillet or surimi production. Roe-stripping, however, is economically attractive because the roe product is relatively more valuable than other pollock products, and some processors can process more tons of pollock per day by foregoing further processing.

Factory trawlers that are equipped to produce headed and gutted products, but not fillets, surimi, or meal, comprise the bulk of the operations that extract only roe during the entire roe fishery. Some fillet, surimi, or meal operations may only practice roe-stripping for short periods of time when harvesting capacity exceeds processing capacity. This may occur due to either intense fisheries at the height of the spawning season or to processing equipment failure. Other operations that are capable of producing other products may choose to roe strip because it is more profitable for them to do so given the current management regime.

The expansion of the domestic harvesting and processing capacity for pollock has created intense competition for a limited resource between domestic at-sea processors and the shoreside processing industry. This is particularly true in the Gulf of Alaska, where the pollock TAC has declined from 285,000 mt in 1985 to the current TAC of about 70,000 mt. In 1988, at-sea processing operations harvested a total 8,000 mt of pollock or 14.4 percent of the 55,724 mt domestic harvest. During 1989, however, pollock harvest by at-sea processors increased to 32,000 mt during the January–April roe fishery alone, or approximately 53 percent of the initial Gulf of Alaska pollock TAC.

Unless action is taken, the rapid expansion of the pollock roe fishery in the Gulf of Alaska is expected to continue, along with an increase in the proportion of the pollock TAC that is taken during the spawning season and used solely to produce roe. During the remainder of the year, decreasing amounts of pollock will be available to directed pollock fisheries and for bycatch in other groundfish fisheries, leading to economic and social upheaval within that portion of the groundfish industry that depends on fuller access to the pollock resource. The same may be true for the Bering Sea/Aleutian Islands area in 1990.

An increasing fishing effort on spawning pollock concentrations will, at some point that cannot now be specified, adversely affect the future productivity and sustainable yield of the pollock resource. An effect of roe harvests might be the alteration of the reproductive capacity of the fished stock. The harvest of fish for roe removes a portion of the reproductive potential. The effect of fishery removals on future recruitment depends on the relationship between spawning populations and subsequent recruitment to the fishable population; unfortunately, this relationship is not clearly evident in pollock populations. Without a well-defined pollock stock-recruitment relationship and an understanding of all the factors affecting recruitment, definite conclusions regarding the impacts of targeting on spawning pollock cannot be made. However, present estimated relationships for Gulf of Alaska pollock do indicate that the existing number of spawners may be less than that required to maximize recruits and that targeting on females during the roe fishery could have a negative impact on the abundance of expected future recruits. The situation for Bering Sea pollock may be different, in that estimated stock-recruit

relationships indicate the existing number of spawning fish is probably greater than that required for the production of maximum recruits at this time. Therefore, the current roe fishery in the Bering Sea and Aleutian Islands would not likely have a negative impact on expected future recruit abundance. However, the continuing moderate decline in abundance of Bering Sea pollock, together with an increasing effort on spawning concentrations during the roe fishery, will, at some point, adversely affect future productivity of Bering Sea pollock stocks.

Another impact of increasing fishing effort on spawning concentrations of pollock is the localized depletion of discrete stocks. Although insufficient information exists to define localized stock boundaries, a concern exists that localized depletion of a pollock stock, even if short-lived, could adversely affect those species that feed on pollock, especially if such species are dependent on pollock as a food source. Marine mammals feed on pollock and distressed populations of northern sea lions and fur seals could be placed at additional risk if local prey availability were suddenly reduced.

The Council is developing amendments to the Fishery Management Plan for the Groundfish Fishery of the Bering Sea and Aleutian Islands Area and to the Fishery Management Plan for Groundfish of the Gulf of Alaska (groundfish FMPs) that address the issue of roe-stripping. The Council, at its April 1990 meeting, will consider whether these amendments should be submitted to the Secretary for review. Pending Secretarial approval, the amendments would not go into effect until the 1991 roe season. At its December 1989 meeting, therefore, the Council recommended that the Secretary implement an emergency rule that would prohibit the extraction of roe from pollock during 1990, unless male and female carcasses are further processed into commercial products.

The Council recommended this action for several reasons. First roe-stripping is wasteful of commercially useful fish protein. The discard of female carcasses and male pollock without further processing results in lower recovery rates. Secondly roe stripping allows for rapid processing of pollock catches, which accelerates the harvest of the total allowable pollock catch, thereby compressing the pollock fishery in time and preempting other pollock fisheries later in the year. During 1989, this preemption caused socioeconomic hardship for on-shore processing operations that had anticipated the opportunity to harvest and process Gulf of Alaska pollock during the last half of the year. Finally, the Council is concerned that targeting on spawning concentrations of pollock may adversely affect the future abundance of declining stocks of pollock and predators of pollock, such as northern sea lions. Although the Council's Scientific and Statistical Committee advised the Council of the lack of evidence at this time to indicate that current roe-stripping operations have a negative impact on pollock stocks, the Council recommended a conservative management approach for the pollock roe fishery until more information is available on the effects of this fishery on pollock populations and on northern sea lions and other marine mammals and birds that depend on pollock for food.

The Council was unable to establish criteria to define "wasteful processing" operations; however, it took the position that the average discard waste associated with roe stripping operations is unacceptable. The Council is considering an amendment to the FMPs that will establish Council policy on "waste" in groundfish processing operations and appropriate utilization of the groundfish resource. The Council views its recommendation to the Secretary to ban roe stripping during the 1990 roe fishery as an initial step towards expressing its intent on future policy development on proper utilization of fishery resources.

Section 305(e)(2)(B) of the Magnuson Act provides authority to the Secretary to promulgate temporary emergency regulations to resolve emergency problems in any fishery. Under this section, the Secretary may implement an emergency rule in response to recommendations made by the Council.

For the reasons stated above, the Secretary concurs with the Council's recommendation that pollock roe stripping creates an emergency in the Alaskan groundfish fisheries and should be constrained during the 1990 pollock roe season. Although the Council had explicitly expressed its desire to prohibit roe stripping in at-sea and on-shore processing operations, the Secretary's legal counsel has advised that the Magnuson Act does not provide the authority to directly regulate processing by on-shore processing facilities. Nonetheless, the Secretary encourages on-shore operations to avoid the practice of roe stripping in furtherance of Council objectives. The Secretary and the Council will consider the extent to which on-shore operations comply with the Council's intent during the development of future amendments that address roe-stripping and the impact of this practice on other groundfish fisheries, including on-shore operations. The Alaska State legislature is currently considering a ban on roe stripping with State waters in support of the Council's December recommendation to the Secretary.

This emergency rule and any subsequent regulatory action by the Secretary do not prejudge the Council's amendments being developed to address the issue of roe stripping. The Secretary may approve, disapprove, or partially disapprove that amendment as provided under the Magnuson Act.

Description of Emergency Interim Measure

The weight of the amount of pollock roe retained by an at-sea processor may not exceed seven percent of the round weight equivalent of pollock and other pollock product retained on board the processor vessel at any time during a fishing trip. This value is slightly higher than the overall average pollock roe recovery rate of 6.7 percent (total weight of roe divided by total weight of pollock landed) derived by NMFS from 1983–1985 foreign observer data. The pollock roe fishery does, however, experience a wide variance in roe recovery rates (rates may range from 3 to 17 percent depending on male to female catch ratio, size and maturity of fish, area, time of year, hydration of roe sac, size of catch etc.).

A seven percent pollock roe recovery rate assumes that the pollock sex ratio is about equal, thus discouraging targeting on only the female component of the spawning stock. This rate will, however, allow for the discard of small pollock unsuitable for processing into products other than meal.

The product recovery rates that will be used to extrapolate round weight equivalents from product weights are as follows:

Pollock product type	Pollock product recovery rate (percent)
Fillet (no skin or ribs)	25
Minced	25
Surimi	22
Meal	17
Headed and gutted	55
Roe	7

The above rates are based on product recovery rates reported by observers on board foreign processor vessels during the 1983–1985 pollock roe seasons.

These values may differ from average annual recovery rates for the same products due to seasonal variation in flesh quality. If pollock are processed into products other than those listed above, extrapolated round weight equivalents will be based on the best available information, including observer or vessel operator reported product recovery rates.

Additional data on product recovery rates will be collected by domestic observers during 1990. This information will contribute towards a more long-term solution to issues surrounding the pollock roe fishery under amendments to the groundfish FMPs that are being developed by the Council.

Examples of the procedure that will be used to derive allowable pollock roe retention during the 1990 roe fishery follow:

Allowable roe in a fillet or minced production operation—If the total pollock fillet and/or minced product onboard a vessel is 200 metric tons (mt), the allowable roe retention is calculated as follows: (200 mt product weight)/(.25 product recovery rate)=800 mt extrapolated round weight. The allowable roe retention is (800 mt round weight)×(.07 roe recovery rate)=56 mt roe product.

Allowable roe in a headed and gutted (H&G) operation—If the total pollock H & G product on board a vessel is 200 mt, the allowable roe retention is calculated as follows: (200 mt product weight)/(.55 product recovery rate)=363.6 mt extrapolated round weight. The allowable roe retention is (363.6 mt round weight)×(.07 roe recovery rate)=25.5 mt roe product.

Allowable roe in a surimi and meal operation—If large pollock are processed into a surimi product (total surimi product onboard equals 250 mt) and additional pollock are processed into meal (total pollock meal on board, excluding that produced from by-products of surimi production, equals 50 mt), the allowable roe retention is calculated as follows: [(250 mt surimi product weight)/(.22 surimi recovery rate)]+[(50 mt pollock meal)/(.17 meal recovery rate)=1,430 mt extrapolated round weight. Allowable roe retention is (1,430 mt round weight)×(.07 roe recovery rate)=100.1 mt roe product.

The mandatory logbook program implemented under Amendment 13/18 to the groundfish FMPs (54 FR 50386, December 6, 1989) requires that species product types and product weights be recorded on a daily basis and that primary and additional products from the same fish be identified. Enforcement of this roe-stripping limitation will rely on pollock product information recorded in the required daily cumulative production logbooks, weekly production reports that provide cumulative weekly production information from the logbooks, product transfer logs, and on-site inspection of product inventory.

The Secretary expects that the action taken under this emergency rule will (1) discourage targeting on the female component of spawning pollock stocks and make roe stripping operations less attractive; (2) reduce the rate at which allowable pollock quotas are harvested in the roe season and provide a more equitable distribution of the pollock resource to all sectors of the groundfish industry; (3) curb the burgeoning development of the pollock roe fishery and mitigate the potential adverse impact of this fishery on pollock populations and on marine resources that depend on pollock for food; and (4) provide fuller utilization of the pollock resource and reduce wastage of useable fish protein.

This action will reduce the pace and curb development of the roe fishery because it may eliminate some operations from the fishery and reduce the processing capacity of others. Reducing the pace of the fishery will allow for better monitoring of fishing effort and reduce the possibility of overharvesting TAC amounts. This action alone, however, will not guarantee the opportunity for directed pollock fisheries after the roe season, particularly in the Gulf of Alaska. In the Gulf, the pollock TAC is small and the harvesting and processing capacity of operations that can process products other than just roe is sufficient to harvest the entire pollock TAC within the roe season. NMFS survey information indicates that approximately nine on-shore processors in the Kodiak area expect to undertake pollock surimi and fillet operations during the last half of 1990. If pollock is not available to these summer and fall operations due to accelerated harvests during the roe season, they will encounter severe economic hardship. In response to this and other conservation concerns, the Secretary has implemented a seasonal apportionment of the pollock TAC in the Gulf of Alaska (55 FR 3223, January 31, 1990) that further limits the allowable harvest of pollock during the 1990 roe fishery.

The situation is different in the Bering Sea and Aleutian Islands Area because domestic harvesting and processing capacity is not sufficient to take the combined TAC in that area by the end of the roe fishery. Therefore, for 1990, the restriction on pollock roe-stripping operations will tend to reduce the Bering Sea/Aleutians area pollock catch during the roe fishery.

Vessels not equipped to process pollock beyond roe extraction (head and gut processors) will be negatively impacted by this action and could be eliminated from the pollock fishery if they are unwilling to process male and female pollock carcasses into headed and gutted product. During 1989, about 25 vessels fell into this category. Roe production might subsidize the production of headed and gutted product, enabling these vessels to remain in the fishery, albeit at a lower level of profit.

Classification

The Assistant Administrator for Fisheries, NOAA (Assistant Administrator), has determined that this rule is necessary to respond to an emergency situation and that it is consistent with the Magnuson Act and other applicable law. The rule is implemented for 90 days under section 305(e) of the Magnuson Act and may be extended for an additional 90 days with the agreement of the Council.

The Assistant Administrator also finds that reasons justifying promulgation of this rule on an emergency basis also make it impracticable and contrary to the public interest to provide notice and opportunity for prior comment or to delay for 30 days its effective date under section 553 (b) and (d) of the Administrative Procedure Act.

The Assistant Administrator has determined that this rule will be implemented in a manner that is consistent to the maximum extent practicable with the approved coastal zone management program of the State of Alaska. This determination has been submitted for review by the responsible State agency under section 307 of the Coastal Zone Management Act.

This emergency rule is exempt from the normal review procedures of Executive Order 12291 as provided in section 8(a)(1) of that order. This rule is being reported to the Director of the Office of Management and Budget with an explanation of why it is not possible to follow the usual procedures of that order.

The Regional Director prepared an EA for this rule and the Assistant Administrator concluded that no significant impact on the human environment will occur. A copy of the EA is available from the Regional Director at the above address.

This rule does not contain a collection of information requirement for purposes of the Paperwork Reduction Act.

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

The Regulatory Flexibility Act does not apply to this rule because, as an emergency rule, it is not required to be promulgated as a proposed rule and the rule is issued without opportunity for prior public comment. Because notice and opportunity for comment are not required to be given under section 553 of the Administrative Procedure Act, and because no other law requires that notice and opportunity for comment be given for this rule, no initial or final regulatory flexibility analysis has been or will be prepared under sections 603(a) and 604(a) of the Regulatory Flexibility Act.

List of Subjects

50 CFR Part 611

Fisheries, Foreign fishing.

50 CFR Parts 672 and 675

Fisheries, Reporting and recordkeeping requirements.

Dated: February 16, 1990.

James E. Douglas, Jr.,

Acting Assistant Administrator for Fisheries, National Marine Fisheries Service.

For the reasons set out in the preamble, 50 CFR parts 611, 672 and 675 are amended as follows:

PART 611—[AMENDED]

1. The authority citation for part 611 continues to read as follows:

Authority: 16 U.S.C. 1801 *et seq.*, 16 U.S.C. 971 *et seq.*, 22 U.S.C. 1971 *et seq.*, and 16 U.S.C. 1361 *et seq.*

2. In § 611.92, paragraph (c) is amended by adding paragraph (c)(3) from February 16, 1990 through May 16, 1990 to read as follows:

§ 611.92 Gulf of Alaska Groundfish Fishery.

* * * * *

(c) * * *

(3) *Allowable retention of pollock roe.* See 50 CFR 672.20(i) for procedures used to determine the allowable amount of pollock roe that may be retained onboard a foreign processor vessel at any time during a fishing trip.

* * * * *

3. In § 611.93, paragraph (c) is amended by adding paragraph (c)(6) from February 16, 1990 through May 16, 1990 to read as follows:

§ 611.93 Bering Sea and Aleutian Islands groundfish fishery.

* * * * *

(c) * * *

(6) *Allowable retention of pollock roe.* See 50 CFR 675.20(j) for procedures used to determine the allowable amount of pollock roe that may be retained onboard a foreign processor vessel at any time during a fishing trip.

* * * * *

PART 672—GROUNDFISH OF THE GULF OF ALASKA

4. The authority citation for part 672 continues to read as follows:

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

5. In § 672.20, a new paragraph (i) is added from February 16, 1990 through May 16, 1990 to read as follows:

§ 672.20 General limitations.

* * * * *

(i) *Allowable retention of pollock roe.* Pollock roe may comprise no more than seven percent of the total round weight equivalent of pollock and other pollock products retained onboard a vessel at any time during a fishing trip.

(1) *Assumed product recovery rates used to extrapolate round weight equivalents.* The following product recovery rates will be used to calculate round weight equivalents:

(i) Pollock surimi—22 percent;

(ii) Pollock fillets—25 percent;

(iii) Pollock minced product—25 percent;

(iv) Pollock meal—17 percent;

(v) Pollock headed and gutted—55 percent; and

(vi) Pollock roe—7 percent

(2) *Other product recovery rates.* Round weight equivalents for products not listed under paragraph 672.20(i)(1) will be based on the best available information, including recovery rates reported by observers or vessel operators.

(3) *Fishing trip.* For purposes of this paragraph (i), a vessel is engaged in a single fishing trip when commencing or continuing fishing during the period of time from February 16, 1990 until any transfer or offload of any pollock or pollock product or until the vessel leaves the regulatory area where fishing activity commenced, whichever comes first.

* * * * *

PART 675—GROUNDFISH OF THE BERING SEA AND ALEUTIAN ISLANDS AREA

6. The authority citation for part 675 continues to read as follows:

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

7. In Section 675.20, a new paragraph (j) is added from February 16, 1990 through May 16, 1990 to read as follows:

§ 675.20 General limitations.

* * * * *

(j) *Allowable retention of pollock roe.* Pollock roe may comprise no more than seven percent of the total round weight equivalent of other pollock and pollock products retained onboard a vessel at any time during a fishing trip.

(1) *Product recovery rates used to extrapolate round weight equivalents.* The following product recovery rates will be used to calculate round weight equivalents:

(i) Pollock surimi—22 percent;

(ii) Pollock fillets—25 percent;

(iii) Pollock minced product—25 percent;

(iv) Pollock meal—17 percent;

(v) Pollock headed and gutted—55 percent; and

(vi) Pollock roe—7 percent

(2) *Other product recovery rates.* Round weight equivalents for products not listed under paragraph 675.20(j)(1) will be based on the best available information, including recovery rates reported by observers or vessel operators.

(3) *Fishing trip.* For purposes of paragraph (j), a vessel is engaged in a single fishing trip when commencing or continuing fishing during the period of time from February 16, 1990 until any transfer or offload of any pollock or pollock product or until the vessel leaves the subarea where fishing activity commenced, whichever comes first.

[FR Doc. 90–4080 Filed 2–16–90; 3:37 pm]

BILLING CODE 3510–22–M

Proposed Rules

Federal Register
Vol. 55, No. 37
Friday, February 23, 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

Agricultural Marketing Service

7 CFR Part 1260

[No. LS-90-102]

Beef Promotion and Research

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed Rule.

SUMMARY: This proposed rule would adjust representation on the Cattlemen's Beef Promotion and Research Board, established under the Beef Promotion and Research Act of 1985, to reflect changes in cattle inventories and cattle and beef imports which have occurred since the present Board was appointed. Such adjustments are required by the Beef Promotion and Research Order and would result in a decline in Board membership from 113 to 110 effective with the Secretary's 1990 appointments. Indiana, Nebraska, Oregon, and Tennessee each would lose one Board member while the importer unit would gain one member.

DATES: Comments must be received by March 26, 1990.

ADDRESSES: Send two copies of comments to Ralph L. Tapp, Chief; Marketing Programs Branch; Livestock and Seed Division; Agricultural Marketing Service, USDA, Room 2610–S; P.O. Box 96456; Washington, DC 20090–6456. Comments will be available for public inspection during regular business hours at the above office in Room 2610 South Building, 14th and Independence Avenue, SW.; Washington, DC.

FOR FURTHER INFORMATION CONTACT: Ralph L. Tapp, Chief, Marketing Programs Branch, at 202/447–2650.

SUPPLEMENTARY INFORMATION: This proposed rule has been reviewed under Executive Order No. 12291 and Departmental Regulations 1512–1 and has been designated as a "nonmajor" rule under the criteria contained therein. This action was also reviewed under the Regulatory Flexibility Act (RFA), (5 U.S.C. 601, et seq.). The Administrator of the Agricultural Marketing Service has determined that this proposed action will not have a significant impact on a substantial number of small entities as defined by the RFA since it only adjusts representation on the Cattlemen's Beef Promotion and Research Board (Board) to reflect changes in domestic cattle inventory and imports.

The Board was initially appointed August 4, 1986, pursuant to the provisions of the Beef Promotion and Research Act of 1985 (7 U.S.C. 2901, et seq.) (Act), and the Order issued thereunder (7 CFR 1260.101, et seq.). Domestic representation on the Board is based on cattle inventory numbers and importer representation is based on the conversion of the volume of imported cattle, beef, or beef products into live animal equivalencies.

Section 1260.141(c) of the Order provides that, in accordance with regulations approved by the Secretary, at least every three (3) years, and not more than every two (2) years, the Board shall review the geographic distribution of cattle inventories throughout the United States and the volume of imported cattle, beef products and, if warranted, reapportion units and/or modify the number of Board members from units in order to best reflect the geographic distribution of cattle production volume in the United States and the volume of cattle, beef, or beef products imported into the United States. This proposed rule would amend § 1260.141(c) by deleting the phrase "in accordance with regulations approved by the Secretary." The reason for this is that the Act and Order currently contain the provisions necessary for the Board to review and to recommend the reapportionment of units and number of Board members.

Section 1260.141(d) of the Order authorizes the Board to recommend to the Secretary modification in the number of cattle per unit necessary for representation on the Board. Section 1260.141(e)(1) provides that each geographic unit or State that includes a cattle inventory equal to or greater than 500,000 head of cattle shall be entitled to one representative on the Board. Section 1260.141(e)(2) provides that States which do not have cattle inventories equal to or greater than 500,000 head shall be grouped, to the extent practicable, into geographically contiguous units each of which have a combined total inventory of not less than 500,000 head. Such grouped units are entitled to at least one representative on the Board. Each unit which has an additional one million head of cattle within a unit qualifies for additional representation on the Board as provided in § 1260.141(e)(4). As provided in § 1260.141(e)(3), importers are represented by a single unit with the number of Board members based upon a conversion of the total volume of imported cattle, beef, or beef products into live animal equivalencies.

To date, Board representation by States or units has been based on the January 1, 1986, inventory of cattle in the various States as reported by the National Agricultural Statistics Service of the USDA. Importer representation has been based on the combined totals of 1985 live cattle imports as published in the February 1986 issue of the Foreign Agriculture Circular, "Dairy, Livestock, and Poultry," published by USDA, and the live animal equivalents for imported beef products contained in that publication.

Recommendations concerning Board reapportionment were approved by the Board at its July 9–11, 1989, meeting. In considering reapportionment, the Board reviewed cattle inventories as well as cattle, beef, and beef product import data for the period January 1, 1986, to January 1, 1989. While reviewing the January 1, 1987, January 1, 1988, and January 1, 1989, cattle inventory numbers published by USDA, the Board noted some fluctuations in cattle inventories from year to year. The Board determined that factors such as the drought had distorted the "normal" distribution of cattle by State in some years. The January 1, 1989, cattle inventory numbers confirmed the Board's determination. To best reflect a representative number of cattle in each State or unit since the initial Board apportionments, the Board recommended that a three-year average of the USDA inventory numbers as of January 1, 1987, 1988, and 1989 be used as the basis for Board representation.

The Board review to determine proper importer representation utilized official USDA import data for the years 1986, 1987, and 1988 published by USDA. Also, the calculations used to determine the total number of live cattle

equivalents imported in 1986, 1987, and 1988 were the same as those used in establishing the original Board. The recommended new importer representation is based on a three-year average of 1986, 1987, and 1988 data to be consistent with the procedures used for domestic representation.

The Board's recommended reapportionment plan would reduce the number of representatives on the Board for four units by one member each and one member increase for the importer unit. The States or units affected by the reapportionment plan and the current and proposed member representation per unit are as follows:

	Current representation	Proposed representation
1. Indiana	2	1
2. Nebraska	6	5
3. Oregon	2	1
4. Tennessee	3	2
5. Import unit	5	6

The 1989 nomination and appointment process was in progress while the Board was developing its recommendations. Thus, the Board reapportionment as proposed by this rulemaking would be effective if adopted, with the 1990 nominations and appointments.

List of Subjects in 7 CFR Part 1260

Administrative practice and procedure, Advertising, Agricultural research, Marketing agreement, Meat and meat products, Beef and beef products.

For reasons set forth in the preamble, it is proposed that 17 CFR part 1260 be amended as follows:

PART 1260—BEEF PROMOTION AND RESEARCH

1. The authority citation for 7 CFR part 1260 continues to read as follows:

Authority: 7 U.S.C. 2901 et seq.

2. Section 1260.141 is amended by revising the section heading and paragraph (a) to read as follows:

§ 1260.141 Membership of Board.

(a) For Board nominations and appointments beginning with those in 1990, the United States shall be divided into 41 geographical units and one unit representing importers, and the number of Board members from each unit shall be as follows:

CATTLE AND CALVES[1]

Unit	(1,000 head)	Directors
1. Alabama	1,800	2
2. Arizona	947	1
3. Arkansas	1,813	2
4. California	4,700	5
5. Colorado	2,683	3
6. Florida	2,045	2
7. Georgia	1,557	2
8. Idaho	1,580	2
9. Illinois	2,083	2
10. Indiana	1,373	1
11. Iowa	4,683	5
12. Kansas	5,893	6
13. Kentucky	2,467	2
14. Louisiana	1,120	1
15. Michigan	1,258	1
16. Minnesota	2,997	3
17. Mississippi	1,371	1
18. Missouri	4,500	5
19. Montana	2,367	2
20. Nebraska	5,450	5
21. Nevada	513	1
22. New Mexico	1,343	1
23. New York	1,713	2
24. North Carolina	875	1
25. North Dakota	1,767	2
26. Ohio	1,793	2
27. Oklahoma	5,167	5
28. Oregon	1,383	1
29. Pennsylvania	1,930	2
30. South Carolina	617	1
31. South Dakota	3,527	4
32. Tennessee	2,333	2
33. Texas	13,567	14
34. Utah	767	1
35. Virginia	1,743	2
36. West Virginia	517	1
37. Wisconsin	4,207	4
38. Wyoming	1,307	1
39. *Northwest*		2
Washington	1,297	
Alaska	9	
Hawaii	201	
Total	1,507	
40. *Northeast*		1
Massachusetts	75	
Maine	113	
Vermont	306	
New Hampshire	57	
Total	551	
41. *Mid-Atlantic*		1
Maryland	326	
Delaware	30	
Rhode Island	7	
Connecticut	78	
New Jersey	81	
District of Columbia	0	
Total	522	
42. Importer	5,934	6

[1] 1987, 1988, and 1989 average.

* * * * *

3. Section 1260.141 is amended by revising paragraph (c) to read as follows:

§ 1260.141 Membership of Board

* * * * *

(c) At least every three (3) years, and not more than every two (2) years, the Board shall review the geographic distribution of cattle inventories throughout the United States and the volume of imported cattle, beef, and beef products and, if warranted, shall reapportion units and/or modify the number of Board members from units in order to best reflect the geographic distribution of cattle production volume in the United States and the volume of imported cattle, beef, or beef products into the United States.

Done at Washington, DC, on February 15, 1990.

Daniel Haley,

Administrator.

[FR Doc. 90-4020 filed 2-22-90; 8:45 am]

BILLING CODE 3410-02-M

DEPARTMENT OF THE INTERIOR

Minerals Management Service

30 CFR Part 243

RIN 1010-AB13

Effectiveness of Decisions and Orders Pending Appeal

AGENCY: Minerals Management Service (MMS), Interior.

ACTION: Proposed rule.

SUMMARY: The Minerals Management Service (MMS) of the Department of the Interior is proposing to amend its regulations governing administrative appeals from decisions and orders issued by its Royalty Management Program (RMP). The proposed changes address effectiveness of decisions and orders pending administrative appeal, the types of sureties which would be acceptable to MMS, and related issues.

DATES: Comments must be received on or before April 24, 1990.

ADDRESSES: Written comments, suggestions, or objections regarding the proposed amendments should be mailed or delivered to the Minerals Management Service, Royalty Management Program, Rules and Procedures Branch, Denver Federal Center, Building 85, P.O. Box 25165, Mail Stop 662, Denver, Colorado 80225, Attention: Dennis C. Whitcomb.

FOR FURTHER INFORMATION CONTACT: Dennis C. Whitcomb, Chief, Rules and Procedures Branch, (303) 231-3432, (FTS) 326-3432.

SUPPLEMENTARY INFORMATION: The principal author of this proposed rulemaking is Connie G. Bartram of the Royalty Management Program, Fiscal Accounting Division, Lakewood, Colorado.

I. Background

The MMS's RMP issues decisions and orders that are subject to administrative appeal to the Director of MMS pursuant to 30 CFR part 290. These decisions and orders relate to royalties and other payments due on oil and gas, geothermal, coal, and other solid mineral leases on Federal and Indian lands. These decisions and orders include orders for payments of royalty deficiencies, rentals, bonuses, interest, penalties, royalty-in-kind contract payments, or other assessments. Some of these decisions or orders are issued by RMP's Royalty Valuation and Standards Division regarding valuation issues. Others are issued by RMP's Fiscal Accounting Division to collect underpayments and its Royalty Compliance Division to enforce compliance with regulations. In some instances, the MMS Director will issue or concur in RMP decisions or orders.

The MMS currently has regulations at 30 CFR 243.2 addressing the effectiveness of RMP decisions or orders pending administrative appeal. That regulation provides:

Compliance with any orders or decisions, issued by RMP after August 12, 1983, including payments of additional royalty, rentals, bonuses, penalties or other assessments, shall not be suspended by reason of an appeal having been taken unless such suspension is authorized in writing by the Director, MMS, (or by the Deputy Assistant Secretary for Indian Affairs when Indian lands are involved), and then only upon a determination, at the discretion of the Director or Deputy Associate Secretary for Indian Affairs, that such suspension will not be detrimental to the lessor and upon submission and acceptance of a bond deemed adequate to indemnify the lessor from loss or damage.

At the time the rule was issued in 1984, it was MMS's interpretation that most decisions and orders would not be suspended pending administrative appeal. In other words, lessees generally were required to pay disputed amounts pending the administrative appeal process, subject to refund if the lessee prevailed. However, in 1986, the Interior Board of Land Appeals (IBLA) construed 30 CFR 243.2 to mean that unless there were special circumstances resulting in detriment to the lessor, the Director was required to stay effectiveness of decisions and orders pending appeal, provided the appellant posted adequate surety (*Marathon Oil Company*, 90 IBLA 236 (1986)). The MMS has followed IBLA's interpretation since 1986 and, upon request from appellants, has stayed orders that otherwise would have required payment of hundreds of millions of dollars in royalty and other payments during the appeal process. The purpose of this proposed rulemaking is to clarify the regulations regarding suspension of RMP decisions and orders pending appeal.

II. Proposed Changes

The MMS is proposing to amend 30 CFR 243.2 to reflect clearly how RMP decisions and orders will be stayed pending administrative appeal, provided the appeal is timely filed and the appellant submits a surety. The rule would provide that decisions and orders issued by RMP, including, but not limited to, orders for payments of additional royalty, rentals, bonuses, interest, penalties, royalty-in-kind contract payments, or other assessments, will be suspended by reason of an appeal having been taken pursuant to 30 CFR part 290 unless the Director, or the Director's delegate, notifies the appellant in writing that the decision or order will not be suspended pending appeal. Under the proposed rule, MMS would continue its current practice and stay RMP decisions and orders pending appeal unless there are unusual circumstances. A situation where MMS might not stay an order to pay is where an Indian lessor would suffer substantial hardship if payment were not made for an extended period of time. The MMS anticipates that these situations would be unusual.

The proposed regulation would provide further that suspension of a decision or order requiring the payment of a specified amount of money is contingent upon the appellant's submission, within the time period MMS prescribes, of an MMS-specified surety. For example, an order to a lessee to pay a specified amount of underpaid royalties could not be suspended unless the lessee posted an adequate surety. Of course, an appellant also could pay the disputed amount pending appeal, subject to refund without interest in accordance with MMS refund procedures.

Some RMP orders direct a lessee to review its records regarding a particular issue, for example, where MMS identifies a systemic error (i.e., an error which is regularly repeated over a period of time). These orders then require the lessee to recalculate and pay additional royalties. In these situations, if the lessee appeals the order to the MMS Director, the order to review records and recalculate royalties normally would be stayed. For these orders, some surety is required to protect the interests of the lessor during the administrative appeal process. Therefore, in situations where an order requires a lessee or payor to recompute and then pay additional royalties or other amounts due, MMS would estimate the obligation it expects would be due; the appellant would be required to post that amount as surety.

Suspension of decisions and orders would be contingent upon submission of an "MMS-specified surety." In paragraph (b) of § 243.2, MMS is proposing to define an "MMS-specified surety" as including an MMS-specified "administrative appeal bond" or an MMS-specified irrevocable letter of credit. An MMS-specified "administrative appeal bond" continues MMS's current practice by requiring the use of a Form MMS–4326. The bond must be issued by a qualified surety company and approved by the Department of the Treasury. A copy of a letter of credit, which is acceptable to MMS, may be obtained from the person named in the **FOR FURTHER INFORMATION CONTACT** section of this Notice. Some appellants have requested other means of securing their potential liability such as establishing interest-bearing escrow accounts at financial institutions or submitting U.S. Treasury securities to be held by MMS. The MMS is not proposing these alternatives at this point in time but MMS is currently studying the use of alternative sureties and would like comments on the feasibility of these or any other alternatives.

Alternatively, MMS would like comments on whether it should limit sureties to bonds. A bond is the easiest form of surety for MMS to administer and would decrease the costs and burdens of administration.

Pursuant to proposed paragraph (d) of § 243.2, if an appellant fails either to pay the disputed amount, or post the surety as required by proposed § 243.2(a), or to amend the surety as required by proposed § 243.2(c), then the Director will dismiss the appeal. The MMS does not consider it appropriate to continue consideration of an administrative appeal if the appellant is unwilling to abide by the requirements for maintaining that appeal. If the appeal is dismissed, the RMP decision or order would be deemed final, and any monies demanded would be due and payable with no further right of administrative review pursuant to either 30 CFR part 290 or 43 CFR part 4. The MMS believes that such willful failure to abide by the administrative requirements for appeal would normally constitute a failure to exhaust administrative remedies, limiting judicial review.

Proposed paragraph § 243.2(c) would provide that the bond or letter of credit must be adequate to cover the amount owed plus interest accrued to date, as well as the interest that will accrue for 1 additional year. If the administrative appeal process continues more than 1 year, then the appellant would be required to increase the surety and renew it, if applicable. This paragraph would continue existing MMS practice.

These regulations would clarify the Department's intent that, in the usual case, a lessee or other payor receiving an RMP decision or order is required to pursue an administrative appeal to the MMS Director and then to IBLA before seeking judicial review. Under the Department's rules in 43 CFR part 4, RMP decisions or orders would continue to be stayed pending review of the matter by IBLA unless MMS's regulations provide otherwise. Proposed paragraph § 243.2(e) would provide that generally RMP decisions and orders would continue to be stayed pending IBLA review provided by appellant maintains adequate surety. This paragraph would apply the surety requirements of § 243.2 to appeals to IBLA. In some situations, as discussed above, the MMS Director could deny a stay pending IBLA administrative review provided that the Director so notifies the appellant in writing. Under proposed paragraph § 243.2(e), if the Director makes a decision or order immediately effective, then the appellant's rights to such further administrative review or judicial review are prescribed in 43 CFR part 4.

The MMS is also proposing to add a new § 243.3 to restate that recipients of orders generally must exhaust their administrative remedies before seeking judicial review of MMS orders. If the Director, pursuant to § 243.2, or if IBLA, pursuant to 43 CFR 4.21, does not suspend an order pending appeal, then the recipient may seek either further administrative review or immediate judicial review of that order. No further exhaustion of administrative remedies is required. Since orders approved by Secretarial officers also are final for the Department, as discussed above, they too are subject to immediate judicial review. However, § 243.3 would clarify that if an MMS order may be appealed either to the MMS Director or to IBLA, and that order is not made effective pending appeal, then that order must be appealed administratively before seeking judicial review. This is in accord with well-established case law and corresponds with IBLA's rules at 43 CFR 4.21(b) (see *McKart* v. *United States*, 395 U.S. 185 (1969)).

III. Other Issues

(a) Decisions by the MMS Director or Secretarial Officers

While most RMP decisions and orders are subject to review by the MMS Director and then IBLA, there are exceptions. The regulations at 30 CFR part 290 provide that if the MMS Director issues or expressly approves an RMP decision or order, then the matter is not subject to appeal to the Director and must go to IBLA for administrative review. In those situations, proposed § 243.2(e) would establish the applicable criteria for suspension of the decision or order pending IBLA review.

Some RMP decisions or orders may be issued or approved by a Secretarial Officer such as the Assistant Secretary for Land and Minerals Management. In those situations, the decision or order is final for the Department and not subject to administrative review within the Department (BLue Star, Inc., 41 IBLA 333 (1979); Marathon Oil Co., 108 IBLA 177 (1989)). A lessee or other payor is required to comply with a final departmental order. If that person seeks judicial review of the order, then the stay issue is governed by the Administrative Procedure Act, 5 U.S.C. 551 704 and 705.

(b) Indian Leases

Under the existing rules in § 243.2, suspensions of decisions and orders involving Indian leases are issued by the Assistant Secretary for Indian Affairs (AS/IA). Because suspensions now are routinely issued, the proposed rules would provide for MMS to suspend decisions or orders involving Indian leases. As noted above, MMS might deny suspension in appropriate circumstances for Indian leases and would continue to consult with AS/IA on matters involving Indian leases.

IV. Procedural Matters

Executive Order 12291 and Regulatory Flexibility Act

The Department has determined that this document is not a major rule under Executive Order 12291 and certifies that this document will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 et seq.).

Executive Order 12630

The Department certifies that the proposed rule does not represent a governmental action capable of interference with constitutionally protected property rights. Thus, a Taking Implication Assessment need not be prepared pursuant to Executive order 12630, "Government Action and Interference with Constitutionally Protected Property Rights."

Paperwork Reduction Act of 1980

This rule does not contain information collection requirements which require approval of the Office of Management and Budget under 44 U.S.C. 3501 et seq.

National Environmental Policy Act of 1969

The Department has determined that this action does not constitute a major Federal action significantly affecting the quality of the human environment. Therefore, an environmental impact statement is not required under the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)).

List of Subjects in 30 CFR Part 243

Coal, Continental shelf, Geothermal energy, Government contracts, Indian lands, Mineral royalties, Natural gas, Petroleum, Public lands—mineral resources.

Dated: November 29, 1989.

Scott Sewell,

Deputy Assistant Secretary—Land and Minerals Management.

For the reasons set out in the preamble, 30 CFR part 243 is proposed to be amended as set forth below:

TITLE 30—MINERAL RESOURCES

CHAPTER II—MINERALS MANAGEMENT SERVICE, DEPARTMENT OF THE INTERIOR

SUBCHAPTER A—ROYALTY MANAGEMENT

PART 243—APPEALS, ROYALTY MANAGEMENT PROGRAM

Subpart A—General Provisions

1. The authority citation for part 243 is added and the authority citations following §§ 243.1 and 243.2 are removed as follows:

Authority: 25 U.S.C. 396 et seq.; 25 U.S.C. 396a et seq.; 25 U.S.C. 2101 et seq.; 30 U.S.C. 181 et seq.; 30 U.S.C. 351 et seq.; 30 U.S.C. 1001 et seq.; 30 U.S.C. 1701 et seq.; 31 U.S.C. 9701; 43 U.S.C. 1301 et seq.; 43 U.S.C. 1331 et seq.; and 43 U.S.C. 1801 et seq.

2. Section 243.2 under subpart A is revised to read as follows:

§ 243.2 Effectiveness of orders or decisions pending appeal.

(a) Compliance with any orders or decisions issued by the Royalty Management Program of the Minerals Management Service (MMS), including orders for payments of royalty deficiencies, rentals, bonuses, interest, penalties, royalty-in-kind contract payments, or other assessments, shall be suspended by reason of an appeal

having been taken pursuant to 30 CFR part 290 unless the Director, MMS, notifies the appellant in writing that the decision or order shall not be suspended pending appeal. Suspension of an order or decision requiring the payment of a specified amount of money shall be contingent upon the appellant's submission within a time period to be prescribed by MMS of an MMS-specified surety deemed adequate to indemnify the lessor from loss or damage. If a decision or order does not require payment of a specific amount of money, but requires recalculation of an obligation followed by payment, suspension of the decision or order is contingent upon the appellant's submission, within the time period prescribed by MMS, of an MMS-specified surety in an amount MMS determines to reasonably approximate the amount deemed to be owed. Nothing in this paragraph shall be construed to prohibit an appellant from paying any demanded amount pending appeal. If the appeal is granted in whole or in part, the appellant will be entitled to a refund of the amount paid, without interest, in accordance with MMS refund procedures.

(b) For purposes of this section, an "MMS-specified surety" means either an MMS-specified "administrative appeal bond" or an MMS-specified "irrevocable letter of credit." A bond must be issued by a qualified surety company which has been approved by the Department of the Treasury, and a letter of credit must be from a financial institution acceptable to MMS with a minimum 1-year period of coverage. The MMS will not accept any other type of surety.

(c) The bond or letter of credit amount will be determined by MMS and will include the principal amount owed plus any accrued interest owed and projected interest for a 1-year period. If a decision on the appeal is not made within 1 year, appellants who submitted a bond will be required to amend the bond amount to cover additional interest for another 1-year period. Appellants who submitted a letter of credit will be required to submit, prior to the expiration date of the letter of credit, a new letter of credit for an additional 1-year period of time with an increase in the amount to cover interest for a 1-year period. In either case, MMS will determine the additional projected interest and amended surety amount. If a new letter of credit is not submitted at least 10 working days prior to the expiration date of the letter of credit, MMS will make a demand against the letter of credit prior to the expiration date. The amount demanded against the letter of credit will include the principal amount owed plus accrued interest.

(d) An appeal from an order or decision requiring payment of money shall be dismissed by the Director, MMS, or the Assistant Secretary for Indian Affairs, if the appellant fails to make the required payment or; fails to submit adequate surety in accordance with paragraph (a) of this section or; fails to submit a bond revision or to renew a letter of credit in accordance with paragraph (c) of this section within the time period prescribed by MMS. If an appeal is dismissed pursuant to this paragraph, the decision or order shall be deemed final and any monies owed will be due and payable with no further right of administrative review pursuant to 30 CFR part 290 or 43 CFR part 4.

(e) An MMS decision or order that is appealed to the Interior Board of Land Appeals, or to the Assistant Secretary for Indian Affairs when Indian lands are involved, pursuant to 30 CFR part 290 and 43 CFR part 4 shall be suspended pending appeal if the appellant submits or maintains an MMS-specified surety in accordance with the provisions of this section, unless the MMS Director notifies the appellant in writing that the decision or order shall not be suspended pending appeal.

3. A new § 243.3 is added under subpart A to read as follows:

§ 243.3 Exhaustion of administrative remedies.

An MMS order which may be appealed pursuant to 30 CFR part 290 either to the Director, MMS, the Assistant Secretary for Indian Affairs, or to the Interior Board of Land Appeals, must be appealed in order to exhaust administrative remedies unless the order has been made effective by the Director, MMS, or the Assistant Secretary for Indian Affairs pursuant to § 243.2(c), or by the Interior Board of Land Appeals pursuant to 43 CFR part 4.

[FR Doc. 90–4133 Filed 2–22–90; 8:45 am]

BILLING CODE 4310–MR–M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 97

[PR Docket No. 90–55; FCC 90–62]

Amateur Service Rules to Establish a Codeless Class of Amateur Operator License

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes to amend the amateur service rules to establish a codeless class of amateur operator license to be called the Communicator Class. The proposal is necessary so that technically-oriented persons, who are not interested in Morse code, can become involved in the amateur service. The effect of the proposal is to establish an entry level codeless license for persons who find the telegraphy requirement a barrier to pursuing the purposes of the amateur service.

DATES: Comments are due on or before August 6, 1990. Reply comments are due on or before September 7, 1990.

ADDRESSES: Federal Communications Commission, 1919 M Street, NW., Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Maurice J. DePont, Federal Communications Commission, Private Radio Bureau, Washington, DC 20554 (202) 632–4964.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's notice of proposed rule making, adopted February 8, 1990, and released February 16, 1990. The complete text of this notice of proposed rule making, including the proposed rule amendments, is available for inspection and copying during normal business hours in the FCC Dockets Branch (room 239) 1919 M Street, NW., Washington, DC. The complete text of this notice of proposed rule making, including the proposed rule amendments, may also be purchased from the Commission's copy contractor, International Transcription Service, Inc., (202) 857–3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

Summary of Notice of Proposed Rule Making

1. The Commission's proposal, in response to twelve petitions for rule making, would amend the amateur service rules by establishing a codeless class of amateur operator license to be called the Communicator Class. A knowledge of Morse code telegraphy would not be required in order to qualify for a Communicator Class operator license.

2. Communicator Class licensees would be authorized all emission privileges on the 1.25 meter (m) and shorter wavelength bands. Stations with Communicator Class control operators would not be permitted to transmit on the 2 and 6 meter VHF bands and the HF bands. A Communicator Class licensee, however, who passes or receives credit for a telegraphy examination would be authorized the

additional privileges of the Technician Class.

3. The proposed transmitter power standard would be 200 watts peak envelope power. The Communicator Class licensee's station would be eligible for a Group D call sign. The Commission would require applicants for the Communicator Class license to pass a 60 question written examination. The new question pool would be comprised of the questions from the two pools currently used in the Novice and Technician license examinations as well as the addition of new questions.

4. Comments on all aspects of the proposal are invited. Specific comments are requested concerning the desirability of including the opportunity for Communicator Class licensees also to experience on-the-air telegraphy operation on the HG 80, 40, 15, and 10 meter bands. In view of the provisions of the international Radio Regulations, if such operation is desired, only domestic communications on the HF bands would be authorized.

5. Under the proposal, current Technician and Novice Class operator licenses would be grandfathered. No new licenses would be issued for those license classes. Existing Technician and Novice Class licenses, however, could be modified or renewed.

6. The proposed rules are set forth at the end of this document.

7. This is a non-restricted notice and comment rule making proceeding. See § 1.1206(a) of the Commission's Rules, 47 CFR 1.1206(a), for provisions governing permissible *ex parte* contacts.

8. In accordance with section 605 of the Regualtory Flexibility Act of 1980, 5 U.S.C. 605, the Commission certifies that these rules would not, if promulgated, have a significant economic impact on a substantial number of small entities, because these entities may not use an amateur station to transmit any communication the purpose of which is to facilitate the business or commercial affairs of any party. See 47 CFR 97.113(a). Moreover, the proposed rules would not require the use of or significantly enhance the sale of any additional amateur station apparatus.

9. The proposal contained herein has been analyzed with respect to the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 *et seq.*, and found to increase the information collection burden which the Commission imposes on the public. The proposed increase in the information collection burden is subject to approval by the Office of Management and Budget as prescribed by the Act.

10. This notice of proposed rule making and the proposed rule amendments are issued under the authority of sections 4(i) and 303 (l) and (r) of the Communications Act of 1934, as amended, sections 154(i) and 303 (l) and (r).

11. Pursuant to applicable procedures set forth in §§ 1.415 and 1.419 of the Commission's Rules, 47 CFR 1.415 and 1.419, interested parties may file comments on or before August 6, 1990, and reply comments on or before September 7, 1990. The Commission will consider all relevant and timely comments before taking final action in this proceeding.

12. A copy of this notice of proposed rule making will be forwarded to the Chief Counsel for Advocacy of the Small Business Administration.

List of Subjects in 47 CFR Part 97

Amateur radio, Examinations, Frequencies, Radio, Reporting and recordkeeping requirements.

Donna R. Searcy,

Secretary.

Proposed Rule Changes

Part 97 of chapter I of title 47 of the Code of Federal Regulation is proposed to be amended as follows:

PART 97—[AMENDED]

1. The authority citation for part 97 continues to read as follows:

Authority citation: 48 Stat. 1066, 1082, as amended; 47 U.S.C. 303. Interpret or apply 48 Stat. 1064–1068, 1081–1105, as amended; 47 U.S.C. 301–609, unless otherwise noted.

2. Section 97.9 is revised to read as follows:

§ 97.9 Operator license.

(a) The classes of operator licenses are Communicator, General, Advanced, and Amateur Extra. There are also two grandfathered classes of operator licenses, Novice and Technician. An operator license authorizes the holder to be the control operator of a station with the privileges of the operator class specified on the license. The license document or a photocopy thereof must be in the personal possession of the licensee at all times when the person is the control operator of a station.

(b) A person holding a Communicator Class operator license and who holds a CSCE indicating that the person passed element 1(A), 1(B), or 1(C) is authorized to exercise the rights and privileges of the Technician Class for the duration of the license term and renewal thereof.

(c) A person holding a Novice, Technician, Communicator, General, or Advanced Class operator license who has properly filed with the FCC an application for a higher operator class that has not yet been acted upon, and who holds a CSCE indicating that the person passed the necessary examinations within the previous 365 days is authorized to exercise the rights and privileges of the higher operator class.

3. Section 97.17(a) is revised to read as follows:

§ 97.17 Application for new license.

(a) Any qualified person is eligible to apply for an amateur service license. No new Novice or Technician Class operator licenses will be issued.

* * * * *

4. Section 97.119(e) is revised to read as follows:

§ 97.119 Station identification.

* * * * *

(e) When the control operator is using privileges on the basis of holding a CSCE, an indicator must be included after the call sign as follows:

(1) AC for Communicator Class operator;

(2) AG for General Class operator;

(3) AA for Advanced Class operator; or

(4) AE for Amateur Extra Class operator.

* * * * *

5. Section 97.301(a) is revised and new paragraph (g) is added to read as follows:

§ 97.301 Authorized frequency bands.

* * * * *

(a) For a station having a control operator holding a Technician, Communicator, General, Advanced or Amateur Extra Class operator license:

Wavelength band	ITU—Region 1	ITU—Region 2	ITU—Region 3	Sharing requirements, see § 97.303 (paragraph)
VHF	MHz	MHz	MHz	
1.25 m		222–225		(a), (b), (e).
UHF	MHz	MHz	MHz	
70 cm	430–440	420–450	420–450	(a), (b), (f).
33 cm		902–928		(a), (b), (g).
23 cm	1240–1300	1240–1300	1240–1300	(j).
13 cm	2300–2310	2300–2310	2300–2310	(a), (b), (j).
Do	2390–2450	2390–2450	2390–2450	(a), (b), (j).
SHF	GHz	GHz	GHz	
9 cm		3.3–3.5	3.3–3.5	(a), (b), (k), (l).
5 cm	5.650–5.850	5.650–5.925	5.650–5.850	(a), (b), (m).
3 cm	10.00–10.50	10.00–10.50	10.00–10.50	(b), (c), (i), (n).
1.2 cm	24.00–24.25	24.00–24.25	24.00–24.25	(a), (b), (i), (o).
EHF	GHz	GHz	GHz	
6 mm	47.0–47.2	47.0–47.2	47.0–47.2	
4 mm	75.5–81.0	75.5–81.0	75.5–81.0	(b), (c), (h).
2.5 mm	119.98–120.02	119.98–120.02	119.98–120.02	(k), (p).
2 mm	142–149	142–149	142–149	(b), (c), (h), (k).
1 mm	241–250	241–250	241–250	(b), (c), (h), (q).
	above 300	above 300	above 300	(k).

* * * * * * *

(g) For a station having a control operator holding a Technician, General, Advanced or Amateur Extra Class operator license:

Wavelength band	ITU—Region 1	ITU—Region 2	ITU—Region 3	Sharing requirements, see § 97.303 (paragraph)
VHF	MHz	MHz	MHz	
6 m		50–54	50–54	(a).
2 m	144–146	144–148	144–148	(a).

6. Section 97.501 is revised to read as follows:

§ 97.501 Qualifying for an amateur operator license.

An applicant must successfully pass an examination for the issuance of a new amateur operator license and for each change in operator class. Each applicant for the class of operator license specified below must pass, or otherwise receive examination credit for, the following examination elements:

(a) Amateur Extra Class operator: Element 1(C), and elements 3(A), 3(B), 4(A), and 4(B);

(b) Advanced Class operator: Element 1(B) or 1(C), and elements 3(A), 3(B), and 4(A);

(c) General Class operator: Element 1(B) or 1(C), and elements 3(A) and 3(B);

(d) Communicator Class operator: Element 3(A).

7. Paragraphs (b) and (c) of § 97.503 are revised to read as follows:

§ 97.503 Element standards.

* * * * *

(b) A written examination must be such as to prove that the examinee possesses the operational and technical qualifications required to perform properly the duties of an amateur service licensee. Each written examination must be comprised of a question set as follows:

(1) Element 3(A): 60 questions concerning the privileges of a Communicator Class operator license. The minimum passing score is 45 questions answered correctly.

(2) Element 3(B): 25 questions concerning the additional privileges of a General Class operator lincense. The minimum passing score is 19 questions answered correctly.

(3) Element 4(A): 50 questions concerning the additional privileges of an Advanced Class operator license. The minimum passing score is 37 questions answered correctly.

(4) Element 4(B): 40 questions concerning the additional privileges of an Amateur Extra Class operator license. The minimum passing score is 30 questions answered correctly.

(c) The topics and number of questions required in each question set are listed below for the appropriate examination element:

Topics	Element: 3(A)	3(B)	4(A)	4(B)
(1) FCC rules for the amateur radio services	15	4	6	8
(2) Amateur station operating procedures	7	3	1	4
(3) Radio wave propagation characteristics of amateur service frequency bands	4	3	2	2
(4) Amateur radio practices	11	5	4	4
(5) Electrical principles as applied to amateur station equipment	6	2	10	6
(6) Amateur station equipment circuit components	4	1	6	4
(7) Practical circuits employed in amateur station equipment	3	1	10	4
(8) Signals and emissions transmitted by amateur stations	4	2	6	4

Topics	Element:			
	3(A)	3(B)	4(A)	4(B)
(9) Amateur station antennas and feed lines	6	4	5	4

8. Section 97.505(a) is revised to read as follows:

§ 97.505 Element credit.

(a) The administering VEs must give credit as specified below to an examinee holding any of the following documents:

(1) An unexpired (or within the renewal grace period) FCC-issued Novice Class operator license: Element 1(A) and the 30 written questions in Element 3(A) based upon the material from the written examination passed for the Novice Class operator license.

(2) An unexpired (or within the renewal grace period) FCC-issued Communicator Class operator license: Element 3(A).

(3) An unexpired (or within the renewal grace period) FCC-issued Technician Class operator license: Element 3(A).

(4) An unexpired (or within the renewal grace period) FCC-issued Technician Class operator license issued before March 21, 1987: Elements 3(A) and 3(B).

(5) An unexpired (or within the renewal grace period) FCC-issued General Class operator license: Elements 1(B), 3(A), and 3(B).

(6) An unexpired (or within the renewal grace period) FCC-issued Advanced Class operator license: Elements 3(A), 3(B), and 4(A).

(7) A CSCE: Each element the CSCE indicates the examinee passed within the previous 365 days.

(8) An unexpired (or expired less than 5 years) FCC-issued commercial radiotelegraph operator license or permit: Element 1(C).

* * * * *

9. Section 97.507 is revised to read as follows:

§ 97.507 Preparing an examination.

(a) Each telegraphy message and each written question set administered to an examinee must be prepared by a VE holding an FCC-issued Amateur Extra Class operator license. A telegraphy message or written question set, however, may also be prepared for the following elements by a VE holding an FCC-issued operator license of the Class indicated:

(1) Element 3(B): Advanced Class operator.

(2) Elements 1(A) and 3(A): Advanced or General Class operator.

(b) Each question set administered to an examinee must utilize questions taken from the applicable question pool.

(c) Each telegraphy message and each written question set administered to an examinee for a Communicator, General, Advanced or Amateur Extra Class operator license must be prepared, or obtained from a supplier, by the administering VEs according to instructions from the coordinating VEC.

(d) A telegraphy examination must consist of a message sent in the international Morse code at no less than the prescribed speed for a minimum of 5 minutes. The message must contain each required telegraphy character at least once. No message known to the examinee may be administered in a telegraphy examination. Each 5 letters of the alphabet must be counted as 1 word. Each numeral, punctuation mark and prosign must be counted as 2 letters of the alphabet.

10. Section 97.511 is revised to read as follows:

§ 97.511 Operator license examination.

(a) Each session where an examination is administered must be coordinated by a VEC. Each administering VE must be accredited by the coordinating VEC.

(b) Each examination for a Communicator Class operator license must be administered by 3 administering VEs, each of whom must hold an FCC-issued Amateur Extra or Advanced Class operator license.

(c) Each examination for a General, Advanced or Amateur Extra Class operator license must be administered by 3 administering VEs, each of whom must hold an FCC-issued Amateur Extra Class operator license.

(d) The administering VEs must make a public announcement before administering an examination. The number of candidates at any examination may be limited.

(e) The administering VEs must issue a CSCE to an examinee who scores a passing grade on an examination element.

(f) Within 10 days of the administration of a successful examination, the administering VEs must submit the application to the coordinating VEC.

§ 97.513 [Removed]

11. Section 97.513 is removed.

12. In § 97.519, new paragraph (d) is added to read as follows:

§ 97.519 Coordinating examination sessions.

* * * * *

(d) Each coordinating VEC must compile lists of Communicator Class operator licensees who have been issued a CSCE for Element 1(A), 1(B), or 1(C) during each calendar month. The VEC must forward a copy of the list to the Private Radio Bureau, FCC, Washington, DC 20554, by the 10th day following the end of the month.

13. Section 97.527 is amended by revising paragraph (a), removing paragraph (c), and redesignating paragraphs (d), (e), (f), and (g) as (c), (d), (e), and (f) to read as follows:

§ 97.527 Reimbursement for expenses.

(a) VEs and VECs may be reimbursed by examinees for out-of-pocket expenses incurred in preparing, processing, administering, or coordinating and examination

* * * * *

[FR Doc. 90-4090 Filed 2-22-90; 8:45 am]

BILLING CODE 6712-01-M

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 571

[Docket No. 88-06; Notice 07]

RIN 2127-AC43

Federal Motor Vehicle Safety Standards; Side Impact Protection—Light Trucks, Buses, and Multipurpose Passenger Vehicles

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation.

ACTION: Proposed rule, extension of comment period.

SUMMARY: This notice grants a request from the Motor Vehicle Manufacturers Association for extension of the period to submit written comments on an agency proposal to extend the existing requirements of Federal Motor Vehicle Safety Standard No. 214, *Side Door Strength*, to trucks, buses and multipurpose passenger vehicles with a gross vehicle weight rating of 10,000 pounds or less. The comment closing date is changed from February 20, 1990, to March 22, 1990.

DATES: Comments on Docket 88-06, Notice 6, must be received by March 22, 1990.

FOR FURTHER INFORMATION CONTACT: Dr. Richard Strombotne, Office of

Vehicle Safety Standards, National Highway Traffic Safety Administration, 400 Seventh St., SW., Washington, DC 20590. Telephone: (202) 366–2264.

SUPPLEMENTARY INFORMATION: On December 22, 1989, NHTSA published in the **Federal Register** (54 FR 52826) a notice of proposed rulemaking (NPRM) to extend the existing requirements of Federal Motor Vehicle Safety Standard No. 214, *Side Door Strength,* to trucks, buses and multipurpose passenger vehicles with a gross vehicle weight rating of 10,000 pounds or less. The standard, which currently applies to passenger cars only, specifies performance requirements to mitigate occupant injuries in side impacts. The standard requires each side door to resist crush forces that are applied by a piston pressing a steel cylinder against the door's outside surface in a laboratory test. As discussed in the NPRM, NHTSA believes that the proposed extension would result in about 110 fewer fatalities and 950 fewer serious-to-critical injuries each year. The agency originally established a 60-day comment period.

The Motor Vehicle Manufacturers Association (MVMA) has requested a 30-day extension of the comment period. That organization stated that the purpose of its request is "to allow for the completion of testing and data analysis programs that are necessary to develop substantive response to the proposals in this notice." While noting that the agency had conducted some tests of the type proposed in the NPRM, MVMA stated that it believes the extent of changes that would be required by implementation of the proposal cannot be confidently established until testing of additional model vehicles has been completed. That organization also argued that determination of a reasonable effective date is also dependent on that additional information.

MVMA argued that testing already under way will provide information the agency should have as a basis for determining its next rulemaking action or as a basis for developing modified or alternative test procedures and regulatory proposals that are likely to be more effective in reducing the numbers of fatalities and severity of injuries for the vehicle types covered by the NPRM. That organization indicated that one member's test program involves 18 light trucks or multipurpose passenger vehicles and two passenger cars, employing the proposed test procedure and a modified test procedure.

After consideration of MVMA's request, NHTSA has decided to extend the comment period by the requested 30 days. The agency believes that the testing described by MVMA would provide useful information which NHTSA should have the opportunity to consider as part of this rulemaking. NHTSA also believes, given the magnitude of the test program described by MVMA, that an additional 30 days is warranted to permit completion of the testing. Finally, the agency has concluded that a 30-day extension of the comment period would not significantly delay this rulemaking action.

Issued on February 16, 1990.

Barry Felrice,

Associate Administrator for Rulemaking.

[FR Doc. 90–4094 Filed 2–16–90; 4:12 pm]

BILLING CODE 4910–59–M

Notices

Federal Register
Vol. 55, No. 37
Friday, February 23, 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.

ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

Special Committee of Financial Services; Public Meeting

SUMMARY: Pursuant to the Federal Advisory Committee Act (Pub. L 92–463), notice is hereby given of a meeting of the Special Committee on Financial Services of the Administrative Conference of the United States. The Committee has scheduled this meeting to discuss a draft report dealing with Federal Supervision of Safety and Soundness of Government Sponsored Enterprises, prepared by Thomas H. Stanton, Esquire, of Washington, DC. Copies of the draft discussion report may be obtained from the contact person named in this notice.

DATES: Monday, March 19, 1990 at 9:30 a.m..

LOCATION: Administrative Conference of the United States Library, 2120 L Street NW., suite 500, Washington, DC 20037.

PUBLIC PRACTICIPATION: Committee meetings are open to the interested public, but limited to the space available. Persons wishing to attend should notify the contact person at least five days in advance of the meeting. The committee chairman may permit members of the public to present oral statements at the meeting. Any member of the public may file a written statement with a committee before, during, or after a meeting. Minutes of the meeting will be available upon request.

FOR FURTHER INFORMATION CONTACT: Brian C. Murphy, Office of the Chairman, Administrative Conference of the United States, 2120 L Street NW., Suite 500, Washington, DC 20037, telephone: (202) 254–7020.

Dated: February 15, 1990.

Jeffrey S. Lubbers,

Research Dirctor.

[FR Doc. 90–4147 Filed 2–22–90; 8:45 am]

BILLING CODE 6110–01–M

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[Docket No. 90–008]

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

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice.

SUMMARY: The purpose of this notice is to advise the public of the issuance, suspension, revocation, or termination of veterinary biological product and establishment licenses by the Animal and Plant Health Inspection Service during the month of November 1989. These actions are taken in accordance with the regulations issued pursuant to the Virus-Serum-Toxin Act.

FOR FURTHER INFORMATION CONTACT: Joan Montgomery, Program Assistant, Veterinary Biologics, Biotechnology, Biologics, and Environmental Protection, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, room 838, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, (301) 436–6332.

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

Pursuant to these regulations, the Animal and Plant Health Inspection Service (AOHIS) issued the following U.S. Veterinary Biological Product Licenses during the month of November 1989:

Product license code	Date issued	Product	Establishment	Establishment license No.
1005.50	11–16–89	Anaplasmosis Vaccine, Killed	ProtaTek International, Inc	329
1271.02	11–20–89	Bursal Diseas Vaccine, Live Virus	Keevet Laboratories	280
12P5.40	11–13–89	Bursal Disease-Newcastle Disease-Reovirus Vaccine, Killed Virus, Standard and Variant.	Maine Biological Laboratories, Inc	240
1555.20	11–16–89	Feline Leukemia Vaccine, Killed Virus	American Home Products Corporation	112
2051.00	11–16–89	Autogenous Bacterin	Central Biologics,Inc	334
2665.00	11–27–89	Leptospira Canicola-Grippotyphosa-Hardjo-Icterohaemorrhagiae-Pomona Bacterin.	SyntroVet, Incorporated	314
2857.01	11–03–89	Treponema Hyodysenteriae Bacterin	Mobay Corporation	52
2872.00	11–21–89	Vibrio Anguillarum-Salmonicida Yersihia Ruckeri Bacterin	BioMed Inc	285
4889.RO	11–27–89	Parvovirus-Pseudoarabies Vaccine-Leptospira Canicola-Grippotyphosa-Hardjo-Icterohaemorrhagiae-Pomona Bacterin, Modified Live and Killed Virus.	SyntroVet, Incorporated	314
4975.00	11–17–89	Parvovirus Vaccine-Leptospira Canicola-Grippotyphosa-Hardjo-Icterohaemorrhagiae-Pomona Bacterin, Killed Virus.	SyntroVet, Incorporated	314
4999.RO	11–21–89	Pseudorabies Vaccine-Leptospira Canicola-Grippotyphosa-Hardjo-Icterohaemorrhagiae-Pomona Bacterin, Modified Live Virus.	SyntroVet, Incorporated	314

Product license code	Date issued	Product	Establishment	Establishment license No.
5111.00	11-22-89	Pseudorabies Virus gpX Antibody Test Kit	Agdia, Inc	369
7800.00	11-16-89	Clostridium Perfringens Type C Bacterin-Toxoid	Oxford Veterinary Laboratories, Inc	307
A005.50	11-16-89	Anaplasmosis Vaccine, Killed Culture, For Further Manufacture.	Coopers Animal Health, Inc	107
A005.50	11-28-89	Anaplasmosis Vaccine, Killed Culture, For Further Manufacture.	ProtaTek International, Inc.	329
B101.00	11-13-89	Bordetella Bronchiseptica-Erysipelothrix Rhusiopathiae-Pasteurella Multocida Bacterin.	Grand Laboratories, Inc	303
B648.53	11-13-89	Escherichia Coli Bacterin	Grand Laboratories,Inc	303
B665.00	11-21-89	Leptospira Canicola-Grippotyphosa-Hardjo-Icterohaemorrhagiae-Pomona Bacterin, For Further Manufacture.	Coopers Animal Health, Inc	107

The regulations in 9 CFR part 102 also require that each person who prepares biological products that are subject to the Virus-Serum-Toxin Act (21 U.S.C. 151 *et seq.*) shall hold a U.S. Veterinary Biologics Establishment License. The regulations set forth the procedures for applying for a license, the criteria for determining whether a license shall be issued, and the form of the license. Pursuant to these regulations, APHIS issued the following U.S. Veterinary Biologics Establishment License during the month of November 1989:

Establishment	Establishment license No.	Date issued
Agdia, Inc	369	11-22-89

The regulations in 9 CFR parts 102 and 105 also contain provisions concerning the suspension, revocation, and termination of U.S. Veterinary Biological Product Licenses and U.S. Veterinary Biologics Establishment Licenses. Pursuant to these regulations, on November 2, 1989, APHIS terminated U.S. Veterinary Biologics Establishment License No. 293–A issued to Bionetics Research, Inc., and the following U.S. Veterinary Biological Product Licenses for this establishment:

Product license code	Product
E025.00	Vaccinia Virus Antiserum.
E046.00	Kilham Rat Virus and H-1 Virus Antiserum.
E060.00	Minute Virus of Mice Antiserum.
E061.00	Mouse Hepatitis Virus Antiserum.
E063.00	Murine Encephalomyelitis Virus Antiserum (Mouse Serum).
E065.00	Mycoplasma Pulmonis Antiserum (Mouse Serum).
E065.01	Mycoplasma Pulmonis Antiserum (Rat Serum).
E090.00	Pneumonia Virus of Mice Antiserum (Mouse Serum).
E090.01	Pneumonia Virus of Mice Antiserum (Rat Serum).
E240.00	Rat Coronavirus/Sialodacryoadenitis Virus Antiserum.
E260.00	Reovirus Type 3 Antiserum (Mouse Serum).
E280.00	Sendai Virus Antiserum (Mouse Serum).
E280.01	Sendai Virus Antiserum (Rat Serum).

Done in Washington, DC, this 16th day of February 1990.

James W. Glosser,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 90–4190 Filed 2–22–90; 8:45 am]

BILLING CODE 3410–34–M

Forest Service

Prototype Cloud Seeding Project; Notice of Intent

AGENCY: Forest Service, Department of Agriculture.

ACTION: Notice of intent.

SUMMARY: Notice is hereby given that the USDA Forest Service and the State of California will prepare a joint Environmental Impact Statement—Environmental Impact Report (EIS/EIR) to disclose the environmental consequences of the proposed Prototype Cloud Seeding Project. This project would be located in the vicinity of the Lake Basin Area on the Plumas and Tahoe National Forests, Plumas and Sierra Counties, California. The area under consideration is located in T. 21 to T. 24 N. and Ranges 10 to 14 E, Mt. Diablo Meridian. The Forest Service invites written comments on this proposal. A full environmental analysis will be conducted. The Draft EIS/EIR will be published in March, 1990, and the Final EIS/EIR will be available for review in May, 1990.

ADDRESSES: Submit written comments to Mary J. Coulombe, Forest Supervisor, Plumas National Forest, PO Box 11500, Quincy, California 95971.

FOR FURTHER INFORMATION CONTACT: R.C. Bennett, Planning Officer, Plumas National Forest, PO Box 11500, Quincy, California 95971, phone 916–283–2050.

SUPPLEMENTARY INFORMATION: The proposed project would use a variety of actions to augment snow pack by cloud seeding winter storms through the use of ground-based generators located on mountain tops in the vicinity of the Lakes Basin area. The California Department of Water Resources facilities supporting this project would be located on both Forest Service and private lands.

A range of alternatives will be considered, including a no action alternative. Another would include using silver iodide released from the ground-based generator as a seeding agent. Use of propane as the seeding agent would be considered as another alternative.

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

Public participation will be especially important at several points during the analysis. The first point is during the scoping process (40 CFR 1501.7). The Forest Service and the California Department of Water Resources will be seeking information, comments, and assistance from Federal, State, and local agencies and other individuals or organizations who may be interested in or affected by the proposed action. This input will be used in preparation of the Draft EIS/EIR. The scoping includes:

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

The Fish and Wildlife Service, Department of the Interior, will be

invited to participate as a cooperating agency to evaluate potential impacts on threatened and endangered species habitat if any such species are found to exist in the proposed project area.

The Draft EIS/EIR is expected to be filed with the Environmental Protection Agency (EPA) and to be available for public review by March, 1990. At that time EPA will publish a notice of availability of the Draft EIS/EIR in the **Federal Register.**

The comment period on the Draft Environmental Impact Statement—Environmental Impact Report will be 45 days from the date the Environmental Protection Agency's Notice of Availability appears in the **Federal Register.** It is very important that those interested in the management of the proposed Prototype Cloud Seeding Project participate at that time. To be the most helpful, comments on the Draft EIS/EIR should be as specific as possible and may address the adequacy of the statement or the merits of the alternatives discussed (see the Council on Environmental Quality Regulations for implementing the procedural provisions of the National Environmental Policy Act at 40 CFR 1503.3). In addition, Federal court decisions have established that reviewers of draft EIS's must structure their participation in the environmental review of the proposal so that it is meaningful and alerts and agency to the reviewers' position and contentions, *Vermont Yankee Nuclear Power Corp.* v. *NRDC*, 435 U.S. 519, 553 (1978), and that environmental objections that could have been raised at the draft stage may be waived if not raised until after completion of the final environmental impact statement. *Wisconsin Hertiges, 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 EIS.

After the comment period for the Draft EIS/EIR ends, the comments received will be analyzed and considered by the Forest Service and the California Department of Water Resources in the preparation of the Final Environmental Impact Statement—Environmental Impact Report. The Final EIS/EIR is scheduled to be completed by May, 1990. In the Final EIS/EIR the Forest Service is required to respond to the comments received (40 CFR 1503.4). The responsible official will consider the comments, responses, environmental consequences discussed in the EIS/EIR, and applicable laws, regulations, and policies in making a decision regarding this proposal. The responsible official will document the decision and reasons for the decision in the Record of Decision. That decision will be subject to appeal under 36 CFR part 217.

Dated: February 9, 1990.

Mary J. Coulombe,

Forest Supervisor, Plumas National Forest.

[FR Doc. 90-4162 Filed 2-22-90; 8:45 am]

BILLING CODE 3410-11-M

Plumas National Forest; Proposed Frenchman Timber Sale

AGENCY: Department of Agriculture, Forest Service.

ACTION: Notice of intent.

SUMMARY: Notice is hereby given that the USDA Forest Service will prepare an Environmental Impact Statement to disclose the environmental consequences of the proposed Frenchman Timber Sale located on the La Porte Ranger District, Plumas National Forest, Plumas County, California. The Frenchman Timber Sale is approximately 5 air miles northeast of the town of La Porte, California in T. 22 N. and Ranges 9 and 10 E, Mt. Diablo Meridian. The Forest Service invites written comments on this proposal. A full environmental analysis will be conducted. The Draft Environmental Impact Statement (DEIS) will be published in July 1990, and the Final Environmental Impact Statement (FEIS) will be available for review in September 1990.

ADDRESSES: Submit written comments and suggestions to Chuck Smay, La Porte District Ranger, PO Box 369, Challenge, CA 95925.

FOR FURTHER INFORMATION CONTACT: Stuart Lovejoy, Timber Sale Planning and Preparation Forester, PO Box 369, Challenge, CA 95935, phone 916-675-2462.

SUPPLEMENTARY INFORMATION: The Plumas National Forest Land and Resource Management Plan provides direction for management of the project area. The Forest Plan has designated the area to be managed under the Timber Emphasis and Visual Partial Retention Prescriptions. The proposed action would use a variety of logging systems to harvest approximately 11.5 MMBF of timber. A range of alternatives for this project will be considered, one of which would be a no action alternative. Other alternatives may consider different harvest levels in response to various issues.

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

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

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

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

The La Porte District Ranger will schedule scoping meetings with interested parties beginning in March 1990.

The DEIS is expected to be filed with the Environmental Protection Agency (EPA) and to be available for public review by July 1990. At that time EPA will publish a notice of availability of the DEIS in the **Federal Register.** The comment period on the DEIS will be 45 days from the date the Environmental Protection Agency's Notice of Availability appears in the **Federal Register.** It is very important that those interested in the management of the Frenchman Timber Sale participate at that time. To be most helpful, comments on the DEIS should be as specific as possible and may address the adequacy of the statement or the merits of the alternatives discussed (see the Council on Environmental Quality Regulations for implementing the procedural provisions of the National Environmental Policy Act at 40 CFR 1503.3). In addition, Federal court decisions have established that reviewers of draft EIS's must structure their participation in the environmental

review of the proposal so that it is meaningful and alerts and agency to the reviewers' position and contentions, *Vermont Yankee Nuclear Power Corp.* v. *NRDC*, 435 U.S. 519, 553 (1978), and that environmental objections that could have been raised at the draft stage may be waived if not raised until after completion of the final environmental impact statement. *Wisconsin Heritage, Inc.* v. *Harris*, 490 F. Supp. 1334, 1338 (E.D. Wis. 1980). The reason for this is to ensure that substantive comments and objections are made available to the Forest Service at a time when it can meaningfully consider them and respond to them in the FEIS.

After the comment period for the DEIS ends, the comments received will be analyzed and considered by the Forest Service in preparation of the FEIS. The FEIS is scheduled to be completed by September 1990. In the FEIS the Forest Service is required to respond to comments received (40 CFR 1503.4). The responsible official will consider comments, responses, environmental consequences discussed in the EIS, and applicable laws, regulations, and policies in making a decision regarding this proposal. The responsible official will document the decision and reasons for the decision in the Record of Decision. That decision will be subject to appeal under 36 CFR part 217.

Dated: February 9, 1990.

Mary J. Coulombe,

Forest Supervisor.

[FR Doc. 90-4163 Filed 2-22-90; 8:45 am]

BILLING CODE 3410-11-M

DEPARTMENT OF COMMERCE

Bureau of Export Administration

Performance Products International, Inc. and Autex, Inc.; Order

Order

In the Matter of: Cyrus M. Robinson, 4390 Shady Bend Drive, Dallas, Texas 75244, individually and doing business as Performance Products International, Inc. and Autex, Inc., P.O. Box 811114, Dallas, Texas 75381, Respondents.

The Office of Export Enforcement, Bureau of Export Administration, United States Department of Commerce (Department), having notified Cyrus M. Robinson, individually and doing business as Performance Products International, Inc. and Autex, Inc. (hereinafter collectively referred to as Robinson), of its intent to initiate an administrative proceeding against him pursuant to section 13(c) of the Export Administration Act of 1979, as amended (50 U.S.C.A. app. sections 2401–2420 (Supp. 1989)) (the Act), and part 788 of the Export Administration Regulations (currently codified at 15 CFR parts 768–799 (1989)) (the Regulations), based on allegations that Robinson committed:

1. Six violations of § 787.6 of the Regulations in that, on six separate occasions between on or about November 27, 1985 and on or about March 28, 1988, Robinson exported integrated circuits from the United States to New Zealand and Hong Kong (three shipments went to Hong Kong and three to New Zealand) without first obtaining the validated licenses required by § 772.1(b) of the Regulations;

2. Three violations of § 787.5 of the Regulations in that, between on or about November 27, 1985 and on or about March 28, 1988, Robinson made false statements on the Shipper's Export Declarations filed in connection with three of the above-described exports by stating that the exports were authorized under General License G-DEST, when, in fact, those exports required a validated license;

3. One violation of § 787.3(a) of the Regulations in that, on or about August 10, 1988, Robinson attempted to export a radar detector from the United States to New Zealand without first obtaining the validated license required by § 772.1(b) of the Regulations;

The Department and the Robinson having entered into a Consent Agreement whereby the Department and Robinson have agreed to settle this matter by the Department assessing a civil penalty of $5,000 against Robinson, payment of which is to be suspended for a period of five years subject to the conditions set forth below and by the Department's denying Robinson's export privileges for a five-year period, four and one-half years of which is to be suspended subject to the conditions set forth below; and

The terms of the Consent Agreement having been approved by me;

It Is Therefore Ordered,

First, a civil penalty in the amount of $5,000 is assessed against Robinson. Payment of the entire civil penalty shall be suspended for a period of five years from the date of this Order and shall thereafter be waived provided that, during the period of suspension, Robinson has committed no violation of the Act or any regulation, order or license issued under the Act.

Second, Cyrus M. Robinson, individually with an address at 4390 Shady Bend Drive, Dallas, Texas 75244, and doing business as Performance Products International, Inc. and Autex, Inc., both with an address at P.O. Box 811114, Dallas, Texas 75381, shall, for a period of five years from the date of this Order, be denied all privileges of participating, directly or indirectly, in any manner or capacity, in any transaction involving the export of U.S.-origin commodities or technical data from the United States or abroad.

A. All outstanding individual validated export licenses in which Robinson appears or participates, in any manner or capacity, are hereby revoked and shall be returned forthwith to the Office of Export Licensing for cancellation. Further, all of Robinson's privileges of participating, in any manner or capacity, in any special licensing procedure, including, but not limited to, distribution licenses, are hereby revoked.

B. Without limiting the generality of the foregoing, participation prohibited in any such transaction, either in the United States or abroad, shall include, but not be limited to, participation: (i) As a party or as a representative of a party to any export license application submitted to the Department; (ii) in preparing or filing with the Department any export license application or request for reexport authorization, or any document to be submitted therewith; (iii) in obtaining from the Department or using any validated or general export license or other export control document; (iv) in carrying on negotiations with respect to, or in receiving, ordering, buying, selling, delivering, storing, using, or disposing of any commodities or technical data, in whole or in part, exported or to be exported from the United States and subject to the Regulations; and (v) in financing, forwarding, transporting, or other servicing of such commodities or technical data. Such denial of export privileges shall extend only to those commodities and technical data which are subject to the Act and the Regulations.

C. After notice and opportunity for comment, such denial may be made applicable to any person, firm, corporation, or business organization with which Robinson is now or hereafter may be related by affiliation, ownership, control, position of responsibility, or other connection in the conduct of trade or related services.

D. No person, firm, corporation, partnership or other business organization, whether in the United States or elsewhere, without prior disclosure to and specific authorization from the Office of Export Licensing shall, with respect to U.S.-origin commodities and technical data subject to the Act and the Regulations, do any of the following acts, directly or

indirectly, or carry on negotiations with respect thereto, in any manner or capacity, on behalf of or in any association with Robinson or any related person, or whereby Robinson or any related person may obtain any benefit therefrom or have any interest or participation therein, directly or indirectly: (a) Apply for, obtain, transfer, or use any license, Shipper's Export Declaration, bill of lading, or other export control document relating to any export, reexport, transshipment, or diversion of any U.S.-origin commodity or technical data exported in whole or in part, or to be exported by, to, or for Robinson or any related person denied export privileges; or (b) order, buy, receive, use, sell, deliver, store, dispose of, forward, transport, finance, or otherwise service or participate in any export, reexport, transshipment or diversion of any commodity or technical data exported or to be exported from the United States.

Third, as is authorized by § 788.17(b) of the Regulations, the denial period shall be suspended for a period of four and one-half years beginning six months from the date of this Order and shall thereafter be waived, provided that, during the period of suspension, Robinson complies fully with terms of the Consent Agreement and commits no violation of the Act or any regulation, order or license issued under the Act.

Fourth, the proposed Charging Letter, the Consent Agreement and this Order shall be made available to the public. A copy of this Order shall be served on Robinson and published in the Federal Register.

This Order is effective immediately.

Entered this 13th day of February 1990.

Quincy M. Krosby,

Assistant Secretary for Export Enforcement.

[FR Doc. 90–4153 Filed 2–22–90; 8:45 am]

BILLING CODE 3510–DT–M

National Oceanic and Atmospheric Administration

Incidental Taking; Issuance of Letter of Authorization

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

ACTION: Notice of Issuance of Letter of Authorization.

SUMMARY: Notice is given that on February 6, 1990, the National Marine Fisheries Services issued a Letter of Authorization under the authority of section 101(a)(5) of the Marine Mammal Protection Act of 1972 and 50 CFR part 228, subpart B—Taking of Ringed Seals Incidental to On-Ice Seismic Activities, to the following: Western Geophysical, Western Atlas International, 351 E. International Airport Road, Anchorage, Alaska 99518–1299. The Letter of Authorization is valid for 1990 and is subject to the provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361–1407) and the Regulations Governing Small Takes of Marine Mammals Incidental to Specified Activities (50 CFR part 228, subparts A and B).

Issuance of this letter is based on a finding that the total taking will have a negligible impact on the ringed seal species or stock, its habitat and its availability for subsistence use.

ADDRESSES: These Letters of Authorization are available for review in the following offices: Office of Protected Resources, National Marine Fisheries Service, 1335 East West Highway, room 8249, Silver Spring, MD 20910, and Director, Alaska Region, National Marine Fisheries Service, P.O. Box 1668, Juneau, Alaska 99802.

FOR FURTHER INFORMATION CONTACT: Margaret Lorenz, Protected Species Management Division, NMFS, (301) 427–2322.

Dated: February 6, 1990.

Nancy Foster,

Director, Office of Protected Resources and Habitat Programs.

[FR Doc. 90–4155 Filed 2–22–90; 8:45 am]

BILLING CODE 3510–22–M

North Pacific Fishery Management Council; Public Meeting

AGENCY: National Marine Fisheries Service, NOAA, Commerce.

The North Pacific Fishery Management Council's Inshore/Offshore Technical Team will hold a public meeting on February 26–27, 1990, at the National Marine Fisheries Service, Northwest and Alaska Fisheries Center, 7600 Sand Point Way NE., Building 4, Room 2079, Seattle, WA, so that Team analysts can develop a common set of management measures and working definitions, as well as prepare a list of technical points for which Council guidance is needed. The public meeting is scheduled to begin at 9 a.m., on February 26 and, on that day, all Team sections (biological/environmental, economic, social-science, and legal) will meet together. On February 27 Team sections will likely meet independently to prepare individual work plans.

For more information contact Steve Davis, Deputy Director, North Pacific Fishery Management Council, P.O. Box 103136, Anchorage, AK 99510; telephone: (907) 271–2809.

Dated: February 16, 1990.

David S. Crestin,

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

[FR Doc. 90–4122 Filed 2–22–90; 8:45 am]

BILLING CODE 3510–22–M

Pacific Fishery Management Council; Public Meetings and Public Hearing

AGENCY: National Marine Fisheries Service, NOAA, Commerce.

The Pacific Fishery Management Council and its advisory entities will meet on March 5–9, 1990, at the Sea-Tac Hilton, 17620 Pacific Highway South, Seattle, WA. Except as noted below, the meetings are open to the public. Additionally, on March 7 at 2 p.m., the Council will conduct a public hearing on the draft groundfish fishery management plan (FMP), amendment #4, and its supplemental environmental impact statement.

The Council will begin meeting on March 6 at 8 a.m., to formulate management options for the 1990 ocean salmon fisheries. The Council will reconvene on March 7 at 10 a.m., in closed session (not open to the public), to discuss litigation and personnel matters. The open session will start at 10:30 a.m., as the Council discusses anchovy and groundfish management issues. On March 8 the Council will complete groundfish management discussions, address administrative matters, and also discuss salmon management issues. On March 9 the Council will complete its business, adopting 1990 salmon management options for public review.

Salmon management issues include: (1) 1990 options for public review; (2) a revised annual salmon management process; (3) Washington coho salmon escapement estimation methodology; (4) the 1991 plan amendment, and the schedule of public hearings on the 1990 options.

Groundfish issues include: (1) Foreign and joint venture fishing applications; (2) 1990 sablefish management measures; (3) long-term sablefish management; (4) rewrite of groundfish FMP amendment #4; (5) definition of overfishing; (6) status of the limited entry amendment; (7) offshore processing regulations, and (8) Canada/United States management of transboundary groundfish species. On March 6 at 4 p.m., the Council will accept public comments on issues not on its agenda.

The *Scientific and Statistical Committee* will meet on March 5 at 8:30

a.m., to address scientific issues on the Council's agenda, and will reconvene on March 6 at 8 a.m.

The *Salmon Advisory Subpanel* will begin meeting on March 5 at 8 a.m., to address salmon management issues on the Council's agenda. The Subpanel will reconvene on March 6–9 at 8 a.m. The *Salmon Technical Team* will meet as necessary during March 5–9 to assist the Salmon Advisory Subpanel, and to prepare analyses of 1990 management options.

The *Foreign Fishing Committee* will meet on March 7 at 8 a.m., to review foreign and joint venture applications for 1990, and to discuss other issues related to foreign and joint venture fisheries.

The *Budget Committee* will meet on March 8 at 8 a.m., to discuss the Council's budget.

Detailed agendas for the above meetings will be made available to the public after February 23, 1990.

For more information contact Lawrence D. Six, Executive Director, Pacific Fishery Management Council, 2000 SW. First Avenue, room 420, Portland, OR 97201; telephone: (503) 326–6352.

Dated: February 16, 1990.

David S. Crestin,

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

[FR Doc. 90–4123 Filed 2–22–90; 8:45 am]

BILLING CODE 3510–22–M

[Modification No. 1 to Permit No. 656]

Marine Mammals; Modification of Permit to National Aquarium in Baltimore (P261C)

Notice is hereby given that pursuant to the provisions of sections 216.33 (d) and (e) of the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR part 216), Public Display Permit No. 656 issued to the National Aquarium in Baltimore, Pier 3, 501 East Pratt Street, Baltimore, Maryland 21202, on January 27, 1989 (54 FR 5540) is modified in the following manner:

Section B.7 is deleted and replaced by:

7. This permit is valid with respect to the taking authorized herein until through December 31, 1992. The terms and conditions of this Permit (Sections B and C) shall remain in effect as long as one of the marine mammals taken hereunder is maintained in captivity under the authority and responsibility of the Permit Holder.

This modification becomes effective upon publication in the **Federal Register.**

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

Office of Protected Resources and Habitat Programs, National Marine Fisheries Service, NOAA, 1335 East West Highway, room 7324, Silver Spring, Maryland, 20910 (301/427–2289);

Director, Southeast Region, National Marine Fisheries Service, NOAA, 9450 Koger Boulevard, St. Petersburg, Florida 33702 (813/893–3141); and

Director, Northeast Region, National Marine Fisheries Service, NOAA, One Blackburn Drive, Gloucester, Massachusetts 01930 (508/281–9200).

Dated: February 6, 1990.

Nancy Foster, Ph.D.,

Director, Office of Protected Resources and Habitat Programs, National Marine Fisheries Service.

[FR Doc. 90–4124 Filed 2–22–90; 8:45 am]

BILLING CODE 3510–22–M

Marine Mammals; Application for Modification; NOAA, National Ocean Service, Ocean Assessments Division (P415)

Notice is hereby given that Ocean Assessments Division, National Ocean Service, NOAA, requested a modification of Permit No. 635 issued on May 10, 1988 (53 FR 17491) under the authority of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361–1407), the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR part 216), the Endangered Species Act of 1973 (16 U.S.C. 1351–1543) and the regulations governing endangered fish and wildlife.

Permit No. 635 authorized the taking of up to 10 tissue samples annually from animals taken during Eskimo subsistence harvest and from beached and stranded animals if death is recent enough that standard collection protocols can be applied. The animals authorized under Permit include bearded seals, bowhead whales, largha seal, Pacific harbor seals, ribbon seals, ringed seals, and white whale.

The Permit Holder requests modification of Permit No. 635 to allow tissue samples that include fat, liver, kidney, muscle, heart, brain, pancreas, parts of the digestive tract, adrenals, ovaries, testes, spleen, skin, hair, bone, claws, teeth, blood, bile, and urine to be collected from 30 northern fur seals (*Callorhinus ursinus*) taken in subsistence hunts in Alaska over the next three years.

Concurrent with the publication of this notice in the **Federal Register**, the Secretary of Commerce is forwarding copies of this modification application to the Marine Mammal Commission and the Committee of Scientific Advisors.

Written data or views, or requests for a public hearing on this modification application request should be submitted to the Assistance Administrator for Fisheries, National Marine Fisheries Service, U.S. Department of Commerce, 1335 East West Highway., Room 7324, Silver Spring, Maryland 20910, within 30 days of the publication of this notice. Those individuals requesting a hearing should set forth the specific reasons why a hearing on this particular application would be appropriate. The holding of such hearing is at the discretion of the Assistant Administrator for Fisheries. All statements and opinions contained in this modification request are summaries of those of the Applicant and do not necessarily reflect the views of the National Marine Fisheries Service.

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

By appointment: Permit Division, Office of Protected Resources, National Marine Fisheries Service, 1335 East West Highway., Room 7324, Silver Spring, Maryland 20910; and

Director, Alaska Region, National Marine Fisheries Service, 709 West 9th Street, Federal Building., Juneau, Alaska.

Dated: February 16, 1990.

Nancy Foster,

Director, Office of Protected Resources and Habitat Programs, National Marine Fisheries Service.

[FR Doc. 90–4125 Filed 2–22–90; 8:45 am]

BILLING CODE 3510–22–M

Marine Mammals; Withdrawal of Permit Application; Reef Ltd.

AGENCY: National Marine Fisheries Service, NOAA, Commerce.

ACTION: Withdrawal of Permit Application: Reef Ltd. (P455).

SUMMARY: On Friday, November 17, 1989 (54 FR 47805) and Tuesday, January 2, 1990 (55 FR 50), notices were published in the **Federal Register** indicating that Reef Ltd., South Coast, P.O.B. 104 Eilat, Israel, applied for a public display permit to capture six Atlantic bottlenose dolphins (*Tursiops truncatus*) off the west coast of Florida, and to acquire six California sea lions (*Zalophus californianus*) from beach/stranged stocks.

Notice is hereby given that on January 22, 1990, the National Marine Fisheries Service (NMFS) received notification

that the applicant was withdrawing the application. The request has been acknowledged and accepted without prejudice by the NMFS.

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

Office of Protected Resources and Habitat Programs, National Marine Fisheries Service, NOAA, 1335 East West Highway, Room 7330, Silver Spring, Maryland 20910; and Director, Southeast Region, National Marine Fisheries Service, NOAA, 9450 Koger Boulevard, St. Petersburg, Florida 33702.

Dated: February 16, 1990.

Nancy Foster,

Director, Office of Protected Resources and Habitat Programs, National Marine Fisheries Service.

[FR Doc. 90–4126 Filed 2–22–90; 8:45 am]

BILLING CODE 3510–22–M

COMMITTEE FOR PURCHASE FROM THE BLIND AND OTHER SEVERELY HANDICAPPED

Procurement List 1990; Additions

AGENCY: Committee for Purchase from the Blind and Other Severely Handicapped.

ACTION: Additions to procurement list.

SUMMARY: This action adds to Procurement List 1990 commodities to be produced and services to be provided by workshops for the blind or other severely handicapped.

EFFECTIVE DATE: March 26, 1990.

ADDRESSES: Committee for Purchase from the Blind and Other Severely Handicapped, Crystal Square 5, Suite 1107, 1755 Jefferson Davis Highway, Arlington, Virginia 22202–3509.

FOR FURTHER INFORMATION CONTACT: Beverly Milkman, (703) 557–1145.

SUPPLEMENTARY INFORMATION: On December 8, 15 and 22, 1989, the Committee for Purchase from the Blind and Other Severely Handicapped published notices (54 FR 52841, 51449 and 50633) of proposed additions to Procurement List 1990, which was published on November 3, 1989 (54 FR 46540).

After consideration of the material presented to it concerning capability of qualified workshops to produce the commodities and provide the services at a fair market price and impact of the addition on the current or most recent contractors, the Committee has determined that the commodities and services listed below are suitable for procurement by the Federal Government under 41 U.S.C. 46–48c and 41 CFR 51–2.6.

I certify that the following actions will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

a. The actions will not result in any additional reporting, recordkeeping or other compliance requirements.

b. The actions will not have a serious economic impact on any contractors for the commodities and services listed.

c. The actions will result in authorizing small entities to produce the commodities and provide the services procured by the Government.

Accordingly, the following commodities and services are hereby added to Procurement List 1990:

Commodities

Sweatshirt
- 8415–00–269–0403
- 8415–00–262–1534
- 8415–00–262–1535
- 8415–00–262–1536

Sweatpants
- 8415–00–268–8178
- 8415–00–268–8179
- 8415–00–268–8180

Services

Janitorial/Elevator Operator, Navy Yard Annex, Building 205, Washington, DC;
Mailing of Initial Technical Orders, Robins Air Force Base, Georgia.

E.R. Alley, Jr.,

Deputy Executive Director.

[FR Doc. 90–4179 Filed 2–22–90; 8:45 am]

BILLING CODE 6820–33–M

Procurement List 1990; Proposed Additions

AGENCY: Committee for Purchase from the Blind and Other Severely Handicapped.

ACTION: Proposed additions to procurement list.

SUMMARY: The Committee has received a proposal to add to Procurement List 1990 services to be provided by workshops for the blind or other severely handicapped.

COMMENTS MUST BE RECEIVED ON OR BEFORE: March 26, 1990.

ADDRESSES: Committee for Purchase from the Blind amd Other Severely Handicapped, Crystal Square 5, Suite 1107, 1755 Jefferson Davis Highway, Arlington, Virginia 22202–3509.

FOR FURTHER INFORMATION CONTACT: Beverly Milkman (703) 557–1145.

SUPPLEMENTARY INFORMATION: This notice is published pursuant to 41 U.S.C. 47(a)(2) and 41 CFR 51–2.6. Its purpose is to provide interested persons an opportunity to submit comments on the possible impact of the proposed actions.

If the Committee approves the proposed additions, all entities of the Federal Government will be required to procure the services listed below from workshops for the blind or other severly handicapped.

It is proposed to add the following services to Procurement List 1990, which was published on November 3, 1989 (54 FR 46540):

Services

Car Wash/Operation of Recycling Station, Olympic National Park, Port Angeles, Washington;
Commissary Warehousing, George Air Force Base, California;
Corrosion Control of Fuel Pipelines, Manchester Naval Fuel Department, Manchester, Washington;
Janitorial/Custodial. Dayton, Ohio at the following locations:
Federal Building and U.S. Courthouse, 200 West Second Street,
Federal Parking Facility, Third and Perry Streets.

E. R. Alley, Jr.,

Deputy Executive Director.

[FR Doc. 90–4180 Filed 2–22–90; 8:45 am]

BILLING CODE 6820–33–M

DEPARTMENT OF DEFENSE

Department of the Army

Military Traffic Management; Through Government Bill of Lading Program for Household Goods and Unaccompanied Baggage

AGENCY: Military Traffic Management Command, Department of the Army, DOD.

ACTION: Invitation to comment on the requirement for carriers to submit a legible copy of rated on-board ocean bill of lading for each shipment to the Division of National Cargo, Office of Market Development, Maritime Administration, U.S. Department of Transportation, Washington, DC 20590.

SUMMARY: The Maritime Administration (MARAD) has requested that MTMC provide a rated on-board ocean bill of lading (OBL) for all military household goods moved on U.S. flag vessel.

a. Item will be required effective 1 April 1990.

b. Item 340: Ocean Bill of Lading. Item reads as follows:

(1) Carriers will submit one legible copy of a rated ocean bill of lading for each shipment. Copies of these bills of lading are to be furnished within 20 working days of the date of loading for shipments originating in the United States, or within 30 working days for shipments originating outside the United States. Copies are to be sent to: Division of National Cargo, Office of Market Development, Maritime Administration, U.S. Department of Transportation, Washington, DC 20590.

(2) Each bill of lading copy shall contain the following information:

a. Sponsoring U.S. Government agency.

b. Name of vessel.

c Vessel flag of registry.

d. Date of loading.

e. Port of loading.

f. Port of final discharge.

g. Description of commodity.

h. Gross weight in pounds and cubic feet, if available.

i. Total ocean freight revenues in U.S. dollars.

Kenneth L. Denton,

Alternate Army Liaison Officer With the Federal Register.

[FR Doc. 90–4151 Filed 2–22–90; 8:45 am]

BILLING CODE 3710–08–M

Personal Property Shipments; Domestic and International Visibility Payment

AGENCY: Military Traffic Management Command (MTMC) DOD.

ACTION: Proposed Additions to Domestic Personal Property Rate Solicitation D–1, and International Personal Property Rate Solicitation I–1 for Intransit Visibility Payment.

SUMMARY: The Military Traffic Management Command requests public comment on its proposed additions to Domestic and International Rate Solicitations as follows:

Intransit Visibility Payment

Item (TBD):

Payment for intransit visibility will be paid only in emergency situations and, when specifically requested by Headquarters, Military Traffic Management Command. This is not to be confused with carrier tracing and reporting responsibilities for strikes, port congestion and similar parameters already identified and agreed to in the Tender of Service.

There is a flat payment of $15 per shipment. This payment is paid one time only, and represents the additional costs for intransit visibility reporting for the declared emergency. Request for payment will be submitted on a DD Form 619, in the, "Additional Services" section, with the Government Bill of Lading, Member's name, rank and social security number listed in the, "Remarks" section.

DATES: Comments must be received by April 13, 1990.

ADDRESSES: Comments may be addressed to: Headquarters, Military Trarffic Management Command, ATTN: MTPP–C, room 408, 5611 Columbia Pike, Falls Church, VA 22041–5050

FOR FURTHER INFORMATION CONTACT: Mrs. Rosemarie F. Guzzardo at (703) 756–1190.

Kenneth L. Denton,

Alternate Army Liaison Officer With the Federal Register.

[FR Doc. 90–4152 Filed 2–22–90; 8:45 am]

BILLING CODE 3710–08–M

Department of the Navy

Government-owned Inventions; Availability of Licensing

AGENCY: Department of the Navy, DOD.

ACTION: Notice of availability of inventions for licensing.

SUMMARY: The inventions listed below are assigned to the United States Government as represented by the Secretary of the Navy and are made available for licensing by the Department of the Navy.

Copies of patents cited are available from the Commissioner of Patents and Trademarks, Washington, DC 20231, for $1.50 each. Requests for copies of patents must include the patent number.

Copies of patent applications cited are available from the National Technical Information Service (NTIS), Springfield, Virginia 22161. Copies also may be ordered by telephone request to (703) 487–4650. Requests for copies of patent applications must include the patent application serial number. Claims are deleted from the patent application copies sold to avoid premature disclosure.

DATES: February 23, 1990.

FOR FURTHER INFORMATION CONTACT: Mr. R. J. Erickson, Staff Patent Attorney, Office of the Chief of Naval Research (Code OOCCIP), Arlington, Virginia 22217–5000, telephone (202) 696–4001.

Patent 4,432,603: Multichannel Fiber Optics Connector; filed 26 August 1981; patented 21 February 1984.

Patent 4,434,812: Fluidic Gain Changer; filed 18 April 1983; patented 6 March 1984.

Patent 4,449,473: Inflatable Boat with Demountable Transom; filed 29 October 1989; patented 22 May 1984.

Patent 4,452,624: Method for Bonding Insulator to Insulator; filed 21 December 1982; patented 5 June 1984.

Patent 4,454,798: Foam Filled Muzzle Blast Reducing Device; filed 25 February 1982; patented 19 June 1984.

Patent 4,461,146: Mixed Flow Swirl Augmentor for Turbofan Engine; filed 22 October 1982; patented 24 July 1984.

Patent 4,461,977: Single Zone Lighting Controller; filed 1 December 1982; patented 24 July 1984.

Patent 4,464,065: Fast Granular Superconductor Bolometer; filed 9 August 1982; patented 7 August 1984.

Patent 4,474,228: Closed Cycle Vaporization Cooling System for Underwater Vehicle Inner-To-Outer Hull Heat Transfer; filed 24 August 1982; patented 2 October 1984.

Patent 4,476,322: Synthesis of Dimethylmethylene Dinitramine; filed 1 July 1982; patented 9 October 1984.

Patent 4,477,779: Dual Channel Gated Peak Detector; filed 30 July 1982; patented 16 October 1984.

Patent 4,488,307: Three-Mirror Active-Passive Semiconductor Laser; filed 6 June 1982; patented 11 December 1984.

Patent 4,633,427: Advanced Cube Processor; filed 29 June 1984; patented 12 December 1986.

Patent 4,642,638: Apparatus for Generating Enhanced/Regenerative Bracket Decode Signals; filed 27 June 1983; patented 10 February 1987.

Patent 4,652,881: Efficient Adaptive Filter Bank; filed 10 January 1984; patented 24 March 1987.

Patent 4,679,722: FET Oscillator Having Controllable Reactance Element Controlled Two Port Feedback; filed 9 March 1981; patented 2 June 1987.

Patent 4,691,209: Wideband Antenna; filed 19 August 1985; patented 1 September 1987.

Patent 4,761,711: Barrier Layer Ceramic Dielectric Capacitor Containing Barium Plumbate; filed 5 June 1987; patented 2 August 1988.

Patent 4,862,735: Microviscometer; filed 4 April 1988; patented 5 September 1989.

Patent 4,863,247: Optical Arithmetic Logic Using the Modified Signed-Digit Redundant Number Representation; filed 16 June 1988; patented 5 September 1989.

Patent 4,864,567: High Throughout Data Communication System; filed 4 May 1988; patented 5 September 1989.

Patent 4,864,580: CO2 Laser Pulse Optimization for Harmonic Generation; filed 10 March 1987; patented 5 September 1989.

Patent 4,865,328: Low Cost Expendable Crushable Target Aircraft; filed 16 March 1984; patented 12 September 1989.

Patent 4,866,236: Flexible, Extendable, Backing Shield for Welding Reactive Metals; filed 20 April 1988; patented 12 September 1989.

Patent 4,866,361: Actuator Rate Saturation Compensator; filed 5 May 1988; patented 12 September 1989.

Patent 4,866,426: Magnetic Amplifier Housing and Detector for an Improved Tamper Alarm System; filed 17 June 1988; patented 12 September 1989.

Patent 4,867,044: Jam Resistant Fluid Power Actuator for Ballistic-Damage Tolerant Redundant Cylinder Assemblies; filed 26 November 1984; patented 19 September 1989.

Patent 4,867,518: All-Fiber SFPM Amplifier; filed 31 August 1988; patented 19 September 1989.

Patent 4,868,515: A Narrow-Bandwidth Unstable Laser Resonator; filed 21 October 1988; patented 19 September 1989.

Patent 4,869,149: At Sea Recovery Handling System; filed 6 October 1988; patented 26 September 1989.

Patent 4,870,027: Sensitization Pretreatment of PB-Salt Epitaixal Films for Skottky Diode Fabrication by Sulfur Vapor Exposure; filed 27 July 1988; patented 26 September 1989.

Patent 4,872,211: Dual Frequency Launcher for Circularly Polarized Antenna; filed 10 August 1988; patented 3 October 1989.

Patent 4,874,326: An Elastomeric Electrical Isolation Membrane; filed 20 September 1988; patented 17 October 1989.

Patent 4,875,357: Optical Paramagnetic/Diamagnetic Gas Sensor; filed 10 February 1988; patented 24 October 1989.

Patent Application 055,575: Production of Monoclonal Antibodies to Treponema Denticola by Hybridoma; filed 22 May 1989.

Patent Application 304,048: Apparatus for Cooling Electronic Components in Aircraft; filed 25 January 1989.

Patent Application 359,895: Structural Vibration and Shock Isolation in a High Pressure Environment; filed 1 June 1989.

Patent Application 360,179: Structural Vibration and Shock Isolator; filed 1 June 1989.

Patent Application 367,814: Multi-Channel Acoustic Simulator; filed 19 June 1989.

Patent Application 370,965: Apparatus for the Efficient Wavelength Conversion of Laser Radiation; filed 26 June 1989.

Patent Application 373,555: High Quality Tunnel Junction Devices Using High TC Superconductors; filed 30 June 1989.

Patent Application 374,212: Coil System for the Eddy Current Inspection of Filament-Wound Carbon Fiber Reinforced Composites; filed 30 June 1989.

Patent Application 374,679: Overlap Correlator Synthetic Aperture Processor; filed 30 June 1989.

Patent Application 383,390: Apparatus and Method for Minimizing Polarization-Induced Signal Fading in an Interferometric Fiber-Optic Sensor Using Input-Polarization Modulation; filed 21 July 1989.

Patent Application 385,375: Screw Removal Tool; filed 24 July 1989.

Patent Application 406,440: Fiber Optic Transversal Filter/Variable Delay Line; filed 13 September 1989.

Patent Application 414,223: Alloying of Metals for Corrosion Resistance; filed 29 September 1989.

Patent Application 414,225: Method of Producing a Thin Silicon-On-Insulator Layer; filed 29 September 1989.

Patent Application 415,740: High Optical Density Measuring Spectrometer; filed 29 September 1989.

Patent Application 425,663: Hot Air Heat Gun; filed 23 October 1989.

Patent Application 432,288: Input/Output Bus Interface; filed 6 November 1989.

Dated: February 15, 1990.

Sandra M. Kay,

Department of the Navy, Alternate Federal Register Liaison Officer.

[FR Doc. 90–4141 Filed 2–22–90; 8:45 am]

BILLING CODE 3810–AE–M

Intent to Grant Exclusive Patent Licenses; University of Michigan

AGENCY: Department of the Navy.

ACTION: Intent to Grant Exclusive Patent License; University of Michigan.

SUMMARY: The Department of the Navy hereby gives notice of its intent to grant to the University of Michigan a revocable, nonassignable, exclusive license to practice the Government-owned invention described in U.S. Patent Application Ser. No. 275,433; Immunotherapy Involving CD28 Stimulation; filed November 23, 1988.

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: February 23, 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: February 15, 1990.

Sandra M. Kay,

Department of the Navy, Alternate Federal Register Liaison Officer.

[FR Doc. 90–4142 Filed 2–22–90; 8:45 am]

BILLING CODE 3810–AE–M

DELAWARE RIVER BASIN COMMISSION

Meeting and Public Hearing

The Delaware River Basin Commission will hold a public hearing on Wednesday, February 28, 1990 beginning at 1 p.m. in the Goddard Conference Room of its offices at 25 State Police Drive, West Trenton, New Jersey. The hearing will be part of the Commission's regular business meeting which is open to the public.

An informal pre-meeting conference amont the Commissioners and staff will be open for public observation at about 11 a.m. at the same location and will include discussions of the Upper Delaware ice jam project; recreational areas included in the Comprehensive Plan; DRBC/NPS scenic rivers protection strategies and preliminary findings of the seasonal disinfection study.

The subjects of the hearing will be as follows:

Applications for Approval of the Following Projects Pursuant to Article 10.3, Article 11 and/or Section 3.8 of the Compact:

1. *Holdover Project: Montgomery Township Municipal Sewer Authority D–89–21 CP.* An application for a proposed wastewater treatment plant (WWTP) designed to provide tertiary treatment capacity of 0.75 million gallons per day (mgd) average monthly flow. The proposed plant will be located in Montgomery Township, Montgomery County, Pennsylvania, near the intersection of Route 152 and Lower State Road. The effluent will discharge to the Little Neshaminy Creek. This hearing continues that of January 12, 1990.

2. *Middletown Township Water and Sewer Department D–79–54 CP Renewal–2.* An application for the renewal of a ground water withdrawal project to supply up to 14.1 million gallons (mg)/30 days of water to the applicant's distribution system from Well No. 15. Commission approval on February 27, 1985 was limited to five years and will expire unless renewed.

The applicant requests that the total withdrawal from all wells remain limited to 14.1 mg/30 days. The project is located in Middletown Township, Bucks County, and is in the Southeastern Pennsylvania Ground Water Protected Area.

3. *Borough of Ambler D–85–26 CP Renewal.* An application for the renewal of a ground water withdrawal project. The withdrawal from Well No. 12 was limited to 6.6 mg/30 days and the withdrawal from Well No. 14 was limited to 16.4 mg/30 days. Commission approval on May 1, 1985 was limited to five years and will expire unless renewed. The applicant requests that the withdrawal from Well Nos. 12 and 14 remain limited to 6.6 mg/30 days and 16.4 mg/30 days, respectively. The project is located in Ambler Borough, Montgomery County, and is in the Southeastern Pennsylvania Ground Water Protected Area.

4. *Philadelphia Suburban Water Company D–88–5 CP.* An application for a 30 mgd surface water withdrawal from the Schuylkill River. The project involves the construction of a new intake, approximately 30 feet upstream from the existing intake at the confluence of Pickering Creek with the Schuylkill River. The increased water supply will serve a conventional water treatment plant to be constructed on the east side of Pickering Creek. The applicant supplies water to customers in 61 municipalities within Chester, Montgomery and Delaware Counties, and proposes to meet the projected demand for water in the tri-county service area to the year 2010. The project is in Schuylkill Township, Chester County, Pennsylvania and the intakes on the Schuylkill River are located in an area designated for modified recreation under the Pennsylvania Scenic Rivers Act.

5. *Johanna Farms, Inc. (Dairy Center, Inc.) D–89–26.* An application to upgrade an existing milk processing wastewater treatment plant located adjacent to the Pennsylvania Turnpike, approximately half a mile east of Rt. 309 in Upper Dublin Township, Montgomery County, Pennsylvania. Average design flow of the process wastewater will remain at 0.09 mgd and continue to discharge to Pine Run, a Wissahichon Creek tributary.

6. *James River Paper Company, Inc. D–89–34.* An application to upgrade an existing industrial wastewater treatment facility located on the Milford-Frenchtown Road, Milford Borough, Hunterdon County, New Jersey. The application proposes to modify and upgrade the wastewater treatment facilities at its paper mill plant and provide secondary treatment to its process wastewater, and will reduce water usage with improved manufacturing techniques. Treated effluent will continue to discharge to the Delaware River through the existing outfall.

7. *Town of Liberty D–89–58 CP.* An application for approval of a ground water withdrawal project to supply up to 4.0 mg/30 days of water to the applicant's Ferndale Water District from new Grossinger's Well Nos. 1, 2 and 3, and to limit withdrawal from all wells to 4.0 mg/30 days. The project is located in the Town of Liberty, Sullivan County, New York.

8. *Ingersoll-Rand Company D–89–60.* An application for approval of a ground water withdrawal project to withdrawal up to 3.13 mg/30 days of water from the applicant's ground water decontamination system from new Well Nos. 1–8, and to limit withdrawal from all wells to 21 mg/30 days. The project is located in the Town of Phillipsburg, Warren County, New Jersey.

Documents relating to these items may be examined at the Commission's offices. Preliminary dockets are available in single copies upon request. Please contact George C. Elias concerning docket-related questions. Persons wishing to testify at this hearing are requested to register with the Secretary prior to the hearing.

Dated: February 13, 1990.

Susan M. Weisman,

Secretary.

[FR Doc. 90–4148 Filed 2–22–90; 8:45 am]

BILLING CODE 6360–01–M

DEPARTMENT OF EDUCATION

Meetings: National Commission on Drug-Free Schools

AGENCY: National Commission on Drug-Free Schools.

ACTION: Notice of Meeting.

SUMMARY: This notice sets forth the schedule and proposed agenda for a forthcoming meeting of the National Commission on Drug-Free Schools. Notice of this meeting is offered pursuant to section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C., Appendix 2.

DATES/TIMES: March 21–23, 1990; meetings will be held between the hours of 8:30 a.m.–5:30 p.m.

Location: Boys Town Conference Center, located at 139th and Pacific Streets in Boys Town, (Omaha) Nebraska 68010.

FOR FURTHER INFORMATION CONTACT: William Modzeleski, Executive Director, National Commission on Drug-Free Schools, Washington, DC., 20202–7584; (202) 732–6140.

Agenda: This meeting is a working session for the Commission members to begin review and analysis of all issues addressed to date, in preparation for submitting a final report to the President and Congress.

SUPPLEMENTARY INFORMATION: The National Commission on Drug-Free Schools was established pursuant to section 5051 of Public Law 100–690. Co-chaired by the Secretary of Education and the Director of the Office of National Drug Control Policy, the membership consists of selected members of the Senate and House of Representatives, and citizen members representing various areas of drug education, prevention, and law enforcement. The legislative mandate of the Commission is to develop recommendations for identifying drug-free schools and campuses, identifying model programs to achieve drug-free schools, and to make other findings that are consistent with its mission.

This meeting is open to the public. Records of Commission proceedings are available for public inspection at the Office of the Commission, 330 C Street, SW., Washington, DC., from the hours of 9 a.m. to 5 p.m. during Federal government working days.

Dated: February 15, 1990.

Ted Sanders,

Under Secretary.

[FR Doc. 90–4091 Filed 2–22–90; 8:45 am]

BILLING CODE 4000–01–M

DEPARTMENT OF ENERGY

Office of Fossil Energy

[Fe Docket No. 90–01–NG]

Vermont Gas Systems, Inc.; Application to Import Natural Gas from and Export Natural Gas to Canada

AGENCY: Office of Fossil Energy, Department of Energy.

ACTION: Notice of application for blanket authorizations to import natural gas from and export natural gas to Canada.

SUMMARY: The Office of Fossil Energy (FE) of the Department of Energy (DOE) gives notice of receipt on January 5, 1990, of an application filed by Vermont Gas Systems, Inc. (Vermont), for blanket authorizations to both import from and export to Canada up to a combined 20

Bcf of natural gas on an interruptible or firm basis for a term of two years beginning on the date of the first import or export. Vermont indicates that it intends to utilize existing pipeline facilities for transportation of the proposed imports and exports, and that it will submit quarterly reports detailing each transaction.

The application is filed under section 3 of the Natural Gas Act and DOE Delegation Order Nos. 0204–111 and 0204–127. Protests, motions to intervene, notices of intervention, requests for additional procedures and written comments are invited.

DATES: Protests, motions to intervene or notices of intervention, as applicable, requests for additional procedures and written comments are to be filed at the address listed below no later than 4:30 p.m., e.s.t., March 26, 1990.

ADDRESSES: Office of Fuels Programs, Fossil Energy, U.S. Department of Energy, Forrestal Building, room 3F–056, FE–50, 1000 Independence Avenue, SW., Washington, DC 20585.

FOR FURTHER INFORMATION CONTACT:

William C. Daroff, Office of Fuels Programs, Fossil Energy, U.S. Department of Energy, Forrestal Building, room 3F–094, FE–53, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586–9516.

Diane J. Stubbs, Natural Gas and Mineral Leasing, Office of General Counsel, U.S. Department of Energy, Forrestal Building, room 6E–042, GC–32, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586–6667.

SUPPLEMENTARY INFORMATION: Vermont, a Vermont corporation with its principal place of business in Burlington, Vermont, proposes to import and export natural gas, either for its own system supply use or as an agent for others, for short-term, spot market sales to either United States or Canadian customers, including, but not limited to, gas distribution companies, pipelines, and industrial end-users. According to the application, the authority requested by Vermont contemplates the importation of supplies of Canadian natural gas for consumption in U.S. markets, and the exportation of domestically produced natural gas for consumption in Canadian markets or for ultimate redelivery to its system or other domestic markets. According to Vermont, the specific trms of each of the proposed import and export transactions would be negotiated on an individual basis to reflect market conditions. Vermont requests authority to import and export gas using existing facilities at any point on the international boundary of the United States and Canada.

In support of its application, Vermont asserts that the market responsive nature of its freely negotiated sales transactions will assure both the price competitiveness of and need for the imported gas. Vermont also asserts that adequate and secure supplies of natural gas in Canada will assure the security of supply of the proposed imports. In addition, the applicant states that the proposed exports would be consistent with the public interest because they would enhance competition in the marketplace by providing new markets for domestic natural gas.

The decision on the application for import authority will be made consistent with the DOE's gas import policy guidelines, under which the competitiveness of an import arrangement in the markets served is the primary consideration in determining whether it is in the public interest (49 FR 6684, February 22, 1984). In reviewing natural gas export applications, the domestic need for the gas to be exported is considered, and any other issues determined to be appropriate in a particular case, including whether the arrangement is consistent with the DOE policy of promoting competition in the natural gas marketplace by allowing commercial parties to freely negotiate their own trade arrangements. Parties, especially those that may oppose this application, should comment in their responses on these matters as they relate to the requested import and export authority. The applicant asserts that this import/export arrangement will be competitive and in the public interest. Parties opposing the arrangement bear the burden of overcoming this assertion.

NEPA Compliance

The DOE has determined that compliance with the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. 4321 *et seq.*, can be accomplished by means of a categorical exclusion. On March 27, 1989, the DOE published in the **Federal Register** (54 FR 12474) a notice of amendments to its guidelines for compliance with NEPA. In that notice, the DOE added to its list of categorical exclusions the approval or disapproval of an import/export authorization for natural gas in cases not involving new construction. Application of the categorical exclusion in any particular case raises a rebuttable presumption that the DOE's action is not a major Federal action under NEPA. Unless it appears during the proceeding on this application that the grant or denial of the authorization would significantly affect the quality of the human environment, the DOE expects that no further additional environmental review will be required.

Public Comment Procedures

In response to this notice, any person may file a protest, motion to intervene or notice of intervention, as applicable, and written comments. Any person wishing to become a party to the proceeding and to have the written comments considered as the basis for any decision on the application must, however, file a motion to intervene or notice of intervention, as applicable. The filing of a protest with respect to this application will not serve to make the protestant a party to the proceeding, although protests and comments received from persons who are not parties will be considered in determining the appropriate action to be taken on the application. All protests, motions to intervene, notices of intervention, and written comments must meet the requirements that are specified by the regulations in 10 CFR part 590. Protests, motions to intervene, notices of intervention, requests for additional procedures, and written comments should be filed with the Office of Fuels Programs at the above address.

It is intended that a decisional record will be developed on the application through responses to this notice by parties, including the parties' written comments and replies thereto. Additional procedures will be used as necessary to achieve a complete understanding of the facts and issues. A party seeking intervention may request that additional procedures be provided, such as additional written comments, an oral presentation, a conference, or trial-type hearing. Any request to file additional written comments should explain why they are necessary. Any request for an oral presentation should identify the substantial question of fact, law, or policy at issue, show that it is material and relevant to a decision in the proceeding, and demonstrate why an oral presentation is needed. Any request for a conference should demonstrate why the conference would materially advance the proceeding. Any request for a trial-type hearing must show that there are factual issues genuinely in dispute that are relevant and material to a decision and that trial-type hearing is necessary for a full and true disclosure of the facts. If an additional procedure is scheduled, notice will be provided to all parties. If no party requests additional procedures, a final opinion and order may be issued based on the official record, including the application and responses filed by parties pursuant to

this notice, in accordance with 10 CFR 590.316.

A copy of Vermont's application is available for inspection and copying in the Office of Fuels Programs Docket Room, 3F–056 at the above address. The docket room is open between the hours of 8 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, DC., February 13, 1990.

Clifford P. Tomaszewski,

Acting Deputy Assistant Secretary for Fuels Programs, Office of Fossil Energy.

[FR Doc. 90–4196 Filed 2–22–90; 8:45 am]

BILLING CODE 6450–01–M

Bonneville Power Administration

Proposal for Adoption of Policy on Sales of Surplus Energy

AGENCY: Bonneville Power Administration (BPA), DOE.

ACTION: Notice of proposal for adoption of policy and procedures for surplus power sales and request for initial comments on issues to be addressed.

SUMMARY: Section 5(f) of the Pacific Northwest Electric Power Planning and Conservation Act (Northwest Power Act), Public Law 96–501, provides that BPA may sell or otherwise dispose of power which is surplus to the obligations of the Administrator under section 5 (b), (c) and (d) in accordance with that Act and other applicable provisions of statute. The Act of August 5, 1964, Public Law 88–552 (the Pacific Northwest Regional Power Preference Act), provides that BPA may only sell power outside of the Pacific Northwest that is surplus energy or capacity as defined in that Act. In most years BPA has significant quantities of surplus nonfirm energy available. Also in periods where BPA firm energy resources exceed firm energy loads, surplus firm energy is available. BPA's 1989 estimate of firm energy loads and resources shows a fluctuation in the amount of available firm surplus energy over the study period of between 0 and 388 average Megawatts until 2001. These energy surpluses, firm and nonfirm, are marketed in accordance with the applicable statute.

The timing, amounts, and other conditions under which BPA markets this surplus energy constitute specific marketing practices interpreting applicable statutory provisions in particular conditions and circumstances. Since a number of BPA customers are affected by these marketing practices it is appropriate for BPA to periodically review them if conditions and circumstances change. The gradual decline in the amount of surplus firm power available in the Pacific Northwest and available to BPA in the past year constitutes such a change. BPA proposes to conduct a review of its practices and develop a policy on key issues affecting sales of surplus firm power and nonfirm energy.

This notice proposes issues to be addressed in that review process. BPA solicits comments regarding its proposed issues. This proceeding will consider highly technical issues regarding the definition of loads in the Pacific Northwest, pricing, and power marketing related to surplus firm power and nonfirm energy. The issues may affect those utilities in the Pacific Northwest which purchase power from BPA under contracts other than their Northwest Power Act metered requirements or their computed or contracted requirements contracts. Other utilities out of region which make purchases of energy from BPA may also be affected. This proceeding is not a rate proceeding under section 7(i) of Public Law 96–501. BPA will employ the same interpretations developed in its 1983, 1985 and 1987 rate cases regarding production cost of surplus firm power or nonfirm energy as may be applicable to any proposed policy developed in this process. Additionally, any policy resulting from this proceeding will not propose any modification in system operations as presently performed by the U.S. Corps of Engineers and the Bureau of Reclamation, U.S. Department of Interior. Issues regarding operational constraints may be considered in a separate process as may be developed and conducted jointly by BPA with the Corps of Engineers and the Bureau of Reclamation.

Responsible Official: Mr. Robert D. Griffin, Director, Division of Power Supply.

DATES: Written comments on the initial list of issues to be addressed should be filed with BPA by April 30, 1990.

ADDRESSES: Comments should be submitted to the Public Involvement Manager—ALP, Bonneville Power Administration, P.O. Box 12999, Portland, Oregon 97212.

FOR FURTHER INFORMATION CONTACT: Mr. Robert Griffin at the above address or by phone at 206–690–2102, or contact BPA's Public Involvement Office at 503–230–3478; toll free use 800–452–8429 for Oregon callers; use 800–547–6048 for callers in California, Idaho, Montana, Nevada, Utah, Washington, and Wyoming. Information may also be obtained from:

Mr. George E. Gwinnutt, Lower Columbia Area Manager, suite 243, 1500 NE. Irving Street, Portland, Oregon 97232, 503–230–4551.

Mr. Robert N. Laffel, Eugene District Manager, room 206, 211 East Seventh Street, Eugene, Oregon 97401, 503–678–6952.

Mr. Wayne R. Lee, Upper Columbia Area Manager, room 561, West 920 Riverside Avenue, Spokane, Washington 99201, 509–353–2518.

Mr. George E. Eskridge, Montana District Manager, 800 Kensington, Missoula, Montana 59801, 406–329–3060.

Mr. Ronald K. Rodewald, Wenatchee District Manager, room 307, 301 Yakima Street, Wenatchee, Washington 98801, 509–662–4377, extension 379.

Mr. Terence G. Esvelt, Puget Sound Area Manager, suite 400, 201 Queen Anne Avenue, Seattle, Washington 98109–1030, 206–442–4130.

Mr. Thomas V. Wagenhoffer, Snake River Area Manager, 101 West Poplar, Walla Walla, Washington 99362, 509–522–6225.

Mr. Richard Itami, Idaho Falls District Manager, 1527 Hollipark Drive, Idaho Falls, Idaho 83401, 208–523–2706.

Mr. Thomas H. Blankenship, Boise District Manager, room 494, 550 West Fort Street, Boise, Idaho 83724, 208–334–9137.

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3. Long-term Surplus Firm Power Sales
II. Issues Proposed to be considered in this proceeding.
1. Load requirement, and future load requirement—Pacific Northwest customers.
2. Markets and pricing for electric energy, capacity or both.
3. Standards for reliability.
III. Issues which will not be addressed in this proceeding.
1. Long-Term Intertie Access Policy
2. Adoption of a rate or rates
3. Production cost of firm power and nonfirm energy or cost of service issues.
4. 1983 BPA nonfirm rates
5. Fish and Wildlife Compensation Policy
6. BPA's Draft Power Sales Contract EIS

I. Background on Sales of Surplus Firm Power and Nonfirm Energy

The priority of Northwest utilities to purchase surplus firm power and

nonfirm energy prior to BPA selling to out of region utilities has been a concern of BPA's customers. BPA has received comments regarding its past and planned sales of surplus firm power and nonfirm energy from its customers, including statutory and contractual administration of BPA's sales of surplus firm power and nonfirm energy sales. In particular, questions have been raised regarding when and how BPA should make sales to Pacific Northwest customers before sales out of region and BPA's responsibility to insure that adequate power is available in the Pacific Northwest. BPA's standards for reliability of energy service to its Pacific Northwest customers, once nonregional sales of surplus firm power and nonfirm energy were made, have also been a concern. BPA has addressed some of these questions individually as they arose in a particular sale, and now will review our practice.

A. Statutory Provisions

The following provisions of statute directly address surplus power sales. They are set forth for convenience and BPA does not suggest that these are the sole provisions of statute applicable to its surplus sales. Other statutory directives affect BPA's marketing of surplus firm power and nonfirm energy which BPA must also weigh and balance including BPA statutory obligations to repay its financial obligations to the U.S. Treasury.

1. The Pacific Northwest Electric Power Planning and Conservation Act (Northwest Power Act), Public Law 96–501.

a. Section 5(f) of the Northwest Power Act provides that:

> The Administrator is authorized to sell, or otherwise dispose of, electric power, including power acquired pursuant to this and other Acts, that is surplus to his obligations incurred pursuant to subsections (b), (c), and (d) of this section in accordance with this and other Acts applicable to the Administrator, including the Bonneville Project Act of 1937 (16 U.S.C. 832 and following), the Federal Columbia River Transmission System Act (16 U.S.C. 838 and following), and the Act of August 31, 1964 (16 U.S.C. 837–837h).

BPA's obligations under section 5(b) of the Northwest Power Act are its firm power deliveries to preference agency and cooperatives customers, federal agencies and investor-owned utility customers under requirements contracts. 16 U.S.C. 839c(b). BPA's obligations under section 5(c) are those obligations to exchange with Pacific Northwest utilities under BPA's residential purchase and sale agreements with signatory utilities. 16 U.S.C. 839c(c). BPA's obligations under section 5(d) are those contained in BPA's power sales contracts with its Direct Service Industrial customers. 16 U.S.C. 839c(d).

b. The following provisions of section 9(c) of the Northwest Power Act also apply to surplus sales:

> Any contract of the Administrator for the sale or exchange of electric power for use outside of the Pacific Northwest shall be subject to limitation and conditions corresponding to those provided in sections 2 and 3 of the Act of August 31, 1964 * * * for any contract for the sale, delivery, or exchange of hydroelectric energy or peaking capacity generated within the Pacific Northwest for use outside the Pacific Northwest. In applying such sections for the purposes of this subsection, the term 'surplus energy' shall mean electric energy for which there is no market in the Pacific Northwest at any rate established for the disposition of such energy, and the term 'surplus peaking capacity' shall mean electric peaking capacity for which there is no demand in the Pacific Northwest at the rate established for the disposition of such capacity. The authority granted and the duties imposed upon, the Secretary by sections 5 and 7 of such Act (16 U.S.C. 837e and 837f) shall also apply to the Administrator in connection with resources acquired by the Administrator pursuant to this Act. The Administrator shall in making any determination, under any contract executed pursuant to section 5, of the electric power requirements of any Pacific Northwest customer, which is a non-Federal entity having its own generation, exclude, in addition to hydroelectric generated energy excluded from such requirements pursuant to section 3(d) of such Act (16 U.S.C. 837b(d)), any amount of energy included in the resources of such customer for service to firm loads in the region if (1) such amount was disposed of by such customer outside the region, and (2) as a result of such disposition, the firm energy requirements of such customer or other customers of the Administrator are increased. Such amount of energy shall not be excluded, if the Administrator determines that through reasonable measures such amount of energy could not be conserved or otherwise retained for service to regional loads. The Administrator may sell as replacement for any amount of energy so excluded only energy that would otherwise be surplus.

c. Section 9(d) provides in pertinent part:

> No restrictions contained in subsection (c) shall limit or interfere with the sale, exchange or other disposition or any power by any utility or group thereof from any existing or new non-Federal resource if such sale, exchange or disposition does not increase the amount of firm power the Administrator would be obligated to provide to any customer.

2. The Act of August 31, 1964, (the Northwest Preference Act), Public Law 88–552.

For surplus energy sales outside the Pacific Northwest or for surplus power sold as a replacement for non-Federal resources sold out of the Pacific Northwest, the Northwest Preference Act provides the following.

a. Section 2 of Public Law 88–552, the Northwest Preference Act, provides that:

> Subject to the provisions of this Act, the sale, delivery and exchange of electric energy generated at the peaking capacity of Federal hydroelectric plants in the Pacific Northwest for use outside shall be limited to surplus energy and surplus peaking capacity. At least 30 days prior to the execution of any contract for the sale, delivery or exchange of surplus energy or surplus peaking capacity for use outside the Pacific Northwest, the Secretary shall give the then customers of the Bonneville Power Administration written notice that negotiations for such a contract are pending and thereafter at any customer's request make available for its inspection current drafts of the proposed contract.

b. Section 1(c) defines surplus energy as:

> 'Surplus energy' means electric energy generated at Federal Hydro electric plants in the Pacific Northwest which would otherwise be wasted because of the lack of a market therefor in the Pacific Northwest at any established rate.

c. Section 1(d) defines surplus peaking capacity as:

> 'Surplus peaking capacity' means electric peaking capacity at Federal Hydro electric plants in the Pacific Northwest for which there is no demand in the Pacific Northwest at any established rate.

d. Section 1(f) defines energy requirements of any Pacific Northwest customer as:

> 'Energy requirements of any Pacific Northwest customer' means the full requirements for electric energy of (1) any purchaser from the United States for direct consumption in the Pacific Northwest, and (2) any non-Federal utility in that region in excess of (i) the hydroelectric energy available for its own use from its generating plants in the Pacific Northwest, and (ii) any additional energy available for use in the Pacific Northwest which, under a then existing contract the utility (A) can obtain at no higher incremental cost than the rate charged by the United States, or (B) is required to accept.

3. Section 3(a) of the Northwest Preference Act reads in pertinent part:

> Any contract for the sale or the exchange of surplus energy for use outside the Pacific Northwest, or as replacement, directly or indirectly, within the Pacific Northwest for hydroelectric energy delivered for use outside that region by a non-Federal utility, shall provide that the Secretary, after giving the purchaser notice not in excess of sixty days, will not deliver electric energy under such contract whenever it can reasonably be foreseen that such delivery would impair his ability to meet, either at or after the time of

such delivery, the energy requirements of any Pacific Northwest customer * * *

f. Section 3(b) of the Northwest Preference Act provides in pertinent part:

Electric energy generated at Federal hydroelectric plants in the Pacific Northwest which can be conserved, for which there is no immediate demand in the Pacific Northwest at any established rate, but for which the Secretary determines there may be a demand in meeting the future requirements of the Pacific Northwest, may be delivered for use outside that region only on a provisional basis under contracts providing that if the Secretary determines at a subsequent time that, by virtue of prior deliveries under such contract, the Secretary is or will be unable to meet the energy requirements of any Pacific Northwest customer, the purchaser will return the full amount of energy delivered to him, or such portion or portions thereof as may be required at such time or times as may be specified by the Secretary, * * * The Secretary shall require the return of the energy provisionally delivered hereunder to such extent and at such times, as may be necessary to meet demands at any established rate for use within the Pacific Northwest.

g. Section 3(d) of the Northwest Preference Act provides:

The Secretary, in making any determination of the energy requirements of any Pacific Northwest customer which is a non-Federal utility having hydroelectric generating facilities, shall exclude any amounts of hydroelectric energy generated in the Pacific Northwest and by the utility which, through reasonable measures, could have been conserved or otherwise kept available for the utility's own needs in Pacific Northwest. The Secretary may sell the utility as a replacement therefor only what would otherwise be surplus energy.

B. Background on Current BPA Practices

BPA makes three types of sales of surplus firm power or nonfirm energy: Nonfirm energy sales, short term firm power sales, and long-term surplus firm power sales. Contracts for long-term firm surplus power sales provide for sale and delivery of surplus firm power in durations up to twenty years. Short term sales provide for sale and delivery usually within a given operating year but may be up to two year's duration. Nonfirm energy sales are made on an as available basis.

Under section 5(f) of the Northwest Power Act, BPA's sales of surplus energy are in excess of its obligations under sections 5(b), (c) and (d), its requirements contract obligations with utilities, federal agencies and DSIs.

1. Surplus Nonfirm Energy Sales

In the immediate future, BPA anticipates that the majority of its surplus energy sales will be of surplus nonfirm energy. BPA markets this energy on an as available basis. Generally, nonfirm energy is electric energy that can be produced on the federal Columbia River Power System from water that becomes available when streamflows exceed critical water conditions and when reservoirs are at or above their energy content curves. Nonfirm energy is marketed to serve loads which can have their service interrupted by the purchasing utility. Nonfirm energy may be available for marketing for as short as one hour or over several weeks.

BPA makes a conservative assessment of its nonfirm energy available for marketing. Nonfirm energy available for sale is first used to serve DSI top quartile loads. Remaining amounts of nonfirm are marketed under its Nonfirm Power Rate Schedule [1] in the following manner: For particular uses BPA offers to sell nonfirm energy at its NF–89 Standard Rate to Pacific Northwest public preference customers. Unsubscribed amounts of that offer may then be offered to Pacific Northwest investor-owned utilities. BPA may next offer to sell any remaining nonfirm energy to Pacific Southwest purchasers or other extra regional purchasers, first to preference customers, then to Investor Owned Utilities. If additional nonfirm energy remains after satisfying both Pacific Northwest and Pacific Southwest markets at the Standard Rate, BPA may use another rate, the NF–89 Market Expansion Rate, to make additional sales. In order to avoid displacing Standard Rate sales, sales at the NF–89 Market Expansion Rate require the purchasers to shut down or reduce the output of a resource in an amount equivalent to the purchase. BPA offers these next increments of nonfirm energy based on the decremental cost of resources, and in the same order of preference as stated above. BPA may offer to sell nonfirm in the same manner under its NF–89 incremental rate. The incremental rate is tied to the price of a specific resource.

2. Short Term Surplus Firm Power Sales

In addition to long-term surplus firm power sales, BPA each operating year has varying amounts of surplus firm power in excess of requirements. Prior to an operating year, availability of surplus firm power and sales of surplus firm energy are dependent upon BPA's estimates in its loads and resources planning documents. The amount of short term surplus firm power available within a year depends upon several factors including load overruns or underruns and thermal resource underperformance. Each year before BPA expects to sell surplus firm power, BPA has sent a letter to its Pacific Northwest utility customers which states the amount of surplus firm power BPA expects to be available to market in the upcoming year. This year BPA did not send a letter to customers because only small amounts of surplus firm power were expected to be available from time to time throughout the year. If an amount of surplus firm power becomes available, BPA will provide notice to its Northwest customers.

BPA may make sales covering several months of deliveries in one block. If the available surplus firm energy is not all purchased under multi-month contracts, BPA may offer to sell the surplus firm energy in blocks of one month or less. Such sales may be made on a weekly basis and, absent such sales, available energy may be offered on a daily basis. BPA generally first offers these amounts of surplus firm energy to Northwest utilities in advance of any scheduled delivery. If any amounts of surplus firm energy remain unsold after its offer, then BPA may offer such remaining amounts to out of region customers.

3. Long Term Surplus Firm Power Sales

BPA has made several sales of long-term surplus firm power to its utility customers within the Pacific Northwest. BPA has made a long-term surplus firm power sale to Puget of 75 aMW for the period October 1989 until 2001. This sale was made under section 5(f) of Public Law 96–501, the Northwest Power Act. BPA also made a sale of surplus firm power to Portland General Electric Co. of 47 aMW for the period 1988 until 1991. Additional long-term surplus firm power sales of approximately 50 aMW were made to utility customers participating in BPA's Partnership Program under the Power Advantage (Business Closure) program and the wood heat program. These contracts have durations of 3 to 7 years and one year respectively. In August of 1989, BPA determined that it would no longer receive applications under the Power Advantage program but would review the program.

BPA has made six long-term sales of surplus firm power out of region. These sales include a twenty year surplus firm power sale to Southern California Edison Co. (SCE) of 134 aMW, three twenty year surplus firm power sales in individual contracts to each of the cities of Burbank, Glendale and Pasadena

[1] BPA's nonfirm rates were approved by Order of the Federal Energy Regulatory Commission dated September 29, 1989, on an interim basis in Docket No. 89–2011–000. 48 FERC ¶ 62,246.

totaling 36 aMW, a five year sale of surplus firm power during the summer of Portland General Exchange Inc., and a sale to the Modesto-Santa Clara-Redding Joint Power Authority (MSR) of 50 to 75 aMW which is contingent on completion of the third AC Intertie. These sales were made under the provisions of sections 2 to 3 of the Northwest Preference Act, Public Law 88–552 and section 5(f) of the Northwest Power Act, Public Law 96–501. Thirty days' notice of these sales was given to BPA's current Northwest utility customers prior to the sale and drafts of contracts provided upon request. No request was made by any Northwest utility to purchase the power proposed to be sold in the out of region offers. Each of these sales include provisions to terminate deliveries of energy when needed in the Northwest. With the exception of the Portland General Exchange sale, the contracts also contain contract provisions which convert the sales to capacity for energy exchanges between BPA and the out of region utility upon notice from BPA based on coordinated system planning.

II. Issues Proposed to be Considered in This Proceeding

Regarding surplus firm power and nonfirm energy sales, BPA has identified certain provisions under Public Law 88–552 and Public 96–501 where further definition or appropriate modification of practices may be an aid to BPA's daily, monthly, annual, and multiyear marketing of surplus firm power and nonfirm energy from the federal power system and which may provide better certainty to BPA and its customers. The list of issues upon which BPA wishes to take comment is set out below.

1. Should the definition of "energy requirements of any Pacific Northwest customer" and "electric power requirements of any Pacific Northwest customer" as used in the Northwest Preference Act and the Northwest Power Act be further defined? What definition should BPA use in determining the future energy or power requirements of PNW customers? What types of loads should be included and should any type of load be excluded?

2. Should BPA further define the terms "the lack of a market therefor at any established rate" and "for which there is no market in the Pacific Northwest at any rate established for the disposition of such energy" as used in section 1(c) of the Northwest Preference Act and section 9(c) of the Northwest Power Act respectively? Does BPA's price flexibility have an effect upon BPA's determination of whether there is a market for electric energy or capacity in the PNW? Does BPA's price flexibility affect BPA's determination of the energy requirements or the electric power requirements of any Pacific Northwest customer?

3. What standard should BPA adopt for federal system reliability of service to PNW loads and availability of federal power for use in the PNW? Should this standard of reliability include the purchase of power or acquisition of resources to support the standard?

III. Issues Which Will Not Be Addressed in This Policy Adoption

BPA has several separate and distinct proceedings in which it has in the past or is presently considering policies which may be related to the matters considered under this proceeding. The scope of this proceeding is limited and it is not BPA's intention to address these other issues in this forum. Such issues may be addressed in present ongoing proceedings or in future proceedings which BPA initiates.

1. Any issues regarding the Long-Term Intertie Access Policy (LTIAP) or interpretation will not be addressed in this proceeding. A legal challenge to BPA's LTIAP policy is before the United States Court of Appeals for the Ninth Circuit.

2. Any issues regarding the adoption of a rate or rates for the sale of surplus firm power, surplus peaking capacity or nonfirm energy will be addressed in the appropriate proceeding under section 7(i) of the Northwest Power Act. BPA provides notice of the initiation of any rate proceeding under section 7(i) to its list of interested parties and by separate **Federal Register** notice. This proceeding is not intended to be a rate proceeding under section 7(i) and therefore shall not address any specific rate proposals. Comments regarding rate proposals may be considered in a future 7(i) rate proceeding as determining by the Administrator.

3. Any issue regarding BPA's production costs of firm power and nonfirm energy or cost of service issues related to firm power or nonfirm energy.

4. Any issue regarding BPA's 1983 nonfirm energy rates which are currently under review by the United States Court of Appeals for the Ninth Circuit shall not be addressed in this proceeding.

5. Any issue regarding BPA's fish and wildlife compensation or related topics on fish and wildlife will not be addressed in this proceeding. Any policy proposed will be in conformance with present system operations constraints. Any issues regarding implementation of the Regional Council's fish and wildlife plan will not be addressed in this proceeding. Any issues regarding wildlife compensation will not be addressed in this proceeding.

6. Those issues which are being addressed in BPA's draft Power Sales Contract Environmental Impact Statement will not be addressed or reviewed in this proceeding.

Issued in Portland, Oregon, on February 13, 1990.

James J. Jura,

Administrator, Bonneville Power Administration.

[FR Doc. 90–4195 Filed 2–22–90; 8:45 am]

BILLING CODE 6450–01–M

Federal Energy Regulatory Commission

[Docket Nos. RP87–73–008 and RP90–22–005]

Algonquin Gas Transmission Co.; Errata Filing

February 15, 1990.

Take notice that Algonquin Gas Transmission Company ("Algonquin") on February 12, 1990, tendered for filing substitute tariff sheets in its FERC Gas Tariff, Second Revised Volume No. 1.

Algonquin states that it has come to its attention that some of the tariff sheets filed in Algonquin's Compliance Filing on February 6, 1990 had inadvertently omitted language relating to Algonquin's new electronic Tracts Service. At this time Algonquin is filing the substitute tariff sheets to reinstate the language relating to Algonquin's Tracts Service and to rectify other omissions.

The proposed effective date of the substitute tariff sheets is March 1, 1990.

Algonquin notes that a copy of the instant filing was served upon each affected party and interested state commission.

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 §§ 385.214 and 385.211 of the Commission's Rules and Regulations. All such protests should be filed on or before February 23, 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. 90–4104 Filed 2–22–90; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. TQ89–1–46–023]

Kentucky West Virginia Gas Co.; Amendment to Compliance Filing

February 15, 1990.

Take notice that on February 12, 1990, Kentucky West Virginia Gas Company (Kentucky West) filed a sixth amendment to its March 30, 1989 compliance filing so as to extend the proposed effective date for the proposed tariff sheets to May 1, 1990.

Kentucky West states that the tariff sheets filed March 30, 1989, were filed in compliance with the Commission's "Order Rejecting Compliance Filing" issued in the referenced proceedings on March 15, 1989, and in accordance with the mandate of the United States Court of Appeals of the Fifth Circuit, issued in *Kentucky West Virginia Gas Co. v. FERC*, 780 F.2d 1231 (5th Cir. 1986).

Kentucky West states that, under the tariff sheets filed March 30, 1989, it would bill its customers directly for the difference between: (1) The amounts each such customer paid during the period in which Kentucky West was required to price certain of its company-production at cost of service rather than Natural Gas Policy Act (NGPA) rates; and (2) the amounts each such customer would have paid if Kentucky West, during such time period, had not been denied the right to price its pipeline production at NGPA prices, plus interest calculated in accordance with the Commission's regulations. Kentucky West states further that its customers are given the option of paying the direct billing amount either: (1) By a lump-sum payment to be made by May 1, 1989; (2) in monthly installments of direct billing amounts, plus interest, to be paid over a period not to exceed 84 months; or (3) by a lump-sum payment during the installment period.

Several amendments have been filed by Kentucky West requesting an extension of the effective date for such filing and an extension of the deadline for interventions or protests. On January 3, 1990, Kentucky West filed an amendment to its March 30, 1989 compliance filing changing the proposed effective date to March 1, 1990, and extending the deadline for interventions or protests until February 16, 1990.

Kentucky West states that during the past month it has made substantial progress in settlement discussions, but that if settlement is to be achieved, it will require further negotiations. Therefore, Kentucky West is amending its filing a sixth time so as to extend the proposed effective date of the tariff sheets filed to May 1, 1990. In this regard, Kentucky West asks that the provisions of § 154.22 of the Commission's Regulations be waived to the extent necessary to permit such extension.

Kentucky West states that it has contacted all parties to these proceedings and the Commission Staff, and no party or the Commission Staff have any objection to this extension.

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 (1989)). All such protests should be filed on or before April 16, 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. 90–4105 Filed 2–22–90; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. TM90–6–16–000]

National Fuel Gas Supply, Corp.; Proposed Changes in FERC Gas Tariff

February 15, 1990.

Take notice that on February 9, 1990, National Fuel Gas Supply Corporation ("National") tendered for filing as part of its FERC Gas Tariff, First Revised Volume No. 1, the following tariff sheets, to be effective February 1, 1990.

Eleventh Revised Sheet No. 71, Pages 1 through 2
Eighth Revised Sheet No. 71–A Pages 1 through 3
Ninth Revised Sheet No. 71–B Pages 1 through 2
Fourth Revised Sheet No. 71–D
Eleventh Revised Sheet No. 72, Pages 1 through 3
Eighth Revised Sheet No. 72–A, Pages 1 through 7
Ninth Revised Sheet No. 72–B, Pages 1 through 4
Fifth Revised Sheet No. 72–D

National states that the purpose of this filing is to update the amount of take-or-pay charges approved by the Federal Energy Regulatory Commission to be billed to National by its pipeline-suppliers and to be recovered by National by operation of section 20 of the General Terms and Conditions to National's FERC Gas Tariff, First Revised Volume No. 1. National further states that is pipeline-suppliers which have received approval to bill take-or-pay charges to National are: Columbia Gas Transmission Corporation, CNG Transmission Corporation, Texas Eastern Transmission Corporation, Transcontinental Gas Pipeline Corporation, and Tennessee Gas Pipeline Company.

Copies of National's filing were served on National's jurisdictional customers and on the interested State Commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such motions or protests should be filed on or before February 23, 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. 90–4106 Filed 2–22–90; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. CP90–649–000]

Southern Natural Gas Co.; Request Under Blanket Authorization

February 14, 1990.

Take notice that on January 26, 1990, Southern Natural Gas Company (Southern), Post Office Box 2563, Birmingham, Alabama 35202–2563, filed in Docket No. CP90–649–000, a request pursuant to § 157.205 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205) for authorization to transport natural gas, on an interruptible basis, or MidCon Marketing Corporation (MidCon), a marketer, under Southern's blanket certificate issued in Docket No. CP88–316–000 pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request on file with the

Commission and open to public inspection.

Southern states that it would perform the proposed transportation service for MidCon pursuant to a service agreement dated October 26, 1989, under Southern's Rate Schedule IT. It is further stated that the service agreement is for a primary term of one month with successive terms of one month thereafter unless cancelled by either party. Southern indicates that the service agreement provides for a maximum quantity of 132,000 MMBtu of natural gas on a peak day but MidCon anticipates requesting 25,000 MMBtu of natural gas on an average day, and accordingly, 9,125,000 MMBtu of natural gas on an annual basis.

Southern states that it would receive the natural gas at a receipt point in Eugene Island Block 57, offshore Louisiana, for delivery to its interconnection with United Gas Pipe Line Company in the same block. Southern asserts that no facilities would be required to implement the proposed service.

Southern indicates that it commends the transportation of natural gas for MidCon on December 1, 1989, as reported in Docket No. ST90-1073-000, for a 120-day period pursuant to section 284.223(a) of the Commission's regulations (18 CFR 284.223(a)).

Any person or the Commission's staff may, within 45 days after issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to Section 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefor, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to section 7 of the Natural Gas Act.

Lois D. Cashell,

Secretary.

[FR Doc. 90-4107 Filed 2-22-90; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. MT88-16-003]

Superior Offshore Pipeline Co.; Compliance Filing Pursuant to Order No. 497-A

February 14, 1990.

Take notice that on February 9, 1990, Superior Offshore Pipeline Company tendered the following tariff sheets for filing in the capitoned docket pursuant to Order No. 497-A and § 250.16(d)(2) of the Commission's Regulations as part of its FERC Gas Tariff, Original Volume No. 1:

First Revised Sheet No. 9a
Original Sheet No. 9b
First Revised Sheet No. 19a
Original Sheet No. 19b
Fourth Revised Sheet No. 40
Fourth Revised Sheet No. 41
Third Revised Sheet No. 42
Third Revised Sheet No. 43

Any person desiring to be heard or to protest the subject filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, in accordance with 18 CFR 385.214 and 385.211. All such motions or protests must be filed by March 2, 1990. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make portestants 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. 90-4108 Filed 2-22-90; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. CP89-576-001 et al.]

Northern Border Pipeline Co., et al.; Natural Gas Certificate Filings

Take notice that the following filings have been made with the Commission:

1. Northern Border Pipeline Company

[Docket Nos. CP89-576-001]

February 9, 1990.

Take notice that on February 5, 1990, Williams Natural Gas Company (Williams), P.O. Box 3288, Tulsa, Oklahoma 74101, filed in Docket No. CP90-702-000 a request pursuant to §§ 157.205 and 157.212(a) of the Commission's Regulations under the Natural Gas Act for authorization to use facilities originally installed for the delivery of section 311 transportation gas for other purposes under its blanket certificate issued in Docket No. CP82-479-000 pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request on file with the Commission and open to public inspection.

Comment date: March 2, 1990, in accordance with the first subparagraph of Standard Paragraph F at the end of this notice.

2. Trunkline Gas Company

[Docket No. CP90-719-000]

February 9, 1990.

Take notice that on February 7, 1990, Trunkline Gas Company (Trunkline), P.O. Box 1642, Houston, Texas 77251-1642, filed in Docket No. CP90-719-000 a request pursuant to § 157.205 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205) for authorization to provide an interruptible transportation service for Panda Resources, Inc. (Panda), a marketer, under the blanket certificate issued in Docket No. CP86-586-000, pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request that is on file with the Commission and open to public inspection.

Trunkline states that pursuant to a transportation agreement dated June 20, 1989, under its Rate Schedule PT, it proposes to transport up to 50,000 dekatherms (dt) per day equivalent of natural gas for Panda. Trunkline states that it would transport the gas from receipt points in the states of Illinois, Louisiana, Tennessee, and Texas, from the Panhandle receipt at Douglas County, Illinois, and from the areas of offshore Louisiana and offshore Texas, as shown in Exhibit "A" of the transportation agreement and would deliver the gas, less fuel and unaccounted for line loss, to Panhandle Eastern Pipeline Company in Douglas County, Illinois.

Trunkline advises that service under § 284.223(a) commenced January 1, 1990, as reported in Docket No. ST90-1627. Trunkline further advises that it would transport 30,000 dt on an average day and 10,800,000 dt annually.

Comment date: March 26, 1990, in accordance with Standard Paragraph G at the end of this notice.

3. Trunkline Gas Company

[Docket No. CP90-717-000]

February 9, 1990.

Take notice that on February 7, 1990, Trunkline Gas Company (Trunkline), P.O. Box 1642, Houston, Texas 77251-1642, filed in Docket No. CP90-717-000 a request pursuant to § 157.205 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205) for authorization to provide an interruptible transportation service for Panhandle Trading Company (PTC), a marketer, under the blanket certificate issued in Docket No. CP86-586-000, pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request that is on file with the Commission and open to public inspection.

Trunkline states that pursuant to the transportation agreement dated November 29, 1989, under its Rate Schedule PT, it proposes to transport up to 75,000 dekatherms (dt) per day equivalent of natural gas for PTC. Trunkline states that it would transport the gas from receipt points in the states of Illinois, Lousiana, Tennessee, and Texas, from the Panhandle, receipt to Douglas County, Illinois, and from the areas of offshore Louisiana and offshore Texas, as shown in Exhibit "A" of the transportation agreement and would deliver the gas, less fuel and unaccounted for line loss, to Midwestern Gas Transmission Company at Potomac in Vermilion County, Illinois.

Trunkline advises that service under § 284.223(a) commenced December 20, 1989, as reported in Docket No. ST90–1541. Trunkline further advises that it would transport 30,000 dt on an average day and 10,950,000 dt annually.

Comment date: March 26, 1990, in accordance with Standard Paragraph G at the end of this notice.

4. Stingray Pipeline Company

[Docket No. CP90–697–000]

February 9, 1990.

Take notice that on February 5, 1990, Stingray Pipeline Company, 701 East 22nd Street, Lombard, Illinois 60148, filed in Docket No. CP90–697–000, a request pursuant to § 157.205 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205) for authorization to provide an interruptible transportation service for Seagull Marketing Services, Inc. (Seagull), a marketer of natural gas, under the blanket certificate issued by the Commission's Order No. 509, pursuant to Section 7 of the Natural Gas Act, corresponding to the rates, terms and conditions filed in Docket No. RP89–70–000, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

Stingray states that pursuant to an interruptible transportation service agreement dated April 24, 1989, under its Rate Schedule ITS, it proposes to transport up to 60,000 MMBtu of natural gas for Seagull. Stingray further states that it would transport the natural gas from various receipt points on its system located in Louisiana, offshore Louisiana and offshore Texas to delivery points located in Louisiana and offshore Texas. Stingray indicates that it would transport 40,000 MMBtu on an average day and 14,600,000 MMBtu annually.

Stingray states that service under § 284.223(a) of the Commission's Regulations (18 CFR 284.223(a)) commenced on December 5, 1989, as reported in Docket No. ST90–1220–000.

Comment date: March 26, 1990, in accordance with Standard Paragraph G at the end of this notice.

5. Transwestern Pipeline Company

[Docket No. CP90–693–000]

February 9, 1990.

Take notice that on February 5, 1990, Transwestern Pipeline Company (Transwestern), 1400 Smith Street, P.O. Box 1188, Houston, Texas 77251–1188, filed in Docket No. CP90–693–000 a request pursuant to § 157.205 of the Commission's Regulations for authorization to provide transportation service on behalf of NGC Transportation, Inc. (NGC), a marketer of natural gas, under Transwestern's blanket certificate issued in Docket No. CP88–133–000, pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Transwestern requests authorization to transport, on an interruptible basis, up to a maximum of 40,000 MMBtu of natural gas per day for NGC from all receipt points listed by Transwestern in its Transportation Point Catalog, as amended from time to time, on file and available for inspection at the offices of Transwestern in Houston, Texas, to delivery points located in Texas, Oklahoma and New Mexico. Transwestern anticipates transporting 30,000 MMBtu of natural gas on an average day and an annual volume of 14,600,000 MMBtu.

Transwestern states that the transportation of natural gas for NGC commenced December 1, 1989, as reported in Docket No. ST90–1367–000, for a 120-day period pursuant to § 284.223(a) of the Commission's Regulations and the blanket certificate issued to Transwestern in Docket No. CP88–133–000.

Comment date: March 26, 1990, in accordance with Standard Paragraph G at the end of this notice.

6. United Gas Pipe Line Company

[Docket No. CP90–727–000]

February 9, 1990.

Take notice that on February 7, 1990, United Gas Pipe Line Company (United), P.O. Box 1478, Houston, Texas 77251–1478, filed in Docket No. CP90–727–000 a request pursuant to § 157.205 of the Commission's Regulations for authorization to provide transportation on behalf of Amoco Production Company (AMOCO) under United's blanket certificate issued in Docket No. CP88–6–000, pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

United requests authorization to transport, on an interruptible basis, up to a maximum of 312,090 MMBtu of natural gas per day for AMOCO from receipt points located in Louisiana to delivery points located in Alabama, Florida, Louisiana and Mississippi. United anticipates transporting, on an average day 312,090 MMBtu and an annual volume of 113,912,850 MMBtu.

United states that the transportation of natural gas for AMOCO commenced January 15, 1990, as reported in Docket No. ST90–1592–000, for a 120-day period pursuant to § 284.233(a) of the Commission's Regulations and the blanket certificate issued to United in Docket No. CP88–6–000.

Comment date: March 26, 1990, in accordance with Standard Paragraph G at the end of this notice.

7. Northern Natural Gas Company, Division of Enron Corporation

[Docket No. CP90–712–000]

February 9, 1990.

Take notice that on February 6, 1990, Northern Natural Gas Company, Division of Enron Corporation (Northern), 1400 Smith Street, P.O. Box 1188, Houston, Texas 75251–1188, filed in Docket No. CP90–712–000 a request pursuant to §§ 157.205 and 284.223 of the Commission's Regulations under the Natural Gas Act for authorization to provide transportation for Terra International, Inc. (Terra), an end-user of natural gas, under Northern's blanket certificate issued in Docket No. CP86–435–000 under section 7 of the Natural Gas Act, all as more fully set forth in the request on file with the Commission and open for public inspection.

Northern states that it proposes to transport, on a firm basis, up to 8,000 MMBtu of natural gas per day for Terra from various points to receipt in the States of Oklahoma and New Mexico, and to a delivery point in Woodbury County, Iowa. Northern anticipates transporting 6,000 MMBtu of natural gas on an average day and 2,920,000 MMBtu of natural gas on an annual basis. Northern also states that construction of facilities will not be required to provide the proposed service.

Northern states that the transportation of natural gas for Terra commenced on December 7, 1989, as reported in Docket No. ST90–1335–000, for a 120-day period pursuant to § 284.223(a)(1) of the Commission's Regulations and the blanket certificate

issued to Northern in Docket No. CP86–435–000.

Comment date: March 26, 1990, in accordance with Standard Paragraph G at the end of this notice.

8. Northern Natural Gas Company Division of Enron Corp.

[Docket No. CP90–714–000]

February 9, 1990.

Take notice that on February 6, 1990, Northern Natural Gas Company, Division of Enron Corp. (Northern), 1400 Smith Street, P.O. Box 1188, Houston, Texas 77251–1188, filed in Docket No. CP90–714–000 a request pursuant to § 157.205 of the Commission's Regulations for authorization to provide transportation service on behalf of Elf Aquitaine, Inc. (Elf Aquitaine), a producer of natural gas, under Northern's blanket certificate issued in Docket No. CP86–435–000, pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Northern requests authorization to transport, on an interruptible basis, up to a maximum of 10,000 MMBtu of natural gas per day for Elf Quitaine from receipt points located in Offshore Texas to delivery points located in Onshore Texas and Offshore Texas. Northern anticipates transporting 7,500 MMBtu of natural gas on an average day and an annual volume of 3,650,000 MMBtu.

Northern states that the transportation of natural gas for Elf Quitaine commenced December 7, 1989, as reported in Docket No. ST90–1337–000, for a 120-day period pursuant to 284.223(a) of the Commission's Regulations and the blanket certificate issued to Northern in Docket No. CP86–435–000.

Comment date: March 26, 1990, in accordance with Standard Paragraph G at the end of this notice.

9. United Gas Pipe Line Company

[Docket No. CP90–726–000]

February 9, 1990.

Take notice that on February 7, 1990, United Gas Pipe Line Company (United), P.O. Box 1478, Houston, Texas 77251–1478, filed in Docket No. CP90–726–000 a request pursuant to section 157.205 of the Commission's Regulations for authorization to provide transportation on behalf of Catamount Natural Gas, Inc. (Catamount) under United's blanket certificate issued in Docket No. CP88–6–000, pursuant to Section 7 of the Natural Gas Act, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

United requests authorization to transport, on an interruptible basis, up to a maximum of 51,500 MMBtu of natural gas per day for Catamount from receipt points located in Louisiana and offshore Louisiana to delivery points located in Louisiana and Mississippi. United anticipates transporting, on an average day 51,500 MMBtu and an annual volume of 18,797,500 MMBtu.

United states that the transportation of natural gas for Catamount commenced January 16, 1990, as reported in Docket No. ST90–1636–000, for a 120-day period pursuant to § 284.223(a) of the Commission's Regulations and the blanket certificate issued to United in Docket No. CP88–6–000.

Comment date: March 26, 1990, in accordance with Standard Paragraph G at the end of this notice.

10. ANR Pipeline Company

[Docket No. CP90–708–000]

February 9, 1990.

Take notice that on February 6, 1990, ANR Pipeline Company (ANR), Detroit, Michigan 48243, filed in Docket No. CP90–708–000 a request pursuant to §§ 157.205 and 284.223 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205) and the Natural Gas Policy Act (18 CFR 284.223) for authorization to transport natural gas for PSI, Inc. (PSI) a marketer of natural gas, under ANR's blanket certificate issued in Docket No. CP88–532–000 pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

ANR proposes to transport up to 100,000 dekatherms (dt) of natural gas equivalent per day on an interruptible basis on behalf of PSI pursuant to a transportation agreement dated July 7, 1989, between ANR and PSI. ANR would receive the gas at various existing points of receipt in Louisiana, offshore Louisiana, Kansas, Oklahoma, Texas and offshore Texas and deliver equivalent volumes, less fuel used and unaccounted for line loss, at an existing delivery point in Louisiana.

ANR states that the estimated daily and annual quantities would be 100,000 dt and 36,500,000 dt, respectively. Service under § 284.223(a) commenced on December 6, 1989, as reported in Docket No. ST90–1322–000.

Comment date: March 26, 1990, in accordance with Standard Paragraph G at the end of this notice.

11. Stingray Pipeline Company

[Docket No. CP90–695–000]

February 9, 1990.

Take notice that on February 5, 1990, Stingray Pipeline Company, 701 East 22nd Street, Lombard, Illinois 60148, filed in Docket No. CP90–695–000, a request pursuant to § 157.205 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205) for authorization to provide an interruptible transportation service for Equitable Resources Marketing Company (Equitable), a marketer of natural gas, under the blanket certificate issued by the Commission's Order No. 509, pursuant to section 7 of the Natural Gas Act, corresponding to the rates, terms and conditions filed in Docket No. RP89–70–000, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

Stingray states that pursuant to an interruptible transportation service agreement dated April 27, 1989, under its Rate Schedule ITS, it proposes to transport up to 250,000 MMBtu per day of natural gas for Equitable. Stingray further states that it would transport the natural gas from various receipt points on its system located in Louisiana, offshore Louisiana and offshore Texas to delivery points located in Louisiana and offshore Texas. Stingray indicates that it would transport 200,000 MMBtu on an average day and 73,000,000 MMBtu annually.

Stingray states that service under § 284.223(a) of the Commission's Regulations (18 CFR 284.223(a)) commenced on January 4, 1990, as reported in Docket No. ST90–1503–000.

Comment date: March 26, 1990, in accordance with Standard Paragraph G at the end of this notice.

12. Trunkline Gas Company

[Docket No. CP90–722–000]

February 9, 1990.

Take notice that on February 7, 1990, Trunkline Gas Company (Trunkline), P.O. Box 1642, Houston, Texas 77251–1642, filed a request authorization in Docket No. CP90–722–000, pursuant to §§ 157.205 and 284.223 of the Commission's Regulations under the Natural Gas Act to provide a transportation service on behalf of NGC Transportation, Inc. (NGC), a marketer of natural gas, under Trunkline's blanket certificate issued in Docket No. CP86–586–000, all as more fully set forth in the request on file with the Commission and open to public inspection.

Specifically, Trunkline requests authority to transport up to 75,000 Dt. per day on an interruptible basis on behalf of NGC pursuant to a transportation agreement dated July 18, 1989, between Trunkline and NGC. The transportation agreement provides for Trunkline to receive gas from various existing points of receipt in the States of Illinois, Louisiana, Tennessee, and Texas, from the Panhandle receipt at Douglas County, Illinois, and from the areas of offshore Louisiana and offshore Texas. Trunkline would then transport and redeliver subject gas, less fuel and unaccounted for line loss, to Panhandle Eastern Pipe Line Company in Douglas County, Illinois.

Trunkline further states that the estimated daily and estimated quantities would be 2,000 Dt. and 730,000 Dt., respectively. Service under § 284.223(a) commenced on January 1, 1990, as reported in Docket No. ST90–1625–000.

Comment date: March 26, 1990, in accordance with Standard Paragraph G at the end of this notice.

13. United Gas Pipe Line Company

[Docket No. CP90–703–000]

February 9, 1990.

Take notice that on February 5, 1990, United Gas Pipe Line Company (United) P.O. Box 1478, Houston, Texas 77251–1478, filed in Docket No. CP90–703–000 a request pursuant to § 157.205 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205) for authorization to transport natural as on behalf of Enermark Gas Gathering Corporation (Enermark), under the authorization issued in Docket No. CP88–6–000 pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

United would perform the proposed interruptbile transportation service for Enermark, a marketer of natural gas, pursuant to an interruptible gas transportation service agreement dated September 15, 1989, as amended on October 12, 1989, November 16, 1989, and November 27, 1989 (Agreement No. T1–21–2309, Reference No. 5632). The term of the transportation agreement is for a primary term of five years from the date of first delivery of gas and shall continue for successive one month terms thereafter until terminated by either party within thirty days written notice. United proposes to transport on a peak day up to 103,000 MMBtu; on an average day up to 103,000 MMBtu; and on an annual basis 37,595,000 MMBtu of natural gas for Enermark. United States that it would receive and delivery the subject gas to various existing receipt and delivery points on its pipeline system. It is alleged that Enermark would pay United the effective rate contained in United's rate schedule ITS, or such other rates as may be just and reasonable to United. United avers that construction of facilities would not be required to provide the proposed service.

It is explained that the proposed service is currently being performed prusuant to the 120-day self implementing provision of § 284.223 (a) (1) of the Commission's regulations. United commenced such self-implementing service on December 1, 1989, as reported in Docket No. ST90–1313–000.

Comment date: March 26, 1990, in accordance with Standard Paragraph G at the end of this notice.

14. United Gas Pipe Line Company

[Docket No. CP90–728–000]

February 9, 1990.

Take notice that on February 7, 1990, United Gas Pipe Line Company (United) P.O. Box 1478, Houston, Texas 77251–1478, filed a request with the Commission in Docket No. CP90–728–000 pursuant to § 157.205 of the Commission's Regulations under the Natural Gas Act (NGA) for authorization to provide interrupible transportation service on behalf of Entrade Corporation (Entrade), a natural gas marketer, under United's blanket certificate issued in Docket No. CP88–6–000, all as more fully set forth in the request which is open to public inspection.

United proposes an interruptible natural gas transportation under its FERC Rate Schedule ITS of 103,000 MMBtu equivalent on peak and average days, and 37,595,000 MMBtu equivalent annually for Entrade. United states that it would receive gas for Entrade's account at various existing interconnections on its pipleine system in Louisiana, offshore Louisiana, and Mississippi, then deliver the gas at various existing interconnections also on it pipeline system in Alabama, Florida, and Louisiana. United commenced transporting gas for Entrade's account on January 4, 1990, under the automatic 120-day authorization provisions of § 284.223(a) of the Regulations, as reported in Docket No. ST90–1641.

Comment date: March 26, 1990, in accordance with Standard Paragraph G at the end of this notice.

15. United Gas Pipe Line Company

[Docket No. CP90–674–000]

February 9, 1990.

Take notice that on February 1, 1990, Natural Gas Pipeline Company of America (Natural) 701 East 22nd Street, Lombard, Illinois 60148, filed in Docket No. CP90–674–000 a request pursuant to § 157.205 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205) for authorization to transport natural gas on behalf of Panda Resources, Inc. (Panda), under the authorization issued in Docket No. CP86–582–000 purusant to section 7 of the Natural Gas Act, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

Natural would perform the proposed interruptible transportation service for Panda, a marketer of natural gas, pursuant to an interruptible transportation service agreement dated April 25, 1989 (Agreement No. IGP–1942). The term of the transportation agreement is for a primary term ending August 31, 1990, and shall continue month to month thereafter unless cancelled by five days prior notice by either party. Natural proposes to transport on a peak day up to 25,000 MMBtu; on an average day up to 5,000 MMBtu; and on an annual basis 1,825,000 MMBtu of natural gas for Panda. Natural contends that consistent with it's Rate Schedule ITS, Panda may request and Natural may agree to accept additional quantities as overrun gas. Natural states that it would receive the gas at the receipt point located in Oklahoma and the delivery points are located in Texas. It is alleged that Panda would pay Natural the effective rate contained in Natural's Rate Schedule ITS. Natural avers that construction of facilities would not be required to provide the proposed service.

It is explained that the proposed service is currently being performed pursuant to the 120-day self implementing provision of § 284.223(a)(1) of the Commission's regulations. Natural commenced such self-implementing service on December 1, 1989, as reported in Docket No. ST90–1705–000.

Comment date: March 26, 1990, in accordance with Standard Paragraph G at the end of this notice.

16. Columbia Gas Transmission Corporation

[Docket No. CP90–689–000]

February 9, 1990.

Take notice that on February 2, 1990, Columbia Gas Transmission

Corporation (Columbia), 1700 MacCorkle Avenue, SE., Charleston, West Virginia 25314, filed in Docket No. CP90–689–000 a request pursuant to § 157.205 of to Commission's Regulations (18 CFR 157.205) to construct and operate facilities for 22 additional delivery points for existing wholesale customers and to designate one other additional delivery point for an existing wholesale customer where no new facilities are required under Columbia's blanket certificate issued in Docket No. CP83–76–000, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

Columbia proposes to construct and operate interconnecting facilities in order to make deliveries of the volumes of gas to the existing wholesale customers as detailed below:

Customer	Number of delivery points	Volume (dt equivalent)	Peak day
Annual:			
Columbia Gas of Kentucky, Inc	1	1.5	150
Columbia Gas of Ohio, Inc	11	54.6	7,954
Columbia Gas of Pennsylvania, Inc	2	35.5	12,560
Baltimore Gas & Electric Company, 500,000	1	3,264.0	
Dayton Power & Light Company	1	11.1	105
Mountaineer Gas Company	6	9.0	900
National Fuel Gas Supply Corporation, [1] 0	0		

[1] Columbia requests authorization to add this existing delivery point now used for exchange with National Fuel Gas Supply Corporation (National Fuel) to Columbia's agreement with National Fuel on file as Columbia's Rate Schedule X–88. No gas would be sold at this devlivery point.

Columbia states that the proposed deliveries would be within all customers' currently authorized daily and annual entitlements and would have no impact on peak day and annual deliveries to the existing customers. It is stated that the gas would be used for residential, commercial and industrial service. It is further stated that the sales at the proposed delivery points would be made under Columbia's Rate Schedule CDS.

Comment date: March 26, 1990, in accordance with Standard Paragraph G at the end of this notice.

17. Natural Gas Pipeline Company of America

[Docket No. CP90–673–000]

February 9, 1990.

Take notice that on February 1, 1990, Natural Gas Pipeline Company of America (Natural) 701 East 22nd Street, Lombard, Illinois 60148, filed in Docket No. CP90–673–000 a request pursuant to § 157.205 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205) for authorization to transport natural gas on behalf of Quantum Chemical Corporation-USI Division (Quantum), under the authorization issued in Docket No. CP86–582–000 pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

Natural would perform the proposed interruptible transportation service for Quantum, an end-user of natural gas, pursuant to an interruptible transportation service agreement dated April 25, 1989 (Agreement No. IGP–1829). The term of the transportation agreement is for a primary term ending June 1, 1990, and shall continue month to month thereafter unless cancelled by five days prior notice by either party. Natural proposes to transport on a peak day up to 45,000 MMBtu; on an average day up to 10,000 MMBtu; and on an annual basis 3,650,000 MMBtu of natural gas for Quantum. Natural contends that consistent with its Rate Schedule ITS, Quantum may request and Natural may agree to accept additional quantities as overrun gas. Natural states that it would receive the gas at receipt points in Texas, Offshore Texas, Illinois, Louisiana, Offshore Louisiana, Arkansas and that the delivery points are located in Illinois, Offshore Louisiana, Texas, and Offshore Texas. It is alleged that Quantum would pay Natural the effective rate contained in Natural's rate schedule ITS. Natural avers that construction of facilities would not be required to provide the proposed service.

It is explained that the proposed service is currently being performed pursuant to the 120-day self implementing provision of § 284.223(a)(1) of the Commission's regulations. Natural commenced such self-implementing service on December 1, 1989, as reported in Docket No. ST90–1705–000.

Comment date: March 26, 1990, in accordance with Standard Paragraph G at the end of this notice.

18. Columbia Gas Transmission Corporation

[Docket No. CP90–734–000]

February 9, 1990.

Take notice that on February 8, 1990, Columbia Gas Transmission Corporation (Columbia), 1700 MacCorkle Avenue, SE., Charleston, West Virginia 25314, filed in Docket No. CP90–734–000 a request pursuant to § 157.205 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205) for authorization to provide an interruptible transportation service for Columbia Natural Resources, Inc. (Columbia Natural), a producer, under the blanket certificate issued in Docket No. CP86–240–000, pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request that is on file with the Commission and open to public inspection.

Columbia states that pursuant to a transportation service agreement dated November 1, 1989, under its Rate Schedule ITS, it proposes to transport up to 50,000 MMBtu per day equivalent of natural gas for Columbia Natural. Columbia states that it would transport the gas from various Appalachian meters on its pipeline system, as shown in Appendix "A" of the service agreement, and would deliver the gas to existing interconnections with its transmission system.

Columbia advises that service under § 284.223(a) commenced November 1, 1989, as reported in Docket No. ST90–1198. Columbia further advises that it would transport 40,000 MMBtu on an average day and 18,250,000 MMBtu annually.

Comment date: March 26, 1990, in accordance with Standard Paragraph G at the end of this notice.

19. United Gas Pipe Line Company

[Docket No. CP90–704–000]

February 9, 1990.

Take notice that on February 5, 1990, United Gas Pipe Line Company (United) P.O. Box 1478, Houston, Texas 77251–

1478, filed in Docket No. CP90–704–000 a request pursuant to § 157.205 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205) for authorization to transport natural gas on behalf of Enermark Gas Gathering Corporation (Enermark), under the authorization issued in Docket No. CP88–6–000 pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

United would perform the proposed interruptible transportation service for Enermark, a marketer of natural gas, pursuant to an interruptible gas transportation service agreement dated September 15, 1989, as amended on December 22, 1989 (Agreement No. T1–21–2309, Reference No. 6059). The term of the transportation agreement is for a primary term of five years from the date of first delivery of the gas and shall continue for successive one month terms thereafter until terminated by either party within thirty days written notice. United proposes to transport on a peak day up to 103,000 MMBtu; on an average of day up to 103,000 MMBtu; and on an annual basis 37,595,000 MMBtu of natural gas for Enermark. United states that it would receive and deliver the subject gas to various existing receipt and delivery points on its pipeline system. It is alleged that Enermark would pay United the effective rate contained in United's rate schedule ITS, or such other rates as may be just and reasonable to United. United avers that construction of facilities would not be required to provide the proposed service.

It is explained that the proposed service is currently being performed pursuant to the 120-day self implementing provision of § 284.223(a)(1) of the Commission's regulations. United commenced such self-implementing service on January 5, 1990, as reported in Docket No. ST90–1593–000.

Comment date: March 26, 1990, in accordance with Standard Paragraph G at the end of this notice.

20. Viking Gas Transmission Company

[Docket No. CP87–107–002]

February 9, 1990.

Take notice that on February 2, 1990, Viking Gas Transmission Company (Viking), P.O. Box 2511, Houston, Texas 77252, filed in Docket No. CP87–107–002 pursuant to section 7(c) of the Natural Gas Act a petition to amend its certificate of public convenience and necessity issued in Docket No. CP87–107, so as to authorize an extension of the interruptible transportation service currently provided thereunder to ANR Pipeline Company (ANR), for the lesser of one year or when Viking accepts a blanket certificate under § 284.221 of the Commission's Regulations, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Viking was authorized by Commission's order dated March 23, 1989, to provide interruptible transportation service for ANR of up to 75,525 dt of natural gas per day. Viking states the Commission limited the term of the certificate for the interruptible transportation service to the earlier of one year from the date of its order or when Viking accepts a blanket certificate under § 284.221 of the Commission's Regulations. Since Viking has not accepted a blanket certificate under § 284.211 of the Commission's Regulations, the term of the interruptible service is due to expire on March 23, 1990.

Viking states the extension of the service will provide ANR continued access to competitively priced Canadian supplies that it has under contract and for which it has import authorization for the term requested herein.

Comment date: March 26, 1990, in accordance with Standard Paragraph G at the end of this notice.

21. ANR Pipleine Company

[Docket No. CP90–711–000]

February 12, 1990.

Take notice that on February 6, 1990, ANR Pipeline Company (ANR), 500 Renaissance Center, Detroit, Michigan 48243, filed in Docket No. CP90–711–000 a request pursuant to § 157.205 of the Commission's Regulations under the Natural Gas Act for authorization to provide an interruptible transportation service for Coastal Gas Marketing Company (Coastal), formerly ANR Gathering Company, under its blanket certificate issued in Docket No. CP88–532–000 pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request on file with the Commission and open to public inspection.

ANR states that it would receive the gas for Coastal at existing points of receipt in Louisiana, Oklahoma, Kansas, Texas, offshore Louisiana and offshore Texas, and would deliver the gas at existing interconnections in Wisconsin.

ANR states that the maximum daily, average daily and annual quantities that it would transport for Coastal would be 619,000 dt equivalent of natural gas, 619,000 dt equivalent of natural gas and 225,935,000 dt equivalent of natural gas, respectively.

ANR indicates that in a filing made with the Commission in Docket No. ST90–1319–000, it reported that transportation service on behalf of Coastal commenced on December 5, 1989, under the 120-day automatic authorization provisions of § 284.223(a).

Comment date: March 29, 1990, in accordance with Standard Paragraph G at the end of this notice.

22. Panhandle Eastern Pipe Line Company

[Docket No. CP90–681–000]

February 12, 1990.

Take notice that on February 7, 1990, Panhandle Eastern Pipe Line Company (Panhandle), P.O. Box 1642, Houston, Texas 77001, filed in Docket No. CP90–681–000 an application pursuant to section 7(b) of the Natural Gas Act, for authority to abandon eight river crossing manifold lines located on Panhandle's Hansford 100 and 200 lines in Seward County, Kansas, and Texas County, Oklahoma, all as more fully set forth in the application which is on file with the Commission and open for public inspection.

Panhandle requests authority to abandon all five river crossing manifold lines on its Hansford 100 line where it crosses the Cimarron River in Seward County, Kansas, and lines 1, 2, and 5 located on its Hansford 200 line in Texas County, Oklahoma, where it crosses the Beaver (North Canadian) River. Panhandle submits that the proposed abandonment is required because the lines are now uneconomical to operate due to age and corrosion. Due to a reduction in throughput from the affected producing areas, a decrease in market demand, and the depletion of production from connected sources of supply, Panhandle further submits that the replacement of the lines is neither necessary nor cost-justified. Finally, Panhandle states that the facilities would be abandoned in place and that gas currently flowing through its Hansford 100 line would be rerouted through its Hansford 200 line.

Comment date: March 5, 1990, in accordance with Standard Paragraph F at the end of this notice.

23. Trunkline Gas Company

[Docket No. CP90–718–000]

February 12, 1990.

Take notice that on February 7, 1990, Trunkline Gas Company (Trunkline), P.O. Box 1642, Houston, Texas 77251–1642, filed in Docket No. CP90–718–000, a request pursuant to § 157.205 of the

Commission's Regulations under the Natural Gas Act (18 CFR 157.205) for authorization to transport natural gas for PSI, Inc. (PSI), a shipper and marketer of natural gas, under Trunkline's blanket certificate issued in Docket No. CP86–586–000 pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request on file with the Commission and open to public inspection.

Trunkline states that pursuant to a Transportation Agreement (Agreement) dated January 25, 1989, between Trunkline and PSI, it would transport up to 20,000 dekatherms (Dt.) per day equivalent of natural gas, on an interruptible basis, for PSI. Trunkline indicates that the Agreement provides for Trunkline to receive the natural gas from various existing points of receipt in the states of Illinois, Louisiana, Tennessee and Texas, from the Panhandle Eastern Pipe Line Company receipt point at Douglas County, Illinois and from the areas of offshore Louisiana and offshore Texas. Trunkline would then transport and redeliver the natural gas, less fuel and unaccounted-for line loss, to Tennessee Gas Pipeline Company in Bolivar County, Mississippi.

Trunkline states that the estimated daily and estimated annual quantities that would be transported would be 20,000 Dt. and 7,300,000 Dt., respectively.

Trunkline states that it commenced the transportation of natural gas for PSI on December 12, 1989, as reported in Docket No. ST90–1586–000, for a 120-day period pursuant to § 284.223(a) of the Commission's Regulations (18 CFR 284.223(a)).

Comment date: March 29, 1990, in accordance with Standard Paragraph G at the end of this notice.

24. Williams Natural Gas Company

[Docket No. CP90–729–000]

February 12, 1990.

Take notice that on February 7, 1990, Williams Natural Gas Company (WNG), P.O. Box 3288, Tulsa, Oklahoma 74101, filed in Docket No. CP90–729–000 a request pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) for authorization to replace and relocate the Greeley Gas Company (Greeley) Eureka town border in Greenwood County, Kansas, under the certificate issued in Docket No. CP82–479–000 pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request on file with the Commission and open to public inspection.

WNG proposes to abandon measuring and appurtenant facilities located in Greenwood County, Kansas, originally certified in Docket No. G–298. WNG states that after the facilities are removed, the site would revert back to the landowner. It is stated that the cost to reclaim the present facilities would be $760 with an estimated salvage value of $0.

In additional, WNG proposes to construct replacement measuring and appurtenant facilities at the site of the existing regulator setting which is 400 feet northwest of the existing measuring facilities, also located in Greenwood County, Kansas.

WNG states that the facilities proposed to be replaced are obsolete and in need of replacement. In addition, WNG states that relocating the measurement facilities to the site of the existing regulator setting would allow WNG easier access to its facilities. It is stated that the existing regulator site would accommodate the addition of the measurement facilities.

It is stated that there would be no interruption of service caused by the replacement nor are increased volumes of gas through the replacement facilities anticipated. It is stated that the volumes currently being delivered through the Eureka town border are 185,055 Mcf annually and 1,981 Mcf on a peak day. WNG states that the estimated cost of the replacement facilities would be $30,160, which would be paid from funds on hand.

Comment date: March 29, 1990, in accordance with Standard Paragraph G at the end of this notice.

25. Southern Natural Gas Company

[Docket No. CP90–715–000]

February 12, 1990.

Take notice that on February 7, 1990, Southern Natural Gas Company (Southern), Post Office Box 2563, Birmingham, Alabama 35202–2563, filed in Docket No. CP90–715–000 a request pursuant to § 157.205 of the Commission's Regulations for authorization to transport natural gas on behalf of Texican Natural Gas Company (Texican), a marketer of natural gas, under Southern's blanket certificate issued in Docket No. CP88–316–000 pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

Southern proposes to transport, on an interruptible basis, up to 10,000 MMBtu equivalent of natural gas on a peak day, 10,000 MMBtu equivalent on an average day, and 3,650,000 MMBtu equivalent on an annual basis for Texican. It is stated that Southern would receive the gas at existing points on Southern's system in Louisiana, offshore Louisiana, Texas, offshore Texas, Mississippi, and Alabama. It is stated that Southern would deliver equivalent volumes at existing points on Southern's system in Mississippi. It is asserted that Southern would utilize existing facilities and that no construction of additional facilities would be required. It is explained that the transportation service commenced December 7, 1989, under the automatic authorization provisions of § 284.223 of the Commission's Regulations, as reported in Docket No. ST90–1258.

Comment date: March 29, 1990, in accordance with Standard Paragraph G at the end of this notice.

26. Transcontinental Gas Pipe Line Corporation

[Docket No. CP90–685–000]

February 12, 1990.

Take notice that on February 1, 1990, Transcontinental Gas Pipe Line Corporation (Applicant), Post Office Box 1396, Houston, Texas 77251, filed an application pursuant to section 7(c) of the Natural Gas Act, as amended, for a certificate of public convenience and necessity authorizing Transco (1) to provide firm, long-term transportation service of up to a total of the dekatherm equivalent of 48,122 Mcf per day for Elizabethtown Gas Company, New Jersey Natural Gas Company, Public Service Electric & Gas Company, and the City of Union, South Carolina (hereinafter referred to as "Shippers"); and (2) to construct and operate certain pipeline loop and related facilities in order to provide the additional capacity to render such service, all as more fully described in the application which is on file with the Commission and open to public inspection.

Applicant states that the proposed firm transportation service will enable Shippers to utilize a storage facility being developed by the Stueben Gas Storage Company (Steuben), in Canisteo, Steuben County, New York.[1] During the injection period (April 1 to October 31), Applicant will receive gas at existing points of interconnection between the facilities of Transco and CNG Transmission Corporation (CNG) at Leidy Storage Field in Clinton County, Pennsylvania (Leidy). During the withdrawal period (November 1 to March 31), Applicant will receive gas from CNG at Leidy for firm delivery by

[1] Shippers have entered into separate agreements with the Steuben Gas Storage Company for this storage service. Steuben has filed an application, in Docket No. CP89–1684–000, requesting Commission authorization to perform the storage service and to construct the facilities necessary to provide 6.2 Bcf of annual storage capacity.

Transco to Shippers at specified citygate delivery points. Applicant states that Shippers have entered into separate arrangements with CNG to provide firm transportation services between the Transco facilities and the Steuben Gas Storage Facilities.[2]

Applicant states it has entered into precedent agreements for the proposed firm service. Under the instant proposal, Applicant states that it would render long-term, firm transportation for Shippers subject to the following maximum daily and annual quantity limitations:

Shipper	Contract Quantities (Mcf)[3] Transportation Contract Demand	
	Daily	Annual
Elizabethtown Gas Company...	5,556	500,000
New Jersey Natural Gas Company.....	11,111	1,000,000
Public Service Electric & Gas Company.....	30,955	3,405,000
Cit of Union, South Carolina..	500	45,000

Applicant states that the proposed firm transportation service would commence on April 1, 1991, or as soon thereafter as all regulatory approvals are secured and when all necessary facilities are ready for service and would continue for a primary term of twenty years and year to year thereafter until terminated be either party upon twelve months prior written notice.[4]

Firm service would be rendered in accordance with agreements between Applicant and each Shipper substantially in the form of the *Pro Forma* Gas Transportation Agreement included in the filing.

Applicant states that in order to render the proposed firm service, the following facilities must be constructed:

(1) 6.67 miles of 36-inch diameter pipeline loop from M.P. 142.74 to M.P. 149.41 on Transco's Leidy Line in Pennsylvania;

(2) a new regular station on Transco's Leidy Line C at Raritan River M.P. 1794.70 in New Jersey; and

(3) 6.37 miles of 24-inch diameter pipeline loop on Transco's Trenton Woodbury Lateral from M.P. 30.46 to M.P. 36.8 in New Jersey.

Applicant states that the proposed facilities are estimated to cost approximately $21,663.000. Applicant states that such costs would be financed initially through short-term loans and funds on hand, with permanent financing to be arranged as part of Applicant's overall long-term financing program.

Construction of the proposed facilities will be undertaken during the 1991 construction season. Applicant states that construction and operation of the proposed facilities will have no significant adverse impact on the quality of human environment. Applicant states that proposed facilities will be installed adjacent to existing Transco facilities. Applicant further states the proposed facilities will be installed, inspected, tested, constructed and maintained in accordance with all applicable safety standards and plans for maintenance and inspection.

Proposed Rates

Based on a cost of service for the first full year of operation of the facilities, Applicant states that it has derived a one-part demand rate of $7.34 per Mcf of contract demand. Applicant states that pursuant to the Commission's order of September 29, 1989, approving a comprehensive settlement between Transco and its customers, new firm transportation and storage services rendered to "settling customers" utilizing incremental capacity expansions of the Transco system after April 1, 1989, may be exempt from the Commodity Producer Settlement Payment (PSP) Charge depending on the PSP recovery mechanism selected by that customer.[5] Although all of the Steuben Shippers are "settling customers" pursuant to the terms of the settlement, Applicant states that New Jersey Natural would be required to pay the Commodity PSP Charge, on a monthly basis, as set forth on Sheet No. 12.3–E of Volume 1 of Transco's FERC Gas Tariff, because of the cost recovery mechanism applicable to New Jersey Natural.

Applicant states that the rates proposed herein were developed based upon a cost of service study utilizing a fixed-variable rate design methodology. Due to the seasonal and functional natural of the proposed service, Applicant believes it is appropriate that all fixed costs (including return and taxes) be recovered through the demand rate. Under the instant proposal, Applicant will be providing a transportation service only for the Steuben gas storage volumes. Therefore, the extent to which Applicant's service will be utilized will be largely dependent on factors beyond its control (i.e. the cost of the storage service, the relative cost of the stored gas supplies, and weather conditions). Applicant therefore submits that it would be patently unfair for its cost recovery to be dependent on incentive factors inherent in the modified fixed variable rate design when the pipeline has very little control over the extent to which its service will be utilized.

In addition, Shippers customarily purchase storage and associated transportation services as a "peaking service"—to ensure that sufficient gas supplies will be available to meet daily or hourly requirements on the coldest days that can be expected to occur in a service territory. As a result, shippers tend to purchase more daily and seasonal capacity than they expect to use during a normal winter. Therefore, Applicant states that it is only through the use of the fixed variable rate design that Applicant would have the opportunity to recover the costs of providing a seasonal peaking service.

Comment date: March 5, 1990, in accordance with Standard Paragraph F at the end of this notice.

27. Panhandle Eastern Pipe Line Company

[Docket No. CP90–700–000]

February 12, 1990.

Take notice that on February 5, 1990, Panhandle Eastern Pipe Line Company (Panhandle), P.O. Box 1642, Houston, Texas 77251–1642, filed a request with the Commission in Docket No. CP90–700–000, pursuant to § 157.205 of the Commission's Regulations, for permission and approval to abandon two Kansas natural gas metering and regulating stations under Panhandle's blanket certificate issued in Docket No. CP86–585–000 pursuant to section 7 of the Natural Gas Act (NGA), all as more fully set forth in the request which is open to public inspection.

[2] CNG has filed a certificate application in Docket No. CP90–177–000, requesting Commission authorization to provide such upstream firm transportation and to construct and operate the necessary facilities.

[3] Transco will actually deliver the dekatherm equivalent of the volumes tendered at the point of receipt less an amount for fuel and/or normal operational loss associated with the transportation. The incremental fuel that Transco anticipates it will retain to render the proposed firm service is .38%.

[4] In the event that the necessary facilities are not ready for service by April 1, 1991, Applicant states that it will transport Shippers' injection quantities on an interruptible basis pursuant to Rate Schedule IT until such facilities are in place.

[5] Settling customers subject to the so-called "35/15/50 cost recovery mechanism "as calculated pursuant to sections 34 and 35 of the General Terms and Conditions of Transco's FERC Gas Tariff are exempt from the PSP charge with respect to such incremental expansion projects while settling customers subject to the so-called "25/25/50 cost recovery mechanism" as calculated pursuant to sections 36 and 37 of the General Terms and Conditions of Transco's FERC Gas Tariff are *not* exempt from the PSP charge.

Panhandle proposes to abandon two metering and regulating stations used to provide natural gas service to Eugene W. Stallings (Stallings). Panhandle received authorization in Docket Nos. CP65–46 (32 FPC 1139) and CP66–125 (35 FPC 651) to construct and operate these facilities in Johnson and Miami Counties, Kansas, respectively, for Marathon Oil Company (Marathon), a direct industrial customer served by Panhandle. Under the Panhandle-Marathon industrial gas contract, Marathon assigned its operational control of the facilities to Stallings. Panhandle states that these facilities have not been used since October 1985 and are no longer required. Panhandle also states that its April 4, 1989, and July 21, 1989, letters notified Stallings of Panhandle's intent to terminate service and abandon the above facilities.

Comment date: March 29, 1990, in accordance with Standard Paragraph G at the end of this notice.

28. Natural Gas Pipeline Company of America

[Docket No. CP90–672–000]

February 12, 1990.

Take notice that on February 1, 1990, Natural Gas Pipeline Company of America (Natural), 701 East 22nd Street, Lombard, Illinois 60148, filed in Docket No. CP89–672–000 a request pursuant to § 157.205 and 284.223(b) of the Commission's Regulations under the Natural Gas Act for authorization to transport natural gas on an interruptible basis for Continental Natural Gas Inc. (Continental), a marketer of natural gas, under its blanket certificate issued in Docket No. CP86–582–000 pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request on file with the Commission and open to public inspection.

Natural states that it proposes to transport natural gas for Continental between points of receipt in New Mexico, Texas, Oklahoma, Offshore Texas, Illinois, Louisiana, Offshore Louisiana, Arkansas, Kansas, and Iowa and the delivery point located in Illinois.

Natural further states that the maximum daily, average and annual quantities that it would transport for Continental would be 50,000 MMBtu equivalent of natural gas (plus any additional quantities accepted pursuant to the overrun provisions of Natural's Rate Schedule ITS), 15,000 MMBtu equivalent of natural gas and 5,475,000 MMBtu equivalent of natural gas, respectively.

Natural indicates that in a filing made with the Commission on February 1, 1990, at Docket No. ST90–1707, it reported that transportation service for Continental begun on December 1, 1989 under the 120-day automatic authorization provisions of § 284.223(a).

Comment date: March 29 1990, in accordance with Standard Paragraph G at the end of this notice.

29. Trunkline Gas Company

[Docket No. CP90–720–000]

February 12, 1990.

Take notice that on February 7, 1990, Trunkline Gas Company (Trunkline), P.O. Box 1642, Houston, Texas 77251–1642, filed in Docket No. CP90–720–000 a request pursuant to § 157.205 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205) for authorization to transport natural gas for ANR Gathering Company (ANR), a marketer of natural gas, under Trunkline's blanket certificate issued in Docket No. CP86–586–000, pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

Pursuant to a transportation agreement dated November 15, 1988, Trunkline requests authority to transport up to 100,000 Dt. of natural gas per day, on an interruptible basis, on behalf of ANR. Trunkline states that the agreement provides for it to receive the gas from various existing points of receipt located in Illinois, Louisiana, Tennessee, Texas, offshore Louisiana and offshore Texas and to redeliver the gas, less fuel and unaccounted for line loss, to Southern Natural Gas Company at an existing point of interconnection located in St. Mary Parish, Louisiana. Trunkline expects to transport the full 100,000 Dt. on an average day and, based thereon, estimates that 36,500,000 Dt. would be transported annually. Trunkline advises that this service commenced on December 8, 1989, as reported in Docket No. ST90–1535–000, pursuant to § 284.223 of the Commission's Regulations.

Comment date: March 29, 1990, in accordance with Standard Paragraph G at the end of this notice.

30. K N Energy, Inc.

[Docket No. CP90–740–000]

February 12, 1990.

Take notice that on February 9, 1990, K N Energy, Inc. (K N), P.O. Box 15265, Lakewood, Colorado 80215, filed in Docket No. CP90–740–000 a request pursuant to § 157.205 of the Commission's Regulations for authorization provide transportation service on behalf of Mobile Natural Gas, Inc. (Mobil), under K N's blanket certificate issued in Docket No. CP89–1043–000, pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

K N requests authorization to transport, on a firm basis, up to a maximum of 20,000 Mcf of natural gas per day for Mobil from an existing point of interconnection with Williams Natural Gas in Grant County, Kansas to an existing point of interconnection with Kansas Power and Light Company in Grant County, Kansas. K N anticipates transporting, on an average day 4,932 Mcf and an annual volume of 1,800,000 Mcf.

K N states that the transportation of natural gas for Mobil commenced January 1, 1990, as reported in Docket No. ST90–1523–000, for a 120-day period pursuant to § 284.223(a) of the Commission's Regulations and the blanket certificate issued to K N in Docket No. CP89–1043–000.

Comment date: March 29, 1990, in accordance with Standard Paragraph G at the end of this notice.

31. Columbia Gas Transmission Corporation

[Docket No. CP90–737–000]

February 12, 1990.

Take notice that on February 8, 1990, Columbia Gas Transmission Corporation (Columbia), 1700 MacCorkle Avenue, S.E., Charleston, West Virginia 25314, filed in Docket No. CP90–737–000 a request pursuant to § 157.205 of the Commission's Regulations for authorization to provide transportation service on behalf of Haddad and Brooks, Inc. (Haddad), under Columbia's blanket certificate issued in Docket No. CP86–240–000, pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Columbia requests authorization to transport, on an interruptible basis, up to a maximum of 649 MMBtu equivalent of natural gas per day for Haddad received from various Appalachian meters on Columbia's pipeline system and redelivered to Haddad at existing interconnects with Columbia's system. Columbia anticipates transporting, on an average day, 519 MMBtu equivalent of natural gas and an annual volume of 236,885 MMBtu equivalent of natural gas.

Columbia states that the transportation of natural gas for Haddad commenced November 1, 1989, as reported in Docket No. ST90–851–000, for a 120-day period pursuant to Section

284.223(a) of the Commission's Regulations and the blanket certificate issued to Columbia in Docket No. CP86–240–000.

Comment date: March 29, 1990, in accordance with Standard Paragraph G at the end of this notice.

32. Northern Natural Gas Company Divison of Enron Corporation

[Docket No. CP90–713–000]

February 12, 1990.

Take notice that on February 6, 1990, Northern Natural Gas Company, Division of Enron Corporation (Northern), 1400 Smith Street, P.O. Box 1188, Houston, Texas 77251–1188, filed in Docket No. CP90–713–000 a request pursuant to §§ 157.205 and 284.223(b) of the Federal Energy Regulatory Commission's (Commission) Regulations under the Natural Gas Act (NGA) for authorization to provide an interruptible transportation service on behalf of Marathon Oil Company (Marathon), a producer of natural gas, under Northern's blanket certificate issued in Docket No. CP86–435–000 pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request on file with the Commission and open to public inspection.

Specifically, Northern requests authorization to transport on a peak day up to 25,000 MMBtu of natural gas for Marathon from various receipt points on its system for redelivery at various other points on its system as provided for in the interruptible transportation service agreement between the parties effective January 1, 1990.

Northern states that transportation service for Marathon commenced on January 1, 1990, under the 120-day automatic provisions of § 284.223(a) of the Commission's Regualations, as reported with the Commission in Docket No. ST90–1510–000.

Comment date: March 29, 1990, in accordance with Standard Paragraph G at the end of this notice.

33. El Paso Natural Gas Company

[Docket No. CP90–716–000]

February 12, 1990.

Take notice that on February 7, 1990, El Paso Natural Gas Company (El Paso), Post Office Box 1492, El Paso, Texas 79978 filed in Docket No. CP90–716–000 a request pursuant to §§ 157.205 and 284.223 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205) for authorization to transport gas for GasMark, Inc. (Shipper), under its blanket certificate issued in Docket No. CP88–433–000 pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request on file with the Commission and open to public inspection.

El Paso states that it proposes to transport up to 3,296 MMBtu of natural gas for shipper from any point of receipt on El Paso's system to delivery points in Arizona.

El Paso also states that the estimated daily and annual quantities would be 3,296 MMBtu and 1,203 MMBtu, respectively.

El Paso further states that it commenced their service on January 1, 1990, as reported in Docket No. ST90–1546–000.

Comment date: March 29, 1990, in accordance with Standard Paragraph G at the end of this notice.

34. KN Energy, Inc.

[Docket No. CP90–739–000]

February 12, 1990.

Take notice that on February 9, 1990, K N Energy, Inc. (K N), P.O. Box 15265, Lakewood, Colorado, 80215, filed in Docket No. CP90–739–000, a request pursuant to §§ 157.205 and 284.223 of the Commission's Regulations under the Natural Gas Act, to transport natural gas under its blanket certificate issued in Docket No. CP89–1043–000 on behalf of the Kansas Power and Light Company (KP&L), all as more fully set forth in the request on file with the Commission and open to public inspection.

K N proposes to transport a maximum daily quantity of 20,000 Mcf for KP&L with estimated annual and average daily quantities of 7,300,000 Mcf and 20,000 Mcf, respectively.

K N states that transportation service for KP&L commenced December 21, 1989, as reported in Docket No. ST90–1522–000. K N further states that the gas would be transported from existing receipt points along K N's pipeline system to an existing interconnecting point with KP&L in Grant County, Kansas. K N also indicates that no new facilities will be constructed in order to provide the proposed service.

Comment date: March 29, 1990, in accordance with Standard Paragraph G at the end of this notice.

35. William Natural Gas Company

[Docket No. CP90–702–000]

February 9, 1990.

Take notice that on February 5 1990, Williams Natural Gas Company (Williams), P.O. Box 3288, Tulsa, Oklahoma 74101, filed in Docket No. CP90–702–000, a request pursuant to §§ 157.205 and 157.212(a) of the Commission's Regulations under the Natural Gas Act, for authorization to use facilities originally installed for the delivery of section 311 transportation gas for other purposes under its blanket certificate issued in Docket No. CP82–479–000 pursuant to seciton 7 of the Natural Gas Act, all as more fully set forth in the request on file with the Commission and open to public inspection.

Williams states that it installed a tap, 0.2 miles of 12-inch pipeline, measuring equipment, and appurtenant facilities located in McClain County, Oklahoma for the delivery of Section 311 transportation gas to Enogex, Inc. (Enogex). Williams states that Vesta Energy Company (Vesta) has requested the addition of this delivery point to its existing part 284 transportation agreement. Williams explains that since this facility was constructed for Section 311 use only, the Enogex delivery point cannot be added to Vesta's transportation agreement until Williams receives Commission authorization to use it for other purposes. Therefore, Williams requests authority to use the Enogex delivery point as delivery point for purposes other than Section 311 transportation.

Comment date: March 26, 1990, in accordance with Standard Paragraph G at the end of this notice.

36. Transcontinental Gas Pipe Line Corporation

[Docket No. CP90–687–000]

February 13, 1990.

Take notice that on February 2, 1990, Transcontinental Gas Pipe Line Corporation (Transco), Post Office Box 1396, Houston, Texas 77251, filed in Docket No. CP90–687–000 an application pursuant to section 7(c) of the Natural Gas Act, for a certificate of public convenience and necessity authorizing (1) the construction, installation, and operation of certain facilities including pipeline loop and related compression facilities and certain market area facilities, and (2) firm transportation service of up to 281,500 dekatherms (dt) per day, for 30 Shippers, all as more fully set forth in the Application which is on file with the Commission and open to public inspection.

Transco states that under the instant proposal, Shippers would be responsible for contracting directly with suppliers of natural gas and would arrange for the delivery of these purchase quantities to points of receipt on the system of Texas Gas Transmission Corporation (Texas Gas) at Carthage, Texas and/or Eunice, Louisiana. Shippers would deliver or cause to be delivered a maximum total volume of 250,000 dt of gas per day (plus fuel gas on the Texas Gas, CNG Transmission Corporation (CNG) and Transco systems) to Texas Gas. Such

volumes would be transported by Texas Gas to an existing interconnection between CNG and Texas Gas at Lebanon, Ohio, and CNG would then transport the volumes to its existing interconnection with Transco at Leidy, Pennsylvania. Transco would provide downstream firm transportation service to market area delivery points designated by its customers. Transco states that it has entered into agreements with CNG and Texas Gas to provide the upstream transportation necessary to effectuate deliveries to Transco at Leidy and would offer this firm service to its customers on a "bundled" basis.

In addition to the 250,000 dt per day, Transco would receive up to an additional 31,500 dt per day (plus fuel gas) from CNG at Leidy for the account of Long Lake Cogeneration Corporation (Long Lake) and would provide firm downstream deliveries to Long Lake at Long Beach, New York. Transco's service to Long Lake, it is stated, would provide the final link in the chain to enable Long Lake to receive deliveries of gas contemplated in ANR Pipeline Company's (ANR) and CNG's open season applications in Docket Nos. CP89–637–000 and CP89–638–000, respectively.

Applicant states that in order to effectuate the delivery of up to 281,500 dt per day on a firm basis, certain pipeline looping, compression facilities, and market area facilities would be constructed on the Transco system. Transco states that the proposed facilities are estimated to cost approximately $85,833,000, which would be financed initially through short-term loans and funds on hand, with permanent financing to be arranged as part of Transco's overall long-term financing program.

Transco proposes to charges an initial monthly D–1 demand rate of $1.29 per Mcf, D–2 demand rate of $0.0426 per Mcf, and a commodity charge of $0.0949 per dt for service utilizing facilities on the Transco system only. In addition, Transco proposes to charge, on a monthly basis, the applicable demand charges and commodity charges paid by Transco to Texas Gas and CNG for upstream transportation to Transco. All separate costs for fuel, if any, paid by Transco to Texas Gas and CNG would be included as fuel charges in the commodity rate. Long Lake, it is stated, would be billed separately by each of the subject pipelines since Long Lake has entered into separate transportation agreements with ANR, CNG and Transco. Transco states that in addition to these charges and consistent with Transco's comprehensive settlement proposal which was approved by the Commission on September 29, 1989, Shippers which were not "settling customers" shall pay a Commodity Producer Settlement Payment (PSP) Charge, which charge is set forth on Sheet No. 12–E of Volume No. 1 of Applicant's FERC Gas Tariff.

Comment date: March 6, 1990, in accordance with Standard Paragraph F at the end of this notice.

37. Wyoming Interstate Company, Ltd.

[Docket No. CP90–706–000]

February 13, 1990.

Take notice that on February 6, 1990, Wyoming Interstate Company, Ltd. (WIC) Post Office Box 1087, Colorado Springs, Colorado 80944, filed in Docket No. CP90–706–000 an application pursuant to sections 7(b) and 7(c) of the Natural Gas Act and § 284.221 of the Commission's Regulations for a blanket certificate of public convenience and necessity authorizing the transportation of natural gas on behalf of others pursuant to Order Nos. 436 and 500, and pregranted abandonment of such service, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

WIC states that its application is submitted in conjunction with an offer of settlement filed concurrently in Docket No. RP85–39. WIC states that the acceptance of the blanket certificate is conditioned upon the settlement of its Docket No. RP85–39 section 4(e) rate proceedings being approved by the Commission as proposed.

WIC states that it engaged solely in the business of transporting natural gas in the states of Colorado and Wyoming and does not sell or purchase natural gas. WIC further states that it forms the middle segment of the Trailblazer pipeline system; the western leg of that system is owned by Overthrust Pipeline Company and the eastern most leg is owned by Trailblazer Pipeline Company. WIC states that it, as well as the other members of the Trailblazer pipeline system, is a project-financed pipeline. Under the term of its financing, WIC states that all of the debt interest is to be guaranteed through demand charges paid by existing firm shippers using WIC. WIC states that it has obtained approval from its lenders to impute a level of throughput and design rates on a basis that will place a portion of the debt interest costs at risk. According to WIC, lender approval for this has been conditioned upon the level of the risk being that embodied in the Docket No. RP85–39 settlement and subject to all of the other provisions of that settlement. Accordingly, WIC states that unless the rate of settlement is approved in a form acceptable to WIC (pursuant to the terms of that settlement) WIC will be unable to accept the blanket certificate requested herein. Thus WIC states that the application herein is conditioned upon WIC obtaining approval of the rate settlement prior to the date that it can accept this certificate.

WIC states that it currently provides firm transportation for Colorado Interstates Gas Company, Columbia Gas Transmission Corporation, Natural Gas Pipeline Company of America, and Northern Natural Gas Company, pursuant to service agreements dated August 15, 1983, pursuant to WIC's Rate Schedule T of the FERC Gas Tariff, Original Volume No. 1.

WIC proposes to perform firm and interruptible transportation services in accordance with the general terms and conditions set out in the *pro forma* WIC Gas Tariff, Original Volume No. 2, as proposed herein and attached to the application as Exhibit P. As is more fully described therein, WIC proposes to provide firm transportation under Rate Schedule FT and interruptible transportation under Rate Schedule IT. WIC states that the rate schedules are in conformance with §§ 284.7 through 284.9 and § 284.221, *et seq.*, of the Commission's Regulations. WIC notes that at this time it is fully contracted for firm transportation service by its existing firm shippers identified above and thus does not contemplate the ability to accept new requests for firm service. However, WIC states that interruptible service is available and WIC contemplates accepting requests for new interruptible service.

WIC proposes to charge a reservation charge and a commodity charge for firm service provided in accordance with Rate Schedule FT. It is stated that the maximum reservation charge proposed is $2.7965 per MCF. However, WIC states that Article 4 of the General Terms and Conditions of its proposed FERC Gas Tariff, Original Volume No. 2, provides for the monthly adjustment of the reservation charge to reflect WIC's actual interest expenses. WIC further states that the maximum commodity rates under Rate Schedule FT will be 4.32 cents per Mcf.

WIC states that the maximum interruptible rates under Rate Schedule IT will be the 100 percent load factor rate of 13.51 cents per Mcf, which will also be adjusted monthly for actual interest expenses. It is stated that the minimum commodity rate under both

Rate Schedules FT and IT will be one (1) cent per Mcf. WIC states that the proposed rates reflect an allocation of costs to both the demand and commodity components of WIC's rates, based upon a projected level of open access transportation. According to WIC, the level used for both demand and commodity units is 14,000 Mcf per day.

With respect to the priority of service, WIC states that Rate Schedules T (for existing firm shippers) and FT will have priority over Rate Schedules IT services, and overrun service shall be curtailed prior to any service under either Rate Schedules FT or IT.

As to the priority of service of Rate Schedule IT customers, WIC states that those customers receiving a discount for interruptible service will be curtailed prior to those paying the full rate or at least a higher rate. Additionally, WIC advises that those customers paying identical rates will be interrupted based on a priority of service date. Finally, WIC states that those customers with the same priority of service date will be interrupted on a pro rata basis.

Comment date: March 6, 1990, in accordance with Standard Paragraph F at the end of this notice.

38. Southern Natural Gas Company

[Docket No. CP90–750–000]

February 13, 1990.

Take notice that on February 9, 1990, Southern Natural Gas Company (Southern), Post Office Box 2563, Birmingham, Alabama 35202–2563, filed in Docket No. CP90–750–000, a request pursuant to § 157.205 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205) for authorization to transport natural gas, on an interruptible basis, for Bunge Corporation (Bunge), an end user, under Southern's certificate issued in Docket No. CP88–316–000 pursuant to Section 7 of the Natural Gas Act, all as more fully set forth in the request on file with the Commission and open to public inspection.

Southern states that it would perform the proposed transportation service for Bunge pursuant to the service agreement dated December 12, 1989, under Southern's Rate Schedule IT. It is further stated that the service agreement is for a primary term of one month with successive terms of one month thereafter unless cancelled by either party. Southern indicates that the service agreement provides for a maximum quantity of 2,000 MMBtu of natural gas on a peak day but Bunge anticipates requesting 1,000 MMBtu of natural gas on average day, and accordingly, 365,000 MMBtu of natural gas on an annual basis.

Southern states that it would receive the natural gas at various receipt points in offshore Texas and offshore Louisiana and in the States of Texas, Louisiana, Mississippi and Alabama for delivery to Bunge's plant in Warren County, Mississippi. Southern asserts that no new facilities would be required to implement the proposed service.

Southern indicates that it commenced the transportation of natural gas for Bunge on December 12, 1989, as reported in Docket No. ST90–1281–000, for a 120-day period pursuant to 284.223(a) of the Commission's regulations (18 CFR § 284.223(a)).

Comment date: March 30, 1990, in accordance with Standard Paragraph G at the end of this notice.

39. Columbia Gas Transmission Corporation

[Docket No. CP90–732–000]

February 13, 1990.

Take notice that on February 7, 1990, Columbia Gas Transmission Corporation (Columbia Gas), 1700 MacCorkle Avenue, SE., Charleston, West Virginia 25314, filed in Docket No. CP90–732–000 a request pursuant to §§ 157.205 and 284.223 of the Commission's Regulations under the Natural Gas Act for authorization to provide an interruptible transportation service on behalf of Appalachian Gas Sales (Appalachian) under its blanket certificate issued in Docket No. CP86–240–000 pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request on file with the Commission and open to public inspection.

Columbia Gas states that the maximum daily, average daily and annual quantities that it would transport on behalf of Appalachian would be 600 MMBtu equivalent of natural gas, 480 MMBtu equivalent of natural gas and 219,000 MMBtu equivalent of natural gas, respectively.

Columbia Gas indicates that in Docket No. ST90–839–000 filed with the Commission, it reported that transportation service on behalf of Appalachian commenced on November 1, 1989 under the 120-day automatic authorization provisions of § 284.223(a).

Comment date: March 30, 1990, in accordance with Standard Paragraph G at the end of this notice.

40. Trunkline Gas Company

[Docket No. CP90–721–000]

February 13, 1990.

Take notice that on February 7, 1990, Trunkline Gas Company (Trunkline), P.O. Box 1642, Houston, Texas 77251–1642, filed in Docket No. CP90–721–000 a request pursuant to §§ 157.205(b) and 284.223 of the Commission's Regulations under the Natural Gas Act for authorization to transport natural gas on an interruptible basis for Tarpon Gas Marketing Ltd. (Tarpon), a shipper and marketer of natural gas, under its blanket certificate issued in Docket No. CP86–586–000 pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request on file with the Commission and open to public inspection.

Trunkline states that the maximum daily, average daily and annual quantities that it would transport for Tarpon would be 90,000 dt equivalent of natural gas, 90,000 dt equivalent of natural gas and 32,850,000 dt equivalent of natural gas, respectively.

Trunkline states that it would transport natural gas for Tarpon from existing points of receipt in Illinois, Louisiana, Tennessee, Texas, offshore Texas and offshore Louisiana to delivery points in Douglas County, Illinois.

Trunkline indicates that in a filing made with the Commission in Docket ST90–1536, it reported that transportation service for Tarpon commenced on December 9, 1989 under the 120-day automatic authorization provisions of § 284.223(a).

Comment date: March 30, 1990, in accordance with Standard Paragraph G at the end of this notice.

41. Panhandle Eastern Pipe Line Company

[Docket No. CP90–701–000]

February 13, 1990.

Take notice that on February 5, 1990, Panhandle Eastern Pipe Line Company (Panhandle), 5400 Westheimer Ct., Houston, Texas, 77056–5310 filed in Docket No CP90–701–000, an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon an exchange service between Panhandle and Rhone-Polenc, formerly Stauffer Chemical Company of Wyoming, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Panhandle states that it was granted certificate authorization to implement a Gas Exchange Agreement dated June 29, 1979, as amended November 6, 1979 in Docket No. CP80–231. Panhandle states further that the exchange agreement between it and Rhone-Polenc was terminated as of July 31, 1989 by mutual agreement of the parties. Panhandle is therefore seeking permission and

approval to abandon the exchange service.

Comment date: March 6, 1990, in accordance with Standard Paragraph F at the end of this notice.

42. ANR Pipeline Company

[Docket No. CP89–637–001]

February 13, 1990.

Take notice that on February 2, 1990, ANR Pipeline Company (ANR), 500 Renaissance Center, Detroit, Michigan 48243, filed in Docket No. CP89–637–001 an amendment to its pending application in said docket for a certificate of public convenience and necessity pursuant to section 7(c) of the Natural Gas Act for authorization to construct and operate facilities necessary to perform new transportation services, all as more fully set forth in the amendment which is on file with the Commission and open to public inspection.

ANR filed a "Motion to Phase" on September 14, 1989, in Docket No. CP89–637–000 which requested phased review of about $80.1 million of facilities on ANR's South mainline transmission leg. Those facilities along with facilities proposed by Columbia Gas Transmission Corporation in Docket No. CP89–635–001 and by Algonquin Gas Transmission Company in Docket No. CP89–661–000 are necessary to transport gas to two shippers, New England Power Company and Eagle Point Cogeneration Project.

The instant amendment does not affect the initial phase described above. This amendment requests certification of the remaining facilities proposed in the original application, as adjusted to reflect different supply sources. The remaining facilities consist of: (1) The Lebanon extension, (2) new pipeline and measurement facilities in Wisconsin and (3) compression in Illinois. Specifically, the Lebanon, extension now consists of about 98.5 miles of 30″ pipeline and metering facilities that extends from ANR's existing mainline near Muncie, Indiana to Germantown, Ohio. The Wisconsin facilities include 18.2 miles of new 8″ pipeline and 3.5 miles of 30″ pipeline loop along with metering facilities. In addition, ANR proposes to construct a new 2200 HP compressor station in Illinois. The facilities in Illinois and Wisconsin reflect a decrease in the transportation level of Canadian gas volumes from 72,500 Dt per day to 14,200 Dt per day. The estimated cost for the facilities proposed in this amendment is approximately $79.1 million.

These facilities are necessary, according to ANR, to transport 142,711 Dt per day for delivery to CNG Transmission Corporation (CNG) for ultimate delivery to the shippers by CNG and Transcontinental Gas Pipe Line Corporation (Transco). CNG intends, in Docket Nos. CP89–638–000 and CP89–638–001, to transport 138,000 Dt per day (4,700 Dt per day is delivered as fuel gas) for the ANR shippers, delivering 106,425 Dt per day directly to those shippers. The remainder, 31,575 Dt per day, would be redelivered to Transco for ultimate redelivery, as proposed in Docket No. CP–687–000, to another ANR shipper. ANR intends to commence transportation of 65,341 Dt per day (including fuel) in 1991 and to transport the entire 142,711 Dt per day (including fuel) in 1992. ANR identifies seven shippers requiring 111,739 Dt per day (including fuel) in transportation service. The remaining 30,972 Dt per day (including fuel) is ascribed to ANR itself. ANR explains this by stating that ANR and CNG are in the final stage of negotiations with shippers for transportation service, in excess of the volumes assigned to ANR and that the Precedent Agreements, when executed, will be forwarded to the Commission.

Comment date: March 6, 1990, in accordance with the first subparagraph of Standard Paragraph F at the end of this notice.

43. CNG Transmission Corporation

[Docket No. CP89–638–001]

February 13, 1990.

Take notice that on February 2, 1990, CNG Transmission Corporation (CNG) amended its application for a certificate of public convenience and necessity filed on January 17, 1989 in Docket No. 89–638–000, and requested that by this amendment it be authorized to construct and operate certain facilities: (1) To render long-term, firm transportation service between Lebanon, Ohio, and Leidy, Pennsylvania, of up to 251,762 dekatherms (dt) per day for Transcontinental Gas Pipe Line Corporation (Transco), (2) to render long-term, firm transportation service between Lebanon, Ohio, and both Leidy, Pennsylvania, and the Syracuse, New York, market area of up to 100,000 dt per day for the designated ANR Pipeline Company (ANR) Shippers, and (3) to render a compression service at Lebanon, Ohio, to enable ANR Shippers to deliver their gas into CNG's system at Lebanon, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

All of the proposed services, it is stated, are a part of the ANR Project pursuant to the Principles of Settlement which were approved by the Commission on January 12, 1989 in Northeast U.S. Pipeline Projects, Docket No. CP87–451–016, 46 FERC ¶ 61,012.

CNG states that this amended application reflects an additional 351,762 dt per day of firm transportation on behalf of ANR Shippers and Transco, and implements a settlement agreement among CNG, ANR and Transco with respect to the firm transportation of gas by CNG downstream of Lebanon, Ohio, as part of the ANR Project to deliver domestic gas supplies to the Northeast United States.

In order to render the additional transportation service proposed in this application, CNG requests authorization to construct and operate 99.5 miles of 24-inch and 6.0 miles of 30-inch pipeline, a metering and regulating facility, and 92,360 horsepower of compression at six new and three existing compressor stations. CNG states that this amendment provides for services and facilities in addition to those associated with the 38,000 dt per day, requested by CNG on January 17, 1989 in Docket No. CP89–638–000.

The application states that the total cost for construction of the proposed facilities is estimated to be $198,002,800, inclusive of the filing fee. CNG states that the facilities would be financed from funds on hand, or would be obtained from CNG's parent company, Consolidated Natural Gas Company.

The initial rate for these proposed services which CNG proposes to charge Transco and ANR Shippers would be based on the incremental cost of installing and operating the facilities required to render transportation services from Lebanon, Ohio, to Leidy, Pennsylvania. This rate design would be of Modified Fixed Variable (MFV) consisting of D–1 Demand Component, D–2 Demand Component, and a Commodity Component. CNG estimates that the rate from November 1, 1991 (Phase I) service from Lebanon to Leidy would be a unit rate of approximately 31.5 cents per dt at a 100 percent load factor, plus 4.5 percent fuel retention. Beginning November 1, 1991 (Phase II) the Lebanon to Leidy service would have a unit rate of approximately 30 cents per dt at a 100 percent load factor, plus 4.5 percent fuel retention. Additional unit rates for continued transportation service from Leidy into the Syracuse markets would be approximately 22 cents per dt for Phase I and 11.5 cents per dt for Phase II.

For the ANR Compressor Service, ANR would reimburse CNG for the cost of the required compression facilities. In addition, CNG would retain 0.85 percent of the quantities delivered to CNG to

recover fuel use and operation and maintenance expenses.

Comment date: March 6, 1990, in accordance with the first subparagraph of Standard Paragraph F at the end of this notice.

44. Texas Gas Transmission Corporation

[Docket No. CP90–688–000]

February 13, 1990.

Take notice that on February 2, 1990, Texas Gas Transmission Corporation (Applicant), P.O. Box 1160, Owensboro, Kentucky 42302, filed in Docket No. CP90–688–000 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity to construct facilities to implement a firm transportation service on behalf of Transcontinental Gas Pipe Line Corporation (Transco), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant asserts that Applicant, ANR Pipeline Company (ANR), CNG Transmission Corporation (CNG) and Transco executed a settlement agreement on November 27, 1989, which would amend ANR's pending Docket No. CP89–637–000 (ANR Project) in which ANR requested authority *inter alia*, to transport 170,500 dekatherms per day to CNG and Texas Eastern Transmission Corporation. Applicant asserts that the ANR Project was filed pursuant to the Commission's order in Northeast U.S. Pipeline Project, (46 FERC ¶ 61,012) wherein the Commission ruled that the ANR Project was a discrete project and therefore severed from the Northeast Open Season proceeding.

As a result of the November 27, 1989, settlement amending the pending ANR Project, Applicant requests authorization in Docket No. CP90–688–000 [1] to transport on a firm basis 263,625 MMBtu per day of natural gas on behalf of Transco from points of receipt on its system in Texas, Louisiana, and Arkansas, for delivery to CNG at an existing interconnection at Lebanon, Ohio. Applicant further asserts that such natural gas will be received by CNG for further transportation and delivery to Transco at an existing interconnection between Transco and CNG in Pennsylvania known as Liedy. Applicant explains that Transco would then deliver such gas to various downstream markets locate in the Northeastern United States. As consideration for providing firm transportation service to Transco, Applicant proposes to assess rates which would be determined in accordance with section 4 of Applicant's Rate Schedule FT contained in Applicant's FERC Gas Tariff, Original Volume No. 2–A. Applicant proposes that the term of firm transportation service on behalf of Transco would be fifteen years and year to year thereafter.

In order to provide the proposed firm transportation service for Transco, Applicant requests authorization to construct and operate transmission facilities which would consist of:

(1) 24.49 miles of 36-inch pipeline looping beginning at Applicant's Hardinsburg Compressor Station and extending through Breckinridge, Hancock, Ohio and Daviess Counties, Kentucky;

(2) 13.07 miles of 36-inch pipeline looping beginning at Applicant's existing 36-inch No. 1 Line and extending southward into Jefferson County, Kentucky;

(3) 25.66 miles of 36-inch pipeline looping beginning at Applicant's existing 36-inch No. 1 Line and extending northward through Jefferson, Oldham and Trimble Counties, Kentucky;

(4) 9.47 miles of 36-inch pipeline looping beginning at Applicant's Dillsboro Compressor Station and extending northward, all in Dearborn County, Indiana;

(5) 15.75 miles of 36-inch pipeline looping at the south end of Applicant's existing 36-inch No. 1 Line (located in Ohio) and extending southward through Warren and Butler Counties, Ohio; and

(6) The addition of a 12-inch orifice meter run at the existing CNG Transmission Corporation natural gas sales meter station at Lebanon, Ohio.

Applicant estimates that the cost of the proposed facilities is estimated to be $111,743,720.

Comment date: March 6, 1990, in accordance with Standard Paragraph F at the end of this notice.

45. Columbia Gas Transmission Corporation

[Docket No. CP90–730–000]

February 13, 1990.

Take notice that on February 7, 1990, Columbia Gas Transmission Corporation (Columbia), 1700 MacCorkle Avenue, SE., Charleston, West Virginia 25314, filed in Docket No. CP90–730–000 an application pursuant to § 157.205 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205) for authorization to transport natural gas on behalf of NGC Transportation, Inc. (NGC), under Columbia's blanket certificate issued in Docket No. CP86–240–000 pursuant to Section 7 of the Natural Gas Act, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

Columbia proposes to transport, on an interruptible basis, up to 15,000 MMBtu of natural gas per day for NGC. Columbia states that construction of facilities would not be required to provide the proposed service.

Columbia further states that the maximum day, average day, and annual transportation volumes would be approximately 15,000 MMBtu, and 5,475,000 MMBtu respectively.

Columbia advises that service under § 284.223(a) commenced December 1, 1989, as reported in Docket No. ST90–1049.

Comment date: March 30, 1990, in accordance with Standard Paragraph G at the end of this notice.

46. Columbia Gas Transmission Corporation

[Docket No. CP90–736–000]

February 13, 1990.

Take notice that on February 8, 1990, Columbia Gas Transmission Corporation (Columbia), 1700 MacCorkle Avenue, SE., Charleston, West Virginia 25314, filed in Docket No. CP90–736–000 a request pursuant to § 157.205 of the Commission's Regulations (18 CFR 157.205) to transport natural gas on behalf of Keystone Resources, Inc. (Keystone), under Columbia's blanket certificate issued in Docket No. CP86–240–000 all as more fully set forth in the request which is on file with the Commission and open to public inspection.

Columbia proposes to transport, on an interruptible basis, up to 10,000 MMBtu equivalent of natural gas on a peak day, 8,000 MMBtu equivalent on an average day and 3,650,000 MMBtu equivalent on an annual basis for Keystone. It is stated that Columbia would perform the transportation service under its Rate Schedule ITS. It is asserted that the transportation service would be effected using existing facilities and that no construction of additional facilities would be required. It is explained that the service commenced November 1, 1989, under the self-implementing authorization of § 284.223 of the Commission's Regulations, as reported in Docket No. ST90–944.

Comment date: March 30, 1990, in accordance with Standard Paragraph G at the end of this notice.

[1] Companion applications were filed by ANR in Docket No. CP89–637–001, CNG in Docket No. CP89–638–001, and Transco in Docket No. CP90–687–000.

47. Texas Gas Transmission Corporation

[Docket No. CP90–747–000]

February 13, 1990.

Take notice that on February 9, 1990, Texas Gas Transmission Corporation (Texas Gas), 3800 Frederica Street, Owensboro, Kentucky 42301, filed in Docket No. CP90–747–000 an application pursuant to § 157.205 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205) for authorization to transport natural gas on behalf of Equitable Resources Marketing Company (Equitable), under Texas Gas' blanket certificate issued in Docket No. CP88–686–000 pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

Texas Gas proposes to transport, on an interruptible basis, up to 100,000 MMBtu per day for Equitable. Texas Gas states that construction of facilities would not be required to provide the proposed service.

Texas Gas further states that the maximum day, average day, and annual transportation volumes would be approximately 100,000 MMBtu, and 50,000 MMBtu and 18,250,000 MMBtu respectively.

Texas Gas advises that service under § 284.223(a) commenced December 14, 1989, as reported in Docket No. ST90–1121.

Comment date: March 30, 1990, in accordance with Standard Paragraph G at the end of this notice.

48. Columbia Gas Transmission Corporation

[Docket No. CP90–678–000]

February 13, 1990.

Take notice that on February 1, 1990, Columbia Gas Transmission Corporation (Applicant), 1700 MacCorkle Avenue SE., Charleston, West Virginia 25325, filed an application in Docket No. CP90–678–000, as supplemented on February 6, 1990, for a certificate of public convenience and necessity pursuant to section 7(c) of the Natural Gas Act authorizing the initiation of firm sales service in three yearly phases beginning November 1, 1990, to Piedmont Natural Gas Company, Inc. (Piedmont) under Applicant's rate Schedules CDS and WS and to construct and operate the facilities necessary therefor, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to provide effective as of November 1, 1990, November 1, 1991, and November 1, 1992, contract demand sales volumes of 13,000, 19,666, and 23,000 dt equivalent of natural gas per day, respectively, and annual entitlement nominations of 4,155,576, 6,406,254 and 7,906,377 dt equivalent of natural gas, respectively, under Rate Schedule CDS. Applicant, also proposes to provide effective as of the same dates maximum daily quantities of 17,000, 30,334, and 37,000 dt equivalent of natural gas, respectively, and also annual winter contract quantities of 1,020,000, 1,820,040, and 2,220,000 dt equivalent of natural gas, respectively, under Rate Schedule WS.

Applicant proposes to construct and operate three 1,350 horsepower compressor units at the proposed Marietta Compressor Station located in Lancaster County, Pennsylvania to implement the service proposed to commence on November 1, 1990. Applicant, also, proposes to construct and operate two 5,250 horsepower compressor units at the proposed Shenandoah Compressor Station located in Page County, Virginia; one 400 horsepower compressor unit at the Boswell Compressor Station located in Louisa County, Virginia; approximately 2.3 miles of 36-inch pipeline loop located in Clay County, West Virginia; and one 1,350 horsepower compressor unit at the existing Artemas Compressor Station located in Bedford County, Pennsylvania to implement the service proposed to commence on November 1, 1991. In addition, Applicant proposes to construct and operate 1.2 miles of 36-inch pipeline loop located in Randolph County, West Virginia to implement the service proposed to commence on November 1, 1992.

It is noted that the sales volumes would be delivered to Transcontinental Gas Pipe Line Corporation (Transco) for the account of Piedmont at an existing interconnection between Commonwealth Gas Pipeline Corporation (Commonwealth) and Transco located at Boswell's Tavern, Virginia. Applicant states that if the proposed merger of Commonwealth into Applicant, approval of which is presently pending before the Commission in Docket No. CP90–644–000, has not been consummated prior to the initial deliveries to Piedmont, Commonwealth would transport such quantities for Applicant from the interconnection of Applicant's facilities and Commonwealth's facilities at Bickers, Virginia to Boswell's Tavern, Virginia, for delivery to Transco. It is indicated that to facilitate such deliveries to Piedmont in the fall of 1990, Commonwealth would construct the facilities on its system described as follows:

(1) Install one 400 horsepower compressor unit at a new Boswell Compressor Station located in Louisa County, Virginia;
(2) Construct 11.6 miles of 24-inch pipeline loop located in Albemarle County, Virginia;
(3) Construct a new measuring and regulating station at the interconnection with Transco located in Louisa County, Virginia.

Applicant estimates the cost of the facilities it would construct at $24,113,000, which would be financed from internally generated funds. Applicant also states that it would make a contribution-in-aid to Commonwealth for the actual cost, estimated to be approximately $11,184,000, to construct the facilities to be constructed by Commonwealth.

Comment date: March 6, 1990, in accordance with Standard Paragraph F at the end of this notice.

49. Trunkline Gas Company

[Docket No. CP90–723–000]

February 13, 1990.

Take notice that on February 7, 1990, Trunkline Gas Company (Trunkline), P.O. Box 1642, Houston, Texas 77251–1642, filed in Docket No. CP90–723–000 a request pursuant to §§ 157.205(b) and 284.223 of the Commission's Regulations under the Natural Gas Act for authorization to transport natural gas on an interruptible basis for TXG Gas Marketing Company (TXG), a shipper and marketer of natural gas, under its blanket certificate issued in Docket No. CP86–586–000 pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request on file with the Commission and open to public inspection.

Trunkline states that the maximum daily, average daily and annual quantities that it would transport for TXG would be 100,000 dt equivalent of natural gas, 20,000 dt equivalent of natural gas and 7,300,000 dt equivalent of natural gas, respectively.

Trunkline states that it would transport natural gas for TXG from existing points of receipt in Illinois, Louisiana, Tennessee, Texas, offshore Texas and offshore Louisiana to delivery points in Dyer County, Tennessee.

Trunkline indicates that in a filing made with the Commission in Docket ST90–1065, it reported that transportation service for TXG commenced on December 1, 1989 under the 120-day automatic authorization provisions of § 284.223(a).

Comment date: March 30, 1990, in accordance with Standard Paragraph G at the end of this notice.

50. Natural Gas Pipeline Company of America

[Docket No. CP90–705–000]

February 13, 1990.

Take notice that on February 6, 1990, Natural Gas Pipeline Company of America (Natural), 701 East 22nd Street, Lombard, Illinois 60148, filed in Docket No. CP90–705–000 a request pursuant to § 157.205 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205) for authorization to provide an interruptible natural gas transportation service for Texaco Gas Marketing Company (Texaco), a marketer of natural gas, under Natural's blanket certificate issued in Docket No. CP86–582–000, pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request on file with the Commission and open to public inspection.

Pursuant to a transportation agreement dated November 22, 1989, Natural requests authority to transport up to 30,000 MMBtu of natural gas per day (plus any additional volumes accepted pursuant to the overrun provisions of its Rate Schedule ITS) for Texaco. Natural states that the agreement provides for it to receive the gas at three hundred fifty-nine (359) existing points of receipt located in Texas, Illinois, Louisiana, Oklahoma, Arkansas, and New Mexico and to redeliver the gas to thirty (30) existing points of delivery located Oklahoma, Missouri, Texas, Illinois, offshore Texas, and offshore Louisiana. Texaco has informed Natural that it expects to have only 50,000 MMBtu of gas transported on an average day and, based thereon, Natural estimates that 18,250,000 MMBtu of gas would be transported annually. Natural advises that the transportation service commenced on December 4, 1989, as reported in Docket No. ST90–1798–000, pursuant to § 284.223 of the Commission's Regulations.

Comment date: March 30, 1990, in accordance with Standard Paragraph G at the end of this notice.

51. Natural Gas Pipeline Company of America

[Docket No. CP90–724–000]

February 13, 1990.

Take notice that on February 7, 1990, Natural Gas Pipeline Company of America (Natural), 701 East 22nd Street, Lombard, Illinois 60148, filed in Docket No. CP90–724–000 a request pursuant to §§ 157.205 and 284.223 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205) and the Natural Gas Policy Act (18 CFR 284.223) for authorization to transport natural gas for Mega Natural Gas Company (Mega), a natural gas gathering company, under Natural's blanket certificate issued in Docket No. CP86–582–000 pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

Natural proposes to transport on an interruptible basis up to 50,000 MMBtu of natural gas equivalent per day, plus any additional volumes accepted pursuant to the overrun provision of Natural's Rate Schedule ITS, on behalf of Mega pursuant to a gas transportation agreement dated August 18, 1989, as amended on November 9, 1989, between Natural and Mega. Natural would receive the gas at various existing points of receipt on its system in Texas and Oklahoma and redeliver equivalent volumes, less fuel and lost and unaccounted for volumes, at various existing delivery points in Texas and Oklahoma.

Natural further states that the estimated average daily and annual quantities would be 10,000 MMBtu and 3,650,000 MMBtu, respectively. Service under § 284.223(a) commenced on December 4, 1989, as reported in Docket No. ST90–1311–000, it is stated.

Comment date: March 30, 1990, in accordance with Standard Paragraph G at the end of this notice.

52. Columbia Gas Transmission Corporation

[Docket No. CP90–731–000]

February 13, 1990.

Take notice that on February 7, 1990, Columbia Gas Transmission Corporation (Columbia), 1700 MacCorkle Avenue, SE., Charleston, West Virginia 25314, filed in Docket No. CP90–731–000 a request pursuant to §§ 157.205 and 284.223 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205) for authorization to transport natural gas on behalf of Catamount Natural Gas, Inc., (Shipper) under the blanket certificate in Docket No. CP86–240–000 pursuant to Section 7 of the Natural Gas Act, all as more fully set forth in the request on file with the Commission.

Columbia states that it proposes to transport up to 100,000 MMBtu of natural gas for Shipper on peak day, 80,000 MMBtu on an average day and 36,500,000 MMBtu annually, under ITS Rate Schedule. This service was reported to the Commission in Docket No. ST90–1167–000. Columbia further states that construction of facilities will be required to provide the proposed service.

Comment date: March 30, 1990, in accordance with Standard Paragraph G at the end of this notice.

53. Texas Gas Transmission Corporation

[Docket No. CP90–745–000]

February 13, 1990.

Take notice that on February 9, 1990, Texas Gas Transmission Corporation (Texas Gas), 3800 Frederica Street, Owensboro, Kentucky 42301, filed in Docket No. CP90–745–000 a request pursuant to § 157.205 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205) for authorization to provide an interruptible transportation service for Catamount Natural Gas, Inc. (Catamount), under the blanket certificate issued in Docket No.CP88–686–000, pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request that is on file with the Commission and open to public inspection.

Texas Gas states that pursuant to a transportation agreement dated December 6, 1989, under its Rate Schedule IT, it proposes to transport up to 100,000 MMBtu per day equivalent of natural gas for Catamount. Texas Gas states that it would transport the gas from multiple receipt points as shown in Exhibit "B" of the transportation agreement and would deliver the gas to delivery points in Louisiana. It is stated that the recipients of the gas are Bay State Gas Co., Amstar, and Columbia Distribution.

Texas Gas advises that service under § 284.223(a) commenced December 21, 1989, as reported in Docket No. ST90–1432. Texas Gas further advises that it would transport 25,000 MMBtu on an average day and 300,000 to 1,000,000 MMBtu annually.

Comment date: March 30, 1990, in accordance with Standard Paragraph G at the end of this notice.

54. Transwestern Pipeline Company

[Docket No. CP90–741–000]

February 13, 1990.

Take notice that on February 9, 1990, Transwestern Pipeline Company (Transwestern), 1400 Smith Street, Post Office Box 1188, Houston, Texas 77251–1188, filed in Docket No. CP90–741–000 a request pursuant to § 157.205 and 284.223 of the Commission's Regulations for authorization to transport natural gas on behalf of Adobe Gas Marketing Company (Adobe), a marketer of natural gas, under Transwestern's blanket certificate issued in Docket No.CP88–

133–000 pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

Transwestern proposes to transport on an interruptible basis up to 125,000 MMBtu of natural gas on a peak day, 93,750 MMBtu on an average day and 45,625,000 MMBtu on an annual basis for Adobe. Transwestern states that it would perform the transportaton service for Adobe under Transwestern's Rate Schedule ITS–1.

It is explained that the service commenced December 1, 1989, under the automatic authorization provisions of Section 284.223 of the Commission's Regulations, as reported in Docket No. ST90–1229. Transwestern indicates that no new facilities would be necessary to provide the subject service.

Comment date: March 30, 1990, in accordance with Standard Paragraph G at the end of this notice.

55. Columbia Gas Transmission Corporation

[Docket No. CP90–735–000]

February 13, 1990.

Take notice that on February 8, 1990, Columbia Gas Transmission Corporation (Columbia Gas), 1700 MacCorkle Avenue, SE., Charleston, West Virginia 25314, filed in Docket No. CP90–735–000 a request pursuant to §§ 157.205 and 284.223 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205) and the Natural Gas Policy Act (18 CFR 284.223) for authorization to transport gas on behalf of Eagle Gas Service, Inc. (Eagle), a marketer of natural gas, under Columbia Gas' blanket certificate issued in Docket No. CP86–240–000 pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request on file with the Commission and open to public inspection.

Columbia Gas proposes to transport on an interruptible basis up to 2,040 MMBtu of natural gas equivalent per day on behalf of Eagle pursuant to a transportation agreement dated November 1, 1989, between Columbia Gas and Eagle. Columbia Gas would receive the gas at various existing Appalachian meters on its pipeline system and redeliver equivalent volumes, less fuel used and unaccounted for line loss, at various existing delivery points on its transmission system.

Columbia Gas further states that the estimated average daily and annual quantities would be 1,632 MMBtu and 744,600 MMBtu respectively. Service under § 284.223(a) commenced on November 1, 1989, as reported in Docket No. ST90–945–000, it is stated.

Comment date: March 30, 1990, in accordance with Standard Paragraph G at the end of this notice.

56. Citrus Industrial Sales Company, Inc.

[Docket No. CI89–483–000]

February 13, 1990.

Take notice that on July 21, 1989, as supplemented on February 12, 1990, Citrus Industrial Sales Company, Inc. (Citrus) of P.O. Box 1188, Houston, Texas 77251–1188, filed an application pursuant to section 7 of the Natural Gas Act and the Federal Energy Regulatory Commission's (Commission) regulations thereunder for an unlimited term blanket certificate with pregranted abandonment to authorize sales of natural gas for resale in interstate commerce including imported gas, liquified natural gas and gas purchased from suppliers other than producers (e.g. pipeline system supply gas), all as more fully set forth in the application which is on file with the Commission and open for public inspection.

Comment date: March 5, 1990, in accordance with Standard Paragraph J at the end of this notice.

57. Columbia Gas Transmission Corporation

[Docket No. CP90–733–000]

February 13, 1990.

Take notice that on February 8, 1990, Columbia Gas Transmission Corporation (Columbia), 1700 MacCorkle Avenue, SE., Charleston, West Virginia 25314, filed in Docket No. CP90–733–000 a request pursuant to § 157.205 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205) for authorization to transport natural gas on behalf of Envirogas, Inc. (Envirogas) under Columbia's blanket certificate issued in Docket No. CP86–240–000 pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

Columbia states that it proposes to transport up to 10,000 MMBtu equivalent of natural gas per day, on an interruptible basis, for Envirogas. Columbia further states that projected average day and annual quantities are 8,000 and 3,650,000 MMBtu, respectively. Columbia indicates that it would receive the natural gas from Envirogas at various Appalachian meters on Columbia's pipeline system. Columbia further indicates that it would redeliver the natural gas at existing interconnections with Columbia's transmission system.

Columbia states that service under § 284.233(a) of the Commissions's Regulations (18 CFR 284.223(a)) commenced on November 1, 1989, as reported in Docket No. ST90–1092–000.

Comment date: March 30, 1990, in accordance with Standard Paragraph G at the end of this notice.

58. Texas Gas Transmission Corporation

[Docket No. CP90–743–000]

February 13, 1990.

Take notice that on February 9, 1990, Texas Gas Transmission Corporation (Texas Gas), 3800 Frederica Street, Owensboro, Kentucky 42301, filed in Docket No. CP90–743–000 a request pursuant to § 157.205 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205) for authorization to provide an interruptible transportation service for Transco Energy Marketing Company (TEMCO), under the blanket certificate issued in Docket No. CP88–686–000, pursuant to Section 7 of the Natural Gas Act, all as more fully set forth in the request that is on file with the Commission and open to public inspection.

Texas Gas states that pursuant to a transportation agreement dated May 8, 1989, under its Rate Schedule IT, it proposes to transport up to 45,000 MMBtu per day equivalent of natural gas for TEMCO. Texas Gas states that it would transport the gas from receipt points located in High Island Area Blocks A–462, A–447/A462/A–477, and A–487/A–462/A–487, offshore Texas, and would deliver the gas to a delivery point in Block 489, High Island Area. It is stated that the recipient of the gas is Mississippi Valley Gas Company.

Texas Gas advises that service under § 284.223(a) commenced December 14, 1989, as reported in Docket No. ST90–1119. Texas Gas further advises that it would transport 25,000 MMBtu on an average day and 9,125,000 MMBtu annually.

Comment date: March 30, 1990, in accordance with Standard Paragraph G at the end of this notice.

59. Northern Natural Gas Company, Division of Enron Corp.

[Docket No. CP90–694–000

February 13, 1990.

Take notice that on February 5, 1990, Northern Natural Gas Company, Division of Enron Corp. (Northern) 1400 Smith Street, Houston, Texas 77002, filed in Docket No. CP90–694–000 a request pursuant to §§ 157.205 and 157.212 of the Commission's Regulations under the Natural Gas Act, to construct and operate under its blanket certificate

issued in Docket No. CP82–401–000, two (2) new delivery points and appurtenant facilities to accommodate natural gas deliveries to Interstate Power Company (Interstate Power), all as more fully set forth in the request on file with the Commission and open to public inspection.

Specifically, Northern would install and operate two town border stations as delivery points to accommodate jurisdictional gas deliveries to Clarks Grove and Geneva, Minnesota communities to be served by Interstate Power. Northern has stated that delivery of such volumes to the new delivery points will have no impact on Northern's peak day and annual deliveries and that the required volumes for the two communities will be served from the total firm entitlements currently designated by Interstate Power for delivery to the community of Albert Lea, MN. There would not be any firm entitlements assigned to the two communities of Clarks Grove and Geneva, it is stated.

Comment date: March 30, 1990, in accordance with Standard Paragraph G at the end of this notice.

Standard Paragraphs

F. Any person desiring to be heard or make any protest with reference to said filing should on or before the comment date file with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this filing if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for the applicant to appear or be represented at the hearing.

G. Any person or the Commission's staff may, within 45 days after the issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefore, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to section 7 of the Natural Gas Act.

J. Any person desiring to be heard or make any protest with reference to said filings should on or before the comment date file with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party in any proceeding herein must file a petition to intervene in accordance with the Commission's Rules.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for the applicant to appear or be represented at the hearing.

Lois D. Cashell,

Secretary.

[FR Doc. 90–4102 Filed 2–22–90; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. CS87–39–000, et al.]

Texas Independent Exploration, Inc. (AGCO Petroleum Co.); et al.; Applications for Small Producer Certificates [1]

February 15, 1990.

Take notice that each of the Applicants listed herein has filed an application pursuant to section 7(c) of the Natural Gas Act and § 157.40 of the Commission's regulations thereunder for a small producer certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce, all as more fully set forth in the applications which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before March 5, 1990, file with the Federal Energy Regulatory Commission, Washington, DC 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or to be represented at the hearing.

Lois D. Cashell,

Secretary.

Docket No.	Date Filed	Applicant
CS89–39–000	[1] 1–25–90	Texas Independent Exploration, Inc. (AGCO PETROLEUM COMPANY), 1300 Main, Suite 1435, Houston TX 77002.
CS90–7–000	[2] 12–12–89	Jeanne Fields Shelby Agency, 5535 Yale Blvd., Suite 200–A, Dallas, TX 75206.
CS90–14–000	12–11–89	DKM Resources, Inc., DKM Offshore, Inc., 1100 Louisiana, Suite 4550, Houston, TX 77001.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

Docket No.	Date Filed	Applicant
CS90-15-000	1-11-90	Smith Energy Limited Partnership—1988, 711 Commerce Building, Grand Rapids, MI 49503.
CS90-16-000	1-12-90	Concise Oil and Gas Partnership, P.O. Box 31750, Denver, CO 80237.
CS90-17-000	1-18-90	CQ Joint Venture, 1900 Midcontinent Tower, Tulsa, OK 74103.
CS90-18-000	1-18-90	Centennial Natural Gas Corporation, 1900 Midcontinent Tower, Tulsa, OK 74103.
CS90-19-000	[3] 1-31-90	Mike Mullen; Energy Equipment Resource, Inc., 3100 Monticello, Suite 605, Dallax, TX 75205.
CS90-20-000	1-23-90	Ford Energy Corporation, P.O. Box 906, Chickasha, OK 73023.

[1] By letter dated January 8, 1990, Applicant states that AGCO Petroleum Company changed its name to Texas Independent Exploration, Inc., and has been doing business under that name since January 1988.
[2] The application was received on November 9, 1989. The filing date is the date of receipt of the filing fee.
[3] The application was received on January 17, 1990. The filing date is the date of receipt of the filing fee.

[FR Doc. 90-4103 Filed 2-22-90; 8:45 am]
BILLING CODE 6717-01-M

ENVIRONMENTAL PROTECTION AGENCY

[ER-FRL-3727-6]

Environmental Impact Statement; Availability

Responsible Agency: Office of Federal Activities, General Information (202) 382-5076 or (202) 382-5073.

Availability of Environmental Impact Statements Filed February 12, 1990 Through February 16, 1990 Pursuant to 40 CFR 1506.9.

EIS No. 900049, Final, FHW, WI, US 45 Bypass Construction around the City of New London, Funding and 404 Permit, Outagamie County, WI, Due: March 26, 1990, Contact: Robert W. Cooper (608) 264-5940.

EIS No. 900050, Final, FHA, OK, ADOPTION-Waterfall-Gilford Creek Watershed Protection, Flood Prevention and Drainage, Financial Assistance, McCurtain County, OK, Due: March 26, 1990, Contact: Phil Brown (405) 624-4307. The US Department of Agriculture, Farmers Home Administration has adopted the US Department of Agriculture's Soil Conservation Service's final EIS filed with the Environmental Protection Agency 10-22-87.

EIS No. 90051, Final, FHW, CA, Cloverdale Bypass Construction on US 101 from North of Hiatt Road to Preston Overhead, Funding and Possible 404 Permit, City of Cloverdale, Sonoma County, CA, Due March 26, 1990, Contact: C. Glen Clinton (916) 551-1314.

EIS No. 90052, Final, AFS, MT, Ruby A Federal No. 1-9 Exploratory Oil/Gas Well, Drilling/Road Construction, Application for Permit to Drill, RCRA and 404 Permits, Custer National Forest, Carbon County, MT, Due: March 26, 1990, Contact Barry Burkhardt (406) 657-6361. The Department of Agriculture/Forest Service and the Department of the Interior/Bureau of Land Management are Joint Lead Agencies for this project.

EIS No. 900053, Final, UAF, IL, Chanute Air Force Base Closure and Realignment, Implementation, Village of Rantoul, Champaign County, IL, Due: March 26, 1990, Contact: Lt. Graig Jones (512) 652-3240.

EIS No. 90054, Draft, NAS, PRO, Ulysses Mission Project, Helisphere Exploration Program, Preparation for Launch and Operation, Updated Information, Brevard, Volusia, Seminole, Lake, Orange, and Osceola Counties, FL, Due: April 9, 1990, Contact: Dr. Dudley McConnell (202) 453-1587.

EIS No. 900055, Draft, BOP, FL, Miami Metropolitan Detention Center, Construction and Operation, Dade County, FL, Due: April 9, 1990, Contact: William J. Patrick (202) 272-6871.

EIS No. 900056, Draft, FHW, UT, UT-91 Highway Improvement, Brigham City to Wellsville, Funding and section 404 Permit, Box Elder and Cache Counties, UT., Due: April 23, 1990, Contact: Thomas S. Allen (801) 524-5141.

EIS No. 90057, Final, AFS, UT, Snowbasin Four Season Destination Resort, Development Wasatch-Cache National Forest, Weber and Morgan Counties, UT, Due: March 26, 1990, Contact: Glenn Casamassa (801) 625-5110.

Dated: February 20, 1990.

William D. Dickerson,

Deputy Director, Office of Federal Activities.

[FR Doc. 90-4197 Filed 2-22-90; 8:45 am]
BILLING CODE 6560-50-M

[ER-FRL-3727-7]

Environmental Impact Statements and Regulations; Availability of Comments

Availability of EPA Comments Prepared

February 5, 1990 through February 9, 1990 pursuant to the Environmental Review Process (ERP), under section 309 of the Clean Air Act and section 102(2)(c) of the National Environmental Policy Act as amended. Requests for copies of EPA comments can be directed to the Office of Federal Activities at (202) 382-5076.

An explanation of the ratings assigned to draft environmental impact statements (EISs) was published in dated **Federal Register** dated April 7, 1989 (54 FR 15006).

Draft EISs

ERP No. D-AFS-J65156-MT, Rating EC2, Mill/Emigrant Timber Sale, Implementation, Gallatin National Forest, Livingston Ranger District, Park County, MT.

Summary: EPA believes that the proposed Alternative 9 involves significant resource development with potentially significant environmental impacts. The draft EIS refers to Best Management Practices (BMPs) to mitigate the impacts associated with the action alternatives in the draft EIS. Although the monitoring program outlined in the Forest Plan may be adequate for long-term trend analysis on a forest-wide basis, it lacks the detail and specificity to ensure the effectiveness of BMP application at a site-specific level. To ensure effective mitigation under the action alternatives in the EIS, a project specific monitoring and response plan(s) should be provided. The plan(s) should describe the BMP effectiveness monitoring and the feedback loop, explaining how the monitoring results will be used to assure protection of beneficial uses.

ERP No. D-BPA-L08045-OR, Rating LO, North/South Eugene-Springfield Transmission Line, Comprehensive Plan, Development, Lane County, OR.

Summary: EPA has not identified any potential environmental impacts requiring substantive changes to the proposal. EPA encourages full implementation of needed mitigation measures to reduce or eliminate adverse water quality effects, avoid floodplain development, and minimize wetland effects.

ERP No. D-COE-J36043-WY, Rating LO, Jackson Hole Flood Protection/ Levee Maintenance Plan, Operation and Maintenance (O&M), Snake and Gros Ventre Rivers, Funding, Teton County, WY.

Summary: EPA lacks objections to and has not identified any potential

environmental impact requiring any changes to the proposal.

Final EISs

ERP No. FS–NRC–G09002–TX, Comanche Peak Steam Electric Station, Units 1 and 2, Licensing, Installation of Severe-Accident-Mitigation Design Features, Somervell County, TX.

Summary: EPA has no objections to the proposed action.

Dated: February 20, 1990.

William D. Dickerson,

Deputy Director, Office of Federal Activities.

[FR Doc. 90–4198 Filed 2–22–90; 8:45 am]

BILLING CODE 6560–50–M

[FRL–3726–8]

Proposed Administrative Settlement; Edwards Road Site, Coalburg, WVA

AGENCY: Environmental Protection Agency.

ACTION: Notice; request for public comment.

SUMMARY: In accordance with section 122(i) of the Comprehensive Environmental Response, Compensation and Liability Act, as amended by the Superfund Amendments and Reauthorization Act ("CERCLA") notice is hereby given that a proposed administrative cost recovery settlement concerning the Edwards Road Site in Coalburg, West Virginia was issued by the Agency on December 29, 1989. The settlement resolves an EPA claim under Section 107 of CERCLA against Kesscoal, Inc. and Greater Kanawha Industries, Inc. The settlement requires the settling parties to pay $25,000 to the Hazardous Substances Superfund.

For thirty (30) days following the date of publication of this notice, the Agency will receive written comments relating to the settlement. The Agency's response to any comments received will be available for public inspection at the West Virginia Department of Natural Resources, Division of Waste Management, 1260 Greenbriar St., Charleston, West Virginia 25311, Attention: Pamela Hayes, Chief of Site Investigation, telephone: 304/348–2745 and the U.S. Environmental Protection Agency, Region III, Regional Docket Clerk (3RC00), 841 Chestnut Building, Philadelphia, PA 19107.

DATES: Comments must be submitted on or before March 26, 1990.

ADDRESSES: The proposed settlement and additional background information relating to the settlement is available for public inspection at U.S. EPA Region III, 841 Chestnut Building, Philadelphia, PA 19107. A copy of the proposed setlement may be obtained from Suzanne Canning, U.S. EPA Region III Docket Clerk (3RC00), U.S. EPA, Region III, 841 Chestnut Building, Philadelphia 19107. Comments should reference the Edwards Road Site, Coalburg, West Virginia and EPA Docket No. III–89–12–DC and should be addressed to Suzanne Canning, U.S. EPA Region III Docket Clerk, at the above address.

FOR FURTHER INFORMATION CONTACT: Deane H. Bartlett, Senior Assistant Regional Counsel, U.S. EPA, Region III, 841 Chestnut Building, Philadelphia, PA 19107, telephone: 215/597–3439.

Dated: January 31, 1990.

Edwin B. Erickson,

Regional Administrator, United States Environmental Protection Agency, Region III.

[FR Doc. 90–4188 Filed 2–22–90; 8:45 am]

BILLING CODE 6560–50–M

[FRL–3726–9]

Proposed Administrative Settlement; Spectron, Inc. Site, Elkton, MD

AGENCY: Environmental Protection Agency.

ACTION: Notice; request for public comment.

SUMMARY: In accordance with section 122(i) of the Comprehensive Environmental Response, Compensation and Liability Act, as amended by the Superfund Amendments and Reauthorization Act ("CERCLA") notice is hereby given that a proposed administrative cost recovery settlement concerning the Spectron, Inc. Site, Elkton, Maryland was issued by the Agency on August 21, 1989. The settlement resolves an EPA claim under Section 107 of CERCLA against the parties listed in the attachment to this notice. The settlement requires the settling parties to pay in excess of $500,000 to the Hazardous Substances Superfund.

For thirty (30) days following the date of publication of this notice, the Agency will receive written comments relating to the settlement. The Agency's response to any comments received will be available for public inspection at the Cecil County Public Library in Elkton, Maryland and at the U.S. Environmental Protection Agency, Region III, 841 Chestnut Building, Philadelphia, PA 19107, Attention: Regional Docket Clerk.

DATES: Comments must be submitted on or before March 26, 1990.

ADDRESSES: The proposed settlement is available for public inspection at U.S. EPA, Region III, 841 Chestnut Building, Philadelphia, PA 19107. A copy of the proposed settlement may be obtained from Suzanne Canning, Regional Docket Clerk (3RC00), U.S. EPA, 841 Chestnut Building, Philadelphia, PA 19107. Comments should reference the Spectron, Inc. Site, Elkton, Maryland and EPA Docket No. III–89–29–DC and should be addressed to Suzanne Canning, Regional Docket Clerk, at the above address.

FOR FURTHER INFORMATION CONTACT: Deane H. Bartlett, Senior Assistant Regional Counsel (3RC21), U.S. EPA, Region III, 841 Chestnut Building, Philadelphia, PA 19107. Telephone: 215/597–3439.

Dated: February 5, 1990.

Edwin B. Erickson,

Regional Administrator, U.S. EPA, Region III.

[FR Doc. 90–4189 Filed 2–22–90; 8:45 am]

BILLING CODE 6560–50–M

FEDERAL MARITIME COMMISSION

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.: 224–010744–003.

Title: Port of Oakland/Mitsui Terminal Agreement.

Parties: Port of Oakland. Mitsui O.S.K. Lines, Ltd. (Mitsui).

Synopsis: The agreement extends the term of the basic agreement to April 30, 1990; and provides for an additional tariff wharfage reduction of thirty percent (30%) of full wharfage tariff charges for cargo generated from Mitsui's use of the assigned premises.

Agreement No.: 224–200325.

Title: South Carolina State Ports Authority/Farrell Lines Incorporated Terminal Agreement.

Parties: South Carolina State Ports Authority. Farrell Lines Incorporated (Farrell).

Synopsis: The agreement grants the exclusive use of 440 container parking slots at the Authority's Wando Terminal at the Port of Charleston. Farrell agrees to pay the Authority a license fee of $27.00 per slot per month and will pay the Authority wharfage on container cargo at tariff discounts based on certain levels of net tons of cargo moved annually. Farrell agrees that the Port of Charleston will be its sole port of call for its ocean liner service in the range of Wilmington, North Carolina to Miami, Florida and guarantees a minimum of 75,000 short tons of cargo for each year of the Agreement's three-year term.

By order of the Federal Maritime Commission.

Dated: February 16, 1990.

Joseph C. Polking,

Secretary.

[FR Doc. 90–4069 Filed 2–22–90; 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 10325. 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.: 202–010776–054.

Titles: Asia North America Eastbound Rate Agreement.

Parties:

American President Lines, Ltd.
Kawasaki Kisen Kaisha, Ltd.
A.P. Moller-Maersk Line
Mitsui O.S.K. Lines, Ltd.
Neptune Orient Lines, Ltd.
Nippon Liner Systems, Ltd.
Nippon Yusen Kaisha Line
Sea-Land Service, Inc.

Synopsis: The proposed modification amends Administrative Regulation 4(b) to require the parties to submit to the Agreement office a list of alternate representatives from which one or more alternates (per party) shall be chosen to attend a Trade Liaison Committee meeting.

Agreement No.: 202–011241–003.

Titles: USA-North Europe Rate Agreement.

Parties:

Atlantic Container Line BV.
P&O Containers (TFL) Limited.
Sea-Land Service, Inc.
Compagnie Generale Maritime (CGM).
Hapag Lloyd AG.
Nedlloyd Lijnen BV.
A.P. Moller-Maersk Line.
Incotrans BV.

Synopsis: The proposed amendment would modify the Agreement to reflect the changes relationship between Atlantic Container Line (ACL) and Wallenius Lines in that Wallenius is no longer a shareholder of ACL and therefore the two companies are no longer related.

By Order of the Federal Maritime Commission.

Dated: February 16, 1990.

Joseph C. Polking,

Secretary.

[FR Doc. 90–4070 Filed 2–22–90; 8:45 am]

BILLING CODE 6730–01–M

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.: 224–003785A–004.

Title: Puerto Rico Ports Authority/ International Shipping, Inc. Terminal Agreement.

Parties: Puerto Rico Ports Authority. International Shipping, Inc.

Filing Party: Mayra N. Cruz Alvarez, Contracts Supervisor, Commonwealth of Puerto Rico, G.P.O. Box 2829, San Juan, Puerto Rico, 00936.

Synopsis: The Agreement amends the basic agreement to provide for a three (3) year renewal of the agreement.

By Order of the Federal Maritime Commission.

Dated: February 16, 1990.

Joseph C. Polking,

Secretary.

[FR Doc. 90–4071 Filed 2–22–90; 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.: 224–200324.

Title: Alabama State Docks Department/Coastal Cargo. Alabama, Inc. Terminal Agreement.

Parties: Alabama State Docks Department (ASDD). Coastal Cargo Alabama, Inc. (Coastal).

Synopsis: The Agreement provides for Coastal to perform cargo freight handling services at ASDD's Port of Mobile facilities. In consideration thereof, the ASDD will retain 10 percent of all charges collected for services rendered by Coastal.

By Order of the Federal Maritime Commission.

Dated: February 15, 1990.

Joseph C. Polking,

Secretary.

[FR Doc. 90–4072 Filed 2–22–90; 8:45 am]

BILLING CODE 6730–01–M

FEDERAL MEDIATION AND CONCILIATION SERVICE

Agency Form Under Review by the Office Of Management and Budget

ACTION: Notice: Form R–43 Submitted for Review to the Office of Management and Budget.

The Federal Mediation and Conciliation Service (FMCS) has submitted to the Office of Management and Budget (OMB) a request for review of FMCS Form R–43, Request For Arbitration Panel. The request seeks OMB approval to extend the expiration date of Form R–43, from January 31, 1990 to September 30, 1990. The request was submitted pursuant to the Paperwork Reduction Act (44 U.S.C. chapter 35).

Information pertaining to the request is as follows:

Agency: Federal Mediation and Conciliation Service.

Title: Request for Arbitration Panel.

Form Number: Agency Form R–43; OMB No. 3076–0002.

Type of Request: Extension of expiration date of a currently approved collection without any change in the substance or in the method of collection.

Burden: 27,000 respondents per year; 4,500 reporting hours per year.

Needs And Uses: The need for this Form is to obtain information—name, address, type of assistance desired—so that FMCS can respond to requests for various arbitration services: e.g., furnishing a list of seven arbitrators to the parties.

Affected Public: Employers and labor unions.

Frequency: On occasion, as needed for arbitration.

Respondents Obligation: Voluntary.

OMB Desk Officer: Diana Rowen (202) 395–6880.

Copies of the request for OMB review may be obtained from Ted M. Chaskelson, General Counsel, Federal Mediation and Conciliation Service, 2100 K Street, NW., Room 712, Washington, DC 20427.

Written comments pertaining to the request should be sent to Diana Rowen, OMB Desk Officer, Room 3100, Office of Management and Budget, New Executive Office Building, Washington, DC 20503.

Dated: February 15, 1990.

Robert P. Baker,

Acting Director.

[FR Doc. 90–4139 Filed 2–22–90; 8:45 am]

BILLING CODE 6372–01–M

FEDERAL RESERVE SYSTEM

Miriam C. Brown; Change in Bank Control Notice; Acquisition of Shares of Banks or Bank Holding Companies

The notificant listed below has applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire a bank or bank holding company. The factors that are considered in acting on notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notices are available for immediate inspection at the Federal Reserve Bank indicated. Once the notices have been accepted for processing, they will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that notice or to the offices of the Board of Governors. Comments must be received not later than March 9, 1990.

A. **Federal Reserve Bank of Cleveland** (John J. Wixted, Jr., Vice President) 1455 East Sixth Street, Cleveland, Ohio 44101:

1. *Miriam C. Brown,* Rittman, Ohio; to retain 12.8 percent of the voting shares of Chippewa Valley Bancshares, Inc., Rittman, Ohio, and thereby indirectly control Chippewa Valley Bank, Rittman, Ohio.

Board of Governors of the Federal Reserve System, February 16, 190.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 90–4131 Filed 2–22–90; 8:45 am]

BILLING CODE 6210–01–M

Pearl River Bancorp, et al.; Formations of; Acquisitions by; and Mergers of Bank Holding Companies

The companies listed in this notice have applied for the Board's approval under section 3 of the Bank Holding Company Act (12 U.S.C. 1842) and § 225.14 of the Board's Regulation Y (12 CFR 225.14) to become a bank holding company or to acquire a bank or bank holding company. The facts that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank or to the offices of the Board of Governors. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at the hearing.

Unless otherwise noted, comments regarding each of these applications must be received not later than March 14, 1990.

A. **Federal Reserve Bank of Atlanta** (Robert E. Heck, Vice President) 100 Marietta Street, NW., Atlanta, Georgia 30303:

1. *Pearl River Bancorp,* Picayune, Mississippi; to become a bank holding company by acquiring 100 percent of the voting shares of Pearl River County Bank, Picayune, Mississippi, a *de novo* bank.

B. **Federal Reserve Bank of St. Louis** (Randall C. Sumner, Vice President) 411 Locust Street, St. Louis, Missouri 63166:

1. *AMBANC Corp.,* Vincennes, Indiana; to merge with Citizen's National Corporation, Linton, Indiana, and thereby indirectly acquire Citizen's National Bank of Linton, Linton, Indiana.

2. *Prime Banc Corp.,* Dieterich, Illinois, to become a bank holding company by acquiring 100 percent of the voting shares of The First National Bank of Dieterich, Dieterich, Illinois.

C. **Federal Reserve Bank of Dallas** (W. Arthur Tribble, Vice President) 400 South Akard Street, Dallas, Texas 75222:

1. *First New Mexico Financial Corporation,* Deming, New Mexico; to acquire 97.04 percent of the voting shares of First State Bank of Silver City, Silver City, New Mexico.

Board of Governors of the Federal Reserve System, February 16, 1990.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 90–4132 Filed 2–22–90; 8:45 am]

BILLING CODE 6210–01–M

FEDERAL TRADE COMMISSION

[File No. 901 0009]

Emerson Electric Co., et al.; Proposed Consent Agreement With Analysis to Aid Public Comment

AGENCY: Federal Trade Commission.

ACTION: Proposed consent agreement.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this consent agreement, accepted subject to final Commission approval, would require, among other things, a Missouri producer

of mounted ball bearings to divest McGill Manufacturing Company's mounted ball bearing business to a Commission approved purchaser and also to divest the tradenames used in its mounted ball bearing business, its customer and supplier lists, business records, patents, and mounted ball bearing inventory.

DATES: Comments must be received on or before April 24, 1990.

ADDRESSES: Comments should be directed to: FTC/Office of the Secretary, room 159, 6th St. and Pa. Ave. NW., Washington, DC 20580.

FOR FURTHER INFORMATION CONTACT: Steven Newborn, FTC/S–2308, Washington, DC 20580. (202) 326–2682.

SUPPLEMENTARY INFORMATION: Pursuant to section 6(f) of the Federal Trade Commission Act, 38 Stat. 721, 15 U.S.C. 46 and § 2.34 of the Commission's Rules of Practice (16 CFR 2.34), notice is hereby given that the following consent agreement containing a consent order to cease and desist, having been filed with and accepted, subject to final approval, by the Commission, has been placed on the public record for a period of sixty (60) days. Public comment is invited. Such comments or views will be considered by the Commission and will be available for inspection and copying at its principal office in accordance with § 4.9(b)(6)(ii) of the Commission's Rules of Practice (16 CFR 4.9(b)(6)(ii)).

Agreement Containing Consent Order

February 15, 1990.

In the Matter of Emerson Electric Co., a Corporation, and Emerson Power Transmission Corp., a Corporation.

The Federal Trade Commission (the "Commission"), having initiated an investigation of the proposed acquisition of the voting securities of McGill Manufacturing Company, Inc. ("McGill") by Emerson Electric Co. ("Emerson") (Emerson and Emerson Power Transmission Corp. ("EPT") collectively the "Proposed Respondents"), and it now appearing that Proposed Respondents are willing to enter into an agreement containing an order to divest certain assets and providing for other relief,

It is hereby agreed by and between Proposed Respondents, by their duly authorized officers and attorneys, and counsel of the Commission that:

1. Proposed Respondent Emerson is a corporation organized, existing and doing business under and by virtue of the laws of the state of Missouri, with its principal executive offices located at 8000 W. Florissant Avenue, St. Louis, Missouri 63136.

2. Proposed Respondent EPT is a corporation organized, existing and doing business under and by virtue of the laws of the state of Delaware with its principal executive offices located at 620 S. Aurora Street, Ithaca, New York 14850. EPT is a wholly-owned subsidiary of Emerson.

3. McGill is a corporation organized, existing and doing business under and by virtue of the laws of the state of Indiana, with its principal executive offices located at 909 N. Lafayette Street, Valparaiso, Indiana 46383.

4. Proposed Respondents admit all of the jurisdictional facts set forth in the draft of complaint here attached.

5. Proposed Respondents waive:

(a) Any further procedural steps;

(b) The requirement that the Commission's decision contain a statement of findings of fact and conclusions of law;

(c) All rights to seek judicial review or otherwise to challenge or contest the validity of the Order entered pursuant to this agreement; and

(d) All rights under the Equal Access to Justice Act.

6. This agreement shall not become part of the public record of the proceeding unless and until it is accepted by the Commission. If this agreement is accepted by the Commission, it, together with the draft of complaint contemplated thereby, will be placed on the public record; for a period of sixty (60) days and information in respect thereto publicly released. The Commission thereafter may either withdraw its acceptance of this agreement and so notify Proposed Respondent, in which event it will take such action as it may consider appropriate, or issue and serve its complaint (in such form as the circumstances may require) and decision, in disposition of the proceeding.

7. This agreement is for settlement purposes only and does not constitute an admission by Proposed Respondents that the law has been violated as alleged in the draft of complaint here attached.

8. This agreement contemplates that, if it is accepted by the Commission, and if such acceptance is not subsequently withdrawn by the Commission pursuant to the provisions of § 2.34 of the Commission's Rules, the Commission may, without further notice to Proposed Respondents, (1) issue its complaint corresponding in form and substance with the draft of complaint here attached and its decision containing the following Order to divest certain assets and providing for other relief in disposition of the proceeding, and (2) make information public with respect thereto. When so entered, the Order shall have the same force and effect and may be altered, modified, or set aside in the same manner and within the same time provided by statute for other orders. The Order shall become final upon service. Delivery by the U.S. Postal Service of the complaint and decision containing the agreed-to Order to Proposed Respondents' or to their counsel's addresses as stated in this Agreement shall constitute service. Proposed Respondents waive any right they may have to any other manner of service. The complaint may be used in construing the terms of the Order, and no agreement, understanding, representation, or interpretation not contained in the Order or the Agreement may be used to vary or contradict the terms of the Order.

9. Proposed Respondents have read the proposed complaint and Order contemplated hereby. They understand that once the Order has been issued, they will be required to file one or more compliance reports showing that they have fully complied with the Order. Proposed Respondents further understand that they may be liable for civil penalties in the amount provided by law for each violation of the Order after it becomes final.

Order

I

As used in this Order, the following definitions shall apply:

a. "Emerson" means Emerson Electric Co., a Missouri corporation, its predecessors, any other corporations, partnerships, joint ventures, companies, subsidiaries, divisions, groups and affiliates that Emerson controls, directly or indirectly, and their respective directors, officers, employees, agents and representatives, and their respective successors and assigns. "EPT" means Emerson Power Transmission Corp., a Delaware corporation which is a wholly-owned subsidiary of Emerson.

b. "McGill" means McGill Manufacturing Company, Inc., an Indiana corporation, as it was constituted prior to the acquisition, its predecessors, any other corporations, partnerships, joint ventures, companies, subsidiaries, divisions, groups and affiliates McGill controls, directly or indirectly, and their respective directors, officers, employees, agents and representatives, and their respective successors and assigns.

c. "Acquisition" means Emerson's acquisition of any or all voting securities of McGill.

d. "Respondents" means Emerson and EPT.

e. "Mounted Ball Bearings" means and includes ball bearings incorporated into a housing for attachment to a piece of machinery or equipment, including pillow blocks, flange units, take up blocks, take up frame assemblies, and screw conveyor hanger bearings; and ball bearing inserts, cartridge units, and adapter bearings, normally used in mounted ball bearing assemblies.

f. The "McGill Mounted Ball Bearing Business" means the Mounted Ball Bearing manufacturing facility owned and operated by McGill which is located in Malden, Indiana (the "Malden Plant") and all of McGill's assets, title, properties, interests, rights and privileges, of whatever nature, tangible and intangible, including without limitation all buildings, machinery, equipment, tooling, and other property of whatever description at the Malden Plant or used exclusively in the manufacture or sale of Mounted Ball Bearings, and including, insofar as they relate to Mounted Ball Bearings, customer and supplier lists, business records, trademarks (including, but not limited to Krown Regal, Centrik-Lok, Nyla-K, and Nylaplate-K) other than the name McGill, and the exclusive rights, insofar as they relate to Mounted Ball Bearings, to any patents or knowhow used by McGill in connection with the manufacture or sale of Mounted Ball Bearings, and including McGill's Mounted Ball Bearing inventory wherever located.

g. "Acquirer" shall have the meaning given to the term in Section II.

h. "Commission" means the Federal Trade Commission.

II

It is ordered, that:

A. Respondents shall, within twelve (12) months after the date this Order becomes final, divest, absolutely and in good faith, to an acquirer that receives the prior approval of the Commission (the "Acquirer"), the McGill Mounted Ball Bearing Business.

B. The divestiture required by this Order shall be made only to an Acquirer that receives the prior approval of the Commission, and only in a manner that receives the prior approval of the Commission. The purpose of the divestiture required by this Order is to ensure the continuation of an ongoing viable enterprise and to remedy the lessening of competition alleged in the Commission's complaint.

C. Respondents shall take such action as is necessary to maintain the viability and marketability of the McGill Ball Bearing Business, and to prevent the destruction, removal or impairment of any assets subject to possible divestiture pursuant to this Order except in the ordinary course of business and except for ordinary wear and tear.

III

It is further ordered, that:

A. If Respondents have not divested the McGill Mounted Ball Bearing Business as required by Section II within the twelve-month period provided for in Section II, Respondents shall consent to the appointment of a trustee by the Commission to divest the McGill Mounted Ball Bearing Business. In the event that the Commission or the Attorney General brings an action pursuant to section 5(*1*) of the Federal Trade Commission Act, 15 U.S.C. 45(*1*), or any other statute enforced by the Commission, for any violation of this Order, Respondents shall similarly consent to the appointment of a trustee in such action. Neither the appointment of a trustee nor a decision not to appoint a trustee under this Paragraph shall preclude the Commission or the Attorney General from seeking civil penalties or any other relief available for any failure by Respondents to comply with this Order.

B. If a trustee (the "Trustee") is appointed by the Commission or a court pursuant to Section III of this Order, the following terms and conditions shall apply:

(1) The Commission shall select the Trustee, subject to the consent of Respondents, which consent shall not be unreasonably withheld. The Trustee shall be a person with experience and expertise in acquisitions and divestitures.

(2) The Trustee shall have the exclusive power and authority, subject to the prior approval of the Commission, to accomplish the divestiture required by Section II of this Order. The Trustee shall have twelve (12) months from the date of appointment to accomplish the divestiture, which shall be subject to the prior approval of the Commission. If, however, at the end of such twelve-month period the Trustee has submitted a plan of divestiture or believes that divestiture can be achieved within a reasonable time, the divestiture period may be extended for such reasonable period of time by the Commission, or by the court for a court-appointed trustee; *Provided, however*, That the Commission or court may only extend the divestiture period two (2) times.

(3) Respondents shall make available to the Trustee and the Trustee shall have full and complete access to the personnel, books records and facilities relating to the assets (*i.e.*, the McGill Mounted Ball Bearing Business) that the Trustee has the duty to divest. respondents shall develop such financial or other information as the Trustee may reasonably request and shall cooperate with the Trustee. Respondents shall take no action to interfere with or impede the Trustee's accomplishment of the divestiture. Any delays in divestiture by the Trustee caused by Respondents shall extend the time for divestiture under this Section III in an amount equal to the delay, as determined by the Commission, or the court for a court-appointed trustee.

(4) The Trustee shall use his or her best efforts to negotiate the most favorable price and terms available in each contract that is submitted to the Commission, subject to Respondents' absolute and unconditional obligation to divest at no minimum price and the purpose of the divestiture as stated in Section II of this Order and subject to the prior approval of the Commission. If the Trustee receives bona fide offers from more than one prospective acquirer, and if the Commission approves more than one such acquirer, the Trustee shall divest to the acquirer selected by Respondents from among those approved by the Commission.

(5) The Trustee shall serve, without bond or other security, at the cost and expense of Respondents, on such reasonable and customary terms and conditions as the Commission or a court may set. The Trustee shall have authority to employ such consultants, accountants, attorneys or other persons reasonably necessary to carry out the Trustee's duties and responsibilities and Respondents shall bear the expense for such services. The Trustee shall account for all monies derived from the divestiture and for all expenses incurred. After approval by the Commission and, in the case of a court-appointed trustee, by the court, of the account of the Trustee, including fees for his or her services, all remaining monies shall be paid at the direction of Respondents and the Trustee's power shall be terminated. The Trustee's compensation shall be based at least in significant part on a commission arrangement contingent on the Trustee's accomplishing the divestiture of the McGill Mounted Ball Bearing Business.

(6) Within sixty (60) days after appointment of the Trustee, and subject to the prior approval of the Commission, and, in the case of a court-appointed trustee, of the court, the Respondents shall, consistent with the provisions of this Order, execute a trust agreement that transfers to the Trustee all rights and powers necessary to permit the

Trustee to effect the divestiture required by this Order.

(7) Except for cases of misfeasance, negligence, willful or wanton acts, or bad faith by the Trustee, the Trustee shall not be liable to Respondents for any action taken or not taken in the performance of the trusteeship. Respondents shall indemnify the Trustee and hold the Trustee harmless against any liabilities, claims, or expenses arising out of performance of the trusteeship, including all reasonable fees of counsel and other expenses incurred in connection with the preparation for or defense of any claim, whether or not resulting in any liability, except to the extent that such liabilities, claims, or expenses result from misfeasance, negligence, willful or wanton acts, or bad faith by the Trustee.

(8) If the Trustee ceases to act or fails to act diligently, one or more substitute Trustees shall be appointed in the same manner as provided in this Order.

(9) The Trustee shall reprot in writing to Respondents and the Commission every sixty (60) days concerning the Trustee's efforts to accomplish the divestiture.

(10) The Trustee shall have no obligation or authority to operate or maintain the McGill Mounted Ball Bearing Business.

IV

It is further ordered, that:

In connection with any divestiture of McGill's Mounted Ball Bearing Business, Respondents will offer, and a Trustee appointed pursuant to this Order shall have the authority to offer, to any prospective Acquirer, a contract to buy from Respondents for use in said Mounted Ball Bearing Business, machined and heat treated rings and locking collars of the types currently supplied by McGill to the Malden plant, which contract will include reasonable commercial terms and provisions substantially as follows:

(a) The contract will, at the Acquirer's request, continue for a period of as much as eighteen (18) months following the closing of a transaction in satisfaction of the divestiture required by this Order;

(b) Prices will not exceed McGill's standard cost plus 15 percent;

(c) Quantities offered for sale in each year will equal, at least the total quantity of said rings and locking collars heretofore supplied to said plant during 1989, or four times the quantity so supplied in the fourth quarter of 1989, whichever is greatest;

(d) The Acquirer will lease or consign to Respondents for the period of the contract, any necessary machinery, equipment and tooling not located at the Malden Plant, which is used in the production of Mounted Ball Bearings, and which is divested to the Acquirer pursuant to Section II hereof.

V

It is further ordered, That:

A. The Agreement to Hold Separate, attached hereto and made a part hereof as Appendix I, shall continue in effect until Respondents' divestiture obligations under Sections II and III of the Order are satisfied, or until such other time as the Agreement to Hold Separate provides, and the Respondents shall comply with all terms of said Agreement.

B. Respondents shall not sell or offer for sale Mounted Ball Bearings under the McGill name for a period of 18 months following the closing of a transaction in satisfaction of the divestiture required by this Order.

VI

It is further ordered, That within sixty (60) days after the date this Order becomes final and every sixty (60) days thereafter until Respondents have fully satisfied the divestiture obligation of this Order, Respondents shall submit to the Commission a verified written report setting forth in detail the manner and form in which they intend to comply, are complying or have complied with the Order. Respondents shall include in their compliance reports, among other things that are required from time to time, a full description of all contacts or negotiations with prospective acquirers for the divestiture required by this Order, including the identity of all parties contacted. Respondents also shall include in their compliance reports copies of all written communications to and from such parties, and all internal memoranda, reports, and recommendations concerning the required divestiture.

VII

It is further ordered, That for the purposes of determining or securing compliance with this Order, and subject to any legally recognized privilege, upon written request and on reasonable notice to Respondents made to their principal offices, Respondents shall make available to any duly authorized representatives of the Commission:

A. All books, ledgers, accounts, correspondence, memoranda, and other records and documents in the possession or under the control of Respondents relating to any matters contained in this Order, for inspection and copying during office hours and in the presence of counsel; and

B. Upon five (5) days' notice to Respondents, and without restraint or interference from Respondents, for interview, officers or employees of Respondents, who may have counsel present, regarding such matters.

Any information or documents obtained by the Commission from Respondents shall be accorded such confidential treatment as is available under sections 6(f) and 21 of the Federal Trade Commission Act, 15 U.S.C. 46(f) and 57b–2.

VIII

It is further ordered, That Respondents shall notify the Commission at least thirty (30) days prior to any proposed change in any Respondent, such as dissolution, assignment or sale resulting in the emergence of a successor, or the creation or dissolution of subsidiaries or any other change that may affect compliance with this Order.

IX

It is further ordered, That, for a period of ten (10) years from the date this Order becomes final, each Respondent shall cease and desist from acquiring, without the prior approval of the Commission, directly or indirectly, through subsidiaries or otherwise, assets used in, or more than 1% of the stock or share capital of, or interest in, any company engaged in, the manufacture or sale of Mounted Bill Bearings in the United States. (This paragraph shall not apply to the acquisition of new machinery or equipment, or of used machinery and equipment from suppliers of or brokers for such machinery or equipment by means of normal transactions customary in the used equipment market.) One year from the date this Order becomes final and annually thereafter for nine (9) years, Respondents shall file with the Commission a verified written report of their compliance with this paragraph.

Appendix I

Agreement To Hold Separate

In the matter of Emerson Electric Co., a Corporation, and Emerson Power Transmission Corp., a Corporation.

This Agreement to Hold Separate (the "Agreement") is by and between Emerson Electric Co. ("Emerson"), a Missouri corporation with its principal executive offices located at 8000 W. Florissant Avenue, St. Louis, Missouri 63136, and the Federal Trade Commission (the "Commission"), an independent agency of the United States Government, established under the Federal Trade Commission Act of 1914,

15 U.S.C. 41 *et seq.* (Emerson and the Commission collectively, the "Parties").

Premises

WHEREAS, Emersub XXVI, Inc. ("Emersub"), a direct wholly-owned subsidiary of Emerson, commenced a tender offer on December 18, 1989, for all outstanding shares of McGill Manufacturing Company, Inc. ("McGill") with the intent of effecting a merger of Emersub into McGill, pursuant to which McGill would become a wholly-owned subsidiary of Emerson (the "Acquisition"), all as contemplated by and provided for in that certain Agreement and Plan of Merger dated as of December 11, 1989, among Emerson, Emersub and McGill; and

Whereas, the Commission is now investigating the proposed Acquisition to determine whether the Acquisition would violate any of the statutes enforced by the Commission; and

Whereas, if the Commission accepts the attached Agreement Containing Consent Order (the "Consent Order"), the Commission must place it on the public record for a period of at least sixty (60) days and may subsequently withdraw such acceptance pursuant to the provisions of § 2.34 of the Commission's Rules; and

Whereas, the Commission is concerned that if an understanding is not reached to preserve the status quo ante and to hold separate the assets and businesses of the McGill Bearing Division until the divestiture of the McGill Mounted Ball Bearing Business (as that term is defined in the Consent Order) contemplated by the Consent Order has been made, divestiture resulting from any proceeding challenging the legality of the Acquisition might not be possible or might be less than an effective remedy; and

Whereas, the purpose of this Agreement and the Consent Order is to preserve the McGill Bearing Division as a viable independent business pending divestiture of the McGill Mounted Ball Bearing Business as a viable and ongoing enterprise, and to preserve the Commission's ability to require the divestiture of the McGill Mounted Ball Bearing Business described in the Consent Order and to remedy any anticompetitive aspects of the Acquisition; and

Whereas, Emerson's entering into this Agreement shall in no way be construed as an admission by Emerson that the Acquisition is unlawful; and

Whereas, Emerson understands that no act or transaction contemplated by this Agreement shall be deemed immune or exempt from the provisions of the antitrust laws of the Federal Trade Commission Act by reason of anything contained in this Agreement.

Now, therefore, the Parties agree, upon the understanding that the Commission has not yet determined that the Acquisition would be challenged, and in consideration of the Commission's agreement that, unless the Commission determines to reject the Consent Order, it will not seek further relief from Emerson with respect to the Acquisition, except that the Commission may seek any appropriate penalties for any failure by McGill to comply with the Hart-Scott-Rodino Antitrust Improvements Act and may exercise any and all rights to enforce this Agreement and the Consent Order to which it is annexed and made a part thereof, as follows:

1. Emerson agrees to execute and be bound by the attached Consent Order.

2. Emerson agrees that, until the first to occur of (i) three business days after the Commission withdraws its acceptance of the Consent Order pursuant to the provisions of Section 2.34 of the Commission's Rules; or (ii) if the Commission issues the Consent Order, until the date the divestiture required by the Consent Order is accomplished, Emerson shall hold the McGill Bearing Division separate and apart on the following terms and conditions:

(a) Emerson shall hold and operate the McGill Bearing Division as it is presently constituted, and such other present parts of McGill as Emerson deems appropriate, as a separate subsidiary of Emerson, separate and apart and independent from Emerson Power Transmission Corp. ("EPT"), the businesses contained in that subsidiary and the remainder of Emerson. Emerson shall take all reasonable measures to preserve the McGill Bearing Division as separate and viable so that the McGill Mounted Ball Bearing Business can be readily divested pursuant to the Consent Order.

(b) Except as provided herein and as is necessary to assure compliance with this Agreement and the Consent Order, Emerson shall not exercise direction or control over, or influence directly or indirectly the McGill Bearing Division, or any of its operations or businesses.

(c) Emerson shall cause McGill to continue to promote and maintain the McGill Bearing Division, including without limitation the levels of sales and marketing effort presently associated with said business, and shall maintain the preserve all of the intangible rights and other assets of said business so that the McGill Mounted Ball Bearing Business can be divested in accordance with the requirements of the Consent Order. Emerson shall cause McGill to continue to utilize all currently used McGill product trademarks and trade names related to the McGill Bearing Division. Without limiting any of its obligations under this Order, Emerson shall observe the limitations and restrictions set forth in the remaining subparagraphs of this Paragraph 2.

(d) Emerson shall refrain from taking any actions which may cause any material adverse change in the business or financial condition of the McGill Bearing Division.

(e) Emerson shall maintain separate financial and operating records and shall prepare separate financial statements for the McGill Bearing Division and shall provide the Commission's Bureau of Competition with quarterly and annual financial statements for such business within ten days of their availability.

(f) All earnings and profits of the McGill Bearing Division shall be retained by the Division. If necessary, Emerson shall provide the Division with sufficient working capital to operate at the current rate of operation.

(g) Emerson shall refrain from, directly or indirectly, encumbering, selling, disposing of, or causing to be transferred any assets, property or business of the McGill Bearing Division, except that Emerson may sell or otherwise dispose of manufactured products in the ordinary course of business, and may sell or otherwise dispose of assets, property or business to accomplish the divestiture required by the Consent Order.

(h) Except as provided herein and as is necessary to assure compliance with this Agreement and the Consent Order, except as required by law, and except to the extent necessary to defend against investigations or litigation, Emerson shall not receive or have access to, or the use of, any confidential information relating to the McGill Bearing Division, but such information shall not include information which is in the public domain or would be available in the normal course of business if the Acquisition had not taken place, or information on McGill Bearing Division sales and profits made available solely to senior Emerson corporate officers (as long as any such information is not disclosed or made available to EPT or to any senior Emerson corporate officer directly responsible for EPT). Any information obtained pursuant to this subparagraph shall be used only for purposes consistent with this Agreement.

(i) Emerson shall not change the composition of the management or operation of the McGill Bearing Division except that the Board of Directors of McGill (referred to in subparagraph (m)), may fill vacancies as they occur, and make additions or changes for cause where such additions or changes are designed to enhance the performance and viability of the McGill Bearing Division.

(j) Emerson shall not cause or permit the wasting or deterioration of the operations or assets of the McGill Bearing Division in any manner that impairs the marketability of such assets and operations or that impairs in any manner the viability of the assets and operations as a going concern until such time as the divestiture to a Commission-approved acquirer, as required by the Consent Order, has been accomplished.

(k) Nothing in this agreement shall be deemed to prevent or limit the ability of McGill to supply any product, other than Mounted Ball Bearings, to any other division or subsidiary of Emerson for use or resale by such other division or subsidiary, provided that any such transaction shall be on arms'-length terms and conditions that are profitable to McGill.

(l) Nothing in this Agreement shall limit Emerson's ability to manage or consolidate the non-Bearing Division parts of McGill as Emerson may deem appropriate.

(m) After the Acquisition, McGill shall maintain articles of incorporation and by-laws that are not inconsistent with this Agreement and shall be managed by a Board of Directors consisting of three persons to be selected by Emerson. Said Board of Directors shall consist of two members who are current directors, officers or employees of McGill (or persons selected by current directors, officers or employees of McGill) who are not officers, directors or employees or Emerson, and one member (the "Emerson Director") who may be an officer, director or employee of Emerson (but not of EPT). All material transactions shall be subject to a majority vote of the Board of Directors. The Emerson Director shall not use of disclose any confidential information with respect to the McGill Bearing Division, or take any action, to obtain any advantage for Emerson or for any purpose other than as permitted by this Agreement or as necessary to comply with the Consent Order.The Emerson Director shall enter into a confidentiality agreement acknowledging his or her obligations under this Agreement and prohibiting disclosure of confidential information. Except as permitted herein and as is necessary to assure compliance with this Agreement and the Consent Order, the Emerson Director shall not participate in any matter or attempt to influence the votes of the other directors with respect to matters what would involve a conflict of interest if Emerson and McGill were separate and independent entities, not (also subject to the foregoing exceptions) shall the Emerson Director participate in the consideration of any capital investment of other transaction involving less than $250,000.

(n) Except for the Emerson Director, Emerson shall not permit any director, officer, employee, or agent of Emerson to also be a director, officer or employee of the McGill Bearing Division.

3. Should the Commission seek in any proceeding to compel Emerson to divest itself of the shares of McGill stock that Emerson may acquire, or to compel Emerson to divest any assets or businesses Emerson may hold, or to seek any other injunctive or equitable relief, Emerson shall not raise any objection based upon the expiration of the applicable Hart-Scott-Rodino Antitrust Improvements Act waiting period or the fact that the Commission has permitted McGill stock to be acquired. Emerson also waives all rights to contest the validity of this Agreement.

4. In the event the Commission has not finally approved and issued the Consent Order within one hundred twenty (120) days of its publication in the Federal Register, Emerson may, at its option, terminate this Agreement to Hold Separate by delivering written notice of termination to the Commission, which termination shall be effective ten (10) days after the Commission's receipt of such notice, and this Agreement shall thereafter be of no further force and effect.

If this Agreement is so terminated, the Commission may take such action as it deems appropriate, including but not limited to an action pursuant to Section 13(b) of the Federal Trade Commission Act, 15 U.S.C. 53(b). Termination of this Agreement to Hold Separate shall in no way operate to terminate the Agreement Containing Consent Order that Emerson has entered into in this matter.

5. For the purpose of determining or securing compliance with this Agreement, subject to any legally recognized privilege, and upon written request and on reasonable notice to Emerson made to its principal offices, Emerson shall make available to any duly authorized representatives of the Commission:

(a) All books, ledgers, accounts, correspondence, memoranda, and other records and documents in the possession or under the control of Emerson relating to any matters contained in this Agreement, for inspection and copying during office hours and in the presence of counsel; and

(b) Upon five (5) days' notice to Emerson and without restraint or interference from Emerson for interview, officers or employees of Emerson, who may have counsel present, regarding such matters.

Any information or documents obtained by the Commission from Emerson shall be accorded such confidential treatment as is available under sections' 6(f) and 21 of the Federal Trade Commission Act, 15 U.S.C. 46(f) and 57b–2.

6. This Agreement shall not be binding until approved by the Commission.

Analysis of Proposed Consent Order to Aid Public Comment

The Federal Trade Commission ("Commission") has accepted subject to final approval, an Agreement Containing Consent Order from Emerson Electric Co. ("Emerson") and Emerson Power Transmission Corporation ("EPT"). The Commission is placing the agreement on the public record for sixty (60) days for reception of comments from interested persons. Comments received during this period will become part of the public record. After sixty (60) days, the Commission will again review the agreement and the comments received and will decide whether it should withdraw from the agreement or make final the agreement's proposed order.

The Commission's investigation of this matter concerned a proposed acquisition by Emerson of McGill Manufacturing Company, Inc. ("McGill"). Emerson is a Missouri corporation which is engaged in the design, manufacture, and sale of a broad range of electrical-electronic products and systems. EPT, which is a wholly owned subsidiary of Emerson, is the largest producer of mounted ball bearings in the United States. McGill, which is an Indiana-based corporation, is a producer of electrical products and bearings, including mounted ball bearings.

The Commission has reason to believe that Emerson's acquisition of McGill would substantially lessen competition in the U.S. market for mounted ball bearings, in violation of section 7 of the Clayton Act and section 5 of the Federal Trade Commission Act.

The Agreement Containing Consent Order ("Order") would, if issued by the Commission, settle the complaint that alleges anticompetitive effects in the U.S. mounted ball bearing market. The

complaint alleges that the proposed acquisition would eliminate substantial actual competition between Emerson and McGill, would significantly enhance the likelihood of collusion or interdependent coordination between or among the firms that produce or sell the relevant products, and would tend to create a dominant firm in the relevant market.

Under the terms of the proposed Order, Emerson must divest McGill's mounted ball bearing business, including the company's Malden, Indiana plant, which produces mounted ball bearings, to a Commission approved purchaser. Emerson must also divest the trade names used in its mounted ball bearing business, its customer and supplier lists, business records, patents and know-how, and mounted ball bearing inventory. For a period of eighteen (18) months following the divestiture, Emerson will be prohibited from selling mounted ball bearings under the McGill name. If Emerson fails to complete the required divestiture within a twelve-month period, the Commission may authorize a trustee to divest the plant.

For a period of ten (10) years from its effective date, the proposed Order also prohibits Emerson from making acquisitions, without prior Commission approval, of assets or businesses that produce or sell mounted ball bearings in the United States.

Until the divestiture required by the Order is approved by the Commission, Emerson must hold McGill's Bearing Division separate and apart from other entities owned by Emerson.

The purpose of this analysis is to facilitate public comment on the proposed order, and it is not intended to constitute an official interpretation of the agreement and proposed order or to modify in any way their terms.

Benjamin I. Berman,

Acting Secretary.

[FR Doc. 90-4170 Filed 2-22-90; 8:45 am]

BILLING CODE 6750-01-M

[File No. 891 0115]

Rhone-Poulenc S.A., et al.; Proposed Consent Agreement With Analysis to Aid Public Comment

AGENCY: Federal Trade Commission.

ACTION: Proposed consent agreement.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this consent agreement, accepted subject to final Commission approval, would require, among other things, for a period of five years, the French corporation to grant licenses, to duplicate and sell the dairy cultures products of Marschall, to any entity except Chr. Hansen's Laboratories and Dairyland Food Laboratories. In addition, respondents would be prohibited, for a period of ten years, from acquiring an interest in any company that manufactures or sells dairy cultures in the U.S., without prior Commission approval.

DATES: Comments must be received on or before April 24, 1990.

ADDRESSES: Comments should be directed to: FTC/Office of the Secretary, room 159, 6th St. and Pa. Ave., NW., Washington, DC 20580.

FOR FURTHER INFORMATION CONTACT: Steven Newborn, FTC/S-2308, Washington, DC 20580. (202) 326-2682.

SUPPLEMENTARY INFORMATION: Pursuant to section 6(f) of the Federal Trade Commission Act, 38 Stat. 721, 15 U.S.C. 46 and 2.34 of the Commission's Rules of Practice (16 CFR 2.34), notice is hereby given that the following consent agreement containing a consent order to cease and desist, having been filed with and accepted, subject to final approval, by the Commission, has been placed on the public record for a period of sixty (60) days. Public comment is invited. Such comments or views will be considered by the Commission and will be available for inspection and copying at its principal office in accordance with § 4.9(b)(6)(ii) of the Commission's Rules of Practice (16 CFR 4.9(b)(6)(ii)).

Agreement Containing Consent Order

The Federal Trade Commission (the "Commission"), having initiated an investigation of the proposed acquisition of the Marshall Dairy Products division ("Marschall") of Miles Inc. ("Miles") by Rhone-Poulenc Inc., a subsidiary of Rhone-Poulenc S.A. (Rhone-Poulenc Inc. and Rhone-Poulenc S.A., collectively, the "Proposed Respondents") and it now appearing that Proposed Respondents are willing to enter into an agreement containing an order to provide certain relief,

It it hereby agreed by and between Proposed Respondents, by their duly authorized officers and attorneys, and counsel for the Commission that:

1. Proposed Respondent Rhone-Poulenc S.A. is a corporation organized under the laws of France, with its principal executive offices located at 25 Quai Paul Doumer, 92408 Courbevoie, Cedex, France.

2. Proposed Respondent Rhone-Poulenc Inc. is a corporation organized, existing and doing business under and by virtue of the laws of the state of New York, with its principal executive offices located at 125 Black Horse Lane, Monmouth Junction, New Jersey 08852.

3. Miles is a corporation organized, existing and doing business under and by virtue of the laws of the state of Indiana with its principal executive offices located at 1127 Myrtle Street, Elkhart, Indiana 46514.

4. Proposed Respondents admit all of the jurisdictional facts set forth in the draft of complaint here attached.

5. Proposed Respondents waive:

(a) Any further procedural steps;

(b) The requirement that the Commission's decision contain a statement of findings of fact and conclusions of law;

(c) All rights to seek judicial review or otherwise to challenge or contest the validity of the Order entered pursuant to this agreement; and

(d) All rights under the Equal Access to Justice Act.

6. This agreement shall not become part of the public record of the proceeding unless and until it is accepted by the Commission. If this agreement is accepted by the Commission, it, together with the draft of complaint contemplated thereby, will be placed on the public record for a period of sixty (60) days and information in respect thereto publicly released. The Commission thereafter may either withdraw its acceptance of this agreement and so notify Proposed Respondents, in which event it will take such action as it may consider appropriate, or issue and serve its complaint (in such form as the circumstances may require) and decision, in disposition of the proceeding.

7. This agreement is for settlement purposes only and does not constitute an admission by Proposed Respondents that the law has been violated as alleged in the draft of complaint here attached.

8. This agreement contemplates that, if it is accepted by the Commission, and if such acceptance is not subsequently withdrawn by the Commission pursuant to the provisions of § 2.34 of the Commission's Rules, the Commission may, without further notice to Proposed Respondents, (1) issue its complaint corresponding in form and substance with the draft of complaint here attached and its decision containing the following Order providing for certain relief in disposition of the proceeding, and (2) make information public with respect thereto. When so entered, the Order shall have the same force and effect and may be altered, modified, or set aside in the same manner and within

the same time provided by statute for other orders. The Order shall become final upon service. Delivery by the U.S. Postal Service of the complaint and decision containing the agreed-to Order to Proposed Respondents or to their counsel's addresses as stated in this Agreement shall constitute service. Proposed Respondents waive any right they may have to any other manner of service. The complaint may be used in construing the terms of the Order, and no agreement, understanding, representation, or interpretation not contained in the Order or the Agreement may be used to vary or contradict the terms of the Order.

9. Proposed Respondents have read the proposed complaint and Order contemplated hereby. They understand that once the Order has been issued, they will be required to file one or more compliance reports showing that they have fully complied with the Order. Proposed Respondents further understand that they may be liable for civil penalties in the amount provided by law for each violation of the Order after it becomes final.

Order

I

As used in this Order, the following definitions shall apply:

a. "Rhone-Poulenc" means Rhone-Poulenc S.A., a French corporation, its predecessors, any other corporations, partnerships, joint ventures, companies, subsidiaries, divisions, groups and affiliates that Rhone-Poulenc controls, directly or indirectly, and their respective directors, officers, employees, agents and representatives, and their respective successors and assigns. "RPI" means Rhone-Poulenc, Inc. a New York corporation which is a wholly-owned subsidiary of Rhone-Poulenc.

b. "Acquisition" means RPI's acquisition of substantially all of the assets of the Marschall Dairy Products division of Miles.

c. "Respondents" means Rhone-Poulenc and RPI.

d. "Dairy Cultures" means culture products which are used in the manufacture of various dairy products, including cheese, sour cream, buttermilk, yogurt, and cottage cheese.

e. "Commission" means the Federal Trade Commission.

f. "New Entrant or Expander" means any entity which, during the five years following the date this Order becomes final, is engaged in the commercial production and sale of dairy culture products in the United States to customers in the United States, or seeks to begin such production and sale. "New Entrant or Expander" shall not include Chris Hansen Laboratories and Dairyland Food Laboratories, or any entity directly or indirectly controlling, controlled by, under common control with, or otherwise affiliated with either.

g. "Marschall Dairy Products Dairy Cultures" means the dairy culture products offered for sale in the United States by Marschall to customers in the United States, immediately prior to the Acquisition. "Marschall Dairy Products Dairy Cultures" shall not include any dairy culture products with respect to which Marschall's production or sale of such product involves a license from, or the payment of royalties to, another entity.

II

It is ordered, That:

A. Respondent RPI shall grant a license to duplicate and sell, on a royalty free basis, any products among the Marschall Dairy Products Dairy Cultures to any and all New Entrants or Expanders who, during the five (5) years following the date this Order becomes final, request such a license. The license to each such New Entrant or Expander shall run for four (4) years, and shall contain, as applicable to the license contemplated by this Order, the provisions customarily found in licensing agreements. The license will also warrant the quality of the Marschall Dairy Products Dairy Cultures to be provided to the licensee and contain an undertaking concerning their prompt delivery. After the termination of its license, each such New Entrant or Expander may continue to duplicate and sell the licensed products. Within sixty (60) days after the date this Order becomes final, Respondents shall file with the Commission a copy of the license agreement that will be offered to New Entrants or Expanders pursuant to this Order.

B. Within sixty (60) days after the date of the Acquisition, Respondents shall file with the Commission a list of the Marschall Dairy Products Dairy Cultures, together with information identifying the dairy products that each is used to produce. This information shall subsequently be made available to any New Entrant or Expander that requests information about, or receives, a license.

C. Respondents shall allow any New Entrant or Expander who licenses products from among the Marschall Dairy Products Dairy Cultures to represent to the public, during the period of its license, and only during that period, that it has received Marschall Dairy Products Dairy Cultures pursuant to a license, that it has been given information identifying the dairy products that each is used to produce, and that it is licensed to duplicate and sell them.

D. In order to compensate Respondent RPI for handling costs, and to deter nuisance requests, Respondent RPI shall be entitled to request a charge of not more than $50 per culture at the time any New Entrant or Expander requests a license of cultures, subject to the condition that the total such charge per license shall not exceed $4,000.

III

It is further ordered, That for the purposes of determining or securing compliance with this Order, and subject to any legally recognized privilege, upon written request and on reasonable notice to Respondents made to their principal offices, Respondents shall make available, in the United States, to any duly authorized representatives of the Commission:

A. All books, ledgers, accounts, correspondence, memoranda, and other records and documents in the possession or under the control of Respondents relating to any matters contained in this Order, for inspection and copying during office hours and in the presence of counsel; and

B. Upon five (5) days' notice to Respondents, and without restraint or interference from Respondents, for interview, officers or employees of Respondents, who may have counsel present, regarding such matters.

IV

It is further ordered, That within sixty (60) days after the date this Order becomes final and annually thereafter on the anniversary date of the Order for each of the five (5) years following the date this Order becomes final, Respondents shall submit to the Commission a verified report setting forth in detail the manner and form in which they intend to comply, are complying or have complied with this Order. Among the other things that are required from time to time, Respondents shall include in their compliance reports (and, for a period of five (5) years from the date of the report, maintain all records relating to) the identities of New Entrants and Expanders who have applied for licenses, and the identities of those who have received licenses. Respondents shall also include copies of the licenses granted.

V

It is further ordered, That Respondents shall notify the Commission at least thirty (30) days

prior to any proposed change in any Respondent, such as dissolution, assignment or sale resulting in the emergence of a successor, or the creation or dissolution of subsidiaries or any other change that may affect compliance with this Order.

VI

It is further ordered, That, for a period of ten (10) years from the date this Order becomes final, Respondents shall cease and desist from acquiring, without the prior approval of the Commission, directly or indirectly through subsidiaries or otherwise, assets used in, or all or any part of the stock or share capital of, or any interest in, any company engaged in the manufacture or sale of Dairy Cultures in the United States. Provided, however, that these prohibitions shall not apply to the acquisition of (i) new machinery or equipment from manufacturers or suppliers, or (ii) assets outside the United States. One year from the date this Order becomes final and annually thereafter for nine (9) years, Respondents shall file with the Commission a verified written report of their compliance with this paragraph.

Analysis of Proposed Consent Order to Aid Public Comment

The Federal Trade Commission has accepted an agreement to a proposed consent order from Rhone-Poulenc S.A. and its wholly owned subsidiary, Rhone-Poulenc Inc. (Collectively "Rhone-Poulenc").

The proposed consent order has been placed on the public record for sixty (60) days for reception of comments by interested persons. Comments received during this period will become part of the public record. After sixty (60) days, the Commission will again review the agreement and the comments received and will decide whether it should withdraw from the agreement or make final the agreement's proposed order.

The proposed complaint alleges that Rhone-Poulenc's purchase of the Marschall Dairy Products ("Marschall") division of Miles Inc. would violate the provisions of section 5 of the Clayton Act and section 7 of the Federal Trade Commission Act in the market for dairy cultures.

The proposed consent order provides that for a period of five (5) years Rhone-Poulenc will grant licenses to duplicate and sell, on a royalty free basis, the dairy cultures products of Marschall to any entity except Chr. Hansen's Laboratories and Dairyland Food Laboratories. The products covered by the licenses will be those dairy cultures sold in the United States by Marschall as of the date immediately prior to Rhone-Poulenc's acquisition of Marschall. The licenses offered will run for four (4) year terms, and be a standard form consisting of customary provisions found in licensing agreements. The licenses will also warrant the quality of the products and contain an undertaking concerning their prompt delivery.

During the term of its license the licensee will be allowed to represent to the public that it has received Marschall products pursuant to a license, that it has been given information identifying the dairy products that each is used to produce, and that it is licensed to duplicate and sell them. After the termination of its license the licensee may continue to duplicate and sell the licensed products.

The proposed order requires that within sixty (60) days of the date the order becomes final Rhone-Poulenc file with the commission a copy of the license agreement that it will offer. The Order also requires that within sixty (60) days of the date of the acquisition Rhone-Poulenc file with the Commission a list of the products covered by the license, together with information identifying the dairy products that each is used to produce. This information will subsequently be made available to any licensee or prospective licensee. Rhone-Poulenc will have the right to request a charge of not more than $50 per culture when a license is requested, subject to the condition that the total such charge per license shall not exceed $4,000.

The proposed order further requires that for a period of ten (10) years Rhone-Poulenc shall not, directly or indirectly, acquire an interest in any company that manufactures or sells dairy cultures in the United States, without prior approval from the Commission. Rhone-Poulenc is also required to provide annual reports to the Commission of its compliance with the provisions of the order for five (5) years.

The Commission anticipates that the effect of the proposed order will be to maintain competition in the market for dairy cultures in the United States.

The purpose of this analysis is to facilitate public comment on the proposed order, and it is not intended to constitute an official interpretation of the agreement and proposed order or to modify in any way their terms.

Benjamin I. Berman,

Acting Secretary.

Dissenting Statement of Commissioner Azcuenaga in Rhone Poulenc, Inc.

Although I agree with the majority that a remedy is warranted in this matter, the licensing requirement in the proposed consent order may provide no competitive relief at all. No potential licensees have been identified, and Rhone-Poulenc is not required to find one. Compulsory licensing may be an appropriate remedy in certain limited circumstances, for example, when an effective divestiture of assets is impracticable, but that does not appear to be the situation here. See Separate Statement of Chairman James C. Miller in *Xidex Corp.*, Docket 9146, 102 F.T.C. 1, 19 (1983). The proposed order has the potential to be highly regulatory and falls far short of the competitive relief that a simple structural remedy would provide. I dissent.

[FR Doc. 90-4171 Filed 2-22-90; 8:45 am]

BILLING CODE 6750-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Advisory Council; Establishment of the Commission on the National Nursing Shortage

Pursuant to the Federal Advisory Committee Act, Public Law 92-463 (5 U.S.C. appendix 2), the Secretary, Department of Health and Human Services announces the establishment of the following advisory commission.

Designation: Commission on the National Nursing Shortage

Purpose: The Commission advises the Secretary, the Assistant Secretary for Health, and the Administrator, Health Resources and Services Administration on specific projects implementing the recommendations of the Secretary's Commission on Nursing. These projects should attempt optimal utilization of available resources and expertise from Federal, State, and local government and private sector organizations.

The recommended projects will target the following five focus areas: (1) Recruitment and the educational pathway; (2) retention and career development; (3) restructuring nursing services and effective utilization of nursing personnel; (4) data collection and analysis requirements; and (5) information systems and related technology in nursing.

In each focus area, the Commission will formulate one targeted initiative designed to improve the imbalance in the nursing labor market and provide a model for broader endeavors. In addition, the Commission will investigate ways to promote and identify specific commitments from private sector organizations and State and local government for fulfilling the projects.

Structure: The Commission consists of a representative from the Health Care Financing Administration; the Chief Nurse Officer, U.S. Public Health Service; the Director, Division of Nursing, Health Resources and Services Administration; and the Director, National Center for Nursing Research, National Institutes of Health, as ex officio members and 11 members appointed by the Secretary. Of the appointed members, four will be selected from the nursing community; four will be selected from health care providers and other employers of nurses; one will be selected from Third Party Payors; one will be selected to represent economics and data policy; and one will be selected from the general public.

Authority for this Commission will terminate in one year.

Dated: February 15, 1990.

Jackie E. Baum,

Advisory Committee Management Officer, HRSA.

[FR Doc. 90–4269 Filed 2–22–90; 8:45 am]

BILLING CODE 4160–15–M

National Institutes of Health

National Heart, Lung, and Blood Institute; Meeting of the National Asthma Education Program Coordinating Committee

Notice is hereby given of the meeting of the National Asthma Education Program Coordinating Committee, sponsored by the National Heart, Lung, and Blood Institute on Friday, June 8, 1990, from 8:30 a.m. to 3 p.m., at the Ramada Inn, 8400 Wisconsin Avenue, Bethesda, Maryland, (301) 654–1000.

The entire meeting is open to the public. The Coordinating Committee is meeting to define the priorities, activities, and needs of the participating groups in the National Asthma Education Program. Attendance by the public will be limited to space available.

For detailed program information, agenda, list of participants, and meeting summary, contact: Mr. Robinson Fulwood, Coordinator, National Asthma Education Program, Health Education Branch, Office of Prevention, Education and Control, National Heart, Lung, and Blood Institute, National Institutes of Health, Building 31, room 4A18, Bethesda, Maryland 20892, (301) 496–1051.

Dated: February 15, 1990.

William F. Raub,

Acting Director, NIH.

[FR Doc. 90–4113 Filed 2–22–90; 8:45 am]

BILLING CODE 4140–01–M

National Heart, Lung, and Blood Institute; Meeting of the National Blood Resource Education Program Coordinating Committee

Notice is hereby given of the meeting of the National Blood Resource Education Program Coordinating Committee, sponsored by the National Heart, Lung, and Blood Institute on Tuesday, April 3, 1990, from 8 a.m. to 3 p.m., at the Holiday Inn, 8120 Wisconsin Avenue, Bethesda, Maryland, (301) 652–2000.

The entire meeting is open to the public. The Coordinating Committee is meeting to define the priorities, activities, and needs of the participating groups in the National Blood Resource Education Program. Attendance by the public will be limited to space available.

For detailed program information, agenda, list of participants, and meeting summary, contact: Ms. Susan D. Rogus, Coordinator, National Blood Resource Education Program, Office of Prevention, Education and Control, National Heart, Lung, and Blood Institute, National Institutes of Health, Building 31, room 4A05, Bethesda, Maryland 20892, (301) 496–0554.

Dated: February 15, 1990.

William F. Raub,

Acting Director, NIH.

[FR Doc. 90–4114 Filed 2–22–90; 8:45 am]

BILLING CODE 4140–01–M

Public Health Service

National Institutes of Health; Statement of Organization, Functions and Delegations of Authority

Part H, Chapter HN (National Institutes of Health) of the Statement of Organization, Functions and Delegations of Authority of the Department of Health and Human Services (40 FR 22859, May 27, 1975, as amended most recently at 54 FR 48032, November 20, 1989), is amended to reflect the following changes within the National Institutes of Health: (1) Abolish the Division of Research Services (HNE); (2) retitle the Division of Research Resources (HNR) to the National Center for Research Resources (HNR) and revise its functional statement; and (3) establish the Division of Intramural Research Resources (HNR2), and the Division of Extramural Research Resources (HNR3) within the newly retitled National Center for Research Resources. These changes will increase the efficiency and improve the performance of programs in support of intramural and extramural research resources.

Section HN–B, Organization and Functions, is amended as follows:

(1) Abolish the title and statement for the Division of Research Services (HNE) in their entirety.

(2) Under the heading Division of Research Resources (HNR), delete the title and statement in their entirety and substitute the following:

National Center for Research Resources (HNR). (1) Administers, fosters, and supports research for the development and support of multi-categorical research resources needed on an institutional, regional, national, or international basis for health-related research. Programs are carried out through: (a) Research grants, research and development contracts, and individual and institutional research training awards; (b) cooperation and collaboration with organizations and institutions engaged in multi-categorical research resources activities; and (c) collection and dissemination of information on research and findings in these areas. (2) Provides oversight of a centralized program of intramural research resources throughout the planning, performance, and reporting of research projects.

Division of Intramural Research Resources (HNR2). (1) Plans and conducts a centralized program of intramural research resources for the NIH throughout the planning, performance, and reporting of research projects as follows: (a) Provides support to intramural scientists in applications of engineering, mathematics, physics, and the physical sciences to the solution of problems in biology and medicine; (b) provides professional and technical support services related to the care and use of animals, including the provision and care of research animals, research consultation, disease control services, and administrative support for the Office of Animal Care and Use, OD/NIH; (c) provides comprehensive research library support to NIH scientific, clinical and management programs through an extensive collection of books and journals, access to computer information banks, and staff assistance and consultation in information handling nd retrieval; and (d) provides a complete visual communications program utilizing design, graphics, medical illustration, photography, and video recording for documentation of medical research programs and data for all NIH information dissemination needs.

Division of Extramural Research Resources (HNR3). Strengthens and enhances the research environments of entities engaged in health-related

research by developing and supporting essential research resources as follows: (a) Plans, fosters, and supports the development and maintenance of multi-categorical research resources on an institutional, regional, national, or international basis for health-related research; (b) collaborates with the categorical Institutes in the identification of research resources needs required by ongoing activities and planned new directions relating to the overall NIH mission; and (c) through research grants, cooperative agreements, individual and institutional research training awards, and research and development contracts, strengthens and enhances research environments.

Dated: February 15, 1990.

Louis W. Sullivan,

Secretary of Health and Human Services.

[FR Doc. 90-4137 Filed 2-22-90; 8:45 am]

BILLING CODE 4140-01-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Community Planning and Development

[Docket No. N-90-1917; FR-2606-N-60]

Underutilized and Unutilized Federal Buildings and Real Property Determined to Be Suitable for Use for Facilities to Assist the Homeless

AGENCY: Office of the Assistant Secretary for Community Planning and Development, HUD.

ACTION: Notice.

SUMMARY: This Notice identifies unutilized and underutilized Federal property determined by HUD to be suitable for possible use for facilities to assist the homeless.

EFFECTIVE DATE: February 23, 1990.

ADDRESS: For further information, contact James Forsberg, Room 7262, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, DC 20410; telephone (202) 755-6300; TDD number for the hearing- and speech-impaired (202) 755-5965. (These telephone numbers are not toll-free.)

SUPPLEMENTARY INFORMATION: In accordance with the December 12, 1988 Court Order in *National Coalition for the Homeless v. Veterans Administration*, No. 88-2503-OG (D.D.C.), HUD is publishing this Notice to identify Federal buildings and real property that HUD has determined are suitable for use for facilities to assist the homeless. The properties were identified from information provided to HUD by Federal landholding agencies regarding unutilized and underutilized buildings and real property controlled by such agencies or by GSA regarding its inventory of excess or surplus Federal property.

The Order requires HUD to take certain steps to implement section 501 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11411), which sets out a process by which unutilized or underutilized Federal properties may be made available to the homeless. Under section 501(a), HUD is to collect information from Federal landholding agencies about such properties and then to determine, under criteria developed in consultation with the the Department of Health and Human Services (HHS) and the Administrator of General Services (GSA), which of those properties are suitable for facilities to assist the homeless. The Order requires HUD to publish, on a weekly basis, a Notice in the Federal Register identifying the properties determined as suitable.

The properties identified in this Notice may ultimately be available for use by the homeless, but they are first subject to review by the landholding agencies pursuant to the court's Memorandum of December 14, 1988 and section 501(b) of the McKinney Act. Section 501(b) requires HUD to notify each Federal agency about any property of such agency that has been identified as suitable. Within 30 days from receipt of such notice from HUD, the agency must transmit to HUD: (1) its intention to declare the property excess to the agency's need or to make the property available on an interim basis for use as facilities to assist the homeless; or (2) a statement of the reasons that the property cannot be declared excess or made available on an interim basis for use as facilities to assist the homeless.

First, if the landholding agency decides that the property cannot be declared excess or made available to the homeless for use on an interim basis the property will no longer be available.

Second, if the landholding agency declares the property excess to the agency's need, that property may, if subsequently accepted as excess by GSA, be made available for use by the homeless in accordance with applicable law and the December 12, 1988 Order and December 14, 1988 Memorandum, subject to screening for other Federal use.

Homeless assistance providers interested in any property identified as suitable in this Notice should send a written expression of interest to HHS, addressed to Judy Breitman, Division of Health Facilities Planning, U.S. Public Health Service, HHS, Room 17A-10, 5600 Fishers Lane, Rockville, MD 20857; (301) 443-2265. (This is not a toll-free number). HHS will mail to the interested provider an application packet, which will include instructions for completing the application. In order to maximize the opportunity to utilize a suitable property, providers should submit such written expressions of interest within 30 days from the date of this Notice. For complete details concerning the timing and processing of applications, the reader is encouraged to refer to HUD's Federal Register Notice on June 23, 1989 (54 FR 26421), as corrected on July 3, 1989 (54 FR 27975).

For more information regarding particular properties identified in this Notice (*i.e.*, acreage, floor plan, existing sanitary facilities, exact street address), providers should contact the appropriate landholding agencies at the following addresses: U.S. Army: HQ-DA, Attn: DAEN-ZCI-P-Robert Conte; Room 1E671 Pentagon, Washington, DC 20360-2600, (202) 693-4583.

Dated: February 15, 1990.

Paul Roitman,

Deputy Assistant Secretary for Program Policy Development and Evaluation.

SUITABLE LAND (by State)

Nevada

Parcel A
Hawthorne Army Ammunition Plant
Hawthorne, NV Co: Mineral
Location: At Foot of Eastern Slope of Mount Grant in Wassuk Range & S.W. edge of Walker Lane
Landholding Agency: Army
Property Number: 219012049
Status: Unutilized
Comment: 160 acres, road and utility easements, no utility hookup, possible flooding problem.

Parcel B
Hawthorne Army Ammunition Plant
Hawthorne, NV Co: Mineral
Location: At foot of Eastern slope of Mount Grant in Wassuk Range & S.W. edge of Walker Lane
Landholding Agency: Army
Property Number: 219012056
Status: Unutilized
Comment: 1920 acres; road and utility easements; no uility hookup; possible flooding problem.

Parcel C
Hawthorne Army Ammunition Plant
Hawthorne, NV Co: Mineral
Location: South-southwest of Hawthorne along HWAAP's South Magazine Area at Western edge of State Route 359
Landholding Agency: Army
Property Number: 219012057
Status: Unutilized
Comment: 85 acres; road & utility easements; no utility hookup.

Parcel D

Hawthorne Army Ammunition Plant
Hawthorne, NV Co: Mineral
Location: South-southwest of Hawthorne along HWAAP's South Magazine Area at western edge of State Route 359.
Landholding Agency: Army
Property Number: 219012058
Status: Unutilized
Comment: 955 acres; road & utility easements; no utility hookup.

Washington

Sno-King, Parcel 1
Sno-King Transmission Line Corridor
Adjacent (north of) 20918 46 Avenue, S.W.
Snohomish, WA Co: Snohomish
Landholding Agency: GSA
Property Number: 549010006
Status: Surplus
Comment: 1.78 acres; Bonneville Power Admin. retains powerline easement to portion of property.
GSA NO. 9–B–WA–988

Sno-King, Parcel Two
Sno-King Transmission Line Corridor
Adjacent (north of) 20931 Yew/Way Residence
Snohomish, WA Co: Snohomish
Landholding Agency: GSA
Property Number: 549010007
Status: Surplus
Comment: 1.28+ acres; Bonneville Power Administration retains powerline easement to portion of property.
GSA NO. 9–B–WA–988

Rocky Reach
Maple Valley Transmission Line Corridor
Renton, WA Co: King
Location: Intermittent between 140th Avenue S.W. and Highway 169.
Landholding Agency: GSA
Property Number: 549010008
Status: Surplus
Comment: 137.67 acres; Bonneville Power Administration retains powerline easement to portion of property; portion has existing use license.
GSA NO. 9–B–WA–987

SUITABLE BUILDINGS (by State)

Arizona

Bldg. S–306
Yuma Proving Ground
Main Admin. Area—near inter. 1st & D Sts.
Yuma, AZ Co: Yuma & La Paz
Landholding Agency: Army
Property Number: 219011725
Status: Underutilized
Comment: 2 story wood and stucco frame; needs structural upgrading; portion of 2nd floor vacant.

Bldg. S–1003
Yuma Proving Ground
Main Admin. Area—5th & Barranca Road
Yuma, AZ Co: Yuma & La Paz
Landholding Agency: Army
Property Number: 219011727
Status: Underutilized
Comment: 2227 sq. ft.; two-story wood and stucco frame; 2 floor wood and frame; possible asbestos; bldg. committed to Congress for disposal.

Bldg. S–503
Yuma Proving Ground
Main Admin. Area—2nd St. bet. D & F Sts.
Yuma, AZ Co: Yuma & La Paz
Landholding Agency: Army
Property Number: 219011746
Status: Underutilized
Comment: 2123 sq. ft.; possible asbestos; 2nd floor vacant; structural upgrading needed; bldg. scheduled for renovation and used as community center.

Bldg. S–501
Yuma Proving Ground
Main Admin. Area— D & 2nd Sts.
Yuma, AZ Co: Yuma & La Paz
Landholding Agency: Army
Property Number: 219011747
Status: Unutilized
Comment: 4000 sq. ft.; possible asbestos; scheduled for renovation; to be used as "Army Continuing Education Facility"; 2 floors.

Bldg. S–308
Yuma Proving Ground
Main Admin. Area—near 1st and D Sts.
Yuma, AZ Co: Yuma & La Paz
Landholding Agency: Army
Property Number: 219011749
Status: Underutilized
Comment: 2622 sq. ft. on second floor; structural upgrading needed; possible asbestos; scheduled for use by administrative personnel currently housed in trailers.

Bldg. S–309
Yuma Proving Ground
Main Admin. Area—D & 2nd Sts.
Yuma, AZ Co: Yuma & La Paz
Landholding Agency: Army
Property Number: 219011748
Status: Underutilized
Comment: 4500 sq. ft.; 2 floors; possible asbestos; scheduled for renovation; Convert from Barracks to Administration Bldg.

Georgia

Bldg. S–4865
Fort Benning
Fort Benning, GA Co: Muscogee
Landholding Agency: Army
Property Number: 219011447
Status: Underutilized
Comment: 1098 sq ft., 1 floor, most recent use—storehouse, needs rehab.

Bldg. 4867
Fort Benning
Fort Benning, GA Co: Muscogee
Landholding Agency: Army
Property Number: 219011448
Status: Unutilized
Comment: 1888 sq. ft., 2 floors; most recent use—trainee barracks; needs rehab/major construction to be habitable.

Bldg. 4868
Fort Benning
Fort Benning, GA Co: Muscogee
Landholding Agency: Army
Property Number: 219011450
Status: Unutilized
Comment: 1888 sq. ft.; 2 floors; most recent use—trainee barracks; needs major rehab/ construction to be habitable.

Bldg. 4869
Fort Benning
Fort Benning, GA Co: Muscogee
Landholding Agency: Army
Property Number: 219011451
Status: Unutilized
Comment: 1888 sq. ft.; 2 floors; most recent use—trainee barracks; needs major rehab/ construction to be habitable.

Bldg. 4870
Fort Benning
Fort Benning, GA Co: Muscogee
Landholding Agency: Army
Property Number: 219011452
Status: Unutilized
Comment: 1888 sq. ft.; 2 floors; most recent use—trainee barracks; needs major rehab/ construction to be made habitable.

Bldg. 4871
Fort Benning
Fort Benning, GA Co: Muscogee
Landholding Agency: Army
Property Number: 219011453
Status: Unutilized
Comment: 1507 sq. ft.; 1 floor; most recent use—day room; needs major rehab/ construction to be habitable.

Bldg. 4875
Fort Benning
Fort Benning, GA Co: Muscogee
Landholding Agency: Army
Property Number: 219011455
Status: Unutilized
Comment: 1888 sq. ft.; 2 floors; most recent use—BN classrooms; major rehab/ construction required to be habitable.

Bldg. 4872
Fort Benning
Fort Benning, GA Co: Muscogee
Landholding Agency: Army
Property Number: 219011458
Status: Unutilized
Comment: 2183 sq. ft.; 1 floor; most recent use—dining room; major construction required to be made habitable.

Bldg. 4873
Fort Benning
Fort Benning, GA Co: Muscogee
Landholding Agency: Army
Property Number: 219011465
Status: Unutilized
Comment: 2183 sq. ft.; 1 floor; most recent use—dining room; major construction required to be made habitable.

Bldg. 4546
Fort Benning
Fort Benning, GA Co: Muscogee
Landholding Agency: Army
Property Number: 219011466
Status: Unutilized
Comment: 2818 sq. ft.; bldgs in poor condition; major construction needed to be made habitable.

Bldg. 4874
Fort Benning
Fort Benning, GA Co: Muscogee
Landholding Agency: Army
Property Number: 219011467
Status: Unutilized
Comment: 1507 sq. ft.; 1 floor; most recent use—day room; major construction required to be made habitable.

Bldg. 4877
Fort Benning
Fort Benning, GA Co: Muscogee
Landholding Agency: Army
Property Number: 219011468
Status: Unutilized

Comment: 1888 sq. ft.; 2 floors; most recent use—trainee barracks; major rehab/ construction required to be habitable.

Bldg. 4876
Fort Benning
Fort Benning, GA Co: Muscogee
Landholding Agency: Army
Property Number: 219011470
Status: Unutilized
Comment: 1888 sq. ft.; 2 floors; most recent use—trainee barracks; needs major rehab/ construction required to be habitable.

Bldg. 4878
Fort Benning
Fort Benning, GA Co: Muscogee
Landholding Agency: Army
Property Number: 219011472
Status: Unutilized
Comment: 1888 sq. ft.; 2 floors; most recent use—trainee barracks; needs major rehab/ construction required to be made habitable.

Bldg. 4544
Fort Benning
Fort Benning, GA Co: Muscogee
Landholding Agency: Army
Property Number: 219011471
Status: Unutilized
Comment: 2498 sq. ft.; bldgs in poor condition; major construction needed to be made habitable.

Bldg. 4880
Fort Benning
Fort Benning, GA Co: Muscogee
Landholding Agency: Army
Property Number: 219011474
Status: Unutilized
Comment: 1888 sq. ft.; 2 floors; most recent use—trainee barracks; major rehab/ construction required to be made habitable.

Bldg. 4545
Fort Benning
Fort Benning, GA Co: Muscogee
Landholding Agency: Army
Property Number: 219011473
Status: Unutilized
Comment: 2818 sq. ft.; bldgs in poor condition; major construction needed to be made habitable.

Bldg. 4902
Fort Benning
Fort Benning, GA Co: Muscogee
Landholding Agency: Army
Property Number: 219011476
Status: Unutilized
Comment: 1888 sq. ft.; 2 floors; most recent use—barracks; major construction required to be made habitable.

Bldg. 4510
Fort Benning
Fort Benning, GA Co: Muscogee
Landholding Agency: Army
Property Number: 219011475
Status: Unutilized
Comment: 1888 sq. ft.; Bldgs in poor condition; major construction needed to be made habitable.

Bldg. 4903
Fort Benning
Fort Benning, GA Co: Muscogee
Landholding Agency: Army
Property Number: 219011477
Status: Unutilized
Comment: 1888 sq. ft.; 2 floors; most recent use—trainee barracks; major construction required to be made habitable.

Bldg. 4904
Fort Benning
Fort Benning, GA Co: Muscogee
Landholding Agency: Army
Property Number: 219011478
Status: Unutilized
Comment: 1888 sq. ft.; 2 floors; most recent use—trainee barracks; major construction required to be made habitable.

Bldg. 4905
Fort Benning
Fort Benning, GA Co: Muscogee
Landholding Agency: Army
Property Number: 219011479
Status: Unutilized
Comment: 1888 sq. ft.; 2 floors; most recent use—trainee barracks; major construction required to be made habitable.

Bldg. 4906
Fort Benning
Fort Benning, GA Co: Muscogee
Landholding Agency: Army
Property Number: 219011480
Status: Unutilized
Comment: 1507 sq. ft.; 1 floor; most recent use—day room; major construction required to be made habitable.

Bldg. 4907
Fort Benning
Fort Benning, GA Co: Muscogee
Landholding Agency: Army
Property Number: 219011481
Status: Unutilized
Comment: 2183 sq. ft.; 1 floor; most recent use—dining room facility; major construction required to be made habitable.

Bldg. 4908
Fort Benning
Fort Benning, GA Co: Muscogee
Landholding Agency: Army
Property Number: 219011482
Status: Unutilized
Comment: 2183 sq. ft.; 1 floor; most recent use—dining room facility; major construction required to be made habitable.

Bldg. 4909
Fort Benning
Fort Benning, GA Co: Muscogee
Landholding Agency: Army
Property Number: 219011483
Status: Unutilized
Comment: 1507 sq. ft.; 1 floor; most recent use—day room; major construction required to be made habitable.

Bldg. 4901
Fort Benning
Fort Benning, GA Co: Muscogee
Landholding Agency: Army
Property Number: 219011484
Status: Unutilized
Comment: 810 sq. ft.; 1 floor; most recent use—other inst st.; major rehab/ construction required to be made habitable is required.

Bldg. 4866
Fort Benning
Fort Benning, GA Co: Fort Benning
Landholding Agency: Army
Property Number: 219011485
Status: Unutilized
Comment: 794 sq. ft.; 1 floor; most recent use—arms building; major rehab/ construction required to be made habitable.

Bldg. 4879
Fort Benning
Fort Benning, GA Co: Muscogee
Landholding Agency: Army
Property Number: 219011486
Status: Unutilized
Comment: 794 sq. ft.; 1 floor; most recent use—arms building; major rehab/ construction required to be made habitable.

Bldg. 4549
Fort Benning
Fort Benning, GA Co: Muscogee
Landholding Agency: Army
Property Number: 219011487
Status: Unutilized
Comment: 794 sq. ft., buildings in poor condition, major construction needed to be made habitable.

Bldg. 4550
Fort Benning
Fort Benning, GA Co: Muscogee
Landholding Agency: Army
Property Number: 219011488
Status: Unutilized
Comment: 269 sq. ft., buildings in poor condition, major construction needed to be made habitable.

Bldg. 4551
Fort Benning
Fort Benning, GA Co: Muscogee
Landholding Agency: Army
Property Number: 219011489
Status: Unutilized
Comment: 4,416 sq. ft., buildings in poor condition, major construction needed to be made habitable.

Bldg. 4552
Fort Benning
Fort Benning, GA Co: Muscogee
Landholding Agency: Army
Property Number: 219011490
Status: Unutilized
Comment: 6,624 sq. ft., buildings in poor condition, major construction needed to be made habitable.

Bldg. 4553
Fort Benning
Fort Benning, GA Co: Muscogee
Landholding Agency: Army
Property Number: 219011491
Status: Unutilized
Comment: 1,440 sq. ft., buildings in poor condition, major construction needed to be made habitable.

Bldg. 4564
Fort Benning
Fort Benning, GA Co: Muscogee
Landholding Agency: Army
Property Number: 219011492
Status: Unutilized
Comment: 3,149 sq. ft., buildings in poor condition, major construction needed to be made habitable.

Bldg. 4605
Fort Benning
Fort Benning, GA Co: Muscogee
Landholding Agency: Army
Property Number: 219011493
Status: Unutilized
Comment: 915 sq. ft., buildings in poor condition, major construction needed to be made habitable.

Bldg. 4615
Fort Benning
Fort Benning, GA Co: Muscogee

Landholding Agency: Army
Property Number: 219011494
Status: Unutilized
Comment: 915 sq. ft.; buildings in poor condition, major construction needed to be made habitable.

Bldg. 4642
Fort Benning
Fort Benning, GA Co: Muscogee
Landholding Agency: Army
Property Number: 219011495
Status: Unutilized
Comment: 3,068 sq. ft., buildings in poor condition, major construction needed to be made habitable.

Bldg. 4643
Fort Benning
Fort Benning, GA Co: Muscogee
Landholding Agency: Army
Property Number: 219011496
Status: Unutilized
Comment: 3,068 sq. ft., buildings in poor condition, major construction needed to be made habitable.

Bldg. 4747
Fort Benning
Fort Benning, GA Co: Muscogee
Landholding Agency: Army
Property Number: 219011497
Status: Unutilized
Comment: 794 sq. ft., buildings in poor condition, major construction needed to be made habitable.

Bldg. 4834
Fort Benning
Fort Benning, GA Co: Muscogee
Landholding Agency: Army
Property Number: 219011498
Status: Unutilized
Comment: 794 sq. ft., buildings in poor condition, construction needed to be made habitable.

Bldg. 4835
Fort Benning
Fort Benning, GA Co: Muscogee
Landholding Agency: Army
Property Number: 219011499
Status: Unutilized
Comment: 1,501 sq. ft., building in poor condition, major construction needed to be made habitable.

Bldg. 4840
Fort Benning
Fort Benning, GA Co: Muscogee
Landholding Agency: Army
Property Number: 219011500
Status: Unutilized
Comment: 2,930 sq. ft., building in poor condition, major construction needed to be made habitable.

Bldg. 4841
Fort Benning
Fort Benning, GA Co: Muscogee
Landholding Agency: Army
Property Number: 219011501
Status: Unutilized
Comment: 2,930 sq. ft., buildings in poor condition, major construction needed to be made habitable.

Bldg. 4843
Fort Benning
Fort Benning, GA Co: Muscogee
Landholding Agency: Army
Property Number: 219011502
Status: Unutilized
Comment: 1,776 sq. ft., buildings in poor condition, major construction needed to be made habitable.

Bldg. 4844
Fort Benning
Fort Benning, GA Co: Muscogee
Landholding Agency: Army
Property Number: 219011503
Status: Unutilized
Comment: 3,776 sq. ft., buildings in poor condition, major construction needed to be made habitable.

Bldg. 4846
Fort Benning
Fort Benning, GA Co: Muscogee
Landholding Agency: Army
Property Number: 219011504
Status: Unutilized
Comment: 1,455 sq. ft., building in poor condition, major construction needed to be made habitable.

Bldg. 4847
Fort Benning
Fort Benning, GA Co: Muscogee
Landholding Agency: Army
Property Number: 219011505
Status: Unutilized
Comment: 900 sq. ft., building in poor condition, major construction needed to be made habitable.

Bldg. 4848
Fort Benning
Fort Benning, GA Co: Muscogee
Landholding Agency: Army
Property Number: 219011506
Status: Unutilized
Comment: 804 sq. ft., buildings in poor condition, major construction needed to be made habitable.

Bldg. 4851
Fort Benning
Fort Benning, GA Co: Muscogee
Landholding Agency: Army
Property Number: 219011507
Status: Unutilized
Comment: 1,888 sq. ft., buildings in poor condition, major construction needed to be made habitable.

Bldg. 4852
Fort Benning
Fort Benning, GA Co: Muscogee
Landholding Agency: Army
Property Number: 219011508
Status: Unutilized
Comment: 1,888 sq. ft., buildings in poor condition, major construction needed to be made habitable.

Bldg. 4853
Fort Benning
Fort Benning, GA Co: Muscogee
Landholding Agency: Army
Property Number: 219011509
Status: Unutilized
Comment: 1,888 sq. ft., buildings in poor condition, major construction needed to be made habitable.

Bldg. 4854
Fort Benning
Fort Benning, GA Co: Muscogee
Landholding Agency: Army
Property Number: 219011510
Status: Unutilized
Comment: 1,888 sq. ft., buildings in poor condition, major construction needed to be made habitable.

Bldg. 4855
Fort Benning
Fort Benning, GA Co: Muscogee
Landholding Agency: Army
Property Number: 219011511
Status: Unutilized
Comment: 1,507 sq. ft., buildings in poor condition, major construction needed to be made habitable.

Bldg. 4856
Fort Benning
Fort Benning, GA Co: Muscogee
Landholding Agency: Army
Property Number: 219011512
Status: Unutilized
Comment: 2,183 sq. ft., buildings in poor condition, major construction needed to be made habitable.

Bldg. 4857
Fort Benning
Fort Benning, GA Co: Muscogee
Landholding Agency: Army
Property Number: 219011513
Status: Unutilized
Comment: 2,160 sq. ft., building in poor condition, major construction needed to be made habitable.

Bldg. 4858
Fort Benning
Fort Benning, GA Co: Muscogee
Landholding Agency: Army
Property Number: 219011514
Status: Unutilized
Comment: 1,507 sq. ft., building in poor condition, major construction needed to be made habitable.

Bldg. 4859
Fort Benning
Fort Benning, GA Co: Muscogee
Landholding Agency: Army
Property Number: 219011515
Status: Unutilized
Comment: 1,888 sq. ft., buildings in poor condition, major construction needed to be made habitable.

Bldg. 4860
Fort Benning
Fort Benning, GA Co: Muscogee
Landholding Agency: Army
Property Number: 219011516
Status: Unutilized
Comment: 1,888 sq. ft., buildings in poor condition, major construction needed to be made habitable.

Bldg. 4861
Fort Benning
Fort Benning, GA Co: Muscogee
Landholding Agency: Army
Property Number: 219011517
Status: Unutilized
Comment: 1,888 sq. ft., buildings in poor condition, major construction needed to be made habitable.

Bldg. 4862
Fort Benning
Fort Benning, GA Co: Muscogee
Landholding Agency: Army
Property Number: 219011518
Status: Unutilized

Comment: 1,888 sq. ft., buildings in poor condition, major construction needed to be made habitable.

Bldg. 4868
Fort Benning
Fort Benning, GA Co: Muscogee
Landholding Agency: Army
Property Number: 219011519
Status: Unutilized
Comment: 794 sq. ft., building in poor condition, major construction needed to be made habitable.

Bldg. 4864
Fort Benning
Fort Benning, GA Co: Muscogee
Landholding Agency: Army
Property Number: 219011520
Status: Unutilized
Comment: 1,292 sq. ft., building in poor condition, major construction needed to be made habitable.

Bldg. 4508
Fort Benning
Fort Benning, GA Co: Muscogee
Landholding Agency: Army
Property Number: 219011672
Status: Unutilized
Comment: 1,888 sq. ft.; most recent use—barracks, needs substantial rehabilitation, 2 floors.

Bldg. 4507
Fort Benning
Fort Benning, GA Co: Muscogee
Landholding Agency: Army
Property Number: 219011673
Status: Unutilized
Comment: 1,888 sq. ft.; most recent use—barracks, needs substantial rehabilitation, 2 floors.

Bldg. 4506
Fort Benning
Fort Benning, GA Co: Muscogee
Landholding Agency: Army
Property Number: 219011675
Status: Unutilized
Comment: 2,145 sq. ft.; most recent use—dining facilities, needs substantial rehabilitation, 1 floor.

Bldg. 4505
Fort Benning
Fort Benning, GA Co: Muscogee
Landholding Agency: Army
Property Number: 219011676
Status: Unutilized
Comment: 2,145 sq. ft.; most recent use—dining facility, needs substantial rehabilitation, 1 floor.

Bldg. 4504
Fort Benning
Fort Benning, GA Co: Muscogee
Landholding Agency: Army
Property Number: 219011677
Status: Unutilized
Comment: 1,888 sq. ft.; most recent use—barracks; needs substantial rehabilitation; 2 floors.

Bldg. 4503
Fort Benning
Fort Benning, GA Co: Muscogee
Landholding Agency: Army
Property Number: 219011678
Status: Unutilized
Comment: 1,888 sq. ft.; most recent use—barracks, need substantial rehabilitation; 2 floors.

Bldg. 4501
Fort Benning
Fort Benning, GA Co: Muscogee
Landholding Agency: Army
Property Number: 219011679
Status: Unutilized
Comment: 1,280 sq. ft.; most recent use—administrative; needs substantial rehabilitation; 1 floor.

Bldg. 4487
Fort Benning
Fort Benning, GA Co: Muscogee
Landholding Agency: Army
Property Number: 219011681
Status: Unutilized
Comment: 1,868 sq. ft.; most recent use—telephone exchange bldg.; needs substantial rehabilitation; 1 floor.

Bldg. 4484
Fort Benning
Fort Benning, GA Co: Muscogee
Landholding Agency: Army
Property Number: 219011682
Status: Unutilized
Comment: 1,098 sq. ft.; most recent use—storehouse; needs substantial rehabilitation; 1 floor.

Bldg. 4319
Fort Benning
Fort Benning, GA Co: Muscogee
Landholding Agency: Army
Property Number: 219011683
Status: Unutilized
Comment: 2,584 sq. ft.; most recent use—vehicle maintenance shop; needs substantial rehabilitation; 1 floor.

Bldg. 4481
Fort Benning
Fort Benning, GA Co: Muscogee
Landholding Agency: Army
Property Number: 219011685
Status: Unutilized
Comment: 1,507 sq. ft.; most recent use—administrative (day room); needs substantial rehabilitation; 1 floor.

Bldg. 4479
Fort Benning
Fort Benning, GA Co: Muscogee
Landholding Agency: Army
Property Number: 219011686
Status: Unutilized
Comment: 1,507 sq. ft.; most recent use—administrative (day room); needs substantial rehabilitation; 1 floor.

Bldg. 4045
Fort Benning
Fort Benning, GA Co: Muscogee
Landholding Agency: Army
Property Number: 219011688
Status: Unutilized
Comment: 2,135 sq. ft.; most recent use—administration; needs substantial rehabilitation; 2 floors.

Bldg. 4084
Fort Benning
Fort Benning, GA Co: Muscogee
Landholding Agency: Army
Property Number: 219011682
Status: Unutilized
Comment: 1,098 sq. ft.; most recent use—storehouse; needs substantial rehabilitation; 1 floor.

Bldg. 4319
Fort Benning
Fort Benning, GA Co: Muscogee
Landholding Agency: Army
Property Number: 219011683
Status: Unutilized
Comment: 2,584 sq. ft.; most recent use—vehicle maintenance shop; needs substantial rehabilitation; 1 floor.

Bldg. 4481
Fort Benning
Fort Benning, GA Co: Muscogee
Landholding Agency: Army
Property Number: 219011685
Status: Unutilized
Comment: 1,507 sq. ft.; most recent use—administrative (day room); needs substantial rehabilitation; 1 floor.

Bldg. 4479
Fort Benning
Fort Benning, GA Co: Muscogee
Landholding Agency: Army
Property Number: 219011686
Status: Unutilized
Comment: 1,507 sq. ft.; most recent use—administrative (day room); needs substantial rehablitation; 1 floor.

Bldg. 4045
Fort Benning
Fort Benning, GA Co: Muscogee
Landholding Agency: Army
Property Number: 219011688
Status: Unutilized
Comment: 2,135 sq. ft.; most recent use—administration; needs substantial rehabilitation; 2 floors.

Bldg. 2369
Fort Benning
Fort Benning, GA Co: Muscogee
Landholding Agency: Army
Property Number: 219011689
Status: Unutilized
Comment: 2,287 sq. ft.; most recent use—administration; needs substantial rehabilitation; 1 floor.

Bldg. 2406
Fort Benning
Fort Benning, GA Co: Muscogee
Landholding Agency: Army
Property Number: 219011690
Status: Unutilized
Comment: 1,888 sq. ft.; most recent use—recreational building; needs substantial rehabilitation; 2 floors.

Bldg. 2414
Fort Benning
Fort Benning, GA Co: Muscogee
Landholding Agency: Army
Property Number: 219011692
Status: Unutilized
Comment: 1,472 sq. ft.; most recent use—administration; needs substantial rehabilitation; 1 floor.

Bldg. 2371
Fort Benning
Fort Benning, GA Co: Muscogee
Landholding Agency: Army
Property Number: 219011693
Status: Unutilized
Comment: 5,431 sq. ft.; most recent use—open warehouse; needs substantial rehabilitation; 1 floor.

Bldg. 3400
Fort Benning
Fort Benning, GA Co: Muscogee
Landholding Agency: Army

Property Number: 219011694
Status: Unutilized
Comment: 2,570 sq. ft.; most recent use—fire station; needs substantial rehabilitation; 1 floor.

Bldg. 4042
Fort Benning
Fort Benning, GA Co: Muscogee
Landholding Agency: Army
Property Number: 219011696
Status: Unutilized
Comment: 2,891 sq. ft.; most recent use—administrative; needs substantial rehabilitation; 1 floor.

Bldg. 2080
Fort Benning
Fort Benning, GA Co: Muscogee
Landholding Agency: Army
Property Number: 219011697
Status: Unutilized
Comment: 2,414 sq. ft.; most recent use—barracks; needs rehabilitation; 2 floors.

Bldg. 1771
Fort Benning
Fort Benning, GA Co: Muscogee
Landholding Agency: Army
Property Number: 219011698
Status: Unutilized
Comment: 2,420 sq. ft.; most recent use—general storehouse; need substantial rehabilitation; 1 floor.

Bldg. 386
Fort Benning
Fort Benning, GA Co: Muscogee
Landholding Agency: Army
Property Number: 219011699
Status: Unutilized
Comment: 367 sq. ft.; most recent use—gas station; needs rehabilitation; 1 floor.

Bldg. 278
Fort Benning
Fort Benning, GA Co: Muscogee
Landholding Agency: Army
Property Number: 219011701
Status: Unutilized
Comment: 376 sq. ft.; most recent use—storehouse; needs substantial rehabilitation; 1 floor.

Bldg. 276
Fort Benning
Fort Benning, GA Co: Muscogee
Landholding Agency: Army
Property Number: 219011702
Status: Unutilized
Comment: 438 sq. ft.; most recent use—storehouse; needs substantial rehabilitation, 1 floor.

Bldg. 275
Fort Benning
Fort Benning, GA Co: Muscogee
Landholding Agency: Army
Property Number: 219011703
Status: Unutilized
Comment: 4,055 sq. ft.; most recent use—storehouse; needs substantial rehabilitation; 1 floor.

Bldg. 2285
Fort Benning
Fort Benning, GA Co: Muscogee
Landholding Agency: Army
Property Number: 219011704
Status: Unutilized
Comment: 4,574 sq. ft.; most recent use—clinic; needs substantial rehabilitation; 1 floor.

Bldg. 2088
Fort Benning
Fort Benning, GA Co: Muscogee
Landholding Agency: Army
Property Number: 219011705
Status: Unutilized
Comment: 2,414 sq. ft.; most recent use—barracks; needs substantial rehabilitation; 2 floors.

Bldg. 2083
Fort Benning
Fort Benning, GA Co: Muscogee
Landholding Agency: Army
Property Number: 219011706
Status: Unutilized
Comment: 2,414 sq. ft.; most recent use—barracks; needs substantial rehabilitation; 2 floors.

Bldg. 2081
Fort Benning
Fort Benning, GA Co: Muscogee
Landholding Agency: Army
Property Number: 219011707
Status: Unutilized
Comment: 2,414 sq. ft.; most recent use—barracks; needs substantial rehabilitation; 2 floors.

Bldg. 4092
Fort Benning
Fort Benning, GA Co: Muscogee
Landholding Agency: Army
Property Number: 219011709
Status: Unutilized
Comment: 336 sq. ft.; most recent use—inflammable materials storage; needs substantial rehabilitation; 1 floor.

Bldg. 4089
Fort Benning
Fort Benning, GA Co: Muscogee
Landholding Agency: Army
Property Number: 219011710
Status: Unutilized
Comment: 176 sq. ft.; most recent use—gas station; needs substantial rehabilitation; 1 floor.

Bldg. 4043
Fort Benning
Fort Benning, GA Co: Muscogee
Landholding Agency: Army
Property Number: 219011711
Status: Unutilized
Comment: 2,135 sq. ft.; most recent use—administrative; needs substantial rehabilitation; 2 floors.

Bldg. 4044
Fort Benning
Fort Benning, GA Co: Muscogee
Landholding Agency: Army
Property Number: 219011712
Status: Unutilized
Comment: 4,044 sq. ft.; most recent use—administrative; needs substantial rehabilitation; 2 floors.

Indiana

Bldg. No. 6
Fort Benjamin Harrison
56th Street and Greene Avenue
Ft. Benjamin Harrison, IN Co: Marion
Landholding Agency: Army
Property Number: 219011645
Status: Unutilized
Comment: 327 sq. ft.; one story; limitation—bldg. committed to Army/Air Force Exchange System; candidate for historic program.

Bldg. 518
Fort Benjamin Harrison
West of Lee Road, North of 59th Street
Ft. Benjamin Harrison, IN Co: Marion
Landholding Agency: Army
Property Number: 219011650
Status: Unutilized
Comment: 800 sq. ft.; one story; no utilities; structurally unsound; most recent use; storage and incinerator.

Maryland

Bldg. 2030
Aberdeen Proving Ground
Aberdeen City, MD Co: Harford
Landholding Agency: Army
Property Number: 219011418
Status: Unutilized
Comment: 3,302 sq. ft.; one story, possible asbestos.

Bldg. 2174
Aberdeen Proving Ground
Aberdeen City, MD Co: Harford
Landholding Agency: Army
Property Number: 219011419
Status: Unutilized
Comment: 3,540 sq. ft.; poor condition; utilities disconnected; one story; possible asbestos.

Bldg. 3243
Aberdeen Proving Ground
Aberdeen City, MD Co: Harford
Landholding Agency: Army
Property Number: 219011420
Status: Unutilized
Comment: 11,800 sq. ft., possible asbestos, two story, potential utilities.

Bldg. 3244
Aberdeen Proving Ground
Aberdeen City, MD Co: Harford
Landholding Agency: Army
Property Number: 219011421
Status: Unutilized
Comment: 3,302 sq. ft., one story, possible asbestos, potential utilities.

Bldg. 3621
Aberdeen Proving Ground
Aberdeen City, MD Co: Harford
Landholding Agency: Army
Property Number: 219011422
Status: Unutilized
Comment: 4,720 sq. ft., two story, possible asbestos, poor condition, utilities disconnected.

Bldg. 3622
Aberdeen Proving Ground
Aberdeen City, MD Co: Harford
Landholding Agency: Army
Property Number: 219011423
Status: Unutilized
Comment: 4,720 sq. ft.; two story; poor condition; possible asbestos; utilities disconnected.

Bldg. 3623
Aberdeen Proving Ground
Aberdeen City, MD Co: Harford
Landholding Agency: Army
Property Number: 219011424
Status: Unutilized
Comment: 4,720 sq. ft.; two story; possible asbestos; poor condition; utilities disconnected.

Bldg. 3624
Aberdeen Proving Ground



Aberdeen City, MD Co: Harford
Landholding Agency: Army
Property Number: 219011425
Status: Unutilized
Comment: 4,720 sq. ft.; two story, possible asbestos, poor condition, utilities disconnected.

Bldg. 3625
Aberdeen Proving Ground
Aberdeen City, MD Co: Harford
Landholding Agency: Army
Property Number: 219011426
Status: Unutilized
Comment: 2,031 sq. ft., one story, utilities disconnected, poor condition, possible asbestos.

Bldg. 3626
Aberdeen Proving Ground
Aberdeen City, MD Co: Harford
Landholding Agency: Army
Property Number: 219011427
Status: Unutilized
Comment: 4,720 sq. ft., two story, possible asbestos, utilities disconnected.

Bldg. 3627
Aberdeen Proving Ground
Aberdeen City, MD Co: Harford
Landholding Agency: Army
Property Number: 219011428
Status: Unutilized
Comment: 4,720 sq. ft., two story, utilities disconnected, poor condition, possible asbestos.

Bldg. 3628
Aberdeen Proving Ground
Aberdeen City, MD Co: Harford
Landholding Agency: Army
Property Number: 219011429
Status: Unutilized
Comment: 4,720 sq. ft., two story, possible asbestos, utilities disconnected, poor condition.

Bldg. 3629
Aberdeen Proving Ground
Aberdeen City, MD Co: Harford
Landholding Agency: Army
Property Number: 219011430
Status: Unutilized
Comment: 4,720 sq. ft., two story, utilities disconnected, possible asbestos, poor condition.

Bldg. 3630
Aberdeen Proving Ground
Aberdeen City, MD Co: Harford
Landholding Agency: Army
Property Number: 219011431
Status: Unutilized
Comment: 1,750 sq. ft., one story, possible asbestos, poor condition, utilities disconnected.

Bldg. 3631
Aberdeen Proving Ground
Aberdeen City, MD Co: Harford
Landholding Agency: Army
Property Number: 219011432
Status: Unutilized
Comment: 1,513 sq. ft., one story, possible asbestos, poor condition, utilities disconnected.

Bldg. 3632
Aberdeen Proving Ground
Aberdeen City, MD Co: Harford
Landholding Agency: Army
Property Number: 219011433
Status: Unutilized
Comment: 1,513 sq. ft., one story,, utilities disconnected, possible asbestos, poor condition.

Bldg. 3633
Aberdeen Proving Ground
Aberdeen City, MD Co: Harford
Landholding Agency: Army
Property Number: 219011434
Status: Unutilized
Comment: 1,754 sq. ft., one story, utilities disconnected, possible asbestos, poor condition.

Bldg. 3634
Aberdeen Proving Ground
Aberdeen City, MD Co: Harford
Landholding Agency: Army
Property Number: 219011435
Status: Unutilized
Comment: 4,720 sq. ft., two story, utilities disconnected, possible asbestos, poor condition.

Bldg. 3635
Aberdeen Proving Ground
Aberdeen City, MD Co: Harford
Landholding Agency: Army
Property Number: 219011436
Status: Unutilized
Comment: 4,720 sq. ft., two story, utilities disconnected, possible asbestos, poor condition.

Bldg. 3637
Aberdeen Proving Ground
Aberdeen City, MD Co: Harford
Landholding Agency: Army
Property Number: 219011437
Status: Unutilized
Comment: 4,720 sq. ft., two story, utilities disconnected, possible asbestos, poor condition.

Bldg. 3638
Aberdeen Proving Ground
Aberdeen City, MD Co: Harford
Landholding Agency: Army
Property Number: 219011438
Status: Unutilized
Comment: 18,880 sq. ft., one story, utilities disconnected, possible asbestos, poor condition.

Bldg. 3639
Aberdeen Proving Ground
Aberdeen City, MD Co: Harford
Landholding Agency: Army
Property Number: 219011439
Status: Unutilized
Comment: 4,720 sq. ft., two story, utilities disconnected, possible asbestos, poor condition

Bldg. 3640
Aberdeen Proving Ground
Aberdeen City, MD Co: Harford
Landholding Agency: Army
Property Number: 219011440
Status: Unutilized
Comment: 4,720 sq. ft., two story, utilities disconnected, possible asbestos, poor condition.

Bldg. 3641
Aberdeen Proving Ground
Aberdeen City, MD Co: Harford
Landholding Agency: Army
Property Number: 219011441
Status: Unutilized
Comment: possible asbestos, poor condition.

Bldg. 3642
Aberdeen Proving Ground
Aberdeen City, MD Co: Harford
Landholding Agency: Army
Property Number: 219011442
Status: Unutilized
Comment: 4,720 sq. ft., two story, utilities disconnected, possible asbestos, poor condition.

Bldg. 3643
Aberdeen Proving Ground
Aberdeen City, MD Co: Harford
Landholding Agency: Army
Property Number: 219011443
Status: Unutilized
Comment: 1,750 sq. ft., one story, utilities disconnected, possible asbestos, poor condition.

Bldg. 3644
Aberdeen Proving Ground
Aberdeen City, MD Co: Harford
Landholding Agency: Army
Property Number: 219011444
Status: Unutilized
Comment: 1,541 sq. ft., one story, utilities disconnected, possible asbestos, poor condition.

Bldg. 3645
Aberdeen Proving Ground
Aberdeen City, MD Co: Harford
Landholding Agency: Army
Property Number: 219011445
Status: Unutilized
Comment: 1,541 sq. ft., one story, utilities disconnected, possible asbestos, poor condition.

Bldg. 3646
Aberdeen Proving Ground
Aberdeen City, MD Co: Harford
Landholding Agency: Army
Property Number: 219011446
Status: Unutilized
Comment: 1,750 sq. ft., one story, utilities disconnected, possible asbestos, poor condition.

Nevada

Bldg. 00425
Hawthorne Army Ammunition Plant
Schweer Drive Housing Area
Hawthorne, NV Co: Mineral
Location: Schweer Drive
Landholding Agency: Army
Property Number: 219011946
Status: Unutilized
Comment: 1,310–1,640 sq. ft., one floor residential, semi/wood construction, good condition.

Bldg. 00426
Hawthorne Army Ammunition Plant
Schweer Drive Housing Area
Hawthorne, NV Co: Mineral
Location: Schweer Drive
Landholding Agency: Army
Property Number: 219011947
Status: Unutilized
Comment: 1,310–1,640 sq. ft., one floor residential, semi/wood construction, good condition.

Bldg. 00427
Hawthorne Army Ammunition Plant
Schweer Drive Housing Area
Hawthorne, NV Co: Mineral
Location: Schweer Drive

Landholding Agency: Army
Property Number: 219011948
Status: Unutilized
Comment: 1,310–1,640 sq. ft., one floor residential, semi/wood construction, good condition.

Bldg. 00428
Hawthorne Army Ammunition Plant
Schweer Drive Housing Area
Hawthorne, NV Co: Mineral
Location: Schweer Drive
Landholding Agency: Army
Property Number: 219011949
Status: Unutilized
Comment: 1,310–1,640 sq. ft., one floor residential, semi/wood construction, good condition.

Bldg. 00429
Hawthorne Army Ammunition Plant
Schweer Drive Housing Area
Hawthorne, NV Co: Mineral
Location: Schweer Drive
Landholding Agency: Army
Property Number: 219011950
Status: Unutilized
Comment: 1,310–1,640 sq. ft., one floor residential, semi/wood construction, good condition.

Bldg. 00430
Hawthorne Army Ammunition Plant
Schweer Drive Housing Area
Hawthorne, NV Co: Mineral
Location: Schweer Drive
Landholding Agency: Army
Property Number: 219011951
Status: Unutilized
Comment: 1,310–1,640 sq. ft., one floor residential, semi/wood construction, good condition.

Bldg. 00431
Hawthorne Army Ammunition Plant
Schweer Drive Housing Area
Hawthorne, NV Co: Mineral
Location: Schweer Drive
Landholding Agency: Army
Property Number: 219011952
Status: Unutilized
Comment: 1,310–1,640 sq. ft., one floor residential, semi/wood construction, good condition.

Bldg. 00432
Hawthorne Army Ammunition Plant
Schweer Drive Housing Area
Hawthorne, NV Co: Mineral
Location: Schweer Drive
Landholding Agency: Army
Property Number: 219011954
Status: Unutilized
Comment: 1,310–1,640 sq. ft., one floor residential, semi/wood construction, good condition.

Bldg. 00433
Hawthorne Army Ammunition Plant
Schweer Drive Housing Area
Hawthorne, NV Co: Mineral
Location: Schweer Drive
Landholding Agency: Army
Property Number: 219011956
Status: Unutilized
Comment: 1,310–1,640 sq. ft., one floor residential, semi/wood construction, good condition.

Bldg. 00434
Hawthorne Army Ammunition Plant
Schweer Drive Housing Area
Hawthorne, NV Co: Mineral
Location: Schweer Drive
Landholding Agency: Army
Property Number: 219011959
Status: Unutilized
Comment: 1,310–1,640 sq. ft., one floor residential, semi/wood construction, good condition.

Bldg. 00435
Hawthorne Army Ammunition Plant
Schweer Drive Housing Area
Hawthorne, NV Co: Mineral
Location: Schweer Drive
Landholding Agency: Army
Property Number: 219011961
Status: Unutilized
Comment: 1310–1640 sq ft., one floor residential, semi/wood construction, good condition.

Bldg. 00436
Hawthorne Army Ammunition Plant
Schweer Drive Housing Area
Hawthorne, NV Co: Mineral
Location: Schweer Drive
Landholding Agency: Army
Property Number: 219011964
Status: Unutilized
Comment: 1310–1640 sq ft., one floor residential, semi/wood construction, good condition.

Bldg. 00437
Hawthorne Army Ammunition Plant
Schweer Drive Housing Area
Hawthorne, NV Co: Mineral
Location: Schweer Drive
Landholding Agency: Army
Property Number: 219011968
Status: Unutilized
Comment: 1310–1640 sq ft., one floor residential, semi/wood construction, good condition.

Bldg. 00438
Hawthorne Army Ammunition Plant
Schweer Drive Housing Area
Hawthorne, NV Co: Mineral
Location: Schweer Drive
Landholding Agency: Army
Property Number: 219011970
Status: Unutilized
Comment: 1310–1640 sq ft., one floor residential, semi/wood construction, good condition.

Bldg. 00439
Hawthorne Army Ammunition Plant
Schweer Drive Housing Area
Hawthorne, NV Co: Mineral
Location: Schweer Drive
Landholding Agency: Army
Property Number: 219011974
Status: Unutilized
Comment: 1310–1640 sq ft., one floor residential, semi/wood construction, good condition.

Bldg. 00440
Hawthorne Army Ammunition Plant
Schweer Drive Housing Area
Hawthorne, NV Co: Mineral
Location: Schweer Drive
Landholding Agency: Army
Property Number: 219011976
Status: Unutilized
Comment: 1310–1640 sq ft., one floor residential, semi/wood construction, good condition.

Bldg. 00441
Hawthorne Army Ammunition Plant
Schweer Drive Housing Area
Hawthorne, NV Co: Mineral
Location: Schweer Drive
Landholding Agency: Army
Property Number: 219011977
Status: Unutilized
Comment: 1310–1640 sq ft., one floor residential, semi/wood construction, good condition.

Bldg. 00442
Hawthorne Army Ammunition Plant
Schweer Drive Housing Area
Hawthorne, NV Co: Mineral
Location: Schweer Drive
Landholding Agency: Army
Property Number: 219011978
Status: Unutilized
Comment: 1310–1640 sq ft., one floor residential, semi/wood construction, good condition.

Bldg. 00443
Hawthorne Army Ammunition Plant
Schweer Drive Housing Area
Hawthorne, NV Co: Mineral
Location: Schweer Drive
Landholding Agency: Army
Property Number: 219011980
Status: Unutilized
Comment: 1310–1640 sq ft., one floor residential, semi/wood construction, good condition.

Bldg. 00444
Hawthorne Army Ammunition Plant
Schweer Drive Housing Area
Hawthorne, NV Co: Mineral
Location: Schweer Drive
Landholding Agency: Army
Property Number: 219011982
Status: Unutilized
Comment: 1310–1640 sq ft., one floor residential, semi/wood construction, good condition.

Bldg. 00445
Hawthorne Army Ammunition Plant
Schweer Drive Housing Area
Hawthorne, NV Co: Mineral
Location: Schweer Drive
Landholding Agency: Army
Property Number: 219011984
Status: Unutilized
Comment: 1310–1640 sq ft., one floor residential, semi/wood construction, good condition.

Bldg. 00446
Hawthorne Army Ammunition Plant
Schweer Drive Housing Area
Hawthorne, NV Co: Mineral
Location: Schweer Drive
Landholding Agency: Army
Property Number: 219011987
Status: Unutilized
Comment: 1310–1640 sq ft., one floor residential, semi/wood construction, good condition.

Bldg. 00447
Hawthorne Army Ammunition Plant
Schweer Drive Housing Area
Hawthorne, NV Co: Mineral
Location: Schweer Drive
Landholding Agency: Army
Property Number: 219011990
Status: Unutilized

Comment: 1310–1640 sq ft., one floor residential, semi/wood construction, good condition.

Bldg. 00448
Hawthorne Army Ammunition Plant
Schweer Drive Housing Area
Hawthorne, NV Co: Mineral
Location: Schweer Drive
Landholding Agency: Army
Property Number: 219011994
Status: Unutilized
Comment: 1310–1640 sq ft., one floor residential, semi/wood construction, good condition.

Bldg. 00449
Hawthorne Army Ammunition Plant
Schweer Drive Housing Area
Hawthorne, NV Co: Mineral
Location: Schweer Drive
Landholding Agency: Army
Property Number: 219011996
Status: Unutilized
Comment: 1310–1640 sq ft., one floor residential, semi/wood construction, good condition.

Tennessee

Robert Joel Ridings
US Army Reserve Center
920 Cherokee Avenue
Nashville, TN Co: Davidson
Landholding Agency: Army
Property Number: 219011667
Status: Excess
Comment: 40,000 sq. ft.; 3.67 acres; concrete block; utilities disconnected; site vandallized.

Washington

Bldg. 701
SE Corner, McClelland & McLoughlin Road
Vancouver Barracks
Vancouver, WA Co: Clark
Landholding Agency: Army
Property Number: 219011628
Status: Unutilized
Comment: 1 story wood frame, needs extensive repairs, Historic property.

Bldg. 875
East 10th Street & Cabell Road
Vancouver Barracks
Vancouver, WA Co: Clark
Landholding Agency: Army
Property Number: 219011616
Status: Excess
Comment: 13,695 sq ft., 2 story wood frame, extensive fire damage, Historic property.

UNSUITABLE LAND (by State)

Oklahoma

McAlester Army Ammo. Plant
McAlester, OK Co: Pittsburg
Location: 10 miles south of McAlester OK
Landholding Agency: Army
Property Number: 219011671
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material.

UNSUITABLE BUILDINGS (by State)

Arizona

Bldg. S–6079
Yuma Proving Ground
Castle Dome Heliport
Yuma, AZ Co: Yuma & La Paz
Location: Located approximately 2 miles Northeast of mile post 56 on U.S. Highway 95.
Landholding Agency: Army
Property Number: 219011729
Status: Underutilized
Reason: Secured Area

Bldg. S–6078
Yuma Proving Ground
Castle Dome Heliport
Yuma, AZ Co: Yuma & La Paz
Location: Located approximately 2 miles northeast of mile post 56 on U.S. Highway 95.
Landholding Agency: Army
Property Number: 219011738
Status: Underutilized
Reason: Secured Area

Bldg. S–6077
Yuma Proving Ground
Castle Dome Heliport
Yuma, AZ Co: Yuma & La Paz
Landholding Agency: Army
Property Number: 219011739
Status: Underutilized
Reason: Secured Area

Bldg. S–6076
Yuma Proving Ground
Castle Dome Heliport
Yuma, AZ Co: Yuma & La Paz
Landholding Agency: Army
Property Number: 219011740
Status: Underutilized
Reason: Secured Area

Bldg. S–6003
Yuma Proving Ground
Castle Dome Heliport
Yuma, AZ Co: Yuma & La Paz
Landholding Agency: Army
Property Number: 219011741
Status: Underutilized
Reason: Secured Area

Bldg. S–6001
Yuma Proving Ground
Castle Dome Heliport Annex
Yuma, AZ Co: Yuma & La Paz
Landholding Agency: Army
Property Number: 219011742
Status: Underutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. S–6000
Yuma Proving Ground
Castle Dome Heliport Annex
Yuma, AZ Co: Yuma & La Paz
Landholding Agency: Army
Property Number: 219011743
Status: Underutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 3553
Yuma Proving Ground
Kofa Firing Front
Yuma, AZ Co: Yuma & La Paz
Landholding Agency: Army
Property Number: 219011744
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. S–3500
Yuma Proving Ground
Kofa Firing Front, South of Aberdeen Rd.
Yuma, AZ Co: Yuma & La Paz
Landholding Agency: Army
Property Number: 219011745
Status: Underutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Illinois

Bldg. 1101–1
Joliet Army Ammunition Plant
Joliet, IL Co: Will
Landholding Agency: Army
Property Number: 219011750
Status: Excess
Reason: Secured Area

Bldg. 1101–2
Joliet Army Ammunition Plant
Joliet, IL Co: Will
Landholding Agency: Army
Property Number: 219011751
Status: Excess
Reason: Secured Area

Bldg. 1101–3
Joliet Army Ammunition Plant
Joliet, IL Co: Will
Landholding Agency: Army
Property Number: 219011752
Status: Excess
Reason: Secured Area

Bldg. 64–12
Joliet Army Ammunition Plant
Joliet, IL Co: Will
Landholding Agency: Army
Property Number: 219011754
Status: Unutilized
Reason: Secured Area

Bldg. 1101–4
Joliet Army Ammunition Plant
Joliet, IL Co: Will
Landholding Agency: Army
Property Number: 219011753
Status: Excess
Reason: Secured Area

Bldg. 64–13
Joliet Army Ammunition Plant
Joliet, IL Co: Will
Landholding Agency: Army
Property Number: 219011755
Status: Unutilized
Reason: Secured Area

Bldg. 64–14
Joliet Army Ammunition Plant
Joliet, IL Co: Will
Landholding Agency: Army
Property Number: 219011757
Status: Unutilized
Reason: Secured Area

Bldg. 1101–5
Joliet Army Ammunition Plant
Joliet, IL Co: Will
Landholding Agency: Army
Property Number: 219011756
Status: Excess
Reason: Secured Area

Bldg. 64–15
Joliet Army Ammunition Plant
Joliet, IL Co: Will
Landholding Agency: Army
Property Number: 219011758
Status: Unutilized
Reason: Secured Area

Bldg. 64–16
Joliet Army Ammunition Plant
Joliet, IL Co: Will
Landholding Agency: Army

Property Number: 219011760
Status: Unutilized
Reason: Secured Area

Bldg. 1101–6
Joliet Army Ammunition Plant
Joliet, IL Co: Will
Landholding Agency: Army
Property Number: 219011759
Status: Excess
Reason: Secured Area

Bldg. 64–24
Joliet Army Ammunition Plant
Joliet, IL Co: Will
Landholding Agency: Army
Property Number: 219011761
Status: Unutilized
Reason: Secured Area

Bldg. 1101–7
Joliet Army Ammunition Plant
Joliet, IL Co: Will
Landholding Agency: Army
Property Number: 219011762
Status: Excess
Reason: Secured Area

Bldg. 64–25
Joliet Army Ammunition Plant
Joliet, IL Co: Will
Landholding Agency: Army
Property Number: 219011763
Status: Unutilized
Reason: Secured Area

Bldg. 1101–8
Joliet Army Ammunition Plant
Joliet, IL Co: Will
Landholding Agency: Army
Property Number: 219011764
Status: Excess
Reason: Secured Area

Bldg. 64–26
Joliet Army Ammunition Plant
Joliet, IL Co: Will
Landholding Agency: Army
Property Number: 219011765
Status: Unutilized
Reason: Secured Area

Bldg. 64–27
Joliet Army Ammunition Plant
Joliet, IL Co: Will
Landholding Agency: Army
Property Number: 219011766
Status: Unutilized
Reason: Secured Area

Bldg. 1101–9
Joliet Army Ammunition Plant
Joliet, IL Co: Will
Landholding Agency: Army
Property Number: 219011767
Status: Excess
Reason: Secured Area

Bldg. 64–28
Joliet Army Ammunition Plant
Joliet, IL Co: Will
Landholding Agency: Army
Property Number: 219011768
Status: Unutilized
Reason: Secured Area

Bldg. 64–29
Joliet Army Ammunition Plant
Joliet, IL Co: Will
Landholding Agency: Army
Property Number: 219011770
Status: Unutilized
Reason: Secured Area

Bldg. 1101–10
Joliet Army Ammunition Plant
Joliet, IL Co: Will
Landholding Agency: Army
Property Number: 219011769
Status: Excess
Reason: Secured Area

Bldg. 64–30
Joliet Army Ammunition Plant
Joliet, IL Co: Will
Landholding Agency: Army
Property Number: 219011771
Status: Unutilized
Reason: Secured Area

Bldg. 64–31
Joliet Army Ammunition Plant
Joliet, IL Co: Will
Landholding Agency: Army
Property Number: 219011773
Status: Unutilized
Reason: Secured Area

Bldg. 1101–11
Joliet Army Ammunition Plant
Joliet, IL Co: Will
Landholding Agency: Army
Property Number: 219011772
Status: Excess
Reason: Secured Area

Bldg. 64–32
Joliet Army Ammunition Plant
Joliet, IL Co: Will
Landholding Agency: Army
Property Number: 219011774
Status: Unutilized
Reason: Secured Area

Bldg. 64–33
Joliet Army Ammunition Plant
Joliet, IL Co: Will
Landholding Agency: Army
Property Number: 219011776
Status: Unutilized
Reason: Secured Area

Bldg. 1101–12
Joliet Army Ammunition Plant
Joliet, IL Co: Will
Landholding Agency: Army
Property Number: 219011775
Status: Excess
Reason: Secured Area

Bldg. 64–19
Joliet Army Ammunition Plant
Joliet, IL Co: Will
Landholding Agency: Army
Property Number: 219011777
Status: Unutilized
Reason: Secured Area

Bldg. 64–20
Joliet Army Ammunition Plant
Joliet, IL Co: Will
Landholding Agency: Army
Property Number: 219011779
Status: Unutilized
Reason: Secured Area

Bldg. 1101–13
Joliet Army Ammunition Plant
Joliet, IL Co: Will
Landholding Agency: Army
Property Number: 219011778
Status: Excess
Reason: Secured Area

Bldg. 64–21
Joliet Army Ammunition Plant
Joliet, IL Co: Will
Landholding Agency: Army
Property Number: 219011780
Status: Unutilized
Reason: Secured Area

Bldg. 1101–15
Joliet Army Ammunition Plant
Joliet, IL Co: Will
Landholding Agency: Army
Property Number: 219011781
Status: Excess
Reason: Secured Area

Bldg. 64–36
Joliet Army Ammunition Plant
Joliet, IL Co: Will
Landholding Agency: Army
Property Number: 219011782
Status: Unutilized
Reason: Secured Area

Bldg. TS1196
Joliet Army Ammunition Plant
Joliet, IL Co: Will
Landholding Agency: Army
Property Number: 219011783
Status: Unutilized
Reason: Secured Area

Bldg. 1501
Joliet Army Ammunition Plant
Joliet, IL Co: Will
Landholding Agency: Army
Property Number: 219011785
Status: Excess
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. TS1208
Joliet Army Ammunition Plant
Joliet, IL Co: Will
Landholding Agency: Army
Property Number: 219011784
Status: Unutilized
Reason: Secured Area

Bldg. 1501–1
Joliet Army Ammunition Plant
Joliet, IL Co: Will
Landholding Agency: Army
Property Number: 219011786
Status: Excess
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 1502–1
Joliet Army Ammunition Plant
Joliet, IL Co: Will
Landholding Agency: Army
Property Number: 219011788
Status: Excess
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. TS1222
Joliet Army Ammunition Plant
Joliet, IL Co: Will
Landholding Agency: Army
Property Number: 219011787
Status: Unutilized
Reason: Secured Area

Bldg. 1502–2
Joliet Army Ammunition Plant
Joliet, IL Co: Will
Landholding Agency: Army
Property Number: 219011789
Status: Excess
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 704–9
Joliet Army Ammunition Plant
Joliet, IL Co: Will
Landholding Agency: Army

Property Number: 219011791
Status: Unutilized
Reason: Secured Area

Bldg. TS1244
Joliet Army Ammunition Plant
Joliet, IL Co: Will
Landholding Agency: Army
Property Number: 219011790
Status: Unutilized
Reason: Secured Area

Bldg. 704–23
Joliet Army Ammunition Plant
Joliet, IL Co: Will
Landholding Agency: Army
Property Number: 219011792
Status: Unutilized
Reason: Secured Area

Bldg. TS1245
Joliet Army Ammunition Plant
Joliet, IL Co: Will
Landholding Agency: Army
Property Number: 219011793
Status: Unutilized
Reason: Secured Area

Bldg. 707–9
Joliet Army Ammunition Plant
Joliet, IL Co: Will
Landholding Agency: Army
Property Number: 219011794
Status: Unutilized
Reason: Secured Area

Bldg. 707–10
Joliet Army Ammunition Plant
Joliet, IL Co: Will
Landholding Agency: Army
Property Number: 219011796
Status: Unutilized
Reason: Secured Area

Bldg. TS1246
Joliet Army Ammunition Plant
Joliet, IL Co: Will
Landholding Agency: Army
Property Number: 219011795
Status: Unutilized
Reason: Secured Area

Bldg. 709–1
Joliet Army Ammunition Plant
Joliet, IL Co: Will
Landholding Agency: Army
Property Number: 219011797
Status: Unutilized
Reason: Secured Area

Bldg. 710
Joliet Army Ammunition Plant
Joliet, IL Co: Will
Landholding Agency: Army
Property Number: 219011799
Status: Unutilized
Reason: Secured Area

Bldg. TS1247
Joliet Army Ammunition Plant
Joliet, IL Co: Will
Landholding Agency: Army
Property Number: 219011798
Status: Unutilized
Reason: Secured Area

Bldg. 713–3
Joliet Army Ammunition Plant
Joliet, IL Co: Will
Landholding Agency: Army
Property Number: 219011800
Status: Unutilized
Reason: Secured Area

Bldg. 715–15
Joliet Army Ammunition Plant
Joliet, IL Co: Will
Landholding Agency: Army
Property Number: 219011802
Status: Unutilized
Reason: Secured Area

Bldg. TS1251
Joliet Army Ammunition Plant
Joliet, IL Co: Will
Landholding Agency: Army
Property Number: 219011801
Status: Unutilized
Reason: Secured Area

Bldg. 721–1
Joliet Army Ammunition Plant
Joliet, IL Co: Will
Landholding Agency: Army
Property Number: 219011803
Status: Unutilized
Reason: Secured Area

Bldg. TS1252
Joliet Army Ammunition Plant
Joliet, IL Co: Will
Landholding Agency: Army
Property Number: 219011804
Status: Unutilized
Reason: Secured Area

Bldg. 721–3
Joliet Army Ammunition Plant
Joliet, IL Co: Will
Landholding Agency: Army
Property Number: 219011805
Status: Unutilized
Reason: Secured Area

Bldg. 721–4
Joliet Army Ammunition Plant
Joliet, IL Co: Will
Landholding Agency: Army
Property Number: 219011806
Status: Unutilized
Reason: Secured Area

Bldg. TS1253
Joliet Army Ammunition Plant
Joliet, IL Co: Will
Landholding Agency: Army
Property Number: 219011807
Status: Unutilized
Reason: Secured Area

Bldg. 722–10
Joliet Army Ammunition Plant
Joliet, IL Co: Will
Landholding Agency: Army
Property Number: 219011808
Status: Unutilized
Reason: Secured Area

Bldg. TS1254
Joliet Army Ammunition Plant
Joliet, IL Co: Will
Landholding Agency: Army
Property Number: 219011809
Status: Unutilized
Reason: Secured Area

Bldg. 704–12
Joliet Army Ammunition Plant
Joliet, IL Co: Will
Landholding Agency: Army
Property Number: 219011810
Status: Unutilized
Reason: Secured Area

Bldg. TS1255
Joliet Army Ammunition Plant
Joliet, IL Co: Will
Landholding Agency: Army
Property Number: 219011811
Status: Unutilized
Reason: Secured Area

Bldg. 704–13
Joliet Army Ammunition Plant
Joliet, IL Co: Will
Landholding Agency: Army
Property Number: 219011812
Status: Unutilized
Reason: Secured Area

Bldg. 704–14
Joliet Army Ammunition Plant
Joliet, IL Co: Will
Landholding Agency: Army
Property Number: 219011814
Status: Unutilized
Reason: Secured Area

Bldg. TS1256
Joliet Army Ammunition Plant
Joliet, IL Co: Will
Landholding Agency: Army
Property Number: 219011813
Status: Unutilized
Reason: Secured Area

Bldg. 707–13
Joliet Army Ammunition Plant
Joliet, IL Co: Will
Landholding Agency: Army
Property Number: 219011815
Status: Unutilized
Reason: Secured Area

Bldg. 707–14
Joliet Army Ammunition Plant
Joliet, IL Co: Will
Landholding Agency: Army
Property Number: 219011817
Status: Unutilized
Reason: Secured Area

Bldg. TS1257
Joliet Army Ammunition Plant
Joliet, IL Co: Will
Landholding Agency: Army
Property Number: 219011816
Status: Unutilized
Reason: Secured Area

Bldg. 709–4
Joliet Army Ammunition Plant
Joliet, IL Co: Will
Landholding Agency: Army
Property Number: 219011818
Status: Unutilized
Reason: Secured Area

Bldg. TS1269
Joliet Army Ammunition Plant
Joliet, IL Co: Will
Landholding Agency: Army
Property Number: 219011819
Status: Unutilized
Reason: Secured Area

Bldg. 713
Joliet Army Ammunition Plant
Joliet, IL Co: Will
Landholding Agency: Army
Property Number: 219011820
Status: Unutilized
Reason: Secured Area

Bldg. 714–2
Joliet Army Ammunition Plant
Joliet, IL Co: Will
Landholding Agency: Army
Property Number: 219011821
Status: Unutilized
Reason: Secured Area

Bldg. TS1270

Joliet Army Ammunition Plant
Joliet, IL Co: Will
Landholding Agency: Army
Property Number: 219011822
Status: Unutilized
Reason: Secured Area

Bldg. 716–1
Joliet Army Ammunition Plant
Joliet, IL Co: Will
Landholding Agency: Army
Property Number: 219011823
Status: Unutilized
Reason: Secured Area

Bldg. 721–2–1
Joliet Army Ammunition Plant
Joliet, IL Co: Will
Landholding Agency: Army
Property Number: 219011824
Status: Unutilized
Reason: Secured Area

Bldg. TS1271
Joliet Army Ammunition Plant
Joliet, IL Co: Will
Landholding Agency: Army
Property Number: 219011825
Status: Unutilized
Reason: Secured Area

Bldg. 721–6
Joliet Army Ammunition Plant
Joliet, IL Co: Will
Landholding Agency: Army
Property Number: 219011826
Status: Unutilized
Reason: Secured Area

Bldg. 722–14
Joliet Army Ammunition Plant
Joliet, IL Co: Will
Landholding Agency: Army
Property Number: 219011828
Status: Unutilized
Reason: Secured Area

Bldg. TS66A
Joliet Army Ammunition Plant
Joliet, IL Co: Will
Landholding Agency: Army
Property Number: 219011827
Status: Unutilized
Reason: Secured Area

Bldg. 63–1
Joliet Army Ammunition Plant
Joliet, IL Co: Will
Landholding Agency: Army
Property Number: 219011829
Status: Unutilized
Reason: Secured Area

Bldg. TS66B
Joliet Army Ammunition Plant
Joliet, IL Co: Will
Landholding Agency: Army
Property Number: 219011830
Status: Unutilized
Reason: Secured Area

Bldg. 63–2
Joliet Army Ammunition Plant
Joliet, IL Co: Will
Landholding Agency: Army
Property Number: 219011831
Status: Unutilized
Reason: Secured Area

Bldg. 63–3
Joliet Army Ammunition Plant
Joliet, IL Co: Will
Landholding Agency: Army
Property Number: 219011832
Status: Unutilized
Reason: Secured Area

Bldg. 63–4
Joliet Army Ammunition Plant
Joliet, IL Co: Will
Landholding Agency: Army
Property Number: 219011834
Status: Unutilized
Reason: Secured Area

Bldg. 63–50
Joliet Army Ammunition Plant
Joliet, IL Co: Will
Landholding Agency: Army
Property Number: 219011833
Status: Unutilized
Reason: Secured Area

Bldg. 63–5
Joliet Army Ammunition Plant
Joliet, IL Co: Will
Landholding Agency: Army
Property Number: 219011835
Status: Unutilized
Reason: Secured Area

Bldg. 63–51
Joliet Army Ammunition Plant
Joliet, IL Co: Will
Landholding Agency: Army
Property Number: 219011836
Status: Unutilized
Reason: Secured Area

Bldg. 63–6
Joliet Army Ammunition Plant
Joliet, IL Co: Will
Landholding Agency: Army
Property Number: 219011837
Status: Unutilized
Reason: Secured Area

Bldg. 63–7
Joliet Army Ammunition Plant
Joliet, IL Co: Will
Landholding Agency: Army
Property Number: 219011838
Status: Unutilized
Reason: Secured Area

Bldg. 63–52
Joliet Army Ammunition Plant
Joliet, IL Co: Will
Landholding Agency: Army
Property Number: 219011839
Status: Unutilized
Reason: Secured Area

Bldg. 63–8
Joliet Army Ammunition Plant
Joliet, IL Co: Will
Landholding Agency: Army
Property Number: 219011840
Status: Unutilized
Reason: Secured Area

Bldg. 63–9
Joliet Army Ammunition Plant
Joliet, IL Co: Will
Landholding Agency: Army
Property Number: 219011841
Status: Unutilized
Reason: Secured Area

Bldg. 63–10
Joliet Army Ammunition Plant
Joliet, IL Co: Will
Landholding Agency: Army
Property Number: 219011843
Status: Unutilized
Reason: Secured Area

Bldg. 63–53
Joliet Army Ammunition Plant
Joliet, IL Co: Will
Landholding Agency: Army
Property Number: 219011842
Status: Unutilized
Reason: Secured Area

Bldg. 63–11
Joliet Army Ammunition Plant
Joliet, IL Co: Will
Landholding Agency: Army
Property Number: 219011844
Status: Unutilized
Reason: Secured Area

Bldg. 63–12
Joliet Army Ammunition Plant
Joliet, IL Co: Will
Landholding Agency: Army
Property Number: 219011845
Status: Unutilized
Reason: Secured Area

Bldg. 63–54
Joliet Army Ammunition Plant
Joliet, IL Co: Will
Landholding Agency: Army
Property Number: 219011846
Status: Unutilized
Reason: Secured Area

Bldg. 63–13
Joliet Army Ammunition Plant
Joliet, IL Co: Will
Landholding Agency: Army
Property Number: 219011847
Status: Unutilized
Reason: Secured Area

Bldg. 63–14
Joliet Army Ammunition Plant
Joliet, IL Co: Will
Landholding Agency: Army
Property Number: 219011848
Status: Unutilized
Reason: Secured Area

Bldg. 63–55
Joliet Army Ammunition Plant
Joliet, IL Co: Will
Landholding Agency: Army
Property Number: 219011849
Status: Unutilized
Reason: Secured Area

Bldg. 63–15
Joliet Army Ammunition Plant
Joliet, IL Co: Will
Landholding Agency: Army
Property Number: 219011850
Status: Unutilized
Reason: Secured Area

Bldg. 63–16
Joliet Army Ammunition Plant
Joliet, IL Co: Will
Landholding Agency: Army
Property Number: 219011852
Status: Unutilized
Reason: Secured Area

Bldg. 63–56
Joliet Army Ammunition Plant
Joliet, IL Co: Will
Landholding Agency: Army
Property Number: 219011851
Status: Unutilized
Reason: Secured Area

Bldg. 63–17
Joliet Army Ammunition Plant
Joliet, IL Co: Will
Landholding Agency: Army
Property Number: 219011853

Status: Unutilized
Reason: Secured Area

Bldg. 63–18
Joliet Army Ammunition Plant
Joliet, IL Co: Will
Landholding Agency: Army
Property Number: 219011855
Status: Unutilized
Reason: Secured Area

Bldg. 63–57
Joliet Army Ammunition Plant
Joliet, IL Co: Will
Landholding Agency: Army
Property Number: 219011854
Status: Unutilized
Reason: Secured Area

Bldg. 63–19
Joliet Army Ammunition Plant
Joliet, IL Co: Will
Landholding Agency: Army
Property Number: 219011856
Status: Unutilized
Reason: Secured Area

Bldg. 63–20
Joliet Army Ammunition Plant
Joliet, IL Co: Will
Landholding Agency: Army
Property Number: 219011858
Status: Unutilized
Reason: Secured Area

Bldg. 63–58
Joliet Army Ammunition Plant
Joliet, IL Co: Will
Landholding Agency: Army
Property Number: 219011857
Status: Unutilized
Reason: Secured Area

Bldg. 63–21
Joliet Army Ammunition Plant
Joliet, IL Co: Will
Landholding Agency: Army
Property Number: 219011859
Status: Unutilized
Reason: Secured Area

Bldg. 63–22
Joliet Army Ammunition Plant
Joliet, IL Co: Will
Landholding Agency: Army
Property Number: 219011861
Status: Unutilized
Reason: Secured Area

Bldg. 63–23
Joliet Army Ammunition Plant
Joliet, IL Co: Will
Landholding Agency: Army
Property Number: 219011862
Status: Unutilized
Reason: Secured Area

Bldg. 63–59
Joliet Army Ammunition Plant
Joliet, IL Co: Will
Landholding Agency: Army
Property Number: 219011860
Status: Unutilized
Reason: Secured Area

Bldg. 63–24
Joliet Army Ammunition Plant
Joliet, IL Co: Will
Landholding Agency: Army
Property Number: 219011863
Status: Unutilized
Reason: Secured Area

Bldg. 63–25
Joliet Army Ammunition Plant
Joliet, IL Co: Will
Landholding Agency: Army
Property Number: 219011864
Status: Unutilized
Reason: Secured Area

Bldg. 63–26
Joliet Army Ammunition Plant
Joliet, IL Co: Will
Landholding Agency: Army
Property Number: 219011866
Status: Unutilized
Reason: Secured Area

Bldg. 63–27
Joliet Army Ammunition Plant
Joliet, IL Co: Will
Landholding Agency: Army
Property Number: 219011867
Status: Unutilized
Reason: Secured Area

Bldg. 63–28
Joliet Army Ammunition Plant
Joliet, IL Co: Will
Landholding Agency: Army
Property Number: 219011868
Status: Unutilized
Reason: Secured Area

Bldg. 63–60
Joliet Army Ammunition Plant
Joliet, IL Co: Will
Landholding Agency: Army
Property Number: 219011865
Status: Unutilized
Reason: Secured Area

Bldg. 63–29
Joliet Army Ammunition Plant
Joliet, IL Co: Will
Landholding Agency: Army
Property Number: 219011869
Status: Unutilized
Reason: Secured Area

Bldg. 63–30
Joliet Army Ammunition Plant
Joliet, IL Co: Will
Landholding Agency: Army
Property Number: 219011871
Status: Unutilized
Reason: Secured Area

Bldg. 63–31
Joliet Army Ammunition Plant
Joliet, IL Co: Will
Landholding Agency: Army
Property Number: 219011872
Status: Unutilized
Reason: Secured Area

Bldg. 63–32
Joliet Army Ammunition Plant
Joliet, IL Co: Will
Landholding Agency: Army
Property Number: 219011873
Status: Unutilized
Reason: Secured Area

Bldg. 63–61
Joliet Army Ammunition Plant
Joliet, IL Co: Will
Landholding Agency: Army
Property Number: 219011870
Status: Unutilized
Reason: Secured Area

Bldg. 63–33
Joliet Army Ammunition Plant
Joliet, IL Co: Will
Landholding Agency: Army
Property Number: 2190011874
Status: Unutilized
Reason: Secured Area

Bldg. 63–34
Joliet Army Ammunition Plant
Joliet, IL Co: Will
Landholding Agency: Army
Property Number: 219011875
Status: Unutilized
Reason: Secured Area

Bldg. 63–35
Joliet Army Ammunition Plant
Joliet, IL Co: Will
Landholding Agency: Army
Property Number: 219011876
Status: Unutilized
Reason: Secured Area

Bldg. 63–36
Joliet Army Ammunition Plant
Joliet, IL Co: Will
Landholding Agency: Army
Property Number: 219011877
Status: Unutilized
Reason: Secured Area

Bldg. 63–37
Joliet Army Ammunition Plant
Joliet, IL Co: Will
Landholding Agency: Army
Property Number: 219011878
Status: Unutilized
Reason: Secured Area

Bldg. 63–38
Joliet Army Ammunition Plant
Joliet, IL Co: Will
Landholding Agency: Army
Property Number: 219011879
Status: Unutilized
Reason: Secured Area

Bldg. 63–39
Joliet Army Ammunition Plant
Joliet, IL Co: Will
Landholding Agency: Army
Property Number: 219011881
Status: Unutilized
Reason: Secured Area

Bldg. 63–40
Joliet Army Ammunition Plant
Joliet, IL Co: Will
Landholding Agency: Army
Property Number: 219011882
Status: Unutilized
Reason: Secured Area

Bldg. 63–62
Joliet Army Ammunition Plant
Joliet, IL Co: Will
Landholding Agency: Army
Property Number: 219011883
Status: Unutilized
Reason: Secured Area

Bldg. 63–41
Joliet Army Ammunition Plant
Joliet, IL Co: Will
Landholding Agency: Army
Property Number: 219011884
Status: Unutilized
Reason: Secured Area

Bldg. 63–42
Joliet Army Ammunition Plant
Joliet, IL Co: Will
Landholding Agency: Army
Property Number: 219011885
Status: Unutilized
Reason: Secured Area

Bldg. 63–43
Joliet Army Ammunition Plant

Joliet, IL Co: Will
Landholding Agency: Army
Property Number: 219011886
Status: Unutilized
Reason: Secured Area

Bldg. 63–44
Joliet Army Ammunition Plant
Joliet, IL Co: Will
Landholding Agency: Army
Property Number: 219011887
Status: Unutilized
Reason: Secured Area

Bldg. 63–45
Joliet Army Ammunition Plant
Joliet, IL Co: Will
Landholding Agency: Army
Property Number: 219011889
Status: Unutilized
Reason: Secured Area

Bldg. 63–63
Joliet Army Ammunition Plant
Joliet, IL Co: Will
Landholding Agency: Army
Property Number: 219011888
Status: Unutilized
Reason: Secured Area

Bldg. 63–46
Joliet Army Ammunition Plant
Joliet, IL Co: Will
Landholding Agency: Army
Property Number: 219011890
Status: Unutilized
Reason: Secured Area

Bldg. 63–47
Joliet Army Ammunition Plant
Joliet, IL Co: Will
Landholding Agency: Army
Property Number: 219011891
Status: Unutilized
Reason: Secured Area

Bldg. 63–48
Joliet Army Ammunition Plant
Joliet, IL Co: Will
Landholding Agency: Army
Property Number: 219011892
Status: Unutilized
Reason: Secured Area

Bldg. 63–49
Joliet Army Ammunition Plant
Joliet, IL Co: Will
Landholding Agency: Army
Property Number: 219011893
Status: Unutilized
Reason: Secured Area

Bldg. 63–64
Joliet Army Ammunition Plant
Joliet, IL Co: Will
Landholding Agency: Army
Property Number: 219011894
Status: Unutilized
Reason: Secured Area

Bldg. 63–65
Joliet Army Ammunition Plant
Joliet, IL Co: Will
Landholding Agency: Army
Property Number: 219011895
Status: Unutilized
Reason: Secured Area

Bldg. 63–66
Joliet Army Ammunition Plant
Joliet, IL Co: Will
Landholding Agency: Army
Property Number: 219011896
Status: Unutilized
Reason: Secured Area

Bldg. 63–67
Joliet Army Ammunition Plant
Joliet, IL Co: Will
Landholding Agency: Army
Property Number: 219011897
Status: Unutilized
Reason: Secured Area

Bldg. 63–68
Joliet Army Ammunition Plant
Joliet, IL Co: Will
Landholding Agency: Army
Property Number: 219011898
Status: Unutilized
Reason: Secured Area

Bldg. 63–69
Joliet Army Ammunition Plant
Joliet, IL Co: Will
Landholding Agency: Army
Property Number: 219011899
Status: Unutilized
Reason: Secured Area

Bldg. 63–70
Joliet Army Ammunition Plant
Joliet, IL Co: Will
Landholding Agency: Army
Property Number: 219011900
Status: Unutilized
Reason: Secured Area

Bldg. 63–71
Joliet Army Ammunition Plant
Joliet, IL Co: Will
Landholding Agency: Army
Property Number: 219011901
Status: Unutilized
Reason: Secured Area

Bldg. 63–72
Joliet Army Ammunition Plant
Joliet, IL Co: Will
Landholding Agency: Army
Property Number: 219011902
Status: Unutilized
Reason: Secured Area

Bldg. 63–73
Joliet Army Ammunition Plant
Joliet, IL Co: Will
Landholding Agency: Army
Property Number: 219011903
Status: Unutilized
Reason: Secured Area

Bldg. 63–74
Joliet Army Ammunition Plant
Joliet, IL Co: Will
Landholding Agency: Army
Property Number: 219011904
Status: Unutilized
Reason: Secured Area

Bldg. 63–75
Joliet Army Ammunition Plant
Joliet, IL Co: Will
Landholding Agency: Army
Property Number: 219011905
Status: Unutilized
Reason: Secured Area

Bldg. 63–76
Joliet Army Ammunition Plant
Joliet, IL Co: Will
Landholding Agency: Army
Property Number: 219011906
Status: Unutilized
Reason: Secured Area

Bldg. 63–77
Joliet Army Ammunition Plant
Joliet, IL Co: Will
Landholding Agency: Army
Property Number: 219011907
Status: Unutilized
Reason: Secured Area

Bldg. 63–78
Joliet Army Ammunition Plant
Joliet, IL Co: Will
Landholding Agency: Army
Property Number: 219011908
Status: Unutilized
Reason: Secured Area

INDIANA

Bldg. 1417–1
Newport Army Ammunition Plant
Newport, IN Co: Vermillion
Landholding Agency: Army
Property Number: 219011584
Status: Unutilized
Reason: Secured Area

Bldg. 1417–2
Newport Army Ammunition Plant
Newport, IN Co: Vermillion
Landholding Agency: Army
Property Number: 219011586
Status: Unutilized
Reason: Secured Area

Bldg. 1417–3
Newport Army Ammunition Plant
Newport, IN Co: Vermillion
Landholding Agency: Army
Property Number: 219011587
Status: Unutilized
Reason: Secured Area

Bldg. 1417–4
Newport Army Ammunition Plant
Newport, IN Co: Vermillion
Landholding Agency: Army
Property Number: 219011589
Status: Unutilized
Reason: Secured Area

Bldg. 1417–5
Newport Army Ammunition Plant
Newport, IN Co: Vermillion
Landholding Agency: Army
Property Number: 219011590
Status: Unutilized
Reason: Secured Area

Bldg. 1417–6
Newport Army Ammunition Plant
Newport, IN Co: Vermillion
Landholding Agency: Army
Property Number: 219011592
Status: Unutilized
Reason: Secured Area

Bldg. 1417–7
Newport Army Ammunition Plant
Newport, IN Co: Vermillion
Landholding Agency: Army
Property Number: 219011593
Status: Unutilized
Reason: Secured Area

Bldg. 1417–8
Newport Army Ammunition Plant
Newport, IN Co: Vermillion
Landholding Agency: Army
Property Number: 219011594
Status: Unutilized
Reason: Secured Area

Bldg. 1417–9
Newport Army Ammunition Plant
Newport, IN Co: Vermillion
Landholding Agency: Army

Property Number: 219011595
Status: Unutilized
Reason: Secured Area

Bldg. 1417–10
Newport Army Ammunition Plant
Newport, IN Co: Vermillion
Landholding Agency: Army
Property Number: 219011596
Status: Unutilized
Reason: Secured Area

Bldg. 1417–11
Newport Army Ammunition Plant
Newport, IN Co: Vermillion
Landholding Agency: Army
Property Number: 219011597
Status: Unutilized
Reason: Secured Area

Bldg. 1417–12
Newport Army Ammunition Plant
Newport, IN Co: Vermillion
Landholding Agency: Army
Property Number: 219011598
Status: Unutilized
Reason: Secured Area

Bldg. 1417–13
Newport Army Ammunition Plant
Newport, IN Co: Vermillion
Landholding Agency: Army
Property Number: 219011599
Status: Unutilized
Reason: Secured Area

Bldg. 1417–14
Newport Army Ammunition Plant
Newport, IN Co: Vermillion
Landholding Agency: Army
Property Number: 219011600
Status: Unutilized
Reason: Secured Area

Bldg. 1417–15
Newport Army Ammunition Plant
Newport, IN Co: Vermillion
Landholding Agency: Army
Property Number: 219011601
Status: Unutilized
Reason: Secured Area

Bldg. 1417–16
Newport Army Ammunition Plant
Newport, IN Co: Vermillion
Landholding Agency: Army
Property Number: 219011602
Status: Unutilized
Reason: Secured Area

Bldg. 1417–17
Newport Army Ammunition Plant
Newport, IN Co: Vermillion
Landholding Agency: Army
Property Number: 219011603
Status: Unutilized
Reason: Secured Area

Bldg. 1417–18
Newport Army Ammunition Plant
Newport, IN Co: Vermillion
Landholding Agency: Army
Property Number: 219011604
Status: Unutilized
Reason: Secured Area

Bldg. 1417–19
Newport Army Ammunition Plant
Newport, IN Co: Vermillion
Landholding Agency: Army
Property Number: 219011605
Status: Unutilized
Reason: Secured Area

Bldg. 1417–20
Newport Army Ammunition Plant
Newport, IN Co: Vermillion
Landholding Agency: Army
Property Number: 219011606
Status: Unutilized
Reason: Secured Area

Bldg. 1417–21
Newport Army Ammunition Plant
Newport, IN Co: Vermillion
Landholding Agency: Army
Property Number: 219011607
Status: Unutilized
Reason: Secured Area

Bldg. 1417–22
Newport Army Ammunition Plant
Newport, IN Co: Vermillion
Landholding Agency: Army
Property Number: 219011608
Status: Unutilized
Reason: Secured Area

Bldg. 1417–23
Newport Army Ammunition Plant
Newport, IN Co: Vermillion
Landholding Agency: Army
Property Number: 219011609
Status: Unutilized
Reason: Secured Area

Bldg. 1417–24
Newport Army Ammunition Plant
Newport, IN Co: Vermillion
Landholding Agency: Army
Property Number: 219011610
Status: Unutilized
Reason: Secured Area

Bldg. 1417–25
Newport Army Ammunition Plant
Newport, IN Co: Vermillion
Landholding Agency: Army
Property Number: 219011611
Status: Unutilized
Reason: Secured Area

Bldg. 1417–26
Newport Army Ammunition Plant
Newport, IN Co: Vermillion
Landholding Agency: Army
Property Number: 219011612
Status: Unutilized
Reason: Secured Area

Bldg. 1417–27
Newport Army Ammunition Plant
Newport, IN Co: Vermillion
Landholding Agency: Army
Property Number: 219011613
Status: Unutilized
Reason: Secured Area

Bldg. 1417–28
Newport Army Ammunition Plant
Newport, IN Co: Vermillion
Landholding Agency: Army
Property Number: 219011614
Status: Unutilized
Reason: Secured Area

Bldg. 1417–29
Newport Army Ammunition Plant
Newport, IN Co: Vermillion
Landholding Agency: Army
Property Number: 219011615
Status: Unutilized
Reason: Secured Area

Bldg. 1417–30
Newport Army Ammunition Plant
Newport, IN Co: Vermillion
Landholding Agency: Army
Property Number: 219011617
Status: Unutilized
Reason: Secured Area

Bldg. 1417–31
Newport Army Ammunition Plant
Newport, IN Co: Vermillion
Landholding Agency: Army
Property Number: 219011618
Status: Unutilized
Reason: Secured Area

Bldg. 1417–32
Newport Army Ammunition Plant
Newport, IN Co: Vermillion
Landholding Agency: Army
Property Number: 219011619
Status: Unutilized
Reason: Secured Area

Bldg. 1417–33
Newport Army Ammunition Plant
Newport, IN Co: Vermillion
Landholding Agency: Army
Property Number: 219011620
Status: Unutilized
Reason: Secured Area

Bldg. 1417–34
Newport Army Ammunition Plant
Newport, IN Co: Vermillion
Landholding Agency: Army
Property Number: 219011621
Status: Unutilized
Reason: Secured Area

Bldg. 1417–35
Newport Army Ammunition Plant
Newport, IN Co: Vermillion
Landholding Agency: Army
Property Number: 219011622
Status: Unutilized
Reason: Secured Area

Bldg. 1417–36
Newport Army Ammunition Plant
Newport, IN Co: Vermillion
Landholding Agency: Army
Property Number: 219011623
Status: Unutilized
Reason: Secured Area

Bldg. 1417–37
Newport Army Ammunition Plant
Newport, IN Co: Vermillion
Landholding Agency: Army
Property Number: 219011624
Status: Unutilized
Reason: Secured Area

Bldg. 1417–38
Newport Army Ammunition Plant
Newport, IN Co: Vermillion
Landholding Agency: Army
Property Number: 219011625
Status: Unutilized
Reason: Secured Area

Bldg. 1417–39
Newport Army Ammunition Plant
Newport, IN Co: Vermillion
Landholding Agency: Army
Property Number: 219011626
Status: Unutilized
Reason: Secured Area

Bldg. 1417–40
Newport Army Ammunition Plant
Newport, IN Co: Vermillion
Landholding Agency: Army
Property Number: 219011627
Status: Unutilized
Reason: Secured Area

Bldg. 1417–41

Newport Army Ammunition Plant
Newport, IN Co: Vermillion
Landholding Agency: Army
Property Number: 219011629
Status: Unutilized
Reason: Secured Area

Bldg. 1417–42
Newport Army Ammunition Plant
Newport, IN Co: Vermillion
Landholding Agency: Army
Property Number: 219011630
Status: Unutilized
Reason: Secured Area

Bldg. 1417–43
Newport Army Ammunition Plant
Newport, IN Co: Vermillion
Landholding Agency: Army
Property Number: 219011631
Status: Unutilized
Reason: Secured Area

Bldg. 1417–44
Newport Army Ammunition Plant
Newport, IN Co: Vermillion
Landholding Agency: Army
Property Number: 219011632
Status: Unutilized
Reason: Secured Area

Bldg. 1417–45
Newport Army Ammunition Plant
Newport, IN Co: Vermillion
Landholding Agency: Army
Property Number: 219011633
Status: Unutilized
Reason: Secured Area

Bldg. 1417–46
Newport Army Ammunition Plant
Newport, IN Co: Vermillion
Landholding Agency: Army
Property Number: 219011634
Status: Unutilized
Reason: Secured Area

Bldg. 1417–47
Newport Army Ammunition Plant
Newport, IN Co: Vermillion
Landholding Agency: Army
Property Number: 219011635
Status: Unutilized
Reason: Secured Area

Bldg. 1417–48
Newport Army Ammunition Plant
Newport, IN Co: Vermillion
Landholding Agency: Army
Property Number: 219011636
Status: Unutilized
Reason: Secured Area

Bldg. 1417–49
Newport Army Ammunition Plant
Newport, IN Co: Vermillion
Landholding Agency: Army
Property Number: 219011638
Status: Unutilized
Reason: Secured Area

Bldg. 1417–50
Newport Army Ammunition Plant
Newport, IN Co: Vermillion
Landholding Agency: Army
Property Number: 219011639
Status: Unutilized
Reason: Secured Area

Bldg. 1417–51
Newport Army Ammunition Plant
Newport, IN Co: Vermillion
Landholding Agency: Army
Property Number: 219011640
Status: Unutilized
Reason: Secured Area

Bldg. 1417–52
Newport Army Ammunition Plant
Newport, IN Co: Vermillion
Landholding Agency: Army
Property Number: 219011641
Status: Unutilized
Reason: Secured Area

Bldg. T–109
Fort Benjamin Harrison
Beaumont Road
Ft. Benjamin Harrison, IN Co: Marion
Landholding Agency: Army
Property Number: 219011648
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material

Bldg. 669
Fort Benjamin Harrison
Lawton Road
Ft. Benjamin Harrison, IN Co: Marion
Landholding Agency: Army
Property Number: 219011653
Status: Unutilized
Reason: Other environmental
Comment: Storm water run-off.

Kansas

Bldg. 3013 KAAP
Kansas Army Ammunition Plant
Production Area
Parsons, KS Co: Labette
Landholding Agency: Army
Property Number: 219011909
Status: Unutilized
Reason: Secured Area

Bldg. 1010 KAAP
Kansas Army Ammunition Plant
Production Area
Parsons, KS Co: Labette
Landholding Agency: Army
Property Number: 219011910
Status: Unutilized
Reason: Secured Area

Bldg. 1066 KAAP
Kansas Army Ammunition Plant
Production Area
Parsons, KS Co: Labette
Landholding Agency: Army
Property Number: 219011911
Status: Unutilized
Reason: Secured Area

Bldg. 507 KAAP
Kansas Army Ammunition Plant
Production Area
Parsons, KS Co: Labette
Landholding Agency: Army
Property Number: 219011912
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 502 KAAP
Kansas Army Ammunition Plant
Production Area
Parsons, KS Co: Labette
Landholding Agency: Army
Property Number: 219011913
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 506 KAAP
Kansas Army Ammunition Plant
Production Area
Parsons, KS Co: Labette
Landholding Agency: Army
Property Number: 219011914
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 805 KAAP
Kansas Army Ammunition Plant
Production Area
Parsons, KS Co: Labette
Landholding Agency: Army
Property Number: 219011915
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 810 KAAP
Kansas Army Ammunition Plant
Production Area
Parsons, KS Co: Labette
Landholding Agency: Army
Property Number: 219011916
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 811 KAAP
Kansas Army Ammunition Plant
Production Area
Parsons, KS Co: Labette
Landholding Agency: Army
Property Number: 219011917
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 1013 KAAP
Kansas Army Ammunition Plant
Production Area
Parsons, KS Co: Labette
Landholding Agency: Army
Property Number: 219011918
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 806 KAAP
Kansas Army Ammunition Plant
Production Area
Parsons, KS Co: Labette
Landholding Agency: Army
Property Number: 219011919
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 807 KAAP
Kansas Army Ammunition Plant
Production Area
Parsons, KS Co: Labette
Landholding Agency: Army
Property Number: 219011920
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 914 KAAP
Kansas Army Ammunition Plant
Production Area
Parsons, KS Co: Labette
Landholding Agency: Army
Property Number: 219011921
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 926 KAAP
Kansas Army Ammunition Plant
Production Area
Parsons, KS Co: Labette
Landholding Agency: Army

Property Number: 219011922
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 1021 KAAP
Kansas Army Ammunition Plant
Production Area
Parsons, KS Co: Labette
Landholding Agency: Army
Property Number: 219011923
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 1078 KAAP
Kansas Army Ammunition Plant
Production Area
Parsons, KS Co: Labette
Landholding Agency: Army
Property Number: 219011924
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 540 KAAP
Kansas Army Ammunition Plant
Production Area
Parsons, KS Co: Labette
Landholding Agency: Army
Property Number: 219011925
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 541 KAAP
Kansas Army Ammunition Plant
Production Area
Parsons, KS Co: Labette
Landholding Agency: Army
Property Number: 219011926
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 922 KAAP
Kansas Army Ammunition Plant
Production Area
Parsons, KS Co: Labette
Landholding Agency: Army
Property Number: 219011927
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 925 KAAP
Kansas Army Ammunition Plant
Production Area
Parsons, KS Co: Labette
Landholding Agency: Army
Property Number: 219011928
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 928 KAAP
Kansas Army Ammunition Plant
Production Area
Parsons, KS Co: Labette
Landholding Agency: Army
Property Number: 219011929
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 985 KAAP
Kansas Army Ammunition Plant
Production Area
Parsons, KS Co: Labette
Landholding Agency: Army
Property Number: 219011930
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 1096 KAAP
Kansas Army Ammunition Plant
Production Area
Parsons, KS Co: Labette
Landholding Agency: Army
Property Number: 219011931
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 511 KAAP
Kansas Army Ammunition Plant
Production Area
Parsons, KS Co: Labette
Landholding Agency: Army
Property Number: 219011932
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 814 KAAP
Kansas Army Ammunition Plant
Production Area
Parsons, KS Co: Labette
Landholding Agency: Army
Property Number: 219011933
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 909 KAAP
Kansas Army Ammunition Plant
Production Area
Parsons, KS Co: Labette
Landholding Agency: Army
Property Number: 219011934
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 719 KAAP
Kansas Army Ammunition Plant
Production Area
Parsons, KS Co: Labette
Landholding Agency: Army
Property Number: 219011935
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 918 KAAP
Kansas Army Ammunition Plant
Production Area
Parsons, KS Co: Labette
Landholding Agency: Army
Property Number: 219011936
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 1014 KAAP
Kansas Army Ammunition Plant
Production Area
Parsons, KS Co: Labette
Landholding Agency: Army
Property Number: 219011937
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 1015 KAAP
Kansas Army Ammunition Plant
Production Area
Parsons, KS Co: Labette
Landholding Agency: Army
Property Number: 219011938
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 932 KAAP
Kansas Army Ammunition Plant
Production Area
Parsons, KS Co: Labette
Landholding Agency: Army
Property Number: 219011939
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 933 KAAP
Kansas Army Ammunition Plant
Production Area
Parsons, KS Co: Labette
Landholding Agency: Army
Property Number: 219011940
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 934 KAAP
Kansas Army Ammunition Plant
Production Area
Parsons, KS Co: Labette
Landholding Agency: Army
Property Number: 219011941
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 809 KAAP
Kansas Army Ammunition Plant
Production Area
Parsons, KS Co: Labette
Landholding Agency: Army
Property Number: 219011942
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 816 KAAP
Kansas Army Ammunition Plant
Production Area
Parsons, KS Co: Labette
Landholding Agency: Army
Property Number: 219011943
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 3001 KAAP
Kansas Army Ammunition Plant
Production Area
Parsons, KS Co: Labette
Landholding Agency: Army
Property Number: 219011944
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 3002 KAAP
Kansas Army Ammunition Plant
Production Area
Parsons, KS Co: Labette
Landholding Agency: Army
Property Number: 219011945
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Kentucky

Bldg. 126
Lexington-Blue Grass Army Depot
Lexington, KY Co: Fayette
Location: 12 miles northeast of Lexington, Kentucky
Landholding Agency: Army
Property Number: 219011661
Status: Unutilized
Reason: Other, Secured Area

Comment: Sewage treatment facility
Bldg. 12
Lexington—Blue Grass Army Depot
Lexington, KY Co: Fayette
Location: 12 miles northeast of Lexington, Kentucky
Landholding Agency: Army
Property Number: 219011663
Status: Unutilized
Reason: Other
Comment: Industrial waste treatment plant

Louisiana

Bldg. 1449
Louisiana Army Ammunition Plant
Area B
Doylin, LA Co: Webster
Landholding Agency: Army
Property Number: 219011668
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area
Bldg. 2453
Louisiana Army Ammunition Plant
Area L–2
Doyline, LA Co: Webster
Landholding Agency: Army
Property Number: 219011669
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area
Bldg. 1349
Louisiana Army Ammunition Plant
Area C
Doyline, LA Co: Webster
Landholding Agency: Army
Property Number: 219011670
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area
Bldg. C1360
Louisiana Army Ammunition Plant
Restroom
Doyline LA Co: Webster
Landholding Agency: Army
Property Number: 219011691
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area
Bldg. D1249
Louisiana Army Ammunition Plant
Restroom
Doyline LA Co: Webster
Landholding Agency: Army
Property Number: 219011695
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area
Bldg. C1365
Louisiana Army Ammunition Plant
Restroom
Doyline, LA Co: Webster
Landholding Agency: Army
Property Number: 219011700
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area
Bldg. D1250
Louisiana Army Ammunition Plant
Restroom
Doyline, LA Co: Webster
Landholding Agency: Army
Property Number: 219011713
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area
Bldg. 108
Louisiana Army Ammunition Plant
Area A
Doyline, LA Co: Webster
Landholding Agency: Army
Property Number: 219011714
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area
Bldg. 110
Louisiana Army Ammunition Plant
Area A
Doyline, LA Co: Webster
Landholding Agency: Army
Property Number: 219011715
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area
Bldg. 111
Louisiana Army Ammunition Plant
Area A
Doyline, LA Co: Webster
Landholding Agency: Army
Property Number: 219011716
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area
Bldg. C1324
Louisiana Army Ammunition Plant
Doyline, LA Co: Webster
Landholding Agency: Army
Property Number: 219011718
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area
Bldg. C1326
Louisiana Army Ammunition Plant
Doyline, LA Co: Webster
Landholding Agency: Army
Property Number: 219011719
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area
Bldg. D1211
Louisiana Army Ammunition Plant
Doyline, LA Co: Webster
Landholding Agency: Army
Property Number: 219011720
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area
Bldg. D1214
Louisiana Army Ammunition Plant
Doyline, LA Co: Webster
Landholding Agency: Army
Property Number: 219011721
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area
Bldg. D1216
Louisiana Army Ammunition Plant
Doyline, LA Co: Webster
Landholding Agency: Army
Property Number: 219011722
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area
Bldg. G806
Louisiana Army Ammunition Plant
Doyline, LA Co: Webster
Landholding Agency: Army
Property Number: 219011723
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area
Bldg. G807
Louisiana Army Ammunition Plant
Doyline, LA Co: Webster
Landholding Agency: Army
Property Number: 219011724
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area
Bldg. G809
Louisiana Army Ammunition Plant
Doyline, LA Co: Webster
Landholding Agency: Army
Property Number: 219011726
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area
Bldg. G811
Louisiana Army Ammunition Plant
Doyline, LA Co: Webster
Landholding Agency: Army
Property Number: 219011728
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area
Bldg. E1711
Louisiana Army Ammunition Plant
Doyline, LA Co: Webster
Landholding Agency: Army
Property Number: 219011730
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area
Bldg. E1713
Louisiana Army Ammunition Plant
Doyline, LA Co: Webster
Landholding Agency: Army
Property Number: 219011731
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area
Bldg. E1714
Louisiana Army Ammunition Plant
Doyline, LA Co: Webster
Landholding Agency: Army
Property Number: 219011733
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area
Bldg. G821
Louisiana Army Ammunition Plant
Doyline, LA Co: Webster
Landholding Agency: Army
Property Number: 219011734
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area
Bldg. A133
Louisiana Army Ammunition Plant
Doyline, LA Co: Webster
Landholding Agency: Army
Property Number: 219011735
Status: Unutilized
Reason: Secured Area
Bldg. A131
Louisiana Army Ammunition Plant
Doylin, LA Co: Webster
Landholding Agency: Army
Propert Number: 219011737
Status: Underutilized
Reason: Secured Area

Bldg. C1322
Louisiana Army Ammunition Plant
Doylin, LA Co: Webster
Landholding Agency: Army
Propert Number: 219011717
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. A132
Louisiana Army Ammunition Plant
Area K
Doylin, LA Co: Webster
Landholding Agency: Army
Propert Number: 219011736
Status: Unutilized
Reason: Secured Area

Bldg. A130
Louisiana Army Ammunition Plant
Area A
Doylin, LA Co: Webster
Landholding Agency: Army
Propert Number: 219012112
Status: Unutilized
Reason: Secured Area

Maryland

Bldg. 815
Aberdeen Proving Ground
Aberdeen City, MD Co: Harford
Landholding Agency: Army
Propert Number: 219011406
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Floodway, Secured Area

Bldg. 814A
Aberdeen Proving Ground
Aberdeen City, MD Co: Harford
Landholding Agency: Army
Propert Number: 219011407
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Floodway, Secured Area

Bldg. 813
Aberdeen Proving Ground
Aberdeen City, MD Co: Harford
Landholding Agency: Army
Propert Number: 219011408
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Floodway, Secured Area

Bldg. 705A
Aberdeen Proving Ground
Aberdeen City, MD Co: Harford
Landholding Agency: Army
Propert Number: 219011409
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 689
Aberdeen Proving Ground
Aberdeen City, MD Co: Harford
Landholding Agency: Army
Propert Number: 219011410
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 461
Aberdeen Proving Ground
Aberdeen City, MD Co: Harford
Landholding Agency: Army
Propert Number: 219011411
Status: Unutilized
Reason: Secured Area

Bldg. 815A
Aberdeen Proving Ground
Aberdeen City, MD Co: Harford
Landholding Agency: Army
Propert Number: 219011412
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Floodway, Secured Area

Bldg. 816
Aberdeen Proving Ground
Aberdeen City, MD Co: Harford
Landholding Agency: Army
Propert Number: 219011413
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Floodway

Bldg. 892
Aberdeen Proving Ground
Aberdeen City, MD Co: Harford
Landholding Agency: Army
Propert Number: 219011414
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 906
Aberdeen Proving Ground
Aberdeen City, MD Co: Harford
Landholding Agency: Army
Propert Number: 219011415
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 918A
Aberdeen Proving Ground
Aberdeen City, MD Co: Harford
Landholding Agency: Army
Propert Number: 219011416
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 956
Aberdeen Proving Ground
Aberdeen City, MD Co: Harford
Landholding Agency: Army
Propert Number: 219011417
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Floodway, Secured Area

P501
Installation #24235
Ballast House
La Plata, MD Co: Charles
Location: At the end of the access road
Landholding Agency: Army
Propert Number: 219011643
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Nevada

Bldg. 1–5
Hawthorne Army Ammunition Plant
Magazine Storage
Hawthorne, NV Co: Mineral
Location: South Magazine Area
Landholding Agency: Army
Propert Number: 219011953
Status: Unutilized
Reason: Secured Area

Bldg. 1–6
Hawthorne Army Ammunition Plant
Magazine Storage
Hawthorne, NV Co: Mineral
Location: South Magazine Area
Landholding Agency: Army
Propert Number: 219011955
Status: Unutilized
Reason: Secured Area

Bldg. 1–19
Hawthorne Army Ammunition Plant
Magazine Storage
Hawthorne, NV Co: Mineral
Location: South magazine area
Landholding Agency: Army
Property Number: 219011957
Status: Unutilized
Reason: Secured Area

Bldg. 1–20
Hawthorne Army Ammunition Plant
Magazine Storage
Hawthorne, NV Co: Mineral
Location: South magazine area
Landholding Agency: Army
Property Number: 219011958
Status: Unutilized
Reason: Secured Area

Bldg. 5–13
Hawthorne Army Ammunition Plant
Magazine Storage
Hawthorne, NV Co: Mineral
Location: South magazine area
Landholding Agency: Army
Property Number: 219011960
Status: Unutilized
Reason: Secured Area

Bldg. 5–17
Hawthorne Army Ammunition Plant
Magazine Storage
Hawthorne, NV Co: Mineral
Location: South magazine area
Landholding Agency: Army
Property Number: 219011962
Status: Unutilized
Reason: Secured Area

Bldg. 6–2
Hawthorne Army Ammunition Plant
Magazine Storage
Hawthorne, NV Co: Mineral
Landholding Agency: Army
Property Number: 219011963
Status: Unutilized
Reason: Secured Area

Bldg. 6–3
Hawthorne Army Ammunition Plant
Magazine Storage
Hawthorne, NV Co: Mineral
Landholding Agency: Army
Property Number: 219011965
Status: Unutilized
Reason: Secured Area

Bldg. 6–6
Hawthorne Army Ammunition Plant
Magazine Storage
Hawthorne, NV Co: Mineral
Landholding Agency: Army
Property Number: 219011966
Status: Unutilized
Reason: Secured Area

Bldg. 6–7
Hawthorne Army Ammunition Plant
Magazine Storage
Hawthorne, NV Co: Mineral
Location: South magazine area
Landholding Agency: Army
Property Number: 219011967

Status: Unutilized
Reason: Secured Area
Bldg. 6–14
Hawthorne Army Ammunition Plant
Magazine Storage
Hawthorne, NV Co: Mineral
Location: South magazine area
Landholding Agency: Army
Property Number: 219011969
Status: Unutilized
Reason: Secured Area
Bldg. 6–16
Hawthorne Army Ammunition Plant
Magazine Storage
Hawthorne, NV Co: Mineral
Location: South magazine area
Landholding Agency: Army
Property Number: 219011971
Status: Unutilized
Reason: Secured Area
Bldg. 6–18
Hawthorne Army Ammunition Plant
Magazine Storage
Hawthorne, NV Co: Mineral
Location: South magazine area
Landholding Agency: Army
Property Number: 219011972
Status: Unutilized
Reason: Secured Area
Bldg. 6–20
Hawthorne Army Ammunition Plant
Magazine Storage
Hawthorne, NV Co: Mineral
Location: South magazine area
Landholding Agency: Army
Property Number: 219011973
Status: Unutilized
Reason: Secured Area
Bldg. 8–19
Hawthorne Army Ammunition Plant
Magazine Storage
Hawthorne, NV Co: Mineral
Location: South magazine area
Landholding Agency: Army
Property Number: 219011975
Status: Unutilized
Reason: Secured Area
Bldg. 8–20
Hawthorne Army Ammunition Plant
Magazine Storage
Hawthorne, NV Co: Mineral
Location: South magazine area
Landholding Agency: Army
Property Number: 219011979
Status: Unutilized
Reason: Secured Area
Bldg. 9–1
Hawthorne Army Ammunition Plant
Magazine Storage
Hawthorne, NV Co: Mineral
Location: South magazine area
Landholding Agency: Army
Property Number: 219011981
Status: Unutilized
Reason: Secured Area
Bldg. 9–8
Hawthorne Army Ammunition Plant
Magazine Storage
Hawthorne, NV Co: Mineral
Location: South magazine area
Landholding Agency: Army
Property Number: 219011983
Status: Unutilized
Reason: Secured Area
Bldg. 9–12
Hawthorne Army Ammunition Plant
Magazine Storage
Hawthorne, NV Co: Mineral
Location: South magazine area
Landholding Agency: Army
Property Number: 219011985
Status: Unutilized
Reason: Secured Area
Bldg. 9–13
Hawthorne Army Ammunition Plant
Magazine Storage
Hawthorne, NV Co: Mineral
Location: South magazine area
Landholding Agency: Army
Property Number: 219011986
Status: Unutilized
Reason: Secured Area
Bldg. 9–15
Hawthorne Army Ammunition Plant
Magazine Storage
Hawthorne, NV Co: Mineral
Location: South magazine area
Landholding Agency: Army
Property Number: 219011988
Status: Unutilized
Reason: Secured Area
Bldg. 9–17
Hawthorne Army Ammunition Plant
Magazine Storage
Hawthorne, NV Co: Mineral
Location: South magazine area
Landholding Agency: Army
Property Number: 219011989
Status: Unutilized
Reason: Secured Area
Bldg. 10–3
Hawthorne Army Ammunition Plant
Magazine Storage
Hawthorne, NV Co: Mineral
Location: South magazine area
Landholding Agency: Army
Property Number: 219011991
Status: Unutilized
Reason: Secured Area
Bldg. 10–5
Hawthorne Army Ammunition Plant
Magazine Storage
Hawthorne, NV Co: Mineral
Location: South magazine area
Landholding Agency: Army
Property Number: 219011992
Status: Unutilized
Reason: Secured Area
Bldg. 10–8
Hawthorne Army Ammunition Plant
Magazine Storage
Hawthorne, NV Co: Mineral
Location: South magazine area
Landholding Agency: Army
Property Number: 219011993
Status: Unutilized
Reason: Secured Area
Bldg. 10–15
Hawthorne Army Ammunition Plant
Magazine Storage
Hawthorne, NV Co: Mineral
Location: South magazine area
Landholding Agency: Army
Property Number: 219011995
Status: Unutilized
Reason: Secured Area
Bldg. 396
Hawthorne Army Ammunition Plant
Bachelor Enlisted Qtrs W/Dining Facilities
Hawthorne, NV Co: Mineral
Location: East side of Decatur Street-North of Maine Avenue
Landholding Agency: Army
Property Number: 219011997
Status: Unutilized
Reason: Within airport runway clear zone, Secured Area
Bldg. 10–16
Hawthorne Army Ammunition Plant
Magazine Storage
Hawthorne, NV Co: Mineral
Location: South magazine area
Landholding Agency: Army
Property Number: 219011998
Status: Unutilized
Reason: Secured Area
Bldg. 10–18
Hawthorne Army Ammunition Plant
Magazine Storage
Hawthorne, NV Co: Mineral
Location: South magazine area
Landholding Agency: Army
Property Number: 219011999
Status: Unutilized
Reason: Secured Area
Bldg. 11–3
Hawthorne Army Ammunition Plant
Magazine Storage
Hawthorne, NV Co: Mineral
Location: South magazine area
Landholding Agency: Army
Property Number: 219012000
Status: Unutilized
Reason: Secured Area
Bldg. 11–4
Hawthorne Army Ammunition Plant
Magazine Storage
Hawthorne, NV Co: Mineral
Location: South magazine area
Landholding Agency: Army
Property Number: 219012001
Status: Unutilized
Reason: Secured Area
Bldg. 00A42
Hawthorne Army Ammunition Plant
Dispensary/Dental Clinic
Hawthorne, NV Co: Mineral
Location: South side of Maine Avenue, East of Pringle Road in the Industrial Area.
Landholding Agency: Army
Property Number: 219012002
Status: Underutilized
Reason: Within airport runway clear zone, Secured Area
Bldg. 11–9
Hawthorne Army Ammunition Plant
Magazine Storage
Hawthorne, NV Co: Mineral
Location: South magazine area
Landholding Agency: Army
Property Number: 219012003
Status: Unutilized
Reason: Secured Area
Bldg. 11–16
Hawthorne Army Ammunition Plant
Magazine Storage
Hawthorne, NV Co: Mineral
Landholding Agency: Army
Property Number: 219012004
Status: Unutilized
Reason: Secured Area
Bldg. 11–20

Hawthorne Army Ammunition Plant
Magazine Storage
Hawthorne, NV Co: Mineral
Location: South magazine area
Landholding Agency: Army
Property Number: 219012006
Status: Unutilized
Reason: Secured Area

Bldg. 12–3
Hawthorne Army Ammunition Plant
Magazine Storage
Hawthorne, NV Co: Mineral
Location: South magazine area
Landholding Agency: Army
Property Number: 219012007
Status: Unutilized
Reason: Secured Area

Bldg. 00A47
Hawthorne Army Ammunition Plant
Entertainment Workshop
Hawthorne, NV Co: Mineral
Location: North side of North Maine Street Across from Bldg. 6 in the Industrial Area.
Landholding Agency: Army
Property Number: 219012005
Status: Underutilized
Reason: Within airport runway clear zone, Secured Area

Bldg. 12–13
Hawthorne Army Ammunition Plant
Magazine Storage
Hawthorne, NV Co: Mineral
Location: South magazine area
Landholding Agency: Army
Property Number: 219012008
Status: Unutilized
Reason: Secured Area

Bldg. 12–14
Hawthorne Army Ammunition Plant
Magazine Storage
Hawthorne, NV Co: Mineral
Location: South magazine area
Landholding Agency: Army
Property Number: 219012010
Status: Unutilized
Reason: Secured Area

Bldg. 000A3
Hawthorne Army Ammunition Plant
Recreation Building
Hawthorne, NV Co: Mineral
Location: East of Dewey Street, North of Maine Avenue in the Industrial Area.
Landholding Agency: Army
Property Number: 219012009
Status: Unutilized
Reason: Within airport runway clear zone, Secured Area

Bldg. 12–16
Hawthorne Army Ammunition Plant
Magazine Storage
Hawthorne, NV Co: Mineral
Location: South magazine area
Landholding Agency: Army
Property Number: 219012011
Status: Unutilized
Reason: Secured Area

Bldg. 12–17
Hawthorne Army Ammunition Plant
Magazine Storage
Hawthorne, NV Co: Mineral
Location: South magazine area
Landholding Agency: Army
Property Number: 219012012
Status: Unutilized
Reason: Secured Area

Bldg. 13–2
Hawthorne Army Ammunition Plant
Magazine Storage
Hawthorne, NV Co: Mineral
Location: South magazine area
Landholding Agency: Army
Property Number: 219012014
Status: Unutilized
Reason: Secured Area

Bldg. 000A4
Hawthorne Army Ammunition Plant
Enlisted Barracks/Mess Hall
Hawthorne, NV Co: Mineral
Location: East side of Decatur Street, North of Maine Avenue in the Industrial Area.
Landholding Agency: Army
Property Number: 219012013
Status: Unutilized
Reason: Within airport runway clear zone, Secured Area

Bldg. 13–5
Hawthorne Army Ammunition Plant
Magazine Storage
Hawthorne, NV Co: Mineral
Location: South magazine area
Landholding Agency: Army
Property Number: 219012015
Status: Unutilized
Reason: Secured Area

Bldg. 13–13
Hawthorne Army Ammunition Plant
Magazine Storage
Hawthorne, NV Co: Mineral
Location: South magazine area
Landholding Agency: Army
Property Number: 219012017
Status: Unutilized
Reason: Secured Area

Bldg. 13–14
Hawthorne Army Ammunition Plant
Magazine Storage
Hawthorne, NV Co: Mineral
Location: South magazine area
Landholding Agency: Army
Property Number: 219012018
Status: Unutilized
Reason: Secured Area

Bldg. 00307
Hawthorne Army Ammunition Plant
Hawthorne, NV Co: Mineral
Location: 25 miles South of Hawthorne on West side of Highway 359
Landholding Agency: Army
Property Number: 219012016
Status: Underutilized
Reason: Secured Area

Bldg. 13–15
Hawthorne Army Ammunition Plant
Magazine Storage
Hawthorne, NV Co: Mineral
Location: South magazine area
Landholding Agency: Army
Property Number: 219012019
Status: Unutilized
Reason: Secured Area

Bldg. 13–18
Hawthorne Army Ammunition Plant
Magazine Storage
Hawthorne, NV Co: Mineral
Location: South magazine area
Landholding Agency: Army
Property Number: 219012020
Status: Unutilized
Reason: Secured Area

Bldg. 13–19
Hawthorne Army Ammunition Plant
Magazine Storage
Hawthorne, NV Co: Mineral
Location: South magazine area
Landholding Agency: Army
Property Number: 219012022
Status: Unutilized
Reason: Secured Area

Bldg. 13–20
Hawthorne Army Ammunition Plant
Magazine Storage
Hawthorne, NV Co: Mineral
Location: South magazine area
Landholding Agency: Army
Property Number: 219012023
Status: Unutilized
Reason: Secured Area

Bldg. 117–2
Hawthorne Army Ammunition Plant
Western Area Demilitarization Facility
Hawthorne, NV Co: Mineral
Location: North Magazine Area
Landholding Agency: Army
Property Number: 219012021
Status: Underutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 14–2
Hawthorne Army Ammunition Plant
Magazine Storage
Hawthorne, NV Co: Mineral
Location: South magazine area
Landholding Agency: Army
Property Number: 219012024
Status: Unutilized
Reason: Secured Area

Bldg. 14–13
Hawthorne Army Ammunition Plant
Magazine Storage
Hawthorne, NV Co: Mineral
Location: South magazine area
Landholding Agency: Army
Property Number: 219012026
Status: Unutilized
Reason: Secured Area

Bldg. 117–4
Hawthorne Army Ammunition Plant
Western Area Demilitarization Facility
Hawthorne, NV Co: Mineral
Location: North Magazine Area
Landholding Agency: Army
Property Number: 219012025
Status: Underutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 15–5
Hawthorne Army Ammunition Plant
Magazine Storage
Hawthorne, NV Co: Mineral
Location: South magazine area
Landholding Agency: Army
Property Number: 219012027
Status: Unutilized
Reason: Secured Area

Bldg. 15–8
Hawthorne Army Ammunition Plant
Magazine Storage
Hawthorne, NV Co: Mineral
Location: South magazine area
Landholding Agency: Army
Property Number: 219012029
Status: Unutilized
Reason: Secured Area

Bldg. 117–5

Hawthorne Army Ammunition Plant
Western Area Demilitarization Facility
Hawthorne, NV Co: Mineral
Location: North Magazine Area
Landholding Agency: Army
Property Number: 219012028
Status: Underutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 15–9
Hawthorne Army Ammunition Plant
Magazine Storage
Hawthorne, NV Co: Mineral
Location: South magazine area
Landholding Agency: Army
Property Number: 219012030
Status: Unutilized
Reason: Secured Area

Bldg. 15–10
Hawthorne Army Ammunition Plant
Magazine Storage
Hawthorne, NV Co: Mineral
Location: South magazine area
Landholding Agency: Army
Property Number: 219012032
Status: Unutilized
Reason: Secured Area

Bldg. 117–6
Hawthorne Army Ammunition Plant
Western Area Demilitarization Facility
Hawthorne, NV Co: Mineral
Location: North Magazine Area
Landholding Agency: Army
Property Number: 219012031
Status: Underutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 15–11
Hawthorne Army Ammunition Plant
Magazine Storage
Hawthorne, NV Co: Mineral
Location: South magazine area
Landholding Agency: Army
Property Number: 219012033
Status: Unutilized
Reason: Secured Area

Bldg. 15–17
Hawthorne Army Ammunition Plant
Magazine Storage
Hawthorne, NV Co: Mineral
Location: South magazine area
Landholding Agency: Army
Property Number: 219012035
Status: Unutilized
Reason: Secured Area

Bldg. 117–8
Hawthorne Army Ammunition Plant
Western Area Demilitarization Facility
Hawthorne, NV Co: Mineral
Location: North Magazine Area
Landholding Agency: Army
Property Number: 219012034
Status: Underutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 16–11
Hawthorne Army Ammunition Plant
Magazine Storage
Hawthorne, NV Co: Mineral
Location: South magazine area
Landholding Agency: Army
Property Number: 219012036
Status: Unutilized
Reason: Secured Area

Bldg. 16–14
Hawthorne Army Ammunition Plant
Magazine Storage
Hawthorne, NV Co: Mineral
Location: South magazine area
Landholding Agency: Army
Property Number: 219012038
Status: Unutilized
Reason: Secured Area

Bldg. 117–9
Hawthorne Army Ammunition Plant
Western Area Demilitarization Facility
Hawthorne, NV Co: Mineral
Location: North Magazine Area
Landholding Agency: Army
Property Number: 219012037
Status: Underutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 17–2
Hawthorne Army Ammunition Plant
Magazine Storage
Hawthorne, NV Co: Mineral
Location: South magazine area
Landholding Agency: Army
Property Number: 219012039
Status: Unutilized
Reason: Secured Area

Bldg. 17–3
Hawthorne Army Ammunition Plant
Magazine Storage
Hawthorne, NV Co: Mineral
Location: South magazine area
Landholding Agency: Army
Property Number: 219012040
Status: Unutilized
Reason: Secured Area

Bldg. 17–4
Hawthorne Army Ammunition Plant
Magazine Storage
Hawthorne, NV Co: Mineral
Location: South magazine area
Landholding Agency: Army
Property Number: 219012042
Status: Unutilized
Reason: Secured Area

Bldg. 117–10
Hawthorne Army Ammunition Plant
Western Area Demilitarization Facility
Hawthorne, NV Co: Mineral
Location: North Magazine Area
Landholding Agency: Army
Property Number: 219012041
Status: Underutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 17–5
Hawthorne Army Ammunition Plant
Magazine Storage
Hawthorne, NV Co: Mineral
Location: South magazine area
Landholding Agency: Army
Property Number: 219012043
Status: Unutilized
Reason: Secured Area

Bldg. 17–7
Hawthorne Army Ammunition Plant
Magazine Storage
Hawthorne, NV Co: Mineral
Location: South magazine area
Landholding Agency: Army
Property Number: 219012045
Status: Unutilized
Reason: Secured Area

Bldg. 17–10
Hawthorne Army Ammunition Plant
Magazine Storage
Hawthorne, NV Co: Mineral
Location: South magazine area
Landholding Agency: Army
Property Number: 219012046
Status: Unutilized
Reason: Secured Area

Bldg. 17–16
Hawthorne Army Ammunition Plant
Magazine Storage
Hawthorne, NV Co: Mineral
Location: South magazine area
Landholding Agency: Army
Property Number: 219012047
Status: Unutilized
Reason: Secured Area

Bldg. 117–11
Hawthorne Army Ammunition Plant
Western Area Demilitarization Facility
Hawthorne, NV Co: Mineral
Location: North magazine area
Landholding Agency: Army
Property Number: 219012044
Status: Underutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 19–16
Hawthorne Army Ammunition Plant
Magazine Storage
Hawthorne, NV Co: Mineral
Location: South magazine area
Landholding Agency: Army
Property Number: 219012048
Status: Unutilized
Reason: Secured Area

Bldg. 19–19
Hawthorne Army Ammunition Plant
Magazine Storage
Hawthorne, NV Co: Mineral
Location: South magazine area
Landholding Agency: Army
Property Number: 219012050
Status: Unutilized
Reason: Secured Area

Bldg. 20–5
Hawthorne Army Ammunition Plant
Magazine Storage
Hawthorne, NV Co: Mineral
Location: South magazine area
Landholding Agency: Army
Property Number: 219012051
Status: Unutilized
Reason: Secured Area

Bldg. 20–6
Hawthorne Army Ammunition Plant
Magazine Storage
Hawthorne, NV Co: Mineral
Location: South magazine area
Landholding Agency: Army
Property Number: 219012052
Status: Unutilized
Reason: Secured Area

Bldg. 29–2
Hawthorne Army Ammunition Plant
Magazine Storage
Hawthorne, NV Co: Mineral
Location: South magazine area
Landholding Agency: Army
Property Number: 219012053
Status: Unutilized
Reason: Secured Area

Bldg. 29–3
Hawthorne Army Ammunition Plant

Magazine Storage
Hawthorne, NV Co: Mineral
Location: South magazine area
Landholding Agency: Army
Property Number: 219012054
Status: Unutilized
Reason: Secured Area

Bldg. 29–4
Hawthorne Army Ammunition Plant
Magazine Storage
Hawthorne, NV Co: Mineral
Location: South magazine area
Landholding Agency: Army
Property Number: 219012055
Status: Unutilized
Reason: Secured Area

Bldg. 100–10
Hawthorne Army Ammunition Plant
Magazine Storage
Hawthorne, NV Co: Mineral
Location: North Magazine Area
Landholding Agency: Army
Property Number: 219012059
Status: Unutilized
Reason: Secured Area

Bldg. 100–42
Hawthorne Army Ammunition Plant
Magazine Storage
Hawthorne, NV Co: Mineral
Location: North Magazine Area
Landholding Agency: Army
Property Number: 219012060
Status: Unutilized
Reason: Secured Area

Bldg. 100–47
Hawthorne Army Ammunition Plant
Magazine Storage
Hawthorne, NV Co: Mineral
Location: North Magazine Area
Landholding Agency: Army
Property Number: 219012061
Status: Unutilized
Reason: Secured Area

Bldg. 100–52
Hawthorne Army Ammunition Plant
Magazine Storage
Hawthorne, NV Co: Mineral
Location: North magazine area
Landholding Agency: Army
Property Number: 219012062
Status: Unutilized
Reason: Secured Area

Bldg. 100–58
Hawthorne Army Ammunition Plant
Magazine Storage
Hawthorne, NV Co: Mineral
Location: North Magazine Area
Landholding Agency: Army
Property Number: 219012063
Status: Unutilized
Reason: Secured Area

Bldg. 100–82
Hawthorne Army Ammunition Plant
Magazine Storage
Hawthorne, NV Co: Mineral
Location: North Magazine Area
Landholding Agency: Army
Property Number: 219012064
Status: Unutilized
Reason: Secured Area

Bldg. 29–12
Hawthorne Army Ammunition Plant
Magazine Storage
Hawthorne, NV Co: Mineral
Location: South magazine area
Landholding Agency: Army
Property Number: 219012065
Status: Unutilized
Reason: Secured Area

Bldg. 29–13
Hawthorne Army Ammunition Plant
Magazine Storage
Hawthorne, NV Co: Mineral
Location: South magazine area
Landholding Agency: Army
Property Number: 219012067
Status: Unutilized
Reason: Secured Area

Bldg. 100–83
Hawthorne Army Ammunition Plant
Magazine Storage
Hawthorne, NV Co: Mineral
Location: North Magazine Area
Landholding Agency: Army
Property Number: 219012066
Status: Unutilized
Reason: Secured Area

Bldg. 29–14
Hawthorne Army Ammunition Plant
Magazine Storage
Hawthorne, NV Co: Mineral
Location: South magazine area
Landholding Agency: Army
Property Number: 219012068
Status: Unutilized
Reason: Secured Area

Bldg. 32–10
Hawthorne Army Ammunition Plant
Magazine Storage
Hawthorne, NV Co: Mineral
Location: South magazine area
Landholding Agency: Army
Property Number: 219012070
Status: Unutilized
Reason: Secured Area

Bldg. 100–84
Hawthorne Army Ammunition Plant
Magazine Storage
Hawthorne, NV Co: Mineral
Location: North Magazine Area
Landholding Agency: Army
Property Number: 219012069
Status: Unutilized
Reason: Secured Area

Bldg. 32–11
Hawthorne Army Ammunition Plant
Magazine Storage
Hawthorne, NV Co: Mineral
Location: South magazine area
Landholding Agency: Army
Property Number: 219012071
Status: Unutilized
Reason: Secured Area

Bldg. 32–12
Hawthorne Army Ammunition Plant
Magazine Storage
Hawthorne, NV Co: Mineral
Location: South magazine area
Landholding Agency: Army
Property Number: 219012073
Status: Unutilized
Reason: Secured Area

Bldg. 100–88
Hawthorne Army Ammunition Plant
Magazine Storage
Hawthorne, NV Co: Mineral
Location: North Magazine Area
Landholding Agency: Army
Property Number: 219012072
Status: Unutilized
Reason: Secured Area

Bldg. 32–13
Hawthorne Army Ammunition Plant
Magazine Storage
Hawthorne, NV Co: Mineral
Location: South magazine area
Landholding Agency: Army
Property Number: 219012074
Status: Unutilized
Reason: Secured Area

Bldg. 36–7
Hawthorne Army Ammunition Plant
Magazine Storage
Hawthorne, NV Co: Mineral
Location: South magazine area
Landholding Agency: Army
Property Number: 219012076
Status: Unutilized
Reason: Secured Area

Bldg. 111–11
Hawthorne Army Ammunition Plant
Magazine Storage
Hawthorne, NV Co: Mineral
Location: North Magazine Area
Landholding Agency: Army
Property Number: 219012075
Status: Unutilized
Reason: Secured Area

Bldg. 36–9
Hawthorne Army Ammunition Plant
Magazine Storage
Hawthorne, NV Co: Mineral
Location: South magazine area
Landholding Agency: Army
Property Number: 219012077
Status: Unutilized
Reason: Secured Area

Bldg. 36–12
Hawthorne Army Ammunition Plant
Magazine Storage
Hawthorne, NV Co: Mineral
Location: South magazine area
Landholding Agency: Army
Property Number: 219012078
Status: Unutilized
Reason: Secured Area

Bldg. 36–13
Hawthorne Army Ammunition Plant
Magazine Storage
Hawthorne, NV Co: Mineral
Location: South magazine area
Landholding Agency: Army
Property Number: 219012080
Status: Unutilized
Reason: Secured Area

Bldg. 111–34
Hawthorne Army Ammunition Plant
Magazine Storage
Hawthorne, NV Co: Mineral
Location: North Magazine Area
Landholding Agency: Army
Property Number: 219012079
Status: Unutilized
Reason: Secured Area

Bldg. 36–15
Hawthorne Army Ammunition Plant
Magazine Storage
Hawthorne, NV Co: Mineral
Location: South magazine area
Landholding Agency: Army
Property Number: 219012081
Status: Unutilized

Reason: Secured Area

Bldg. 36–18
Hawthorne Army Ammunition Plant
Magazine Storage
Hawthorne, NV Co: Mineral
Location: South magazine area
Landholding Agency: Army
Property Number: 219012083
Status: Unutilized
Reason: Secured Area

Bldg. 111–57
Hawthorne Army Ammunition Plant
Magazine Storage
Hawthorne, NV Co: Mineral
Location: North Magazine Area
Landholding Agency: Army
Property Number: 219012082
Status: Unutilized
Reason: Secured Area

Bldg. 36–20
Hawthorne Army Ammunition Plant
Magazine Storage
Hawthorne, NV Co: Mineral
Location: South magazine area
Landholding Agency: Army
Property Number: 219012084
Status: Unutilized
Reason: Secured Area

Bldg. 37–6
Hawthorne Army Ammunition Plant
Magazine Storage
Hawthorne, NV Co: Mineral
Location: South magazine area
Landholding Agency: Army
Property Number: 219012086
Status: Unutilized
Reason: Secured Area

Bldg. 111–58
Hawthorne Army Ammunition Plant
Magazine Storage
Hawthorne, NV Co: Mineral
Location: North Magazine Area
Landholding Agency: Army
Property Number: 219012085
Status: Unutilized
Reason: Secured Area

Bldg. 37–9
Hawthorne Army Ammunition Plant
Magazine Storage
Hawthorne, NV Co: Mineral
Location: South magazine area
Landholding Agency: Army
Property Number: 219012087
Status: Unutilized
Reason: Secured Area

Bldg. 37–20
Hawthorne Army Ammunition Plant
Magazine Storage
Hawthorne, NV Co: Mineral
Location: South magazine area
Landholding Agency: Army
Property Number: 219012088
Status: Unutilized
Reason: Secured Area

Bldg. 38–1
Hawthorne Army Ammunition Plant
Magazine Storage
Hawthorne, NV Co: Mineral
Location: South magazine area
Landholding Agency: Army
Property Number: 219012090
Status: Unutilized
Reason: Secured Area

Bldg. 112–65
Hawthorne Army Ammunition Plant
Magazine Storage
Hawthorne, NV Co: Mineral
Location: North magazine area
Landholding Agency: Army
Property Number: 219012089
Status: Unutilized
Reason: Secured Area

Bldg. 40–11
Hawthorne Army Ammunition Plant
Magazine Storage
Hawthorne, NV Co: Mineral
Location: South magazine area
Landholding Agency: Army
Property Number: 219012091
Status: Unutilized
Reason: Secured Area

Bldg. 40–17
Hawthorne Army Ammunition Plant
Magazine Storage
Hawthorne, NV Co: Mineral
Location: South magazine area
Landholding Agency: Army
Property Number: 219012093
Status: Unutilized
Reason: Secured Area

Bldg. 112–67
Hawthorne Army Ammunition Plant
North Magazine Area
Hawthorne, NV Co: Mineral
Location: North magazine area
Landholding Agency: Army
Property Number: 219012092
Status: Unutilized
Reason: Secured Area

Bldg. 52–6
Hawthorne Army Ammunition Plant
Magazine Storage
Hawthorne, NV Co: Mineral
Location: Central magazine area
Landholding Agency: Army
Property Number: 219012094
Status: Unutilized
Reason: Secured Area

Bldg. 113–81
Hawthorne Army Ammunition Plant
North Magazine Area
Hawthorne, NV Co: Mineral
Location: North magazine area
Landholding Agency: Army
Property Number: 219012095
Status: Unutilized
Reason: Secured Area

Bldg. 52–7
Hawthorne Army Ammunition Plant
Magazine Storage
Hawthorne, NV Co: Mineral
Location: Central magazine area
Landholding Agency: Army
Property Number: 219012097
Status: Unutilized
Reason: Secured Area

Bldg. 69–4
Hawthorne Army Ammunition Plant
Magazine Storage
Hawthorne, NV Co: Mineral
Location: Central magazine area
Landholding Agency: Army
Property Number: 219012098
Status: Unutilized
Reason: Secured Area

Bldg. 114–73
Hawthorne Army Ammunition Plant
Magazine Storage
Hawthorne, NV Co: Mineral
Location: North magazine area
Landholding Agency: Army
Property Number: 219012096
Status: Unutilized
Reason: Secured Area

Bldg. 69–6
Hawthorne Army Ammunition Plant
Magazine Storage
Hawthorne, NV Co: Mineral
Location: Central magazine area
Landholding Agency: Army
Property Number: 219012099
Status: Unutilized
Reason: Secured Area

Bldg. 73–6
Hawthorne Army Ammunition Plant
Magazine Storage
Hawthorne, NV Co: Mineral
Location: Central magazine area
Landholding Agency: Army
Property Number: 219012101
Status: Unutilized
Reason: Secured Area

Bldg. 114–74
Hawthorne Army Ammunition Plant
Magazine Storage
Hawthorne, NV Co: Mineral
Location: North magazine area
Landholding Agency: Army
Property Number: 219012100
Status: Unutilized
Reason: Secured Area

Bldg. 75–12
Hawthorne Army Ammunition Plant
Magazine Storage
Hawthorne, NV Co: Mineral
Location: Central magazine area
Landholding Agency: Army
Property Number: 219012103
Status: Unutilized
Reason: Secured Area

Bldg. 114–75
Hawthorne Army Ammunition Plant
Magazine Storage
Hawthorne, NV Co: Mineral
Location: North magazine area
Landholding Agency: Army
Property Number: 219012102
Status: Unutilized
Reason: Secured Area

Bldg. 115–5
Hawthorne Army Ammunition Plant
Magazine Storage
Hawthorne, NV Co: Mineral
Location: North magazine area
Landholding Agency: Army
Property Number: 219012104
Status: Unutilized
Reason: Secured Area

Bldg. 115–8
Hawthorne Army Ammunition Plant
Magazine Storage
Hawthorne, NV Co: Mineral
Location: North Magazine Area
Landholding Agency: Army
Property Number: 219012105
Status: Unutilized
Reason: Secured Area.

Bldg. 115–80E
Hawthorne Army Ammunition Plant
Magazine Storage
Hawthorne, NV Co: Mineral
Location: North Magazine Area

Landholding Agency: Army
Property Number: 219012106
Status: Unutilized
Reason: Secured Area.

Bldg. 100–10
Hawthorne Army Ammunition Plant
Magazine Storage
Hawthorne, NV Co: Mineral
Location: North Magazine Area
Landholding Agency: Army
Property Number: 219012107
Status: Unutilized
Reason: Secured Area.

OKLAHOMA

Bldg. 172
McAlester Army Ammunition Plant
Bomb High Explosive Fill Plant
McAlester, OK Co: Pittsburg
Location: 10 Miles South of McAlester, OK
Landholding Agency: Army
Property Number: 219011674
Status: Underutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 107
McAlester Army Ammunition Plant
Major Caliber Loading Plant
McAlester, OK Co: Pittsburg
Location: 10 miles South of McAlester, OK
Landholding Agency: Army
Property Number: 219011680
Status: Underutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 173
McAlester Army Ammunition Plant
Bomb High Explosive Plant
McAlester, OK Co: Pittsburg
Location: 10 miles south of McAlester, OK
Landholding Agency: Army
Property Number: 219011684
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 174
McAlester Army Ammunition Plant
Bomb High Explosive Fill Plant
McAlester, OK Co: Pittsburg
Location: 10 miles South of McAlester, OK
Landholding Agency: Army
Property Number: 219011687
Status: Underutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 181
McAlester Army Ammunition Plant
Bomb High Explosive Fill Plant
McAlester, OK Co: Pittsburg
Location: 10 miles south of McAlester, OK
Landholding Agency: Army
Property Number: 219012113
Status: Underutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

PENNSYLVANIA

Defense Personnel Support Ctr.
2800 South 20th Street
Philadelphia, PA Co: Philadelphia
Landholding Agency: Army
Property Number: 219011664
Status: Underutilized
Reason: Other environmental, Secured Area
Comment: Friable asbestos

Hays Army Ammunition Plant
300 Miffin Road
Pittsburgh, PA Co: Allegheny
Landholding Agency: Army
Property Number: 219011666
Status: Excess
Reason: Secured Area

TEXAS

Saginaw Army Aircraft Plant
Saginaw, TX Co: Tarrant
Landholding Agency: Army
Property Number: 219011665
Status: Excess
Reason: Other
Comment: Easement to city of Saginaw for sewer pipeline ending 5/15/2023

VIRGINIA

Bldg. 1600
Radford Army Ammunition Plant
Solvent Recovery House
Radford, VA Co: Montgomery
Location: State Highway 114
Landholding Agency: Army
Property Number: 219011521
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 1604
Radford Army Ammunition Plant
Solvent Recovery House
Radford, VA Co: Montgomery
Location: State Highway 114
Landholding Agency: Army
Property Number: 219011522
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 1608
Radford Army Ammunition Plant
Solvent Recovery House
Radford, VA Co: Montgomery
Location: State Highway 114
Landholding Agency: Army
Property Number: 219011523
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 1618
Radford Army Ammunition Plant
Solvent Recovery House
Radford, VA Co: Montgomery
Location: State Highway 114
Landholding Agency: Army
Property Number: 219011525
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 1619
Radford Army Ammunition Plant
Solvent Recovery House
Radford, VA Co: Montgomery
Location: State Highway 114
Landholding Agency: Army
Property Number: 219011526
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. NR 0221–00
Radford Army Ammunition Plant
Boiler House
Dublin, VA Co: Pulaski
Landholding Agency: Army
Property Number: 219011524
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 1622
Radford Army Ammunition Plant
Solvent Recovery House
Radford, VA Co: Montgomery
Location: State Highway 114
Landholding Agency: Army
Property Number: 219011527
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 1625
Radford Army Ammunition Plant
Solvent Recovery House
Radford, VA Co: Montgomery
Location: State Highway 114
Landholding Agency: Army
Property Number: 219011528
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 1650
Radford Army Ammunition Plant
Water Dry House
Radford, VA Co: Montgomery
Location State Highway 114
Landholding Agency: Army
Property Number: 219011530
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 1651
Radford Army Ammunition Plant
Water Dry House
Radford, VA Co: Montgomery
Location: State Highway 114
Landholding Agency: Army
Property Number: 219011531
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 208
Radford Army Ammunition Plant
Office Building
Radford VA Co: Montgomery
Location: State Highway 114
Landholding Agency: Army
Property Number: 219011529
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 1652
Radford Army Ammunition Plant
Water Dry House
Radford, VA Co: Montgomery
Location: State Highway 114
Landholding Agency: Army
Property Number: 219011532
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 1653
Radford Army Ammunition Plant
Water Dry House
Radford, VA Co: Montgomery
Location: State Highway 114
Landholding Agency: Army
Property Number: 219011534
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 221–25

Radford Army Ammunition Plant
Burning Ground Office
Radford, VA Co: Montgomery
Location: State Highway 114
Landholding Agency: Army
Property Number: 219011533
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 1654
Radford Army Ammunition Plant
Water Dry House
Dublin, VA Co: Pulaski
Radford, VA Co: Montgomery
Location: State Highway 114
Landholding Agency: Army
Property Number: 219011535
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. NR 222–00
Radford Army Ammunition Plant
Change House, New River Facility
Dublin, VA Co: Pulaski
Landholding Agency: Army
Property Number: 219011536
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 1655
Radford Army Ammunition Plant
Water Dry House
Radford, VA Co: Montgomery
Location: State Highway 114
Landholding Agency: Army
Property Number: 219011537
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 1656
Radford Army Ammunition Plant
Water Dry House
Radford, VA Co: Montgomery
Location: State Highway 114
Landholding Agency: Army
Property Number: 219011538
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 1657
Radford Army Ammunition Plant
Water Dry House
Radford, VA Co: Montgomery
Location: State Highway 114
Landholding Agency: Army
Property Number: 219011540
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. NR–225
Radford Army Ammunition Plant
Maintenance Office & Shop, New River Facility
Radford, VA Co: Pulaski
Landholding Agency: Army
Property Number: 219011539
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 0407–00
Radford Army Ammunition Plant
Filter Plant & Pump Station
Radford, VA Co: Montgomery
Location: State Highway 114
Landholding Agency: Army
Property Number: 219011542
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 1658
Radford Army Ammunition Plant
Water Dry House
Radford, VA Co: Montgomery
Location: State Highway 114
Landholding Agency: Army
Property Number: 219011541
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area.

Bldg. 1659
Radford Army Ammunition Plant
Water Dry House
Radford, VA Co: Montgomery
Location: State Highway 114
Landholding Agency: Army
Property Number: 219011544
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area.

Bldg. 0403–09
Radford Army Ammunition Plant
Control House Water Monitoring
Radford, VA Co: Montgomery
Location: State Highway 114
Landholding Agency: Army
Property Number: 219011543
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area.

Bldg. 1675
Radford Army Ammunition Plant
Water Dry House
Radford, VA Co: Montgomery
Location: State Highway 114
Landholding Agency: Army
Property Number: 219011545
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area.

Bldg. 0428–00
Radford Army Ammunition Plant
Can Flashing Shed
Radford, VA Co: Montgomery
Location: State Highway 114
Landholding Agency: Army
Property Number: 219011546
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area.

Bldg. 1007
Radford Army Ammunition Plant
Acid Screening House
Radford, VA Co: Montgomery
Location: State Highway 114
Landholding Agency: Army
Property Number: 219011548
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area.

Bldg. 1008
Radford Army Ammunition Plant
Acid Heat And Circulating House
Radford, VA Co: Montgomery
Location: State Highway 114
Landholding Agency: Army
Property Number: 219011549
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area.

Bldg. 1010
Radford Army Ammunition Plant
Dry House and Conveyor
Radford, VA Co: Montgomery
Location: State Highway 114
Landholding Agency: Army
Property Number: 219011550
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area.

Bldg. 1676
Radford Army Ammunition Plant
Water Dry House
Radford, VA Co: Montgomery
Location: State Highway 114
Landholding Agency: Army
Property Number: 219011547
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area.

Bldg. 1012
Radford Army Ammunition Plant
Nitrating House
Radford, VA Co: Montgomery
Location: State Highway 114
Landholding Agency: Army
Property Number: 219011551
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area.

Bldg. 1013
Radford Army Ammunition Plant
Fume Exhaust System and Fume Recovery
Radford, VA Co: Montgomery
Location: State Highway 114
Landholding Agency: Army
Property Number: 219011552
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area.

Bldg. 1014–00
Radford Army Ammunition Plant
Emergency Catch House
Radford, VA Co: Montgomery
Location: State Highway 114
Landholding Agency: Army
Property Number: 219011553
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area.

Bldg. 1019
Radford Army Ammunition Plant
Boiling Tub House
Radford, VA Co: Montgomery
Location: State Highway 114
Landholding Agency: Army
Property Number: 219011554
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area.

Bldg. 1024–00
Radford Army Ammunition Plant
Poacher & Blending House
Radford, VA Co: Montgomery
Location: State Highway 114
Landholding Agency: Army
Property Number: 219011555
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area.

Bldg. 1026–00
Radford Army Ammunition Plant
Final Wringer House Equipment
Radford, VA Co: Montgomery
Location: State Highway 114

Landholding Agency: Army
Property Number: 219011556
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area.

Bldg. 1500–00
Radford Army Ammunition Plant
Dehy Press House
Radford, VA Co: Montgomery
Location: State Highway 114
Landholding Agency: Army
Property Number: 219011557
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area.

Bldg. 1501–00
Radford Army Ammunition Plant
Alcohol Pump and Accumulator House
Radford, VA Co: Montgomery
Landholding Agency: Army
Property Number: 219011558
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 1506–00
Radford Army Ammunition Plant
Diphenylamine Mix House
Radford, VA Co: Montgomery
Location: State Highway 114
Landholding Agency: Army
Property Number: 219011559
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 1508–00
Radford Army Ammunition Plant
Mix House No. 1
Radford, VA Co: Montgomery
Location: State Highway 114
Landholding Agency: Army
Property Number: 219011560
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 1509–00
Radford Army Ammunition Plant
Mix House No. 2
Radford, VA Co: Montgomery
Location: State Highway 114
Landholding Agency: Army
Property Number: 219011561
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 1510–00
Radford Army Ammunition Plant
Block Press House
Radford, VA Co: Montgomery
Location: State Highway 114
Landholding Agency: Army
Property Number: 219011562
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 1511–00
Radford Army Ammunition Plant
Block Press House
Radford, VA Co: Montgomery
Location: State Highway 114
Landholding Agency: Army
Property Number: 219011563
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 1512–00
Radford Army Ammunition Plant
Block Press House
Radford, VA Co: Montgomery
Location: State Highway 114
Landholding Agency: Army
Property Number: 219011564
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 1513–00
Radford Army Ammunition Plant
Finishing Press & Cutting House No. 2
Radford, VA Co: Montgomery
Location: State Highway 114
Landholding Agency: Army
Property Number: 219011565
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 1514–00
Radford Army Ammunition Plant
Finishing Press & Cutting House No. 3
Radford, VA Co: Montgomery
Location: State Highway 114
Landholding Agency: Army
Property Number: 219011566
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 1521–00
Radford Army Ammunition Plant
Hydraulic Station
Radford, VA Co: Montgomery
Landholding Agency: Army
Property Number: 219011567
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 1548–00
Radford Army Ammunition Plant
Oil Storage House
Radford, VA Co: Montgomery
Location: State Highway 114
Landholding Agency: Army
Property Number: 219011568
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 1549–00
Radford Army Ammunition Plant
Area Maintenance Shop
Radford, VA Co: Montgomery
Location: State Highway 114
Landholding Agency: Army
Property Number: 219011569
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 1554–00
Radford Army Ammunition Plant
Powder Line Office
Radford, VA Co: Montgomery
Location: State Highway 114
Landholding Agency: Army
Property Number: 219011570
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 1558–00
Radford Army Ammunition Plant
Ingredient Storehouse
Radford, VA Co: Montgomery
Location: State Highway 114
Landholding Agency: Army
Property Number: 219011571
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 1559–00
Radford Army Ammunition Plant
Ingredient Storehouse
Radford, VA Co: Montgomery
Location: State Highway 114
Landholding Agency: Army
Property Number: 219011572
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 1567–00
Radford Army Ammunition Plant
Lunch Room
Radford, VA Co: Montgomery
Location: State Highway 114
Landholding Agency: Army
Property Number: 219011573
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 1685–00
Radford Army Ammunition Plant
Sorting House
Radford, VA Co: Montgomery
Location: State Highway 114
Landholding Agency: Army
Property Number: 219011574
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 1703–00
Radford Army Ammunition Plant
Coating House
Radford, VA Co: Montgomery
Location: State Highway 114
Landholding Agency: Army
Property Number: 219011575
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 1725–00
Radford Army Ammunition Plant
Air Dry House
Radford, VA Co: Montgomery
Location: State Highway 114
Landholding Agency: Army
Property Number: 219011576
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 1851–00
Radford Army Ammunition Plant
Screening House
Radford, VA Co: Montgomery
Location: State Highway 114
Landholding Agency: Army
Property Number: 219011577
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 1980–05
Radford Army Ammunition Plant
Radford, VA Co: Montgomery
Location: State Highway 114
Landholding Agency: Army
Property Number: 219011578
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Other, Secured Area
Comment: Latrine; detached structure

Bldg. 1980–06

Radford Army Ammunition Plant
Radford, VA Co: Montgomery
Location: State Highway 114
Landholding Agency: Army
Property Number: 219011579
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Other, Secured Area
Comment: Latrine; detached structure

Bldg. 1980–17
Radford Army Ammunition Plant
Radford, VA Co: Montgomery
Location: State Highway 114
Landholding Agency: Army
Property Number: 219011580
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Other, Secured Area
Comment: Latrine; detached structure

Bldg. 2051–00
Radford Army Ammunition Plant
NC Fines Separation
Radford, VA Co: Montgomery
Location: State Highway 114
Landholding Agency: Army
Property Number: 219011581
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 2509–00
Radford Army Ammunition Plant
Mix House
Radford, VA Co: Montgomery
Location: State Highway 114
Landholding Agency: Army
Property Number: 219011582
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 2517
Radford Army Ammunition Plant
Finishing Press & Cutting House
Radford, VA Co: Montgomery
Location: State Highway 114
Landholding Agency: Army
Property Number: 219011583
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 2518
Radford Army Ammunition Plant
Finishing Press & Cutting House
Radford, VA Co: Montgomery
Location: State Highway 114
Landholding Agency: Army
Property Number: 219011585
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 2519
Radford Army Ammunition Plant
Finishing Press & Cutting House
Radford, VA Co: Montgomery
Location: State Highway 114
Landholding Agency: Army
Property Number: 219011588
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 2559–00
Radford Army Ammunition Plant
Refrigeration Building
Radford, VA Co: Montgomery
Location: State Highway 114
Landholding Agency: Army
Property Number: 219011591
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Washington

Bldg. 310
130–228th Street, S.W.
Federal Regional Center (FEMA) Labatory
Bothell, WA Co: Snohomish
Landholding Agency: Army
Property Number: 219011637
Status: Unutilized
Reason: Secured Area

Bldg. 321
130–228th Street, S.W.
Federal Regional Center (FEMA)
Bothell, WA Co: Snohomish
Landholding Agency: Army
Property Number: 219011642
Status: Unutilized
Reason: Secured Area

Bldg. 322
130–228th Street, S.W.
Federal Regional Center (FEMA)
Bothell, WA Co: Snohomish
Landholding Agency: Army
Property Number: 219011644
Status: Unutilized
Reason: Secured Area

Bldg. 323
130–228th Street, S.W.
Federal Regional Center (FEMA)
Bothell, WA Co: Snohomish
Landholding Agency: Army
Property Number: 219011646
Status: Unutilized
Reason: Secured Area

Bldg. 324
130–228th Street, S.W.
Federal Regional Center (FEMA)
Bothell, WA Co: Snohomish
Landholding Agency: Army
Property Number: 219011647
Status: Unutilized
Reason: Secured Area

Bldg. 330
130–228th Street, S.W.
Federal Regional Center (FEMA)
Bothell, WA Co: Snohomish
Landholding Agency: Army
Property Number: 219011649
Status: Unutilized
Reason: Secured Area

Bldg. 1403
Fort Lewis
Boiler Plant
Fort Lewis, WA Co: Pierce
Landholding Agency: Army
Property Number: 219011651
Status: Unutilized
Reason: Secured Area

Bldg. 2412
Fort Lewis
Fort Lewis, WA Co: Pierce
Landholding Agency: Army
Property Number: 219011652
Status: Unutilized
Reason: Secured Area

Bldg. 4523
Fort Lewis
Fort Lewis, WA Co: Pierce
Landholding Agency: Army
Property Number: 219011654
Status: Unutilized
Reason: Secured Area

Bldg. T6072
Fort Lewis
Fort Lewis, WA Co: Pierce
Landholding Agency: Army
Property Number: 219011655
Status: Unutilized
Reason: Secured Area

Bldg. T6086
Fort Lewis
Fort Lewis, WA Co: Pierce
Landholding Agency: Army
Property Number: 219011656
Status: Unutilized
Reason: Secured Area

Bldg. 9627
Fort Pierce
Lavatory
Fort Lewis, WA Co: Pierce
Landholding Agency: Army
Property Number: 219011657
Status: Unutilized
Reason: Secured Area

Bldg. TA0218
Fort Lewis
Fort Lewis, WA Co: Pierce
Landholding Agency: Army
Property Number: 219011658
Status: Unutilized
Reason: Secured Area

Bldg. TC1213
Fort Lewis
Fort Lewis, WA Co: Pierce
Landholding Agency: Army
Property Number: 219011659
Status: Unutilized
Reason: Secured Area

Bldg. TD0930
Fort Lewis
BOQ
Fort Lewis, WA Co: Pierce
Landholding Agency: Army
Property Number: 219011660
Status: Unutilized
Reason: Secured Area

Bldg. TD0938
Fort Lewis
BOQ
Fort Lewis, WA Co: Pierce
Landholding Agency: Army
Property Number: 219011662
Status: Unutilized
Reason: Secured Area

[FR Doc. 90–3994 Filed 2–22–90; 8:45 am]
BILLING CODE 4210–29–M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Availability of Draft Recovery Plan for Gouania hillebrandii, a Hawaiian Plant, for Review and Comment

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of availability and public comment period.

SUMMARY: The U.S. Fish and Wildlife Service (Service) announces the availability for public review of the draft recovery plan for *Gouania hillebrandii*, a Hawaiian plant. This endangered species occurs in the mountains of West Maui Island and in a gulch on Molokai Island, Hawaiian Islands. The Service solicits review and comment from the public on this draft plan.

DATES: Comments on the draft recovery plan must be received on or before March 26, 1990 to receive consideration by the Service.

ADDRESSES: Copies of the draft recovery plan are available for inspection, by appointment, during normal business hours at the following locations: U.S. Fish and Wildlife Service, room 6307, 300 Ala Moana Blvd., P.O. Box 50167, Honolulu, Hawaii 96850 (phone 808/541–2749 or FTS 551–2749); U.S. Fish and Wildlife Service, Regional Office, Fish and Wildlife Enhancement, 1002 NE Holladay Street, Portland, Oregon 97232 (phone 503/231–6131 or FTS 429–6131). Copies of the draft recovery plan also will be available for review at the Wailuku Public Library, 251 High Street, Wailuku, Maui, and at the Molokai Public Library, Kaunakaki, Molokai. Request for copies of the draft recovery plans and written comments and materials regarding these plans should be addressed to Ernest F. Kosaka, Field Supervisor, at the Honolulu address given above.

FOR FURTHER INFORMATION CONTACT: John Engbring, Fish and Wildlife Biologist, at the Honolulu address given above.

SUPPLEMENTARY INFORMATION:

Background

Restoring endangered or threatened animals and plants to the point where they are again secure, self-sustaining members of their ecosystem is a primary goal of the Service's endangered species program. To help guide the recovery effort, the Service is working to prepare recovery plans for most of the listed species native to the United States. Recovery plans describe actions considered necessary for conservation of the species, criteria for recognizing the recovery levels for downlisting or delisting them, and initial estimates of times and costs to implement the recovery measures needed.

The Endangered Species Act of 1973 (Act), as amended (16 U.S.C. 1531 *et seq.*) requires the development of recovery plans for listed species unless such a plan would not promote the conservation of a particular species. Section 4(f) of the Act, as amended in 1988, requires that a public notice and an opportunity for public review and comment be provided during recovery plan development. The Service will consider all information presented during a public comment period prior to approval of each new or revised recovery plan. Substantive technical comments will result in changes to the plans. Substantive comments regarding recovery plan implementation may not necessarily result in changes to the recovery plans, but will be forwarded to appropriate Federal or other entities so that they can take these comments into account during the course of implementing recovery actions. Individualized responses to comments will not be provided.

The species being considered in this recovery plan is *Gouania hillebrandii*. The areas of emphasis for recovery actions for this species are a few dry ridges in the southwest region of West Maui, on Maui Island, and in the Waiakuilani Gulch, Molokai Island. Recovery efforts will focus on determining subpopulation sizes and distributions, and managing habitat to remove threats by ungulates, infestation by insects, competition with alien plants, and fire. Additional subpopulations must be discovered or established and secured.

Public Comments Solicited

The Service solicits written comments on the recovery plans described. All comments received by the date specified above will be considered prior to approval of these plans.

Authority

The authority for this action is section 4(f) of the Endangered Species Act, 16 U.S.C. 1533(f).

Dated: February 9, 1990.

Don Weathers,

Acting Regional Director.

[FR Doc. 90–4149 Filed 2–22–90; 8:45 am]

BILLING CODE 4310–55–M

Availability of Draft Recovery Plans for Seven Birds and Two Bats from the Mariana Islands for Review and Comment

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of availability and public comment period.

SUMMARY: The U.S. Fish and Wildlife Service (Service) announces the availability for public review of the draft recovery plans for Vanikoro swiftlet (*Aerodramus vanikorensis bartschi*), Mariana common moorhen (*Gallinula chloropus guami*), Guam and Rota forest birds [Guam rail (*Rallus owstoni*), Guam Micronesian kingfisher (*Halcyon c. cinnamonina*), Mariana crow (*Corvus kubaryi*), Guam broadbill (*Myiagra freycineti*), and the Bridled white-eye (*Zosterops c. conspicillata*)], and the Mariana and Little Mariana fruit bats (*Pteropus m. mariannus* and *Pteropus tokudae*). These endangered taxa, or their listed populations, occur on one or more of the following Mariana Islands: Guam, Rota, Aguijan, Tinian, and Saipan. The Service solicits review and comment from the public on these draft plans.

DATES: Comments on the draft recovery plans must be received on or before March 26, 1990.

ADDRESSES: Copies of the draft recovery plans are available for inspection, by appointment, during normal business hours at the four following locations: U.S. Fish and Wildlife Service, room 6307, 300 Ala Moana Blvd., P.O. Box 50167, Honolulu, Hawaii 96850 (phone 808/541–2749 or FTS 551–2749); U.S. Fish and Wildlife Service, Regional Office, Fish and Wildlife Enhancement, 1002 NE Holladay Street, Portland, Oregon 97232 (phone 503/231–6131 or FTS 429–6131); Guam Department of Agriculture, Guam Aquatic and Wildlife Resources Division, Dairy Farm Road, Mangilao, Guam (phone 671/734–3944); and Commonwealth of the Northern Mariana Islands Division of Fish and Wildlife, Department of Natural Resources, Lower Base, Tanapag, Saipan (phone 670/322–9729). Requests for copies of the draft recovery plans and written comments and materials regarding these plans should be addressed to Ernest F. Kosaka, Field Supervisor, at the above Honolulu address.

FOR FURTHER INFORMATION CONTACT: John Engbring, Fish and Wildlife Biologist, at the above Honolulu address.

SUPPLEMENTARY INFORMATION:

Background

Restoring endangered or threatened animals and plants to the point where they are again secure, self-sustaining members of their ecosystem is a primary goal of the Service's endangered species program. To help guide the recovery effort, the Service is working to prepare recovery plans for most of the listed species native to the United States, its Territories and Commonwealths. Recovery plans describe actions considered necessary for conservation of the species, criteria for recognizing the recovery levels for downlisting or delisting them, and initial estimates of

times and costs to implement the recovery measures needed.

The Endangered Species Act of 1973 (Act), as amended (16 U.S.C. 1531 *et seq.*) requires the development of recovery plans for listed species unless such a plan would not promote the conservation of a particular species. Section 4(f) of the Act, as amended in 1988, requires that a public notice and an opportunity for public review and comment be provided during recovery plan development. The Service will consider all information presented during a public comment period prior to approval of each new or revised recovery plan. Substantive technical comments will result in changes to the plans. Substantive comments regarding recovery plan implementation may not necessarily result in changes to the recovery plans, but will be forwarded to appropriate Federal or other entities so that they can take these comments into account during the course of implementing recovery actions. Individualized responses to comments will not be provided.

The species being considered in these recovery plans are the Vanikoro swiftlet, Mariana common moorhen, Guam rail, Guam Micronesian kingfisher, Mariana crow, Guam broadbill, Bridled white-eye, Mariana fruit bat, and the Little Mariana fruit bat. The areas of emphasis for recovery actions of the Vanikoro swiftlet are the Mariana Islands of Guam, Rota, Aguijan, Tinian, and Saipan; for the Mariana common moorhen, the islands of Guam, Tinian, and Saipan; for the Guam rail, Guam Micronesian kingfisher, Guam broadbill, Bridled white-eye, Little Mariana fruit bat, and the listed population of the Mariana fruit bat, the island of Guam; for the Mariana crow, the islands of Rota and Guam. Recovery efforts for all of the species included in these plans will focus on the protection and management of their habitat, and on the natural or man-aided increase in the numbers of individuals and populations. The man-aided increase can result from artificial propagation and reestablishment of the species in the wild, or from the promotion of increase through habitat development. An example of the latter would be the enhancement of existing wetlands or the development of new ones for the moorhen. Recovery efforts for the Guam rail, Guam Micronesian kingfisher, Mariana crow, and the Mariana fruit bat also will concentrate on the control or elimination of the Brown tree snake (*Boiga irregularis*), an aggressive, non-native predator. Another recovery objective will be to eliminate illegal hunting of the Mariana fruit bat, locally considered a delicacy, through increased law enforcement. The Guam broadbill, Bridled white-eye, and the Little Mariana fruit bat very likely are extinct, and apparently there is no hope for their recovery. However, several hunters have recently reported the presence of a small fruit bat on Anatahan Island; a survey of the island may reveal that the Little Mariana fruit bat is still extant.

Public Comments Solicited

The Service solicits written comments on the recovery plans described. All comments received by the date specified above will be considered prior to approval of these plans.

Authority

The authority for this action is section 4(f) of the Endangered Species Act, 16 U.S.C. 1533(f).

Dated: February 9, 1990.

Don Weathers,

Acting Regional Director.

[FR Doc. 90–4150 Filed 2–22–90; 8:45 am]

BILLING CODE 4310–55–M

Bureau of Land Management

[AK–AA–10492–4230–15; AA–10492]

Alaska Native Claims Selection; Sealaska Corp.

In accordance with Departmental regulation 43 CFR 2650.7(d), notice is hereby given that a decision to issue conveyance under the provisions of section 14(h)(1) of the Alaska Native Claims Settlement Act of December 18, 1971, 43 U.S.C. 1601, 1613(h)(1), will be issued to Sealaska Corporation for approximately 21.40 acres. The lands involved are in the vicinity of Sitka, Alaska.

Copper River Meridian, Alaska

T. 49 S., R. 58 E.,
Sec. 8.

A notice of the decision will be published once a week, for four (4) consecutive weeks, in the Sitka Sentinel. Copies of the decision may be obtained by contacting the Alaska State Office of the Bureau of Land Management, 222 West Seventh Avenue, #13, Anchorage, Alaska 99513–7599 ((907) 271–5960).

Any party claiming a property interest which is adversely affected by the decision, an agency of the Federal government or regional corporation, shall have until March 26, 1990, to file an appeal. However, parties receiving service by certified mail shall have 30 days from the date of receipt to file an appeal. Appeals must be filed in the Bureau of Land Management at the address identified above, where the requirements for filing an appeal may be obtained. Parties who do not file an appeal in accordance with the requirements of 43 CFR part 4, subpart E, shall be deemed to have waived their rights.

Patricia A. Baker,

Acting Chief Branch of KCS Adjudication.

[FR Doc. 90–4129 Filed 2–22–90; 8:45 am]

BILLING CODE 4310–JA–M

[ID–943–90–4212–11; IDI–1952]

Termination of Recreation and Public Purposes Classification, Idaho

AGENCY: Bureau of Land Management, Interior.

ACTION: Classification termination.

SUMMARY: This order terminates a Bureau of Land Management classification affecting 3.2 acres of public land near Clark Fork, Idaho. After termination of the classification, the underlying lands will immediately become subject to the operation of the public land laws, generally, and the mining and mineral leasing laws.

EFFECTIVE DATE: February 23, 1990.

FOR FURTHER INFORMATION CONTACT: Sally Carpenter, BLM, Idaho State Office, 3380 Americana Terrace, Boise, Idaho 83706, 208–334–1720.

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:

1. Pursuant to the regulations in 43 CFR 2091.7–1(b)(1) and the authority delegated to me by BLM Manual Section 1203 (48 FR 85), the classification decision of September 1, 1970, which classified 3.2 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, 869–4; under serial number IDI–1952, is hereby revoked. The lands are described as follows:

Boise Meridian

T. 55 N., R. 3 E.,
Sec. 30, lot 1.
The area described contains 3.2 acres in Bonner County.

2. At 9 a.m. on March 22, 1990, the lands will be opened to the operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to

9 a.m. on March 22, 1990, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

3. At 9 a.m. on March 22, 1990, the lands will be opened to location and entry under the United States mining laws and to applications and offers under the mineral leasing laws. Appropriation of any of the lands described in this order under the general mining laws prior to the date and time of restoration is unauthorized. Any such attempted appropriation, including attempted adverse possession under 30 U.S.C. Sec. 38, shall vest no rights against the United States. Acts required to establish a location and to initiate a right of possession are governed by State Law where not in conflict with Federal law. The Bureau of Land Management will not intervene in disputes between rival locators over possessory rights since Congress has provided for such determinations in local courts.

Dated: February 13, 1990.

Pieter J. Van Zanden,

Associate State Director.

[FR Doc. 90-4165 Filed 2-22-90; 8:45 am]

BILLING CODE 4310-GG-M

[UT-920-00-4120-14; UTU-66060]

Public Hearing and Call for Public Comment on Fair Market Value and Maximum Economic Recovery; Coal Lease Application

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The Bureau of Land Management announces a public hearing on a proposed coal lease sale and requests public comment on the fair market value of certain coal resources it proposes to offer for competitive lease sale. The lands included in Coal Lease Application UTU-66060 are located in Carbon County, Utah, approximately 9 miles northeast of Price, Utah, and are described as follows:

T. 13 S., R. 10 E., SLM,
Sec. 1, Lots 1-8, S½N½;
Sec. 12, Lot 1.
T. 12 S., R. 11 E., SLM,
Sec. 31, Lots 3-6, and Lots 13-22.
Containing 933.32 acres.

Two economically minable coal beds, the Aberdeen and Centennial are found in this tract. The Aberdeen seam averages 10.5 feet in thickness and the Centennial seam averages 6.7 feet in thickness. This tract contains an estimated 10.8 million tons of recoverable high-volatile B bituminous coal. The range of coal quality in the seams on an as received basis is as follows: 12,343-12,956 BTU/lb., 4.2-5.8 per moisture, .54-.57 percent sulfur, 5.91-7.01 percent ash, 47.9-49.4 percent fixed carbon, and 39.27-40.48 percent volatile matter.

The public is invited to the hearing to make public comments on the proposal to lease and also to submit written comments on the fair market value and the maximum economic recovery of the tract.

DATES: The public hearing will be held March 22, 1990; and comments on fair market value and maximum economic recovery must be recieved at the Bureau of Land Management, Utah State Office, by March 31, 1990.

ADDRESSES: For more information on this proposal, please contact Max Nielson, (Telephone: (801) 539-4038), Bureau of Land Management, Utah State Office, P.O. Box 45155, 324 South State Street, Salt Lake City, Utah 84145-0155.

The public hearing will be held at the College of Eastern Utah, Room 114, Main Building, 451 E. 400 N., Price, Utah, at 7:00 p.m.

FOR FURTHER INFORMATION: Max Nielson, (801) 539-4038.

SUPPLEMENTARY INFORMATION: In accordance with Federal coal management regulations 43 CFR 4322 and 4325, a public hearing shall be held on the proposed sale to allow public comment on and discussion of the potential effects of mining the proposed lease. Not less than 30 days prior to the publication of a notice of sale, the Secretary shall solicit public comments on fair market value appraisal and maximum economic recovery and on factors that may affect these two determinations. Proprietary data marked as confidential may be submitted to the Bureau of Land Management in response to this solicitation of public comments. Data so marked shall be treated in accordance with the laws and regulations governing the confidentiality of such information. A copy of the comments submitted by the public on fair market value and maximum economic recovery, except those portions identified as proprietary by the author and meeting exemptions stated in the Freedom of Information Act, will be available for public inspection at the above address during regular business hours (8 a.m. to 4:00 p.m.) Monday through Friday.

Comments on fair market value and maximum economic recovery should be sent to the Bureau of Land Management and should address, but not necessarily be limited to, the following information:

1. The quality and quantity of the coal resource.

2. The mining method or methods which would achieve maximum economic recovery of the coal, including specifications of seams to be mined and the most desirable timing and rate of production.

3. The quantity of coal.

4. If this tract is likely to be mined as part of an existing mine and therefore be evaluation on a realistic incremental basis, in relation to the existing mine to which it has the greatest value.

5. If this tract should be evaluation as part of a potential larger mining unit and evaluated as a portion of a new potential mine (i.e., a tract which does not in itself form a logical mining unit).

6. The configuration of any larger mining unit of which the tract may be a part.

7. Restrictions to mining which may affect coal recovery.

8. The price that the mined coal would bring when sold.

9. Costs, include mining and reclamation, of producing the coal and the times of production.

10. The percentage rate at which anticipated income streams should be discounted, either in the absence of inflation or with inflation, in which case the anticipated rate of inflation should be given.

11. Depreciation and other tax accounting factors.

12. The value of any surface estate where held privately.

13. Documented information on the terms and conditions of recent and similar coal land transactions in the lease sale area.

14. Any comparable sales data of similar coal lands.

Coal values developed by BLM may or may not change as a result of comments received from the public and changes in market conditions between now and when final economic evaluations are completed.

Dated: February 16, 1990.

James M. Parker,

State Director, Utah.

[FR Doc. 90-4130 Filed 2-22-90; 8:45 am]

BILLING CODE 4310-DQ-M

[WO-150-00-4830-11]

National Public Lands Advisory Council; Meeting

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Meeting of the National Public Lands Advisory Council.

SUMMARY: Notice is hereby given that the National Public Lands Advisory Council will meet March 23 and 24, 1990, at the Hotel Park Tucson, 5151 East Grant Road, Tucson, Arizona. The meeting hours will be 8 a.m. to 5 p.m. on Friday, the 23rd, and 8 a.m. to 12 p.m. on Saturday, the 24th. On Thursday, March 22, Council members will participate in a field tour of BLM-managed lands in southern Arizona. The proposed agenda for the meeting is:

Friday, March 23: Morning: The State view of public land management in Arizona; Address by BLM Director Cy Jamison; Report on the public rangelands; Implementation of Recreation 2000 Initiatives; Federal onshore oil and gas leasing inspection and enforcement; Meeting of Council subcommittees (Energy and Minerals, Lands, and Renewable Resources).

Afternoon: Public statement period; Status report on the Desert Tortoise; Presentation on wetlands policy development; Meeting of Council subcommittees.

Saturday, March 24: Morning: Council old and new business, to include Department responses to previous Council resolutions; Final meetings of Council subcommittees; Report from subcommittees to full Council and consideration of Council resolutions.

All meetings of the Council are open to the public. Opportunity will be given for members of the public to make oral statements to the Council, beginning at 1 p.m. on Friday, March 23. Speakers should address specific national public lands issues on the meeting agenda and are encouraged to submit a copy of their written statements prior to oral delivery. Please send written comments by March 16 to the Bureau of Land Management's Arizona State Office at the address listed below. Depending on the number of people who wish to address the Council, it may be necessary to limit the length of oral presentations.

DATES: March 23 and 24—Council Meeting. March 23—Public Statements.

ADDRESSES: Copies of public statements should be mailed by March 16 to: Director, Arizona State Office (912), Bureau of Land Management, P.O. Box 16563, Phoenix, Arizona 85011.

FOR FURTHER INFORMATION CONTACT: Karen Slater, Washington, DC, Office, BLM, telephone (202) 343–5101; or Gordon Warren, Arizona State Office, BLM, telephone (602) 241–5504.

SUPPLEMENTARY INFORMATION: The Council advises the Secretary of the Interior through the Director, Bureau of Land Management, regarding policies and programs of a national scope related to public lands and resources under the jurisdiction of BLM.

Cy Jamison,

Director.

[FR Doc. 90–4073 Filed 2–22–90; 8:45 am]

BILLING CODE 4310–84–M

[CA–020–09–4050–90]

Susanville District; Advisory Council; Meeting

AGENCY: Bureau of Land Management, Interior, Susanville District Advisory Council, Susanville, California.

ACTION: Notice of Meeting.

SUMMARY: Notice is hereby given in accordance with Public Law 94–579 (FLPMA), that a meeting of the Susanville District Advisory Council will be held Wednesday, March 28, 1990. The meeting will run from 10 a.m. to 4 p.m. at the Susanville District Office, Bureau of Land Management, 705 Hall St., Susanville, CA. 96130. The agenda will include an orientation presentation for new advisory council members, a discussion of the District's Back Country Byways Program, an update of the proposal for gold mining at Hayden Hill and discussion of the showcase areas established in the Susanville District. The council will also hear a status report on planning for the Cedar Creek Watershed Restoration Project.

The meeting is open to the public, and interested persons may make oral statements or file a written statement for the Council's consideration.

Anyone wishing to make an oral statement must notify the District Manager, Bureau of Land Management, 705 Hall Street, Susanville, CA, 96130, by March 14, 1990. Depending on the number of persons wishing to speak, a time limit may be imposed.

FOR FURTHER INFORMATION, CONTACT: Jeff Fontana, (916) 257–5381.

Robert J. Sherve,

Acting District Manager.

[FR Doc. 90–4138 Filed 2–22–90; 8:45 am]

BILLING CODE 4310–40–M

[WY–920–00–4111–15; WYW95731]

Proposed Reinstatement of Terminated Oil and Gas Lease

February 12, 1990.

Pursuant to the provisions of Public Law 97–451, 96 Stat. 2462–2466, and Regulation 43 CFR 3108.2–3(a) and (b)(1), a petition for reinstatement of oil and gas lease WYW95731 for lands in Campbell County, Wyoming, was timely filed and was accompanied by all the required rentals accruing from the date of termination.

The lessee has agreed to the amended lease terms for rentals and royalties at rates of $5 per acre, or fraction thereof, per year and 16⅔ percent, respectively.

The lessee has paid the required $500 administrative fee and $125 to reimburse the Department for the cost of this **Federal Register** notice. The lessee has met all the requirements for reinstatement of the lease as set out in section 31 (d) and (e) of the Mineral Lands Leasing Act of 1920 (30 U.S.C. 188), and the Bureau of Land Management is proposing to reinstate lease WYW95731 effective October 1, 1989, subject to the original terms and conditions of the lease and the increased rental and royalty rates cited above.

Beverly J. Poteet,

Supervisory Land Law Examiner.

[FR Doc. 90–4164 Filed 2–22–90; 8:45 am]

BILLING CODE 4310–22–M

[WY–930–00–4212–24; WYW 114327]

Realty Action; Conveyance of Mineral Interest; Wyoming

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of realty action; conveyance of the reserved mineral interest.

SUMMARY: The private lands described in this order were examined for suitability for conveyance of the reserved mineral interest under section 209 of the Federal Land Policy and Management Act of October 21, 1976.

FOR FURTHER INFORMATION CONTACT: Tamara Gertsch, Wyoming State Office, Bureau of Land Management, 2515 Warren Avenue, Cheyenne, Wyoming 82001, (307) 772–2072.

At 9:30 a.m. on March 26, 1990, the segregative effect imposed by the Notice of Realty Action published in the **Federal Register** on February 24, 1989, Vol. 54, p. 8003, for conveyance of the reserved mineral interest under application Wyoming 114327, will be removed from the following described lands:

Sixth Principal Meridian, Wyoming

T. 35 N., R. 111 W.,
Sec. 5, lots 2, 3, 4, SW¼NE¼, SE¼NW¼, NW¼SE¼;
Sec. 6, W½SE¼.
T. 36 N., R. 111 W.,
Sec. 17, W½E½, E½W½;
Sec. 19, N½NE¼, SE¼NE¼, NE¼SE¼;
Sec. 20, W½NE¼, NW¼, N½SW¼, NW¼SE¼;
Sec. 21, all;

Sec. 22, W½SW¼;
Sec. 27, W½W½;
Sec. 28, all;
Sec. 31, lots 2, 3, S½NE¼, SE¼NW¼, NE¼SW¼, N½SE¼, SE¼SE¼;
Sec. 32, SW¼NE¼, S½NW¼, SW¼, W½SE¼;
Sec. 33, N½;
Sec. 34, N½NW¼.

The area described contains 3,710.01 acres.

Dated: February 8, 1990.

John A. Naylor,

Chief, Branch of Land Resources.

[FR Doc. 90–4158 Filed 2–28–90; 8:45 am]

BILLING CODE 4310–22–M

[WY–930–00–4212–24; WYW 114330]

Realty Action; Conveyance of Mineral Interest; Wyoming

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of realty action; conveyance of the reserved mineral interest.

SUMMARY: The private lands described in this order were examined for suitability for conveyance of the reserved mineral interest under section 209 of the Federal Land Policy and Management Act of October 21, 1976.

FOR FURTHER INFORMATION CONTACT: Tamara Gertsch, Wyoming State Office, Bureau of Land Management, 2515 Warren Avenue, Cheyenne, Wyoming 82001, (307) 772–2072.

At 9:30 a.m. on March 26, 1990, the segregative effect imposed by the Notice of Realty Action published in the **Federal Register** on February 23, 1989, Vol. 54, p. 7889, for conveyance of the reserved mineral interest under application Wyoming 114330, will be removed from the following described lands:

Sixth Principal Meridian, Wyoming

T. 35 N., R. 111 W.,
Sec. 7, NE¼, NE¼SE¼;
Sec. 8, N½NW¼, SW¼NW¼, SW¼;
Sec. 17, N½NW¼, SE¼NW¼;
Sec. 18, lots 3, 4, E½SW¼;
Sec. 19, lot 1, NE¼NW¼.
T. 35 N., R. 112 W.,
Sec. 13, SE¼SW¼, S½SE¼;
Sec. 24, N½NE¼, NE¼NW¼.
T. 36 N., R. 112 W.,
Sec. 25, S½SW¼, SW¼SE¼.

The area described contains 1,151.00 acres.

Dated: February 8, 1990.

John A. Naylor,

Chief, Branch of Land Resources.

[FR Doc. 90–4159 Filed 2–22–90; 8:45 am]

BILLING CODE 4310–22–M

Minerals Management Service

Information Collection Submitted to the Office of Management and Budget for Review Under the Paperwork Reduction Act

The proposal for the collection of information listed below has been submitted to the Office of Management and Budget (OMB) for approval under the provision of the Paperwork Reduction Act (44 U.S.C. chapter 35). Copies of the proposed collection of information and related forms and supporting material may be obtained by contacting the Bureau's clearance officer at the telephone number listed below. Comments and suggestions on the requirements should be made within 30 days directly to the Bureau Clearance Officer; Mail Stop 632, Parkway Atrium; 381 Elden Street; Herndon, Virginia 22070–4817, and to the Office of Management and Budget, Paperwork Reduction Project (1010–0030); Washington, DC 20503; telephone (202) 395–7340 with copies to Gerald Rhodes; Chief, Branch of Rules, Orders, and Standards; Offshore Rules and Operations Division; Mail Stop 646, room 3313; Minerals Management Service; 381 Elden Street; Herndon, Virginia 22070–4817.

Title: Oil and Gas and Sulphur Operations in the Outer Continental Shelf (OCS), 30 CFR part 250, subpart A, General.

OMB approval number: 1010–0030.

Abstract: The information collection requirements for subpart A, General, were approved by OMB through January 31, 1991. Since then, MMS's responsibility for establishing safety requirements for cranes installed on all fixed OCS facilities has been clarified under the Memorandum of Understanding between MMS and the U.S. Coast Guard, dated August 29, 1989. Accordingly, MMS has proposed a new rule that requires lessees to maintain records of inspections, testing, maintenance, and crane operator qualifications for cranes installed on all fixed platforms for 2 years (§ 250.20(c), Crane operations). The proposed requirements for cranes installed on fixed platforms are the same requirements that were contained in OCS Order No. 5 prior to the restructuring and consolidation of the offshore operating regulations under 30 CFR part 250.

Bureau Form Number: None.

Frequency: On occasion.

Description of Respondents: Federal OCS oil and gas lessees.

Estimated completion time: 5.2 hours.

Annual Responses: 525.

Annual Recordkeeping Burden Hours: 444.

Annual Burden Hours: 3,176.

Bureau Clearance Officer: Dorothy Christopher, (703) 787–1239.

Dated: January 12, 1990.

William D. Bettenberg,

Associate Director for Offshore Minerals Management.

[FR Doc. 90–4156 Filed 2–22–90; 8:45 am]

BILLING CODE 4310–MR–M

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

Analysis of the Impact of the Operation of Glen Canyon Dam, Colorado River Storage Project, AZ, and Alternative Measures, on Specific Downstream Resources

AGENCY: Bureau of Reclamation (Interior).

ACTION: Notice of environmental scoping meetings and correction of notice of intent.

SUMMARY: Pursuant to Council on Environmental Quality regulations and Bureau of Reclamation policy, the Department of the Interior announces seven environmental scoping meetings to invite public participation in the development and analysis of alternative measures to minimize the impact of the operation of Glen Canyon Dam, Arizona, Colorado River Storage Project, on the downstream environmental and ecological resources of the Glen Canyon National Recreation Area and the Grand Canyon National Park, to be used in preparing a draft environmental impact statement (DEIS).

On October 27, 1989, Reclamation published a Notice of Intent in the **Federal Register** (54 FR 43870) to prepare a DEIS which would be used to determine specific options to minimize, consistent with law, the impact of operation of Glen Canyon Dam on downstream environmental and ecological resources of the Glen Canyon National Recreation Area and the Grand Canyon National Park. That notice should read: "The final environmental impact statement (FEIS) will be filed in December 1991."

Further, the sentence that begins on 54 FR 43870 and concludes on 54 FR 43871 should read: "This information is necessary to determine specific options to the operation of Glen Canyon Dam that could be implemented to minimize, consistent with law, the impact of the operation of Glen Canyon Dam on the downstream environmental and

ecological resources of the Glen Canyon National Recreation Area and the Grand Canyon National Park."

Reclamation, the lead agency in the development of the DEIS, will conduct scoping meetings throughout the project area and in several key locations nationwide. Cooperating agencies are the U.S. Fish and Wildlife Service, National Park Service, and Western Area Power Administration of the Department of Energy.

In addition to this notice, interested government agencies, public groups, and private citizens will be informed of scoping meeting times and locations by invitation and by news releases no later than 15 days before meetings. Information packages will be distributed to interested parties prior to the meeting and will be available to the door. Oral and written comments will be accepted at the scoping meetings; written comments can also be submitted by mail or in person from March 12 through April 16, 1990. Anyone wishing to be placed on the mailing list to receive a copy of the information package or to submit comments for scoping should contact the Director, Colorado River Studies and Initiatives Office, at the address listed below.

DATES AND LOCATIONS: There will be seven public meetings, held at the following times and locations:

- Salt Lake City UT, March 12, 1990, 7 p.m., Salt Lake Hilton, 150 West 500 South.
- Denver CO, March 13, 1990, 7 p.m., Denver Sheraton Airport Hotel, 3535 Quebec Street.
- Phoenix AZ, March 15, 1990, 7 p.m., Sheraton Pheonix Hotel, 111 North Central Avenue.
- Flagstaff AZ, March 16, 1990, 7 p.m., City Countil Chambers, 211 West Aspen Street.
- Los Angeles CA, March 20, 1990, 7:30 p.m., Airport Marina Hotel, 8601 Lincoln Boulevard.
- San Francisco CA, March 21, 1990, 7 p.m., Fort Mason Conference Center, Landmark Building A, Laguna and Marina Boulevard.
- Washington DC, March 27, 1990, 9:30 a.m., Interior South Building, 1951 Constitution Avenue, NW.

FOR FURTHER INFORMATION CONTACT: Director, Colorado River Studies and Initiatives Office, U.S. Bureau of Reclamation, 125 South State Street, PO Box 11568, Salt Lake City UT 84147, telephone: (801) 524–3315.

SUPPLEMENTARY INFORMATION: Glen Canyon Dam was authorized and constructed prior to the enactment of the National Environmental Policy Act of 1969 (NEPA), as amended. Consequently, no NEPA documentation on the overall operation has ever been completed. Reclamation completed an Environmental Assessment/Finding of No Significant Impact on the uprating and rewinding of the generators at Glen Canyon Dam in 1982. The Department of the Interior initiated the Glen Canyon Environmental Studies in 1982 with the objective of collecting the technical information required to assess the impact of the operation on the natural and recreational resources in Glen Canyon and Grand Canyon. The Glen Canyon Environmental Studies have produced multiple reports on the impacts of high and steady flow operations, and studies have recently been initiated on the impacts of fluctuating and minimim flows. Public comment will be combined with technical data to develop alternatives for analysis in the DEIS.

Anyone interested in more information concerning the studies, or anyone who has suggestions about significant environmental issues which should be considered in the DEIS, should contact the Director at the above address.

Dated: February 20, 1990.

Dennis Underwood,

Commissioner.

[FR Doc. 90–4227 Filed 2–22–90; 8:45 am]

BILLING CODE 4310–09–M

INTERSTATE COMMERCE COMMISSION

[Ex Parte No. 394 (Sub-No. 3)]

Cost Ratios for Recyclables, Compliance Procedures

AGENCY: Interstate Commerce Commission.

ACTION: Notice of costing methodology and schedule for first annual proceeding to be conducted under 49 CFR part 1145.

SUMMARY: The Commission has designated the Uniform Railroad Costing System for use in determinations of revenue/variable cost ratios in the first annual proceeding to be conducted under its new recyclable commodity compliance regulations (49 CFR part 1145, published at 54 FR 42509, October 17, 1989). It has also established a special schedule for this proceeding, as set forth below.

DATES: In lieu of the schedule specified at 49 CFR 1145.3, the following schedule shall apply in the first annual proceeding:

(a) By May 1, 1990, the railroads shall file certified average revenue/variable cost ratios as described in § 1145.3(a) and (b), and any alternate filings described in § 1145.3(f), and shall make these ratios available to shippers as described in § 1145.3(c).

(b) Also by May 1, 1990, shippers shall file their statements, if any, on individual rates, as provided in § 1145.3(g)(1).

(c) By May 8, 1990, shippers shall present to the railroads any disagreements concerning railroad-filed ratios, as described in § 1145.3(d).

(d) By June 1, 1990, the railroads and shippers shall submit to the Commission agreed adjustments to the railroad-filed ratios, along with evidence and argument on any points of disagreement, as specified in § 1145.3(e).

(e) Also by June 1, 1990, the railroads may respond to shippers' individual rate statements, as provided in § 1145.3(g)(2).

(f) By August 1, 1990, the Commission will issue a decision stating the values of the revenue/variable cost ratios specified in § 1145.4(a).

FOR FURTHER INFORMATION CONTACT: Joseph H. Dettmar (202) 275–7245, (TDD for hearing impaired: (202) 275–1721).

SUPPLEMENTARY INFORMATION: Additional information is contained in the Commission's decision. To purchase a copy of the full decision, write to, call, or pick up in person from: Dynamic Concepts, Inc., room 2229, Interstate Commerce Commission Building, Washington, DC 20423. Telephone: (202) 289–4357/4359. (Assistance for the hearing impaired is available through TDD services (202) 275–1721.)

This decisioin will not significantly affect the quality of the human environment or conservation of energy resources.

This decision will not have a significant economic impact on a substantial number of small entities. Neither this decision nor the regulations that it implements impose filing requirements on small entities. While participation by small railroads or shippers in the annual proceedings established by the regulations is permitted (but not required), these proceedings lend themselves to submissions by associations or groups of railroads and shippers, thus minimizing the burden of participation for individual entities. Implementation of the regulations should be beneficial for all railroads and shippers concerned with recyclable commodities, including small entities, by clarifying their obligations and rights under the statutory rate cap, thereby reducing litigation.

Decided: February 14, 1990.

By the Commission, Chairman Gradison, Vice Chairman Phillips, Commissioners Simmons, Lamboley, and Emmett.

Noreta R. McGee,

Secretary.

[FR Doc. 90–4167 Filed 2–22–90; 8:45 am]

BILLING CODE 7035–01–M

DEPARTMENT OF JUSTICE

Lodging of Consent Decree; B.F. Goodrich Co., et al.

In accordance with the policy of the Department of Justice, 28 CFR 50.7, notice is hereby given that on February 13, 1990, a proposed consent decree in *The B.F. Goodrich Company* v. *Murtha,* Civ. No. N–87–52 (PCD) (All Cases) was lodged with the United States District Court for the District of Connecticut.

This Consent Decree resolves the claims of the United States, the State of Connecticut, and numerous private parties under the Comprehensive Environmental Response, Compensation and Liability Act ("CERCLA"), 28 U.S.C. 9601 *et seq.,* against eight defendants involved in the ownership and operation of two Superfund sites in Connecticut—the Beacon Heights Landfill and the Laurel Park Landfill. Pursuant to this Consent Decree, Harold Murtha, Terrance Murtha, and six corporations owned and controlled by Harold Murtha will pay $5.375 million toward an estimated cleanup cost of approximately $50 million for both sites. Most of this $5.375 million will be divided among the United States, the State of Connecticut, and a coalition of private entities which previously agreed to perform the remedial action at the Beacon Heights site. The Consent Decree also provides that $1.975 million will be held in the Registry of the Court to fund a portion of the remedial work at the Laurel Park site. If no remedial action consent decree regarding the Laurel Park site is lodged within eighteen months, this $1.975 million will be divided equally between the United States and the State of Connecticut unless the United States undertakes the remedial work, in which case the entire $1.975 million will be paid to the United States.

The Department of Justice will receive public comments on the proposed consent decree for thirty days from the date of this publication. Comments should be addressed to the Assistant Attorney General of the Land and Natural Resources Division, Department of Justice, 10th and Pennsylvania Avenue NW., Washington, DC 20530. All comments should refer *The B.F. Goodrich Company* v. *Murtha,* DOJ Ref. No. 90–11–3–132A.

The proposed consent decree may be examined at the following offices of the United States Attorney and the Environmental Protection Agency ("EPA"):

United States Attorney's Office

Contact: Ruth A. McQuade, Esq., Assistant United States Attorney, District of Connecticut, 141 Church Street, New Haven, Connecticut 06508, (203) 773–2108.

EPA Region II

Contact: Gregory Kennan, Esq., Office of Regional Counsel, U.S. Environmental Protection Agency, Region I, 2203 JFK Federal Building, Boston, Massachusetts 02203, (617) 565–3446.

Copies of the proposed consent decree may also be examined at the Environmental Enforcement Section, Land and Natural Resources Division, United States Department of Justice, Room 1515, 10th and Pennsylvania Avenue NW., Washington, DC 20530. A copy of the proposed consent decree may be obtained by mail from the Environmental Enforcement Section, Land and Natural Resources Division, Department of Justice. In requesting a copy of the decree, please enclose a check for copying costs in the amount of $7.30, payable to Treasurer of the United States.

George Van Cleve,

Acting Assistant Attorney General, Land and Natural Resources Division.

[FR Doc. 90–4134 Filed 2–22–90; 8:45 am]

BILLING CODE 4410–01–M

Lodging of Consent Decree; Middlesboro, KY, et al.

In accordance with the policy of the Department of Justice, 28 CFR 50.7, notice is hereby given that on January 12, 1990 a proposed amended consent decree in *United States, et al.* v. *City of Middlesboro, Kentucky, et al.* Civil Action No. 84–11, DOJ 90–5–1–1–2066A, was lodged with the United States District Court for the Eastern District of Kentucky.

The amended consent decree is entered into between the United States, the City of Middlesboro, Kentucky, the Middlesboro Tanning Company of Delaware, and the Commonwealth of Kentucky. Intervening plaintiffs, the Yellow Creek Concerned Citizens, are not signatories to the amended consent decree. The amended consent decree requires the City of Middlesboro to pay $93,750 in compromise of claims by the United States for alleged violations of a consent decree entered in a Clean Water Act (33 U.S.C. 1251 et seq.) case and to fund an instream monitor of the impacted receiving stream, Yellow Creek, at a cost of $40,000. The Middlesboro Tanning Company is required to pay $31,250 in satisfaction of demands for penalties for alleged violations of the original consent decree. The entry of the amended consent decree also resolves a motion to modify or terminate the existing consent decree filed by the Tanning Company.

Under the terms of the amended consent decree, additional discharge parameters and more stingent discharge limitations are imposed on the Tanning Company in its new pretreatment permit issue by the City although chromium limits are made constant the year around and a slight increase in Biological Oxygen Demand is allowed if the Tanning Company pays an addition sum for its treatment. The amended consent decree terminates in three years as to each party defendant which shows one year of continuous compliance.

The Department of Justice will receive comments relating to the proposed amended consent decree for a period of 30 days from the date of this publication. Comments should be addressed to the Assistant Attorney General of the Land and Natural Resources Division, Department of Justice, Washington, DC 20530. All comments should refer to *United States, et al.* v. *City of Middlesboro, Kentucky, et al.,* D.O.J. Ref. 90–5–1–1–2066A.

The proposed consent decree may be examined at the office of the United States Attorney, Eastern District of Kentucky, Limestone and Barr Streets, Lexington, Kentucky, and at the Region IV Office of the Environmental Protection Agency, 345 Courtland Street NE., Atlanta, Georgia 30365. The proposed consent decree may also be examined at the Environmental Enforcement Section, Land and Natural Resources Division, United States Department of Justice, Room 1647, Ninth Street and Pennsylvania Avenue NW., Washington, DC 20530. A copy of the proposed decree may be obtained by mail from the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice. Any request for a copy of the decree should be accompanied by a check in the amount of $2.20 for copying costs payable to the "United States Treasurer" and should refer to the DOJ Ref. No. above listed.

Richard B. Stewart,

Assistant Attorney General, Land and Natural Resources Division.

[FR Doc. 90–4135 Filed 2–22–90; 8:45 am]

BILLING CODE 4410–01–M

Lodging of Consent Decree; Sharon Steel Corp.

In accordance with Department policy, 28 CFR 50.7, notice is hereby given that on February 5, 1990, a proposed Consent Decree in *United States* v. *Sharon Steel Corporation*, Civil Action No. C87–750Y, was lodged with the United States District Court for the Northern District of Ohio. The proposed Consent Decree resolves a judicial enforcement action brought by the United States on March 30, 1987, against Sharon Steel Corporation ("Sharon Steel") under the Clean Water Act for alleged violations of the Clean Water Act and a National Pollution Discharge Elimination System ("NPDES") permit issued to Sharon Steel for its steel-making facility (the "facility" or "plant") at Warren, Ohio. Subsequently, on April 17, 1987, Sharon Steel filed a voluntary petition for reorganization pursuant to the Bankruptcy Code.

The Consent Decree enjoins Sharon Steel from operation of the plant until it installs control equipment enabling it to comply with final effluent limitations in its NPDES permit. The Consent Decree requires Sharon Steel to pay stipulated penalties for violations of the Consent Decree, and also provides that Sharon Steel shall pay a civil penalty of $175,000 ($50,000 as a pre-bankruptcy petition penalty and $125,000 as post-bankruptcy petition expenses) to the United States. Under the terms of the Consent Decree, Sharon Steel is also required to submit a best management practices plan.

As part of its bankruptcy reorganization process, Sharon Steel is seeking a buyer for its facility, and has so notified the Court. The Consent Decree allows a bona fide purchaser to operate the plant, provided the buyer agrees to construct treatment facilities and comply with final effluent limitations within 12 months after start-up. Stipulated penalties and injunctive relief attach to failure to comply with construction milestones.

The Department of Justice will receive for a period of thirty (30) days from the date of this publication comments relating to the proposed Consent Decree. Comments should be addressed to the Assistant Attorney General of the Land and Natural Resources Division, U.S. Department of Justice, Washington, DC, and should refer to *United States* v. *Sharon Steel Corporation*, D.J. #90–5–1–1–2770.

The proposed Consent Order may be examined at the office of the United States Attorney, 1404, East Ninth Street, Suite 500, Cleveland, Ohio 44114, and at the Region V office of the U.S. Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois 60604. Copies of the Consent Order may be examined at the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice, Room 6317, Tenth Street and Pennsylvania Avenue NW., Washington, DC 20530. A copy of the proposed Consent Decree may be obtained in person or by mail from the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice. In requesting a copy, please enclose a check in the amount of $2.20 (10 cents per page reproduction cost) payable to the Treasurer of the United States.

Richard B. Stewart,

Assistant Attorney General, Land and Natural Resources Division.

[FR Doc. 90–4136 Filed 2–22–90; 8:45 am]

BILLING CODE 4410–01–M

Drug Enforcement Administration

Manufacturer of Controlled Substances; Application; Ciba-Geigy Corp.

Pursuant to § 1301.43(a) of title 21 of the Code of Federal Regulations (CFR), this is notice that on September 8, 1989, Pharmaceuticals Division, Ciba-Geigy Corporation, Regulatory Compliance SEF 1030, 556 Morris Avenue, Summit, New Jersey made application to the Drug Enforcement Administration (DEA) for registration as a bulk manufacturer of the Schedule II controlled substance methylphenidate (1724).

Any other such applicant and any person who is presently registered with DEA to manufacture such substances may file comments or objections to the issuance of the above application and may also file a written request for a hearing thereon in accordance with 21 CFR 1301.54 and in the form prescribed by 31 CFR 1316.47.

Any such comments, objections or requests for a hearing may be addressed to the Deputy Assistant Administrator, Drug Enforcement Administration, United States Department of Justice, Washington, DC 20537, Attention: DEA Federal Register Representative (CCR), and must be filed no later than March 26, 1990.

Dated: February 15, 1990.

Gene R. Haislip,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 90–4095 Filed 2–22–90; 8:45 am]

BILLING CODE 4410–09–M

DEPARTMENT OF LABOR

Office of the Secretary

Survey of Medical Surveillance Programs; Information Collection Clearance Under the Paperwork Reduction Act

AGENCY: Office of the Secretary, Labor.

ACTION: Notice of expedited information collection clearance under the Paperwork Reduction Act.

SUMMARY: The Occupational Safety and Health Administration (OSHA), Department of Labor, in carrying out its responsibilities under the Paperwork Reduction Act (44 U.S.C. chapter 35, 5 CFR 1320 (53 FR 16618, May 10, 1988)), is submitting a request for approval to the Office of Management and Budget for a survey to support the technological and economic feasibility of a generic Medical Surveillance standard. This will be a one time only survey.

DATES: OSHA has requested an expedited review of this submission under the Paperwork Reduction Act; this OMB review has been requested to be completed by April 9, 1990.

FOR FURTHER INFORMATION CONTACT: Comments and questions regarding the survey or reporting burden should be directed to Paul E. Larson, Departmental Clearance Officer, Office of Information Management, U.S. Department of Labor, 200 Constitution Avenue, NW., Room N–1301, Washington, DC 20210 (202–523–6331).

Comments should also be sent to the Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for OSHA, Office of Management and Budget, Room 3001, Washington, DC 20503 (202–395–6880).

Any member of the public who wants to comment on the information collection clearance package which has been submitted to OMB should advise Mr. Larson of this intent at the earliest possible date.

Average Burden Hours/Minutes Per Response: 33 minutes

Frequency of Response: One-time survey

Number of Respondents: 10,192

Annual Burden Hours: 5,553

Annual Responses: 10,192

Affected Public: Business or other for-profit; Non-profit institutions; Small business or organizations

Respondents Obligation to Reply: Voluntary

Signed at Washington, DC this 16th day of February 1990.

Paul E. Larson,

Departmental Clearance Officer.

BILLING CODE 4510-28-M

Supporting Statement for Survey and Related Data Gathering to Support Evaluation of Occupational Health Surveillance Programs

A. JUSTIFICATION

1. Necessity of Data Collection

The Office of Regulatory Analysis of the Occupational Safety and Health Administration (OSHA) is collecting data to support an assessment of the technological and economic feasibility of generic rules for medical surveillance and exposure assessment (monitoring) to supplement the permissible exposure limits the Agency has promulgated in 29 CFR 1910.1000. In addition to these generic subject areas, OSHA is also considering issues related to the utility of implementing integrated process safety management (PSM) systems, including ergonomics, in the workplace. Thus, OSHA is creating a survey-based data set for use in three potential regulatory analyses and in other future regulatory efforts.

Medical surveillance and exposure monitoring requirements are key components of existing substance-specific health standards promulgated by OSHA. However, OSHA has at this time no generic standards for requiring medical surveillance or monitoring. OSHA has issued an advanced notice of public rulemaking for both subject areas as well as process safety management.

The central problem in the design of a study to evaluate the effectiveness or practical utility of existing occupational medical surveillance programs is the selection of an appropriate measure for success. The process of identifying and selecting performance measures can expose fundamental differences in expectations about medical surveillance programs and what they are designed to achieve. For example, many medical surveillance programs are designed to detect injury and illness. Measures of success for such programs would be their accuracy in early detection of illness or injury and the number of cases discovered. However, some medical surveillance programs function as a component part of an integrated process safety management program. Other components within a PSM system include equipment design and engineering controls designed to reduce health and safety hazards, work practice controls, workplace monitoring, training in appropriate personal protective equipment use, and administrative controls, including a medical surveillance program. Since PSM systems are generally aimed toward lowering exposure levels and reducing hazards, it would be both surprising and disappointing to management, in these cases, to find any occupationally-induced illnesses among workers medically examined. The expected performance measure of the PSM-type medical surveillance program is that it will document the fact that the work force is healthy, and the system components designed to ensure a safe and healthful work environment are effective. In the evaluation of survey data, the effort will be made to identify the nature and extent of

medical surveillance practices currently in place and the expectations (in terms of performance measures) which management and labor have regarding these programs.

OSHA's Congressional mandate stipulates that the agency carefully design and study its regulatory proposals. Section 6(b)(5) of the OSHA Act 2d U.S.C. 655 (b)(5) mandates that regulations promulgated by the Agency shall most adequately assure worker safety and health "to the extent feasible on the basis of the best available evidence." They are to be based on "research and the latest available scientific data." Section 6(f) of the Act requires regulations to be justified by "substantial evidence in the record" and authorizes the Secretary of Labor "to enter into contracts, agreements or other arrangements with appropriate public agencies or private organizations for the purposes of conducting studies related to his responsibility under the Act." The courts have endorsed the view that technological and economic factors affect the feasibility of proposed regulations. Thus, OSHA is obligated to gather data on the technological feasibility, cost of compliance, and economic consequences of future standards.

Executive Order 12291 reiterates this obligation by requiring the preparation of preliminary and final Regulatory Impact Analyses for each major rule. The Agency must analyze the potential benefits and costs of the rules and alternative approaches. The Regulatory Impact Analysis may be combined with the analysis required by the Regulatory Flexibility Act. This Act specifically requires an analysis that describes the "impact of the proposed rule on small entities" and significant regulatory alternatives that "take into account the resources available to small entities."

In order to fulfill the Congressional and Presidential mandates and to better evaluate the economic and technological feasibility of the proposed OSHA standards, OSHA requires a data base that describes current industry practices and identifies situations where medical surveillance, exposure assessment (monitoring) and PSM is needed. Thus, in accordance with Section 6 of the Occupational Safety and Health Act of 1970, 29 U.S.C. 655, OSHA is planning to gather statistically accurate data through a survey that will draw a sample from all commercial establishments to assess the extent to which establishments have implemented medical surveillance, exposure assessment and PSM programs. These data will enable the Agency to define the preliminary estimates of the direct and indirect costs associated with these proposed standards. As discussed below, none of the available data sources are fully adequate for this purpose.

To estimate accurately the costs of the standards, data are needed on baseline medical surveillance, monitoring and PSM practices of general industry for specific provisions of the standards. Currently, much of the data available for estimating the extent to which general industry has adopted medical surveillance and monitoring programs are limited to specific chemicals or are outdated. Data on process safety management programs is also limited. In addition, most of the data available

to OSHA are not based on a random sample, and thus their representativeness cannot be judged. Moreover, those studies of practices that exist do not allow an estimate of the extent to which facilities may have adopted measures which would, at least in part, meet the requirements of any proposed standards.

In addition to estimates of baseline practices, data are needed on a variety of specific aspects of a facility's operation. For developing a data base relevant to medical surveillance, exposure monitoring and process safety management, OSHA will require data on the prevalence of these elements and on the work environments in which they are performed. Engineering controls, work practices, administrative controls, personal protective equipment and training should, to a large extent, determine the nature and level of any additional safety and health protection requirements.

Past surveys performed by OSHA have given an accurate indication of the hazards faced by the workers. But, a sound policy requires a correct description of current industry practices. In meeting this objective, OSHA has designed the survey so that it will produce a major data base describing the extent of medical surveillance, exposure assessment and monitoring, and process safety management. Because the survey instrument is organized around industrial processes, findings on safety and health assessments can be placed within the context of specific industries and specific locations in the plant.

Injury and illness data are the final part of the necessary information on work environments. OSHA will request in this survey that firms submit copies of the OSHA Form 200, which summarizes the establishment's injury and illness records. These data will be correlated with survey results in order to determine the relationships between safety and health practices and with incidences of injuries and illnesses. The information source will also provide statistical data on the practices of firms that are successful in maintaining low injury rates.

Data will be gathered through the use of computer assisted telephone interviewing (CATI) and site visits. A pre-test of the CATI survey will determine the effectiveness of this approach; the full CATI survey will only be conducted if the pre-test indicates that this will be a successful method for gathering the necessary data. Additional site visits may be substituted as an alternative.

A timetable for the survey and the associated regulatory impact analysis is presented in Figure A-1. The timetable shows that OSHA is attempting to complete the survey within a short period of time. The schedule currently calls for completion of the bulk of the survey effort within a 12 week period. Therefore, we request that an expedited review be performed by OMB.

Table A-1

SCHEDULE FOR DESIGN AND COMPLETION

Complete design of survey instrument and submit information collection plan to OMB	February 7, 1990
Publish Federal Register notice of survey submission to OMB	February 7 - February 15, 1990
Obtain sampling frames for each sample stratum	February 7, 1990
Receive OMB approval of survey (expedited)	March 19, 1990
Begin mailing notification letters to survey targets	March 19, 1990
Begin telephone interviewing	April 19, 1990
Complete telephone interviewing	July 2, 1990
Perform data tabulations	July 16, 1990
Integrate survey results into a draft final report	August 20, 1990
Respond to comments and submit final report	End of Year 1990

2. Use of the Information

The data gathered through this survey will be used by OSHA to determine feasibility and make estimates of the direct and indirect costs and benefits of medical surveillance, monitoring and PSM programs for all OSHA regulated establishments. The information gathered from all of the data collection efforts will be used by OSHA to develop and evaluate alternative rules and to prepare a regulatory impact analysis (RIA) for any proposed or final rules. Executive Order 12291 requires preparation of an RIA for each major rule. In an RIA, the Agency must assess the potential benefits and costs of the rule and of alternative approaches. In addition, the survey results will create a unique database characterizing current medical surveillance, exposure monitoring and PSM practices in general industry, which may be useful in future rulemaking efforts.

The questions in the survey are designed to gather the needed information in a straightforward manner. The discussion below describes in detail the data uses as related to each set of questions in the survey instrument.

A. Introduction and Collection of Identification Data

The first elements of the survey instrument describe the telephone survey in general and determine whether the respondent is in the SIC code anticipated by the survey design. If the respondent is not in the SIC code expected (as based on Dun and Bradstreet industry lists), the correct SIC will be gathered. If the SIC is one that is to be covered in the survey, the interviewer will continue the questioning.

B. Data Collection of Types of Activities and Employment

The next questions specify the type of activities (e.g., manufacturing, administrative, service, etc.) performed in the facility. Several purposes are served. First, the number of employees in production and other categories will be determined. Second, information on contract workers will be collected. These questions will be used in later segments of the questionnaire. Data on total employment from Dun and Bradstreet will be used in consistency checks in the final statistical analyses. Finally, questions on presence of chemicals will be asked.

C. Questions on Medical Surveillance and Exposure Assessments

The interview will ask respondents questions concerning their practice of administrative controls, such as medical surveillance and exposure assessment programs. The type of workers receiving medical exams and assessments will be determined, as well as the components of the surveillance and exposure assessment. Engineering related questions will be asked concerning pre-startup safety, change procedures and maintenance of equipment. The extent of personal protective

equipment use, training, and safe work practices found at the facility will also be determined.

D. Identification of Processes Employed

The next section will identify the processes employed in the facility. The interviewer will prompt the respondent with processes that are believed to be performed in the facility. The respondent will then be asked for other processes used in the facility. The interviewer will code in these additional responses by referring to a master list of processes. If the process does not appear on the list, it will be coded manually.

E. Identification of Safety, Health and Ergonomic Assessment Procedures

A group of questions will be asked to collect information on process equipment, including technical and hazard reviews. Performance of ergonomic evaluations will be inferred from a series of questions concerning process analysis at the facility.

F. Request for Mail Submission of the OSHA Form 200

Those respondents reporting recordable occupational injuries in the last two years will be asked to supply copies of their Form 200s. OSHA will correlate the facility medical surveillance use, exposure monitoring, and process safety assessment programs with facility accident histories.

3. Use of Technology to Reduce Burden

Information from the questionnaire will be collected using a computer assisted telephone interviewing (CATI) system. Such a procedure will improve the quality and efficiency of the survey in a number of ways and will also reduce respondent burden. First, since the survey is done via telephone rather than by mail, there is expected to be both an increase in the response rate and a reduction in the cost and time of completing interviews. Further, CATI system responses are entered directly into the computer, eliminating the need for separate recording and coding operations. Also, the computer ensures that the proper sequence of questions is followed automatically. For example, if the response to one question suggests that a follow-up question can be skipped, the computer will automatically move on. The interviewer simply reads the questions as they appear on the screen. In addition, the use of CATI allows the interviewer to omit questions that would not be relevant for the particular establishment being questioned. This system produces a smoothly flowing interview and eliminates any pauses or delays by the interviewer to enter responses by hand or to find the next question. In essence, the computer produces a questionnaire tailored to each establishment.

4. Efforts to Identify Duplication

OSHA and its contractors, Meridian Research Corp., PEI, Inc., ERG, Inc., and Kearney/Centaur, have conducted an extensive literature review and have explored sources within governmental and private agencies for data that are to be collected from this survey. The findings indicate that there are no attempts to gather, in a systematic, comprehensive, and statistically accurate fashion, the data on medical surveillance, exposure monitoring and PSM programs (including ergonomic related issues) that are needed for a regulatory impact analysis.

5. Availability of Data from Existing Sources

OSHA will use data from existing sources to the extent they will be useful. However, due to the limitations of these sources, individually and in combination, they cannot provide all of the unbiased estimates that OSHA needs for these rulemaking efforts.

The following databases were reviewed in the course of designing the survey. Acronyms or abbreviations for these databases are indicated and are used in the remainder of this document. A brief description of this information and its relevance to the present effort is provided. Also discussed are the shortcomings of these information sources.

A. OSHA's Integrated Management Information System (IMIS) Database

OSHA's Integrated Management Information System (IMIS) contains data related to OSHA inspections for safety and health violations. This data source can be used, on an industry basis, to obtain the frequency with which firms are cited for any violations resulting from lack of medical surveillance, exposure monitoring or exposure assessment and hazard analysis which many be required by specific regulations. The IMIS also contains data on OSHA investigations of accidents provides information on the nature and the cause of the injury or fatality. These data will be used in assessing the benefits of any proposed standards. However, there are biases in the IMIS data; very small firms are not as likely to be inspected by OSHA personnel, only the most hazardous industries are targeted for inspections, and enforcement priorities may influence the pattern of citations in an unmeasurable fashion.

B. National Occupational Exposure Survey (NOES)

This two-year effort directed by the National Institute for Occupational Safety and Health (NIOSH) involved visits to some 4,500 businesses representative of the establishments covered by OSHA. Company officials were interviewed regarding the types of health and safety programs in effect, and a plant walk-through was conducted in order to document the number of workers exposed to various substances, and the control methods used. This survey was conducted between 1981-1983. Due to

the age of this data, it is believed that the results do not accurately reflect current industry practices.

C. OSHA Surveys on Personal Protective Equipment (PPE) and Permissible Exposure Levels (PEL)

Each of these telephone surveys sampled over 5,000 establishments and collected a wide range of safety and health related information on the process level. The PEL survey provided data regarding employee exposure to specific chemicals which might produce health hazards. The PPE survey was designed to collect information regarding the availability and proper use of personal protective equipment. In the PEL survey, questions concerning exposure monitoring were asked, but more detailed questions regarding exposure assessment analysis were not explored. Process safety analysis was only indirectly referenced in the PPE questionnaire. Therefore, although some useful information was gathered on medical surveillance, exposure assessments and process safety management programs, neither survey investigated these subjects in a systematic and thorough way.

6. Minimizing Small Employer Burden

Many of the establishments in general industry are small. Data from these establishments will play an important role in characterizing exposures for a large number of employees. The survey sample will be stratified by large and small establishments. To reduce the burden on these establishments, both the total number of establishments surveyed and the number of questions asked have been kept to a minimum. Since small establishments within each category are expected to have less variability in terms of the number of employees and the types of exposures, OSHA will be able to sample them in lower proportions to their total number than larger firms and obtain the same level of confidence in the estimates.

7. Consequence of Less Frequent Collection

This is a one-time, non-recurring survey. The consequences associated with less frequent collection are not applicable.

8. Consistency with 5 CFR 1320.6

There are no special circumstances that require the collection of information in any manner inconsistent with the guidelines in 5 CFR 1320.6.

9. Expert Review of the Survey Questions

The survey design team has had discussions with industry experts in order to assess the substance of the survey questions. The clarity of instructions and other specific survey design

elements have been reviewed by contractor survey experts and OSHA personnel.

A. The survey instrument has been reviewed in January of 1990 by:

Dr. Hugh Conway, Office of Regulatory Analysis, OSHA, 202-523-9690;
Mr. Edward Stern, Office of Regulatory Analysis, OSHA, 202-523-7283;
Ms. Marthe Kent, Meridian Research Corporation, 301-585-7665;
Ms. Marilyn Schule, Kearney/Centaur Corporation, 713-836-6210;
Mr. John Eyraud, Eastern Research Group, Inc., 617-641-5325;
Mr. Radha Krishnan, PEI, Inc., 513-782-4700;
Dr. Arnold Greenland, Washington Consulting Group, Inc., 202-457-0233;
Dr. Robert Hiett, KCA Research Inc., 713-642-5220

B. No major problems arose during this review.

C. Public comment will be solicited through the Federal Register notice for the study.

10. Confidentiality

Procedures have been developed to protect the confidentiality of the collected data. These measures are summarized below:

A. All contractor and subcontractor personnel will be given instructions regarding the importance of keeping all information they obtain from respondents confidential.

B. The data will be collected using a Computer Assisted Telephone Interviewing (CATI) system. This technology enables the survey responses to be automatically written to a computer data file. Neither the name of the company nor the respondent will appear in the data file. A listing of respondents will be kept separately in a locked file cabinet at the contractor's office, and will be destroyed when no longer needed. The respondents' names will be linked to the data base through a unique number assigned at the time of the interview.

C. Publication of study results will be of a statistical nature only. Respondents will never be identified in any publication or presentation, nor will their names be made available to other individuals or groups.

11. Sensitive Questions

The proposed survey instrument contains no questions of a sensitive nature.

12. Costs

The total one-time cost to the government of the proposed data collection is $500,000. This estimate includes costs incurred by contractors for administration and operation of the data collection, tabulation of survey results, and subsequent analyses. The total one-time cost to general industry establishments is estimated to be $113,559 (using an administration wage rate of $20.45 an hour including fringe benefits.)

13. Estimate of Respondent Reporting Burden

Every effort will be made to minimize respondent burden. The survey instrument has been designed to allow the respondent to provide estimates and approximations. It is not the intent of the survey to require respondents to compile new data. Where data are requested, the survey instruments note that reference is being made to data which the respondent should be able to estimate readily or access easily.

It is estimated that either 2 minutes, 15 minutes or 60 minutes will be required for the completion of the survey, depending upon the structure of the establishment. Contacts will be made that will result in a non-response. These calls will take, on average, 2 minutes to complete. The estimated number of non-response calls (4,042) is based on 20 percent not being in scope and 25 percent of the in scope cases refusing or otherwise not participating. For non-response or screening only contacts, the respondent burden will be approximately 135 hours. The estimated number of short-style questionnaires was determined by assuming that not all establishment will have medical surveillance, exposure assessment, monitoring or process safety management programs in place, and therefore, would not be asked specific questions on those subjects. The estimated proportions, based on establishment employee size, were derived from compliance rates of training from the PPE survey. It was assumed that approximately the same proportion of establishment would have health and safety programs as had a training program. The noncompliance training rates of approximately 40%, 25%, 20%, and 20% for establishment sizes of (1) 1-19 employees; (2) 20-99 employees; (3) 100-249 employees; and (4)250 or more employees, respectively, were applied across all industry sectors. For the short-style questionnaire respondents, the respondent burden is projected to be 360 hours from 1,442 respondents. Based on a projected 4,658 long-style questionnaire respondents, the respondent burden for completed surveys will be approximately 4,658 hours. Each site visit will involve approximately 8 hours. The respondent burden is estimated to be 400 hours. The total respondent burden will be 5,553 hours. The respondent burden is summarized below in Table A-2.

Table A-2

Type of Respondent	Number of Respondents	Completion Time (min.)	Total Burden (hrs.)	Respondent Costs*
Non-response or Screening Only	4,042	2	135	$ 2,761
Short-style Questionnaire	1,442	15	360	7,362
Long-style Questionnaire	4,658	60	4,658	95,256
Site Visits	50	8 hrs.	400	1,180
Total	10,192	--	5,553	$113,559

*Based on an administrative wage rate of $20.45 per hour including fringe benefits.

14. Tabulations

The survey results will be placed in the relevant OSHA docket in whole or in part by OSHA as deemed appropriate as soon as complete computer files are finalized. The survey data will be analyzed and used for the Medical Surveillance, Exposure Monitoring, Process Safety Management, and Ergonomics standards to prepare Regulatory Impact Analyses (RIA's) and Regulatory Flexibility Analyses which will be published in the Federal Register. Tabulations of the primary data will be analyzed to develop estimates pertinent to the development of these RIA's. These will include estimates of the number of firms that will incur compliance costs, the number of establishments already partially or fully in compliance.

B. STATISTICAL METHODS

1. Characterization of the Universe and Sample

Universe and Sampling Frame. The universe of interest in the Medical Surveillance Survey is all OSHA-regulated establishments in the United States which are subject to proposed OSHA regulations concerning the implementation of medical surveillance and exposure monitoring programs. Specifically, such programs are targeted for establishments whose employees are potentially exposed to OSHA-regulated substances in the workplace. As an additional goal, OSHA is presently examining the utility of regulations related to process safety management systems within the U. S. workplace. Therefore, the establishments which could potentially fall within a regulatory requirement for process safety management are also included within the scope of the survey.

The need for these programs and the extent to which they have already been implemented in the U. S. differs by industry sector. Upon careful review of the Standard Industrial Classification (SIC) codes, OSHA has decided to survey only those SIC categories listed in Table B-1. All establishments having at least one employee and which are included in these SIC categories constitute the respondent population. For the purposes of this survey, however, state or local government owned establishments not located in OSHA state-plan states (e.g., state government transportation, health care or other service industry facilities) are excluded. Federally owned establishments are also excluded from the survey. The 31 subgroups defined in this list are the key estimation cells for this study.

Estimates of the population establishment counts for the 31 estimation cells are provided in Table B-2. These counts were obtained from the Dun & Bradstreet (D&B) establishment file. The D&B frame has been used by OSHA's Office of Regulatory Analysis in several of its prior surveys and has proved to be efficient for establishment surveys. There is some concern, however, that the D&B listing overstates the number of establishments in several non-manufacturing industrial sectors. Alternate frame sources are presently being investigated for use in sampling the construction industry (Cell 2).

Population statistics shown in Table B-2 are tabulated by estimation cell and, within cell, by size category. The size

TABLE B-1

Definition of Estimation Cells

Cell	SIC
1	13,46
2	15, 16, 17
3	20, 21
4	22, 23, 31
5	24, 25
6	26, 27
7	281, 282, 286, 287
8	283, 284, 285, 289
9	29
10	301, 302, 305, 306, 308
11	321, 322, 323
12	324, 325, 326, 327, 328, 329
13	331, 332, 3331, 3334
14	3339, 334, 335, 336, 339
15	341, 342, 343, 346, 347
16	344, 345, 348, 349
17	35 (except 357), 39
18	357, 36, 38
19	37
20	41, 42, 4491, 4493, 47, 48
21	49
22	50 (except 501, 503, 505, 508, 5093), 52 (except 521), 57
23	501, 55, 75, 7692, 7694
24	503, 505, 508, 5093, 515, 516 517
25	51 (except 515, 516, 517), 52 , 54 58
26	53, 56, 59
27	60, 61, 62, 63, 64, 65, 67, 7 , 81 86, 87, 89
28	70, 78, 79, 84
29	72, 76 (except 7692 and 7694)
30	80
31	82, 83

TABLE B-2

Characterization of the Population

Cell	SIC	Total Plants	Total Employees
1	13,46	33,316	469,589
2	15,16,17	795,019	5,529,895
3	20,21	26,402	1,635,833
4	22,23,31	40,263	2,067,797
5	24,25	49,823	1,328,303
6	26,27	87,445	2,404,395
7	281,282,286,287	7,380	584,740
8	283,284,285,289	11,708	687,846
9	29	2,924	212,556
10	301,302,305,306,308	16,499	893,951
11	321,322,323	3,329	214,228
12	324-329	15,956	425,531
13	331,332,3331,3334	4,141	514,962
14	3339,334,335,336,339	5,590	363,882
15	341,342,343,346,347	15,816	706,749
16	344,345,348,349	26,892	915,169
17	35(not 357),39	96,107	2,428,371
18	357,36,38	46,694	3,859,058
19	37	14,888	2,158,374
20	41-2,4491,4493,47,48	216,996	3,733,615
21	49	26,830	1,064,157
22	50,52(partial),57 *	447,315	3,307,909
23	501,55,75,7692,7694	556,794	3,746,212
24	503,505,508,5093,515-517	201,270	1,929,008
25	51,52(partial),54,58 *	714,872	9,416,584
26	53,56,59	901,747	6,255,591
27	60-65,67,73,81,86,87,89	1,484,085	18,270,352
28	70,78,79,84	172,472	2,719,822
29	72,76(not 7692,7694)	453,651	1,867,485
30	80	380,490	8,206,611
31	82,83	242,170	9,432,783
	TOTAL	7,098,884	97,351,358

* For Cells 22 and 25 the definitions are complicated. Please refer to the definitions in Table B-1.

categories are defined by the number of workers employed at each establishment. The size class boundaries are:

(1) 1-19 employees;
(2) 20-99 employees;
(3) 100-249 employees; and
(4) 250 or more employees.

These boundaries have proven to be useful in prior OSHA surveys and have provided flexibility to investigate the effects of proposed rules on small businesses as well as to concentrate sample resources toward larger employers.

Design Overview. The sample design for the Medical Surveillance Survey consists of a stratified probability sample of 6,100 establishments. Two levels of stratification are employed for sampling purposes. The primary stratification variable is industry sector. The secondary stratification variable is establishment employment size class. The sample sizes for industry sectors were determined using data obtained in past OSHA surveys concerning the expected compliance rate of establishments across industry. The sample was selected using two key design variables:

(1) The total number of establishments satisfying any of a number of definitions of compliance with proposed, suggested or related standards; and

(2) The number of employees working at establishments which are not expected to be in compliance with any of the definitions of compliance.

Sample sizes were determined for each of these variables separately; however, the final target sample size is the average of the two. The samples were allocated to each size stratum within industry sector using optimal allocation constrained to be proportional to the stratum employment. The sample will be selected using systematic selection techniques. Prior to selection, within each industry/size class stratum, the establishments will be sorted by four digit SIC.

Estimates will be derived for each of the 31 estimation cells listed in Table B-1. For each of the categories defined above (i.e., estimation cell by size class group), the total number of establishments, the total number of employees, the number of required responses and the number of establishments to be solicited are presented in Exhibit A. All sample sizes were estimated using establishment and employment counts obtained from the frame. If any frame inaccuracies are encountered during the data collection effort, they will be addressed in the estimation phase. For example, an estimate of total "in scope" establishments in the universe will be made using weighted survey data.

As in past surveys using the D&B frame, OSHA expects that over 80 percent of solicited cases will be in scope (e.g., in business, having working telephone numbers). Further, of those in scope cases, a response rate in excess of 75 percent is expected. The estimate for the total number of establishments to be solicited takes into account these assumptions. A summary of the sample allocation scheme, aggregated to the estimation cell level, is presented in Table B-3.

2. Information Collection Procedures

Data Collection. The information on the Medical Surveillance Survey will be collected using Computer Assisted Telephone Interviewing (CATI) techniques. A letter of introduction, signed by the Assistant Secretary of Labor for OSHA, will be initially sent to each potential respondent to familiarize them with the survey goals and ask for their participation.

Effective Sample Size and Precision of Sample Estimates. When faced with the task of designing a sampling plan from which data will be collected using a complex questionnaire and from which many types of estimates will be derived, no single survey item can be identified from which to calculate required sample sizes which are optimal for all estimates. In this survey, both the proportion of establishments in compliance with the proposed regulations (compliance rate) and the associated cost of coming into compliance with these regulations (compliance cost) are key variables of interest to OSHA. Sample size estimates for the first of these variables are routine to produce. However, for the second of these variables, cost of coming into compliance, we are proposing the use of a model.

The model assumes that the total industry cost of compliance is related, in part, to the number of establishments currently in compliance and to the number of workers working at establishments which are not yet in compliance with a proposed or suggested rule. The former of these two variables is already one of the key design variables. The latter, number of employees at establishments not in compliance, is assumed to have a multiplicative form. At each establishment we assume that:

$$Z = X * I$$

where Z is the number of employees at the establishment not in compliance, X is the total number of employees at the establishment, and I is an indicator random variable which takes the value 0 if the establishment is in compliance (i.e., none of these employees are to be counted in the eventual sum) and 1 if

TABLE B-3

Sample Size Allocation

Cell	SIC	Sample Size #1	Sample Size #2	Target Sample Size	Number Cases Solicited
1	13,46	115	58	87	145
2	15,16,17	81	78	80	160
3	20,21	522	122	322	537
4	22,23,31	562	107	334	557
5	24,25	357	117	236	393
6	26,27	394	128	262	437
7	281,282,286,287	450	149	299	498
8	283,284,285,289	466	131	299	498
9	29	303	90	196	327
10	301,302,305,306,308	396	115	256	427
11	321,322,323	438	155	297	495
12	324-329	278	108	193	322
13	331,332,3331,3334	333	137	235	392
14	3339,334,335,336,339	308	118	213	355
15	341,342,343,346,347	383	140	261	435
16	344,345,348,349	330	115	223	372
17	35(not 357),39	358	124	241	402
18	357,36,38	777	186	482	803
19	37	770	237	503	838
20	41,42,4491,4493,47,48	125	66	96	160
21	49	220	60	140	233
22	50,52(partial),57 *	93	66	79	132
23	501,55,75,7692,7694	80	81	80	133
24	503,505,508,5093,515-517	84	77	80	133
25	51,52(partial),54,58 *	96	64	80	133
26	53,56,59	80	80	80	133
27	60-65,67,73,81,86,87,89	80	80	80	133
28	70,78,79,84	80	80	80	133
29	72,76(not 7692,7694)	73	88	80	133
30	80	186	54	120	200
31	82,83	86	86	86	143
	TOTAL	8,900	3,297	6,100	10,192

* For Cells 22 and 25 the definitions are complicated. Please refer to the definitions in Table 1.

the establishment is not in compliance (i.e., all of these employees are to be included in the sum). Since statistics about the variable, X, can be obtained from the D&B frame, and since the variable, I, can be assumed to follow the Bernoulli distribution where the mean, p, is the fraction of establishments in compliance, one can deduce statistics about the variable of interest, Z.

Assuming independence of the variables, X and I, it follows that the mean of Z is the product of the mean of X and the mean of I. The formula for the variance of Z is:

$$Var(Z) = Var(X)\,Var(I) + E(X)\,Var(I) + E(I)\,Var(X).$$

The resulting sample sizes for both of the design variables mentioned are provided in Exhibit A. In both Exhibit A and Table B-3, sample sizes which are related to the number of establishments in compliance (based on any of a number of definitions of compliance) are referred to as Sample Size #1. The sample size which was produced to estimate the variable, Z, defined above, is referred to as Sample Size #2. Both sets of sample sizes were produced assuming the following accuracy requirements: for Cells 3 through 19, which were derived from manufacturing SICs (20-39), a target coefficient of variation (cv) of 6.5 percent was used. For Cells 1-2, 20-21, 23-25, and 30 among the non-manufacturing SICs, a coefficient of variation of 10 percent was used; for the remaining non-manufacturing cells a coefficient of variation of 12.5 percent was used. (The coefficient of variation is the ratio of the standard error of the estimator to the mean of the estimator.) Different accuracy requirements were set for the three groups because it was determined at the outset of the survey design effort that there was a greater need for accuracy in the manufacturing sector since the potential costs are greatest in that sector.

Sample Size #1 was determined for each industry group by calculating the minimum sample required to achieve the target cv when using a proportional to employment-based allocation to each size class stratum.[1] The stratum population standard deviations used in this calculation were based upon information obtained from data collected in the Personal Protective Equipment (PPE) Survey, conducted by OSHA in 1988-1989[1]. Specifically, data on training practices, including the proportion of establishments that provided employee training for PPE, were examined. Based upon these data and supplemental expert opinion, the following compliance rates represent OSHA's best efforts at estimating differential compliance rates by size category: 0.60, 0.75, 0.82, and 0.83 for size classes 1, 2, 3, and 4, respectively.

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[1]Cochran, W.G., 1977, Sampling Techniques Third Edition, John Wiley and Sons, New York. See Equation 5.44 on page 105.

Sample Size #2 was determined using the mean and standard deviation estimates described above for each cell and size category. Neyman allocation was used to allocate the resulting sample to each stratum.

The final target sample size (as described in both Table B-3 and Exhibit A) is the arithmetic mean of the two sample sizes. This procedure is common in the situation where two or more variables, which are important design variables, result in different sample sizes. The resulting intermediate sample size represents a compromise which is both cost effective and which attempts to accommodate, in part, the requirements of each of the key design variables.

The number of solicitations required to achieve the target number of 6,100 completed questionnaires from eligible establishments was estimated by dividing this target sample size by the expected fraction of successful interview attempts (60%). The 60% is the product of the proportion of the sample in scope (80%) and the proportion of the sample giving usable responses (75%). Reasons for the nonresponse include: refusal, language barrier, extenuating circumstances existing during the data collection period, the inability to contact an establishment because it has closed, and other unforeseen losses. Based on previous experience with past OSHA establishment-based surveys, it is anticipated that 60 percent (0.80 * 0.75) of the establishments listed on the D&B frame will result in completed interviews. Hence, 10,192 establishments will be asked to participate in the survey. The number of solicitations for Cell 2, the construction industry, was obtained by dividing the target sample size by 0.5 to account, in part, for the smaller fraction of in-business respondents which are expected to be on the frame.

Stratification. OSHA will stratify the sampling frame by industry sector and by size category. It is well known that by identifying subdomains of the universe of interest that are more similar among themselves with respect to the key characteristics to be estimated from the survey, and by selecting independent samples within each subdomain or stratum, the overall variance of the estimates will be reduced. The reduction in variance is a function of the correlation between the stratification variable(s) and the estimates to be produced from the survey. OSHA believes that both the industry sector and establishment size are correlated with compliance rate and the associated compliance cost of the proposed standard and are, therefore, appropriate choices for stratification variables.

Thirty-one estimation cells are identified for sample selection. These categories were determined by OSHA to be of most significance relative to the proposed rules. The definition of size categories was given above. These stratum boundaries have been found to be useful on earlier OSHA surveys.

Sample Selection Methodology. Sample selection under stratified sampling will be carried out independently within strata. To implement the selection, the D&B file will be sorted by the primary strata (industry sector) and by secondary strata (employment size class) within cells. Prior to selection, within each industry/size class stratum, the establishments will be sorted by four digit SIC. The sort by four digit SIC will achieve a proportional distribution of the within-stratum sample across the four digit SICs.

Selection will be by systematic sampling from a random start within each sector and size stratum. The skip interval for the selection within stratum will be established as the reciprocal of the sampling rate corresponding to the particular stratum. As discussed earlier, a total sample of 10,192 establishments will be selected. This sample includes additional units to cover losses due to nonresponse, out-of-scope or out-of-business establishments on the D&B frame, and "bad" telephone numbers (e.g., ring-no-answer, disconnected).

Another issue relating to survey design is the random selection of eight processes from an exhaustive list of processes performed at the selected facility and provided by the respondent during the telephone interview. OSHA has determined that data will be collected on a maximum of eight processes during each interview. Since, in many cases, the actual number of processes performed at the location will be greater than eight, a scheme to randomly select those eight processes from the total list provided by the respondent will be incorporated into the CATI procedures. In those cases where the total number of processes performed at the facility is less than or equal to eight, data for all processes will be collected. Estimates made with these data will have weights reflecting the randomization process.

Estimation Procedure. Estimates will be produced for each estimation cell. The survey estimator will be self-weighting within stratum, but sampling weights will be required to produce overall estimates to account for differential probabilities of selection across the strata. The overall estimator of totals will take the form:

$$\hat{Y} = \sum_{i,j,k} WGT_{ijk} * NRAF_{ijk} * y_{ijk},$$

where

y_{ijk} is the response of the kth unit in the jth stratum of estimation cell i;

WGT is the stratum sampling weight; and
NRAF is the stratum's unit nonresponse adjustment factor

for the parameter in question (NRAF is defined below).

Estimates of means will take the following form:

$$Y = \sum_{i,j,k} WGT_{ijk} * NRAF_{ijk} * y_{ijk} / \sum_{i,j,k} WGT_{ijk} * NRAF_{ijk}.$$

The Nonresponse Adjustment Factor (NRAF) for the kth usable unit in stratum j of estimation cell i is calculated as follows:

$$NRAF_{ijk} = \frac{\sum_{\text{viable}} \text{employment}_{ijk} * WGT_{ijk}}{\sum_{\text{usable}} \text{employment}_{ijk} * WGT_{ijk}}$$

The Nonresponse Adjustment Factor is calculated for each size class stratum j in estimation cell i by summing the pre-coded employments for all viable sample units (all sample units less out-of-scope and out-of-business units) divided by the employment sum of all usable sample units.

To most efficiently use the D&B sampling frame, estimates of key variables will be "benchmarked" to other data sources. For example, the estimate of "total cost of coming into compliance" will be computed as follows:

$$C_i = \frac{\sum_{j,k} c_{ijk} * WGT_{ijk} * NRAF_{ijk}}{\sum_{j,k} emp_{ijk} * WGT_{ijk} * NRAF_{ijk}} * (BLS\ Emp)_i$$

where

emp_{ijk} is the number of employees obtained from the survey;

c_{ijk} is the cost amount associated with case k within cell i and size stratum j; and

$(BLS\ Emp)_i$ is the number of employees obtained from sources at the Bureau of Labor Statistics.

It is expected that some respondents who do participate in the survey will either refuse to answer some questions or not know the answer. In such cases it is common to impute responses.

Imputation is done by using information obtained from the responses on other questions and/or information from other like respondents to fill in the missing value. There are many methods in common use for imputing for missing data including ratio estimates of totals, mean imputation, hot deck procedures and regression-based imputation. If necessary, OSHA will select an imputation approach after careful review of the data inadequacies and study needs. If adopted, both the original and imputed values will be retained in the data base.

Since a survey is a sample rather than a census of the establishments of interest, survey estimates will have errors due to sampling alone. It is customary to produce estimates of such errors, usually called standard errors of the estimate. OSHA plans to use a replication technique to produce standard errors. In past OSHA surveys, balanced repeated replication (BRR) was used and it is planned to continue use of this technique here. Such methods are preferred because of the complexity of determining exact formulas for survey data which includes nonresponse adjustment factors as is the case with this survey. Computation of such standard errors is routine with the use of computers.

Accuracy. As discussed above, the survey is designed to produce estimates having relative standard errors ranging from 0.065 to 0.125 depending on industry sector. It is emphasized, however, that estimates for all industries combined will be quite accurate (relative variances will be less than 2 percent).

3. Methods to Maximize Response Rates

This survey is voluntary and is expected to yield a response rate of approximately 75 percent of in-scope establishments. Experience on prior surveys indicates that the Dun & Bradstreet frame has over 80 percent in-scope cases. However, it is believed that inadequacies with the construction industry sector may be present with the D&B frame.

Every effort will be made to complete interviews for all in-scope establishments: up to five call backs will be made to obtain a completed questionnaire. OSHA's experience with surveys conducted using CATI is that response rates are improved. In particular, CATI allows:

- Direct telephone contact with the central contact person identified on the D&B frame;

- o Scheduling and maintaining a detailed record of the initial solicitation and all call-backs to obtain an interview with the contact person; and

- o Efficient use of telephone contact time to encourage respondent participation.

4. Tests of Procedures

OSHA plans to pretest the questionnaire with nine calls to randomly selected potential respondents. The Agency will use these interviews to insure that the questions are understood by the interviewees and that the pace of the questionnaire is as planned. Establishments will be selected in several sectors including large and small as well as manufacturing and non-manufacturing establishments.

In addition, OSHA proposes to conduct up to 50 site visits to test the quality and reliability of the data being collected by the telephone interviewing. Detailed interviews with occupational physicians and health staff will result in the collection of data on practices and costs for various types of health surveillance programs and the benefits associated with these programs. A selection of 25 respondents and 25 nonrespondents will be used for this purpose. They will be selected to obtain adequate representation of the different types of medical and biological monitoring programs currently used by employers.

5. Expert Review

The statistical aspects of the survey design have been reviewed by:

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EXHIBIT A

Number of Firms and Sample Size for Industries to be Surveyed

Cell	SIC	Size Category	Total Plants	Total Employees	Sample One	Sample Two	Average Sample Size
1	13,46	1	29,352	135,403	33	17	25
		2	3,340	124,040	30	15	23
		3	405	59,024	14	7	11
		4	219	151,122	37	19	28
		Total	33,316	469,589	115	58	87
2	15,16,17	1	742,575	2,872,145	37	36	37
		2	47,487	1,670,917	22	21	21
		3	4,087	551,152	11	11	11
		4	870	435,681	11	10	11
		Total	795,019	5,529,895	81	78	80
3	20,21	1	15,853	104,328	33	8	21
		2	6,763	292,042	93	22	57
		3	2,293	338,272	108	25	67
		4	1,493	901,191	287	67	177
		Total	26,402	1,635,833	522	122	322
4	22,23,31	1	25,528	143,338	39	7	23
		2	9,557	417,597	113	22	67
		3	3,159	475,068	129	24	77
		4	2,019	1,031,794	280	53	167
		Total	40,263	2,067,797	562	107	334
5	24,25	1	37,669	212,300	57	19	38
		2	9,283	382,391	103	34	68
		3	2,030	294,219	79	26	52
		4	841	439,393	118	39	78
		Total	49,823	1,328,303	357	117	236
6	26,27	1	68,938	382,490	63	20	42
		2	13,741	565,844	93	30	62
		3	3,250	471,201	77	25	51
		4	1,516	984,860	162	53	107
		Total	87,445	2,404,395	394	128	262
7	281,282, 286,287	1	4,456	29,825	23	17	20
		2	1,938	84,787	65	22	43
		3	540	80,520	62	21	41
		4	446	389,608	300	90	195
		Total	7,380	584,740	450	149	299
8	283,284, 285,289	1	7,639	50,080	34	10	22
		2	2,882	116,973	79	22	51
		3	675	98,501	67	19	43
		4	512	422,292	286	81	183
		Total	11,708	687,846	466	131	299

EXHIBIT A

Number of Firms and Sample Size for Industries to be Surveyed

Cell	SIC	Size Category	Total Plants	Total Employees	Sample One	Sample Two	Average Sample Size
9	29	1	1,924	12,322	20	20	20
		2	660	26,477	38	11	24
		3	184	27,626	39	12	26
		4	156	146,131	206	47	126
		Total	2,924	212,556	303	90	196
10	301,302,305 306,308	1	9,086	60,647	27	13	20
		2	5,175	229,591	102	30	66
		3	1,570	228,141	101	29	65
		4	668	375,572	166	43	105
		Total	16,499	893,951	396	115	256
11	321,322, 323	1	2,449	12,205	25	15	20
		2	527	22,419	46	16	31
		3	149	22,937	47	17	32
		4	204	156,667	320	108	214
		Total	3,329	214,228	438	155	297
12	324-329	1	11,457	74,068	48	19	34
		2	3,586	139,927	91	36	63
		3	692	98,280	64	25	45
		4	221	113,256	74	29	51
		Total	15,956	425,531	278	108	193
13	331,332, 3331,3334	1	2,036	14,120	9	31	20
		2	1,252	55,550	36	15	25
		3	465	69,611	45	19	32
		4	388	375,681	243	73	158
		Total	4,141	514,962	333	137	235
14	3339,334, 335,336, 339	1	3,084	22,036	19	21	20
		2	1,654	70,951	60	23	42
		3	542	80,852	68	26	47
		4	310	190,043	161	48	104
		Total	5,590	363,882	308	118	213
15	341,342, 343,346, 347	1	10,020	66,220	36	13	24
		2	4,296	179,592	97	36	66
		3	1,034	150,155	81	30	56
		4	466	310,782	168	62	115
		Total	15,816	706,749	383	140	261
16	344,345, 348,349	1	17,702	117,435	42	15	29
		2	7,298	300,672	108	38	73
		3	1,354	192,451	69	24	47
		4	538	304,611	110	38	74
		Total	26,892	915,169	330	115	223

EXHIBIT A

Number of Firms and Sample Size for Industries to be Surveyed

Cell	SIC	Size Category	Total Plants	Total Employees	Sample One	Sample Two	Average Sample Size
17	35(except 357),39	1	75,040	420,846	62	21	42
		2	16,636	657,758	97	34	65
		3	2,902	420,353	62	21	42
		4	1,529	929,414	137	47	92
		Total	96,107	2,428,371	358	124	241
18	357,36,38	1	28,987	181,915	37	9	23
		2	11,175	478,600	96	23	60
		3	3,488	524,555	106	25	65
		4	3,044	2,673,988	538	129	334
		Total	46,694	3,859,058	777	186	482
19	37	1	9,592	55,444	27	18	23
		2	3,045	131,506	64	14	39
		3	1,064	161,146	79	18	48
		4	1,187	1,810,278	600	187	393
		Total	14,888	2,158,374	770	237	503
20	41,42,4491 4493,47,48	1	183,246	923,089	31	16	24
		2	28,269	1,070,497	36	19	27
		3	3,817	540,885	18	9	14
		4	1,664	1,199,144	40	21	31
		Total	216,996	3,733,615	125	66	96
21	49	1	19,631	109,248	23	18	20
		2	5,375	225,411	47	13	30
		3	1,077	158,325	33	9	21
		4	747	571,173	118	20	69
		Total	26,830	1,064,157	220	60	140
22	50(except 501,503,505, 508,5093),52 (except 521) 57	1	420,246	1,852,158	38	25	31
		2	24,640	844,774	17	11	14
		3	1,845	252,881	17	12	15
		4	584	358,096	20	18	19
		Total	447,315	3,307,909	93	66	79
23	501,55,75 7692,7694	1	524,799	2,200,658	38	39	38
		2	29,625	1,130,073	20	20	20
		3	2,117	281,564	12	12	12
		4	253	133,917	10	10	10
		Total	556,794	3,746,212	80	81	80
24	503,505,508, 5093,515,516 517	1	180,900	932,146	35	32	33
		2	18,976	655,949	25	22	23
		3	1,102	149,783	12	11	11
		4	292	191,130	13	12	13
		Total	201,270	1,929,008	84	77	80

EXHIBIT A

Number of Firms and Sample Size for Industries to be Surveyed

Cell	SIC	Size Category	Total Plants	Total Employees	Sample One	Sample Two	Average Sample Size
25	51(except	1	591,516	3,145,954	30	19	25
	515,516,517)	2	112,732	4,258,134	40	26	33
	521,54,58	3	8,994	1,203,610	14	10	12
		4	1,630	808,886	12	9	10
		Total	714,872	9,416,584	96	64	80
26	53,56,59	1	865,605	3,307,799	20	20	20
		2	27,844	1,023,396	20	20	20
		3	6,374	936,063	20	20	20
		4	1,924	988,333	20	20	20
		Total	901,747	6,255,591	80	80	80
27	61-65,67,73	1	1,345,712	5,854,879	20	20	20
	81,86,87,89	2	115,265	4,305,097	20	20	20
		3	15,114	2,182,673	20	20	20
		4	7,994	5,927,703	20	20	20
		Total	1,484,085	18,270,352	80	80	80
28	70,78,79,84	1	148,682	668,161	20	20	20
		2	19,143	742,995	20	20	20
		3	3,213	454,870	20	20	20
		4	1,434	853,796	20	20	20
		Total	172,472	2,719,822	80	80	80
29	72,76	1	444,974	1,401,118	26	38	32
	(exc 7692,	2	7,791	271,341	17	19	18
	7694)	3	733	100,267	15	16	15
		4	153	94,759	15	16	15
		Total	453,651	1,867,485	73	88	80
30	80	1	344,332	1,550,016	35	10	23
		2	23,688	1,053,225	24	7	15
		3	7,550	1,082,389	25	7	16
		4	4,920	4,520,981	102	30	66
		Total	380,490	8,206,611	186	54	120
31	82,83	1	148,313	801,678	20	20	20
		2	78,833	3,493,924	20	20	20
		3	10,480	1,527,428	20	20	20
		4	4,544	3,609,753	26	26	26
		Total	242,170	9,432,783	86	86	86

OMB Approval No. xxxx
SIC Code xxxx
OSHA Contact: Kristine Leininger
(202) 523-7177

February 2, 1990

Name
Company
Address
City, State

Dear ---------:

The Occupational Safety and Health Administration (OSHA) is considering the development of generic standards to address medical surveillance and exposure monitoring programs. OSHA is also developing regulations on integrated safety management methods for process-related hazards, including fire and explosion risks, injuries due to ergonomic factors, and other contributors to workplace injuries and illnesses. OSHA believes such regulations could significantly improve workplace safety and health as well as enhance the effectiveness of existing regulations.

OSHA is conducting a voluntary telephone survey as part of this regulatory effort to determine the extent to which medical surveillance, exposure monitoring, and process safety management are currently done in industry. Your firm has been selected to participate in this survey, and an interviewer will be calling you within the next few weeks. A copy of the survey instrument is attached. Information and cooperation from your firm will help OSHA develop the most practical and effective standard possible. To insure confidentiality, the survey information will be stored in a data base that will not permit individual firms or their responses to be identified.

The survey covers the following areas: medical surveillance programs, types of processes and operations, chemicals used, exposure assessment procedures including monitoring programs, hazard communication, engineering review of process and equipment safety, maintenance practices, employee training, assessments of ergonomics and other hazards, and recent injury and illness experience. We would appreciate your forwarding this letter to the person or persons in your organization best suited to respond to the survey.

We are required by the Office of Management and Budget to inform you that the public reporting burden for this collection of information is estimated to average 60 minutes per respondent, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. If you have comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, please send them to both the Office of Information Management, Department of Labor, Room N1301, 200 Constitution Ave., N.W., Washington, DC 20210 and the Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503.

We look forward to talking to your firm about these issues.

Sincerely,

Gerard F. Scannell

Assistant Secretary for OSHA

Medical Surveillance Survey, OSHA

[INTERVIEWER INSTRUCTIONS: RECORD THE FOLLOWING INFORMATION]

Interviewer Number
Cell Category
Size Code (1-4)
Sequence Number (max. 600)
Call Record SIC
Number of Employees
[Reenter Sequence #]
[Reenter SIC]

INTRODUCTION

Hello. My name is _____ and I'm calling from KCA Research in Alexandria, Virginia. We are conducting a survey on behalf of the Occupational Safety and Health Administration (OSHA) of the U.S. Department of Labor to assess the current practices in industry in the use of Medical Surveillance, Exposure Assessment, Process Safety Management and Ergonomic programs. A letter was sent to your facility informing you of this survey.

As the letter indicated, we are interested in understanding the extent of health and safety programs in industry. We would like to emphasize that all responses will be kept strictly confidential. Respondents will not be identified by name in any reports or data compilations submitted to OSHA.

We are interested in collecting information about your firm at address. Should I direct my questions to you, or is there someone else in the facility with whom you would prefer I speak?

1. Our records show your firm to be in SIC code XXXX, which is _____. Is this correct?

   a. yes
   b. no
   c. don't know If "a", go to Q4.
   d. refused

2. How would you describe your line of business?

   a. _____ (record verbatim)
   b. don't know
   c. refused

3. Do you happen to know what that SIC code is?

   a. enter SIC _____
   b. don't know
   c. refused

4. Are you a publicly owned company?

a. yes
b. no
c. don't know
d. refused

If "a", only continue if in an OSHA state-plan state. Otherwise, terminate.

5. In total, how many employees work at your establishment?

a. _____ (record verbatim) (If zero or refused, terminate)

6. I'd like you to divide the employees at your establishment into four broad groups for me. The first group called administrative employees will be those who perform only administrative, managerial, clerical, sales, or similar functions. The second group called production employees would be those who have at least some responsibility for producing the goods or providing the service of your establishment. Included in this group will be custodial employees. The third group called laboratory employees would be those who work in laboratories, including those that perform quality control, R&D, or various testing activities for your company. The fourth group called maintenance employee would be those that perform non-custodial maintenance and repair activities. Do not include contract workers. How many employees are: (record all that apply)

a. administrative employees Record number _____
b. production employees Record number _____
c. laboratory employees Record number _____
d. maintenance employees Record number _____

7. Are contract workers used in this facility?

a. yes
b. no
c. don't know
d. refused

If "b, c or d", go to Q9.

8. Which work is performed by contract workers? (record all that apply)

a. production
b. non-janitorial maintenance
c. clean-up maintenance
d. laboratory
e. pickup/delivery
f. other _____ (record verbatim)
g. don't know
h. refused

9. I'm going to read a list of chemicals that many firms engaged in your line of business often use. I'd like you to tell me which, if any, of these chemicals are used at your location, how many employees are exposed, how much of each one you use in a year, and whether you perform medical surveillance for the chemicals. The term "medical surveillance" refers to the practice of providing physical examinations and medical tests to employees for the purpose of detecting the presence of injuries or illnesses that might be related to work activities. Do you use _____? (SIC-specific prompt list of chemical will be provided. Administrative establishments in manufacturing SIC's will be prompted with a separate list.)

CHEMICAL	NUMBER OF EMPLOYEES EXPOSED	ANNUAL USAGE (lbs. or gals./year)	MEDICAL SURVEILLANCE
A	_____	_____	_____
B	_____	_____	_____
C	_____	_____	_____
D	_____	_____	_____

Limit chemical response to 4 chemicals. Respondent will be prompted with a list of chemicals which are ordered according to toxicity.

If no chemicals are used at this facility, go to Q15.

10. Are there any other chemicals used that I did not mention?

A	_____	_____	_____
B	_____	_____	_____
C	_____	_____	_____
D			

Limit chemical response to 4 chemicals.

11. Do you have more than 10,000 pounds (or 1,500 gallons) of any flammables stored in one location at your facility?

a. yes
b. no — If "b, c, or d", go to Q15.
c. don't know
d. refused

12. Does this consist only of hydrocarbons that are used on-site for fuel?

a. yes
b. no — If "a", go to Q15.
c. don't know
d. refused

13. Does this include only flammables stored or transferred on-site only (i.e. not processed or sold)?

a. yes
b. no
c. don't know
d. refused

14. Are the flammable materials stored below their boiling point without the use of chilling or refrigeration?

a. yes
b. no
c. don't know
d. refused

OVERALL PLANT QUESTIONS

-ADMINISTRATIVE

The following questions pertain to administrative actions for potential health and safety hazards.

We would like to ask you some questions regarding medical surveillance practices.

15. Please tell me whether your facility has any of the following exams available to employees.
(record as many as apply)

a. pre-employment examination
b. routine periodic examination for employees exposed to hazardous chemicals
c. routine periodic examinations for employees exposed to physical stresses (i.e. heat, repetitive motion)
d. examinations for workers required to wear respirators
e. routine examinations prior to termination of employment
f. formal employee wellness program
g. random drug testing
h. other _____ (record verbatim)
i. none
j. don't know
k. refused

If "i, j, or k", go to Q29.

16. Do you perform the following medical surveillance examinations? For which employees?

(1) pre-employment
(2) routine periodic

a. all employees
b. production employees only
c. only those employees covered by OSHA requirements for medical surveillance
d. other _____ (record verbatim)
e. don't know
f. refused

17. Please indicate which of the following tests are performed, the frequency of the tests performed and for whom. (record as many as apply)

		FREQUENCY	TYPE OF EMPLOYEE
a.	general physical examination	_____	_____
b.	written medical and work history		
c.	audiometric examination		
d.	pulmonary function		
e.	complete blood count		
f.	serum chemistries		
g.	urinalysis		
h.	chest x-ray		
i.	cholinesterase activity		
j.	musculoskeletal examinations		
k.	other _____ (record verbatim)		
l.	none		
m.	don't know		
n.	refused		

i. varies with age
ii. every 3-5 years
iii. every 2 years
iv. every year
v. other __ (record)
vi. don't know
vii. refused

18. Are any of the workers at this facility required to wear respirators?

a. yes
b. no
c. don't know
d. refused

If "b, c, or d", go to Q20.

19. Which of the following tests does your company give to workers who are required to wear respirators? (record all that apply)

a. general physical examinations
b. pulmonary function
c. chest x-ray
d. stress test
e. other _____ (record verbatim)
f. don't know
g. refused

20. Where is your company's medical surveillance program conducted?

a. on site
b. off site
c. both on and off site
d. don't know — If "d, or e", go to Q22.
e. refused

21. Who implements your company's medical surveillance program?

a. certified occupational physician
b. other licensed physician
c. certified occupational nurse
d. other registered nurse
e. licensed practical nurse
f. other _____ (record verbatim)
g. don't know
h. refused

22. Does your company have a formal arrangement with any of the following outside sources to provide medical surveillance services?

a. occupational health clinic
b. other clinic, hospital, or HMO
c. private physician
d. mobile medical van service
e. insurance carrier
f. other _____ (record verbatim)
g. none
h. don't know
i. refused

23. How long are the medical records retained?

a. duration of employment
b. duration plus X number of years (record "X")
c. other _____ (record verbatim)
d. don't know
e. refused

24. Does your company systematically review the medical records each year?

a. yes
b. no
c. don't know — If "b, c, or d", go to Q26.
d. refused

25. Are employee exposure assessments and monitoring data available to the individual conducting this review?

a. yes
b. no
c. don't know
d. refused

26. Do you use the medical surveillance results to implement or to change the following programs? (record all that apply)

a. exposure monitoring
b. training
c. engineering controls
d. personal protective equipment
e. workstation analysis for ergonomic hazards
f. other _____ (record verbatim)
g. don't know
h. refused

27. Are employees notified of the results of their medical examination?

a. yes
b. no
c. don't know
d. refused

28. On average, how many hours is an employee away from work to take a medical examination?

a. 1 hour
b. 2 hours
c. 3 hours
d. other _____ (record verbatim)
e. don't know
f. refused

I would now like to ask you some questions concerning monitoring for potentially hazardous substances.

29. Do you have an exposure monitoring program?

a. yes
b. no
c. don't know If "b, c or d", go to Q41.
d. refused

30. For which employee do you perform exposure monitoring? (record all that apply)

a. administrative
b. production
c. laboratory
d. maintenance
e. other _____ (record verbatim)
f. don't know
g. refused

31. Which of the following types of potential hazards are covered under your exposure monitoring program? What percentage of your exposure monitoring is related to that hazard? (record all that apply)

a. substance specific OSHA regulated substances, which include asbestos, benzene, formaldehyde, ethylene oxide, cotton dust, coke oven emissions, and lead.
b. z-table chemicals
c. other substances
d. biological agents
e. noise
f. radiation
g. other _____ (record verbatim)
h. don't know
i. refused

32. Who performs the exposure monitoring?

a. company staff
b. outside consultants
c. insurance carriers
d. other _____ (record verbatim)
e. don't know
f. refused

33. Does your facility perform any of the following monitoring techniques for substances that are easily absorbed through the skin?

(1) surface wipe sampling
(2) skin (gauze) patch sampling
(3) biological monitoring (taking blood or urine samples to determine absorption)
(4) other _____ (record verbatim)

a. yes
b. no
c. don't know
d. refused

If "a" for #2, continue. Otherwise go to Q35.

34. How many dermal (patch) samples were collected at this facility during the past year? For how many exposed workers? (record all that apply)

a. number of samples _____
b. number of exposed workers _____
c. don't know
d. refused

35. For all types of monitoring do you use the results to implement or to change the following programs? (record all that apply)

a. additional monitoring
b. training
c. engineering controls
d. personal protective equipment
e. medical surveillance
f. other _____ (record verbatim)
g. none
h. don't know
i. refused

36. Do you compute any of the following statistics from your monitoring data? (record all that apply)

a. average
b. arithmetic standard deviation
c. geometric mean
d. geometric standard deviation
e. maximum exposure observed
f. other _____ (record verbatim)
g. none
h. don't know
i. refused

37. What percent of all monitoring samples result in overexposure?

a. _____ percent
b. don't know **If answer "a" is = 0 or b or c, go to Q39.**
c. refused

38. How do you define overexposure? (record all that apply)

a. > PEL
b. < PEL but > 1/2 PEL
c. > TLV
d. > ceiling/excursion
e. > STEL
f. other _____ (record verbatim)
g. don't know
h. refused

39. Does your company notify workers of their monitoring results?

a. yes
b. no
c. don't know
d. refused

40. Are monitoring results communicated to contract employees?

a. yes
b. no
c. don't know
d. refused

The following questions pertain to a company's procedure for assessing potential exposure to health, safety and stressor hazards. We will refer to this as an exposure assessment.

41. Do you perform any of the following exposure assessment elements?
(record as many as apply)

a. workplace inventory of chemical agents
b. workplace inventory of physical and biological agents and ergonomic stressors
c. grouping of jobs by hazard for control or evaluation
d. qualitative ranking of exposure risks.
e. documentation of qualitative exposure assessment results
f. development of quantitative exposure monitoring strategy or protocol
g. exposure monitoring/sampling
h. evaluation of monitoring results
i. records of exposure assessment program
j. reevaluation of exposure assessment based on new regulation, employee complaint or health effects data
k. reevaluation of exposure assessment after changes in chemical used or changes in process
l. reevaluation of exposure assessment based on seasonal changes
m. other _____ (record verbatim)
n. none
o. don't know
p. refused

If "n, o, or p", go to Q47.

42. For which employees do you perform an exposure assessment? (record all that apply)

a. administrative
b. production
c. laboratory
d. maintenance
e. other _____ (record verbatim)
f. none
g. don't know
h. refused

43. What percentage of your facility's workers are included in your exposure assessment program? (record all that apply)

a. administration _____
b. production _____
c. laboratory _____
d. maintenance _____

44. Who performs this exposure assessment?

a. company staff
b. outside consultants
c. insurance carriers
d. other _____ (record verbatim)
e. don't know
f. refused

45. Do you maintain records of the results of the exposure assessments that are performed at your facility?

a. yes
b. no
c. don't know
d. refused

46. Which of the following activities are initiated as a result of your exposure assessment program? (record all that apply)

a. employee exposure monitoring
b. medical surveillance
c. use of personal protective equipment
d. implementation of process change or engineering controls
e. development of internal exposure guidelines
f. toxicology testing
g. other _____ (record verbatim)
h. don't know
i. refused

47. As a result of conducting a medical surveillance program or an exposure assessment program, including use of monitoring if applicable, has your company noticed any of the following changes? What is the estimated percent change? (record all that apply)

a. reduction in illness by _____
b. reduction in injuries by _____
c. reduction in insurance costs by _____
d. reduction in legal expenses by _____
e. increased productivity by _____
h. other _____ (record verbatim)
i. don't know
j. refused

48. Do you have a hazard communication program in place for the following employees? (record all that apply)

a. administrative
b. production
c. laboratory
d. maintenance
e. other _____ (record verbatim)
f. none **If "f, g, or h", go to Q50.**
g. don't know
h. refused

49. Which of the following is included as part of your hazard communication program? (record all that apply)

a. overview of the standard
b. hazards of routine and non-routine jobs
c. use and location of MSDS
d. explanation of labels
e. health hazard evaluation of the chemicals produced or used
f. protective equipment requirements
g. other _____ (record verbatim)
h. don't know
i. refused

50. Do you have a formal emergency response plan in place?

a. yes
b. no
c. don't know
d. refused

51. Does your facility have a written safety program?

a. yes
b. no
c. don't know If "b, c or d" go to Q59.
d. refused

52. Which of the following is included in the safety program? (record all that apply)

a. material hazards information
b. lockout/tagout procedures
c. hot work procedures
d. personal protective equipment use
e. remedial action for exposures
f. confined space entry procedures
g. special procedures for opening process equipment and piping
h. other _____ (record verbatim)
i. don't know
j. refused

53. How are safety rules communicated to employees? (record all that apply)

a. written
b. oral
c. classroom training
d. on-the-job training
e. informally
f. other _____(record verbatim)
g. not communicated
h. don't know
i. refused

54. Who enforces the safety rules? (record all that apply)

a. supervisor
b. safety director
c. safety committee
d. labor agreement
e. other _____ (record verbatim)
f. no one
g. don't know
h. refused

55. Is there a safety committee?

a. yes
b. no If "b, c, or d" go to Q58.
c. don't know
d. refused

56. Does the safety committee have representatives from:
(check all that apply)

a. labor
b. management
c. other _____ (record verbatim)
d. don't know
e. refused

57. Has your company noticed any of the following changes as a result of implementing a written safety program? What is the estimated percent change?
(record all that apply)

a. reduction in illness by _____
b. reduction in injuries by _____
c. reduction in insurance costs by _____
d. reduction in legal expenses by _____
e. increased productivity by _____
h. other _____ (record verbatim)
i. don't know
j. refused

58 Do you issue hot work permits at your facility?

a. yes
b. no **If "b, c or d" go to Q60.**
c. don't know
d. refused

59. How many permits do you issue annually?

a. _____ per month
b. don't know
c. refused

-ENGINEERING RELATED

We would now like to ask you questions concerning engineering-related procedures to correct or control safety and health hazards.

60. For the following types of process situations, do you perform a pre-startup safety review?
(record all that apply)

a. for new processes?
b. for modified processes where only procedures or methods of operation have changed
c. for modified processes where process equipment has been changed.
d. other _____ (record verbatim)
e. none
f. don't know
g. refused

If "e, f, or g", go to Q65.

61. Does the pre-startup safety review check that:
(record all that apply)

a. construction meets the specifications
b. safety, operating and maintenance procedures are adequate and in place
c. the prerequisites for startup are completed
d. training of operator is complete
e. other _____ (record verbatim)
f. don't know
g. refused

62. Does your facility have written procedures to address changes made with respect to:
(record all that apply)

a. the chemicals used in a process
b. the technical information about a process
c. the design of an existing piece of equipment or system
d. other _____ (record verbatim)
e. none
f. don't know
g. refused

If "e, f, or g", go to Q65.

63. Which of the following does the written procedure address? (record all that apply)

a. the technical basis for the change
b. the impact on safety and health
c. modifications to operating procedures
d. requirements for authorizing the change to be made
e. other _____ (record verbatim)
f. don't know
g. refused

64. How do you inform workers of procedural changes either to the process they perform or the equipment they operate?

a. written
b. oral
c. classroom training
d. on-the-job training
e. other _____ (record verbatim)
f. none
g. don't know
h. refused

65. How oftem are facility safety inspections conducted?

a. daily
b. weekly
c. monthly
d. other _____ (record verbatim)
e. never
f. don't know
g. refused

-WORK PRACTICE RELATED

66. Do you have any personnel whose sole or primary duty is to inspect and test equipment?

a. yes
b. no
c. don't know
d. refused

67. Do you use maintenance workers to do the following? (record all that apply)

a. routine maintenance
b. repair of breakdowns
c. inspection and testing
d. maintenance support
e. specific projects
f. turnaround (cleanup, etc.)
g. other _____ (record verbatim)
h. don't know
i. refused

68. Are operators expected to perform routine maintenance on their equipment?

a. yes
b. no
c. don't know
d. refused

-PPE

69. Are workers required to use personal protective equipment at your facility?

a. yes
b. no
c. don't know
d. refused

If "b, c, or d", go to Q72.

70. Is there a written policy addressing the selection, use and limitations, decontamination, maintenance, and storage of the personal protective equipment?

a. yes
b. no
c. don't know
d. refused

71. Have all employees who are required to wear personal protective equipment been trained upon initial assignment, biennially, and after a major job or process change?

a. yes
b. no
c. don't know
d. refused

-TRAINING

72. Is it company policy to train workers in the operating procedures of the process they work with or perform?

a. yes
b. no — If "b, c, or d" go to Q80.
c. don't know
d. refused

73. What types of workers receive this training?
(check all that apply)

a. all employees
b. all production employees (including supervisors)
c. new employees
d. production workers assigned to a process unit or work activity where they have not previously worked.
e. contract employees
f. maintenance employees
g. other _____ (record verbatim)
h. don't know
i. refused

74. Does training for non-contract employees address the following topics?
(record all that apply)

a. potential hazards of the process
b. procedures and safe practices applicable to the process
c. emergency response
d. proper use of personal protective equipment
e. general safety rules of the facility
f. changes to the process they work with
g. other _____ (record verbatim)
h. don't know
i. refused

75. Do contract employees receive a briefing (or short training session) which addresses the following topics? (only ask if answered "e" in Q73.)
(record all that apply)

a. potential hazards of the process
b. procedures and safe practices applicable to the process
c. emergency response
d. general safety rules of the facility
e. other _____ (record verbatim)
f. don't know
g. refused

76. How often are training sessions scheduled?

a. monthly
b. as needed If "a" go to Q78.
c. new hires
d. other _____ (record verbatim)
e. don't know
f. refused

77. How many training sessions are given each year?

a. number of sessions _____
b. don't know
c. refused

78. Typically, how many people attend a training session?

a. number of workers _____
b. number of trainers _____
c. don't know
d. refused

79. How long does each training session last?

a. _____ hours (or fraction thereof)
b. don't know
c. refused

PROCESS ORIENTED

80. OSHA has constructed a breakdown of processes that might be analyzed separately during a hazard analysis. I'm going to read a list of processes that many firms engaged in your type of business often have. I'd like you to tell me which, if any, of these processes are present at your facility. Also, if your company groups these processes for hazard analysis purposes, please give me your list. Do you have a _____? (SIC-specific prompt list of processes will be provided).

(1) process a
(2) process b
(3) process c (etc.)

81. Are there any other processes present that I did not mention?

(1) process a
(2) process b
(3) process c (etc.)

Now I am going to ask questions about elements related to the processes you mentioned. (Certain processes will prompt certain questions or parts of a question.)

82. Do you have a set procedure for compiling technical information on individual processes?

a. yes
b. no — If "b, c, or d", go to Q90.
c. don't know
d. refused

83. Have you compiled any of the following types of information for individual processes?
(record all that apply)

a. process flow diagram
b. process chemistry
c. maximum intended inventory of hazardous chemicals
d. safe upper and lower limits for operating procedures
e. safety and health results of operating outside these limits
f. equipment design information
g. written operating procedures
h. other _____ (record verbatim)
i. none
j. don't know
k. refused

84. Which of the following are addressed in your operating procedures for individual processes?

a. temporary operations
b. emergency operations including emergency shutdown
c. start-up following downtime
d. safety equipment available for use with this process
e. the function of that safety equipment
f. measures to be taken if physical contact or airborne exposure occurs
g. other special or unique hazards associated with this process
h. other _____ (record verbatim)
i. don't know
j. refused

85. Does someone review the operating procedures for agreement with the following?

(1) hazardous chemical information for this process
(2) technical design information for this process
(3) equipment design information for this process

a. yes
b. no
c. don't know
d. refused

86. Have the employees working with a process unit received training in operating procedures specific to the process unit?

a. yes
b. no
c. don't know
d. refused

87. How much time is spent in initially training each employee in operating procedures?

a. _____ (record verbatim)
b. don't know
c. refused

88. Are formal inspections and tests of critical equipment in each process conducted periodically?

a. yes
b. no
c. don't know If "b, c or d", go to Q90.
d. refused

89. How many days of work (man-days) are spent on inspecting and testing critical equipment each month?

a. _____ (record verbatim)
b. don't know
c. refused

90. When changes are made in the technology of an operation, is the compiled information updated to reflect the change?

a. yes
b. no If "b, c or d", go to Q92.
c. don't know
d. refused

91. Are employees informed of such changes?

a. yes
b. no
c. don't know
d. refused

PROCESS LOOP

Now, I would like to ask you questions for each of the processes you mentioned earlier.

92. How many workers at this location participate in "process a"?

a. _____ workers (record verbatim)
b. don't know
c. refused

93. How many processes of this type do you have?

a. _____ (record verbatim)
b. don't know
c. refused

94. Does this process have any of the following engineering controls?
(record all that apply)

a. general ventilation
b. local exhaust ventilation
c. laboratory exhaust ventilation
d. noise reduction control
e. enclosure
f. other _____ (record verbatim)
g. none
h. don't know
i. refused

95. Have you performed any of the following hazard analyses of this process? If yes, for which employees?
(record all that apply)

(1) ergonomic analysis
(2) exposure analysis
(3) fire, explosion prevention
(4) spills prevention
(5) other _____ (record verbatim)
(6) none
(7) don't know
(8) refused

a. administrative
b. production
c. laboratory
d. maintenance

If did not answer "(1)", go to Q99.
If answered "(6), (7), or (8)", go to Q104.

96. Which of the following elements is included in your ergonomic analysis?
(record all that apply)

a. analyzing injury and illness records for evidence of cumulative trauma disorders
b. cataloging work content
c. analyzing work content with respect to potential biomechanical risk factors for cumulative trauma disorders
d. measuring and documenting time required to perform each work task
e. analyzing production records
f. video taping jobs
g. developing check-lists to identify undesirable worksite conditions or worker activities that contribute to cumulative trauma disorders
h. developing study of the work environment
i. other _____ (record verbatim)
j. don't know
k. refused

97. What actions have you taken resulting from the information generated by the ergonomic analysis?

a. redesign work methods
b. redesign workstation
c. substitution of tools
d. other _____ (record verbatim)
e. don't know
f. refused

98. Have you noticed any reduction in absenteeism, turnover or insurance claims as a result of these ergonomic changes?

a. yes
b. no
c. don't know
d. refused

99. Who performs the hazard analysis (ergonomics, exposure, fire or explosion, or spills)?

a. in-house staff
b. outside consultants
c. combination of both
d. other _____ (record verbatim)
e. don't know
f. refused

100. Are written reports prepared for each hazard analysis that is performed?

a. yes
b. no
c. don't know
d. refused

101. Which of the following does this analysis include? (record all that apply)

a. a description of the results
b. a list of recommendations
c. the actions taken as a result of the hazard analysis
d. other _____ (record verbatim)
e. don't know
f. refused

102. How many days of work (man-days) are required to perform the hazard analysis, including providing a written report?

a. _____ (record verbatim)
b. don't know
c. refused

103. Are hazard analyses performed on process units before they are started or restarted?

a. yes
b. no
c. don't know
d. refused

104. What type and number of air samples were collected during the calendar year for how many exposed workers?

	# of samples	# of exposed workers
Personal		
a. full shift		
b. short-term		
c. peak		
General area		
d. full shift		
e. short-term		
f. peak		

END OF LOOP

105. Did your establishment have any lost time occupational injuries or illnesses recordable on OSHA Form 200 during 1988 and 1989?

a. yes
b. no
c. don't know
d. refused

If "a", request copies of the OSHA 200 log and any supplemental forms they may have. Give address.

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BILLING CODE 4510-26-C

Employment and Training Administration

Job Training Partnership Act; Native American Programs; Proposed Total Allocations and Allocation Formulas for Program Year 1990; Regular Program and Calendar Year 1990 Summer Youth Employment and Training Program

AGENCY: Employment and Training Administration, Labor.

ACTION: Notice; request for comments.

SUMMARY: The Employment and Training Administration of the Department of Labor is publishing the proposed Native American allocations, distribution formulas, and rationale, and individual grantee planning estimates for Program Year (PY) 1990 (July 1, 1990–June 30, 1991) for regular programs funded under Title IV–A of the Job Training Partnership Act and for Calendar Year 1990 for Summer Youth Employment and Training Programs (SYETP) funded under Title II–B of the Act.

DATES: Written comments on this proposal are invited and must be received on or before March 26, 1990.

ADDRESSES: Send written comments to: Mr. Paul A. Mayrand, Director, Office of Special Targeted Programs, Employment and Training Administration, Room N–4641, 200 Constitution Avenue NW., Washington, DC 20213.

FOR FURTHER INFORMATION CONTACT: Mr. Carmelo J. Milici, Phone: 202–535–0507 (this is not a toll-free number).

SUPPLEMENTARY INFORMATION: Pursuant to section 162 of the Job Training Partnership Act (JTPA), the Employment and Training Administration of the Department of Labor publishes below for review and comment the proposed allocations and distribution formulas for areas to be served by Native American grantees to be funded under JTPA section 401, amd JTPA title II, part B. The amounts to be distributed are $58,193,000 for the JTPA section 401 programs for Program Year (PY) 1990 (July 1, 1990–June 30, 1991); and $12,901,614 for the JTPA title II, part B, Summer Youth Empoloyment and Training Program (SYETP) for the summer of Calendar Year 1990. The planning estimates reflect the existing grantees and their currently assigned areas, and are subject to change for such reasons as Administrative Law Judge decisions, the possibility that a grantee will want to have its designation withdrawn, legislative changes, *et al.*

The formula for allocating JTPA section 401 funds provides that 25 percent of the funding will be based on the number of unemployed Native Americans in the grantee's area, and 75 percent will be based on the number of poverty-level Native Americans in the grantee's area.

The formula for allocating SYETP funds divides the funds among eligible recipients based on the proportion that the number of Native American youths in a recipient's area bears to the total number of Native American youths in all eligible recipients' areas.

The rationale for the above formulas is that the number of proverty-level persons, unemployed persons, and youths among the Native American population is indicative of the need for training and employment funds.

Statistics on youths, unemployed persons, and poverty-level persons among Native Americans used in the above programs are derived from the Decennial Census of the Population, 1980.

Signed at Washington, DC, this 15th day of February, 1990.

Roberts T. Jones,

Assistant Secretary of Labor.

U.S. DEPARTMENT OF LABOR—EMPLOYMENT AND TRAINING ADMINISTRATION, PY 1990 TITLE IV–A AND PY 1989 II–B (SUMMER 1990) PLANNING ESTIMATES FOR NATIVE AMERICAN GRANTEES, JANUARY 5, 1990

	PY 1990 IV–A			PY 1989 II–B		
	Total	Program	Cost pool	Total	Program	Cost pool
Poarch Band of Creek Indians Route 3, Box 243A Atmore, Alabama 36502 Grant Number: 99–7–0648–55–104–02	379,219	303,375	75,844	2,341	1,873	468
Aleutian/Pribilof Islands Assoc. Inc. 1689 C Street, Suite 205 Anchorage, Alaska 99501 Grant Number: 99–7–0117–55–071–02	45,229	36,183	9,046	34,548	27,638	6,910
Assoc. of Village Council Presidents P.O. Box 848 Bethel, Alaska 99559 Grant Number: 99–7–2713–55–135–02	537,621	430,097	107,524	259,626	207,701	51,925
Bristol Bay Native Association P.O. Box 310 Dillingham, Alaska 99576 Grant Number: 99–7–0116–55–070–02	133,271	106,617	26,654	78,833	63,066	15,767
Central Council of Tlingit and Haida Indian TR 320 W. Willoughby, Suite 300 Juneau, Alaska 99801 Grant Number: 99–7–0114–55–068–02	208,107	166,486	41,621	167,404	133,923	33,481
Cook Inlet Tribal Council 670 West Fireweed Lane Anchorage, Alaska 99503 Grant Number: 99–7–3402–55–188–02	345,359	276,287	69,072	199,705	159,764	39,941
Kawerak Incorporated	209,987	167,990	41,997	91,754	73,403	18,351

U.S. DEPARTMENT OF LABOR—EMPLOYMENT AND TRAINING ADMINISTRATION, PY 1990 TITLE IV–A AND PY 1989 II–B (SUMMER 1990) PLANNING ESTIMATES FOR NATIVE AMERICAN GRANTEES—Continued

	PY 1990 IV–A			PY 1989 II–B		
	Total	Program	Cost pool	Total	Program	Cost pool
P.O. Box 948 Nome, Alaska 99762 Grant Number: 99–7–0123–55–073–02 Kenaitze Indian Tribe	28,648	22,918	5,730	17,414	13,931	3,483
P.O. Box 988 Kenai, Alaska 99611 Grant Number: 99–7–0089–55–067–02 Kodiak Area Native Association	60,719	48,575	12,144	33,331	26,665	6,666
402 Center Avenue Kodiak, Alaska 99615 Grant Number: 99–7–0115–55–069–02 Manilaq Manpower	164,779	131,823	32,956	88,383	70,706	17,677
P.O. Box 725 Kotzebue, Alaska 99752 Grant Number: 99–7–0124–55–074–2 Metlakatla Indian Community	14,950	11,960	2,990	18,164	14,531	3,633
P.O. Box 8 Metlakatla, Alaska 99926 Grant Number: 99–7–0064–55–053–02 North Pacific Rin	54,839	43,871	10,968	26,028	20,822	5,206
3300 C Street Anchorage, Alaska 99503 Grant Number: 99–7–0118–55–072–02 Tanana Chiefs Conference, Inc.	366,364	293,091	73,273	214,779	171,823	42,956
201 First Avenue—Doyon Bldg. Fairbanks, Alaska 99701 Grant Number: 99–7–3109–55–150–02 Affiliation of Arizona Ind. Cntrs. Inc.	242,336	193,869	48,467	0	0	0
333 West Indian School Road, Suite 210 Phoenix, Arizona 85013 Grant Number: 99–7–0268–55–089–02 American Indian Assoc. of Tucson	316,222	252,978	63,244	0	0	0
P.O. Box 7246 Tucson, Arizona 85725 Grant Number: 99–7–0492–55–096–02 Colorado River Indian Tribes	77,447	61,958	15,489	31,084	24,867	6,217
Route 1, Box 23–B Parker, Arizona 85344 Grant Number: 99–7–0498–55–097–02 Gila River Indian Community	463,079	370,463	92,616	133,886	107,109	26,777
Box 97 Sacaton, Arizona 85247 Grant Number: 99–7–0054–55–049–02 Hopi Tribal Council	362,876	290,301	72,575	106,547	85,238	21,309
Box 123 Kykotsmovi, Arizona 86039 Grant Number: 99–7–0057–55–050–02 Indian Dev. Dist. of Arizona, Inc.	105,827	84,662	21,165	43,443	34,754	8,689
4560 North 19th Ave., Suite 200 Phoenix, Arizona 85015 Grant Number: 99–7–0053–55–048–02 Native Americans for Community Action	107,868	86,294	21,574	0	0	0
2717 North Steves Boulevard Suite 11 Flagstaff, Arizona 86004 Grant Number: 99–7–1777–55–119–02 Navajo Tribe of Indians	6,431,281	5,145,025	1,286,256	2,349,459	1,879,567	469,892
P.O. Box 1889 Window Rock, Arizona 86515 Grant Number: 99–7–0059–55–052–02 Pasqua Yaqui Tribe	36,360	29,088	7,272	9,269	7,415	1,854

U.S. DEPARTMENT OF LABOR—EMPLOYMENT AND TRAINING ADMINISTRATION, PY 1990 TITLE IV–A AND PY 1989 II–B (SUMMER 1990) PLANNING ESTIMATES FOR NATIVE AMERICAN GRANTEES—Continued

	PY 1990 IV-A			PY 1989 II-B		
	Total	Program	Cost pool	Total	Program	Cost pool
7474 S. Camino De Oeste Tucson, Arizona 85746 Grant Number: 99-7-3289-55-160-02 Phoenix Indian Center, Inc.	665,340	532,272	133,068	0	0	0
333 West Indian School Road, Suite 200 Phoenix, Arizona 85013 Grant Number: 99-7-0195-55-084-02 Salt River Pima-Maricopa Ind. Commun	90,533	72,426	18,107	46,532	37,226	9,306
Route 1, Box 216 Scottsdale, Arizona 85256 Grant Number: 99-7-0476-55-094-02 San Carlos Apache Tribe	295,356	236,285	59,071	117,127	93,702	23,425
P.O. Box '0' San Carlos, Arizona 85550 Grant Number: 99-7-0173-55-081-02 Tohono O'Odham Nation	403,642	322,914	80,728	126,676	101,341	25,335
P.O. Box 837 Sells, Arizona 85634 Grant Number: 99-7-0181-55-083-02 White Mountain Apache Tribe	313,695	250,956	62,739	131,358	105,086	26,272
P.O. Box 700 White River, Arizona 85941 Grant Number: 99-7-0174-55-186-02 Am. Indian Center of Arkansas, Inc.	439,388	351,510	87,878	0	0	0
2 Van Circle, Suite 7 Little Rock, Arkansas 72207 Grant Number: 99-7-1778-55-120-02 California Indian Manpower Csrt	2,869,188	2,295,350	573,838	152,798	122,238	30,560
4153 Northgate Boulevard Sacramento, California 95834 Grant Number: 99-7-2058-55-181-02 Candelaria American Indian Council	434,863	347,890	86,973	0	0	0
2635 Wagon Wheel Road Oxnard, California 93030 Grant Number: 99-7-0086-55-066-02 Hoopa Valley Business Council	48,850	39,080	9,770	22,564	18,051	4,513
P.O. Box 815 Hoopa, California 95546-0815 Grant Number: 99-7-1142-55-114-02 Indian Center of San Jose, Inc	223,215	178,572	44,643	0	0	0
935 The Alameda San Jose, California 95126 Grant Number: 99-7-0499-55-098-02 Indian Human Resources Center	425,720	340,576	85,144	0	0	0
4040 30th Street Suite A San Diego, California 92104 Grant Number: 99-7-2441-55-134-02 Northern Calif. Ind. Dev. Council, Inc	306,644	245,315	61,329	15,355	12,284	3,071
241 F Street Eureka, California 95501 Grant Number: 99-7-0686-55-015-02 Southern California Indian Center, Inc.	1,879,959	1,503,967	375,992	0	0	0
12755 Brookhurst Street, P.O. Box 2550 Garden Grove, California 92642-2550 Grant Number: 99-7-0170-55-172-02 Tule River Tribe	126,128	100,902	25,226	4,213	3,370	843
Dept. of Health, Safety & Welfare P.O. Box 589 Porterville, California 93258 Grant Number: 99-7-3219-55-153-02 United Indian Nations	606,199	484,959	121,240	0	0	0

U.S. DEPARTMENT OF LABOR—EMPLOYMENT AND TRAINING ADMINISTRATION, PY 1990 TITLE IV–A AND PY 1989 II–B (SUMMER 1990) PLANNING ESTIMATES FOR NATIVE AMERICAN GRANTEES—Continued

	PY 1990 IV-A			PY 1989 II-B		
	Total	Program	Cost pool	Total	Program	Cost pool
1404 Franklin Street, Suite 202 Oakland, California 94612 Grant Number: 99–7–2310–55–133–02 Ya-Ka-Ama Indian Educ. and Dev., Inc.	124,861	99,889	24,972	0	0	0
6215 Eastside Road Forestville, California 95436 Grant Number: 99–7–0082–55–065–02 Denver Indian Center, Inc	582,318	465,854	116,464	0	0	0
4407 Morrison Road Denver, Colorado 80219 Grant Number: 99–7–0076–55–062–02 Southern Ute Indian Tribe	53,871	43,097	10,774	15,261	12,209	3,052
P.O. Box 800 Ignacio, Colorado 81137 Grant Number: 99–7–2714–55–136–02 Ute Mountain Ute Tribe	64,954	51,963	12,991	18,444	14,755	3,689
P.O. Box 30 Towaoc, Colorado 81334 Grant Number: 99–7–1143–55–115–02 American Indians for Development, Inc	181,358	145,086	36,272	0	0	0
P.O. Box 117 Meriden, Connecticut 06450 Grant Number: 99–7–0361–55–091–02 Nanticoke Indian Association, Inc	37,457	29,966	7,491	0	0	0
Rt. 4, Box 107A Millsboro, Delaware 19966 Grant Number: 99–9–3518–55–019–02 Fla. Governors Council on Ind. Affiars	1,150,526	920,421	230,105	0	0	0
521 E. College Avenue Tallahassee, Florida 32301 Grant Number: 99–7–0692–55–107–02 Miccosukee Corporation	115,369	92,295	23,074	39,698	31,758	7,940
P.O. Box 440021, Tamiami Station Miami, Florida 33144 Grant Number: 99–7–0052–55–047–02 Seminole Tribe of Florida	64,976	51,981	12,995	7,771	6,217	1,554
6073 Stirling Road Hollywood, Florida 33024 Grant Number: 99–7–0004–55–009–02 Alu Like, Inc.	2,393,061	1,914,449	478,612	2,060,902	1,648,722	412,180
1024 Mapunapuna Street Honolulu, Hawaii 96819–4417 Grant Number: 99–7–1179–55–116–02 American Indian Services Corporation	84,376	67,501	16,875	0	0	0
1405 North King Street, Suite 302 Honolulu, Hawaii 96817 Grant Number: 99–7–3404–55–189–02 Kootenai Tribe of Idaho	31,166	24,933	6,233	1,311	1,049	262
P.O. Box 1269 Bonners Ferry, Idaho 83805 Grant Number: 99–7–3334–55–161–02 Nez Perce Tribe	77,960	62,368	15,592	12,265	9,812	2,453
P.O. Box 365 Lapwai, Idaho 83540–0305 Grant Number: 99–7–0065–55–054–02 Shoshone-Bannock Tribes	231,489	185,191	46,298	39,791	31,833	7,958
Fort Hall Business Council P.O. Box 306 Fort Hall, Idaho 83203 Grant Number: 99–7–1780–55–121–02 American Indian Business Association	1,049,140	839,312	209,828	0	0	0

U.S. DEPARTMENT OF LABOR—EMPLOYMENT AND TRAINING ADMINISTRATION, PY 1990 TITLE IV–A AND PY 1989 II–B (SUMMER 1990) PLANNING ESTIMATES FOR NATIVE AMERICAN GRANTEES—Continued

	PY 1990 IV–A			PY 1989 II–B		
	Total	Program	Cost pool	Total	Program	Cost pool
4753 North Broadway, Suite 700 Chicago, Illinois 60640 Grant Number: 99–7–0809–55–109–02 Mid America All Indian Center, Inc.	156,433	125,146	31,287	0	0	0
660 N. Seneca Wichita, Kansas 67203 Grant Number: 99–7–0168–55–078–02 United Tribes of Kansas and S.E. Neb	478,370	382,696	95,674	9,737	7,790	1,947
P.O. Box 29 Horton, Kansas 66439 Grant Number: 99–7–0178–55–082–02 Inter-Tribal Council of Louisiana, Inc.	433,503	346,802	86,701	5,430	4,344	1,086
5425 Galeria Drive—Suite A Baton Rouge, Louisiana 70816 Grant Number: 99–7–0026–55–026–02 Central Maine Indian Association, Inc	88,280	70,624	17,656	0	0	0
157 Ark Street, Suite 3C, P.O. Box 2280 Bangor, Maine 04401 Grant Number: 99–7–2719–55–182–02 Tribal Governors, Inc	101,554	81,243	20,311	27,245	21,796	5,449
93 Main Street Orono, Maine 04473 Grant Number: 99–7–0001–55–167–02 Baltimore American Indian Center	344,850	275,880	68,970	0	0	0
113 So. Broadway Baltimore, Maryland 21231 Grant Number: 99–7–3405–55–192–02 Mashpee-Wampanoag Indian Tribal Council	80,146	64,117	16,029	0	0	0
P.O. Box 1048 Mashpee, Massachusetts 02649 Grant Number: 99–7–0408–55–093–02 Grand Rapids Inter-Tribal Council	114,697	91,758	22,939	0	0	0
45 Lexington Ave. N.W. Grand Rapids, Michigan 49504 Grant Number: 99–7–0694–55–108–02 Grand Traverse Band of Ottawa and Chippewa Ind	53,138	42,510	10,628	2,434	1,947	487
Route 1 Box 135 Suttons Bay, Michigan 49682 Grant Number: 99–7–2721–55–137–02 Inter-Tribal Council of Michigan, Inc.	63,657	50,926	12,731	30,241	24,193	6,048
405 East Easterday Avenue Sault Ste. Marie, Michigan 49783 Grant Number: 99–7–0172–55–080–02 Michigan Indian Employment and Training Service	767,046	613,637	153,409	0	0	0
2450 Delphi Commerce Drive Suite 5 Holt, Michigan 48842 Grant Number: 99–7–1144–55–179–02 North American Indian Assoc. of Detroit	386,460	309,168	77,292	0	0	0
22720 Plymouth Road Detroit, Michigan 48239 Grant Number: 99–7–0695–55–176–02 Potawatomi Indian Nation	146,801	117,441	29,360	0	0	0
53237 Townhall Road Dowagiac, Michigan 49047 Grant Number: 99–7–3339–55–164–02 Sault Ste. Marie Tribe of Chippewa Indians	225,771	180,617	45,154	42,413	33,930	8,483
2151 Shunk Road Sault Ste. Marie, Michigan 49783 Grant Number: 99–7–0507–55–100–02 Southeastern Michigan Indians, Inc	62,214	49,771	12,443	0	0	0

U.S. DEPARTMENT OF LABOR—EMPLOYMENT AND TRAINING ADMINISTRATION, PY 1990 TITLE IV–A AND PY 1989 II–B (SUMMER 1990) PLANNING ESTIMATES FOR NATIVE AMERICAN GRANTEES—Continued

	PY 1990 IV–A			PY 1989 II–B		
	Total	Program	Cost pool	Total	Program	Cost pool
22620 Ryan Road, P.O. Box 861 Warren, Michigan 48090 Grant Number: 99–7–3220–55–154–02						
American Indian Fellowship Assn	131,135	104,908	26,227	2,060	1,648	412
8 East Fourth Street Duluth, Minnesota 55802 Grant Number: 99–7–0254–55–087–02						
American Indian Opportunities Ctr	504,119	403,295	100,824	0	0	0
1845 East Franklin Avenue Minneapolis, Minnesota 55404 Grant Number: 99–7–3221–55–155–02						
Bois Forte R.B.C.	37,447	29,958	7,489	8,895	7,116	1,779
P.O. Box 698 Nett Lake, Minnesota 55772 Grant Number: 99–7–0010–55–014–02						
Fond Du Lac R.B.C.	38,270	30,616	7,654	6,367	5,094	1,273
105 University Road Cloquet, Minnesota 55780 Grant Number: 99–7–0009–55–013–02						
Leech Lake R.B.C.	173,015	138,412	34,603	48,592	38,874	9,718
Route 3, Box 100 Cass Lake, Minnesota 56633 Grant Number: 99–7–0012–55–017–02						
Mille Lacs Band of Chippewa Indians	31,584	25,267	6,317	8,801	7,041	1,760
Star Route-Box 194 Onamia, Minnesota 56359 Grant Number: 99–7–0008–55–012–02						
Minneapolis American Indian Center	295,172	236,138	59,034	12,265	9,812	2,453
1530 East Franklin Avenue Minneapolis, Minnesota 55404 Grant Number: 99–7–0204–55–085–02						
Red Lake Tribal Council	138,537	110,830	27,707	62,636	50,109	12,527
P.O. Box 310 Red Lake, Minnesota 56671 Grant Number: 99–7–0017–55–020–02						
White Earth R.B.C.	155,079	124,063	31,016	49,996	39,997	9,999
Box 418 White Earth, Minnesota 56591 Grant Number: 99–7–0011–55–016–02						
Mississippi Band of Choctaw Indians	300,350	240,280	60,070	51,588	41,270	10,318
Route 7, Box 21 Philadelphia, Mississippi 39350 Grant Number: 99–7–0005–55–010–02						
Region VII American Indian Council, Inc	556,489	445,191	111,298	0	0	0
310 Armour Road, Suite 205 North Kansas City, Missouri 64116 Grant Number: 99–7–0967–55–177–02						
Assiniboine and Sioux Tribes	207,225	5,780	41,445	76,212	60,970	15,242
Fort Peck Indian Reservation P.O. Box 1027 Poplar, Montana 59255 Grant Number: 99–7–0033–55–031–02						
Blackfeet Tribal Business Council	240,379	192,303	48,076	91,567	73,254	18,313
P.O. Box 1090 Browning, Montana 59417 Grant Number: 99–7–0006–55–011–02						
Chippewa Cree Tribe	96,730	77,384	19,346	29,492	23,594	5,898
Rocky Boy Route-P.O. Box 578 Box Elder, Montana 59521 Grant Number: 99–7–0035–55–033–02						
Confederated Salish & Kootenai Tribes	243,205	194,564	48,641	71,905	57,524	14,381

U.S. DEPARTMENT OF LABOR—EMPLOYMENT AND TRAINING ADMINISTRATION, PY 1990 TITLE IV–A AND PY 1989 II–B (SUMMER 1990) PLANNING ESTIMATES FOR NATIVE AMERICAN GRANTEES—Continued

	PY 1990 IV-A			PY 1989 II-B		
	Total	Program	Cost pool	Total	Program	Cost pool
P.O. Box 278 Pablo, Montana 59855 Grant Number: 99-7-0031-55-030-02 Crow Indian Tribe P.O. Box 159 Crow Agency, Montana 59022	204,263	163,410	40,853	80,425	64,340	16,085
Grant Number: 99-7-0030-55-029-02 Fort Belknap Indian Community P.O. Box 249 Hariem, Montana 59526	77,982	62,386	15,596	36,140	28,912	7,228
Grant Number: 99-7-0032-55-168-02 Montana United Indian Association P.O. Box 6043 Helena, Montana 59604	419,390	335,512	83,878	0	0	0
Grant Number: 99-7-0074-55-060-02 Northern Cheyenne Tribe P.O. Box 368 Lame Deer, Montana 59043	161,862	129,490	32,372	53,929	43,143	10,786
Grant Number: 99-7-0034-55-060-02 Indian Center, Inc 1100 Military Road Lincoln, Nebraska 68508	166,924	133,539	33,385	0	0	0
Grant Number: 99-7-2722-55-183-02 Nebraska Indian Inter-Tribal Dev. Corp Route 1-Box 66-A Winnebago, Nebraska 68071	302,751	242,201	60,550	54,397	48,518	10,879
Grant Number: 99-7-0087-55-171-02 Inter-Tribal Council of Nevada P.O. Box 7440 Reno, Nevada 89510	324,942	259,954	64,988	68,534	54,827	13,707
Grant Number: 99-7-0058-55-051-02 Las Vegas Indian Center, Inc 2300 West Bonanza Road Las Vegas, Nevada 89106	90,936	72,749	18,187	0	0	0
Grant Number: 99-7-0687-55-105-02 Shoshone Paiute Tribes P.O. Box 219 Owyhee, Nevada 89832	160,122	128,098	32,024	19,100	15,280	3,820
Grant Number: 99-7-2723-55-138-02 Powhatan Renape Nation Rankokus Reservation—P.O. Box 225 Rankokus, New Jersey 08073	287,701	230,161	57,540	0	0	0
Grant Number: 99-7-3222-55-156-02 Alamo Navajo School Board P.O. Box 907 Magdalena, New Mexico 87825	75,202	60,162	15,040	17,695	14,156	3,539
Grant Number: 99-7-2724-55-139-02 All Indian Pueblo Council, Inc 3939 San Pedro, NE P.O. Box 3256 Albuquerque, New Mexico 87190	124,207	99,366	24,941	67,130	53,704	13,426
Grant Number: 99-7-3341-55-165-02 Eight Northern Indian Pueblo Council P.O. Box 969 San Juan Pueblo, New Mexico 87566	77,411	61,929	15,482	39,604	31,683	7,921
Grant Number: 99-7-3223-55-157-02 Five Sandoval Indian Pueblos, Inc P.O. Box 580 Bernalillo, New Mexico 87004	116,584	93,267	23,317	67,785	54,228	13,557
Grant Number: 99-7-3336-55-162-02 Jicarilla Apache Tribe	52,451	41,961	10,490	30,990	24,792	6,198

U.S. DEPARTMENT OF LABOR—EMPLOYMENT AND TRAINING ADMINISTRATION, PY 1990 TITLE IV–A AND PY 1989 II–B (SUMMER 1990) PLANNING ESTIMATES FOR NATIVE AMERICAN GRANTEES—Continued

	PY 1990 IV–A			PY 1989 II–B		
	Total	Program	Cost pool	Total	Program	Cost pool
P.O. Box 507 Dulce, New Mexico 87528–0507 Grant Number: 99–7–2725–55–140–02 Mescalero Apache Tribe	73,243	58,594	14,649	30,148	24,118	6,030
P.O. Box 176 Mescalero, New Mexico 88340 Grant Number: 99–7–3100–55–149–02 National Indian Youth Council	696,027	566,822	139,205	0	0	0
318 Elm Street SE Albuquerque, New Mexico 87102 Grant Number: 99–7–0077–55–063–02 Pueblo of Acoma	98,320	78,656	19,664	41,102	32,882	8,220
P.O. Box 469 Pueblo of Acoma, New Mexico 87034 Grant Number: 99–7–2199–55–128–02 Pueblo of Laguna	73,794	59,035	14,759	57,580	46,064	11,516
P.O. Box 194 Laguna, New Mexico 87026 Grant Number: 99–7–1583–55–117–02 Pueblo of Taos	31,648	25,318	6,330	12,546	10,037	2,509
P.O. Box 1846 Taos, New Mexico 87571 Grant Number: 9–7–2200–55–129–02 Pueblo of Zuni	282,220	225,776	56,444	127,238	101,790	25,448
Zuni Tribal Council P.O. Box 339 Zuni, New Mexico 87327 Grant Number: 99–7–0021–55–023–02 Ramah Navajo School Board, Inc	90,114	72.091	18.023	23,219	18.575	4,644
Drawer G Pine Hill, New Mexico 87357 Grant Number: 99–7–0146–55–075–02 Santa Clara Indian Pueblo	18,867	15,094	3,773	5,618	4,494	1,124
P.O. Box 580 Espanola, New Mexico 87532 Grant Number: 99–7–3224–55–158–02 Santo Domingo Tribe	122,852	98,282	24,570	41,102	32,882	8,220
P.O. Box 99 Santo Domingo, New Mexico 87052 Grant Number: 99–7–1781–55–122–02 American Indian Community House, Inc	753,436	602,749	150,687	3,090	2,472	618
842 Broadway, 8th Floor New York City, New York 10003–4889 Grant Number: 99–7–0348–55–090–02 Native American Cultural Center, Inc	276,682	221,346	55,336	7,209	5,767	1,442
2115 East Main Street Rochester, New York 14609 Grant Number: 99–7–3407–55–191–02 Native American Manpower Program, Inc	224,390	179,512	44,878	10,112	8.090	2,022
1047 Grant Street (REAR)—P.O. Box 86 Buffalo, New York 14207–0086 Grant Number: 99–7–0689–55–106–02 St. Regis Mohawk Tribe	160,059	128,047	32,012	27,433	21,946	5,487
Community Building Hogansburg, New York 13655 Grant Number: 99–7–0522–55–103–02 Seneca Nation of Indians	297,635	238,108	59,527	54,022	43,218	10,804
1492 Route 438 Salamanca, New York 14081 Grant Number: 99–7–0169–55–079–02 Cumberland County Assoc. for Ind. People	121,817	97,454	24,363	0	0	0

U.S. DEPARTMENT OF LABOR—EMPLOYMENT AND TRAINING ADMINISTRATION, PY 1990 TITLE IV-A AND PY 1989 II-B (SUMMER 1990) PLANNING ESTIMATES FOR NATIVE AMERICAN GRANTEES—Continued

	PY 1990 IV-A			PY 1989 II-B		
	Total	Program	Cost pool	Total	Program	Cost pool
102 Indian Drive Fayetteville, North Carolina 28301 Grant Number: 99-7-1782-55-123-02 Eastern Band of Cherokee Indians	229,595	183,676	45,919	86,136	68,909	17,227
P.O. Box 481 Cherokee, North Carolina 28719 Grant Number: 99-7-0003-55-008-02 Guilford Native American Assoc	92,593	74,074	18,519	0	0	0
P.O. Box 5623 400 Prescott Street Greensboro, North Carolina 27435-0623 Grant Number: 99-7-2727-55-142-02 Haliwa-Saponi Tribe, Inc.	64,534	51,627	12,907	0	0	0
P.O. Box 99 Hollister, North Carolina 27844 Grant Number: 99-9-3514-55-015-02 Lumbee Reg. Dev. Assoc	1,251,431	1,001,145	250,286	0	0	0
P.O. Box 68 Pembroke, North Carolina 28372-0068 Grant Number: 99-7-0067-55-055-02 Metrolina Native American Assn	94,635	75,708	18,927	0	0	0
6407 Idlewild Road—Suite 103 Charlotte, North Carolina 28212 Grant Number: 99-7-2726-55-141-02 North Carolina Comm. of Ind. Affairs	308,500	246,800	61,700	0	0	0
P.O. Box 27228 Raleigh, North Carolina 27611-7228 Grant Number: 99-7-0070-55-057-02 Devils Lake Sioux Tribe	115,294	92,235	23,059	38,293	30,634	7,659
P.O. Box 300 Fort Totten, North Dakota 58335 Grant Number: 99-7-0037-55-034-02 Standing Rock Sioux Tribe	241,281	193,025	48,256	93,065	74,452	18,613
Box D Fort Yates, North Dakota 58538 Grant Number: 99-7-0046-55-041-02 Three Affiliated Tribes	163,069	130,455	32,614	55,333	44,266	11,067
Box 597 New Town, North Dakota 58763 Grant Number: 99-7-0062-55-170-02 Turtle Mountain Band of Chippewa Indians	327,880	262,304	65,576	108,138	86,510	21,628
P.O. Box 900 Belcourt, North Dakota 58316 Grant Number: 99-7-0075-55-061-02 United Tribes Tech. College	165,403	132,322	33,081	0	0	0
3315 University Drive Bismarck, North Dakota 58511 Grant Number: 99-7-0206-55-173-02 North American Indian Cultural Centers	699,633	559,706	139,927	0	0	0
1062 Triplette Boulevard Akron, Ohio 44306 Grant Number: 99-7-3349-55-166-02 Caddo Tribe of Oklahoma	26,942	21,554	5,388	12,265	9,812	2,453
P.O. Box 487 Binger, Oklahoma 73009 Grant Number: 99-7-1783-55-124-02 Central Tribes of the Shawnee Area, Inc	78,054	62,443	15,611	48,873	39,098	9,775
624 North Broadway Shawnee, Oklahoma 74801 Grant Number: 99-7-0038-55-035-02 Cherokee Nation of Oklahoma	1,363,640	1,090,912	272,728	733,749	586,999	146,750

U.S. DEPARTMENT OF LABOR—EMPLOYMENT AND TRAINING ADMINISTRATION, PY 1990 TITLE IV-A AND PY 1989 II-B (SUMMER 1990) PLANNING ESTIMATES FOR NATIVE AMERICAN GRANTEES—Continued

	PY 1990 IV-A			PY 1989 II-B		
	Total	Program	Cost pool	Total	Program	Cost pool
P.O. Box 948 Tahlequah, Oklahoma 74465 Grant Number: 99-7-0027-55-027-02 Cheyenne-Arapaho Tribes	204,604	163,683	40,921	104,581	83,665	20,916
P.O. Box 67 Concho, Oklahoma 73022 Grant Number: 99-7-0048-55-043-02 Chickasaw Nation of Oklahoma	365,600	292,480	73,120	187,721	150,177	37,544
520 East Arlington, P.O. Box 1548 Ada, Oklahoma 74820 Grant Number: 99-7-0042-55-038-02 Choctaw Nation of Oklahoma	744,566	595,653	148,913	329,752	263,802	65,950
Drawer 1210 Durant, Oklahoma 74702-1210 Grant Number: 99-7-0041-55-037-02 Citizens Band Potawatomi Indians	184,518	147,614	36,904	154,109	123,287	30,822
1901 South Gordon Cooper Drive Shawnee, Oklahoma 74801 Grant Number: 99-7-2202-55-131-02 Comanche Tribe of Oklahoma	151,853	121,482	30,371	118,718	94,974	23,744
P.O. Box 908 Lawton, Oklahoma 73502 Grant Number: 99-7-3150-55-151-02 Creek Nation of Oklahoma	554,837	443,870	110,967	354,656	283,725	70,931
P.O. Box 580 Okmulgee, Oklahoma 74447 Grant Number: 99-7-0025-55-025-02 Four Tribes Consortium of Oklahoma	69,603	55,682	13,921	36,795	29,436	7,359
P.O. Box 1193 Anadarko, Oklahoma 73005 Grant Number: 99-7-2728-55-143-02 Inter-Tribal Council of N.E. Oklahoma	48,642	38,914	9,728	35,765	28,612	7,153
P.O. Box 1308 Miami, Oklahoma 74355 Grant Number: 99-7-1135-55-110-02 Kiowa Tribe of Oklahoma	197,164	157,731	39,433	84,919	67,935	16,984
P.O. Box 361 Carnegie, Oklahoma 73015 Grant Number: 99-7-0047-55-042-02 Oklahoma Tribal Assistance Program, Inc	321,887	257,510	64,377	194,836	155,869	38,967
1806 East 15th Street, P.O. Box 2841 Tulsa, Oklahoma 74101 Grant Number: 99-7-0072-55-058-02 Osage Tribal Council	98,273	78,618	19,655	76,118	60,894	15,224
P.O. Box 147—Osage Agency Campus Pawhuska, Oklahoma 74056 Grant Number: 99-7-0022-55-024-02 Otoe-Missouria Indian Tribe of Okla	13,402	10,722	2,680	8,052	6,442	1,610
P.O. Box 99 Red Rock, Oklahoma 74651 Grant Number: 99-7-2730-55-145-02 Pawnee Tribe of Oklahoma	22,186	17,749	4,437	16,197	12,958	3,239
P.O. Box 470 Pawnee, Oklahoma 74058 Grant Number: 99-7-1785-55-126-02 Ponca Tribe of Oklahoma	52,311	41,849	10,462	47,843	38,274	9,569
White Eagle—Box 2 Ponca City, Oklahoma 74601 Grant Number: 99-7-0029-55-028-02 Seminole Nation of Oklahoma	140,044	112,035	28,009	66,662	53,330	13,332

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	PY 1990 IV–A			PY 1989 II–B		
	Total	Program	Cost pool	Total	Program	Cost pool
P.O. Box 1498 Wewoka, Oklahoma 74884 Grant Number: 99–7–0051–55–046–02 Tonkawa Tribe of Oklahoma	41,317	33,054	8,263	46,907	37,526	9,381
P.O. Box 70 Tonkawa, Oklahoma 74653 Grant Number: 99–7–1136–55–111–02 United Urban Indian Council	289,994	231,995	57,999	218,805	175,044	43,761
1501 Classen Blvd., Suite 100 Oklahoma City, Oklahoma 73106–5435 Grant Number: 99–7–2731–55–146–02 Confed. Tribes of Siletz Indians	577,927	462,342	115,585	13,763	11,010	2,753
P.O. Box 549 Siletz, Oregon 97380 Grant Number: 99–7–3153–55–152–02 Confed. Tribes of the Umatilla Ind. Res.	42,875	34,300	8,575	16,291	13,033	3,258
P.O. Box 638 Pendelton, Oregon 97801 Grant Number: 99–7–3065–55–148–02 Confederate Tribes of Warm Springs	90,479	72,383	18,096	42,319	33,855	8,464
P.O. Box C—Tenino Road Warm Springs, Oregon 97761 Grant Number: 99–7–0256–55–088–02 Organization of Forgotten Americans	420,816	336,653	84,163	4,120	3,296	824
P.O. Box 1257 4509 South 6th Street, Rm. 206 Klamath Falls, Oregon 97601–0276 Grant Number: 99–7–2732–55–147–02 Council of Three Rivers	668,120	534,496	133,624	0	0	0
200 Charles Street Pittsburgh, Pennsylvania 15238 Grant Number: 99–7–0642–55–175–02 United Am. Indians of the Del. Valley	191,009	152,807	38,202	0	0	0
225 Chestnut Street Philadelphia, Pennsylvania 19106 Grant Number: 99–7–0477–55–095–02 Rhode Island Indian Council	369,281	295,425	73,856	0	0	0
444 Friendship St. Providence, Rhode Island 02907 Grant Number: 99–7–0510–55–101–02 Catawba Indian Nation	255,140	204,112	51,028	11,422	9,138	2,284
Route 3, Box 304 Rock Hill, South Carolina 29730 Grant Number: 99–9–3516–55–017–02 Cheyenne River Sioux Tribe	218,294	174,635	43,659	82,298	65,838	16,460
P.O. Box 768 Eagle Butte, South Dakota 57625 Grant Number: 99–7–0039–55–036–02 Lower Brule Sioux Tribe	55,321	44,257	11,064	14,418	11,534	2,884
P.O. Box 187 Lower Brule, South Dakota 57548 Grant Number: 99–7–0073–55–059–02 Oglala Sioux Tribe	688,916	551,133	137,783	226,108	180,886	45,222
P.O. Box G Pine Ridge, South Dakota 57770 Grant Number: 99–7–0043–55–039–02 Rosebud Sioux Tribe	408,067	326,454	81,613	114,973	91,978	22,995
Box 430 Rosebud, South Dakota 57570 Grant Number: 99–7–0044–55–040–02 Sisseton-Wahpeton Sioux Tribe	158,934	127,147	31,787	48,686	38,949	9,737

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	PY 1990 IV-A			PY 1989 II-B		
	Total	Program	Cost pool	Total	Program	Cost pool
P.O. Box 509 Agency Village, South Dakota 57262 Grant Number: 99-7-0045-55-169-02 United Sioux Tribes Dev. Corp	675,097	540,078	135,019	63,479	50,783	12,696
P.O. Box 1193 Pierre, South Dakota 57501 Grant Number: 99-7-0165-55-077-02 Native American Indian Association	325,398	260,318	65,080	0	0	0
211 Union Street, Suite 401 Stahlman Building Nashville, Tennessee 37501 Grant Number: 99-9-3515-55-016-02 Alabama-Coushatta Indian Tribal Council	632,488	505,990	126,498	5,337	4,270	1,067
Route 3—Box 645 Livingston, Texas 77315 Grant Number: 99-7-1784-55-125-02 Dallas Inter-Tribal Center	259,568	207,654	51,914	0	0	0
209 East Jefferson Blvd. Dallas, Texas 75203-2690 Grant Number: 99-7-0078-55-064-02 Tigua Indian Tribe	432,029	345,623	86,406	11,703	9,362	2,341
P.O. Box 17579—Ysleta Station El Paso, Texas 79917 Grant Number: 99-7-2099-55-127-02 Indian Center Employment Services, Inc	396,586	317,269	79,317	0	0	0
1865 South Main, Suite I Salt lake City, Utah 84115 Grant Number: 99-9-3517-55-018-02 Ute Indian Tribe	71,275	57,020	14,255	35,297	28,238	7,059
P.O. Box 190 Fort Duchesne, Utah 84026 Grant Number: 99-7-0049-55-044-02 Abenaki Self-Help Assn./N.H.IND. Counc	105,611	84,489	21,122	0	0	0
Box 276 Swanton, Vermont 05488 Grant Number: 99-7-3064-55-185-02 Mattaponi Pamunkey Monacan Consortium	229,204	183,363	45,841	1,592	1,274	318
Route 2—P.O. Box 280 West Point, Virginia 23181 Grant Number: 99-7-3227-55-159-02 American Indian Community Center	681,468	545,174	136,294	118,250	94,600	23,650
East 801 Second Ave. Spokane, Washington 99202 Grant Number: 99-7-1138-55-112-02 Colville Confederated Tribes	193,320	154,656	38,664	50,090	40,072	10,018
P.O. Box 150 Nespelem, Washington 99155 Grant Number: 99-7-1726-55-118-02 Lummi Indian Business Council	42,416	33,933	8,483	19,849	15,879	3,970
2616 Kwina Road Bellingham, Washington 98225 Grant Number: 99-7-2204-55-338-02 N.W. Inter-Tribal Council	44,013	35,210	8,803	32,769	26,215	6,554
P.O. Box 115 Neah Bay, Washington 98357 Grant Number: 99-7-0069-55-056-02 Puyallup Tribe	156,077	124,862	31,215	19,942	15,954	3,988
2002 East 28th St. Tacoma, Washington 98404 Grant Number: 99-7-1137-55-178-02 Seattle Indian Center	408,871	327,097	81,774	0	0	0

U.S. DEPARTMENT OF LABOR—EMPLOYMENT AND TRAINING ADMINISTRATION, PY 1990 TITLE IV–A AND PY 1989 II–B (SUMMER 1990) PLANNING ESTIMATES FOR NATIVE AMERICAN GRANTEES—Continued

	PY 1990 IV–A			PY 1989 II–B		
	Total	Program	Cost pool	Total	Program	Cost pool
611 12th Avenue South—Suite 300 Seattle, Washington 98144 Grant Number: 99–7–0511–55–102–02 Western Wash. Ind. Empl. and Trng. Prog	822,502	658,002	164,500	130,796	104,637	26,159
4505 Pacific Highway East Suite C–5 Tacoma, Washington 98424 Grant Number: 99–7–1933–55–180–02 Lac Courte Oreilles Tribal Governing Board	92,657	74,126	18,531	25,560	20,448	5,112
Route 2, Box 2700 Hayward, Wisconsin 54843 Grant Number: 99–7–0018–55–021–02 Lac Du Flambeau Band of Lake Superior Chippewa	44,611	35,689	8,922	19,662	15,730	3,932
P.O. Box 67 Lac Du Flambeau, Wisconsin 54538 Grant Number: 99–7–1139–55–113–02 Menominee Indian Tribe	70,770	56,616	14,154	47,937	38,350	9,587
P.O. Box 397 Keshena, Wisconsin 54135–0397 Grant Number: 99–7–0013–55–018–02 Milwaukee Area Am. Ind. Manpower Counc	219,381	175,505	43,876	0	0	0
634 West Mitchell Street Milwaukee, Wisconsin 53202–3512 Grant Number: 99–7–0227–55–086–02 Oneida Tribe of Indians of Wis., Inc	194,482	155,586	38,896	31,739	25,391	6,348
P.O. Box 365 Oneida, Wisconsin 54115–0365 Grant Number: 99–7–0015–55–019–02 Stockbridge-Munsee Community	59,110	47,288	11,822	9,456	7,565	1,891
Route 1 Bowler, Wisconsin 54416 Grant Number: 99–7–0500–55–099–02 Wisconsin Indian Consortium	86,895	69,516	17,379	26,684	21,347	5,337
P.O. Box 181 Odanah, Wisconsin 54861 Grant Number: 99–7–2207–55–132–02 Wisconsin-Winnebago Business Committee	188,665	150,932	37,733	15,167	12,134	3,033
P.O. Box 311 Tomah, Wisconsin 54660 Grant Number: 99–7–0019–55–022–02 Shoshone/Arapahoe Tribes	212,564	170,051	42,513	71,531	57,225	14,306
P.O. Box 217 Fort Washakie, Wyoming 82514 Grant Number: 99–7–0050–55–045–02						
National Total	58,193,000	46,554,403	11,638,597	12,901,614	10,321,291	2,580,323

[FR Doc. 90–4098 Filed 2–22–90; 8:45 am]
BILLING CODE 4510–30–M

Employment Standards Administration, Wage and Hour Division

Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions

General wage determination decisions of the Secretary of Labor are issued in accordance with applicable law and are based on the information obtained by the Department of Labor from its study of local wage conditions and data made available from other sources. They specify the basic hourly wage rates and fringe benefits which are determined to be prevailing for the described classes of laborers and mechanics employed on construction projects of a similar character and in the localities specified therein.

The determinations in these decisions of prevailing rates and fringe benefits have been made in accordance with 29 CFR part 1, by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of the other Federal statutes referred to in 29 CFR part 1, Appendix, as well as such additional statutes as may from time to time be enacted containing provisions for the payment of wages determined to be prevailing by the Secretary of Labor in accordance with the Davis-Bacon Act. The prevailing rates and fringe benefits

determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice of public comment procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in the effective date as prescribed in that section, because the necessity to issue current construction industry wage determinations frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General wage determination decisions, and modifications and supersedes decisions thereto, contain no expiration dates and are effective from their date of notice in the Federal Register, or on the date written notice is received by the agency, whichever is earlier. These decisions are to be used in accordance with the provisions of 29 CFR parts 1 and 5. Accordingly, the applicable decision, together with any modifications issued, must be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR part 5. The wage rates and fringe benefits, notice of which is published herein, and which are contained in the Government Printing Office (GPO) document entitled "General Wage Determinations Issued Under The Davis-Bacon And Related Acts," shall be the minimum paid by contractors and subcontractors to laborers and mechanics.

Any person, organization, or governmental agency having an interest in the rates determined as prevailing is encouraged to submit wage rate and fringe benefit information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Wage and Hour Division, Division of Wage Determinations, 200 Constitution Avenue, NW., room S-3014, Washington, DC 20210.

Modifications to General Wage Determination Decisions

The numbers of the decisions listed in the Government Printing Office document entitled "General Wage Determinations Issued Under the Davis-Bacon and Related Acts" being modified are listed by Volume, State, and page number(s). Dates of publication in the Federal Register are in parentheses following the decisions being modified.

Volume I	
Massachusetts, MA90-1 (January 5, 1990).	p. 399. pp. 401-402
Pennsylvania:	
PA90-1 (January 5, 1990)	p. 909, p. 910.
PA90-2 (January 5, 1990)	p. 921, p. 922.
PA90-5 (January 5, 1990)	p. 951, p. 953.
PA90-6 (January 5, 1990)	p. 965, pp. 966-967.
PA90-11 (January 5, 1990)	p. 1009, p. 1010.
PA90-17 (January 5, 1990)	p. 1035, p. 1036.
PA90-20 (January 5, 1990)	p. 1055, p. 1056.
PA90-22 (January 5, 1990)	p. 1067, p. 1068.
PA90-26 (January 5, 1990)	p. 1093, p. 1094.
Rhode Island, RI90-1 (January 5, 1990).	p. 1105, p. 1106.
Volume II	
Michigan:	
MI90-1 (January 5, 1990)	p. 421, p. 424.
MI90-2 (January 5, 1990)	p. 441, p. 443.
MI90-3 (January 5, 1990)	p. 457, p. 459.
MI90-5 (January 5, 1990)	p. 479, p. 481.
MI90-7 (January 5, 1990)	p. 495, p. 496.
MI90-12 (January 5, 1990)	p. 525, p. 526.
Missouri, MO90-1 (January 5, 1990).	p. 627, pp. 629, 638.
New Mexico, NM90-1 (January 5, 1990).	p. 747, pp. 749, 753.
New Mexico, NM90-3 (January 5, 1990).	p. 769, p. 770.
Texas, TX90-1 (January 5, 1990).	p. 979, p. 980.
Wisconsin, WI90-4 (January 5, 1990).	p. 1169, p. 1170.
Volume III	
None	

General Wage Determination Publication

General wage determinations issued under the Davis-Bacon and related Acts, including those noted above, may be found in the Government Printing Office (GPO) document entitled "General Wage Determinations Issued Under The Davis-Bacon And Related Acts". This publication is available at each of the 50 Regional Government Depository Libraries and many of the 1,400 Government Depository Libraries across the country. Subscriptions may be purchased from: Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402, (202) 783-3238.

When ordering subscription(s), be sure to specify the State(s) of interest, since subscriptions may be ordered for any or all of the three separate volumes, arranged by State. Subscriptions include an annual edition (issued on or about January 1) which includes all current general wage determinations for the States covered by each volume. Throughout the remainder of the year, regular weekly updates will be distributed to subscribers.

Signed at Washington, DC, this 16th Day Feb. 1990.

Alan L. Moss,

Director, Division of Wage Determinations.

[FR Doc. 90-4054 Filed 2-22-90; 8:45 am]

BILLING CODE 4510-27-M

LOWER MISSISSIPPI DELTA DEVELOPMENT COMMISSION

Meeting

Background

The Lower Mississippi Delta Development Commission was created by Public Law 100-460, signed on October 1, 1988. The purpose of the Commission is to identify and study the economic development, infrastructure, employment, transportation, resource development, education, health care, housing, and recreation needs of the Lower Mississippi Delta region by seeking and encouraging the participation of interested citizens, public officials, groups, agencies, and others in developing a 10-year plan that makes recommendations and establishes priorities to alleviate the needs identified. The Commission will make its final report to Congress, the President, and the Governors of Arkansas, Illinois, Kentucky, Louisiana, Mississippi, Missouri, and Tennessee no later than May 14, 1990.

This notice announces a Commission meeting only.

Commission Meeting

Time: 10:00 a.m., March 9, 1990

Place: Agri-Center International, 7777 Walnut Grove Road, Memphis, Tennessee

Status: Open meeting

Contact: Ron Register, Telephone (901) 753-1400

Wilbur F. Hawkins,

Executive Director.

[FR Doc. 90-4128 Filed 2-22-90; 8:45 am]

BILLING CODE 6820-SN-M

MARINE MAMMAL COMMISSION

Draft Guidelines To Govern the Take of Marine Mammals Incidental to Commercial Fishing Operations After October 1, 1993; Extension of Comment Period

AGENCY: Marine Mammal Commission.

ACTION: Notice of extension of time to file comments.

SUMMARY: On January 31, 1990, the Marine Mammal Commission published a notice of availability of draft Guidelines to be provided to the Secretary of Commerce to govern the taking of marine mammals incidental to commercial fishing operations after October 1, 1993. Comments were requested by February 23, 1990. By this notice, the comment period is extended until March 30, 1990. This is not a rule-making and further opportunity for comment will be provided as described in "Supplementary Information" below.

DATES: Written comments on the draft Guidelines must be received on or before March 30, 1990.

ADDRESSES: Comments should be sent to the Marine Mammal Commission, 1625 I Street, NW., Washington, DC 20006.

FOR FURTHER INFORMATION CONTACT: Robert J. Hofman, Ph.D., Scientific Program Director. Telephone: (202) 653–6237.

SUPPLEMENTARY INFORMATION: The 1988 amendments to the Marine Mammal Protection Act established a five-year, interim exemption from the Act's moratorium on taking to govern the taking of marine mammals incidental to commercial fishing operations. Those amendments also direct the Marine Mammal Commission, in consultation with its Committee of Scientific Advisors on Marine Mammals, to develop and provide recommended Guidelines to the Secretary of Commerce to govern the incidental taking of marine mammals in the course of commercial fishing operations (other than those subject to section 104(h)(2) of the Marine Mammal Protection Act) after 1 October 1993. In response, the Commission, in consultation with its Committee of Scientific Advisors, has developed and is seeking comments on draft Guidelines.

It should be noted that this action is not a rulemaking. After receiving and considering public comment, the Marine Mammal Commission will amend the draft and provide recommended Guidelines to the Secretary of Commerce. Based upn those Guidelines, the Secretary, after consultation with the Marine Mammal Commission, Regional Fishery Management Councils, and other interested parties, will publish in the **Federal Register**, for public review and comment, the suggested regime that the Secretary believes should be enacted to govern the incidental taking of marine mammals after 1 October 1993. After addressing the comments received, the Secretary is directed to provide to Congress, by 1 January 1992, recommendations for necessary legislation. It is expected that a revised mechanism for governing incidental take will be enacted before the interim exemption expires on 1 October 1993.

The Marine Mammal Commission published a **Federal Register** notice on January 31, 1990 (55 FR 3289), announcing the availability of the draft Guidelines and requesting comment. By this notice, the comment period is extended through March 30, 1990.

Copies of the draft Guidelines can be obtained from the Commission at the above address or by calling the Commission at (202) 653–6237.

Dated: February 20, 1990.

John R. Twiss, Jr.,

Executive Director.

[FR Doc. 90–4294 Filed 2–22–90; 8:45 am]

BILLING CODE 6820–31–M

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Folk Arts Advisory Panel; Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), as amended, notice is hereby given that a meeting of the Folk Arts Advisory Panel (National Heritage Fellowships Section) to the National Council on the Arts will be held on March 14–16, 1990, from 9 a.m.–6 p.m. in room 716 of the Nancy Hanks Center, 1100 Pennsylvania Avenue, NW., Washington, DC 20506.

This meeting is for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the Agency by grant applicants. In accordance with the determination of the Chairman published in the **Federal Register** of February 13, 1980, these sessions will be closed to the public pursuant to subsections (c)(4), (6) and (9)(B) of section 552b of Title 5, United States Code.

Further information with reference to this meeting can be obtained from Ms. Yvonne M. Sabine, Advisory Committee Management Officer, National Endowment for the Arts, Washington, DC 20506, or call (202) 682–5433.

Yvonne M. Sabine,

Director, Council and Panel Operations, National Endowment for the Arts.

[FR Doc. 90–4172 Filed 2–22–90; 8:45 am]

BILLING CODE 7537–01–M

NATIONAL SCIENCE FOUNDATION

Archaeometry Advisory Panel; Meeting

The National Science Foundation announces the following meeting:

Name: Advisory Panel for Archaeometry.

Date and Time: March 16, 1990, 9 a.m.–5 p.m.

Place: National Science Foundation, 1800 G Street, NW, room 312, Washington, DC 20550.

Type of Meeting: Closed.

Contact Person: Dr. John E. Yellen, Program Director, Anthropology Program, room 320, National Science Foundation, Washington, DC 20550 Telephone (202) 357–7804.

Minutes: May be obtained from contact person listed above.

Purpose of Meeting: To provide advice and recommendations concerning support for research in Archaeometry.

Agenda: To review and evaluate research proposals as part of the selection process for awards.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within exemptions 4 and 6 of the Government in the Sunshine Act.

Dated: February 20, 1990.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 90–4185 Filed 2–22–90; 8:45 am]

BILLING CODE 7555–01–M

Division of Earth Sciences; Meeting

The National Science Foundation announces the following meeting:

Name: Earth Sciences Proposal Review Panel.

Date: March 14, 15, and 16, 1990.

Time: 8 a.m. to 6 p.m. each day.

Place: State Plaza Hotel, Diplomat Room, 2117 E Street, NW., Washington, DC 20037, (202) 861–8200.

Type of Meeting: Closed.

Contact Person: Dr. Alan M. Gaines, Section Head, Division of Earth Sciences, Room 602, National Science Foundation, Washington, DC., (202) 357–9591

Summary Minutes: May be obtained from the Contact Person at the above address

Purpose of Meeting: To provide advice and recommendations concerning support for research in Earth Sciences.

Agenda: To review and evaluate research proposals and projects as part of the selection process for awards.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information, financial data, such as salaries, and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552(c), Government in the Sunshine Act.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 90–4186 Filed 2–22–90; 8:45 am]

BILLING CODE 7555–01–M

Alan T. Waterman Award Committee; Meeting

In accordance with the Federal Advisory Committee Act, Public Law 92–463, as amended, the National Science Foundation announces the following meeting:

Name: Alan T. Waterman Award Committee.

Date: Wednesday, March 14, 1990.

Time: 9 a.m. to 5 p.m.

Place: Room 543, National Science Foundation, 1800 G Street, NW, Washington, DC 20550.

Type of Meeting: Closed.

Contact Person: Mrs. Susan E. Fannoney, Executive Secretary, Alan T. Waterman Award Committee, National Science Foundation, Washington, DC 20550 Telephone: 202/357–7512.

Purpose of Committee: To provide advice and recommendations in the selection of the Alan T. Waterman Award recipient.

Reason for Closing: The nominations being reviewed include information of a personal nature where disclosure would constitute unwarranted invasions of personal privacy. These matters are within exemption 6 of 5 U.S.C. 552b(c), Government in the Sunshine Act.

Authority to Close Meeting: The determination made on February 15, 1990 by the Director of the National Science Foundation pursuant to the provisions of section 10(d) of Public Law 92–463.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 90–4187 Filed 2–22–90; 8:45 am]

BILLING CODE 7555–01–M

NUCLEAR REGULATORY COMMISSION

Abnormal Occurrence Report; Section 208 Report Submitted to the Congress

Notice is hereby given that pursuant to the requirements of section 208 of the Energy Reorganization Act of 1974, as amended, the Nuclear Regulatory Commission (NRC) has published and issued another periodic report to Congress on abnormal occurrences (NUREG–0090, Vol. 12, No. 3).

Under the Energy Reorganization Act of 1974, which created the NRC, an abnormal occurrence is defined as "an unscheduled incident or event which the Commission (NRC) determines is significant from the standpoint of public health or safety." The NRC has made a determination, based on criteria published in the **Federal Register** (42 FR 10950) on February 24, 1977, that events involving an actual loss or significant reduction in the degree of protection against radioactive properties of source, special nuclear, and by-product material are abnormal occurrences.

The report to Congress is for the third calendar quarter of 1989. The report identifies the occurrences or events that the Commission determined to be significant and reportable; the remedial actions that were undertaken are also described.

For this reporting period, there were five abnormal occurrences. One abnormal occurrence took place at a licensed nuclear power plant and involved significant deficiencies associated with the containment recirculation sump at the Trojan facility. The other four abnormal occurrences took place under other NRC-issued licenses: The first involved a medical diagnostic misadministration; the second involved a medical therapy misadministration; the third involved a radiation overexposure of a radiographer; and the fourth involved a significant breakdown and careless disregard of the radiation safety program at three of a licensee's manufacturing facilities. The Agreement States reported no abnormal occurrences during the period.

The report also contains information that updates some previously reported abnormal occurrences.

A copy of the report is available for public inspection and/or copying at the NRC Public Document Room, 2120 L Street, NW, (Lower Level), Washington DC 20555, or at any of the nuclear power plant Local Public Document Rooms throughout the country.

Copies of NUREG-0090, Vol. 12, No. 3 (or any of the previous reports in this series), may be purchased from the Superintendent of Documents, U.S. Government Printing Office, Post Office Box 37082, Washington, DC 20013–7082. A year's subscription to the NUREG-0090 series publication, which consists of four issues, is also available.

Copies of the report may also be purchased from the National Technical Information Service, Springfield, VA 22161.

Dated at Rockville, MD this 20th day of February 1990.

For the Nuclear Regulatory Commission.

Samuel J. Chilk,

Secretary of the Commission.

[FR Doc. 90–4183 Filed 2–22–90; 8:45 am]

BILLING CODE 7590–01–M

[Docket No. 50–213]

Connecticut Yankee Atomic Power Co.; Haddam Neck Plant; Environmental Assessment and Finding of No Significant Impact

The U.S. Nuclear Regulatory Commission (NRC or the Commission) is considering issuance of an amendment to Facility Operating License DPR–61 to Connecticut Yankee Atomic Power Company (CYAPCO/licensee), for the Haddam Neck Plant located in Middlesex County, Connecticut.

Environmental Assessment

Identification of Proposed Action

The proposed amendment would upgrade the custom Technical Specification (TS) format to the Westinghouse Standard-format Technical Specifications (WSTS). All sections of the current custom TS will be reformatted in this proposed TS except for §§ 3.6, 3.7 and 4.3 which were re-formatted by Amendment No. 121, and §§ 3.12 and 4.5 which will be re-formatted by amendment request dated August 29, 1988.

The proposed action is in accordance with the licensee's applications dated October 26, 1988, March 6, June 2, June 23, July 28, and August 4, 1989 and supplemented by submittals dated August 21, and November 22, 1989.

In addition, the licensee has completed several modifications to the plant during the 1989–1990 outage. Haddam Neck has modified the fire detection/suppression system in support

of the new switchgear room required by 10 CFR part 50 appendix R, upgraded the reactor protection system and upgraded the nuclear instrumentation system. As a result of these modifications the proposed upgraded TS were revised to reflect the current plant configuration.

The proposed actions are in accordance with the licensee's application dated July 31, 1989 to revise the fire detection/suppression system TS and July 28, 1989 to revise the various reactor protection system and nuclear instrumentation system TSs.

The Need for the Proposed Action

As part of the Systematic Evaluation Program (SEP), CYAPCO committed to convert their custom TS to the WSTS. In a meeting on September 20, 1988, CYAPCO proposed to submit the TS conversion packages over a 3 month period beginning October 1988. With the impending issuance of the revised WSTS, the staff proposed that it would be advantageous for CYAPCO to await the issuance of the revised WSTS before addressing the full WSTS conversion. In the interim, the staff agreed that the custom TS format could be upgraded to the current WSTS format.

As noted above, because the fire detection/suppression system was modified, and the reactor protection and nuclear instrumentation systems were upgraded the proposed TSs needed to be amended to reflect the upgrades of these systems.

Environmental Impacts of the Proposed Action

The staff completed its evaluation of the proposed revisions to the Technical Specifications. The staff has concluded that this TS upgrade would: (1) Provide a substantially improved TS while facilitating the future conversion effort to the revised WSTS, (2) provide definitive limiting conditions for operation (LCO) and action statements for several safety related systems, (3) eliminate the use of administrative TS, (4) provide a mechanism to close prior TS commitments associated with NUREG 0737, SEP and various other Generic Letter recommendations, and (5) eliminate ambiguities inherent with the wording and format of the current TS.

The staff has concluded that the upgraded TSs will provide an equivalent set of requirements to the current TS. These changes will not adversely affect plant safety or have any adverse effect on the probability of any accident. Plant safety should be improved as additional restrictions, limitations and controls have been added to reflect the WSTS format review and modifications to the plant. No changes are being made in the types or amounts of any radiological effluents that may be released offsite during normal operation. There is also no significant increase in the allowable individual or cumulative occupational radiation exposure.

With regard to potential nonradiological impacts of reactor operation with the upgraded TSs, the proposed changes to the TSs involve systems located within the restricted area as defined in 10 CFR part 20. They do not affect nonradiological plant effluents and have no other environmental impact.

The radiological releases will not be greater than previously determined, nor does the proposed amendment otherwise affect radiological or nonradiological plant effluents, and has no other environmental impact. Therefore, the Commission concludes that there are no significant radiological or nonradiological environmental impacts associated with the proposed statement.

Alternatives to the Proposed Action

Since the staff concluded that there are no significant environmental effects that would result from the proposed action, any alternatives with equal or greater environmental impacts need not be evaluated.

The principal alternative would be to deny the requested amendment. This would not reduce environmental impacts of plant operation and would result in reduced operational flexibility.

Alternative Use of Resources

This action does not involve the use of any resources beyond the scope of resources used during normal plant operation.

Agencies and Persons Consulted

The NRC staff reviewed the licensee's request and did not consult other agencies or persons.

Finding of No Significant Impact

The staff has determined not to prepare an environmental impact statement for the proposed license amendment.

Based upon the foregoing environmental assessment, the staff concluded that the proposed action will not have a significant effect on the quality of the human environment.

For further details with respect to this action, see the applications for amendments dated October 26, 1988, March 6, June 2, June 23, July 28, and August 4, 1989 as supplemented August 21 and November 22, 1989, July 31, 1989 and July 28, 1989 which are available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC and at the Russell Public Library, 123 Broad Street, Middletown, Connecticut 06457.

Dated at Rockville, Maryland, this 14th day of February 1990.

For the Nuclear Regulatory Commission.

John F. Stolz,

Director, Project Directorate I–4, Division of Reactor Projects—I/II, Office of Nuclear Reactor Regulation.

[FR Doc. 90–4173 Filed 2–22–90; 8:45 am]

BILLING CODE 7590–01–M

[Docket Nos. 50–266 and 50–301]

Wisconsin Electric Power Company; Environmental Assessment and Finding of No Significant Impact

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of amendments to Facility Operating License Nos. DPR–24 and DPR–27, issued to the Wisconsin Electric Power Company, (the licensee), for operation of the Point Beach Nuclear Plant, Unit Nos. 1 and 2, located in Manitowoc County, Wisconsin.

Environmental Assessment

Identification of Proposed Action

The proposed amendments would revise the provisions in the Technical Specifications (TS) relating to fuel storage. Specifically, the proposed amendments would increase the U–235 content per axial centimeter for OFA fuel assemblies from 39.4 to 46.8 grams and would permit the use of axial fuel blankets. The increase in U–235 content for the OFA fuel assemblies corresponds to an increase in fresh fuel enrichment from the current limit of 4.0 to 4.75 weight percent U–235. The U–235 content permitted for standard fuel assemblies would remain unchanged.

The proposed action is in accordance with the licensee's application for amendments dated July 6, 1988, as supplemented by a letter dated November 1, 1989.

The Need for the Proposed Action

The proposed change to the TS is required in order to permit the storage of fuel assemblies with an enrichment of up to 4.75 weight percent U–235.

Environmental Impacts of the Proposed Action

The Commission has completed its evaluation of the proposed revision to TS and concludes that storage and use of OFA fuel enriched with U–235 in

excess of 4 weight percent and up to 4.75 weight percent at the Point Beach Nuclear Plant is acceptable. The safety considerations associated with higher enrichment and extended irradiation have been evaluated by the NRC staff and the staff has concluded that such changes would not adversely affect plant safety. The proposed changes have no adverse affect on the probability of any accident. The increased burnup may slightly change the mix of fission products that might be released in the event of a serious accident but such changes would not significantly affect the consequences of serious accidents. Routine radiological effluents are not affected. As a result, there is no increase in individual or cumulative radiation exposure.

The environmental impacts of transportation resulting from the use of higher enrichment and extended irradiation are discussed in the staff assessment entitled "NRC Assessment of the Environmental Effects of Transportation Resulting from Extended Fuel Enrichment and Irradiation." This assessment was published in the **Federal Register** on August 11, 1988 (53 FR 30355) as corrected on August 24, 1988 (53 FR 32322) in connection with the Shearon Harris Nuclear Power Plant, Unit 1: Environmental Assessment and Finding of No Significant Impact. As indicated therein, the environmental cost contribution of an increase in fuel enrichment of up to 5 weight percent U–235 and irradiation limits of up to 60 Gigawatt Days per Metric Ton (GWD/MT) are either unchanged, or may in fact be reduced from those summarized in Table S–4 as set forth in 10 CFR 51.52(c). These findings are applicable to these proposed amendments for the Point Beach Nuclear Plant. Accordingly, the Commission concludes that this proposed action would result in no significant radiological environmental impact.

The Notice of Consideration of Issuance of Amendment and Opportunity for Hearing in connection with this action was published in the **Federal Register** on February 23, 1989 (54 FR 7900). No request for hearing or petition for leave to intervene was filed following this notice.

With regard to potential nonradiological impacts, the proposed change to the TS will in no way affect environs located outside the restricted area as defined in 10 CFR part 20. It does not affect nonradiological plant effluents and has no other environmental impact. Therefore, the Commission concludes that there are no significant nonradiological environmental impacts associated with the proposed amendments.

Alternative to the Proposed Action

Since the Commission concluded that there are no significant environmental effects that would result from the proposed action, any alternatives with equal or greater environmental impacts need not be evaluated.

The principal alternative would be to deny the requested amendments. This would not reduce environmental impacts of plant operation and would result in reduced operational flexibility.

Alternatives Use of Resources

This action does not involve the use of any resources not previously considered in the Final Environmental Statement for the Point Beach Nuclear Plant Unit Nos. 1 and 2, dated May 1972.

Agencies and Persons Consulted

The NRC staff reviewed the licensee's request and did not consult other agencies or persons.

Finding of No Significant Impact

The Commission has determined not to prepare an environmental impact statement for the proposed license amendments.

Based upon the foregoing environmental assessment, we conclude that the proposed action will not have a significant effect on the quality of the human environment.

For further details with respect to this action, see the application for amendments dated July 6, 1988 and a supplement dated November 1, 1989 which are available for public inspection at the Commission's Public Document Room, 2120 L Street, NW., Washington, DC and at the Joseph P. Mann Library, 1516 Sixteenth Street, Two Rivers, Wisconsin.

Dated at Rockville, Maryland, this 16th day of February 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. 90–4174 Filed 2–22–90; 8:45 am]

BILLING CODE 7590–01–M

[Docket No. 50–424]

Georgia Power Co., et al.; Environmental Assessment and Finding of No Significant Impact

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to an exemption from the requirement of footnote d–2(c) of Appendix A to 10 CFR part 20 issued by the Commission on October 27, 1988, to the Georgia Power Company, et al. (the licensee), for the Vogtle Electric Generating Plant, Unit 1 (Vogtle 1) located on the licensee's site in Burke County, Georgia.

Environmental Assessment

Identification of Proposed Action

The proposed action would relax the requirement in Attachment 1 of the exemption issued October 27, 1988, which states, "Canisters are to be stored in a Class A or better environment, as defined in ANSI N45.2.2." The amendment would allow the authorized MSA GMR–1 canisters to be stored in a Class C storage environment. The Commission's technical evaluation of this request will be published in a report entitled "Safety Evaluation Related to Class C Storage Environment for Sorbent Canisters at Vogtle Electric Generating Plant, Unit 1."

The evaluation is responsive to the licensee's application for an amendment to the exemption dated September 28, 1989.

The Need for the Proposed Action

The proposed exemption amendment is needed because the Class A storage requirement is unnecessarily restrictive and results in lost work time to retrieve the canisters from the Class A storage area.

Environmental Impacts of the Proposed Action

The proposed exemption amendment will most likely reduce the work effort for some tasks at Vogtle 1. Class C storage will allow the canisters to be stored near entry points to radiological controlled work areas, where they can easily be obtained for use. The Class A storage area requires approximately a 45 minute walk to obtain a canister for use.

With regard to potential radiological impacts to the general public, the proposed exemption amendment involves features located entirely within the restricted area as defined in 10 CFR part 20. It does not affect the potential for or consequences of radiological accidents and does not affect radiological plant effluents. Consequently, the Commission concludes that there are no significant radiological impacts associated with the proposed exemption amendment.

With regard to potential nonradiological impacts, the proposed exemption amendment does not affect nonradiological plant effluents and has no other environmental impact.

Therefore, the Commission concludes that there are no significant nonradiological environmental impacts associated with the proposed exemption amendment.

Alternative to the Proposed Action

Because the Commission's staff has concluded that there is no significant environmental impact associated with the proposed exemption amendment, any alternative to this amendment will have either no significantly different environmental impact or greater environmental impact.

The principal alternative would be to deny the requested exemption amendment. This would not reduce environmental impacts as a result of plant operations.

Alternative Use of Resources

This action does not involve the use of any resources not previously considered in the "Final Environmental Statement related to the operation of the Vogtle Electric Generating Plant, Units 1 and 2" dated March 1985.

Agencies and Persons Consulted

The Commission's staff reviewed the licensee's request that supports the proposed exemption amendment. The staff did not consult other agencies or persons.

Finding Of No Significant Impact

The Commission has determined not to prepare an environmental impact statement for the proposed exemption amendment.

Based upon the foregoing environmental assessment, we conclude that the proposed action will not have a significant effect on the quality of the human environment.

For further details with respect to this action, see the request for the exemption amendment dated September 28, 1989, which is available for public inspection at the Commission's Public Document Room, 2120 L Street, NW., Washington, DC and at the Burke County Public Library, 412 Fourth Street, Waynesboro, Georgia 30830.

Dated at Rockville, Maryland, this 20th day of February 1990.

For the Nuclear Regulatory Commission.

David B. Matthews,

Director, Project Directorate II–3, Division of Reactor Projects—I/II, Office of Nuclear Reactor Regulation.

[FR Doc. 90–4280 Filed 2–22–90; 8:45 am]

BILLING CODE 7590–01–M

[Docket No. 50–322]

Long Island Lighting Co.; Environmental Assessment and Finding of No Significant Impact

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an exemption from the required on-site primary property damage insurance requirement of 10 CFR 50.54(w)(1) to the Long Island Lighting Company (LILCO) the licensee, for operation of the Shoreham Nuclear Power Station (SNPS), located in Suffolk County, New York.

Environmental Assessment

Identification of Proposed Action

The proposed action would grant an exemption from the requirements of 10 CFR 50.54(w)(1) to reduce the full amount of required on-site primary property damage insurance. By letter dated September 8, 1989, the licensee requested an exemption to reduce the amount of primary property damage insurance from 1.06 billion dollars to 337 million dollars until such time as the NRC should approve the transfer of Shoreham to the Long Island Power Authority or some other entity of New York State. The reduction in the amount of required on-site primary property damage insurance is the proposed action being considered by the staff.

The Need for the Proposed Action

The licensee's September 8, 1989 letter provided technical justification that 337 million dollars of primary property damage insurance provides an adequate level of coverage to return the SNPS plant to a condition ready for decommissioning following an accident considering the current non-operational condition. Granting the exemption request relieves the licensee from the unnecessary financial burden of carrying insurance coverage of 1.06 billion as required by 10 CFR 50.54(w)(1).

Environmental Impacts of the Proposed Action

The proposed exemption affects only the amount of on-site primary property damage insurance coverage and does not affect the manner of normal facility operation or the risk of facility accidents. While the change in insurance coverage may affect the financial arrangements of the licensee and have some economic consequences, the possibility that the environmental impact of licensed activities would be altered by changes in insurance coverage is extremely remote. The staff has determined that a reduction in the amount of required on-site damage insurance, from 1.06 billion dollars to 337 million dollars is commensurate with the clean-up cost associated with a postulated accident while the reactor is defueled and the fuel is in the spent fuel pool. Thus, the reduced coverage authorized by the proposed exemption is sufficient to fund clean-up of radiological impacts associated with any accident in the defueled condition. In addition, the exemption in question would not authorize construction or operation, would not authorize a change in licensed activities nor effect changes in the permitted types or amounts of radiological effluents. Post-accident radiological releases will not differ from those determined previously, and the proposed exemption does not otherwise affect facility radiological effluents or occupational exposures. With regard to potential non-radiological impacts, the proposed exemption does not affect plant non-radiological effluents and has no other environmental impact. Therefore, the Commission concludes there are no measurable radiological or non-radiological environmental impacts associated with the proposed exemption.

Alternative to the Proposed Action

Since the Commission concluded that there are no measurable environmental impacts associated with the proposed exemption, any alternatives with equal or greater environmental impacts need not be evaluated.

The principal alternatives to the exemption are to require the licensee to carry 1.06 billion dollars of on-site primary property damage insurance or another amount greater than 337 million dollars. However, the NRC staff had determined that 337 million dollars is sufficient to fund clean-up of radiological impacts associated with any accident in the defueled condition. Requiring more than 337 million dollars would impose an unnecessary financial burden and would not enhance protection of the environment.

Alternative Use of Resources

This action does not involve the use of any resources not previously considered in the Final Environmental Statements for the Shoreham Nuclear Power Station.

Agencies and Persons Consulted

The NRC staff reviewed the licensee's request and did not consult other agencies or persons.

Findings of No Significant Impact

The Commission has determined not to prepare an environmental impact statement for the proposed exemption.

Based upon the foregoing environmental assessment, the staff concludes that the proposed action will not have a significant effect on the quality of the human environment.

For further details with respect to this action, see the licensee's letter dated September 8, 1989. This letter is available for public inspection at the Commission's Public Document Room, 2120 L Street, NW., Washington, DC and at the Shoreham-Wading River Public Library, Route 25A, Shoreham, New York 11786–9697.

Dated at Rockville, Maryland, this 15th day of February 1990.

For the Nuclear Regulatory Commission.

Walter Butler,

Director, Project Directorate I–2, Division of Reactor Projects I/II, Office of Nuclear Reactor Regulation.

[FR Doc. 90–4176 Filed 2–22–90; 8:45 am]

BILLING CODE 7590–01–M

Advisory Committee on Reactor Safeguards (ACRS) and Advisory Committee on Nuclear Waste (ACNW); Proposed Meetings

In order to provide advance information regarding proposed public meetings of the Advisory Committee on Reactor Safeguards (ACRS) Subcommittees and meetings of the ACRS full Committee, and of the Advisory Committee on Nuclear Waste (ACNW), the following preliminary schedule is published to reflect the current situation, taking into account additional meetings which have been scheduled and meetings which have been postponed or cancelled since the last list of proposed meetings published January 25, 1990 (55 FR 2564). Those meetings which are definitely scheduled have had, or will have, an individual notice published in the **Federal Register** approximately 15 days (or more) prior to the meeting. It is expected that sessions of ACRS full Committee and ACNW meetings designated by an asterisk (*) will be open in whole or in part to the public. ACRS full Committee and ACNW meetings begin at 8:30 a.m. and ACRS Subcommittee meetings usually begin at 8:30 a.m. The time when items listed on the agenda will be discussed during ACRS full Committee and ACNW meetings and when ACRS Subcommittee meetings will start will be published prior to each meeting. Information as to whether a meeting has been firmly scheduled, cancelled, or rescheduled, or whether changes have been made in the agenda for the March 1990 ACRS and ACNW full Committee meetings can be obtained by a prepaid telephone call to the Office of the Executive Director of the Committee (telephone: 301/492–4600 (recording) or 301/492–7288, Attn: Barbara Jo White) between 7:30 a.m. and 4:15 p.m., Eastern Time.

ACRS Subcommittee Meetings

Advanced Pressurized Water Reactors, March 6, 1990, Bethesda, MD. The Subcommittee will continue its discussion and review of the Westinghouse RESAR (SP/90) design.

Mechanical Components, March 7, 1990, Bethesda, MD. The Subcommittee will review nuclear power plant valve concerns including: (1) Status of the MOV program, (2) the status of the check valve program, (3) the status of the diagnostics for check valves (4) programs on valves important to safety, i.e., butterfly valves, and (5) related valve concerns.

Severe Accidents, March 21, 1990, Bethesda, MD. The Subcommittee will discuss the staff's Severe Accident Research Plan (SARP).

Advanced Pressurized Water Reactors, March 22, 1990, Bethesda, MD. The Subcommittee will review the licensing review basis document being developed by Combustion Engineering for the system 80+ standard design.

Decay Heat Removal Systems, March 23, 1990 (tentative), Bethesda, MD. The Subcommittee will review the NRC staff's proposed resolution of Generic Issue 84, "CE PORVs."

Regulatory Policies and Practices, March 26, 1990, Bethesda, MD. The Subcommittee will review the NRC staff's Draft Rule for license renewal.

Joint Extreme External Phenomena and Severe Accidents, March 27, 1990, Bethesda, MD. The Subcommittees will review the Individual Plant Examination for External Events (IPEEE) program.

Joint Containment Systems and Structural Engineering, April 4, 1990, Bethesda, MD. The Subcommittees will discuss the development of a position or recommendations regarding new containment design criteria for future plants.

Occupational and Environmental Protection Systems, April 25, 1990, Bethesda, MD. The Subcommittee will reviews the Advance Notification of Proposed Rulemaking (ANPR) on hot particles.

Materials and Metallurgy, May 1, 1990, Bethesda, MD. The Subcommittee will review the proposed resolution of Generic Issue 29, "Bolting Degradation or Failure in Nuclear Power Plants," and matters relating to the integrity of reactor pressure vessels.

Thermal Hydraulic Phenomena, Date to be determined (March), Idaho Falls, ID. The Subcommittee will review the details of the modifications made to the RELAP–5 MOD–2 code as specified in the MOD–3 version.

Joint Thermal Hydraulic Phenomena and Core Performance, Date to be determined (March/April), Bethesda, MD. The Subcommittees will continue their review of boiling water reactor core power stability pursuant to the core power oscillation event at LaSalle County Station, Unit 2.

Quality and Quality Assurance in Design and Construction, Date to be determined (April) (tentative), Bethesda, MD. The Subcommittee will discuss the performance-based concept of quality—what it means, its implementation, and preliminary results.

Joint Severe Accidents and Probabilistic Risk Assessment, Date to be determined (May/June), Bethesda, MD. The Subcommittees will continue their review of NUREG–1150, "Severe Accident Risks: An Assessment for Five U.S. Nuclear Power Plants".

Decay Heat Removal Systems, Date to be determined (June/July), Bethesda, MD. The Subcommittee will review the proposed resolution of Generic Issue 23, "RCP Seal Failures."

Decay Heat Removal Systems, Date to be determined, Bethesda, MD. The Subcommittee will explore the issue of the use of feed and bleed for decay heat removal in PWRs.

Auxiliary and Secondary Systems, Date to be determined, Bethesda, MD. The Subcommittee will discuss the: (1) Criteria being used by utilities to design Chilled Water Systems, (2) regulatory requirements for Chilled Water Systems design, and (3) criteria being used by the NRC staff to review the Chilled Water Systems design.

Reliability Assurance, Date to be determined, Bethesda, MD. The Subcommittee will discuss the status of implementation of the resolution of USI A–46, "Seismic Qualification of Equipment in Operating Plants," and other related matters.

Joint Regulatory Activities and Containment Systems, Date to be determined, Bethesda, MD. The Subcommittees will review the proposed final revision to Appendix J to 10 CFR Part 50, "Primary Reactor Containment Leakage Testing for Water-Cooled Power Reactors."

ACRS Full Committee Meeting

359th ACRS Meeting, March 8–10, 1990, Bethesda, MD. Items are tentatively scheduled.

*A. *Reactor Operating Experience (Open/Closed)*—Briefing and discussion of recent events at operating nuclear power plants

*B. *AEOD Reports/Activities (Open)*—Briefing and discussion regarding an overview of the NRC AEOD reports and related activities

*C. *Evolutionary Light-Water Reactor Certification Issues (Open)*—Reports by and discussion of cognizant ACRS members and subcommittee chairmen regarding issues identified by the NRC staff in SECY 90–016, Evolutionary Light-Water Reactor (LWR) Certification Issues and their Relationship to Current Regulatory Requirements

*D. *Containment Performance Improvement Program (Open)*—Review and comment regarding the proposed NRC containment performance improvement program for all LWR containment types except the BWR Mark I type containment

*E. *Improvement of Nuclear Power Plant Procurement and Dedication of Equipment, Materials, and Services (Open)*—Briefing and discussion regarding the status of NRC staff activities regarding this matter

*F. *Anticipated ACRS Activities (Open)*—Discuss anticipated ACRS subcommittee activities and items proposed for consideration by the full Committee

*G. *ACRS Subcommittee Activities (Open)*—Hear and discuss reports regarding the status of cognizant subcommittee activities regarding safety related matters including, performance of valves in nuclear power plants

*H. *Occupational Radiation Exposure to Skin from Hot Particiles (Open)*—Briefing and discussion of proposed NRC interim action regarding this matter. (tentative)

*I. *NRC Safety Research Program (Open)*—Discuss impact of budgeting policies and practices regarding the NRC safety research program

*J. *Appointment of ACRS Members (Open/Closed)*—Discuss the status of appointment and qualification of candidates proposed for appointment to the ACRS.

360th ACRS Meeting, April 5–7, 1990—Agenda to be announced.

361st ACRS Meeting, May 10–12, 1990—Agenda to be announced.

ACNW Full Committee Meeting

18th ACNW Meeting, March 21–23, 1990, Bethesda, MD. Items are tentatively scheduled.

*A. Pathfinder Atomic Power Plant Dismantlement—The Committee will be briefed and will comment on the NRC staff's findings in their safety evaluaiton report.

*B. The Committee will review and comment on the Technical Postion on Stabilization/Waste Forms.

*C. The ACNW will invite the EPA to brief them on their other Radiation Protection Programs besides the high-level waste standards.

*D. Review and comment on Characterization of the Yucca Quaternary Regional Hydrology Study Plan (tentative).

*E. Review of and comment on the DOE/USGS Technical Assessment Review (TAR). The TAR deals with the evaluation of the "no name fault" at the exploratory shaft facility sites.

*F. Committee Activities—The Committee will discuss anticipated and proposed Committee activities, future meeting agenda, and organizational matters, as appropriate.

19th ACNW Meeting, April 26–27, 1990—Agenda to be announced.

20th ACNW Meeting, May 23–25, 1990—Agenda to be announced.

Dated: February 20, 1990.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 90–4181 Filed 2–22–90; 8:45 am]

BILLING CODE 7590–01–M

Advisory Committee on Reactor Safeguards, Subcommittee on Advanced Pressurized Water Reactors; Date Change

The ACRS Subcommittee meeting on Advanced Pressurized Water Reactors scheduled for March 1, 1990, 8:30 a.m., room P–422, 7920 Norfolk Avenue, Bethesda, MD has been rescheduled for Thursday March 22, 1990. All other items pertaining to this meeting will remain the same as previously published in the **Federal Register** on Wednesday, February 14, 1990 (55 FR 5314).

Further information regarding topics to be discussed, the scheduling of sessions open to the public, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefore can be obtained by a prepaid telephone call to the cognizant ACRS staff member, Mr. Medhat M. El-Zeftawy (telephone 301/492–9901) between 7:30 a.m. and 4:15 p.m. Persons planning to attend this meeting are urged to contact the above named individual one or two days before the scheduled meeting to be advised of any changes in schedule, etc., which may have occurred.

Dated: February 16, 1990.

Gary R. Quittschreiber,

Chief, Project Review Branch No. 2.

[FR Doc. 90–7477 Filed 2–22–90; 8:45 am]

BILLING CODE 7590–01–M

Advisory Committee on Reactor Safeguards; Meeting Agenda

In accordance with the purposes of Sections 29 and 182b. of th Atomic Energy Act (42 U.S.C. 2039, 2232b), the Advisory Committee on Reactor Safeguards will hold a meeting on March 8–10, 1990, in room P–110, 7920 Norfolk Avenue, Bethesda, Maryland. Notice of this meeting was published in the **Federal Register** on January 25, 1990.

Thursday, March 8, 1990, Room P–110, 7920 Norfolk Avenue, Bethesda, MD.

8:30 a.m.–8:45 a.m.: Comments by ACRS Chairman (Open)—The ACRS Chairman will comment on items of current interest.

8:45 a.m.–10:00 a.m.: Office for Analysis and Evaluation of Operational Data Activities (Open)—A briefing will be given by AEOD representatives regarding their activities, particularly the nature/scope of AEOD reports on analysis and evaluation of nuclear power plant operations.

10:15 a.m.–12:15 p.m.: Reactor Operating Experience (Open/Closed)—The Committee will hold a briefing and discussion of recent nuclear power plant operating events including the Point Beach nuclear plant circut breaker design deficiencies, BWR potential undervoltage conditions on safety-related electrical power buses, and inadequate net-postive suction head of the auxiliary feed pumps at the H. B. Robinson nuclear plant.

Portions of this session will be closed as necessary to discuss Proprietary Information applicable to the matters being considered.

1:15 p.m.–2:15 p.m.: Containment Performance Improvement Program (Open)—The Committee will review and report on the proposed NRC containment performance improvement program for containment types other than BWR Mk I pressure suppression containment. Representatives of the NRC staff will participate.

2:15 p.m.–2:45 p.m.: ACRS Future Activities (Open)—Anticipated activities of ACRS subcommittees and items proposed for consideration by the full Committee will be discussed.

3 p.m.–4:30 p.m.: Evolutionary Light-Water Reactor Certification Issued (Open)—The Committee will hear reports and hold a discussion of related matters by designated ACRS members regarding certification issues identified by the NRC staff in SECY–90–016.

4:30 p.m.–5:30 p.m.: NRC Safety Research Program (Open)—The Committee will discuss the proposed ACRS report regarding the impact of budgeting policies and practices on the NRC safety research program.

Friday, March 9, 1990, Room P–110, 7920 Norfolk Avenue, Bethesda, MD

8:30 a.m.–9:30 a.m.: Occupational Exposure to Radioactivity (Open)—The Committee will hear a briefing by and hold a discussion with representatives of the NRC staff regarding the proposed NRC staff interim position on occupational radiation exposure to skin from hot particles (tentative).

9:30 a.m.–9:45 a.m.: Appointment of ACRS Members (Open/Closed)—The Committee will discuss the status of appointment of a new ACRS member to the Committee and the qualifications of candidates for this position.

Portions of this session will be closed as necessary to discuss information the release of which would represent a clearly unwarranted invasion of personal privacy.

10 a.m.–12 Noon and 1 p.m.–5:30 p.m.: Preparation of ACRS Reports (Open)—The Committee will discuss the proposed ACRS reports to the NRC regarding matters considered during this meeting.

Saturday, March 10, 1990, Room P–110, 7920 Norfolk Avenue, Bethesda, MD.

8:30 a.m.–12:30 p.m. Preparation of ACRS Reports (Open)—The Committee will continue discussion of proposed ACRS reports regarding items noted above.

Procedures for the conduct of and participation in ACRS meetings were published in the **Federal Register** on September 27, 1989 (54 FR 39594). In accordance with these procedures, oral or written statements may be presented by members of the public, recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Committee, its consultants, and staff. Persons desiring to make oral statements should notify the ACRS Executive Director as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements. Use of still, motion picture and television cameras during this meeting may be limited to selected portions of the meeting as determined by the Chairman. Information regarding the time to be set aside for this purpose may be obtained by a prepaid telephone call to the ACRS Executive Director, Mr. Raymond F. Fraley, prior to the meeting. In view of the possibility that the schedule for ACRS meetings may be adjusted by the Chairman as necessary to facilitate the conduct of the meeting, persons planning to attend should check with the ACRS Executive Director if such rescheduling would result in major inconvenience.

I have determined in accordance with subsection 10(d) Pub. L. 92–463 that it is necessary to close portions of this meeting as noted above to discuss Proprietry Information related to the matters being discussed (5 U.S.C. 552(c)(4)) and information the release of which would represent a clearly unwarranted invasion of personal privacy (5 U.S.C. 552b(c)(6)).

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted can be obtained by a prepaid telephone call to the ACRS Executive Director, Mr. Raymond F. Fraley (telephone 301/492–8049), between 7:30 a.m. and 4:15 p.m.

Dated: February 20, 1990.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 90–4182 Filed 2–22–90; 8:45 am]

BILLING CODE 7590–01–M

[Docket No. 72–1]

General Electric Co.; Issuance of Amendment to Materials License SNM–2500

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 7 to Materials License No. SNM–2500 held by the General Electric Company for the receipt and storage of spent fuel at the Morris Operation, located at 7555 East Collins Road, Morris, Illinois. The amendment is effective as of the date of issuance.

The amendment revises the Technical Specifications making administrative changes which do not affect fuel receipt, handling, and storage safety.

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 amendment. Prior public notice of the amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of the amendment will not result in any significant environmental impact and that, pursuant to 10 CFR 51.22(c)(11), an environmental assessment need not be prepared in connection with issuance of the amendment.

For further details with respect to this action, see (1) the application for amendment dated December 4, 1989, and (2) Amendment No. 7 to Materials License No. SNM–2500, and (3) the Commission's letter to the licensee dated February 15, 1990. All of these items are available for public inspection at the Commission's Public Document Room, 2120 L Street, NW., Washington, DC.

Dated at Rockville, Maryland this 15th day of February 1990.

For the U.S. Nuclear Regulatory Commission.

Charles J. Haughney,

Chief, Fuel Cycle Safety Branch, Division of Industrial and Medical Nuclear Safety, NMSS.

[FR Doc. 90–4175 Filed 2–22–90; 8:45 am]

BILLING CODE 7590–01–M

[Docket Nos. 030–05980–OM/OM–2; 030–05981–OM/OM–2; 030–05982–OM/OM–2; 030–08335–OM/OM–2; 030–08444–OM/OM–2]

Safety Light Corp. et al.; Oral Argument

In the matter of Safety Light Corporation, *et al.* (Bloomsburg Site Decontamination).

Notice is hereby given that, in accordance with the Appeal Board's order of February 15, 1990, oral argument on the two directed certification motions of USR Industries, Inc., and certain other parties (collectively identified as the "USR Companies") addressed to the Licensing Board's January 29 and February 8, 1990, orders will be heard at 9:30 a.m. on Tuesday, March 6, 1990, in the NRC Public Hearing Room, Fifth Floor, East-West Towers Building, 4350 East-West Highway, Bethesda, Maryland.

For the Appeal Board.

Dated: February 16, 1990.

Barbara A. Tompkins,

Secretary to the Appeal Board.

[FR Doc. 90–4178 Filed 2–22–90; 8:45 am]

BILLING CODE 7590–01–M

OFFICE OF MANAGEMENT AND BUDGET

Performance of Commercial Activities

AGENCY: Office of Management and Budget.

ACTION: Issuance of Transmittal Memorandum No. 9 amending OMB Circular No. A–76, "Performance of Commercial Activities."

SUMMARY: This Notice contains Transmittal Memorandum No. 9, dated February 12, 1990, to Circular No. A–76, "Performance of Commercial Activities."

This Transmittal Memorandum updates the federal pay assumptions and the inflation factors used for computing non-pay categories (supplies, equipment, etc.) for Fiscal Years 1991 through 1995 to reflect the assumptions contained in the President's FY 91 Budget. The rates specified in Transmittal Memorandum No. 8, dated March 1, 1989 are now outdated.

The revision does not require any agency to (1) create or maintain a duplicative control/monitoring/reporting system or (2) adopt any additional controls, not presently in compliance with the Federal Acquisition Regulations (FAR).

FOR FURTHER INFORMATION CONTACT: Fred Copeland, Office of Privatization, Office of Management and Budget, (202) 395–5700.

Frank Hodsoll,

Executive Associate, Director.

[Cir. No. A–76, Rev. Trans. Memo. No. 9]

February 12, 1990.

Memorandum for the Heads of Executive Departments and Agencies

From: Frank Hodsoll, Executive Associate Director.

Subject: Performance of Commercial Activities.

This Transmittal Memorandum updates the inflation factors used for computing Government personnel cost increases. The federal pay raise assumptions and the non-pay category rates are contained in the FY 1991 Budget. The following factors should be applied per paragraph C of the Supplement on pages IV–6 and IV–7:

Federal pay raise assumptions effective date	Inflation factors military and civilian
January 1990	3.6
January 1991	3.5
January 1992	4.0
January 1993	3.7
January 1994	3.4
January 1995	3.1
Non-Pay Categories (supplies, equipment, etc.)	
FY 1990	4.0
FY 1991	4.2
FY 1992	4.0
FY 1993	3.7
FY 1994	3.4
FY 1995	3.1

This revision is effective as follows: All changes in the Transmittal Memorandum are effective upon the date of this signed memorandum and shall apply to all cost comparisons in process where the Government's in-house cost estimate has not been opened before this date.

[FR Doc. 90–4157 Filed 2–22–90; 8:45 am]

BILLING CODE 3110–01–M

PRESIDENTIAL COMMISSION ON CATASTROPHIC NUCLEAR ACCIDENTS

Meetings

The Presidential Commission on Catastrophic Nuclear Accidents, pursuant to its authority under subsection 170(1), of Public Law 100–408, the Price-Anderson Amendments Act of 1988, will hold a meeting on March 15, 1990, from 10 a.m.–5 p.m., and on March 16, 1990, from 9 a.m.–12 p.m. at the Bellevue Hotel, 15 E St., NW., Washington, DC 20001. The Commission was created to conduct a comprehensive study of appropriate means of fully compensating victims of a catastrophic nuclear accident and to submit a final report to Congress no later than August 20, 1990.

At the March 15 meeting, Jay Silberg, an attorney with Shaw, Pittman, Potts and Trowbridge, will present his views as Chairman of the Association of the Bar of the City of New York's Committee on Nuclear Technology and Law. In addition, Association of American Trial Lawyers' President Russ Herman will present ATLA's views, and Kenneth Adams, an attorney with Dickstein, Shapiro and Morin, will discuss the types of claims arising in Exxon *Valdez* litigation.

On March 16, Jeffery Lubbers, Research Director of the Administrative Conference of the United States will address the Commission on administrative models of claim settlements studied by the Conference. Troyen Brennen, M.D., will also speak to the Commission on the use of scientific expert panels based on his experience as a consultatnt for the American Law Institute's study, "Compensation and Liability for Produce and Process Injuries." There may be other speakers and the Commission will also hold a working session.

The public is permitted to attend both meetings, and there will be time during each session for brief statements. Transcripts or minutes of the meeting will be available at the Commission office, 600 E St., NW, room 660.

For further information, contact Jerome Saltzman at 600 E St., NW., room 660, Washington, DC 20004, (202) 272–5695. Members of the public planning to attend the Commission meeting should contact Mr. Saltzman at (202) 272–5695 at least two days before the meeting date.

Dated: February 19, 1990.

Jerome Saltzman,

Executive Director, Presidential Commission on Catastrophic Nuclear Accidents.

[FR Doc. 90–4193 Filed 2–22–90; 8:45 am]

BILLING CODE 6820–SP–M

RESOLUTION TRUST CORPORATION

Minority and Women Outreach Program Asset Management and Disposition Contracting: Adoption

SUMMARY: Notice is hereby given that on January 30, 1990, the Resolution Trust Corporation ("RTC") adopted an interim program to ensure to the maximum extent possible that firms owned by minorities and women are given the opportunity to participate fully in all contracting activities that the Corporation enters into for those goods and services required to manage and dispose of assets acquired from failed thrift institutions. These contracts typically will cover services such as asset management, accounting services, appraisals, property management, information systems, and the like. Public comment on the policy is invited at this time. Copies of the interim policy can be obtained from the RTC.

DATES: Comments on the policy are requested by May 7, 1990.

ADDRESSES: Copies of the interim program can be obtained by writing to the Executive Secretary, Resolution Trust Corporation; 550 17th Street NW.; Washington, DC 20429, or by telephone at (202) 898–3604. Send comments to John M. Buckley, Jr., Executive Secretary, Resolution Trust Corporation, 550 17th Street NW.; Washington, DC

20429. Comments may be hand delivered to room 7102 on business days between 8:30 a.m. and 5 p.m. Comments may also be inspected in room 7102 between 8:30 a.m. and 5 p.m. on business days.

FOR FURTHER INFORMATION CONTACT: John Tierney, Assistant Director for Contract Management, Contract Management and Asset Operations Division, Resolution Trust Corporation at (202) 416–2077.

Dated at Washington, DC, this 30th day of January, 1990.

Resolution Trust Corporation.

William J. Tricarico,

Assistant Executive Secretary.

[FR Doc. 90–4166 Filed 2–22–90; 8:45 am]

BILLING CODE 6714-01-M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-27711; Filed No. SR-NASD-90-6]

Self-Regulatory Organizations; Proposed Rule Change by National Association of Securities Dealers, Inc. Relating to the Ability to Cancel Erroneous Transactions

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on January 31, 1990, the National Association of Securities Dealers ("NASD") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items, I, II, and III below, which Items have been prepared by the NASD. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The NASD proposes to add a section 70 to the Uniform Practice Code to permit the Association to declare clearly erroneous transactions void if they arise out of the use of an automated system operated by the NASD, including specifically the Intermarket Trading System/Computer Assisted Execution System Interface ("ITS/CAES"). The NASD also proposes to expand the scope of Article IX of the NASD's Code of Procedure to cover grievances arising out of the operation of any automated NASD system. Article IX currently covers grievances arising out of the use of NASDAQ only.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the NASD included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The NASD has prepared summaries, set forth in sections (A), (B), and (C) below, 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 Association currently lacks the authority to cancel a transaction, even if one or more terms of the transaction are clearly in error. In these situations, the NASD must rely on the good will of the participants to cancel the trade. The proposed rule change would permit the Association to declare clearly erroneous transactions null and void if they arise out the use of an NASD automated system that has been filed with and approved by the Commission. The proposed rules are intended to permit the Association to resolve disputes involving obvious errors in an expeditious manner, akin to an exchange floor governor ruling. The rules also contain time frames and procedural guidelines for complaining of an error, receiving an NASD ruling, and, if necessary, appealing that decision to a review panel.

Proposed section 70 of the Uniform Practice Code would provide the Association the authority to declare a transaction null and void on the grounds that one or more terms of the transaction are clearly erroneous in cases where it "deems it necessary to maintain a fair and orderly market, and to protect investors and the public interest." The rule applies to transactions occurring not only in NASDAQ but also involving other NASD systems such as the Order Confirmation Transaction System and the Automated Confirmation Transaction Service.

The rule change sets forth the procedures for declaring a transaction void and is designed to make the process as expeditious as possible. A member must notify the NASD on the same business day the transaction occurs by requesting that a transaction be declared null and void. The initiating member, as well as all other members involved in the transaction, would be obligated to provide the Association such information as may be requested.

Under the procedures, the Association may determine that the transaction is clearly erroneous and may declare the transaction null and void or may decline to act if action is unnecessary or inappropriate. That may occur, for example, if the error is such that, although obviou, it involves a factual dispute between members and would appear to be more appropriately resolved by other channels such as arbitration.

The procedures would require oral notice of the NASD determination, followed by written confirmation. The determination would then be appealable to the SOES Review Committee. The SOES Review Committee, which was established by the Board in 1988, would be required to act within two business days of the determination. Under the procedures, the Commitee would consider the matter on the record or after a hearing, if it so ordered. Its determination would constitute final action by the Association and would be appealable to the Securities and Exchange Commission pursuant to the Securities Exchange Act of 1934 ("Act").

The proposal would also apply to transactions taking place through the ITS/CAES linkage. The Intermarket Trading System was created pursuant to the provisions of section 11A(a)(3)(B) of the Act in order to achieve the regulatory goals of, among other things, the facilitation of a national market system for securities and the removal of impediments to a free and open market. The ITS/CAES system is designed to link the NASD's market in listed securities with those of the registered securities exchanges, pursuant to the goal of developing a national market system. Since its inception, the system has undergone modifications and fine-tuning by the participants, and one such recent example has been the adoption of guidelines for the purpose of resolving errors that may occur during the trading day. The ITS participants, recognizing that errors in commitments to trade occur routinely, sought to develop a self-imposed set of guidelines to resolved error situations in an expeditious and evenhanded manner. In so doing, all ITS participants voluntarily agreed to adopt guidelines that set out specific examples of "obvious errors" and defined a time frame in which to complain of the error, and in some cases, a mandatory resolution of the problem. Obvious error resolutions include cancellation of incorrect trade reports, adjustments on price or size, or cancellation trades. Other ITS participant market centers have in place the necessary

authority to break or adjust trades occurring on their floors, and the NASD is seeking similar authority for trades occuring through the ITS/CAES link with this rule proposal.

In addition, because of the automated nature of the ITS/CAES interface, it may be necessary to break a trade or reallocate stock among participant market makers if a transaction has been automatically executed against the wrong market maker. For example, if one market maker complains of a trade-through by another market center, a commitment sent by the other market center in response to that complaint will automatically be executed against the NASD market maker at the best quote when the commitment enters the system, regardless of which market maker submitted the complaint. In this situation, the NASD believes that the authority to break the trade and reallocate stock to the market maker complaining of the trade through is appropriate and necessary.

Finally, the NASD is proposing that Article IX of the Code of Procedure be amended to expand its scope to cover redress for grievances arising out of the operation of "any automated quotation, execution, or communication system owned or operated by the Corporation or subsidiary thereof, and approved by the Commission," rather than just the NASDAQ system. This proposed amendment reflects the growing number of systems operated by the NASD and its subsidiaries, and the desire of the Association to insure adequate procedural protections to the users of such systems.

The NASD received three comment letters in response to the proposed rule change—two in favor of the rule and one opposed.[1] The commentator opposed to the rule stated that, "[a] clearly erroneous trade will always be cancelled by the parties;" however, past experience shows that this is not always the case. The two proponents of the measure reiterate the NASD's concern that, "[i]n a fast moving and highly automated trading environment, industry participants should not live in dread that a simple error would expose them to large liabilities." The NASD believes that the proposed rule change is an appropriate extension of regulatory authority that has substantial benefit for the securities industry, and contains adequate procedural recourse to protect any party aggrieved by an NASD decision.

The statutory basis for the proposed rule change is found in sections 15A(b)(6) and 11A(a)(1)(B) of the Securities Exchange Act of 1934. Section 15A(b)(6) requires that the rules of the Association be designed to "foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market," and section 11A(a)(1)(B) sets forth the Congressional goal of achieving more efficient and effective market operations. The Association believes that the proposed rule change will be beneficial to broker/dealers using NASD automated systems because it will provide an efficient and immediate mechanism for resolving disputes, with adequate procedural protections for review and appeal of decisions.

B. Self-Regulatory Organization's Statement on Burden on Competition

The NASD believes that the proposed rule change will not result in any burden on competition that is not necessary or appropriate in furtherance of purposes of the Securities Exchange Act of 1934, as amended.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Association published the proposed rule change in Notice To Members 89–55 and received three comment letters. Two of the commentators were in favor to the proposed rule and one was opposed on the grounds that, "[a] clearly erroneous trade will always be cancelled by the parties," and therefore NASD or "third party" interference was not necessary. The proponents of the measure, however, recognized that at times a party to an erroneous trade would not be willing to cancel a trade, and that NASD intervention was appropriate and necessary. Due to the fact that such an instance occurred, that a party to a clearly erroneous trade refused to cancel a transaction, the NASD believes that the proposed rule change, with the procedural safeguards built in, is necessary to the efficient functioning of the NASDAQ market.

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 NASD consents, the Commission will:

A. By order approve such proposed rule change, or

B. Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street NW., Washington, DC 20549. Copies of the submissions, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room. Copies of such filing will also be available for inspection and copying at the principal office of the NASD. All submissions should refer to the file number in the caption above and should be submitted by March 16, 1990.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority, 17 CFR 200.30–3(a)(12).

Dated: February 15, 1990.

Jonathan G. Katz,

Secretary.

[FR Doc. 90–4111 Filed 2–22–90; 8:45 am]

BILLING CODE 8010–01–M

[1] Kober Financial Group wrote in opposition to the proposal; Wessels, Arnold and Henderson and the Security Traders Association were in favor of the rule. The comment letters are attached in Exhibit 3 to the filing.

[Rel. No. 17340; 811–4898]

NLV Series Fund, Inc.; Application for Deregistration

February 14, 1990.

AGENCY: Securities and Exchange Commission ("SEC").

ACTION: Notice of Application for Deregistration under the Investment Company Act of 1940 (the "1940 Act").

APPLICANT: NLV Series Fund, Inc. ("Applicant").

RELEVANT 1940 ACT SECTION: Section 8(f).

SUMMARY OF APPLICATION: Applicant seeks an order declaring that it has

ceased to be an investment company under the 1940 Act.

FILING DATES: The application on Form N–8F was filed on December 4, 1989.

HEARING OR NOTIFICATION OF HEARING: If no hearing is ordered, the application will be granted. Any interested person may request a hearing on this application, or ask to be notified if a hearing is ordered. Any requests must be received by the SEC by 5:30 p.m. on March 12, 1990. Request a hearing in writing, giving the nature of your interest, the reason for the request, and the issues you contest. Serve the Applicant, either personally or by mail, and also send it to the Secretary of the SEC, along with proof of service by affidavit, or, in the case of an attorney-at-law, by certificate. Request notification of the date of a hearing by writing to the Secretary of SEC.

ADDRESSES: Secretary, SEC, 450 Fifth Street NW., Washington, DC 20549. Applicant, National Life Drive, Montpelier, Vermont 05604.

FOR FURTHER INFORMATION CONTACT: Thomas E. Bisset, Staff Attorney, (202) 272–2058, or Heidi Stam, Special Counsel, (202) 272–2060 (Division of Investment Management, Office of Insurance Products and Legal Compliance).

SUPPLEMENTARY INFORMATION: Following is a summary of the application; the complete application is available for a fee from either the SEC's public Reference Branch in person or the SEC's commercial copier (800) 231–3281 (in Maryland (301) 258–4300).

Applicant's Representations

1. Applicant is a Maryland corporation and an open-end diversified management investment company under the 1940 Act of the series type and has nine portfolios, each with distinct investment objectives and policies. Prior to Applicant's liquidation, all of Applicant's securities were held either by the Vermont Variable Life Insurance Account (the "Vermont Life Account") or by National Life Insurance Company ("National Life"). The Vermont Life Account is a separate investment account for the purpose of holding and investing payments made by owners of variable life insurance policies (the "Contract Owners"). The Vermont Life Account was established by Vermont Life Insurance Company ("Vermont Life"), a wholly-owned subsidiary of National Life.

2. On November 7, 1986, Applicant filed a registration statement pursuant to section 8(b) of the 1940 Act. On the same date, Applicant registered an indefinite number of shares of common stock, $0.0001 par value, on Form N–1A (File No. 33–10042) under the Securities Act of 1933 (the "1933 Act"). The registration statement became effective on April 7, 1987, and the Applicant commenced the initial offering of its securities on May 13, 1987.

3. Vermont Life and the Vermont Life Account obtained an exemptive order pursuant to section 26(b) of the 1940 Act (Investment Company Act Release No. 17161 (October 4, 1989)), to permit the substitution of securities issued by the Variable Insurance Products Fund and Zero Coupon Bond Fund (the "Fidelity Funds") for securities issued by Applicant (the "Order"). The Order was sought in contemplation of Applicant's liquidation and dissolution.

4. On October 20, 1989, Applicant's Board of Directors (the "Board") unanimously approved the Plan of Liquidation and Dissolution (the "Plan") of Applicant.

5. As of October 20, 1989, Applicant's net asset value was $36,957,210.

6. On October 23, 1989, pursuant to the terms of the Order, all of the assets in the nine sub-accounts of the Vermont Life Account, each of which invested exclusively in securities of Applicant, were transferred to eight sub-accounts which hold securities of the Fidelity Funds. To effect this transfer, the securities of Applicant's nine series held by the nine corresponding sub-accounts of the Vermont Life Account were redeemed and securities of the Fidelity Funds were purchased with the proceeds pursuant to reallocation instructions from Contract Owners. The substitution took place at simple relative net asset value with no change in the amount of any Contract Owner's value of his or her investment in a Vermont Life Account sub-account or series of Applicant. The nine sub-accounts of the Vermont Life Account which had invested in securities of Applicant were then eliminated. The total value of the Applicant's securities redeemed pursuant to the Order was $1,865,241.46. As a result of the redemption and substitution, National Life became the sole remaining securityholder of Applicant. By making the redemption of securities owned by National Life after the substitution, National Life, rather than Contract Owners, have borne and will bear any expenses of liquidating Applicant.

7. On October 24, 1989, the sole securityholder of Applicant approved a proposal to liquidate and dissolve Applicant pursuant to the Plan. According to the Plan, Applicant was required to: (1) Forego engaging in any business activity except for the purpose of winding up its business and affairs, preserving the value of its assets and distributing assets to the sole security-holder after the payment (or reservation of assets for payment) of all creditors of Applicant; and (2) dissolve following performance of all other actions required by the Plan.

8. Pursuant to an Assumption Agreement, dated October 24, 1989, between Applicant and the sole securityholder, the sole securityholder has borne and will bear any expenses of liquidating Applicant.

9. Following securityholder approval of the Plan, Applicant converted certain portfolio securities and other assets into cash proceeds pursuant to the Plan. The portfolio securities and other assets were disposed of in open market, arm's-length transactions in which the best available market prices were sought. Applicant distributed all of the cash proceeds after payment of brokerage commissions. At National Life's request, two in-kind distributions of Applicant's portfolio securities were made to sole securityholder in connection with Applicant's liquidation pursuant to the Plan. Such securities were valued in accordance with procedures established by Applicant's Board of Directors, as follows: fixed income securities held by the Bond Fund were valued on the basis of valuations furnished by a pricing service; instruments held by the Money Market Fund were valued on the basis of amortized cost.

10. As of the filing of the application, Applicant had no securityholders, assets or liabilities. Applicant has not, within the last 18 months, transferred any of its assets to a separate trust, the beneficiaries of which were or are securityholders of Applicant. Applicant is not a party to any litigation or administrative proceeding. Applicant is not engaged, nor does it propose to engage in any business activities other than those necessary to wind up its affairs. Applicant intends to file the appropriate Certificate of Dissolution or similar document in accordance with state law after the relief requested has been granted.

11. Applicant hereby represents that it will continue to file all reports required by Rules 30a–1 and 30b–1 under the 1940 Act until the order hereby applied for is granted.

For the Commission, by the Division of Investment Management, under delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 90–4112 Filed 2–22–90; 8:45 am]

BILLING CODE 8010–01–M

DEPARTMENT OF STATE

Advisory Committee on International Communications and Information Policy; Meeting

The Department of State announces that the Advisory Committee on International Communications and Information Policy will meet on March 16 in Room 1107, Department of State, 2201 C Street NW., Washington, DC. The meeting will begin at 9:30 a.m.

The Committee serves the Department of State in an advisory capacity concerning major economic, social and legal issues and problems in international communications and information policy, especially as these issues and problems involve users of information services, technology research and development, foreign industrial and regulatory policy and the activities of international organizations with regard to communications and information, and developing country interest.

The agenda will include a consideration of two issues. The first topic will be a preliminary trip report and assessment by the Advisory Committee's Eastern European Task Force. The second topic will be a discussion of the High Level Committee Study of the structure and function of the International Telecommunications Union (ITU).

Members of the general public may attend the meeting and join in the discussion, subject to the instructions of the Chairman. Admittance of public members will be limited to the seating available. In that regard, entrance to the Department of State building is controlled and entry will be facilitated if arrangements are made in advance of the meeting. Prior to the meeting, persons who plan to attend should so advise Mr. Vincent Gonzales, Department of State, Washington, DC, telephone (202) 647–5790.

Dated: February 5, 1990.

Bohdan Bulawka,

Executive Secretary, Advisory Committee on International Communications and Information Policy.

[FR Doc. 90–4145 Filed 2–22–90; 8:45 am]

BILLING CODE 4710–07–M

[Public Notice #1164]

Advisory Committee on International Communications and Information Policy; Meeting

The Department of State announces that the Subcommittee on Industrialized Country Policy Issues of the Advisory Committee on International Communications and Information Policy will meet on Friday, March 2, 1990, in room 1105 of the Department of State from 10 a.m. until 12 p.m.

The Subcommittee provides advice to the Department on communications and information policy issues of concern to industrialized countries, and includes advice on communications and information policy issues being addressed in the Organization for Economic Cooperation and Development (OECD) and, more particularly, the OECD's Committee for Information, Computers and Communications Policy (ICCP).

The March 2 meeting will first hear a report on the December 1989 meeting of the ICCP's Working Party on Telecommunications and Information Services Policies (TISP), including the following:

(a) Discussion of a TISP paper on "Trade in Telecommunications Network-Based Services: Access To and Use of Public Telecommunication Networks";

(b) Discussion of a TISP paper on "International Telecommunication Network-Based Services: Emerging Market Structures"; and,

(c) Discussion of a TISP paper on "Technological and Regulatory Changes in Telecommunications: The Concerns of Developing Countries."

The March 2 meeting will then hear a report on the January 1990 meeting of the ICCP's Expert Group on the Economic Implications of Information Technologies (EIIT), including proposals for future work in the EIIT.

The March 2 meeting will also consider issues to be discussed at two upcoming OECD meetings, the March 5–6 meeting on Information Network Security, and the March 14–16 meeting of the full ICCP Committee.

With regard to the March ICCP Committee meeting, the Subcommittee will concentrate on two matters:

(a) The Secretariat proposals for the ICCP's 1991 work program; and

(b) The Secretariat's decision to hold a forum session on March 14 on developments in Eastern European countries, to "exchange views on the situation in telecommunications and information technology in these countries," and to "discuss issues in West-East relations in investment, trade, and training in this field, and what role the OECD could play."

Members of the general public may attend the meeting and join in the discussion, subject to the instructions of the Chairman. Admittance of public members will be limited to the seating available. Prior to the meeting, persons who plan to attend should so advise the office of Mrs. Lucy H. Richards, Department of State, Washington, DC, telephone (202) 647–5230. Attendees should use the 21st Street entrance to the Department of State, and plan to reach 21st Street with sufficient time to be processed into the building, as access to the State Department building is controlled.

Dated: February 13, 1990.

Lucy H. Richards,

Director, Industrialized Country Policy, Executive Secretary, Advisory Committee on International Communications and Information Policy.

[FR Doc. 90–4146 Filed 2–22–90; 8:45 am]

BILLING CODE 4710–07–M

Shipping Coordinating Committee; National Committee for the Prevention of Marine Pollution; Meeting

The National Committee for the Prevention of Marine Pollution (NCPMP), a subcommittee of the Shipping Coordinating Committee, will conduct an open meeting on March 6, 1990, at 9:30 a.m. in room 2415 of U.S. Coast Guard Headquarters, 2100 Second Street, SW., Washington, DC.

The purpose of this meeting will be to review the agenda items to be considered at the twenty-ninth session of the International Maritime Organization's (IMO) Marine Environment Protection Committee (MEPC) scheduled for March 12–16, 1990. Proposed U.S. positions on MEPC agenda item issues will be discussed.

The major items for discussion will be the following:

1. Arrangements for combatting major incidents or threats of marine pollution, including preparation for the Conference on International Cooperation on Oil Pollution Preparedness and Response. The IMO Assembly has requested that MEPC develop a draft convention for consideration at the Conference to be convened for its adoption not later than November 1990.

2. The identification of particularly sensitive areas, including development of Guidelines for designating special areas under MARPOL 73/78 Annexes I, II, and V. The Guidelines will include the suggested criteria for the designation of Special Areas under MARPOL 73/78, as well as those for the designation of Particularly Sensitive Sea Areas. Also included will be the procedures to be followed for designation, how protective measures would be implemented in the IMO instruments, case studies, and an inventory of sea areas which have been designated.

3. Prevention of oil pollution from machinery spaces (oily-water separators and monitors, and fuel oil sludge). Specifically, the continuation of efforts to develop improved specifications and guidelines for

oily-water separating and filtering equipment, fuel oil, residual fuel, quick-separating detergents, contaminants, and ballast monitoring.

4. Prevention of air pollution from ships, including fuel oil quality. Specifically, the issues of nitrogen oxide and sulphur compound emissions, sludge formation and the contamination of fuel oils with hazardous wastes.

5. Continued development of drafts for Section 2—Search and Recovery of Packaged Goods Lost at Sea of the IMO Manual on Chemical Pollution.

6. Enforcement of pollution conventions. Specifically, violations of conventions and penalties imposed, and reports on marine pollution incidents.

7. Implications of the Harmonized System of Survey and Certification on MARPOL 73/78. Specifically, the adoption of draft amendments to Annexes I and II of MARPOL 73/78 to mesh with the amendments to the International Convention for the Safety of Life at Sea and the Convention on Loadlines.

8. Interrelated work of other Committees and Subcommittees.

Members of the public may attend this meeting up to the seating capacity of the room.

For further information or documentation pertaining to the NCPMP meeting, contact either Commander D.B. Pascoe or Lieutenant Commander G.R. McEachin, U.S. Coast Guard Headquarters (G–MER–3), 2100 Second Street, SW., Washington, DC 20593–0001, telephone: (202) 267–0419.

Dated: February 6, 1990.

Thomas J. Wajda,

Chairman, Shipping Coordinating Committee.

[FR Doc. 90–4144 Filed 2–22–90; 8:45 am]

BILLING CODE 4710–07–M

DEPARTMENT OF TRANSPORTATION

Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits Filed Under Subpart Q During the Week Ended February 16, 1990

The following applications for certificates of public convenience and necessity and foreign air carrier permits were filed under subpart Q of the Department of Transportation's Procedural Regulations (See 14 CFR 302.1701 et. seq.). The due date for answers, conforming application, or motion to modify scope are set forth below for each application. Following the answer period DOT may process the application by expedited procedures. Such procedures may consist of the adoption of a show-cause order, a tentative order, or in appropriate cases a final order without further proceedings.

Docket Number: 46785.

Date filed: February 12, 1990.

Due Date for Answers, Conforming Applications, or Motion to Modify Scope: March 12, 1990.

Description: Application of Trans Latin Air Corporation, S.A., pursuant to section 402 of the Act and subpart Q of the Regulations applies for a Foreign Air Carrier Permit, authorizing it to engage in scheduled foreign air transportation of property and mail between Miami, Florida and Panama City, Republic of Panama, with all flights to the United States originating or terminating in Panama.

Phyllis T. Kaylor,

Chief, Documentary Services Division.

[FR Doc. 90–4168 Filed 2–22–90; 8:45 am]

BILLING CODE 4910–62–M

Federal Highway Administration

Environmental Impact Statement; Franklin County, OH

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 (EIS) will be prepared for a proposed highway project in Frankin County, Ohio.

FOR FURTHER INFORMATION CONTACT: Mr. Fred J. Hempel, Division Administrator, or Mr. Roberto Fonseca-Martinez, District Engineer, Federal Highway Administration, 200 North High Street, Columbus, Ohio 43215. Telephone: (614) 469–6896 or 469–7443.

SUPPLEMENTARY INFORMATION: The Federal Highway Administration, in cooperation with the Ohio Department of Transportation, will prepare an environmental impact statement on the proposed construction of approximately 0.7 miles of four-lane highway on new location and dedicated right-of-way in the City of Westerville, northeast of Columbus. The proposed project would be an extension of existing Shrock Road easterly from Hempstead Road over to the westerly terminus of North Street and an improvement of North Street easterly to Sunbury Road. The project would provide a continuous east-west artery through the City of Westerville.

Because the project would close a gap between existing streets and would utilize a transportation corridor set aside on the northern edge of Inniswood Metropolitan Park, only one build location is under consideration. The no-build alternative is also being considered.

The proposed project would extend Schrock Road as an east-west route in the City of Westerville and, by connecting with Central College Road at Sunbury Road, complete an east-west route across northeastern Franklin County, an area currently experiencing development and population growth. It would increase the capacity of the local highway network, allow for more efficient travel, and relieve pressure on existing residential streets. It would implement the goals of local and regional planning.

A program of public involvement and coordination with Federal, State, and local agencies has been conducted. It is envisioned that involvement with the public and other agencies will continue throughout the development of the project and, therefore, it is not anticipated that a formal scoping meeting will be held.

To insure that the full range of issues related to this proposed action are addressed and that all significant issues are identified, comments or questions concerning this action and the EIS should be addressed to the FHWA at the address provided above.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Planning and Construction. The regulations implementing Executive order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program)

Roberto Fonseca-Martinez,

District Engineer, Columbus, Ohio.

[FR Doc. 90–4161 Filed 2–22–90; 8:45 am]

BILLING CODE 4910–22–M

DEPARTMENT OF THE TREASURY

Public Information Collection Requirements Submitted to OMB for Review

Dated: February 16, 1990.

The Department of Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1980, Public Law 96–511. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, Room 2224, 1500 Pennsylvania Avenue NW., Washington, DC 20220.

U.S. Customs Service

OMB Number: 1515–0052.

Form Number: 4609.

Type of Review: Extension.

Title: Petition for Remission or Mitigation of Forfeiture and Penalties Incurred.

Description: Persons who violate provisions of the Tariff Act are entitled to seek mitigation of any penalties and forfeiture incurred. This form gives the violator the opportunity to claim mitigation and provides a record for appeals.

Respondents: Individuals or households, Businesses or other for-profit, Small businesses or organizations.

Estimated Number of Respondents: 24,000.

Estimated Burden Hours Per Response: 5 minutes.

Frequency of Response: On occasion.

Estimated Total Reporting Burden: 6,166 hours.

Clearance Officer: Dennis Dore (202) 535–9267, U.S. Customs Service, Paperwork Management Branch, Room 6316, 1301 Constitution Avenue NW., Washington, DC 20229.

OMB Reviewer: Milo Sunderhauf (202) 395–6880, Office of Management and Budget, Room 3001, New Executive Office Building, Washington, DC 20503.

Lois K. Holland,

Departmental Reports, Management Officer.

[FR Doc. 90–4101 Filed 2–22–90; 8:45 am]

BILLING CODE 4820–02–M

Fiscal Service

[Dept. Circ. 570, 1989 Rev., Supp. No. 13]

Surety Companies Acceptable on Federal Bonds; American Hardware Mutual Insurance Co.

A Certificate of Authority as an acceptable surety on Federal bonds is hereby issued to the following Company under Title 31, sections 9304 to 9308, of the United States Code. Federal bond-approving officers should annotate their reference copies of the Treasury Circular 570, 1989 Revision, on page 27802 to reflect this addition:

American Hardware Mutual Insurance Company. Business Address: P.O. Box 435, Minneapolis, MN 55440.

Underwriting Limitation b/: $7,017,000.

Surety Licenses c/: All except AK, AS, GU, HI, PR, and VI.

Incorporated In: Minnesota.

Certificates of Authority expire on June 30 each year, unless revoked prior to that date. The Certificates are subject to subsequent annual renewal as long as the companies remain qualified (31 CFR, part 223). A list of qualified companies is published annually as of July 1 in Treasury Department Circular 570, with details as to underwriting limitations, areas in which licensed to transact surety business and other information.

Copies of the Circular may be obtained from the Surety Bond Branch, Finance Division, Financial Management Service, Department of the Treasury, Washington, DC 20227, telephone (FTS/202) 287–3921.

Dated: February 16, 1990.

Mitchell A. Levine,

Assistant Commissioner, Comptroller, Financial Management Service.

[FR Doc. 90–4082 Filed 2–22–90; 8:45 am]

BILLING CODE 4810–35–M

Office of Thrift Supervision

[Order No. AC–6; OTS No. 3362]

De Pere Federal Savings and Loan Association; Final Action; Approval of Conversion Application

Dated: February 15, 1990.

Notice is hereby given that on February 12, 1990, the Chief Counsel, Office of Thrift Supervision, acting pursuant to the authority delegated to him or his designee, approved the application of De Pere Federal Savings and Loan Association, De Pere, Wisconsin, for permission to convert to the stock form of organization. Copies of the application are available for inspection at the Secretariat, Office of Thrift Supervisions, 1700 G Street NW., Washington, DC 20552, and District Director, Office of Thrift Supervision, Chicago District Office, 111 East Wacker Drive, Suite 800, Chicago, Illinois 60601–4360.

By the Office of Thrift Supervision.

M. Danny Wall,

Director.

[FR Doc. 90–4119 Filed 2–22–90; 8:45 am]

BILLING CODE 6720–01–M

[Order No. AC–8; OTS No. 5804]

Elmhurst Federal Savings Bank; Final Action; Approval of Conversion Application

Dated: February 15, 1990.

Notice is hereby given that on February 6, 1990, the Chief Counsel, Office of Thrift Supervision, acting pursuant to the authority delegated to him or his designee, approved the application of Elmhurst Federal Savings Bank, Elmhurst, Illinois, for permission to convert to the stock form of organization. Copies of the application are available for inspection at the Secretariat, Office of Thrift Supervision, 1700 G Street NW., Washington, DC 20552, and District Director, Office of Thrift Supervision of Chicago, 111 East Wacker Drive, Suite 800, Chicago, Illinois 60601–4360.

By the Office of Thrift Supervision.

M. Danny Wall,

Director.

[FR Doc. 90–4120 Filed 2–22–90; 8:45 am]

BILLING CODE 6720–01–M

[Order No. AC–7; OTS No. 5410]

Home Federal Savings and Loan Association of St. Louis County; Final Action; Approval of Conversion Application

Dated: February 15, 1990.

Notice is hereby given that on February 9, 1990, the Chief Counsel, Office of Thrift Supervision, acting pursuant to the authority delegated to him or his designee, approved the application of Home Federal Savings and Loan Association of St. Louis County, St. Louis, Missouri for permission to convert to the stock form of organization. Copies of the application are available for inspection at the Secretariat, Office of Thrift Supervision, 1700 G Street NW., Washington, DC 20552, and District Director, Office of Thrift Supervision, Des Moines District Office, 907 Walnut Street, Des Moines, Iowa 50309.

By the Office of Thrift Supervision.

M. Danny Wall,

Director.

[FR Doc. 90–4121 Filed 2–22–90; 8:45 am]

BILLING CODE 6720–01–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 John Turner, Veterans Benefits Administration, (203C), Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420, (202) 233–2744.

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. Please do not send applications for benefits to the above addressees.

DATES: Comments on the information collection should be directed to the OMB Desk Officer within 30 days of this notice.

Dated: February 14, 1990.

By direction of the Secretary.

Frank E. Lalley,

Director, Office of Information Management and Statistics.

Revision

1. Veterans Benefits Administration.
2. Disabled Veterans Application for Vocational Rehabilitation.
3. VA Form 28–1900.
4. This form is used by service-connected disabled veterans and service persons awaiting discharge for disability to apply for vocational rehabilitation benefits. The information obtained is required to determine eligibility for and entitlement to these benefits.
5. On occasion.
6. Individuals or households.
7. 30,000 responses.
8. ¼ hour.
9. Not applicable.

[FR Doc. 90–4074 Filed 2–22–90; 8:45 am]

BILLING CODE 8320–01–M

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 John Turner, Veterans Benefits Administration, (203C), Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420, (202) 233–2744.

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. Please do not send applications for benefits to the above addressees.

DATES: Comments on the information collection should be directed to the OMB Desk Officer within 30 days of this notice.

Dated: February 14, 1990.

By direction of the Secretary.

Frank E. Lalley,

Director, Office of Information, Management and Statistics.

Extension

1. Veterans Benefits Administration.
2. Certification as to Securities.
3. VA Form 27–4709.
4. This form is used to verify investment in bonds or other security assets that are reported in a fiduciary's accounting as being part of an incompetent VA beneficiary's estate. Respondents are fiduciaries acting on behalf f VA beneficiaries.
5. On occasion, Annually, or Biennially.
6. Individuals or households, State or local governments, Non-profit institutions, and Small businesses or organizations.
7. 8,100 responses.
8. ⅕ hour.
9. Not applicable.

[FR Doc. 90–4075 Filed 2–22–90; 8:45 am]

BILLING CODE 8320–01–M

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 John Turner, Veterans Benefits Administration, (203C), Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420, (202) 233–2744.

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. Please do not send applications for benefits to the above addresses.

DATES: Comments on the information collection should be directed to the OMB Desk Officer within 30 days of this notice.

Dated: January 30, 1990.

By direction of the Secretary.

Frank E. Lalley,

Director, Office of Information, Management and Statistics.

Reinstatement

1. Veterans Benefits Administration.
2. Financial Counseling Statement.
3. VA Form 26–8844.
4. This form is completed by VA loan service representatives in counseling veteran obligors of seriously defaulted guaranteed home loans. The form solicits information necessary for the loan service representative to make recommendations to the veteran obligor in an effort to help cure the default status of the loan.
5. On occasion.
6. Individuals or households.
7. 3,000 responses.
8. ¾ hour.

9. Not applicable.

[FR Doc. 90–4076 Filed 2–22–90; 8:45 am]

BILLING CODE 8320–01–M

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 John Turner, Veterans Benefits Aministration, (203C), Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420 (202) 233-2744.

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. Please do not send applications for benefits to the above addressees.

DATES: Comments on the information collection should be directed to the OMB Desk Officer within 30 days of this notice.

Dated: January 30, 1990.

By direction of the Secretary.

Frank E. Lalley,

Director, Office of Information Management and Statistics.

Extension

1. Veterans Benefits Administration.
2. Certification of Loan Disbursement Manfactured Home.
3. VA Form 26–8646.
4. This form is used as the lender's report of manufactured home loan closing and provides data on terms of the closing for loan examination determinations that the loan guaranty requirements have been met.
5. On occasion.
6. Businesses or other for-profit.
7. 1,200 responses.
8. ¼ hour.
9. Not applicable.

[FR Doc. 90–4077 Filed 2–22–90; 8:45 am]

BILLING CODE 8320–01–M

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 John Turner, Veterans Benefits Administration, (203C), Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420 (22) 233–2744.

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. Please do not send applications for benefits to the above addressees.

DATES: Comments on the information collection should be directed to the OMB Desk Officer within 30 days of this notice.

Dated: January 26, 1990.

By direction of the Secretary.

Frank E. Lalley,

Director, Office of Information Management and Statistics.

Reinstatement

1. Veterans Benefits Administration.
2. Uniform Residential Appraisal Report.
3. Fannie Mae Form 1004/Freddie Mac Form 70.
4. VA is required by 38 U.S.C. 1810(b)(5) to determine the reasonable value of properties proposed as security for guranteed or direct home loans authorized by 38 U.S.C. 1810 or 1811, and to require minimum property standards pursuant to 38 U.S.C. 1804(a). The request provides basic information to permit assignment of appraisal and inspection of the property for these purposes as well as the appraisal of lots for loans authorized by 38 U.S.C. 1812.
5. On occasion.
6. Individuals or households, Businesses or other for-profit, and Small businesses or organizations.
7. 500,000 responses.
8. 3 hours.
9. Not applicable.

[FR Doc. 90–4078 Filed 2–22–90; 8:45 am]

BILLING CODE 8320–01–M

Sunshine Act Meetings

Federal Register
Vol. 55, No. 37
Friday, February 23, 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).

COMMODITY FUTURES TRADING COMMISSION

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 55 FR 3513 February 1, 1990.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 11:00 a.m., Tuesday, February 27, 1990.

CHANGE IN THE MEETING: The Commission has cancelled the closed meeting to discuss enforcement matters.

CONTACT PERSON FOR MORE INFORMATION: Jean A. Webb, Secretary of the Commission.

Jean A. Webb,

Secretary of the Commission.

[FR Doc. 90–4334 Filed 2–21–90; 3:38 pm]

BILLING CODE 6351-01-M

COMMODITY FUTURES TRADING COMMISSION

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 55 FR 3513, February 1, 1990.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 10:00 a.m., Tuesday, February 27, 1990.

CHANGE IN THE MEETING: The Commission has postponed the discussion of amendments concerning Trading Cards and Submission of Trade Records—final rules until 10:00 a.m., Thursday, March 1, 1990.

CONTACT PERSON FOR MORE INFORMATION: Jean A. Webb, Secretary of the Commission.

Jean A. Webb,

Secretary of the Commission.

[FR Doc. 90–4335 Filed 2–21–90; 3:38 pm]

BILLING CODE 6351-01-M

COMMODITY FUTURES TRADING COMMISSION

TIME AND DATE: 11:00 a.m., Friday, March 2, 1990.

PLACE: 2033 K St., NW., Washington, DC, 8th Floor Hearing Room.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

Surveillance matters.

CONTACT PERSON FOR MORE INFORMATION: Jean A. Webb, 254–6314.

Jean A. Webb,

Secretary of the Commission.

[FR Doc. 90–4336 Filed 2–21–90; 3:38 pm]

BILLING CODE 6351-01-M

COMMODITY FUTURES TRADING COMMISSION

TIME AND DATE: 11:00 a.m., Friday, March 9, 1990.

PLACE: 2033 K St., NW., Washington, DC, 8th Floor Hearing Room.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

Surveillance matters.

CONTACT PERSON FOR MORE INFORMATION: Jean A. Webb, 254–6314.

Jean A. Webb,

Secretary of the Commission.

[FR Doc. 90–4337 Filed 2–21–90; 3:38 pm]

BILLING CODE 6351-01-M

COMMODITY FUTURES TRADING COMMISSION

TIME AND DATE: 11:00 a.m., Friday, March 16, 1990.

PLACE: 2033 K St., NW., Washington, DC, 8th Floor Hearing Room.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

Surveillance matters.

CONTACT PERSON FOR MORE INFORMATION: Jean A. Webb, 254–6314.

Jean A. Webb,

Secretary of the Commission.

[FR Doc. 90–4338 Filed 2–21–90; 3:38 pm]

BILLING CODE 6351-01-M

COMMODITY FUTURES TRADING COMMISSION

TIME AND DATE: 11:00 a.m., Friday, March 23, 1990.

PLACE: 2033 K St., NW., Washington, DC, 8th Floor Hearing Room.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

Surveillance matters.

CONTACT PERSON FOR MORE INFORMATION: Jean A. Webb, 254–6314.

Jean A. Webb,

Secretary of the Commission.

[FR Doc. 90–4339 Filed 2–21–90; 3:38 pm]

BILLING CODE 6351-01-M

COMMODITY FUTURES TRADING COMMISSION

TIME AND DATE: 11:00 a.m., Friday, March 30, 1990.

PLACE: 2033 K St., NW., Washington, DC, 8th Floor Hearing Room.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

Surveillance matters.

CONTACT PERSON FOR MORE INFORMATION: Jean A. Webb, 254–6314.

Jean A. Webb,

Secretary of the Commission.

[FR Doc. 90–4340 Filed 2–21–90; 3:38 pm]

BILLING CODE 6351-01-M

FEDERAL RESERVE SYSTEM BOARD OF GOVERNORS

TIME AND DATE: 10:00 a.m., Wednesday, February 28, 1990.

PLACE: Marriner S. Eccles Federal Reserve Board Building, C Street entrance between 20th and 21st Streets, NW., Washington, DC 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.
2. Any items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board; (202) 452–3204. You may call (202) 452–3207, beginning at approximately 5 p.m. two business days before this meeting, for a recorded announcement of bank and bank holding company applications scheduled for the meeting.

Dated: February 20, 1990.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 90–4242 Filed 2–21–90; 9:37 am]

BILLING CODE 6210-01-M

UNITED STATES POSTAL SERVICE BOARD OF GOVERNORS

Notice of a Meeting

The Board of Governors of the United States Postal Service, pursuant to its Bylaws (39 CFR 7.5) and the Government in the Sunshine Act (5 U.S.C. 552b), hereby gives notice that it intends to hold a meeting at 1:00 p.m. on Monday, March 5, 1990, and at 1:00 p.m.

on Tuesday, March 6, 1990, in Washington, D.C. The March 5 meeting, at which the Board will: (1) Consider a capital investment for the Chicago Main Post Office and (2) consider a rate case filing with the Postal Rate Commission, is closed to the public. (See 55 FR 5337, February 14, 1990). The March 6 meeting is open to the public and will be held in the Benjamin Franklin Room at Postal Service Headquarters, 475 L'Enfant Plaza, SW. The Board expects to discuss the matters stated in the agenda which is et forth below. Requests for information about the meeting should be addressed to the Secretary of the Board, David F. Harris, at (202) 268–4800.

Agenda

Monday Session

March 5—1:00 p.m. (Closed)

1. Capital Investment: a. Chicago, Illinois, Main Post Office. (Stanley W. Smith, Assistant Postmaster General, Facilities Department; and Jerry K. Lee, Sr., Regional Postmaster General, Central Region)
2. R90–1 Rate Cae Filing. (Comer S. Coppie, Senior Assistant Postmaster General, Finance Group; and Frank R. Heselton, Assistant Postmaster General, Rates and Classification Department)

Tuesday Session

March 6—1:00 p.m. (Open)

1. Minutes of the Previous Meeting, February 5–6, 1990.
2. Remarks of the Postmaster General.
3. Report on Law Department Programs. (Louis A. Cox, General Counsel)
4. Briefing on Bar Coding Program-Strategic Plans Including Savings Capturability. (John G. Mulligan, Senior Assistant Postmaster General, Operations Support Group; Comer S. Coppie, Senior Assistant Postmaster General, Finance Group; and David H. Charters, Senior Assistant Postmaster General, Human Resources Group)
5. Capital Investments: (Mr. Smith)
   a. San Francisco, California, Downtown Carrier Unit.
   b. New Brunswick, New Jersey, Kilmer General Mail Facility Expansion. (Messrs. Smith and Edwards)
   c. Norman, Oklahoma, Technical Training Center Couch Tower Lease Buy-out.
6. Tentative Agenda for April 2–3, 1990, meeting in Raleigh, North Carolina.

David E. Harris,

Secretary.

[FR Doc. 90–4333 Filed 2–21–90; 3:38 pm]

BILLING CODE 7710–12–M

STATE JUSTICE INSTITUTE

TIME AND DATE:

9:00 a.m. to 5:00 p.m., March 9, 1990
9:00 a.m. to 5:00 p.m., March 10, 1990
9:00 a.m. to 2:00 p.m., March 11, 1990

PLACE: State Justice Institute, 120 South Fairfax Street, Alexandria, Virginia 22314.

STATUS: The meeting will be open to the public, except for personnel matters.

MATTERS TO BE CONSIDERED:

Portions Open to the Public: Consideration of concept papers submitted for funding.
Portions Closed to the Public: Discussion of internal personnel matters.

CONTRACT PERSON FOR MORE INFORMATION: David I. Tevelin, Executive Director, State Justice Institute, 120 South Fairfax Street, Alexandria, Virginia 22314, (703) 684–6100.

David I. Tevelin,

Executive Director.

[FR Doc. 90–4296 Filed 2–21–90; 1:04 pm]

BILLING CODE 6820–SC–M

Corrections

Federal Register
Vol. 55, No. 37
Friday, February 23, 1990

This section of the FEDERAL REGISTER contains editorial corrections of previously published Presidential, Rule, Proposed Rule, and Notice documents. These corrections are prepared by the Office of the Federal Register. Agency prepared corrections are issued as signed documents and appear in the appropriate document categories elsewhere in the issue.

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER90-185-000 et al.]

Florida Power Corp. et al.; Electric Rate, Small Power Production, and Interlocking Directorate Filings

Correction

In notice document 90-3527 beginning on page 5493 in the issue of Thursday, February 15, 1990, make the following correction:

On page 5493, in the third column, under entry 6., the docket number should read "[Docket No. ER90-181-000]".

BILLING CODE 1505-01-D

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. MT88-12-003 et al.]

El Paso Natural Gas Co. et al.; Natural Gas Pipeline Rate Filings

Correction

In notice document 90-3528 beginning on page 5495 in the issue of Thursday, February 15, 1990, make the following correction:

On page 5496, in the third column, under entry 13., the docket number should read "[Docket No. MT90-1-000]".

BILLING CODE 1505-01-D

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP90-657-000 et al.]

Williams Natural Gas Co., et al; Natural Gas Certificate Filings

Correction

In notice document 90-3773 beginning on page 5880 in the issue of Tuesday, February 20, 1990, make the following correction:

On page 5884, in the third column, under entry 22., the docket number should read "[Docket No. CP90-699-000]".

BILLING CODE 1505-01-D

federal register

Friday
February 23, 1990

Part II

Department of the Interior

Fish and Wildlife Service

50 CFR Part 20

Proposed Migratory Bird Hunting Regulations on Federal Indian Reservations and Ceded Lands; Notice of Intent

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 20

RIN 1018-AA 24

Proposed Migratory Bird Hunting Regulations on Federal Indian Reservations and Ceded Lands

AGENCY: U.S. Fish and Wildlife Service, Interior.

ACTION: Notice of Intent; request for proposals from Indian tribes desiring special migratory bird hunting regulations for the 1990–91 hunting season.

SUMMARY: The purpose of this Notice of Intent is to request proposals from Indian tribes that wish to establish special migratory bird hunting regulations for the 1990–91 hunting season, under the interim guidelines implemented for this purpose in September 1985. A proposal must include the details described later in this document. The U.S. Fish and Wildlife Service (hereinafter the Service) also welcomes comments concerning this Notice of Intent.

DATES: Proposals and comments should be submitted as soon as possible and must be received by June 5, 1990.

ADDRESSES: All proposals and comments should be submitted to Director (FWS/MBMO), U.S. Fish and Wildlife Service, Department of the Interior, Room 634, Arlington Square, 18th and C Streets, NW., Washington, DC 20240. A copy should be sent to the appropriate Service Regional Office at the address shown near the end of this document. Also, tribes that request special hunting regulations for tribal members on ceded lands should send a copy of the proposal to officials in the affected State(s).

FOR FURTHER INFORMATION CONTACT: Fant W. Martin, Office of Migratory Bird Management, U.S. Fish and Wildlife Service, Department of the Interior, Room 634, Arlington Square, 18th and C Streets, NW., DC 20240 Telephone (703) 358–1773.

SUPPLEMENTARY INFORMATION:

Background

Beginning with the 1985–86 hunting season, the Service has employed interim guidelines described in the June 4, 1985 **Federal Register** (at 50 FR 23467) to establish special migratory bird hunting regulations on Federal Indian reservations (including off-reservation trust lands) and ceded lands. The guidelines were developed in response to tribal requests for Service recognition of their reserved hunting rights, and for some tribes, recognition of their authority to regulate hunting by both tribal and nontribal members throughout their reservations. The guidelines include possibilities for: (1) On-reservation hunting by both tribal and nontribal members, with hunting by nontribal members on some reservations to take place within Federal frameworks, but on dates different from those selected by the surrounding State(s); (2) on-reservation hunting by tribal members only, outside of usual Federal frameworks for season dates and length, and for daily bag and possession limits; and (3) off-reservation hunting by tribal members on ceded lands, outside of usual framework dates and season length, with some added flexibility in daily bag and possession limits. In all cases, the regulations established under the guidelines would have to be consistent with the March 10 to September 1 closed season mandated by the 1916 Migratory Bird Treaty with Canada. The guidelines are capable of application to those tribes that have reserved hunting rights on Federal Indian reservations (including off-reservation trust lands) and ceded lands. They also apply to establishing migratory bird hunting regulations for nontribal members on all lands within the exterior boundaries of reservations where tribes have full wildlife management authority over such hunting, or where the tribes and affected States otherwise have reached agreement over hunting by nontribal members on non-Indian lands.

Tribes usually have the authority to regulate migratory bird hunting by nonmembers on Indian-owned reservation lands, subject to Service approval. The question of jurisdiction is more complex on reservations that include lands owned by non-Indians, especially when the surrounding States have established or intend to establish regulations governing hunting by non-Indians on these lands. In such cases, the Service encourages the tribes and States to reach agreement on regulations that would apply throughout the reservations. When appropriate, the Service will consult with a tribe and State with the aim of facilitating an accord. The Service also will consult jointly with tribal and State officials in the affected States where tribes may wish to establish special hunting regulations for tribal members on ceded lands.

One of the guidelines provides for the continuation of harvest of waterfowl and other migratory game birds by tribal members on reservations where it is a customary practice. The Service does not oppose this harvest, provided it does not take place during the closed season required by the 1916 Canadian Migratory Bird Treaty, and it is not so large as to adversely affect the status of the migratory bird resource. Since the 1987–88 hunting season, the Service has reached annual agreement with the Mille Lacs Band of Chippewa Indians for hunting by tribal members on their lands in Minnesota. The Service will continue to consult with tribes that wish to reach a mutual agreement on hunting regulations for on-reservation by hunting by tribal members.

The guidelines should not be viewed as inflexible. Nevertheless, the Service believes that they provide appropriate opportunity to accommodate the reserved hunting rights and management authority of Indian tribes while ensuring that the migratory bird resource receives necessary protection. The conservation of this important international resource is paramount. Use of the guidelines is not required if a tribe wishes to observe the hunting regulations established by the State(s) in which the reservation is located.

Details Needed in Tribal Proposals

Tribes that wish to use the guidelines to establish special hunting regulations for the 1990–91 hunting season must submit a proposal that includes: (1) The requested hunting season dates and other details regarding regulations to be observed; (2) harvest anticipated under the requested regulations; (3) methods that will be employed to measure or monitor harvest (mail-questionnaire survey, bag checks, etc.); (4) steps that will be taken to limit level of harvest, where it could be shown that failure to limit such harvest would impact seriously on the migratory bird resource; and (5) tribal capabilities to establish and enforce migratory bird hunting regulations.

The regulations that will be established for Indian tribes will include both early and late hunting seasons. The early season begins on September 1 each year and includes species such as mourning doves and white-winged doves. The late season usually begins on or near October 1 and includes most waterfowl species. Because final regulations for tribes for the 1990–91 hunting season must be established by September 1, 1990, the proposed and final rules for most tribal waterfowl seasons will be described in relation to the season dates, season length, and limits that will be permitted when final waterfowl hunting season frameworks are announced. For example, the daily

bag and possession limits for ducks on most reservations in the Pacific Flyway will be shown as "Same as permitted Pacific Flyway States under final Federal frameworks." This procedure is necessary because the early season will be underway before final frameworks for the late season are announced. The final rule for tribes will include the actual season dates, bag limits, etc., for species included in the early season because the final Federal frameworks will be established in time to include them in the final rule for tribes. In some instances, specific waterfowl regulations for a particular tribe or reservation also may be shown because they will be within the final Federal frameworks that will be established. However, for the reasons shown above, final regulations for most tribes will not include exact details for waterfowl.

The Service notes that duck hunting regulations for the 1988–89 and 1989–90 hunting seasons were much more restrictive than in recent years because of the serious decline in duck populations caused by a lengthy period of drought in the prairie region of Canada and the United States. The drought was especially severe in 1988, and several years of favorable environmental conditions probably will be required before ducks will be able to nest successfully again in many prairie areas. Consequently, for conservation purposes, duck hunting regulations likely will be conservative again in the 1990–91 hunting season, and tribes should bear this in mind when preparing proposals.

A tribe that desires the earliest possible opening of the waterfowl season should specify this in the proposal, rather than request a date that might not be within the final Federal frameworks. Similarly, unless a tribe wishes to set more restrictive regulations than Federal regulations will permit, the proposal should request the same daily bag and possession limits and season length for ducks and geese that Federal regulations will permit the States in the flyway in which the reservation is located.

The Service notes also that because of a long-term decline of mourning doves in the Western Management Unit, the 1989–90 hunting regulations for States in the unit were more restrictive than usual. Similar regulations likely will be established in the unit for this species for the 1990–91 hunting season, with the aim of increasing the size of the population.

Pertinent details in proposals received from tribes will be published for public review in a later **Federal Register** document. Because of the time required for Service and public review, Indian tribes that desire special migratory bird hunting regulations for the 1990–91 hunting season should submit their proposals as soon as possible, but not later than June 5, 1990. Tribal inquiries regarding the guidelines and proposals should be directed to the appropriate Service Regional Office.

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Authorship

The primary author of this Notice of Intent is Fant W. Martin, Office of Migratory Bird Management, working under the direction of Thomas J. Dwyer, Chief.

List of Subjects in 50 CFR Part 20

Exports, Hunting, Imports, Transportation, Wildlife.

The rules that eventually may be promulgated for the 1990–91 hunting season are authorized under the Migratory Bird Treaty Act of July 3, 1918 (40 Stat. 755; 16 U.S.C. 703 et seq.), as amended.

Dated: February 14, 1990.

Richard N. Smith,

Acting Director.

[FR Doc 90-4092 Filed 2-22-90; 8:45 am]

BILING CODE 4310-55-M

Federal Register

Friday
February 23, 1990

Part III

The President

Proclamation 6099—Save Your Vision Week, 1990

Digitized

Federal Register
Vol. 55, No. 37
Friday, February 23, 1990

Presidential Documents

Title 3—

The President

Proclamation 6099 of February 21, 1990

Save Your Vision Week, 1990

By the President of the United States of America

A Proclamation

The loss of the precious gift of sight—at any age—is always tragic, but even more so when it could have been prevented.

Certain eye disorders in young children can interfere with the development of normal vision. Some of these problems are difficult to detect and may go unnoticed until they have caused significant, perhaps even permanent, damage. Therefore, it is essential that parents have their children's vision checked at or before age 3. The early discovery and prompt treatment of an eye problem can prevent visual loss that might otherwise be irreparable by the time a child reaches school age.

In adulthood, the estimated 11 million Americans who have diabetes are vulnerable to a potentially blinding eye disease known as diabetic retinopathy. People with diabetes often develop this condition, in which weakened blood vessels in the eye can cause severe vision loss or blindness. Despite the availability of sight-saving treatments, diabetic retinopathy robs more middle-aged Americans of sight than any other eye disease. The surest way someone with diabetes can prevent loss of vision from diabetic retinopathy is by having an annual eye examination. With early diagnosis, diabetic retinopathy can be treated.

Open-angle glaucoma, the most common form of glaucoma in the United States, often appears in late middleage. Glaucoma can usually be controlled with medication. Tragically, however, it is still a leading cause of blindness among older individuals and Black Americans. Because glaucoma causes few if any symptoms in its early stages, millions of otherwise healthy people are unaware that they have the disease. That is why Black men and women, individuals with diabetes, and members of a family with a history of glaucoma should be especially diligent about seeking regular, comprehensive eye examinations.

Although eye diseases take their greatest toll on the vision of older men and women, the most common form, cataract, can be treated effectively. Today, removing a cataract and implanting a plastic lens is a highly successful and comparatively simple operation. Similarly, laser surgery can stop the severe loss of vision that results from an advanced form of age-related macular degeneration, an insidious disease that gradually destroys central vision. Proper timing of laser treatment, however, is very important if irretrievable loss of vision from this disease is to be prevented.

Because periodic eye examinations can lead to the detection and treatment of disorders and diseases that might otherwise pose a serious threat to one's vision, all Americans should make regular visits to their ophthalmologist or optometrist.

Seeking routine eye exams by a licensed professional is one of the best ways we can protect ourselves from needless vision loss. However, we can also protect our eyesight by taking a few simple precautions in the course of our daily activities. For example, goggles or some other form of protective eyewear should always be worn when handling potentially dangerous chemi-

cals or machinery. Such safety gear should also be worn when participating in certain sports. Those Americans who wear contact lenses should always be certain to wear, clean, and handle them correctly, in accordance with the directions of their eye care professional. By following such simple steps, and by seeking periodic eye exams, each of us can safeguard one of our greatest blessings: the gift of sight.

To remind all Americans of the importance of proper eye care, the Congress, by joint resolution approved December 30, 1963 (77 Stat. 629; 36 U.S.C. 169a), has authorized and requested the President to proclaim the first week of March of each year as "Save Your Vision Week."

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, do hereby designate the week of March 4 through March 10, 1990, as Save Your Vision Week. I urge all Americans to participate in this observance by making eye care and eye safety an important part of their lives. I also invite eye care professionals, the communications media, and all public and private organizations committed to the goal of sight conservation to join in activities that will make Americans more aware of the steps they can take to protect their vision.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-first day of February, in the year of our Lord nineteen hundred and ninety, and of the Independence of the United States of America the two hundred and fourteenth.

George Bush

[FR Doc. 90-4396
Filed 2-22-90; 11:22 am]
Billing code 3195-01-M

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Vol. 55, No. 37

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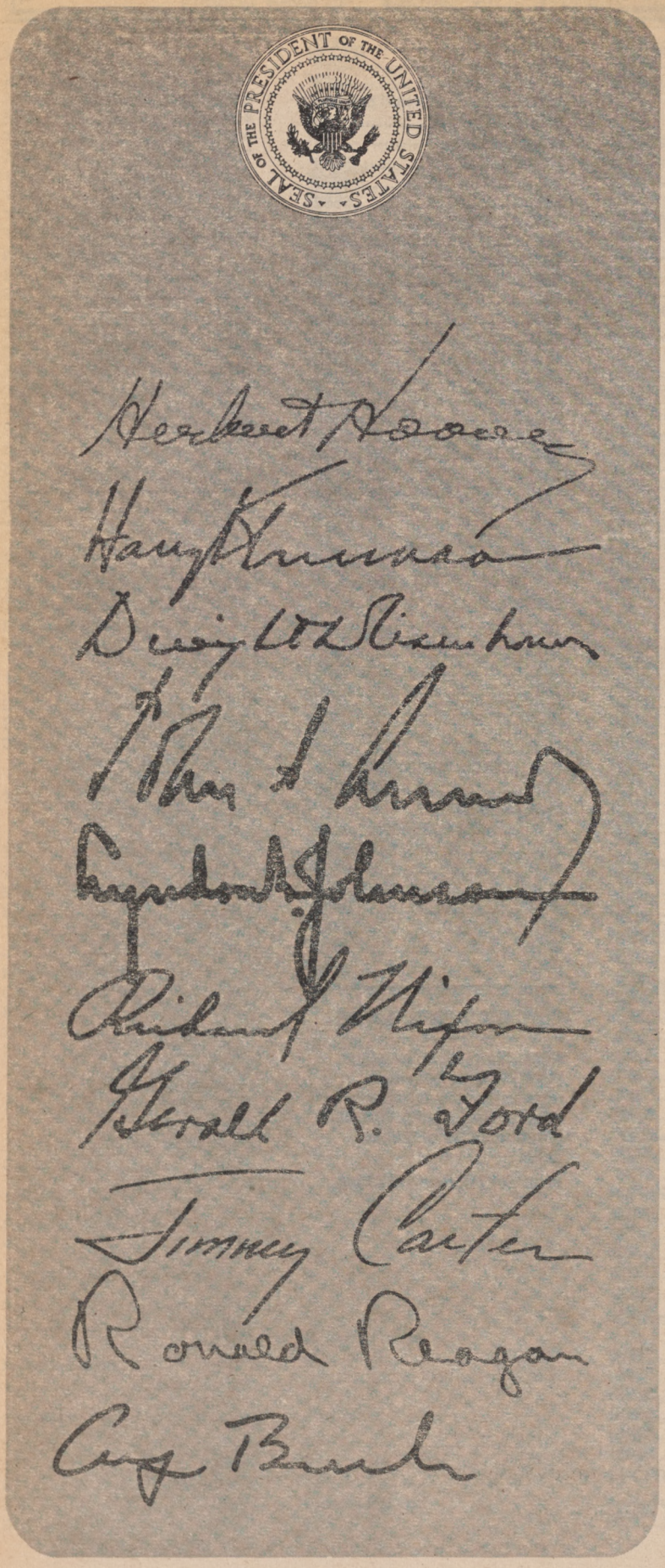
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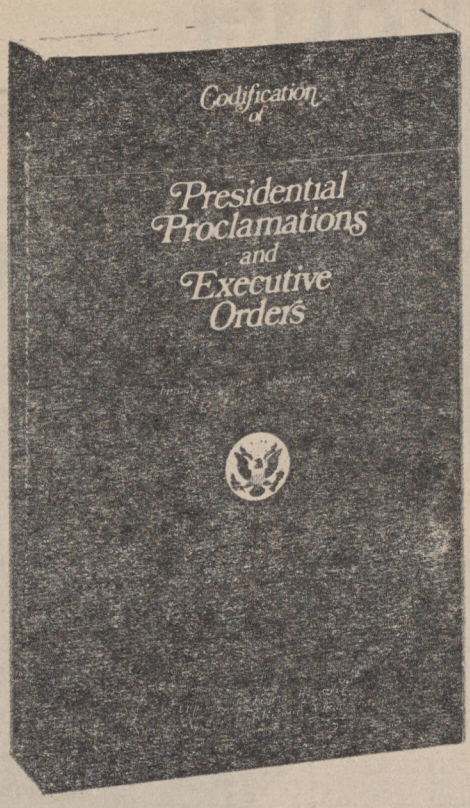
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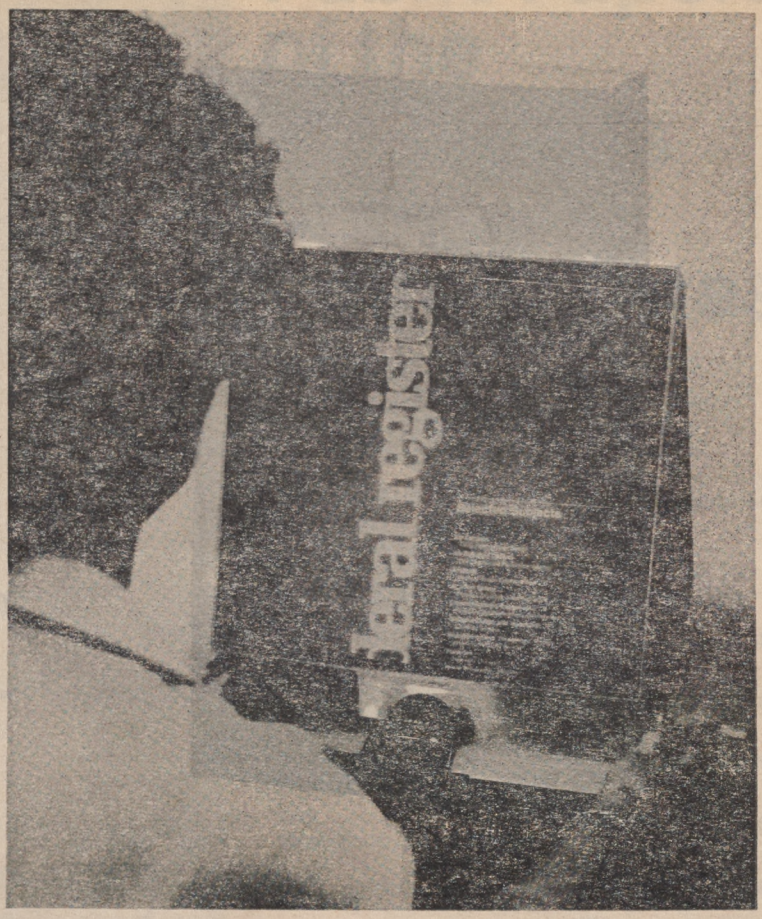
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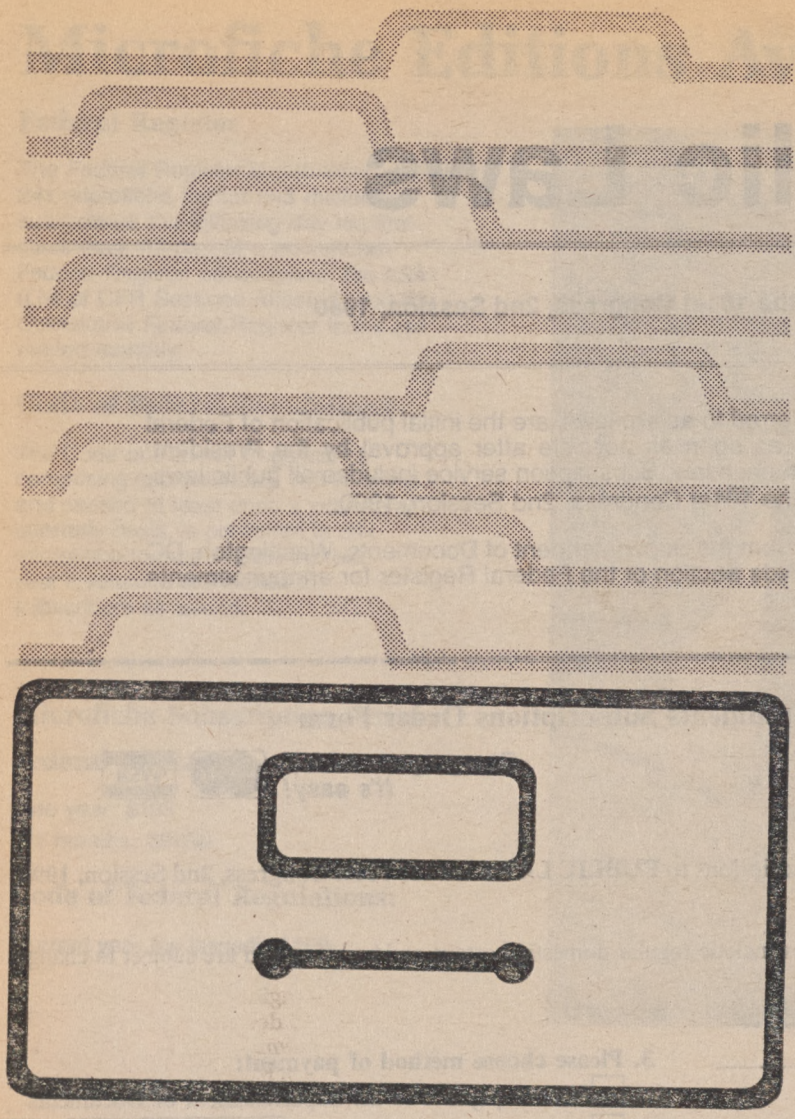
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in the Code of Federal Regulations (CFR)

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