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

WHO: The Office of the Federal Register.

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

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2. The relationship between the Federal Register and Code of Federal Regulations.
3. The important elements of typical Federal Register documents.
4. An introduction to the finding aids of the FR/CFR system.

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

WASHINGTON, DC

WHEN: March 28, at 9:00 a.m.
WHERE: Office of the Federal Register,
First Floor Conference Room,
1100 L Street NW., Washington, DC
RESERVATIONS: 202–523–5240

MIAMI, FL

WHEN: April 18:
1st Session 9:00 am to 12 noon.
2nd Session 1:30 pm to 4:30 pm
WHERE: 51 Southwest First Avenue
Room 914
Miami, FL
RESERVATIONS: 1–800–347–1997

CHICAGO, IL

WHEN: April 25, at 9:00 am
WHERE: 219 S. Dearborn Street
Conference Room 1220
Chicago, IL
RESERVATIONS: 1–800–366–2998

WASHINGTON, DC

WHEN: May 23, at 9:00 am
WHERE: Office of the Federal Register
First Floor Conference Room
1100 L Street, NW, Washington, DC
RESERVATIONS: 202–523–5240 (voice); 202–523–5229 (TDD)

NOTE: There will be a sign language interpreter for hearing impaired persons at the May 23, Washington, DC briefing.

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

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 52

[FV-83-206]

United States Standards for Grades of Pickles

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: In compliance with the requirements for periodic review of existing regulations and in response to a petition from the pickle industry, the Agricultural Marketing Service (AMS) is revising the United States Standards for Grades of Pickles. This revision changes the U.S. grade standards for pickles by: (1) Requiring acidification of pickles to a pH of 4.6 or below; (2) providing for the continued use of vinegar to achieve and maintain the proper pH; (3) removing minimum salt requirements; (4) establishing, under "Types of Pack," the "Refrigerated" type; (5) changing size designations; (6) reducing or eliminating the analytical requirements for acid, sugar, or salt for some types of pack; (7) eliminating the "length variation" in determining uniformity of size for whole style; (8) expanding the table for sizes of whole pickles in gallon containers to include other container sizes; (9) increasing the allowance for stems by changing the classifications; (10) simplifying the U.S. grade standards by condensing the various tables; (11) replacing dual grade nomenclature with single letter grade designations; and (12) incorporating minor editorial changes. The effort of this revision will be to improve the standards, encourage uniformity in commercial practices, and facilitate the trading of pickles.

EFFECTIVE DATE: April 22, 1991.

FOR FURTHER INFORMATION CONTACT: Harold A. Machias, Processed Products Branch, Fruit and Vegetable Division, Agricultural Marketing Service, U.S. Department of Agriculture, room 0709, South Building, P.O. Box 96456, Washington, DC 20090-6456, Telephone (202) 447-6247.

SUPPLEMENTARY INFORMATION: This action has been reviewed under Executive Order 12291 and Department Regulation 1512-1 and has been designated as a "nonmajor" rule. It will not result in an annual effect on the economy of $100 million or more.

There will be no major increase in cost or prices for consumers; individual industries; Federal, State, or local government agencies, or geographic regions. It will not result in significant effects on competition, employment, investments, productivity, innovations, or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

The Administrator, Agricultural Marketing Service, has certified that this action will not have a significant economic impact on a substantial number of small entities, as defined in the Regulatory Flexibility Act, (5 U.S.C. 601 et seq.), because it reflects current marketing practices. A small entity may avoid incurring any additional economic impact by not employing the standards.

The United States Department of Agriculture (USDA) received a petition from Pickle Packers International, Incorporated (PPI), a trade association of the pickle industry, requesting changes in the United States Standards for Grades of Pickles to reflect procedural, processing, and marketing changes in the pickle industry during the last thirty years. In addition, agencies are required to periodically review existing regulations.

An objective of the regulatory review is to ensure that the grade standards are serving their intended purpose, the language is clear, and the standards are consistent with AMS policy and authority. AMS therefore, also conducted a market survey for pickles, distributing it to several associations and industry members. The U.S. grade standards for pickles were last revised, except for minor changes, in 1954.

The PPI requested in their petition that the standards be revised to allow the use of other food grade acids, instead of vinegar, in pickles.

PPI also requested that the requirements in the grade standards for salt, acid, and Baume' (density) levels be changed to meet consumer preferences for a milder pickle, both in terms of salinity and acidity. The pickle industry has expressed concern about the public health aspects of sodium and has responded to consumer preference for reduced sodium levels in foods. In the view of the pickle industry, there is no reason to require that pickles contain the current minimum of salt, and there is a need to allow for production of pickles containing as little sodium as is technologically feasible.

The pickle industry believes the acid level should also be minimal but should be sufficient to achieve an equilibrated pH of 4.6 or below as required by the Food and Drug Administration (FDA) Good Manufacturing Practices for acidified foods. PPI proposed Baume' levels be reduced since the components which affect Baume' (salt, acid, and sugar) are balanced by each manufacturer to maintain the desired characteristics for taste and flavor. These changes are reflected in Table V of the revised standards.

PPI stated that in most modern pickle processing plants, pickles are sized solely by diameter rather than by length and diameter. Hand sorting pickles by length is not economically feasible and would add to processing costs. Data indicated that pickles are marketed efficiently without hand sorting by length and therefore "length" should not be part of the criteria for determining uniformity of size.

PPI also requested that the table designating sizes for whole pickles in gallon containers be expanded to include other common container sizes.

PPI also recommended that stems not be considered a defect in these U.S. grade standards, citing that stems are not listed as a defect in the USDA grade standards for fresh cucumbers. Presently, the PPI states, the industry makes no effort to remove stems from cucumbers except when preparing pickles for acceptance by the military or the school lunch program. PPI stated that one member, in reviewing complaint letters dating back 10 years, found no letters concerning attached stems affecting the quality of pickles. They also claim that, with the advent of

mechanical harvesting, a restrictive requirement on stems is not economical and places an unreasonable burden on the processor. The current standards require stems longer than three-eighths of an inch be scored as a defect.

A proposal to revise the U.S. Standards for Grades of Pickles was published in the **Federal Register** on December 8, 1987 (52 FR 46486). An extension of the commment period was published on March 9, 1988 to allow for comments to be received on or before April 7, 1988.

Six comments were received regarding the proposal to revise the U.S. grade standards. Five comments were from vinegar manufacturers and one comment was from the Vinegar Institute which represents the vinegar industry. The comments were critical of the substitution of the term "acidic solution" for the term "vinegar solution" throughout the proposal. The Vinegar Institute cited the Food and Drug Administration's (FDA) Compliance Policy Guide 7120.11 stating that FDA policy provides that "acetic acid should not be substituted for vinegar in pickled products which consumers customarily expect to be prepared with vinegar."

A 1984 letter from the Food Safety and Inspection Service, USDA to the commenter also was cited in support of their position. However, FDA published a regulation in 21 CFR 114.3(b), regarding acidified foods, that USDA believed could be subject to a contrary interpretation. FDA also published as an Advanced Notice of Proposed Rulemaking, the International Codex Standards for Pickles permitting the use of food grade acids. The USDA therefore requested a clarification from FDA regarding its policy for the use of approved food grade acids as an alternative to vinegar.

In a letter dated July 28, 1988 and sent to USDA from the Deputy Director, Division of Regulatory Guidance, Center for Food Safety and Applied Nutrition, Food and Drug Administration, FDA confirmed its policy that only vinegar may be used in producing pickles and pickled foods and recommended that the phrase "packed in a vinegar solution" replace the terms "acid medium solution", "acidic solution", and "other food grade acids" as written in the December 8, 1987 USDA proposed rule. FDA cited a paper published in the Journal of Food Science which differentiated between the characteristics of vinegar and glacial acetic acid. Aqueous solutions of glacial acetic acid were found to have a sharp unpleasant taste. The characteristic flavors of vinegar were found to be dependent on the constituents formed during the fermentation of the raw materials as well as subsequent acetous fermentation. FDA also provided additional recommendations for clarity. FDA recommended that in § 52.1683(a), the modification specifies that cured-type pickles are fermented in salt brine. FDA also recommended that in § 52.1685(a)(2), the rule clearly states that the instrument used to determine Brix value is a sugar scale Brix hydrometer.

FDA also suggested that the heading in Table IV be modified to specify container volume, and "large seeds, detached seeds, and tough skins" be added as texture defects in Tables VI, VII, and VIII.

May 1989 Proposed Rule

USDA decided to repropose the grade standards incorporating these suggestions, including use of the term "vinegar solution" in place of "acid medium solution" and "other food grade acids," so that interested persons could comment further on the standards.

The reproposed rule to revise the U.S. grade standards for pickles, was published in the **Federal Register** on May 10, 1989 (54 FR 20133). The comment period closed on July 10, 1989.

Five comments were received. Three comments were from the pickle industry—two from pickle manufacturers and one from PPI. The fourth comment was from Dr. Henry Fleming, research leader of the Agricultural Research Service (South Atlantic) of the USDA. The fifth comment, received and accepted after the close of the comment period, was from the Vinegar Institute. The comments from industry were critical of the requirement that vinegar was proposed as the sole acidifying agent for pickles. PPI stated that such a requirement would automatically exclude well over one-half of the pickles (those which are naturally fermented) produced in this country from the U.S. grade standards. In addition, PPI indicated its members are not in agreement with the major revision in the modified proposed rule that vinegar alone should be the acidifying agent in pickled vegetables. They believed the requirement is insupportable by science, not representative of current manufacturing practices, may endanger public health, and is not realistic. The pickle manufacturers indicated lactic acid is often the sole acidifying agent in naturally fermented pickles (genuine dills and half-sour pickles).

PPI stated many packers have used and continue to use food grade acetic acid in their products and relate that, to say consumers expect only vinegar in their pickles is to ignore industry's practice and consumer acceptance. In addition, as with many other food products, the formulae are closely guarded secrets, developed over a period of years and based on consumer acceptance. PPI believed U.S. grade standards for pickles that provide only vinegar as the food acid would invalidate formulae, hamstring the manufacturers, and disappoint the consumer. They also emphasized that the requirement for all pickles to achieve a pH of 4.6 or below apply to all types of pickles.

One comment from Vlassic Foods, Incorporated, stated that restriction of the acidifying agent to vinegar would impede marketing and preclude from pickles competitive acids that may provide new and unique tastes and flavors to contemporary and future consumers.

Dr. Henry Fleming's comment agreed with the Department proposal that would require all pickles, including refrigerated and fermented pickles, to meet the pH requirement. He cited recent observations that the food pathogen, *Listeria monocytogenes* can survive or even proliferate under refrigerated (5° C) conditions. Conner et al. (Appl. Environ. Microbiol. 52:5963, 1986) reports that viable cells of this organism were detected in cabbage juice after 49 days initially at 5.0 and 4.8 pH, whereas at 4.6 and 4.4, no viable cells were detected in 21-day samples.Fleming suggested that the pH requirement for pickles achieve and maintain a pH of 4.6 or below would assure a more shelf-stable product. He also said that lactic acid has been considered to be a natural acidulant in pickles for many years, and many other organic acids may be natural constituents of cucumbers or other fruits and vegetables used for pickling, and fermentation may yield small amounts of acids other than lactic.

The fifth comment was from the Vinegar institute. In their comment, the Vinegar Institute again reemphasized that the U.S. Food and Drug Administration has officially recognized the distinction between vinegar and glacial acetic acid. They further indicated that the Institute does not seek to have the USDA impose unreasonable restrictions on manufacturers of pickled products in the use of acidulants. They acknowledged the industry use of acidulants for various functional reasons so long as they are properly labeled. They further acknowledged lactic acid is produced during the fermentation of pickles and the resultant brine is used for packing other pickles.

They believed the use of fermented brine containing lactic acid for pickling purposes was appropriate.

Final Rule

USDA believes the requirement for acidification of pickles to a pH of 4.6 or below will provide a longer shelf life for pickles not previously covered by this requirement.This requirement appears in the product description in § 52.1681 of this final rule. USDA agrees with commenters that, although "refrigerated" type and fermented pickles are excluded from the pH requirement by FDA rule, acidification of all styles of pickles to a level of pH 4.6 or below is beneficial to consumers Dr. Fleming's comment persuasively establishes that pH 4.6 is an appropriate acidity level to prevent the growth of food-borne pathogens. USDA has determined this requirement provides a longer shelf life for pickles that were not previously required to meet the pH requirement. USDA has also determined this change improves the quality of these pickles in the marketplace.

Rulemaking records indicate that vinegar is not the sole acidifying agent in pickling. Lactic acid and several other organic acids are recognized as important acidifiers in pickling as pointed out by several commenters.

However, FDA has indicated in their letter that their policy is "that only vinegar may be used in producing pickles and pickled foods." They further suggested that the terms "acid medium solution, other food grade acids, acidic solution (acetic, lactic, or other suitable food grade acid") be replaced with the term, "packed in a vinegar solution" as cited in the current standards. U.S. standards for grades of agricultural commodities take into account regulations of sister agencies such as FDA. In this final action USDA rules that, to agree with FDA Compliance Policy Guide (CPG) 7120.11, (Acetic Acid—Use in Foods—Labeling of Foods), the U.S. grade standards for pickles will be based on pickles packed in vinegar solution.

For the reasons discussed above, the revised standards permit lower-salt pickles to receive a higher grade by eliminating the minimum salt requirements in § 52.1691 Table V of the standards.

Changes to the requirements salt, acid, and Baume' (density) are reflected in § 52.1691 Table V of the revised standards.

Rulemaking records also confirm the existence of "Refrigerated Type" pickles as well as the propriety of identifying this type of pickle in the grade standards. As a result, this final rule amends § 52.1683 to include "Refrigerated Type" pickles.

With respect to the proposal to eliminate "length" as a criterion for uniformity of size, USDA agrees with PPI's view that hand sorting pickles by length is not economically feasible and would add to processing costs. Pickles are currently marketed efficiently without hand sorting by length and therefore in the final rule, "length" has been removed as a criterion for determining uniformity of size in whole style pickles in § 52.1691 Table VI.

With respect to the proposal to eliminate stems as a defect in the grade standards, it should be noted that consumer demand for pickles has been increasing over the last five years even though most processors are not attempting to remove stems. Current standards require stems longer than three-eighths of an inch to be scored as a defect.

In reviewing the rulemaking records the USDA has determined that stems are a defect and affect the appearance and eating quality when they exceed a specified length. For this reason, the final rule considers stems over 2.5 centimeters (.98 inch) in length to be a minor defect. Stems that are 2.5 centimeters in length or less are considered "insignificant" for the purposes of these grade standards.

The final rule follows a uniform format consistent with recent revisions of other U.S. grade standards. The format is designed to provide industry personnel and USDA Agricultural Commodity Grades with simpler and more comprehensive standards. Definitions of terms and easy-to-read tables replace, where appropriate, some of the textual description in existing standards. These changes will promote better understanding and more uniform application of the standards.

This rule replaces dual grade nomenclature with single letter designations. Under this proposal,"U.S. Grade A" (or U.S. Fancy) and "U.S. Grade B" (or U.S. Extra Standard) become "U.S. Grade A" and "U.S. Grade B" respectively.

Upon review of all the background information and public comments collected during the rulemaking process, the USDA determined that this final rule for the United States Standards for Grades of Pickles appearing after this preamble should be published in the **Federal Register** and become effective 30 days after publication.

List of Subjects in 7 CFR Part 52

Fruits, Vegetables, Food grades and standards.

For the reasons set forth in the preamble, 7 CFR part 52 is amended to read as follows:

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

Authority: Agricultural Marketing Act of 1946, Secs. 203, 205, 60 Stat. 1087 as amended, 1090 as amended; 7 U.S.C. 1622, 1624.

2. The Subpart—United States Standards for Grades of Pickles, 7 CFR 52.1681—52.1702, is revised to read as follows:

Subpart—United States Standards for Grades of Pickles

Sec.

52.1681 Product description.
52.1682 Styles of pickles.
52.1683 Types of pack.
52.1684 Sizes of whole pickles.
52.1685 Definitions of terms.
52.1686 Recommended fill of container.
52.1687 Quantity of pickle ingredient.
52.1688 Sample unit size.
52.1689 Grades.
52.1690 Factors of quality.
52.1691 Requirements for grades.
52.1692 Determining the grade of a lot.

Subpart—United States Standards for Grades of Pickles

§ 52.1681 Product description.

Pickles means the product prepared entirely or predominantly from cucumbers (Cucumis sativus L.). Clean, sound ingredients are used that may or may not have been previously subjected to fermentation and curing in a salt brine. The product is prepared and preserved through natural or controlled fermentation or by direct addition of vinegar to an equilibrated pH of 4.6 or below. The equilibrated pH value must be maintained for the storage life of the product. The product may be further preserved by pasteurization with heat, or refrigeration and may contain other vegetables, nutritive sweetners, seasonings, flavorings, spices, and other ingredients permissible under the Federal Food, Drug, and Cosmetic Act. The product is packed in commercially suitable containers to assure preservation.

§ 52.1682 Styles of pickles.

(a) *Whole style* means the pickles are whole and are relatively uniform in diameter as indicated in Table II of § 52.1684.

(b) *Whole, mixed sizes style* means the pickles are whole pickles of mixed sizes.

(c) *Sliced lengthwise style* means the pickles are cut longitudinally into halves, quarters, or other triangular shapes (spears, strips, or fingers), or

otherwise into units with parallel surfaces with or without ends removed.

(d) *Sliced crosswise, Crosscut, or Waffle cut style* means the pickles are cut into slices transversely to the longitudinal axis. The cut surfaces may have flat-parallel or corrugated-parallel surfaces.

(e) *Cut style* means the pickles are cut into chunks or pieces that are of various sizes and shapes.

(f) *Relish style* means finely cut or finely chopped pickles containing no less than 60 percent of cucumber ingredient and may contain other vegetable ingredients (cauliflower, onions, pepper, tomatoes, cabbage, olives, mustard or any other suitable vegetable).

§ 52.1633 Types of pack.

(a) *Cured type.* The pickles are cured by natural or controlled fermentation in a salt brine solution and may contain the dill herb or extracts thereof. The pickle ingredient may be partially desalted. The pickles may be further processed or preserved by the addition of vinegar and may contain other ingredients (spices, flavorings, firming and preserving agents) that constitute the characteristics of the particular type of pickle. The pickles are preserved by acidification to maintain an equilibrated pH of 4.6 or below. The characteristics of the various types of cured pickles are as follows:

(1) *Dill pickles* (natural or genuine) are cucumbers that are cured in a brine solution with dill herb and other flavoring agents.

(2) *Dill pickles* (processed) are brine-cured pickles that have undergone a freshening process and are packed in a vinegar solution with dill flavoring and other flavoring agents.

(3) *Sour pickles* are cured pickles that are packed in a vinegar solution with or without spices.

(4) *Sweet pickles and mild sweet pickles* are cured pickles that are packed in a vinegar solution with suitable nutritive sweetening ingredient(s).

(5) *Sour mixed pickles* are cured pickles that are packed in a vinegar solution. The pickles may be of any style or combination of styles other than relish and may contain other vegetable ingredients as outlined in Table I of this section or any other suitable vegetable.

(6) *Sweet mixed pickles and mild sweet mixed pickles* are cured pickles that are packed in a vinegar solution with suitable nutritive sweetening ingredient(s). The pickles may be of any style or combination of styles other than relish and may contain other vegetable ingredients as outlined in Table I of this section or any other suitable vegetable.

(7) *Sour mustard pickles or sour chow chow pickles* are cured pickles of the same styles and ingredients as sour mixed pickles except the pickles are packed in a prepared mustard sauce of proper consistency with or without spices and flavorings.

(8) *Sweet mustard pickles or sweet chow chow pickles* are cured pickles of the same styles and ingredients as sweet mixed pickles except the pickles are packed in a sweetened, prepared mustard sauce of proper consistency with or without spices and flavorings.

(9) *Sour pickle relish* consists of finely cut or chopped cured pickles that are packed in a vinegar solution. Sour pickle relish may contain other chopped or finely cut vegetable ingredients as listed in Table I of this section, and may contain a stabilizer such as a starch or gum.

(10) *Sweet pickle relish and mild sweet pickle relish* are finely cut or chopped cured pickles that are packed in a vinegar solution with a suitable nutritive sweetening ingredient(s). Sweet pickle relish and mild sweet pickle relish may contain other chopped or finely cut vegetable ingredients as listed in Table I of this section and may contain a stabilizer such as a starch or gum.

(11) *Hamburger relish* consists of relish style pickles and other chopped or finely cut vegetable ingredients as listed in Table I of this section with tomato product added.

(12) *Mustard relish* consists of sweet pickle relish with mustard and other chopped or finely cut vegetable ingredients as listed in Table I of this section.

(13) *Dill relish* consists of relish style pickles containing dill flavoring and other chopped or finely cut vegetable ingredients as listed in Table I of this section.

(b) *Fresh-pack type.* The pickles are prepared from uncured, unfermented cucumbers and are packed in a vinegar solution with other ingredients to produce the characteristics of the particular type of pack. The pickles are preserved by acidification to maintain an equilibrated pH of 4.6 or below. In addition, the pickles are sufficiently processed by heat to assure preservation of the product in hermetically sealed containers. The distinguishing characteristics of the various types of fresh-pack pickles are as follows:

(1) *Fresh-pack dill pickles* are pickles that are packed in a vinegar solution with dill flavoring.

(2) *Fresh-pack sweetened dill pickles* are pickles that are packed in a vinegar solution with suitable nutritive sweetening ingredient(s) and dill flavoring.

(3) *Fresh-pack sweetened dill relish* consists of finely cut or chopped pickles packed in a vinegar solution with suitable nutritive sweetening ingredient(s) and dill flavoring. The relish may contain other finely cut or chopped vegetable ingredients as listed in Table I of this section.

(4) *Fresh-pack sweet pickles and fresh-pack mild sweet pickles* are pickles that are packed in a vinegar solution with nutritive sweetening ingredient(s).

(5) *Fresh-pack sweet pickle relish and fresh-pack mild sweet pickle relish* consists of finely cut or chopped pickles that are packed in a vinegar solution with suitable nutritive sweetening ingredient(s). The relish may contain other finely cut or chopped vegetable ingredients as listed in Table I of this section.

(6) *Fresh-pack hamburger relish* consists of relish style pickles and other chopped or finely cut vegetable ingredients as listed in Table I of this section with tomato product added.

(7) *Fresh-pack mustard relish* consists of sweet pickle relish with mustard and other chopped or finely cut vegetable ingredients as listed in Table I of this section.

(8) *Fresh-pack dill relish* consists of relish style pickles containing dill flavoring and other chopped or finely cut vegetable ingredients as listed in Table I of this section.

(9) *Fresh-pack dietetic pickles* are pickles that are packed with or without the addition of sweetening ingredient(s), salt (NaCl), or other suitable ingredient(s) as declared and permitted under the Federal Food, Drug, and Cosmetic Act for foods purporting to be for special dietary uses.

(c) *Refrigerated type.* The pickles are prepared from fresh cucumbers and are packed in a vinegar solution with other ingredients to produce the fresh crisp characteristic of refrigerated type. The pickles are preserved by acidification to maintain an equilibrated pH of 4.6 or below. They are stored, distributed, and displayed under refrigeration and may or may not contain one or more chemical preservatives. The various types of refrigerated pickles are the same as the types listed for fresh-pack type in paragraph (b) of this section with respect to ingredients except that they conform to the requirements for refrigerated type.

TABLE I.—PROPORTIONS OF PICKLE INGREDIENTS IN CERTAIN TYPES AND STYLES

Pickle ingredients and style	Cured; fresh-pack; and refrigerated types	
	Sour mixed; sweet mixed; and mild sweet mixed; sour mustard or sour chow chow; sweet mustard or sweet chow chow	Sour pickle relish; sweet pickle relish; dill relish; hamburger relish; mustard relish
	Percent by weight of drained weight of product	
Cucumbers, any style other than relish.	60 to 100%.	
Cucumbers, chopped or finely cut.	.....	60 to 80%
Cauliflower, pieces	10 to 30%	
Cauliflower, chopped or finely cut.	.....	30% maximum (Optional).
Onions, whole (maximum diameter of 1-¼ inch), sliced or cut.	5 to 12%	
Onions, chopped or finely cut.	.....	12% maximum (Optional).
Green tomatoes, whole or pieces.	10% maximum (Optional).	

TABLE I.—PROPORTIONS OF PICKLE INGREDIENTS IN CERTAIN TYPES AND STYLES—Continued

Pickle ingredients and style	Cured; fresh-pack; and refrigerated types	
	Sour mixed; sweet mixed; and mild sweet mixed; sour mustard or sour chow chow; sweet mustard or sweet chow chow	Sour pickle relish; sweet pickle relish; dill relish; hamburger relish; mustard relish
Green tomatoes, chopped or finely cut.	.....	10% maximum (Optional).
Red, green, or yellow peppers, or pimientos, cut, finely cut or pieces.	Optional.	Optional.
Celery	Optional	Optional.
Cabbage	Optional	Optional.
Olives	Optional	Optional.
Tomato Paste	Optional	Required in hamburger relish.
Mustard or prepared mustard.	Required in chow chow and mustard pickles.	Required in mustard relish, optional in hamburger relish.

§ 52.1684 Sizes of whole pickles.

Sizes of whole pickles are based on the diameter and the relationship of diameter to the count per gallon. Size designations, applicable counts, and diameters are outlined in Table II of this subpart. The diameter of a whole cucumber is the shortest diameter at the greatest circumference measured at right angles to the longitudinal axis of the cucumber.

TABLE II.—SIZES OF PROCESSED WHOLE PICKLES

[Approximate counts in]

Word designation	Diameter	Glass	Metal			
		1 qt.	½ gal.	1 gal.	No. 10	No. 12 (1 gal.)
Midget	19 mm (.75 in) or less	67 or more	135 or more.	270 or more.	202 or more.	270 or more.
Small gherkin	Up to 2.4 cm (.94 in)	33–66	67–134	135–269	101–201	135–269
Large gherkin	Up to 2.7 cm (1.06 in)	16–32	32–66	65–134	48–100	65–134
Small	Over 2.7 cm (1.06 in) but not over 3.5 cm (1.38 in).	10–15	20–31	40–64	30–47	40–64
Medium	Over 3.5 cm but not over 3.8 cm (1.50 in).	6–9	13–19	26–39	19–29	26–39
Large	Over 3.8 cm but not over 4.4 cm (1.73 in).	4–5	9–13	18–25	13–18	18–25
Extra large	Over 4.4 cm (1.73 in)	2–3	6–8	12–17	9–12	12–17

§ 52.1685 Definitions of terms.

As used in these U.S. standards, unless otherwise required by the context, the following terms shall be construed, respectively, to mean:

(a) *Analytical definitions* refer to analytical laboratory requirements.

(1) *Acid* means total acidity calculated as acetic acid in accordance with the Official Methods of Analysis of the Association of Official Analytical Chemists.

(2) *Brix value (Brix)* means the percent sugar, by weight, corrected to 20° C. (68° F.), as determined with a sugar scale Brix hydrometer or other instrument that gives equivalent results.

(3) *Degrees Baume'* means the density of the packing medium determined with a Baume' hydrometer (modulus 145) corrected to 20° C. (68° F.).

(4) *Equalization* means the natural (osmotic) or simulated blending between the soluble solids of the pickle ingredient and the packing medium.

(i) *Natural equalization* means equalization brought about after a period of time has elapsed after processing as follows:

(A) Sweetened pickles are considered to be equalized 15 days or more after processing. If the pickles have been sweetened in a tank prior to packing, the pickles will be considered equalized 15 days after the sweetening process began.

(B) Sour and dill pickles are considered to be equalized 10 days or more after processing.

(ii) *Simulated equalization* means a method of simulating equalization by comminuting the finished product in a mechanical blender, filtering the

suspended material from the comminuted mixture and making the required tests on the filtrate.

(5) *Total chlorides* or *salt* means the salt content expressed as grams NaCl (sodium chloride) per 100 milliliters packing medium; except that total chlorides in mustard pickles and chow is determined and expressed in grams NaCl per 100 grams of product.

(b) *Blemished* means any unit that is affected by discoloration, pathological injury, insect injury, or similar causes to the extent that the appearance or edibility of the product is adversely affected:

(1) *Slightly*—those blemishes which detract only slightly from the appearance of the unit;

(2) *Seriously*—those blemishes which strongly detract from the appearance or edibility of the unit.

(c) *Color.*

(1) *Good color in cured type* means the typical skin color of the pickles ranges from a translucent light green to dark green and is practically free from bleached areas. Not more than 10 percent, by weight, of the pickles may vary markedly from such typical color. In mixed pickles, chow chow pickles, and pickle relish, all of the ingredients possess a practically uniform color typical for the respective ingredient. The pickles and other vegetable ingredients shall be free of off-colors.

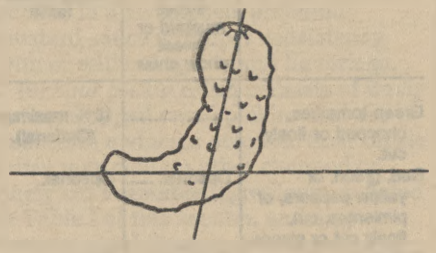
(2) *Good color in fresh-pack and refrigerated types* means the typical skin color of the pickles ranges from an opaque yellow-green to green. Not more than 15 percent, by weight, of the pickles may vary markedly from such typical color. In pickle relish, all of the ingredients possess a good uniform color typical for the respective ingredient. The pickles and other vegetable ingredients shall be free of off-colors.

(3) *Reasonably good color in cured type* means the typical skin color of the pickles ranges from light green to dark green and is reasonably free from bleached areas. Not more than 25 percent, by weight, of the pickles may vary markedly from such typical color. In mixed pickles, chow chow pickles, and pickle relish, all of the ingredients possess a reasonably uniform color typical for the respective ingredient. The pickles and other vegetable ingredients shall be free of off-colors.

(4) *Reasonably good color in fresh-pack and refrigerated types* means the typical skin color of the pickles ranges from light yellow-green to green. Not more than 30 percent, by weight, of the pickles may vary markedly from such typical color. In pickle relish, all of the ingredients possess a good, fairly uniform color typical for the respective ingredient. The pickles and other vegetable ingredients shall be free of off-colors.

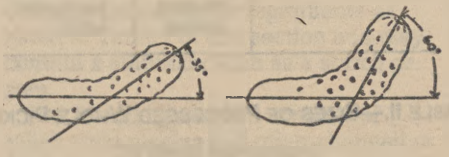
(5) *Poor color in all types of pickles* means the pickles fail to meet the requirements for good or reasonably good color for the respective type.

(d) *Crooked pickles* means whole pickles that are curved at an angle greater than 60 degrees as illustrated by the following:



Also see the definition of misshapen.

(e) *Curved pickles* mean whole pickles that are curved at an angle of 35 to 60 degrees when measured as illustrated by the following:



(f) *Diameter* in whole style means the shortest diameter measured transversely to the longitudinal axis at the greatest circumference of the pickle. Diameter in cross-cut style is the shortest diameter of the largest cut surface.

(g) *Defect* means an imperfection such as curved, misshapen, mechanically damaged, discolored, and other imperfection that affects the appearance or edibility of the product.

(h) *End cut* means a pickle unit intended for crosscut (sliced crosswise) style that has only one cut surface.

(i) *Extraneous Vegetable Material (EVM)* means any harmless vegetable material, other than stems, that is not normally part of the pickle ingredient. EVM, such as leaves or other vegetable material not associated with proper pickle preparation or packaging, is considered a defect if it affects the appearance or edibility of the product either:

(1) *Slightly*—Practically free of EVM and does not more than slightly affect the appearance or edibility; or

(2) *Materially*—Reasonably free of EVM and does not more than materially affect the appearance or edibility.

(j) *Flavor and odor.*

(1) *Good flavor and odor* means characteristic flavor and odor (e.g. characteristic dill flavor or the like) typical of properly processed pickles, for the type, that is free from objectionable flavor and odor of any kind.

(2) *Reasonably good flavor and odor* means flavor and odor that may be lacking in characteristic flavor for the type but is free from objectionable flavor and odor.

(3) *Poor flavor and odor* means flavor and odor that fails to meet the requirements for good or reasonably good flavor and odor.

(k) *Length* in sliced lengthwise style means the longest straight measurement at the approximate longitudinal axis.

(l) *Mechanical damage* refers to crushed or broken units that affect the appearance of the units. In relish, mechanical damage refers to units which are poorly cut and have a ragged or torn appearance.

(m) *Misshapen pickles* mean whole pickles that are crooked or otherwise deformed (such as nubbins). Also see the definition for crooked pickles.

(n) *Nubbin* is a misshapen pickle that is not cylindrical in form, is short and stubby, or is not well developed.

(o) *Texture* means the firmness, crispness, and condition of the pickles and any other vegetable ingredient(s) and freedom from large seeds, detached seeds, and tough skins that may be present. The following terms also relate to texture:

(1) *Hollow centers* in whole style, means the pickles, when cut transversely to the longitudinal axis, are missing ⅓ or more of the seed cavity.

(2) *Soft, shriveled, and slippery units* refer to pickles that are wrinkled, not crisp, slick, flabby, or lack firmness.

(3) *Good texture* means the pickle units have been properly processed and possess a texture that is firm and crisp.

(4) *Reasonably good texture* means the pickle units have been properly processed but lack some of the firmness and crispness that is characteristic for the style and type of pack.

Poor texture means the pickle units do not meet the requirements for good or reasonably good texture.

(p) *Uniformity of size (relish style only).*

(1) *Practically uniform in size* means the size of the units may vary moderately in size but not to the extent that the appearance or the eating quality is seriously affected.

(2) *Poor uniformity of size* means the units fail the requirements for practically uniform.

(q) *Unit* means one whole, half, slice, or piece of pickle as applicable for the style.

(r) *Units missing ⅓ or more of the seed cavity* in crosscut style means pickles that have lost a substantial portion of the seed cavity such as a crosscut unit missing ⅓ or more of the seed cavity portion.

§ 52.1686 Recommended fill of container.

The recommended fill of container is not a factor of quality for the purposes of these grades. Each container of pickles should be filled with pickle ingredient, as full as practicable, without impairment of quality. The product and packing medium should occupy not less than 90 percent of the total capacity of the container.

§ 52.1687 Quantity of pickle ingredient.

(a) The recommended minimum quantity of pickle ingredient is designated as the percentage of the declared volume of product in the container for all items except pickle relish. Minimum quantity of pickle relish is designated as a relationship of the drained weight of the pickle ingredient to the declared volume of the container. The minimum quantities recommended in Tables III and IV of this section are not factors of quality for the purposes of these grades.

(b) The percent volume of pickle ingredient is determined for all styles, except relish, by one of the following methods in accordance with the procedures prescribed by the Processed Products Branch, Fruit and Vegetable Division:

(1) Direct displacement (overflow-can method);

(2) Displacement in a graduated cylinder;

(3) Measurement of pickle liquid;

(4) Any other method that gives equivalent results and is approved by the Processed Products Branch, Fruit and Vegetable Division.

Drained weight/volume. The percent weight/volume (w/v) of relish shown in Table IV of this section, is determined as follows:

(1) The drained weight of pickle relish of all types is determined by emptying the contents of the container upon a U.S. Standard No. 8 circular sieve of proper diameter containing 8 meshes to the inch (0.0937 inch ±3 percent, square openings) so as to distribute the product evenly, inclining the sieve slightly to facilitate drainage, and allowing to drain for 2 minutes.

(2) The drained weight is the weight of the sieve and the pickles less the weight of the dry sieve.

(3) A sieve 8 inches in diameter is used for 1 quart and smaller size containers and a sieve 12 inches in diameter is used for containers less than 1 quart in size.

TABLE III—RECOMMENDED PICKLE INGREDIENT ALL STYLES EXCEPT RELISH

[Minimum fill (Volume)]

Type of pack	
Cured	55 percent.
Fresh-Pack	57 percent.
Refrigerated	57 percent.

TABLE IV—RECOMMENDED DRAINED WEIGHT TO CONTAINER VOLUME, RELISH

Type of pack	Minimum fill (weight/volume)
Cured:	
Sweet	82 percent
Other than sweet	88 percent.
Fresh-pack:	
Sweet	85 percent
Other than sweet	80 percent.

§ 52.1688 Sample unit size.

For all styles of pickles and types of pack, the sample unit used in analyzing the quality factors is the entire contents of the container unless otherwise specified in 7 CFR 52.1–52.83.

§ 52.1689 Grades.

(a) *U.S. Grade A* is the quality of pickles that meets the applicable requirements of Tables V, VI, VII, VIII, IX, X, and XI of § 52.1691 and scores not less than 90 points.

(b) *U.S. Grade B* is the quality of pickles that meets the applicable requirements of Table VI, VII, VIII, IX, X, and XI of § 52.1691 and scores not less than 80 points.

(c) *Substandard* is the quality of pickles that fails the requirements of U.S. Grade B.

§ 52.1690 Factors of quality.

The grade of pickles is based on the following quality factors:

(a) Analytical requirements in Table V of § 52.1691;
(b) Flavor and odor;
(c) Color;
(d) Uniformity of size;
(e) Defects; and
(f) Texture.

§ 52.1691 Requirements for grades.

TABLE V.—ANALYTICAL REQUIREMENTS [1]

	Total acidity expressed as acetic acid g/100 ml, unless otherwise indicated maximum	Total chlorides expressed as NaCl grams/100 ml, unless otherwise indicated maximum	Degrees Brix minimum	Degrees Baumé minimum
Cured type, all styles:				
Dills (natural, genuine, or processed)	1.1	5.0		
Sour, sour mixed, dill pickle relish, sour relish	2.7	5.0		
Sweet whole, sweet mixed, and sweet relish	2.7	3.0	27.0	15.0
Mild sweet, mild sweet mixed, mild sweet relish			20.0	12.0
Sour mustard or sour chow chow	[2] 2.7	[2] 3.0		
Sweet mustard or sweet chow chow	[2] 2.7	[2] 3.0	28.0	15.5
Fresh pack and refrigerated types, all styles:				
Dills	1.1	4.25		
Sweetened dills	1.1	4.25		
Sweetened dill relish	1.1	4.25		
Sweet and mild sweet relish	1.65	2.75		
Sweet and mild sweet pickles	1.65	2.75		
Dietetic				

[1] All pickle products must have an equilibrated pH of 4.6 or below.

[2] Expressed as "grams/100 grams".

TABLE VI—QUALITY REQUIREMENTS, WHOLE STYLE

	Grade A		Grade B	
	Maximum (by count)	Score	Maximum (by count)	Score
Flavor & odor	Good		Reasonably good [1]	
Color	Good	18–20	Reasonably good [1]	16–17
Uniformity of size [2]		18–20		16–17
Diameter variation:				
Midget & gherkin [over 8 mm (.31 in)]	10%		20%	
Small & medium [over 10 mm (.39 in)]	10%		20%	
Large & extra large [over 12 mm (.47 in)]	D10%		20%	
Defects	Practically free	27–30	Reasonably free [1]	24–26
Blemished (slightly & seriously)	15%		25%	
Blemished (seriously)	5%		10%	
Curved pickles	10%		20%	
Misshapen	5%		15%	
Mechanical damage	10%		15%	
Attached stems [over 2.5 cm (.98 in)]	10%		20%	
EVM	Practically free		Reasonably free [1]	
Texture	Good	27–30	Reasonably good [1]	24–26
Large seeds, detached seeds, tough skins	Practically free		Reasonably free	
Soft, shriveled, & slippery units	5%		10%	
Hollow centers	15%		25%	
Total score (minimum)	90 points		80 points	

[1] Cannot be graded above U.S. Grade B, regardless of the total score.
[2] Pickles that are Substandard for uniformity of size cannot be graded above U.S. Grade B, regardless of the total score.

TABLE VII.—QUALITY REQUIREMENTS, WHOLE STYLE, MIXED SIZES

	Grade A		Grade B	
	Maximum (by count)	Score	Maximum (by count)	Score
Flavor & odor	Good		Reasonably good [1]	
Color	Good	18–20	Reasonably good [1]	16–17
Defects	Practically free	27–30	Reasonably free [1]	24–26
Blemished (slightly & seriously)	15%		25%	
Blemished (seriously)	5%		10%	
Curved pickles	10%		20%	
Misshapen	5%		15%	
Mechanical damage	10%		15%	
Attached stems [over 2.5 cm (.98 in)]	10%		20%	
EVM	Practically free		Reasonably free [1]	
Texture	Good	27–30	Reasonably good [1]	24–26
Large seeds, detached seeds, tough skins	Practically free		Reasonably free	
Soft, shriveled, & slippery units	5%		10%	
Hollow centers	15%		25%	
Total score (minimum) [2]	90 points		80 points	

[1] Cannot be graded above U.S. Grade B, regardless of the total score.
[2] Total score is adjusted by dividing the total score by .80 to allow for the absence of the quality factor of uniformity of size in whole mixed sizes style.

TABLE VIII—QUALITY REQUIREMENTS, SLICED LENGTHWISE STYLE

	Grade A		Grade B	
	Maximum (by count)	Score	Maximum (by count)	Score
Flavor & odor	Good		Reasonably good [1]	
Color	Good	18–20	Reasonably good	16–17
Uniformity of Size [2]		18–20		16–17
Length variation over 2.6 cm (1.02 in)	10%		20%	
Defects	Practically free	27–30	Reasonably free [1]	24–26
Blemished (slightly & seriously)	15%		25%	
Blemished (seriously)	5%		10%	
Mechanical damage	10%		15%	
Attached stems [over 2.5 cm (.98 in)]	10%		20%	
EVM	Practically free		Reasonably free [1]	
Texture	Good	27–30	Reasonably good [1]	24–26
Large seeds, detached seeds, tough skins	Practically free		Reasonably free	
Soft, shriveled, & slippery units	5%		10%	
Total score (minimum)	90 points		80 points	

[1] Cannot be graded above U.S. Grade B, regardless of the total score.
[2] Pickles that are Substandard for uniformity of size cannot be graded above U.S. Grade B, regardless of the total score.

TABLE IX.—QUALITY REQUIREMENTS, SLICED CROSSWISE OR CROSSCUT STYLE

	Grade A		Grade B	
	Maximum (by count)	Score	Maximum (by count)	Score
Flavor & Odor	Good		Reasonably good [1]	
Color	Good	18–20	Reasonably good [1]	16–17
Uniformity of Size [2]		18–20		16–17
Diameter over 5.4 cm (2.13 in)	10%		20%	
Defects	Practically free	27–30	Reasonably free [1]	24–26
Blemished (slightly & seriously)	15%		25%	
Blemished (seriously)	5%		10%	
Mechanical damage:	15%		25%	
Broken pieces & end cuts	10%		15%	
Thickness over 10 mm (.38 in)	10%		15%	
Attached stems over 2.5 cm (.98 in)	10%		15%	
Units missing 1/3 seed cavity	10%		15%	
EVM	Practically free		Reasonably free [1]	
Texture	Good	27–30	Reasonably good [1]	24–26
Soft, shriveled, & slippery units	5%		10%	
Large objectionable seeds, detached seeds, & tough skins	Practically free		Reasonably free [1]	
Total score (minimum)	90 points		80 points	

[1] Cannot be graded above U.S. Grade B, regardless of the total score.
[2] Pickles that are Substandard for uniformity of size cannot be graded above U.S. Grade B, regardless of the total score.

TABLE X.—QUALITY REQUIREMENTS, CUT STYLE

	Grade A		Grade B	
	Maximum (by count)	Score	Maximum (by count)	Score
Flavor and odor	Good		Reasonably good [1]	
Color	Good	18–20	Reasonably good [1]	16–17
Uniformity of size [2]		18–20		16–17
Small pieces 5 g or less	5%		10%	
Defects	Practically free	27–30	Reasonably free [1]	24–26
Blemished (slightly & seriously)	15%		25%	
Blemished (seriously)	5%		10%	
Mechanical damage:	10%		15%	
Attached stems over 2.5 cm (.98 in)	10%		15%	
EVM	Practically free		Reasonably free [1]	
Texture	Good	27–30	Reasonably good [1]	24–26
Soft, shriveled, & slippery units	5%		10%	
Large objectionable seeds, detached seeds, & tough skins.	Practically free		Reasonably free [1]	
Total score (minimum)	90 points		80 points	

[1] Cannot be graded above U.S. Grade B, regardless of the total score.
[2] Pickles that are substandard for uniformity of size cannot be graded above U.S. Grade B, regardless of the total score.

TABLE XI.—QUALITY REQUIREMENTS, RELISH

	Grade A		Grade B	
	Maximum (by weight)	Score	Maximum (by weight)	Score
Flavor & odor	Good		Reasonably good [1]	
Color	Good	18–20	Reasonably good [1]	16–17
Uniformity of size		18–20		16–17
Overall appearance	Good			
Defects	Practically free	27–30	Reasonably free [1]	24–26
Blemished (slightly & seriously)	15%		25%	
Blemished (seriously)	5%		10%	
Poorly cut	10%		15%	
Loose stems over 3 mm (.12 in)	10%		15%	
EVM	Practically free		Reasonably free [1]	
Texture	Good	27–30	Reasonably good [1]	24–26
Soft, shriveled, & slippery units	5%		10%	
Large objectionable seeds, detached seeds, & tough skins.	Practically free		Reasonably free [1]	m,s
Total score (minimum)	90 points		80 points	

[1] Cannot be graded above U.S. Grade B, regardless of the total score.

§ 52.1692 Determining the grade of a lot.

The grade of a lot of pickles covered by these standards is determined by the procedures found in the "Regulations Governing Inspection and Certification of Processed Fruits and Vegetables, and Related Products" (7 CFR 52.1 through 52.83).

Dated: March 11, 1991.

Daniel Haley,

Administrator.

[FR Doc. 91-6265 Filed 3-20-91; 8:45 am]

BILLING CODE 3410-02-M

Commodity Credit Corporation

7 CFR Parts 1404 and 1470

Assignment of Payments and Commodity Certificate Payments

AGENCY: Commodity Credit Corporation, USDA.

ACTION: Final rule.

SUMMARY: This final rule adopts without change an interim rule published in the **Federal Register** on January 4 (56 FR 360) which amended 7 CFR part 1470 to provide with respect to Commodity Credit Corporation (CCC) commodity certificates that: (1) for the 180 days after the date of enactment of the Food, Agriculture, Conservation and Trade Act of 1990 (the "1990 Act") "subsequent holders" of expired certificates shall be allowed to exchange the certificate with CCC under the same rules that apply to the "original holder" of the certificate; and (2) interest shall be paid on certain certificates which are held at least 150 days by an original holder.

Also adopted without change are amendments to 7 CFR part 1404 with respect to the manner in which certain agricultural program payments may be assigned.

EFFECTIVE DATE: March 21, 1991.

FOR FURTHER INFORMATION CONTACT: Mary Lancing, Office of the Controller, Commodity Credit Corporation, P.O. Box 2415, Washington, DC 20013, (202) 447-4850.

SUPPLEMENTARY INFORMATION: This final rule has been reviewed under USDA procedures implementing Executive Order 12291 and Departmental Regulation 1512-1 and has been classified "not major". It has been determined that this rule will not result in:

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

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

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

The titles and numbers of the Federal Assistance Programs to which this final rule applies are: Commodity Loans and Purchases—10.051; Cotton Production Stabilization—10.052; Rice Production Stabilization—10.065; Feed Grain Production Stabilization—10.055; Wheat Production Stabilization—10.058; as found in the Catalog of Federal Domestic Assistance.

It has been determined by an environmental evaluation that this action will have no significant impact on the quality of the human environment. Therefore, neither an environmental assessment nor an Environmental Impact Statement is needed.

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

Public reporting burden for the collection of information contained in 7 CFR part 1470 is estimated to average 30 minutes per response and the information collection contained in 7 CFR part 1404 averages 10 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. The information collection contained in 7 CFR part 1470 has been approved and assigned OMB No. 0560-0131 by the Office of Management and Budget (OMB) for Form CCC-8, Application To Exchange Expired Commodity Certificates For Cash. The information collection requirements for 7 CFR part 1404 have been submitted to OMB for approval under OMB No. 0560-0004.

Background

Beginning in 1986, CCC has issued commodity certificates as payments under numerous CCC programs. These certificates were issued in the same dollar amount as would have been issued had the payment been made in the form of cash. The recipient of the certificate could sell the certificate to a third party who, in turn, could transfer it to yet another person; these third parties are known as "subsequent holders."

Generally, the holder of a certificate could exchange the certificate with CCC for commodities which CCC has determined were equal in value to the face value of the certificate. In certain instances the original holder of the certificate was allowed to exhange the certificate for cash from CCC so long as the certificate had been held for at least 5 months from the date of issuance. The amount of the cash payment varied, depending upon when the certificate was presented to CCC. If the certificate was presented to CCC prior to the expiration date of the certificate, approximately 8 months from the date of issuance, payment was made in an amount equal to the face value of the certificate. If the certificate was presented within 6 months after the expiration date, CCC issued a payment equal to 85 percent of the value of the certificate; if the certificate was presented after that date and prior to 18 months after the expiration date, the payment was 50 percent. After 18 months, CCC would not accept the certificate for payment. The limitation that only original holders may obtain a cash payment was implemented in order to assure that the purpose of issuing commodity certificates was met, the efficient use of CCC's large commodity inventories. However, section 107E of the 1949 Act provided that if commodity certificates were issued to producers under certain programs, CCC must ensure that the producers received the same return as if the payment had been made in cash. Accordingly, certain producers were given the opportunity to exchange certificates for cash from CCC.

In some instances subsequent holders did not submit their certificates to CCC for commodities by the certificate's expiration date. Section 1122 of the 1990 Act provides that, subject to certain limitations, these subsequent holders who possess expired certificates may submit them to CCC for payment under the same terms and conditions which are applicable to original holders. Generally, these holders may submit expired certificates to CCC for a payment of up to $1,000 so long as the certificate was purchased prior to January 1, 1990. Since section 1122 amends section 107E to provide that the payments to these producers must be under the same terms and conditions as are applicable to original holders, certificates which have been expired longer than 18 months will have no value; certificates which have been expired for no longer than 18 months and for at least 6 months have a value of 50 percent; and certificates which have passed their expiration date by no longer than 6 months have a value of 85 percent. Accordingly, 7 CFR part 1470 was amended by adding a new § 1470.8

to implement the procedures for submitting these expired cetificates and the requirements which are applicable to such certificates.

Section 1122 also provides that certain producers who hold their certificates for a least 150 days and who exchange the certificate for cash will receive interest for this time. Accordingly, a new § 1470.4(i) was added to implement this provision. Section 1470.4(g)(2) was also amended to change a reference to a statutory provision which is applicable to the 1991 through 1995 crops of upland cotton and to make technical changes.

The regulations at 7 CFR part 1404 set forth the regulations which are applicable to the assignment of CCC and Agricultural Stabilization and Conservation Service (ASCS) payments. Certain conservation and wheat, feed grain, upland cotton and rice program payments have been assignable subject to the restrictions set forth in section 8(g) of the Soil Conservation and Domestic Allotment Act. At the time of its enactment, this subsection was intended to benefit producers by requiring that certain payments be assignable in order to assist producers in obtaining financing for the production of their crops. These restrictions have included several requirements, including the restriction that the assignment could not be to secure any prior indebtedness. However, major changes in agricultural financing have occurred since the enactment of this provision which have restricted the usefulness of this provision. For example, under credit arrangements which are revolving line of credits it is not possible to adequately determine whether the assignment is for a future or prior obligation.

In order to provide increased financing capabilities to producers, section 1146 of the 1990 Act amended section 8(g) to remove these restrictions. As a result these payments can be assigned in the same manner as payments made under the Conservation Reserve Program, the Dairy Termination Program, and the Emergency Livestock Feed Programs. Accordingly, 7 CFR part 1404 was amended to implement these changes.

The comment period for amendments made in the interim rule ended on February 4, 1991. As no comments were received and it was determined that no modifications were needed, the interim rule is adopted as a final rule without revision.

List of Subjects

7 CFR Part 1404

Assignment of payment.

7 CFR Part 1470

Cotton, Feed grains, Price support programs, Wheat and rice.

Final rule

PARTS 1404 and 1470—[AMENDED]

The interim rule, published at 56 FR 360 on January 4, 1991 amending 7 CFR parts 1404 and 1470, is adopted as a final rule without change.

Signed this 14 day of March, 1991 in Washington, DC.

Keith D. Bjerke

Executive Vice President, Commodity Credit Corporation.

[FR Doc. 91-6728 Filed 3-20-91; 8:45 am]

BILLING CODE 3410-05-M

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

8 CFR Part 214

[INS No. 1290-91]

RIN 1115-AA44

Temporary Alien Workers Seeking Classification Under the Immigration and Nationality Act

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Final rule.

SUMMARY: This final rule implements the requirements of the Immigration Nursing Relief Act of 1989 (INRA), Public Law 101-238, relating to adjudicating peitions for H-1A classification, determining the eligibility of foreign nurses, and controlling their admission and period(s) of stay in the United States. This rule also contains technical amendments relating to requirements for other H nonimmigrant classifications. This rule will facilitate the hiring of alien nurses to reduce the critical shortage of nurses in the United States, while protecting the rights of United States workers.

EFFECTIVE DATE: March 21, 1991.

FOR FURTHER INFORMATION CONTACT: Flora T. Richardson, Senior Immigration Examiner, Immigration and Naturalization Service, 425 I Street NW., Room 7223, Washington, DC 20536. Telephone (202) 514-3946.

SUPPLEMENTARY INFORMATION: On August 27, 1990, at 55 FR 34895-34901, the Immigration and Naturalization Service (INS) published an interim rule, effective September 1, 1990, applying to H petitions and applications filed on or after that date. Interested persons were invited to submit written comments on or before October 1, 1990. The Service received 11 comments relating to the interim rule.

Interim Rule

The interim rule implemented the new nonimmigrant classification for registered nurses, established by the INRA at section 101(a)(15)(H)(i)(a) of the Immigration and Nationality Act (Act), hereafter called "H-1A" classification. The interim rule implemented the INRA's requirements relating to the Service's responsibilities for adjudicating petitions for H-1A classification, determining the eligibility of foreign nurses, and controlling their admission and period(s) of stay in the United States. On December 6, 1990, the Department of Labor promulgated regulations governing the filing and enforcement of attestations by facilities which employ nurses under the H-1A classification, pursuant to section 212(m)(2) of the Act, as amended by the INRA.

Comments

The discussion that follows summarizes the issues which have been raised relating to the interim rule, provides the Service's position on the issues, and indicates the revisions adopted in the final rule.

Attestations

Two commenters questioned whether a contractor should be required to obtain attestations. That question has been resolved by implementation of section 162(f)(2)(A) of the Immigration Act of 1990 (IMMACT), Public Law 101-649. Section 162 amends section 101(a)(15)(H)(i)(a) of the Act to include contractors as facilities and to require attestations of the contractor and the worksite facilities (other than private households) where the contractor supplies nurses on a temporary basis. The IMMACT also amends section 212(m)(2)(A) of the Act to give the Department of Labor (DOL) discretion to waive the attestation requirement for a worksite, where the contractor already has the attestation.

The final rule removes the requirement contained at 8 CFR 214.2(h)(3)(iii)(E) that contractors include a statement that they will employ the nurses only at facilities which themselves have valid attestations filed with DOL, because DOL can waive this requirement at its discretion. An H-1A petition filed by a contractor must be accompanied by the notice that its own attestation has been accepted for filing by DOL.

One commenter stated that a petitioner should not be required to submit a statement that notice of the petition had been provided to the bargaining representative. The Service cannot remove this requirement since this submission is required by section 212(m)(2)(A)(vi) of the Act.

DOL Notice Regarding Facilities' Failure to Meet Attestation Requirements

One commenter stated that there should be flexibility to approve petitions after DOL notifies the Service that a facility is not meeting conditions or has misrepresented facts. Under section 212(m)(2)(E)(iv) of the Act, as amended by the INRA, the Attorney General is prohibited from approving such petitions for at least 1 year. Therefore, the Service has no discretion to approve such petitions and cannot change the regulation.

One commenter asked whether there is a time frame within which the facility must come into compliance with the terms of the attestation, relating to the regulatory provision at 8 CFR 214.2(h)(3)(vi)(B), that INS will not suspend or revoke the facility's approved petition for nurses if the facility has agreed to comply with the terms of the attestation under which the nurses were admitted. When DOL determines that a facility has failed to meet requirements of the attestation and notifies the Service that the attestation has been suspended or revoked, that facility must come into immediate compliance with the attestation with respect to the H–1A nurses it currently employs for the duration of their authorized stay. Otherwise, the Service will revoke the petition.

Substitution of Beneficiaries

One commenter states that petitioners for H–2A's should be allowed to substitute beneficiaries on petition, as provided for H–1B and H–2B petitions at 8 CFR 214.2(h)(2)(iv). Provisions relating to H–2A petitions, set forth at 214.2(h)(4), already provide for substitution and will remain unchanged.

Facilities

One commenter stated that the term "facility" should include "employers who provide health care in patients' homes." Otherwise, the regulations could be interpreted to exclude such providers. The final rule is being revised to reference the Department of Labor's regulation defining "facility." That definition includes employers which provide health care services in patients' homes.

Extensions

One commenter stated that applications for multiple extensions should be allowed wherever a multiple beneficiaries petition was filed, and individual extensions should not be required. It is the Service's view that where the multiple beneficiaries are not a "group," there is no reason to conclude that the petitioner will need an extension on all multiple beneficiaries. Accordingly, the regulation will not be changed.

Commission on Graduates of Foreign Nursing Schools and Licensure

One commenter raised the concern that 8 CFR 214.2(h)(3)(v)(C) could be read to allow a nurse who failed to obtain a permanent license to work. The final rule clarifies that although nurses who have failed the Commission on Graduates of Foreign Nursing Schools (CGFNS) examination may be eligible they may not remain employed, unless they otherwise receive employment authorization from the Service.

Striking Activity

One commenter addressed the need for clarification of the striking provision. In the interim rule, the Service set forth a change in the regulation which was intended to conform to the settlement agreement in *American Federation of Nurses, et al.* v. *Thornburgh*, No. 90–1191 (D.D.C.). In the settlement agreement, the Service adopted the position that the act of participating in a strike or other labor dispute involving a work stoppage should not have immigration-related consequences for an H nonimmigrant. To reflect that position, the interim rule modified paragraph (h)(17)(iii)(A) to state that participation by an H nonimmigrant alien in a strike or other labor dispute involving a work stoppage of workers will not, by itself, be deemed a failure to maintain his or her status, and that such aliens may obtain an extension of stay to remain in the United States, if otherwise eligible, under the procedure in 8 CFR 214.2(h)(15).

After the publication of the Interim Rule, INS became aware that the introductory paragraph to 8 CFR 214.2(h)(17), which relates to Department of Labor certification of strikes, could be read to be in conflict with 8 CFR 214.2(h)(17)(iii)(A), and with the Settlement Agreement. The final rule revises the paragraph to clarify that a strike certified by the Department of Labor will result in a denial or suspension of a petition for an alien who has not yet entered the United States. If DOL decides not to certify a strike or other labor dispute, such petitions will not be affected by the strike or other labor dispute. The final rule then provides that an employee who has already commenced employment will not be deemed to be failing to maintain status solely on account of past, present, or future participation in a strike or other labor dispute. Whether or not DOL certifies the strike or other labor dispute is immaterial to the status of an alien who has already commenced employment.

One commenter stated that aliens should not be permitted to engage in strikes relating to conditions which existed when they entered. The Service believes that the reason for a strike is outside the jurisdiction of INS and outside the scope of this regulation.

Regulatory Impact

In accordance with 5 U.S.C. 605(b), the Commissioner certifies that this rule if promulgated will not have a significant economic impact on a substantial number of small entities. This is not a major rule within the meaning of section 1(b) of Executive Order 12291, nor does this rule have federalism implications warranting the preparation of a Federal Assessment in accordance with E.O. 12612.

List of Subjects in 8 CFR Part 214

Administrative practice and procedure, Aliens, Authority delegation, Employment, Organization and functions, Passports and visas.

Accordingly, the interim rule amending 8 CFR part 214 which was published at 55 FR 34895–34901 on August 27, 1990, is adopted as a final rule with the following changes:

PART 214—NONIMMIGRANT CLASSES

1. The authority citation for part 214 continues to read as follows:

Authority: 8 U.S.C. 1101, 1103, 1184, 1186a, 1187, and 8 CFR Part 2.

§ 214.2 [Amended]

2. Section 214.2 is amended by adding a new sentence at the end of paragraph (h)(3)(i)(B) to read as follows: "A 'facility' must also meet the Department of Labor's requirements as defined in 29 CFR part 504.".

3. Section 214.2 is amended by removing paragraph (h)(3)(iv)(E).

4. Section 214.2 is amended by adding a new sentence at the end of paragraph (h)(3)(v)(C) to read as follows: "Such a nurse is not authorized to remain in employment unless he or she otherwise receives authorization from the Service.".

5. In § 214.2, paragraph (h)(17) is revised to read as follows:

§ 214.2 Special requirements for admission, extension, and maintenance of status.

* * * * *

(h) * * *

(17) *Effect of a strike*—(i) If the Secretary of Labor certifies to the Commissioner that a strike or other labor dispute involving a work stoppage of workers is in progress in the occupation and at the place where the beneficiary is to be employed or trained, and that the employment of training of the beneficiary would adversely affect the wages and working conditions of U.S. citizens and lawful resident workers:

(A) A petition to classify an alien as a nonimmigrant as defined in section 101(a)(15)(H) of the Act shall be denied.

(B) If a petition has already been approved, but the alien has not yet entered the United States, or has entered the United States but has not commenced the employment, the approval of the petition is automatically suspended, and the application for admission on the basis of the petition shall be denied.

(ii) If there is a strike or other labor dispute involving a work stoppage of workers in progress, but such strike or other labor dispute is not certified under paragraph (h)(17)(i), the Commissioner shall not deny a petition or suspend an approved petition.

(iii) If the alien has already commenced employment in the United States under an approved petition and is participating in a strike or other labor dispute involving a work stoppage of workers, whether or not such strike or other labor dispute has been certified by the Department of Labor, the alien shall not be deemed to be failing to maintain his or her status solely on account of past, present, or future participation in a strike or other labor dispute involving a work stoppage of workers, but is subject to the following terms and conditions:

(A) The alien shall remain subject to all applicable provisions of the Immigration and Nationality Act, and regulations promulgated in the same manner as all other H nonimmigrants;

(B) The status and authorized period of stay of such an alien is not modified or extended in any way by virtue of his or her participation in a strike or other labor dispute involving a work stoppage of workers; and

(C) Although participation by an H nonimmigrant alien in a strike or other labor dispute involving a work stoppage of workers will not constitute a ground for deportation, any alien who violates his or her status or who remains in the United States after his or her authorized period of stay has expired will be subject to deportation.

* * * * *

Dated: February 25, 1991.

Gene McNary,

Commissioner, Immigration and Naturalization Service.

[FR Doc. 91-6821 Filed 3-19-91; 11:55 am]

BILLING CODE 4410-10-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 90-AGL-22]

Alteration of Transition Area; Manistee, MI

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The nature of this action is to alter the existing Manistee, MI, transition area to accommodate a revised VOR Runway 27 Standard Instrument Approach Procedure (SIAP) to Manistee County-Blacker Airport, Manistee, MI. The intended effect of this action is to ensure segregation of the aircraft using approach procedures under instrument flight rules from other aircraft operating under visual flight rules in controlled airspace.

EFFECTIVE DATE: 0901 U.t.c., May 30, 1991.

FOR FURTHER INFORMATION CONTACT: Douglas F. Powers, Air Traffic Division, System Management Branch, AGL-530, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018, telephone (312) 694-7568.

SUPPLEMENTARY INFORMATION:

History

On Tuesday, January 8, 1991, the Federal Aviation Administration (FAA) proposed to amend part 71 of the Federal Aviation Regulations (14 CFR part 71) to alter a transition area airspace near Manistee, MI (56 FR 665). Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments objecting to the proposal were received.

Except for editorial changes, this amendment is the same as that proposed in the notice. Section 71.181 of part 71 of the Federal Aviation Regulations was republished in Handbook 7400.6G dated September 4, 1990.

The Rule

This amendment to part 71 of the Federal Aviation Regulations alters the designated transition area airspace near Manistee, MI. The transition area is being modified to accommodate a revised VOR Runway 27 SIAP to Manistee County-Blacker Airport, Manistee, MI. The modification to the existing airspace will consist of a 7.25-mile width each side of the Manistee VOR/DME 0830 radial extending from the existing 9-mile radius area to 18.5 miles east of the VOR/DME.

The revised instrument approach procedure requires that the FAA alter the designated airspace to insure that the procedure will be contained within controlled airspace. The minimum descent altitude for this procedure may be established below the floor of the 700-foot controlled airspace.

Aeronautical maps and charts will reflect the defined area which will enable other aircraft to circumnavigate the area in order to comply with applicable visual flight rules requirements.

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

List of Subjects in 14 CFR Part 71

Aviation safety, Transition areas.

Adoption of the Amendment

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

PART 71—[Amended]

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

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

§ 71.181 [Amended]

2. Section 71.181 is amended as follows:

Manistee, MI [Revised]

That airspace extending upward from 700 feet above the surface within a 9-mile radius of Manistee County-Blacker Airport (lat. 44°16'24" N., long. 86°14'58" W.); within 5 miles north and 8 miles south of the Manistee VOR/DME 274 radial, extending from the 9-mile radius to 16 miles west of the VOR/DME; and within 7.25 miles each side of the Manistee VOR/DME 083 radial extending from the 9-mile radius to 18.5 miles east of the VOR/DME.

Issued in Des Plaines, Illinois on February 27, 1991.

Teddy W. Burcham,

Manager, Air Traffic Division.

[FR Doc. 91-6705 Filed 3-20-91; 8:45 am]

BILLING CODE 4910-13-M

INTERNATIONAL TRADE COMMISSION

19 CFR Parts 201 and 207

General Application; Investigations of Whether Injury to Domestic Industries Results From Imports Sold at Less Than Fair Value or From Subsidized Exports to the United States

AGENCY: U.S. International Trade Commission.

ACTION: Final rules.

SUMMARY: The Commission is amending parts 201 and 207 to address concerns which have arisen relating to Commission practice. The amendments in large measure incorporate and are intended to replace the interim amendments which appeared at 53 FR 33039 (Aug. 29, 1988) and 54 FR 5220 (Feb. 2, 1989) and which were issued to conform with the Omnibus Trade and Competitiveness Act of 1988, Public Law 100-418 (Aug. 23, 1988) (the 1988 Act).

Notice of proposed rulemaking was published in the Federal Register of June 14, 1990 (55 FR 24, 100), and interested persons were given until July 16, 1990, to submit comments. Several comments were submitted. These comments and the Commission's responses thereto are discussed below under "Section-by-Section Analysis." The final rules adopted are the same as the proposed rules published on June 14, with the exception of certain changes made in response to public comments and certain other changes also discussed below under "Section-by-Section Analysis."

The amendments to parts 201 and 207 provide, in particular and among other modifications, for changes in the procedure for handling business proprietary (formerly confidential business) information under administrative protective order; page limits on briefs; clarification of procedures relating to hearings, staff reports, and review investigations; and removal of outdated and redundant language.

EFFECTIVE DATE: April 22, 1991.

ADDRESSES: Kenneth R. Mason, Secretary, U.S. International Trade Commission, 500 E Street SW., room 112, Washington, DC 20436.

FOR FURTHER INFORMATION CONTACT: Paul R. Bardos, Esq., Office of the General Counsel, U.S. International Trade Commission, telephone 202-252-1102. Hearing-impaired persons are advised that information on the matter can be obtained by contacting the Commission's TDD terminal on 202-252-1810.

SUPPLEMENTARY INFORMATION: Section 335 of the Tariff Act of 1930 (19 U.S.C. 1335) authorizes the Commission to adopt such reasonable procedures and rules and regulations as it deems necessary to carry out its functions and duties.

On August 23, 1988, the 1988 Act became effective. This trade legislation contains provisions which, *inter alia,* amend title VII of the Tariff Act of 1930 (19 U.S.C. 1671 *et seq.*) ("the Act"). The Commission's rules concerning title VII practice and procedure were amended to conform to the new legislation. 53 FR 33039 (Aug. 29, 1988) and 54 FR 5220 (Feb. 2, 1989).

Commission rules ordinarily are promulgated in accordance with the rulemaking provisions of section 553 of the Administrative Procedure Act (5 U.S.C. 551 *et seq.*) (APA), which entails the following steps: (1) Publication of a notice of proposed rulemaking; (2) solicitation of public comment on the proposed rules; (3) Commission review of such comments prior to developing final rules; and (4) publication of the final rules thirty days prior to their effective date. See 5 U.S.C. 553. Because of exigency caused by the passage of the 1988 Act, the Commission issued interim rules, which became effective upon issuance and were to remain in effect until the Commission could adopt final rules promulgated in accordance with the usual notice, comment, and advance publication procedure. The Commission published notice of proposed rulemaking on June 14, 1990 (55 FR 24,100). The present notice of final rulemaking is the final step in that normal procedure.

The Commission has determined that these rules do not meet the criteria described in section 1(b) of Executive Order 12291 (46 FR 13193, Feb. 17, 1981) and do not constitute a major rule for the purposes of the E.O. The amendments are not subject to the filing requirement of section 3(c)(3) of the E.O. Moreover, in accordance with the Regulatory Flexibility Act (5 U.S.C. 601 note), the Commission hereby certifies pursuant to 5 U.S.C. 605(b) that the rules set forth in this notice are not likely to have a significant economic impact on a substantial number of small business entities. This is because the rule amendments constitute merely clarifications and streamlining of the procedures of the Commission.

In issuing the proposed rules published on June 14, 1990, the Commission requested public comments on the proposed rules. The comments received by the Commission and the Commission's responses to the comments are discussed below under "Section-by-Section Analysis." Certain amendments have been made to the rules in addition to those suggested by the comments and those proposed in the notice published on June 14, 1990. The additional amendments and the reasons for them are also discussed under "Section-by-Section Analysis."

Section-by-Section Analysis

Section 201.2

This section is issued as proposed. No comments were received concerning the section.

Section 201.8

Section 201.8 is amended to require the filing of four copies of the public version of each business proprietary submission rather than one copy. This change is made to permit all staff members who need one to obtain a public version. Although the notice of proposed rulemaking increased the required number of copies of each submission from fourteen to sixteen, that change is now deleted, because a review of Commission procedures has revealed no further need for the increase. No comments were received concerning this section.

Section 201.11

Section 201.11 is amended to replace references to a person's "interest" in an investigation to a person's "reason for participating" in an investigation. The notice of proposed rulemaking deleted the phrase "interested person" from the rule to avoid confusion with the statutory term "interested party," and this further change brings the rest of § 201.11 into line with that deletion. No comments were received concerning this section.

Section 201.14

This section is issued as proposed. No comments were received concerning the section.

Section 201.15

Section 201.15 is amended to provide that the Commission may impose sanctions that are less severe than suspension or barring from practice before the agency. Because improper conduct may not always rise to a level for which the severe sanction of disbarment is appropriate, this amendment insures that a relatively minor offense need not be met by a severe sanction. Section 201.15 is further amended to replace the phrase "opportunity to be heard" with "opportunity to present his views," in order to clarify that such an opportunity does not necessarily include a full Commission hearing. This same wording change is made in § 207.7. No comments were received concerning this section.

Section 207.1

This section is issued as proposed. No comments were received concerning the section.

Section 207.2

The Customs and International Trade Bar Association (CITBA) urged that the definition of the record in § 207.2 should state that all information received by the Commission that is not rejected or returned is included in the administrative record for purposes of appeal. The Commission has determined not to adopt CITBA's recommendation. The current definition already covers all information received by the Commission that is not rejected or returned.

Section 207.3

CITBA argued that the overnight mail requirement in § 207.3 should be liberalized so that in particular cases parties would be permitted to agree among themselves on less costly arrangements where appropriate. The Commission has not modified the overnight mail requirement in that respect, but notes that the parties may submit at any time a request to the Secretary to make other arrangements, provided that the arrangements are agreed to by all parties. The rule is amended to add the petition to the list of documents that must be served by hand or overnight mail, in order to insure prompt service of that important document. A further amendment specifies that, where a document is filed with the Commission before a service list is issued, a certificate of service need not be filed with the document, but must be filed when service has been made.

Section 207.3 is also amended to change the procedure for filing the public version of a document that contains business proprietary information. Until recently, the Commission has given submitters a 24 hour extension to file the public version of such documents. This "one day rule" was intended to reduce the incidence of administrative protective order breaches caused by parties failing under the pressure of deadlines to adequately sanitize the public version of their submissions. Practice has shown that the "one day rule" did not relieve parties of an appreciable amount of pressure, because the business proprietary version filed on the deadline had to have all business proprietary information accurately bracketed. If a submitter discovered and corrected misbracketing during the 24 hour period, the submitter could nevertheless be found guilty of an administrative protective order breach, if recipients, relying on the correctness of bracketing, disclosed unbracketed information to persons not subject to the administrative protective order.

Under the new procedure, parties will continue to be required to file the business proprietary version of their document on the deadline for filing such documents. That version will be filed with business proprietary information enclosed in brackets but with the following warning on every page: "Bracketing of BPI not final for one business day after date of filing." In accordance with the warning, parties are not to discuss information received in the document with anyone not subject to the administrative protective order until the bracketing becomes final. One business day after the deadline, submitters are to file a public version with all business proprietary information deleted. In the event that a party finds an error in the bracketing done on the first day, the party is permitted to notify the Commission on the second day of the necessary changes to bracketing, and must then file replacement pages to correct the business proprietary version of the document. Such corrections will not give rise to an allegation of breach, provided that the corrections are made within the time permitted.

This change is made in response to concerns expressed by the bar, and should ease the task of party representatives by providing a day, on which they have no other obligations to the Commission, to concentrate on properly sanitizing submissions. The one day extension is not to be used to amend the submission in ways other than bracketing and deletion of business proprietary information. Any violation of that restriction could result in striking all or part of the document from the record. The Commission will not look with favor on attempts to amend a submission in a substantive fashion during the one day extension, and may strike improperly filed submissions. Nothing in this rule relieves a party from the obligation to seek an extension of time to substantively amend a submission after the deadline for filing the business proprietary version of that submission.

Section 207.4

Section 207.4 is amended to change "Director" to the more appropriate "Commission," and delete an unnecessary reference to the auditing of questionnaires. No comments were received concerning this section.

Sections 207.5 and 207.6

These sections are issued as proposed. No comments were received concerning the sections.

Section 207.7

Powell, Goldstein, Frazer and Murphy (Powell, Goldstein) recommended that the Commission supplement paragraphs (d) and (e) of § 207.7 concerning breaches of administrative protective orders and sanctions for breaches, in order to clarify what constitutes a breach and now sanctions are chosen. Powell, Goldstein recommended that clear guidelines be published with regard to the intentionality of a breach, the degree of resulting prejudice of a breach, and efforts to mitigate harm. Powell, Goldstein suggested that the Commission's General Counsel has determined not to publish guidelines on this subject to avoid "protracted litigation." Powell, Goldstein suggested further that an inadvertent and nonprejudicial breach should result in the imposition of no sanctions.

The Commission has found it inappropriate to clarify in the rules what constitutes a breach and how sanctions are chosen. Such matters are best dealt with on a case by case basis. Contrary to Powell, Goldstein's suggestion, it is the Commission, not the Commission's General Counsel, that decides whether guidelines on breaches and sanctions will be issued. The Commission has not determined not to publish guidelines on this subject to avoid "protracted litigation." Moreover, periodic reports giving guidance on breaches and sanctions are planned for publication in the **Federal Register**. The first such

report has already appeared, at 56 FR 4846 (Feb. 6, 1991). In answer to Powell, Goldstein's further recommendation that an inadvertent and nonprejudicial breach should result in the imposition of no sanctions, the Commission considers any breach to be a serious matter and one that undermines the investigative process whether or not particular parties have been prejudiced. Powell, Goldstein asked specifically whether it is a breach to publish material that is covered by an administrative protective order but that is also in the public domain whether by company disclosure or from other public sources. Section 207.7 forbids a recipient of information under administrative protective order to divulge such information if it is "not otherwise available to him."

Section 207.7 should be amended, according to CITBA, to specify a time in preliminary investigations for petitioners to file their administrative protective order applications. The rule is allegedly unclear, because the deadline for such application is the deadline for filing entries of appearance, and § 207.10 is abolishing the need for petitioners to file entries of appearance in preliminary investigations. CITBA further argued that § 207.7 should be amended to clarify the term "consultant or expert who appears regularly before the Commission." CITBA urged the Commission to explore alternatives, such as *pro bono* legal representation, to permitting *pro se* litigants access to business proprietary information under administrative protective order.

CITBA also suggested changes to § 207.7 to clarify that no administrative protective order application will be accepted from a person involved in competitive decisionmaking within he meaning of such cases as *U.S. Steel* v. *United States*, 730 F.2d 1465 (Fed. Cir. 1984), and *Matsushita Electric Industrial Co., Ltd.* v. *United States*, 13 CIT ____, 746 F. Supp. 1103 (1990). CITBA also suggested that sanctions other than private letters of reprimand may be appropriately expunged from a recipient's record, especially in cases of inadvertent breach. CITBA urged the Commission to refrain in most circumstances from making public the fact that a breach has occurred. CITBA recommended that the Secretary compile the administrative protective order service list as early as possible and preferably before the deadline for filing applications, in order that the business proprietary version of the petition can be obtained by respondents as early as possible. CITBA urged that § 207.7 specify that a submitter dissatisfied with the Secretary's decision that a document must be served may withdraw the document. CITBA's final point on § 207.7 was a recommendation that the Commission reinstate the opportunity to comment on business proprietary information received in or after the briefs.

Section 207.7 has been amended to clarify that in preliminary investigations petitioner's deadline for filing their administrative protective order applications is the deadline for filing entries of appearance. Although § 207.10 has abolished the need for petitioners to file entries of appearance in preliminary investigations, petitioners retain a deadline for applications that is the same as the deadline for other parties to file entries of appearance. The Commission has declined to clarify in § 207.7 the term "consultant or expert who appears regularly before the Commission," because that is a term taken from legislative history. Although the Commission intends, as urged by CITBA, to explore alternatives to permitting *pro se* litigants access to business proprietary information under administrative protective order, no change to § 207.7 is considered necessary on that point.

The final rules adopt in modified form CITBA's suggested changes to § 207.7 to clarify that no administrative protective order application will be accepted from a person involved in competitive decisionmaking within the meaning of such cases as *U.S. Steel* v. *United States*, 730 F.2d 1465 (Fed. Cir. 1984), and *Matsushita Electric Industrial Co., Ltd.*, v. *United States*, 13 CIT ____, 746 F. Supp. 1103 (1990). At the present time, the Commission does not consider it appropriate to permit sanctions more serious than private letters of reprimand to be expunged from a recipient's record. The Commission intends to refrain in most circumstances from making public the fact that a breach has occurred, but retains the power to make a breach public where circumstances warrant, as discussed in the notice of proposed rulemaking published on June 14, 1990. The Commission also does not consider it appropriate to instruct the Secretary to compile the administrative protective order service list before the deadline for filing applications, in view of the heavy administrative burden imposed on the Secretary and the investigative staff.

CITBA urged that a submitter dissatisfied with the Secretary's decision that a document must be served under § 207.7(f) be given the opportunity to withdraw the document. However, the statute does not permit the Secretary to accord such an opportunity. Should a party wish to submit a document it considers sensitive yet not wish to risk having to serve the document if the request for exemption is denied, the party may, pursuant to § 201.12, file a nonsensitive version or description of the allegedly exempt material and request the Secretary to make a ruling on it. Alternatively, the party may request the Secretary to inspect the information without the party surrendering custody of it.

The Commission has declined to adopt CITBA's recommendation that the Commission reinstate the opportunity to comment on late-field business proprietary information, in view of the lack of useful information provided in such comments to date, the widespread practice of misusing the opportunity by submitting legal arguments, and the time allowed by statute for the Commission to consider the record.

Section 207.7 is amended to subject an authorized applicant to sanctions in the event representations made in the authorized applicant's application are untrue or inaccurate. The section is also amended stylistically to make clearer the provisions on applications and sanctions. Moreover, two or more authorized applicants representing the same party must choose among them a lead authorized applicant to accept service of business proprietary documents, in order to avoid redundant service of documents.

Section 207.7 is further amended to add a new paragraph (g) which clarifies Commission procedure by specifying how a person may file a request for exemption from disclosure of business proprietary information under administrative protective order pursuant to 19 U.S.C. 1677f(c)(1)(A). The Commission does not intend hereby to suggest that such objections will often be granted. On the contrary, the statute provides only narrow circumstances in which business proprietary information will not be disclosed under administrative protective order.

Section 207.8

Powell, Goldstein argued that § 207.8 should provide for the taking of adverse inferences only in cases of refusal to cooperate with a Commission request for information, not in cases of inability to provide the requested data. The final rules do not incorporate Powell, Goldstein's suggested amendment. An adverse inference may be appropriate where a person claims inability to cooperate if the record suggests that the claimed inability is not real.

CITBA argued that the adverse inference provision should be deleted as

unsupported by statutory authority, or at least should be limited to instances of refusal to cooperate. CITBA also pointed out a typographical error. As discussed above, the final version of § 207.8 does not limit the adverse inference provision to instances of overt refusal to cooperate. The final version does correct the typographical error noted by CITBA. As to CITBA's argument that adverse inferences are never statutorily sanctioned, section 776 of the Tariff Act of 1930, 19 U.S.C. 1677e, permits the Commission to use the best information available when a person refuses or is unable to produce information requested or otherwise significantly impedes an investigation. Under that provision, the Commission is fully justified in taking an adverse inference from conduct such as a refusal to cooperate with a Commission investigation.

Section 207.10

CITBA urged the Commission to make clear in § 207.10 that multiple copies of a petition need be filed only in section 303 cases in which an injury test is required. If an injury test becomes appropriate at a later time, the rule could specify a deadline for such a filing. CITBA also argued for deleting paragraph (d) of § 207.10, which requires a petitioner to provide information to the Commission if an injury test becomes appropriate, as unnecessary. According to CITBA, such information can better be obtained in other ways, because a petitioner can be sent a questionnaire, can be subpoenaed, and can have adverse inferences taken against it in case of noncompliance. CITBA also questioned the propriety of requiring such information only from petitioner. If the intent of the rule was to require the filing of a new petition, CITBA argued that such a requirement was inconsistent with the statute.

The final version of § 207.10 is amended in response to CITBA's concern to provide that a petition is to be filed with the Commission in section 303 cases only where an injury test is required. Paragraph (d) of §207.10 stands as proposed, because although a petitioner can indeed be sent a questionnaire, the investigation can be materially advanced if petitioner comes forward at an early date with information relevant to the investigation. This requirement is similar to the one imposed on petitioner at the start of an investigation under 19 U.S.C. 1671a or 1673a. To clarify a point on which CITBA posed a query, the rule is intended to require petitioner to submit information, not to file an entirely new petition.

The section is also amended to replace a reference to the "injury test" with a reference to the "Commission determination under title VII of the Act," a phrase conforming more closely to statutory language.

Section 207.11

CITBA recommended that § 207.11 be amended to specify that it applies only to section 303 investigations if an injury test is called for. CITBA expressed the concern that petitioners might erroneously think it necessary to file multiple copies of a petition with the Commission in a case in which the Commission has no role. Because, as discussed above, § 207.10 is amended to address only section 303 cases in which an injury test is required, the Commission sees no need to repeat that limitation in § 207.11.

Section 207.12

In § 207.12, a reference is made to a preliminary investigation "to determine whether there is a reasonable indication of injury." The quoted language is deleted as unnecessary and incomplete. No comments were received concerning this section.

Sections 207.13 and 207.14

These sections are issued as proposed. No comments were received concerning the sections.

Section 207.15

Marks Murase & White proposed that the page limitation on briefs in § 207.15 be supplemented by the phrase "printed in no smaller than 10 pitch type with no less than one inch margins." The Commission has determined not to implement the proposed change. Such a change might involve the Commission in policing minor details of procedure to an unacceptable degree. Wiley, Rein & Fielding suggested that §§ 207.15, 207.22, 207.24, and 207.25 be harmonized by specifying in § 207.15 that only parties may submit briefs and that nonparties may submit brief statements. The final rules incorporate the suggested amendment. The section is further amended to correct a cross-reference to make clear that the conference in a preliminary investigation is held according to the same procedures as are full Commission hearings.

CITBA urged the elimination of all page limits on briefs. CITBA stated its understanding of the page limits to permit the submission of exhibits of unlimited length. CITBA also requested the opportunity to submit comments on business proprietary information in a preliminary investigation up to the date of the Commission's determination.

The Commission has determined to reject CITBA's call for the elimination of all page limits on briefs. In the short time available to the Commission to make a preliminary determination, briefs of excessive length can be more of a hindrance than a help. Although CITBA is correct in its understanding that there is no page limit on nontextual material such as certain exhibits, the Commission will look with disfavor on attempts to evade the page limits by secreting textual material in exhibits. As discussed above under § 207.7, the Commission declines to allow the filing of comments after the deadline for filing briefs.

The last sentence of § 207.15, providing that the Commission can hold a hearing in lieu of a staff conference, is deleted as unnecessary. The Commission may when it deems appropriate waive this and any other rule pursuant to § 201.4. The section is amended to permit the filing of witness testimony prior to the conference, in a manner similar to the procedure added to § 207.23 for hearings, as described below.

Section 207.17

Section 207.17 should be amended, according to CITBA, to clarify that a draft of the staff report in preliminary investigations will be made available to the parties for comment before the Commission's determination. The section has been issued as proposed, without an opportunity for parties to view the staff report before the Commission's determination, because there is insufficient time in preliminary investigations to provide an opportunity to comment on the report.

The section has been clarified, however, to indicate that the public and proprietary versions of staff reports are not always issued at the same time. The same clarification is made to § 207.21.

Sections 207.18, 207.20, 207.21, and 207.22

These sections are issued as proposed, except for the change to § 207.21 discussed under § 207.17 above. No comments were received concerning the sections.

Section 207.23

Section 207.23 sets forth procedures for hearing witnesses to file copies of their testimony before the hearing. In past hearings, certain witnesses have taken up significant portions of the proceedings by reading their prepared statements. The Commission does not consider this practice to be a constructive use of agency resources,

and would prefer a witness to file his prepared testimony, keep his oral statement brief, and offer to answer the Commission's questions. However, the opportunity to file witness testimony is not intended to permit the filing of additional briefs. The section is also amended to specify that a party may ask that a portion of a hearing be closed to the public, but may not request that the hearing as a whole be closed. This limitation is imposed by the statutory requirement, under 19 U.S.C. 1677c(b), that a transcript of the hearing be made public. No comments were received concerning this section.

Sections 207.24, 207.25, and 207.26

These sections are issued as proposed. No comments were received concerning the sections.

Section 207.27

In § 207.27 concerning anticircumvention proceedings, CITBA requested that comments be required to reference the underlying administrative record and be limited to a discussion of facts and arguments supporting interpretation of the outstanding order with respect to the articles at issue. CITBA further recommended that the rule specify whether the comments should be served on anyone, whether the comments could contain business proprietary information, whether administrative protective orders would be issued, how would persons be given access to the public record, and whether persons would have access to the nonpublic record.

The Commission considers it unnecessary to expressly limit the scope of comments concerning anticircumvention proceedings. In answer to CITBA's other questions, the comments need not be served on anyone; comments may contain business proprietary information, provided that such material is accompanied by a request for confidential treatment under § 201.6 of the Commission's rules; no administrative protective order is considered necessary in anticircumvention proceedings; any person may request access to the public record at any time; and persons will not have access to the nonpublic record in anticircumvention proceedings. The Commission must keep procedure in anticircumvention proceedings simple because of the short deadlines imposed by the statute.

Sections 207.28 and 207.40 Through 207.44

These sections are issued as proposed. No comments were received concerning the sections.

Section 207.45

With respect to § 207.45 concerning review proceedings, CITBA recommended providing an opportunity at the pre-review stage both for rebuttal of initial comments and for access to business proprietary information under administrative protective order. CITBA also suggests renaming paragraph (a). The Commission considers it inappropriate to expand pre-review proceedings to the considerable extent of permitting rebuttal of initial comments and access to business proprietary information under administrative protective order. Paragraph (a) is renamed in accordance with CITBA's suggestion from "commencement of investigation" to the more appropriate "request for review."

Section 207.50

This section is issued as proposed. No comments were received concerning the section.

Section 207.51

CITBA recommended against the proposed amendment to § 207.51 that would extend the time to 20 days for the Commission to file the record in a 19 U.S.C. 1677f(c)(2) action, suggesting instead that "fifteen days (twenty where service is by mail)" would be more appropriate. Section 207.51 has been issued as proposed because the Commission considers that twenty days is the minimum necessary to collect and transmit the record in a 19 U.S.C. 1677f(c)(2) action.

List of Subjects in 19 CFR Parts 201 and 207

Administrative practice and procedure, Investigations, Imports.

19 CFR chapter II, parts 201 and 207 are amended as follows:

1. The authority citation for parts 201 continues to read as follows:

Authority: Section 335 of the Tariff Act of 1930 (19 U.S.C. 1335), and section 603 of the Trade Act of 1974 (19 U.S.C. 2482), unless otherwise noted.

2. Section 201.2 is revised to read as follows:

§ 201.2 Definitions.

As used in this chapter—

(a) *Commission* means the United States International Trade Commission;

(b) *Tariff Act* means the Tariff Act of 1930, 19 U.S.C. 1202–1677j;

(c) *Trade Expansion Act* means the Trade Expansion Act of 1962, 19 U.S.C. 1801–1991;

(d) *Trade Act* means the Trade Act of 1974, 19 U.S.C. 2101–2487;

(e) *Trade Agreements Act* means the Trade Agreements Act of 1979, Public Law 96–39, 93 Stat. 144;

(f) *Rule* means a section of the Commission Rules of Practice and Procedure (19 CFR chapter II);

(g) *Secretary* means the Secretary of the Commission.

(h) Except for adjudicative investigations under subchapter C of this chapter, *party* means any person who has filed a complaint or petition on the basis of which an investigation has been instituted, or any person whose entry of appearance has been accepted pursuant to § 201.11 (a) or (c). Mere participation in an investigation without an accepted entry of appearance does not confer party status.

(i) *Person* means an individual, partnership, corporation, association, or public or private organization.

3. Paragraph (d) of § 201.8 is revised to read as follows:

§ 201.8 Filing of documents.

* * * * *

(d) *Number of copies.* A signed original (or a copy designated as an original) and fourteen (14) copies of each document shall be filed. All submissions shall be on letter-sized paper (8½ inches by 11 inches), except copies of documents prepared for another agency or a court (e.g. patent file wrappers or pleadings papers). The original and at least one copy of all submissions shall be printed on one side only and shall be unbound (although they may be stapled or held together by means of a clip). In the event that confidential treatment of the document is requested under § 201.6, at least four (4) additional copies shall be filed, in which the confidential business information shall have been deleted and which shall have been conspicuously marked "nonconfidential" or "public inspection." The name of the person signing the original shall be typewritten or otherwise reproduced on each copy.

4. Section 201.11 is revised to read as follows:

§ 201.11 Appearance in an investigation as a party.

(a) *Who may appear as a party.* Any person may apply to appear in an investigation as a party, either in person or by representative, by filing an entry of appearance with the Secretary. Each entry of appearance shall state briefly the nature of the person's reason for

participating in the investigation and state the person's intent to file briefs with the Commission regarding the subject matter of the investigation. The Secretary shall promptly determine whether the person submitting the entry of appearance has a proper reason for participating in the investigation. If it is found that a person does not have a proper reason for participating in the investigation, that person shall be so notified by the Secretary and shall not be entitled to appear in the investigation as a party. A person found to have a proper reason for participating in the investigation shall be permitted to appear in the investigation as a party, and acceptance of such person's entry of appearance shall be signified by the Secretary's inclusion of such person on the service list established pursuant to paragraph (d) of this section.

(b) *Time for filing.* Each entry of appearance shall be filed with the Secretary not later than twenty-one (21) days after publication of the Commission's notice of investigation in the Federal Register. In the case of investigations conducted under subpart B of part 207 of this chapter, each entry of appearance shall be filed with the Secretary not later than seven (7) days after publication of the Commission's notice of investigation in the Federal Register.

(c) *Late filing.* Any entry of appearance filed with the Secretary after the filing date established in paragraph (b) of this section shall be referred to the Chairman, or other person designated to conduct the investigation, who shall promptly determine whether to accept such entry for good cause shown by the person desiring to file the notice. The Secretary shall promptly notify the submitter of a decision to deny the entry, or if the entry is accepted, include such person on the service list established pursuant to paragraph (d) of this section.

(d) *Service list.* Upon the expiration of the time for filing notices of appearance established in paragraph (b) of this section, the Secretary shall prepare a service list. The service list shall contain the names and addresses of all persons, or their representatives, who are parties to the investigation pursuant to § 201.2(h) and paragraph (a) of this section. Upon the acceptance of a late entry of appearance pursuant to paragraph (c) of this section, the Secretary shall amend the service list to include the name and address of the person whose notice has been accepted and shall promptly forward such notice to all parties to the investigation.

5. Paragraph (b) of § 201.14 is revised to read as follows:

§ 201.14 Computation of time, additional hearings, postponements, continuances, and extensions of time.

* * * * *

(b) *Additional hearings, postponements, continuances, and extensions of time.* (1) Prior to its final determination in any investigation, the Commission may in its discretion for good cause shown grant additional hearings, postponements, or continuances of hearings.

(2) The Chairman of the Commission or such other person as is designated to conduct the investigation shall determine whether to grant for good cause shown extensions of time for performing any act required by or pursuant to the rules contained in this chapter.

(3) A request that the Commission take any of the actions described in this section shall be filed with the Secretary and served on all parties to the investigation.

6. Paragraph (a) of § 201.15 is revised to read as follows:

§ 201.15 Attorneys or agents.

(a) *In general.* No register of attorneys or agents who may practice before the Commission is maintained. No application for admission to practice is required. Any person desiring to appear as attorney or agent before the Commission may be required to show to the satisfaction of the Commission his acceptability in that capacity. Any attorney or agent practicing before the Commission, or desiring so to practice, may for good cause shown be suspended or barred from practicing before the Commission, or have imposed on him such lesser sanctions as the Commission deems appropriate, but only after he has been accorded an opportunity to present his views in the matter.

* * * * *

7. 19 CFR chapter II, part 207, § 207.1 and subparts A–F, are revised to read as follows:

PART 207—INVESTIGATIONS OF WHETHER INJURY TO DOMESTIC INDUSTRIES RESULTS FROM IMPORTS SOLD AT LESS THAN FAIR VALUE OR FROM SUBSIDIZED EXPORTS TO THE UNITED STATES

Sec.

207.1 Applicability of part.

Subpart A—General Provisions

207.2 Definitions applicable to Part 207.
207.3 Service, filing, and certification of documents.
207.4 The record.
207.5 Ex parte meetings.
207.6 Reports of progress of investigation.
207.7 Limited disclosure of certain busine proprietary information under administrative protective order.
207.8 Questionnaires to have the force of subpoenas; subpoena enforcement

Subpart B—Preliminary Determinations.

207.10 Filing of petition with the Commission.
207.11 Contents of petition.
207.12 Notice of preliminary investigation.
207.13 Cooperation with administering authority; preliminary investigation.
207.14 Negative petition determination.
207.15 Written briefs and conference.
207.16 Reserved.
207.17 Staff report.
207.18 Notice of determination in preliminary investigations.

Subpart C—Final Determinations, Short Life Cycle Products

207.20 Institution of investigation; notice.
207.21 Prehearing and final staff reports.
207.22 Prehearing brief.
207.23 Hearing.
207.24 Posthearing briefs.
207.25 Statements by nonparties.
207.26 Short life cycle products.
207.27 Anticircumvention.
207.28 Publication of notice of determination.

Subpart D—Terminated, Suspended, and Continued Investigations, Investigations to Review Negotiated Agreements, and Investigations to Review Outstanding Determinations

207.40 Termination and suspension of investigation.
207.41 Commission review of agreements to eliminate the injurious effect of subsidized imports or imports sold at less than fair value.
207.42 Investigation continued upon request.
207.43 Reserved.
207.44 Consolidation of investigations.
207.45 Investigation to review outstanding determination.

Subpart E—Judicial Review

207.50 Judicial review.
207.51 Judicial review of denial of application for disclosure of certain business proprietary information under administrative protective order.

Subpart F—Reserved

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Authority: 19 U.S.C. 1303, 1335, 1671–1677k, and 2482.

§ 207.1 Applicability of part.

Part 207 applies to proceedings of the Commission under section 303, section 516A and title VII of the Tariff Act of 1930 (19 U.S.C. 1303, 1516A and 1671–1677j) (the Act), and 19 U.S.C. 1677k.

Subpart A—General Provisions

§ 207.2 Definitions applicable to part 207.

For the purposes of this part, the following terms have the meanings hereby assigned to them:

(a) The term *the Act* means: The Tariff Act of 1930, as amended.

(b) The term *administering authority* means: The Secretary of Commerce, or any other officer of the United States to whom the responsibility for carrying out the duties of the administering authority under section 303 or title VII of the Act is transferred by law.

(c) The term *Director* means: The incumbent Commission Director or Acting Director, Office of Operations, or, in the absence of either, a person designated by the Director.

(d) The term *ex parte meeting* means: Any communication between

(1) Any interested party or other person providing factual information in connection with an investigation, and

(2) Any Commissioner, or member of a Commissioner's staff, in which less than all parties participate, and which is not a hearing or conference for which an opportunity to participate is given to the parties.

(e) The term *injury* means: Material injury or threat of material injury to an industry in the United States, or material retardation of the establishment of an industry in the United States, by reason of imports into the United States of a class or kind of merchandise which is found by the administering authority to be subsidized, or sold, or likely to be sold, at less than its fair value.

(f) The term *record* means:

(1) All information presented to or obtained by the Commission during the course of an investigation, including completed questionnaires, any information obtained from the administering authority, written communications from any person filed with the Secretary, staff reports, all governmental memoranda pertaining to the case, and the record of ex parte meetings required to be kept pursuant to section 777(a)(3) of the Act; and

(2) A copy of all Commission orders and determinations, all transcripts or records of conferences or hearings, and all notices published in the **Federal Register** concerning the investigation.

(g) The term *coalition or trade association* as used in an investigation referred to in section 771(9)(G) of the Act means a coalition or trade association which is representative of domestic processors, domestic processors and producers, or domestic processors and growers.

§ 207.3 Service, filing, and certification of documents.

(a) *Certification.* Any person submitting factual information on behalf of the petitioner or any other interested party for inclusion in the record, and any person submitting a response to a Commission questionnaire, must certify that such information is accurate and complete to the best of the submitter's knowledge.

(b) *Service.* Any party submitting a document for inclusion in the record of the investigation shall, in addition to complying with § 201.8 of this chapter, serve a copy of each such document on all other parties to the investigation in the manner prescribed in § 201.16 of this chapter. If a document is filed before the Secretary's issuance of the service list provided for in § 201.11 of this chapter or the administrative protective order list provided for in § 207.7, the document need not be accompanied by a certificate of service, but the document shall be served on all appropriate parties within two (2) days of the issuance of the service list or the administrative protective order list and a certificate of service shall then be filed. Notwithstanding § 201.16 of this chapter, petitions, briefs, and testimony filed by parties pursuant to §§ 207.10, 207.15, 207.22, 207.23, and 207.24 shall be served by hand or, if served by mail, by overnight mail or its equivalent. Failure to comply with the requirements of this rule may result in removal from status as a party to the investigation. The Commission shall make available to all parties to the investigation a copy of each document, except transcripts of conferences and hearings, business proprietary information, privileged information, and information required to be served under this section, placed in the record of the investigation by the Commission.

(c) *Filing.* Documents to be filed with the Commission must comply with applicable rules, including § 201.8 of this chapter. If the Commission establishes a deadline for the filing of a document, and the submitter includes business proprietary information in the document, the submitter is to file and, if the submitter is a party, serve the business proprietary version of the document on the deadline and may file and serve the nonbusiness proprietary version of the document no later than one business day after the deadline for filing the document. The business proprietary version shall enclose all business proprietary information in brackets and have the following warning marked on every page: "Bracketing of BPI not final for one business day after date of filing." The bracketing becomes final one business day after the date of filing of the document, *i.e.*, at the same time as the nonbusiness proprietary version of the document is due to be filed. Until the bracketing becomes final, recipients of the document may not divulge any part of the contents of the document to anyone not subject to the administrative protective order issued in the investigation. If the submitter discovers it has failed to bracket correctly, the submitter may file a corrected version or portion of the business proprietary document at the same time as the nonbusiness proprietary version is filed. No changes to the document other than bracketing and deletion of business proprietary information are permitted after the deadline. Failure to comply with this paragraph may result in the striking from the record of all or a portion of a submitter's document.

§ 207.4 The record.

(a) *Maintenance of the record.* The Secretary shall maintain the record of each investigation conducted by the Commission pursuant to section 303 or title VII of the Act. The record shall be maintained contemporaneously with each actual filing in the record. It shall be divided into public and nonpublic sections. The Secretary shall also maintain a contemporaneous index of all materials filed in the record. All material properly filed with the Secretary shall be placed in the record. The Commission need not consider in its determinations or include in the record any material that is not filed with the Secretary. All material which is placed in the record shall be maintained in the public record, with the exception of material which is privileged, or which is business proprietary information submitted in accordance with § 201.6 of this chapter. Privileged and business proprietary material shall be maintained in the nonpublic record.

(b) *Audits.* The Commission may in its discretion verify information received in the course of an investigation. To the extent a verification results in new or different information, the Commission shall place such information on the record.

(c) *Materials provided by the administering authority.* Materials received by the Commission from the administering authority shall be placed on the Commission's record and shall be designated by the Commission as public or nonpublic in conformity with the applicable designation of the administering authority. Any requests to the Commission either to permit access to such materials or to release such materials shall be referred to the administering authority for its advice.

§ 207.5 Ex parte meetings.

There shall be included in the record of each investigation a record of ex parte meetings as required by section

777(a)(3) of the Act. The record of each ex parte meeting shall include the identity of the persons present at the meeting, the date, time, and place of the meeting, and a summary of the matters discussed or submitted.

§ 207.6 Reports of progress of investigation.

The Secretary shall upon the request of a party inform the parties to an investigation of the progress of that investigation. No such progress report, however, shall be issued by the Secretary less than thirty (30) days after the date of publication of commencement of an investigation by notice in the **Federal Register**, nor shall the Secretary be required to issue a report on the progress of any investigation less than thirty (30) days after the date of issuance of the previous such report with respect to the same investigation. A report shall be limited to a statement of what official actions the Commission has taken since the previous such report, if any.

§ 207.7 Limited disclosure of certain business proprietary information under administrative protective order.

(a)(1) *Disclosure.* Upon receipt of a timely application filed by an authorized applicant, as defined in paragraph (a)(3) of this section, which describes in general terms the information requested, and sets forth the reasons for the request (*e.g.*, all business proprietary information properly disclosed pursuant to this section for the purpose of representing an interested party in investigations pending before the Commission), the Secretary shall make available all business proprietary information contained in Commission memoranda and reports and in written submissions filed with the Commission at any time during the investigation (except privileged information, classified information, and specific information of a type which there is a clear and compelling need to withhold from disclosure, *e.g.*, trade secrets) to the authorized applicant under an administrative protective order described in paragraph (b) of this section. The term "business proprietary information" has the same meaning as the term "confidential business information" as defined in § 201.6 of this chapter.

(2) *Application.* An application under paragraph (a)(1) of this section must be made by an authorized applicant on a form adopted by the Secretary or a photocopy thereof. An application on behalf of a petitioner, a respondent, or another party must be made no later than the time that entries of appearance are due pursuant to § 201.11 of this chapter. In the event that two or more authorized applicants represent one interested party who is a party to the investigation, the authorized applicants must select one of their number to be lead authorized applicant. The lead authorized applicant's application must be filed no later than the time that entries of appearance are due. Provided that the application is accepted, the lead authorized applicant shall be served with business proprietary information pursuant to paragraph (f) of this section. The other authorized applicants representing the same party may file their applications after the deadline for entries of appearance but at least five (5) days before the deadline for filing posthearing briefs in the investigation, or the deadline for filing briefs in a preliminary investigation, and shall not be served with business proprietary information.

(3) *Authorized applicant.* (i) Only an authorized applicant may file an application under this section. An authorized applicant is:

(A) An attorney for an interested party which is a party to the investigation;

(B) A consultant or expert under the direction and control of a person under paragraph (a)(3)(i)(A) of this section;

(C) A consultant or expert who appears regularly before the Commission and who represents an interested party which is a party to the investigation; or

(D) A representative of an interested party which is a party to the investigation, if such interested party is not represented by counsel.

(ii) In addition, an authorized applicant must not be involved in competitive decisionmaking, as defined in *U.S. Steel Corp.* v. *United States*, 730 F.2d 1465 (Fed. Cir. 1984), for an interested party which is a party to the investigation.

(4) *Forms and determinations.* (i) The Secretary may adopt, from time to time, forms for submitting requests for disclosure pursuant to an administrative protective order incorporating the terms of this rule. The Secretary shall determine whether the requirements for release of information under this rule have been satisfied. This determination shall be made concerning specific business proprietary information as expeditiously as possible but in no event later than fourteen (14) days from the filing of the information, or seven (7) days in a preliminary investigation, except if the submitter of the information objects to its release or the information is unusually voluminous or complex, in which case the determination shall be made within thirty (30) days from the filing of the information, or ten (10) days in a preliminary investigation. The Secretary shall establish a list of parties whose applications have been granted. The Secretary's determination shall be final for purposes of review by the U.S. Court of International Trade under section 777(c)(2) of the Act.

(ii) Should the Secretary determine pursuant to this section that materials sought to be protected from public disclosure by a person do not constitute business proprietary information or were not required to be served under paragraph (f) of this section, then the Secretary shall, upon request, issue an order on behalf of the Commission requiring the return of all copies of such materials served in accordance with paragraph (f) of this section.

(iii) The Secretary shall release business proprietary information only to an authorized applicant whose application has been accepted and who presents the application along with adequate personal identification; or a person described in paragraph (b)(1)(iv) of this section who presents a copy of the statement referred to in that paragraph along with adequate personal identification.

(iv) An authorized applicant granted access to business proprietary information in a preliminary investigation may, subject to paragraph (c) of this section, retain such business proprietary information during any final investigation corresponding to that preliminary investigation, provided that the authorized applicant has not lost his authorized applicant status (*e.g.*, by terminating his representation of an interested party who is a party). When retaining business proprietary information pursuant to this paragraph, the authorized applicant need not file a new application in the final investigation, but shall list in his entry of appearance in the final investigation the authorized applicants in the same firm and the persons employed or supervised by the authorized applicant who continue to participate in the investigation.

(b) *Administrative protective order.* The administrative protective order under which information is made available to the authorized applicant shall require him to submit to the Secretary a personal sworn statement that, in addition to such other conditions as the Secretary may require, he shall:

(1) Not divulge any of the business proprietary information obtained under the administrative protective order and

not otherwise available to him, to any person other than

(i) Personnel of the Commission concerned with the investigation,

(ii) The person or agency from whom the business proprietary information was obtained,

(iii) A person whose application for access to business proprietary information under the administrative protective order has been granted by the Secretary, and

(iv) Other persons, such as paralegals and clerical staff, who are employed or supervised by the authorized applicant; who have a need thereof in connection with the investigation; who are not involved in competitive decisionmaking for an interested party which is a party to the investigation; and who have submitted to the Secretary a signed statement in a form approved by the Secretary that they agree to be bound by the administrative protective order (the authorized applicant shall be deemed responsible for such persons' compliance with the administrative protective order);

(2) Use such business proprietary information solely for the purposes of the Commission investigation then in progress or for judicial or other review of such Commission investigation;

(3) Not consult with any person not described in paragraph (b)(1) of this section concerning such business proprietary information without first having received the written consent of the Secretary and the party or the attorney of the party from whom such business proprietary information was obtained;

(4) Whenever materials (*e.g.*, documents, computer disks, etc.) containing such business proprietary information are not being used, store such material in a locked file cabinet, vault, safe, or other suitable container;

(5) Serve all materials containing business proprietary information as directed by the Secretary and pursuant to paragraph (f) of this section;

(6) Transmit all materials containing business proprietary information with a cover sheet identifying the materials as containing business proprietary information;

(7) Comply with the provisions of this section;

(8) Make true and accurate representations in the authorized applicant's application and promptly notify the Secretary of any changes that occur after the submission of the application and that affect the representations made in the application (*e.g.*, change in personnel assigned to the investigation);

(9) Report promptly and confirm in writing to the Secretary any breach of the administrative protective order; and

(10) Acknowledge that breach of the administrative protective order may subject the authorized applicant to such sanctions as the Commission deems appropriate.

(c) *Final disposition of material released under administrative protective order.* At such date as the Secretary may determine appropriate for particular data, each authorized applicant shall return or destroy all copies of materials released to authorized applicants pursuant to this section and all other materials containing business proprietary information, such as charts or notes based on any such information received under administrative protective order, and file with the Secretary a certificate attesting to his personal, good faith belief that all copies of such material have been returned or destroyed and no copies of such material have been made available to any person to whom disclosure was not specifically authorized.

(d) *Sanctions for breach of administrative protective order.* A breach of an administrative protective order may subject an offender to:

(1) Disbarment from practice in any capacity before the Commission along with such person's partners, associates, employer, and employees, for up to seven years following publication of a determination that the order has been breached;

(2) Referral to the United States Attorney;

(3) In the case of an attorney, accountant, or other professional,referral to the ethics panel of the appropriate professional association; and

(4) Such other administrative sanctions as the Commission determines to be appropriate, including public release of or striking from the record any information or briefs submitted by, or on behalf of, the offender or the party represented by the offender, and denial of further access to business proprietary information in the current or any future investigations before the Commission.

(e) *Sanction procedure.* (1) The Commission shall determine whether any person has violated an administrative protective order, and may impose sanctions in accordance with paragraph (d) of this section. Whenever the Commission has reason to believe that a person may have breached an administrative protective order issued pursuant to this section, the Secretary shall issue a letter informing such person that the Commission has reason to believe a breach has occurred and that the person has a reasonable opportunity to present his views on whether a breach has occurred. If subsequently the Commission determines that a breach has occurred, then the Secretary shall issue a letter informing such person of that determination and that the person has a reasonable opportunity to present his views on whether mitigating circumstances exist and on the appropriate sanction to be imposed, but no longer on whether a breach has occurred. Once such person has been afforded a reasonable opportunity to present his views, the Commission shall determine what sanction if any to impose.

(2) Where the sanction imposed is a private letter of reprimand, the Secretary shall expunge the sanction from the recipient's record two (2) years from the date of issuance of the sanction, provided that

(i) The recipient has not received another unexpunged sanction pursuant to this section at any time prior to the end of the two year period, and

(ii) The recipient is not the subject of an investigation for possible breach of administrative protective order under this section at the end of the two year period. Upon the completion of such a pending breach investigation without the issuance of a sanction, the original sanction shall be expunged. The Secretary shall notify a sanction recipient in the event that the sanction is expunged.

(f) *Service.* (1) Any party filing written submissions which include business proprietary information to the Commission during an investigation shall at the same time serve complete copies of such submissions upon all authorized applicants specified on the list established by the Secretary pursuant to paragraph (a)(4) of this section, and a nonbusiness proprietary version on all other parties. All such submissions must be accompanied by a certificate attesting that complete copies of the submission have been properly served. In the event that a submission is filed before the Secretary's list is established, the document need not be accompanied by a certificate of service, but the submission shall be served within two (2) days of the establishment of the list and a certificate of service shall then be filed.

(2) A party may seek an exemption from the service requirement of paragraph (f)(1) of this section for a particular submission by filing a request for exemption with the reasons therefor along with the submission. The

Secretary shall not accept the submission into the record but shall hold the submission until the request has been granted or denied. The Secretary shall promptly respond to the request. If a request is granted, the Secretary shall accept the submission into the record. If a request is denied, the party shall serve the submission within two (2) days of the denial and file a certificate of service in the form described in paragraph (f)(1) of this section, and the Secretary shall then accept the submission into the record. All submissions which include business proprietary information must be accompanied by a certificate attesting either that complete copies of the submission have been properly served, or that a request for exemption has been filed with the submission.

(3) The Secretary shall not accept for filing into the record of an investigation submissions filed without a proper certificate of service. Failure to comply with paragraph (f) of this section may result in denial of party status and such sanctions as the Commission deems appropriate. Business proprietary information in submissions must be clearly marked as such when submitted, and must be segregated from other material being submitted.

(g) *Exemption from disclosure.* Any person submitting business proprietary information to the Commission may request exemption from the disclosure of such information under administrative protective order. A request must be filed in writing with the reasons therefor at the same time as the information being submitted is filed. Such a request shall only be granted if the Secretary finds that such information is privileged information, classified information, or specific information of a type for which there is a clear and compelling need to withhold from disclosure. In the case of a party, the request shall be treated as a request for exemption from service under paragraph (f) of this section. In the case of a nonparty, the Secretary shall promptly notify the submitter as to whether the request has been approved or denied.

§ 207.8 Questionnaires to have the force of subpoenas; subpoena enforcement.

Any questionnaire issued by the Commission in connection with any investigation under section 303 or title VII of the Act, may be issued as a subpoena and subscribed by a Commissioner, after which it shall have the force and effect of a subpoena authorized by the Commission. Whenever any party or any other person fails to respond adequately to such a subpoena or whenever a party or any other person refuses or is unable to produce information requested in a timely manner and in the form required, or otherwise significantly impedes an investigation, the Commission may use the best information otherwise available in making its determination; seek judicial enforcement of the subpoena pursuant to 19 U.S.C. 1333; make inferences adverse to such person's position; and take such other actions as necessary to obtain needed information.

Subpart B—Preliminary Determinations

§ 207.10 Filing of petition with the Commission.

(a) *Filing of the petition.* Any interested party who files a petition with the administering authority pursuant to section 702(b) or 732(b) of the Act, or section 303 of the Act in a case in which a Commission determination under title VII of the Act is required, shall file copies of the petition, pursuant to § 201.8 of this chapter, with the Secretary on the same day the petition is filed with the administering authority. If the petition complies with the provisions of § 207.11, it shall be deemed to be properly filed on the date on which the requisite number of copies of the petition is received by the Secretary. The Secretary shall notify the administering authority of that date. Notwithstanding § 201.11 of this chapter, a petitioner need not file an entry of appearance in the preliminary investigation instituted upon the filing of its petition, which shall be deemed an entry of appearance, although the petitioner must file an entry of appearance in any final investigation corresponding to that preliminary investigation.

(b) *Service of the petition.* A copy of the petition, or a version thereof omitting business proprietary information, shall be served by petitioner on those persons enumerated on the list established by the Secretary pursuant to § 201.11(d) of this chapter within two (2) days of the establishment of the Secretary's list. A copy of the petition including all business proprietary information shall be served by petitioner on those persons enumerated on the list established by the Secretary pursuant to § 207.7(a)(4) within two (2) days of the establishment of the Secretary's list. Service shall be attested by a certificate of service as required in § 201.16(c)(2) of this chapter.

(c) *Amendments and withdrawals; critical circumstances.* (1) Any amendment or withdrawal of a petition shall be filed on the same day with both the Secretary and the administering authority, without regard to whether the requester seeks action only by one agency.

(2) When not made in the petition, any allegations of critical circumstances under section 303, 703 or 733 of the Act shall be made in an amendment to the petition and shall be filed as early as possible. Critical circumstances allegations, whether made in the petition or in an amendment thereto, shall contain information reasonably available to petitioner concerning the factors enumerated in sections 705(b)(4)(A) and 735(b)(4)(A) of the Act.

(d) *Section 303(a)(1) petitions.* If during an investigation under section 303(a)(1) of the Act a Commission determination under title VII of the Act becomes required, the Commission shall issue an order instructing petitioner to provide all information reasonably available to it concerning the determination that the Commission is to make in the investigation.

§ 207.11 Contents of petition.

The petition shall be signed by the petitioner or his duly authorized officer, attorney, or agent, and shall set forth the name, address, and telephone number of the petitioner and any such officer, attorney, or agent, and the names of all representatives of petitioner who will appear in the investigation. The petition shall allege the elements necessary for the imposition of a duty under section 303(a)(1), 701(a) or 731(a) of the Act and contain information reasonably available to the petitioner supporting the allegations. Petitioners are advised to refer to the administering authority's regulations concerning the contents of petitions.

§ 207.12 Notice of preliminary investigation.

Upon receipt by the Commission of a petition under § 207.10 or receipt of notice that the administering authority has commenced an investigation under section 303, 702(a) or 732(a) of the Act, the Director shall, as soon as practicable after consultation with the administering authority, institute a preliminary investigation under section 303, 703(a) or 733(a) of the Act and shall publish a notice to that effect in the **Federal Register.**

§ 207.13 Cooperation with administering authority; preliminary investigation.

Subsequent to institution of an investigation pursuant to § 207.12, the Director shall conduct such investigation as he deems appropriate. Information adduced in the investigation shall be placed on the record. The

Director shall cooperate with the administering authority in its determination of the sufficiency of a petition and in its decision whether to permit any proposed amendment to a petition. Notwithstanding §§ 201.11(c) and 201.14(b) of this chapter, late filings in a preliminary investigation shall be referred to the Director, who shall determine whether to accept such filing for good cause shown by the person making the filing.

§ 207.14 Negative petition determination.

Upon receipt by the Commission of notice from the administering authority under section 303, 702(d) or 732(d) of the Act that the administering authority has made a negative petition determination under section 303, 702(c)(3) or 732(c)(3) of the Act, the investigation begun pursuant to § 207.12 shall terminate. The Director shall notify all persons who have received requests for information from him of the termination.

§ 207.15 Written briefs and conference.

Each party may submit to the Commission on or before a date specified in the notice of investigation issued pursuant to § 207.12 a written brief containing information and arguments pertinent to the subject matter of the investigation. Briefs shall be signed, shall include a table of contents, and shall contain no more than fifty (50) double spaced and single sided pages of textual material, on stationery measuring 8½×11 inches. Any person not a party may submit a brief written statement of information pertinent to the investigation within the time specified for the filing of briefs. In addition, the presiding official may permit persons to file within a specified time answers to questions or requests made by the Commission's staff. If he deems it appropriate, the Director shall hold a conference. The conference, if any, shall be held in accordance with the procedures in § 201.13 of this chapter, except that in connection with its presentation a party may file witness testimony with the Secretary no later than three (3) days before the conference. The Director may request the appearance of witnesses, take testimony, and administer oaths.

§ 207.16 [Reserved]

§ 207.17 Staff report.

Prior to the Commission's preliminary determination, the Director shall submit to the Commission a staff report. A public version of the staff report shall be made available to the public after the Commission's preliminary determination and a business proprietary version shall also be made available to persons authorized to receive business proprietary information under § 207.7.

§ 207.18 Notice of determination in preliminary investigations.

Whenever the Commission makes a determination in a preliminary investigation under section 303, 703(a) or 733(a) of the Act, the Secretary shall serve copies of the determination and a public version of the staff report on the petitioner, other parties to the investigation, and the administering authority. The Secretary shall publish a notice of such determination in the Federal Register. If the Commission's determination is negative, the investigation shall be terminated. If the Commission's determination is affirmative, the Director may continue investigative activities pending notice by the administering authority of its preliminary determination under section 303, 703(b) or 733(b) of the Act. If the administering authority's preliminary determination is affirmative, the Commission shall institute an investigation in accordance with subpart C. If the administering authority's preliminary determination is negative, the Director shall continue such investigative activities as he deems appropriate pending a final determination by the administering authority under section 303, 705(a) or 735(a) of the Act.

Subpart C—Final Determinations, Short Life Cycle Products

§ 207.20 Institution of investigation; notice.

(a) Notice from the administering authority of an affirmative preliminary determination under section 303, 703(b) or 733(b) of the Act and notice from the administering authority of an affirmative final determination under section 303, 705(a) or 735(a) of the Act shall be deemed to occur on the date on which the transmittal letter of such determination is received by the Secretary from the administering authority or the date on which notice of such determination is published in the Federal Register, whichever shall first occur.

(b) Upon receipt of notice from the administering authority of an affirmative preliminary determination under section 303, 703(b) or 733(b) of the Act or, if the administering authority's preliminary determination is negative, notice of an affirmative final determination under section 303, 705(a) or 735(a) of the Act, the Commission shall publish in the Federal Register notice of its investigation to reach a final determination under section 303, 705(b) or 735(b) of the Act. Upon receipt by the Commission of notice from the administering authority of its final negative determination under section 303, 705(a) or 735(a) of the Act, the corresponding Commission investigation shall be terminated.

§ 207.21 Prehearing and final staff reports.

(a) *Prehearing staff report.* The Director shall prepare and place in the record, prior to the hearing, a prehearing staff report containing information concerning the subject matter of the investigation. A version of the staff report containing business proprietary information shall be placed in the nonpublic record and made available to persons authorized to receive business proprietary information under § 207.7, and a nonbusiness proprietary version of the staff report shall be placed in the public record.

(b) *Final staff report.* After the hearing, the Director shall revise the prehearing staff report and submit to the Commission, prior to the Commission's final determination, a final version of the staff report. The final staff report is intended to supplement and correct the information contained in the prehearing staff report. A public version of the final staff report shall be made available to the public after the Commission's final determination and a business proprietary version shall also be made available to persons authorized to receive business proprietary information under § 207.7.

§ 207.22 Prehearing brief.

Each party may submit to the Commission, no later than a date specified in the notice of investigation, a prehearing brief. The Commission strongly encourages each party to file a prehearing brief. Prehearing briefs shall be signed and shall include a table of contents. The prehearing brief should present a party's case in brief and shall, to the extent possible, refer to the record and shall include information and arguments which the party believes relevant to the subject matter of the Commission's determination under section 303, 705(b) or 735(b) of the Act. Any person not a party may submit a brief written statement of information pertinent to the investigation within the time specified for the filing of prehearing briefs.

§ 207.23 Hearing.

(a) *In general.* The Commission shall hold a hearing concerning an investigation before making a final

determination under section 303, 705(b) or 735(b) of the Act. Upon a request filed no later than seven (7) days prior to the date of the hearing, and providing good cause is shown therefor, the Commission may close a portion of a hearing to persons not authorized under § 207.7 to have access to business proprietary information.

(b) *Procedures.* Any hearing shall be conducted after notice published in the Federal Register. The hearing shall not be subject to the provisions of subchapter II, chapter 5, title 5, United States Code, or to section 702 of that title. Each party shall limit its presentation at the hearing to a summary of the information and arguments contained in its prehearing brief, an analysis of the information and arguments contained in the prehearing briefs described in § 207.22, and information not available at the time its prehearing brief was filed. Unless the hearing is closed, presentations at the hearing shall not include business proprietary information. Notwithstanding § 201.13(f) of this chapter, in connection with its presentation a party may file witness testimony with the Secretary no later than three (3) days before the hearing. Any person not a party may make a brief oral statement of information pertinent to the investigation.

(c) *Hearing Transcripts*—(1) *In general.* A verbatim transcript shall be made of all hearings or conferences held in connection with Commission investigations conducted under this part.

(2) *Revision of transcripts.* Within ten (10) days of the completion of a hearing, any person who testified at the hearing may submit proposed revisions to the transcript of his testimony to the Secretary. No substantive revisions shall be permitted. If in the judgment of the Secretary a proposed revision does not alter the substance of the testimony in question, he shall incorporate the revision into a revised transcript.

§ 207.24 Posthearing briefs.

Any party may file a posthearing brief concerning the information adduced at or after the hearing with the Secretary within a time specified in the notice of investigation or by the presiding official at the hearing. No such posthearing brief shall exceed fifteen (15) pages of textual material, double spaced and single sided, on stationery measuring 8½ x 11 inches. In addition, the presiding official may permit persons to file answers to questions or requests made by the Commission at the hearing within a specified time. The Secretary shall not accept for filing posthearing briefs or answers which do not comply with this rule.

§ 207.25 Statements by nonparties.

Any person other than a party may submit a brief written statement of information pertinent to the investigation within the time specified for the filing of posthearing briefs.

§ 207.26 Short life cycle products.

(a) An eligible domestic entity may file a petition to establish a product category for short life cycle merchandise which has been the subject of two or more affirmative dumping determinations. The Commission shall within thirty (30) days of the filing of the petition determine its sufficiency. If the petition is found to be sufficient, the Commission shall institute a proceeding to establish a product category and publish a notice of institution in the Federal Register. Upon request of an interested person filed within fifteen (15) days after publication of the notice of institution, the Commission shall conduct a hearing which shall be transcribed. The Commission's determination concerning the scope of the product category into which to classify the short life cycle merchandise identified by the petition shall be issued no later than ninety (90) days after the filing of the petition.

(b) The Commission may on its own initiative and at any time modify the scope of a product category established in a proceeding pursuant to paragraph (a) of this section. Ninety (90) days prior to such modification, the Commission shall publish a notice of proposed modification in the Federal Register. Upon request of an interested party filed within fifteen (15) days after publication of the notice of proposed modification, the Commission shall conduct a hearing which shall be transcribed. Written submissions concerning the proposed modification shall be accepted if filed no later than sixty (60) days after publication of the notice of proposed modification.

§ 207.27 Anticircumvention.

Prior to providing advice to the administering authority pursuant to section 781(e)(3) of the Act, the Commission shall publish in the Federal Register a notice that such advice is contemplated. Any person may file one written submission concerning the matter described in the notice no later than fourteen (14) days after publication of the notice. Such a statement shall contain no more than fifty (50) double spaced and single sided pages of textual material, on stationery measuring 8½ x 11 inches. The Commission shall by notice provide for additional statements as it deems necessary.

§ 207.28 Publication of notice of determination.

Whenever the Commission makes a final determination under section 303 or title VII of the Act, the Secretary shall serve copies of the determination and the nonbusiness proprietary version of the final staff report on the petitioner, other parties to the investigation, and the administering authority. The Secretary shall publish notice of such determination in the Federal Register.

Subpart D—Terminated, Suspended, and Continued Investigations, Investigations to Review Negotiated Agreements, and Investigations To Review Outstanding Determinations

§ 207.40 Termination and suspension of investigation.

(a) An investigation under title VII may be terminated by the Commission by giving notice in the Federal Register to all parties to the investigation, upon withdrawal of the petition by the petitioner, or upon issuance of a final negative determination or termination of its investigation by the administering authority under section 303, 705 or 735 of the Act. The Commission may not terminate an investigation, however, before a determination is made by the administering authority under section 702(c), 732(c), 703(b) or 733(b) of the Act.

(b) Upon receipt of notice of suspension of an investigation by the administering authority under section 704 (b) or (c) or 734 (b) or (c), the Secretary shall issue a notice of suspension of the Commission investigation. Such suspension shall not prevent the Director from conducting such other investigative activities as he deems appropriate with respect to the subject matter of the suspended investigation.

(c) *Resumption of suspended investigation*—(1) *Purpose.* If the administering authority determines pursuant to section 704(i) or 734(i) of the Act to resume a suspended investigation and so notifies the Commission of its determination, and in the event that the suspended investigation was not terminated, the Commission shall resume the investigation.

(2) *Procedures.* The procedures set forth in subpart C shall apply to all investigations instituted under this section.

§ 207.41 Commission review of agreements to eliminate the injurious effect of subsidized imports or imports sold at less than fair value.

If the administering authority determines to suspend an investigation upon acceptance of an agreement to eliminate the injurious effect of subsidized imports or imports sold at less than fair value, the Commission shall, upon petition, initiate an investigation to determine whether the injurious effect of imports of the merchandise which was the subject of the suspended investigation is eliminated completely by the agreement. Petitions may be filed by a party to the investigation which is an interested party described in paragraph (C), (D), (E), (F), or (G) of section 771(9) of the Act. Investigations under this section shall be completed within seventy five (75) days of their initiation.

§ 207.42 Investigation continued upon request.

Upon receipt of advice from the administering authority that it has received a request for the continuation of a suspended investigation pursuant to section 704(g) or 734(g) of the Act, the Commission shall continue the investigation. The procedures set forth in subparts B and C of this part, including applicable time limitations, shall apply to all continued investigations within this rule.

§ 207.43 [Reserved]

§ 207.44 Consolidation of investigations.

The Commission may, when appropriate, consolidate continued investigations under section 704(g) or section 734(g) of the Act with investigations to review agreements for the elimination of injury under section 704(h) or section 734(h) of the Act.

§ 207.45 Investigation to review outstanding determination.

(a) *Request for review.* Any person may file with the Commission a request for the institution of a review investigation under section 751 of the Act. The person making the request shall also promptly serve copies of the request on the parties to the original investigation upon which the review is to be based. All requests shall set forth a description of changed circumstances sufficient to warrant the institution of a review investigation by the Commission.

(b) *Notice of receipt of a request.* Upon the receipt of a properly filed and sufficient request for a review investigation, the Secretary shall publish a notice of having received such a request in the **Federal Register** inviting public comment on the question of whether the Commission should institute a review investigation. Persons shall have at least thirty (30) days from the date of publication in the **Federal Register** within which to submit comments to the Commission.

(c) *Institution of an investigation.* Within thirty (30) days after the close of the period for public comments following publication of the receipt of a request, the Commission shall determine whether the request shows changed circumstances sufficient to warrant a review and, if so, shall institute a review investigation. The Commission may also institute a review investigation on its own initiative. The review investigation shall be instituted by notice published in the **Federal Register** and shall be completed within one hundred twenty (120) days of the date of such publication. If the Commission determines that a request does not show changed circumstances sufficient to warrant a review, the request shall be dismissed and a notice of the dismissal published in the **Federal Register** stating the reasons therefor.

(d) *Conduct of review investigation.* The procedures set forth in subpart C of part 207 shall apply to all investigations instituted under this section.

Subpart E—Judicial Review

§ 207.50 Judicial review.

(a) *In general.* Persons entitled to judicial review under section 516A of the Act may seek review in the U.S. Court of International Trade.

(b) *Transmittal of record.* In the event a Commission determination is appealed to the U.S. Court of International Trade under section 516A, a copy of the record in the investigation before the Commission, as such record is defined in § 207.2(f), or a certified list of all items therein, shall be transmitted to the court by the Secretary in accordance with the rules of the court.

(c) *Service of process.* The Commission's General Counsel shall be the Commission's agent for service of process in cases arising under section 516A of the Act.

§ 207.51 Judicial review of denial of application for disclosure of certain business proprietary information under administrative protective order.

(a) *In general.* Persons entitled to judicial review under section 777(c)(2) of the Commission determination not to disclose business proprietary information may apply to the U.S. Court of International Trade for an order directing the Commission to make the information involved available.

(b) *Transmittal of record.* In the event a court order is sought under section 777(c)(2) requiring the Commission to disclose business proprietary information, the Secretary shall within 20 days after service of a summons and complaint upon the Commission transmit to the court under seal the business proprietary information involved along with pertinent parts of the record.

(c) *Pertinent parts of the record.* The pertinent parts of the record shall consist of:

(1) The application for Commission disclosure together with any documents filed in support thereof or in opposition thereto.

(2) Any Government memoranda relating to the Commission's determination, and

(3) The Commission's action on the application.

(d) *Service of process.* The Commission's General Counsel shall be the Commission's agent for service of process in cases under section 777(c)(2) of the Act.

Subpart F—[Reserved]

* * * * *

Issued: March 14, 1991.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 91–6554 Filed 3–20–91; 8:45 am]

BILLING CODE 7020–02–M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

21 CFR Part 1308

Schedules of Controlled Substances: Transfer of Glutethimide from Schedule III to Schedule II

AGENCY: Drug Enforcement Administration, Department of Justice.

ACTION: Final rule.

SUMMARY: This rule transfers glutethimide from Schedule III to Schedule II of the Controlled Substances Act (CSA) (21 U.S.C. 801 *et seq.*). As a result of this transfer, the regulatory controls and criminal sanctions of Schedule II of the CSA will apply to the manufacture, distribution, importation, exportation, and possession of any material, compound, mixture, or preparation of the substance, glutethimide. Glutethimide is an ingredient in pharmaceutical products which are being diverted and abused. This action is based on data gathered

and reviewed by the Drug Enforcement Administration and the Department of Health and Human Services.

EFFECTIVE DATE: March 21, 1991.

FOR FURTHER INFORMATION CONTACT: Howard McClain, Jr., Chief, Drug and Chemical Evaluation Section, Drug Enforcement Administration, Washington, DC 20537, Telephone: (202) 307–7183.

SUPPLEMENTARY INFORMATION: A proposal to transfer glutethimide from Schedule III to Schedule II of the Controlled Substances Act (21 U.S.C. 801 *et seq.*) was published in the Federal Register on July 26, 1990 (55 FR 30472). Glutethimide is the ingredient in several pharmaceutical products which are being diverted in large quantities and abused in several areas of the country. Interested parties were given until September 24, 1990, to submit comments or objections regarding the proposal. None were received.

The Administrator of the Drug Enforcement Administration (DEA), based on the investigations and review conducted by his staff, and relying on the scientific and medical evaluation and recommendation of the Assistant Secretary of Health of the Department of Health and Human Services, acting on behalf of the Secretary of the Department of Health and Human Services in accordance with 21 U.S.C. 811(b), finds that pursuant to the provisions of 21 U.S.C. 811(a):

1. Glutethimide has a high potential for abuse;

2. Glutethimide has a currently accepted medical use in treatment in the United States or a currently accepted medical use with severe restrictions, and

3. Glutethimide may lead to severe psychological or physical dependence.

The above findings are consistent with placement of glutethimide into Schedule II of the CSA.

The transfer of the substance from Schedule III to Schedule II is effective on March 21, 1991 with selected implementation dates as indicated. In the event that this imposes special hardships on any registrant, the Drug Enforcement Administration will entertain any justified request for an extension of time to comply with the Schedule II regulations. The applicable regulations are as follows:

1. Registration

Any person who manufactures, distributes, dispenses, imports or exports glutethimide or who engages in research or conducts instructional activities or chemical analysis with respect to this substance must be registered to conduct such activities in accordance with 21 CFR parts 1301 and 1311 as of April 22, 1991. Any person currently registered to handle glutethimide in Schedule III may continue activities under that registration until approved or denied registration in Schedule II, provided such registrant has filed an application for registration in Schedule II with DEA on or before April 22, 1991. Any persons not currently registered and proposing to engage in such activities may not conduct activities with the substance until properly registered in Schedule II.

2. Security

Glutethimide must be manufactured, distributed and stored in accordance with 21 CFR 1301.71–1301.76 on or before April 22, 1991.

3. Labeling and Packaging

All labels and labeling for commercial containers of glutethimide, packaged on or after September 18, 1991, shall comply with the requirements of 21 CFR part 1302 and shall be submitted in accordance with the 21 CFR 1308.04. Products manufactured, distributed, or dispensed for approved purposes and labeled as Schedule III products prior to September 18, 1991 may be distributed and dispensed until March 21, 1992.

4. Quotas

All persons required to obtain quotas for glutethimide shall submit applications pursuant to 21 CFR 1303.11, 1303.12, and 1303.22. The initial 1991 manufacturing and procurement quotas will be based on those DEA Forms 189 and 250 which are received on or before April 22, 1991.

5. Inventory

Every registrant required to keep records and who possesses any quantity of glutethimide shall take inventories in accordance with the requirements of 21 CFR 1304.11–1304.19 on or before April 22, 1991.

6. Records

All registrants required to keep records pursuant to 21 CFR 1304.21–1304.27 shall maintain such records on glutethimide commencing April 22, 1991.

7. Reports

All registrants required to submit reports pursuant to 21 CFR 1304.34–1304.37 shall do so regarding glutethimide commencing with the fourth quarter of calendar year 1991.

8. Order Forms

All registrants involved in the distribution of glutethimide shall comply with the order form requirements of 21 CFR part 1305 on and after the date on which the initial inventory of this Schedule II controlled substance is taken, on or before April 22, 1991.

9. Prescriptions

All prescriptions for glutethimide drug products shall comply with 21 CFR part 1306. All prescriptions for products containing glutethimide issued before April 22, 1991, if authorized for refilling, shall not be refilled on or after May 21, 1991.

10. Importation and Exportation

All importation and exportation of glutethimide shall be in compliance with 21 CFR parts 1311 and 1312 on and after April 22, 1991.

11. Criminal Liability

Any activity with respect to glutethimide not authorized by, or in violation of, the CSA or the Controlled Substances Import and Export Act continues to be unlawful. The applicable penalties on and after March 21, 1991, shall be those of a Schedule II substance.

12. Other

In all other respects, this order is effective on March 21, 1991.

Pursuant to 5 U.S.C. 605(b), the Administrator certifies that the transfer of glutethimide from Schedule III to Schedule II of the CSA will have no significant economic impact on a substantial number of small businesses or other entities whose interests must be considered under the Regulatory Flexibility Act (Pub. L. 96–354). The provisions which accompany the placement of glutethimide into Schedule II are identical to those which apply to any Schedule II substance. Six of the seven companies which manufacture and market pharmaceutical glutethimide products already are registered to handle Schedule II products.

In accordance with the provisions of 21 U.S.C. 811(a), this scheduling action is a formal rulemaking "on the record after opportunity for hearing." Such proceedings are conducted pursuant to the provisions of 5 U.S.C. 556 and 557 and, as such, have been exempted from the consultation requirement of Executive Order 12291 (46 FR 13193).

This action has been analyzed in accordance with the principles and criteria contained in Executive Order 12612 (52 FR 41685), and it has been determined that this matter does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

List of Subjects in 21 CRR Part 1308

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

Under the authority vested in the Attorney General by section 201(a) of the Controlled Substances Act [21 U.S.C. 811(a)] and delegated to the Administrator of the DEA by Department of Justice Regulations (28 CFR 0.100), and for the reasons set forth above, the Administrator hereby orders that title 21, part 1308 of the Code of Federal Regulations be amended as follows:

PART 1308—[AMENDED]

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

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

2. Section 1308.12 is amended by redesignating paragraphs (e)(2) through (e)(4) to read (e)(3) through (e)(5) and by adding paragraph (e)(2) to read as follows:

§ 1308.12 Schedule II.

* * * * *

(e) * * *

(2) Glutethimide.....2550

* * * * *

§ 1308.13 [Amended]

3. Section 1308.13 is amended by removing paragraph (c)(5) and redesignating paragraphs (c)(6) through (c)(12) to read (c)(5) through (c)(11).

Dated: March 15, 1991.

Robert C. Bonner,

Administrator, Drug Enforcement Administration.

[FR Doc. 91-6667 Filed 3-20-91; 8:45 am]

BILLING CODE 4410-09-M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 914

Indiana Permanent Regulatory Program; Definitions

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

ACTION: Final rule; approval of amendment.

SUMMARY: OSM is announcing the approval of a proposed amendment to the Indiana permanent regulatory program (hereinafter referred to as the Indiana program) under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). The amendment (Program Amendment Number 90-1) was intended to restructure the Definition section of the State rules and to satisfy a required program amendment concerning coal preparation plants to be consistent with the corresponding Federal regulations.

EFFECTIVE DATE: March 21, 1991.

FOR FURTHER INFORMATION CONTACT: Mr. Richard D. Rieke, Director, Indianapolis Field Office, Office of Surface Mining Reclamation and Enforcement, Minton-Capehart Federal Building, 575 North Pennsylvania Street, room 301, Indianapolis, IN 46204, Telephone (317) 226-6166.

SUPPLEMENTARY INFORMATION:

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

I. Background on the Indiana Program

On July 29, 1982, the Indiana program was made effective by the conditional approval of the Secretary of the Interior. Information pertinent to the general background on the Indiana program, including the Secretary's findings, the disposition of comments, and detailed explanation of the conditions of approval of the Indiana program can be found in the July 26, 1982 **Federal Register** (47 FR 32107). Subsequent actions concerning the conditions of approval and program amendments are identified at 30 CFR 914.15 and 914.16.

II. Submission of the Amendment

By letter dated December 11, 1990, (Administrative Record No. IND-0811), the Indiana Department of Natural Resources (IDNR) submitted proposed Program Amendment Number 90-1 to modify the Indiana Administrative Code (IAC). The proposed amendment creates new article 310 IAC 12-0.5, transfers the existing State definitions from section 310 IAC 12-1-3 to article 310 IAC 12-0.5, restructures the existing State definitions and adds them to separate sections within new article 310 IAC 12-0.5, and repeals section 310 IAC 12-1-3. New article 310 IAC 12-0.5 has been structured to allow for more expeditious future changes to and additions of definitions. The proposed amendment also responds to the OSM required amendment identified at 30 CFR 914.16(a) which requires that clarification be added to the exclusion statement associated with the definition of "coal preparation plant" to make it clear that crushing, screening, and sizing facilities will be regulated as coal preparation plants whenever they are operated in connection with a coal mine. OSM announced receipt of the proposed amendment in the January 18, 1991, **Federal Register** (56 FR 1959-1960), and in the same notice, opened the public comment period and provided opportunity for a public hearing on the adequacy of the proposed amendment. The public comment period ended on February 19, 1991.

III. Director's Findings

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

310 IAC 12-0.5, Definitions

(a) Indiana proposes to add new article 310 IAC 12-0.5, transfer the existing State definitions from section 310 IAC 12-1-3 to article 310 IAC 12-0.5, repeal section 310 IAC 12-1-3, and recodify and restructure the existing definitions within new article 310 IAC 12-0.5. The new article would be structured to allow for more expeditious future changes to and additions of definitions by assigning a separate section within the article for each term. The Director finds that the addition of new article 310 IAC 12-0.5, the transfer of existing definitions from section 310 IAC 12-1-3 to article 310 IAC 12-0.5, the repeal of section 310 IAC 12-1-3, and the recodification and restructuring of existing definitions at new article 310 IAC 12-0.5 do not render the Indiana definitions less effective than the Federal definitions at 30 CFR 700.5, 30 CFR 701.5, 30 CFR 705.5, 30 CFR 707.5, 30 CFR 761.5, 30 CFR 762.5, 30 CFR 816.46, 30 CFR 843.5, and 30 CFR 850.5.

As discussed below in finding (c), this finding does not include approval for any changes to Indiana's previously approved program definitions which were not identified as part of this amendment by Indiana in its letter of December 11, 1990 (Administrative Record No. IND-0811).

(b) The definition for "coal preparation plant" was recodified and restructured at 310 IAC 12-0.5-25. Indiana amended the exemption statement associated with the definition of "coal preparation plant" at 310 IAC 12-0.5-25(c) in response to a required amendment identified by OSM at 30 CFR 914.16(a) by adding the language "does not crush, size, or screen coal." Indiana also chose to delete the language "does not separate coal from its impurities." The amended exemption now reads as follows:

(c) Exempted from the meaning of coal preparation plant is an operation which:

(1) Loads coal;

(2) Does not crush, size, or screen coal; and

(3) Is not located at or near the minesite.

The Director finds that the addition of the language "does not crush, size, or screen coal" at 310 IAC 12–0.5–25(c)(2) satisfies the required amendment at 30 CFR 914.16(a) by clarifying that crushing, screening, and sizing facilities will be regulated as coal preparation plants whenever they are operated in connection with a coal mine. The Director further finds that the deletion of the language "does not separate coal from its impurities" does not change the scope of the exemption statement since Indiana's definition of "coal preparation" includes the methods for processing and preparing coal which can separate coal from its impurities. Therefore, any facility performing this function would be subject to Indiana's definition of "coal preparation plant" and would not be eligible for the exemption at 310 IAC 12–0.5–25(c). The Director understands that Indiana now interprets the exemption, as amended, to pertain to facilities which are used strictly to load or unload coal and do not process or prepare coal or crush, size, or screen coal and which are not located at or near a minesite or coal preparation or processing plant.

The Director notes that additional changes were made to the definition of "coal preparation plant" at 310 IAC 12–0.5–25(b), but these changes are not being addressed or approved since only the change to the exemption statement at 310 IAC 12–0.5–25(c) was identified as part of this amendment and the additional changes were not identified in the proposed rule notice which announced the public comment period for this proposed amendment on January 18, 1991, (56 FR 1959–1960).

Therefore, the Director finds the amended exemption statement to the definition of "coal preparation plant" at 310 IAC 12–0.5–25(c) does not render the Indiana definition of "coal preparation plant" less effective than the corresponding Federal definition of this term at 30 CFR 701.5. In light of this finding, the required amendment at 30 CFR 914.16(a) will be removed.

(c) Other changes to the definitions at article 310 IAC 12–0.5 may have been made during the recodification and restructuring of Indiana's definitions, but none were identified by Indiana as being part of this proposed amendment in its letter of December 11, 1990, (Administrative Record No. IND–0811). Except for the recodification and restructuring of previously approved definitions as discussed in finding (a) and the amended language of the exemption to the definition of "coal preparation plant" at 12–0.5–25(c) as discussed in finding (b), the Director is neither addressing nor approving any changes to Indiana's previously approved definitions or the addition of any new definitions at new article 310 IAC 12–0.5 since they were not identified in the proposed rule notice which announced the public comment period for this proposed amendment on January 18, 1991, (56 FR 1959–1960). With the exceptions discussed above in finding (a) and finding (b), all other definitions in the Indiana program will continue in effect as previously approved until further amended by Indiana.

IV. Summary and Disposition of Comments

Agency Comments

Pursuant to section 503(b) of SMCRA and 30 CFR 732.17(h)(11)(i), comments were solicited from various interested Federal agencies. The Fish and Wildlife Service responded that it had no objection to the proposed amendment.

Public Comments

The public comment period and opportunity to request a public hearing was announced in the January 18, 1991, **Federal Register** (56 FR 1959–1960). The comment period closed on February 19, 1991. No comments were received, and no one requested an opportunity to testify at the scheduled public hearing so no hearing was held.

V. Director's Decision

Based on the above findings, the Director is approving proposed Program Amendment Number 90–1 submitted by Indiana on December 11, 1990.

As discussed in finding (a), the Director is approving the addition of new article 310 IAC 12–0.5, the transfer of definitions from section 310 IAC 12–1–3 to article 310 IAC 12–0.5, the repeal of section 310 IAC 12–1–3, and the recodification and restructuring of the existing definitions at article 310 IAC 12–0.5.

Based upon finding (b), the Director is approving the exemption statement associated with the definition of "coal preparation plant" as modified at 310 IAC 12–0.5–25(c).

As discussed in finding (c), the Director is neither addressing nor approving any other changes made to the definitions at new article 310 IAC 12–0.5.

The Federal regulations at 30 CFR part 914 codifying decisions concerning the Indiana program are being amended to implement this decision. This final rule is being made effective immediately to expedite the State program amendment process and to encourage the states to conform their programs with the Federal standards without delay. Consistency of State and Federal standards is required by SMCRA.

Effect of Director's Decision

Section 503 of SMCRA provides that a State may not exercise jurisdiction under SMCRA unless the State program is approved by the Secretary. Similarly, 30 CFR 732.17(a) requires that any alteration of an approved State program be submitted to OSM for review as a program amendment. Thus, any changes to a State program are not enforceable until approved by OSM. The Federal regulations at 30 CFR 732.17(g) prohibit any unilateral changes to approved programs. In the oversight of the Indiana program, the Director will recognize only the approved program, together with any consistent implementing policies, directives and other materials, and will require the enforcement by Indiana of such provisions.

EPA Concurrence

Under 30 CFR 732.17(h)(11)(ii), the Director is required to obtain the written concurrence of the Administrator of the Environmental Protection Agency (EPA) with respect to any provisions of a State program amendment that relate to air or water quality standards promulgated under the authority of the Clean Water Act (33 U.S.C. 1251 *et seq.*) or the Clean Air Act (42 U.S.C. 7401 *et seq.*). The Director has determined that this amendment contains no provisions in these categories and that EPA's concurrence is not required.

VI. Procedure determinations

National Environmental Policy Act

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

Executive Order 12291 and the Regulatory Flexibility Act

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

The Department of the Interior has determined that this rule will not have a

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

Paperwork Reduction Act

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

List of Subjects in 30 CFR Part 914

Intergovernmental relations, Surface mining, Underground mining.

Dated: March 13, 1991.

Carl C. Close,

Assistant Director, Eastern Support Center.

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

PART 914—INDIANA

1. The authority citation for part 914 continues to read as follows:

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

2. Section 914.15 is amended by adding a new paragraph (ee) to read as follows:

§ 914.15 Approval of regulatory program amendments.

* * * * *

(ee) The following amendment (Program Amendment Number 90–1) to the Indiana program as submitted to OSM on December 11, 1990, is approved effective March 21, 1991: addition of new article 310 IAC 12–0.5, transfer of the existing definitions from section 310 IAC 12–1–3 to article 310 IAC 12–0.5, repeal of section 310 IAC 12–1–3, recodification and restructuring of existing definitions within new article 310 IAC 12–0.5, and changes to the exemption statement associated with the definition of "coal preparation plant" at 310 IAC 12–0.5–25(c). No additional revisions to the definitions codified and restructured at article 310 IAC 12–0.5 are being approved in this rulemaking.

§ 914.16 [Amended]

3. In § 914.16, paragraph (a) is removed and reserved.

[FR Doc. 91–6698 Filed 3–20–91; 8:45 am]

BILLING CODE 4310–05–M

30 CFR Part 917

Kentucky Permanent Regulatory Program; 1990 Legislation; Correction

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

ACTION: Final rule; correction.

SUMMARY: OSM is correcting an error in the final rule notice approving Kentucky Program Amendment Number 983 published on Wednesday, February 6, 1991 (56 FR 4721).

FOR FURTHER INFORMATION CONTACT: William Kovacic, Director, Lexington Field Office, 340 Legion Drive, suite 28, Lexington, Kentucky 40504; Telephone: (606) 233–7327.

SUPPLEMENTARY INFORMATION: On page 4729, first column, paragraph (gg): House Bill 154 should be Senate Bill 154; House Bill 141 should be Senate Bill 141; House Bill 249 should be Senate Bill 249.

Dated: March 14, 1991.

Carl C. Close,

Assistant Director, Eastern Support Center.

[FR Doc. 91–6755 Filed 3–20–91; 8:45 am]

BILLING CODE 4310–05–M

30 CFR Part 920

Maryland Regulatory Program; Public Notice; Permitting; Reporting Requirements; Administration

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

ACTION: Final rule; approval of amendments.

SUMMARY: OSM is announcing the approval of proposed amendments to the Maryland regulatory program (hereinafter referred to as the Maryland program) under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). The proposed amendments revise public notice and hearing requirements; require the Maryland Bureau of Mines (MDBOM) to adopt regulations to protect against, prevent or correct material damage due to mine subsidence; eliminate the requirement that the MDBOM conduct at least annual inspections of a completed mine site; eliminate the requirement that the MDBOM refund or forfeit bonds no later than five years from the filing date of the completion report; require the submission by the operator of certain progress and completion reports; and finally, limit the duties of the Land Reclamation Committee (LRC). The amendments are intended to incorporate rule changes initiated by the State.

EFFECTIVE DATE: March 21, 1991.

FOR FURTHER INFORMATION CONTACT: James C. Blankenship, Jr., Director, Charleston Field Office, OSM, 603 Morris Street, Charleston, WV 25301· Telephone: (304) 347–7158.

SUPPLEMENTARY INFORMATION:

I. Background on the Maryland Program.
II. Submission of Amendments.
III. Director's Findings.
IV. Disposition of Comments.
V. Director's Decision.
VI. Procedural Determinations.

I. Background on the Maryland Program

On February 18, 1982, the Secretary of Interior approved the Maryland program. Information regarding the general background of the Maryland program, including the Secretary's findings, the disposition of comments, and a detailed explanation of the conditions of approval of the Maryland program can be found in the February 18, 1982, Federal Register (47 FR 7214). Actions taken subsequent to the approval of the Maryland program are identified at 30 CFR 920.15 and 30 CFR 920.16.

II. Submission of Amendments

By letter dated June 15, 1989, Maryland submitted copies of Maryland State Senate Bills 118, 119, and 120 to OSM for processing as formal amendments to the Maryland program in accordance with 30 CFR 732.17(g) (Administrative Record No. MD–403).

The amendments modify the following sections of the Maryland Administrative Code (MAC): 7–5A–05, 7–5A–09, 7–5A–10, 7–5A–13, 7–203, 7–205, 7–501, 7–505, 7–507, 7–509, 7–510, and 7–514.

Maryland submitted additional changes to the water replacement and bonding provisions of Senate Bill 118 on July 18, 1989 (54 FR 30098). The Director is deferring action on sections 7–5A–05.2, 7–5A–09, and 7–5A–10 of Senate Bill 118 until all the provisions of the proposed bonding and water replacement regulations can be adequately reviewed. OSM announced receipt of the proposed amendments in the August 11, 1989, Federal Register (54 FR 33042), and, in the same notice, opened the public comment period and provided opportunity for a public hearing on the adequacy of the proposed amendments. The comment period closed on September 11, 1989.

III. Director's Findings

Set forth below, pursuant to SMCRA and the Federal regulations at 30 CFR 732.17, are the Director's findings concerning the proposed amendments submitted on June 15, 1989. Any

revisions not specifically discussed below are found to be no less stringent than SMCRA and no less effective than the Federal regulations. Revisions which are not discussed below revise cross-references and paragraph notations to reflect organizational changes resulting from this amendment.

1. Deep Mining of Coal (Senate Bill 118)

(a) *Public notice.* Maryland is modifying MAC section 5–5A–05(c)(1) to require that the applicant for a mining permit publish an approved public notice of the opportunity to submit written comments and to request a hearing on a proposed permit application. The current State rule requires the MDBOM to issue the public notice. The proposed amendment is substantively identical to the Federal regulation at 30 CFR 773.13(a) except that it requires the applicant, not the regulatory authority, to publish the notice. The State is retaining its authority to approve the administrative completeness of the public notice prior to publication. While the Federal provisions do require that a copy of the advertisement as it will appear in the newspaper be submitted to the regulatory authority, this Maryland requirement provides added assurance that the public notices also meet the State requirements. The Director finds section 7–5A–05(c) no less effective than the Federal regulation at 30 CFR 773.13(a).

Maryland is revising MAC section 7–5A–05(c)(2) to specify the publishing schedule and contents of the public notice. The notice must be published in a newspaper of general circulation in the county of the proposed mine site at least once a week for four consecutive weeks. The notice must: identify the ownership of the land, describe the location of the proposed operation, indicate where a copy of the application may be inspected, and provide for the submission of written comments and requests for a public hearing. 30 CFR 773.13(a)(1) requires that the permit applicant submit to the regulatory authority a copy of his advertisement of the ownership, precise location, and boundaries of land to be affected. The advertisement is to be placed by the applicant in a newspaper of general circulation in the locality of the mine at least once a week for four consecutive weeks. Maryland's implementing regulations at section 08.13.09.04 of the Code of Maryland Regulations (COMAR) are identical to the Federal provisions. The Director finds the revised statutory provision when read with the currently approved implementing regulations to be no less effective than its Federal counterpart.

(b) *Public hearings.* Maryland is deleting MAC section 7–5A–05(c)(2) and transferring the hearing provisions to new section 7–5A–05(D). At paragraph 7–5A–05(D)(1), if a hearing is requested within the comment period specified in the public notice, the MDBOM is required to notify the applicant and the requestor of the date, time and location of the hearing and publish the information in a newspaper in the county of the proposed operation. Read with the 15 day notice provision at D(2), (D)(1) is substantively identical to the Federal regulations at 30 CFR 773.13(c)(2)(ii). The Director therefore finds it no less effective than its Federal counterpart.

Paragraph 7–5A–05(D)(2) requires that the MDBOM hold the hearing at least 15, but not more than 60 days after public notice of the hearing is published. The Federal provisions at 30 CFR 773.13(c)(2) require the regulatory authority to hold an informal conference, equivalent to Maryland's hearing, at a reasonable time following receipt of the request for a conference. The Federal provisions specify that the conference must not be held sooner than 2 weeks after the publication of notice to hold a public hearing. The Director finds the time period specified by paragraph (D)(2) reasonable in that it provides ample opportunity for an individual to request and attend the hearing and meets the minimum requirements of the Federal provisions. He therefore finds the revised statutory provision no less effective than the Federal regulation.

Paragraph (D)(2) also requires that the permit application be available for public inspection 15 days before the hearing. The Federal regulation at 30 CFR 773.13(d)(1) does not specify a time period but requires only that the application be available for public inspection at "reasonable times." The Director has determined that the 15 day inspection period proposed by the State is reasonable and therefore no less effective than the Federal regulation.

At paragraph 7–5A–05(D)(3), Maryland is requiring that a record of the hearing be made and be available to the public. The proposed Maryland provisions reaffirm the currently approved Maryland regulation at COMAR 08.13.09.04J(5) which requires an electronic or stenographic verbatim record be made and be available to the public. The proposed State statutory provision at paragraph 7–5A–05(D)(3) when read with the currently approved Maryland regulation at COMAR 08.13.09.04J(5) is substantively identical to the Federal requirements at 30 CFR 773.13(c)(2)(iv). The Director therefore finds it no less effective than the Federal regulation.

(c) *Subsidence control.* Maryland is revising MAC section 7–5A–05.1 by deleting the specific subsidence support provisions and stating that the State shall adopt regulations to protect against, prevent, or correct material damage due to subsidence. In a letter dated February 25, 1991, Maryland interprets this enabling statute to require correction of material damage due to subsidence in addition to protection against and prevention of said damage (Administrative Record No. MD–512).

Maryland's currently approved implementing regulations appear at COMAR 08.13.09.13(I) and also require correction of material damage. The Federal regulations at 30 CFR 817.121 (a) and (b) require the operator to either prevent subsidence causing material damage to the extent technologically and economically feasible or plan for controlled subsidence. 30 CFR 817.121(c) requires the operator to correct any material damage caused by subsidence by repairing the damage or to compensate the owner for the full diminution in value resulting from the subsidence. Although the proposed State rule does not specifically address the compensation requirement, Maryland's regulation at COMAR 08.13.09.13I(3) requires the operator to compensate the surface owner in the full amount of diminution in value of a structure resulting from subsidence. Therefore, the Director finds that the proposed State statutory provision at 7–5A.05.1 when read with the currently approved implementing regulations at COMAR 08.13.09.02 and 08.13.09.13 is not inconsistent with the requirements of SMCRA or the Federal rules at 30 CFR 817.121 (a), (b) and (c).

(d) *Administration.* Maryland is deleting MAC section 7–5A–13(c). Section (c) required the State to make annual inspections of completed or abandoned mine sites to determine the adequacy of the reclamation work.

The Federal provisions at 30 CFR 840.11(a) require that the State conduct at least one partial inspection per month of each active surface coal mining site and partial inspections of each inactive site as necessary to ensure effective enforcement. 30 CFR 840.11(b) requires one complete inspection per calendar quarter of each active or inactive site. Maryland's enabling inspection statute is found at MAC section 7–507(c). In a letter dated February 25, 1991, Maryland affirmed that the inspection frequency

for all mines under its approved program is one partial inspection per month and one complete inspection per quarter until Phase II bond release. After Phase II bond release, one complete inspection per quarter is required (Administrative Record No. MD–512). On March 27, 1989, Maryland submitted to OSM proposed revisions to its regulations at COMAR 08.13.09.40.B which detail the above inspection frequency (54 FR 39003). The Director finds, therefore, that the proposed deletion at MAC section 7–5A–13(c) will not render the Maryland program less effective than the Federal requirements at 30 CFR 840.11.

Maryland is deleting MAC section 7–5A–13(d). Section (d) required the State to refund or forfeit bonds no later than 5 years from the filing of the completion report. The Federal bond release provisions at 30 CFR 800.40 do not impose a 5 year time limit for the release or forfeiture of bonds. The Director finds that Maryland's currently approved implementing regulations at COMAR 08.13.09.15I are consistent with the Federal requirements for bond release. He finds that the proposed deletion will not render the Maryland Program less effective than the Federal requirements at 30 CFR 800.40.

Maryland is adding section 2 to 7–5A–13 to provide that certain existing regulations remain in effect until any changes in the regulations are adopted by the State. The Director finds that the proposed addition is not inconsistent with any Federal rule or regulation provided that the Secretary approve of any changes in accordance with the provisions of 30 CFR 732.17.

2. Strip Mining (Senate Bill 119)

(a) *Definitions.* Maryland is amending MAC section 7–501(n) to define "surface coal mining" as "open-pit mining" or "strip mining" and to specify that these terms are used interchangeably in the State regulations. As the proposed definition of "surface coal mining" is consistent with the Federal definition of "surface mining activities" at 30 CFR 701.5 and since the Maryland definition of "surface mining activities" at COMAR 08.13.09.01B(49)(e) is identical to its Federal counterpart, the Director finds the proposed statutory provision no less effective than its Federal counterpart.

(b) *Public notice.* Maryland is revising MAC section 7–505(c)(1) to require that the applicant for a mining permit or permit revision obtain MDBOM approval of the advertisement of the application prior to publication. Section 7–505(d)(1)(i) is similarly revised to require that the applicant publish the approved advertisement. The current State rule requires the MDBOM to issue the public notice. The proposed amendment is substantively identical to the Federal regulation at 30 CFR 773.13(a) except that it requires the applicant, not the regulatory authority, to publish the notice. As discussed in Finding 1(a), the State is retaining its authority to approve the administrative completeness of the public notice prior to publication. While the Federal provisions do require that a copy of the advertisement as it will appear in the newspaper be submitted to the regulatory authority, this Maryland requirement provides added assurance that the public notices also meet the State requirements. The Director finds the proposed statutory provision no less effective than the Federal regulations at 30 CFR 773.13(a).

Maryland is adding section 7–505(K) to prohibit the transfer, assignment, or sale of the rights granted under any permit without the written approval of the MDBOM. In a letter dated February 25, 1991, Maryland interprets this statute to require that the approval be secured prior to the transfer, assignment or sale of rights (Administrative Record No. MD–512). Maryland's currently approved implementing regulations appear at COMAR 08.13.09.08D and also specify that prior approval be obtained before the transfer, assignment or sale or permit rights. The Director finds the proposed statutory provision no less effective than its Federal counterpart at 30 CFR 774.17(a).

(c) *Reporting requirements.* Maryland is adding MAC section 7–507(a)(2) to require that the operator of a strip mine file with the State a monthly report showing tonnage of coal produced, number of employees, and number of serious and fatal accidents. Section 7–507(a)(3) is added to require that the operator file an annual report with the State which summarizes the information from the monthly reports and incorporates the mining and reclamation progress report from the previous year. Section 517(b)(1) of the SMCRA authorizes the regulatory authority to require monthly reports and other information as necessary from the permittee. Therefore, the Director finds the proposed statutory provision no less stringent than SMCRA.

Section 7–507(B) is revised to require that the operator file with the State a mining and reclamation progress report accompanied by a certified map. The State shall review and approve or disapprove the report. If the report is disapproved, the operator is required to take necessary action to secure approval. Section 517(a)(1) of the SMCRA does not require the submission of periodic maps nor does it specify the contents of the required reports. The rule requires only that the information requested be "reasonable and necessary." The Director finds that the proposed statutory provision is consistent with the Federal rule.

Maryland is deleting MAC section 7–509(a) which required that the operator file with the MDBOM a completion report 30 days after completion of all coal mining operations. New MAC section 7–509(A)(1) requires that the operator file a completion report on a departmental form no later than the time the next mining and reclamation report is submitted. The report shall identify the operation, the area of the affected land, and any deep mining areas. While neither SMCRA nor the Federal regulations specifically require the submission of completion reports, the Federal regulations at 30 CFR 800.40 require the submission of bond release applications. At currently approved MAC section 7–511, the State requires the submission of a revegetation reclamation form, not a completion report, by an operator prior to bond release. The provisions at MAC section 7–511 with the implementing regulations at COMAR 08.13.09.15I are consistent with the Federal requirements governing bond release. The Director finds that the proposed statutory provision at MAC section 7–509(A)(1) is also consistent with these Federal regulations.

(d) *Successor liability.* Maryland is deleting MAC section 7–514(d) which authorized the State to release the first operator from liability if he is succeeded by a second operator who assumes responsibility for reclamation work on any uncompleted operation. The existing regulations at COMAR 08.13.09.08D are therefore relied on solely to specify the requirements for the transfer, assignment, or sale of permit rights. The Federal regulations at 30 CFR 774.17(f) provide that the successor in interest shall assume the liability and reclamation responsibilities of the existing permit. COMAR 08.13.09.08D(1)(a) requires the successor to obtain performance bond coverage by methods that would ensure reclamation of all areas affected by the original permittee. Therefore, the Director finds that the proposed deletion will not render the State program less effective than the Federal regulations.

3. Strip Mining: Land Reclamation Committee (Senate Bill 120)

(a) *Funding.* Maryland is adding MAC section 7–203(H) to authorize the MDBOM to apply for, accept,

administer, and expend funds from any source to administer and implement the mining and reclamation of bituminous coal. The proposed statutory provision neither has a direct Federal counterpart nor conflicts with section 503 of SMCRA which provides States a certain degree of latitude in the financial administration of their programs. Therefore, the Director finds that the proposed statutory provision is not inconsistent with the requirements of SMCRA provided Title IV funds are not used for title V sites.

(b) *Land reclamation committee.* Maryland is revising MAC section 7–205(b) to modify the powers and duties of the Land Reclamation Committee (LRC). The current State statute authorizes the LRC to approve reclamation procedures; review all mining and reclamation plans and progress reports; determine the amount of revegetation bonds; inspect mining operations; establish procedures for adequate reclamation; and prepare annual watershed reports. The proposed statutory provision would limit the powers and duties of the LRC. The LRC may study and recommend reclamation policies; review surface coal mining laws and recommend changes to improve the efficiency of the program; review proposed changes to the mining laws to provide comments to the General Assembly and the MDBOM; review the MDBOM's administration of the regulatory program for compliance purposes; enter on any mining operation to determine mining and reclamation conditions; and recommend projects to promote optimum revegetation of mined lands. The LRC is required to determine that revegetation standards have been met prior to revegetation bond release; and approve, reject or modify reclamation plans for permit applications. If the LRC has reason to believe that a violation of the subtitle exists, it shall notify the MDBOM. The MDBOM shall provide the LRC with a report that indicates the results of an inspection, or the reason why no action was taken.

The Federal regulation at 30 CFR 733.11 requires that a state implement, administer, enforce and maintain its program in accordance with the SMCRA and the implementing regulations. The Director recognizes that defining the duties of the LRC is an internal, administrative action within Maryland's authority. The Director finds the proposed statutory provision at MAC section 7–205(B) consistent with the general provisions at 30 CFR 733.11.

Maryland is revising MAC section 7–505(d)(4) to delete the requirement that records of permit hearings be made by the MDBOM and be available to the public. As discussed in Finding 1(b), this requirement was added at MAC section 7–5A–05(D)(3). Therefore, the Director finds the proposed deletion will not lessen the effectiveness of the Maryland program.

Paragraph (d)(5) is revised to authorize the LRC to approve, reject, or modify a permit applicant's reclamation plan. The MDBOM reviews all other aspects of the permit application. The current State rule does not provide for a LRC review of the proposed plan. The Federal regulation at 30 CFR 773.15(a)(1) requires the regulatory authority review the permit application and issue a written decision granting, denying or modifying the application. The permit application includes a reclamation plan. Maryland's implementing regulations at COMAR 08.13.09.04 L and M are substantively identical to the Federal regulation. Therefore, the Director finds the proposed statutory revision when read with its implementing regulations to be no less effective than its Federal counterpart.

Maryland is deleting MAC section 7–507(c)(3) which authorized the LRC to order the MDBOM to suspend a permit. Maryland is also deleting MAC section 7–510(b) which authorized the MDBOM to receive funds from any source and authorized LRC approval of the expenditure of reclamation funds.

The general Federal regulation at 30 CFR 733.11 requires that a state implement, administer, enforce and maintain its program in accordance with the SMCRA and the implementing regulations. As discussed above, the Director recognizes that defining the duties of the LRC is an internal, administrative action. The Director finds that the proposed statutory provisions at sections 7–507 and 7–510 are consistent with the discretion granted the State and will not render the State program less effective than the Federal rules.

Public Comments

The public comment period and opportunity to request a public hearing announced in the August 11, 1989, Federal Register ended on September 11, 1989. A public hearing was not held as no one requested an opportunity to provide testimony.

Agency Comments

Pursuant to section 503(b) of SMCRA and the implementing regulations at 30 CFR 732.17(h)(11)(i), comments were solicited from various Federal agencies with an actual or potential interest in the Maryland program. The Department of Labor, Mine Safety and Health Administration, and the Department of the Interior, Fish and Wildlife Service, concurred with no comment.

V. Director's Decision

Based on the above findings, the Director is approving the program amendments submitted by Maryland on June 15, 1989. Action is being deferred on MAC sections 7–5A–05.2, 7–5A–09, and 7–5A–10 of Senate Bill 118.

The Federal regulations at 30 CFR part 920 codifying decisions concerning the Maryland program are being amended to implement this decision. This final rule is being made effective immediately to expedite the State program amendment process and to encourage states to bring their programs in conformity with the Federal standards without undue delay. Consistency of State and Federal standards is required by SMCRA.

EPA Concurrence

Under 30 CFR 732.17(h)(11)(ii), the Director is required to obtain the written concurrence of the Administrator of the Environmental Protection Agency (EPA) with respect to any provisions of a state program amendment which relate to air or water quality standards promulgated under the authority of the Clean Water Act (33 U.S.C. 1251 *et seq.*) or the Clean Air Act (42 U.S.C. 7401 *et seq.*). EPA responded on August 17, 1989 and concurred with the proposed amendment. EPA did, however, offer suggestions regarding the implementation of the water supply replacement provision. Since the suggestions relate to a section of the amendment being deferred for further review, they will be considered when that action occurs.

Procedural Determinations

National Environmental Policy Act

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

Executive Order 12291 and the Regulatory Flexibility Act

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

The Department of the Interior has determined that this rule will not have a

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

Paperwork Reduction Act

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

List of Subjects in 30 CFR Part 920

Intergovernmental relations, Surface mining, Underground mining.

Dated: March 14, 1991.

Carl C. Close,

Assistant Director, Eastern Support Center.

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

PART 920—MARYLAND

1. The authority citation for part 920 continues to read as follows:

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

2. In § 920.15, a new paragraph (i) is added to read as follows:

§ 920.15 Approval of regulatory program amendments.

* * * * *

(i) The following amendments submitted to OSM on June 15, 1989, are approved effective March 21, 1991. The amendments consist of the following modifications to the Maryland program:

1. Revision of the following statutes of the Maryland Annotated Code:

7-5A-05 (c) and (d)	Public Notice.
7-5A-05.1	Subsidence Provisions.
7-501 (n)	Definitions.
7-505 (c) and (d)	Public Notice.
7-507 (a) and (b)	Reporting Requirements.
7-509 (A)	Reporting Requirements.
7-205 (B) and (C)	Land Reclamaiton Committee.

2. Addition of the following statutes to the Maryland Annotated Code:

7-5A-13 Section 2	Continuing Authority of Existing Regulations.
7-505(K)	Transfer or Sale of Permits.
7-203(H)	Funding.

3. Deletion of the following statutes from the Maryland Annotated Code:

7-5A-13(c)	Reclamation Inspections.
7-5A-13(d)	Bond Forfeiture/Refund.
7-514(d)	Operator Liability.
7-507(C)(3)	Land Reclamation Committee Inspections.
7-510(b)	Land Reclamation Committee Approval of Expenditures.

4. Action is being deferred on the following statutes of the Maryland Annotated Code:

7-5A-05.2	Water Supply Replacement.
7-5A-09	Bonds.
7-5A-10	Bond Forfeiture Funds.

[FR Doc. 91-6756 Filed 3-20-91; 8:45 am]
BILLING CODE 4310-05-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 300

[FRL-3915-2]

National Oil and Hazardous Substances Contingency Plan; National Priorities List Update

AGENCY: Environmental Protection Agency.

ACTION: Notice of deletion of the M&T DeLisa landfill site from the national priorities list.

SUMMARY: The Environmental Protection Agency (EPA), Region II, announces the deletion of the M&T DeLisa Landfill site (Site) from the National Priorities List (NPL). The NPL constitutes appendix B to the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), which EPA promulgated pursuant to section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), as amended. EPA and the State of New Jersey have determined that no further action is appropriate under CERCLA.

EFFECTIVE DATE: March 6, 1991.

FOR FURTHER INFORMATION CONTACT: Mr. Lance R. Richman, P.G., Remedial Project Manager, U.S. Environmental Protection Agency, Region II, 26 Federal Plaza, Rm. 13-100, New York, New York 10278, (212) 264-6695.

SUPPLEMENTARY INFORMATION: The site to be deleted from the NPL is:

M&T DeLisa Landfill site, Township of Ocean, New Jersey.

A Notice of Intent to Delete for this site was published in the **Federal Register**, Vol. 55, No. 243 dated December 18, 1990 at page 51928. The closing date for comments on the Notice of Intent to Delete was February 7, 1991. EPA received no comments.

The EPA identifies sites which appear to present a significant risk to public health, welfare, or the environment and it maintains the NPL as the list of those sites. Sites on the NPL may be the subject of Hazardous Substance Response Trust Fund (Fund) financed remedial actions. Pursuant to § 300.425(e)(3) of the NCP, any site deleted from the NPL remains eligible for Fund-financed remedial actions if conditions at the Site warrant such action. Deletion of a site from the NPL does not effect responsible party liability or impede agency efforts to recover costs associated with response efforts.

List of Subjects in 40 CFR Part 300

Hazardous waste.

PART 300—[AMENDED]

1. The authority citation for part 300 continues to read as follows:

Authority: Section 105, Pub. L. 96-510, 94 Stat. 2764, 42 U.S.C. 9605 and § 311(c)(2), Pub. L. 92-500 as amended, 86 Stat. 865, 33 U.S.C. 1321(c)(2); E.O. 12316, 46 FR 42237; E.O. 11735, 38 FR 21243.

Appendix B [Amended]

2. Part 300; appendix B. is amended as follows:

Remove: M&T DeLisa Landfill site.

Dated: March 6, 1991.

Constantine Sidamon-Eristoff,

Regional Administrator, USEPA Region II.

[FR Doc. 91-6733 Filed 3-20-91; 8:45 am]
BILLING CODE 6560-50-M

GENERAL SERVICES ADMINISTRATION

41 CFR Part 101-27

[FPMR Amdt. E-267]

Return of GSA Stock Items

AGENCY: Federal Supply Service, GSA.

ACTION: Final rule.

SUMMARY: This regulation updates text to reflect current policies, procedures, and GSA organizational structure. The changes provided in this regulation update the GSA material returns program (MRP) acceptance criteria. The minimum line item value for offers has been increased. Additional Federal supply classes (FSCs) have been blocked from acceptance by the MRP. Material in condition codes F and G is

no longer accepted. These changes are necessary to ensure that part 101–27 is current.

EFFECTIVE DATE: March 21, 1991.

FOR FURTHER INFORMATION CONTACT: Ms. Marcia Fears, Systems Management and Analysis Division (703–557–7550).

SUPPLEMENTARY INFORMATION: The General Services Administration has determined that this is not a major rule for the purposes of Executive Order 12291 of February 17, 1981, because it is not likely to result in an annual effect on the economy of $100 million or more; a major increase in costs to consumers or others; or significant adverse effects. The General Services Administration has based all administrative decisions underlying this rule on adequate information concerning the need for and consequences of this rule; has determined that the potential benefits to society from this rule outweigh the potential costs and has maximized the net benefits; and has chosen the alternative approach involving the least net cost to society.

List of Subjects in 41 CFR Part 101–27

Government property management.

PART 101–27—INVENTORY MANAGEMENT

1. The authority citation for part 101–27 continues to read as follows:

Authority: Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

Subpart 101–27.5—Return of GSA Stock Items

2. Section 101–27.502 is amended by revising paragraphs (a), (c) and (d) to read as follows:

§ 101–27.502 Criteria for return.

* * * * *

(a) The minimum dollar value per line item, based on the current GSA selling price, shall be:

(1) $130 for hand tools, FSG 51, and measuring tools, FSG 52; and

(2) $450 for items in all other Federal supply groups and classes except for tires and tubes, FSC 2610; tool kits, FSC 5180; laboratory supplies, FSCs 6630 and 6640; Standard forms, FSC 7540; paints, dopes, varnishes, and related products, FSC 8010; preservatives and sealing compounds, FSC 8030; adhesives, FSC 8040; boxes, cartons, and crates, FSC 8115; and subsistence items, FSG 89, which are not returnable and shall be considered excess, and shall be processed in accordance with Part 101–43 of this chapter.

* * * * *

(c) The material shall not be a terminal or discontinued item.

(d) The material shall be in either condition code A or condition code E.

3. Section 101–27.503 is revised to read as follows:

§ 101–27.503 Allowable credit.

Allowable credit for activities returning material that is accepted by GSA will be reflected in billings by GSA and will be commensurate with the condition of the material received.

(a) Credit will be granted at the rate of 80 percent of the current GSA selling price after acceptance by GSA for new, used, repaired, or reconditioned material which is serviceable and issuable to all agencies without limitation or restriction (condition code A).

(b) Credit will be granted at the rate of 60 percent of the current GSA selling price for items which involve limited expenses or effort to restore to serviceable condition, and which is accomplished in the storage activity where the stock is located (e.g., a deficiency in packing or packaging which restricts the issue or requires repacking or repackaging (condition code E)).

(c) No credit will be given for material returned to GSA which does not meet the above criteria or which was returned to GSA without prior approval.

§§ 101–27.503–1 and 101–27.503–2 [Removed]

4. Sections 101–27.503–1 and 101–27.503–2 are removed.

5. Section 101–27.504 is revised to read as follows:

§ 101–27.504 Notice to GSA.

When an activity elects to offer material to GSA for credit, the activity shall submit offers in accordance with chapter 4 of the FEDSTRIP Operating Guide or chapter 9 of MILSTRIP (DoD 4000.25–1–M).

6. Section 101–27.505 is amended by revising paragraph (a)(1) to read as follows:

§ 101–27.505 Notice to activity.

* * * * *

(a) * * *

(1) For accepted offers, GSA will inform the offering activity of the GSA material return facility (storage activity) to which the material shall be shipped. Prior to shipment of the material authorized by GSA for return, activities shall verify the declared condition. (If the offering activity considers that the transportation costs of sending the material to the GSA material return facility are excessive in relation to the value of the material and withdraws the offers, the GSA region that was designated to receive the offered material shall be notified accordingly.)

* * * * *

Dated: January 15, 1991.

Richard G. Austin,

Administrator of General Services.

[FR Doc. 91–6719 Filed 3–20–91; 8:45 am]

BILLING CODE 6820–24–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Public Land Order 6832

[ID–943–09–4214–10; IDI–27107, IDI–27224]

Partial Revocation of Public Land Order No. 1992 and Executive Order Dated July 2, 1910; Idaho

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order revokes one public land order and one Executive Order insofar as they affect 116.00 acres of public land withdrawn for the Bureau of Reclamation Snake River Reclamation Project and the Bureau of Land Management Powersite Reserve No. 117. The withdrawals are being revoked to permit the Bureau of land Management to complete a proposed exchange, which is in the public interest. The land is not needed for the purpose for which it was withdrawn. This action will open the land to surface entry and mining. The land has been and will remain open to the mineral leasing laws.

EFFECTIVE DATE: April 22, 1991.

FOR FURTHER INFORMATION CONTACT: Larry R. Lievsay, BLM Idaho State Office, 3380 Americana Terrace, Boise, Idaho 83706, 208–334–1735.

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

1. The Executive Order dated July 2, 1910, and Public Land Order No. 1992, which withdrew land for the Bureau of Land Management Powersite Reserve No. 117 and the Bureau of Reclamation Snake River Reclamation Project, respectively, are hereby revoked insofar as they affect the following described land:

Boise Meridian

T. 4 S., R. 3 E.,
Sec. 31, lots 1 to 3, inclusive.
The area described contains 116.00 acres in Elmore County.

2. At 9 a.m. on April 22, 1991, 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, any segregations of record, and the requirements of applicable law. All valid applications received at or prior to 9 a.m. on April 22, 1991, 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 April 22, 1991, the land described in paragraph 1 will be opened to location and entry under the United States mining laws. Appropriation of any of the land 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 19, 1991.

Dave O'Neal,

Assistant Secretary of the Interior.

[FR Doc. 91-6653 Filed 3-20-91; 8:45 am]

BILLING CODE 4310-CQ

43 CFR Public Land Order 6837

[CO-930-4214-10; COC-28287]

Revocation of the Secretarial Order Dated December 10, 1907; Colorado

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order revokes the Secretarial Order dated December 10, 1907, as amended, in its entirety. The Secretarial Order withdrew 50 acres of land in the White River National Forest for a Forest Service administrative site. This action is necessary to allow an interstate Forest Service exchange authorized by Public Law 101-631 and will be in accordance with the General Exchange Act of March 20, 1922. The land will remain closed to surface entry and mining by a Forest Service exchange application, but continues to be open to mineral leasing.

EFFECTIVE DATE: April 22, 1991.

FOR FURTHER INFORMATION CONTACT: Doris E. Chelius, BLM Colorado State Office, 2850 Youngfield Street, Lakewood, Colorado 80215-7076, 303-239-3706.

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

1. The Secretarial Order dated December 10, 1907, as amended, which withdrew National Forest System land for an administrative site is hereby revoked in its entirety and will affect the following described land:

Sixth Principal Meridian

White River National Forest
Wheeler Administrative Site
T. 6 S., R. 78 W.,
Sec. 29, S½NW¼SW¼, N½SW¼SW¼;
Sec. 30, SE¼NE¼SE¼.
The area described contains approximately 50 acres of National Forest System land in Summit County.

2. At 9 a.m. on April 22, 1991, the land described in paragraph 1 shall be opened to such forms of disposition as may by law be made of National Forest System lands, subject to valid existing rights, the provisions of existing withdrawals, other segregations of record, and the requirements of applicable law.

Dated: February 11, 1991.

Dave O'Neal,

Assistant Secretary of the Interior.

[FR Doc. 91-6654 Filed 3-20-91; 8:45 am]

BILLING CODE 4310-JB-M

43 CFR Public Land Order 6835

[WY-930-4214-10; WYW-93054]

Withdrawal of Public Land for Bureau of Reclamation Pathfinder Dam; Wyoming

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order withdraws 2,088.52 acres of public land for a period of 100 years from surface entry and mining for the Bureau of Reclamation to protect the Pathfinder Dam and related facilities. The land has been and remains open to mineral leasing. This land approximates the elevation at or below 5,850 feet.

EFFECTIVE DATES: March 21, 1991.

FOR FURTHER INFORMATION CONTACT: Tamara J. Gertsch, BLM Wyoming State Office, P.O. Box 1828, Cheyenne, Wyoming 82003, 307-775-6115.

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

1. Subject to valid existing rights, the following described public land is hereby withdrawn from settlement, sale, location, or entry under the general land laws, including the United States mining laws (30 U.S.C., Ch. 2), but not from leasing under the mineral leasing laws, to protect capital improvements and land for the Bureau of Reclamation Pathfinder Dam:

Sixth Principal Meridian

T. 27 N., R. 84 W.,
Sec. 7, lots 2-4, inclusive, N½NE¼, SW¼NE¼, NW¼SE¼NE¼, E½W½, W½SE¼;
Sec. 18, lots 1-4, inclusive, W½NE¼, SE¼NE¼, E½W½, W½E½SE¼, W½SE¼;
Sec. 19, lot 1, E½, E½W½;
Sec. 20, SW¼NW¼, SW¼NE¼SW¼, W½SW¼, SE¼SW¼.
T. 27 N., R. 85 W.,
Sec. 12, E½E½SE¼;
Sec. 13, SW¼NE¼NE¼, W½NE¼, NW¼SE¼NE¼, S½SE¼NE¼, SE¼NE¼SW¼, SE¼SW¼, SE¼.
The area described contains 2,088.52 acres in Carbon County.

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

3. This withdrawal will expire 100 years from the effective date of this order unless, as a result of a review conducted before the expiration date pursuant to section 204(f) of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1714(f), the Secretary determines that the withdrawal shall be extended.

Dated: February 11, 1991.

Dave O'Neal,

Assistant Secretary of the Interior.

[FR Doc. 91-6655 Filed 3-20-91; 8:45 am]

BILLING CODE 4310-22-M

43 CFR Public Land Order 6833

[OR-943-01-4214-10; GP1-030; OR-7964(WASH)]

Withdrawal of National Forest System Lands for Wolf Creek Research Natural Area; Washington

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order withdraws 142.90 acres of National Forest System land in the Okanogan National Forest from mining for a period of 20 years for use by the Forest Service for the Wolf Creek

Research Natural Area. The land has been and remains open to such disposition as may by law be made of National Forest System land and to mineral leasing.

EFFECTIVE DATE: March 21, 1991.

FOR FURTHER INFORMATION CONTACT: Linda Sullivan, BLM, Oregon State Office, P.O. Box 2965, Portland, Oregon 97208, 503–280–7171.

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

1. Subject to valid existing rights, the following described National Forest System land is hereby withdrawn from location and entry under the United States mining laws (30 U.S.C. Ch. 2), but not from leasing under the mineral leasing laws, to protect the U.S. Forest Service's research natural area:

Willamette Meridian

Okanogan National Forest

T. 34 N., R. 20 E., unsurveyed,
Sec. 1, that portion of the N½ described as follows:
Beginning at the section corner common to Sections 35 and 36 on the south boundary of T. 35 N., R. 20 E., thence S. 0.°08'51" E., a distance of 1,238 feet; thence generally along the left bank of Wolf Creek bearing S. 60°00'00" E., a distance of 2,185 feet; thence N. 82°19'09" E., a distance of 1,415.73 feet; thence along a line passing through Corner No. 3 and terminating at Corner No. 2 of H.E.S. No. 217, said line bearing N. 0°17'12" W., a distance of 2,150 feet; thence along a line on the south boundary of Section 36, T. 35 N., R. 20 E., bearing S. 89°51'50" W., a distance of 649.47 feet to the south one quarter section corner of said Section 36; thence continuing along the south boundary of said Section 36 on a bearing of S. 89°56'00" W., a distance of 177 feet to the centerline of Virginia Ridge Road No. 3619; thence along the centerline of said road bearing S. 34°05'00" W., a distance of 330 feet; thence N. 85°15'00" W., a distance of 516 feet; thence S. 83°15'00" W., a distance of 243 feet; thence N. 77°20'00" W., a distance of 198 feet; thence N. 56°40'00" W., a distance of 165 feet; thence N. 36°05'00" W, a distance of 153 feet; thence S. 85°00'00" W., a distance of 107 feet; thence N. 64°35'00" W., a distance of 20.93 feet to a point intersecting the south boundary of said Section 36; thence S. 89°56'00" W., a distance of 874.63 feet along the south boundary of said Section 36 to the point of beginning.
The area described contains approximately 142.9 acres in Okanogan County.

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

3. This withdrawal will expire 20 years from the effective date of this order unless, as a result of a review conducted before the expiration date pursuant to section 204(f) of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1714(f), the Secretary determines that the withdrawal shall be extended.

Dated: February 14, 1991.

Dave O'Neal,

Assistant Secretary of the Interior.

[FR Doc. 91–6656 Filed 3–20–91; 8:45 am]

BILLING CODE 4310–33–M

43 CFR Public Land Order 6834

[NV–943–4214–10; N–37875]

Withdrawal of Public Land for the Department of the Navy for Housing and a Safety Arc for an Explosive Ordnance Handling Facility; Nevada

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order withdraws 400 acres of public land from surface entry and mining for a period of 20 years for the Department of the Navy for housing and a safety arc for an explosive ordnance handling facility. The lands have been and remain open to mineral leasing.

EFFECTIVE DATE: March 21, 1991.

FOR FURTHER INFORMATION CONTACT: Vienna Wolder, BLM, Nevada State Office, P.O. Box 12000, Reno, Nevada 89520, 702–784–5481.

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

1. Subject to valid existing rights, the following described public lands are hereby withdrawn from settlement, sale, location, or entry under the general land laws, including the United States mining laws (30 U.S.C. Ch.2), but not from leasing under the mineral leasing laws, for use by the Department of the Navy for housing and a safety arc for an explosive ordnance handling facility.

Mount Diablo Meridian

T. 18 N., 29 E.,
Sec. 9, SE¼;
Sec. 16, NE¼, N½SE¼.
The area described contains 400 acres in Churchill County.

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

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

Dated: February 11, 1991.

Dave O'Neal,

Assistant Secretary of the Interior.

[FR Doc. 91–6657 Filed 3–20–91; 8:45 am]

BILLING CODE 4310–HC–M

43 CFR Public Land Order 6836

[ID–943–4214–10; IDI–26705]

Partial Revocation of the Executive Order Dated July 2, 1910; Idaho

AGENCY: Bureau of Land Management, Interior.

ACTION: Public Land Order.

SUMMARY: This order revokes an Executive Order insofar as it affects a 0.07 acre parcel of public land withdrawn for the Bureau of Land Management Powersite Reserve No. 21. The withdrawal is being revoked to resolve an occupancy trespass through direct sale. The land is not needed for the purpose for which it was withdrawn. This action will open the land to surface entry. The land has been and will remain open to the mining and mineral leasing laws.

EFFECTIVE DATE: March 21, 1991.

FOR FURTHER INFORMATION CONTACT: Larry R. Lievsay, BLM Idaho State Office, 3380 Americana Terrace, Boise, Idaho 83706, 208–334–1735.

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., it is ordered as follows:

1. The Executive Order dated July 2, 1910, which withdrew public land for Powersite Reserve No. 21, is hereby revoked insofar as it affects the following described land:

Boise Meridian

T. 8 N., R. 3 E.,
Sec. 18, lot 10.
The area described contains 0.07 acre in Boise County.

2. At 9 a.m. on April 22, 1991, the land described in the paragraph above will be opened to the operation of the public lands law generally, subject to valid existing rights, the provisions of existing

withdrawals, other segregations of record, and the requirements of applicable law. All valid applications received prior to 9 a.m. on April 22, 1991, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

Dated: February 11, 1991.

Dave O'Neal,

Assistant Secretary of the Interior.

[FR Doc. 91-6658 Filed 3-20-91; 8:45 am]

BILLING CODE 4310-CG-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 89-98; RM-6838]

Radio Broadcasting Services; Davis and Winters, CA

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document substitutes FM Channel 282A for Channel 288A at Davis, California, and modifies the license of Station KLCQ-FM (formerly Station KYLO-FM) to specify operation on Channel 282A. The Notice of Proposed Rule Making in this proceeding also proposed the allotment of FM Channel 288A to Winters, in addition to the above allotment, in response to a petition filed by Eric R. Hilding, d/b/a Hilding Communications. See 54 FR 20874, May 15, 1989. However, the Winters proposal was subsequently withdrawn by mutual agreement of the parties to the proceeding. The coordinates for Channel 282A at Davis are 38-39-09, 121-43-32, with a site restriction or 12.2 kilometers (7.6 miles) north of the community.

EFFECTIVE DATE: April 29, 1991.

FOR FURTHER INFORMATION CONTACT: Arthur D. Scrutchins, Mass Media Bureau (202) 634-6530.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 89-98, adopted March 6, 1991, and released March 15, 1991. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, Downtown Copy Center (202) 452-1422, 1714 21st Street, NW., Washington, DC 20036.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

PART 73—[AMENDED]

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

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

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments, is amended under California by removing Channel 288A and adding Channel 282A at Davis.

Federal Communications Commission.

Andrew J. Rhodes,

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

[FR Doc. 91-6635 Filed 3-20-91; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 89-413; RM-6764]

Radio Broadcasting Services; Brusly, LA and Woodville, MS

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Commission, at the request of McForhun, Inc., licensee of Station KIEZ(FM), substitutes Channel 241C2 for Channel 242A at Brusly, Louisiana, and modifies KIEZ(FM)'s license to specify operation on the higher powered channel. This action also substitutes Channel 299A for Channel 240A at Woodville, Mississippi, in order to accommodate the Brusly substitution. See 54 FR 40894, October 4, 1989. Channel 241C2 can be allotted to Brusly in compliance with the Commission's minimum distance separation requirements with a site restriction of 27 kilometers (16.8 miles) northeast of the city to accommodate petitioner's desired site. Channel 299A can be allotted to Woodville, Mississippi, in compliance with the Commission's minimum distance separation requirements without a site restriction. The coordinates for the allotment of Channel 241C2 at Brusly, Louisiana, are North Latitude 30-30-00 and West Longitude 91-00-00. The coordinates for Channel 299A at Woodville, Mississippi, are 31-06-12 and 91-18-00. With this action, this proceeding is terminated.

EFFECTIVE DATE: April 29, 1991.

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

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 89-413, adopted March 7, 1991, and released March 15, 1991. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, Downtown Copy Center (202) 452-1422, 1714 21st Street, NW., Washington, DC 20036.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

PART 73—[AMENDED]

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

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

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Louisiana, is amended by removing Channel 242A and adding Channel 241C2 at Brusly; and under Mississippi by removing Channel 240A and adding Channel 299A at Woodville.

Federal Communications Commission.

Andrew J. Rhodes,

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

[FR Doc. 91-6636 Filed 3-20-91; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 90-521; RM-7465]

Radio Broadcasting Services; Clinton, AR

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document substitutes Channel 221C3 for Channel 221A at Clinton, Arkansas, and modifies the license of Weber-King Broadcasting for Station KHPQ(FM), as requested, to specify operation on the higher powered channel, thereby providing that community with an expanded coverage area FM service. See 55 FR 47342, November 13, 1990. Coordinates used for Channel 221C3 at Clinton are 35-39-52 and 92-16-06. With this action, the proceeding is terminated.

EFFECTIVE DATE: April 29, 1991.

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

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report

and Order, MM Docket No. 90-521, adopted March 6, 1991, and released March 15, 1991. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, Downtown Copy Center (202) 452-1422, 1714 21st Street, NW., Washington, DC 20036.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

PART 73—[AMENDED]

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

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

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments for Arkansas, is amended by removing Channel 221A and adding Channel 221C3 at Clinton.

Federal Communications Commission.

Andrew J. Rhodes,

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

[FR Doc. 91-6637 Filed 3-20-91; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 90-579; RM-7330]

Radio Broadcasting Services; Pasco, WA

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Commission, at the request of Thomas W. Read, d/b/a West Pasco Fine Arts Radio, substitutes Channel 267C3 for Channel 267A at Pasco, Washington, and modifies its construction permit for Station KGDN(FM) at Pasco to specify operation on the higher powered channel. See 55 FR 49924, December 3, 1990. Channel 267C3 can be allotted to Pasco in compliance with the Commission's minimum distance separation requirements with a site restriction of 7.3 kilometers (4.5 miles) west of the community to avoid a short-spacing to the construction permit of Station KACA(FM), Channel 269C3, Prosser, Washington, at coordinates North Latitude 46-13-16 and West Longitude 119-11-20. Since Pasco is located within 320 kilometers (200 miles) of the U.S.-Canadian border, concurrence of the Canadian government has been obtained. With this action this proceeding is terminated.

EFFECTIVE DATE: April 29, 1991.

FOR FURTHER INFORMATION CONTACT: Sharon P. McDonald, Mass Media Bureau (202) 634-6530.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 90-579 adopted March 7, 1991, and released March 15, 1991.

The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, Downtown Copy Center (202) 452-1422, 1714 21st Street, NW., Washington, DC 20036.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

PART 73—[AMENDED]

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

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

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Washington, is amended by removing Channel 267A and adding Channel 267C3 at Pasco.

Federal Communications Commission.

Andrew J. Rhodes,

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

[FR Doc. 91-6641 Filed 3-20-91; 8:45 am]

BILLING CODE 6712-01-M

Proposed Rules

Federal Register
Vol. 56, No. 55
Thursday, March 21, 1991

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

OFFICE OF PERSONNEL MANAGEMENT

5 CFR Part 300

RIN 3206-AB41

Employment (General); Employment Practices

AGENCY: Office of Personnel Management.

ACTION: Notice of withdrawal of proposed rulemaking.

SUMMARY: The Office of Personnel Management (OPM) is withdrawing its proposal to amend the appeal procedures set forth in the Code of Federal Regulations with respect to job analysis, relevance, and equal employment opportunity requirements currently applicable to Federal Government employment assessment procedures. The proposed amendment, issued on June 20, 1988 (53 FR 23123) would have removed certain nonstatutory appeals from the jurisdiction of the Merit Systems Protection Board and directed that requests for reconsideration of examination ratings be filed with OPM or with the agency applying the employment practice in question in appropriate cases. The amendment would have also avoided duplicative enforcement of equal employment opportunity requirements that are within the jurisdiction of and covered by procedures enforced by the Equal Employment Opportunity Commission. OPM is withdrawing its proposal due to the small number of 5 CFR part 300 cases handled by OPM and because these few cases may be handled under the Equal Employment Opportunity Commission (EEOC) procedures.

FOR FURTHER INFORMATION CONTACT: James S. Green, Deputy General counsel, (202) 606-1700.

U.S. Office of Personnel Management.
Constance Berry Newman,
Director.

[FR Doc. 91-6689 Filed 3-20-91; 8:45 am]
BILLING CODE 6325-01-M

NATIONAL CREDIT UNION ADMINISTRATION

12 CFR Part 703

Investments and Deposits

AGENCY: National Credit Union Administration (NCUA).

ACTION: Proposed rule.

SUMMARY: As part of its established policy of reviewing its regulations at regular intervals, the National Credit Union Administration (NCUA) is proposing to amend its regulations governing federal credit union investments and deposits. The proposal would prohibit or restrict access to certain high-risk investments that have been purchased by a limited number of credit unions. The proposal would also prohibit federal credit unions from investing in a corporate credit union that fails to meet certain regulatory criteria and require that each federal credit union establish written investment policies consistent with the Federal Credit Union Act, NCUA Rules and Regulations, and other applicable laws and regulations. In addition, the rule would establish conditions under which a federal credit union would be required to analyze the credit quality of an institution it is permitted to invest in under section 107(8) of the Federal Credit Union Act. Finally, the proposal would update the regulation to reflect the restructuring of the Federal Deposit Insurance System under the applicable provisions of the Financial Institution Reform, Recovery and Enforcement Act of 1989.

The NCUA Board is seeking comments on the proposed changes to part 703 of the NCUA Regulations. The NCUA Board is not seeking comments on those portions or sections of the regulation which would not be affected by this proposal

DATES: Comments must be received on or before May 20, 1991.

ADDRESSES: Send comments to Becky Baker, Secretary, National Credit Union Administration Board, 1776 G Street NW., Washington, DC 20456.

FOR FURTHER INFORMATION CONTACT: Lisa Henderson, Staff Attorney, Office of General Counsel (202-682-9630), or Charles Felker, Investment Officer, Office of Examination and Insurance (202-682-9640), at the above address.

SUPPLEMENTARY INFORMATION:

Background

As explained more fully below, the proposal would prohibit certain investments that expose credit unions to an inordinate degree of interest rate risk, including certain mortgage derivative products, such as Stripped Mortgage-Backed Securities (SMBS) and residual interests in Collateralized Mortgage Obligations (CMOs) or Real Estate Mortgage Investment Conduits (REMIC) (NCUA has previously determined that SMBS are unsuitable investments for the vast majority of credit unions (see appendix II to NCUA Interpretive Ruling and Policy Statement 88-1: Policy on Selection of Securities Dealers and Unsuitable Investment Practices, 55 FR 18288 (May 23, 1988)). The proposal would also require federal credit unions holding any of these high-risk investments to dispose of the investment within 1 year from the effective date of the regulation unless a longer period of time is approved in writing by the appropriate regional director.

The prohibition concerning corporate credit union investments is intended to prohibit federal credit unions from transacting business with corporate credit unions that do not operate in compliance with part 704 of the NCUA Rules and Regulations or are not examined by NCUA. Under the current regulation, a federal credit union may invest in any corporate credit union irrespective of its degree of compliance with part 704 and without regard to whether or not it is examined by NCUA.

Although clearly mandated by sound business practice, federal credit unions are not presently required to have written investment policies. As previously mentioned, the proposal would require each federal credit union to have written investment policies consistent with the Federal Credit Union Act, NCUA Rules and Regulations, and other applicable laws and regulations. In addition, the rule would require that those policies address certain minimum investment considerations.

A federal credit union is authorized to invest in certain depository institutions under section 107(8) of the Federal Credit Union Act (12 U.S.C. 1757(8)). At this time, federal credit unions are not required to analyze the credit quality of these institutions prior to investing funds. Prior to investing in one of these institutions under the proposed rule, a federal credit union would be required to analyze the credit quality of the institution if the contemplated investment, or any portion of it, is not federally insured.

As noted, section 107(8) of the Federal Credit Union Act authorizes federal credit unions to make deposits in certain depository institutions. This includes the authority to "* * * invest in banks or institutions the accounts of which are insured by the Federal Deposit Insurance Corporation or the Federal Savings and Loan Insurance Corporation * * *" This authority is restated in section 703.2(n) of the current rule which defines a "section 107(8) institution" as "* * * an institution that is either insured by the Federal Deposit Insurance Corporation or the Federal Savings and Loan Insurance Corporation or is a state bank, trust company or mutual savings bank operating in accordance with the laws of the state in which the federal credit union maintains a facility." With passage of the Financial Institution Reform, Recovery, and Enforcement Act of 1989, both federally insured banks and savings institutions are now insured by the Federal Deposit Insurance Corporation. Accordingly, the proposed rule would amend section 703.2(n) to reflect this change.

As proposed, the regulation would consist of six sections. The first section (§ 703.1) contains a statement of the scope of the regulation. This section of the proposal has been carried forward from the current regulation unchanged. The second section(§ 703.2) contains a list of the key terms and definitions used in the regulation. This section of the proposal has been expanded to include the additional key terms and definitions necessary to implement the proposed rule. The third section (§ 703.3) would contain the new requirement that each federal credit union establish written investment policies consistent with the Federal Credit Union Act, NCUA regulations, and other applicable laws and regulations. It also lists the minimum investment considerations that those policies would need to address. The fourth section (§ 703.4) sets out certain authorized but restricted investment activities. This section would contain the new requirement that federal credit unions analyze the credit quality of a "Section 107(8) institution" when making an investment that is not fully covered by Federal deposit insurance. The fifth section (§ 703.5) contains a list of prohibited investment activities. Formerly § 703.4 of the current regulation, this section of the proposed rule has been expanded to include the prohibited investments discussed below. The sixth section (§ 703.6) is new and contains the requirement that federal credit unions holding certain prohibited investments must dispose of those investments within 1 year of the effective date of the regulation unless a longer period of time is approved in writing by the appropriate regional director.

The remainder of the Supplementary Information discussion focuses on the proposed major changes to the present rule.

Analysis of Proposed Major Changes to Part 703

Section 703.2 Definitions

This section has been expanded to include the following key terms:

Average life
Collateralized Mortgage Obligation (CMO)
Corporate credit union
Real Estate Mortgage Investment Conduit (REMIC)
Residual interest
Stripped Mortgage-Backed Securities (SMBSs)
Zero coupon bond

The key terms and definitions which appear in this section of the regulation are consistent with the terms and definitions used by the securities industry to describe the investment and deposit activities that are subject to part 703.

Section 703.3 Investment policies

Under section 113(6) of the Federal Credit Union Act, the board of directors is responsible for the credit union's investment program. Among other things, the board of directors is responsible for determining that investments comply with the Federal Credit Union Act and NCUA Rules and Regulations, and that all surplus monies are invested in a wise and prudent manner.

It has been NCUA's longstanding position that each federal credit union's board of directors should develop written investment policies in carrying out its responsibilities under section 113 of the Federal Credit Union Act. The Agency's position in this respect has been communicated to federal credit unions on numerous occasions through various NCUA Letters to Credit Unions and the Federal Credit Union Handbook (NCUA 8055). Nevertheless, some boards of directors have failed to develop written investment policies. In some cases, the board's failure to establish written policies has resulted in the credit union making illegal or unsuitable investments (or engaging in investment activities not intended by the board, such as trading) which subsequently resulted in losses to the credit union. NCUA believes that these problems could have been avoided had the board of directors developed written investment policies to control the investment of surplus funds.

Accordingly, the NCUA Board proposes to require each federal credit union to establish written investment policies consistent with the Federal Credit Union Act, NCUA Rules and Regulations, and other applicable laws and regulations, and to review them at least annually. The proposal would require the written policies to state the purposes and objectives of the investment program and to specifically state whether securities purchased are held for sale, investment, or trading purposes. The rule would also require the written policies to address the other investment considerations specified in proposed § 703.3.

Section 703.4 Authorized Activities

As noted previously, this section establishes conditions under which a federal credit union would be required to analyze the credit quality of financial institutions it is permitted to invest in under section 107(8) of the Federal Credit Union Act. Under the rule, a federal credit union would be required to make such an analysis whenever a contemplated investment in one of those institutions that is not fully covered by Federal deposit insurance. In promulgating this proposed rule, the NCUA Board is mindful of the deterioration in the credit quality of many of the domestic banking institutions in which federal credit unions are permitted to invest. It is also mindful of various legislative proposals that have been advanced to reform the Federal deposit insurance system and that some of these proposals would limit the amount of future deposit insurance coverage available to credit unions. While the NCUA Board believes that it is prudent for a federal credit union to analyze the credit quality of a section 107(8) institution irrespective of the existence or extent of Federal deposit insurance, the proposed rule would limit the requirement to investments in section 107(8) institutions where the

investment, or any portion of it, is not federally insured.

While the proposal does not specify a method or procedure to be followed in analyzing the credit quality of a section 107(8) institution, it is believed that most credit unions will want to rely, at least in part, on an outside rating service that specializes in banking institutions. A number of such services are currently available to credit unions in the marketplace. It is also noted that where foreign investments are concerned, such as Eurodollar investments, a federal credit union may need to subscribe to an international bank rating service.

The NCUA Board also recognizes that evaluating the credit quality of a financial institution is an on-going activity which must continue throughout the life of the investment. Accordingly, the NCUA Board anticipates that where a credit union makes an investment subject to the rule, it will establish minimum intervals at which the initial credit analysis will be updated.

The second requirement of this provision is that a credit union shall record its credit decision respecting the investment in the records of the credit union. A credit union could comply with this provision by noting in the records of the credit union that it has approved or disapproved the investment and that the decision was made in conformance with the credit union's written policies respecting the investment.

The credit quality and recording requirements would extend to any investment a federal credit union is permitted to make pursuant to its deposit authority under section 107(8) of the Federal Credit Union Act, including Eurodollars, Yankee Dollars, Bankers acceptances, Federal funds, financial institution-type repurchase agreements, and any other investment that the NCUA Board may subsequently deem to be a "deposit" for purposes of section 107(8) of the Federal Credit Union Act.

Section 703.5 Prohibited Activities

This section would contain several new investment prohibitions as detailed below.

Corporate credit unions. It has been NCUA's longstanding position not to take exception to a federally insured credit union's concentrating its excess funds in the corporate system, regardless of the amount involved. This position has applied to both federally and state-chartered corporate credit unions, whether or not the institution is examined by NCUA, or operates in compliance with part 704 of the NCUA Rules and Regulations.

The investment powers and authorities of federal corporate credit unions, and of state-chartered, federally insured corporate credit unions have been the same as those of federal credit unions and state-chartered, federally insured credit unions, respectively. Investments that were not permissible for federal corporate credit unions, but that were permitted by the laws of the state in which a state-chartered, federally insured corporate credit union was chartered, require that a valuation account be established and funded to the extent of the difference between the book and market value of the investment. NCUA has no statutory authority over state-chartered, privately or noninsured corporate credit unions and has been able to participate in the examination of these corporate credit unions through the National Association of State Credit Union Supervisors (NASCUS). In light of the millions of dollars of insured funds that are deposited in these corporate credit unions, NCUA is proposing to prohibit federally insured credit unions from investing in them unless they meet two conditions: (1) They must operate in substantial compliance with part 704 of the NCUA Rules and Regulations, and (2) they must be examined by NCUA.

Proposed revisions to part 704 of the NCUA Rules and Regulations expand the powers and authorities of federal corporate credit unions. The proposed revisions were developed with significant input from corporate credit unions, both federally and state-chartered. NCUA believes that the requirements, limitations, and parameters outlined in the proposed part 704 provide for a prudent and realistic regulation, one that emphasizes safety and soundness for all corporate credit unions, regardless of origination of charter or insurance status. Further, NCUA believes that all corporate credit unions must be examined by NCUA corporate examiners, a group of senior examiners, who are experienced in the examination of corporate credit unions.

Questions regarding the degree of compliance with part 704 will be determined by the appropriate regional director. If the regional director determines that a corporate credit union is not in substantial compliance with part 704 and, as such, is not permitted to do business with federally insured credit unions, the regional director will notify the federally insured credit union members of that corporate credit union's noncompliance. A corporate credit union will be deemed to be in substantial compliance with part 704 provided the safety and soundness of the corporate credit union is not threatened.

Under the proposed revisions to part 704, each corporate credit union will have 180 days to comply with that regulation. Part 704 sets forth a process by which a temporary waiver may be obtained from the regional director. Corporate credit unions deemed not to be in substantial compliance with part 704 will be considered impermissible investments for federally insured credit unions.

Mortgage derivative products. A mortgage-backed security (MBS) provides for ownership of a fractional undivided interest in a specific pool of mortgages that serves to collateralize the MBS. As the mortgages in the pool are repaid, principal and interest are "passed through" to each investor on a pro rata basis. Each MBS has a stated maturity, expected average life, and coupon rate. The stated maturity coincides with the longest contractual maturity of any mortgage loan in the pool. The expected average life, also called the weighted average life, represents an estimate of the weighted average length of time that each dollar of principal will be outstanding. The coupon rate is the rate of interest that will be periodically paid to the investor based on the outstanding principal balance in the pool.

Unlike most corporate and government bonds, which pay principal as a lump sum at maturity, the scheduled monthly principal payments and all principal prepayments of each pool of mortgages, are passed directly to the owner of the MBS. Investors therefore lack certainty regarding the timing and amounts of cash flows from these securities because most mortgage borrowers, whose loans underlie the MBS, have the option to prepay the loan at any time. To compensate investors for this uncertainty, these securities are generally priced to yield a spread over Treasury securities of comparable maturity, i.e., a Treasury security with a maturity that approximates the average life of the MBS.

During a period of declining interest rates, it may become economical for a homeowner with a fixed or floating rate mortgage to refinance at a lower rate. In such an interest rate environment, an MBS will achieve only limited price appreciation above par value due to the expectation of increasing prepayments. In other words, it is expected that the MBS will prepay at a time when investors most desire a fixed rate instrument. During a period of rising interest rates, fixed rate mortgage borrowers will be less inclined to refinance their mortgage loans, while the market price of a fixed rate MBS will

decline like most other fixed rate securities. Unlike the potential for price appreciation, the potential price decline will not be restricted by the expectation of prepayments; therefore, MBSs have greater downside risk than they do upside potential. As a result, price changes are not proportionate when interest rates rise or fall by equal amounts. Hence, an investor's assumptions regarding prepayments are simply projections that are largely based on the expected level of future interest rates and a related prediction concerning when and how MBS cash flows will occur. These assumptions drive an investor's expectation regarding the average life, market value, and yield of an MBS.

Most MBSs are issued through or guaranteed by the Government National Mortgage Association (GNMA), the Federal National Mortgage Association (FNMA), or the Federal Home Loan Mortgage Corporation (FHLMC). These securities, having a U.S. Government affiliation, are considered to bear little or no credit risk. The near absence of credit risk, coupled with the size and depth of the MBS market, have established a significant level of liquidity for government-issued or government-sponsored MBS programs.

MBSs not issued or guaranteed by GNMA, FNMA, or the FHLMC are known as private issues and may be backed by pool insurance, letters of credit or other credit enhancements. In addition to bearing the interest rate risk associated with pass-through securities, privately-issued MBSs will present varying degrees of credit risk to the investor depending on the quality of the underlying mortgages and the security's credit enhancements. It should also be understood that the market for privately-issued MBSs is significantly less liquid than the market for MBSs issued or guaranteed by GNMA, FNMA, or the FHLMC.

In addition to the basic MBS, various MBS derivatives have been created. One such derivative is the Stripped Mortgage-Backed Security (SMBS). SMBSs consist of two classes of securities. Each class receives a different portion of the monthly interest and principal cash flows from the underlying mortgages or MBS. In its purest form, an SMBS is converted into an Interest Only (IO) and Principal Only (PO) class. With an IO, the investor receives 100 percent of the interest cash flow and no principal payments. With a PO, the investor receives 100 percent of the principal cash flow and no interest payments.

All IOs and POs have extremely volatile price characteristics based largely on the prepayment pattern of the underlying mortgages and consequently on the realized maturity of the stripped security. Generally, POs rise in value as mortgage commitment rates decline, while IOs increase in value as these rates rise. Accordingly, the purchase of an IO may serve, theoretically, to offset the interest rate risk associated with holding mortgages or similar instruments. Similarly, a PO may serve to offset the effect of interest rate movements on the value of mortgage servicing. However, when purchasing an IO or PO, the investor is essentially speculating on the movements of future interest rates and how these movements will affect the prepayment pattern of the underlying collateral and hence the market value of the SMBS.

The figure below provides projected yields for SMBS Certificates of the Federal National Mortgage Association issued on April 1, 1988. The projected yields are based on assumed PSA percentages ranging from 50% to 500%. As can be seen in the table, the IO/PO yields fluctuate widely as the prepayment speed of the underlying mortgages rises and falls. Moreover, at 500% PSA, the IO holder experiences a negative rate of return, meaning that the IO holder fails to recover his initial investment in the security.

	PSA Percentages [1]				
	50	100	145	250	500
YIELD TO MATURITY					
SMBS Class 1 Certificates (POs)	5.08	7.22	9.47	15.44	31.91
SMBS Class 2 Certificates (IOs)	15.90	12.69	9.76	2.74	15.06

[1] The term PSA Percentages refers to a model used to measure prepayment speeds in pricing CMOs and IOs and POs.

Because SMBSs are relatively new to the marketplace (the first SMBS was issued by FNMA in early 1987), the supply in existence is limited. As a consequence, holders of SMBSs may also be subjected to a high degree of marketability risk. Marketability risk is the risk that a security may not be readily convertible to cash (or cashed only at a significant loss), if it suddenly needs to be sold.

Due to the speculative nature of these securities, their extreme price volatility, and the limited market that may exist for the sale of IOs and POs, the NCUA Board has determined that SMBSs are generally unsuitable for all federal credit unions. Accordingly, the proposed regulation prohibits the purchase of SMBSs. This prohibition is reflected in § 705.5(f) of the proposed rule.

Another mortgage derivative product is the Collateralized Mortgage Obligations (CMO) or Real Estate Mortgage Investment Conduits (REMIC). CMOs and REMICs (hereafter referred to as CMOs) have been developed in response to investor concerns regarding the uncertainty of cash flows associated with the ability of the mortgage borrower to prepay the mortgage note. A CMO can be collateralized directly by whole loan mortgages, but more often is collateralized by MBSs issued or guaranteed by GNMA, FNMA, or FHLMC and held in trust for CMO investors. In contrast to MBSs, where cash flows are received pro rata by all security holders, the cash flow from the mortgages underlying a CMO is segmented, and paid in accordance with a predetermined schedule to investors holding various classes (tranches) of bonds. By prioritizing the cash flow from the underlying mortgages among the separate tranches, entirely different classes of bonds are created, each with their own stated maturity, estimated average life, coupon rate, and unique prepayment risk characteristics.

Many CMOs are designed to have one or more Planned Amortization Class (PAC) bonds. PAC bonds commonly have a fixed monthly principal amortization which is essentially guaranteed within a wide band of prepayment speeds, thus to that extent limiting the prepayment risk to the investor. This limiting process allows the investor to more accurately predict the average life of the investment, and in general, reduces the price volatility that would be assumed if the underlying MBSs themselves had been purchased.

The drawback is that when a CMO is structured with a PAC class, the PAC class transfers prepayment risk to other classes within the CMO which take on a level of prepayment risk above that which they would normally assume. These "higher risk" tranches may be referred to as "CMO support tranches", "subordinated tranches", or "companion bonds". Unlike the PAC tranche, which has been designed to provide a high degree of certainty regarding average life and final maturity, support tranches can have a highly volatile average life, yield, and market price.

CMO support tranches that have developed non-proprietary, industry wide labels in the secondary market include:

Targeted Amortization Class (TAC)—CMO tranches that are contractually protected against prepayments when prepayments are faster than expected.

Super or Turbo POs—Zero coupon tranches that absorb much of the volatility of CMOs with PACs by absorbing all prepayments after all scheduled PAC payments are met.

Inverse and Super Inverse Floaters—CMO tranches that have a yield that moves in the opposite direction of market rates.

Super Inverse Floaters do not move one for one as rates change; instead, they rise or decline in yield at a rate more rapid than market rates rise or fall.

Z Tranches—CMO tranches that accrue interest but do not begin payment of principal until all other earlier tranches have been retired. They are sometimes the only support tranches in a CMO.

Jump Z Tranches—Z Tranches that immediately begin to receive all prepayments after the scheduled PAC payment is made, provided that some trigger mechanism has been reached.

As indicated, based on the design of a CMO, certain individual tranches can display a high degree of interest rate risk and price volatility. Examples of "high risk" tranches are CMO support tranches which, as explained above, receive principal payments only after the PAC tranche has received its scheduled payment. However, this is only one type of CMO structure among many others that can display a high degree of interest rate risk and price volatility. Accordingly, the NCUA Board proposes to prohibit the purchase of any CMO tranche whose average life would expand or shorten by more than 6 years under modeling scenarios where mortgage commitment rates immediately rise or fall 300 basis points (see § 703.5(g) of the proposed rule). To qualify as a permissible investment under the proposed rule, a CMO tranche must meet the average life standard at the time of purchase and on any subsequent review date, assuming market interest rates and prepayment speeds at the time that the standard is applied. The requirement that the average life standard must be met on the purchase date and any subsequent review date is also contained in § 703.5(h) of the proposed rule.

The NCUA Board recognizes that most credit unions do not have the software or database necessary to perform the test; however, there are a number of services available that can perform the calculations "on line". A federal credit union considering an investment in a CMO tranche will want to perform the test prior to making the investment. Application of the test on a post-acquisition basis would not comply with the regulation. Most government securities dealers subscribe to one or more of the above-mentioned services and can FAX a printout of the average life test to the credit union. Since the average life standard applies throughout the life of the investment, a federal credit union will need to periodically retest the investment in order to ensure that it continues to comply with the regulation until it matures or is sold in the secondary market.

Sometimes referred to as the "ultimate derivative", another mortgage derivative product is the CMO residual. CMO residuals represent claims on any excess cash flows from a CMO issue remaining after the payments due to bondholders and trust administrative expenses have been satisfied. The economic value of a CMO residual is a function of the present value of the anticipated cash flows under assumed prepayment speeds and rates of return associated with reinvesting payments from the underlying collateral before distribution to bondholders. This cash flow is extremely sensitive to prepayments and existing levels of market interest rates. Other factors affecting the market value of residuals include a lack of liquidity and broker/dealer profit.

Certain CMO residuals might be employed to offset declines in the value of fixed rate mortgages or an MBS portfolio in a period of rising interest rates. However, like an IO SMBS, the uncertainty regarding prepayments on the underlying collateral makes it extremely difficult to use these instruments as an effective interest rate risk reduction tool. In an environment of rapidly falling interest rates, the market value of a residual can completely disappear. Moreover, a complex CMO structure (e.g., multiple numbers or types of tranches) or unusual collateral characteristics (e.g., a blend of fixed and adjustable rate mortgages) can make both evaluating and accurately forecasting the cash flows of a residual even more difficult.

Based on the above factors, the NCUA Board has also determined that CMO residuals are generally unsuitable for all federal credit unions. Accordingly, the proposed rule would prohibit the purchase of these securities. The prohibition is contained in § 703.5(i) of the proposed rule.

Zero coupon securities. Zero coupon securities are securities that make no periodic interest payments but instead are sold at a discount from their face value. The holder of the instrument realizes the rate of return through the gradual appreciation of the security, which is redeemed at face value on a specified maturity date. Common examples of zero coupon securities available to federal credit unions are Treasury STRIPS and certain Treasury-backed proprietary products such as TIGRs, CATS, ETRs, GATORs, and TRs.

Although free from credit risk when backed by the U.S. Government, longer maturity issues of these instruments (generally, maturities exceeding 10 years) have exhibited extreme price volatility. (Small changes in interest rates have produced substantial swings in secondary market prices.) Due to their extreme price volatility, investments in longer term zero coupon securities may, over time, distort or produce unintended changes in a credit union's earnings, and its interest rate, liquidity and funding risk profile. Accordingly, the NCUA Board has determined that longer maturity issues of these securities are essentially speculative investments and, as such, are unsuitable holdings for all federal credit unions. Therefore, § 703.5(j) of the proposed regulation would prohibit the purchase of a zero coupon security with a remaining maturity of more than 10 years.

Section 703.6 Liquidation of Impermissible Investments

Impermissible investments will not be "grandfathered" under the proposed rules. The rules would require federal credit unions holding IOs or POs, CMO/REMIC residuals, CMO tranches that fail the average life standard, and zero coupon bonds with maturities greater than 10 years to dispose of the prohibited investments within 1 year from the effective date of the regulation. However, regional directors would have authority to approve extensions to the 1-year rule. Such approvals would have to be made in writing by the appropriate regional director. While it is the NCUA

Board s intent that the impermissible investments should be disposed of as quickly as possible, it is anticipated that extensions will be approved where the sale of the impermissible investment would produce an unacceptable level of losses. Each regional director will have the discretion to determine what would constitute "an unacceptable level of losses," taking into account all pertinent factors including the credit union's earnings and capital position.

Regulatory Procedures

Regulatory Flexibility Act

The Regulatory Flexibility Act requires NCUA to prepare an analysis to describe any significant economic impact any proposed regulation may have on a substantial number of small credit unions (primarily those under $1 million in assets).

The proposed rule is grounded in NCUA concerns about the safety and soundness of certain investment practices and their effects on federal credit unions and the National Credit Union Administration Share Insurance Fund. Based on the experience of NCUA examiners, few small credit unions are engaging in the investment practices that are the subject of the proposed rule. Accordingly, the NCUA Board determines and certifies that the proposed rule, if adopted, will not have a significant economic impact on a substantial number of small credit unions and that a Regulatory Flexibility Analysis is not required.

Paperwork Reduction Act

The paperwork Reduction Act requirements do not apply to information collection requirements applicable to nine or fewer persons. Although proposed § 703.6 does require an application to the appropriate Regional Director, the information that we have at present indicates that relatively few applications will be received. NCUA, at this time, expects no more than nine applications per year. Therefore, the Board has determined that the requirements of the Paperwork Reduction Act do not apply to this provision of the proposed rule. NCUA does solicit comments from federal credit unions regarding whether they anticipate applying for an extension of the period given to dispose of prohibited investments. This information will aid NCUA in determining whether a Paperwork Reduction Act analysis of this section of the proposed regulation is necessary.

The proposed regulation also contains several collection of information requirements which apply to more than nine credit unions. Section 703.3 requires federal credit unions to establish written investment policies. Section 703.4(c) requires federal credit unions to analyze the credit quality of any uninsured deposits in section 107(8) institutions and to record their decisions regarding the investments. These recordkeeping requirements will be submitted to the Office of Management and Budget for review under the Paperwork Reduction Act. Written comments and recommendations regarding the collection requirements should be forwarded directly to the OMB Desk Officer indicated below at the following address: OMB Reports Management Branch, New Executive Office Building, room 3208, Washington DC 20503. Attn: Jerry Waxman.

Executive Order 12612

Executive Order 12612 requires NCUA to consider the effect of its actions on state interests. It states that: "Federal action limiting the policymaking discretion of the States should be taken only where constitutional authority for the action is clear and certain and the national activity is necessitated by the presence of a problem of national scope." Currently, part 703 directly applies only to federally chartered credit unions, and the proposed rule makes no change in its application. Although part 703 indirectly applies to federally insured state chartered credit unions through the insurance requirements at 12 CFR 741.9(a)(3) and (b)(3), the Board has determined that the proposed rule will not have a substantial direct effect on the States, on the relationship of the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Further, the new rule will not preempt provisions of state law or regulation.

List of Subjects in 12 CFR Part 703

Credit unions, Investments, Reporting and recordkeeping requirements.

By the National Credit Union Administration Board on March 13, 1991.

Becky Baker,

Secretary of the Board.

Accordingly, it is proposed that 12 CFR part 703 be amended to read as set forth below:

PART 703—[AMENDED]

1–2. The authority citation for part 703 continues to read as follows:

Authority: 12 U.S.C. 1757(7), 1757(8), 1757(15), 1766(a), 1789(11).

3. Section 703.1 is republished for the convenience of the reader.

§ 703.1 Scope.

Sections 107(7), 107(8) and 107(15) of the Federal Credit Union Act (12 U.S.C. 1757(7), 1757(8), 1757(15)), set forth those securities, deposits, and other obligations in which Federal credit unions may invest. Included are securities issued or fully guaranteed by the United States Government or any of its agencies, shares of central credit unions and any federally-insured credit union, accounts in other federally-insured financial institutions, certain mortgages and mortgage-related securities, and other specified investments. This part interprets several of the provisions of sections 107(7), 107(8) and 107(15)(B). It also places limits on the types of transactions that Federal credit unions may enter into in connection with the purchase and sale of authorized securities, deposits, and obligations under sections 107(7), 107(8) and 107(15)(B). This part does not apply: to investments in loans to members and related activities, which are governed by §§ 701.21, 701.22 and 701.23 (12 CFR 701.21, 701.22 and 701.23); to the purchase of real estate-secured loans pursuant to section 107(15)(A), which is governed by § 701.23; to investment in credit union service organizations, which is governed by § 701.27 (12 CFR 701.27); or to investment in fixed assets, which is governed by § 701.36 (12 CFR 701.36).

4. Section 703.2 is revised to read as follows:

§ 703.2 Definitions.

Adjusted trading means any method or transaction used to defer a loss whereby a Federal credit union sells a security to a vendor at a price above its current market price and simultaneously purchases or commits to purchase from the vendor another security at a price above its current market price.

Average life means the weighted average time to principal repayment with the amount of the principal paydowns (both scheduled and unscheduled) as the weights.

Bailment for hire contract means a contract whereby a third party, bank or other financial institution, for a fee, agrees to exercise ordinary care in protecting the securities held in safekeeping for its customers.

Bankers' Acceptance means a time draft that is drawn on and accepted by a bank, and that represents an irrevocable obligation of the bank.

Cash forward agreement means an agreement to purchase or sell a security with delivery and acceptance being mandatory and at a future date in

excess of thirty (30) days from the trade date.

Collateralized Mortgage Obligation (CMO) means a multi-class bond issue collateralized by whole loan mortgages or mortgage-backed securities (MBSs). CMOs usually consist of four or more classes of bonds which are commonly referred to as "tranches".

Corporate credit union means a financial institution that:

(1) Is a depository institution chartered or licensed under state or federal statute to operate as a credit union;

(2) Is operated primarily for the purpose of serving other credit unions; and

(3) Has a voting membership not less than 95 percent of which consists of credit unions.

Eurodollar deposit means a deposit in a foreign branch of a United States depository institution.

Facility means the home office of a Federal credit union or any suboffice thereof including but not necessarily limited to a wire service, telephonic station, or mechanical teller station.

Federal funds transaction means a short-term or open-ended transfer of funds to a section 107(8) institution.

Futures contract means a contract for the future delivery of commodities, including certain government securities, sold on commodities exchanges.

Immediate family member means a spouse or other family members living in the same household.

Market price means the last established price at which a security is sold.

Maturity date means the date on which a security matures, and shall not mean the call date or the average life of the security.

Real Estate Mortgage Investment Conduit (REMIC) means a nontaxable entity formed for the sole purpose of holding a fixed pool of mortgages secured by an interest in real property and issuing multiple classes of interests in the underlying mortgages.

Repurchase transaction means a transaction in which a Federal credit union agrees to purchase a security from a vendor and to resell the same or any identical security to that vendor at a later date. A repurchase transaction may be of three types:

(1) *Investment-type repurchase transaction* means a repurchase transaction where the Federal credit union purchasing the security takes physical possession of the security, or receives written confirmation of the purchase and a custodial or safekeeping receipt from a third party under a written bailment for hire contract, or is recorded as the owner of the security through the Federal Reserve Book-Entry System;

(2) *Financial institution-type repurchase transaction* means a repurchase transaction with a section 107(8) institution;

(3) *Loan-type repurchase transaction* means any repurchase transaction that does not qualify as an investment-type or financial institution-type repurchase transaction.

Residual interest means the remainder cash flows from a CMO or REMIC transaction after payments due bondholders and trust administrative expenses have been satisfied.

Reverse repurchase transaction means a transaction whereby a Federal credit union agrees to sell a security to a purchaser and to repurchase the same or any identical security from that purchaser at a future date and at a specified price.

Section 107(8) institution means a institution in which a Federal credit union is authorized to make deposits pursuant to section 107(8) of the Federal Credit Union Act (12 U.S.C. 1757(8)), i.e., an institution that is insured by the Federal Deposit Insurance Corporation or is a state bank, trust company or mutual savings bank operating in accordance with the laws of a state in which the Federal credit union maintains a facility.

Security means any security, obligation, account, deposit, or other item authorized for investment by a Federal credit union pursuant to section 107(7), 107(8), or 107(15)(B) of the Federal Credit Union Act (12 U.S.C. 1757(7), 1757(8), 1757(15)(B)), other than loans to members.

Senior management employee means the credit union's chief executive officer (typically this individual holds the title of President or Treasurer/Manager), any assistant chief executive officers (e.g., Assistant President, Vice President or Assistant Treasurer/Manager) and the chief financial officer (Comptroller).

Settlement date means the date originally agreed to by a Federal credit union and a vendor for settlement of the purchase or sale of a security.

Short sale means the sale of a security not owned by the seller.

Standby commitment means a commitment to either buy or sell a security, on or before a future date, at a predetermined price. The seller of the commitment is the party receiving payment for assuming the risk associated with committing either to purchase a security in the future at a predetermined price, or to sell a security in the future at a predetermined price. The seller of the commitment is required to either accept delivery of a security (in the case of a commitment to buy) or make delivery of a security (in the case of a commitment to sell), in either case at the option of the buyer of the commitment.

Stripped Mortgage-Backed Securities (SMBSs) means securities that represent unequal proportions of the cash flows of an underlying pool of mortgages. In their purest form, SMBSs represent mortgage-backed securities (MBSs) that have been converted into interest only (IO) securities, where holders receive 100 percent of the interest cash flows, and principal only (PO) securities, where holders receive 100 percent of the principal cash flows.

Trade date means the date a Federal credit union originally agrees, whether orally or in writing, to enter into the purchase or sale of a security.

Yankee Dollar deposit means a deposit in a United States branch of a foreign bank licensed to do business in the state in which it is located, or a deposit in a state chartered, foreign controlled bank.

Zero coupon bond means a debt obligation that makes no periodic interest payments but instead is sold at a discount from its face value. The holder of a zero coupon bond realizes the rate of return through the gradual appreciation of the security, which is redeemed at face value on a specified maturity date.

5. Section 703.3 is revised to read as follows:

§ 703.3 Investment policies.

The board of directors of each federal credit union shall establish written investment policies consistent with the applicable provisions of the Act, NCUA's regulations, and other applicable laws and regulations, and review them at least annually. At a minimum, the written policies shall address the following:

(a) Purposes and objectives of the credit union's investment activities, including a statement whether securities purchased are held for sale, investment, or trading purposes;

(b) Persons or committees to whom investment authority has been delegated and the extent of their authority;

(c) Limits on the amount of funds that may be committed to any particular investment or securities transaction;

(d) Maturity limits;

(e) Interest rate risk (as applicable);

(f) Credit risk (as applicable);

(g) Securities dealers/brokerage firms approved for use by the board of directors together with any limitations that the board has established with

respect to the amount of funds that may be placed or invested with any of the approved broker/dealers (as applicable;

(h) Safekeeping of securities, including a list of approved safekeeping facilities.

6. Section 703.4 is revised to read as follows:

§ 703.4 Authorized activities.

(a) *General Authority.* A Federal credit union may contract for the purchase or sale of a security provided that:

(1) The delivery of the security is to be made within thirty (30) days from the trade date; and

(2) The price of the security at the time of purchase is the market price.

(b) *Cash forward agreements.* A Federal credit union may enter into a cash forward agreement to purchase or sell a security, provided that:

(1) The period from the trade date to the settlement date does not exceed one hundred and twenty (120) days;

(2) If the credit union is the purchaser, it has written cash flow projections evidencing its ability to purchase the security;

(3) If the credit union is the seller, it owns the security on the trade date; and

(4) The cash forward agreement is settled on a cash basis at the settlement date.

(c) Loans, shares and deposits—other financial institutions. A Federal credit union may invest in the following accounts of other financial institutions as specified in section 107(7) and 107(8) of the Federal Credit Union Act (12 U.S.C. 1757(7), 1757(8)): Loans to nonmember credit unions in an aggregate amount not exceeding 25 percent of the lending credit union's unimpaired capital and surplus; shares, share certificates or share deposits of federally insured credit unions; shares or deposits of any central credit union specifically authorized by the board of directors; and deposits of any section 107(8) institution, provided that where any such deposit, or any portion of it, is not federally insured, a credit union shall analyze the credit quality of the issuing institution prior to making the deposit. Where the deposit, or any portion of it is not Federally insured, a Federal credit union shall also record its credit decision respecting the investment in the records of the credit union.

(d) *Repurchase transactions.* A Federal credit union may enter into an investment-type repurchase transaction or a financial institution-type repurchase transaction provided the purchase price of the security obtained in the transaction is at or below the market price. A repurchase transaction not qualifying as either an investment-type or financial institution-type repurchase transaction will be considered a loan-type repurchase transaction subject to section 107 of the Federal Credit Union Act (12 U.S.C. 1757), which generally limits Federal credit unions to making loans only to members.

(e) *Reverse repurchase transactions.* A Federal credit union may enter into a reverse repurchase transaction, provided that eitner any securities purchased with the funds obtained from the transaction or the securities collateralizing the transaction have a maturity date not later than the settlement date for the reverse repurchase transaction. A reverse repurchase transaction is a borrowing transaction subject to section 107(9) of the Federal Credit Union Act (12 U.S.C. 1757(9)), which limits a Federal credit union's aggregate borrowing to 50 percent of its unimpaired capital and surplus.

(f) *Federal funds.* A Federal credit union may sell Federal funds to a section 107(8) institution, provided that the interest or other consideration received from the financial institution is at the market rate for Federal funds transaction and that the transaction has a maturity of one or more business days or the credit union is able to require repayment at any time.

(g) *Yankee Dollars.* A Federal credit union may invest in Yankee Dollar deposits in a section 107(8) institution.

(h) *Eurodollars.* A Federal credit union may invest in Eurodollar deposits in a branch of a section 107(8) institution.

(i) *Bankers acceptances.* A Federal credit union may invest in bankers' acceptances issued by a section 107(8) institution.

7. A new § 703.5 is added to read as follows:

§ 703.5 Prohibitions.

(a) Except as provided in § 701.21(i) of this chapter, a Federal credit union may not purchase or sell a standby commitment.

(b) A Federal credit union may not buy or sell a futures contract.

(c) A Federal credit union may not engage in adjusted trading.

(d) A Federal credit union may not engage in a short sale.

(e) A Federal credit union may not purchase shares or deposits in, or otherwise transact business with a corporate credit union that does not operate in compliance with part 704 of this chapter in significant respects, or is not examined by NCUA.

(f) A Federal credit union may not purchase a Stripped Mortgage-Backed Security (SMBS).

(g) A Federal credit union may not invest in any CMO or REMIC tranche whose average life would extend or shorten by more than six years under modeling scenarios where mortgage commitment rates immediately rise or fall 300 basis points.

(h) The average life standard contained in paragraph (g) of this section shall apply to CMO/REMIC investments at the time of purchase and on any subsequent review date, assuming market interest rates and prepayment speeds at the time the standard is applied.

(i) A Federal credit union may not purchase a residual interest in a CMO or REMIC transaction.

(j) A Federal credit union may not purchase a zero coupon security with a maturity date that is more than ten years from the settlement date for purchase of the security.

(k) A Federal credit union's directors, officials, committee members and senior management employees, and immediate family members of such individuals, may not receive pecuniary consideration in connection with the making of an investment or deposit by the Federal credit union.

(l) The prohibition contained in paragraph (k) of this section also applies to any employee not otherwise covered if the employee is directly 33 involved in investments or deposits unless the board of directors determines that the employee's involvement does not present a conflict of interest.

(m) All transactions with business associates or family members not specifically prohibited by paragraph (k) of this section must be conducted at arm's length and in the interest of the credit union.

8. A new § 703.6 is added to read as follows:

§ 703.6 Liquidation of impermissible investments.

Any federal credit union holding securities that are not in compliance with §§ 703.5(f), 703.5(g), 703.5(i), or 703.5(j) shall have 1 year from the effective date of the final regulation to dispose of such securities unless a longer period of time is approved in writing by the appropriate regional director.

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12 CFR Parts 704 and 741

Corporate Credit Unions and Requirements for Insurance

AGENCY: National Credit Union Administration (NCUA).

ACTION: Proposed revisions to regulation.

SUMMARY: The National Credit Union Administration (NCUA) Board is proposing to revise part 704 (Corporate Credit Unions) and the related § 741.9 of its Rules and Regulations. The proposal results from NCUA's policy to periodically review each of its regulations. This proposal will clarify certain portions of the existing regulation and amend or add other provisions.

DATE: Comments must be received on or before May 20, 1991.

ADDRESS: Send comments to Becky Baker, Secretary of the Board, National Credit Union Administration, 1776 G Street NW., Washington, DC 20456.

FOR FURTHER INFORMATION CONTACT: D. Michael Riley, Director, or Linda Groth, Corporate Credit Union Specialist, Office of Examination and Insurance, NCUA, at the above address, or telephone: (202) 682–9640.

SUPPLEMENTAL INFORMATION:

Background

Part 704 of the NCUA Rules and Regulations, Corporate Credit Unions, was promulgated in 1977 and revised in 1979, 1984 and 1988. This revised regulation addresses the overall operation of a corporate credit union. The original regulation was far more limited in scope, with many aspects of corporate credit union operations covered by the regulations governing natural person credit unions.

As the number of natural person credit unions in the United States increased, the need for external sources of credit developed. To meet this need, several large credit unions attempted to provide for the liquidity needs of other, usually smaller, credit unions, in addition to servicing their own members. The concept of corporate credit unions, whose purpose would be to serve natural person credit unions, originated with the chartering in 1951 of the first corporate credit union. Corporate credit unions evolved over time into financial intermediaries, on behalf of their member credit unions, providing investment, liquidity and payment services. As that evolution has progressed, the operations of corporate credit unions became increasingly dissimilar from those of natural person credit unions. Corporate credit unions offer different services and assume different risks. The NCUA Board has determined that the limitations on many investment vehicles, lending, borrowing, and investment in fixed assets for natural person credit unions are inappropriate for corporate credit unions. A major purpose of the revisions in this proposed part 704 is to better reflect the true nature of a corporate credit union as a pass-through institution and liquidity facility for its member credit unions.

The expanded powers given to federal corporate credit unions in areas such as investment, lending, services and borrowing require formal accountability through written, comprehensive business plans. Implementation of these plans are for the purpose of providing safe and sound overall direction to corporate credit unions and, as such, require the further support of written policies and procedures.

Many corporate credit unions share physical space, personnel and officials with other organizations, often with leagues and service organizations. This creates an environment in which conflicts of interest, or the appearance of conflicts of interest, could develop. This proposal addresses the need for independent decision making when members of the board of directors of a corporate credit union overlap with the board members of other organizations. It further calls for written contracts between corporate credit unions and other parties whenever physical space, services, personnel or equipment is shared. The NCUA Board requests comments on the proposed changes and any other suggested modifications to the regulation. The following analysis describes the proposed changes to the regulation:

Section-by-Section Analysis

Section 704.1—Scope

This section of the existing regulation specifies that, except for the section relating to Corporate Reserve, which applies to both corporate federal credit unions and federally insured state-chartered corporate credit unions, the regulation applies only to corporate federal credit unions. The proposed regulation applies part 704 to all federally insured corporate credit unions.

NCUA has trained and continues to maintain a team of corporate credit union examiners especially for performance of examinations of corporate credit unions. By agreement with the National Association of State Credit Union Supervisors (NASCUS), these examiners participate on the examinations of state-chartered corporate credit unions, both federally insured and privately or noninsured. Additionally, the corporate credit union network has instituted a self-regulatory process by the development and adoption of the Corporate Credit Union Network Standards and Guidelines (Standards and Guidelines). These agreements and safeguards have provided a measure of comfort concerning the risk factors in the operations of corporate credit unions. As liquidity reservoirs, however, large amounts of funds from federally insured credit unions can and do move quickly through corporate credit unions. In addition, new services and investment vehicles are being offered by corporate credit unions on a continual basis. With the large amounts of federally insured funds deposited in corporate credit unions, the NCUA Board has a vested interest in assuring that all corporate credit unions are run in a safe and sound manner.

The NCUA Board has not imposed diversification requirements to investments in corporate credit unions that are applied to other types of investments made by the federally insured credit unions. This special status is primarily due to the downstream diversification in the corporate credit union system, adherence by the corporate credit unions to the Standards and Guidelines, and the high degree of supervision given to corporate credit unions by the NCUA corporate credit union examiners. The NCUA Board has determined, however, that formal accountability through a regulation applicable to all corporate credit unions and their unique operations is necessary at this time. The failure of any corporate credit union, regardless of whether that corporate credit union was federally, privately or noninsured, could have serious ramifications upon the health of its member credit unions. For this reason, the provisions and limitations of part 704 apply to all corporate credit unions which accept deposits from federally insured natural person credit unions. Furthermore, unless inconsistent with part 704, other provisions of NCUA's Rules and Regulations also apply to these corporate credit unions. At the same time, however, these proposed changes to part 704 do not grant authorities to state-chartered corporate credit unions over and above the authorities and limits provided those

corporate credit unions under state law and regulations.

Section 704.2—Definitions

The present § 704.2 defines four items. This proposed change to § 704.2 clarifies certain definitions and adds several others.

Section 704.2(d) of the existing regulation permits two different computations of "average daily assets" for the purpose of calculating the corporate reserve transfer, either the daily average of assets calculated on the basis of assets at the beginning and end of the period or on assets at the close of each day of the period. The NCUA Board recognizes that these two calculations can produce results that vary widely and that the latter calculation produces the most accurate determination of "average daily assets". The former method was permitted, however, because some corporate credit unions did not have access to the average daily assets at the close of each day of the period. These figures are now universally available through corporate credit unions' data processing system, therefore, the proposed regulation, in § 704.2(a), permits only the second and more accurate computation.

The proposed regulation adds a definition of "capital" in § 704.2(b). The definition of "capital" has been expanded to include membership capital share deposit (MCSD) accounts in addition to corporate reserve and undivided earnings accounts. Many corporate credit unions have expressed a desire to include MCSD accounts along with undivided earnings for purposes of computing the limitation on fixed assets, investments in, or loans to CUSOs, and corporate reserves. The NCUA Board supports the concept of including MCSD accounts as part of "capital" provided that these accounts contain the characteristics attributable to "capital". For example, MCSD accounts must be permanent, subordinated to other share accounts and not be subject to share insurance coverage. The definition of MCSD accounts in proposed § 704.2(f) includes these provisions.

This proposal restates the definition for a "Credit Union Service Organization" (CUSO) in § 704.2(c). This definition, taken from § 701.27, has applied to corporate credit unions since that section of the regulations was adopted, but is now specifically included in part 704. No change in application or definition of CUSO is intended through this change.

A corporate federal credit union is defined in § 704.2(a) and a federally insured state-chartered corporate credit union in § 704.2(b) of the existing regulation. These were combined in § 704.2(d) of the proposed regulation into a consolidated definition of a "corporate credit union". Proposed § 704.2(d)(2) remains the same as § 704.2(a)(1) of the original regulation. Proposed § 704.2(d)(1) clarifies that a "corporate credit union" is a depository financial institution chartered or licensed under state or federal law to operate as a credit union. Proposed § 704.2(d)(3) further specifies that a "corporate credit union" shall have a voting membership of not less than 95 percent of which consists of credit unions.

Corporate credit unions were established to serve other credit unions as opposed to natural persons. Accordingly, the NCUA Board believes that the power to elect officials or authorize actions affecting operations should rest with those members for whom corporate credit unions were primarily established to serve. The NCUA Board recognizes that some corporate credit unions may have members other than credit union members. For example, the officials of the "corporate credit union" may be members, however, these natural person members usually cannot obtain services or borrow funds from the "corporate credit union". Likewise, the state leagues and service organizations are often members. This proposal allows members such as these to vote, as long as their votes do not comprise more than 5 percent of the voting membership.

Section 704.2(c) of the existing regulation contains the definition of both "corporate reserves" and "undivided earnings". In this proposal, the definition of "corporate reserves" is in § 704.2(e) and "undivided earnings" in § 704.2(i). This is a clarification—no change is intended.

Section 704.2(f) of this proposal defines the term "membership capital share deposit" (MCSD) accounts. The definition of "MCSD" accounts was added to this proposed regulation to standardize the requirements for these accounts to allow them to be considered as part of capital for the purpose of this regulation. MCSD accounts must be established as permanent, and not be subject to share insurance coverage. MCSD accounts may be established, at a minimum, as 12-month notice accounts, which will give them a degree of permanence. Further, in the event of liquidation, they will be payable after satisfaction of all other claims against the liquidation estate, including claims of uninsured shareholders and the National Credit Union Share Insurance Fund (NCUSIF). MCSD accounts, when offered, shall be a requirement of membership in the corporate credit union and must remain on deposit as long as the credit union is a member. Accounts that do not meet all the requirements of MCSD accounts as stated in this section will not be considered a part of capital for part 704. Full and complete disclosure of the parameters and requirements of this account by the corporate credit union to member credit unions is essential. It is important to note that the NCUA Board is not requiring corporate credit unions to offer MCSD accounts, but is proposing minimum standards when such accounts are offered.

The definition of "net assets" has been added as § 704.2(g) to this proposal to differentiate between total assets, which include all assets listed on the statement of position of the corporate credit union, and "net assets", which exclude Central Liquidity Facility (CLF) stock subscriptions and member reverse repurchase transactions. CLF stock subscriptions and member reverse repurchase transactions are "pass-through" accounts and, as such, are excluded from assets for certain purposes because they have the effect of artificially inflating the balance sheet of the corporate credit union. For the purpose of "net assets", it is not the intention of the NCUA Board that the corporate credit union shall exclude their own securities, which they may also reverse, but only the securities that they repurchase and reverse on behalf of their member credit unions.

The definition of "non credit union member" was added as § 704.2(b) to this proposed regulation to differentiate between a credit union member of a corporate credit union, for which the corporate credit union was established to serve, and members who are not credit unions and, as such, usually have limited access to the services of the corporate credit union. "Non credit union members" may include natural persons, such as the members of the corporate credit union board of directors, or organizational members such as state leagues or service organizations.

Minor changes were made to the wording of the definition of "undivided earnings" in § 704.2(i) of this proposal for clarification. Undivided earnings is currently defined in § 704.2(c) of the existing regulation.

Section 704.3—Comprehensive Business Plan and Policies

The NCUA Board has not imposed diversification on investments in corporate credit unions and has given

corporate credit unions powers and authorities beyond those given to natural person credit unions. Accordingly, corporate credit unions are held accountable to higher standards than are natural person credit unions. This new section of the proposed regulation requires that officials adopt and implement a written comprehensive business plan (plan). The purpose of the plan is to provide safe and sound overall direction to the corporate credit union.

The NCUA Board expects the plan to cover every aspect of a corporate credit union's operation including, but not limited to investment; lending; asset/liability management; capital goals, objectives and strategies; services; borrowing; investment in fixed assets; and lending to and/or investment in CUSOs. The plan should include assumptions critical to the success of the corporate credit union. Written policies and procedures, which outline the goals, objectives and strategies for each area of the corporate credit union's operation, must be maintained to support the plan. Analyses of the investment, lending, borrowing and service areas will be required to determine their impact on the earnings and capital of the corporate credit union.

Internal controls must be incorporated into the plan to assist corporate credit unions in order to safeguard the assets; enhance the accuracy of records and ensure compliance with applicable laws, regulations, policies and procedures; and evaluate the efficiency of the operation. Training and cross-training of staff is essential to ensure that all functions of the operation can be performed without delay or interruption. The internal controls should cover all major areas of the operation including, but not limited to, EDP, funds transfers, disaster contingency planning, investment, lending, borrowing and services. The internal controls shall include, at a minimum, a budgetary process; recordkeeping procedures; a system of physical security; an organization chart and job descriptions; and appropriate segregation of duties.

To keep the plan current and viable, officials are expected to review and update the plan and supporting policies in writing at least annually or when a material change in the operation of the corporate credit union is instituted. Such a material change may include addition of a new service or investment vehicle, change in the investment strategy, purchase or lease of a fixed asset, or an investment in, or loan to a CUSO.

The plan will be reviewed by the corporate examiners at each examination contact for comprehensiveness of the scope of the plan, thorough development of the policies and procedures supporting each area of the corporate credit union's operation, proper analysis of the underlying assumptions used to develop the plan, and institution of adequate internal controls and safeguards. Management will be held responsible for making decisions within the parameters established by the plan.

Section 704.4—Asset/Liability Management

In corporate credit unions, most uses of funds (investments, loans) are short-term and matched with like-term sources of funds (share deposits, share certificates). As a financial intermediary and liquidity provider, it is essential that corporate credit unions position themselves to be able to meet the liquidity needs, which can change on a daily basis, in addition to maintaining positive spreads to return a profit to members. This requires a high degree of matching, by amount and maturity, of sources and uses of funds. When variable rate investment instruments are involved, consideration of both repricing date and maturity date of the instruments is necessary. The officials may, at times, create a temporary mismatch to take advantage of market opportunities.

The Standards and Guidelines, which have been voluntarily adopted by the corporate credit unions, establishes the maximum amounts and lengths of mismatch allowable for various timeframes. While the Standards and Guidelines provide a good basic framework, the adequacy of capital, maturities and types of investment, lending requirements and services offered vary from one corporate credit union to another. Sound business practices, however, may require that the officials adopt more stringent parameters than those permitted by the Standards and Guidelines.

This proposed regulation requires the officials of each corporate credit union to formalize its funds management policies. Officials of corporate credit unions are expected to develop policies and procedures addressing how the sources and uses of funds will be matched, acceptable levels and parameters of allowable mismatches including the amount and length of time a mismatch may occur, and the circumstances that warrant creation of a mismatch. The commitment of funds for long-term investment or loans can result in serious mismatches, when these are funded with shorter term sources of funds. It is, therefore, important that the plan and supporting policies address, prior to implementation, the impact on funds management of introduction of a material new service, program, or investment strategy; purchase or lease of a material fixed asset; or material investment in, or loan to a CUSO.

Borrowing limitations, relative to the aggregate of all guaranteed lines of credit to members, must be addressed in asset/liability management policies to assure that the corporate credit union has the ability to fund those guaranteed lines of credit in times of limited liquidity. For corporate credit unions that have committed lines of credit to member credit unions, the allocation process and possible insufficiency of funds, in the event of tight liquidity, should be clarified in the funds management policies.

Finally, this proposed regulation requires that management prepare a monthly report, which shows the degree of mismatch between the sources and uses of funds for the various timeframes. The degree of compliance with the established funds management policies should be evident from a review of the report.

Section 704.5—Capital Goals, Objectives and Strategies

Capital is built in corporate credit unions, as in other financial institutions, primarily to offset losses, both anticipated and unforeseen. Capital, in credit unions, is accumulated from earnings retained in the credit union. This proposed section of the regulation allows corporate credit unions to add MCSD accounts to reserves and undivided earnings for the purpose of determining capital. In addition to providing a cushion for losses, capital provides a base for future growth and assists corporate credit unions in meeting competitive pressures as they arise.

Determination of how much capital is enough is not an easy process. In many ways, the risks taken by corporate credit unions are relatively low. The existing regulation and the Standards and Guidelines address permissible investments for corporate credit unions in a conservative manner. Further, loans made by corporate credit unions to members are mostly secured by the assets of those credit unions. Risks associated with the basic lending, investment and borrowing authorities are addressed by regulation and are viewed as relatively low and controlled. However, corporate credit unions can, and many do, offer services such as item processing that can negatively impact their bottom line for relatively long periods of time during the start-up

phase. Risks associated with these diverse services are real and largely unmeasurable in a conventional manner. Additionally, any dealings with the financial marketplace involve some degree of risk. Lending has been greatly limited in recent years because of dampened loan demand, but this too could change rapidly, beyond the short-term ability of corporate credit unions to generate adequate loss reserves. It is for these reasons that § 704.5(a) proposes that corporate credit unions must maintain written goals, objectives and strategies for the purpose of building capital.

Corporate credit union assets are in a state of constant fluctuation. It is important for the officials to develop capital goals and strategies to meet this dynamic environment. Since capital in corporate credit unions is built slowly over time, capital goals are often long or intermediate term. Short-term goals are developed to measure performance of corporate credit unions in meeting their intermediate and long-term goals. Strategies for building capital are expected to include establishment of earnings goals and implementation of a budgetary process.

Protection of the corporate credit union's capital is part of the fiduciary responsibility of the officials. As such, the implementation of a new investment or service requires planning and analysis. Performance of a cost/benefit study is essential to determine the impact on earnings and the capital position prior to implementing a major new service or program, introducing a material new investment vehicle or strategy, purchasing or leasing a material fixed asset, or investing in, or loaning a material amount to a CUSO. Section 704.5(b) of the proposed regulation requires the performance of an impact study as discussed above.

Finally, § 704.5(c) of the proposed rule requires the inclusion of a formal monitoring system by which the officials are able to review and assess the capital position of the corporate credit union and will enable them to adjust their capital and earnings strategies as environmental conditions change.

Section 704.6—Investment

The existing regulation is silent on investment for corporate federal credit unions, thus, corporate federal credit unions presently are accorded the same investment powers as natural person federal credit unions. Recognizing the different purposes and functions of a corporate credit union, the NCUA Board is proposing, in § 704.6, to expand the investment authority of federal corporate credit unions to allow them to take advantage of a greater diversity of investment opportunities.

This expanded investment authority requires formal accountability, through written investment goals, objectives, strategies and procedures for a safe and sound investment portfolio. Written investment policies that support the comprehensive business plan shall include, at a minimum, risk diversification relative to the capital position of the corporate credit union; funds management strategies, including acceptable degrees of mismatches between the investments and the sources of those funds; approved investment issues, credit limits and credit ratings, including procedures to be implemented in the event that the investment ratings are downgraded; approved list of permissible institutions; approved list of broker/dealers; approved investment instruments and the limits on each; authorization of and limitations on persons/committees making the investments; and procedures to review and reassess the quality of the investment portfolio. This review procedure may include, for example, preparation of a monthly investment report which includes a list of current investments, current investment ratings, current market values and the degree of mismatch for various timeframes;

Prior to this proposed regulation, corporate credit unions could invest in CUSOs in an amount up to 1 percent of assets, the same limitation as for natural person credit unions. Corporate credit unions, however, have a more volatile asset base. Thus, it is reasonable that the investment in CUSO be tied to the more stable capital base. Section 704.6(b)(1) proposes to limit the aggregate investment in CUSOs to not more than 15 percent of the corporate credit union's capital.

Prior to this proposed regulation, corporate credit unions could invest only in investments specified by sections 107(7), (8) and (15) of the Federal Credit Union Act, which are further expanded upon in part 703 of the NCUA Rules and Regulations.

Creditworthiness of financial institutions was not an issue when part 704 was initially proposed. As recent trends indicate, the safety of financial institutions is now of paramount concern. Federal corporate credit unions, at times, have experienced difficulty finding a sufficient number of institutions that were permissible by the regulation and that had high credit ratings required by their investment policies. At the same time, many highly rated investments are not currently available as permissible investments to federal corporate credit unions. Federally insured state-chartered corporate credit unions face similar problems, because they are currently required, under the existing NCUA Rules and Regulations, § 741.9(a)(3), to reserve the difference between book and market values of nonconforming investments. In instances where there was no determinable market value, such as term federal funds in leading international banks which did not conform to section 107(8), the corporate credit union was required to reserve the entire amount of the investment. This situation has placed a tremendous strain on corporate credit unions by forcing investments into less-safe institutions. In addition, there has been no yield differential to offset the increased risk of these conforming investments.

This proposed regulation, § 704.6(b)(2)(ii)–(vi), has expanded the permissible investment vehicles available to federal corporate credit unions. The proposal shifts the emphasis from the insured or guaranteed status of the institution or instrument and places it instead on liquidity, diversification and credit quality of the investment. Federal corporate credit unions are provided a larger variety of investment opportunities, including:

- State banks not domiciled in the state where the corporate credit union does business;
- Large highly rated foreign banks in stable countries;
- Highly rated debt obligations of U.S. Bank holding companies and other U.S. chartered corporations; and
- Highly rated asset-backed securities.

In addition, the proposed rule provides for authority for additional investments that are appropriate for some corporate credit unions that have need for more sophisticated investments. Investments such as these may be permissible provided an individual corporate credit union has applied to and obtained permission from the NCUA Board for specific written investment authority. These cases will be reviewed on a case-by-case basis. Corporate credit unions applying for such authority are expected to be able to demonstrate the need for such investments and have well-trained staffs that are able to sufficiently analyze these investments.

In return for this additional investment authority, the NCUA Board intends to limit investments permitted for corporate credit unions to highly rated instruments. Investments that are downgraded to a minimum rating specified by this regulation may be held, but investments that are further downgraded must be divested, unless a

written request has been made and permission granted from the regional director to hold such investments. It is intended that this procedure would be used only when the downgraded investment has a short remaining maturity and the possibility for further downgrade prior to maturity is remote. Responsibility for maintaining high creditworthiness in the investment portfolio rests with the officials of the corporate credit union.

This proposed regulation requires the use of a rating agency, which rates the corporate credit union's investment in foreign banks, debt obligations of U.S. Bank holding companies and other U.S. chartered corporations and asset-backed securities. Nationally recognized rating agencies, such as Standard and Poor's, Moodys, Fitch, Thompson Bankwatch, Duff and Phelps and International Bank Credit Association (IBCA) are examples of such agencies. It will be necessary for corporate credit unions, which invest in these investments, to subscribe to at least one such service to assure proper monitoring of the credit quality of the investments. It is possible that the ratings may differ slightly from one rating service to another and that downgrades may lag in one rating service versus another. When an investment is downgraded below the minimum allowable by the regulation, the corporate credit union will be expected to immediately divest itself of the investment or to apply for and obtain approval from the NCUA regional office for permission to hold the investment.

Section 704.7—Lending

The existing regulation is silent on lending by corporate credit unions. As a result, corporate credit unions have the same general lending powers and limitations as natural person credit unions, except that § 701.21(h) addressing member business loans does not apply to corporate credit unions. This proposed section recognizes the differences between the limitations appropriate for natural person and corporate credit unions, as well as the need for written loan policies and procedures, which support the comprehensive business plan, specifically for loan types made by corporate credit unions.

Loans made by corporate credit unions to their members and to other corporate credit unions are actually commercial type loans. As such, the quality of the corporate credit union's loan portfolio is highly dependent upon the financial condition and cash flow of the borrowers. Since the financial trends of those borrowing credit unions can change rapidly, it is important that the lending corporate credit unions collect and promptly analyze the borrowers' financial data, management reports, and, when necessary, its outside audit reports. Further, corporate credit unions are authorized to grant loans and establish lines of credit to borrowers in an amount appropriate with their ability to repay the loan.

Although loan demand in corporate credit unions has been low for the past several years, there have been instances, in the not too distant past, when loan demand was very high and the corporate credit unions' primary function was that of liquidity facilities. It is important that lending policies and procedures are maintained current, to assure that necessary precautions are in place should loan demand suddenly increase. Written loan policies are necessary to establish lending parameters, in addition to controls and monitoring procedures of the loan portfolio. The NCUA Board expects that such policies should include loan types and limits which relate to principles of sound loan portfolio management; documentation for each loan and line of credit; acceptable types of security; how and under what conditions a security interest in the collateral will be perfected; analysis of financial and operational data including the conditions under which a review of the borrower's annual audit will be performed; monitoring standards; and procedures to periodically review and reassess the credit quality of the borrower.

Section 704.7(b)(1) proposes establishment of a maximum aggregate limit on loans and approved lines of credit to a single credit union borrower, excluding loans from the CLF and member repurchase transactions. Corporate credit unions serve as the primary liquidity provider for many of their member credit unions. Member credit unions must be able to plan to borrow an agreed upon amount in the effort to prepare for a variety of possible economic conditions. To meet the borrowing need of member credit unions, corporate credit unions require flexible lending limits. Basing the lending limits of corporate credit unions only on unimpaired shares and deposits plus capital may not accommodate the needs of member credit unions in times of tight liquidity, when the shares of a corporate credit union can shrink considerably. To allow corporate credit unions to establish loan or line of credit limits regardless of the fluctuations in the corporates' share bases, the maximum loan or approved line of credit limit to a single credit union borrower, excluding loans from the CLF and member repurchase transactions, is defined in two ways: the greater of the corporate credit union's capital or 10 percent of the corporate credit union's paid-in and unimpaired shares and deposits plus capital.

Section 704.7(b)(2) proposal clarifies that loans and lines of credit to non credit union members, other than CUSOs, are limited to the amount of their shareholdings in the corporate credit union, unless individual specific authority is obtained from the NCUA regional director. This limitation was formerly stated in the NCUA Corporate Federal Credit Union Bylaws. This is consistent with existing policy in this area.

Section 704.7(b)(3) of the proposed regulation recommends that the limitation on loans to CUSOs be revised. Existing rules provide that corporate credit unions may make a loan to a CUSO in an amount up to 1 percent of assets, the same limitation as for natural person credit unions. Because of the more volatile base of assets in corporate credit unions, this regulation proposes that a loan to a CUSO be limited to not more than 15 percent of capital.

Finally, prepayment penalties, presently addressed in § 704.7, is now addressed in proposed § 704.7(c). No change is intended to this provision.

Section 704.8—Borrowing

Existing part 704 is silent on the issue of borrowing. Accordingly, federal corporate credit unions are limited to the same borrowing restrictions as natural person credit unions; the aggregate of which is not to exceed 50 percent of its paid-in capital and surplus, as specified by section 107(9) of the Federal Credit Union Act. The NCUA Board considers this limitation unduly restrictive for corporate credit unions. Inasmuch as one of the primary purposes of a corporate credit union is to serve as a liquidity facility for its member credit unions, it is clearly possible that additional borrowing authority may be required to meet these responsibilities.

Lenders have determined lending limits based upon the corporate credit union's ability to repay, as determined by an analysis of the financial and operational conditions of the institution. Lenders bear the risk of default, which is also a consideration in setting the lending limit. For this reason, the NCUA Board has not established procedures for setting such a limit in this regulation, but instead will allow the marketplace,

through the lenders, to determine appropriate borrowing limits.

Section 704.9—Services

The services permitted by this section of the proposal are the same as those permitted by § 704.6 of the existing regulation. This section clarifies that it does not provide authority for state-chartered corporate credit unions, when such services are prohibited by state law. The proposed regulation further requires that all agreements and contracts with vendors, other providers of services including other corporate or natural person credit unions, and users of the services be reduced to writing. The NCUA Board expects that all such agreements shall be updated periodically, in accordance with sound business practices.

Section 704.10—Fixed Assets

Revisions to this section were proposed at the March 20, 1990, NCUA Board meeting and comments were requested and received during the period following. (See 55 FR 11608, 3/29/90.) The present limitation in aggregate fixed assets is 5 percent of shares and retained earnings prior to requesting regulatory approval. The proposed threshold limitation for seeking regulatory approval for the aggregate investment in fixed assets by corporate credit unions was 10 percent of reserves and undivided earnings. Many commenters stated that corporate credit unions had been able to grow and provide increasingly complex services in part, because they had been able to invest in fixed assets to the extent that they needed. Many commenters indicated that if corporate credit unions are unable to invest in fixed assets, future growth and the ability to provide services may be stifled. Many suggested that membership capital share deposit (MCSD) accounts be included with the reserves and undivided earnings in the base for determination of the limit. Final action was not taken on this proposal.

The NCUA Board agrees that corporate credit unions need sufficient latitude in this area to acquire the fixed assets necessary to provide quality services to members, however, the balance sheet structure of corporate credit unions is so fundamentally different from that of natural person credit unions that the present regulatory limit is inordinately high. In light of those requirements, the NCUA Board has revised the proposed threshold limit for investment in fixed assets without prior approval from the regional director to 15 percent of capital. Capital is defined to include the total of MCSD accounts plus reserves and undivided earnings. Minimum requirements for MCSD accounts are discussed in § 704.2(f) of this proposal. Corporate credit unions shall submit requests for approval of investment in fixed assets above the 15 percent limitation to the NCUA regional office having jurisdiction over the geographical area in which the corporate credit union is located. If the corporate credit union does not receive notification of the action taken on its request within 45 days of the date the request was received by the regional office, it may proceed with the proposed investment.

Section 704.11—Corporate Reserves

Corporate reserves are established and maintained by corporate credit unions to provide a cushion against loan losses and losses on investments caused by factors other than trading or market fluctuations. While there is general agreement that reserves are necessary and important in a corporate credit union, as they are in other financial institutions, the determination of an appropriate level of reserves and the method by which these reserves are accumulated are controversial topics. Reserves must be accumulated at a rate sufficient to provide an adequate cushion of protection against existing and potential risk of loss.

Corporate reserves, addressed in § 704.3 of the existing regulation, are accumulated through a two-tier system: .15 percent of average daily assets must be transferred to corporate reserves until reserves and undivided earnings equal 2 percent of net assets, then .10 percent until reserves and undivided earnings equal 4 percent of net assets.

The NCUA Board is desirous of a reserving process which is less arbitrary and more related to the risks present in the system. The banking industry has agreed to an international reserving system commonly known as the BASLE Accord. The NCUA Board agrees that a risk-based reserving system is desirable and agrees with many concepts of the BASLE Accord, however, corporate credit unions are fundamentally different from banks and, as such, the BASLE Accord cannot be applied literally to corporate credit unions. The NCUA Board is soliciting comments, including specific recommendations for a meaningful risk-based reserve system, through this proposed regulation.

As in the present regulation, this proposal requires that corporate credit unions provide reserves necessary for full and fair disclosure as specified in § 702.3. This includes both an Allowance for Loan Losses account and an Allowance for Investment Losses account, if necessary to fairly reflect the financial condition of the corporate credit union in accordance with Generally Accepted Accounting Principles (GAAP). Section 704.3(c) of the existing regulation has been dropped. This section specifies that charges may be made to the corporate reserve account for loan losses and for certain investment losses, which is not in accordance with GAAP. GAAP requires that charges for loan and investment losses not be made directly to the corporate reserve account, but instead be charged to appropriate allowance accounts.

The reserve accumulation requirement in this proposed regulation is a four-tiered system. Each of the first three tiers will be accomplished in the order they appear in the regulation. That is, the requirements of § 704.11(a) will be completed before the corporate credit union addresses those of § 704.11(b), and the requirements of § 704.11(b) will be completed before those of § 704.11(c). Provisions of § 704.11(d), however, will be required in addition to those of the other three sections whenever the corporate credit union offers services to its members other than investment, lending and cash delivery.

The first tier requires a transfer of .20 percent of the corporate credit union's average daily assets for the transfer period times the number of days in the transfer period divided by 365 until the total of reserves and undivided earnings is 1 percent of net assets.

Once the corporate credit union's reserves and undivided earnings equal 1 percent of net assets, proposed § 704.11(b) requires a transfer of .15 percent of the average daily assets for the transfer period times the number of days in the transfer period divided by 365 until the earnings from the reserves and undivided earnings plus fee income are equal to the total of operating expenses and required reserve transfers. Each corporate credit union is expected to determine the rate of earnings based on conservative, reasonable and supportable assumptions. The intention of this section is to achieve a level of reserves, which will produce sufficient earnings that will allow the corporate credit union to be a fully pass-through institution. In other words, at this level of reserves, earnings from investments could be passed directly on to members. As long as operating expenses are covered, fluctuations in the deposit and asset bases will not adversely impact the operation of the corporate credit union.

After the corporate credit union has built reserves and undivided earnings sufficient to meet the tier two

requirement, proposed § 704.11(c) specifies that it shall set aside .10 percent times the average daily assets for the transfer period times the number of days in the period divided by 365 until capital is equal to 6 percent of the corporate credit union's net assets.

Finally, the NCUA Board is concerned that corporate credit unions which offer services, other than basic loan, investment and cash delivery activities, be sufficiently capitalized to cover the potential for operating losses caused by such services. Accordingly, for such services in existence over 2 years, proposed § 704.11(d) stipulates that corporate credit unions shall be able to set aside sufficient earnings to cover operating losses. This requirement is structured such that those nonbasic services, in aggregate, must be capable of generating at least a breakeven level or, sufficient excess net income from basic services must be available to cover aggregate operating losses.

Section 704.12—Representation

Proposed § 704.12(a) requires that at least three members of the corporate credit union board must be individuals who are independent of any other organization (excluding credit unions) with which the corporate credit union is associated. Since proposed § 704.12(c) permits the remaining directors, who have not been disqualified due to interest in a particular action being acted upon by the corporate credit union board, to exercise all the powers of the board, the NCUA Board believes that three independent directors provide the minimum number of directors for meaningful deliberation and determination of matters affecting the corporate credit union.

Section 704.4 of the existing regulation addresses organizational members' appointment of representatives to the corporate credit union, as well as the powers of and restrictions on such representatives. This is addressed in § 704.12(b) of the proposed regulation. The issue of representation has been clarified and expanded in this proposal.

Proposed § 704.12(c) is a restatement of section 2 of Article XV of the Corporate Federal Credit Union Bylaws. This section requires that any director, committee member, officer, agent or employee of the corporate credit union disqualify himself/herself from participating in any manner in the deliberation on or determination of any question affecting his/her pecuniary interest or the pecuniary interest of any corporation, partnership or association (other than the corporate credit union) in which he/she is directly or indirectly interested.

The proposal addresses situations where the corporate credit union has interlocking boards of directors with other corporations, partnerships or associations. Although such interlocks may provide benefits in providing services to member credit unions, the NCUA Board is concerned that such interlocks may give the appearance of a conflict of interest. The fact that an individual is an official of an organization is deemed sufficient to consider that the individual has a direct or indirect interest in that organization. Compensation from that organization is not required. For example, a director of a corporate credit union, who is also a director of a state league, would be prohibited by this proposal from participating in the corporate credit union board's deliberation or decision on matters or transactions involving the league or its subsidiaries or affiliates.

The NCUA Board does not intend that an interlocking director may not participate in decisions that are of a general policy nature because such decisions may affect the organization. Decisions that apply to the membership in general, dividend rates or loan policies for example, are not the type of items that are intended to require disqualification. The proposed regulation is directed to those situations where the corporate credit union board is considering a matter that involves a particular director or organization, e.g., whether to enter into a leasing agreement with the organization. It would also apply if the board were considering as a "general" policy, a matter for which, because of its terms and conditions, only the interlocking director or his/her organization would be eligible. The NCUA Board intends this section to preclude an official from taking part in actions which would represent a true conflict of interest in a meaningful sense pertaining to the official's organization. In a larger sense, the NCUA Board believes that corporate credit unions should also consider recusal in circumstances which may only appear to create a conflict of interest. A corporate credit union director need not be a director of an organization for this rule to apply. This section is also intended to apply where an individual serves in any official or managerial capacity or otherwise acts as an employee or agent of that organization.

Proposed § 704.12(c) further states that "in the event of the disqualification of any director respecting any matter presented to the board for deliberation or determination and, in such event, the remaining qualified directors present at the meeting, if constituting a quorum with the disqualified director or directors, may exercise with respect to this matter, by majority vote, all the powers of the board". Accordingly, a director, or other representative, of another organization may be present at a meeting for the purpose of establishing a quorum; however, once established, the director would then have to leave the meeting when matters involving this organization are brought up. This section permits the remaining directors to exercise all the powers of the board.

Section 704.13—Annual Audit

Section 704.13(a) of the proposed regulation, applies the requirement for an annual CPA opinion audit to all federally insured corporate credit unions. Section 704.5(a) of the existing regulation applies only to corporate federal credit unions.

Proposed § 704.13(b) has been added to the regulation to require that copies of the CPA's audit workpapers be made available for review by the examiner during the examination. There have been times, in the past, where the examiners have had difficulty reviewing the audit workpapers. Another problem encountered at times by examiners is the inability to review the audit workpapers in a timely enough manner to make use of the information during the examination. These problems can unduly delay the examination process and result in additional expense. Often the information noted in the CPA's workpapers is information that would aid the examiner during the examination, including information concerning out-of-balance accounts and internal control weaknesses.

While the scope of the audit and that of the examination overlap to some extent, the purposes of each are unique to their respective functions. The auditor reviews the work of the examiner and vice versa to determine the depth of the reviews of various areas, the extent of the problems uncovered, and the corrections made by the corporate credit union in response to any recommendations made. It is, therefore, the responsibility of the corporate credit union to ensure that all necessary workpapers be available for review by the examiner in a timely manner.

Section 704.13(c) of the proposed regulation is essentially the same as § 704.5(b) of the existing rule except the proposal requires that copies of both the audit report and management letter be sent to the NCUA regional office. The existing rule only required submission of the audit report. The management letter often contains pertinent information not contained in the audit report that, while

such information may not require a change in the audit opinion, it often adds valuable information that could provide NCUA with additional information concerning existing or potential weaknesses.

Section 704.14—Contracts/Written Agreements

This section, addressing the need for written contracts spelling out duties and responsibilities of each party for all services, facilities and equipment that the corporate credit union shares with other parties, has been added to the proposed regulation. This proposed section also specifies that the allocation of service fees and expenses be fully supported and documented. Some corporate credit unions have maintained these arrangements with other organizations on an informal basis, often the league or service organizations. Sound business practices dictate the need for formalizing agreements involving the sharing of services, facilities and equipment in order to fix responsibility in the event of a dispute, limit the liability of the corporate credit union, and offset actual as well as the appearance of a conflict of interest between two parties. The allocation and documentation of service fees and expenses will require that cost/benefit analyses of the services provided by the corporate credit union be performed. This is intended to specify the rights, responsibilities and costs and benefits to be derived by each party to the agreement.

Section 704.15—State-Chartered Corporate Credit Unions

This section was added to the proposal to clarify the position of the NCUA Board regarding situations when the powers and authorities provided by this regulation differ from the powers and authorities provided to a state-chartered corporate credit union by the laws of the state in which it was chartered. It is not the intent of the NCUA Board that this regulation should expand the powers and authorities of a state-chartered corporate credit union beyond that which is provided by state law. It is, however, intended that when the state law is silent, or is less restrictive with respect to some or all of the powers and authorities described in this proposal, those powers and authorities provided by this regulation shall prevail.

Section 704.16—Effective Date

This proposed section describes the implementation process for this regulation. The NCUA Board believes that 180 days is ample time for most corporate credit unions to comply with this regulation and expects that a good faith effort will be made by all corporate credit unions to fully comply with all parts of the regulation. It is possible, however, that some corporate credit unions may have difficulty in meeting some of the requirements of this regulation by the effective date. This section sets forth a process by which a temporary waiver may be obtained from the regional director for situations where a corporate credit union is unable to be in compliance with some or all of the regulation by the effective date. For example, investments maturing after the effective date and not meeting the requirements of this proposed regulation may require a temporary waiver. Depending on the individual circumstances, a regional director may require that a special reserve be set up before approving such a waiver.

Section 741.9(a)(3)—Special Reserve for Nonconforming Investments

Situations where the investments made by state-chartered corporate credit unions are permissible by state law, but do not meet the requirements and limitations of § 704.6 are addressed separately in a proposed change to § 741.9(a)(3). The NCUA Board, in § 704.6, has granted corporate credit unions additional investment powers and authority. Therefore, the NCUA Board proposes to eliminate the provision in § 741.9(a)(3), which calls for establishing a special reserve for nonconforming investments for corporate credit unions. The NCUA Board believes that, under the proposed § 704.6, corporate credit unions have been granted sufficient latitude in the area of investment to make a variety of safe investments and that additional authority may result in corporate credit unions taking on more risk in the investment portfolios, which may compromise the safety and soundness of the operation. The required credit quality, diversification and matching of sources and uses of funds in the proposed part 704 limit the potential losses in the investment portfolio.

Section 741.9(b) (3)—Financial Condition and Policies

The existing regulation specifies that investment policies, which are permitted by the Federal Credit Union Act, part 703 of the NCUA Rules and Regulations and the laws of the state in which federally insured state-chartered credit unions operate, are to be considered in determining the safety and soundness of the financial condition. As discussed above, with the expanded investment powers proposed for corporate credit unions, the NCUA Board proposes that only those investments permitted by the Federal Credit Union Act and parts 703 and 704 of the NCUA Rules and Regulations shall be permissible investments for federally insured state-chartered corporate credit unions.

Regulatory Procedures

Regulatory Flexibility Act

The NCUA Board certifies that the proposed rule, if made final, will not have a significant impact on a substantial number of small credit unions because the rule applies only to the federally insured corporate credit union, which number 31 nationally. All corporate credit unions have assets in excess of $1 million. Accordingly, the NCUA Board has determined that a Regulatory Flexibility Analysis is not required.

Paperwork Reduction Act

This proposed rule contains a requirement for the collection of additional information and a maintenance of documentation by a federally insured corporate credit union. The proposed regulation requires that each corporate credit union maintain a written comprehensive business plan, written policies, goals and objectives to support the comprehensive business plan, monthly monitoring reports, and that federally insured state-chartered corporate credit unions obtain a CPA audit. Written investment and funds management policies, CPA audits and several monitoring reports are now required by the Corporate Credit Union Network Standards and Guidelines, by which the corporate credit unions voluntarily regulate themselves. Other requirements, such as loan policies, are being done under standard business practices. Several of the reports that will be required by this regulation will not add significantly to the paperwork burden, since they are currently being prepared by corporate credit unions.

Prior to submitting a final rule, the paperwork requirements will be submitted to the Office of Management and Budget for review under the Paperwork Reduction Act. Written comments on these requirements should be forwarded directly to the OMB Desk Officer at the following address: OMB Reports Management Branch, New Executive Office Building, room 3208, Washington, DC 20530, *Attn:* Jerry Waxman.

Executive Order 12612

Executive Order 12612 requires NCUA to consider the effect of its actions on state interest. It states that: "Federal

action limiting the policy-making discretion of the states should be taken only where constitutional authority for the action is clear and certain, and the national activity is necessitated by the presence of a problem of national scope." The issue of corporate credit unions and their risks to federally insured credit unions are concerns of national scope. In order to enable NCUA and the NCUSIF to have an operable mechanism in place to ensure the safety and soundness of federally insured credit unions, this regulation is proposed. This regulation will apply to all federally insured corporate credit unions. The NCUA Board believes that the protection of the National Credit Union Share Insurance Fund warrants these new restrictions and that the increased restrictions in the proposed amendments will not unduly burden federally insured state-chartered corporate credit unions. This proposed rule does not impose additional costs or burdens on the states, nor does it affect the state's ability to discharge traditional state government functions. The benefits provided and protection afforded by the NCUSIF are the same for federally insured state-chartered corporate credit unions as for federally chartered corporate credit unions. It is protection afforded through a federal system. The responsibility for administering that system lies with the NCUA Board. The NCUA Board believes that all federally insured corporate credit unions should be subject to the same requirements. The NCUA Board, pursuant to Executive Order 12612, has determined that this rule may have an occasional direct effect on the states, on the relationship between the national government and the states, or on the distribution of power and responsibilities among the various levels of government. Further, the proposed amendments may supersede provisions of state law or regulation concerning federally insured state-chartered corporate credit unions which do not substantially meet the requirements of part 704.

List of Subjects

12 CFR Part 704

Corporate Credit Unions.

12 CFR Part 741

Corporate Credit Unions and the Special Reserve for Nonconforming Investments.

By the National Credit Union Administration Board on March 13, 1991.

Becky Baker,

Secretary of the Board.

Accordingly, NCUA proposes to amend title 12 of the Code of Federal Regulations as follows:

1. Part 704 is revised as follows:

Sec.

704.1 Scope.
704.2 Definitions.
704.3 Comprehensive business plan and policies.
704.4 Asset/liability management.
704.5 Capital goals, objectives and strategies.
704.6 Investment.
704.7 Lending.
704.8 Borrowing.
704.9 Services.
704.10 Fixed assets.
704.11 Corporate reserves.
704.12 Representation.
704.13 Annual audit.
704.14 Contracts/written agreements.
704.15 State-chartered corporate credit unions.
704.16 Effective date.

Authority: 12 U.S.C. 1762, 1766(a), 1781 and 1789.

PART 704—CORPORATE CREDIT UNIONS

§ 704.1 Scope.

This part establishes special rules for all federally insured corporate credit unions and grants certain authorities to federal corporate credit unions. Except to the extent that they are inconsistent with this part, other provisions of NCUA's Rules and Regulations (12 CFR part 700 *et. seq.*) and the Federal Credit Union Act apply to federally chartered corporate credit unions and federally insured state-chartered corporate credit unions to the same extent that they apply to other federally chartered and federally insured state-chartered credit unions, respectively.

§ 704.2 Definitions.

Average daily assets means the daily average of net assets calculated on the basis of assets at the close of each day in the period.

Capital means the total of all corporate reserves (or regular or statutory reserves, as applicable), all undivided earnings and all MCSD accounts.

Credit union service organization (CUSO) means a service organization that exists primarily to meet the needs of its member credit unions. A CUSO is limited to:

(1) Business relating to the daily operations of the credit unions it serves, and

(2) Providing services associated with the routine operations of credit unions.

A corporate credit union is prohibited from utilizing CUSO authority to acquire control, directly or indirectly, of another financial institution, or to invest in shares, stocks or obligations of another financial institution, insurance company, trade association, liquidity facility, or similar organization. Except to the extent that they are inconsistent with § 704.6(b)(1), a corporate credit union investing in a CUSO shall adhere to the applicable provisions of § 701.27(c), 701.27(d), and 701.27(e) of the NCUA Rules and Regulations.

Corporate credit union means a financial institution that:

(1) Is a depository institution chartered or licensed under state or federal statute to operate as a credit union,

(2) Is operated primarily for the purpose of serving other credit unions, and

(3) Has a voting membership not less than 95 percent of which consists of credit unions.

Corporate reserves means regular or statutory reserves, as applicable, excluding all valuation allowances established to meet the full and fair disclosure requirements of § 702.3 of the NCUA Rules and Regulations.

Membership capital share deposit (MCSD) accounts means subordinated share accounts that:

(1) Are established, at a minimum, as 12-month notice accounts, subject to 704.2(f)(4) of this section;

(2) Are limited to members;

(3) Are not subject to share insurance coverage by the National Credit Union Share Insurance Fund (NCUSIF) or other deposit insurers whose claims are subrogated to the assets of the credit union; and

(4) In the event of liquidation, are payable only after satisfaction of all other claims against the liquidation estate, including claims of uninsured shareholders and the NCUSIF.

MCSD accounts, where offered, shall be maintained by member credit unions as a requirement of membership in a corporate credit union, and as such will remain on deposit in the corporate credit union for as long as the credit union is a member. In any event, the MCSD accounts shall not be repayable until notice that the credit union intends to withdraw from the corporate credit union except in the case of a depositor that is placed into liquidation, is purchased and assumed, or is merged. Corporate credit unions that issue MCSD accounts shall disclose, at least annually to their members, the

parameters under which such accounts are issued.

Net assets means total assets less CLF stock subscriptions and member reverse repurchase transactions.

Non credit union member means any member of a corporate credit union that is not a member credit union.

Undivided earnings means all forms of retained earnings, except corporate reserves (or regular or statutory reserves, as applicable), and valuation allowances established to meet the full and fair disclosure requirements of § 702.3 of the NCUA Rules and Regulations.

§ 704.3 Comprehensive business plan and policies.

The board of directors of a corporate credit union shall develop and adopt a written comprehensive business plan which provides safe and sound overall direction to the corporate credit union. The comprehensive business plan and supporting policies shall be reviewed and updated in writing at least annually.

§ 704.4 Asset/liability management.

(a) *General.* Corporate credit unions shall develop and implement comprehensive written funds management policies.

(b) *Monitoring.* Corporate credit unions shall prepare a monthly matching report showing the degree of mismatch between the sources and uses of funds for the various timeframes.

§ 704.5 Capital goals, objectives and strategies.

(a) *General.* Corporate credit unions shall adopt formal, written, goals (both long-term and short-term), objectives and strategies, including a budgetary process, for the building of capital.

(b) *Impact study.* Corporate credit unions shall perform a cost/benefit analysis and a study of the impact on the capital position of the corporate credit union, prior to implementing a new service or program, introducing a new investment instrument or strategy, purchasing or leasing a material fixed asset, or investing in, or lending to a CUSO.

(c) *Monitoring.* Management will establish monitoring standards and procedures to periodically review and reassess the capital position of the corporate credit union and will document the review.

§ 704.6 Investment.

(a) *Policies.* Written investment policies shall address, at a minimum:

(1) Risk diversification;

(2) Funds management strategies;

(3) Approved investment issuers, credit limits and credit ratings;

(4) Approved list of permissible institutions;

(5) Approved list of broker/dealers;

(6) Approved investment instruments and limits;

(7) Authorization of and limitations on persons/committees making investments; and

(8) Procedures to review and reassess the quality of the investment portfolio.

(b) *Limitations.* (1) Credit Union Service Organizations (CUSOs). Corporate credit unions shall not invest in credit union service organizations in an amount, the aggregate of which exceeds 15 percent of the corporate credit union's capital.

(2) Other Investments. Corporate credit unions shall be limited to the following additional investments:

(i) Investments authorized for federal credit unions by those provisions of section 107(7), 107(8) and 107(15) of the Federal Credit Union Act and section 703 of the NCUA Rules and Regulations, except where those sections conflict with § 704.6;

(ii) State banks not domiciled in the state in which the corporate credit union does business;

(iii) Foreign banks with the following provisions: (A) the investment shall be made in international banks, rated not lower than AA (or equivalent) by a nationally recognized rating service, whose assets equal at least $20 billion. Investments downgraded to an A rating (or equivalent) may be held by the corporate credit union. Investments downgraded below an A rating (or equivalent) shall be divested, except where the officials of the corporate credit union have applied to and obtained permission from the NCUA regional office to hold specific investments;

(B) The investment shall be in dollar-denominated investments;

(C) The country in which the investment is made shall be rated AAA (or equivalent) for political and economic stability. If the country rating is downgraded below AAA, the corporate credit union holding investments may apply to the NCUA regional office for permission to hold the investments; and

(D) Aggregate investments in any single foreign bank are limited to not more than 5 percent of the corporate credit union's net assets;

(iv) Debt obligations of U.S. Bank holding companies and other U.S. chartered corporations rated not lower than A–1 or P–1 (or equivalent) by a nationally recognized rating service for commercial paper and not lower than Aa3, AA– (or equivalent) for notes, bonds and debentures. Notes, bonds and debentures downgraded to an A rating (or equivalent) may be held by the corporate credit union. Notes, bonds and debentures downgraded below an A rating (or equivalent) shall be divested, except where the officials of the corporate credit union have applied to and obtained permission from the NCUA regional office to hold specific investments. The total investment in any single commercial paper issuer shall not exceed 5 percent of the corporate credit union's net assets. The aggregate investment in debt obligations of any single U.S. bank holding company or other U.S. chartered corporation, excluding investments in commercial paper, shall not exceed 5 percent of the corporate credit union's net assets;

(v) Asset-backed securities:

(A) Rated not lower than AAA (or equivalent) by a nationally recognized rating service,

(B) Limited to a maximum of 5 percent of the corporate credit union's net assets for any single issuer, and

(C) Having a weighted average life at the time of purchase not to exceed 5 years.

Asset-backed securities downgraded to an A rating (or equivalent) may be held by the corporate credit union. Asset-backed securities downgraded below an A rating (or equivalent) shall be divested, except where the officials of the corporate credit union have applied for and obtained approval from the NCUA regional office to hold specific investments; and

(vi) Additional investments provided an individual corporate credit union has applied to and obtained permission from the NCUA Board for specific written investment authority to invest in these additional investments.

§ 704.7 Lending.

(a) *Policies.* Written loan policies shall address, at a minimum:

(1) Loan types and limits;

(2) Documentation for each loan and line of credit;

(3) Security;

(4) Analysis of financial and operational data;

(5) Monitoring standards; and

(6) Review and reassessment of the credit quality of the borrower.

(b) *General.* A corporate credit union's loans shall be limited to members and other corporate credit unions. Each individual loan or line of credit limit will be determined after analyzing the financial and operational soundness of the applicant and the ability of the applicant to repay the loan.

(1) *Loans to credit union members.* The maximum aggregate amount in

loans and approved lines of credit to any one borrower, excluding loans from the CLF and member repurchase transactions, shall not exceed the corporate credit union's capital or 10 percent of the corporate credit union's paid-in and unimpaired shares and deposits plus capital, whichever is greater.

(2) *Loans to members that are not credit unions.* Loans and lines of credit to a member other than a member credit union or a credit union service organization shall not be in excess of its shareholdings in the corporate unless individual specific authority is obtained from the NCUA regional director.

(3) *Loans to credit union service organizations (CUSOs).* A corporate credit union's loans to credit union service organizations shall not exceed 15 percent of the corporate credit union's capital.

(c) *Prepayment penalties.* If provided for in the loan contract, a corporate credit union is authorized to assess prepayment penalties on loans made at fixed rates and for specified maturities to member credit unions or other organizations.

§ 704.8 Borrowing.

A corporate credit union may borrow in any amount from any source.

§704.9 Services.

A corporate credit union may provide to its members, services involving investments, liquidity management, payment systems and correspondent services, unless otherwise prohibited by the NCUA Board or, in the case of a state-chartered corporate credit union, prohibited by state law. The corporate will maintain written agreements with vendors, other providers and users of all services.

§ 704.10 Fixed assets.

(a) *General.* A corporate credit union's ownership in fixed assets shall be limited as described in § 701.36 of the NCUA Rules and Regulations except that §§ 701.36(c)(1)–(4) do not apply to corporate credit unions. Section 704.10 applies to corporate credit unions in lieu of §§ 701.36(c)(1)–(4).

(b) *Investment in fixed assets.* (1) No corporate credit union, without the prior written approval of the NCUA Board, shall invest in fixed assets causing the aggregate of all such investments to exceed 15 percent of capital.

(2) A corporate credit union shall submit such statements and reports as the NCUA regional director may require in support of any investment in fixed assets in excess of the limit specified in § 704.10(b)(1) above.

(3) Corporate credit unions shall submit their requests to exceed the limitation of § 704.10(b)(1) to the NCUA regional director having jurisdiction over the geographical area in which the corporate credit union's main office is located. The regional director shall inform the requesting corporate credit union, in writing, of the date the request was received. If the corporate credit union does not receive notification of the action taken on its request within 45 calendar days of the date the request was received by the regional office, the corporate credit union may proceed with its proposed investment in fixed assets. If the regional director determines that the proposal will not adversely affect the corporate credit union, the regional director will respond in writing and an aggregate dollar amount or percentage of total capital will be approved for investment in fixed assets.

§ 704.11 Corporate reserves.

Corporate credit unions must provide reserves necessary for full and fair disclosure as specified in § 702.3 of the NCUA Rules and Regulations. Additionally, at the end of each dividend cycle and prior to paying a dividend (or, at the option of the corporate credit union, on a monthly basis if dividends are paid more frequently than monthly), sums shall be set aside in a corporate reserve as follows:

(a) When the total of the corporate credit union's corporate reserve and undivided earnings is less than 1 percent of net assets, a corporate credit union shall set aside an amount equal to .0020 times the corporate credit union's average daily assets for the transfer period times the number of days in the period divided by 365; then

(b) The corporate credit union shall set aside an amount equal to .0015 times the corporate credit union's average daily assets for the transfer period times the number of days in the transfer period divided by 365 until the earnings from the reserves and undivided earnings plus fee income are equal to the corporate credit union's operating expenses and required reserve transfers; then

(c) The corporate credit union shall set aside an amount equal to .0010 times the corporate credit union's average daily assets for the transfer period times the number of days in the period divided by 365 until such time that the corporate credit union's capital shall equal 6 percent of the corporate credit union's net assets.

(d) In addition, when a corporate credit union offers services to its members other than investment, lending and cash delivery services, it shall set aside an additional reserve transfer whenever the net income derived from the investment in and/or assets of the service activity, which has been in existence for 2 years or longer, falls below breakeven after reserve transfer. The amount of the additional transfer shall be sufficient to bring the net income from the aggregate of all service activities to breakeven after reserve transfers.

§ 704.12 Representation.

(a) *Board representation.* The board shall be determined as stipulated in the corporate credit union bylaws, provided that at least three (3) members must be individuals who are independent of any other organization (excluding credit unions) with which the corporate credit union is associated.

(b) *Representatives of organizational members.* A member credit union or non credit union member of a corporate credit union may appoint one of its members or officials as a representative to the corporate credit union. The representative shall be empowered to attend membership meetings, to vote and to stand for election on behalf of the member. No individual may serve as the representative of more than one organizational member in the same corporate credit union.

(c) *Recusal provision.* No director, committee member, officer, agent or employee of this corporate credit union shall in any manner, directly or indirectly, participate in the deliberation upon or the determination of any question affecting his/her pecuniary interest or the pecuniary interest of any corporation, partnership, or association (other than this corporate credit union) in which he/she is directly or indirectly interested. In the event of the disqualification of any director, the disqualified director shall withdraw from such deliberation or determination and, in such event, the remaining qualified directors present at the meeting, if constituting a quorum with the disqualified director or directors, may exercise with respect to this matter, by majority vote, all the powers of the board. In the event of the disqualification of any member of the credit committee or the supervisory committee, the disqualified committee member shall withdraw from such deliberation or determination.

§ 704.13 Annual audit.

(a) The supervisory committee of a corporate credit union shall cause an annual opinion audit to be made by an independent, duly licensed CPA and

shall submit the audit report to the board of directors. A summary of the audit report shall be submitted to the membership at the next annual meeting;

(b) Copies of the CPA's audit workpapers shall be made available for review by the examiner during the examination; and

(c) A copy of the audit report and management letter shall be submitted to the appropriate regional office of NCUA within 30 days after receipt by the board of directors.

§ 704.14 Contracts/written agreements.

Services, facilities, personnel or equipment shared with any party shall be supported by written contract with the duties and responsibilities of each party specified and the allocation of service fee/expenses fully supported and documented.

§ 704.15 State-chartered corporate credit unions.

This part does not expand the powers and authorities of any state-chartered corporate credit union, beyond those powers and authorities provided under the laws of the state in which it was chartered.

§ 704.16 Effective date.

This regulation is effective beginning (180 days after date of adoption). Any corporate credit union that is unable to comply with this regulation by the effective date shall obtain a temporary waiver from the regional director. To obtain a waiver, the officials of the corporate credit union shall, at least 90 days before the effective date of this regulation, explain in writing the nature of and reasons for the noncompliance, state a target date by which the corporate credit union will be in compliance with the regulation, submit any and all information requested by the regional director necessary to make a decision concerning the waiver and request, in writing, that a waiver of this regulation be granted. The regional director will respond in writing within 45 days of receiving all requested information necessary to make a decision.

PART 741—REQUIREMENTS FOR INSURANCE

The authority citation for part 741 continues to read as follows:

Authority: 12 U.S.C. 1757, 1766, 1781 through 1790. Section 741.11 is also authorized by 31 U.S.C. 3717.

§ 741.9 [Amended]

2. Section 741.9 is amended by revising paragraphs (a)(3) and (b)(3) as follows:

* * * * *

(a)(3) Special reserve for nonconforming investments. State-chartered credit unions (except state-chartered corporate credit unions) are required to establish an additional special reserve for investments if those credit unions are permitted by their respective state laws to make investments beyond those authorized in the Federal Credit Union Act or the NCUA Rules and Regulations. State-chartered corporate credit unions are only permitted to make investments in conformance with the Federal Credit Union Act or the NCUA Rules and Regulations (see part 704).

* * * * *

(b)(3) Investment policies which are within the provisions of applicable law and regulations, i.e., the Act and part 703 of this chapter for federal credit unions and the laws of the state in which the credit union operates for state-chartered credit unions, except state-chartered corporate credit unions. State-chartered corporate credit unions are only permitted to make investments in conformance with the Federal Credit Union Act or the NCUA Rules and Regulations (see part 704).

* * * * *

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 91-NM-24-AD]

Airworthiness Directives; British Aerospace Model BAC 1-11 200 and 400 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This notice proposes to adopt a new airworthiness directive (AD), applicable to all British Aerospace Model BAC 1-11 200 and 400 series airplanes, which would require the implementation of a corrosion prevention and control program. This proposal is prompted by reports of recent incidents involving corrosion and fatigue cracking in transport category airplanes that are approaching or have exceeded their economic design goal. These incidents have jeopardized the airworthiness of the affected airplanes. These conditions, if not corrected, could result in a degradation in the structural capabilities of the affected airplanes.

DATES: Comments must be received no later than May 10, 1991.

ADDRESSES: Send comments on the proposal in duplicate to the Federal Aviation Administration, Northwest Mountain Region, Transport Airplane Directorate, ANM-103, Attention: Airworthiness Rules Docket No. 91-NM-24-AD, 1601 Lind Avenue SW., Renton, Washington 98055-4056. The applicable service information may be obtained from British Aerospace, PLC, Librarian for Service Bulletins, P.O. Box 17414, Dulles International Airport, Washington, DC 20041. This information may be examined at the FAA, Northwest Mountain Region, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington.

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

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

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

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this Notice must submit a self-addressed, stamped post card on which the following statement is made: "Comments to Docket Number 91-NM-24-AD." The

post card will be date/time stamped and returned to the commenter.

Discussion

In April 1988, a high-cycle Boeing Model 737 suffered major structural damage in flight. The airplane had numerous fatigue cracks and a great deal of corrosion. Subsequent inspections conducted by the operator on the high-cycle airplanes in its fleet revealed that two other airplanes had extensive fatigue cracking and corrosion. These airplanes were taken out of service.

In June 1988, the FAA sponsored a conference on aging airplanes. It became obvious that, because of the huge increase in air travel, the relatively slow pace of new airplane production, and the apparent economic feasibility of operating older technology airplanes, that older airplanes will continue to be operated rather than be retired. Because of the problems revealed by the accident described above, it was generally agreed that increased attention needed to be focused on this aging fleet to maintain its continued operational safety.

The Air Transport Association (ATA) of America and the Aerospace Industries Association (AIA) of America are committed to identifying and implementing procedures to ensure continuing structural airworthiness of aging transport category airplanes. An Airworthiness Assurance Task Force, with representatives from the aircraft operators, manufacturers, regulatory authorities, and other aviation representatives, was established in August 1988. The objective of the Task Force was to sponsor "Working Groups" to (1) select service bulletins, applicable to each airplane model in the transport fleet, to be recommended for mandatory modification of aging airplanes, (2) develop corrosion-directed inspections and prevention programs, (3) review the adequacy of each operator's structural maintenance program, (4) review and update the Supplemental Structural Inspection Documents (SSID), and (5) assess repair quality.

The working group assigned to review the British Aerospace Model BAC 1-11 series airplanes completed its work on Item (1), above, in December 1989; its proposal is contained in British Aerospace Alert Service Bulletin 5-A-PM5995, Issue No. 2, dated July 1, 1990, "Time Limits—Aircraft General—Structural Maintenance Inspection and Modification Review." The FAA recently issued a final rule addressing structural modification of these airplanes (reference AD 90-23-09, Amendment 39-6795, (55 FR 46502, November 5, 1990)).

The working group has now completed its work on Item (2) and has developed a baseline program for controlling corrosion problems that may jeopardize the continued airworthiness of the British Aerospace Model BAC 1-11 series airplanes. This program is contained in British Aerospace Alert Service Bulletin 5-A-PM5987, Issue No. 1, dated November 30, 1990, "Time Limits—Aircraft General—Corrosion Control Programme." The United Kingdom Civil Aviation Authority (CAA) has classified this service bulletin as mandatory.

Table 1 of the service bulletin defines three levels of corrosion: Level 1 corrosion is that which does not exceed certain limits. Level 2 corrosion is that which exceeds those limits. Level 3 corrosion is significant corrosion which is potentially an urgent airworthiness concern.

Section 2 of the service bulletin, entitled "Accomplishment Instructions," provides basic guidelines to develop a corrosion prevention and control program. These guidelines address such things as sampling inspection procedures, basic content of a corrosion prevention and control program, evaluation of an existing program when the operating environment or the operator changes, inspection scheduling implementation, repeat inspections, and major steps in the basic inspection task.

Appendix 3 of the service bulletin sets forth the specific implementation schedule for the corrosion inspection/control program. As described in that section, each airplane area is assigned an "Inspection Threshold Age" ("T") and an "Inspection Repeat Interval" ("R"). The program is applicable in each area to all Model BAC 1-11 series airplanes whose age has reached or exceeded the inspection "T" age for that area. For each airplane area, the program is implemented on all affected airplanes within the time period identified, using procedures in section 2.2 of the service bulletin. These time periods are to be measured starting from one year after the effective date of the proposed AD. For airplanes that have already exceeded the applicable inspection "T" age on the effective date of the proposed AD, the implementation time period is to be measured starting from one year after the effective date of the proposed AD, but the maximum period for implementing the program in any area is 6 years.

Appendix 3 of the service bulletin identifies the specific airplane areas that are subject to the program, and describes the "Basic Task" to be accomplished in each defined airplane area as part of the Baseline Program, along with the inspection "T" age and inspection "R" interval for each area, and other information necessary to carry out the program for each area. The task includes visual inspections of all primary and secondary structures, and may also include detailed visual and non-destructive inspections (NDI). Where NDI's are employed, adequate standards and procedures must be developed and properly recorded for the area inspection. Any corrosion or other damage found as a result of these inspections must be repaired.

Section 5 of the service bulletin establishes procedures for reporting the results of the inspections conducted under the corrosion prevention and control program.

In addition to the specific sections discussed above, the service bulletin contains extensive discussion of the program, which is useful for background and guidance.

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

Since corrosion is likely to exist or develop on airplanes of this type design, an AD is proposed which would require adoption of a corrosion prevention and control program that is equivalent to or better than the program specified in the British Aerospace Service Bulletin previously described.

Paragraph A of the proposed rule would require a revision to the operators' FAA-approved maintenance programs to include the British Aerospace Alert Service Bulletin 5-A-PM5987, Issue No. 1, dated November 30, 1990, in its entirety, "Time Limits—Aircraft General—Corrosion Control Programme." A "note" states that any cracks or corrosion found must be addressed in accordance with FAR part 43. A second "note" states that to the extent that there are differences between the terms of the service bulletin and the terms of the AD, the terms of the AD are controlling. Further, a "note" pertaining to NDI methods states that NDI's conducted in accordance with appendix 3 of the service bulletin, must be performed in accordance with methods that are acceptable to the Administrator in accordance with FAR 43.13.

Paragraph B would require that, within 7 days after determining the existence of Level 3 corrosion, an

operator must either inspect the same area on the remainder of its fleet, or submit to the FAA either a plan for expediting those inspections or data substantiating that no such scheduling adjustments are necessary. To ensure that Level 3 corrosion is detected in a timely manner, the FAA may, upon reviewing these submissions, require additional data or adjustments beyond those that were submitted by the operator. A "note" clarifies that, for the purposes of this paragraph, Level 3 corrosion includes isolated occurrences which, in accordance with the British Aerospace service bulletin, might otherwise be downgraded to Level 1. Finally, once approved, this revised inspection schedule would be required to be incorporated into the operator's maintenance program prior to the compliance time specified for the first task required under the FAA-approved adjusted schedule.

Paragraph C would include the cognizant FAA Principal Inspector in the coordination/review process for extensions to the inspection intervals. In addressing unanticipated scheduling requirements, it is not the intent of the FAA to include the initial inspection requirements for Level I corrosion since these time frames would have already been established by the baseline program.

Paragraph D would require that all Level 2 corrosion reports and followup reports for Level 3 corrosion be submitted at least quarterly to British Aerospace. Furthermore, this reporting requirement would be in addition to the existing reporting requirements of FAR § 121.703, which requires reporting of "corrosion of aircraft structures, if more than the maximum acceptable to the manufacturers or the FAA."

Paragraph E would preclude operators whose corrosion inspection programs currently provide for more frequent inspections than those specified in the service bulletin from extending the intervals for those inspections without approval by the FAA. This is to ensure that existing inspection programs are not degraded as a result of this AD.

Paragraph F would require that operators ensure that transferred airplanes are inspected in accordance with the baseline program on the same basis as if there were continuity in ownership, and that scheduling of the inspections for each airplane is not delayed or postponed due to a transfer of ownership. Airplanes that have previously been subject to an FAA-approved maintenance program would have to be inspected in accordance with either the previous operator's or the new operator's inspection schedule, whichever occurs first. Other airplanes would have to be inspected before an operator could begin operating them or in accordance with a schedule approved by the FAA.

Paragraph G would require that operators, upon finding corrosion exceeding Level 1 during a repetitive inspection, adjust their program to ensure that future corrosion findings are limited to Level I or better. Where corrective action is necessary to reduce corrosion to Level 1 or better, an operator would be required to submit a proposal for such corrective action for the FAA's approval within 60 days after the finding of corrosion. Within 30 days after approval, operators would be required to incorporate these adjusted inspection schedules into their FAA-approved maintenance program.

It should be noted that, if corrosion is not representative, then a means to reduce corrosion to Level I or better will have already been implemented in accordance with paragraph A of the AD, and no further corrective action may be necessary. For example, if a finding of corrosion is attributable to a particular spill of mercury or other unique event, or if corrosion is found on an airplane recently acquired from another operator, the means specified in the existing program may be adequate for controlling corrosion in the remainder of the operator's fleet. Similarly, if an operator has already implemented means to reduce corrosion in an area based on previous findings, no additional corrective action may be necessary. In reviewing the reports submitted in accordance with paragraph D of the AD, the FAA will monitor the effectiveness of the operator's means to reduce corrosion. If the FAA determines that an operator has failed to implement adequate means to reduce corrosion to Level 1 or better, appropriate action will be taken to ensure compliance with this paragraph.

Paragraph H would permit operators to request that inspection intervals and thresholds be increased if data is provided to substantiate that during previous inspections of the area, no significant corrosion was found, and that the requested increase will continue to provide an acceptable level of safety. Without such data, or without the FAA's first-hand experience, there would be no basis to justify such an increase. The FAA intends to initiate a program wherein FAA engineers will gain experience as to the affected operators' corrosion problems. This program will be beneficial to the FAA when assessing requests for increases in inspection intervals.

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

It is estimated that 70 airplanes of U.S. registry would be affected by this AD. British Aerospace has estimated that it would take approximately 700 manhours per airplane to accomplish the corrosion control tasks and that it would take approximately 6.4 manhours per area to accomplish the required actions. With an average labor cost of $40 per manhour, the total cost to inspect each airplane would be $32,000. Based on these figures, the total cost impact of the AD on U.S. operators for the initial 6-year inspection cycle is $1,960,000.

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

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

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

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

PART 39—[AMENDED]

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

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

§ 39.13 [Amended]

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

British Aerospace: Applies to all Model BAC 1–11 200 and 400 series airplanes, certificated in any category. Compliance is required as indicated, unless previously accomplished.

Note: This AD references British Aerospace Alert Service Bulletin 5–A–PM5987, "Time Limits—Aircraft General—Corrosion Control Programme," Issue 1, dated November 30, 1990, for inspection procedures, compliance times, and reporting requirements. In addition, this AD specifies inspection and reporting requirements beyond those included in the Service Bulletin. Where there are differences between the AD and the Service Bulletin, the AD prevails.

To control corrosion, accomplish the following:

A. Within one year after the effective date of this AD, revise the FAA-approved maintenance program to include the corrosion prevention and control program specified in British Aerospace Alert Service Bulletin 5–A–PM5987, "Time Limits—Aircraft General—Corrosion Control Programme," Issue 1, dated November 30, 1990 (hereinafter referred to as "the Service Bulletin").

Note: All structure found corroded or cracked as a result of an inspection conducted in accordance with this paragraph must be addressed in accordance with FAR part 43.

Note: Where non-destructive inspection (NDI) methods are employed, in accordance with appendix 3 of the Service Bulletin, the standards and procedures used must be acceptable to the Administrator in accordance with FAR 43.13.

B. 1. If, as a result of any inspection conducted in accordance with the program required by paragraph A. of this AD, Level 3 corrosion is determined to exist in any area, accomplish one of the following within 7 days after such determination:

a. Submit a report of any findings of Level 3 corrosion to the Manager, Standardization Branch, ANM–113, FAA, Transport Airplane Directorate, and inspect the affected area on all Model BAC 1–11 200 and 400 series airplanes in the operator's fleet; or

b. Submit for approval to the Manager, Standardization Branch, ANM–113, one of the following:

(1) Proposed adjustments to the schedule for performing the tasks in that area on the remaining airplanes in the operator's fleet, which are adequate to ensure that any other Level 3 corrosion is detected in a timely manner, along with substantiating data for those adjustments; or

(2) Data substantiating that the Level 3 corrosion found is an isolated occurrence and that no such adjustments are necessary.

Note: Notwithstanding the provision of Table 1 of the Service Bulletin, which would permit corrosion that otherwise meets the definition of Level 3 corrosion (i.e., which is determined to be a potentially urgent airworthiness concern requiring expeditious action) to be treated as Level 1 if the operator finds that it "can be attributed to an event not typical of the operator's usage of other airplanes in the same fleet," this paragraph requires that data substantiating any such finding be submitted to the FAA for approval.

Note: As used throughout this AD, where documents are to be submitted to the Manager, Standardization Branch, ANM–113, the document should be submitted directly to the Manager, Standardization Branch, ANM–113, and a copy sent to the cognizant FAA Principal Inspection (PI). The PI will then forward comments or concurrence to the Manager, Standardization Branch, ANM–113. The Standardization Branch will not respond to the operator without the PI's comments or concurrence.

2. The FAA may impose adjustments other than those proposed, upon a finding that such adjustments are necessary to ensure that any other Level 3 corrosion is detected in a timely manner.

3. Prior to the compliance time specified for the first task required in the adjusted schedule approved under paragraph B.1. or B.2. of this AD, revise the FAA-approved maintenance program to include those adjustments.

Note: The reporting requirements of this paragraph and of paragraph D. of this AD do not relieve operators from reporting corrosion as required by FAR § 121.703.

C. To accommodate unanticipated scheduling requirements, it is acceptable for a repeat inspection interval to be increased by up to 10% but not to exceed 6 months. The cognizant FAA Principal Inspector (PI) must be informed, in writing, of any extension.

Note: Except as provided in this paragraph, notwithstanding Appendix 3 of the Service Bulletin, all extensions to any compliance time must be approved by the Manager, Standardization Branch, ANM–113.

D. Reports of Level 2 corrosion and follow-up reports for Level 3 corrosion must be submitted at least quarterly to British Aerospace.

E. If the repeat inspection or task intervals of an operator's existing corrosion inspection program are shorter than the corresponding intervals in Appendix 3 of the Service Bulletin, they may not be increased without specific approval from the Manager, Standardization Branch, ANM–113.

F. Before any airplane that is subject to this AD can be added to an air carrier's operations specifications, a program for the accomplishment of tasks required by this AD must be established in accordance with the following:

1. For airplanes that have previously been operated under an FAA-approved maintenance program, the initial task on each area to be accomplished by the new operator must be accomplished in accordance with the previous operator's schedule or with the new operator's schedule, whichever would result in the earlier accomplishment date for that task. After each task has been performed once, each subsequent task must be performed in accordance with the new operator's schedule.

2. For airplanes that have not previously been operated under an FAA-approved maintenance program, each initial task required by this AD must be accomplished either prior to adding the airplanes to the air carrier's operations specifications, or in accordance with a schedule approved by the Manager, Standardization Branch, ANM–113.

G. If corrosion is found to exceed Level 1 on any inspection after the initial inspection, the corrosion control program for the affected area must be reviewed and means implemented to reduce corrosion to Level 1 or better.

1. Within 60 days after such a finding, if corrective action is necessary to reduce future findings of corrosion to Level 1 or better, such proposed corrective action must be submitted for approval to the Manager, Standardization Branch, ANM–113.

2. Within 30 days after the corrective action is approved, revise the FAA-approved maintenance program to include the approved corrective action.

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

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

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

All persons affected by this directive who have not already received the appropriate service documents from the manufacturer may obtain copies upon request to British Aerospace, PLC, Librarian for Service Bulletins, P.O. Box 17414, Dulles International Airport, Washington, DC 20041. These documents may be examined at the FAA, Northwest Mountain Region, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington.

Issued in Renton, Washington, on March 11, 1991.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 91–6706 Filed 3–20–91; 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Part 39

[Docket No. 91–NM–23–AD]

Airworthiness Directives; Airbus Industrie Model A300 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This notice proposes to adopt a new airworthiness directive (AD), applicable to all Airbus Industrie Model

A300 series airplanes, which would require the implementation of a corrosion prevention and control program. This proposal is prompted by reports of recent incidents involving fatigue cracking and corrosion in transport category airplanes. These incidents have jeopardized the airworthiness of the affected airplanes. These conditions, if not corrected, could result in a degradation of the structural capabilities of the affected airplanes.

DATES: Comments must be received no later than May 10, 1991.

ADDRESSES: Send comments on the proposal in duplicate to the Federal Aviation Administration, Northwest Mountain Region, Transport Airplane Directorate, ANM–103, Attention: Airworthiness Rules Docket No. 91–NM–23–AD, 1601 Lind Avenue SW., Renton, Washington 98055–4056. The applicable service information may be obtained from Airbus Industrie, Airbus Support Division, Avenue Didier Daurat, 31700 Blagnac, France. This information may be examined at the FAA, Northwest Mountain Region, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington.

FOR FURTHER INFORMATION CONTACT: Mr. Greg Holt, Standardization Branch, ANM 113; telephone (206) 227–2140. Mailing address: FAA, Northwest Mountain Region, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington 98055–4056.

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

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

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this Notice must submit a self-addressed, stamped post card on which the following statement is made: "Comments to Docket Number 91–NM–23–AD." The post card will be date/time stamped and returned to the commenter.

Discussion

In April 1988, a high-cycle Boeing Model 737 series airplane suffered major structural damage in flight. The airplane had numerous fatigue cracks and a great deal of corrosion. Subsequent inspections conducted by the operator on the high-cycle airplanes in its fleet revealed that two other airplanes had extensive fatigue cracking and corrosion. These airplanes were taken out of service.

In June 1988, the FAA sponsored a conference on aging airplanes. It became obvious that, because of the increase in air travel, the relatively slow production rate for new airplanes, and the apparent economic feasibility of operating older technology airplanes, older airplanes will continue to be operated rather than be retired. Because of the problems revealed by the accident described above, it was generally agreed that increased attention needed to be focused on this aging fleet to maintain its continued operational safety.

The Air Transport Association (ATA) of America and the Aerospace Industries Association (AIA) of America are committed to identifying and implementing procedures to ensure continuing structural airworthiness of aging transport category airplanes. An Airworthiness Assurance Task Force, with representatives from the aircraft operators, manufacturers, regulatory authorities, and other aviation representatives, was established in August 1988. The objective of the Task Force was to sponsor "Working Groups" to (1) select service bulletins, applicable to each airplane model in the transport fleet, to be recommended for mandatory modification of aging airplanes, (2) develop corrosion-directed inspections and prevention programs, (3) review the adequacy of each operator's structural maintenance program, (4) review and update the Supplemental Structural Inspection Documents (SSID), and (5) assess repair quality.

The working group assigned to review the Airbus Industrie Model A300 series airplanes has now completed its work on Item (2) and has developed a baseline program for controlling corrosion problems that may jeopardize the continued airworthiness of the Model A300 fleet. The program is contained in Airbus Industrie Document, "A300 Corrosion Prevention and Control Program (CPCP)," dated August 1990. The Direction Generale de l'Aviation Civile (DGAC), which is the airworthiness authority of France, has classified this document as mandatory, and has issued French Airworthiness Directive 90–196–117(B) addressing this subject.

Section 2.0 of the document defines three levels of corrosion: Level 1 corrosion is that which does not exceed certain limits; Level 2 corrosion is that which exceeds those limits; and Level 3 corrosion is significant corrosion which is potentially an urgent airworthiness concern.

Sections 3.0 and 4.0 of the document provide guidelines to develop a corrosion prevention and control program. These guidelines address such things as a baseline program, implementation ages, access for inspection, repetitive inspection intervals, operating environment, newly-acquired airplanes, general cleanliness of the airplane, and the fact that sampling is unreliable in effectively controlling corrosion.

Section 5 of the document sets forth the general implementation schedule for the corrosion inspection/control program. As described in that section, each airplane area is assigned an "Implementation Age" and a "Repeat Interval." The program is applicable in each area to all Model A300 series airplanes whose age has reached or exceeded the Implementation Age for that area. For each airplane area, the program is implemented on all affected airplanes within the time period identified as the Repeat Interval for that area. For airplanes that have already exceeded the applicable Implementation Age, this period is to be measured starting from the date the operator adopts the program. For airplanes whose age exceeds 20 years, the maximum period for implementing the program in any area is 6 years or the Repeat Interval for that area, whichever is less. Finally, this section establishes a minimum implementation rate of one airplane per year for each task.

Section 5 of the document also identifies the specific airplane areas that are subject to the program, and describes the "Basic Task" to be accomplished in each defined airplane area as part of the Baseline Program, along with the implementation age and repeat interval for each area, and other information necessary to carry out the program for each area. The task includes visual inspections of all primary and secondary structures, and may also include detailed visual and non-destructive inspections (NDI). Where NDI's are employed, adequate

standards and procedures must be developed and properly recorded for the area inspected. Any corrosion or other damage found as a result of these inspections must be repaired.

Section 6 establishes the procedures for reporting the results of the inspections conducted under the corrosion prevention and control program.

Section 7 provides for periodic review and update of the data contained in the document.

Since corrosion is likely to exist or develop on airplanes of this type design, an AD is proposed which would require adoption of a corrosion prevention and control program that is equivalent to or better than the program specified in the Airbus Industrie Document previously described.

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

Paragraph A of the proposed rule would require a revision to the operators' FAA-approved maintenance programs to include the Airbus Industrie Document, "A300 Corrosion Prevention and Control Program," dated August 1990, in its entirety. A "note" states that any cracks or corrosion found must be addressed in accordance with FAR part 43. A second "note" states that to the extent that there are differences between the terms of the Document and the terms of the AD, the terms of the AD are controlling. Further, a "note" pertaining to NDI methods states that NDI's conducted in accordance with section 5 of the Document, must be performed in accordance with methods that are acceptable to the Administrator in accordance with FAR 43.13.

Paragraph B would require that, within 7 days after determining the existence of Level 3 corrosion, an operator must either inspect the same area on the remainder of its fleet, or submit to the FAA either a plan for expediting those inspections or data substantiating that no such scheduling adjustments are necessary. To ensure that Level 3 corrosion is detected in a timely manner, the FAA may, upon reviewing these submissions, require additional data or adjustments beyond those that were submitted by the operator. A "note" clarifies that, for the purposes of this paragraph, Level 3 corrosion includes isolated occurrences which, in accordance with the Airbus Industrie document, might otherwise be downgraded to Level 1. Finally, once approved, this revised inspection schedule would be required to be incorporated into the operator's maintenance program prior to the compliance time specified for the first task required under the FAA-approved adjusted schedule.

Paragraph C would include the cognizant FAA Principal Inspector in the coordination/review process for extensions to the inspection intervals. In addressing unanticipated scheduling requirements, it is not the intent of the FAA to include the initial inspection requirements for Level 1 corrosion since these time frames would have already been established by the baseline program.

Paragraph D would require that all Level 2 corrosion reports and follow up reports for Level 3 corrosion be submitted at least quarterly to Airbus Industrie. Furthermore, this reporting requirement would be in addition to the existing reporting requirements of FAR § 121.703, which requires reporting of "corrosion of aircraft structures, if more than the maximum acceptable to the manufacturers or the FAA."

Paragraph E would preclude operators whose corrosion inspection programs currently provide for more frequent inspections than those specified in the Document from extending the intervals for those inspections without approval by the FAA. This is to ensure that existing inspection programs are not degraded as a result of this AD.

Paragraph F would require that operators ensure that transferred airplanes are inspected in accordance with the baseline program on the same basis as if there were continuity in ownership, and that scheduling of the inspections for each airplane is not delayed or postponed due to a transfer of ownership. Airplanes that have previously been subject to an FAA-approved maintenance program would have to be inspected in accordance with either the previous operator's or the new operator's inspection schedule, whichever occurs first. Other airplanes would have to be inspected before an operator could begin operating them or in accordance with a schedule approved by the FAA.

Paragraph G would require that operators, upon finding corrosion exceeding Level 1 during a repetitive inspection, adjust their program to ensure that future corrosion findings are limited to Level 1 or better. Where corrective action is necessary to reduce corrosion to Level 1 or better, an operator would be required to submit a proposal for such corrective action for the FAA's approval within 60 days after the finding of corrosion. Within 30 days after approval, operators would be required to incorporate these adjusted inspection schedules into their FAA-approved maintenance program.

It should be noted that, if corrosion is not representative, then a means to reduce corrosion to Level 1 or better will have already been implemented in accordance with paragraph A of the AD, and no further corrective action may be necessary. For example, if a finding of corrosion is attributable to a particular spill of mercury or other unique event, or if corrosion is found on an airplane recently acquired from another operator, the means specified in the existing program may be adequate for controlling corrosion in the remainder of the operator's fleet. Similarly, if an operator has already implemented means to reduce corrosion in an area based on previous findings, no additional corrective action may be necessary. In reviewing the reports submitted in accordance with paragraph D of the AD, the FAA will monitor the effectiveness of the operator's means to reduce corrosion. If the FAA determines that an operator has failed to implement adequate means to reduce corrosion to Level 1 or better, appropriate action will be taken to ensure compliance with this paragraph.

Paragraph H would permit operators to request that inspection intervals and thresholds be increased if data is provided to substantiate that during previous inspections of the area, no significant corrosion was found, and that the requested increase will continue to provide an acceptable level of safety. Without such data, or without the FAA's first-hand experience, there would be no basis to justify such an increase. The FAA intends to initiate a program wherein FAA engineers will gain experience as to the affected operators' corrosion problems. This program will be beneficial to the FAA when assessing requests for increases in inspection intervals.

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

It is estimated that 63 airplanes of U.S. registry would be affected by this AD. There are 50 areas called out in the Airbus Industrie Document, and it would take approximately 18 manhours per area to accomplish the required actions. At an average labor cost of $40 per manhour, the total cost to inspect each airplane would be $32,000. Based on these figures, the total cost impact of the AD on U.S. operators for the initial 6-year inspection cycle is $2,112,000.

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

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

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

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

PART 39—[AMENDED]

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

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

§ 39.13 [Amended]

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

Airbus Industrie: Applies to all Model A300 series airplanes, certificated in any category. Compliance is required as indicated, unless previously accomplished.

Note: This AD references Airbus Industrie Document, "A300 Corrosion Prevention and Control Program," dated August 1990, for inspection procedures, compliance times, and reporting requirements. In addition, this AD specifies inspection and reporting requirements beyond those included in the Document. Where there are differences between the AD and the Document, the AD prevails.

To control corrosion, accomplish the following:

A. Within one year after the effective date of this AD, revise the FAA-approved maintenance program to include the corrosion prevention and control program specified in Airbus Industrie Document, "A300 Corrosion Prevention and Control Program," dated August 1990 (hereinafter referred to as "the Document").

Note: All structures found corroded or cracked as a result of an inspection conducted in accordance with this paragraph must be addressed in accordance with FAR Part 43.

Note: Where non-destructive inspection (NDI) methods are employed, in accordance with section 5 of the document, the standards and procedures used must be acceptable to the Administrator in accordance with FAR 43.13.

B.1. If, as a result of any inspection conducted in accordance with the program required by paragraph A. of this AD, Level 3 corrosion is determined to exist in any area, accomplish one of the following within 7 days after such determination:

a. Submit a report of any findings of Level 3 corrosion to the Manager, Standardization Branch, ANM-113, FAA, Transport Airplane Directorate, and inspect the affected area on all Model A300 series airplanes in the operator's fleet; or

b. Submit for approval to the Manager, Standardization Branch, ANM-113, one of the following:

(1) Proposed adjustments to the schedule for performing the tasks in that area on the remaining airplanes in the operator's fleet, which are adequate to ensure that any other Level 3 corrosion is detected in a timely manner, along with substantiating data for those adjustments; or

(2) Data substantiating that the Level 3 corrosion found is an isolated occurrence and that no such adjustments are necessary.

Note: Notwithstanding the provision of section 2 of the Document, which would permit corrosion that otherwise meets the definition of Level 3 corrosion (i.e., which is determined to be a potentially urgent airworthiness concern requiring expeditious action) to be treated as Level 1 if the operator finds that it "can be attributed to an event not typical of the operator's usage of other airplanes in the same fleet," this paragraph requires that data substantiating any such finding be submitted to the FAA for approval.

Note: As used throughout this AD, where documents are to be submitted to the Manager, Standardization Branch, ANM-113, the document should be submitted directly to the Manager, Standardization Branch, ANM-113, and a copy sent to the cognizant FAA Principal Inspector (PI). The PI will then forward comments or concurrence to the Manager, Standardization Branch, ANM-113. The Standardization Branch will not respond to the operator without the PI's comments or concurrence.

2. The FAA may impose adjustments other than those proposed, upon a finding that such adjustments are necessary to ensure that any other Level 3 corrosion is detected in a timely manner.

3. Prior to the compliance time specified for the first task required in the adjusted schedule approved under paragraph B.1. or B.2. of this AD, revise the FAA-approved maintenance program to include those adjustments.

Note: The reporting requirements of this paragraph and of paragraph D. of this AD do not relieve operators from reporting corrosion as required by FAR § 121.703.

C. To accommodate unanticipated scheduling requirements, it is acceptable for a repeat inspection interval to be increased by up to 10% but not to exceed 6 months. The cognizant FAA Principal Inspector (PI) must be informed, in writing, of any extension.

Note: Except as provided in this paragraph, notwithstanding section 4.0 paragraph 6, of the document, all extensions to any compliance time must be approved by the Manager, Standardization Branch, ANM-113.

D. Reports of Level 2 corrosion and follow-up reports for Level 3 corrosion must be submitted at least quarterly to Airbus Industrie.

E. If the repeat inspection or task intervals of an operator's existing corrosion inspection program are shorter than the corresponding intervals in section 5 of the Document, they may not be increased without specific approval from the Manager, Standardization Branch, ANM-113.

F. Before any airplane that is subject to this AD can be added to an air carrier's operations specifications, a program for the accomplishment of tasks required by this AD must be established in accordance with the following:

1. For airplanes that have previously been operated under an FAA-approved maintenance program, the initial task on each area to be accomplished by the new operator must be accomplished in accordance with the previous operator's schedule or with the new operator's schedule, whichever would result in the earlier accomplishment date for that task. After each task has been performed once, each subsequent task must be performed in accordance with the new operator's schedule.

2. For airplanes that have not previously been operated under an FAA-approved maintenance program, each initial task required by this AD must be accomplished either prior to adding the airplanes to the air carrier's operations specifications, or in accordance with a schedule approved by the Manager, Standardization Branch, ANM-113.

G. If corrosion is found to exceed Level 1 on any inspection after the initial inspection, the corrosion control program for the affected area must be reviewed and means implemented to reduce corrosion to Level 1 or better.

1. Within 60 days after such a finding, if corrective action is necessary to reduce future findings of corrosion to Level 1 or better, such proposed corrective action must be submitted for approval to the Manager, Standardization Branch, ANM-113.

2. Within 30 days after the corrective action is approved, revise the FAA-approved maintenance program to include the approved corrective action.

H. An alternate means of compliance or adjustment of the compliance time, which provides an acceptable level of safety, may be used when approved by the Manager,

Standardization Branch, ANM-113, FAA, Transport Airplane Directorate.

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

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

All persons affected by this directive who have not already received the appropriate service documents from the manufacturer may obtain copies upon request to Airbus Industrie, Airbus Support Division, Avenue Didier Daurat, 31700 Blagnac, France. These documents may be examined at the FAA, Northwest Mountain Region, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington.

Issued in Renton, Washington, on March 11, 1991.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 91-6707 Filed 3-20-91; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 91-NM-33-AD]

Airworthiness Directives; Boeing Model 757 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This notice proposes to supersede an existing airworthiness directive (AD), applicable to certain Boeing Model 757 series airplanes, which currently requires detailed visual inspection and replacement, if necessary, of the fixed trailing edge upper panel support beam clips. Eventual replacement of all clips with newly designed clips is also required. This proposal would expand the applicability of the existing AD to add 22 airplanes. This proposal is prompted by information from the manufacturer which indicates that the clips on 22 additional airplanes are also subject to failure. This condition, if not corrected, could lead to the loss of an upper wing fixed trailing edge panel from the airplane, which could result in possible damage to the hydraulic lines and other structure.

DATES: Comments must be received no later than May 13, 1991.

ADDRESSES: Send comments on the proposal in duplicate to Federal Aviation Administration, Northwest Mountain Region, Transport Airplane Directorate, ANM-103, Attention: Airworthiness Rules Docket No. 91-NM-33-AD, 1601 Lind Avenue SW., Renton, Washington 98055-4056. The applicable service information may be obtained from Boeing Commercial Airplane Group, P.O. Box 3707, Seattle, Washington 98124. This information may be examined at the FAA, Northwest Mountain Region, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington 98055-4056.

FOR FURTHER INFORMATION CONTACT: Mr. Thomas Rodriguez, Seattle Aircraft Certification Office, Airframe Branch, ANM-120S; telephone (206) 227-2779. Mailing address: FAA, Northwest Mountain Region, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington 98055-4056.

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

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

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this Notice must submit a self-addressed, stamped post card on which the following statement is made: "Comments to Docket Number 91-NM-33-AD." The post card will be date/time stamped and returned to the commenter.

Discussion

On September 5, 1990, the FAA issued AD 90-20-12, Amendment 39-6732 (55 FR 37860, September 14, 1990), applicable to certain Boeing Model 757 series airplanes, to require detailed visual inspection and replacement, if necessary, of the fixed trailing edge upper panel support beam clips. Eventual replacement of all clips with newly designed clips is also required. That action was prompted by several reports of separation of the trailing edge panel as a result of fractured support beam clips. This condition, if not corrected, could lead to the loss of an upper wing fixed trailing edge panel from the airplane, which could result in possible damage to the hydraulic lines and other structure.

Since issuance of that AD, the FAA has been advised that 22 additional airplanes have clips that are subject to failure. The FAA has determined that the clips on these airplanes must also be inspected and eventually replaced.

The FAA has reviewed and approved Boeing Service Bulletin 757-57-0027, Revision 1, dated March 15, 1990, which describes procedures for inspection and replacement of the clips, installation of a new kit with redesigned clips, and modification of the clips in the original kit to eliminate the design deficiency affecting the fit.

Since this condition is likely to exist or develop on other airplanes of this same type design, an AD is proposed which would supersede AD 90-20-12 with a new airworthiness directive that would require an additional 22 airplanes to be inspected and have the clips replaced, in accordance with the service bulletin previously described.

There are approximately 163 Model 757 series airplanes of the affected design in the worldwide fleet. It is estimated that 100 airplanes of U.S. registry, including the 7 additional airplanes addressed in this action, will be affected by this AD. It would take approximately 9 manhours per airplane to accomplish the required actions, and the average labor cost would be $40 per manhour. The cost of required parts is estimated to be $547 per airplane. Based on these figures, the total cost impact of this AD on U.S. operators is estimated to be $8,349 for the additional airplanes affected.

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

For the reasons discussed above, I certify that this proposed regulation (1)

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

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

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

PART 39—[AMENDED]

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

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

§ 39.13 [Amended]

2. Section 39.13 is amended by superseding Amendment 39–6732 (55 FR 37860, September 14, 1990), AD 90–20–12, with the following new airworthiness directive:

Boeing: Applies to Model 757 series airplanes listed in Boeing Service Bulletin 757–57–0027, Revision 1, dated March 15, 1990, certificated in any category. Compliance required as indicated, unless previously accomplished.

To prevent failure of the fixed trailing edge upper panel support beam clips and consequent damage to airplane structure and hydraulic lines, accomplish the following:

A. For airplane line numbers 1 through 140 and 151:

1. Prior to the accumulation of 600 total landings, or within the next 30 days after October 23, 1990 (the effective date of Amendment 39–6732), whichever occurs later, unless previously accomplished within the last 600 landings, and thereafter at intervals not to exceed 600 landings, perform a detailed visual inspection for cracks in the fixed trailing edge upper panel support beam clips, in accordance with Boeing Service Bulletin 757–57–0027, Revision 1, dated March 15, 1990. Replace cracked clips with the newly designed clips in kit number 012N8660–1 or clips in kit number 012N8546–1 after modifying, in accordance with Boeing Service Bulletin 757–57–0027, Revision 1, dated March 15, 1990. Upon completion, this action terminates the inspections required above, for those clips replaced.

2. Within 3,000 landings after October 23, 1990, replace all affected clips with newly designed or modified clips and spacers, in accordance with Boeing Service Bulletin 757–57–0027, Revision 1, dated March 15, 1990. Accomplishment of this replacement constitutes terminating action for the inspection requirements of this AD.

B. For airplane line numbers 141 through 150 and 152 through 163:

1. Prior to the accumulation of 600 total landings or within the next 30 days after the effective date of this amendment, whichever occurs later, unless previously accomplished within the last 600 landings, and thereafter at intervals not to exceed 600 landings, perform a detailed visual inspection for cracks in the fixed trailing edge upper panel support beam clips, in accordance with Boeing Service Bulletin 757–57–0027, Revision 1, dated March 15, 1990. Replace cracked clips with the newly designed clips in kit number 012N8660–1 or clips in kit number 012N8546–1 after modifying, in accordance with Boeing Service Bulletin 757–57–0027, Revision 1, dated March 15, 1990. Upon completion, this action terminates the inspections required above, for those clips replaced.

2. Within 3,000 landings after the effective date of this AD, replace all affected clips with newly designed or modified clips and spacers, in accordance with Boeing Service Bulletin 757–57–0027, Revision 1, dated March 15, 1990. Accomplishment of this replacement constitutes terminating action for the inspection requirements of this AD.

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

Note: The request should be forwarded through an FAA Principal Maintenance Inspectors, who may concur or comment and then send it to the Manager, Seattle ACO.

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

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

Issued in Renton, Washington, on March 12, 1991.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 91–6708 Filed 3–20–91; 8:45 am]

BILLING CODE 4910–13–M

14 CFR Part 39

[Docket No. 91–NM–39–AD]

Airworthiness Directives; Aerospatiale Model ATR42 and ATR72 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Proposed Rulemaking (NPRM).

SUMMARY: This notice proposes to adopt a new airworthiness directive (AD), applicable to certain Aerospatiale Model ATR42 and ATR72 series airplanes, which would require modification of the nose landing gear steering selector valve. This proposal is prompted by a report of water accumulating and freezing in the selector valve. This condition, if not corrected, could result in loss of nose wheel steering.

DATES: Comments must be received no later than May 10, 1991.

ADDRESSES: Send comments on the proposal in duplicate to the Federal Aviation Administration, Northwest Mountain Region, Transport Airplane Directorate, ANM-103, Attention: Airworthiness Rules Docket No. 91–NM–39–AD, 1601 Lind Avenue SW., Renton, Washington 98055–4056. The applicable service information may be obtained from Aerospatiale, 316 Rue de Bayonne, 31060 Toulouse, Cedex 03, France. This information may be examined at the FAA, Northwest Mountain Region, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington.

FOR FURTHER INFORMATION CONTACT: Mr. Robert McCracken, Flight Test and Systems Branch, ANM–111; telephone (206) 227–2118. Mailing address: FAA, Northwest Mountain Region, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington 98055–4056.

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

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of

the proposed rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA/public contact, concerned with the substance of this proposal, will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this Notice must submit a self-addressed, stamped post card on which the following statement is made: "Comments to Docket Number 91–NM–39–AD." The post card will be date/time stamped and returned to the commenter.

Discussion

The Direction Générale de l'Aviation Civile (DGAC), which is the airworthiness authority of France, in accordance with existing provisions of a bilateral airworthiness agreement, has notified the FAA of an unsafe condition which may exist on certain Aerospatiale Model ATR42 and ATR72 series airplanes. Water has been discovered in the nose landing gear steering selector valve on a Model ATR42 airplane. At low temperatures, this water had frozen, blocked the selector valve, and prevented operation of the selector valve. The same selector valve is used on the Model ATR72 airplane. This condition, if not corrected, could result in loss of nose wheel steering.

Aerospatiale has issued Service Bulletins ATR42–32–0025, Revision 1, dated January 15, 1990, and ATR72–32–1001, dated April 25, 1990, which describe procedures to replace the nose landing gear steering selector valve with an improved part. Messier-Hispano-Bugatti has issued Service Bulletin 631–32–036, Revision 1, dated May 14, 1990, which describes procedures to modify the nose landing gear steering selector valve to improve sealing. The French DGAC has classified these service bulletins as mandatory, and has issued French Airworthiness Directives 91–005–036(B) (for the ATR42) and 91–006–037(B) (for the ATR72) addressing this subject.

These airplane models are manufactured in France and type certificated in the United States under the provisions of § 21.29 of the Federal Aviation Regulations and the applicable bilateral airworthiness agreement.

Since this condition is likely to exist or develop on other airplanes of these same type designs registered in the United States, an AD is proposed which would require modification of the nose landing gear steering selector valve in accordance with the service bulletins previously described.

It is estimated that 58 airplanes of U.S. registry would be affected by this AD, that it would take approximately 9 manhours per airplane to accomplish the required actions, and that the average labor cost would be $40 per manhour. The required parts will be supplied to the operators at no cost. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be $20,880.

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

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

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

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

PART 39—[AMENDED]

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

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

§ 39.13 [Amended]

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

Aerospatiale: Applies to Model ATR42 series airplanes, Serial Numbers 3 through 157, and ATR72 series airplanes, Serial Numbers 126 through 150, certificated in any category. Compliance is required within 180 days after the effective date of this AD, unless previously accomplished.

To prevent loss of nose wheel steering, accomplish the following:

A. Modify the nose landing gear steering selector valve in accordance with Messier-Hispano-Bugatti Service Bulletin 631–32–036, Revision 1, dated May 14, 1990; and Aerospatiale Service Bulletin ATR42–32–0025, Revision 1, dated January 15, 1990, or ATR72–32–1001, dated April 25, 1990, as applicable.

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

Note: The request should be forwarded through an FAA Prinicpal Maintenance Inspector, who may concur or comment and then send it to the Manager, Standardization Branch, ANM–113.

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

All persons affected by this directive who have not already received the appropriate service documents from the manufacturer may obtain copies upon request to Aerospatiale, 316 Rue de Bayonne, 31060 Toulouse, Cedex 03, France. These documents may be examined at the FAA, Northwest Mountain Region, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington.

Issued in Renton, Washington, on March 11, 1991.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 91–6709 Filed 3–20–91; 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Part 39

[Docket No. 91–NM–29–AD]

Airworthiness Directives; Aerospatiale Model Nord 262A Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Proposed Rulemaking (NPRM).

SUMMARY: This notice proposes to adopt a new airworthiness directive (AD), applicable to all Aerospatiale Model Nord 262A series airplanes, which would require repetitive visual and eddy current inspections to detect corrosion and damage to the fuselage skin panel junctions, and repair, if necessary. This proposal is prompted by reports of corrosion found on in-service airplanes in the fuselage skin panel lap joints. This condition, if not corrected, could result in reduced structural integrity of the fuselage.

DATES: Comments must be received no later than May 10, 1991.

ADDRESSES: Send comments on the proposal in duplicate to the Federal Aviation Administration, Northwest Mountain Region, Transport Airplane Directorate, ANM–103, Attention: Airworthiness Rules Docket No. 91–NM–29–AD, 1601 Lind Avenue SW., Renton, Washington 98055–4056. The applicable service information may be obtained from Aerospatiale, 316 Route de Bayonne, 31060 Toulouse, Cedex 03, France. This information may be examined at the FAA, Northwest Mountain Region, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington.

FOR FURTHER INFORMATION CONTACT: Mr. Greg Holt, Standardization Branch, ANM–113; telephone (206) 227–2140. Mailing address: FAA, Northwest Mountain Region, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington 98055–4056.

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

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

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this Notice must submit a self-addressed, stamped post card on which the following statement is made: "Comments to Docket Number 91–NM–29–AD." The post card will be date/time stamped and returned to the commenter.

Discussion

The Direction Générale de l'Aviation Civile (DGAC), which is the airworthiness authority of France, in accordance with existing provisions of a bilateral airworthiness agreement, has notified the FAA of an unsafe condition which may exist on all Aerospatiale Model Nord 262A series airplanes. There have been recent reports of corrosion found on in-service airplanes at the interface of the fuselage skin panel lap joints in pressurized areas. Further inspections revealed corrosion marks leading to the fuselage internal seal beads. Damage was confirmed after removal of the skin panels. This condition, if not corrected, could result in reduced structural integrity of the fuselage.

Aerospatiale has issued N262–Fregate Service Bulletin 53–34, dated July 6, 1990, which describes procedures for repetitive visual and eddy current inspections to detect corrosion in the fuselage skin panel junctions, and repair, if necessary. Aerospatiale has also issued N262–Fregate Service Bulletin 53–35, dated July 6, 1990, which describes procedures for corrosion prevention and procedures to repair any corrosion found. The French DGAC has classified these service bulletins as mandatory.

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

Since this condition is likely to exist or develop on other airplanes of the same type design registered in the United States, an AD is proposed which would require repetitive visual and eddy current inspections to detect corrosion in the fuselage skin panel junctions, and repair, if necessary, in accordance with the service bulletins previously described.

It is estimated that 14 airplanes of U.S. registry would be affected by this AD, that it would take approximately 30 manhours per airplane to accomplish the required actions, and that the average labor cost would be $55 per manhour. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be $23,100.

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

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

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

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

PART 39—[AMENDED]

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

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

§ 39.13 [Amended]

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

Aerospatiale: Applies to all Model Nord 262A series airplanes, certificated in any category. Compliance is required as indicated, unless previously accomplished.

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

A. For airplanes which are 20 years old or more since new as of the effective date of this AD: Within 2 years after the effective date of this AD, perform an internal and external detailed visual inspection and a low frequency eddy current inspection of the fuselage skin panel junctions, in accordance with Aerospatiale N262-Fregate Service Bulletin 53–34, dated July 6, 1990.

B. For airplanes which are less than 20 years old since new as of the effective date of this AD: Within 4 years after the effective date of this AD, perform an internal and external detailed visual inspection and a low frequency eddy current inspection of the fuselage skin panel junctions, in accordance with Aerospatiale N262-Fregate Service Bulletin 53–34, dated July 6, 1990.

C. If no corrosion is found as a result of the inspections required by paragraphs A. or B. of this AD, accomplish the following:

1. At intervals not to exceed one year, perform an external visual inspection of the fuselage from Frame N to Frame 27, in accordance with Aerospatiale N262-Fregate Service Bulletin 53–34, dated July 6, 1990.

2. At intervals not to exceed 2 years, perform an internal visual inspection from Frame N to Frame 27, in accordance with

Aerospatiale N262—Fregate Service Bulletin 53–34, dated July 6, 1990.

3. At intervals not to exceed 6 years, accomplish the following:

a. *Non-Pressurized Area:* Perform an internal and external detailed visual inspection of the circumferential and longitudinal skin panel junction from Frame N to Frame J and from Frame 21 to Frame 27, in accordance with the Accomplishment Instructions, paragraph 2C(3)A of Aerospatiale N262—Fregate Service Bulletin 53–34, dated July 6, 1990.

b. *Pressurized Area:* Perform an internal and external detailed visual inspection of the circumferential and longitudinal fuselage skin panel junctions in accordance with the Accomplishment Instructions, paragraph 2C(3)A of Aerospatiale N262—Fregate Service Bulletin 53–34, dated July 6, 1990.

D. If corrosion is found as a result of the inspections required by paragraph A., B., or C. of this AD, and the corrosion depth is equal to or less than 30 microns, accomplish one of the following:

1. Perform external visual inspections at intervals not to exceed one year, and low frequency eddy current inspections at intervals not to exceed 2 years, in accordance with Aerospatiale N262—Fregate Service Bulletin 53–34, dated July 6, 1990. Or

2. Prior to further flight, repair in accordance with Scheme No. 1 (Preventative Measurs Procedure without Removal of Panels) specified in Aerospatiale N262—Fregate Service Bulletin 53–35, dated July 6, 1990. Thereafter, repeat the visual and low frequency eddy current inspections at intervals not to exceed 6 years, in accordance with Aerospatiale N262—Fregate Service Bulletin 53–34, dated July 6, 1990.

3. Prior to further flight, repair in accordance with Scheme No. 2 (Curative Measures Procedures with Removal of Panels) specified in Aerospatiale N262-Fregate Service Bulletin 53–35, dated July 6, 1990. This constitutes terminating action for the repetitive inspections of that area required by this AD.

E. If corrosion is found as a result of the inspections required by paragraph A., B., or C. of this AD, and the corrosion depth is more than 30 microns but less than or equal to 100 microns, accomplish one of the following:

1. Prior to further flight, repair in accordance with Scheme No. 1 (Preventative Measure Procedure without Removal of Panels) specified in Aerospatiale N262-Fregate Service Bulletin 53–35, dated July 6, 1990. Thereafter, repeat the visual and low frequency eddy current inspections at intervals not to exceed 2 years, in accordance with Aerospatiale N262—Fregate Service Bulletin 53–34, dated July 6, 1990.

2. Prior to further flight, repair in accordance with Scheme No. 2 (Curative Measures Procedures with Removal of Panels) specified in Aerospatiale N262-Fregate Service Bulletin 53–35, dated July 6, 1990. This constitutes terminating action for the repetitive inspections for that area required by this AD.

F. If corrosion is found as a result of the inspections required by paragraph A., B., or C. of this Ad, and the corrosion depth is more than 100 microns, prior to further flight, repair in accordance with Scheme No. 2 (Curative Measures Procedures with Removal of Panels) specified in Aerospatiale N262—Fregate Service Bulletin 53–35, dated July 6, 1990. This constitutes terminating action for the repetitive inspections of that area required by this AD.

G. An alternative method of complaince or adjustment of the compliance time, which provides an acceptable level of safety, may be used when approved by the Manager, Standardization Branch, ANM–113, FAA, Transport airplane Directorate.

Note: The request should be forwarded through an FAA Principal Maintenance Inspector, who may concur or comment and then send it to the Manager, Standardization Branch, ANM–113.

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

All persons affected by this directive who have not already received the appropriate service documents from the manufacturer may obtain copies upon request to Aerospatiale, 316 Route de Bayonne, 31060 Toulouse, Cedex 03, France. These documents may be examined at the FAA, Northwest Mountain Region, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington.

Issued in Renton, Washington, on March 11, 1991.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 91–6710 Filed 3–20–91; 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Part 39

[Docket No. 91–NM–31–AD]

Airworthiness Directives; Avions Marcel Dassault-Breguet Aviation (AMD–BA) Model Mystere Falcon 900 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Proposed Rulemaking (NPRM).

SUMMARY: This notice proposes to adopt a new airworthiness directive (AD), applicable to certain Avions Marcel Dassault-Breguet Aviation (AMD–BA) Model Mystere Falcon 900 series airplanes, which would require repetitive inspections to detect clogged drains in the box structures surrounding the flight controls at frame 25; modifications of the cross-section of the outlet of the drain stub; and the installation of a protective screen on drains on each side of the center beam. This proposal is prompted by reports of clogged drainage systems on in-service airplanes. This condition, if not corrected, could result in stiffness of the center engine power control and/or flight controls (elevator and rudder), and reduced controllability of the airplane.

DATES: Comments must be received no later than May 6, 1991.

ADDRESSES: Send comments on the proposal in duplicate to the Federal Aviation Administration, Northwest Mountain Region, Transport Airplane Directorate, ANM–103, Attention: Airworthiness Rules Docket No. 91–NM–31–AD, 1601 Lind Avenue SW., Renton, Washington 98055–4056. The applicable service information may be obtained from Falcon Jet Corporation, Customer Support Department, Teterboro Airport, Teterboro, New Jersey 07608. This information may be examined at the FAA, Northwest Mountain Region, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington.

FOR FURTHER INFORMATION CONTACT: Mr. Greg Holt, Standardization Branch, ANM–113; telephone (206) 227–2140. Mailing address: FAA, Northwest Mountain Region, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington 98055–4056.

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

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

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this Notice must submit a self-addressed, stamped post card on which the following statement is made: "Comments to Docket Number 91–NM–31–AD." The post card will be date/time stamped and returned to the commenter.

Discussion

The Direction Generale de l'Aviation Civile (DGAC), which is the airworthiness authority of France, in accordance with existing provisions of a bilateral airworthiness agreement, has notified the FAA of an unsafe condition which may exist on certain AMD–BA Model Mystere Falcon 900 series airplanes. There have been reports of clogged drains in the box structures surrounding the flight controls at frame 25 on in-service airplanes. This can lead to the accumulation of water in the box located between the fuel tank and cabin floor, forward of frame 25. In-flight freezing of the water retained in this box can lead to stiffness of the center engine power control and/or the elevator and rudder controls. This condition, if not corrected, could result in reduced controllability of the airplane.

Dassault Aviation has issued Service Bulletins F900–38–1 (F900–82) and F900–53–5 (F900–57), both dated October 4, 1990, which describe procedures to eliminate the 3 mm. diameter restrictor on the drain stub and enlarge the outlet cross section; and procedures to add protective screens to the drainage holes on each side of the center beam. The French DGAC has classified these service bulletins as mandatory, and has issued French Airworthiness Directive 90–170–009(b) addressing this subject.

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

Since this condition is likely to exist or develop on other airplanes of the same type design registered in the United States, an AD is proposed which would require repetitive inspections to detect clogged drains in the box structures surrounding the flight controls at frame 25, elimination of the 3 mm. diameter restrictor on the drain stub, and enlarging of the cross-section of the outlet of the drain stub; and the installation of a protective screen on the drainage holes on each side of the center beam; in accordance with the service bulletins previously described. This proposed AD would provide for an optional modification which, if installed, would constitute terminating action for the repetitive inspection requirements.

This is considered to be interim action until final action is identified, at which time the FAA may consider further rulemaking.

It is estimated that 40 airplanes of U.S. registry would be affected by this AD, that it would take approximately 17 manhours per airplane to accomplish the required actions, and that the average labor cost would be $40 per manhour. The required parts will be supplied to operators at no cost. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be $27,200.

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

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

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

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

PART 39—[AMENDED]

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

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

§ 39.13—[Amended]

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

Avions Marcel Dassault-Breguet Aviation AMD–BA): Applies to Model Mystere Falcon 900 series airplanes, as listed in Dassault Aviation Service Bulletins F900–53–5 (F900–57) and F900–38–1 (F900–82), both dated October 4, 1990, certificated in any category. Compliance is required as indicated, unless previously accomplished.

To prevent stiffness of the center engine power control and/or flight controls (elevator and rudder), and reduced controllability of the airplane, accomplish the following:

A. Within 30 days after the effective date of this AD, and thereafter at intervals not to exceed 7 days, accomplish the following.

1. Verify proper operation of the drain stub heating, in accordance with the manufacturer's Maintenance Manual (reference Procedures 30–700).

2. Verify freedom from clogging of the system by pressurizing the fuselage on the ground to a cabin pressure altitude of Z= −1,500 feet using the engines or APU, and by checking with the hand that air flows out of the drain stub, in accordance with the manufacturer's Maintenance Manual (reference Procedure 21–311).

B. Within 90 days after the effective date of this AD, perform the following modifications and inspections, which constitute terminating action for the requirements of paragraph A. of this AD.

1. On drain stub Part Number C49RD0033, eliminate the 3 mm. diameter restrictor and enlarge the outlet cross-section, in accordance with Dassault Aviation Service Bulletin F900–38–1 (F900–82), dated October 4, 1990.

2. On the drainage system, add protective screens to the drainage holes of the water collector under the washbasin, in accordance with Dassault Aviation Service Bulletin F900–38–1 (F900–82), dated October 4, 1990; and install a protective screen to the drainage holes on each side of the center beam, in accordance with Dassault Aviation Service Bulletin F900–53–5 (F900–57), dated October 4, 1990.

3. Following the installation of these modifications, prior to further flight, check the stub heating for proper operations, in accordance with Procedure 30–701 in the manufacturer's Maintenance Manual, and inspect and clean the modified drain holes.

C. Within 300 hours time-in-service after the effective date of this AD or within 6 months after accomplishing the modifications required by paragraph B. of this AD, whichever occurs first, and thereafter at intervals not to exceed 300 hours time-in-service or 6 months, accomplish the following in accordance with Dassault Aviation Service Bulletins F900–38–1 (F900–82) or F900–53–5 (F900–57), both dated October 4, 1990, as appropriate:

1. Check the stub heating for proper operation.

2. Inspect and clean the drain hole protective screens.

3. Verify correct water drainage via the frame 25 and washbasin collector drains.

D. Installation of Modification F900 M1352, which consists of removing the frame 25 drain pipe and replacing it with an end-fitting discharging into the compartment aft of frame 25, and connecting the collector drain pipe directly to the stub using a new intermediate pipe, in a manner approved by the Manager, Standardization Branch, ANM–113, Transport Airplane Directorate, constitutes terminating action for the repetitive inspections required by paragraph C. of this AD.

E. An alternate means of compliance or adjustment of the compliance time, which provides an acceptable level of safety, may be used when approved by the Manager,

Standardization Branch, ANM-113, FAA, Transport Airplane Directorate.

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

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

All persons affected by this directive who have not already received the appropriate service documents from the manufacturer may obtain copies upon request to Falcon Jet Corporation, Customer Support Department, Teterboro Airport, Teterboro, New Jersey 07608. These documents may be examined at the FAA, Northwest Mountain Region, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington.

Issued in Renton, Washington, on March 7, 1991.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 91-6711 Filed 3-20-91; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 90-CE-56-AD]

Airworthiness Directives; British Aerospace (BAe) PLC Models HP 137 Mk1, Jetstreams 200, 3101, and 3201 Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This notice proposes to adopt a new airworthiness directive (AD) that would be applicable to BAe PLC Models HP 137 Mkl, Jetstreams 200, 3101, and 3201 airplanes. The proposed action would require an inspection to identify all Type "F" joints on the flap torque shaft and the replacement of these joints with Type "M" joints. Testing has revealed that the Type "F" joints are susceptible to fatigue cracking and have a lower fatigue life than the Type "M" joints. The actions specified in this proposed AD are intended to prevent failure of the lower life joint, asymmetric flap deployment, and loss of control of the airplane.

DATES: Comments must be received on or before May 24, 1991.

ADDRESSES: BAe Alert Service Bulletin (ASB) 27-A-JA900544, Revision 4, dated September 28, 1990, that is discussed in this AD may be obtained from British Aerospace PLC, Manager Product Support, Commercial Aircraft Airlines Division, Prestwick Airport, Ayrshire, KA9 2RW Scotland; Telephone (44-292) 79888; Facsimile (44-292) 79703; or British Aerospace, Inc., Librarian, Box 17414, Dulles International Airport, Washington, DC, 20041; Telephone (703) 435-9100; Facsimile (703) 435-2628. This information also may be examined at the Rules Docket at the address below. Send comments on the proposal in triplicate to the FAA, Central Region, Office of the Assistant Chief Counsel, Attention: Rules Docket No. 90-CE-56-AD, room 1558, 601 E. 12th Street, Kansas City, Missouri 64106. Comments may be inspected at this location between 8 a.m. and 4 p.m., Monday through Friday, holidays excepted.

FOR FURTHER INFORMATION CONTACT: Mr. Raymond A. Stoer, Aircraft Certification Office, Europe, Africa, and Middle East Office, FAA, c/o American Embassy, B-1000 Brussels, Belgium; Telephone (322) 513.38.30 ext. 2710; Facsimile (322) 230.68.99; or Mr. John P. Dow, Sr., Small Airplane Directorate, Airplane Certification Service, FAA, 601 E 12th street, Kansas City, Missouri 64106; Telephone (816) 426-6932; Facsimile (816) 426-2169.

SUPPLEMENTARY INFORMATION:

Comments Invited

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

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

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Central Region, Office of the Assistant Chief Counsel, Attention: Rules Docket No. 90-CE-56-AD, room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

Discussion

The United Kingdom Civil Aviation Authority (CAA), which is the airworthiness authority for the United Kingdom (UK), recently notified the FAA that an unsafe condition may exist on British Aerospace (BAe) PLC Models HP 137 Mk1, Jetstreams 200, 3101, and 3201 airplanes. The CAA reports that the flap torque shaft on the affected airplanes incorporates two types of interchangeable universal joints that are designed by different manufacturers. Recent fatigue testing has revealed that the Type "F" joints designed by one manufacturer have a lower fatigue life than that of the Type "M" joints designed by another manufacturer.

British Aerospace (BAe) conducted inspections on Type "F" joints that were installed in several U.S. registered airplanes where the service life had exceeded the fatigue life of the Type "F" joints. As a result of these inspections, BAe developed inspection and replacement procedures for all Type "F" joints installed on BAe PLC Models HP 137 Mk1, Jetstreams 200, 3101, and 3201 airplanes. These procedures are specified in BAe Alert Service Bulletin (ASB) 27-A-JA 900544, Revision 4, dated September 28, 1990. The CAA classified this ASB as mandatory to assure the continued airworthiness of these airplanes in the United Kingdom. These airplanes are manufactured in the United Kingdom and are type certificated for operation in the United States. Under a bilateral airworthiness agreement, the CAA has kept the FAA fully informed of the condition described above.

The FAA has examined the findings of the CAA, reviewed all other available information, and determined that AD action is necessary. Since this condition is likely to exist or develop in BAe PLC Models HP 137 Mkl, Jetstreams 200, 3101, and 3201 airplanes of the same type design that are certificated for operation in the United States, the proposed AD would require an inspection to identify all Type "F" joints of the flap torque shaft and the replacement of these joints with Type "M" joints in accordance with the instructions in BAe ASB 27-A-JA 900544, Revision 4, dated September 28, 1990.

Airworthiness Directive (AD) 87-04-04, Amendment 39-5529 (52 FR 3599, February 5, 1987) and AD 89-16-02, Amendment 39-6273 (54 FR 31008, July 26, 1989) are not affected by this AD and the requirements of these two ADs remain in effect. AD 87-04-04 establishes a flap torque shaft assembly

life limit for BAe PLC Model HP137 Mkl, Jetstreams 200 and 3101 airplanes, and AD 89-16-02 requires visual inspections of the securing rivet of the flap torque shaft universal joint and replacement of the flap torque shaft if failed rivets are found on BAe PLC Model HP137 Mkl, Jetstreams 200, 3101, and 3201 airplanes.

Without inspecting each airplane, there is no way of knowing how many airplanes of U.S. registry have Type "F" joints and how may have Type "M" joints. The following figures are based upon an assumption that all airplanes in the fleet have Type "F" joints. It is estimated that 233 airplanes of U.S. registry will be affected by the proposed AD, that it will take approximately 30.5 hours to inspect and replace the Type "F" joints with Type "M" joints at $55 an hour, and that the "M" joints cost $879.32 per airplane. Based on these figures, the total cost impact of inspecting and replacing the Type "F" joints on U.S. operators is estimated to be $595,739. However, the affected joints currently must be replaced every 18,000 cycles. The proposed AD would make it mandatory to replace these joins every 15,000 cycles. The proposed AD would require the replacement of these joints 3,000 cycles earlier than is already required. Based on this, the total cost impact of the proposed AD on U.S. operators is 1/6 of the actual cost of replacement plus the inspection cost or approximately $99,290.

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

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

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

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

PART 39—[AMENDED]

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

Authority: 49 U.S.C. 1354(a), 1421 and 1423; 49 U.S.C. 106(g); and 14 CFR 11.89.

§ 39.13—[Amended]

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

British Aerospace (BAe) PLC: Docket No. 90-CE-56-AD.

Applicability: Models HP 137 Mk1, Jetstreams 200, 3101, and 3201 airplanes (all serial numbers), certificated in any category. Compliance: Required upon the accumulation of 15,000 cycles or within the next 100 cycles after the effective date of this AD, whichever occurs later, unless already accomplished.

Note 1: A cycle is equivalent to one takeoff and one landing. If no record of cycles is maintained, hours time-in-service (TIS) may be used with one hour equal to two cycles. For example, 100 hours TIS is equal to 200 cycles.

To prevent asymmetric flap deployment that would result in loss of control of the airplane, accomplish the following:

(a) Identify all Type "F" universal joints by accomplishing the actions described in part A of BAe Alert Service Bulletin (ASB) 27-A-JA-900544, Revision 4, dated September 28, 1990, and replace all Type "F" joints in accordance with the instructions in part C of BAe ASB 27-A-JA-900544, Revision 4.

Note 2: AD 87-04-04, Amendment 39-5529, and AD 89-16-02, Amendment 39-6273 do not apply to this AD and the requirments of these two ADs remain in effect. AD 87-04-04 establishes a flap torque shaft assembly life limit for these airplanes, and AD 89-16-02 requires visual inspections of the securing rivet of the flap torque shaft universal joint with subsequent replacement of the flap torque shaft if failed rivets are found.

(b) Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate airplanes to a location where the requirements of this AD can be accomplished.

(c) An alternate method of compliance or adjustment of the initial or repetitive compliance times that provides an equivalent level of safety may be approved by the Manager, Brussels Aircraft Certification Office, FAA, Europe, Africa, and Middle East Office, c/o American Embassy, B-1000 Brussels, Belgium. The request should be forwarded through an appropriate FAA Maintenance Inspector, who may add comments and then send it to the Manager, Brussels Aircraft Certification Office.

(d) All persons affected by this directive may obtain copies of the document referred to herein upon request to British Aerospace PLC, Manager Product Support, Commercial Aircraft Airlines Division, Prestwick Airport, Ayrshire, KA9 2RW Scotland; Telephone (44-292) 79888; Facsimile (44-292) 79703; or British Aerospace, Inc., Librarian, Box 17414, Dulles International Airport, Washington, DC, 20041; Telephone (703) 435-9100; Facsimile (703) 435-2628. This document may also be examined at the FAA, Central Region, Office of the Assistant Chief Counsel, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

Issued in Kansas City, Missouri, on March 12, 1991.

Gerald W. Pierce

Acting Manager, Small Airplane Directorate, Aircraft Cetification Service.

[FR Doc. 91-6712 Filed 3-20-91, 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 91-CE-17-AD]

Airworthiness Directives; Schempp-Hirth Cirrus and Cirrus VTC Sailplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This notice proposes to adopt a new airworthiness directive (AD) that would be applicable to Schempp-Hirth Cirrus and Cirrus VTC sailplanes. This proposed action would require (1) replacing the 8mm elevator drive tube with a round bar; (2) determining the elevator moments and weights; and (3) if these moments and weights exceed the published information, removing the tail parachute and installing a mass balance on the elevator. Several reports of tail flutter on the affected sailplanes have been reported. The actions specified by this proposed AD are intended to prevent the possible loss of control of the sailplane.

DATES: Comments must be received on or before May 17, 1991.

ADDRESSES: Schempp-Hirth Technical Note No. 265-6, dated April 27, 1982, that is discussed in this AD may be obtained from Schempp-Hirth Flugzeugbau GmbH, Postfach 1443, D-7312 Kirchheim, Federal Republic of Germany. This information also may be examined at the Rules Docket at the address below. Send comments on the proposal in triplicate to the FAA, Central Region, Office of the Assistant Chief Counsel, Attention: Rules Docket No. 91-CE-17-AD, room 1558, 601 E. 12th Street, Kansas City, Missouri 64106. Comments may be inspected at this

location between 8 a.m. and 4 p.m., Monday through Friday, holidays excepted.

FOR FURTHER INFORMATION CONTACT: Mr. Carl Mittag, Program Manager, Brussels Aircraft Certification Office, Europe, Africa, Middle East office, FAA, c/o American Embassy, 1000 Brussels, Belgium; Telephone 322.513.38.30 extension 2710; or Mr. Herman Belderok, Project Officer, Small Airplane Directorate, Aircraft Certification Service, FAA, 601 E. 12th Street, Kansas City, Missouri 64106; Telephone (816) 426–6932; Facsimile (816) 426–2169.

SUPPLEMENTARY INFORMATION:

Comments invited

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

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

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Central Region, Office of the Assistant Chief Counsel, Attention: Rules Docket No. 91–CE–17–AD, room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

Discussion

The Luftfarht-Bundesant (LBA), which is the airworthiness authority for the Federal Republic of Germany, recently notified the FAA that an unsafe condition may exist on Schempp-Hirth Cirrus and Cirrus VTC sailplanes. The LBA advises that they have received reports of tail flutter on several of the affected sailplanes. Tail flutter could result in complete loss of control of the sailplane. The manufacturer (Schempp-Hirth) has issued Technical Note (TN) No. 265–6, dated April 27, 1982, which specifies procedures to prevent tail flutter. The LBA classified this TN as mandatory and issued LBA AD 82–103 to assure the continued airworthiness of these sailplanes. Under a bilateral airworthiness agreement, the LBA has shared this information with the FAA.

The FAA has examined the findings of the LBA, reviewed all available information, and determined that AD action is necessary for the products of this type design that are certificated for operation in the United States. The FAA is proposing an AD that would require (1) replacing the 8mm elevator drive tube with a round bar; (2) determining the elevator moments and weights; and (3) if these moments and weights exceed the published information, removing the tail parachute and installing a mass balance on the elevator, all in accordance with Schempp-Hirth TN No. 265–6, dated April 27, 1982.

The FAA has determined that calendar time is the most desirable method of compliance for the proposed AD because yearly operational times very throughout the fleet. For example, one sailplane operator might utilize the sailplane 10 hours in one month, while another may not utilize the glider 10 hours in one year. Therefore, to maintan continuity and avoid inadvertent grounding of the affected sailplanes, compliance based upon calendar time is proposed.

It is estimated that 21 sailplanes of U.S. registry would be affected by the proposed AD, that it would take approximately 20 hours per sailplane to accomplish the proposed actions at $55 an hour, and that parts cost approximately $70 per sailplane. Based on these figures, the total cost impact of the proposed AD on U.S. operators is estimated to be $24,570.

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

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

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

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

PART 39—[AMENDED]

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

Authority: 49 U.S.C. 1354(a), 1421 and 1423; 49 U.S.C. 106(g); and 14 CFR 11.89.

§ 39.13 [Amended]

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

SCHEMPP-HIRTH: Docket No. 91–CE–17–AD.

Applicability: Cirrus and Cirrus VTC sailplanes (serial numbers 1 through 183 with or without a Y suffix), certificated in any category.

Compliance: Required within the next 30 calendar days after the effective date of this AD, unless already accomplished.

To prevent tail flutter that could result in complete loss of control of the sailplane, accomplish the following:

(a) Replace the 8mm diameter drive tube on the elevator drive lever with a round bar in accordance with drawing Cirrus No. 30.011/1—Elevator Drive Axle of Schempp-Hirth Technical Note No. 265–6, dated April 27, 1982.

(b) Determine the elevator hinge moments and weights using the criteria on page 27 of the Cirrus service manual. If the moments and weights exceed the published criteria, prior to further flight, accomplish the following:

(1) Remove the tail parachute and perform the requirements in Action 3, a) through d), of Schempp-Hirth Technical Note No. 265–6, dated April 27, 1982.

(2) Install a mass balance on the elevator in accordance with drawing Cirrus No. 30.001/1—Elevator mass balance of Schempp-Hirth Technical Note No. 265–6, dated April 27, 1982.

Note: Although not required by this AD, the pages referenced by Action 5 of Schempp-Hirth Technical Note No. 265–6, dated April 27, 1982, should be incorporated into the service manual.

(c) An alternative method of compliance or adjustment of the compliance time that provides an equivalent level of safety may be approved by the Manager, Brussels Aircraft Certification Office, Europe, Africa, Middle East office, FAA, c/o American Embassy,

1000 Brussels, Belgium. The request should be forwarded through an appropriate FAA Maintenance Inspector, who may add comments and then send it to the Manager, Brussels Aircraft Certification Office.

(d) All persons affected by this directive may obtain copies of the document referred to herein upon request to Schempp-Hirth Flugzeugbau GmbH, Postfach 1443, D-7312 Kirchheim, Federal Republic of Germany; or may examine this document at the FAA, Central Region, Office of the Assistant Chief Counsel, room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

Issued in Kansas City, Missouri, on March 8, 1991.

Henry A. Armstrong,

Acting Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 91-6713 Filed 3-20-91; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 103

[Docket No. 89N-0469]

Quality Standards for Foods with No Identity Standards; Bottled Water; Reopening of Comment Period

AGENCY: Food and Drug Administration, HHS.

ACTION: Proposed rule; reopening of comment period.

SUMMARY: The Food and Drug Administration (FDA) is announcing the reopening of the comment period for 30 days on a proposal published in the Federal Register of July 6, 1990 (55 FR 27831), to establish quality standards for seven volatile synthetic organic chemicals (VOC's) in bottled drinking water. The Nutrition Labeling and Education Act of 1990 removed quality standards from formal rulemaking procedures (21 U.S.C. 371(e)). FDA is redesignating this rulemaking as a notice and comment rulemaking under 21 U.S.C. 371(a), and providing another 30-day period for comments on this proposal.

DATES: Written comments by April 22, 1991.

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

FOR FURTHER INFORMATION CONTACT: Terry Troxell, Center for Food Safety and Applied Nutrition (HFF-312), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-485-0229.

SUPPLEMENTARY INFORMATION: In the Federal Register of July 6, 1990 (55 FR 27831), FDA published a proposal to establish quality standards for seven VOC's in bottled drinking water. FDA's proposal followed an Environmental Protection Agency (EPA) rulemaking that established maximum contaminant levels (MCL's) for these VOC's in public drinking water systems. The FDA rulemaking was initiated under the formal rulemaking procedure of section 701(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 371(e)). However, the Nutrition Labeling and Education Act of 1990 (Pub. L. 101-535), enacted November 8, 1990, removed standard of quality rulemaking from the coverage of 21 U.S.C. 371(e). FDA is providing notice that it is redesignating this rulemaking as a 21 U.S.C. 371(a) rulemaking that is subject to notice and comment rulemaking as provided in the Administrative Procedure Act.

FDA is also reopening the comment period for an additional 30 days to provide an additional opportunity for interested persons to comment. Under the formal rulemaking procedures established in 21 U.S.C. 371(e), there is an opportunity to object to any final rule. Such an opportunity is not provided as part of informal rulemaking. Therefore, FDA believes that fairness suggests that the agency provide an additional opportunity for comment, to ensure that it is apprised of all relevant concerns, before it decides on a final rule.

Interested persons may, on or before April 22, 1991, submit to the Dockets Management Branch (address above) written comments regarding this proposal. Two copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document. Received comments may be seen in the office above between 9 a.m. and 4 pm., Monday through Friday.

Dated: March 15, 1991.

Gary Dykstra,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 91-6632 Filed 3-20-91; 8:45 am]

BILLING CODE 4160-01-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 48

[PS-94-90]

RIN 1545-AP24

Retail Excise Taxes on Certain Luxury Items

AGENCY: Internal Revenue Service, Treasury.

ACTION: Change of the date for public hearing on proposed regulations; Extension of time to submit outlines of oral comments.

SUMMARY: This document provides notice of a change of date for a public hearing on proposed regulations relating to retail excise taxes on certain luxury items.

DATES: The public hearing will be held on Monday, April 29, 1991, beginning at 10 a.m., and continuing, if necessary, at the same time on Tuesday, April 30, 1991. Requests to speak and outlines of oral comments must be received by Monday, April 15, 1991.

ADDRESSES: The public hearing will be held in the Internal Revenue Service Auditorium, Seventh floor, 7400 Corridor, Internal Revenue service Building, 1111 Constitution Avenue NW., Washington, DC. The requests to speak and outlines of oral comments should be submitted to: Internal Revenue Service, P.O. Box 7604, Ben Franklin Station, Attn: CC:CORP:T:R, (PS-94-90), room 4429, Washington, DC 20044.

FOR FURTHER INFORMATION CONTACT: Carol Savage of the Regulations Unit, Assistant Chief Counsel (Corporate), 202-343-0232 or 202-566-3935, (not a toll-free number).

SUPPLEMENTARY INFORMATION: A notice of public hearing appearing in, the Federal Register for Thursday, January 17, 1991 (56 FR 1754), announced, among other things, that a public hearing relating to retail excise taxes on certain luxury items would be held on Friday, April 26, 1991, and that outlines of oral comments should be submitted by April 12, 1991. The proposed regulations were published in the Federal Register for Wednesday, January 2, 1991 (56 FR 36).

The dates for the public hearing and submission of outlines of oral comments have changed. The hearing will be held on Monday, April 29, 1991, and continuing, if necessary, on Tuesday, April 30, 1991. The outlines of oral comments must be received by April 15, 1991.

In all other respects the details regarding the hearing will remain the same.

By direction of the Commissioner of Internal Revenue.

Dale D. Goode,

Federal Register Liaison Officer, Assistant Chief Counsel (Corporate).

[FR Doc. 91-6631 Filed 3-20-91; 8:45 am]

BILLING CODE 4830-01-M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 914

Indiana Regulatory Program Amendment; Archaeological and Historic Preservation

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

ACTION: Proposed rule.

SUMMARY: OSM is announcing receipt of proposed Amendment #91-1 submitted by Indiana as a modification to the State's regulatory program (hereinafter referred to as the Indiana program) under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). The amendment submitted consists of proposed changes to the Indiana Surface Mining Statute provisions concerning archaeological and historic preservation. The amendment is intended to revise the Indiana program to be consistent with the corresponding provisions of SMCRA.

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

DATES: Written comments must be received on or before 4 p.m. on April 22, 1991; if requested, a public hearing on the proposed amendment is scheduled for 1 p.m. on April 15, 1991; and requests to present oral testimony at the hearing must received on or before 4 p.m. on April 5, 1991.

ADDRESSES: Written comments and requests to testify at the hearing should be directed to Mr. Richard D. Rieke, Director, Indianapolis Field Office, at the address listed below. If a hearing is requested, it will be held at the same address. Copies of the Indiana program, the amendment, a listing of any scheduled public meetings, and all written comments received in response to this notice will be available for public review at the following locations, during normal business hours, Monday through Friday, excluding holidays:

Office of Surface Mining Reclamation and Enforcement, Indianapolis Field Office, Minton-Capehart Federal Building, 575 North Pennsylvania Street, room 301, Indianapolis, IN 46204. Telephone: (317) 226-6166.

Indiana Department of Natural Resources, 608 State Office Building, Indianapolis, IN 46204. Telephone: (317) 232-1547.

Each requester may receive, free of charge, one copy of the proposed amendment by contacting the OSM Indianapolis Field Office.

FOR FURTHER INFORMATION CONTACT: Mr. Richard D. Rieke, Director, Telephone (317) 226-6166.

SUPPLEMENTARY INFORMATION:

I. Background on the Indiana Program

On July 29, 1932, the Indiana program was made effective by the conditional approval of the Secretary of the Interior. Information pertinent to the general background on the Indiana program, including the Secretary's findings, the disposition of comments, and a detailed explanation of the conditions of approval of the Indiana program can be found in the July 26, 1982 Federal Register(47 FR 32107). Subsequent actions concerning the conditions of approval and program amendments are identified at 30 CFR 914.10, 914.15, and 914.16.

II. Discussion of the Proposed Amendments

On February 10, 1987, OSM revised its regulations pertaining to cultural and historic resources (52 FR 4244). OSM notified the Indiana Department of Natural Resources (IDNR) of these changes and informed the IDNR that its program would need to be amended to be no less effective than the revised Federal regulations. This notification was provided by letter dated June 9, 1987 (Administrative Record No. IND-0492).

In an attempt to address the requirements of the June 9, 1987, letter, Indiana Senate Enrolled Act (SEA) 121 was signed into law in March of 1988. SEA 121 became Public Law 108-1988. By itself, Public Law 108-1988 did not fully address all the issues that had been raised by OSM. The concerns of OSM regarding Public Law 108-1988 were expressed in a memorandum from OSM's Historic and Preservation Officer, to the Director of OSM's Indianapolis Field Office dated July 11, 1988 (Administrative Record No. IND-0597). Nevertheless, IDNR and OSM initially felt that rules could be developed which would address the remaining OSM issues.

A number of meetings occurred between various parties (IDNR, OSM, Indiana's Division of Historic Preservation and Archeology (DHPA), the archeology community, and the coal industry) in an attempt to develop acceptable rules. In the summer of 1989, OSM reviewed two distinct versions of rules developed to implement Public Law 108-1988. One version was developed jointly by the Division of Reclamation (DOR) and the DHPA. The other version had been developed by the Indiana Coal Council, Inc. By letter dated September 14, 1989 (Administrative Record No. IND-0679), OSM determined that neither of the proposed rules would satisfy the OSM requirements.

IDNR then proposed statutory changes to address the OSM requirements and allow for the development of acceptable implementing rules. These changes were made through SEA 378 (Pub. L. 104-1990) which is the subject of this formal program amendment. Regulations to implement the new statutory provisions are currently being drafted.

By letter dated February 15, 1991, (Administrative Record No. IND-0835), the IDNR submitted a proposed amendment (Amendment #91-1) to the Indiana program at the Indiana Code (IC). The proposed amendment is part of Indiana's 1990 Senate Enrolled Act No. 378 (Public Law 104-1990). The amendment would make changes to existing Sections IC 13-4.1-3-3, IC 13-4.1-3-3.1, IC 13-4.1-4-3.1, and IC 13-4.1-14-1 concerning cultural and historic protection. These changes, in combination with a future submittal of proposed State rules, are meant to provide for the archaeological and historic preservation part of the State program to be no less effective than the Federal regulations.

III. Public Comment Procedures

In accordance with provisions of 30 CFR 732.17(h), OSM is now seeking comment on whether the amendment proposed by Indiana satisfies the requirements of 30 CFR 732.15 for the approval of State program amendments. If the amendment is deemed adequate, it will become part of the Indiana program.

Written Comments

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

Public Hearing

Persons wishing to comment at the public hearing should contact the person listed under "FOR FURTHER INFORMATION CONTACT" by 4 p.m. April 5, 1991. If no one requests an opportunity to comment at a public hearing, the hearing will not be held.

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

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

Public Meeting

If only one person requests an opportunity to comment at a hearing, a public meeting, rather than a public hearing, may be held. Persons wishing to meet with OSM representatives to discuss the proposed amendment may request a meeting at the Indianapolis Field Office by contacting the person listed under "FOR FURTHER INFORMATION CONTACT." All such meetings will be open to the public and, if possible, notices of meetings will be posted in advance at the locations listed above under "ADDRESSES." A summary of the meeting will be included in the Administrative Record.

List of Subjects in 30 CFR Part 914

Intergovernmental relations, Surface mining, Underground mining.

Dated: March 13, 1991.

Carl C. Close,

Assistant Director, Eastern Support Center.

[FR Doc. 91-6699 Filed 3-20-91; 8:45 am]

BILLING CODE 4310-05-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 90-281; RM-7322]

Television Broadcasting Services; Jasper and Tuscaloosa, AL

AGENCY: Federal Communications Commission.

ACTION: Proposed rule; dismissal of proposal.

SUMMARY: This document dismisses a petition filed on behalf of Channel 17 Associates, Ltd., licensee of television Station WDBB(TV), Channel 17, Tuscaloosa, Alabama, based upon its withdrawal of interest. The petitioner had requested the reallotment of UHF television Channel 17 from Tuscaloosa to Jasper, Alabama, as that community's first local television service. See 55 FR 23585, June 11, 1990. With this action, the proceeding is terminated.

ADDRESSES: Federal Communications Commission, Washington, DC 20554.

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

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 90-281, adopted March 7, 1991, and released March 15, 1991. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, Downtown Copy Center, (202) 452-1422, 1714 21st Street, NW., Washington, DC. 20036.

List of Subjects in 47 CFR Part 73

Television broadcasting.

Federal Communications Commission.

Andrew J. Rhodes,

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

[FR Doc. 91-6640 Filed 3-20-91; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 91-57, RM-7601]

Radio Broadcasting Services; New Iberia and Ville Platte, LA

AGENCY: Federal Communications Commission

ACTION: Proposed rule.

SUMMARY: The Commission requests comments on a petition by D.C. Jones, permittee of Channel 229C2 at New Iberia, Louisiana, proposing the substitution of Channel 229C1 for Channel 229C2 at New Iberia and modification of her construction permit to specify operation on the higher powered channel. In order to accommodate the allotment of Channel 229C1 to New Iberia, we also propose to substitute Channel 223A for Channel 228A at Ville Platte, Louisiana, and to modify the license of Station KVPI(FM) accordingly. An *Order to Show Cause* is issued to the licensee of Station KVPI (FM) why its license should not be modified to specify the alternate channel. See Supplementary Information, *infra.*

DATES: Comments must be filed on or before May 6, 1991, and reply comments on or before May 21, 1991.

ADDRESSES: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows: Stuart A. Shorenstein, Esq., Lowenthal, Landau, Fischer & Zieger, P.C., 250 Park Avenue, New York, New York, 10177 (Counsel to petitioner).

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

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 91-57, adopted March 7, 1991, and released March 15, 1991. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, Downtown Copy Center, (202) 452-1422, 1714 21st Street, NW., Washington, DC 20036.

Channel 229C1 can be allotted to New Iberia, Louisiana, in compliance with the Commission's minimum distance separation requirements with a site restriction of 45.3 kilometers (28.1 miles) northeast to accommodate petitioner's desired site. Channel 223A can be allotted to Ville Platte, Louisiana, in compliance with the Commission's minimum distance separation requirements and can be used at KVPI (FM)'s licensed site. The coordinates for the allotment of Channel 229C1 at New Iberia, Louisiana, are North Latitude 3-20-00 and West Longitude 91-32-00. The coordinates for Channel 223A at Ville

Platte, Louisiana, are North Latitude 30–41–39 and West Longitude 92–18–46.

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

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

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

List of Subjects in 47 CFR Part 73

Radio Broadcasting.

Federal Communications Commission

Andrew J. Rhodes,

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

[FR Doc. 91–6639 Filed 3–20–91; 8:45 am]

BILLING CODE 6712–01–M

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47 CFR Part 73

[MM Docket No. 91–56, RM–7419]

Radio Broadcasting Services; Caldwell, TX

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on the substitution of Channel 236C2 for Channel 236A at Caldwell, Texas, and modification of the construction permit for Station KHEN, Channel 236A, Caldwell, Texas, to specify operation on Channel 236C2, as requested by Roy E. Henderson. The reference coordinates for the proposed Channel 236C2 upgrade at Caldwell are 30–45–24 and 96–26–05, with a site restriction of 32.7 kilometers (20.3 miles) to avoid short spacings to Station KNFO, Channel 238C, Waco, Texas, and Station KVIC, Channel 236C1, Victoria, Texas.

DATES: Comments must be filed on or before May 6, 1991, and reply comments on or before May 21, 1991.

ADDRESSES: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows: Robert J. Buenzle, 12110 Sunset Hills Road, suite 450, Reston, Virginia 22090, (Counsel to petitioner).

FOR FURTHER INFORMATION CONTACT: Robert Hayne, Mass Media Bureau, (202) 634–6530.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 91–56 adopted March 6, 1991, and released March 15, 1991. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, Downtown Copy Center, (202) 452–1422, 1714 21st Street, NW., Washington, DC 20036.

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

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

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

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

Andrew J. Rhodes,

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

[FR Doc. 91–6638 Filed 3–20–91; 8:45 am]

BILLING CODE 6712–01–M

DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

49 CFR Ch. I

[Docket No. FS–1; Notice No. 91–1]

RIN 2137–ACOO

Safeguarding Food From Contamination During Transportation; Extension of Comment Period

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

ACTION: Extension of time to file comments.

SUMMARY: On February 20, 1991, RSPA published an advance notice of proposed rulemaking (ANPRM) in the **Federal Register** (56 FR 6934; Docket FS–1; Notice No. 91–1) which requested public comment on the requirements imposed under Public Law 101–500, "Sanitary Food Transportation Act of 1990" (SFTA). In order to evaluate the proposals contained in the ANPRM, several commenters have requested that the comment period of the ANPRM be extended. RSPA concurs with these requests and this notice extends that comment period.

DATES: The date for filing the comments is extended from March 26, 1991, to April 29, 1991.

ADDRESSES: Copies of SFTA may be obtained from the Superintendent of Documents, Government Printing Office, Washington DC 20402–9371; Telephone (202) 275–2091. Comments to this ANPRM should be addressed to the Dockets Unit, Research and Special Programs Administration, U.S. Department of Transportation, Washington, DC 20590–0001. Comments should identify the docket and be submitted, if possible, in five copies. Persons wishing to receive confirmation of receipt of their comments should include a self-addressed stamped postcard showing the docket number (i.e., Docket FS–1). The Dockets Unit is located in Room 8419 of the Nassif Building, 400 Seventh Street, SW., Washington, DC 20590–0001. Telephone: (202) 366–5046. Public dockets may be reviewed between the hours of 8:30 am. to 5 pm., Monday through Friday.

FOR FURTHER INFORMATION CONTACT: John A. Gale, (202) 366–4488, Office of Hazardous Materials Standards or Edmund J. Richards, (202) 366–0656, Interagency Coordinator for Hazardous Materials Safety, RSPA, U.S. Department of Transportation, 400 Seventh Street SW., Washington, DC 20590–0001.

SUPPLEMENTARY INFORMATION: On February 20, 1991, RSPA published an ANPRM in response to SFTA. SFTA requires the Secretary of Transportation (the Secretary) to promulgate regulations to promote the safe transportation of food products. SFTA was enacted in response to Congressional findings that: (1) Americans are entitled to receive food and other consumer products that are not made unsafe as a result of transportation practices; (2) the American public is threatened by the transportation of products potentially harmful to consumers in motor vehicles and rail vehicles which are used to transport food and other consumer products; and (3) the risks posed by such transportation practices are unnecessary, and such practices must be terminated.

Several associations (e.g., American Trucking Association, National Private Truck Council, et al.) have petitioned for an extension of the comment period from March 26, 1991, to June 26, 1991 (i.e., a 90 day extension) to provide them ample time to respond to the ANPRM. One petitioner indicated that adhering to the March 26, 1991 date would force them to "* * * answer the questions in an anecdotal fashion, providing RSPA with superfluous information."

Obviously, RSPA desires substantive comments from interested persons, particularly those who may be impacted by new regulatory requirements. However, the ambitious time frame set forth in SFTA calls for completion of rulemaking within 270 days from enactment. In order that the rulemaking proceed in as timely a manner as possible, RSPA necessarily must limit the comment period. For this reason, RSPA is extending the comment period for 34 days (i.e., to April 29, 1991), rather than 90 days as requested by petitioners. RSPA believes that this extension provides adequate time for interested persons to provide meaningful comments. In the event of minor delays in submitting comments, RSPA rulemaking procedures, as set forth at 49 CFR 106.23, provide that late-filed comments will be considered so far as is practicable.

Issued in Washington, DC on March 15, 1991, under authority delegated in 49 CFR 1.53(i).

Alan I. Roberts,

Associate Administrator for Hazardous Materials Safety.

[FR Doc. 91-6671 Filed 3-20-91; 8:45 am]

BILLING CODE 4910-60-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 655

Atlantic Mackerel, Squid, and Butterfish Fisheries

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

ACTION: Notice of availability of an amendment to a fishery management plan and request for comments.

SUMMARY: NOAA issues this notice that the Mid-Atlantic Fishery Management Council (Council) has submitted Amendment 3 to the Fishery Management Plan for the Atlantic Mackerel, Squid, and Butterfish Fishery (FMP) for review by the Secretary of Commerce (Secretary). Written comments are requested from the public. The amendment proposes definitions of overfishing for Atlantic mackerel, *Loligo* squid, *Illex* squid, and butterfish.

DATES: Written comments must be received on or before May 13, 1991.

ADDRESSES: All comments should be sent to Richard Roe, Regional Director, National Marine Fisheries Service, Northeast Regional Office, One Blackburn Drive, Gloucester, Massachusetts 01930-2298. Mark the outside of the envelope "Comments on SMB 602". Copies of the FMP are available from John C. Bryson, Executive Director, Mid-Atlantic Fishery Management Council, room 21, 15 Federal Building, 300 S. New Street, Dover, Delaware 19901-6790.

FOR FURTHER INFORMATION CONTACT: Paul H. Jones, Resource Management Specialist, 508-281-9273.

SUPPLEMENTARY INFORMATION: The Magnuson Fishery Conservation and Management Act (Magnuson Act), as amended, requires that each Regional Fishery Management Council submit any fishery management plan or amendment it prepares to the Secretary for review and approval, disapproval, or partial disapproval. The Magnuson Act also requires that the Secretary immediately publish a notice that the document is available for public review and comment. The Secretary will consider the public comments in determining its approvability.

NOAA Guidelines for Fishery Management Plans (50 CFR part 602) require a definition of overfishing for managed stocks. In accordance with the above, the Council proposed the following overfishing definitions:

Atlantic Mackerel

Overfishing is defined as the catch of Atlantic mackerel exceeding the annual quota for the species. The FMP sets annual quotas through quantitative biological parameters. The Initial Optimum Yield (IOY), Domestic Annual Harvest (DAH), Domestic Annual Processing (DAP), Joint Venture Processing (JVP), and the Total Allowable Level of Foreign Fishing (TALFF) are determined yearly by the Director, Northeast Region (Regional Director) and the Council. This provision concerning setting annual quotas prevents overfishing.

Loligo and Illex Squid, and Butterfish

For purposes of meeting the 602 Guidelines, overfishing for *Lolig pealei, Illex illecebrosus,* and butterfish is defined as occurring for a species when the three-year moving average of pre-recruits from the Northeast Fisheries Center's autumn bottom trawl survey (mid-Atlantic to Georges Bank) falls within the lowest quartile of the time series (1967 to present for Loligo, 1968 to present for *Illex* and butterfish). This means, for example, that when the 1990 index is available (and thus a 24-year time series exists) that the sixth lowest annual index will be compared to the average of the 1988, 1989 and 1990 indices. If the three-year average is below the sixth lowest index, overfishing will be defined as occurring. Quotas for these species are set annually by the Regional Director, according to the FMP. Annual quotas can be set within the range of 0 to 44,000 metric tons for *Loligo,* 0 to 33,000 for *Illex,* and 0 to 16,000 for butterfish, based upon the estimated maximum sustainable yields (MSY).

Such definitions have as their main assumption that in periods of sustained poor recruitment (a three-year moving average of Years) spawning stock and thus fishable biomass will decline. In order to reduce the harvest rate of spawners during periods of low spawning biomass, allowable landings (relative to the historical average as the basis for MSY and acceptable biological catch calculations) will thus be reduced.

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

Dated: March 15, 1991.

David S. Crestin,

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

[FR Doc. 91-6690 Filed 3-15-91; 5:06 am]

BILLING CODE 3510-22-M

Notices

Federal Register
Vol. 56, No. 55
Thursday, March 21, 1991

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

ACTION

Foster Grandparent and Senior Companion Programs

AGENCY: ACTION.

ACTION: Notice of revision of income eligibility levels for Foster Grandparent and Senior Companion Programs.

SUMMARY: This Notice revises the schedules of income eligibility levels for participation in the Foster Grandparent (FGP) and Senior Companion (SCP) Programs published in the Federal Register, March 30, 1990 (55 FR 54) and December 12, 1990 (55 FR 239). Because data used for determining FGP and SCP income eligibility levels is available at different times during the year, ACTION has determined that it will issue these guidelines twice a year so as to reflect the most current information and to assure the widest base of potential applicants.

The revised schedules are based on changes in the Poverty Income Guidelines from the Department of Health and Human Services (DHHS), effective February 20, 1991 (56 FR 34) and Supplemental Security Income (SSI) guidelines disseminated by the Social Security Administration, in June 1990. This revision adopts as the income eligibility level for each State the higher amount of either: (a) 125 percent of the DHHS Poverty Income Guidelines, or (b) 100 percent of the DHHS Poverty Income Guidelines, plus the 1990 amount each State supplemented Federal SSI, rounded to the next highest multiple of $5.00. When the Social Security Administration disseminates the 1991 State supplements to the Federal SSI, ACTION will revise its income eligibility guidelines for those States with SSI supplements above 125 percent of the DHHS Poverty Income Guidelines.

Schedule of Income Eligibility Levels: Foster Grandparent and Senior Companion Programs

1991 FGP/SCP INCOME ELIGIBILITY LEVELS FOR ALL STATES (AND HAWAII), EXCEPT ALASKA, CALIFORNIA, COLORADO, CONNECTICUT

[Based on 125% of DHHS Poverty Income Guidelines]

States	Household units of							
	One	Two	Three	Four	Five	Six	Seven	Eight
All	$8,275	$11,100	$13,925	$16,750	$19,575	$22,400	$25,225	$28,050
Hawaii	9,515	12,765	16,015	19,265	22,515	25,765	29,015	32,265

(For household units with more than eight members, add $2,825 in all states and $3,250 in Hawaii for each additional member.)

Below are adjusted income eligibility levels, which reflect either 1990 SSI supplements or 125 percent of the DHHS 1991 Poverty Income Guidelines, whichever is higher.

1991 FGP/SCP INCOME ELIGIBILITY LEVELS FOR THE FOLLOWING SSI-ADJUSTED STATES

State	Household units of							
	One	Two	Three	Four	Five	Six	Seven	Eight
AK	$11,815	$16,330	$18,010	$21,690	$24,465	$27,990	$31,515	$35,040
CA	10,025	17,110	19,250	21,390	23,530	25,670	27,810	29,950
CO	8,275	12,130	14,270	16,750	19,575	22,400	25,225	28,050
CT	10,675	14,720	16,860	19,000	21,140	23,280	25,420	28,050

(For household units with more than eight members, add $2,820 in Alaska, add $2,260 in California, Connecticut and in Colorado for each additional member.)

Any person whose income is not more than 100 percent of the DHHS Poverty Income Guideline for her/his specific household unit shall be given special consideration for participation in the Foster Grandparent and Senior Companion Programs. The revised income eligibility levels presented here are calculated from the base DHHS Poverty Income Guidelines now in effect.

1991 DHHS POVERTY INCOME GUIDELINES FOR ALL STATES

States	For household units of							
	One	Two	Three	Four	Five	Six	Seven	Eight
All Except AK & HI	$6,620	$8,880	$11,140	$13,400	$15,660	$17,920	$20,180	$22,440

1991 DHHS POVERTY INCOME GUIDELINES FOR ALL STATES—Continued

States	For household units of							
	One	Two	Three	Four	Five	Six	Seven	Eight
Alaska	8,290	11,110	13,930	16,750	19,570	22,390	25,210	28,030
Hawaii	7,610	10,210	12,810	15,410	18,010	20,610	23,210	25,810

EFFECTIVE DATE: March 21, 1991.

FOR FURTHER INFORMATION CONTACT: Rey Tejada, Program Officer, Foster Grandparent Program, 1100 Vermont Avenue, NW., Washington, DC 20525 or Telephone (202) 634–9349.

SUPPLEMENTARY INFORMATION: These ACTION programs are authorized pursuant to section 211 and 213 of the Domestic Volunteer Service Act of 1973, as amended, Public Law 93–113, 87 Stat. 394. The income eligibility levels are determined by the currently applicable guidelines published by DHHS pursuant to sections 652 and 673(2) of the Omnibus Budget Reconciliation Act of 1981 which requires poverty guidelines to be adjusted for Consumer Price Index changes.

Signed in Washington, DC March 13, 1991.

Jane A. Kenny,

Director of ACTION.

[FR Doc. 91–6645 Filed 3–20–91; 8:45 am]

BILLING CODE 6050–28–M

DEPARTMENT OF AGRICULTURE

Forms Under Review by Office of Management and Budget

March 15, 1991.

The Department of Agriculture has submitted to OMB for review the following proposals for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35) since the last list was published. This list is grouped into new proposals, revisions, extensions, or reinstatements. Each entry contains the following information:

(1) Agency proposing the information collection; (2) title of the information collection; (3) form number(s), if applicable; (4) how often the information is requested; (5) who will be required or asked to report; (6) an estimate of the number of responses; (7) an estimate of the total number of hours needed to provide the information; (8) name and telephone number of the agency contact person.

Questions about the items in the listing should be directed to the agency person named at the end of each entry. Copies of the proposed forms and supporting documents may be obtained from: Department Clearance Officer, USDA, OIRM, room 404–W Admin. Bldg., Washington, DC 20250, (202) 447–2118.

Emergency-Revision

• Agricultural Stabilization and Conservation Service
7 CFR parts 777, 1477, and 1413—Disaster Payments and Disaster Assistance Programs
ASCS–574, 574–1, 658; CCC–441, 441SU, 441WR, 440
On occasion
Farms; 218,120 responses; 54,532 hours
Charles Cox (202) 382–8757.

• Agricultural Stabilization and Conservation Service
7 CFR parts 704 and 7 CFR 1410, Conservation Reserve Program
CRP–1, CRP–1 appendix, CRP–1A, CRP–1C, CRP–1D, CRP–1E and 7 CFR parts 704 and 1410
On occasion
Individuals or households; State or local governments; Farms; 1,679,700 responses; 105,478 hours
Charles Sims (202) 447–7334.

• Agricultural Stabilization and Conservation Service
7 CFR parts 1413 and 1414—Forms for Participation in Price Support and Production Adjustment Programs
CCC–477, 477 appendix, 477A, 477B, 505, 506, 406, 406 appendix, and ASCS–503
Annually
Farms; 1,696,000 responses; 424,000 hours
Bruce Hiatt (202) 245–4793.

Revision

• Federal Grain Inspection Service
Reporting and Recordkeeping Requirements of the USGSA and the AMA of '46
Recordkeeping; On occasion; Weekly; Monthly; Annually
State or local governments; Businesses or other for-profit; Federal agencies or employees; 5,799,172 responses; 1,363,093 hours
Robert "E" Soderstrom (202) 382–0231.

New Collection

• Food and Nutrition Service
7 CFR part 215—Special Milk Program for Children—Addendum 1
Weekly; Monthly; Quarterly; Annually; Biennially
State or local governments; Federal agencies or employees; Non profit institutions; 9,671 responses; 4,836 hour reduction
Marian Stroud (703) 756–3607.

• Food and Nutrition Service
7 CFR part 210—National School Lunch Program—Addendum 2
Monthly; Quarterly; Annually; Biennially
State or local governments; Federal agencies or employees; Nonprofit institutions; 19,560 responses; 4,890 hour reduction
Marian Stroud (703) 756–3607.

• Food and Nutrition Service
7 CFR part 235 State Administrative Expense Funds (Reporting and Recordkeeping) Addendum 1
Monthly; Quarterly; Annually; Biennially,
State or local governments; 1,943 responses; 876 hours
Marian Stroud (703) 756–3607.

• Food and Nutrition Service
7 CFR part 245—Determining Eligibility for Free and Reduced Price Meals and Free Milk in Schools—Addendum 1
On occasion; Monthly; Quarterly; Annually; Biennially
State or local governments; Businesses or other for-profit; Nonprofit institutions; 6,358,654 responses; 217,803 hour reduction
Marian Stroud (703) 756–3607.

• Food and Nutrition Service
7 CFR part 220—School Breakfast Program—Addendum 1
Monthly; Quarterly; Semi-annually; Annually
State or local governments; Businesses or other for-profit; Nonprofit institutions; Small businesses or organizations; 3,800 responses; 2,215 hour reduction
Marian Stroud (703) 756–3607.

Larry K. Roberson,

Deputy Departmental Clearance Officer.

[FR Doc. 91–6672 Filed 3–20–91; 8:45 am]

BILLING CODE 3410–01–M

COMMISSION ON CIVIL RIGHTS

Arkansas Advisory Committee; Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the Arkansas Advisory Committee to the Commission will convene at 1 p.m. and adjourn at 4 p.m. on April 23, 1991, at the Holiday Inn-City Center, 617 South Broadway, Little Rock, Arkansas 72201. The purpose of the meeting is to discuss program planning and future Advisory Committee projects.

Persons desiring additional information, or planning a presentation to the Committee should contact Melvin L. Jenkins, Director of the Central Regional Division (816) 426–5253 (TDD 816–426–5009). Hearing impaired persons who will attend the meeting and require the services of a sign language interpreter should contact the Central Regional Division at least five (5) working days before the scheduled date of the meeting.

The meeting will be conducted pursuant to the provisions of the rules and regulations of the Commission.

Dated at Washington, DC, March 18, 1991.

Carol-Lee Hurley,

Chief, Regional Programs Coordination Unit.

[FR Doc. 91–6739 Filed 3–20–91; 8:45 am]

BILLING CODE 6335–01–M

Louisiana Advisory Committee; Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the Louisiana Advisory Committee to the Commission will convent at 10 a.m. and adjourn at 3 p.m. on April 17, 1991, at the Riverview Suite Hotel, 2045 Riverside North, Baton Rouge, Louisiana. The purpose of the meeting is to discuss program planning and future Advisory Committee projects.

Persons desiring additional information, or planning a presentation to the Committee, should contact Melvin L. Jenkins, Director of the Central Regional Division (816) 426–5253, (TDD 816–426–5009). Hearing impaired persons who will attend the meeting and require the services of a sign language interpreter should contact the Central Regional Division at least five (5) working days before the scheduled date of the meeting.

The meeting will be conducted pursuant to the provisions of the rules and regulations of the Commission.

Dated at Washington, DC, March 18, 1991.

Carol-Lee Hurley,

Chief, Regional Programs Coordination Unit.

[FR Doc. 91–6740 Filed 3–20–91; 8:45 am]

BILLING CODE 6335–01–M

Mississippi Advisory Committee; Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the Mississippi Advisory Committee to the Commission will convene at 10 a.m. and adjourn at 3 p.m. on April 18, 1991, at the Ramada Inn-Renaissance, 1001 County Line Road, Jackson, Mississippi 39211. The purpose of the meeting is to discuss program planning and future Advisory Committee projects.

Persons desiring additional information, or planning a presentation to the Committee, should contact Melvin L. Jenkins, Director of the Central Regional Division (816) 426–5253, (TDD 816–426–5009). Hearing impaired persons who will attend the meeting and require the services of a sign language interpreter should contact the Central Regional Division at least five (5) working days before the scheduled date of the meeting.

The meeting will be conducted pursuant to the provisions of the rules and regulations of the Commission.

Dated at Washington, DC, March 18, 1991.

Carol-Lee Hurley,

Chief, Regional Programs Coordination Unit.

[FR Doc. 91–6741 Filed 3–20–91; 8:45am]

BILLING CODE 6335–01–M

Nebraska Advisory Committee; Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the Nebraska Advisory Committee to the Commission will convene at 10 a.m. and adjourn at 3 p.m. on April 22, 1991, at the Ramada Inn-Airport, 2301 NW. 12th Street, Lincoln, Nebraska 68521. The purpose of the meeting is to discuss program planning and future Advisory Committee projects.

Persons desiring additional information, or planning a presentation to the Committee, should contact Melvin L. Jenkins, Director of the Central Regional Division (816) 426–5253, (TDD 816–426–5009). Hearing impaired persons who will attend the meeting and require the services of a sign language interpreter should contact the Central Regional Division at least five (5) working days before the scheduled date of the meeting.

The meeting will be conducted pursuant to the provisions of the rules and regulations of the Commission.

Dated at Washington, DC, March 18, 1991.

Carol-Lee Hurley,

Chief, Regional Programs Coordination Unit.

[FR Doc. 91–6742 Filed 3–20–91; 8:45 am]

BILLING CODE 6335–01–M

New Jersey Advisory Committee; Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the New Jersey Advisory Committee to the Commission previously announced in vol. 56, no. 17, FR doc. 91–1881, will convene at 10 a.m. and adjourn at 6 p.m. on April 8 and 9, 1991, Federal Justice Building and Court House, 402 East State Street, Trenton, NJ 08608. The Committee will conduct an informal factfinding meeting on law enforcement policies and practices in the State: How do they apply to racial, religious, and ethnic groups?

Persons desiring additional information, or planning a presentation to the Committee, should contact Committee Chairperson Zulima Farber or John I. Binkley, Director, Eastern Regional Division at (202) 523–5264, TDD (202) 376–8117. Hearing-impaired persons who will attend the meeting and require the services of a sign language interpreter should contact the Eastern Regional Division at least five (5) working days before the scheduled date of the meeting.

The meeting will be conducted pursuant to the provisions of the rules and regulations of the Commission.

Dated at Washington, DC, March 18, 1991.

Carol-Lee Hurley,

Chief, Regional Programs Coordination Unit.

[FR Doc. 91–6743 Filed 3–20–91; 8:45 am]

BILLING CODE 6335–01–M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Caribbean Fishery Management Council; Public Meetings

AGENCY: National Marine Fisheries Service, NOAA, Commerce.

The Caribbean Fishery Management Council (Council) and the Council's

Administrative Committee will hold separate public meetings, which will be conducted in English, on March 26–28, 1991, at the Paradise Sunset Beach Hotel, Hams Bluff, Fredericksted, St. Croix, U.S. Virgin Islands. Fishermen and other interested persons are invited to attend. The public will be allowed to submit oral or written statements regarding the agenda items.

Council—The Council will begin its 72nd regular public meeting on March 27, 1991, at 9 a.m., to discuss Amendment #2 to the Shallow-Water Reef Fish Fishery Management Plan (FMP), and the draft Queen Conch FMP. The Council will recess at 5 p.m. On March 28 the Council will reconvene at 9 a.m., and adjourn at noon.

Administrative Committee—The Council's Administrative Committee will meet on March 26 from 2 p.m., to approximately 5 p.m., to discuss matters pertaining to the Caribbean Council's administrative operations.

For more information contact Miguel A. Rolon, Executive Director, Caribbean Fishery Management Council, Banco de Ponce Building, suite 1008, Hato Rey, Puerto Rico 00918–2577; telephone (809) 766–5926.

Dated: March 15, 1991.

David S. Crestin,

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

[FR Doc. 91–6668 Filed 3–20–91; 8:45 am]

BILLING CODE 3510-22-M

CENTRAL INTELLIGENCE AGENCY

Secrecy/Nondisclosure Agreements; Clarification of the Rights and Obligations of All CIA Employees, Former CIA Employees, and Other Individuals Who Signed CIA or DCI-Sponsored Secrecy or Nondisclosure Agreements Prior to the Date of This Notice

In accordance with the Treasury, Postal Service, and General Government Appropriations Act for Fiscal Year 1991, effective 5 November 1990, the following language shall be considered to be incorporated into and a part of any Agency or DCI-sponsored regulation, policy, form, or nondisclosure agreement executed by any CIA employee, former CIA employee, or any other individual prior to the date of this notice.

These restrictions are consistent with and do not supersede, conflict with, or otherwise alter the employee obligations, rights, or liabilities created by Executive Order 12356; section 7211 of title 5, United States Code (governing disclosures to Congress); section 1034 of title 10, United States Code, as amended by the Military Whistleblower Protection Act (governing disclosure to Congress by members of the military); section 2302(b)(8) of title 5, United States Code, as amended by the Whistleblower Protection Act (governing disclosures of illegality, waste, fraud, abuse, or public health or safety threats); the Intelligence Identities Protection Act of 1982 (50 U.S.C. 421 *et seq.*) (governing disclosures that could expose confidential Government agents), and the statutes which protect against disclosure that may compromise the national security, including sections 641, 793, 794, 798, and 952 of title 18, United States Code, and section 4(b) of the Subversive Activities Act of 1950 (50 U.S.C., section 783(b)). The definitions, requirements, obligations, rights, sanctions, and liabilities created by said Executive Order and listed statutes are incorporated into this Agreement and are controlling.

Through this notice, all persons who have executed CIA or DCI-sponsored nondisclosure agreements prior to publication of this notice are advised that such nondisclosure agreements will be interpreted consisted with the new language. This new language is consistent with the provisions of previously executed nondisclosure forms, and nondisclosure and secrecy agreements executed prior to publication of this notice remain fully valid and enforceable. This language in no way changes the substantive law with respect to the rights and obligations created by any nondisclosure agreements, but rather merely provides that those rights and obligations are to be read consistently with the Executive Order and statutes identified in the new language.

Any person who executed a nondisclosure agreement prior to publication of this notice does not need to execute a new agreement. However, he or she may elect to sign and substitute a new agreement, contacting the prescribed language, for the previously signed agreement. Persons executing nondisclosure agreements in the future will sign statements containing the prescribed language. Relevant nondisclosure agreements, regulations, and policies will be revised to include the new language.

For the purposes of this notice, terms "Secrecy Agreement" and "Nondisclosure Agreement" shall be interchangeable and shall apply to all agreements executed by those seeking access to classified information.

Approved: March 8, 1991.

Royal Elmendorf,

Associate Deputy Director for Administration.

[FR Doc. 91–6757 Filed 3–20–91; 8:45 am]

BILLING CODE 6310-02-M

DEPARTMENT OF DEFENSE

Department of the Air Force

USAF Scientific Advisory Board; Meeting

The USAF Scientific Advisory Board's Ad Hoc Committee on Directed Energy Weapons for Delay & Denial Security Systems will meet on 17–18 April 1991, at the ANSER Corporation, 1215 Jefferson Davis Highway, Arlington VA, from 8 a.m. to 5 p.m.

The purpose of this meeting is to obtain information for the study.

The meeting will be closed to the public in accordance with section 552b(c) of title 5, United States Code, specifically subparagraphs (1) and (4) thereof.

For further information, contact the Scientific Advisory Board Secretariat at (703) 697–4811.

Patsy J. Conner,

Air Force Federal Register Liaison Officer.

[FR Doc. 91–6716 Filed 3–20–91; 8:45 am]

BILLING CODE 3910-01-M

USAF Scientific Advisory Board; Meeting

The USAF Scientific Advisory Board's Ad Hoc Committee on Alternative Strategies for Software and Computer Processor Upgrades to Software Intensive Aircraft will meet on 30 April–2 May 1991 from 8 a.m. to 5 p.m. at ANSER Corporation, 1215 Jefferson Davis Highway, Arlington, Virginia.

The purpose of this meeting is to gather information in support of the SAB study.

The meeting will be closed to the public in accordance with section 552b(c) of title 5, United States Code, specifically subparagraphs (1) and (4) thereof.

For further information, contact the Scientific Advisory Board Secretariat at (703) 697–4811.

Patsy J. Conner,

Air Force Federal Register Liaison Officer.

[FR Doc. 91–6720 Filed 3–20–91; 8:45 am]

BILLING CODE 3910-01-M

Department of the Navy

Tru-Lyte Systems, Inc.; Intent to Grant Exclusive Patent License

AGENCY: Department of the Navy, DoD.

ACTION: Intent to Grant Exclusive Patent License; Tru-Lyte Systems, Inc.

SUMMARY: The Department of the Navy hereby gives notice of its intent to grant

to Tru-Lyte Systems, Inc., a revocable, nonassignable, exclusive license to practice the Government-owned invention described in U.S. Patent No. 4,299,447, "Liquid Crystal Fiber Optics Large Screen Display Panel," issued November 10, 1981.

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: March 21, 1991.

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 (703) 696–4001.

Dated: March 12, 1991.

G.B. Roberts,

LtCOL, USMC, Federal Register Liaison Officer.

[FR Doc. 91–6643 Filed 3–20–91; 8:45 am]

BILLING CODE 3810-AE-M

DEPARTMENT OF EDUCATION

Proposed Information Collection Requests

AGENCY: Department of Education.

ACTION: Notice of proposed information collection requests.

SUMMARY: The Director, Office of Information Resources Management, invites comments on the proposed information collection requests as required by the Paperwork Reduction Act of 1980.

DATES: Interested persons are invited to submit comments on or before April 22, 1991.

ADDRESSES: Written comments should be addressed to the Office of Information and Regulatory Affairs, Attention: Dan Chenok: Desk Officer, Department of Education, Office of Management and Budget, 726 Jackson Place, NW., room 3208, New Executive Office Building, Washington, DC 20503. Requests for copies of the proposed information collection requests should be addressed to Mary P. Liggett, Department of Education, 400 Maryland Avenue, SW., room 5624, Regional Office Building 3, Washington, DC 20202.

FOR FURTHER INFORMATION CONTACT: Mary P. Liggett, (202) 708–5174.

SUPPLEMENTARY INFORMATION: Section 3517 of the Paperwork Reduction Act of 1980 (44 U.S.C. chapter 35) requires that the Office of Management and Budget (OMB) provide interested Federal agencies and the public an early opportunity to comment on information collection requests. OMB may amend or waive the requirement for public consultation to the extent that public participation in the approval process would defeat the purpose of the information collection, violate State or Federal law, or substantially interfere with any agency's ability to perform its statutory obligations.

The Acting Director, Office of Information Resources Management, publishes this notice containing proposed information collection requests prior to submission of these requests to OMB. Each proposed information collection, grouped by office, contains the following:

(1) Type of review requested, e.g., new, revision, extension, existing or reinstatement; (2) Title; (3) Frequency of collection; (4) The affected public, (5) Reporting burden; and/or (6) Recordkeeping burden; and (7) Abstract. OMB invites public comment at the address specified above. Copies of the requests are available from Mary P. Liggett at the address specified above.

Dated: March 18, 1991.

Mary P. Liggett,

Acting Director, Office of Information Resources Management.

Office of Special Education and Rehabilitative Services

Type of Review: New.
Title: Reviewer Qualification Statement.
Frequency: Annually.
Affected Public: Individuals or households.

Reporting Burden

Responses: 3000.
Burden Hours: 750.

Recordkeeping Burden

Recordkeepers: 0.
Burden Hours: 0.
Abstract: This information is used by the Department to evaluate the qualifications of individuals interested in serving as a reviewer for particular programs under the Reviewer Qualifications Statement. Annual updates are necessary to ensure that data on file remains current.

Office of Planning, Budget, and Evaluation

Type of Review: Revision.
Title: Income-Contingent Loan Program Demonstration Project.
Frequency: Annually.
Affected Public: Individuals or households.

Reporting Burden

Responses: 2610.
Burden Hours: 810.

Recordkeeping Burden

Recordkeepers: 0.
Burden Hours: 0.
Abstract: This study will collect data from financial aid recipients and decliners enrolled in the Income-Contingent Loan Demonstration Project. The data collected will be used by the Department to determine the feasibility of expanding the project to a direct student loan program.

[FR Doc. 91–6692 Filed 3–20–91; 8:45 am]

BILLING CODE 4000-1-M

Proposed Information Collection Requests

AGENCY: Department of Education.

ACTION: Notice of proposed information collection requests.

SUMMARY: The Director, Office of Information Resources Management, invites comments on proposed information collection requests as required by the Paperwork Reduction Act of 1980.

DATES: An expedited review has been requested in accordance with the Act, since allowing for the normal review period would adversely affect the public interest. Approval by the Office of Management and Budget (OMB) has been requested by April 18, 1991.

ADDRESSES: Written comments should be addressed to the Office of Information and Regulatory Affairs, Attention: Dan Chenok, Desk Officer, Department of Education, Office of Management and Budget, 726 Jackson Place, NW., room 3208, New Executive Office Building, Washington, DC 20503. Requests for copies of the proposed information collection request should be addressed to Mary P. Liggett, Department of Education, 400 Maryland Avenue, SW., room 5624, Regional Office Building 3, Washington, DC 20202.

FOR FURTHER INFORMATION CONTACT: Mary P. Liggett, (202) 708–5174.

SUPPLEMENTARY INFORMATION: Section 3517 of the Paperwork Reduction Act of 1980 (44 U.S.C. chapter 3517) requires that the Director of OMB provide interested Federal agencies and persons an early opportunity to comment on information collection requests. OMB may amend or waive the requirement for public consultation to the extent that public participation in the approval process would defeat the purpose of the

information collection, violate State or Federal law, or substantially interfere with any agency's ability to perform its statutory obligations.

The Director, Office of Information Resources Management, publishes this notice with the attached proposed information collection request prior to submission of this request to OMB. This notice contains the following information: (1) Type of review requested, e.g., new, revision, extension, existing, or reinstatment; (2) Title; (3) Frequency of collection; (4) The affected public; (5) Reporting and/or Recordkeeping burden and (6) Abstract. Because an expedited review is requested, a description of the information to be collected is also included as an attachment to this notice.

Dated: March 16, 1991.

Mary P. Liggett,

Acting Director, Office of Information Resources Management.

Office of Special Education and Rehabilitative Services

Type of Review: Expedited.

Title: Grant Application for the Rehabilitation Services Administration (RSA) Discretionary Programs.

Abstract: This form will be used by eligible applicants to apply for grants under the RSA Discretionary Program. The Department uses this information to make grant awards.

Additional Information: An expedited review is requested in order to keep the awards under the Program of Protection and Advocacy of Individuals Rights in FY 1991. This application contains part II of the Budget Information, Standard Form 424 (Application for Federal Assistance), Standard Form 424B (Assurances), Lobbying Certifications, Debarment Certifications, Drug-Free Certifications, and Lobbying Activities Disclosures. The proposed changes to the program narrative are the following:

1. Under the instructions contained in "Part III—Program Narrative (NEW)" a paragraph would be added as follows:

The Program Narrative should begin with an overview statement (one page abstract) of the project that summarizes items 1 and 2 below. The Program Narrative should respond to the selection criteria in the same order as they appear in the program regulations. In responding to the criteria, address the following points.

2. Under the instructions contained in "Part III—Program Narrative (Continuation)" the last sentence of item 1 would be changed to read as follows:

If there have been, or in future years will be, significant changes in the project objectives, location, approach, or time delays, explain and justify.

3. Also, under the instructions contained in "Part III—Program Narrative (Continuation)" the new items 2 and 3 would be added as follows:

2. An evaluation of the project's effectiveness in meeting the purposes of the program.

3. An evaluation of the project's effect on persons being served by the project, including any persons who are members of groups that have been traditionally underrepresented such as members of racial or ethnic minority groups, women, persons with disabilities, and the elderly.

Frequency: Annually.

Affected Public: State or local governments, business or other for-profit, non-profit institutions.

Reporting Burden

Responses: 1,300.
Burden Hours: 52,000.

Recordkeeping Burden

Recordkeepers: 0.
Burden Hours: 0.

[FR Doc. 91-6393 Filed 3-20-91; 8:45 am]
BILLING CODE 4000-1-M

Recognition of Accrediting Agencies, State Agencies for Approval of Public Postsecondary Vocational Education, and State Agencies for Approval of Nurse Education

AGENCY: Department of Education.

ACTION: Request for comments on petitions for initial recognition or renewal of recognition by the Secretary.

DATES: Commenters are urged to submit their written comments by April 15, 1991 at the address indicated below.

FOR FURTHER INFORMATION CONTACT: Charles I. Griffith, Director, Division of Agency Evaluation and Support, U.S. Department of Education, 400 Maryland Avenue, SW. (room 3036 ROB-3), Washington, DC 20202-5242, *Telephone:* (202) 708-7417.

Submission of Third-Party Comments

The Secretary of Education recognizes, as reliable authorities as to the quality of education offered by institutions within their scope, accrediting agencies and State approval agencies for public postsecondary vocational education and nurse education that meet certain criteria. The purpose of this notice is to invite interested third parties to present written comments on petitions submitted by the agencies listed in this notice for initial or continued recognition.

Written comments will be considered by the Secretary and by the National Advisory Committee on Accreditation and Institutional Eligibility, which advises the Secretary of Education on the recognition of accrediting agencies, at its meeting in May, 1991. The exact date of the Committee meeting will be announced in the **Federal Register** at a later date.

Because the Secretary may make decisions as to recognition only on the basis of the criteria in 34 CFR parts 602 and 603, comments should address only matters that are relevant to the criteria.

Accrediting Agencies

The following petitions have been submitted:

Petitions for Initial Recognition

1. Accrediting Commission of the American Association of Higher Education in Oriental Medicine (institutions and programs offering master's degrees in traditional Oriental medicine).

2. National Association of Private Nontraditional Schools and Colleges (private, nontraditional degree and nondegree granting institutions).

Petitions for Renewal of Recognition

3. Accrediting Council on Education in Journalism and Mass Communications (units within institutions offering professional undergraduate and master's degree programs in journalism and/or mass communications).

4. American Association of Bible Colleges (Bible colleges and institutes offering undergraduate programs).

5. American Dietetic Association (coordinated undergraduate programs in dietetics and post-baccalaureate dietetic internships).

6-8. American Medical Association, Committee on Allied Health Education and Accreditation (CAHEA): in cooperation with—

Joint Review Committee on Education in Diagnostic Medical Sonography (programs for training diagnostic medical sonographers);

Joint Review Committee on Education in Electroneurodiagnostic Technology (programs for training electroneurodiagnostic technologists);

Joint Review Committee for Perfusion Education (programs for training perfusionists).

9. Association for Clinical Pastoral Education (basic, advanced and supervisory clinical pastoral education programs).

10. Council on Accreditation of Nurse Anesthesia Educational Programs (generic nurse anesthesia educational programs or schools).

11. Council on Naturopathic Medical Education (programs leading to the N.D. or N.M.D. degree).

12. National Accreditation Council for Agencies Serving the Blind and Visually Handicapped (specialized schools for the blind and visually handicapped, including organizations providing postsecondary vocational education programs that prepare the blind and visually handicapped for employment).

13. National Architectural Accrediting Board (first professional degree programs in architecture).

14. National Association of Schools of Dance (institutions and units within institutions offering degree-granting and nondegree-granting programs in dance and dance-related disciplines).

15. Western Association of Schools and Colleges, Accrediting Commission for Schools (for postsecondary programs conducted at secondary schools, adult schools, vocational skills centers, job corp centers and business-industry schools).

State Approval Agencies

Petitions for Initial Recognition

16. Virginia State Department of Education (for approval of public postsecondary vocational education).

Petitions for Renewal of Recognition

17. Delaware State Board of Education (for approval of public postsecondary vocational education).

18. New Hampshire Nurses Registration Board (for approval of nurse education).

Public Inspection of Petitions and Third Party Comments

All petitions, and those third party comments received in advance of the meeting, will be available for public inspection in room 3036, ROB–3, 7th & D Streets SW., Washington, DC between the hours of 8 a.m. and 4:30 p.m., Monday through Friday.

Authority: 20 U.S.C. 1058, 1061, 1085, 1088, 1141, 1401, 2471, and 3381.

Dated: March 8, 1991.

Leonard L. Haynes III,

Assistant Secretary for Postsecondary Education.

[FR Doc. 91–6894 Filed 3–20–91; 8:45 am]

BILLING CODE 4000–01–M

DEPARTMENT OF ENERGY

Reconfiguration Programmatic Environmental Impact Statement; Amendment to Listing of Public Scoping Meetings

AGENCY: Department of Energy.

ACTION: Programmatic environmental impact statement for reconfiguration of the nuclear weapons complex; amendment to listing of public scoping meetings.

SUMMARY: On March 4, 1991, 56 FR 8988, Department of Energy (DOE) published a listing of public scoping meetings for its Reconfiguration Programmatic Environmental Impact Statement (PEIS). This notice amends the March 4 notice to: (1) Change the location and point of contact for the meeting at Kansas City on April 10, 1991; (2) change the location for the Los Alamos meeting on May 22, 1991; (3) revise the phone number for the point of contact for the Hanford site; and (4) add four additional DOE public reading rooms in response to public requests.

DATES: DOE will hold public scoping meetings, on the dates announced in the March 4, 1991 Federal Register, near all sites to be analyzed in detail in the PEIS. Each meeting will be held from 9 a.m. to 9:30 p.m.

ADDRESSES: The revised address for the public meetings in Kansas City and Los Alamos, and addresses for additional DOE public reading rooms, are given below. Locations for the other public meetings and DOE public reading rooms were given in the March 4, 1991 Federal Register.

FOR FURTHER INFORMATION CONTACT: James R. Nicks, Associate Deputy Assistant Secretary for Weapons Complex Reconfiguration (Acting), DP–40, room GA–045, U.S. Department of Energy, 1000 Independence Avenue SW., Washington, DC 20585 (202) 586–1537, Attn: Reconfiguration PEIS.

SUPPLEMENTARY INFORMATION: On February 11, 1991, DOE published its Notice of Intent (NOI) for the Reconfiguration PEIS, and invited comments from all interested parties. On March 4, 1991, DOE published a list of public scoping meetings, including the date, time, and location, and the addresses for its public reading rooms. The notice also gave the rules of conduct for the public scoping meetings. This notice amends the March 4, 1991 notice as follows.

Location and point of contact for the Kansas City meeting. Revised meeting location and point of contact: *Kansas City Plant. Contact:* Mike Jones, (816) 997–2847. *Meeting location:* Ramada Inn Southeast, 6101 East 87th Street, Kansas City, Missouri 64138, (816) 765–4331.

(The March 4, 1991 notice listed Tom Uko as point of contact, and gave the meeting location as the Ramada Hotel & Suites in Overland Park, Kansas.) The date of the Kansas City meeting remains Wednesday, April 10, 1991.

Location for the Los Alamos meeting. Revised meeting location: *Los Alamos National Laboratory Meeting location:* Los Alamos High School—Civic Auditorium, 1300 Diamond Drive, Los Alamos, New Mexico 87544, (505) 662–3683 Ext. 53.

(The March 4 notice gave the meeting location as the Hilltop House in Los Alamos, New Mexico.) The date for the Los Alamos meeting remains Wednesday, May 22, 1991, and the point of contact remains Glenn Seay, (505) 667–4136.

Hanford point of contact. The Hanford Site (Richland, Washington) point of contact is Geoff Harvey. His telephone number is (509) 375–2148. (The March 4, 1991 notice incorrectly listed his number as (509) 376–2148.) The date of the Hanford meeting remains July 31, 1991.

Additional public reading rooms. Both the NOI and the March 4, 1991 notices listed the DOE public reading rooms where materials pertaining to the Reconfiguration PEIS will be available for public review. In response to requests from the public, DOE has established four additional reading rooms for the purposes of this PEIS, as follows:

Florida

U.S. Department of Energy, Public Reading Room, Largo Public Library, 351 East Bay Drive, Largo, Florida 34640, (813) 587–6715.

Missouri

U.S. Department of Energy, Public Reading Room, Red Bridge Branch, Mid-Continent Public Library, 11140 Locust Street, Kansas City, Missouri 64137, (816) 942–1780.

Ohio

Miamisburg Library, 35 South Fifth Street, Miamisburg, Ohio 45342. Attn: Department of Energy Public Reading Room, (513) 866–1071.

Texas

U.S. Department of Energy Reading Room, Lynn Library—Learning Center, Amarillo College, 2201 South Washington Street, Amarillo, Texas 79109, (806) 371–5400.

For information on the availability of specific documents and hours of operation, please contact the reading rooms at the telephone numbers provided.

In addition, the March 4, 1991 notice inadvertently gave the address of the Albuquerque, New Mexico public reading room as Pennsylvania and 8th

Streets instead of Pennsylvania and H Street.

DOE regrets any inconvenience that this amendment may cause.

Signed in Washington, DC this 15th day of March, 1991, for the United States Department of Energy.

Richard A. Claytor,

Assistant Secretary for Defense Programs.

[FR Doc. 91-6752 Filed 3-20-91; 8:45 am]

BILLING CODE 6450-01-M

[Grant No. DE-FG03-91RL12271]

Financial Assistance Award: Benton-Franklin Ventures, Inc.

AGENCY: U.S. Department of Energy (DOE), Richland Operations Office.

ACTION: Notice of intent to make a noncompetitive financial assistance award.

SUMMARY: The DOE Richland Operations Office, in accordance with 10 CFR 600.7(b)(2), gives notice of its plan to make a noncompetitive financial assistance award under Grant No. DE-FG06-91RL12271 to Benton-Franklin Ventures, Inc. for support of the Technology Transfer program.

SCOPE: The Secretary of Energy, James D. Watkins, has outlined the management objectives he feels are necessary for the Department of Energy (DOE) in executing its mission responsibilities. One of the initiatives considered most important to achieving the Nation's energy, environmental, economic, and national security goals, is technology transfer. Therefore, efforts to utilize the technologies and capabilities residing in DOE facilities, by providing assistance to the private sector in improving industrial competitiveness, must be made more efficient and effective than in the past. The Richland Operations Office of the DOE is supporting a program developed by Benton-Franklin Ventures, Inc. that will focus on technology transfer from Hanford Laboratories to businesses of, but not limited to, Benton and Franklin Counties. The program will facilitate and expedite the technology transfer process with the private sector by providing an independent, professional screening and evaluation mechanism for implementing technology transfer. The program will also include providing private equity capital directly to selected businesses and will, in appropriate cases, arrange for co-investment by other established venture capital sources for emerging companies who have a realistic chance to succeed and achieve their projected goals. The grant will provide for administration and general operating funds during the initial period of operation. The duration of the grant shall be four years from the effective date of the reward. The cost of this project for each of the four years is $25,000, for a total support of $100,000.

ELIGIBILITY: In accordance with 10 CFR 600.7(b)(2)(i) (B) and (D), the DOE has determined that the award of a grant on a noncompetitive basis to Benton-Franklin Ventures, Inc. is appropriate because (1) The applicant will be conducting the activities with its own resources and the DOE support of the activities will enhance the public benefit to be derived and (2) the applicant has exclusive domestic capability to perform the activities described successfully based upon their unique qualifications relating to selection and guidance for those private businesses who are considered to be high risk venture companies in a new emerging market place.

FOR FURTHER INFORMATION CONTACT: Inquiries must be submitted within fourteen (14) calandar days publication of this notice to: Jo Laughlin, U.S. Department of Energy, Richland Operations Office, Procurement Division, A7-80, P.O. Box 550, Richland, WA 99352, Telephone: (509) 376-6227.

Dated: March 12, 1991.

P.E. Rasmussen,

Acting Director, Procurement Division, Richland Operations Office.

[FR Doc. 91-6747 Filed 3-20-91; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Project Nos. 2009-003, et al.]

Hydroelectric Applications (Virginia Electric and Power Co., et al.); Applications

Take notice that the following hydroelectric applications have been filed with the Commission and are available for public inspection:

1 a. *Type of Application:* Approval of Non-Project Use of Project Lands and Waters.

b. *Project No.:* 2009-003.

c. *Date filed:* February 20, 1991.

d. *Applicant:* Virginia Electric and Power Company.

e. *Name of project:* Roanoke Rapids and Lake Gaston.

f. *Location:* On the Roanoke River, in Halifax and Northampton Counties near Roanoke Rapids, North Carolina, and in Brunswick and Mecklenburg Counties, Virginia.

g. *Filed pursuant to:* Federal Power Act, 16 U.S.C. 791(a)-825(r).

h. *Applicant contacts:*

W. R. Cartwright, Vice President, Fossil and Hydro, Virginia Power—Innsbrook Technical Center, 5000 Dominion Boulevard, Glen Allen, VA 23060, (804) 273-3590.

Arnold H. Quint, Esquire, Counsel for Virginia Electric and Power Company, Hunton and Williams—9th Floor, 2000 Pennsylvania Avenue, NW., P.O. Box 19230, Washington, DC 20036-0230, (202) 955-1542.

i. *FERC contact:* Mr. Lynn R. Miles, (202) 219-2671.

j. *Comment date:* April 26, 1991.

k. *Description of the application:* Virginia Electric and Power Company is seeking approval to enter into agreement with the City of Virginia Beach, Virginia, allowing the City to withdraw up to 60 million gallons of water per day from the Lake Gaston Development via a 76-mile pipeline. The water is needed for Virginia Beach to construct and operate a municipal water supply project thereby alleviating present and long-term water supply shortage facing the five-city area of Southeastern Virginia (Norfolk, Virginia Beach, Chesapeake, Portsmouth, and Suffolk). Certain facilities of the proposed water supply project such as intake facilities, pipelines, a fish spawning structure, a boat ramp, and pier would be located within the boundary of FERC Project No. 2009.

The proposed project will result in an annual generation loss of about 7,930 MWh out of a total of 634,257 MWh of average annual generation. Virginia Beach has agreed to compensate the licenses for any resultant loss in generation.

1. This notice also consists of the following standard paragraphs: B, C, and D2.

2 a. *Type of application:* Amendment of License.

b. *Project no.:* 1417-032.

c. *Date filed:* February 25, 1991.

d. *Applicant:* Central Nebraska Public Power and Irrigation District.

e. *Name of project:* Kingsley Dam Project.

f. *Location:* Keith, Lincoln, Garden, Dawson, and Gosper Counties, Nebraska.

g. *Filed pursuant to:* Federal Power Act, 16 U.S.C. 791(a)-825(r).

h. *Applicant contact:* Gary D. Bachman, Van Ness, Feldman & Curtis, 1050 Thomas Jefferson Street, Seventh Floor, Washington, DC 20007, (202) 298-1800.

i. *FERC contact:* John E. Estep, (202) 219-2650.

j. *Comment date:* April 19, 1991.

k. *Description of project:* The licensee is proposing to amend its annual license to provide short-term protection of fish and wildlife resources of the Platte River system pending relicensing of its project. The licensee proposed to add four articles to:

(1) Operate the project, as nearly as practicable to achieve specified instream flow targets in order to protect the forage foods of federally listed endangered and threatened species from extreme low flow conditions;

(2) Cooperate with the Nebraska Game and Parks Commission and the U.S. Fish and Wildlife Service to develop a plan to enhance up to 2000 acres of rainwater basin habitat for endangered species and other migrating birds at the Funk Lagoon;

(3) Develop a plan and schedule in consultation with the agencies and the Nebraska Public Power District, licensee for Project No. 1835, to implement protective measures on project lands and at selected sand pit habitat for the endangered interior least tern and threatened piping plover; and

(4) Continue to maintain lake elevations on Lake McConaughy, Jeffrey Lake, Johnson Lake, and Lake Ogallala to protect walleye and yellow perch spawning during April and May of each year.

The licensee is not proposing any new capacity or other additions to project facilities or operations.

l. This notice also consists of the following standard paragraphs: B, C, and D2.

3 a. *Type of application:* Surrender of License.

b. *Project no.:* 6897–013.

c. *Date filed:* February 11, 1991.

d. *Applicant:* Energos Management, Inc.

e. *Name of project:* Carters Reregulation Dam Project.

f. *Location:* At the U.S. Army Corps of Engineers' Carters Reregulation Dam and Reservoir on the Coosawattee River near Calhoun in Murray County, Georgia.

g. *Filed pursuant to:* Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. *Applicant contact:* Mr. George Welborn, Jr., P.O. Box 467220, Atlanta, GA 30346, (404) 956–8373.

i. *FERC contact:* Ms. Julie Bernt, (202) 219–2814.

j. *Comment date:* April 18, 1991.

k. *Description of application:* The proposed project would have consisted of: (1) A proposed intake structure located adjacent to the dam; (2) a 60-foot-long, 110-inch-diameter penstock; (3) a powerhouse containing one generating unit rated at 3.5 MW; (4) a tailrace channel; and (5) a 5.-mile-long transmission line.

The applicant states that because of low price it would receive for the power and the high interest rates it would pay for financing, the project is not economically feasible at this time. No project construction activities have been initiated at the proposed site.

l. This notice also consists of the following standard paragraphs: B and C.

4 a. *Type of application:* Surrender of License (5 MW or Less).

b. *Project no.:* 8017–007.

c. *Date filed:* November 20, 1989.

d. *Applicant:* Colusa County, California.

e. *Name of project:* East Park Dam Hydroelectric.

f. *Location:* At the existing Bureau of Reclamation's East Park dam on Little Stony Creek in Colusa County, California.

g. *Filed pursuant to:* Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. *Applicant contact:* Mr. William James Murphy, Colusa County Counsel, 1213 Market Street, Colusa, CA 95932, (916) 458–8227.

i. *FERC contact:* Mr. Surender M. Yepuri, (202) 219–2847.

j. *Comment date:* April 15, 1991.

k. *Description of proposed action:* The licensee requests surrender of its license, stating that the project is not economically feasible at this time. The project would have consisted of two penstocks connecting to a penstock inside an existing concrete outlet of the East Park dam, a powerhouse, and a transmission line.

The licensee states that construction has not been started.

l. This notice also consists of the following standard paragraphs: B, C, and D2.

5 a. *Type of application:* Major License.

b. *Project no.:* 10455–001.

c. *Date filed:* November 30, 1990.

d. *Applicant:* JDJ Energy Company.

e. *Name of project:* River Mountain Pumped Storage Project.

f. *Location:* On the Arkansas River near Lake Dardanelle in Logan County, Arkansas.

g. *Filed pursuant to:* Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. *Applicant contact:* Stewart Noland, JDJ Energy Company, 5210 Sherwood Road, Little Rock, AR 72207, (501) 661–9228.

i. *FERC contact:* Ed Lee, (202) 219–2809.

j. *Comment date:* May 15, 1991.

k. *Description of project:* The proposed project would use the existing Lake Dardenelle, a part of the McClellan-Kerr Arkansas River Navigation System owned and operated by the U.S. Army Corps of Engineers, as a lower reservoir, and would consist of: (1) A proposed rockfill embankment ranging from 25 feet to 60 feet high and 20 feet wide forming a circular impoundment approximately 2,700 feet in diameter; (2) a proposed upper reservoir of 183 acre-feet volume at a normal maximum surface elevation of 1,007 feet MSL; (3) a proposed reinforced concrete intake structure equipped with coarse racks leading to a power shaft and 1,250-foot-long power tunnel; (4) three proposed 450-foot-long, 16-foot-diameter steel penstocks; (5) a proposed 4,800-foot-long, 40-foot-wide, and 40-foot-high tailrace tunnel; (6) a proposed reinforced concrete powerhouse, 292 feet long, 81 feet wide, and 40 feet high, housing three 200-MW generating units for a total installed capacity of 600 MW; (7) a proposed 500 kV transmission line approximately 1.8 miles long; and (8) appurtenant facilities. The estimated average annual energy production would be 1,060 MWh. All project power would be sold to a local company. The applicant estimates that 11 acres of U.S. lands would be utilized by the proposed storage project.

l. This notice also consists of the following standard paragraphs: A3, A9, B, C, and D1.

6 a. *Type of application:* Preliminary Permit.

b. *Project No.:* 11060–000.

c. *Date filed:* December 11, 1990.

d. *Applicant:* J.M. Miller Enterprises, Inc.

e. *Name of project:* Sahko Water Power Project.

f. *Location:* On the Kastelu Drain, an irrigation return to the Snake River in Twin Falls County, Idaho near the town of Filer. T.8S, R15E, section 13, Boise Meridian.

g. *Filed pursuant to:* Federal Power Act 16 U.S.C. 791 (a)–825(r).

h. *Applicant contact:* D.W. Block, P.E. J-U-B Engineers, Inc., 800 Falls Avenue, Twin Falls, ID 83301, (208) 733–2414.

i. *FERC contact:* Ms. Deborah Frazier-Stutely (202) 219–2842.

j. *Comment date:* May 21, 1991.

k. *Description of project:* The proposed project would consist of: (1) A 20-foot-high, 200-foot-long dam; (2) an intake structure; (3) a 1,550-foot-long partially buried penstock; (4) a powerhouse containing a single generating unit with an installed capacity of 450 kilowatts, producing an estimated annual energy generation of 1,971,000 kilowatthours; (5) a 34.5-kilovolt, 1.5-mile-long transmission line tying into a Idaho Power Company line.

No new access road will be needed to conduct the studies. The applicant estimates the cost of the studies to be conducted under the preliminary permit would be $10,000.

l. *Purpose of project:* Project power will be sold to Idaho Power Company.

m. This notice also consists of the following standard paragraphs: A5, A7, A9, A10, B, C, D2.

7 a. *Type of application:* Preliminary Permit

b. *Project No.:* 11066–000.

c. *Date filed:* December 24, 1990.

d. *Applicant:* David Lawrence Moison.

e. *Name of project:* Wismer's Locks Water Power Project.

f. *Location:* On the Schulykill River, in Upper Providence Township in the vicinity of Mont Clare, Montgomery County, Pennsylvania.

g. *Filed pursuant to:* Federal Power Act 16 U.S.C. 791 (a)–825(r).

h. *Applicant contact:* Mr. David Lawrence Moison, 699 Little Conestoga Road, Glenmore, PA 19343, (215) 942–2958.

i. *FERC contact:* Mary C. Golato (202) 219–2804.

j. *Comment date:* May 15, 1991.

k. *Description of project:* The proposed project would consist of the following facilities: (1) An existing dam; (2) an existing reservoir having an estimated surface area of 30 acres, a storage capacity of approximately 125–150 acres, and a mean sea level of 90 feet; (3) an existing canal; (4) an existing powerhouse containing either three turbine-generator units having a total installed capacity of 1,050 kilowatts or two units having a total installed capacity of 1,000 kilowatts; (5) an existing transmission line approximately 125 yards away from the powerhouse; and (6) appurtenant facilities. The applicant proposes to divert water from the dam into the canal on which the powerhouse is located. The project facilitiy is owned by the State of Pennsylvania. The applicant estimates that the average annual generation would be approximately 4,750,000 kilowatthours. The applicant has budgeted $100,000 for the cost of the preliminary permit studies.

l. This notice also consists of the following standard paragraphs: A5, A7, A9, A10, B, C, and D2.

8 a. *Type of application:* Preliminary Permit.

b. *Project No.:* 11073–000.

c. *Date filed:* January 7, 1991.

d. *Applicant:* Owasco Hydropower, Inc.

e. *Name of project:* Division Street Water Power Project.

f. *Location:* On the Owasco Outlet, in Auburn, Cayuga County, New York..

g. *Filed pursuant to:* Federal Power Act 16 U.S.C. 791 (a)-825(r).

h. *Applicant contact:* Douglas A. Springer, 23 North Division St., Auburn, NY 13021, (315) 253–6241.

i. *FERC contact:* Mary C. Golato (tag) (202) 219–2804.

j. *Comment date:* May 10, 1991.

k. *Competing application:* P–11022.

1. *Description of project:* The proposed project would consist of the following facilities: (1) Two existing dams, one 75 feet long, 3 ft. wide at the top and 7 ft. wide at the bottom, and the other dam to be reconstructed 100 ft. long, 5 ft. wide at the top and 9 or 10 ft. wide at the bottom; (2) a reservior east of the one dam, 2.5 acres in area with a storage capacity of about 250,000 ft.; (3) a proposed powerhouse associated with one of the dams, which has a total installed capacity of 1,000 kilowatts; (4) a proposed single transmission line at 4,160 volts running approximately 200 ft.; and (5) appurtenant facilities. The estimated average annual energy production of the proposed project is 7,500,000 kilowatthours. The dams are owned by the City of Auburn. The one dam is in excellent condition but the other dam is in poor condition and needs major repair. The applicant estimates that the cost of the studies under permit will be $10,000.

m. This notice also consists of the following standard paragraphs: A5, A7, A9, A10, B, C, and D2.

9 a. *Type of application:* Preliminary Permit.

b. *Projects No.:* 11075–000.

c. *Date filed:* January 17, 1991.

d. *Applicant:* Grand View Irrigation District Ltd.

e. *Name of project:* Grand View Hydroelectric Project.

f. *Location:* On Grand View Irrigation District canal, off C.J. Strike reservior which is fed by waters from Snake and Bruneau rivers, in Owyhee County, Idaho. T5S, R4E section 33.

g. *Filed pursuant to:* Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. *Applicant contact:* Mr. Kip W. Runyan, Exceutive Vice President, Ida-West Eenrgy Company, 333 North 13th Street, Boise, Idaho 83702, (208) 336–4254.

i. *FERC contact:* Mr. Surender M. Yepuri, (202) 219–2847.

j. *Comment Date:* May 3, 1991.

k. *Description of project:* The proposed project would start at the existing intake structure, within the C.J. Strike reservior of licensed project No. 2055, and would consist of: (1) The existing 0.75-mile-long Grand View Irrigation District canal; (2) a new intake structure in the canal; (3) a 5.5-foot-diameter, 700-foot-long penstock; (4) a 20-foot-wide, 30-foot-long powerhouse with a generating capacity of 900 kW; (5) a 10-foot-long tailrace returning the discharge into an irrigation ditch; and (6) a 34.5 kV, 0.5-mile-long transmission line. All discharges from the project will be utilized in irrigation. The applicant estimates an annual output of 3 Gwh and the cost of the work to be performed under the permit to be $40,250.

1. This notice also consists of the following standard paragraphs: A5, A7, A9, A10, B, C, and D2.

10 a. *Type of application:* Preliminary Permit.

b. *Project No.:* 11080–000.

c. *Date filed:* January 31, 1991.

d. *Applicant:* Eagle Mountain Energy Company.

e. *Name of project:* Eagle Mountain.

f. *Location:* On lands administered by the Bureau of Land Management in Riverside County, California. Township 3 S Range 13 E.

g. *Filed pursuant to:* Federal Power Act 16 USC 791(a)–825(r).

h. *Applicant contact:* Mr. Malcolm S. Jones, Malcoln Jones Associates, 26081 Merit Circle, suite 114, Lagune Hills, CA 92653, (714) 348–0383.

i. *FERC contact:* Michael Spencer at (202) 219–2846.

j. *Comment date:* May 3, 1991.

k. *Description of project:* The proposed pump storage project would consist of: (1) A storage reservoir formed behind a 50–foot–high dam with a surface area of 100 acres, a total storage capacity of 8,500 acre-feet, and a normal surface elevation of 2,400 feet msl; (2) a 27-foot-diameter, 18,000-foot-long penstock; (3) a powerhouse/pump station containing motor/generator and pump/turbine units with a total installed capacity of 500 MW and producing an estimated average annual generation of 800 GWh; (4) a lower storage reservoir formed behind a 100-foot-high rock-filled dam with a surface area of 150 acres, a total storage capacity of 45,000 acre-feet, and a normal surface elevation of 1,120 feet msl; and (5) a 50-mile-long transmission line. Water for the project would be supplied by the Colorado River Aqueduct.

No new access road will be needed to conduct the studies. The applicant estimates that the cost of the studies to be conducted under the preliminary permit would be $1,000,000.

l. *Purpose of project:* Project power would be sold.

m. This notice also consists of the following standard paragraphs: A5, A7, A9, A10, B, C, and D2.

a. *Type of application:* Preliminary Permit.

b. *Project No.:* 11081–000.

c. *Dated filed:* February 1, 1991.

d. *Applicant:* L. Maurice Baker.

e. *Name of project:* Whiskey Creek Hydroelectric Project.

f. *Location:* In Mount Hood National Forest, on the North Fork Clackamas River, in Clackamas County, Oregon. Township 4S and Range 5E, Willamette Meredian.

g. *Filed pursuant to:* Federal Power Act, 16 U.S.C. 791(a)—825(r).

h. *Applicant contact:* Mr. L. Maurice Baker, 804 Spalding Building, 319 SW Washington, Portland, Oregon 97204, (503) 224–3020.

i. *FERC contact:* Mr. Surender M. Yepuri, (202) 219–2847.

j. *Comment date:* May 3, 1991.

k. *Description of project:* The proposed project would consist of: (1) A 10-foot-high diversion structure at elevation 1,920 feet (msl); (2) a 23,000-foot-long, 66-inch-diameter low pressure conduit leading to a 20 acre-foot forebay at elevation 1,900 feet (msl); (3) a 4,000-foot-long, 48-inch diameter penstock; (4) a powerhouse containing a single generating unit with a rated capacity of 8,300 kW; and (5) a 115–kV transmission line. The applicant estimates an annual output of 45 GWh and the cost of the work to be performed under the permit to be $100,000.

l. This notice also consists of the following standard paragraphs: A5, A7, A9, A10, B, C, and D2.

12 a. *Type of Application:* Preliminary Permit.

b. *Project No.:* 11082–000.

c. *Date Filed:* February 5, 1991.

d. *Applicant:* Charles D. Pheiffer.

e. *Name of project:* Big Roche-A-Cri Hydro Project.

f. *Location:* On Roche-A-Cri Creek in Adams County, Wisconsin.

g. *Filed pursuant to:* Federal Power Act 16 U.S.C. § 791(a)–825(r).

h. *Contact person:* Mr. Charles D. Pheiffer, 2933 15th Avenue, Adams, WI 53910, (608) 339–3399.

i. *FERC contact:* Michael Dees, (tag) (202) 219–2807.

j. *Comment date:* May 10, 1991.

k. *Description of project:* The proposed run-of-river project would consist of: (1) An existing dam 750 feet long; (2) a 204-acre reservoir with a normal surface elevation of 950 feet m.s.l.; (3) an existing powerhouse to contain two 60-KW hydropower units; (4) an existing tailrace; (5) a new 7.5-kV transmission line; and (6) appurtenant facilities. The applicant estimates the average annual energy production to be 760 MWh and the cost of the work to be performed under the preliminary permit to be $5,500. The project energy would be sold to Wisconsin Power and Light. The dam is owned by Adams County, Wisconsin.

l. This notice also consists of the following standard paragraphs: A5, A7, A9, A10, B, C and D2.

13 a. *Type of Application:* Preliminary Permit.

b. *Project No.:* 11083–000

c. *Date Filed:* February 7, 1991.

d. *Applicant:* Black River Hydro Corporation.

e. *Name of project:* North Black River Hydroelectric Project.

f. *Location:* On the Black River near Black River in Jefferson County, New York.

g. *Filed pursuant to:* Federal Power Act 16 U.S.C. § 791(a)–825(r).

h. *Applicant contact:* Mr. Paul J. Elston, 420 Lexington Avenue, suite 540, New York, New York 10170, (212) 986–0440.

i. *FERC contact:* Ms. Julie Bernt, (202) 219–2814.

j. *Comment date:* May 15, 1991.

k. *Description of project:* The applicant proposes to study the development of excess capacity at the existing Black River Dam Project No. 2569 owned and operated by Niagara Mohawk Power Corporation. The license for Project No. 2569 expires on December 31, 1993. The proposed project would consist of: (1) an 80-foot-wide, 170-foot-long approach channel; (2) a gated intake structure on the east bank of the river; (3) a powerhouse containing two generating units each with an installed capacity of 2.8 MW; (4) a tailrace; and (5) a 250-foot-long transmission line. The project will be designed so that there will be no modification to or encroachment upon any existing civil structure which could be considered an impermissible alteration of an existing license. The applicant estimates the average annual energy production to be 12 GWh and the cost of the work to be performed under the preliminary permit to be $442,000.

l. *Purpose of project:* The power produced would be sold to a local power company.

m. This notice also consists of the following standard paragraphs: A5, A7, A9, A10, B, C and D2.

14 a. *Type of application:* Preliminary Permit.

b. *Project No:* 11084–000.

c. *Date filed:* February 7, 1991.

d. *Applicant:* School Street Hydro Corporation.

e. *Name of project:* Cohoes Falls Hydroelectric Project.

f. *Location:* On the Mohawk River near Waterford in Saratoga County, New York.

g. *Filed pursuant to:* Federal Power Act 16 U.S.C. 791(a)–825(r).

h. *Applicant contact:* Mr. Paul J. Elston, 420 Lexington Avenue, suite 540, New York, New York 10170, (212) 986–0440.

i. *FERC contact:* Ms. Julie Bernt, (202) 219–2814.

j. *Comment date:* May 15, 1991.

k. *Description of Project:* The applicant proposes to study the development of excess capacity at the existing School Street Dam Project No. 2539 owned and operated by Niagara Mohawk Power Corporation. The license for Project No. 2539 expires on December 31, 1993. The proposed project would consist of: (1) An 80-foot-wide, 200-foot-long approach channel; (2) a gated intake structure on the east bank of the river; (3) a powerhouse containing two generating units each with an installed capacity of 3.0 MW; (4) a tailrace; and (5) a 3,000-foot-long transmission line. The project will be designed so that there will be no modification to or encroachment upon any existing civil structure which could be considered an impermissible alteration of an existing license. The applicant estimates the average annual energy production to be 20 GWh and the cost of the work to be performed under the preliminary permit to be $442,000.

l. *Purpose of project:* The power produced would be sold to a local power company.

m. This notice also consists of the following standard paragraphs: A5, A7, A9, A10, B, C and D2.

15 a. *Type of application:* Preliminary Permit.

b. *Project No:* 11085–000.

c. *Date filed:* February 7, 1991.

d. *Applicant:* Raymondville Hydro Corporation.

e. *Name of project:* West Raymondville Hydroelectric Project.

f. *Location:* On the Raquette River near Norfolk in St. Lawrence County, New York.

g. *Filed pursuant to:* Federal Power Act 16 U.S.C. § 791(a)–825(r).

h. *Applicant contact:* Mr. Paul J. Elston, 420 Lexington Avenue, suite 540, New York, New York 10170, (212) 986–0440.

i. *FERC contact:* Ms. Julie Bernt, (202) 219–2814.

j. *Comment date:* May 15, 1991.

k. *Description of Project:* The applicant proposes to study the development of excess capacity at the existing Raymondville Dam Project No. 2330 owned and operated by Niagara Mohawk Power Corporation. The license for Project No. 2330 expires on December 31, 1993. The proposed project would consist of: (1) An 50-foot-wide, 180-foot-long approach channel; (2) a

gated intake structure on the west bank of the river; (3) a powerhouse containing two generating units each with an installed capacity of 2.25 MW; (4) a tailrace; and (5) a 800-foot-long transmission line. The project will be designed so that there will be no modification to or encroachment upon any existing civil structure which could be considered an impermissible alteration of an existing license. The applicant estimates the average annual energy production to be 7 GWh and the cost of the work to be performed under the preliminary permit to be $442,000.

l. *Purpose of project:* The power produced would be sold to a local power company.

m. This notice also consists of the following standard paragraphs: A5, A7, A9, A10, B, C and D2.

16 a. *Type of application:* Preliminary Permit.

b. *Project No:* 11066–000.

c. *Date filed:* February 7, 1991.

d. *Applicant:* East Norfolk Hydro Corporation.

e. *Name of project:* South Norfolk Hydroelectric Project.

f. *Location:* On the Raquette River near Norfolk in St. Lawrence County, New York.

g. *Filled pursuant to:* Federal Power Act 16 U.S.C. 791(a)–825(r).

h. *Applicant contact:* Mr. Paul J. Elston, 420 Lexington Avenue, suite 540, New York, New York 10170, (212) 986–0440.

i. *FERC contact:* Ms. Julie Bernt, (202) 219–2814.

j. *Comment date:* May 15, 1991.

k. *Description of Project:* The applicant proposes to study the development of excess capacity at the existing East Norfolk Dam Project No. 2330 owned and operated by Niagara Mohawk Power Corporation. The license for Project No. 2330 expires on December 31, 1993. The proposed project would consist of: (1) An 35-foot-wide, 250-foot-long approach channel; (2) a gated intake structure on the east bank of the river; (3) a powerhouse containing one generating unit with an installed capacity of 3,500 kW; (4) a tailrace; and (5) a 1,800-foot-long transmission line. The project will be designed so that there will be no modification to or encroachment upon any existing civil structure which could be considered an impermissible alteration of an existing license. The applicant estimates the average annual energy production to be 7 Gwh and the cost of the work to be performed under the preliminary permit to be $442,000.

l. *Purpose of Project:* The power produced would be sold to a local power company.

m. This notice also consists of the following standard paragraphs: A5, A7, A9, A10, B, C and D2.

17 a. *Type of application:* Preliminary Permit.

b. *Project No:* 11067–000.

c. *Date filed:* February 7, 1991.

d. *Applicant:* Kamargo Corporation.

e. *Name of project:* Poors Island Hydroelectric Project.

f. *Location:* On the Black River near Black River in Jefferson County, New York.

g. *Filed pursuant to:* Federal Power Act 16 U.S.C. 791(a)–825(r).

h. *Applicant contact:* Mr. Paul J. Elston, 420 Lexington Avenue, suite 540, New York, New York 10170, (212) 986–0440.

i. *FERC contact:* Ms. Julie Bernt, (202) 219–2814.

j. *Comment date:* May 15, 1991.

k. *Description of Project:* The applicant proposes to study the development of excess capacity at the existing Kamargo Dam Project No. 2569 owned and operated by Niagara Mohawk Power Corporation. The license for Project No. 2569 expires on December 31, 1993. The proposed project would consist of: (1) An 1000-foot-wide, 170-foot-long approach channel; (2) a gated intake structure on the east bank of the river; (3) a powerhouse containing three generating units each with an installed capacity of 3.65 MW; (4) a tailrace; and (5) an 800-foot-long transmission line. The project will be designed so that there will be no modification to or encroachment upon any existing civil structure which could be considered an impermissible alteration of an existing license. The applicant estimates the average annual energy production to be 16 GWh and the cost of the work to be performed under the preliminary permit to be $442,000.

l. *Purpose of project:* The power produced would be sold to a local power company.

m. This notice also consists of the following standard paragraphs: A5, A7, A9, A10, B, C and D2.

18 a. *Type of application:* Preliminary Permit.

b. *Project no.:* 11068–000.

c. *Date filed:* February 12, 1991.

d. *Applicant:* Alternative Energies, Inc.

e. *Name of project:* Rodman Dam.

f. *Location:* At the U.S. Army Corps of Engineers Rodman Dam on Lake Oklawaha near Ceder Landing in Putnam County, Florida.

g. *Filed pursuant to:* Federal Power Act 16 U.S.C. 791(a)–825(r).

h. *Contact person:* Mr. Richard A. Volkin, suite 600, 79 Milk Street, Boston, MA 02109, (617) 338–2296.

i. *FERC contact:* Ms. Julie Bernt, (202) 219–2814.

j. *Comment Date:* May 16, 1991.

k. *Description of project:* The proposed project would utilize the Corps' Rodman Dam and would consist of: (1) 0.3-mile-long concrete penstock; (2) a powerhouse containing one generating unit with a rated capacity of 5 MW; (3) a concrete tailrace; and (4) a 3-mile-long transmission line. The applicant estimates the average annual energy production to be 42 GWh and the cost of the work to be performed under the preliminary permit to be $149,000.

l. *Purpose of project:* The power produced would be sold to a local power company.

m. This notice also consists of the following standard paragraphs: A5, A7, A9, A10, B, C and D2.

Standard Paragraphs

A3. *Development application*—Any qualified development applicant desiring to file a competing application must submit to the Commission, on or before the specified comment date for the particular application, a competing development application, or a notice of intent to file such an application. Submission of a timely notice of intent allows an interested person to file the competing development application no later than 120 days after the specified comment date for the particular application. Applications for preliminary permits will not be accepted in response to this notice.

A5. *Preliminary permit*—Anyone desiring to file a competing application for preliminary permit for a proposed project must submit the competing application itself, or a notice of intent to file such an application, to the Commission on or before the specified comment date for the particular application (see 18 CFR 4.36). Submission of a timely notice of intent allows an interested person to file the competing preliminary permit application no later than 30 days after the specified comment date for the particular application. A competing preliminary permit application must conform with 18 CFR 4.30(b) (1) and (9) and 4.36.

A7. *Preliminary permit*—Any qualified development applicant desiring to file a competing development application must submit to the Commission, on or before the specified comment date for the particular application, either a competing development application or a notice of intent to file such an application. Submission of a timely notice of intent to file a development application allows

an interested person to file the competing application no later than 120 days after the specified comment date for the particular application. A competing license application must conform with 18 CFR 4.30(b)(1) and (9) and 4.36.

A9. *Notice of intent*—A notice of intent must specify the exact name, business address, and telephone number of the prospective applicant, include an unequivocal statement of intent to submit, if such an application may be filed, either (1) A preliminary permit application or (2) a development application (specify which type of application), and be served on the applicant(s) named in this public notice.

A10. *Proposed scope of studies under permit*—A preliminary permit, if issued, does not authorize construction. The term of the proposed preliminary permit would be 36 months. The work proposed under the preliminary permit would include economic analysis, preparation of preliminary engineering plans, and a study of environmental impacts. Based on the results of these studies, the Applicant would decide whether to proceed with the preparation of a development application to construct and operate the project.

B. *Comments, protests, or motions to intervene*—Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of the Rules of Practice and Procedure, 16 CFR 385.210, .211, .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

C. *Filing and service of responsive documents*—Any filing must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", "MOTION TO INTERVENE", as applicable, and the Project Number of the particular application to which the filing refers. Any of the above-named documents must be filed by providing the original and the number of copies provided by the Commission's regulations to: The Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426. An additional copy must be sent to Dean Shumway, Director, Division of Project Review, Federal Energy Regulatory Commission, room 1027 (810 1st), at the above-mentioned address. A copy of any notice of intent, competing application or motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

D1. *Agency comments*—States, agencies established pursuant to federal law that have the authority to prepare a comprehensive plan for improving, developing, and conserving a waterway affected by the project, federal and state agencies exercising administration over fish and wildlife, flood control, navigation, irrigation, recreation, cultural or other relevant resources of the state in which the project is located, and affected Indian tribes are requested to provide comments and recommendations for terms and conditions pursuant to the Federal Power Act as amended by the Electric Consumers Protection Act of 1986, the Fish and Wildlife Coordination Act, the Endangered Species Act, the National Historic Preservation Act, the Historical and Archeological Preservation Act, the National Environmental Policy Act, Public Law No. 88-29, and other applicable statutes. Recommended terms and conditions must be based on supporting technical data filed with the Commission along with the recommendations, in order to comply with the requirement in section 313(b) of the Federal Power Act, 16 U.S.C. Section 8251(b), that Commission findings as to facts must be supported by substantial evidence.

All other federal, state, and local agencies that receive this notice through direct mailing from the Commission are requested to provide comments pursuant to the statutes listed above. No other formal requests will be made. Responses should be confined to substantive issues relevant to the issuance of a license. A copy of the application may be obtained directly from the applicant. If an agency does not respond to the Commission within the time set for filing, it will be presumed to have no comments. One copy of an agency's response must also be sent to the Applicant's representatives.

D2. *Agency comments*—Federal, state, and local agencies are invited to file comments on the described application. A copy of the application may be obtain by agencies directly from the Applicant. If an agency does not file comments within the time specified for filing comments, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

Dated: March 15, 1991, Washington, DC.

Lois D. Cashell,

Secretary.

[FR Doc. 91-6868 Filed 3-20-91; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. CI88-74-004, et al.]

Panhandle Trading Co., et al.; Natural Gas Certificate Filings

March 13, 1991.

Take notice that the following filings have been made with the Commission:

1. Panhandle Trading Company

[Docket No. CI88-74-004]

Take notice that on March 12, 1991, Panhandle Trading Company (Applicant) of P.O. Box 1354, Houston, Texas 77251-1354, filed an application pursuant to sections 4 and 7 of the Natural Gas Act and the Federal Energy Regulatory Commission's (Commission) regulations thereunder to amend its blanket limited-term certificate with pregranted abandonment previously issued by the Commission in Docket No. CI88-74-003 for a term expiring March 31, 1991 to extend the term of such authorization for an unlimited term, all as more fully set forth in the application which is on file with the Commission and open for public inspection.

Comment date: March 25, 1991, in accordance with standard Paragraph J at the end of this notice.

2. Southern Natural Gas Company

[Docket Nos. CP91-1511-000, CP91-1512-000, CP91-1513-000, CP91-1514-000]

Take notice that the above referenced company (Applicant) filed in the respective dockets prior notice requests pursuant to §§ 157.205 and 284.223 of the Commission's Regulations under the Natural Gas Act for authorization to transport natural gas on behalf of various shippers under blanket certificates issued pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the prior notice requests which are on file with the Commission and open to public inspection.[1]

Information applicable to each transaction including the identity of the shipper, the type of transportation service, the appropriate transportation rate schedule, the peak day, average day, and annual volumes, and the docket numbers and initiation dates of the 120-day transactions under § 284.223 of the Commission's Regulations has been provided by the Applicant and is included in the attached appendix.

[1] These prior notice requests are not consolidated.

The Applicant also states that it would provide the service for each shipper under an executed transportation agreement, and that the Applicant would charge rates and abide by the terms and conditions of the referenced transportation rate schedules.

Comment date: April 29, 1991, in accordance with Standard Paragraph G at the end of this notice.

Docket No. (date filed)	Applicant	Shipper name	Peak day,[1] avg, annual	Points of		Start up date, rate schedule	Related [2] dockets
				Receipt	Delivery		
CP91-1511-000 3-8-91	Southern Natural Gas Company, P.O. Box 2563, Birmingham, AL 35202-2563.	City of Summerville, Georgia.	3,213 3,213 1,172,745	Off TX, Off LA, TX, LA, MS, AL.	GA	1-1-91, FT	CP88-316-000, ST91-6361-000
CP91-1512-000 3-8-91	Southern Natural Gas Company, P.O. Box 2563, Birmingham, AL 35202-2563.	National Gas & Oil Corp.	2,551 2,551 931,115	Off TX, Off LA, TX, LA, MS, AL.	MS	1-2-91, FT	CP88-316-000, ST91-6304-000
CP91-1513-000 3-8-91	Southern Natural Gas Company, P.O. Box 2563, Birmingham, AL 35202-2563.	Utilities Board of the City of Sylacauga, AL.	4,250 4,250 1,551,250	Off TX, Off LA, TX, LA, MS, AL.	AL	1-2-91 FT	CP88-316-000, ST91-6382-000
CP91-1514-000 3-8-91	Southern Natural Gas Company, P.O. Box 2563, Birmingham, AL 35202-2563.	Utilities Board of the City of Trussville, AL.	3,000 3,000 1,095,000	Off TX, Off LA, TX, LA, MS, AL.	AL	1-1-91, FT	CP88-316-000, ST91-6357-000

[1] Quantities are shown in Mcf unless otherwise indicated.
[2] The CP docket corresponds to applicant's blanket transportation certificate. If an ST docket is shown, 120-day transportation service was reported in it.

3. Stingray Pipeline Company, Natural Gas Pipeline Company of America, United Gas Pipe Line Company

[Docket Nos. CP91-1503-000, CP91-1504-000, CP91-1509-000]

Take notice that on March 8, 1991, the above referenced companies (Applicants) filed in their respective dockets prior notice requests pursuant to §§ 157.205 and 284.223 of the Commission's Regulations under the Natural Gas Act for authorization to transport natural gas on behalf of various shippers under blanket certificates issued pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the prior notice requests which are on file with the Commission and open to public inspection.[3]

Information applicable to each transaction including the identity of the shipper, the type of transportation service, the appropriate transportation rate schedule, the peak day, average day, and annual volumes, and the docket numbers and initiation dates of the 120-day transactions under § 284.223 of the Commission's Regulations has been provided by the Applicants and is included in the attached appendix.

The Applicants also states that each would provide the service for each shipper under an executed transportation agreement, and that the Applicants would charge rates and abide by the terms and conditions of the referenced transportation rate schedules.

Comment date: April 29, 1991, in accordance with Standard Paragraph G at the end of this notice.

[3] These prior notice requests are not consolidated.

Docket No.	Applicant	Shipper name	Peak day,[1] avg. annual	Points of		Start up date, rate schedule	Related [2] dockets
				Receipt	Delivery		
CP91-1503-000	Stingray Pipeline Company, 701 E 22nd St., Lombard, IL 60148.	Stellar Gas Company.	30,000 10,000 3,650,000	LA, Off LA, Off TX	LA, Off TX	1-1-91, ITS	RP89-70-000, ST91-6619-000
CP91-1504-000	Natural Gas Pipeline Co. of America, 701 E 22nd St., Lombard, IL 60148.	Reliance Gas Marketing Co.	20,000 10,000 3,650,000	LA, TX	TX	1-1-91, ITS	CP86-582-000, ST91-7020-000
CP91-1508-000	United Gas Pipe Line Co., P.O. Box 1478, Houston, TX 77251-1478.	Transamerican Gas Transmission Corporation.	154,500 154,500 56,392,500	LA, TX	LA, TX, FL, MS	2-11-91	CP88-6-000, ST91-7047-000

[1] Quantities are shown in MMBtu unless otherwise indicated.
[2] The CP docket corresponds to applicant's blanket transportation certificate. If an ST docket is shown, 120-day transportation service was reported in it.

4. Natural Gas Pipeline Company of America

[Docket Nos. CP91-1466-000, CP91-1467-000, CP91-1468-000, CP91-1469-000, CP91-1470-000, CP91-1471-000]

Take notice that Natural Gas Pipeline Company of America, 701 East 22nd Street, Lombard, Illinois 60148, (Applicant) filed in the above-referenced dockets prior notice requests pursuant to §§ 157.205 and 284.223 of the Commission's Regulations under the Natural Gas Act for authorization to transport natural gas on behalf of various shippers under its blanket certificate issued in Docket No. CP86-582-000, pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the requests that are on file with the Commission and open to public inspection.[3]

Information applicable to each transaction, including the identity of the shipper, the type of transportation service, the appropriate transportation rate schedule, the peak day, average day and annual volumes, and the initiation service dates and related ST docket numbers of the 120-day transactions under § 284.223 of the Commission's Regulations, has been provided by Applicant and is summarized in the attached appendix.

Comment date: April 29, 1991, in accordance with Standard Paragraph G at the end of this notice.

Docket No. (date filed)	Shipper name (type)	Peak day, average day, annual MMBtu	Receipt [1] points	Delivery points	Contract date, rate schedule, service type	Related docket, start up date
CP91-1466-000 (3-6-91)	PSI Gas Marketing, Inc. (Marketer).	115,000 115,000 41,975,000	TX, OTX	TX	8-6-90, FTS, Firm	ST91-6842, 1-1-91
CP91-1467-000 (3-6-91)	Seagull Marketing Services, Inc. (Marketer).	50,000 25,000 125,000	Multiple	Various	5-1-90, ITS, Interruptible.	ST91-6758, 1-3-91
CP91-1468-000 (3-6-91)	Tejas Power Corporation (Marketer).	100,000 50,000 18,250,000	Multiple	Various	12-8-90, ITS, Interruptible.	ST91-6622, 12-30-90
CP91-1469-000 (3-6-91)	Tejas Power Corporation (Marketer).	50,000 50,000 18,250,000	TX, LA	TX, LA	12-11-90, FTS, Firm.	ST91-6672, 1-1-91
CP91-1470-000 (3-6-91)	Arco Oil and Gas Company (Producer).	80,000 30,000 10,950,000	Multiple	Texas	7-7-88, ITS, Interruptible.	ST91-6759, 1-3-91
CP91-1471-000 (3-6-91)	NGC Transportation, Inc. (Marketer).	200,000 75,000 27,375,000	Multiple	Various	8-30-90, ITS, Interruptible.	ST91-6823, 12-30-90

[1] Offshore Louisiana and offshore Texas are shown as OLA and OTX.

5. Ashland Exploration, Inc.

[Docket No. G-7009-005, *et al.*]

Take notice that on December 14, 1990, Ashland Exploration, Inc. (Ashland) of 14701 St. Mary's Lane, suite 200, Houston, Texas 77079-2907, filed an application pursuant to section 7 of the Natural Gas Act and the Federal Energy Regulatory Commission's (Commission) regulations thereunder as successor-in-interest to OXY USA Inc. (OXY) for authorization to continue the sales previously made by OXY under the certificates listed in the appendix and requesting that the related rate schedules be redesignated as those of Ashland, all as more fully set forth in the application which is on file with the Commission and open for public inspection.

By assignments dated June 28, 1990, and effective January 1, 1990, OXY assigned certain interests in Kentucky and West Virginia to Ashland. Ashland is now seeking authorization to continue sales from the acquired interests.

Comment date: April 2, 1991, in accordance with Standard Paragraph J at the end of the notice.

APPENDIX

Certificate docket No.	OXY USA Inc. FERC gas rate schedule No.	Purchaser
G-7009	235	Columbia Gas Transmission Corporation.
G-12487	248	Columbia Gas Transmission Corporation.
G-7081	269	Columbia Gas Transmission Corporation.
G-7085	272	Columbia Gas Transmission Corporation.
G-11648	279	Columbia Gas Transmission Corporation.
CI62-458	281	Columbia Gas Transmission Corporation.
CI66-35[1]	292	Columbia Gas Transmission Corporation.
CI70-982	327	Columbia Gas Transmission Corporation.
CI71-295	333	Columbia Gas Transmission Corporation.

APPENDIX—Continued

Certificate docket No.	OXY USA Inc. FERC gas rate schedule No.	Purchaser
CI72-160	347	Columbia Gas Transmission Corporation.
G-7009	233	Kentucky West Virginia Gas Company.
CI63-1312	285	Equitrans, Inc.

6. Colorado Interstate Gas Company

[Docket Nos. CP91-1521-000, CP91-1522-000]

Take notice that on March 12, 1991, Colorado Interstate Gas Company (CIG), P.O. Box 1087, Colorado Springs, Colorado 80944, filed in the above-referenced dockets prior notice requests pursuant to §§ 157.205 and 284.223 of the Commission's Regulations under the Natural Gas Act for authorization to transport natural gas on behalf of various shippers under its blanket certificate issued in Docket No. CP86-

[3] These prior notice requests are not consolidated.

589, *et al.*, pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the requests that are on file with the Commission and open to public inspection.[4]

[4] These prior notice requests are not consolidated.

Information applicable to each transaction, including the identity of the shipper, the type of transportation service, the appropriate transportation rate schedule, the peak day, average day and annual volumes, and the initiation service dates and related ST docket numbers of the 120-day transactions under § 284.223 of the Commission's Regulations, has been provided by CIG and is summarized in the attached appendix.

Comment date: April 29, 1991, in accordance with Standard Paragraph G at the end of this notice.

Docket No. (date filed)	Shipper name (type)	Peak day, average day, annual Mcf	Receipt points	Delivery points	Contract date, rate schedule, service type	Related docket, start up date
CP91-1521-000, (3-12-91)	PSI Gas Marketing, Inc. (Marketer).	25,000 25,000 4,500,000	Oklahoma, Colorado	Oklahoma	11-1-90, TI-1, Interruptible.	ST91-6826-000 1-1-91.
CP91-1522-000, (3-12-91)	PSI Gas Marketing, Inc. (Marketer).	15,000 2,000 730,000	Oklahoma, Kansas, Wyoming.	Wyoming	1-1-91, TI-1, Interruptible.	ST91-6829-000 1-1-91.

7. Colorado Interstate Gas Company

[Docket Nos. CP91-1498-000, CP91-1499-000]

Take notice that Colorado Interstate Gas Company, P.O. Box 1087, Colorado Springs, Colorado 80944, (Applicant) filed in the above-referenced dockets prior notice requests pursuant to §§ 157.205 and 284.223 of the Commission's Regulations under the Natural Gas Act for authorization to transport natural gas on behalf of various shippers under its blanket certificate issued in Docket No. CP86-589, *et al.*, pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the requests that are on file with the Commission and open to public inspection.[5]

Information applicable to each transaction, including the identity of the shipper, the type of transportation service, the appropriate transportation rate schedule, the peak day, average day and annual volumes, and the initiation service dates and related ST docket numbers of the 120-day transactions under § 284.223 of the Commission's Regulations, has been provided by Applicant and is summarized in the attached appendix.

Comment date: April 29, 1991, in accordance with Standard Paragraph G at the end of this notice.

[5] These prior notice requests are not consolidated.

Docket No. (date filed)	Shipper name (type)	Peak day, average day, annual Mcf	Receipt points [1]	Delivery points	Contract date, rate schedule, service type	Related docket, start up date
CP91-1498-000 (3-8-91)	Grand Valley Gas Company (Marketer).	20,000 5,000 1,825,000	WY, KS	CO	11-23-90, TI-1, Interruptible.	ST91-5752-000, 11-23-90.
CP91-1499-000 (3-8-91)	Grand Valley Gas Company (Marketer).	20,000 5,000 1,825,000	WY, KS	KS	11-23-90, TI-1, Interruptible.	ST91-5575-000, 11-23-90.

[1] Offshore Louisiana and offshore Texas are shown as OLA and OTX.

8. United Gas Pipe Line Company

[Docket Nos. CP91-1491-000, CP91-1492-000, CP91-1493-000, CP91-1494-000]

Take notice that the above referenced companies (Applicants) filed in respective dockets prior notice requests pursuant to §§ 157.205 and 284.223 of the Commission's Regulations under the Natural Gas Act for authorization to transport natural gas on behalf of various shippers under blanket certificates issued pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the prior notice requests which are on file with the Commission and open to public inspection.[6]

Information applicable to each transaction including the identity of the shipper, the type of transportation service, the appropriate transportation rate schedule, the peak day, average day, and annual volumes, and the docket numbers and initiation dates of the 120-day transactions under § 284.223 of the Commission's Regulations has been provided by the Applicants and is included in the attached appendix.

The Applicants also states that each would provide the service for each shipper under an executed transportation agreement, and that the Applicants would charge rates and abide by the terms and conditions of the referenced transportation rate schedules.

Comment date: April 29, 1991, in accordance with Standard Paragrpah G at the end of this notice.

[6] These prior notice requests are not consolidated.

Docket No. (date filed)	Applicant	Shipper name	Peak day,[1] avg. annual	Points of		Start up date, rate schedule	Related [2] dockets
				Receipt	Delivery		
CP91-1491-000 3-7-91	United Gas Pipe Line Company, P.O. Box 1478, Houston, TX 77251-1478.	Delhi Gas Pipeline Corporation.	103,000 103,000 37,595,000	LA, TX, MS, OK	LA, TX, OK	ITS, Interruptible, 1/21/91.	CP88-6-000, ST91-7129-000
CP91-1492-000 3-7-91	United Gas Pipe Line Company, P.O. Box 1478, Houston, TX 77251-1478.	Bishop Pipeline Corporation.	41,200 41,200 15,038,000	LA, TX, AL, FL, MS	LA, TX, AL, FL, MS	ITS, Interruptible, 1/28/91.	CP88-6-000, ST91-7127-000
CP91-1493-000 3-7-91	United Gas Pipe Line Company, P.O. Box 1478, Houston, TX 77251-1478.	Bishop Pipeline Corporation.	41,200 41,200 15,038,000	LA, TX, AL, FL, MS	LA, TX, AL, FL, MS	ITS, Interruptible, 1/14/91.	CP88-6-000, ST91-7131-000
CP91-1494-000 3-7-91	United Gas Pipe Line Company, P.O. Box 1478, Houston, TX 77251-1478.	Bishop Pipeline Corporation.	41,200 41,200 15,038,000	LA, TX, AL, FL, MS	LA, TX, AL, FL, MS	ITS, Interruptible, 1/28/91.	CP88-6-000, ST91-7126-000

[1] Quantities are shown in MMBtu unless otherwise indicated.
[2] The CP docket corresponds to applicant's blanket transportation certificate. If an ST docket is shown, 120-day transportation service was reported in it.

9. Great Lakes Gas Transmission Limited Partnership

[Docket Nos. CP91-1484-000, CP91-1485-000, CP91-1486-000]

Take notice that Great Lakes Gas Transmission Limited Partnership, suite 1600, One Woodward Avenue, Detroit, Michigan 48226, (Applicant) filed on the above-referenced dockets prior notice requests pursuant to §§ 157.205 and 284.223 of the Commission's Regulations under the Natural Gas Act for authorization to transport natural gas on behalf of various shippers under its blanket certificate issued in Docket No. CP89-2198-000, pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the requests that are on file with the Commission and open to public inspection.[1]

Information applicable to each transaction, including the identity of the shipper, the type of transportation service, the appropriate transportation rate schedule, the peak day, average day and annual volumes, and the initiation service dates and related ST docket numbers of the 120-day transactions under § 284.223 of the Commission's Regulations, has been provided by Applicant and is summarized in the attached appendix.

Comment date: April 29, 1991, in accordance with Standard Paragraph G at the end of this notice.

[1] These prior notice requests are not consolidated.

Docket number (date filed)	Shipper name (type)	Peak day, average day, annual Mcf	Receipt [1] points	Delivery points	Contract date, rate schedule, service type	Related docket, start up date
CP91-1484-000 (3-7-91)	Utilicorp United-NMU (distributor).	100,000 100,000 36,500,000	MI, MN	MI, MN	10-30-90, IT, interruptible.	ST91-6532-000, 1-8-91.
CP91-14885-000 (3-7-91)	LEDCO Inc. (marketer)	50,000 50,000 18,250,000	MI, MN	MI, MN	10-17-90, IT, interruptible.	ST91-6534-000, 1-9-91.
CP91-1486-000 (3-7-91)	Renaissance Energy Ltd. (producer).	50,000 50,000 18,250,000	MN	MI, MN	10-23-90, IT, interruptible.	ST91-7003-000, 1-20-91.

[1] Offshore Louisiana and offshore Texas are shown as OLA and OTX.

10. U-T Offshore System

[Docket No. CP91-1482-000]

Take notice that on March 8, 1991, U-T Offshore System (U-TOS), P.O. Box 1396, Houston, Texas 77251, filed in Docket No. CP91-1482-000 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 Eagle Natural Gas Company, a marketer, under the blanket certificate issued by the Commission's Order No. 509 corresponding to the rates, terms and conditions filed in Docket No. RP88-99-000, 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.

U-TOS states that, pursuant to an agreement dated July 1, 1990, under its Rate Schedule IT, it proposes to transport up to 40,000 Mcf per day of natural gas. U-TOS indicates that the gas would be transported from offshore Louisiana, and would be redelivered in Louisiana. U-TOS further indicates that it would transport 40,000 Mcf on an average day and 14,600,000 Mcf annually.

U-TOS advises that service under § 284.223(a) commenced November 21, 1990, as reported in Docket No. ST91-7112-000.

Comment date: April 29, 1991, in accordance with Standard Paragraph G at the end of this notice—

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.

Standard Paragraph

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, .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. 91-6673 Filed 3-20-91; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TQ91-3-48-001]

ANR Pipeline Co.; Proposed Changes in FERC Gas Tariff

March 14, 1991.

Take notice that, on February 27, 1991, ANR Pipeline Company ("ANR") tendered for filing as part of its FERC Gas Tariff the following tariff sheets with a requested effective date of March 25, 1991:

Sixth Revised Sheet No. 111
Fourth Revised Sheet No. 112
Fifth Revised Sheet No. 113
Sixth Revised Sheet No. 114

ANR states that the tariff sheets are filed in compliance with the Commission Letter Order issued January 28, 1991. The Letter Order directed ANR to reflect in its currently effective tariff sheet the recent conversion by Michigan Consolidated Gas Company from sales to transportation service.

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. All such protests should be filed on or before March 21, 1991. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Persons that are already parties to this proceeding need not file a motion to intervene in this matter. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 91-6674 Filed 3-20-91; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP91-49-003]

Arkla Energy Resources, a division of Arkla, Inc.; Compliance Filing

March 14, 1991.

Take notice that, on February 27, 1991, Arkla Energy Resources ("AER"), a division of Arkla, Inc., tendered for filing changes in its FERC Gas Tariff, Second Revised Volume No. 1 and First Revised Volume No. 1-A, in compliance with the Commission's February 22, 1991 Order. These tariff sheets do not change any of the provisions of AER's tariff, but only correct the pagination of AER's tariff sheets.

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. All such protests should be filed on or before March 21, 1991. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Persons that are already parties to this proceeding need not file a motion to intervene in this matter. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 91-6675 Filed 3-20-91; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP91-82-001]

Columbia Gas Transmission Corp.; Proposed Changes in FERC Gas Tariff

March 14, 1991.

Take notice that Columbia Gas Transmission Corporation (Columbia) on March 7, 1991, tendered for filing the following proposed changes to its FERC Gas Tariff, First Revised Volume No. 1, to be effective on March 4, 1991:

Substitute First Revised Sheet No. 76

This tariff sheet is being submitted pursuant to the provisions of Ordering Paragraph (B) of the Federal Energy Regulatory Commission's March 1, 1991 "Order Accepting And Suspending Tariff Sheets, Subject to Refund and Conditions, And Consolidating Proceedings" in the above-referenced proceeding. This tariff sheet redefines priorities of service described in the body of the Commission's March 1, 1991 Order.

Columbia states that a copy of the filing were served on Columbia's jurisdictional customers and on the interested state commissions.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 214 and 211 of the Commission's Rules of Practice and Procedure 18 CFR 385.214. All such protests should be filed on or before March 21, 1991. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Persons that are already parties to this proceeding need not file a motion to intervene in this matter. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 91-6676 Filed 3-20-91; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP91-1444-000]

Florida Gas Transmission Co.; Request Under Blanket Authorization

March 11, 1991.

Take notice that on March 4, 1991, Florida Gas Transmission Company (FGT) 1400 Smith Street, Houston, Texas 77002, filed in Docket No. CP91-1444-000, a request pursuant to §§ 157.205 and 157.212 of the Commission's Regulations under the Natural Gas Act, to construct and operate a new delivery point

(Overstreet Meter Station) to deliver gas to a transportation and resale customer, St. Joe Natural Gas Company (St. Joe) in Gulf County, Florida, and to realign the Maximum Daily Quantities (MDQ) of gas between St. Joe's existing and proposed delivery point under Rate Schedules G and FTS–1, as more fully set forth in the request on file with the Commission and open to public inspection.

FGT states that the realignment of volumes are within currently certificated entitlements and that St. Joe, a LDC, purchases gas from FGT for resale to serve the City of Port St. Joe and nearby communities.

Any person or 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 § 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. 91–6680 Filed 3–20–91; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. EC91–7–000]

Nevada Sun-Peak Limited Partnership Filing

March 15, 1991.

Take notice that on March 11, 1991, Nevada Sun-Peak Limited Partnership (Sun-Peak), as part of its request for rehearing in Docket No. ER91–11–001, filed a request for the Commission to disclaim jurisdiction under section 203 of the Federal Power Act, 16 U.S.C. 824b, waive part 33 of the Commission's regulations, 18 CFR part 33, or approve under section 203 and part 33, as is appropriate, the contemplated disposition of the general partnership interest in Sun-Peak to two or more investors that will not be electric utilities or affiliates of electric utilities. Sun-Peak also requests either assurances that further Commission review or approval of the possible disposition of the facility to Nevada Power Company (NPC) pursuant to the contract between Sun-Peak and NPC is not required, or approval of such disposition. Sun-Peak requests Commission action no later than mid-April, 1991. See Sun-Peak's March 11, 1991 pleading at 3–4, 34–37; letter of transmittal at 2. The Commission has redocketed this portion of Sun-Peak's March 11, 1991 pleading as an application for disclaimer of jurisdiction or, in the alternate, for authorization and has assigned this matter Docket No. EC91–7–000.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 18 CFR 385.214). All such motions or protests should be filed on or before April 1, 1991. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 91–6679 Filed 3–20–91; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP91–66–001]

Northwest Pipeline Corp.; Report of Refunds Under Order No. 528

March 14, 1991.

Take notice that on January 9, 1991, Northwest Pipeline Corporation (Northwest) tendered for filing with the Federal Energy Regulatory Commission (Commission) its Report of Refunds under Order No. 528 relating to Docket No. RP90–118–000 Fixed SSP Charge overcollections.

Order No. 528 stayed the authority of pipelines to collect take-or-pay fixed charges based on a purchase deficiency methodology effective December 1, 1990. Northwest states that in response to the Commission's order issued in Docket No. RM91–2 on December 14, 1990, staying Northwest's direct-billing of its Docket No. RP90–118–000 costs, Northwest refunded on December 31, 1990, all Fixed SSP Charge overcollections paid by fourteen customers.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214 (1989)). All such protests should be filed on or before March 21, 1991. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Persons that are already parties to the 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. Cahsell,

Secretary.

[FR Doc. 91–6677 Filed 3–20–91; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. GT91–20–000]

Seagull Interstate Corp.; Filing FERC Gas Tariff

March 14, 1991.

Take notice that on February 25, 1991 Seagull Interstate Corporation (Seagull) filed on computer diskette pursuant to the Commission's electronic filing requirements its Original Volume No. 1 FERC Gas Tariff.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with 18 CFR 385.214 of the Commission's Rules and Regulations. All such motions or protests should be filed on or before March 21, 1991. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the public reference room.

Lois D. Cashell,

Secretary.

[FR Doc. 91–6678 Filed 3–20–91; 8:45 am]

BILLING CODE 6717–01–M

Office of Hearing and Appeals

Cased Filed; James L. Schwab, et al., Week of February 8 Through February 15, 1991

During the Week of February 8 through February 15, 1991, the appeals and applications for exception or other relief listed in the Appendix to this Notice were filed with the Office of

Hearings and Appeals of the Department of Energy.

Under DOE procedural regulations, 10 CFR part 205, any person who will be aggrieved by the DOE action sought in these cases may file written comments on the application within ten days of service of notice, as prescribed in the procedural regulations. For purposes of the regulations, the date of service of notice is deemed to be the date of publication of this Notice or the date of receipt by an aggrieved person of actual notice, whichever occurs first. All such comments shall be filed with the Office of Hearings and Appeals, Department of Energy, Washington, DC 20585.

Dated: March 15, 1991.

George B. Breznay,

Director, Office of Hearings and Appeals.

LIST OF CASES RECEIVED BY THE OFFICE OF HEARINGS AND APPEALS

[Week of February 8, through February 15, 1991]

Date	Name and location of applicant	Case No.	Type of submission
Nov. 11, 1991	James L. Schwab, Spokane, WA	LFA-0098	Appeal of an Information Request Denial. If granted: The 1/24/91 Freedom of Information Request Denial issued by the Office of Inspector General would be rescinded, and James L. Schwab would receive access to DOE information.
Nov. 11, 1991	Texaco/Ellis Robertson Corporation, Keene, NH	RR321-50	Request for Modification/Rescission in the Texaco Refund Proceeding. If granted: The 9/7/90 Decision and Order (Case No. RF321-6398 RF321-9310) issued to Ellis Robertson Corporation would be modified regarding the firm's application for refund submitted in the Texaco refund proceeding.
Nov. 11, 1991	Texaco/University Texaco, Tamarac, FL	RR321-51	Request for Modification/Rescission in the Texaco Refund Proceeding. If granted: The 5/11/90 Decision and Order (Case No. RF321-1433 and RF321-1821) issued to University Texaco would be modified regarding the firm's application for refund submitted in the Texaco refund proceeding.

REFUND APPLICATIONS RECEIVED

Date received	Name of refund proceeding/name of refund application	Case No.
2/8/91 thru 2/15/91	Crude Oil refund, application received.	RF272-86501 thru RF272-86612.
2/8/91 thru 2/15/91	Gulf Oil refund, application received.	RF300-15548 thru RF300-15698.
2/8/91 thru 2/15/91	Texaco Oil refund application received.	RF321-13310 thru RF321-13531.
2/11/91	Venture Oil Company of Texas.	RF326-228.
2/11/91	Fourth & Sierra Shell.	RF315-10125.
2/11/91	I-80 Shell	RF315-10126.
2/12/91	Supreme Petroleum Co./NJ.	RF325-3.
2/12/91	Ray Peppleman, Inc..	RF325-4.
2/12/91	Delchester Oil Company.	RF325-5
2/12/91	Kirschner Bros. Co..	RF325-6.
2/12/91	Cool Fuel, Incorporated.	RF327-3.
2/12/91	Jeffries Bros. Inc..	RF328-2.
2/13/91	Defense Fuel Supply Center.	RF324-49.
2/13/91	Tri-County Asphalt Corp..	RC272-114.
2/14/91	Amoca Corp.	RF322-2.
2/14/91	Big "M" Oilfield Service, Inc..	RF328-230.
2/14/91	Mitsubishi International Corp..	RF326-231.

REFUND APPLICATIONS RECEIVED—Continued

Date received	Name of refund proceeding/name of refund application	Case No.
2/15/91	Strool Oil Company.	RF328-232.

[FR Doc. 91-6748 Filed 3-20-91; 8:45 am]

BILLING CODE 6450-01-M

Office of Hearings and Appeals

Issuance of Decisions and Orders; Natural Resources Defense Council et al; Week of February 11, Through February 15, 1991

During the week of February 11 through February 15, 1991 the decisions and orders summarized below were issued with respect to appeals and applications for other relief filed with the Office of Hearings and Appeals of the Department of Energy. The following summary also contains a list of submissions that were dismissed by the Office of Hearings and Appeals.

Appeal

Natural Resources Defense Council, 2/11/91, KFA-0272

Natural Resources Defense Council filed an Appeal from a partial denial by the Special Isotope Separation Office of a Request for Information that it submitted under the Freedom of Information Act (FOIA). In considering the Appeal, the DOE determined that their material previously deleted from the redacted copy of the document provided to the NRDC was properly classified and thus had been properly withheld under Exemption 3 of the FOIA. Accordingly, the Appeal was denied.

Implementation of Special Refund Procedures

Empire Gas Corp., 2/12/91, KEF-0048

The DOE issued a Decision and Order implementing procedures for the disbursement of $943,238, plus accrued interest, obtained by the DOE under the terms of a Consent Order entered into with Empire Gas Corporation (Empire) on January 6, 1986. The DOE determined that the Empire funds should be distributed pursuant to subpart V. In addition, the DOE determined that the entire consent order fund was attributed to alleged refined product violations and should be distributed to customers that purchased Empire refined products during the consent order period January 1, 1973 and January 27, 1981. If any funds remain after meritorious claims are paid in the first stage, they will be used for indirect restitution in accordance with the provisions of the Petroleum Overcharge Distribution and Restitution Act of 1986 (PODRA), 15 U.S.C. 4501-07. Purchasers of regulated petroleum products from Empire during the consent order period may file Applications for Refund from the Empire consent order fund. Applications for Refund must be postmarked by December 31, 1991. Instructions for the completion of refund

applications are set forth in the Decision.

O'Neal's Service Center, Pester Marketing Co., 2/14/91, KEF-0117, KEF-0134

The DOE issued a Decision and Order implementing procedures for the distribution of $3,764 plus accrued interest, and $287,933 plus accrued interest, obtained as a result of settlements of enforcement proceedings entered into between the DOE and O'Neal's Service Center (O'Neal) and Pester Marketing Company (Pester) respectively. The DOE determined that the funds should be distributed to customers that purchased motor gasoline from O'Neal during the period from August 1, 1979 through July 24, 1980 and regular grade motor gasoline and/or diesel fuel from Pester during the period from November 1, 1973 through May 8, 1974. The specific information required in an Application for Refund is set forth in the Decision and Order.

Refund Applications

Alexander & Baldwin, Inc., 2/14/91, RF272-22195, RD272-22195

The DOE issues a Decision and Order granting the subpart V crude oil refund application of Alexander & Baldwin, Inc., based on its purchases of refined petroleum products during the period August 19, 1973 through January 27, 1981. The applicant, which grows and refines cane sugar, demonstrated the volume of its claim by using contemporaneous records and reasonable estimates. The applicant was an end-user of the products it claimed and was therefore presumed injured by the DOE. A group of state governments and territories of the United States (the States) objected to the application, contending that the firm was not injured because it was able to pass through to customers any overcharges it suffered due to the elasticities of supply and demand that exist in any industry. The DOE found the States failed to submit any direct evidence to indicate that the applicant passed on increased fuel costs to its customers. Accordingly, the DOE granted Alexander & Baldwin a refund of $56,771. The DOE also denied the Motion for Discovery filed by the States in this case, for reasons discussed in earlier subpart V crude oil Decisions. *See, e.g., Christian Haaland A/S,* 17 DOE ¶ 85,439 (1988).

Associated Service Corporation, 2/11/91, RR272-86

In *Associated Service Corporation,* 21 DOE ¶ 85,002 (1991), the Office of Hearings and Appeals (OHA) denied the application for refund the firm had filed in the crude oil subpart V special refund proceeding because the firm had received a refund from the M.D.L. 378 Retailers Escrow account, and thus had waived its rights to a crude oil refund. OHA also found that the firm's attempted alteration of the Stripper Well waiver to reserve a crude oil refund for self-consumed products not compensated through M.D.L. 378 mechanism was ineffective. In its Motion for Reconsideration, the firm asserted that OHA had previously granted crude oil refunds for gallons resellers used in their own operations. OHA found that since its previous decision was based entirely on the firm's waiver of a crude oil refund by its participation in the Retailers Escrow, OHA's practice concerning non-waiving resellers was irrelevant. Because the firm presented no other grounds, OHA adhered to its prior determination, and denied the Motion for Reconsideration.

Atlantic Richfield Company/Los Angeles Dept. of Water and Power, System Fuels, Inc., 2/11/91, RF304-3894, RF304-0013

The DOE issued a Decision and Order concerning two Applications for Refund filed in the Atlantic Richfield Company special refund proceeding. Both of the applicants adequately documented the volume of their ARCO purchases. The two applicants were public utilities that have each certified that they will notify the appropriate regulatory commission of the receipt of the refund and have also submitted plans explaining how they plan to pass on to their customers the benefits associated with the refunds. The refunds granted in this decision totalled $913,928, including $635,771 in principal and $278,157 in accrued interest.

Carlisle Companies, Inc., 2/13/91, RF272-11111, RD272-11111

Carlisle Companies, Inc. filed an application for refund as an end-user of refined petroleum products in the subpart V crude oil refund proceeding. The firm was engaged in the manufacture of rubber sheeting, tires and tubes for automobiles, motorcycles, and bicycles, brake linings for trucks and trailers, molded plastic products for the commercial food industry, custom rubber and plastic products, and stamped and roll-formed wheels. A portion of the Applicant's claim was based on its purchases of twenty "processing oils." Sixteen of these products were identified as naphthenic, paraffinic, or aromatic oils which have been deemed eligible for refunds in previous application decisions. The DOE found that heptane, also claimed by the Applicant, was a "covered product," and thus eligible for a refund. The application determined that the three remaining products claimed, Paraplex G50, HB-40 Oil, and phenol were petrochemicals. Therefore, the Applicant was not eligible to receive a refund for its purchases of these products, and the DOE reduced the Applicant's claim by 3,935,857 gallons. A group of state governments filed a statement of objections to the firm's claim, and provided econometric evidence concerning the automotive tire industry as a whole. The DOE determined that the States had failed to produce any convincing evidence to show that the firm had been able to pass on the crude oil overcharges to its customers, and found that the States' econometric evidence failed to properly address the individual situation of the Applicant. As in previous decisions, the DOE rejected the States' contention that industry-wide data constituted sufficient evidence to rebut the presumption that end-users such as Carlisle Companies, Inc. were injured by crude oil overcharges. The DOE granted the Applicant a refund of $26,247 based on its approved purchases of 32,808,436 gallons of petroleum products. A related Motion for Discovery filed by the States was denied.

Columbia Nitrogen Corp., 2/12/91, RF272-5420

The DOE issued a Decision and Order concerning an Application for Refund filed in the subpart V crude oil special refund proceeding being conducted by the DOE under 10 CFR part 205, subpart V. The DOE determined that the refund claim advanced by Columbia Nitrogen Corporation, an ammonia producer, was meritorious and granted Columbia a refund of $45,147 under the end-user presumption of injury.

Farmers Union Oil Co., 2/15/91, RF272-45161

The DOE issued a Decision and Order granting a refund from crude oil overcharge funds to Farmers Union Oil Co. (Farmers Union), based on its purchase of refined petroleum products during the period August 19, 1973 through January 27, 1981. A group of states and territories (the States) filed objections and comments concerning the applicant's refund claim. In their objections, the States contended that cooperatives are not eligible for Subpart V crude oil refunds because they are not end-users of refined petroleum products, but resellers. Thus, the States argued that a cooperative must submit detailed evidence of injury in order to receive a refund. The DOE rejected that argument

and granted the application, noting that the application filed by the cooperative is regarded as a claim filed on behalf of the cooperative's members. To the extent that those members are end-users, the end-user presumption of injury is applicable to the claim, and no further evidence of injury is required. Accordingly, DOE granted Farmers Union a refund in the amount of $6,499, on the condition that the cooperative pass through the refund to its members.

Hilo Quality Cleaners, Ltd., 2/15/91, RF272–27680

The DOE issued a Decision and Order granting an Application for Refund filed in the crude oil special refund proceeding. The Applicant was a laundry and dry cleaning business which purchased 1,637,602 gallons of "solvent," under #6 oil and diesel fuel. In investigating the solvent, we have determined that, like other dry cleaning solvents, this fluid is derived from crude oil and is accordingly eligible for a refund. The applicant was therefore granted a refund equal to its full allocable share. The Decision granted Hilo Quality Cleaners, Ltd. a $1,310 refund.

ICI Americas Inc., 2/15/91, RF272–61737, RD272–61737

The Department of Energy (DOE) issued a Decision and Order granting refund monies from crude oil overcharge funds to ICI Americas Inc., (ICI) based upon its purchases of refined petroleum products between August 19, 1973 and January 27, 1981. The applicant used the petroleum products in its chemical manufacturing business. The applicant was an end-user of the refined petroleum products and was therefore presumed injured. A consortium of 32 states and two territories (the States) filed a statement of Objection and a Motion for Discovery with respect to ICI's Application. The DOE found that the states' filing was insufficient to rebut the presumption of injury. Therefore the Application for Refund of ICI was granted and the Motion for Discovery was denied. The refund granted to ICI was $77,995.

North Dakota Association of Counties, 2/13/91, RF272–56856

The DOE issued a Decision and Order concerning an Application for Refund that the North Dakota Association of Counties (NDACo) filed in the crude oil fund being disbursed by the DOE under 10 CFR part 205, subpart V. The DOE determined that the refund claim was meritorious and granted a refund of $22,463. Philip P. Kalodner (Kalodner), counsel for Utilities, Transporters, and Manufacturers, filed Comments and Conditional Objections to the Application for Refund. The DOE determined that Kalodner's Comments and Objections were insufficient to rebut the presumption of end-user injury. NDACo will be eligible for additional refunds as additional crude oil overcharge funds become available.

NTC of America, Inc., Holmes Transportation, Inc., Essex Group, Inc., 2/12/91, RF272–60664, RD272–60664, RF272–63845, RD272–63845, RF272–64208, RD272–64208

The Department of Energy (DOE) issued a Decision and Order granting refund monies from crude oil overcharges to three common motor carriers. The DOE rejected identical objections filed by a consortium of 28 States and two territories (the States) finding them insufficient to rebut the presumption of injury. Therefore, the Applications for refund of these three firms were granted and Motions for Discovery filed by the States in regard to these Applications were denied. The refund amount granted to these three applicants was $87,110.

Ohio Department of Transportation, 2/11/91, RF272–25793

The Department of Energy (DOE) issued a Decision and Order granting refund monies from crude oil overcharge funds to the Ohio Department of Transportation (Ohio) based on its purchasers of refined petroleum products during the period August 19, 1973 through January 27, 1981. The applicant is a state entity that applied for a refund based solely on Ohio's purchases of refined petroleum products for its end-use in the Department of Transportation's rolling stock fleet. Phillip P. Kalodner, counsel for utilities, transporters and manufacturers filed conditional objections to this application. Mr. Kalodner argued that governmental entities are ineligible to receive Subpart V crude oil refunds and that non-governmental claimants should have priority in receiving refunds. Moreover, Mr. Kalodner attempted to rebut Ohio's reliance on the end-user presumption. The DOE found Mr. Kalodner's objections to Ohio's eligibility unconvincing and granted the state a refund of $47,050.

Pelican Marine Carriers, Inc., 2/11/91, RF272–1102, RD272–1102

The Department of Energy (DOE) issued a Decision and Order granting a refund from crude oil overcharge funds to Pelican Marine Carriers, Inc. (Pelican) based on the firm's purchases of refined petroleum products during the period of August 19, 1973 through January 27, 1981. The applicant transported liquid sulfur by water and used the petroleum products in its vessels for propulsion. Pelican was an end-user of the products claimed and was therefore presumed injured. A consortium of states and territories filed a "Statement of Objections" and a "Motion for Discovery" with respect to the applicant's claim. The DOE found that the states' filings were insufficient to rebut the presumption of injury for end-users in this case. Additionally, although Pelican's current parent, Canal Barge Company, Inc. (Canal) waived its rights to any subpart V crude oil refunds, Canal neither owned nor controlled Pelican on the Payment Date. Therefore, Canal's waiver did not affect Pelican's eligibility to be considered for a subpart V crude oil refund. Therefore, the Application for Refund was granted and the Motion for Discovery was denied. The refund granted to Pelican was $20,964.

Peoples Gas Light and Coke Co., 2/15/91, RF272–25628

The DOE issued a Decision and Order granting a refund from crude oil overcharge funds to Peoples Gas Light and Coke Co. (Peoples), an Illinois public utility, based on its purchase of refined petroleum products during the period August 19, 1973 through January 27, 1981. A group of states and territories (the States) objected to the utility's application on the grounds that Peoples had passed through increased fuel costs to customers, and thus had not been injured. In addition, the States contended that utilities should not be permitted to serve as conduits for the distribution of refund benefits to their injured customers. The DOE rejected the States' argument and granted the application, noting that Peoples would be required to pass through the refund to injured customers, thereby making restitution directly to the parties who bore the overcharges. The refund granted in this Decision was $972,892.

Polish Steamship Co. et al., 2/11/91, RF272–60082, et al., RD272–60953, RD272–65042

The DOE issued a Decision and Order granting a refund from crude oil overcharge funds to five foreign-flag marine carriers. A group of states and territories of the United States (the States) filed an Objection to the marine carriers' applications. The States argued that the (1) The applicants were ineligible for a subpart V crude oil overcharge refund because of their foreign status; (2) the applicants should not receive a refund because they passed through the costs of the crude oil overcharges to their customers; and (3)

the applicants should not receive refunds for purchases of petroleum products made in the Panama Canal Zone, which were exempt from DOE price controls. The DOE rejected the first arguments of the States, finding that foreign status is not a bar to receiving a subpart V crude oil refund, and that the States had failed to establish that the marine carriers had passed through the costs of crude oil overcharges to their customers. The DOE concurred with the States that the applicants should not receive refunds for purchases made in the Panama Canal Zone, and deducted those purchases from the applicants' claims. Motions for Discovery filed by the States were denied. The amount of refund granted in this Decision and Order is $226,977.

Rochester Sand & Gravel, Inc., 2/14/91, RF272–11243

The DOE issued a Decision and Order concerning an application for refund filed on behalf of Rochester Sand & Gravel, Inc., in the subpart V crude oil refund proceeding. The DOE determined that the refund claim was meritorious and granted a refund of $14,370. The DOE found that the industry-wide econometric data submitted by a consortium of states and territories did not rebut the presumption that the applicant was injured by crude oil overcharges.

Seaway Products Corp., Kwik Way, Inc., 2/12/91, RF272–64909, RF272–64969

The Department of Energy (DOE) issued a Decision and Order denying the Applications for Refund filed by *Seaway Products Corp.* (Seaway) and *Kwik Way, Inc.* (Kwik) in the subpart V crude oil refund proceeding. Seaway and Kwik applied for refunds based on their purchases of refined petroleum products during the period August 19, 1973 through January 27, 1981. However, the applicants resold the products purchased and failed to demonstrate that the selling prices in their markets did not increase as a result of the crude oil overcharges, and thus they were unable to pass through the aforementioned overcharges to their customers. Seaway submitted Federal Tax Returns that showed that it earned low profits during these years. But low profits are not proof that Seaway was unabale to pass on crude oil overcharges. Kwik did not submit any reasoned arguments or specific information showing that it was injured by crude oil overcharges. Therefore, the DOE has denied both Applications for Refund.

Tesoro Petroleum Corp./Arrow Petroleum Co., et al., 2/14,91, RF326–1, et al.

The DOE issued a Decision and Order concerning twelve Applications for Refund filed in the Tesoro Petroleum Corporation special refund proceeding. All of the applicants are either end users of retailers and resellers requesting refunds of $5,000 or less. Each applicant has elected to rely on the Tesoro volume information supplied by the DOE. The refunds granted in this decision totalled $14,387 representing $12,495 in principal and $1,892 in accrued interest.

The City of Pasadena, 2/13/91, RF272–57531

The DOE issued a Decision and Order concerning an Application for Refund that The City of Pasadena filed in the crude oil fund being disbursed by the DOE under 10 CFR part 205, subpart V. The DOE determined that the refund claim was meritorious and granted a refund of $332,298. Philip P. Kalodner (Kalodner), counsel for Utilities, Transporters, and Manufacturers, filed Comments and Conditional Objections to the Application for Refund. The DOE determined that Kalodner's Comments and Objections were insufficient to rebut the presumption of end-user injury. Pasadena will be eligible for additional refunds as additional crude oil overcharge funds become available.

Totem Ocean Trailer Express, Inc., 2/11/91, RR272–60

The DOE issued a Decision and Order concerning a Motion for Reconsideration filed in the subpart V crude oil special refund proceeding being disbursed by the DOE under 10 CFR part 205. The DOE determined that the Motion was meritorious and granted a refund of $87,988. The DOE also denied an Objection filed by a consortium of States and two Territories of the United States and rejected their challenge to the claim. The DOE denied the State's Objection, finding that the States failed to overcome the presumption of injury given to petroleum end-users.

Refund Applications

The Office of Hearings and Appeals issued the following Decisions and Orders concerning refund applications, which are not summarized. Copies of the full texts of the Decisions and Orders are available in the Public Reference Room of the Office of Hearings and Appeals.

Atlantic Richfield Co./Waul's Arco *et al*	RF304–3899	02/11/91
City Transfer & Storage Company	RF272–77062	02/15/91
Contracting Enterprises	RF272–77252	02/12/91
Exxon Corporation/Gulf Oil Corporation	RF307–9010	02/11/91
Gulf Oil Corp./Commonwealth Gulf *et al*	RF300–11501	02/12/91
Repco Corporation *et al*	RF272–15750	02/14/91
Roadmaster Corporation *et al*	RF272–60943	02/15/91
Shell Oil Company/Northwest Orient Airlines	RF315–8451	02/15/91
Texaco Inc./Hamilton Texaco *et al*	RF321–336	02/12/91
Texaco Inc./Hamilton Texaco *et al*	RF321–2743	02/11/91
Texaco Inc./Prince and Parsons Propane Gas, Inc.	RF321–4675	02/15/91
Prince Oil Company	RF321–7085	
Texaco Inc./Tim's Texaco	RF321–6163	02/15/91
Timothy White	RF321–6467	
Texaco Inc./Village Square Texaco *et al*	RF321–3631	02/11/91

Dismissals

The following submissions were dismissed:

Name	Case No.
A.D. Jenkins	RF321–2977.
Al's Texaco	RF321–9612.
Bater's Gulf	RF300–13101.
Bernice Harner	RF300–14466.
Brown Transport Corporation	RF300–12742.
Butcher's General Store	RF300–13523.
Byron Gulf	RF300–14053.
Caldwell's Gulf Service	RF300–12558.
Campus Gulf	RF300–14657.
Carmany's Gulf	RF300–12304.
City of Midwest	RF300–13536.
Clayborne's Grocery	RF272–72397.
Cochran's Gulf Service	RF300–11394.
Conrad Car Wash	RF300–12028.
Coopertown Gulf	RF300–14684.
Dave Ball's Texaco	RF321–4799.

Name	Case No.
Dean's Southhampton Gulf	RF300-14339.
Desse's Grocery	RF300-13070.
Dino's Airline Chevron	RF300-12756.
DMI Texaco	RF321-9613.
Edmundo Rios	RF300-11643.
Eze Cook Gas Company	RF300-14212.
Forest Service Center	RF300-11663.
Francis J. Malarky	RF300-13870.
Gabig's Gulf	RF300-11180.
George R. Brown Leasing	RF300-13995.
Greene's Gulf	RF300-14126.
Gunn Service Station	RF300-12857.
Guy Cuthrell Store	RF300-14851.
Harbor Island Marina	RF300-14818.
Harold's Texaco & Towing	RF321-12679.
Hillestad Oil	RF300-12781.
Howard Hull Shell #1	RF315-10042.
Howard Hull Shell #2	RF315-10043.
Interstate Gulf	RF300-13959.
Isaac's Gulf Service	RF300-13905.
Jim's Texaco	RF321-6159.
Johnson's Gulf	RF300-14402.
Jordan's Gulf	RF300-14540.
Kakson Enterprises, Inc	RF304-11854.
Ker-Park Service Co	RF321-4141.
Keefer's Gulf Service	RF300-13852.
Kelley's Texaco	RF321-547.
Kenneth Paulsen	RF321-12206.
Keylock	RF300-13467.
Lakeside Service Station	RF321-8344.
Lent Gulf Service	RF300-14143.
Maney Avenue	RF300-14489.
McKnight's Gulf	RF300-12324.
Medfield Gulf	RF300-11505.
Miller Oil Co.	RF300-11634.
Mr. & Mrs. Orville Sienea, Sr.	RF272-21918.
Northbridge, MA	RF272-85705.
O'Brien's Gulf	RF300-13122.
P&J Superville	RF300-14768.
Paul M. Payne Co	RF300-12763.
Pender V. Shook	RF300-14521.
Pete Rose Texaco #3	RF321-3984.
Pete's Gulf	RF300-12355.
Peter's Texaco	RF321-7778.
Pomars Gulf	RF300-11239.
Queen City Gulf	RF300-13851.
Rohman Trucking	RF272-84327.
Slippers Gulf	RF300-14420.
Tannehill's Gulf	RF300-14667.
Tony's Automotive Service	RF300-14369.
Van's Northgate Texaco	RF321-1444.
Village Gas Station	RF300-13251.
Voksland Gulf	RF300-12852.
W. H. Kolb	RF321-12422.
Walden's Gulf	RF300-14675.
Watson's Gulf Service	RF300-14812.
William E. Greenhaw	RF300-13501.

Copies of the full text of these decisions and orders are available in the Public Reference Room of the Office of Hearings and Appeals, room 1E-234, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 20585, Monday through Friday, between the hours of 1 p.m. and 5 p.m., except federal holidays. They are also available in *Energy Management: Federal Energy Guidelines*, a commercially published loose leaf reporter system.

Dated: March 15, 1991.

George B. Breznay,

Director, Office of Hearings and Appeals.

[FR Doc. 91-6749 Filed 3-20-91; 8:45 am]

BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

[FRL 3915-1]

Agency Information Collection Activities Under OMB Review

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (44.U.S.C. 3501 *et seq.*), this notice announces that the Information Collection Request (ICR) abstracted below has been forwarded to the Office of Management and Budget (OMB) for review and comment. The ICR describes the nature of the information collection and its expected cost and burden.

DATES: Comments must be submitted on or before April 22, 1991.

FOR FURTHER INFORMATION CONTACT: Sandy Farmer at EPA, (202) 382-2740.

SUPPLEMENTARY INFORMATION:

Office of Pesticides and Toxic Substances

Title: Certification and Training of Pesticide Applicators. (EPA ICR No.: 0155.04; OMB No.: 2070-0029). This is a reinstatement of a previously approved collection.

Abstract: In compliance with the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), and to minimize the threat to human health and the environment, EPA classifies pesticides as general or restricted use. Restricted-use pesticides can only be used by or under the supervision of a certified applicator. EPA conducts a program to certify pesticide applicators in States whose programs have not received Agency approval (Colorado for private applicators and Nebraska for private and commercial applicators). Individuals applying for or renewing certification as applicators of restricted-use pesticides must complete EPA Form 8500-17. Applicants for certification must establish their competency in pesticide use through completion of a training program. Certified commercial applicators and dealers of restricted-use pesticides are required to maintain records of use and sale of restricted-use pesticides. In addition, States, Indian tribes, and Federal Agencies with EPA-approved certification programs must submit to the Agency an annual report of their sale and use of restricted-use pesticides. EPA uses the information to determine compliance with FIFRA, and, when necessary, as evidence in enforcement cases.

Burden statement: The burden for this collection of information is estimated to average .92 hour per response for reporting and 3.5 hours per recordkeeper annually. This estimate includes the time needed to review instructions, gather the data needed, and review the collection of information.

Respondents: Private and commercial applicators, and dealers of restricted-use pesticides. States, Indian tribes, and Federal Agencies.

Estimated No. of respondents: 11,809 for reporting, and 351,100 for recordkeeping.

Estimated No. of responses per respondent: 1.

Estimated total annual burden on respondents: 1,241,400 hours.

Frequency of collection: Annually and on occasion.

Send comments regarding the burden estimate, or any other aspect of the information collection, including suggestions for reducing the burden to:

Sandy Farmer, U.S. Environmental Protection Agency, Information Policy Branch (PM 223Y), 401 M Street, SW., Washington, DC 20460

and

Matthew Mitchell, Office of Management and Budget, Office of Information and Regulatory Affairs, 725 17th Street, NW., Washington, DC 20530.

Dated: March 12, 1991.

Paul Lapsley,

Director, Regulatory Management Division.

[FR Doc. 91-6735 Filed 3-20-91; 8:45 am]

BILLING CODE 6560-50-M

[OPTS-140145; FRL-3882-9]

Access to Confidential Business Information by Ricards International, Inc.

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has authorized its contractor, Ricards International, Incorporated (RII), of Silver Spring, Maryland, for access to information which has been submitted to EPA under sections 4, 5, 6, 7, and 12 of the Toxic Substances Control Act (TSCA). Some of the information may be claimed or determined to be confidential business information (CBI).

DATES: Access to the confidential data submitted to EPA will occur no sooner than April 4, 1991.

FOR FURTHER INFORMATION CONTACT: Michael M. Stahl, Director, TSCA

Environmental Assistance Division (TS–799), Office of Toxic Substances, Environmental Protection Agency, Rm. E–545, 401 M St., SW., Washington, DC 20460, (202) 554–1404, TDD: (202) 554–0551.

SUPPLEMENTARY INFORMATION: Under contract number 68–D1–0011, contractor RII, of 1010 Wayne Avenue, Suite 300, Silver Spring, MD, will assist the Office of Toxic Substances (OTS) in supporting the U.S. Chemical Export Notification Program, required of EPA under TSCA section 12(b).

In accordance with 40 CFR 2.306(j), EPA has determined that under EPA contract number 68–D1–0011, RII will require access to CBI submitted to EPA under sections 4, 5, 6, 7, and 12 of TSCA to perform successfully the duties specified under the contract. RII personnel will be given access to information submitted to EPA under sections 4, 5, 6, 7, and 12 of TSCA. Some of the information may be claimed or determined to be CBI.

EPA is issuing this notice to inform all submitters of information under sections 4, 5, 6, 7, and 12 of TSCA that EPA may provide RII access to these CBI materials on a need-to-know basis only. All access to TSCA CBI under this contract will take place at EPA Headquarters and RII's 401 M St., SW., Washington, DC facility only.

RII has been authorized access to TSCA CBI at its Washington, DC facility under the EPA "Contractor Requirements for the Control and Security of TSCA Confidential Business Information" security manual. EPA has approved RII's security plan and has performed the required inspection of its facility and has found the facility to be in compliance with the manual. Upon completing review of the CBI materials, RII will return all transferred materials to EPA.

Clearance for access to TSCA CBI under this contract may continue until December 31, 1993.

RII personnel will be required to sign non-disclosure agreements and will be briefed on appropriate security procedures before they are permitted access to TSCA CBI.

Dated: March 14, 1991.

Linda A. Travers,

Director, Information Management Division, Office of Toxic Substances.

[FR Doc. 91–6731 Filed 3–20–91; 8:45 am]

BILLING CODE 6560–50–F

[OPTS–140146; FRL–3883–1]

Access to Confidential Business Information by Midwest Research Institute

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has authorized its contractor, Midwest Research Institute (MRI), of Kansas City, Missouri, for access to information which has been submitted to EPA under sections 4, 5, 6, 8, and 12 of the Toxic Substances Control Act (TSCA). Some of the information may be claimed or determined to be confidential business information (CBI).

DATES: Access to the confidential data submitted to EPA will occur no sooner than April 4, 1991.

FOR FURTHER INFORMATION CONTACT: Michael M. Stahl, Director, TSCA Environmental Assistance Division (TS–799), Office of Toxic Substances, Environmental Protection Agency, Rm. E–545, 401 M St., SW., Washington, DC 20460, (202) 554–1404, TDD: (202) 554–0551.

SUPPLEMENTARY INFORMATION: Under contract number 68–D0–137, contractor MRI, of 425 Volker Boulevard, Kansas City, MO, will assist the Office of Toxic Substances (OTS) in providing comprehensive human and environmental monitoring support for the new and existing chemicals programs administered under TSCA.

In accordance with 40 CFR 2.306(j), EPA has determined that under EPA contract number 68–D0–0137, MRI will require access to CBI submitted to EPA under sections 4, 5, 6, 8, and 12 of TSCA to perform successfully the duties specified under the contract. MRI personnel will be given access to information submitted to EPA under sections 4, 5, 6, 8, and 12 of TSCA. Some of the information may be claimed or determined to be CBI.

EPA is issuing this notice to inform all submitters of information under sections 4, 5, 6, 8, and 12 of TSCA that EPA may provide MRI access to these CBI materials on a need-to-know basis only. All access to TSCA CBI under this contract will take place at EPA Headquarters and MRI's Kansas City facility only.

MRI has been authorized access to TSCA CBI at its Kansas City facility under the EPA "Contractor Requirements for the Control and Security of TSCA Confidential Business Information" security manual. EPA has approved MRI's security plan and has performed the required inspection of its facility and has found the facility to be in compliance with the manual. Upon completing review of the CBI materials, MRI will return all transferred materials to EPA.

Clearance for access to TSCA CBI under this contract may continue until September 30, 1995.

MRI personnel will be required to sign non-disclosure agreements and will be briefed on appropriate security procedures before they are permitted access to TSCA CBI.

Dated: March 14, 1991.

Linda A. Travers,

Director, Information Management Division, Office of Toxic Substances.

[FR Doc. 91–6732 Filed 3–20–91; 8:45 am]

BILLING CODE 6560–50–F

[FRL–3915–7]

Chemical Accident Prevention Committee of the National Advisory Council for Environmental Policy and Technology; Meeting

NOTICE: On April 2nd and 3rd in Washington D.C., the Chemical Accident Prevention Committee of the National Advisory Council for Environmental Policy and Technology (NACEPT) will meet to discuss ongoing issues of the Committee. This is a 2-day subcommittee meeting to discuss in detail issues that were determined to be important by the full committee. The first CAP committee meeting took place on October 23rd, 1990, in Washington, D.C.

The two subcommittees meeting are the following: (1) Best Management Practices/Communication, and (2) Measuring Success/Problem Definition. Each will meet separately for 1/2 of each of the 2 days of the meeting, with full committee plenary sessions filling the other times available.

LOCATION: The Washington Court Hotel, 525 New Jersey Avenue, NW., Washington, D.C. 20001.

FOR FURTHER INFORMATION CONTACT: Robert L. Hardaker or David Graham at 202–475–9741.

Dated: March 15, 1991.

Robert L. Hardaker,

Acting Director NACEPT Staff.

[FR Doc. 91–6848 Filed 3–20–91; 8:45 am]

BILLING CODE 6560–50–M

FEDERAL DEPOSIT INSURANCE CORPORATION

Information Collection Submitted to OMB for Review

AGENCY: Federal Deposit Insurance Corporation.

ACTION: Notice of information collection submitted to OMB for review and approval under the Paperwork Reduction Act of 1980.

SUMMARY: In accordance with requirements of the Paperwork Reduction Act of 1980 (44 U.S.C. chapter 35), the FDIC hereby gives notice that it has submitted to the Office of Management and Budget a request for OMB review of the information collection system described below.

Type of Review: Extension of the expiration date of a currently approved collection without any change in the method or substance of collection.

Title: Summary of Deposits.

Form Number: FDIC 8020/05.

OMB Number: 3064–0061.

Expiration Date of OMB Clearance: April 30, 1991.

Frequency of Response: Annually.

Respondents: All offices of all banks with branches in the United States.

Number of Respondents: 58,000.

Number of Responses Per Respondent: 1.

Total Annual Responses: 58,000.

Average Number of Hours Per Response: 0.55.

Total Annual Burden Hours: 31,900.

OMB Reviewer: Gary Waxman, (202) 395–7340, Office of Management and Budget, Paperwork Reduction Project (3064–0090), Washington, DC 20503.

FDIC Contact: Steven F. Hanft, (202) 898–3907, Office of the Executive Secretary, room F–400, Federal Deposit Insurance Corporation, 550 17th Street NW., Washington, DC 20429.

Comments: Comments on these collections of information are welcome and should be submitted before April 22, 1991.

ADDRESSES: A copy of the submission may be obtained by calling or writing the FDIC contact listed above. Comments regarding the submission should be addressed to both the OMB reviewer and the FDIC contact listed above.

SUPPLEMENTARY INFORMATION: The Summary of Deposits (form FDIC 8020/05) surveys the amount of deposits held at all offices of all banks with branches in the U.S. The survey data provides a basis for measuring the competitive impact of bank mergers and has additional research use.

Dated: March 15, 1991.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[FR Doc. 91–6728 Filed 3–20–91; 8:45 am]

BILLING CODE 6714–01–M

FEDERAL RESERVE SYSTEM

George T. Blankenship; 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 notice is available for immediate inspection at the Federal Reserve Bank indicated. Once the notice 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 indicated for the notice or to the offices of the Board of Governors. Comments must be received not later than April 9, 1991.

A. Federal Reserve Bank of Kansas City (Thomas M. Hoenig, Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

1. George T. Blankenship, Oklahoma City, Oklahoma; to acquire an additional 4.15 percent (totalling 13.39 percent) of the voting shares of Nichols Hills Bancorporation, Inc., Oklahoma City, Oklahoma, parent of Nichols Bank and Trust Company, Oklahoma City, Oklahoma.

Board of Governors of the Federal Reserve System, March 15, 1991.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 91-6701 Filed 3-20-91; 8:45 am]

BILLING CODE 6210-01-F

Central Banking Group, Inc.; Formation of, Acquisition by, or Merger of Bank Holding Companies

The company listed in this notice has applied for the Board's approval under section 3 of the Bank Holding Company Act (12 U.S.C. 1842) and § 225.14 of the Board's Regulation Y (12 CFR 225.14) to become a bank holding company or to acquire a bank or bank holding company. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that application or to the offices of the Board of Governors. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Comments regarding this application must be received not later than April 9, 1991.

A. Federal Reserve Bank of Kansas City (Thomas M. Hoenig, Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

1. Central Banking Group, Inc., Oklahoma City, Oklahoma; to become a multibank holding company by acquiring 100 percent of the voting shares of Central Bank of Oklahoma City, Oklahoma City, Oklahoma, and thereby indirectly acquire Friendly Bank of Oklahoma City, Oklahoma City, Oklahoma.

Board of Governors of the Federal Reserve System, March 15, 1991.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 91-6700 Filed 3-20-91; 8:45 am]

BILLING CODE 6210-01-F

Salvador L. Diesi, et al.; Change in Bank Control Acquisitions of Shares of Banks or Bank Holding Companies; Correction

This notice corrects a previous *Federal Register* Notice (FR Doc. 91-2776) published at page 4829 of the issue for Wednesday, February 6, 1991.

Under the Federal Reserve Bank of Atlanta, the entry for Salvador L. Diesi, is amended to read as follows:

A. Federal Reserve Bank of Atlanta (Robert E. Heck, Vice President) 104 Marietta Street, NW., Atlanta, Georgia):

1. Salvador L. Diesi, Opelousas, Louisiana, and Diesi Family Trust, to acquire an additional 13.3 percent of the voting shares of American Bancorp, Inc., Opelousas, Louisiana, for a total of 17.53 percent, and thereby indirectly acquire American Bank and Trust Company, Opelousas, Louisiana.

Comments on this application must be received by April 9, 1991.

Board of Governors of the Federal Reserve System, March 15, 1991.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 91-6703 Filed 3-20-91; 8:45 am]

BILLING CODE 6210-01-F

Monte dei Paschi di Siena; Application To Engage de novo in Permissible Nonbanking Activities

The company listed in this notice has filed an application under § 225.23(a)(1) of the Board's Regulation Y (12 CFR 225.23(a)(1)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) to commence or to engage *de novo*, either directly or through a subsidiary, in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies. Unless otherwise noted, such activities will be conducted throughout the United States.

The application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Comments regarding the application must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than April 9, 1991.

A. Federal Reserve Bank of New York (William L. Rutledge, Vice President) 33 Liberty Street, New York, New York 10045:

1. Monte dei Paschi di Siena, Siena, Italy; to engage *de novo* through International Banking Information Systems Limited, New York, New York, in developing, marketing and providing services with respect to banking and banking related software pursuant to § 225.25(b)(7) of the Board's Regulation Y.

Board of Governors of the Federal Reserve System, March 15, 1991.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 91-6702 Filed 3-20-91; 8:45 am]

BILLING CODE 6210-01-F

GENERAL SERVICES ADMINISTRATION

Performance Review Boards for Small Client Agencies Serviced by the General Services Administration, Name of Members

Section 4314(C) (1) through (5) of title 5, U.S., requires each agency to establish, in accordance with regulations prescribed by the Office of Personnel Management, one or more Performance Boards. The board shall review and evaluate the initial appraisal by the supervisor of a senior executive's performance, along with any recommendations to the appointing authority relative to the performance of the senior executive.

As provided under section 601 of the Economy Act of 1932, amended 31 U.S.C. 1525, the General Services Administration through its External Services Staff, Personnel Division, provides various personnel management services to a number of diverse Presidential commissions, committees, boards, and other agencies through reimbursable administrative support agreements. This notice is processed on behalf of the client agencies, and it supersedes all other notices in the **Federal Register** on this subject.

Because of their small size, a Performance Review Board register has been established in which SES members from the client agencies participate. The Board is composed of SES members from various agencies. From this register of names, the head of each client agency will appoint executives to a specific board to serve a particular client agency.

The members whose names appear on the Performance Review Board standing roster to serve client agencies are:

Administrative Conference of the U. S.

William J. Olmstead, Executive Director
Garry J Edles, General Counsel
Jeffrey S. Lubbers, Research Director

Arctic Research Commission

Philip L. Johnson
Executive Director

Barry M. Goldwater Scholarship and Excellence in Education Foundation

Gerald J. Smith, Executive Secretary

Board for International Broadcasting

Bruce D. Porter, Executive Director
Mark G. Pomar, Deputy Executive Director
John A. Lindburg, General Counsel
Patricia H. Schlueter, Director of Financial and Congressional Affairs
Angelo R. Manginelli, Director of Research

Committee for Purchase from Blind and Other Severely Handicapped

Beverly L. Milkman, Executive Director

Defense Nuclear Facilities Safety Board

Kenneth M. Pusateri, General Manager
Joseph R. Reubeiser, Deputy General Manager
Robert M. Anderson, General Counsel
George W. Cunningham, Technical Operations Manager
Joyce P. Davis, Chief, Health Physics Branch

Harry S. Truman Scholarship Foundation

Louis H. Blair, Executive Secretary
C. Westbrook Murphy, General Counsel

International Cultural and Trade Center Commission

Michael B. Newell, Deputy Executive Director Commission

For further information contact: Robert A. Miller, Chief, External Services Staff, (202–708–5370); General Services Administration, National Capital Region (WCPX), Washington, DC, 20407.

Dated: March 7, 1991.

Beverly St. Clair,

Regional Personnel Officer.

[FR Doc. 91-6721 Filed 3-20-91; 8:45 am]

BILLING CODE 6820-34-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control

Advisory Committee on Childhood Lead Poisoning Prevention, Meeting

In accordance with section 10(a) (2) of the Federal Advisory Committee Act (Pub. L. 92–463), the Centers for Disease Control (CDC) announces the following committee meeting.

Name: Advisory Committee on Childhood Lead Poisoning Prevention.

Time and Date: 9 a.m.–5 pm., April 22, 1991;8:30 am.–1 pm., April 23, 1991.

Place: Sheraton Century Center Hotel, 2000 Century Boulevard, NE., Atlanta, Georgia 30345–3377.

Status: Open to the public, limited only by the space available.

Purpose: This committee will provide advice and guidance to the Secretary, the Assistant Secretary for Health, and the Director, CDC, on revisions to the policy statement entitled "Preventing Lead Poisoning in Young Children," dated January 1985. The revised policy statement will reflect research findings since 1985.

Matters to be Discussed: This statement is used by pediatricians and lead screening programs throughout the United States. The Committee will consider new research findings on lead toxicity in making recommendations for updating the statement.

The Committee will discuss the draft of the CDC statement, "Preventing Lead Poisoning in Young Children." Copies of the draft may be requested from the contact person listed below. Persons wishing to make written comments on the draft should provide such written comments to the contact person no later than April 19. Persons wishing to make oral comments on the draft at the meeting should notify the contact person in writing or by telephone no later than the close of business; April 19. All requests to make oral comments should contain the name, address, telephone number, and organizational affiliation of the presenter. Depending on the time available and the number of requests to make oral comments, it may be necessary to limit the time of each presenter.

Agenda items are subject to change as priorities dictate.

Contact Person for More Information: Sue Binder, M.D., Division of Environmental Hazards and Health Effects (MS–F28), Center for Environmental Health and Injury Control, CDC, 1600 Clifton Road, NE., Atlanta, Georgia 30333, telephone 404/488–4880 or FTS 236–4880.

Dated: March 15, 1991.

Elvin Hilyer,

Associate Director for Policy Coordination Centers for Disease Control.

[FR Doc. 91–6696 Filed 3–20–91; 8:45 am]

BILLING CODE 4160–18–M

Twenty-fifth National Immunization Conference: Meeting

The Center for Prevention Services (CPS) of the Centers for Disease Control (CDC) will convene a meeting of Federal, State, and local public health officials, as well as representatives from the public and private sector, who are involved in the organization and implementation of immunization activities.

Name: Twenty-fifth National Immunization Conference

Time and Date: Registration, 8 a.m.–6 p.m., June 10, 1991;8 a.m.–5:30 pm., June 11–13, 1991;8 a.m.–1 pm., June 14, 1991.

Place: Omni Shoreham Hotel, 2500 Calvert Street, NW., Washington, DC 20008, telephone 202/234–0700.

Status: Open to the public, limited only by available space.

Matters to be Discussed: Current status of the epidemiology, prevention, and control of vaccine-preventable diseases with special emphasis on the preschool-aged child.

Contact Person for More Information: Mr. Brent S. Shaw, Program Support Section, Division of Immunization, CPS, CDC, 1600 Clifton Road, NE., Atlanta, Georgia 30333, Mailstop E52, telephone 404/639–2590 or FTS 236–2590.

Dated: March 15, 1991.

Elvin Hilyer,

Associate Director for Policy Coordination Centers for Disease Control.

[FR Doc. 91–6697 Filed 3–20–91; 8:45 am]

BILLING CODE 4160–18–M

CDC Advisory Committee on the Prevention of HIV Infection; Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), the Centers for Disease Control (CDC) announces the following committee meeting.

Name: CDC Advisory Committee on the Prevention of HIV Infection.

Time and date: 8:30 a.m.–5:15 p.m., April 17, 1991, 8:30 a.m.–2:30 pm., April 18, 1991.

Place: Holiday Inn Atlanta-Decatur Conference Plaza, 130 Clairemont Avenue, Decatur, Georgia 30030.

Status: Open to the public, limited only by the space available.

Purpose: This committee is charged with advising the Director, CDC, regarding objectives, strategies, and priorities for HIV prevention efforts, including maintaining surveillance of AIDS and HIV infection, the epidemiologic and laboratory study of AIDS and HIV, information/education and risk reduction activities designed to prevent the spread of HIV infection, and other preventive measures that become available.

Matters to be discussed: The committee will discuss actions taken by CDC on the recommendations made by the committee during the November 8–9, 1990, meeting and current CDC approaches to HIV prevention and intervention services for women. In-depth discussions will lead to development of a preliminary list of recommendations regarding CDC methods and approaches.

Agenda items are subject to change as priorities dictate.

Contact Person for more information: Connie Cranoff, Committee Assistant, Office of the Deputy Director (HIV), CDC, 1600 Clifton Road, NE., Mailstop E–40, Atlanta, Georgia 30333, telephone (404) 639–2918 or FTS 236–2918.

Dated: March 15, 1991.

Elvin Hilyer,

Associate Director for Policy Coordination, Centers for Disease Control.

[FR Doc. 91–6695 Filed 3–20–91; 8:45 am]

BILLING CODE 4160–18–M

Food and Drug Administration

Advisory Committees;

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: This notice announces forthcoming meetings of public advisory committees of the Food and Drug Administration (FDA). This notice also summarizes the procedures for the meetings and methods by which interested persons may participate in open public hearings before FDA's advisory committees.

MEETINGS: The following advisory committee meetings are announced:

Gastroenterology-Urology devices Panel of the Medical Devices Advisory Committee

Date, time, and place. April 4, 1991, 8:30 a.m., First Floor Conference Rm., Piccard Bldg., 1390 Piccard Dr., Rockville, MD.

Type of meeting and contact person. Open public hearing, 8:30 a.m. to 9:30 a.m., unless public participation does not last that long; open committee discussion, 9:30 a.m. to 4 p.m.; closed committee deliberation 4 p.m. to 4:30 p.m.; Ruth W. Hubbard, Center for Devices and Radiological Health (HFZ–420), Food and Drug Administration, 1390 Piccard Dr., Rockville, MD 20850, 301–427–1220.

General function of the committee. The committee reviews and evaluates data on the safety and effectiveness of marketed and investigational devices and makes recommendations for their regulation.

Agenda—Open public hearing. Interest persons may present data, information, or views, orally or in writing, on issues pending before the

committee. Those desiring to make formal presentations should notify the contact person before March 25, 1991, and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approxmate time required to make their comments.

Open committee discussion. The committee will discuss premarket approval applications for extracorporeal shockwave lithotripsy (ESWL) to treat kidney stones.

Closed committee deliberations. The committee will discuss trade secret and/or confidential commercial information regarding lithotripters. This portion of the meeting will be closed to permit discussion of this information (5 U.S.C. 552b(c)(4)).

Ophthalmic Devices Panel of the Medical Devices Advisory Committee

Date, time, and place. April 18, 1991, 9 a.m., First Floor Auditorium, Hubert H. Humphrey Bldg., 200 Independence Ave. SW., Washington, DC.

Type of meeting and contact person. Open public hearing, 9 a.m. to 10 a.m., unless public participation does not last that long; open committee discussion, 10 a.m. to 3 p.m.; closed committee deliberations, 3 p.m. to 4 p.m.; open committee discussion, 4 p.m. to 5 p.m.; Daniel W. C. Brown, Center for Devices and Radiological Health (HFZ–460), Food and Drug Administration, 1390 Piccard Dr., Rockville, MD 20850, 301–427–1080.

General function of the committee. The committee reviews and evaluates data on the safety and effectiveness of marketed and investigational devices and makes recommendations for their regulation.

Agenda—Open public hearing. Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. Those desiring to make formal presentations should notify the contact person before April 4, 1991, and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time required to make their comments.

Open committee discussion. The committee will discuss general issues relating to approvals of premarket approval applications (PMA's) for contact lenses and other class III surgical or diagnostic devices, and may discuss specific PMA's for these devices. The committee will also have general discussion regarding intraocular lens labeling.

Closed committee deliberations. The committee may discuss trade secret and/or confidential commercial information relevant to PMA's for contact lenses, surgical or diagnostic devices, or other ophthalmic devices. This portion of the meeting will be closed to permit discussion of this information (5 U.S.C. 552b(c)(4)).

Each public advisory committee meeting listed above may have as many as four separable portions: (1) An open public hearing, (2) an open committee discussion, (3) a closed presentation of data, and (4) a closed committee deliberation. Every advisory committee meeting shall have an open public hearing portion. Whether or not it also includes any of the other three portions will depend upon the specific meeting involved. The dates and times reserved for the separate portions of each committee meeting are listed above.

The open public hearing portion of each meeting shall be at least 1 hour long unless public participation does not last that long. It is empasized, however, that the 1 hour time limit for an open public hearing represents a minimum rather than a maximum time for public participation, and an open public hearing may last for whatever longer period the committee chairperson determines will facilitate the committee's work.

Public hearings are subject to FDA's guideline (Subpart C of 21 CFR Part 10) concerning the policy and procedures for electronic media coverage of FDA's public administrative proceedings, including hearings before public advisory committees under 21 CFR Part 14. Under 21 CFR 10.205, representatives of the electronic media may be permitted, subject to certain limitations, to videotape, film, or otherwise record FDA's public administrative proceedings, including presentations by participants.

Meetings of advisory committees shall be conducted, insofar as is practical, in accordance with the agenda published in this Federal Register notice. Changes in the agenda will be announced at the beginning of the open portion of a meeting.

Any interested person who wishes to be assured of the right to make an oral presentation at the open public hearing portion of a meeting shall inform the contact person listed above, either orally or in writing, prior to the meeting. Any person attending the hearing who does not in advance of the meeting request an opportunity to speak will be allowed to make an oral presentation at the hearing's conclusion, if time permits, at the chairperson's discretion.

Persons interested in specific agenda items to be discussed in open session may ascertain from the contact person the approximate time of discussion.

Details on the agenda, questions to be addressed by the committee, and a current list of committee members are available from the contact person before and after the meeting. Transcripts of the open portion of the meeting will be available from the Freedom of Information Office (HFI–35), Food and Drug Administration, Rm. 12A–16, 5600 Fishers Lane, Rockville, MD 20857, approximately 15 working days after the meeting, at a cost of 10 cents per page. The transcript may be viewed at the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857, approximately 15 working days after the meeting, between the hours of 9 a.m. and 4 p.m., Monday through Friday. Summary minutes of the open portion of the meeting will be available from the Freedom of Information Office (address above) beginning approximately 90 days after the meeting.

The Commissioner, with the concurrence of the Chief Counsel, has determined for the reasons stated that those portions of the advisory committee meetings so designated in this notice shall be closed. The Federal Advisory Committee Act (FACA) (5 U.S.C. App. 2, 10(d)), permits such closed advisory committee meetings in certain circumstances. Those portions of a meeting designated as closed, however, shall be closed for the shortest possible time, consistent with the intent of the cited statutes.

The FACA, as amended, provides that a portion of a meeting may be closed where the matter for discussion involves a trade secret; commercial or financial information that is privileged or confidential; information of a personal nature, disclosure of which would be a clearly unwarranted invasion of personal privacy; investigatory files compiled for law enforcement purposes; information the premature disclosure of which would be likely to significantly frustrate implementation of a proposed agency action; and information in certain other instances not generally relevant to FDA matters.

Examples of portions of FDA advisory committee meetings that ordinarily may be closed, where necessary and in accordance with FACA criteria, include the review, discussion, and evaluation of drafts of regulations or guidelines or similar preexisting internal agency documents, but only if their premature

disclosure is likely to significantly frustrate implementation of proposed agency action; review of trade secrets and confidential commercial or financial information submitted to the agency; consideration of matters involving investigatory files compiled for law enforcement purposes; and review of matters, such as personnel records or individual patient records, where disclosure would constitute a clearly unwarranted invasion of personal privacy.

Examples of portions of FDA advisory committee meetings that ordinarily shall not be closed include the review, discussion, and evaluation of general preclinical and clinical test protocols and procedures for a class of drugs or devices; consideration of labeling requirements for a class of marketed drugs or devices; review of data and information on specific investigational or marketed drugs and devices that have previously been made public; presentation of any other data or information that is not exempt from public disclosure pursuant to the FACA, as amended; and, notably deliberative sessions to formulate advice and recommendations to the agency on matters that do not independently justify closing.

This notice is issued under sections 10(a) (1) and (2) of the Federal Advisory Committee Act (5 U.S.C. App. 2), and FDA's regulations (21 CFR Part 14) on advisory committees.

Dated: March 18, 1991.

David A. Kessler,

Commissioner of Food and Drugs.

[FR Doc. 91-6318 Filed 3-20-91; 11:33 am]

BILLING CODE 4160-01-M

Health Care Financing Administration

Public Information Collection Requirements Submitted to the Office of Management and Budget for Clearance

AGENCY: Health Care Financing Administration, HHS. The Health Care Financing Administration (HCFA), Department of Health and Human Services, has submitted to the Office of Management and Budget (OMB) the following proposals for the collection of information in compliance with the Paperwork Reduction Act (Pub. L. 96-511).

1. *Type of Request:* Reinstatement; *Title of Information Collection:* Laboratory Personnel Qualification Appraisal; *Form Number:* HCFA-3083; *Use:* This form is completed by personnel employed by independent laboratories certified by Medicare and is used by State Survey Agencies to verify that laboratory personnel meet regulatory standards for education, training and testing; *Frequency:* On occasion; *Respondents:* Individuals/households, businesses/other for profit and small businesses/organizations; *Estimated Number of Responses:* 3,000; *Average Hours per Response:* .33; *Total Estimated Burden Hours:* 1,000.

2. *Type of Request:* Extension; *Title of Information Collection:* Request for Medicare Payment by Municipal Health Services Program Clinics; *Form Numbers:* HCFA-127, 127A; *Use:* These forms are used by 15 participating clinics to be reimbursed for services they provided to Medicare beneficiaries; *Frequency:* Weekly; *Respondents:* State/local governments; *Estimated Number of Responses:* 395,250; *Average Hours per Response:* .16; *Total Estimated Burden Hours:* 63,240.

3. *Type of Request:* Revision; *Title of Information Collection:* Quarterly Medicaid Statement of Expenditures; *Form Number:* HCFA-64; *Use:* This form is used by State Medicaid Agencies to report their actual program and administrative expenditures. HCFA then uses the information to compute the Federal share for reimbursement of the States' Medicaid Program costs; *Frequency:* Quarterly; *Respondents:* State/local governments; *Estimated Number of Responses:* 228; *Average Hours per Response:* 46; *Total Estimated Burden Hours:* 10,488.

4. *Type of Request:* Extension; *Title of Information Collection:* Information Collection Requirements Concerning Claims Processing Assessment System (CPAS); *Form Numbers:* HCFA-R-91, HCFA-331, HCFA-503, and HCFA-R-83; *Use:* The CPAS is a Federally-monitored and State-administered Medicaid Quality Control program that evaluates the accuracy of each State's claims processing and payments; *Frequency:* On occasion; *Respondents:* State/local governments; *Estimated Number of Responses:* 51; *Average Hours per Response:* 1,043; *Total Estimated Burden Hours:* 53,193 (reporting) and 12,991 (recordkeeping) for a total of 66,184 hours.

5. *Type of Request:* Revision; *Title of Information Collection:* Medicaid Program Budget Report; *Form Number:* HCFA-25; *Use:* The form is prepared by State Medicaid Agencies and used by HCFA for developing national Medicaid budget estimates, quantification of budget assumptions, and issuance of quarterly Medicaid Grant awards; *Frequency:* Quarterly; *Respondents:* State/local governments; *Estimated Number of Responses:* 228; *Average Hours per Response:* 35; *Total Estimated Burden Hours:* 7,980.

6. *Type of Request:* Reinstatement; *Title of Information Collection:* Laboratory Personnel Report; *Form Number:* HCFA-209; *Use:* The form is prepared by laboratories and used by HCFA for determine compliance with laboratory regulations for Medicare, Medicaid, and the Clinical Laboratory Act published March 14, 1990; *Frequency:* On occasion; *Respondents:* Businesses/other for profit and small businesses/organization; *Estimated Number of Responses:* 5,060; *Average Hours per Response:* .29; *Total Estimated Burden Hours:* 1,467.

7. *Type of Request:* New; *Title of Information Collection:* Information Collection Requirements in HSQ-177, Clinical Laboratory Improvement Amendments (CLIA) of 1988 Fee Collection; *Form Number:* HCFA-R-2; *Use:* Regulation HSQ-177 implements CLIA of 1988 by requiring laboratories to be certified by HCFA and to hold a Federal certificate; *Frequency:* On occasion; *Respondents:* Individuals/households, State/local governments, businesses/other for profit, Federal agencies/employees, non-profit institutions, and small businesses/organizations; *Estimated Number of Responses:* Not applicable; *Average Hours per Response:* Not applicable; *Total Estimated Burden Hours:* 1.

8. *Type of Request:* New; *Title of Information Collection:* Laboratory Application Forms for Provisional Certificates; *Form Numbers:* HCFA-108 and 109; *Use:* The CLIA of 1988 requires laboratories to be certified by HCFA and to hold a Federal certificate. Until final rules are developed, HCFA is requiring laboratories to apply for a provisional certificate using these forms; *Frequency:* On occasion; *Respondents:* Individuals/households, State/local governments, businesses/other for profit, Federal agencies/employees, non-profit institutions, and small businesses/organizations; *Estimated Number of Responses:* 320,000; *Average Hours per Response:* 2 hours and 35 minutes; *Total Estimated Burden Hours:* 826,667.

9. *Type of Request:* Extension; *Title of Information Collection:* Medicare Application for Hospital Insurance; *Form Number:* HCFA-18F5; *Use:* This form is used to establish Medicare Health Insurance entitlement and Supplementary Medical Insurance enrollment for distinct classifications of beneficiaries not covered by regular title II Social Security benefits; *Frequency:* One-time; *Respondents:* Individuals/households; *Estimated Number of Responses:* 50,000; *Average Hours per*

Response: .25; *Total Estimated Burden Hours:* 12,500. *Additional Information or Comments:* Call the Reports Clearance Officer on 301–966–2088 for copies of the clearance request packages. Written comments and recommendations for the proposed information collections should be sent directly to the following address: OMB Reports Management Branch, Attention: Allison Herron, New Executive Office Building, room 3208, Washington, DC 20503.

Gail R. Wilensky,

Administrator, Health Care Financing Administration.

[FR Doc. 91–6649 Filed 3–20–91; 8:45 am]

BILLING CODE 4120–03–M

National Institutes of Health

[RFA: ES–91–02; P.T.34; K.W. 1007003 et al.]

National Institute of Environmental Health Sciences; Superfund Hazardous Substances Basic Research Program

In the matter of: RFA: ES–91–02; P.T. 34; K.W. 1007003, 1007009, 1002016, 076003, 0755020, 0710030.

Letter of Intent Receipt Date: May 1, 1991.

Application Receipt Date: June 13, 1991.

Background

The National Institute of Environmental Health Sciences (NIEHS) is proposing the continuation of a special Program of basic research and training grants directed towards understanding, assessing, and attenuating the adverse effects on human health resulting from exposure to hazardous substances. Grants made under this Program will be for coordinated, multicomponent, interdisciplinary programs, and the objective is to establish and maintain a unique program linking biomedical research with related engineering, hydrogeologic, and ecologic components.

The Superfund Amendments and Reauthorization Act (SARA) of 1986 established a university-based program of basic research within the NIEHS to complement existing activities within the Environmental Protection Agency (EPA), the principal manager of the Superfund Program, and the Agency for Toxic Substances and Disease Registry (ATSDR). The EPA has specific mandated research responsibilities in the area of hazardous substances at hazardous waste sites; hazardous waste containment and destruction technologies; and environmental transport and fate of chemicals; as well as for monitoring and testing for hazardous substances in the environment. The ATSDR provides site-specific, public health assessments and advisories to the EPA and to state and local agencies, citizens, and health care providers. Its research mission includes applied research into the development and evolution of toxicologic profiles of hazardous substances found at Superfund sites and the assurance that toxicologic testing of these substances is conducted when necessary. The ATSDR also supports research into improved clinical laboratory methods to assess human exposure in communities affected by Superfund sites as well as the establishment of exposure registries, health surveillance systems, and epidemiologic studies.

The Omnibus Budget Reduction Bill of 1990 reauthorized the Superfund Program for an additional three years, and in so doing reauthorized the NIEHS university-based research program for a three-year time frame. The SARA legislation specifically mandates that the basic research program administered by the NIEHS include the following:

- Methods and technologies to detect hazardous substances in the environment.
- Advanced techniques for the detection, assessment, and evaluation of the effects on human health of hazardous substances.
- Methods to assess the risks to human health presented by hazardous substances.
- Basic biological, chemical, and physical methods to reduce the amount and toxicity of hazardous substances.

The NIEHS interprets this mandate to include funding for engineering, ecological, and hydrogeological research, and will support projects in these areas as long as they are to be performed in conjunction with biomedically related programs. The NIEHS hopes to encourage true collaborative efforts among researchers in these various areas. While emphasizing the necessity for a strong biomedical core, it intends that the non-biomedical projects will be an integral part of the overall effort and not a support or core function.

Description of the Program

The NIEHS Superfund Basic Research Program (SBRP) is a relatively new facet of the Superfund Program. This program is intended to support a wide range of research to address the broad public health concerns arising from the release of hazardous substances and hazardous wastes into the environment, particularly from uncontrolled, leaking waste disposal sites. While some of the research currently supported by NIEHS is relevant to these concerns, the SBRP is distinct in that its primary objective is to expand the base of scientific knowledge, reduction in the amount and toxicity of hazardous substances, and, ultimately, prevention of adverse human health effects.

The research sponsored in the fields of ecology, engineering, and hydrogeology (designated collectively as non-biomedical research) integrated into a biomedical research program core is designed to provide a broader and more detailed body of scientific information to be used by State, local, and Federal agencies and by private organizations and industry in making decisions related to the management o& hazardous substances.

Presently, the program is funded at a level of $21.9 million (FY91) and supports 11 programs encompassing 98 individual research projects that address all four legislative mandates cited above. Many or all of these programs will be submitting applications for the competitive renewal of their grant. Nonetheless, this is an open competition to all institutions meeting the criteria under this Request for Applications (RFA).

The SARA legislation establishing the NIEHS Superfund Program authorized funding levels of $3 million in Fiscal Year 1987, $10 million in 1988, $20 million in 1989, $30 million in 1990, and $35 million in 1991. The appropriated amounts for this Program have been $3 million in FY87, $5.9 million in FY88, $11.9 in FY89, $16.9 million in FY90, and $21.9 million in FY91. The authorized funding levels for the next three years are $35 million per year. These dollar amounts are budget ceilings and actual amounts will be appropriated each year according to the Federal budget process. Because the funding level of this program may vary from that authorized, actual award levels for approved and funded applications will be based on program balance and the availability of funds, in addition to the scientific merit considerations of the review process. Therefore, it may be necessary to make programmatic reductions in budget consistent with budgetary abatements and in order to develop a balanced research program overall.

Research Objectives and Scope

The SBRP is intended to foster the growth of collaborative multidisciplinary research programs aimed at understanding health and environmental effects associated with hazardous waste sites, and at developing improved technologies for

cleaning up these sites. The focus of this program is the effects on human health.

The program's approach primarily emphasizes the use of advanced basic research to improve the sensitivity and specificity of techniques for detecting adverse effects in humans or in ecological systems. Among those areas of research judged to be of interest to the SBRP are the following:

- Development of sensitive methods that would be useful for human dosimetry following environmental exposure; e.g., the identification of toxic chemicals in human target tissues, the development of new biomarkers of effects.
- Epidemiological studies and models to assess exposure and effects in actual, e.g., occupational, and potentially exposed human populations; more effective identification and validation of new and existing biomarkers of human exposure; studies to determine susceptibility in populations; studies to determine inter- and intra-individual variability.
- Development of better methods to detect very low concentrations of chemicals that could pose toxic threats to humans; establishment of dose-response relationships for pollutants likely to be found in the environment.
- Improvement of better techniques for measuring and modeling movement and alteration of chemicals through the media surrounding the waste dump.
- Study of behavioral, neurological, and neuroendocrinological effects of toxic chemical exposures, especially to chronic/delayed exposures at low-levels.
- Study of the reproductive effects of toxic chemicals, especially in population-based studies and in studies on fecundity.
- Analysis and evaluation of pollutant impact on toxicity endpoints, especially as effects on the respiratory, renal and cardiovascular systems, on the integument (skin), and on hearing and vision.
- Analysis and studies of specific toxic agents, such as metals, and simple and complex mixtures (sequential and concomitant).
- Ecological studies, especially those related to ecological succession within various ecosystems and the impact toxic substances may have on the natural course of succession; studies related to sentinel species model development; development of model systems to look at the effects of chemicals on the food web; studies designed to examine the resistance and resilience to the impact of toxics and leachates on ecosystems; studies in ecogenetics.
- Studies related to groundwater as a major route of human exposure; development of methods to examine all forms of contamination of unconfined and confined aquifers; the study of remediation methods to clean up contaminated aquifers; research into the complexities of the subsurface flow patterns, the physical-chemical characteristics of the chemicals that have contaminated the aquifer, and the population characteristics of microorganisms at different locations within the subsurface that are involved in biochemical transformation.
- Studies of various physical and chemical parameters involved in different types of thermal processes for treatment and degradation of wastes; methods to better determine the health consequences of combustion by-products; the development of real-time monitors to determine the level of emissions in the combustion/pyrolysis process; basic methods to increase the efficiency of combustion and pyrolysis.
- Continued and increased investigation of alternatives to thermal destruction, including biological conversion, chemical conversion or neutralization, and new destructive techniques; development of new and advanced techniques in biodegradation/treatment, especially of recalcitrant chemicals, simple and complex mixtures, and metals.

The above examples of research opportunities are only illustrative of the types of research efforts that may be appropriate to this program and are not meant to be all-inclusive or restrictive. Nonetheless, it is important that investigators submitting an application under this announcement propose multidisciplinary studies that are integrated and designed to produce results in the toxic waste area, primarily in assessing, evaluating, and attenuating the adverse effects on human health resulting from hazardous substances.

The NIEHS encourages potential applicants to use institutional strengths and ideas to prepare applications directed towards the broad goals of the program as stated above. The intent is to create an environment in which various groups of scientists can interact, exchange ideas, and proceed efficaciously towards solving the complex problems of understanding, assessing, and attenuating risks to human health from hazardous substances.

Strong biomedical research is a requisite of this program. Therefore, a minimum of three approved biomedical projects is required for funding. Further, the program expects that the non-biomedical research will be an integral part of the overall effort. All applications considered for funding must contain approved projects in both biomedical and non-biomedical areas.

Training

An area of importance to the overall performance of the program, and to the future of environmental health research, in general, is training. The NIEHS intends to support graduate and advanced training in environmental and occupational health and safety and the engineering aspects of hazardous waste control, and in geosciences (including hydrogeology, geologic engineering, geophysics, geochemistry, and related fields) in the setting of the research program. Therefore, applicants are encouraged to propose specific plans for interdisciplinary training as part of their overall program. The NIEHS encourages potential applicants to develop a structured, interdisciplinary pre-doctoral training program. The training core should aid in the integration of the overall research effort and should not exceed 6 percent of the total budget. Of special interest are positions in the non-biomedical projects to train scientists and engineers in the context of an interdisciplinary program. Additional training of pre- and post-doctoral students may also be carried on outside the structured training program.

In keeping with NIH efforts to train members of minority groups in its ongoing training programs, applicants are encouraged to consider these candidates in their recruitment efforts.

Individuals in the training positions must be considered employees of the institution and not trainees receiving stipends as in National Research Service Award programs. Salaries and fringe benefits consistent with institutional policies may be requested. Funds may also be requested for tuition, where appropriate, and travel to one scientific meeting per year. Up to six percent of the total direct costs requested may be identified for this purpose. Additional information and instructions may be found in the material references under "Format for Applications."

Eligibility Criteria

Section 311(a)(3) of SARA limits recipients of awards to "accredited institutions of higher education," which are defined in the Higher Education Act, 20 U.S.C. (annotated) 3361. However, grantees are permitted under the law, and encouraged by the NIEHS, to subcontract as appropriate with an organization, public or private, necessary to conduct portions of the

research. These organizations may include generators of hazardous wastes, persons involved in the detection, assessment, evaluation, and treatment of hazardous substances, owners and operators of facilities at which hazardous substances are located, and state and local governments.

Mechanism of Support

The mechanism of support will be the P42 multiproject grant-in-aid for a period not to exceed three years. Because the Program has a three-year authorization beginning in Fiscal Year 1992, no commitment of funds can be made for budget periods beginning after Fiscal Year 1994. Administrative adjustments may be necessary to make the funding periods coincide with this time frame.

It is expected that approximately 6 to 13 awards will be made, contingent upon the availability of funds.

Grants funded under this program must be multiproject, interdisciplinary efforts bringing together a group of investigators to direct discrete research projects, each of which is related to the goals of the Superfund Basic Research Program as outlined above. In addition to the research projects, applicants may request funds to support core facilities and common support functions such as administrative support, shared equipment, and analytical services.

This program is not intended to support individual research project grants. Such projects may be appropriate for support through the existing grant programs of the NIEHS.

Applicants are expected to furnish their own estimates of the time required to achieve specific objectives of the proposed work, a schedule for completion of the work, and an outline of the segments into which the proposed program can be logically divided. The applicant and co-investigators will plan, direct, and execute the research program, but any substantial modifications in the scope or objectives must be mutually agreed upon by the grantee institution and the NIEHS. Because a variety of approaches will be responsive to this announcement, it is anticipated that there will be a range of costs among individual grants awarded. Similarly, budgetary reductions may necessitate limiting the amount of awards, making adjustments in budget and/or effecting a modification in the scope of proposed work, prior to funding.

Unless specifically stated otherwise, all policies and requirements that govern the grants program of the Public Health Service will prevail.

Program Coordination

To facilitate administration and coordination of this Program, the NIEHS has designated a program administrator for the Superfund Basic Research Program. The program administrator will coordinate plans for any special activities of mutual interest to the NIEHS and grantees, and will make periodic visits to grantee institutions to evaluate progress and provide assistance in administrative considerations.

In addition, it is anticipated that grantees under this Program will meet annually in conjunction with a meeting of the Advisory Council on Hazardous Substances Research and Training, which is a Council created under the legislation to review related Superfund research, training, and demonstration activities and assist in the coordination of these Federal programs. Applicants should budget funds for appropriate staff to attend a three-day annual meeting in Research Triangle Park, North Carolina, or Washington, DC.

Review Procedures and Criteria

Following staff review for responsiveness to the objectives of this Program, applications will be reviewed and evaluated by a group of predominantly non-Federal consultants with expertise in fields relevant to the innovative research the NIEHS is seeking to encourage.

Based on the large number of complex applications expected, it is unlikely that applicants will be site-visited. Therefore, it is essential that all information required for an adequate and thorough review be included in the application. Furthermore, it is the intent of the NIEHS to identify non-responsive applications and return them to the applicant.

Applications that are complete and responsive may be subjected to a preliminary evaluation by a peer review group to determine their scientific merit relative to the other applications received in response to this RFA. As a result of this triage process the NIEHS will withdraw from further consideration applications judged to be noncompetitive and promptly notify the Principal Investigator/program director and the official signing for the applicant organization. Those applications judged to be competitive will be further evaluated for scientific/technical merit.

The NIEHS intends to conduct an intensive review on only the group of most promising applications, approximately twice the number anticipated to be funded. The review group(s) will be convened by the NIEHS to review these applications. A second level of review will be performed by the National Advisory Environmental Health Sciences Council.

The major factors to be considered in the evaluation of responsive applications will include:

- The scientific merit of each proposed project, including the novelty, originality, and feasibility of the approach, and the adequacy of the experimental design;
- The technical merit and justification of each core unit;
- The competence of the investigators to accomplish the proposed research goals, their commitments, and the time they will devote to the program;
- The scope of the overall effort in relation to the objectives of the Program to create unique interdisciplinary programs to include not only biomedical components but also engineering, ecological, and/or hydrogeological components;
- Relevance of the proposed research to problems associated with hazardous waste sites;
- The adequacy of the facilities to perform the proposed research;
- The integration of the various projects and core units into an effective program and plans for interactions among investigators;
- The qualifications, experience, and commitment of the Principal Investigator, the ability to devote adequate time and effort to provide effective leadership;
- The scientific and administrative structure of the program and integration of the projects into an effective overall effort;
- The adequacy and commitment of institutional resources to administer an integrated, collaborative program; and
- The appropriateness of the budget for the proposed program.

Because the objective of this program is to create unique, interdisciplinary institutional programs addressing the special needs of Superfund, the review process will concentrate on the strengths and weaknesses of the overall program proposed. Individual projects will be reviewed in light of their contribution to the entire research effort.

Healthy People 2000

The Public Health Service (PHS) is committed to achieving the health promotion and disease prevention objectives of Healthy People 2000, a PHS-led national activity for setting priority areas. This Request for Applications, Superfund Hazardous Substances Basic Research Program, is

related to the priority area of environmental health.

Potential applicants may obtain a copy of "Healthy People 2000" (Full Report: Stock No. 017–001–00474–0) or "Healthy People 2000" (Summary Report: Stock No. 017–001–00473–1) through the Superintendent of Documents, Government Printing Office, Washington, DC 20402–9325 (telephone 202–783–3238).

Special Instructions to Applicants Regarding Implementation of NIH Policies Concerning Inclusion of Women and Minorities in Clinical Research Studies

NIH and ADAMHA policy is that applicants for NIH/ADAMHA clinical research grants and cooperative agreements will be required to include minorities and women in study populations so that research findings can be of benefit to all persons at risk of the disease, disorder or condition under study; special emphasis should be placed on the need for inclusion of minorities and women in studies of diseases, disorders and conditions which disproportionately affect them. This policy is intended to apply to males and females of all ages. If women or minorities are excluded or inadequately represented in clinical research, particularly in proposed population-based studies, a clear compelling rationale should be provided.

The composition of the proposed study population must be described in terms of gender and racial/ethnic group, together with a rationale for its choice. In addition, general and racial/ethnic issues should be addressed in developing a research design and sample size appropriate for the scientific objectives of the study. This information should be included in the form PHS 398 in section 2, A–D of the Research Plan and summarized in section 2, E, Human Subjects.

Applicants/offerors are urged to assess carefully the feasibility of including the broadest possible representation of minority groups. However, NIH recognizes that it may not be feasible or appropriate in all research projects to include representation of the full array of United States racial/ethnic minority populations (i.e., Native Americans (including American Indians or Alaskan Natives), Asian/Pacific Islanders, Blacks, Hispanics). The rationale for studies on single minority population groups should be provided.

For the purpose of this policy, clinical research includes human biomedical and behavioral studies of etiology, epidemiology, prevention (and preventive strategies), diagnosis, or treatment of diseases, disorders or conditions, including but not limited to clinical trials.

The usual NIH policies concerning research on human subjects also apply. Basic research or clinical studies in which human tissues cannot be identified or linked to individuals are excluded. However, every effort should be made to include human tissues from women and racial/ethnic minorities when it is important to apply the results of the study broadly, and this should be addressed by applicants.

For foreign awards, the policy on inclusion of women applies fully; since the definition of minority differs in other countries, the applicant must discuss the relevance of research involving foreign population groups to the United States' populations, including minorities.

If the required information is not contained within the application, the application will be returned.

Peer reviewers will address specifically whether the research plan in the application conforms to these policies. If the representation of women or minorities in a study design is inadequate to answer the scientific question(s) addressed and the justification for the selected study population is inadequate, it will be considered a scientific weakness or deficiency in the study design and will be reflected in assigning the priority score to the application.

All applications for clinical research submitted to NIH are required to address these policies. NIH funding components will not award grants or cooperative agreements that do not comply with these policies.

Method of Applying

Letters of Intent

Prospective applicants are asked to submit a brief letter of intent that includes a descriptive title of the research and responsible investigators, and identification of any other participating institutions. This letter must be received no later than May 1, 1991, and must be addressed to: William A. Suk, Ph.D., M.P.H., Program Administrator, Superfund Basic Research Program, Division of Extramural Research and Training, National Institute of Environmental Health Sciences, P.O. Box 12233, Research Triangle Park, NC 27709, Telephone: (919) 541–0787.

The NIEHS requests such letters to provide an indication of the number and scope of applications to be received. A letter of intent is not binding, it will not enter into the review of any proposal submitted subsequently, nor is it a necessary requirement for application.

Application Procedure

A signed original and four signed copies must be sent or delivered to: Division of Extramural Research and Training, Grants Processing, National Institute of Environmental Health Sciences, P.O. Box 12233, 104 T. W. Alexander Drive, Research Triangle Park, NC 27709.

In addition, three signed copies of the application should be sent or delivered to: Grant Application Receipt Office, Division of Research Grants, National Institute of Health, Westwood Building, room 240, Bethesda, MD 20892–4500.

To ensure their review, applications must be received at the DRG, NIH, and NIEHS in North Carolina by June 13, 1991.

Please note the change in application procedure from the usual submission. Receipt at NIEHS is essential for the expeditious initiation of the review process. Applications not received at NIEHS by the receipt date will not be accepted.

Format for Applications

Applications must be submitted on form PHS 398 (revised 10/83), which is available from an applicant's Office of Sponsored Research and from the NIH Division of Research Grants. To identify the application as a response to this RFA, check "yes" on item two of page one of the application and enter the title: NIEHS Superfund Basic Research Program, ES–91–02. Since this form is used primarily for the traditional research grant application, several sections must be modified and expanded so that this form can be used to provide the additional information needed for the Superfund Program applications. Applicants must request a copy of the Information Bulletin on Program Project Grants and special instructions for Superfund applications from Dr. Suk at the address listed above.

The RFA label (found in the 10/83 revision of application form PHS 398) must be affixed to the bottom of the face page of the original copy of the application. Failure to use this label could result in delayed processing of your application such that it will not reach the review committee in time for review.

Proposed Timetable

Letter of Intent: May 1, 1991.
Application Receipt Date: June 13, 1991.
Review by National Advisory Environmental Health Sciences Council: January 1992.

Anticipated Award Date: April 1992.

Inquiries

Requests for program guidelines, special instructions, and inquiries regarding this announcement must be directed to: William A. Suk, Ph.D., M.P.H., Program Administrator, Superfund Basic Research Program, Division of Extramural Research and Training, National Institute of Environmental Health Sciences, P.O. Box 12233, Research Triangle Park, NC 27709, telephone (919) 541–0797.

Grants management inquiries must be directed to: David L. Mineo, Chief, Grants Management Branch, Division of Extramural Research and Training, National Institute of Environmental Health Sciences, P.O. Box 12233, Research Triangle Park, NC 27709, telephone (919) 541–1373.

This program is described in the Catalog of Federal Domestic Assistance, No. 93.143, NIEHS Superfund Hazardous Substances Basic Research and Education Grant Program. Awards will be made under the authority of the Superfund Amendments and Reauthorization Act of 1986, title 1, section III, and title II, section 209 (Pub. L. 99–499); and Public Health Service Act, section 301 (Pub. L. 78–410, as amended), and administered under PHS grant policies and Federal Regulations 42 CFR part 52 and 45 CFR part 74. This program is not subject to the intergovernmental review requirements of Executive Order 12372 or Health Systems Agency review.

Dated: March 15, 1991.

David G. Hoel,

Acting Director, NIEHS.

[FR Doc. 91–6761 Filed 3–20–91; 8:45 am]

BILLING CODE 4140–01–M

National Institutes of Health; National Institute of Child Health and Human Development

National Advisory Board on Medical Rehabilitation Research; Meeting

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the National Advisory Board on Medical Rehabilitation Research, National Institute of Child Health and Human Development, May 9–10, 1991, Wilson Hall, Building 1, National Institutes of Health, 9000 Rockville Pike, Bethesda, Maryland 20892.

The entire meeting will be open to the public from 9 a.m. on May 9 to adjournment on May 10. Attendance by the public will be limited to space available. The Board will review and assess Federal research priorities, activities, and findings regarding medical rehabilitation research and shall advise on the provisions of the statute-required comprehensive plan for the conduct and support of medical rehabilitation research.

Ms. Mary Plummer, Board Secretary, NICHD, Executive Plaza North, room 520, National Institutes of Health, Bethesda, Maryland 20892, Area Code 301, 496–1485, will provide substantive program information. If you have specific disability-related requirements please call.

Dated: March 15, 1991.

Betty J. Beveridge,

Committee Management Officer, NIH.

[FR Doc. 91–6758 Filed 3–20–91; 8:45 am]

BILLING CODE 4140–01–M

National Institute of Diabetes and Digestive and Kidney Diseases; Meeting, National Digestive Diseases Advisory Board

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the National Digestive Diseases Advisory Board on May 1, 1991. The meeting will begin at 8 a.m. and adjourn at 5 p.m. The meeting, which will be open to the public, will be held at the Holiday Inn Crown Plaza Hotel, 6th Avenue and Seneca Street at Freeway Park, Seattle, Washington, 98101. The meeting will include a conference on liver transplantation as well as discussion regarding the Board's activities and continued evaluation of the implementation of the long-range digestive diseases plan. The conference portion of the meeting will enable the Board to develop a position statement on selected issues regarding liver transplantation that will aid the Board in its subsequent recommendations. Attendance by the public will be limited to space available. Notice of the meeting room will be posted in the hotel lobby.

Mr. Raymond M. Kuehne, Executive Director, National Digestive Diseases Advisory Board, 1801 Rockville Pike, suite 500, Rockville, Maryland 20852, (301) 496–6045, will provide on request an agenda and roster of the members. Summaries of the meeting may also be obtained by contacting his office.

Dated: March 15, 1991.

Betty J. Beveridge,

Committee Management Officer, NIH.

[FR Doc. 91–6759 Filed 3–20–91; 8:45 am]

BILLING CODE 4140–01–M

Public Health Service

Announcement of Availability of Grants for Family Planning Nurse Practitioner Training Program

AGENCY: Office of Family Planning, OPA, PHS.

ACTION: Notice.

SUMMARY: The Office of Family Planning, Office of Population Affairs requests applications for grants under the Family Planning Services Training Program authorized under section 1003 of the Public Health Service (PHS) Act [42 U.S.C. 300a–1(a)]. Funds are available to train nurse practitioners in order to maintain the high level of performance of family planning services projects. The Office of Family Planning (OFP) administers title X of the Public Health Service Act, which provides funds for nurse practitioner training programs. These programs provide skill-based knowledge for registered professional nurses employed in title X clinics and will enable service grantees to improve the delivery of family planning services to persons from low-income families and other persons desiring such services.

ADDRESSES: Application kits may be obtained from and applications must be submitted to: Grants Management Office, Office of Population Affairs, room 736E, H.H.H. Building, 200 Independence Avenue SW., Washington, DC 20201.

DATES: Applications must be postmarked or received at the above address no later than close of business May 20, 1991. Private metered postmarks will not be acceptable as proof of timely mailing. Applications which are postmarked or delivered to the Grants Management Office later than May 20, 1991, will be judged late and will not be accepted for review. Applications which do not conform to the requirements of this program announcement or meet the assurances for project requirements in regulation 42 CFR part 59, subpart C will not be accepted for review. Applicants will be so notified, and the applications will be returned.

FOR FURTHER INFORMATION CONTACT: Grants Management Office at 202/245–0146 or Program Office at 202/245–0151. Staff are available to answer questions and provide limited technical assistance in the preparation of grant applications.

SUPPLEMENTARY INFORMATION: Title X of the Public Health Service Act, 42 U.S.C. 300, *et seq.*, authorizes the Secretary of Health and Human Services to award grants for projects to provide training for family planning services

personnel. (Catalog of Federal Domestic Assistance Number 13.260). This notice announces the availability of approximately $1 million in funding for five nurse practitioner training projects described below. Grants will be made to public and/or private nonprofit organizations to assist in the establishment and operation of nurse practitioner projects. The award of a grant will take into account the project's ability to meet DHHS requirements and the extent to which the project will provide high quality training to personnel to ensure the delivery of services to family planning users. Applications are invited for the following five grants:

One grant with a range of $191,454—$211,608 is available to train nurse practitioners from the following regions:

Region I—(Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island and Vermont);
Region II—(New Jersey, New York, Puerto Rico and the Virgin Islands);
Region III—(Delaware, Maryland, Pennsylvania, Virginia, West Virginia and the District of Columbia).

One grant with a funding range of $170,300—$188,226 is available to train nurse practitioners from the following region:

Region IV—(Alabama, Florida, Georgia, Kentucky, Mississippi, N. Carolina, S. Carolina and Tennessee).

One grant with a funding range of $131,314—$145,136 is available to train nurse practitioners from the following region:

Region V—(Illinois, Indiana, Michigan, Minnesota, Ohio, Wisconsin).

One grant with a funding range of $210,135—$232,255 is available to train nurse practitioners from the following regions:

Region VI—(Arkansas, Louisiana, New Mexico, Oklahoma, Texas);
Region VII—(Iowa, Kansas, Missouri, Nebraska).

One grant with a funding range of $234,162—$258,810 is available to train nurse practitioners from the following regions:

Region VIII—(Colorado, Montana, N. Dakota, S. Dakota, Utah, Wyoming);
Region IX—(Arizona, California, Hawaii, Nevada, American Samoa, Federated States of Micronesia, Republic of Marshall Islands, Commonwealth of the Northern Mariana Islands, Republic of Palau and Guam);
Region X—(Alaska, Idaho, Oregon, Washington).

Grants will be approved for project periods of up to three years. Grants are funded in annual increments (budget periods). Funding for all approved budget periods beyond the first year of the grant is contingent upon satisfactory progress of the project, adequate stewardship of Federal funds, and availability of funds.

The Public Health Service (PHS) is committed to achieving the health promotion and disease prevention objectives of *Healthy People 2000*, a PHS-led national activity for setting priority areas. This announcement is related to the priority areas of Family Planning and Educational and Community-Based Programs. Potential applicants may obtain a copy of Healthy People 2000 (Full Report; Stock No. 017–001–00474–0) or Healthy People 2000 (Summary Report; Stock No. 017–001–00473–1) through the Superintendent of Documents, Government Printing Office, Washington, DC 20402–9325 (Telephone (202) 783–3238).

Statutory and Regulatory Background

Title X of the Public Health Service Act, enacted by Public Law 91–572, authorizes grants for projects to provide family planning services to persons from low-income families and others. Section 1001 of the Act (as amended by Pub. L. 94–63 and 95–613) authorizes grants "to assist in the establishment and operation of family planning projects which offer a broad range of acceptable and effective family planning methods, including natural family planning methods, infertility services, and services to adolescents." Section 1003 of the Act, as amended, authorizes the Secretary to make grants to entities and individuals to provide the training for personnel to carry out the family planning services programs.

Prospective applicants should refer to the regulations in their entirety. The regulations set out at 42 CFR, part 59, subpart C, govern grants for family planning services training.

Role and Operation of the Training Program

The purpose of short-term training, continuing education, inservice education and staff development for title X personnel is to improve or maintain at a high level the performance of family planning service providers. Nurse practitioner training addresses the delivery of services and the management of family planning projects.

Under the regulations, "training" means job-specific skill development. Continuing education activities that are innovative or non-traditional are encouraged. The development or use of self-paced, self-instructional or mediated training materials which utilize technological advancements in the learning field are also acceptable.

Nurse practitioner training programs are focused on the preparation of registered professional nurses. The nurse practitioner is an integral part of the family planning system and performs a critical role in the delivery of high quality services.

Successful applicants will be required to work closely with a network of agencies, including the Federal Central and Regional Office staff, title X service delivery providers, and regional training advisory committees which provide representation from all service grantees. This process involves review and implementation of national and regional training priorities, solicitation of advice from the regional training advisory committee, and consultation with title X service delivery providers about training priorities, course content, and curriculum.

The nurse practitioner training curriculum must include content in the national training priority areas: (1) adoption, (2) clinic management, (3) counseling and client education, (4) family involvement, (5) infertility, (6) natural family planning (NFP), (7) program management, (8) sexually transmitted diseases (STDs), including HIV infection and AIDS, (9) adolescent abstinence from premarital sexual activity, (10) male involvement, and (11) substance abuse. [NFP includes various methods and techniques which teach fertility awareness. NFP does not include methods which combine fertility awareness with the use of another contraceptive method as a backup.] Curriculum must focus on preparation of family planning, obstetric-gynecologic or women's health care nurse practitioners [hereafter referred to as nurse practitioner(s)] for the expanded role of nursing. The nurse practitioner graduate will have acquired special knowledge and skills in health promotion and maintenance, disease prevention, psycho-social and physical assessment, and management of health-illness needs in the primary care of women. This care is provided predominantly in an ambulatory setting. The nurse practitioner will provide such care with the physician as well as with other members of the health-care team.

The design of the nurse practitioner training program, including the curriculum, must be consistent with national and regional priority areas, national or State recognition requirements as a provider of continuing education through a national nursing organization or one of its constituents, State certification requirements, and

State requirements for licensure, or recognition of nurse practitioners.

The nurse practitioner training program should attempt to address the national health objectives relating to family planning that are discussed in section 5 of the Public Health Service document, Healthy People 2000. Specific attention should be given to training which would enable nurse practitioners to work more effectively to reduce teen pregnancy; to reduce unintended pregnancy among all women; to reduce the initiation of sexual activity by teenagers; to increase the effectiveness of contraception, including barrier contraception, among all women; to implement pre-conception care; and to reduce sexually transmitted diseases, including HIV. Successful applicants will be responsible for the overall management of a nurse practitioner training program within the geographic area for which the grant is made. This responsibility includes:

- Developing an annual nurse practitioner training plan, which reflects, national and regional priorities and the training needs of local title X service grantees;
- Developing and implementing a high quality curriculum for a certificate nurse practitioner program specific to the education and role of the nurse practitioner;
- Developing criteria for selection of staff for training, including prerequisite qualifications. Such criteria should reflect a sensitivity to the unique needs of grantees for certain types of training, priority for rural areas or Health Manpower Shortage Areas (HMSAs), or other relevant factors;
- Developing a process to review nurse practitioner training applications submitted by title X service grantee personnel. Training grantees will make the final decision about candidates' suitability for training, applying the criteria discussed above;
- Evaluating the entire nurse practitioner educational program as an integral and ongoing process which includes curriculum, students, faculty and graduates;
- Maintaining data on nurse practitioner training characteristics sufficient to allow evaluation by credentialing bodies;
- Developing and implementing nurse practitioner training plans and continuing professional education programs which include measurable objectives;
- Monitoring the preceptorship phase of the nurse practitioner training program based upon written criteria;
- Sharing materials developed with other training programs so as to avoid unnecessary duplication of effort. All materials developed with Title X funds should be made available at cost to other Title X projects upon request;
- Facilitating nurse practitioner trainee receipt of continuing education units where appropriate; and
- Planning an annual continuing education conference and attending at least one national training meeting annually.

Training grantees must submit all curricula with the application and receive approval of all training curricula before use.

Reports on the progress of the nurse practitioner training program may be requested of the grantee from time to time by the Central Office.

Application Requirements

Applications must be submitted on the forms supplied (PHS–5161–1) and in the manner prescribed in the application kits available from the Office of Grants Management. Applicants are required to submit an application signed by an individual authorized to act for the applicant agency or organization and to assume for the organization the obligations imposed by the terms and conditions of the grant award. Applicants are required to submit an original application and two copies.

Accepted applications will be subjected to a competitive review process. The results of this review will assist the Deputy Assistant Secretary for Population Affairs in considering competing applications and in making the final funding decisions.

Any public or private nonprofit organization or agency is eligible to apply for a grant. It s not required that the entities applying for a grant be physically located in these regions at the time of application.

A copy of the legislation and regulations governing this program will be sent to applicants as part of the application kit package. Applicants should use the legislation, regulations and other information included in this announcement to guide them in developing their applications. Applications should be limited to fifty (50) doubled-spaced pages, not including appendices providing curriculum vitae, curriculum, or statements of organizational capabilities. Awards will be made only to those applicants who have met all applicable requirements.

Section 1008 states that none of the funds appropriated under this title shall be used in programs where abortion is a method of family planning.

Grant Award

Eligible competing grant applications will be reviewed and assessed against the following criteria:

1. The extent to which the proposed nurse practitioner training program will improve or increase the delivery of services to title X clients, particularly persons from low-income families. (5 points)

2. The extent to which the proposed nurse practitioner training program curriculum and objectives:

a. Meet the standards of the nursing profession which allow approval from the State Board of Nurse Examiners, continuing education approval bodies, if required, and national certifying agencies.

b. Improve the family planning service delivery skills of family planning registered nurses. (20 points)

3. The extent to which the nurse practitioner training program proposes appropriate strategies to recruit and train nurse practitioners to provide family planning services in rural areas and HMSAs. (20 points)

4. The capacity of the applicant to make rapid and effective use of the nurse practitioner training grant. (5 points)

5. The administrative and management capability and competence of the applicant. (15 points)

6. The competence of the project staff in relation to the services to be provided. (10 points)

7. The degree to which the project plan adequately provides for the requirements set forth in 42 CFR 59.205. (10 points)

8. The applicant's presentation of the project's objectives, the methods for achieving project objectives, the ability to involve providers and the regional office, and the results or benefits expected. (15 points)

In making grant award decisions the Deputy Assistant Secretary for Population Affairs (DASPA) will take into consideration such factors as the following:

1. The project's objectives on achieving results in national training priority areas and probable effectiveness in furthering national goals.

2. The service providers' commitment to and involvement in the planning and implementation of the training project.

3. The usefulness to title X service providers of the proposed training project and its potential for complementing existing training programs.

4. The project's awareness, sensitivity, and initiative to recruit minority nurses for the training program.

5. Where competing projects are of approximately equal quality and only one grant can be funded, priority will be given to offerors who will maintain or expand the diversity of experience and approaches of grantees within the title X training program.

6. The reasonableness of the cost of the project to government and others.

7. The availability of funds.

Review Under Executive Order 12372

Applicants under this announcement are subject to the review requirements of Executive Order 12372, State Review of Applications for Federal Financial Assistance, as implemented by 45 CFR part 100. As soon as possible, the applicant should discuss the project with the State Single Point of Contact (SPOC) for each State in the area to be served. The application kit contains the currently available listing of the SPOCs which have elected to be informed of the submission of applications. For those States not represented on the listing, further inquiries should be made by the applicant regarding the submission to the relevant SPOC. The SPOCs comment(s) should be forwarded to the Grants Management Office, Office of Population Affairs, room 736E H.H.H. Building, 200 Independence Avenue, SW. Washington, DC 20201. Such comments must be received by the Office of Population Affairs July 19, 1991, to be considered.

When final funding decisions have been made, each applicant will be notified by letter of the outcome. The official document notifying an applicant that a project application has been approved for funding is the Notice of Grant Award, which specifies to the grantee the amount of money awarded, the purposes of the grant, and terms and conditions of the grant award.

Dated: March 13, 1991.

William Archer III,

Deputy Assistant Secretary for Population Affairs.

[FR Doc. 91-6647 Filed 3-20-91; 8:45 am]

BILLING CODE 4160-17-M

Announcement of Availability of Grants for Family Planning General Training Projects

AGENCY: Office of Family Planning, OPA, PHS.

ACTION: Notice.

SUMMARY: The Office of Family Planning, Office of Population Affairs requests applications for grants under the Family Planning Services Training Program authorized under section 1003 of the Public Health Service (PHS) Act (42 U.S.C. 300a—(a)). Funds are available to train family planning personnel in order to maintain the high level of performance of family planning services projects.

The Office of Family Planning (OFP) administers title X of the Public Health Service Act, which provides funds for a general training center in each of the ten Department of Health and Human Services' (DHHS) regions. The regional training centers provide training to enable service grantees to improve the delivery of family planning services to persons from low-income families and other persons desiring such services.

ADDRESSES: Application kits may be obtained from and applications must be submitted to: Grants Management Office, Office of Population Affairs, room 736E, H.H.H. Building, 200 Independence Avenue SW. Washington, DC 20201.

DATES: Applications must be postmarked or received at the above address no later than close of business May 20, 1991. Private metered postmarks will not be acceptable as proof of timely mailing. Applications which are postmarked or delivered to the Grants Management Office later than May 20, 1991 will be judged late and will not be accepted for review. Applications which do not conform to the requirements of this program announcement or meet the assurances for project requirements in regulation 42 CFR part 59, subpart C will not be accepted for review. Applicants will be so notified, and the applications will be returned.

FOR FURTHER INFORMATION CONTACT: Grants Management Office at 202/245-0146 or Program Office at 202/245-0151. Staff are available to answer questions and provide limited technical assistance in the preparation of grant applications.

SUPPLEMENTARY INFORMATION: Title X of the Public Health Service Act, 42 U.S.C. 300, *et seq.*, authorizes the Secretary of Health and Human Services to award grants for projects to provide training for family planning services personnel. (Catalog of Federal Domestic Assistance Number 13.260). This notice announces the availability of approximately $2 million in funding for 10 general training projects described below. Grants will be made to public and/or private nonprofit organizations to assist in the establishment and operation of regional training centers. The award of a grant will take into account the project's ability to meet DHHS requirements and the extent to which the project will provide high quality training to title X grantees, delegate agencies and clinics in order to improve the delivery of services to family planning users. Applications are invited for the following ten grants:

One general training grant for DHHS Region I (Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island and Vermont). A funding range of $149,900—$165,500 is available for this grant.

One general training grant for DHHS Region II (New Jersey, New York, Puerto Rico and the Virgin Islands). A funding range of $238,300—$263,100 is available for this grant.

One general training grant for DHHS Region III (Delaware, Maryland, Pennsylvania, Virginia, West Virginia and the District of Columbia). A funding range of $247,300—$273,100 is available for this grant.

One general training grant for DHHS Region IV (Alabama, Florida, Georgia, Kentucky, Mississippi, N. Carolina, S. Carolina and Tennessee). A funding range of $289,300—$319,500 is available for this grant.

One general training grant for DHHS Region V (Illinois, Indiana, Michigan, Minnesota, Ohio, Wisconsin). A funding range of $260,500—$287,600 is available for this grant.

One general training grant for DHHS Region VI (Arkansas, Louisiana, New Mexico, Oklahoma, Texas). A funding range of $222,800—$246,000 is available for this grant.

One general training grant for DHHS Region VII (Iowa, Kansas, Missouri, Nebraska). A funding range of $135,700—$149,800 is available for this grant.

One general training grant for DHHS Region VIII (Colorado, Montana, N. Dakota, S. Dakota, Utah, Wyoming). A funding range of $134,000—$147 ,900 is available for this grant.

One general training grant for DHHS Region IX (Arizona, California, Hawaii, Nevada, American Samoa, Federated States of Micronesia, Republic of Marshall Islands, Commonwealth of the Northern Mariana Islands, Republic of Palau and Guam). A funding range of $208,200—$229,900 is available for this grant.

One general training grant for DHHS Region X (Alaska, Idaho, Oregon, Washington). A funding range of $123,400—$136,300 is available for this grant.

Grants will be approved for project periods of up to three years. Grants are funded in annual increments (budget periods). Funding for all approved budget periods beyond the first year of the grant is contingent upon satisfactory

progress of the project, adequate stewardship of Federal funds, and availability of funds.

The Public Health Service (PHS) is committed to achieving the health promotion and disease prevention objectives of Healthy People 2000, a PHS-led national activity for setting priority areas. This announcement is related to the priority areas of Family Planning and Educational and Community-Based Programs. Potential applicants may obtain a copy of Healthy People 2000 (Full Report; Stock No. 017–001–00474–0) or Healthy People 2000 (Summary Report; Stock No. 017–001–00473–1) through the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402–9325 (Telephone (202) 783–3238).

Statutory and Regulatory Background

Title X of the Public Health ServiceAct, enacted by Public Law 91–572, authorizes grants for projects to provide family planning services to persons from low-income families and others. Section 1001 of the Act (as amended by Public Laws 94–63 and 95–613) authorizes grants "to assist in the establishment and operation of family planning projects which offer a broad range of acceptable and effective family planning methods, including natural family planning methods, infertility services, and services to adolescents." Section 1003 of the Act, as amended, authorizes the Secretary to make grants to entities and individuals to provide the training for personnel to carry out the family planning services programs.

Prospective applicants should refer to the regulations in their entirety. The regulations set out at 42 CFR, part 59, subpart C, govern grants for family planning services training.

Role and Operation of the Training Program

The purpose of short-term training, continuing education, inservice education and staff development for title X personnel is to improve or maintain at a high level the performance of family planning service providers.

Under the regulations, "training" means job-specific skill development. Continuing education activities that are innovative or non-traditional are encouraged. The development or use of self-paced, self-instructional or mediated training materials which utilize technological advancements in the learning field are also acceptable.

Successful applicants will be required to work closely with a network of agencies, including the Federal Central and Regional Office staff, title X service delivery providers, and a regional training advisory committee which provides representation from all service grantees. This process involves review and implementation of national and regional training priorities, solicitation of advice from the regional training advisory committee, and consultation with title X service delivery providers about training priorities, course content, and curriculum.

The general training curriculum must include content in the national training priority areas: (1) adoption, (2) clinic management, (3) counseling and client education, (4) family involvement, (5) infertility, (6) natural family planning (NFP), (7) program management, (8) sexually transmitted diseases (STDs), including HIV infection and AIDS, (9) adolescent abstinence from premarital sexual activity, (10) male involvement, and (11) substance abuse. (NFP includes various methods and techniques which teach fertility awareness. NFP does not include methods which combine fertility awareness with the use of another contraceptive method as a backup.)

The general training program should attempt to address the national health objectives relating to family planning that are discussed in section 5 of the Public Health Service document, Healthy People 2000. Specific attention should be given to training which would enable trainees to work more effectively to reduce teen pregnancy; to reduce unintended pregnancy among all women; to reduce the initiation of sexual activity by teenagers; to increase the effectiveness of contraception, including barrier contraception, among all women; to implement pre-conception care; and to reduce sexually transmitted diseases including HIV. Successful applicants will be responsible for the overall management of a general training program within the geographic area for which the grant is made. This responsibility includes:

- Developing an annual training plan, which reflects national and regional priorities and the training needs of local title X service grantees;
- Developing criteria for selection of staff for training, including prerequisite qualifications. Such criteria should reflect a sensitivity to the unique needs of grantees for certain types of training, priority for rural areas or Health Manpower Shortage Areas (HMSAs), or other relevant factors;
- Developing a process to review training applications submitted by title X service grantee personnel. Training grantees will make the final decision about candidates' suitability for training, applying the criteria discussed above;
- Evaluating the entire general training educational program as an integral and ongoing process which includes curriculum, trainees, staff and consultants;
- Maintaining data on general training characteristics sufficient to allow evaluation by the program office;
- Developing and implementing general training plans and continuing professional education programs which include measurable objectives;
- Sharing materials developed with other training programs so as to avoid unnecessary duplication of effort. All materials developed with title X funds should be made available at cost to other title X projects upon request;
- Facilitating trainees' receipt of continuing education units where appropriate; and
- Planning an annual continuing education conference and attending at least one national training meeting annually.

Training grantees must receive approval of all training curricula before use, but submission with the application is not required. Reports on the progress of the training program may be requested of the grantee from time to time by the Central Office.

Application Requirements

Applications must be submitted on the forms supplied (PHS–5161–1) and in the manner prescribed in the application kits available from the Office of Grants Management. Applicants are required to submit an application signed by an individual authorized to act for the applicant agency or organization and to assume for the organization the obligations imposed by the terms and conditions of the grant award. Applicants are required to submit an original application and two copies.

Accepted applications will be subjected to a competitive review process. The results of this review will assist the Deputy Assistant Secretary for Population Affairs in considering competing applications and in making the final funding decisions.

Any public or private nonprofit organization or agency is eligible to apply for a grant. It is not required that the entities applying for a grant be physically located in these regions at the time of application.

A copy of the legislation and regulations governing this program will be sent to applicants as part of the application kit package. Applicants should use the legislation, regulations and other information included in this announcement to guide them in developing their applications.

Applications should be limited to fifty (50) doubled-spaced pages, not including appendices providing curriculum vitae, curriculum or statements of organizational capabilities. Awards will be made only to those applicants who have met all applicable requirements.

Section 1008 states that none of the funds appropriated under this title shall be used in programs where abortion is a method of family planning.

Grant Award

Eligible competing grant applications will be reviewed and assessed against the following criteria:

1. The extent to which the proposed training program will improve or increase the delivery of services to title X clients, particularly persons from low-income families. (5 points)

2. The extent to which the proposed training program has the potential to fulfill the training needs of the family planning service grantees in the areas to be served, which may include among other things:

a. Development of a capability within family planning service projects to provide pre- and in-service training to their own staffs;

b. Improvement of the family planning service delivery skills of family planning and health services personnel; and

c. Improvement in the utilization and career development of paraprofessional and paramedical manpower in family planning services. (20 points)

3. The extent to which the training program proposes appropriate strategies to improve the provision of family planning services in rural areas and HMSAs. (20 points)

4. The capacity of the applicant to make rapid and effective use of the training grant. (5 points)

5. The administrative and management capability and competence of the applicant. (20 points)

6. The competence of the project staff in relation to the services to be provided. (15 points)

7. The degree to which the project plan adequately provides for the requirements set forth in 42 CFR Section 59.205 including the applicant's presentation of the project's objectives, the methods for achieving project objectives, the ability to involve providers and the regional office, and the results or benefits expected. (15 points)

In making grant award decisions the Deputy Assistant Secretary for Population Affairs (DASPA) will take into consideration such factors as the following:

1. The project's objectives on achieving results in national training priority areas and probable effectiveness in furthering national goals.

2. The service providers' commitment to and involvement in the planning and implementation of the training project.

3. The usefulness to title X service providers of the proposed training project and its potential for complementing existing training programs.

4. The project's awareness, sensitivity, and initiative to recruit minority trainees for the training program.

5. Where competing projects are of approximately equal quality and only one grant can be funded, priority will be given to applicants who will maintain or expand the diversity of experience and approaches of grantees within the Title X training program.

6. The reasonableness of the cost of the project to government and others.

7. The availability of funds.

Review Under Executive Order 12372

Applicants under this announcement are subject to the review requirements of Executive Order 12372, State Review of Applications for Federal Financial Assistance, as implemented by 45 CFR part 100. As soon as possible, the applicant should discuss the project with the State Single Point of Contact (SPOC) for each State in the area to be served. The application kit contains the currently available listing of the SPOCs which have elected to be informed of the submission of applications. For those States not represented on the listing, further inquiries should be made by the applicant regarding the submission to the relevant SPOC. The SPOC's comment(s) should be forwarded to the Grants Management Office, Office of Population Affairs, room 736E H.H.H. Building, 200 Independence Avenue, SW., Washington, DC 20201. Such comments must be received by the Office of Population Affairs July 19, 1991 to be considered.

When final funding decisions have been made, each applicant will be notified by letter of the outcome. The official document notifying an applicant that a project application has been approved for funding is the Notice of Grant Award, which specifies to the grantee the amount of money awarded, the purposes of the grant, and terms and conditions of the grant award.

Dated: March 13, 1991.

William R. Archer III,

Deputy Assistant Secretary for Population Affairs.

[FR Doc. 91-6648 Filed 3-20-91; 8:45 am]

BILLING CODE 4160-17-M

Office of the Assistant Secretary for Health Secretary's Council on Health Promotion and Disease Prevention; Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92-463), announcement is made of the following meeting of the Secretary's Council on Health Promotion and Disease Prevention, scheduled to meet Wednesday, April 17, 1991.

Name: Secretary's Council on Health Promotion and Disease Prevention

Date and Time: April 17, 1991, 9 a.m. to 5 p.m., Hubert H. Humphrey Building, room 703A/727A,200 Independence Avenue, SW. Washington, DC 20201

Open, except for working lunch.

Purpose: The Secretary's Council on Health Promotion and Disease Prevention is charged to provide advice to the Secretary and to the Assistant Secretary for Health on national goals and strategies to achieve those goals for improving the health of the Nation through disease prevention and health promotion.

Agenda: This will be the seventh meeting of the Secretary's Council. The theme of this meeting is "Implementing Healthy People 2000." Sessions will include reports from the organizations represented on the Council, the Health Resources and Services Administration, and the private sector.

Anyone wishing to obtain a roster of members, minutes of meetings, or other relevant information should contact Linda M. Harris, Ph.D., Staff Director for the Council, Office of Disease Prevention and Health Promotion, Public Health Service, U.S. Department of Health and Human Services, Washington, DC 20201, Telephone (202) 472-5370.

Agenda items are subject to change as priorities dictate.

Dated: March 14, 1991.

J.M. McGinnis,

Deputy Assistant Secretary for Health Director, Office of Disease Prevention and Health Promotion.

[FR Doc. 91-6652 Filed 3-20-91; 8:45 am]

BILLING CODE 4160-17-M

Public Health Services; National Toxicology Program

Availability of Technical Report on Carcinogenesis Studies of Chrysotile Asbestos

The HHS' National Toxicology Program announces the availability of the Technical Report on lifetime

carcinogenesis studies of chrysotile asbestos, the fibrous member of the serpentine mineral group.

Carcinogenesis studies of short range (SR), intermediate range (IR) or intermediate range chrysotile asbestos in combination with the intestinal carcinogen 1,2-dimethylhydrazine dihydrochloride (DMH) were conducted with male and female Syrian golden hamsters. Both forms of chrysotile asbestos were administered at a concentration of 1% in pelleted diet for the entire lifetime of the hamsters, starting with mothers of the test animals. Group sizes varied from 125 to 253. Starting at 6 weeks of age, male and female hamsters in the intermediate range chrysotile/DMH study were given oral doses of DMH (4 mg/kg) every other week for a total of 5 doses. There was no adverse effect on body weight gain or survival by either form of asbestos or by asbestos in combination with DMH.

Under the conditions of these studies, neither short range chrysotile nor intermediate range chrysotile asbestos was carcinogenic when ingested at 1% levels in the diet by male and female Syrian golden hamsters. While there were increases in the rates of adrenal cortical adenomas in male and female hamsters exposed to intermediate range chrysotile asbestos compared with pooled control groups, these incidence rates were not different when compared with the concurrent control groups. Additionally the biologic importance of adrenal tumors in the absence of target organ (gastrointestinal tract) neoplasia is questionable. The cocarcinogenesis studies using IR chrysotile asbestos and 1,2-dimethylhydrazine dihydrochloride were considered inadequate because there was no increase in intestinal neoplasia in the DMH group.

Copies of Lifetime Carcinogenesis Studies of Chrysotile Asbestos in Syrian Golden Hamsters (Feed Studies) (TR 246) are available from the National Technical Information Service, 5285 Port Royal Road, Springfield, VA 22161, telephone (703) 487–4650. The order number for the report is PB91142380/AS.

Dated: March 15, 1991.

David G. Hoel,

Acting Director, National Toxicology Program.

[FR Doc. 91- 6762 Filed 3–20–91; 8:45 am]

BILLING CODE 6140–01–M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Assistant Secretary for Community Planning and Development

[Docket Nos. N–91–3192 and N–91–3193; FR–2930 and FR–2931–N–02]

Supportive Housing Demonstration; Fund Availability for Transitional Housing and Permanent Housing for Handicapped Homeless Persons

AGENCY: Office of the Assistant Secretary for Community Planning and Development, HUD.

ACTION: Notice of fund availability, correction.

SUMMARY: This correction to the Notices of Fund Availability (NOFAs) for the Transitional Housing and the Permanent Housing for the Handicapped Homeless Programs, published by HUD on January 23, 1991 (56 FR 2648 and 2654), amends those NOFAs by including the requirement that Indian Tribes have a HUD-approved Comprehensive Housing Assistance Plan (CHAP) before assistance may be granted under those programs, as required by section 831(b) of the Cranston-Gonzalez National Affordable Housing Act (Pub. L. 101–625, approved Nov. 28, 1990) (NAHA).

DATES: CHAPs will be accepted for review by HUD if received at the HUD field office serving the area in which the applicant's proposed project is located on or before the date and time the application for funding under the Supportive Housing Demonstration Program must be received. HUD encourages tribes to submit CHAPs before the application due date in order to expedite processing. Applications for Permanent Housing assistance must be received by closing time on April 30, 1991, and for Transitional Housing assistance by closing time May 31, 1991. CHAPs received after the application due date and time will not be accepted, even if postmarked by the deadline date. The application and CHAP must be actually received by the HUD Field Office by closing time on the deadline date.

ADDRESSES: A list of HUD field offices and contact persons appears at the end of this Notice.

FOR FURTHER INFORMATION CONTACT: The HUD field office for the area in which the project is located. (See list attached).

SUPPLEMENTARY INFORMATION: On January 23, 1991, HUD published NOFAs for the Supportive Housing Demonstration Program, Transitional Housing (56 FR 2648) and Permanent Housing for Handicapped Homeless Persons (56 FR 2654). In addition to announcing the availability of funds, the NOFAs implemented several changes to the programs made by the NAHA, which amended title IV of the Stewart B. McKinney Homeless Assistance Act. These changes were made effective for the 1991 funding rounds after a determination by the Department that they were of such nature that they could be implemented through the NOFAs and a final rule.

One such change, made by section 831(b) of the NAHA, was inadvertently omitted from the NOFAs. Section 831(b) provides that Indian Tribes are no longer exempt from the requirement to have a HUD-approved CHAP before assistance may be granted. Therefore, Indian Tribes applying for assistance to be provided through the Supportive Housing Demonstration 1991 funding rounds must submit, to the responsible HUD field office, a CHAP in compliance with HUD regulations at 24 CFR part 90. Notwithstanding § 90.30, the CHAPs must be received no later than the date and time the application for funding under the Supportive Housing Demonstration Program must be received. Indian Tribes wishing to apply for both Transitional Housing and Permanent Housing funding need only submit one CHAP, which must be received in the responsible HUD field office no later than closing time April 30, 1991.

HUD Field Offices

Alabama: Jasper H. Boatright, Beacon Ridge Tower, 600 Beacon Parkway West, suite 300, Birmingham, Alabama 35209–3144; (205) 731–1672.

Alaska: Colleen Craig, Federal Building 222 W. 8th Ave., #64, Anchorage, AK 99513–7537; (907) 271–3669.

Arizona: Diane Domzalski, One North First St., 3rd Floor, P.O. Box 13468. Phoenix, AZ 85004–2361; (602) 379–4754.

Arkansas: Billy M. Parsley, Lafayette Building 523 Louisiana, Suite 200, Little Rock, AR 72201–3707; (501) 378–6375.

California (Southern): Herbert L. Roberts, 1615 W. Olympic Blvd., Los Angeles, CA 90015–3801; (213) 251–7235; (Northern): Gordon H. McKay, 450 Goldengate Ave., P.O. Box 36003, San Francisco, CA 94102–3448; (415) 556–4457.

Colorado: Barbara Richards, Exec. Tower Building, 1405 Curtis St., Denver, CO 80202–2349; (303) 844–3811.

Connecticut: Daniel Kolesar, 330 Main St. Hartford, CT 06106–1860; (203) 240–4508.

Delaware: John Kane, Liberty Square Building, 105 S. 7th St., Philadelphia, PA 19106–3392; (215) 579–2665.

District of Columbia: James H. McDaniel, 451 7th St. SW., rm. 3158, Washington, DC 20410–5500; (202) 453–4520.

Florida: Jim Nichol, 325 W. Adams St., Jacksonville, FL 32202–4303; (904) 791–3597.
Georgia: Charles N. Straub, Russell Federal Building, 75 Spring St. SW, Atlanta, GA 30303–3388; (404) 331–5139.
Hawaii: Frank Johnson, 300 Ala Moana Blvd., rm. 3318, Honolulu, HI 96850–4991; (808) 541–1327.
Idaho: John G. Bonham, 520 SW 6th Ave., Portland, OR 97204–1596; (503) 326–7018.
Illinois: Richard Wilson, 547 W. Jackson Blvd., Chicago, IL 60606–5601; (312) 353–1696.
Indiana: Robert F. Poffenberger, 151 N. Delaware St., Indianapolis, IN 46204–2526; (317) 226–5169.
Iowa: Larry Heeren, Braiker/Brandeis Bldg., 210 S. 16th St., Omaha, NE 68102–1622; (402) 221–3703.
Kansas: Miguel Madrigal, Gateway Towers 2, 400 State Avenue, Kansas City, KS 66101–2406; (913) 236–2184/6496.
Kentucky: Steve Childress, P.O. Box 1044, 601 W. Broadway, Louisville, KY 40201–1044; (502) 582–5394.
Louisiana: Greg Hamilton, P.O. Box 70288, 1661 Canal St., New Orleans, LA 70112–2887; (504) 589–7212.
Maine: David Lafond, Norris Cotton Fed. Bldg., 275 Chestnut St., Manchester, NH 03101–2487; (603) 666–7640.
Maryland: Harold Young, Equitable Bldg., 3rd Floor, 10 N. Calvert St., Baltimore, MD 21202–1865; (301) 962–2417.
Massachusetts: Frank Del Vecchio, Fed. Bldg. 10 Causeway St., Boston, MA 02222–1092; (617) 565–5342.
Michigan: Richard Paul, Patrick McNamara Bldg., 477 Michigan Ave., Detroit, MI 48226–2592; (313) 226–4343.
Minnesota: Shawn Huckleby, 221 2nd St. South, Minneapolis, MN 55401–2195; (612) 370–3019.
Mississippi: Jeanie E. Smith, Fed. Bldg., 100 W. Capitol St. room 910, Jackson, MS 39269–1096; (601) 965–4765.
Missouri (Eastern): David H. Long, 1222 Spruce St., Louis, MO 63103–2836; (314) 539–6524; (Western): Miguel Madrigal, Gateway Towers 2, 400 State Ave., Kansas City, KS 66101–2406; (913) 236–2184.
Montana: Barbara Richards, Exec. Tower Bldg., 1405 Curtis St., Denver, CO 80202–2349; (303) 844–3811.
Nebraska: Joe E. Jones, Braiker/Brandeis Bldg., 210 S. 16th St. Omaha, NE 68102–1622; (402) 221–3839.
Nevada: (Las Vegas, Clark Cnty) Diane Domzalski, One North First St., 3rd Floor, P.O. 13468, Phoenix, AZ 85004–2361; (602) 379–4754. (Remainder of state) Gordon H. McKay, 450 Goldengate Ave., P.O. Box 36003, San Francisco, CA 94102–3448; (415) 556–4457.
New Hampshire: David Lafond, Norris Cotton Fed. Bldg., 275 Chestnut St., Manchester, NH 03101–2487; (603) 666–7640.
New Jersey: Frank Sagarese, Military Park Bldg., 60 Park Pl., Newark, NJ 07102–5504; (201) 887–1776.
New Mexico: R.D. Smith, 1600 Throckmorton, P.O. Box 2905; Fort Worth, TX 76113–2905; (817) 885–5483.
New York: (Upstate): Michael F. Merrill, Lafeyette Ct., 465 Main St., Buffalo, NY 14203–1780; (716) 843–5768; (Downstate): Joan Dabelko, 26 Federal Plaza, New York, NY 10278–0068; (212) 264–2885.
North Carolina: Charles T. Ferebee, 415 N. Edgeworth St., Greensboro, NC 27401–2107; (919) 333–5711.
North Dakota: Barbara Richards, Exec. Tower Bldg., 1405 Curtis St., Denver, CO 80202–2349; (303) 844–3811.
Ohio: Jack E. Riordan, 200 North High St., Columbus, OH 43215–2489; (614) 469–6743.
Oklahoma: Katie Worsham, Fed. Bldg. 200 NW 5th St., Oklahoma City, OK 73102–3202; (405) 231–4973.
Oregon: John G. Bonham, 520 SW 6th Ave., Portland, OR 97204–1596; (503) 326–7018.
Pennsylvania: (Western): Bruce Crawford, 412 Old Post Office Bldg., 7th Ave. & Grant St., Pittsburgh, PA 15219–1906; (412) 644–5493; (Eastern): John Kane, Liberty Sq. Bldg., 105 St. 7th St., Philadelphia, PA 19106–3392; (215) 597–2665.
Puerto Rico: Miguel A. Caban, 159 Carlos Chardon Ave., San Juan, PR 00918–1804; (809) 766–5935.
Rhode Island: Frank Del Vecchio, Fed. Bldg., 10 Causeway St., Boston, MA 02222–1092; (617) 565–5343.
South Carolina: Bernard Jenkins, Fed. Bldg., 1835–45 Assembly St., Columbia, SC 29201–2480; (803) 765–5564.
South Dakota: Barbara Richards, Exec. Tower Bldg., 1405 Curtis St., Denver, CO 80202–2349; (303) 844–3811.
Tennessee: Virginia Peck, 710 Locust St., Knoxville, TN 37902–2526; (615) 549–9422.
Texas: (Northern): R.D. Smith, 1600 Throckmorton, P.O. Box 2905, Fort Worth, TX 76113–2905; (817) 885–5483; (Southern): Robert W. Hicks, Washington Sq., 800 Dolorosa, San Antonio, TX; (512) 229–6820.
Utah: Barbara Richards, Exec. Tower Bldg., 1405 Curtis St., Denver, CO 80202–2349; (303) 844–3811.
Vermont: David Lafond, Norris Cotton Fed. Bldg., 275 Chestnut St., Manchester, NH 03101–2487; (603) 666–7640.
Virginia: Joseph Aversano, Fed. Bldg., 400 N. 8th St., P.O. Box 10170, Richmond, VA 23240–0998; (804) 771–2624.
Washington: John Peters, Arcade Plaza Bldg., 1321 2nd Ave., Seattle, WA 98101–2054; (206) 442–0374.
West Virginia: James A. Getsy, 412 Old Post Office Bldg., 7th Ave. & Grant St., Pittsburgh, PA 15219–1906; (412) 644–5493.
Wisconsin: Lana J. Vacha, Henry Reuss Fed. Plaza, 310 W. Wisconsin Ave., Ste. 1380, Milwaukee, WI 53203–2289; (414) 297–3113.
Wyoming: Barbara Richards, Exec. Tower Bldg., 1405 Curtis St., Denver, CO 80202–2349; (303) 844–3811.

Dated: March 13, 1991.

Anna Kondratas,

Assistant Secretary for Community Planning and Development.

[FR Doc. 91–6670 Filed 3–20–91; 8:45 am]

BILLING CODE 4210–29–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[OR–013–01–4410–13: GP1–149]

Lakeview District Multiple Use Advisory Council Meeting

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Lakeview, OR District Multiple Use Advisory Council Meeting.

SUMMARY: The Lakeview District Multiple Use Advisory Council will meet at 10 a.m. on Tuesday, April 30, 1991. The meeting will be held in the Lakeview District Office conference room at 1000 South Ninth Street in Lakeview.

The following items will be discussed: status of the Lakeview-Burns visitor services agreement with U.S. Fish and Wildlife Service and the Burns District, affects of the ongoing drought, "Range of Our Vision" and the Lakeview District public affairs plan.

FOR FURTHER INFORMATION CONTACT: Renee Snyder, Public Affairs Officer, 1000 South Ninth Street, Lakeview, OR 97630, (503) 947–6110.

Judy Ellen Nelson,

District Manager, Lakeview.

[FR Doc. 91–6724 Filed 3–20–91; 8:45 am]

BILLING CODE 4310–33–M

[CO–030–01–4212–13; COC–52542]

Realty Action-Exchange

AGENCY: Bureau of Land Management, Department of the Interior.

ACTION: Designation of public lands located in Hinsdale County, Colorado as being suitable for disposal out of Federal ownership by exchange.

SUMMARY: The following described public lands have been determined to be suitable for disposal by exchange pursuant to section 206 of the Federal Land Policy and Management Act of 1976, (43 U.S.C. 1716):

New Mexico Principal Meridian, Colorado

T. 42 N., R. 4 W.,
Sec. 5: Lots 6 and 7.
Containing 4.48 acres of public land.

In exchange for these lands, the United States will acquire the following described lands from B.G. Dozier, Robert A. Nickel, and George M. Hinkel:

New Mexico Principal Meridian, Colorado

USMS 755, The Michigan Lode, Galena Mining District
USMS 16582, The Wye J. Lode, Galena Mining District

USMS 14236, The U.P. Lode, Galena Mining District
USMS 14680, The G.N.O.M.E. Lode, Park Mining District

Containing 40.95 acres of public land.

The purpose of this exchange is to acquire four patented mining claims that have outstanding recreational attributes and are isolated inholdings located within the boundaries of Wilderness Study Areas. The G.N.O.M.E. Lode is located in a highly scenic viewshed of the Handies Peak WSA. Acquisition of the Michigan, Wye J., and U.P. Lode claims will provide legal trail access into remote portions of the Redcloud Peak WSA. Acquisition of the parcels will ensure the tracts do not get developed into mountain homesites. The public interest will be served by making the exchange.

The values of the lands to be exchanged are approximatley equal; full equalization of values will be determined when final appraisals are completed but will not exceed 25 percent of the value of the lands to be transferred out of Federal ownership.

Lands to be transferred out of Federal ownership will be subject to the following reservations:

1. Overhead power line Right-of-Way COC–39187 granted to Gunnison County Electric Association.

2. Buried phone cable Right-of-Way COC–38388 granted to Eagle Telecommunications, Inc.

Publications of this notice segregates the public land from the operation of the public land laws, including the mining and mineral leasing laws, for a period of two years from the date of publication.

FOR FUTHER INFORMATION: Additional information about this exchange is available for review at the Bureau of Land Management, Montrose District Office, 2465 South Townsend, Montrose, Colorado 81401. For a period of 45 days from the date of this notice, interested parties may submit comments or adverse claims to the Montrose District Manager. Adverse comments will be evaluated by the District Manager, who may vacate or modify this realty action and issue a final determination.

Dated: March 11, 1991.

Alan L. Kesterke,

Montrose District Manager.

[FR Doc. 91–6722 Filed 3–20–91; 8:45 am]

BILLING CODE 4310–JB–M

[MT–930–4214–11; MTM 013484 and MTM 41703]

Proposed Continuation of Withdrawals; Montana

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The U.S. Forest Service, Department of Agriculture, proposes that the withdrawal of 194.24 acres of public land withdrawn for Forest Service administration sites continue for an additional 20 years. The lands would remain closed to surface entry and mining, but have been and would remain open to mineral leasing.

EFFECTIVE DATE: Comments should be received on or before June 19, 1991.

FOR FURTHER INFORMATION CONTACT: James Binando, BLM Montana State Office, P.O. Box 36800, Billings, Montana 59107, 406–255–2935.

SUPPLEMENTARY INFORMATION: The U.S. Forest Service proposes that the existing withdrawals of public lands identified below be continued for a period of 20 years pursuant to section 204 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1714. The lands are described as follows:

Principal Meridian

Boulder Adminstrative Site

(MTM 013484—PLO 1110)

T. 6 N., R. 4 W.,
Sec. 29, lots 10, 16, 17, 19, 20, 21, and 22.

(MTM 41703—PLO 736)

T. 6 N., R. 4 W.,
Sec. 29, lots 2, 4, 5, and NE¼NW¼.

The areas described aggregate 194.29 acres in Jefferson County.

The withdrawals are essential for protection of the administrative sites involved. The withdrawals currently segregate the lands from operation of the public land laws generally, including the mining laws, but not the mineral leasing laws. No change in the segregative effect or use of the lands is proposed by this action.

For a period of 90 days from the date of publication of this notice, all persons who wish to submit comments in connection with the proposed withdrawal continuations may present their views in writing to the Montana State Director, at the address listed above.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. A report will also be prepared for consideration by the Secretary of the Interior, the President, and Congress, who will determine whether or not the withdrawals will be continued and, if so, for how long. The final determination on the continuation of the withdrawals will be published in the Federal Register. The existing withdrawals will continue until such final determination is made.

Dated: March 12, 1991.

John A. Kwiatkowski,

Deputy State Director, Division of Lands and Renewable Resources.

[FR Doc. 91–6644 Filed 3–20–91; 8:45 am]

BILLING CODE 4310–DN–M

Fish and Wildlife Service

Results From the First Meeting of Ad Hoc Group of Experts for the Protocol Concerning Specially Protected Areas and Wildlife in Wider Caribbean Region (SPAW Protocol)

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of results from International Meeting.

SUMMARY: The first meeting of the Ad Hoc Group of Experts of the SPAW Protocol, involving the Caribbean archipelago and surrounding mainland countries, was held in Martinique in November 1990 to recommend plants and animals to be listed on the initial Annexes to the SPAW Protocol. Lists of plants and animals to receive the most protection (Annex I and Annex II, respectively), and a list of plants and animals to receive some management and protection (Annex III), were recommended by consensus.

DATES: The Service will consider all information and comments received by April 15, 1991 about the species proposed for the initial Annexes, and the area within the continental United States covered by the SPAW Protocol.

ADDRESSES: Please send correspondence concerning this notice to the Chief, Office of Scientific Authority; Mail Stop: Room 725, Arlington Square Building; U.S. Fish and Wildlife Service; Washington, DC 20240. Fax number (703) 358–2202. Express and messenger-delivered mail should be addressed to the Office of Scientific Authority; Room 750, 4401 North Fairfax Drive; Arlington, Virginia 22203. Comments and other information received will be available for public inspection, by appointment, from 8 a.m. to 4 p.m., Monday through Friday, at the Arlington, Virginia, address.

SUPPLEMENTARY INFORMATION: The first meeting of the Ad Hoc Group of Experts for the Protocol Concerning Specially Protected Areas and Wildlife in the Wider Caribbean Region (SPAW Protocol or Protocol) was held in Martinique, November 5–6, 1990. The SPAW Protocol, when it enters into force, will be part of the Convention for the Protection and Development of the Marine Environment of the Wider Caribbean Region (Cartagena Convention or Convention). The SPAW Protocol is only one facet of the Convention, which also has a Protocol for combating oil spills in the wider Caribbean region.

Participants at the Martinique meeting included representatives from: Antigua and Barbuda, Aruba, Bahamas, Barbados, Cayman Islands, Commission of the European Communities, Costa Rica, Cuba, Dominican Republic, France, Honduras, Jamaica, Netherlands Antilles, Panama, Saint Lucia, Trinidad and Tobago, and the United States of America. Representatives of eight non-governmental organizations also attended as observers.

The U.S. delegation included representatives from the U.S. Department of State, National Oceanic and Atmospheric Administration, National Marine Fisheries Service, U.S. Fish and Wildlife Service, and the Department of Natural Resources, Puerto Rico. Copies of the official "Report of the Meeting" (including a complete list of the attendees) and the text of the Convention and SPAW Protocol can be obtained from the Office of Scientific Authority at the above address.

Convention Area

The Cartagena Convention was created under the Regional Seas Programme of the United Nations Environment Programme. The Convention is a regional agreement for the protection and development of the marine environment. The Convention area includes the marine environment of the Gulf of Mexico, the Caribbean Sea and the adjacent area of the Atlantic Ocean south of 30 degrees north latitude and north of the northern rim of South America, and within 200 nautical miles of the Atlantic Coasts of the signatory countries. The United States' responsibility within this Convention area includes: U.S. waters off of Puerto Rico, the Virgin Islands, and peninsular Florida, including the Atlantic coast; the waters off of and land area of a number of islands including coastal barrier islands and the Florida Keys; and the Gulf of Mexico waters under U.S. jurisdiction.

In addition, the SPAW Protocol authorizes each Convention Party to designate the related terrestrial areas (including watersheds) within their borders to be covered by the Protocol. The United States proposes to designate that terrestrial area to be as follows: (a) For animals: peninsular Florida south of 30 degrees north latitude; the terrestrial area of Puerto Rico and the Virgin Islands; and that land area seaward of the circumscribed landward boundary of the Estuarine Drainage Areas (EDAs) beginning at the west coast of Florida at 30 degrees north latitude and extending west along the Gulf Coast of north Florida, south Alabama, south Mississippi, south Louisiana and southeast Texas and thence south along the eastern Gulf Coast of Texas to the border with Mexico; and (b) for plants: lands under federal jurisdiction in the above described areas.

The EDA is a physical map unit developed by the National Oceanic and Atmospheric Administration (NOAA) of the U.S. Department of Commerce to depict that land and water component of an entire watershed that most directly affects an estuary. EDAs are drawn to coincide with U.S. Geological Survey hydrologic cataloging units that contain the heads of tide and seaward estuarine boundaries. Maps of the EDAs along the Gulf Coast of the United States can be obtained from NOAA at the following address: Strategic Assessment Branch, Ocean Assessments Division, Office of Oceanography and Marine Assessment, National Ocean Service, National Oceanic and Atmospheric Administration, 11400 Rockvile Pike, Rockville, Maryland 20852. Other Parties may define the terrestrial portion of the Protocol area within their borders in a different manner.

The Annexes and U.S. Obligations Under Each Annex

The SPAW Protocol provides for three annexes containing species that the Parties believe require international cooperation to provide adequate protection. Plant species requiring the most protection comprise Annex I, and animal species requiring the most protection comprise Annex II. Plants and animals requiring some management and less protection comprise Annex III. The Ad Hoc Group of experts met in November 1990 to recommend species to be included in the initial Annexes. Guidelines for developing Annexes are described by the Protocol and in the "Report of the Meeting" issued after the meeting by the Group of Experts.

The Annexes are to be formally adopted in late April 1991, at a conference of plenipotentiaries. Once the Protocol enters into force, species may be added to or deleted from the initial Annexes. The Protocol additionally states that "a Party may, in the exercise of its sovereignty or sovereign rights, enter a reservation to the listing of a particular species in an annex by notifying the Depositary (Colombia) in writing within 90 days of the vote of the Parties."

The United States intends to use existing legislation and treaties, such as the Endangered Species Act, the Marine Mammal Protection Act, the Lacey Act, and the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) to implement U.S. responsibilities mandated by SPAW for species in the initial annexes.

Annexes I and II are to include endangered and threatened species, subspecies, and their populations as well as rare species. The Protocol defines rare species as those "that are rare because they are usually localized within restricted geographical areas or habitats or are thinly scattered over a more extensive range and which are potentially or actually subject to decline and possible endangerment or extinction."

Specimens of species included in Annex I and II, as finally adopted by the plenipoteniary meeting, are to receive protection (within the described area of the Protocol) comparable to that for species listed as endangered or threatened under the U.S. Endangered Species Act. For example, for fauna listed in Annex II, Parties shall prohibit: (1) "the taking, possession, or killing (including, to the extent possible, the incidental taking, possession, or killing) or commercial trade in such species, their eggs, parts or products;" and (2) "to the extent possible, the disturbance of such species, particularly during periods of breeding, incubation, estivation, or migration, as well as other periods of biological stress."

In drawing up the recommended Annexes, the United States interpreted requirements and obligations of the Protocol as not to be applicable to exotic specimens (those found either in the wild or in captivity/cultivation outside of their historical range). The United States expects to control the importation of both exotic and native species on the initial lists. The United States intends that all restrictions, prohibitions, and requirements in the SPAW Protocol dealing with international trade will be implemented by the United States under the auspices and authority of CITES and stricter domestic measures when applicable.

Annex III may include species that are endangered or threatened, or species that have endangered or threatened populations, or species that are essential to the maintenance of fragile and vulnerable communities and require protection to ensure the survival and/or function of the community as a significant part of the ecosystem. Some regulated harvest may be permitted for species on Annex III. The negotiating history indicates that the protective provisions of this Annex are not intended to be more restrictive than the provisions included in Annexes I and II.

U.S. obligations for Annex III animal species include formulation, adoption, and implementation of sound management plans to ensure the protection and recovery of the species. Such management plans shall include: (1) "the prohibition of all non-selective means of capture, killing, hunting and fishing, and of all actions likely to cause local disappearance of a species or serious disturbance of its tranquility;" (2) "the institution of closed hunting or fishing seasons and of other measures for maintaining populations;" and (3) "the regulation of the taking, possession, transport or sale of living or dead species, their eggs parts or products." Current regulations and existing recovery plans for those species listed under the U.S. Endangered Species Act fulfill all SPAW requirements. The protection of plant species included on Annex III will also require the formulation, adoption and implementation of sound management plans in order "to regulate the collection, harvest and commercial trade in plants, their parts and products."

The Protocol states that "each Party may adopt exemptions to the prohibitions prescribed for the protection and recovery of the species listed in Annexes I and II for scientific, educational or management purposes necessary to ensure the survival of the species, or to prevent significant damage to forests or crops." The United States intends that only those exemptions allowed under the U.S. Endangered Species Act or CITES (as applicable for the species) shall be permitted for species included in the Annexes.

Summary of Recommended Annexes

Annex I contains a total of 57 plant species adopted by consensus. All plant species on this list are either: (1) listed under the U.S. Endangered Species Act; (2) endemic to Florida and protected under Florida law; (3) occur only on Federal land and are fully protected where they occur; (4) are not native to the United States, and are listed in CITES Appendices where commercial trade would be prohibited; or (5) are not native to, nor believed to be commercially imported into the United States.

Annex II includes all sea turtles and all marine mammals in the region. One hundred nine (109) other taxa are also listed in Annex II. Most of these animal species are either: (1) listed under the U.S. Endangered Species Act or the Marine Mammal Protection Act; (2) are not native to the United States and are listed in Appendix I of CITES; or (3) are offered complete protection by domestic legislation in all range States (whereby the Lacey Act, among other things, prohibits commercial trade in specimens taken, possessed, transported or sold in violation of foreign law), or (4) are endemic to foreign countries and are not commercially imported into the United States.

Annex III includes 40 species of plants and 30 species of animals in addition to species of corals, mangroves, and seagrasses that occur in the region. These latter groups were included not because they are necessarily endangered or threatened as species, but because they are essential structural or functional components of vulnerable communities that are threatened. The Ad Hoc Group further recommended that the listing of such species was an appropriate measure to ensure the protection and recovery of these specific ecosystems. Because these systems as a whole are subject to anthropogenic changes as well as large-scale natural disturbances (such as hurricanes, sea-level rise, or global warming), the Ad Hoc Group of Experts recommended that appropriate protection should be focused on the system as a whole rather than on individual specimens.

Composition of the Annexes

The plant and animal species proposed for each Annex are listed below.

ANNEX I OF SPAW PROTOCOL—FLORA

Family (common name of family) / Genus and species	Common name	ESA	Cities	Other	Foreign—no trade
AQUIFOLIACEAE (Holly family)					
Ilex cookii	(Cook holly)	E(#1)			
BIGNONIACEAE (Trumpet-creeper family)					
Crescentia mirabilis					X(#4)
Crescentia portoricensis	(higuêro de sierra)	E			
BORAGINACEAE (Borage family)					
Cordia wagnerorum	(Wagners manjack)			Fe(#3)	
BUXACEAE (Boxwood family)					
Buxus vahlii	(Vahl boxwood)	E			
CACTACEAE (Cactus family)					
Echinocereus reichenbachii var.albertii	(black-lace hedgehog cactus)	E	II(#2)		
(± =E. melanocentrus; E. r. var. fitchii p.p.)					
Harrisia fragrans	(Indian River prickly-apple)	E	II		
(= Cereus eriophorus var. fragrans)					
Harrisia portoricensis	(higo chumbo)	T	II		
(= Cereus portoricensis)					
Leptocereus grantianus	(disarmed thinrib cereus)		II	Fe	
Leptocereus wrightii			II		
Melocactus guitartii			II		
Melocactus harlowii s.l.			II		
(= M. acunae, M. borhidii, M. evae, M. nagyi, M. radoczii)					
Pilosocereus deeringii	(Deering woollytuft tree-cactus)	E	II		
(= Cephalocereus deeringii; Cereus robinii var. deeringii; Pilocereus deeringii)					
Pilosocereus robinii	(branchy woollytuft tree-cactus)	E	II		

ANNEX I OF SPAW PROTOCOL—FLORA—Continued

Family (common name of family) / Genus and species	Common name	ESA	Cites	Other	Foreign—no trade
(= Cephalocereus keyensis, C. robinii; Cereus keyensis, C. robinii var. robinii; C. robinii var. keyensis; Pilocereus keyensis, P. robinii; Philosocereus keyensis)					
CONVOLVULACEAE (Morning-glory family)					
Bonamia grandiflora	(Florida bonamia)	T			
Ipomoea flavopurpurea					X
Ipomoea walpersiana					X
CYATHEACEAE (Tree-fern family)					
Cyathea dryopteroides	(elfin bristlyscale tree-fern)	E	II		
[= Alsophila amintae, A. dryopteroides (Maxon) Tryon; not A. d. Brause or A. d. Domin]					
CYPERACEAE (Sedge family)					
Rhynchospora bucherorum					X
DIOSCOREACEAE (Yam family)					
Rajania theresensis					X
ERICACEAE (Heath family)					
Rhododendron chapmanii	(Chapman rhododendron)	E			
EUPHORBIACEAE (Rubber-tree family)					
Andrachne brittonii					X
Bernardia venosa					X
Cnidoscolus fragans					X
Drypetes triplinervia					X
FLACOURTIACEAE (Chaulmoogra-oil family)					
Banara vanderbiltii	(calantano palo de ramón)	E			
Samyda microphylla					X
HYDROPHYLLACEAE (Waterleaf family)					
Hydrolea torrosi					X
ICACINACEAE (Icacina family)					
Ottoschulzia rhodoxylon	(palo de rosa)	E			
LEGUMINOSAE (FABACEAE) (Pea family) Caesalpinioideae (Shower-tree subfamily)					
Stahlia monosperma	(cóbana negra)	T			
Mimosoideae (Mimosa subfamily)					
Acacia cupeyensis					X
Acacia roigii					X
LILIACEAE (Lily family)					
Harperocallis flava	(Harper beauty)	E			
LORANTHACEAE (Showy-mistletoe family)					
Dendropemon acutifolius					X
MALVACEAE (Cotton family)					
Abutilon virginianum	(chancy abutilon)				X(#5)
(= Sida eggersii)					
MELIACEAE (Mahogany family)					
Trichilia triacantha	(maricao de Guánica)	E			
OLACACEAE (Olax family)					
Ximenia roigii					X
ORCHIDACEAE (Orchid family)					
Brachionidium ciliolatum			II	Fe	
Cranichis ricartii		pE	II		
Lepanthes eltoroensis		pE	II	Fe	
Oncidium jacquinianum			II		
[= O. altissimum misapplied, not 0. altissimum (Jacquin) Swartz]					
PALMAE (ARECACEAE) (Palm family)					
Calyptronoma rivalis	(manaca de Puerto Rico)	T			
PIPERACEAE (Pepper family)					
Peperomia wheeleri	(Wheeler peperomia)	E			
RHAMNACEAE (Buckthorn family)					
Doerpfeldia cubensis					X
RUBIACEAE (Coffee family)					
Catesbaea macracantha					X
Phyllacanthus griesbachianus					X
Rondeletia apiculata					X
Rondeletia rugelii					X
RUTACEAE (Citrus family)					
Zanthoxylum thomasianum	(St. Thomas prickly-ash)	E			
(= Fagara thomasiana)					
SOLANACEAE (Tomato family)					
Goetzea elegans	(mata buey)	E			
THEACEAE (Tea family)					
Ternstroemia luquillensis	(Luquillo palo colorado)			Fe	
THEOPHRASTACEAE (Jacquinia family)					
Jacquinia curtissii					X
THYMELAEACEAE (Mezereum family)					
Daphnopsis helleriana	(majagua de Heller)	E			
VERBENACEAE (Teak family)					
Cornutia obovata	(palo de nigua)	E			
Duranta parviflora					X

ANNEX I OF SPAW PROTOCOL—FLORA—Continued

Family (common name of family)		ESA	Cities	Other	Foreign—no trade
Genus and species	Common name				
Nashia myrtifolia					X

(#1) E = endangered and T = threatened as listed under the U.S. Endangered Species Act (ESA). The letter "p" indicates a species that has been proposed for listing under ESA.
(#2) II = The taxon is included in CITES Appendix II; none of the taxa are in Appendix I or Appendix III.
(#3) Fe = Known populations in the United States are restricted to federal lands, and there is no known or expected trade with the United States from populations (if any) that occur outside the United States.
(#4) X = Species or other taxon only occurs outside of the United States, and there is no known or expected commercial trade with the United States.
(#5) Believed extirpated (extinct) in Puerto Rico; occurs in British Virgin Islands, and there is no known or expected commercial trade in the species with the United States.

ANNEX II OF SPAW PROTOCOL—FAUNA

Family/Genus	Species	ESA	MMA	Cites	Other	Foreign—no trade
**Class: Gastropoda						
*Order: Pulmonata						
Bulimulidae/Orthalicus	*reses reses* (Stock island snail)	T(#1)				
**Class: Osteichthyes						
*Order: Perciformes						
Percidae/*Etheostoma*	*Okaloosae* (Okaloosa darter)	E				
Percidae/*Etheostoma*	*rubrum* (Bayou darter)	T				
**Class: Amphibia						
*Order: Anura						
Bufonidae/*Bufo*	*houstonensis* (Houston Toad)	E				
Bufonidae/Peltophryne	*lemur* (Puerto Rican crested Toad)	T				
Hylidae/*Amphodus*	(=Phyllodytes) *auratus* (Golden tree frog).				TT-1(#4)	x(#5)
Leptodactylidae/*Eleutherodactylus*	*hartagnei*					x
Leptodactylidae/*Eleutherodactylus*	*jasperi* (Golden Coqui)	T				x
Leptodactylidae/*Eleutherodactylus*	*johnstonei*					x
Leptodactylidae/*Eleutherodactylus*	*martinicensis*					x
Leptodactylidae/*Eleutherodactylus*	pinchoni					x
Leptodactylidae/*Sminthilus*	*limbatus*					x
*Order: Caudata						
Plethodontidae/*Phaeognathus hubrichti* (Red Hills salamander).		T				
**Class: Reptilia						
*Order: Crocodilia						
Alligatoridae/Melanosuchus	*niger* (Black Caiman)	E		I(#3)	FR-1, CO-1	
Crocodilidae/*Crocodylus*	*acutus* (American crocodile)	E		I	BE-1, CO-1, CR-1, PA-1, VE-1	
Crocodilidae/*Crocodylus*	*intermedius* (Orinoco crocodile)	E		I	CO-1, VE-1	
Crocodilidae/*Crocodylus*	*moreletii* (Morelet's crocodile)	E		I	BE-1, GU-2	
*Order: Squamata						
Boidae/*Epicrates*	*inornatus* (Puerto Rican Boa)	E		I		
Boidae/*Epicrates*	*monensis granti* (Virgin Islands tree boa).	E		I		
Boidae/*Epicrates*	*monensis monensis* (Mona boa)	T		I		
Colubridae/*Nerodia*	*fasciata taeniata* (Atlantic salt marsh snake).	T				
Gekkonidae/*Sphaerodactylus*	*micropithecus* (Monito gecko)	E				
Iguanidae/Anolis	roosevelti (Culebra island giant anole)	E				
Iguanidae/*Cyclura*	*carinata carinata* (Turks and Caicos Iguana).	T		I		
Iguanidae/*Cyclura*	*collei* (Jamican Iguana)	E		I		
Iguanidae/*Cyclura*	*cychlua cychlua* (Andros Island ground Iguana).	T	I			
Iguanidae/*Cyclura*	*nubila nubila* (Cuban ground Iguana)	T		I		
Iguanidae/*Cyclura*	*pinguis* (Anegada ground Iguana)	E		I		
Iguanidae/*Cyclura*	*ricordi* (Hispaniolan ground Iguana)			I	DR-1	
Iguanidae/*Cyclura*	*rileyi rileyi* (Watling Island ground Iguana).	E		I		
Iguanidae/*Cyclura*	*Stejnegeri* (Mona ground Iguana)	T		I		
Scincidae/*Eumeces*	*egregius lividus* (Blue-tailed mole skink)	T				
Scincidae/*Neoseps*	*reynoldsi* (Sand skink)	T				
Teiidae/*Ameiva*	*polops* (St. Croix ground lizard)	E				
Typhlopidae/*Typhlops*	*guadeloupensis* Guadeloupe blind snake.					
*Order: Testudines						
Cheloniidae/Caretta	*caretta* (Loggerhead sea turtle)	T		I	PA-2, VE-1, TT-1	

ANNEX II OF SPAW PROTOCOL—FAUNA—Continued

Family/Genus	Species	ESA	MMA	Cites	Other	Foreign—no trade
Cheloniidae/*Chelonia*	*mydas* (Green sea turtle)	T		I	PA-2, VE-1, TT-1	
Cheloniidae/*Eretmochelys*	*imbricata* (Hawksbill sea turtle)	E		I	CO-1, PA-2, VE-1	
Cheloniidae/*Lepidochelys*	*kempii* (Kemp's ridley sea turtle)	E		I		
Cheloniidae/*Lepidochelys*	*olivacea* (Olive ridley sea turtle)	T		I	PA-2, VE-1	
Dermochelyidae/*Dermochelys*	*coriacea* (Leatherback sea turtle)	E		I	FR-1, PA-2, VE-1, TT-1	
Emydidae/*Graptemys*	*oculifera* (Ringed sawback turtle)	T				
Emydidae/*Pseudemys*	*alabamensis* (Alabama red-bellied turtle).	E				
Testudinidae/*Gopherus*	*polyphemus* (Gopher tortoise)	T		II		
**Class: Aves						
*Order: Procellariiformes						
Hydrobatidae/*Hydrobates*	*pelagicus* (British Storm Petrel)				TT-1	Outside U.S./No trade
Procellariidae/*Puffinus*	*lherminieri* (Audubon's Shearwater)				DR-1, TT-1	outside U.S./No trade
*Order Pelecaniformes						
Pelecanidae/*Pelecanus*	*occidentalis* (Brown pelican)	E			FR-1, HO-1, BE-1, CO-1, CR-1, BA-1, DR-1, TT-1	
*Order: Ciconiiformes						
Ciconiidae/*Jabiru*	*mycteria* (Jabiru)			I	FR-1, HO-1, BE-1, CO-1, CR-1, GY-1	
Ciconiidae/*Mycteria*	*americana* (Wood stork)	E			FR-1, HO-1, CO-1, DR-1	
*Order: Falconiformes						
Accipitridae/*Chondrohierax*	*uncinatus* (Hook-billed kite)	E		II	FR-1, BE-1, CO-1, CR-1, DR-1, TT-1	
Accipitridae/*Haliaeetus*	*leucocephalus* (Bald eagle)	E		I		
Accipitridae/*Harpia*	*harpyja* (Harpy eagle)	E		I	FR-1, HO-1, BE-1, CO-1, PA-1, CR-1	
Accipitridae/*Rostrhamus*	sociabilis plumbeus (Everglade snail kite).	E		II		FR-1
Falconidae/*Falco*	*femoralis septentrionalis* (Northern apiomado falcon).	E		II		
Falconidae/*Falco*	*peregrinus* (Peregrine falcon)	E		I	FR-1, HO-1, BE-1, CR-1, GY-1, PA-1, DR-1	
Falconidae/*Polyborus*	*plancus* (Crested Caracara)	T		II	FR-1, BE-1, CR-1, GY-1	
*Order; Galliformes						
Cracidae/*Aburria* (=*Pipile*)	*pipile pipile* (Trinidad white-headed Curassow).	E		I	FR-1, TT-1	
Phasianidae/*Tympanuchus*	*cupido attwateri* (Attwater's greater prairie-chicken).	E		I		
*Order: Gruiformes						
Gruidae/*Grus*	*americana* (whooping crane)	E		I		
Gruidae/*Grus*	*canadensis nesiotes* (Cuba sandhill crane).	E		I		
Gruidae/*Grus*	*canadensis pulla* (Mississippi sandhill crane).	E		I		
*Order: Charadriiformes						
Charadriidae/*Charadrius*	*melodus* (Piping plover)	E			DR-1	

ANNEX II OF SPAW PROTOCOL—FAUNA—Continued

Family/Genus	Species	ESA	MMA	Cites	Other	Foreign—no trade
Laridae/*Sterna*	*albifrons* (=*antillarum*) *antillarum* (Least tern).	E			FR–1, BE–1, CO–1, GY–1, DR–1	
Laridae/*Sterna*	*dougalli dougalli* (Roseate tern)	E				
Scolopacidae/*Numenius*	*borealis* (Eskimo curlew)	E		I	BE–1, CO–1, GY–1	
*Order: Columbiformes						
Columbidae/*Columba*	*inornata wetmorei* (Puerto Rican plain pigeon).	E				
*Order: Psittaciformes						
Psittacidae/*Amazona*	*arausiaca* (*Red-necked parrot*)	E		I		
Psittacidae/*Amazona*	*barbadensis* (yellow-shouldered parrot)			I		
Psittacidae/*Amazona*	*guildingii* (St. Vincent parrot)	E	I			
Psittacidae/*Amazona*	*imperialis* (Imperial parrot)	E	I			
Psittacidae/*Amazona*	*leucocephala* (Bahaman or Cuban parrot).	E		I		
Psittacidae/*Amazona*	*versicolor* (St. Lucia parrot)	E		I		
Psittacidae/*Amazona*	*vittata* (Puerto Rican parrot)	E		I		
Psittacidae/*Ara*	*macao* (Scarlet macaw)			I	FR–1, HO–1, CO–1, CR–1, PA–1	
*Order: Caprimulgiformes						
Caprimulgidae/*Caprimulgus*	*noctitherus* (Puerto Rican nightjar)	E				
*Order: Piciformes						
Picidae/*Picoides*	*borealis* (Red-cockaded woodpecker)	E				
*Order Passeriformes						
Corvidae/*Aphelocoma*	coerulescens coerulescens (Florida scrub jay).	T				
Corvidae/*Corvus*	*leucognaphalus* (white-necked crow)	E			DR–1	
Emberzidae/*Carduelis*	*cucullata* (Red siskin)	E			FR–1, GY–1, TT–1	
Emberezidae/*Vermivora*	*bachmanii* (Bachman's warbler)	E				
Emberizidae/*Ammodramus*	maritimus mirabilis (Cape Sable seaside sparrow).	E				
Emberizidae/*Ammodramus*	*savannarum floridanus* (*Florida grasshopper sparrow).	E				
Emberizidae/*Ammodramus*	*savannarum floridanus* (Florida grasshopper sparrow).	E				
Emberizidae/*Dendroica*	*kirtlandii* (Kirtland's warbler)	E				
Mimidae/*Cinclocerthia*/	*ruficaudagutturalis* (Martinique trembler)	E			FR–1	
Mimidae/*Ramphocinclus*	*brachyurus* (white-breasted thrasher)	E			FR–1	
**Class: Mammalia						
*Order: Carnivora						
Canidae/*Speothos*	*Venaticus* (*Bush dog*)			I	FR–1, CO–1, VE–1, PA–1	
Felidae/*Felis*	*pardalis* (Ocelot)	E		I	FR–1, HO–1, BE–1, CO–1, CR–1, GU–2, PA–1, VE–1	
Felidae/*Felis*	*tigrina* (Tiger cat)	E		I	FR–1, CO–1, CR–1, VE–1	
Felidae/*Felis*	*wiedii* (Margay)	E(outside of U.S.)	I		FR–1, HO–1, BE–1, CO–1, CR–1, GU–2, PA–1, Ve–1	
Felidae/*Felis*	*yaqouaroundi* (jaguarundi)	E	I	FR–1, HO–1, BE–1, CO–1, CR–1, PA–1		
Mustelidae/*Pteronura*	*brasiliensis* (Giant otter)	E		I	FR–1, CO–1, VE–1	
Ursidae/*Tremarctos*	*ornatus* (spectacled bear)			I	CO–1, VE–1	
Phoecidae	All species (seals)	M(#2)				

ANNEX II OF SPAW PROTOCOL—FAUNA—Continued

Family/Genus	Species	ESA	MMA	Cites	Other	Foreign—no trade
*Order: Cetacea	All species, (whales, dolphins, porpoises).	M				
*Order: Chiroptera						
Molossidae/*Tadarida*	brasiliensis (Brazilian free-tailed bat)				FR-2, DR-1	
Mormoopidae/*Pteronotus*	*davyi*(Davy's naked-backed bat)				FR-2	x
Phyllostomatidae/*Ardops*	*nicolisi* (Domican tree bat)				FR-2	x
Phyllostomatidae/*Brachyphylla*	*cavernarum* (St. Vincent fruit-eating bat).				FR-2	
Phyllostomatidae/*Chiroderma*	improvisum (Guadeloupe white-lined bat).				FR-2	x
Verspertillionidae/*Eptesicus*	*guadeloupensis* (Guadeloupe brown bat).				FR-2	x
*Order: Edentata						
Dasypodidae/*Priodontes*	*maximus*(=giganteus) (giant armadillo)	E		I	FR-1, Co-1, VE-1	
*Order: Lagomorpha						
Leporidae/*Sylvilagus*	*palustris hefneri* (Lower keys Marsh rabbit).	E				
*Order: Marsupialia						
Didelphidae/*Chironectes*	*minimus* (water opposum)				FR-1, HO-1, TT-1	x
*Order: Primates						
Cebidae/*Alouatta*	*palliata* (howler monkey)	E		I	CR-1, GU-2, PA-1	
*Order: Rodentia						
Capromyidae/*Capromys*	(=Mesocapromys) *angulatbreral* (Cabrera's Hutia).	E				x
Capromyidae/*Capromys*	(=Mesocapromys) *auritus* (Large-eared Hutia).	E				x
Capromyidae/*Capromys*	(=Mesocapromys) *garrido* (Garrido's Hutia).					x
Capromyidae/*Capromys*	(=Mesocapromys) *nanus* (dwarf Hutia)	E				x
Capromyidae/*Capromys*	(=Mesocapromys) *sanfelipensis* (Little earth Hutia).					x
Dasyproctidae/*Dasyprocta*	*guamara* (Guamaran Agouti)					x
Muridae/*Neotoma*	*floridana smalli* (Key Largo Woodrat)	E				
Muridae/*Peromyscus*	*gossypinus allapaticola* (Key Largo cotton mouse).	E				
Muridae/*Peromyscus*	*polionotus allophrys* (Choctawhatchee beach mouse).	E				
Muridae/*Peromyscus*	*polionotus ammobates* (Alabama beach mouse).	E				
Muridae/*Peromyscus*	*polionotus niveiventris* (Southeastern beach mouse).	T				
Muridae/*Peromyscus*	*polionotus phasma* (Anastasia island beach mouse).	E				
Muridae/*Peromyscus*	*polionotus trissyllepsis* (Perdido Key beach mouse).	E				
*Order: Sirenia						
All species	(manatees and dugongs)		M			

(#1) E=endangered and T=threatened as listed under the U.S. Endangered Species Act (ESA). The letter "p" indicates a species that has been proposed for listing under ESA.
(#2) M=Species or taxon protected by Marine Mammal Protection Act.
(#3) I, II, or III indicates that the taxon is included in CITES Appendix I, II, and III, respectively.
(#4) Species occurs outside the United States and is protected by foreign law in the countries indicated (BA=Bahamas, BD=Barbados, BE=Belize, CO=Colombia, CR=Costa Rico, DR=Dominican Republic, FR=France (includes French Guiana, Guadeloupe and Martinique), GU=Guatemala, GY=Guyana, HO=Honduras, JA=Jamaica, NI=Nicaragua, PA=Panama, TT=Trinidad and Tobago, VE=Venezuela). A number 1 by a listed country (e.g. FR-1) indicates that a species or higher taxon is protected. A number 2 (e.g. FR-2) indicates that the export of species or higher taxon is prohibited.
(#5) X=Occurs outside of the United States and there is no known or expected trade with the United States.

ANNEX III OF SPAW PROTOCOL—FAUNA AND FLORA

Family/Genus	Species	ESA	Cites	Other	Foreign—no trade
* * Class: Alcyonaria					
* Order: Gorgonacea	All species				
* * Class: Anthozoa					
* Order: Antipatharia	All species		II(#2)		
* Order: Athecata					
Stylasteridae	All species		II		
* * Class: Hydrozoa					
* Order: Milleporina					
Milleporidae	All species		II		

ANNEX III OF SPAW PROTOCOL—FAUNA AND FLORA—Continued

Family/Genus	Species	ESA	Cites	Other	Forsign—no trade
* Order: Scleractinia					
	All species		II		
* * Class: Pelecypoda					
* Order: Eulamellibranchia					
Margaritiferidae/*Margaritifera*	*hembeli* (Louisiana Pearlshell)	E(#1)			
* * Class: Moliusca					
* Order: Mesogastropoda					
Strombidae/*Strombus*	*gigas* (Queen conch)			BD-1 (immature only) (#4)	
* * Class: Reptilia					
* Order: Crocodilia					
Crocodilidae/*Crocodylus*	*rhombifer* (Cuban crocodile)	E	I		
* Order: Squamata					
Boidae/*Boa*	*constrictor* (Boa constrictor)		II	FR-1, CO-1, CR-1, PA-1	
Iguanidae/*Iguana*	*delicatissima* (West Indian Iguana)		II		
Iguanidae/*Iguana*	*iguana* (Common Iguana)		II	CR-1, PA-1	
Teiidae/*Tupinambis*	*nigropunctatus* (Tegu)		II		
* Order: Testudines					
Kinosternidae/*Kinosternon*	*scorpioides* (Scorpion mud turtle)			FR-2	x (#6)
Pelomedusidae/*Podocnemis*	*cayennensis* (turtle)		II	FR-2	x
Pelomedusidae/*Podocnemis*	*vogli* (turtle)		II	FR-2	x
* * Class: Aves					
* Order: Ciconiiformes					
Threskiornithidae/*Eudocimus*	*ruber* (Scarlet ibis)		II	FR-1, CO-1	
* Order: Anseriformes					
Anatidae/*Cairina*	*moschata* (Muscovy duck)		III-HO	FR-1, HO-2, BE-1, CO-1, CR-1, PA-1	
Anatidae/*Dendrocygna*	*arborea* (West Indian tree duck)		II	BA-1	
Anatidae/*Dendrocygna*	*bicolor* (Fulvous tree duck)		III-HO	CO-1, CR-1, BA-1	
* Order: Falconiformes					
Cathartidae/*Sarcoramphus*	*papa* (King vulture)		III-HO	FR-1, HO-2, BE-1, CO-1, CR-1, GY-1	
* Order: Phoenicipteriformes					
Phoenicopteridae/*Phoenicopterus*	*ruber* (Greater or Roseate Flamingo)		II	FR-1, BE-1, CO-1, GY-1, BA-1, JA-1	
* Order: Psittaciformes					
Psittacidae/*Amazona*	*ochrocephala* (Yellow-crowned Amzon)		II	BE-1, CO-1, CR-1, PA-1	
Psittacidae/*Ara*	*ararauna* (Blue and yellow macaw)		II	FR-1, BE-1, CO-1, PA-1	
Psittacidae/*Ara*	*chloroptera* (Green-winged macaw)		II	FR-1, BE-1, CO-1, PA-1	
Psittacidae/*Ara*	*manilata* (Red-bellied macaw)		II	CO-1	
* Order: Passeriformes					
Cotingidae/*Rupicola*	*rupicola* (Guianam Cock of the Rock)		II	FR-1, CO-1, GY-1	
Emberizidae/*Agelaius*	*xanthomus* (Yellow-shouldered blackbird)	E			
* * Class: Mammalia					
* Order: Carnivora					
Mustelidae/*Eira*	barbara (Tayra)		III-HO	FR-1, HO-2, CO-1	
Mustelidae/*Galictis*	*vittata* (South American grison)		III-CR	FR-1, BE-1, CO-1, CR-1	

ANNEX III OF SPAW PROTOCOL—FAUNA AND FLORA—Continued

Family/Genus	Species	ESA	Cites	Other	Foreign—no trade
Mustelidae/*Lutra*	*Longicaudus* (-enudris) (South American river otter).	E	I	FR-1, HO-2, CO-1, GU-2, NI-2, PA-1, VE-1	
* Order: Chiroptera					
Phyllostomidae/*Vampyrum*	*spectrum* (False vampire bat)			FR-2	
* Order: Edentata					
Myrmecophagidae/*Myrmecophaga*	*tridactyla* (Giant anteater)		II	FR-1, HO-2, BE-1, CR-1, GU-2, PA-1	
Myrmecophagidae/*Tamandua*	*tetradactyla* (Southern tamandua)		II, IIIGU	FR-1, GU-2, PA-1	
* Order: Primates					
Cebidae/*Alouatta*	*seniculus* (Red howler)		II	FR-2	
Cebidae/*Cebus*	*albifrons* (Capuchin)		II	FR-2	
AGAVACEAE (Agave Family)					
Nolina brittoniana	(Britton bear-grass)			FL-E(#5)	
ASCLEPIADANEAE (Milkweed family)					
Asclepias viridula	(Chapman milkweed)			FL-T	
CACTACEAE (Cactus family)					
Melocactus intortus (-M. communis)	(Turk's-cap cactus; erizo)		II(#8)		
Opuntia macracantha (-Consolea macracantha)			II(6)		
COMBRETACEAE (Indian-almond family)					
Conocarpus erectus	(buttonwood mangrove)			(#3)	
Laguncularia racemosa	(white mangrove)			(3)	
COMPOSITAE (ASTERACEAE) (Sunflower family)					
Verbesina chapmanii	(Chapman crownbeard)			FL-T	
CYMODOCEACEAE (Manatee-grass family)					
Halodule wrightii (-H. beaudettei; H. bermudensis; H. ciliata)	(shoal-grass)			(3)	
Syringodium filiforme (-Cymodocea filiformis; C. manatorum)	(manatee-grass)			(3)	
EUPHORBIACEAE (Rubber-tree family)					
Chamaesyce deltoidea ssp. serpyllum	(Big Pine Key wedge skewleaf spruge)			FL-E	
Euphorbia telephioides	(Telephus spurge)	pT		FL-E	
GRAMINEAE (POACEAE) (Grass family)					
Schizachyrium niveum				pFL-E	
HYDROCHARITACEAE (Tape-grass family)					
Halophila baillonis (-H. aschersonii)				(3)	
Halophila decipiens (-H. baillonis misapplied)				(3)	
Halophila engelmannii				(3)	
Thalassia testudinum	(Caribbean turtual-grass)			(3)	
IRIDACEAE (Iris family)					
Salpingostylis coelestina (-Sphenostigma coelestinum)	(Bartram ixia)			FL-E	
LABIATAE (LAMIACEAE) (Mint family)					
Conradina glabra	(Apalachicola mock rosemary)			FL-T	
Hedeoma graveolens	(Flowerspike mock pennyroyal)			FL-E	
Macbridea alba	(white birds-in-a-nest)	pT		FL-E	
Scutellaria floridana	Florida skullcap)	pT		FL-E	
LEGUMINOSAE (FABACEAE) (Pea family)					
Caesalpinioideae (Shower-tree subfamily) Chamaecrista lineata var. keyensis. [-Cassia keyensis]	(Florida Keys partridge-pea)		FL-T		
Faboideae (-Papilionoideae) (Pea family)					
Clitoria fragrans	(Scrub pigeonwings)			FL-T	
Vicia ocalesis	(Ocala vetch)			FL-E	
LENTIBULARIACEAE (Bladderwort family)					
Pinguicula ionantha	(Godfrey violet butterwort			FL-E	
LYTHRACEAE (Loosestrife family)					
Cuphea aspera	(Flatwoods cuphea)			pFL-E	
NYCTAGINACEAE (Four-o'clock family)					
Caribea littoralis					
ORCHIDACEAE (Orchid family)					
Elleanthus dussii			II(6)		
Epidendrum mutelianum			II(6)		X
PALMAE (ARECACEAE) (Palm family)					
Roystonea elata	(Florida royal palm)			FL-E	
Roystonea oleracea	(Palmista)				X
Sysgrus amara	(Moca palm)				X

ANNEX III OF SPAW PROTOCOL—FAUNA AND FLORA—Continued

Family/Genus	Species	ESA	Cites	Other	Foreign—no trade
[-Rhyticocos amara]					
POLYGALACEAE (Milkwort family)					
Polygala lewtonii	Lewton milkwort)			FL-E	
POLYGONACEAE (Buckwheat family)					
Eriogonum longifolium var. gnaphalifolium (-E. floridanum)	(Scrub wild buckwheat)			FL-T	
RHIZOPHORACEAE (RED-mangrove family)					
Rhizophora mangle	(red mangrove)			(3)	
RUPPIACEAE (Ditch-grass family)					
Ruppia maritima	(Widgeon-grass, ditch-grass)			(3)	
TAXACEAE (Yew family)					
Taxus floridana	(Florida yew)		E		
VERBENACEAE (Teak family)					
Avicennia germinans [-A. nitida]	(black mangrove)			(3)	
Verbena tampensis	(Tampa vervain)			FL-E	
ZYGOPHYLLACEAE (Lignum-Vitae family)					
Guaiacum officinale	(Guayacán; Common lignum vitae)				X

(#1) E-endangered and T-threatened as listed under the U.S. Endangered Species Act (ESA). The letter "p" indicates a species that has been proposed for listing under ESA.

(#2) I, II or III indicates that the taxon is included in CITES Appendix I, II, or III, respectively.

(#3) Species occurs in the United States; the plant communities are protected under laws regulating destruction of wetlands and there is no known or expected commercial trade in the species.

(#4) Species occurs outside the United States and is protected by foreign law in the countries indicated (BA-Bahamas, BD-Barbados, BE-Belize, CO-Colombia, CR-Costa Rico, DR-Dominican Republic, FR-France (includes French Guiana, Guadeloupe and Martinique), GU-Guatemala, GY-Guyana, HO-Honduras, JA-Jamaica, NI-Nicaragua, PA-Panama, TT-Trinidad and Tobago, VE-Venezuela). A number 1 by a listed country (e.g. FR-1) indicates that a species or higher taxon is protected. A number 2 (e.g. FR-2) indicates that the export of species or higher taxon is prohibited.

(#5) FL-The species is endemic to Florida and is protected by Florida State law; FL-E and FL-T indicate that the species is listed as endangered or threatened, respectively. The letter "p" indicates a species that has been proposed for listing under Florida State law.

(#6) X-Occurs outside of the United States, and there is no known or expected trade with the United States.

Future Meetings

A conference of plenipoteniaries is to meet April 29–30, 1991, in Kingston, Jamaica, to, among other things, adopt the initial Annexes to the SPAW Protocol. Any country at the plenipotentiary meeting of the Parties may propose to remove species from the recommended lists for the initial Annexes or to move them from one Annex to another. The United States may seek to modify the composition of the Annexes if species are found that cannot be adequately protected by existing legislation. The Protocol will then be ready for ratification by the Convention Party nations. The President will submit the entire SPAW Protocol with the Annexes adopted at the plenipotentiary meeting to the U.S. Senate for ratification. The Protocol will enter into force 30 days after its ratification by the ninth party nation.

Comments Solicited

The Service solicits information and comments about: (1) present populations and trends for species on Annexes I, II, and III; (2) the extent or potential for trade in any non-native species listed in Annexes I, II, and III; (3) the availability of the foreign laws to provide protection appropriate to the recommended Annexes for those species endemic to foreign countries; and (4) the suitability of using Estuarine Drainage Areas (EDAs) to define the terrestrial area within the continental United States to be included under the Protocol.

This document was prepared by Drs. Henry L. Short, Bruce MacBryde, and Charles W. Dane, Office of Scientific Authority, U.S. Fish and Wildlife Service.

Dated: March 15, 1991.

Bruce Blanchard,

Acting Director, Fish and Wildlife Service.

[FR Doc. 91–6633 Filed 3–20–91; 8:45 am]

BILLING CODE 4310–55–M

INTERSTATE COMMERCE COMMISSION

[Finance Docket No. 31848]

SPCSL Corp.—Trackage Rights Exemption—CSX Transportation, Inc., and the Baltimore and Ohio Chicago Terminal Railroad Co.

CSX Transportation, Inc. (CSXT), and The Baltimore and Ohio Chicago Terminal Railroad Company (BOCT) have agreed to grant overhead trackage rights to SPCSL Corp. (SPCSL) over CSXT and BOCT lines so that SPCSL may access the Bedford Park and Forest Hill intermodal facilities operated by CSX/Sea Land Intermodal, Inc., in Chicago, IL.

SPCSL serves Chicago via trackage rights granted by Burlington Northern Railroad Company (BN). The trackage rights granted here are as follows: (1) Between the point where BN connects with BOCT at BOCT's Blue Island Subdivision (BIS) milepost 28.8 (at 22nd Street) and the connection point of BOCT with Belt Railway of Chicago at BIS milepost 22.5 (at 75th Street), over BIS main track a distance of 6.3 miles (accessing Bedford Park); and (2) between a point near BIS milepost 22.4 (between 76th and 79th Streets), over CSXT lines within Forest Hill, and then over BOCT lines a distance of 8,000 feet south of the south switch at Forest Hill as required for headroom, a total distance (including main and switch track) of 7.5 miles (accessing Forest Hill). The trackage rights were to become effective on March 8, 1991.

This notice is filed under 49 CFR 1180.2(d)(7). Petitions to revoke the exemption under 49 U.S.C. 10505(d) may be filed at any time. The filing of a petition to revoke will not stay the transaction. Pleadings must be filed with the Commission and served on: Gary A. Laakso, Southern Pacific Building, One Market Plaza, room 846, San Francisco, CA 94105.

As a condition to the use of this exemption, any employees affected by the trackage rights will be protected pursuant to *Norfolk and Western Ry. Co.—Trackage Rights—BN*, 354 ICC 605 (1978), as modified in *Mendocino Coast Ry., Inc.—Lease and Operate*, 360 ICC 653 (1980).

Dated: March 8, 1991.

By the Commission, David M. Konschnik, Director, Office of Proceedings.

Sidney L. Strickland, Jr.,

Secretary

[FR Doc. 91-6471 Filed 3-20-91; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. 89-67]

Sol T. DeLee, M.D.; Revocation of Registration

On November 9, 1989, the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration (DEA) issued an Order to Show Cause to Sol T. DeLee, M.D. (Respondent) of 2545 S. Bruce, suite 1, Las Vegas, Nevada 89109, proposing to revoke his DEA Certificate of Registration, AD0249551, and to deny any pending applications for registration as a practitioner under 21 U.S.C. 823(f). The Order to Show Cause alleged that the continued registration of Respondent would be inconsistent with the public interest as that term is used in 21 U.S.C. 823(f) and 824(a)(4).

By letter dated December 7, 1989, Respondent requested a hearing on the issues raised by the Order to Show Cause. The matter was placed on the docket of Administrative Law Judge Mary Ellen Bittner. The hearing was held in Las Vegas, Nevada on July 11, 1990.

On December 3, 1990, the administrative law judge issued her opinion and recommended ruling, findings of fact, conclusions of law and decision. No exceptions were filed and on January 10, 1991, the administrative law judge transmitted the record to the Administrator. The Administrator has considered the record in its entirety and, pursuant to 21 CFR 1316.67, hereby issues his final order in this matter based upon findings of fact and conclusions of law as hereinafter set forth.

The administrative law judge found that the Nevada Division of Investigation began an investigation of Respondent as a result of finding prescription vials bearing Respondent's name as the prescribing physician in the home of a suspect in another investigation. Specifically, during a visit to the home of one Pamela Fowler, Investigators observed twenty-seven prescription bottles bearing labels indicating that they had contained controlled substances and showing the name of Respondent as the prescribing physician, but in the names of twenty-two different patients.

Pamela Fowler and Dorma Jean Carlgren told the Investigators that they had obtained prescriptions from Respondent after business hours, particularly on Sunday mornings, for twenty-five dollars, without a medical examination and in whatever name they chose. They also told Investigators that Respondent had occasionally left them prescriptions for controlled substances taped to the outside door of his office.

As a result of this information, the Investigators met Respondent in his office and showed him the prescription vials taken from Ms. Fowler's apartment, along with a list of the names on the bottle labels. The vials bore dates between January 13, 1988, and March 16, 1988, inclusive. The investigators asked Respondent if the individuals named on the bottles were his patients and requested their records. Respondent assured the Investigators that he had patients with the names at issue, but only one file was found and this file contained nothing but a notation that one Tylox prescription had been issued; there were no medical records or other information. The investigators then arrested Respondent and advised him of his *Miranda* rights. Dr. DeLee acknowledged that he understood his *Miranda* rights. En route to the detention center, Respondent offered the Investigators five thousand dollars "just to forget this and let me out." At the detention center he was booked on the two original charges on which he was arrested, failure to maintain control against diversion and failure to maintain patient records, and an additional charge of attempting to bribe a police officer. All these charges were later dismissed.

The administrative law judge also found that the Nevada Division of Investigation had received numerous complaints from area pharmacists about Respondent's dispensing practices. An Investigator testified that several pharmacists had complained that the same people were coming in under various names with prescriptions issued by Respondent for controlled substances. He further testified that pharmacists complained that they had received telephone prescriptions purporting to be from Respondent, but upon calling Respondent's office to verify the prescriptions, they would be advised by one of Respondent's staff that a file did not exist for the patient named. According to the Investigator, several pharmacists indicated that they had decided not to honor telephone prescriptions issued by Respondent after four or five o'clock because no one other than Respondent would then be in the office to verify the prescriptions. The pharmacists were concerned that Respondent would authorize the prescriptions without first checking that the customer was in fact his patient.

The Investigator further testified that several pharmacists advised him that Respondent allowed his patients to determine what medications should be provided them. Specifically, the Investigator testified that he is a registered pharmacist and that he had occasion to call Respondent's office at the request of customers who said that Respondent had authorized that they be dispensed controlled substances. He asked Respondent what was being prescribed, and Respondent told him to ask the patient what he or she wanted.

Respondent contends that he is not responsible for any deficiencies in his prescribing or dispensing and attributes all of the difficulties relating to his controlled substance handling to a former employee, Carla Lyons.

Specifically, Respondent asserts that Ms. Lyons: (1) Stole controlled substance samples from Respondent's office supplies for herself and her brother; (2) stole prescription pads from Respondent's office and later wrote prescriptions by using various patient names and forging Respondent's signature; and (3) called in fraudulent prescriptions to pharmacies and then verified the prescriptions while alone in the office. To support his contentions Respondent submitted into evidence several affidavits attesting to Ms. Lyons' drug problem and her use of the Respondent's facilities and supplies in obtaining controlled substances.

One of Respondent's office staff, Marilyn Redmer, stated in her affidavit that Ms. Lyons told her that she (Ms. Lyons) used Demerol, Valium, Lortabs and codeine. Ms. Redmer also stated that Ms. Lyons forged Respondent's signature on prescriptions for herself and her brother, Peter Pandelis, who also had a drug problem. Ms. Redmer further stated that Ms. Lyons demonstrated her proficiency in writing Respondent's name to forge prescriptions and showed her the syringes she carried in her purse, some which Ms. Lyons obtained by using Respondent's name at various pharmacies.

Respondent's office nurse, Gina Mazur, submitted an affidavit and testified to the effect that Ms. Lyons stole injectable Valium, Demerol and syringes from the office. Ms. Lyons' sister, Mary Kanelos, filed an affidavit stating that Ms. Lyons stole controlled substance samples from Respondent's

office supplies for herself and her brother. Also Ms. Lyons' parents, Nicholas and Cheryl Pandelis, submitted an affidavit acknowledging their daughter's drug problem.

During the hearing Respondent affirmed that the samples of controlled substances supplied to his office by drug companies were stolen by Ms. Lyons and that other members of his staff frequently took samples for themselves without documenting their actions. However, Respondent also contends, contradicting himself, that he properly dispensed these samples. Respondent also testified that he kept sample dispensing records, but then contradicted himself by saying that he did not keep such records. Respondent further testified that on one occasion he noticed that injectable drugs were missing and that several times pharmaceutical drug samples were missing, but that he did not report these losses to either the DEA or state officials.

Respondent also contends that prescription pads were stolen from his office during a burglary which occurred on November 19, 1987, and alleges that various individuals used these prescription forms to obtain controlled substances. Additionally, Respondent contends that patient files were destroyed in a flood which occurred on July 7, 1987. However, he did not offer any explanations as to why there were no records for patients who received prescriptions after that date.

In evaluating whether Respondent's continued registration by the Drug Enforcement Administration would be inconsistent with the public interest, the Administrator considers the factors enumerated in 21 U.S.C. 823(f). They are as follows: (1) The recommendation of the appropriate State licensing board or professional disciplinary authority; (2) the applicant's [or registrant's] experience in dispensing, or conducting research with respect to controlled substances; (3) the applicant's [or registrant's] conviction record under Federal or State laws relating to the manufacture, distribution, or dispensing of controlled substances; (4) compliance with applicable State, Federal, or local laws relating to controlled substances; and (5) such other conduct which may threaten the public health and safety. In determining whether a registrant's continued registration is inconsistent with the public interest, the Administrator is not required to make findings with respect to each of the factors listed above. Instead, the Administrator has the discretion to give each factor the weight he deems appropriate, depending upon the facts and circumstances of each case. See, *Henry J. Schwarz, Jr., M.D.*, Docket No. 88–42, 54 FR 16422 (1989); *Neveille H. Williams, D.D.S.*, Docket No. 87–47, 53 FR 23465 (1988); *David E. Trawick, D.D.S.*, Docket No. 86–69, 53 FR 5326 (1988).

After considering all of the evidence, the administrative law judge concluded that the Respondent had failed to carry out his responsibilities as a registrant in the past and that there is no credible evidence that he will be more responsible in the future. Judge Bittner thus concluded that Respondent's continued registration is not in the public interest and recommended that the registration be revoked.

The record clearly establishes that Respondent was unable to produce medical records for persons to whom he issued prescriptions for controlled substances. Respondent asserts that he did not write the prescription at issue, but that they were fraudulently written by Ms. Lyons and unnamed others who obtained his prescription pads. Even assuming that Ms. Lyons engaged in the conduct Respondent attributed to her, the record establishes that Respondent continued to employ her after discovering that she had an alcohol and drug problem and after her alleged thefts of controlled substances and prescription pads from his office. Clearly, retaining an employee known to have diverted controlled substances is not consistent with the responsibilities of a DEA registrant.

Respondent asserted that the persons named on the prescription vials found in Ms. Fowler's apartment were his patients, but that their medical records were destroyed in a flood which occurred on July 7, 1987. However, as noted previously, this assertion does nothing to explain his failure to maintain charts on these patients after that date, nor does it explain how such drugs came into Ms. Fowler's possession, if not by way of prescriptions issued by Respondent.

Respondent admitted that members of his office staff removed samples of controlled substances from his office. Having this knowledge, Respondent was remiss in his failure to report the missing drugs to DEA or state officials. In failing to document losses of controlled substances, Dr. DeLee violated the statutory and regulatory requirements to keep and maintain complete and accurate records of all controlled substances he possessed, dispensed and administered.

Further, Respondent's practice of telling pharmacists to dispense to patients whatever controllled substances the patients desired, and of verifying telephone-in prescriptions without first checking to see if a record existed for the person named, is a clear failure to prescribe controlled substances for legitimate medical purposes only. No physician permits patients to determine the drugs they will have prescribed and dispensed for them.

Finally, Respondent's offer to "settle the matter on the spot" while en route to the detention center constituted an attempt to bribe the arresting officers, and is further evidence that Respondent has littel respect for obligations imposed on him as either a DEA registrant or as a law abiding citizen.

The Administrator adopts the recommended ruling, findings of fact, conclusions of law and decision of the administrative law judge in its entirety. The Administrator concludes that Respondent's continued registration is inconsistent with the public interest and that his DEA Certificate of Registration must be revoked.

Accordingly, the Administrator of the Drug Enforcement Administration, pursuant to the authority vested in him by 21 U.S.C. 823 and 824 and 28 CFR 0.100(b), hereby orders that DEA Certificate of Registration, AD0249551, previously issued to Sol T. DeLee, M.D., be, and it hereby is, revoked. Any pending applications for renewal of such registration shall be, and hereby are, denied. This order is effective April 22, 1991.

Dated: March 14, 1991.

Robert C. Bonner,

Administrator.

[FR Doc. 91–6868 Filed 3–20–91; 8:45 am]

BILLING CODE 4410–09–M

[Docket No. 89–53]

John S. Noell, M.D.; Denial of Application

On June 19, 1989, the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration (DEA), issued an Order to Show Cause to John S. Noell, M.D. (Respondent), of Foothills Area Programs, Burke County Mental Health Program, 1001–B, Union Street, Morganton North Carolina 28655, proposing to deny his application, executed on November 3, 1988, for registration as a practitioner under 21 U.S.C. 823(f). The Order to Show Cause alleged that Respondent's registration would be inconsistent with the public interest. The Order specifically alleged that: (1) On January 21, 1976,

Respondent was convicted in the United States District Court for the Eastern District of Louisiana, of 16 counts of illegal distribution of controlled substances in violation of 21 U.S.C. 841(a)(1), felonies relating to controlled substances; (2) Respondent's DEA registration was revoked on April 29, 1977; and (3) on May 19, 1988, Respondent's application for a new registration was denied.

Respondent requested a hearing on the issues raised by the Order to Show Cause and the matter was docketed before Administrative Law Judge Mary Ellen Bittner. Following prehearing procedures, a hearing was held in Greensboro, North Carolina, on January 26, 1990. On September 14, 1990, the administrative law judge issued her opinion and recommended ruling, findings of fact, conclusions of law and decision. No exceptions were filed and on October 31, 1990, Judge Bittner transmitted the record of these proceedings to the Administrator. The Administrator has considered the record in its entirety and pursuant to 21 CFR 1316.67, hereby issues his final order in this matter based upon findings of fact and conclusions of law as hereinafter set forth.

Respondent received his medical degree in 1956 and has been in the general practice of medicine since 1959. In the early 1960's, an investigation disclosed that Respondent had written numerous prescriptions which enabled narcotic drug addicts to obtain narcotic drugs. As a result of this investigation, on June 18, 1962, Respondent voluntarily surrendered his Federal license to handle narcotics and dangerous drugs for a period of five years.

On August 1, 1968, the Louisiana State Board of Medical Examiners suspended Respondent's license to practice medicine and surgery for one year. The basis for this action is not on the record; however, Respondent testified at the hearing that "it had nothing to do with having a controlled substance. It was on another matter."

In February 1971, the Federal Bureau of Narcotics and Dangerous Drugs, DEA's predecessor agency, conducted an accountability investigation of Respondent's practice. The investigation disclosed severe and unexplained shortages in Respondent's controlled substance inventory and failure to maintain proper records. At the conclusion of the investigation, all drugs in Respondent's possession were seized and subsequently forfeited in the U.S. District Court for the Eastern District of Louisiana.

In 1975, during the course of an undercover investigation conducted by DEA Agents, Respondent prescribed Schedule II, III, and IV controlled substances for the Agents, although they never indicated any medical need for these drugs. Subsequently, on July 10, 1975, Respondent was indicted by a Federal grand jury for knowingly and intentionally dispensing drugs not in the course of professional practice, and not for a legitimate medical purpose. On January 21, 1976, in the United States District Court for the Eastern District of Louisiana, after a plea of *nolo contendere*, Respondent was convicted of sixteen felony counts of unlawful distribution of controlled substances in violation of 21 U.S.C. 841(a)(1).

On June 6, 1977, the Administrator of DEA revoked Respondent's original DEA registration on grounds that he had been convicted of felonies related to controlled substances. After an appeal by Respondent, the revocation was affirmed by the United States Court of Appeals for the Fifth Circuit. 586 F.2d 554 (5th Cir. 1978).

Respondent applied for a new DEA registration in May 1986. An Order to Show Cause proposing to deny that application was issued March 5, 1987. Following a hearing, Administrative Law Judge Francis L. Young found that while working for an alcohol rehabilitation center, Respondent had used his employer's DEA registration number to write over thirty unauthorized prescriptions for controlled substances to personal friends, friends of family members and former patients of the facility. The employer's registration entitled Respondent to dispense controlled substances only for current patients at the facility. By final order dated May 19, 1988, the Administrator of the DEA denied the application for registration. 53 FR 18914 (1988). On Novmeber 3, 1988, less than six months after the aforementioned denial, Respondent executed the application for DEA registration which is the subject of this proceeding.

On December 4, 1989, Respondent was indicated on one count of manufacturing a controlled substance, one count of maintaining a dwelling for selling a controlled substance and one count of possession of drug paraphernalia. According to the North Carolina Internal Record Incident/Investigation Report, a search of Respondent's residence on October 24, 1989, had produced 53 growing marijuana plants, a quantity of dried marijuana, different types of growing equipment, and drug paraphernalia.

At the DEA hearing, Respondent testified on his own behalf and claimed that the indictment should not be considered in determining whether to grant him a DEA registration because he had not been convicted. Respondent further claimed that the marijuana belonged to a young recovering person who was rooming in Respondent's house. Respondent asserted that he had not seen the plants, did not know they were there and was unaware of any wrongdoing at that time.

Respondent applied for registration at the Foothills Area Program, asserting that the registration would benefit the program and that he would be under the supervision of two directors and a unit coordinator. Respondent introduced letters from Foothills Area Program officials who supported the granting of his application. However, at the DEA hearing, Respondent testified that he was no longer employed by the program and was then employed at an urgent care facility near Charlotte, North Carolina.

The Administrator may deny an application for registration if he determines that such registration would be inconsistent with the public interest. Pursuant to 21 U.S.C. 823(f), the Administrator must consider the following factors in making his determination: (1) The recommendation of the appropriate State licensing or professional, disciplinary authority. (2) The applicant's experience in dispensing, or conducting research with respect to controlled substances. (3) The applicant's conviction record under Federal or State laws relating to the manufacture, distribution, or dispensing of controlled substances. (4) Compliance with the applicable State, Federal or local laws relating to the manufacture, distribution or dispensing of controlled substances. (5) Such other conduct which may threaten the public health and safety.

All factors need not to be present to support denial of an application. See, for example, *Henry J. Schwarz, Jr., M.D.*, Docket No. 88–42, 54 FR 16422 (1989). However, in this case it is clear from the several investigations of Respondent's practice, the action taken against him by the Louisiana Board of Medical Examiners and his convictions, that all of the listed factors are relevant. There are sufficient grounds to deny Respondent's application for DEA registration based on Respondent's convictions of felonies relating to dispensing controlled substances and his unauthorized prescribing of controlled substances outside the scope of his authority as the employee of a registrant. Respondent did not adduce any evidence that he now recognizes and understands the responsibilities

inherent in a DEA registration or that he is prepared to accept these responsibilities. Further, Respondent's asserted need for a DEA registration does not outweigh the public interest in assuring that controlled substances are properly handled.

A DEA registration carries with it a serious responsibility for the proper use of controlled substances. The Administrator requires assurance that the registrant will uphold his responsibility to handle controlled substances with sufficient care to protect the public health and safety. Respondent has shown a clear disregard of his responsibilities as a professional in the past and has not adequately demonstrated that he would carry out the responsibilities of a DEA registrant in the future. As a result, the Administrator concludes that Respondent's registration is inconsistent with the public interest and that his application for registration must be denied. The Administrator adopts the opinion and recommended ruling, findings of fact, conclusions of law and decision of the administrative law judge in their entirety.

Accordingly, the Administrator of the Drug Enforcement Administration, pursuant to the authority vested in him by 21 U.S.C. 823 and 824 and 28 CFR 0.100(b), hereby orders that the application for registration executed by John S. Noell, M.D., on November 3, 1988, be, and it hereby is, denied. This order is effective March 21, 1991.

Dated: March 14, 1991.

Robert C. Bonner,

Administrator.

[FR Doc. 91-6665 Filed 3-20-91; 8:45 am]

BILLING CODE 4410-09-M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice (91-27)]

NASA Advisory Council; Meeting

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, Public Law 92-463, as amended, the National Aeronautics and Space Administration announces a forthcoming meeting of the NASA Advisory Council (NAC).

DATES: April 17, 1991, 9 a.m. to 5:30 p.m. (to be held in room 7002, Federal Office Building 6); and April 18, 1991, 8:30 a.m. to noon (to be held in room 226a, Federal Office Building 10).

ADDRESSES: National Aeronautics and Space Administration, room 7002, Federal Office Building 6, 400 Maryland Avenue SW., Washington, DC 20546; and National Aeronautics and Space Administration, room 226a, Federal Office Building 10, 600 Independence Avenue, SW., Washington, DC 20546.

FOR FURTHER INFORMATION CONTACT: Dr. Sylvia D. Fries, Code ADA-2, National Aeronautics and Space Administration, Washington, DC 20546, 202/453-8768.

SUPPLEMENTARY INFORMATION: The NAC was established as an interdisciplinary group to advise senior management on the full range of NASA's programs, policies, and plans. The Council is chaired by Mr. Caleb B. Hurtt and is composed of 25 members. Standing committees containing additional members report to the Council and provide advice in the substantive areas of aeronautics, aerospace medicine, space science and applications, space systems and technology, space station, commercial programs, and history, as they relate to NASA's activities. The meeting will be open to the public up to the seating capacity of the room, which is approximately 60 persons including Council members and other participants. Visitors will be requested to sign a visitor's register.

TYPE OF MEETING: Open.

AGENDA:

Wednesday, April 17, 1991

9 a.m.—Status of NASA's Response to Recommendations of the Advisory Committee on the Future of the U.S. Space Program.

11 a.m.—Report of the Exploration Outreach Synthesis Group.

1 p.m.—Impact of Detailed Recommendations of the Advisory Committee on the Future of the U.S. Space Program on NASA Budgeting for Science and Technology.

3 p.m.—Council and Committee Reports.

5:30 p.m.—Adjourn.

Thursday, April 18, 1991

8:30 a.m.—Space Station Restructuring.

11 a.m.—Summation and Council Recommendations.

Noon—Adjourn.

Dated: March 15, 1991.

Philip D. Waller,

Deputy Director, Management Operations Office.

[FR Doc. 91-6729 Filed 3-20-91; 8:45 am]

BILLING CODE 7510-01-M

NATIONAL COMMISSION ON ACQUIRED IMMUNE DEFICIENCY SYNDROME

Meeting

AGENCY: National Commission on Acquired Immune Deficiency Syndrome.

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, Public Law 92-463 as amended, the National Commission on Acquired Immune Deficiency Syndrome announces a forthcoming meeting of the Commission.

DATE AND TIME: Monday, April 22, 1991, 9 a.m. to 5:30 p.m.; Tuesday, April 23, 1991, 9 a.m. to 5:30 p.m.

PLACE: Pan American Health Organization, 525 23rd Street NW., Washington, DC 20037.

TYPE OF MEETING: Open.

FOR FURTHER INFORMATION CONTACT: Maureen Byrnes, Executive Director, The National Commission on Acquired Immune Deficiency Syndrome, 1730 K Street, NW., suite 815, Washington, DC 20006 (202) 254-5125. Records shall be kept of all Commission proceedings and shall be available for public inspection at this address.

AGENDA: Monday and Tuesday, April 22 and 23, 1991 will be devoted to Commission business.

Interpreting services are available for deaf people. Please call our TDD number (202) 254-3818 to request services no later than April 17, 1991.

Dated: March 14, 1991.

Maureen Byrnes,

Executive Director.

[FR Doc. 91-6753 Filed 3-20-91; 8:45 am]

BILLING CODE 6820-01-M

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Music 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 Music Advisory Panel (Jazz Fellowships Prescreening Section) to the National Council on the Arts will be held on March 25-26, 1991 from 9 a.m.-5:30 p.m. in room 714 of the Nancy Hanks Center, 1100 Pennsylvania Avenue, NW., Washington, DC 20506.

This meeting is for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the

Humanities Act of 1965, as amended, including discussion of information given in confidence to the Agency by grant of March 5, 1991, 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. Martha Y. Jones, Acting Advisory Committee Management Officer, National Endowment for the Arts, Washington, DC 20506, or call (202) 682–5433.

Martha Y. Jones,

Acting Director, Council and Panel Operations, National Endowment for the Arts.

[FR Doc. 91–6892 Filed 3–20–91; 8:45 am]

BILLING CODE 7537-01-M

NATIONAL SCIENCE FOUNDATION

Minority Research Centers of Excellence: Grants and Cooperative Agreements

The National Science Foundation announces the impending release of a revised program announcement for the Minority Research Centers of Excellence (MRCE) program. The following text has been excerpted from the new announcement. Information concerning the availability of the new announcement is presented in section C under Proposal Submission.

Introduction

The National Science Foundation's mandate to ensure the vitality of the Nation's scientific and technological enterprise includes reponsibility for the quality, distribution and effectiveness of the human resource base in science and engineering. The competitiveness of this Nation in the world market depends upon the colleges and universities, who produce the intellectual resources and new knowledge, to strenghten the ability of all talented persons to participate in science and engineering. The current underrepresentation of minorities in science and engineering reflects the small numbers that participate in and emerge from the educational pipeline leading to careers in these fields. There are losses at all transition points in the pipeline as minorities are attracted less and less to science and engineering careers in general and to research careers in particular. The major goal of the Minority Research Centers of Excellense (MRCE) program is to increase the minority presence in science and engineering by making substantial resources available to upgrade the research capabilities of the most research productive minority institutions. The program will at the same time enable these institutions to use meritorious research as a tool to increase the effectiveness of related science and engineering activities for minority groups in their region.

I. Proposal Submission

A. Eligibility Requirements

Institutions that are eligible to submit proposals under MRCE are those that have: Enrollments of 50% or more members of minority groups that are underrepesented in advanced levels of science and engineering, e.g., Alaskan Natives, American Indian, Black, Hispanic, or Native Pacific Islanders. Graduate programs in NSF-supported fields of science or programs (undergraduate or graduate) in engineering. Additional considerations—MRCE will seek to support minority institutions that have (1) demonstrated strengths in NSF-related fields, as evidenced by an existing or developing capacity to offer doctoral degress in one or more science and engineering disciplines; (2) a willingness and capacity to serve as a regional resource center; and (3) demonstrated commitment and track record in enrolling and graduating minority scientists and engineers.

B. Proposal Submission

Each institution meeting the eligibility requirements above may submit a proposal for an MRCE Implementation grant. For institutions that are members of an established university system, only one proposal will be considered from the system. Institutions or university systems that currently hold active MRCE awards are not eligible to apply under this competition. Proposals should be addressed to the Proposal Processing Unit, room 223, National Science Foundation, 1800 G St. NW., Washington, DC 20550. Proposals may be submitted electronically. For information, contact the Electronic Proposal Submission Program Director, Office of Information Systems (OIS), phone (202) 357–9767, or via e-mail at nsfprops@nst (BITNET) or nsfprops@nsf.gov (INTERNET).

C. Eligible Science and Engineering Disciplines

The policies of the Minority Research Centers of Excellence (MRCE) Program concerning eligible science and engineering disciplines are those of the Foundation and are detailed in Grants for Research and Education in Science and Engineering (GRESE) (NSF 90–77). While the National Science Foundation provides support in all fields of science and engineering, MRCE emphasizes fields where support is not duplicated by major programs of other agencies (such as NIH) and priority should be given to those fields where minorities are significantly underrepresented. NSF will not normally support research on the etiology, diagnosis, or treatment of physical or mental disease, abnormality, or malfunction in human beings or animals. Animal models of such condition, the development and testing of drugs, or other procedures for their treatment also generally are not eligible for Foundation support. If an investigator is uncertain as to whether the proposed research is appropriate for the Foundation, he or she is encouraged to contact the MRCE Program Director, room 1225, National Science Foundation, Washington, DC 20550; telephone (202) 357–7350.

D. Eligible Activities and Types of Support

The MRCE Program is designed to facilitate self-improvement. Responsibility for program development and execution will rest with the proposing institution, the MRCE chairperson and project director. Support may be requested for any activity that could have a direct positive influence on the competitiveness of participating scientists and engineers and the quality fo the institution's research and training programs. Supportable activities may include, but are not limited to, exploratory research projects; acquisition of materials, supplies, research equipment and instrumentation; hiring nationally competitive scientists and/or engineers; use of visiting scientists and engineers as short- or long-term consultants; faculty attendance at professional meetings and seminars; faculty sabbaticals and exchange programs; undergraduate research activities; development of outreach and other enhancement programs with neighboring institutions; and strenghening technical support personnel. Activities may also include cooperative efforts between the applicant institution and (1) research institutions, both within and outside the region; and (2) industry, Federal laboratories or other organizations both within and outside the region. Plans may be organized around the development of individual scientists or engineers, one or more science or engineering department(s) (or equivalent units) or interdisciplinary and multi-disciplinary research cluster. It is expected, however, that the MRCE target group(s) will possess the potential to achieve

excellence by national standards over the five-year implementation period. In identifying the members of this target group, NSF expects that the proposing institution will strongly encourage participation by minorities, persons with disabilities and women who are scientists and engineers. Whether the proposed activity is considered competitive will be determined by merit review of the appropriateness and relevance of the improvement strategies to MRCE program goals. In addition to seeking funds to strengthen their own capability, funds may be requested to facilitate serving as a regional resource center for minority scientists and engineers. This may include but is not limited to development activities for faculty in neighboring institutions; enhancement of precollege teachers' knowledge in science, engineering and mathematics; undergraduate and high school student research opportunities; and developing and implementing other activities to encourage minorities to pursue careers in science and engineering.

E. Award Amount and Duration

MRCE awards will provide up to $1,000,000 per year for each center for an initial award period of up to 5 years (for a maximum of $5,000,000) to implement a comprehensive research and training improvement plan.

F. Project Organization and Management

To establish consistent terminology across proposals, the MRCE organizational structure should include a Chairperson, Planning and Advisory Committee, an Executive Committee, and a Project Director. The MRCE project should be under the direction of a person designated as Chairperson for the five-year activity. The MRCE Chairperson should be the President or Chancellor of the applicant institution and should assume responsibility for the accomplishment of MRCE goals. The MRCE Project Director should manage the overall MRCE grant on a daily basis. The Project Director should be a nationally recognized scientist or engineer with exceptional leadership qualities. Individual science and engineering component projects or areas being developed should be directed by appropriate principal investigators.

G. Advisory Committee

Each MRCE plan must include the establishment of a Planning and Advisory Committee that will assist the institution in developing and implementing strategies for improving its research and training capabilities. This Committee should be selected and appointed by the MRCE Chairperson, with advice from the proposed MRCE Project Director and other appropriate institutional representatives. The Committee should include a broad spectrum of members including senior faculty and high-level administrative staff as well as nationally competitive experts from the science and engineering community and other sources outside the institution. Prospective candidates for each institution's MRCE Planning and Advisory Committee must be identified in the implementation proposal. The duties and responsibilities of the MRCE Planning and Advisory Committee should include the following: Development and implementation of policies to govern specific MRCE activities; The supervision and review of the overall operation and general direction of the MRCE in concert with NSF and institutional requirements and policies; Development and oversight of MRCE outreach to upgrade the science and engineering capabilities of colleges and precollege institutions in the region where the MRCE is located; and Assistance with strategies to obtain commitments of funds to the MRCE from the institution's own resources as well as from other non-Federal sources.

H. Executive Committee

Each MRCE proposal must also include the establishment of an Executive Committee. This body will consist of campus representatives, including vice presidents, deans and MRCE faculty researchers. These persons will assist in the implementation of policies set by the MRCE Planning and Advisory Committee and monitor research progress on a regular basis.

I. Proposal Deadline Date

The deadline date for receipt of implementation proposals is May 3, 1991. Only one implementation proposal may be submitted to each eligible institution. Each proposal should be officially submitted on behalf of an institution or organization that is legally empowered to accept grants and that will assume full fiscal responsibility for the award.

II. Proposal Preparation and Evaluation

A. Implementation Proposal

Implementation proposals submitted to the MRCE Program should consist of two main parts. Part I is the component of the proposal which should contain an overview and discussion of the applicant's entire plan for improving the status of science and engineering research, training, and for increasing minority participation in science and engineering. This section should present a clear explanation of the proposed improvement plan from a scientific, administrative, and fiscal point of view.

1. Part I—Improvement Plan Overview

This section should include the following: Appropriate forms as in NSF Grants for Research and Education in Science and Engineering (i.e., cover sheet, supplementary information form, etc.); Table of Contents—a listing of the major sections of the proposal and their subsections; Project Summary—a 250-word summary of the improvement plan, suitable for publication, is required. The summary should include a statement of the project objectives, methods to be employed and the significance of the proposed activities; Project Description—this constitutes the primary body of part I and should be limited to 20 single-spaced or 40 double-spaced pages typed on one side only. The project description should include a discussion of the planning and assessment activities undertaken and the findings and results of this process, including current barriers to research competitiveness; the overall project objectives and the specific scientific projects; activities and strategies designed to meet those objectives; the reasons for the selection of specific projects, activities and improvement strategies over other options; the expected results and long-term gains in the competitive posture of science or engineering research and training in the institution; the commitment of support by public and private entities to the project, including physical, monetary and personnel resources to be made available to the project; the plans for monitoring, evaluating, and administering the project; the plans for institutionalizing anticipated improvements; and the potential impact of the project in meeting NSF criteria for the support of science and engineering.

In preparing proposals, careful attention should be given to the evaluation criteria listed on pages 5, 6, and 7. In discussing specific science and engineering component projects, sufficient scientific or engineering content should be provided in this section to allow an assessment of the relevance and appropriateness of each proposed component to the overall project goals. However, detailed discussions of the component proposals should be reserved for part II. Part I of the proposal should include the following: Bibliography—Bibliography of

pertinent literature as required; Biographical Sketches—A short biographical sketch of key management personnel involved in the overall project should be provided (exclusive of those whose biographical sketches are included in the separate component proposal); Implementation Proposal Budgets—All budgets must be provided on the NSF Form titled Summary Proposal Budget (NSF Form 1030), which may be reproduced locally. Only amounts requested of NSF should be shown. Local contributions should be shown only on a separate budget outline that shows cost-sharing amounts.

The Implementation Proposal may request funds under any of the categories listed in GRESE (NSF 90–77) so long as the item is considered necessary to the furtherance of the project activities. Additional guidance on the eligibility of the specific items for inclusion in component project proposals is provided in more detail in NSF 88–47.

Improvement Plan Budgets should be organized in the following manner: (a) Composite Budget (for all activities for all years); (b) Year 1 Budget Summary (for all activities); (c) Copies of Year 1 Budget Summaries for all Component Project Proposals contained in part II (place in order of appearance in proposal), as well as Year 1 MRCE General Organizational and Management Costs Budget; (d) Remaining budgets as in Steps (b) and (c), above, for each subsequent project year; (e) Cost-Sharing Budgets that specify amounts that will be contributed by the institution; (f) Budget Explanatory Notes may be typed on plain bond paper and attached to NSF Form 1030. Organization and Management Cost Budgets—In addition to requesting support for science and engineering improvement component proposals, the implementation proposal may request support for direct and indirect costs associated with the conduct and management of the Center. These project costs, direct and indirect, should be detailed on a separate Organization and Management Component Budget. Current, Pending and Prior Support—Appendix VI (page 32) of Grants for Research and Education in Science and Engineering gives the format for reporting current and pending support for proposals, as well as for each subsequent funding request in the case of continuing grants. Besides the proposed project, all current activities to which the project director and other senior personnel have committed a portion of their time must be listed, whether or not their salaries are included in the budgets of the various projects. The number of person-months or percentage of effort to be devoted to the projects should be stated regardless of source of support. Similar information must be provided for all other proposals that are being considered by, or will be submitted soon, to other possible sponsors, including NSF. If a portion of this proposal is being submitted to other possible sponsors, all of them should be listed. Concurrent submission of a portion of this proposal to other organizations will be prejudice its review by the Foundation.

2. Part II—Research Improvement Component Projects

As noted previously, the primary information source for developing component proposals for this section is Grants for Research and Education in Science and Engineering (NSF 90–77). This manual has a Checklist for Proposal Submission section that provides guidance on the preparation of complete proposals. The two exceptions to the standard format are the Minority Research Centers of Excellence requirement for (1) NSF program identification, and (2) the MRCE Project Summary.

NSF Program Identification—To assist the program in identifying the number and type of research, component proposals should indicate the NSF program to which it would be sent if it were submitted separately. In the case of multidisciplinary or interdisciplinary component proposals, all pertinent program areas should be shown on each component proposal Cover Sheet by listing the pertinent NSF program(s). If in doubt about the program area, please call NSF program personnel for guidance. MRCE Project Summary—Each component proposal will be evaluated separately from the Part I Improvement Plan Overview during review by ad hoc disciplinary panels and mail reviewers. In order to provide reviewers with an understanding of the full plan, each component proposal should include a synopsis which summarizes the Improvement Plan and describes the relevance and importance of the component project to the overall improvement plan. This section should be inserted between the Component Project Summary and Project Description sections of the component proposal.

B. Evaluation of MRCE Implementation Proposals

Implementation proposals submitted to the MRCE program will be evaluated on three levels: (a) Scientific and engineering quality (i.e., the potential to make significant improvements and the likelihood of contributing to the national scientific and engineering knowledge base); (b) commitment and dedication of the institution to the goals of the program and the project potential for stimulating significant improvement in the existing research and training programs; and (c) the relevance and appropriateness of the strategies employed to enhance the movement of minorities into science and engineering careers. The review process will be carried out in three stages: 1. Disciplinary panel and mail review by recognized scientists and engineers of the scientific and engineering components in part II of the proposal. 2. Review by an interdisciplinary panel of recognized academic and scientific experts, in light of the mail reviews and their own reading of the proposals. 3. Site visits to applicant institutions by experts knowledgeable about development programs, including NSF program officers.

C. Specific Evaluation Criteria

1. Evaluation of MRCE Improvement Plan Overview (Part I)

The MRCE improvement Plan Overview will be evaluated by a special panel selected by MRCE staff, according to the following criteria:

Scientific and Engineering Excellence of the Plan and its Potential

The panel will evaluate the entire MRCE proposal in light of the mail and panel reviews of the research components, and their own expertise in reading the full proposal.

Potential for Enhancing Minority Participation in Science and Engineering

The MRCE proposal should provide evidence of substantial involvement of minority faculty and students in science and engineering programs and research. High university-wide minority enrollment alone is not sufficient.

Relevance of Selected Fields of Research to NSF Goals

The MRCE program will focus on NSF fields where support is not duplicated by major programs of other agencies. Proposals focusing on biomedical or behavioral research in fields normally supported by the National Institutes of Health will not be accepted. Priority will be given to those research areas where minorities are significantly underrepresented.

Adequancy and Potential of Existing Scientific and Engineering Base

The MRCE program will provide support to strengthen existing meritorious research programs, such as those that have received at least one Research Improvement in Minority Institutions (RIMI) award or other NSF research grants. Meritorious research projects, for the MRCE competition, will be those that have led to publications in refereed journals and increased minority participation in science and engineering. The MRCE proposal should describe the relation of the planned activities to other grant-supported operations and must demonstrate: (a) That the existing base is sufficiently strong to permit significant advances in quality with the MRCE funds, and (b) that an MRCE award will result in a substantial long-term increase in the base level.

Institutional and State Commitment to MRCE Goals

Institutional and state (in the case of public institutions) commitment to strengthening research and training capabilities will be a critical factor in proposal evaluation. This may be demonstrated by evidence of long-term institutionally and/or state-based initiatives to enhance science or engineering programs and by direct and indirect financial contributions to the MRCE program goals that are incremental to current efforts. While there are no specific cost-sharing requirements for an MRCE grant, the commitment of institutional, state, and non-Federal funds (especially from industry) to the specific proposal, as well as plans for continued growth and maintenance of Centers beyond the term of the NSF award, will be a positive factor in evaluation.

The Extent of Regional Outreach and Impact of the Proposed Center

Research and training activities in the MRCE proposal should show promise of making a contribution to the overall strengthening of science and engineering awareness and productivity in a particular region and for enhancing minority participation in science and engineering over the long term.

The Adequacy of the Management Plan

Proposals to the MRCE program should describe the institution's system for managing existing research projects including information on staffing and line responsibilities.

Uniqueness of the Project

Each institution submitting a proposal to the Implementation Phase should discuss its unique capability which makes it especially qualified to become a productive Research Center of Excellence.

2. Evaluation of Research Improvement Components (Part II)

The research improvement plans specified in the science and engineering components of the MRCE proposals will be evaluated by ad hoc mail and panel reviewers nominated by disciplinary program officers and by MRCE staff, using the standard NSF criteria for research excellence. The NSF uses four basic criteria for determining research merit:

Research Performance Competence

This criterion relates to the capability of the investigator(s), the technical soundness of the proposed approach and the adequacy of the institutional resources available.

Intrinsic Merit of the Research

This criterion is used to assess the likelihood that the project will lead to new discoveries or fundamental advances within its field of science or engineering, or have substantial impact on progress in that field or in other scientific and engineering fields.

Utility or Relevance of the Research

This criterion is used to assess the likelihood that the research can contribute to the achievement of a goal that is extrinsic or in addition to that of the research field itself, and thereby serve as the basis for new or improved technology or assist in the solution of societal problems.

Effect of the Research on the Infrastructure of Science and Engineering

This criterion relates to the potential of the proposed research to contribute to better understanding or improvement of the quality, distribution, or effectiveness of the Nation's scientific and engineering research, education and human resources base.

III. Other Considerations

A. Education and Human Resources

Each research improvement component must provide a specific statement on how the proposed research will contribute to the development of human resources in science and engineering at the undergraduate, graduate, and postdoctorial levels. If there are plans to work with high school students, this information should also be included. Information provided may include how the research will impact on student training, course preparation, outreach and seminars.

B. Biographical Information Each biographical sketch should provide the following

(1) Data concerning educational background and career of principal investigator(s) (PI).

(2) A list of five publications for the past five years most relevant to the research proposed and up to five other significant research publications. (Articles, papers, etc. pending in press may be included.)

(3) Patents, copyrights, or software systems developed may be substituted for publications. These publications may overlap the requirement for a list of all publications resulting from and citing prior NSF support.

(4) Senior personnel must identify those scientists, other than co-authors already listed, with whom they have had a long-term association and/or with whom they have collaborated on a project or a book, article, report or paper within the last 48 months; and their graduate and postdoctorial advisors. This information will help avoid delays in the review process caused by inadvertent selection of inappropriate reviewers.

C. Fiscal Arrangements

A single MRCE award will be made to the organization submitting the proposal (grantee) in support of the projects selected for support by NSF. That organization shall sign a five-year cooperative agreement and agree to serve as fiscal agent for the project. Funds will be made available to the project annually on an approximate rate of up to $1 million per year for up to five years. Each yearly increment will be contingent upon annual documentation by the grantee of satisfactory progress and the availability of program funds. Before providing support for the last two years, a comprehensive evaluation will be conducted by the Foundation during the third year to evaluate progress and determine whether any modifications are necessary for the next budget requests.

D. Allowable Costs

In addition to the description of allowable costs in Grants for Research and Education in Science and Engineering (NSF 90–77), the following guidelines are provided:

1. Personnel Cost

a. Salaries and Wages for Senior Personnel

Support for some released time of an investigator or other senior personnel during the academic year will be

allowed only in those cases with strong justifications. A maximum of 2/9 of the academic year salary for the summer may be requested.

b. Other Personnel

Support for research assistants, research associates, or secretarial and clerical staff should be proportionate to the full time equivalent person—months devoted to the project.

c. Fringe Benefits

The institution's normal policies should be applied in the treatment of fringe benefits and direct costs.

2. Travel

Domestic travel may include attendance at professional meetings, collaboration with other investigators field work or other activities that enhance the investigator's research capabilities.

3. Equipment and Installation

Purchase of research and general purpose equipment is allowable. Charges for fixed or movable equipment may include cost of installation.

4. Other Costs

Support may also be requested, as direct costs, for materials and supplies, publication costs, consultant services, computer service and subcontracts.

5. Renovation and Alteration

While construction costs are, in general, not allowable, requests for support of renovation and alterations may be included in an MRCE proposal, where appropriate to the conduct of the proposed program.

6. Library Support

General library support is not allowable as a direct cost, but the costs of books and periodicals directly related to the proposed research are allowable (not including binding costs).

Dated: March 15, 1991.

Roosevelt Calbert,

Program Director, Minority Research Centers of Excellence.

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards; Subcommittee on Maintenance Practices and Procedures; Meeting

The Subcommittee on Maintenance Practices and Procedures will hold a meeting on April 10, 1991, room P–110, 7920 Norfolk Avenue, Bethesda, MD.

The entire meeting will be open to public attendance.

The agenda for the subject meeting shall be as follows:

Wednesday, April 10, 1991—11 a.m. Until the Conclusion of Business

The Subcommittee will discuss the maintenance rule package.

Oral statements may be presented by members of the public with the concurrence of the Subcommittee Chairman; written statements will be accepted and made available to the Committee. 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 Subcommittee, its consultants, and staff. Persons desiring to make oral statements should notify the ACRS staff member named below as far in advance as is practicable so that appropriate arrangements can be made.

During the initial portion of the meeting, the Subcommittee, along with any of its consultants who may be present, may exchange preliminary views regarding matters to be considered during the balance of the meeting.

The Subcommittee will then hear presentations by and hold discussions with representatives of the NRC staff, their consultants, and other interested persons regarding this review.

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 Designated Federal Official, Mr. Herman Alderman (telephone 301/492–7750) 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., that may have occurred.

Dated: March 14, 1991.

Gary R. Quittschreiber,

Chief, Nuclear Reactors Branch.

[FR Doc. 91–6750 Filed 3–20–91; 8:45 am]

BILLING CODE 7590–01–M

[Docket Nos. 50–528–OLA–2, 50–529–OLA–2, 50–530–OLA–2, ASLBP No. 91–633–05–OLA–2 (Allowable Setpoint Tolerance)]

Atomic Safety and Licensing Board; Prehearing Conference

Arizona Public Service Co., et al. (Palo Verde Nuclear Station, Unit Nos. 1, 2 and 3)

March 15, 1991.

Petitioners for Leave to Intervene or their respective counsel; counsel for Licensees, Arizona Public Service Company, *et al.*; and counsel for the NRC Staff are directed to attend a prehearing conference on April 10, 1991 beginning at 9 a.m. at: Courtroom No. 3, Seventh Floor, United States District Courthouse, 230 North First Avenue, Phoenix, Arizona 85025.

The purpose of the prehearing conference is to hear oral arguments on amended and supplemented petitions for leave to intervene, and answers thereto. The Atomic Safety and Licensing Board will also conduct any further business appropriate to make a determination as to the parties to the proceeding, if any, and to identify key issues in the proceeding, if any.

The prehearing conference is open to the public.

Bethesda, Maryland, March 15, 1991.

For the Atomic Safety and Licensing Board

Ivan W. Smith,

Chairman Administrative Law Judge.

[FR Doc. 91–6754 Filed 3–20–91; 8:45 am]

BILLING CODE 7590–01–M

[Docket Nos. 72–10, 50–282–RS 50–306–RS, ASLBP No. 91–627–01–RS (Independent Spent Fuel Storage Installation)]

Northern States Power Co. (Prairie Island Nuclear Generating Plant, Units 1 and 2); Canceling Prehearing Conference

March 14, 1991.

PLEASE TAKE NOTICE that the prehearing conference in the above-identified proceeding scheduled for April 2, 1991, in St. Paul, Minnesota, has been cancelled. The applicant, Northern States Power Company, the NRC staff and the petitioners, Minnesota Department of Public Service, Minnesota Environmental Quality Board, and the Prairie Island Mdewakanton Sioux Indian Community, reached a settlement on March 8, 1991. Thereupon, the three petitioners filed a Notice of Withdrawal of their request for hearing. This Atomic Safety and Licensing Board dismissed the proceeding on March 14, 1991.

Issued at Bethesda, Maryland, this 14th day of March 1991.

For the Atomic Safety and Licensing Board.

Robert M. Lazo,

Chairman, Administrative Judge

[FR Doc. 91-6751 Filed 3-20-91; 8:45 am]

BILLING CODE 7590-01-M

OFFICE OF PERSONNEL MANAGEMENT

Demonstration Project; Pacer Share; A Federal Productivity Enhancement Program

AGENCY: Office of Personnel Management.

ACTION: Notice of amendment of the Pacer Share Demonstration Project Plan.

SUMMARY: This action provides for a change to the final project plan published in the Federal Register November 20, 1987 (52 FR 44782), and amended March 30, 1990 (55 FR 12079). The project was originally developed by and implemented in the Directorate of Distribution (DS) at Sacramento Air Logistics Center at McClellan Air Force Base, California (SM-ALC). Following a reorganization at SM-ALC, DS became the Distribution Division within the new Technology and Industrial Support Directorate (TI). Under the terms of a supply depot consolidation directed by the Deputy Secretary of Defense, approximately 60 percent of the positions in TID will be transferred from Air Force to the Defense Logistics Agency (DLA). The 5-year Pacer Share project will continue until February, 1993, within separate components of the two agencies, under joint Air Force and DLA management. The project plan is amended to provide for the transition from a single-agency project to a joint Air Force and DLA project.

DATES: *Comment date*: To be considered, written comments must be received no later than April 20, 1991.

ADDRESSES: Send or deliver written comments to Donna Beecher, Assistant Director for Systems Innovation and Simplification, U.S. Office of Personnel Management, 1900 E Street, NW., room 7433, Washington, DC 20415.

FOR FURTHER INFORMATION CONTACT: At OPM, Mr. Les Bodian, (202) 606-2820; at Defense Logistics Agency Headquarters, Mr. Carlo Stallo, (703) 617-7225; at Air Force Headquarters, Ms. Kathy Bown, (703) 697-5121; at Defense Distribution Region West, Allen Brewer, (209) 832-9157; at the Sacramento Air Logistics Center, Technology and Industrial Support Directorate, Ms. Anita Clevenger, (916) 643-3615.

SUPPLEMENTARY INFORMATION:

Pacer Share Project Background

The Air Force implemented a demonstration project on February 16, 1988, under title VI of the Civil Service Reform Act of 1978, entitled Pacer Share: A Federal Productivity Enhancement Program. The purpose of the 5-year project is to demonstrate that the productivity of a Federal installation can be improved significantly through the implementation of a more flexible personnel system. The demonstration project, which covers approximately 1,500 employees in the Technology and Industrial Support Directorate (TI) of the Sacramento Air Logistics Center, tests five major changes to current personnel management policies and procedures: (1) A simplified classification system, (2) a simplified compensation system, (3) elimination of annual performance ratings in favor of organizational performance measures and statistical quality control procedures, (4) a productivity gainsharing system based on organizational performance, and (5) a modified on-call employment program for new hires.

Department of Defense Depot Consolidation Effort

On April 12, 1990, the Deputy Secretary of Defense directed the consolidation of distribution functions at Department of Defense (DoD) supply depots under the Defense Logistics Agency (DLA). The memorandum authorizing the supply depot consolidation directed that "as a first step in this process, consolidation of five supply depots in the San Francisco Bay area will serve as a prototype." Under the prototype consolidation, major segments of the Sacramento Army Depot; Sharpe Army Depot; Naval Supply Center, Oakland; Air Force Sacramento Air Logistics Center; and DLA Defense Depot Tracy, California will be merged into the newly established DLA Defense Distribution Region West (DDRW), headquartered in Tracy, California.

The merger, tentatively scheduled for April, 1991, will affect approximately 800 employees currently participating in the Pacer Share demonstration project. When the merger is implemented, approximately 60 percent of the positions covered by Pacer Share will move from Air Force to DLA, making Pacer Share a demonstration project jointly hosted by Air Force and DLA. Personnel administration and payroll services for Pacer Share employees who are transferred to the newly created Sacramento Specialized Distribution Site (SSDS) within DDRW will continue to be provided by SM-ALC. All Pacer Share Personnel policies and procedures, as described in the final project plan, and all OPM-approved Pacer Share implementing regulations will remain in effect for the DLA portion of the project.

Project Plan Modifications

The official Pacer Share Project Plan appeared in the Federal Register on November 20, 1987. In order to ensure the successful continuation of the project following implementation of the DoD consolidation initiative, certain sections of the project plan must be modified to recognize the transition from a single-agency project to a cooperative Air Force and DLA project. Other modifications described in this notice are necessary to reflect the changes in organization names and position titles that have been brought about by reorganization at SM-ALC.

In the "Introduction" section of the project plan, the "Participating Organization and Its Mission" and "Participating Employees" subsections are updated to reflect the current organizational structure at SM-ALC and to recognize the future joint participation of SM-ALC and DDRW employees. The "Labor Participation" section is also modified to reflect the circumstances brought about by the forthcoming consolidation.

The "Methodology" section of the original project plan describes a "quasi-experimental" design for evaluating the Pacer Share project, with before-and-after measures taken at SM-ALC being compared to measures taken at four other ALC's serving as a "control" group. The combined influences of reorganizations throughout the Air Force Logistics Command and the DoD depot consolidation necessitate changes to this experimental design. The description of the design is deleted from the "Methodology" section, and a new approach to the evaluation of Pacer Share is described in detail in the "Evaluation" section.

This modification also makes several changes in the "Methodology" section regarding the administration of Pacer Share project. The project plan is modified to note that SM-ALC will continue to provide personnel services to all Pacer Share employees following implementation of the consolidation.

The original project plan provides for the establishment of a Compensation Committee, to develop recommendations to address compensation and gainsharing issues. This modification reflects changes in the titles of the Compensation Committee

members following SM–ALC reorganization. The project plan is also modified to provide for either DDRW participation on the Compensation Committee or the establishment of separate Compensation Committees for the SM–ALC and DDRW components of Pacer Share, based on an agreement to be finalized between Air Force and DLA.

The titles of some Pacer Share Steering Committee members listed in the original project plan have changed as a result of the SM–ALC reorganization. The project plan is also modified to provide for DDRW participation on the Steering Committee, following implementation of the consolidation, under the terms of an agreement to be finalized between Air Force and DLA.

As noted previously, this notice amends the "Evaluation" section of the original project plan with a description of OPM's strategy for evaluating the remaining portion of the 5-year demonstration project. A reference in the original project plan to the RAND Corporation as the external evaluator for the project is modified to indicate a change of external evaluator for years 4 and 5 of the project.

Finally, except where otherwise noted in these amendments, the terms "DS," used in the original project plan to describe the participating organization, is replaced with "TI and SSDS." This modification reflects both the reorganization within SM–ALC and the transition from a single-agency project within the Air Force to a joint Air Force and DLA project. Similarly, wherever the expression "the Directorate" appears it is to be replaced with "TI and SSDS," and wherever "Air Force" appears in the original project plan it is to be replaced with "Air Force and DLA."

U.S. Office of Personnel Management.

Constance Berry Newman,

Director.

This demonstration project plan for the Pacer Share Demonstration Project, published in the **Federal Register** November 20, 1987 (52 FR 44782) is amended as follows:

1. Executive Summary—Evaluation Plan

The executive summary of the original project plan refers to the RAND Corporation as the external evaluator for the Pacer Share project. RAND served as the external evaluator for the first 3 years of the project and will administer the fourth year survey in April 1991. Once final reports for the first 3 years of the project have been finalized, RAND's role as the external evaluator will end. On page 44784, under the heading *Participating Organizations,* the sentence that reads "The RAND Corporation, Santa Monica, California, will serve as an independent project evaluator" is replaced with the following:

The RAND Corporation, Santa Monica, California, served as the external evaluator for the first 3 years of the project. The Navy Personnel Research and Development Center, San Diego, California, will serve as the external evaluator for years 4 and 5.

2. Introduction—Participating Organization and Its Mission

Upon implementation of the DoD supply depot consolidation at McClellan Air Force Base, the Pacer Share experimental site will be split into two organizations, one under the management of SM-ALC and one under the management of DDRW. Table 1 shows the proposed breakdown of functions that will transfer to DLA. The final determination regarding which SM–ALC functions will be transferred to DDRW will be based on a memorandum of agreement between the Air Force and DLA. Pacer Share will remain a single project under 5 U.S.C. chapter 47, and both organizations will continue to participate in the Pacer Share project. On page 44787, the subsection titled *Participating Organization and Its Mission* is replaced with the following:

Participating organization. The demonstration project, called Pacer Share, will be conducted in two organizations located at McClellan Air Force Base, California:

(1) The Distribution Division and the Program Control Division of the Technology and Industrial Support Directorate (TI), Air Force Sacramento Air Logistics Center (SM–ALC), and

(2) The Sacramento Specialized Distribution Site (SSDS) of the Defense Logistics Agency Defense Distribution Region West (DDRW).

Although operational management of the SM–ALC and DDRW components of Pacer Share will be under different DoD agencies, both the SM–ALC and DDRW components will follow all Pacer Share personnel policies and procedures, as described in the final project plan and all OPM-approved Pacer Share implementing regulations. Either component may implement separate operating procedures, provided that they do not conflict with the project plan and implementing regulations, and provided that appropriate negotiations are held with employee representative organizations.

Table 1.—Proposed Distribution Functions Breakdown[1]

Transfers to DLA	Retained by Air Force
Central Receiving All wholesale receipts, all retail receipts, production/non-production turn-ins, standard base supply system repair cycle turn-ins (exclusing turn-ins to storage functions retained by the Air Force)	Receiving. Standard base supply system repair cycle turn-ins.
Storage All wholesale assets, most retail assets (excluding assets in storage facilities retained by the Air Force)	Storage Uniques. Forward maintenance customer support,standard base supply system retail sales outlets, deployment support, munitions, fuels.
Facilities/Mechanized Materials Handling System (MMHS) Maintenance (resources split between DLA and Air Force)	Facilities/Mechanized Materials. Handling System (MMHS) Maintenance (sufficient personnel and material resources are retained to service MMHS in facilities retained by Air Force).
Issue All assets stored	Issue. All assets stored.
Overhead Quality control, production analysis	Overhead. Systems (standard base supply system and stock control & distribution system).
Transporation Shipment planning, surface freight terminals, outbound/inbound documentation, claims, billing, discrepancy reporting, preservation/packing/crating/marking (all outbound assets, repacks, all turn-ins), consolidation/containerization	Transportation. air freight terminals, rail and marine operations,[2] air passenger terminals, passenger traffic management, personal property traffic management, mobility operations and training, transportation war plans, vehicle maintenance, vehicle operations, inventory control point technical support.
Base Supply Receiving and storage operations only	Base Supply. All functions except receiving and storage (includes pickup and delivery).[2]

[1] Source: Defense Logistics Agency, 3/11/91.
[2] Unless otherwise negotiated at the local level.

3. Introduction—Participating Employees

Since the original project plan was published in November 1987, the staffing level in the participating organization has been reduced through attrition from approximately 1,900 employees to approximately 1,500 employees. On page 44787, the subsection *Participating Employees,* along with tables 1, 2 and 3, are deleted, and replaced with the following subsection and table:

Table 2 shows a distribution of employees currently participating in the Pacer Share demonstration project.

Final decisions regarding the number of positions to be transferred upon implementation of the consolidation will be based on a memorandum of agreement between the Air Force and DLA. Selection of employees for transfer from SM–ALC to DDRW will be accomplished by SM–ALC.

TABLE 2.—DISTRIBUTION OF PACER SHARE EMPLOYEES AS OF JANUARY, 1991 [1]

Organization	DH hourly	DW white collar	DX supervisory	Total
TID (Distribution Division)	0	3	1	4
TIDA (Employee Development)	0	12	0	12
TIDF (Material Processing Branch)	478	103	38	619
TIDI (PACER Integrate Project)	0	9	1	10
TIDM (Resources Management Branch)	0	110	7	117
TIDS (Supply Branch)	42	257	37	336
TIDT (Transportation Branch)	162	135	44	341
TIO (Program Control Division)	5	55	5	65
Total	687	684	133	1504

[1] Source: Air Force Headquarters, 3/6/91.

4. Introduction—Labor Participation

On page 44789, the first sentence of the subsection *Labor Participation* is amended by replacing "DS workforce" with "TI Pacer Share workforce," in order to reflect the reorganization at SM–ALC.

Union representation for Pacer Share employees who have transferred to DDRW will not be formally determined until after the implementation of the supply depot consolidation. However, the policies and procedures in the Pacer Share project plan and implementing regulations, previously agreed to by SM–ALC and AFGE and approved by OPM, will continue to be followed for DDRW Pacer Share employees. On page 44789, the subsection *Labor Participation* is amended by the addition of the following paragraph at the end of the subsection:

SM–ALC will continue to fulfill its obligation to consult or negotiate with AFGE, as appropriate, in accordance with 5 U.S.C. 4703(f), on changes in the administration of Pacer Share necessary to implement the consolidation. Upon implementation of the consolidation, the DDRW Pacer Share workforce will be administered under Pacer Share policies and procedures as reflected in the Pacer Share project plan and implementing regulations, previously agreed to by SM–ALC and AFGE and approved by OPM, along with any Pacer Share operating issues to be negotiated between DDRW and an exclusive representative of the DDRW Pacer Share workforce.

5. Methodology—Project Design

On page 44789, the subsection *Project Design* is deleted. The changes brought about by reorganizations within all of the Air Force Air Logistics Centers and by the DoD supply depot consolidation effort make it necessary to modify the original experimental design. Intensive process evaluation will be conducted in the fourth and fifth years of the project, in order to better explain the effects of the demonstration project apart from the effects of other significant environmental changes, such as the transfer of functions between agencies within DoD. OPM's strategy for changing the experimental design is explained in detail in the amendment to the *Evaluation Plan* section included in this notice.

6. Methodology—Project Implementation—Project Personnel Office

On page 44802, the paragraph that begins with the heading *Project Personnel Office* is replaced with the following:

Project personnel office. The Pacer Share demonstration project personnel system will be administered by a separate personnel office staff at SM–ALC. Following implementation of the consolidation, SM–ALC will continue to provide personnel administration and payroll service to all Pacer Share employees.

7. Methodology—Project Implementation—Compensation Committee

In order to reflect the reorganization at SM–ALC, the paragraph that begins with the heading *Compensation Committee* on page 44802 is replaced with the following paragraph:

Compensation committee. The Compensation Committee consists of the Deputy Chief, Distribution Division (TID); the Chief, Program Control Division (TIO); all TID branch chiefs; the Financial Management Project Officer; and a union representative. The Committee is responsible for developing recommendations to address compensation and productivity gainsharing issues and for approving all project positions and hiring actions, including advanced in-hire rates, as recommended by the Pacer Share personnel office staff.

In order to provide for the transition to a joint Air Force and DLA project following implementation of the consolidation, the plan is amended by adding, on page 44802, the following paragraph immediately following the words "personnel office staff" in the preceding modification:

The structure of the Compensation Committee may be changed, as appropriate, to administer Pacer Share as a jointly managed Air Force and DLA project, with the concurrence of both participating organizations.

8. Methodology—Project Implementation—Steering Committee

In order to reflect the reorganization of SM–ALC, the paragraph that begins with the heading *Steering Committee* on page 44802 is replaced with the following paragraph:

Steering committee. The Pacer Share Steering Committee consists of the Civilian Personnel Officer, SM–ALC; the Director, Technology and Industrial Support Directorate (TI); the SM–ALC Chief Financial Officer; the Executive Assistant to the SM–ALC Commander; and the President of AFGE Local 1857. The Steering Committee is responsible for all final policy decisions affecting the Pacer Share project and issues crossing organizational lines involving TI, other organizations within SM–ALC, and the unions.

In order to provide for the transition to a joint Air Force and DLA project following implementation of the consolidation, the plan is amended by adding, on page 44802, the following paragraph immediately following the words "and the unions" in the preceding modification:

The structure of the Steering Committee may be changed, as appropriate, to administer Pacer Share as a jointly managed Air Force and DLA project, with the concurrence of both participating organizations.

9. Evaluation Plan

On pp. 44804–44806, the subsections titled *Methods, Measures and Data Sources, Data Collection and Analysis Plan* (including Table 15), and *Analyses* are deleted. The following new text is inserted in its place:

B. Evaluation Strategy

Background

The external evaluation of Pacer Share, now entering its fourth year, has been the responsibility of the RAND Corporation for the first three years of the demonstration. In accordance with § 470.101(a) (2) and (4), OPM has selected the Navy Personnel Research & Development Center (NPRDC) as the external evaluator for years 4 and 5 of Pacer Share. The evaluation of the last 2 years of Pacer Share will focus specifically on the personnel system changes tested under Pacer Share: job series consolidation and the process approach to classification, pay banding, revised supervisory grading criteria, the demonstration on-call program, and elimination of individual performance appraisal. The productivity gainsharing (PGS) program is of secondary interest in the evaluation of the final 2 years of the project for two reasons. (1) RAND has carried out thorough analyses of the PGS program during the first 3 years of the project and will publish these results in upcoming reports. (2) Productivity gainsharing programs do not require a waiver of law or regulation and have been implemented in many Government organizations. Much has already been learned about their effectiveness. Current personnel laws and regulations were waived for Pacer Share in order to test innovative personnel systems. A more thorough analysis of these personnel system changes is needed to determine their effectiveness and applicability to other Federal organizations.

Current Status of the Evaluation

Data has been collected form SM–ALC and from ALC's at four comparison sites: Kelly Air Force Base in San Antonio, Texas; Hill Air Force Base in Ogden, Utah; Robins Air Force Base in Warner Robins, Georgia; and Tinker Air Force Base in Oklahoma City, Oklahoma. Two evaluation reports have been published to date, the *Implementation Report*, produced by OPM, and the *Baseline Evaluation Report*, produced by RAND.

The reorganization, in which the Directorate of Distribution no longer exists, has also occurred at the other four ALC's used as comparison sites for the evaluation of the first 3 years of the demonstration project. It is not yet clear that the new organization structures at the comparison sites will parallel those at SM–ALC. Furthermore, the consolidation, in which some employees in the distribution function are transferred to DLA, has not yet occurred at the other ALC's. One result is that it will be more difficult, or perhaps impossible, to identify a parallel workforce at the other ALC's for comparison purposes.

Revised Evaluation Plan

NPRDC will prepare a revised, detailed evaluation plan based on the original evaluation model which appears as Table 14 on pp. 44803–44804. The new plan will focus on the effects of the personnel interventions. Longitudinal data bases will be established by NPRDC for both employee attitude survey data and workforce demographic data.

The survey instrument, which will be administered by RAND for the fourth time in April 1991, will be revised for future administration. The new instrument will include those original survey questions that are OPM "core items" and those important to the continued internal evaluation by RAND. Modifications will be made to more fully address the personnel issues and the effects of the reorganization and consolidation. The revised survey instrument will be administered in March, 1992, and again in March, 1993.

Research Issues To Be Covered in the Evaluation

The following list of research questions will be covered in the evaluation. This list is not meant to be exhaustive. As the evaluation plan is developed, other issues may be added if, in the judgment of the evaluator or OPM, they are important to the evaluation.

1. *Reorganization.* An assessment will be made of the implementation of the reorganization and consolidation as they affect the demonstration. This will include a determination of whether comparison sites will continue to be employed and, if comparisons are to be continued, how they will be identified and used. If no comparison groups are used, an alternative approach will be defined.

2. *Classification*—a. *Experimental studies.* In order to retest the reliability of classification decisions under the Pacer Share process definitions, a number of small experimental studies will be used. These will test interrater reliability of classification decisions and the applicability of Pacer Share criteria to jobs under the current system.

Study 1. i. Convene a group of 8 to 10 supervisors from the demonstration project. Each supervisor will be given the same three position descriptions representing typical jobs under Pacer Share and the classification criteria/guide which will be explained by a personnelist. Following the introduction, each supervisor will classify the positions based on the Pacer Share criteria. The results will be determined for each position description.

ii. Repeat the same experiment with 8 to 10 personnelists who have classification experience.

iii. Repeat the same experiment with 8 to 10 supervisors at a control site.

Study 2. Run the same series of experiments with GS, GM, and WG position descriptions applying Pacer Share classification criteria.

3. *Pay-banding.* Evaluation of pay-banding will include examination of salary progression, cross-over between blue and white collar jobs, incentives, satisfaction with pay and promotion opportunities, and incidence of pay inversion.

4. *Revised Supervisory Grading Criteria.* Evaluation of the revised supervisory grading criteria will include inter-rater reliability, advantages and disadvantages of combining blue and white collar jobs, effects on the staffing process, and a comparison with the new DoD supervisory grading criteria.

5. *Job Series Consolidation.* Several aspects and potential effects of job series consolidation will be examined. The strengths and weaknesses of the process approach to job series consolidation will be considered. Of special interest will be recruitment and staffing implications, merit promotion, job enrichment, and career and training opportunities. Satisfaction of personnelists, managers and employees with the system will also be examined.

6. *Demonstration-on-call.* Evaluation of the demonstration-on-call system will include numbers hired, separated and converted under the system, and types of processes and pay bands involved. If use of comparison sites is continued, differences among demonstration-on-call and career-conditional and career employees will be examined.

7. *Performance management.* The effects of elimination of individual performance appraisal will be evaluated. Issues explored will be satisfaction with pay progression based exclusively on seniority; adequacy of performance feedback received from supervisors as well as statistical process control measures; and implications for personnel actions when there is no individual appraisal.

Reports

Analyses of the effects of the personnel interventions will be provided in two annual reports. The fourth-year report will address effects of the reorganization and will provide an in-depth analysis of classification and pay-banding issues. The fifth-year report will

focus on recruitment, staffing and performance management issues. The final summative report will include all these issues and also address the effects of demonstration project changes that did not require a waiver of law or regulation, such as productivity gainsharing, total quality management and labor management cooperation.

[FR Doc. 91-6744 Filed 3-20-01; 8:45 am]
BILLING CODE 6325-01-M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-28978; File No. SR-Phlx-90-34]

Self-Regulatory Organizations; Philadelphia Stock Exchange, Inc.; Order Approving Proposed Rule Change Relating to Extending the AUTOM Pilot Program and Increasing the Number of Issues Eligible for Automatic Execution and the Types of Orders Eligible for Delivery Through AUTOM

I. Introduction

On October 29, 1990, the Philadelphia Stock Exchange, Inc. ("Phlx" or "Exchange") submitted to the Securities and Exchange Commission ("Commission"), pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act")[1] and rule 19b-4 thereunder,[2] a proposed rule change to increase the number of issues eligible for the automatic execution ("AUTO-EX") feature of the Exchange's Automated Options Market ("AUTOM") system, to permit delivery and manual execution of good until cancelled ("GTC")[3] and cabinet (accommodation transactions)[4] orders directly to Phlx specialists through the AUTOM system, and to extend the AUTOM pilot program until December 31, 1991.

The proposed rule change was published for comment in Securities Exchange Act Release No. 28643 (November 26, 1990), 55 FR 49960 (December 3, 1990). No comments were received on the proposed rule change.

[1] 15 U.S.C. 78s(b)(1) (1988).

[2] 17 CFR 240.19b-4 (1990).

[3] Good until cancelled orders are orders that are valid until they are executed or cancelled. The Phlx classifies these orders as "open" orders and treats them, except as to priority, as orders entered before the opening on each trading day that they remain valid. See Phlx rule 207.

[4] Cabinet trading is available for each series of options open for trading ont he Exchange. Cabinet trading is available for closing limit orders at a price of $1 per option contract for the accounts of customers, firms, specialists and registered option traders. See Phlx Rule 1059.

II. Description of AUTOM

The AUTOM system is an online system that allows electronic delivery of options orders from member firms directly to the appropriate specialist on the Phlx options trading floor, with electronic confirmation of order executions.

For orders routed through AUTOM, they are entered into the system and executed manually by the specialist who, upon execution of the order, enters the relevant trade information into the system. An execution report is then automatically sent to the firm that placed the order.

For orders eligible for automatic execution through AUTOM,[5] they are (1) Printed in hard copy form at the floor representative booth of the delivering member organization; (2) displayed on the trading crowd screen with buy/sell information omitted; and (3) printed in hard copy form at the specialist post. The order is priced and executed automatically at the displayed bid or offer, and the execution is reported automatically to the Options Price Reporting Authority ("OPRA"). A report of the execution is electronically sent to the delivering member organization and a hard copy of the report is printed at the floor representative's booth of the delivering member organization. The specialist is the contra-side of all trades. However, the specialist is required to ensure participation of bids and offers on the limit order book and in the trading crowd that are entitled to execution pursuant to the Phlx's rules of priority, parity, and precedence.

The Commission approved AUTOM on a pilot basis on March 31, 1988, for market orders of up to five contracts for all exercise prices in the near month covering twelve Phlx equity options until June 31, 1988.[6] Since then, the order routing feature of AUTOM has been expanded to include all orders in all exercise prices and months in all Phlx equity options; an automatic execution feature to AUTOM has been added for certain market and marketable limit orders; day orders have become eligible for delivery through the system; and the eligible order size for the order routing feature of AUTOM has been increased from ten (10) to one hundred (100) contracts.[7]

[5] Automatic execution through AUTOM is available only to single customer market and marketable limit orders of up to 10 contracts in at-the-money options, and options at one price interval above or below the at-the-money option (*i.e.*, three strike prices and all expiration months).

[6] See Securities Exchange Act Release No. 25540 (March 31, 1988), 53 FR 11390 (April 6, 1988).

[7] See Securities Exchange Act Release No. 28643 (November 26, 1990), 55 FR 49960 (December 3, 1990), at notes 2-6 for citations to Commission orders approving these expansions of the AUTOM pilot.

III. Description of the Proposal

The proposal would enable all Phlx equity options to be eligible for the automatic execution feature of AUTOM, increase the types of orders eligible for delivery and manual execution to include GTC and cabinet orders and extend the pilot program until December 31, 1991. The Exchange believes that increasing the number of issues eligible for automatic execution and the types of orders eligible for delivery and manual execution will increase overall AUTOM order flow and extend the system's benefits to additional firms and customers.

IV. Findings and Conclusions

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange, and, in particular, the requirements of sections 6 and section 11A.[8] The Commission continues to believe that the development and implementation of the AUTOM system provides for more efficient handling and reporting of orders in Phlx equity options through the use of new data processing and communications techniques, thereby improving order processing and turnaround time. The Commission also believes that increasing the number of issues eligible for the AUTO-EX feature of AUTOM, and permitting the delivery and manual execution of GTC and cabinet orders through AUTOM should increase overall AUTOM order flow and extend the system's benefits, such as increased order routing and execution efficiencies, to more Phlx member firms and customers. In addition, increasing the number of issues eligible for AUTO-EX should enable the Exchange to assess better the effectiveness of the AUTOM system.

Furthermore, the Commission believes, based on representations by the Exchange, that increasing the number of issues eligible for AUTOM will not expose the PHLX's options markets or equity markets to risk of failure or operational break-down. In particular, the Exchange represents that the AUTOM system will be able to handle the increased volume that should accompany the increase in the number of eligible issues.[9] Further, since the

[8] 15 U.S.C. 78f and 78k-1 (1988).

[9] Letter from Michael A. Finnegan, Senior Vice President, Phlx, to Eugene Lopez, Special Counsel,

Continued

AUTOM system is completely independent from the Phlx's Philadelphia Stock Exchange Automated Communication and Execution ("PACE") system for routing and executing stock orders, neither AUTOM nor PACE should impact on the other during periods of high volume. In addition, the Phlx has represented that AUTOM's order handling and disc capacity is more than adequate to address foreseeable needs including any additional traffic which might be generated as a result of increasing the number of issues eligible for the AUTO-EX feature of AUTOM.[10] Moreover, the Exchange represents that it does not envision any problems with the adequacy of specialist unit personnel in the event of unusually heavy order traffic to a specialist post by means of the AUTOM system.[11] Finally, the Exchange represents that from June 30, 1990 until present, AUTOM has not suffered any operational failures and the Phlx has not received any formal complaints with respect to the system's operation.[12]

Therefore, the Commission believes that extending the AUTOM system pilot program until December 31, 1991 and expanding its features as proposed by the Phlx is consistent with the requirements of sections 6 and 11A of the Act in that the purpose of the development and implementation of AUTOM is to improve the efficiency of the execution of transactions in Phlx equity options through the use of new data processing and communications techniques. The Commission also believes that the proposal is consistent with section 11A(a)(1)(C)(ii) of the Act in that it fosters fair competition among exchange markets since other options exchanges currently have in place Commission approved options execution systems on pilot and permanent bases.

It is therefore ordered, pursuant to section 19(b)(2) of the Act,[13] that the proposed rule change (SR-Phlx-90-34) is approved and that the AUTOM pilot program is extended until December 31, 1991.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[14]

Dated: March 15, 1991.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 91-6746 Filed 3-20-91; 8:45 am]

BILLING CODE 8010-01-M

[Rel. No. IC-18046; International Series Rel. No. 240; 812-7630]

Bankers Trust Co.; Application

March 14, 1991.

AGENCY: Securities and Exchange Commission ("SEC").

ACTION: Notice of application of exemption under the Investment Company Act of 1940 (the "Act").

APPLICANT: Bankers Trust Company ("Bankers Trust").

RELEVANT 1940 ACT SECTIONS: Exemption requested under section 6(c) from the provisions of section 17(f).

SUMMARY OF APPLICATION: Bankers Trust seeks an order to permit it to maintain foreign securities and other assets of U.S. registered investment companies in the custody of Ottoman Bank ("Ottoman"), a banking institution organized under the laws of the Republic of Turkey and regulated by that country's Central Bank.

FILING DATE: The application was filed on November 15, 1990, and amended on March 7, 1991, and supplemented by letter dated March 12, 1991.

HEARING OR NOTIFICATION OF HEARING: An order granting the application will be issued unless the SEC orders a hearing. Interested persons may request a hearing by writing to the SEC's Secretary and serving the applicant with a copy of the request, personnally or by mail. Hearing requests should be received by the SEC by 5:30 p.m. on April 8, 1991, and should be accompanied by proof of service on the applicant, in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by writing to the SEC's Secretary.

ADDRESSES: Secretary, SEC, 450 5th Strett, NW., Washington, DC 20549. Applicant, c/o Robert K. Lem, 280 Park Avenue, New York, New York 10017.

FOR FURTHER INFORMATION CONTACT: Eva Marie Carney, Staff Attorney, at (202) 504-2274 or Max Berueffy, Branch Chief, at (202) 272-3018 (Office of Investment Company Regulation, Division of Investment Management).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained for a fee at the SEC's Public Reference Branch.

Applicant's Representations and Legal Analysis

1. Bankers Trust seeks an order to exempt it, any investment company registered under the Act other than an investment company registered under section 7(d) (a "company"), and Ottoman from section 17(f) to permit Bankers Trust to maintain a Company's foreign securities and other assets in the custody of Ottoman as a foreign subcustodian.

2. Rule 17f-5 under the Act provides that any registered management investment company may place and maintain in the care of an eligible foreign custodian the company's foreign securities, cash, and cash equivalents in amounts necessary to effect the company's foreign securities transactions. Rule 17f-5(c)(2)(i) defines the term "eligible foreign custodian" to include a banking institution or trust company incorporated or organized under the laws of a country other than the United States that is regulated as such by that country's government or any agency thereof, and that has shareholders' equity in excess of U.S. $200,000,000. Ottoman does not meet this definition of "eligible foreign custodian" solely because it has shareholders' equity of not less than US $150,000,000.

3. Ottoman, founded in 1863, is a banking institution organized under the laws of the Republic of Turkey. Ottoman is subject to the supervision of the Central Bank that country, which provides monetary supervision, prudential controls (which require Ottoman to comply with solvency and liquidity directives) and structural supervision to banks in Turkey, and which is an agency of the Republic of Turkey for purposes of rule 17f-5(c)(2)(i) under the Act. Ottoman has been actively involved in providing global custody services for its clients since its inception. Although Ottoman currently has shareholders' equity of less than U.S. $200,000,000, as of June 30, 1990, Ottoman maintained custody of securities and other assets having a value in excess of U.S. $850,000,000.

Office of Automation and International Markets, Division of Market Regulation ("Division"), SEC, dated February 4, 1991.

[10] The Phlx represents that AUTOM's capacity is 48,000 orders for a six hour forty minute trading day although the system has been initially configured to handle 10,000 orders per day. The Phlx also represents that the system currently is processing 800 orders per day. *Id.*

[11] Letter from Michael A. Finnegan, Senior Vice President, Phlx, to Thomas Gira, Branch Chief, Options Regulation, Markets, Division, SEC, dated February 15, 1991.

[12] Conversation between Michael A. Finnegan, Senior Vice President, Phlx, and Monica C. Michelizzi, Staff Attorney, Division, Commission, March 5, 1991.

[13] 15 U.S.C. 78s(b)(2) (1988).

[14] 17 CFR 200.30-3(a)(12) (1990).

4. Bankers Trust proposes to deposit foreign securities and other assets in Ottoman in accord with a written three-party contractual agreement, which will remain in effect at all times during which Ottoman fails to meet the requirement of rule 17f–5 relating to minimum shareholders' equity, among (a) The Company or a custodian of the Company for which Bankers Trust acts as subcustodian, (b) Bankers Trust, and (c) Ottoman. Pursuant to the terms of this agreement, Bankers Trust will provide specified custodial or subcustodial services for the Company or the custodian, as the case may be, and will delegate to Ottoman such of its duties and obligations as will be necessary to permit Ottoman to hold the foreign securities in custody in Turkey.

5. Bankers Trust believes that the proposed foreign custodial arrangement will adequately protect the Companies against loss. Pursuant to the terms of the custodial agreement, Bankers Trust will remain liable for any loss, damage, cost, expense, liability, or claim arising out of or in connection with the performance by Ottoman of its responsibilities under the agreement to the same extent as if Bankers Trust were required to provide custody services under the agreement. Bankers Trust believes that Ottoman has financial resources that are adequate to meet its contractual responsibilities as Bankers Trust's foreign subcustodian in Turkey. Further, Bankers Trust currently satisfies and will continue to satisfy the minimum shareholders' equity requirement of $200,000,000 set forth in rule 17f–5(c)(2)(i).

6. Bankers Trust submits that the requested relief is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policies and provisions of the Act.

Applicant's Conditions

1. The foreign custody arrangement with Ottoman will comply with the provisions of rule 17f–5 in all respects except that relating to the minimum shareholders' equity requirement for an eligible foreign custodian.

2. Bankers Trust currently satisfies and will continue to satisfy the minimum shareholders' equity requirement set forth in rule 17f–5(c)(2)(i).

3. Bankers Trust will deposit securities in Turkey with Ottoman only in accord with a three-party contractual agreement, which will remain in effect at all times during which Ottoman fails to meet the requirement of rule 17f–5 relating to minimum shareholders' equity, among (a) The Company or a custodian of the securities of the Company for which Bankers Trust acts as subcustodian, (b) Bankers Trust, and (c) Ottoman. Pursuant to the terms of this agreement, Bankers Trust will provide specified custodial or sub-custodial services for the Company or the custodian, as the case may be, and will delegate to Ottoman such of its duties and obligations as will be necessary to permit Ottoman to hold the securities in custody in Turkey. The agreement will further provide that Bankers Trust will be liable for any loss, damage, cost, expense, liability, or claim arising out of or in connection with the performance by Ottoman of its responsibilities under the agreement to the same extent as if Bankers Trust had been required to provide custody services under such agreement.

For the SEC, by the Division of Investment Management, under delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 91–6662 Filed 3–20–91; 8:45 am]

BILLING CODE 8010–01–M

[Rel. No. IC–18044; 812–7681]

Massachusetts Investors Trust, et al.; Application

March 14, 1991.

AGENCY: Securities and Exchange Commission ("SEC").

ACTION: Notice of application for exemption under the Investment Company Act of 1940 (the "Act").

APPLICANTS: Massachusetts Investors Trust, Massachusetts Financial Development Fund, Massachusetts Investors Growth Stock Fund, Massachusetts Capital Development Fund, Massachusetts Financial Special Fund, MFS Managed Sectors Trust, Massachusetts Financial Emerging Growth Trust, Massachusetts Financial Total Return Trust, MFS Worldwide Total Return Trust, MFS Worldwide Governments Trust, Massachusetts Financial Bond Fund, Massachusetts Financial High Income Trust, MFS Government Premium Account, MFS Government Securities Trust, MFS Government Income Plus Trust, MFS Municipal Bond Trust, MFS Managed Multi-State Municipal Bond Trust, MFS Managed California Municipal Bond Trust, MFS Managed High Yield Municipal Bond Trust (including any existing or future series thereof, the "Trusts"), and MFS Financial Services, Inc., on its own behalf and on behalf of any existing or future registered investment companies or series thereof whose shares may be distributed on substantially the same basis as the Trusts or whose shares may be acquired through an exchange or reinvestment of redemption proceeds from a Trust (collectively, "Applicants").

RELEVANT ACT SECTIONS: Exemption requested pursuant to section 6(c) from the provisions of sections 2(a)(32), 2(a)(35), 22(c) and 22(d) and rule 22c–1.

SUMMARY OF APPLICATION: Applicants seek an exemption under section 6(c) of the Act to permit the Trusts to impose and, under certain circumstances, waive a contingent deferred sales charge on certain redemptions of its shares.

FILING DATES: The application was filed on February 11, 1991 and amended on March 12, 1991.

HEARING OR NOTIFICATION OF HEARING: An order granting the application will be issued unless the SEC orders a hearing. Interested persons may request a hearing by writing to the SEC's Secretary and serving Applicants with a copy of the request, personally or by mail. Hearing requests should be received by the SEC by 5:30 p.m. on April 10, 1991, and should be accompanied by proof of service on the Applicants, in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by writing to the SEC's Secretary.

ADDRESSES: Secretary, SEC, 450 5th Street NW., Washington, DC 20549. Applicants, 500 Boylston Street, Boston, Massachusetts 02116.

FOR FURTHER INFORMATION CONTACT: Nicholas D. Thomas, Staff Attorney, at (202) 504–2263 or Max Berueffy, Branch Chief, at (202) 272–3016 (Division of Investment Management, Office of Investment Company Regulation).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained for a fee at the SEC's Public Reference Branch.

Applicants' Representations

1. The Trusts are organized under the laws of the Commonwealth of Massachusetts as trusts with transferable shares. They are registered under the Act as open-end management investment companies.

2. MFS Financial Services, Inc. ("FSI"), a Delaware corporation, is the principal underwriter of each Trust. The investment adviser of each Trust is Massachusetts Financial Services

Company, ("MFS"), a Delaware Corporation. FSI is a subsidiary of MFS. MFS is a subsidiary of Sun Life Assurance Company of Canada (U.S.), which in turn is a subsidiary of Sun Life Assurance Company of Canada.

3. Purchases of the shares of a Trust are presently subject to an initial front-end sales charge, which decreases from a maximum percentage as the size of the purchase increases. The front-end sales charge is waived for certain classes of purchasers enumerated in each Trust's prospectus.

4. Applicants propose to eliminate the front-end sales charge on purchases of Trust shares of $1 million or more and impose a contingent deferred sales charge ("CDSC") on such shares if they are redeemed within 12 months of their purchase. The CDSC will be 1% of the lesser of (a) The net asset value of the shares redeemed (exclusive of reinvestment dividends and capital gains distributions) or (b) the original cost of such shares.[1]

5. In determining whether a CDSC is payable, the Trusts will assume that shares held for more than twelve months will be the first to be redeemed, followed by other shares held for the longest time.

6. In accordance, with rule 11a–3 under the Act, Applicants will not impose a CDSC on (a) exchanges among the Trusts, (b) exchanges from a Trust into the Municipal Working Capital Trust or, the Massachusetts Cash Management Working Capital Trust or the Massachusetts Cash Management Trust (money market funds which are part of the MFS family of funds), or (c) any other exchanges among the funds in the MFS family of funds. If, however, the shares acquired in an exchange are then redeemed (other than in connection with a re-exchange) within 12 months of the initial purchase of the shares exchanged, a CDSC, if otherwise applicable, will be imposed at the time the acquired shares are redeemed. Applicants reserve the right to change or discontinue the exchange privilege in the future. A service fee may be imposed on each exchange.

7. Applicants intend to waive the CDSC on the following redemptions: (a) Redemptions effected pursuant to the Trust's right to liquidate a shareholder's account if the aggregate net asset value of the shares held in the account is less than $500 (or a lesser amount in the case of certain automatic investment plans and tax-deferred retirement plans); (b) distributions to participants from a retirement plan qualified under section 401(a) or 401(k) of the Internal Revenue Code of 1986, as amended, or due to death of a participant in such a plan; (c) distributions from a 403(b) Plan or an Individual Retirement Account ("IRA") due to death, disability or attainment of age 59½; (d) tax-free returns of excess contributions to an IRA; (e) distributions by other employee benefit plans to pay benefits; and (f) distributions described in (b), (c) and (e) above made pursuant to a systematic withdrawal plan.

8. Applicants intend to provide a credit for any CDSC paid in connection with a redemption of shares followed by a reinvestment effected within thirty days after redemption pursuant to each Trust's reinstatement privilege. The reinvestment permitted by each Trust's reinstatement privilege provides for a credit if the reinvesting shareholder invests in any fund in the MFS family of funds except MFS Managed Municipal Bond Trust, MFS Managed Multi-State Municipal Bond Trust, MFS Managed California Bond Trust and MFS High Yield Municipal Bond Trust (the "Municipal Trusts"). Shares so reinstated will be subject to the CDSC if redeemed within 12 months of the initial purchase of the shares redeemed. Applicants reserve the right to discontinue the credit described above or to provide a credit where shareholders reinvest redemption proceeds in a Municipal Trust pursuant to the reinvestment privilege.

Applicants' Legal Analysis

1. Applicants seek an exemption from sections 2(a)(32), 2(a)(35), 22(c) and 22(d) of the Act and rule 22c–1 thereunder. They submit that the requested relief is, in keeping with the requirements of section 6(c) of the Act, necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act, and that an order pursuant to section 6(c) of the Act should therefore be granted.

2. Applicants submit that the CDSC, unlike a front-end sales charge, will enable covered shareholders to have their entire investment working for them from the time of their initial purchase of shares. In addition, the money that otherwise would have been paid as a front-end sales charge will benefit a Trust by increasing the Trust's asset base and reducing its expense ratio, which will have a corresponding benefit to all shareholders. Applicants assert that the imposition of the CDSC will not restrict any affected shareholder of any Trust from receiving a proportionate share of the current net assets of such Trust, but will merely defer the deduction of a sales charge and make it contingent upon an event which may never occur.

3. Applicants submit that the waiver of the CDSC will not harm the Trusts or their shareholders, nor will it unfairly discriminate among shareholders or purchasers. Applicants submit that the waiver on redemptions in connection with certain distributions from retirement plans and employee benefit plans is appropriate for public policy reasons. Such a waiver is fully consistent with the provisions granting favored federal tax treatment to accumulations under such plans and imposing additional taxes on early distributions from them. Applicants further submit that the policy to waive the CDSC on a redemption effected pursuant to the Trust's right to liquidate small shareholder accounts is appropriate because to impose a charge for such involuntary redemptions might be deemed unfair.

4. Applicants further submit that the proposed credit of the CDSC applicable to a shareholder who redeems shares subject to the charge and reinvests the proceeds of the redemption within 30 days of the redemption is in the interest of shareholders. This reinvestment privilege allows investors who erroneously redeemed or otherwise had second thoughts about having redeemed their shares to reinvest the proceeds without reincurring the sales charge.

Applicants' Condition

If the requested exemptive relief is granted, Applicants agree to comply with the provisions of proposed rule 6c–10 under the Act, Investment Company Act Rel. No. 16619 (November 2, 1988), as currently proposed and as it may be re-proposed, adopted or amended.

For the Commission, by the Division of Investment Management, under delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 91–6663 Filed 3–20–91; 8:45 am]

BILLING CODE 8010–01–M

[1] MFS Managed Municipal Bond Trust, MFS Managed Multi-State Municipal Bond Trust, MFS Managed California Municipal Bond Trust and MFS Managed High Yield Municipal Bond Trust do not presently intend to eliminate their front-end sales charge or impose a CDSC on purchases of $1 million or more; however, they may do so in the future.

[Investment Company Act Rel. No. 18045; International Series Rel. No. 241; 811–7635]

The Mexico Fund, Inc.; Proposed Application

March 14, 1991.

AGENCY: Securities and Exchange Commission ("SEC").

ACTION: Notice of application for exemption under the Investment Company Act of 1940 ("Act").

APPLICANT: The Mexico Fund, Inc.

RELEVANT ACT SECTIONS: Exemption requested under section 6(c) from the provisions of section 12(d)(3) of the Act and rule 12d3–1 thereunder.

SUMMARY OF APPLICATION: The Applicant seeks a conditional order under section 6(c) of the Investment Company Act of 1940 exempting it from the provisions of section 12(d)(3) of the Act and rule 12d3–1 thereunder to the extent necessary to permit the Applicant to invest in equity securities issued by foreign companies, that, in each of their most recent fiscal years, derived more than 15% of their gross revenues from their activities as a broker, dealer, underwriter or investment adviser, provided such investments meet the conditions in the proposed amendments to rule 12d3–1.

FILING DATE: The Application was filed on February 14, 1991. A supplemental letter from the Applicant's counsel was received on March 13, 1991.

HEARING OR NOTIFICATION OF HEARING: An order granting the application will be issued unless the SEC orders a hearing. Interested persons may request a hearing by writing to the SEC's Secretary and serving the Applicant with a copy of the request, personally or by mail. Hearing requests should be received by the SEC by 5:30 p.m. on April 10, 1991, and should be accompanied by proof of service on the Applicant, in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by writing to the SEC's Secretary.

ADDRESSES: Secretary, SEC, 450 5th Street, NW., Washington, DC 20549. Applicant, 1500 K Street, NW., Washington, DC 20005.

FOR FURTHER INFORMATION CONTACT: Nicholas Thomas, Staff Attorney, at (202) 504–2263 or Max Berueffy, Branch Chief, at (202) 272–3016 (Division of Investment Management, Office of Investment Company Regulation).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained for a fee at the SEC's Public Reference Branch.

Applicant's Representations

1. The Applicant is a Maryland corporation and a closed-end diversified management investment company registered under the Act. The Applicant's investment adviser is Impulsora del Fondo Mexico, S.A. de C.V. The Applicant's investment objective is long-term capital appreciation primarily through investments in equity securities listed on the Mexican Stock Exchange.

2. The Applicant seeks relief from section 12(d)(3) of the Act and rule 12d3–1 thereunder to be able to invest in the equity securities of Mexican issuers that, in their most recent fiscal year, derived more than 15% of their gross revenues from their activities as a broker, dealer, underwriter or investment adviser ("Foregin Securities Companies").

Applicant's Legal Analysis

1. Section 12(d)(3) of the Act generally prohibits an investment company from acquiring any security issued by any person who is a broker, dealer, underwriter or investment adviser. Rule 12d3–1 provides an exemption from section 12(d)(3) of the Act for investment companies acquiring securities of an issuer that, in its most recent fiscal year, derived more than 15% of its gross revenues from securities-related activities, provided the acquisitions satisfy certain conditions set forth in the rule.

2. Subparagraph (b)(4) of rule 12d3–1 provides that "any equity security of the issuer * * * [must be] a 'margin security' as defined in Regulation T promulgated by the Board of Governors of the Federal Reserve System." "Margin Security" status is generally available only to securities traded in the United States, and to a limited number of "foreign margin stocks" identified by the Board of Governors of the Federal Reserve System. See 12 CFR 220.2 (i) and (q)(8). Because the Applicant proposes to invest in equity securities, as defined in section 3(a)(11) of the Securities Exchange Act of 1934, of Foreign Securities Companies that are neither "margin stocks" nor "foreign margin stocks" within the meaning of Regulation T, the Applicant is unable to take advantage of the exemption provided by rule 12d3–1.

3. Under the proposed amendments to rule 12d3–1, an investment company would be permitted to acquire the equity securities of a Foreign Securities Company that are not "margin securities" if the company meets certain size, quality and operating history criteria. The criteria, as set forth in the proposed amendments, "are based particularly on the policies that underlie the requirements for inclusion on the list of over-the-counter margin stocks." Investment Company Act Release No. 17096 (Aug. 3, 1989).

Applicant's Condition

If the requested exemptive relief is granted, the Applicant agrees to comply with the provisions of the proposed amendments to rule 12d3–1 as currently proposed or as rule 12d3–1 may be reproposed, adopted or amended.

For the Commission, by the Division of Investment Management, under delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 91–6664 Filed 3–20–91; 8:45 am]

BILLING CODE 8010–01–M

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Loan Area # 2482]

Mississippi (With Contiguous Counties in Arkansas, Tennessee, Alabama, & Louisiana); Declaration of Disaster Loan Area

As a result of the President's major disaster declaration on March 5, 1991, I find that the Counties of Adams, Bolivar, Calhoun, Clay, Coahoma, Grenada, Itawamba, Leflore, Lowndes, Monroe, Panola, Quitman, Sunflower, Tallahatchie, Tishomingo, Washington, and Yalobusha in the State of Mississippi constitute a disaster area as a result of damages caused by severe storms and flooding beginning on February 17, 1991 and continuing. Applications for loans for physical damage may be filed until the close of business on May 3, 1991, and for loans for economic injury until the close of business on December 5, 1991, at the address listed below:

(Prior to March 22, 1991), U.S. Small Business Administration, Disaster Area 2 Office, 120 Ralph McGill Blvd., 14th fl., Atlanta, Georgia 30308.

(After March 22, 1991), U.S. Small Business Administration, Disaster Area 2 Office, One Baltimore Place, suite 300, Atlanta, Georgia 30308.

or other locally announced locations. In addition, applications for economic injury loans from small businesses located in the contiguous counties of Alcorn, Carroll, Chickasaw, Franklin, Holmes, Humphreys, Issaquena, Jefferson, Lafayette, Lee, Montgomery, Noxubee, Oktibbeha, Pontotoc, Prentiss, Sharkey, Tate, Tunica, Webster, and Wilkinson in the State of Mississippi; Chicot, Desha, and Phillips Countires in the State of Arkansas; Hardin and McNairy Counties in the State of Tennessee; Colbert, Franklin, Lamar,

Lauderdale, Marion, and Pickens Counties in the State of Alabama; and Concordia, East Carroll, and Tensas Counties in the State of Louisiana may be filed until the specified date at the above location.

The interest rates are:

For Physical Damage:

Homeowners With Credit Available Elsewhere—8.000%

Homeowners Without Credit Available Elsewhere—4.000%

Businesses With Credit Available Elsewhere—8.000%

Businesses and Non-Profit Organizations Without Credit Available Elsewhere—4.000%

Others (Including Non-Profit Organizations) With Credit Available Elsewhere—9.125%

For Economic Injury:

Businesses and Small Agricultural Cooperatives Without Credit Available Elsewhere—4.000%

The number assigned to this disaster for physical damage is 248206 and for economic injury the numbers are 726100 for the State of Mississippi; 726200 for Arkansas; 726300 for Tennessee; 726400 for Alabama; and 726500 for Louisiana.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008)

Dated: March 8, 1991.

Alfred E. Judd,

Acting Assistant Administrator for Disaster Assistance.

[FR Doc. 91-6586 Filed 3-20-91; 8:45 am]

BILLING CODE 8025-01-M

[Declaration of Disaster Loan Area #2482]

Mississippi, (With Contiguous Counties in Arkansas, Tennessee, Alabama, & Louisiana); Amendment #1, Declaration of Disaster Loan Area

The above-numbered Declaration is hereby amended in accordance with an amendment dated March 9, 1991, to the President's major disaster declaration of March 5, to include Simpson County in the State of Mississippi as a disaster area as a result of damages caused by severe storms and flooding beginning on February 17, 1991 and continuing.

In addition, applications for economic injury loans from small businesses located in the contiguous Counties of Copiah, Covington, Hinds, Jefferson Davis, Lawrence, Rankin, and Smith in the State of Mississippi may be filed until the specified date at the previously designated location.

All other information remains the same, i.e., the termination date for filing applications for physical damage is May 3, 1991, and for economic injury until the close of business on December 5, 1991.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008).

Dated: March 12, 1991.

Alfred E. Judd,

Acting Assistant Administrator for Disaster Assistance.

[FR Doc. 91-6687 Filed 3-20-91; 8:45 am]

BILLING CODE 8025-01-M

[License No. 10/10-0170]

Washington Trust Equity Corp.; License Surrender

Notice is hereby given that Washington Trust Equity Corp., P.O. Box 2127, Spokane, Washington 99210, has surrendered its license to operate as a small business investment company under section 301(c) of the Small Business Investment Act of 1958, as amended (the Act). Washington Trust Equity Corp. was licensed by the Small Business Administration on February 21, 1980.

Under the authority vested by the Act and pursuant to the regulations promulgated thereunder, the surrender of the license was accepted on February 27, 1991 and accordingly, all rights, privileges and franchises derived therefrom have been terminated.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: March 13, 1991.

Bernard Kulik,

Associate Administrator for Investment.

[FR Doc. 91-6685 Filed 3-20-91; 8:45 am]

BILLING CODE 8025-01-M

Region IV Advisory Council; Public Meeting

The U.S. Small Business Administration Region IV Advisory Council, located in the geographical area of Jacksonville, will hold a public meeting from 10 a.m. to 2:30 p.m. on Thursday, April 18, 1991, at the Holiday Inn Downtown, 111 Fortune Street West, Tampa, Florida, to discuss such matters as may be presented by members, staff of the U.S. Small Business Administration, or others present.

For further information, write or call Thomas M. Short, District Director, U.S. Small Business Administration, Jacksonville District Office, Center Building, 7825 Baymeadows Way, suite 100-B, Jacksonville, Florida 32256-7504, telephone (904) 443-1971.

Dated: March 13, 1991.

Jean M. Nowak,

Director, Office of Advisory Councils.

[FR Doc. 91-6684 Filed 3-20-91; 8:45 am]

BILLING CODE 8025-01-M

Region IV Advisory Council; Public Meeting

The U.S. Small Business Administration Region IV Advisory Council, located in the geographical area of Atlanta, will hold a public meeting from 12 noon on Thursday, April 25, 1991, to 12 noon on Friday, April 26, 1991, at the Homewood Suites, 5820 White Bluff Road, Savannah, Georgia, to discuss such matters as may be presented by members, staff of the U.S. Small Business Administration, or others present.

For further information, write or call Wilfred A. Stone, District Director, U.S. Small Business Administration, 1720 Peachtree Road NW., 6th Floor, Atlanta, Georgia 30309, telephone (404) 347-4749.

Dated: March 13, 1991.

Jean M. Nowak,

Director, Office of Advisory Councils.

[FR Doc. 91-6681 Filed 3-20-91; 8:45 am]

BILLING CODE 8025-01-M

Region IV Advisory Council; Public Meeting

The U.S. Small Business Administration Region IV Advisory Council, located in the geographical area of Charlotte, will hold a public meeting at 10 a.m. on Monday, March 25, 1991, at the Wachovia Bank Building, 400 South Tyron Street, Charlotte, North Carolina, to discuss such matters as may be presented by members, staff of the U.S. Small Business Administration, or others present.

For further information, write or call Michael J. O'Callaghan, Acting District Director, U.S. Small Business Administration, 222 South Church Street, suite 300, Charlotte, North Carolina 28202, telephone (704) 371-6561.

Dated: March 13, 1991.

Jean M. Nowak,

Director, Office of Advisory Councils.

[FR Doc. 91-6682 Filed 3-20-91; 8:45 am]

BILLING CODE 8025-01-M

Region X Regional Advisory Council; Public Meeting

The U.S. Small Business Administration Region X Advisory Council, located in the geographical area of Portland, will hold a public meeting at 10 a.m. on Friday, April 19, 1991, at the Oregon Economic Development Department Conference Room, 775 Summer Street, NE. Salem, Oregon, to discuss such matters as may be presented by members, staff of the U.S.

Small Business Administration, or others present.

For further information, write or call John L. Gilman, District Director, U.S. Small Business Administration, 222 SW. Columbia, suite 500, Portland, Oregon 97201, telephone (503) 325–5521.

Dated: March 13, 1991.

Jean M. Nowak,

Director, Office of Advisory Councils.

[FR Doc. 91–6683 Filed 3–20–91; 8:45 am]

BILLING CODE 8025–01–M

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Environmental Impact Statement; Carroll County, NH

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 Carroll County, New Hampshire.

FOR FURTHER INFORMATION CONTACT: Mr. William F. O'Donnell, P.E., Area Engineer, Federal Highway Administration, 279 Pleasant Street, room 204, Concord, New Hampshire 03301, Telephone: (603) 225–1608, or Mr. William R. Hauser, Supervisor, Environmental Services Section, New Hampshire Department of Transportation, P.O. Box 483, John O. Morton Building, Concord, New Hampshire 03302–0483, Telephone: (603) 271–3226.

SUPPLEMENTARY INFORMATION: The FHWA in cooperation with the New Hampshire Department of Transportation (NHDOT), will prepare an environmental impact statement (EIS) for a proposal to upgrade existing N.H. Route 16 (and U.S. Route 302 as appropriate) through the villages of Conway and North Conway, construct a limited (fully controlled) access by-pass layout around said villages, and identify desirable town road improvements so that all three functions will accommodate existing and anticipated traffic growth.

Improvements to this transportation corridor are considered necessary to solve major traffic congestion problems between the Madison/Albany Town Line to the south and the Conway/Bartlett Town Line to the north.

Alternatives to be considered include (1) taking no action; (2) applying transportation systems management (TSM) improvements to selected locations on existing roads; (3) upgrading the existing route to add capacity, reduce travel time and/or improve safety; (4) constructing a bypass of existing N.H. Route 16.U.S. Route 302 with alternative connections to N.H. Route 16/U.S. Route 302; (5) identifying desirable town road improvements; and (6) combinations of these alternatives. Various designs of grade, alignment, geometry and access will be evaluated.

A Citizens' Advisory Task Force (CATF) will be established with membership representing local and regional communities.

Letters describing the proposed action and soliciting comments will be sent to appropriate federal, state and local agencies, and to private organizations and citizens who have previously expressed or are known to have interest in this proposal. Public information, community and Citizens' Advisory Task Force meetings will be held in the study area as the project progresses in order to include public input in the planning process. A public hearing will be held following distribution of the Draft Environmental Impact Statement (DEIS). Public notice will be given regarding the time and location of this hearing. The DEIS will be available for review and comment by the public and interested agencies prior to the public hearing.

A formal scoping meeting will be held at 9:30 a.m. on April 17, 1991, in room 3 of the John O. Morton Building in Concord, New Hampshire to (1) confirm the limits of the project study area; (2) help to establish the study framework and the impacts to be analyzed; and (3) help to define a reasonable range of alternatives to be considered.

Agencies to be invited to be cooperating agencies are the U.S. Army Corps of engineers (ACOE), the U.S. Environmental Protection Agency (EPA), the National Park Service (NPS), the New Hampshire State Historic Preservation Office (SHPO) and the New Hampshire Wetlands Board.

To ensure that the full range of issues related to this proposed action are addressed and all significant issues identified, comments and suggestions are invited from all interested parties. Comments or questions concerning this proposal and the EIS should be directed to the FHWA or the NHDOT at the addresses 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.)

Gerald L. Eller,

Division Administrator, Concord, New Hampshire.

[FR Doc. 91–6723 Filed 3–20–91; 8:45 am]

BILLING CODE 4910–22–M

DEPARTMENT OF THE TREASURY

Public Information Collection Requirements Submitted to OMB for Review

Date: March 14, 1991.

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 3171 Treasury Annex, 1500 Pennsylvania Avenue, NW., Washington, DC 20220.

Office of Thrift Supervision

OMB Number: 1550–0020.

Form Number: H–(b)10.

Type of Review: Revision.

Title: Savings and Loan Holding Company Registration Statement.

Description: To determine a savings and loan holding company's adherence to the statutes, regulations and conditions of approval to acquire an insured institution and whether any of the company's activities would be injurious to the operation of any subsidiary savings association.

Respondents: Business or other for-profit.

Estimated Number of Respondents: 140.

Estimated Burden Hours Per Response: 8 hours.

Frequency of Response: Once, after becoming a savings and loan holding company.

Estimated Total Reporting Burden: 1,120 hours.

Clearance Officer: John Turner, (202) 906–6840, Office of Thrift Supervision, 1700 G Street, NW., 3rd floor, Washington, DC 20552.

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. 91-6650 Filed 3-20-91; 8:45 am]

BILLING CODE 4810-25-M

Public Information Collection Requirements Submitted to OMB for Review

Date: March 14, 1991.

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 3171 Treasury Annex, 1500 Pennsylvania Avenue, NW., Washington, DC 20220.

Bureau of Alcohol, Tobacco and Firearms

OMB Number: 1512-0073.

Form Number: ATF F 5150.19.

Type of Review: Extension.

Title: Formula and/or Process for Articles Made With Specially Denatured Spirits.

Description: STF F 5150.19 is completed by persons who use specially denatured spirits in the manufacture of certain articles. ATF uses the information provided on the form to insure the manufacturing formulas and processes conform to the requirements of 26 U.S.C. 5273.

Respondents: Businesses or other for-profit, Small businesses or organizations.

Estimated Number of Respondents: 2,747.

Estimated Burden Hours Per Response: 54 minutes.

Frequency of Response: On occasion.

Estimated Total Reporting Burden: 2,472 hours.

OMB Number: 1512-0075.

Form Number: ATF F 5150.18.

Type of Review: Extension.

Title: User's Report of Denatured Spirits.

Description: The Information on ATF F 5150.18 is used to pinpoint unusual activities in the use of specially denatured spirits. The form shows a summary of activities at permit premises. ATF examines and verifies certain entries on these reports to identify unusual activities, errors and omissions.

Respondents: Businesses or other for-profit, Small businesses or organizations.

Estimated Number of Respondents: 2,747.

Estimated Burden Hours Per Response: 18 minutes.

Frequency of Response: Annually.

Estimated Total Reporting Burden: 824 hours.

Clearance Officer: Robert Masarsky, (202) 566-7077, Bureau of Alcohol, Tobacco and Firearms, room 3200, 650 Massachusetts Avenue, NW., Washington, DC 20226.

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. 91-6651 Filed 3-20-91; 8:45 am]

BILLING CODE 4810-31-M

Customs Service

Revision of Bond Monetary Guidelines

AGENCY: U.S. Customs Service, Department of the Treasury.

ACTION: General notice.

SUMMARY: This notice informs all persons in the importing community who transact Customs business that the Customs Service is revising the monetary guidelines for setting bond amounts. Customs Directive 3510-03, "Revised Monetary Guidelines for Setting Bond Amounts", issue date January 14, 1991, is effective April 15, 1991.

FOR FURTHER INFORMATION CONTACT: Entry Operations Branch, U.S. Customs Service, 1301 Constitution Avenue, NW., room 1338, Washington, DC 20229 (202-566-5307).

SUPPLEMENTARY INFORMATION: Two basic changes were made to the original directive on setting bond amounts. The first sets the non-discretionary bond amount minimum at $50,000 for Activity Code 1, Importer or Broker, Continuous Bonds. Of course, the limit of liability for replacement or new bonds filed on or after the effective date may be higher than the $50,000 mimimum amount as determined by following the guidelines set forth in Customs Directive 3510-03. For purposes of implementation of this change, the bond application will be required as specified in § 113.12(b) CR for replacement of existing bonds, as well as for all new bonds.

Letters of termination for bonds to be replaced due to this notice are not required. If the bond is submitted to replace an existing bond, the application must be marked in bold letters across the top of the application—"REPLACEMENT OF EXISTING BOND." The application should also include the bond type, bond amount, effective date, surety, and must be filed at the same location where the current Activity Code 1, Continuous Bond is filed. The application and replacement bond should be received by Customs at least 10 days before the anniversary date of the existing bond. The old bonds will be terminated the day before the effective date on the replacement bonds. This notice also serves as written notification in advance to replace any continuous bonds in amounts less than the new minimum bond amount. Effective April 15, 1991, continuous bonds already on file must comply with the new revisions on the anniversary date of the bond.

The second change is for Activity Code 1, Importer or Broker, Single Transaction Bonds. When the single transaction bond is for immediate delivery or entry of merchandise on a consumption entry, the bond amount shall be fixed in an amount equal to three times the total entered value of the articles, as set forth in the entry, unless the district director deems a greater or lesser amount is necessary to accomplish the purpose for which the bond is given.

Carlton Brainard,

Acting Assistant Commissioner, Office of Trade Operations.

[FR Doc. 91-6730 Filed 3-30-91; 8:45 am]

BILLING CODE 4820-02-M

Internal Revenue Service

Art Advisory Panel; Closed Meeting

AGENCY: Internal Revenue Service, Treasury.

ACTION: Notice of closed meeting of art advisory panel.

SUMMARY: Closed meeting of the Art Advisory Panel will be held in Washington, DC.

DATES: The meeting will be held April 10, 1991.

FOR FURTHER INFORMATION CONTACT: Karen Carolan, CC:AP:AS:4, 901 D Street, SW., Washington, DC 20024, Telephone No. (202) 252-8128, (not a toll free number).

Notice is hereby given pursuant to section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. app. (1988), that a closed meeting of the Art Advisory Panel will be held on April 10, 1991, in

room 118 beginning at 9 a.m., Aerospace Center Building, 901 D Street, SW., Washington, DC 20024.

The agenda will consist of the review and evaluation of the acceptability of fair market value appraisals of works of art involved in federal income, estate, or gift tax returns. This will involve the discussion of material in individual tax returns made confidential by the provisions of section 6103 of title 26 of the United States Code.

A determination as required by section 10(d) of the Federal Advisory Committee Act has been made that this meeting is concerned with matters listed in section 552b(c) (3), (4), (6), and (7) of title 5 of the United States Code, and that the meeting will not be open to the public.

The Commissioner of Internal Revenue has determined that this document is not a major rule as defined in Executive Order 12291 and that a regulatory impact analysis therefore is not required. Neither does this document constitute a rule subject to the Regulatory Flexibility Act (5 U.S.C. chapter 6).

F. T. Goldberg, Jr.,

Commissioner.

[FR Doc. 91-6630 Filed 3-20-91; 8:45 am]

BILLING CODE 4830-01-M

[Delegation Order No. 113]

Delegation of Authority to Chief, Technical Review Staff; Correction

AGENCY: Internal Revenue Service, Treasury.

ACTION: Notice of availability; correction.

SUMMARY: This document contains a correction to Delegation Order No. 113, which was published Thursday, February 21, 1991 (56 FR 7078).

FOR FURTHER INFORMATION CONTACT: Cora Davis, (202) 566-6222 (not a toll-free number).

SUPPLEMENTARY INFORMATION:

Background

The delegation order was revised to redelegate authority to sign exempt organizations adverse, modification or revocation determination letters to Chief, Technical/Review Staff. Previously, this authority was delegated to Chief, Employee Plans and Exempt Organizations Division.

Need for Correction

As published, the delegation order contains an error which may prove to be misleading and is need of clarification

Correction of Publication

Accordingly, the publication of the delegation order, which was the subject of FR Doc. 91-4002, is corrected as follows:

1. On page 7078, at the bottom of column 3, in the heading following the language "[Delegation Order No. 113]", the language "Delegation of Authority to Chief, Technical Review Staff" is corrected to read "Authority to Issue Exempt Organization Determination Letters".

Dale D. Goode,

Federal Register Liaison Officer, Assistant Chief Counsel (Corporate).

[FR Doc. 91-6629 Filed 3-20-91; 8:45 am]

BILLING CODE 4830-01-M

Sunshine Act Meetings

Federal Register
Vol. 56, No. 55
Thursday, March 21, 1991

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

U.S. CONSUMER PRODUCT SAFETY COMMISSION

TIME AND DATE: 2:00 p.m., Monday, March 25, 1991.

LOCATION: Room 556, Westwood Towers Building, 5401 Westbard Avenue, Bethesda, Maryland.

STATUS: Closed to the Public.

MATTERS TO BE CONSIDERED:
Enforcement Matter OS# 5910.

The staff will brief the Commission on matters related to Enforcement Matter OS# 5910.

For a Recorded Message Containing the Latest Agenda Information, Call (301) 492–5709.

CONTACT PERSON FOR ADDITIONAL INFORMATION: Sheldon D. Butts, Office of the Secretary, 5401 Westbard Ave., Bethesda, Md. 20207 (301) 492–6800.

Dated: March 19, 1991

Sheldon D. Butts,

Deputy Secretary.

[FR Doc. 91–6886 Filed 3–19–91; 2:15 pm]

BILLING CODE 6355–01–M

FEDERAL DEPOSIT INSURANCE CORPORATION

Notice of Agency Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 2:30 p.m. on Tuesday, March 26, 1991, the Federal Deposit Insurance Corporation's Board of Directors will meet in closed session, by vote of the Board of Directors, pursuant to sections 552b(c)(2), (c)(6), (c)(8), (c)(9),(A)(ii) and (c)(9)(B) of Title 5, United States Code, to consider the following matters:

Summary Agenda: No substantive discussion of the following items is anticipated. These matters will be resolved with a single vote unless a member of the Board of Directors requests that an item be moved to the discussion agenda.

Recommendations with respect to the initiation, termination. or conduct of administrative enforcement proceedings (cease-and-desist proceedings, termination-of-insurance proceedings, suspension or removal proceedings, or assessment of civil money penalties) against certain insured depository institutions or officers, directors, employees, agents or other persons participating in the conduct of the affairs thereof:

Names of persons and names and locations of depository institutions authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(6), (c)(8), and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(6), (c)(8), and (c)(9)(A)(ii)).

Note: Some matters falling within this category may be placed on the discussion agenda without further public notice if it becomes likely that substantive discussion of those matters will occur at the meeting.

Discussion Agenda:

Personnel actions regarding appointments, promotions, administrative pay increases, reassignments, retirements, separations, removals, etc.:

Names of employees authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(2) and (c)(6) of the "Government in the Sunshine Act" (5 U.S.C. 552(c0(2) and (c)(6)).

Matters relating to the possible closing of certain insured banks:

Names and locations of banks authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(8), (c)(9)(A)(ii), and (c)(9)(B) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(8), (c)(9)(A)(ii), and (c)(9)(B)).

The meeting will be held in the Board Room on the sixth floor of the FDIC Building located at 550—17th Street NW., Washington, DC.

Requests for further information concerning the meeting may be directed to Mr. Hoyle L. Robinson, Executive Secretary of the Corporation, at (202) 898–3813.

Dated: March 19, 1990.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[FR Doc. 91–6923 Filed 3–19–91; 2:16 pm]

BILLING CODE 6714–01–M

FEDERAL DEPOSIT INSURANCE CORPORATION

Notice of Agency Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that the Federal Deposit Insurance Corporation's Board of Directors will meet in open session at 2:00 p.m. on Tuesday, March 26, 1991, to consider the following matters:

Summary Agenda: No substantive discussion of the following items is anticipated. These matters will be resolved with a single vote unless a member of the Board of Directors requests that an item be moved to the discussion agenda.

Disposition of minutes of previous meetings.

Reports of actions approved by the standing committees of the Corporation and by officers of the Corporation pursuant to authority delegated by the Board of Directors.

Corporation Status Report—For the Two Years Ended December 31, 1990.

Discussion Agenda:

Memorandum and resolution re: Proposed amendments to the Corporation's rules and regulations in the form of a new Part 334, entitled "Contracts Adverse to Safety and Soundness of Insured Depository Institutions," which would implement section 225 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 by prescribing regulations to prevent any depository institution insured by the Corporation from contracting for goods, products or services in a way that would adversely affect the safety and soundness of that institution.

Memorandum and resolution re: Final amendments to Part 345 the Corporation's rules and regulations, entitled "Community Reinvestment Act," which amendments govern public access to Community Reinvestment Act ("CRA") performance evaluations and CRA ratings assigned by the Corporation during the bank examination process.

Memorandum and resolution re: Final amendments to Subpart A of Part 326 of the Corporation's rules and regulations, entitled "Minimum Security Devices and Procedures and Bank Secrecy Act Compliance," which reflect changes in the technology of security devices and implement certain changes made by the Financial Institutions Reform, Recovery, and Enforcement Act of 1989.

The meeting will be held in the Board Room on the sixth floor of the FDIC Building located at 550 - 17th Street, N.W., Washington, D.C.

Requests for further information concerning the meeting may be directed to Mr. Hoyle L. Robinson, Executive Secretary of the Corporation, at (202) 898–6757.

Dated: March 19, 1991.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[FR Doc. 91-6924 Filed 3-19-91; 2:16 pm]

BILLING CODE 6714-01-M

FEDERAL ELECTION COMMISSION

"FEDERAL REGISTER" NUMBER: 91-6279.

PREVIOUSLY ANNOUNCED DATE AND TIME: Thursday, March 21, 1991, 2:00 p.m. Meeting Open to the Public.

The following item was added to the agenda:

Legislative recommendations—1991.

DATE AND TIME: Tuesday, March 26, 1991, 10:00 a.m.

PLACE: 999 E Street NW., Washington, D.C.

STATUS: This meeting will be closed to the public.

ITEMS TO BE DISCUSSED:

Compliance matters pursuant to 2 U.S.C. § 437g.

Audits conducted pursuant to 2 U.S.C. § 437g, § 438(b), and Title 26, U.S.C.

Matters concerning participation in civil actions or proceedings or arbitration.

Internal personnel rules and procedures or matters affecting a particular employee.

DATE AND TIME: Thursday, March 28, 1991, 10:00 a.m.

PLACE: 999 E Street NW., Washington, DC (Ninth floor).

STATUS: This meeting will be open to the public.

ITEMS TO BE DISCUSSED:

Correction and Approval of Minutes

Advisory Opinion 1991-3: Tex/Con PAC

Administrative Matters

PERSON TO CONTACT FOR INFORMATION: Mr. Fred Eiland, Press Officer, Telephone: (202) 376-3155.

Delores Harris,

Administrative Assistant, Office of the Secretariat.

[FR Doc. 91-6931 Filed 3-19-91; 3:23 pm]

BILLING CODE 6715-01-M

federal register

Thursday
March 21, 1991

Part II

Department of the Interior

Bureau of Indian Affairs

Hoopa-Yurok Settlement Act, Settlement Roll Preparation; Notice

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Hoopa-Yurok Settlement Roll

March 15, 1991.

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice.

SUMMARY: The Bureau of Indian Affairs (BIA) is publishing the names of persons on the Hoopa-Yurok Settlement Roll. The Settlement Roll was prepared in accordance with the Hoopa-Yurok Settlement Act of 1988, as amended. Section 5 of the Act requires this publication in the Federal Register.

FOR FURTHER INFORMATION CONTACT: Superintendent, Northern California Agency, Bureau of Indian Affairs, P.O. Box 494879, Redding, California 96049–4879, telephone number (916) 246–5141 (FTS 450–5141).

SUPPLEMENTARY INFORMATION: This notice is published in exercise of authority delegated by the Secretary of the Interior to the Assistant Secretary—Indian Affairs in the Departmental Manual at 209 DM 8.

The Hoopa-Yurok Settlement Act (Settlement Act) of October 31, 1988, Public Law 100–580, as amended by the Miscellaneous Indian Law Amendments Act of May 24, 1990, Public Law 101–301, was enacted to resolve complex problems on the former Hoopa Valley Indian Reservation, also referred to as the Joint Reservation. These problems were generated by the assertion of competing interests in the reservation resources by the Hoopa Valley Tribe on the one hand, and a large number of individual Indians on the other, most, but not all, of whom are of Yurok descent. The Settlement Act provided for the partitioning of the Joint Reservation between the Hoopa Valley Tribe and the Yurok Tribe, the clarification of the use of tribal timber proceeds, and other purposes.

To identify Yurok and other Indians of the Reservation eligible to participate in the settlement, section 5 of the Settlement Act directed the Secretary of the Interior to prepare a Hoopa-Yurok Settlement Roll (Settlement Roll). The Act specifies that the Settlement Roll contain the names of persons who were born on or prior to, and living on October 31, 1988, are citizens of the United States; were not, on August 8, 1988, enrolled members of the Hoopa Valley Tribe; and meet the criteria to qualify as an "Indian of the Reservation" as established by the United States Court of Claims in its March 31, 1982, decision and by the United States Claims Court in its May 14, 1987 and March 1, 1988, decisions in the case of *Short* v. *United States*, Cl. Ct. No. 102–63.

Under the Settlement Act, plaintiffs determined to be an "Indian of the Reservation" in the Short cases, which are defined under the Act to include not only the *Short* case itself, but also the cases of *Charlene Ackley* v. *United States*, Cl. Ct. No. 460–78; *Bret Aanstadt* v. *United States*, Cl. Ct. No. 146–85L, and *Norman Giffen* v. *United States*, Cl. Ct. No. 764–85L, are, if they otherwise meet the requirements of the Act, to be included on the roll. Those *Short* plaintiffs found by the U.S. Claims Court not to qualify as an "Indian of the Reservation" are excluded from the roll. Persons who are not plaintiffs in the *Short* cases are included on the Settlement Roll if they meet the Settlement Act's eligibility criteria and also filed a timely application for inclusion on the roll.

A document was published in the Federal Register on Friday, December 9, 1988, at 55 FR 49795, giving notice as required by section 5(b) of the Settlement Act, that the Superintendent of the Northern California Agency, Bureau of Indian Affairs, was preparing a roll of Indians of the Reservation. A correction to the notice was published in the Federal Register on Friday, February 3, 1989, at 54 FR 5552. The notice, as corrected, outlined the qualifications for enrollment contained in the Settlement Act and established April 10, 1989, as the deadline for filing applications based on the timeframes specified in the Settlement Act.

On Friday, April 7, 1989, a Final Rule was published in the Federal Register at 54 FR 14192, amending 25 CFR part 61, to govern the preparation of the Settlement Roll. This rule gave formal effect to the eligibility requirements and enrollment procedures set out in the December 9, 1988, and February 3, 1989, notices.

Under section 5(d) of the Settlement Act, once initial determinations of eligibility are made on all applicants, the Secretary is to publish the names of those on the Settlement Roll in the Federal Register. Because all initial determinations have been made, those names, which follow, are being published.

The Settlement Act further directed the Secretary to develop such procedures and times as may be necessary for the consideration of appeals from applicants who were initially determined ineligible for the Settlement Roll and, as a result of the amendment of the Settlement Act, of appeals by the Hoopa Valley Business Council or the Yurok Transition Team from the initial omission or inclusion of names on the Settlement Roll.

The names of applicants not initially on the Settlement Roll who are finally determined eligible on appeal will be added to the Settlement Roll and will be entitled to participate in the settlement. Applicants who were initially determined eligible, but who are finally determined ineligible on appeal will not be eligible to participate in the settlement and their names will be removed from the Settlement Roll.

Under section 6 of the Settlement Act, individuals 18 years of age or older who are determined finally eligible to be on the Settlement Roll will be given the opportunity to elect a settlement option from among three (3) options. The three options are: (1) Membership in the Hoopa Valley Tribe if they meet the membership requirement specified in the Settlement Act; (2) membership in the Yurok Tribe; and (3) a lump sum payment in lieu of membership in either tribe.

Minors finally determined eligible to be on the Settlement Roll will be deemed to have elected the Yurok membership option unless the parent or guardian of such a minor furnishes proof satisfactory to the Secretary that the minor is an enrolled member of a tribe that prohibits members from enrolling in other tribes. In that case the parent or guardian of the minor may elect another settlement option. A person finally determined eligible to be on the Settlement Roll who does not make an election by the specified date will preliminarily be deemed to have elected the Yurok membership option, and this choice will be confirmed if such person accepts the payment that accompanies the Yurok membership option.

Those persons finally determined eligible to be on the Settlement Roll who elect the Yurok membership option will form the base membership roll of the Yurok Tribe for the Purposes of tribal organization and the adoption of a tribal constitution under section 9 of the Settlement Act.

On February 25, 1991, the Superintendent, Northern California Agency, certified the Hoopa-Yurok Settlement Roll as containing the names of those persons duly qualified for inclusion on the roll as of that date. Under delegated authority the Sacramento Area Director, Bureau of Indian Affairs, approved the Settlement Roll on February 28, 1991, subject to any corrections which may become

necessary as a result of appeals or other legal determinations.

Eddie F. Brown,

Assistant Secretary—Indian Affairs.

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs,

Sacramento Area Office, Sacramento, CA 95825

Pursuant to the authority delegated to the Assistant Secretary—Indian Affairs by the Secretary of the Interior (209 DM 8), and redelegated to the Area Directors (230 DM 3.1), the attached Hoopa-Yurok Settlement Roll containing the names of 3,020 individuals prepared in accordance with section 5 of the Hoopa Yurok Settlement Act of October 31, 1988, as amended, is hereby approved subject to any corrections which may become necessary as a result of appeals or other legal determinations.

Dated: February 28, 1991.

Ronald M. Jaeger,

Sacramento Area Director, Bureau of Indian Affairs.

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs,

Northern California Agency, Redding, California 96049-4879

This is to certify that the attached list consisting of 57 pages reflects the names of 3,020 persons who duly qualified for the Hoopa-Yurok Settlement Roll as of this date. The roll was prepared, to the best of my knowledge and belief, in accordance with the eligibility criteria of the Hoopa-Yurok Settlement Act of October 31, 1988 (102 stat. 2924) as amended on May 24, 1990 (104 stat. 206).

Dated: February 25, 1991.

Karole D. Overberg,

Superintendent, Northern California Agency, Bureau of Indian Affairs.

BILLING CODE 4310-02-M

Page No. 1 HOOPA-YUROK SETTLEMENT ROLL
AS OF OCTOBER 31, 1988

NO.	CNTRLNO	LAST, FIRST & MIDDLE NAME
1	5107	ABBOTT, AARON LEROY
2	9124	ABBOTT, BONNIE ESTELLE
3	5108	ABBOTT, CYLE WARREN
4	7702	ABBOTT, DONEEN A.
5	6	ABBOTT, GEORGE WALTER
6	7	ABBOTT, LEONARD EUGENE
7	3839	ABBOTT, LESLIE ANN
8	6870	ABBOTT, MICHAEL RAY
9	6869	ABBOTT, RUTHIE MAE
10	3847	ABBOTT, STACEY YVONNE
11	17755	ABBOTT, STEVEN JAMES
12	10	ABBOTT, WARREN G.
13	5	ABBOTT, JR., CHARLES WILLIAM
14	18001	ABBOTT, SR., CHARLES WILLIAM
15	11	ABINANTI, ABBY NOEL KATHERINE
16	12	ABINANTI, JR., STEPHEN RAY
17	14	ACOB, LUCILLE MCCARTY
18	15	ADAMS, CHRISTINA
19	6210	ADAMS, JENNIFER LEE
20	17	ADAMS, MARY ELAINE GENSAW
21	18	ADAMS, SANDRA LEE
22	18002	ADAMSON, LOUANNA MAE
23	23	AFFLECK, FAYE GENEVIEVE
24	30	ALAMEDA, DOROTHY JESSIE
25	27	ALAMEDA, HEIDI MARIE
26	34	ALAMEDA, LEONA V
27	28	ALAMEDA, SR., HENRY CLINTON
28	38	ALARCON, CEASAR TROY
29	39	ALARCON, LINDA LOUISE
30	5551	ALARCON, LISA JEAN
31	40	ALARCON, MARIA CHRISTINA
32	37	ALARCON, MARY LOUISE
33	5552	ALARCON, PHILIP WAYNE
34	5550	ALARCON, XAVIER FRANCO
35	41	ALARCON, II, JOSE RAUL
36	42	ALBERS, AMOS LEONARD
37	43	ALBERS, CLIFFORD LEROY
38	18003	ALBERS, DONNA MARIE
39	45	ALBERS, EDWARD WILSON
40	48	ALBERS, JR., WILFRED
41	4604	ALBERS, SR., ERNEST RAY
42	7910	ALBERS, SR., GARY LEE
43	7016	ALEXANDER, ELAINE C.
44	17350	ALLEN, ADAM TROY
45	54	ALLEN, ALME HIRAM
46	9708	ALLEN, ASHLEY ALYSSA
47	17456	ALLEN, JESSICA ANN
48	2150	ALLEN, JUDIE ANNE
49	3827	ALLEN, KENDALL JENEE'
50	59	ALLEN, KIM MARIE
51	17351	ALLEN, LORETTA EVELYN
52	3828	ALLEN, RYAN ROSALIND
53	8911	ALLEN, WILMA FAITH

Page No. 2 HOOPA-YUROK SETTLEMENT ROLL
AS OF OCTOBER 31, 1988

NO.	CNTRLNO	LAST, FIRST & MIDDLE NAME
54	62	ALLEN, JR., ORVEL MELVIN
55	56	ALLEN, SR., DUANE WILFRED
56	66	ALLMAN, JOHN ALVIN
57	67	ALLMAN, LORITA MC DONALD
58	68	ALSUP, RITA MCDONALD
59	69	ALTREE, FLORENCE ALVINA
60	72	ALVARADO, DIANE M.
61	73	ALVARADO, HARLAN JAMES
62	74	ALVARADO, MANUAL M.
63	76	ALVARADO, STEVEN
64	4021	ALVEREZ, LENAIRE CHRISTINE
65	78	AMES, FRANK WILLIAM
66	79	AMES, HAROLD
67	80	AMES, HOWARD
68	4879	AMES, JACKLYN MARIE
69	17758	AMES, LEONARD PHILLIP
70	4880	AMES, PAMELA KAY
71	83	AMES, JR., ROY ELMER
72	84	AMMON, ALICE MAE
73	97	AMMON, LESLIE
74	5049	AMOS, BRADLEY WAYNE
75	105	AMOS, MARVIN LE ROY
76	5048	AMOS, SYLVIA ROSE
77	108	ANDERSON, ANDREA LEE
78	118	ANDERSON, VERDA MARGUERITE
79	116	ANDERSON, SR., MYRON WAYNE
80	8041	ANDREA, STEPHEN PHILLIP
81	9231	ANDREAS, CHERYL RENEE
82	3055	ANDREWS, MYR LYNN
83	120	ANDRUSS, SHERRY MAY
84	18037	ANGELI, CLARA DEAN
85	122	ANGELL, BRUCE S
86	123	ANGELL, LUCIUS CHANDLER
87	124	ANGELL, PAUL D
88	125	ANGELL, VELVA ELAINE
89	3113	ANZORA, DONALENE DARCY
90	126	ARCHER, PEGGY SHARON HONEYCUTT
91	127	ARMSTRONG, DELMAGENE ELIVRA
92	4007	ASHBROOK, JOSEPHINE A.
93	17367	ASTOR, SUSAN RAE MCGAHUEY
94	129	ATTEBURY, REGINALD GALE
95	17438	AUBREY, ENRICO VALENTINO
96	5097	AUBREY, HENRY ROLLAND
97	5095	AUBREY, JULIUS B.
98	5096	AUBREY, TESHA F.
99	4208	AUBREY, WINONA CECILIA
100	1671	AUKEE, BRENDA LEE
101	1184	AULTMAN, KAYLA MARIE
102	8270	AUSTIN, MERRILL T.
103	3202	AUTRY, DIANE MARIE
104	5693	AVERY, JACQUELINE MELISSA
105	2657	AVERY, TRACEY MAVIS
106	5692	AVERY, JR., CARL MALON

NO.	CNTRLNO	LAST, FIRST & MIDDLE NAME
107	18004	AYERS, BEVERLY JUDY
108	1317	AZZUZ, ELIZABETH ANN
109	138	BABB, DIANNE FAY
110	145	BACON, ELSIE
111	146	BACON, GAYLON ROBERT
112	147	BACON, GERALD
113	148	BACON, JOSEPH KENNETH
114	149	BACON, SR., RAYMOND EDISON
115	6532	BAILEY, FRANK WILLIAM
116	6536	BAILEY, JAMES EDWARD
117	6534	BAILEY, JOHN JAY
118	6530	BAILEY, PATRICIA ANN
119	158	BAILEY, VIOLET
120	159	BAIN, JEANNETTE LYNNE
121	8599	BAIN, KENNETH GERALD
122	160	BAKER, ARTHUR RAY
123	161	BAKER, CONSTANCE CORETHA
124	163	BAKER, LANCE WADE
125	164	BAKER, SHARON GAYLE
126	3110	BAKER, TANYA JEANNE
127	5969	BALDY, SUNNI MARIE
128	162	BANSUELA, ELVIRA
129	17746	BANTA, DEBRA LYNN
130	169	BARBER, RETHEMA I
131	2470	BARBIERS, IRENE E.
132	5185	BARELA, PAULA HODGE
133	171	BARLOW, MILTON GENE
134	175	BARNES, DOLORES LA VERN
135	176	BARNES, JANICE MARIE
136	595	BARNES, JULIE ELLEN
137	178	BARNETT, ROSE MARIE
138	5422	BARRAZA, PHYLLIS R.
139	6202	BARRETT, TINA MARIE
140	18102	BARTLETT, PAULINE MARIE
141	186	BARTOW, JULIA LAURETTA
142	187	BASEY, BONNIE BRENDA
143	7685	BASEY, SHONTAY EDITH
144	191	BATES, ALLEN ROGER
145	5308	BATES, ARTHUR LEE
146	6207	BATES, DARREN DAVID
147	194	BATES, DELRAY LEE
148	195	BATES, FLORINE FERN
149	1593	BATES, JANET MARLENE
150	6208	BATES, LISA FERN
151	6206	BATES, MICHELLE LYNN
152	7528	BATES, RICHARD J.
153	7300	BATES, VICKY LYNN
154	198	BATES, SR., RONALD ARLEN
155	7357	BATTERTON, ANGELA NAOMI
156	4642	BATTERTON, BRENDA MICHELE RICH
157	4638	BATTERTON, DOROTHEA JANICE GRAVES
158	4640	BATTERTON, MELISSA ANN
159	208	BAUER, FREDERICK PIERRE

NO.	CNTRLNO	LAST, FIRST & MIDDLE NAME
160	1409	BAUER, MARCIA ALVRETTIA
161	5029	BAUTISTA, ANDRAYA FELICING
162	211	BAUTISTA, DIANNE PHYLLIS
163	5028	BAUTISTA, DINA MARIE
164	2452	BEACHAM, BOBBI JEAN
165	212	BEAIRD, LOLITA ANN
166	213	BEALL, MARGARET MENDEZ
167	216	BEAN, CHARLES LUTHER
168	217	BEAN, CHESTER ALVIN
169	8242	BEAN, LEROY RAYMOND
170	6497	BEAN, PATRICIA LEA
171	221	BEAN, VENITA ANNIE
172	222	BEAN, WILLIAM ALBERT
173	218	BEAN, JR., EDWARD ADNEY
174	401	BEATY, LISA ANN
175	223	BEAVER, GLENNA ELAINE
176	9738	BECK, BARBARA LAURA
177	9739	BECK, MICHAEL WAYNE
178	230	BECK, VALERIE SUE
179	9540	BECK, JR., HENRY ARNOLD
180	8703	BECK, SR., ARNOLD HENRY
181	234	BEEBE, HESTINE EARL
182	236	BEEBE, VERNA FAY
183	237	BEEBE-ROLAND, DEBORAH LYN
184	18005	BELGARD, LOUIS RONALD
185	18006	BELGARD, MICHAEL ANTHONY
186	18007	BELGARD, STEVEN LEVI
187	18008	BELGARD, VICTORIA MARIA
188	4669	BELLAMY, GARY STORM
189	244	BELLAS, DORENE
190	245	BENAVIDES, CHRISTINE DELORES
191	246	BENNETT, IOLA N.
192	17631	BENNETT, RICHARD HERBERT
193	247	BENNETT, ROGER DEAN
194	17818	BERGER, JOANELLA JO
195	251	BERGER, JOANNIE JO
196	252	BERGER, MICHAEL WILLIAM
197	253	BERNIER, CHARLOTTE LOUISE
198	256	BEST, DORIS DARLENE
199	259	BETSILLIE, CHARLENE
200	5804	BIGHEAD, CHESTER
201	263	BIGHEAD, LUTHER ROBERT
202	5803	BIGHEAD, MARY L
203	265	BIGHEAD, RAYMOND
204	5820	BIGHEAD, SAMUEL DUANE
205	5807	BIGHEAD, JR., CHARLIE LUTHER
206	1181	BILLINGS, JANICE LORRAINE
207	8207	BILLINGS, ROSEANNA RUBY
208	269	BILLY, HELEN DELORES
209	270	BIRCHFIELD, MARY MAY
210	271	BIRCHFIELD, RONALD EUGENE
211	272	BIRCHFIELD, JR., ROY ALTON
212	274	BISBY, LAWRENCE RAY

NO.	CNTRLNO	LAST, FIRST & MIDDLE NAME
213	273	BISBY, JR., BILLY FRANCIS
214	9786	BLACK, CEDRIC WELLINGTON
215	8785	BLACK, JANE VERNE
216	4078	BLACKBURN, DAVID C
217	283	BLACKBURN, PATRICIA NELL
218	286	BLAKE, ANNA BELLE
219	6892	BLAKE, CAROLYN MARIE
220	7603	BLAKE, CATHERINE
221	17764	BLAKE, EARL
222	288	BLAKE, ETHEL MAE
223	289	BLAKE, HAROLD ALFRED
224	290	BLAKE, MARK ERVIN
225	292	BLAKE, ROY
226	291	BLAKE, SR., RICHARD CARL
227	6091	BLANES, JIM KARL
228	294	BLANKENSHIP, BLANCHE
229	4107	BLANKENSHIP, JUDITH LEA
230	298	BLOUNT, MARION ROSE
231	299	BLOYD, LOREN PAUL
232	301	BOLES, PAULA IONE
233	306	BONACCI, ANNE MARIE
234	307	BONACCI, LYNN MARIE
235	308	BONACCI, PATRICIA KAREN
236	309	BONACCI, WINIFRED MARIE
237	5044	BORDEN, LAURA ANN
238	2030	BORK, ELIZABETH WINONA
239	6679	BORTOLUSSI, EDMOND JOHN
240	6677	BORTOLUSSI, MARY FLORENCE
241	6678	BORTOLUSSI, JR., RAYMOND ANTHONY
242	6736	BOULBY, BRANDY AMBER
243	6737	BOULBY, LEONARD RICHARD
244	4895	BOULBY, JR., PATRICK ROGER
245	4890	BOWEN, JAMES DAVIS
246	4889	BOWEN, KESHAN JOSEY
247	3816	BOWEN, SATCHEEN FAWN
248	3817	BOWEN, JR., RONALD ALLEN
249	4051	BOWERS, EVA MARIE
250	32	BOWERS, LAVINA LEE
251	7815	BOWERS, PATRICIA DIANE
252	5085	BOWERS, II, WILLIAM D.
253	4617	BOWIE, AILEEN MAE
254	4623	BOWIE, BRENDA SUE
255	4197	BOWIE, EDWARD GUS
256	320	BOWIE, ELMO AMOS
257	4622	BOWIE, ELOISE ANN
258	4196	BOWIE, JIMMIE DARRELL
259	8853	BOWIE, LESLIE ARNOLD
260	321	BOWIE, MARVIN LEE
261	8852	BOWIE, ROBERT JOE
262	4199	BOWIE, TERESA ANN
263	4195	BOWIE, JR., DUANE JAMES
264	328	BOYER, MARIE ANN
265	329	BRACE, SHARON LYNN

NO.	CNTRLNO	LAST, FIRST & MIDDLE NAME
266	18117	BRANTNER, ELIZABETH ANN
267	17353	BRASHER, KENNETH NEIL
268	331	BRASHER, ROSEMARY
269	332	BRASHER, WARREN DEE
270	7835	BRAY, CLARANN CLARICE RAGAIN
271	1413	BRAY, WALTER LAUREN
272	8165	BRECK, JAIMI JILL
273	17354	BRETT, CONNIE LYNN
274	3932	BRETT, DAWNA SUE
275	336	BRETT, VERONICA DEE
276	5093	BRIGGS, PATRICIA ALLISON
277	338	BRISSETTE, ELEANER ROSALIE
278	6959	BRISSETTE, MICHAEL WAYNE
279	6960	BRISSETTE, MICHELE LEA
280	17650	BRITT, PAMELA SUE
281	5684	BROOKS, GLORIA JEAN
282	7902	BROOKS, GWYNN ANDREA
283	341	BROOKS, JAMES W.
284	343	BROOKS, MELFORD ROY
285	5686	BROOKS, MELISSA RUTH
286	5688	BROOKS, PAMELA RENEE
287	7901	BROOKS, RICHARD BEN
288	5685	BROOKS, SERENA MICHELLE
289	6114	BROOKS, TAMARA RAE
290	353	BROWN, ANTHONY JACK
291	354	BROWN, ARLENE ALICE
292	355	BROWN, ARTHENA MURIEL
293	7091	BROWN, BERNADINE LE ANNE
294	357	BROWN, BETTY WINONA
295	8036	BROWN, CAROLYN EDITH
296	359	BROWN, CHARLES MARION
297	360	BROWN, CHRISTINE MARTHA
298	363	BROWN, DOROTHY SARAH
299	364	BROWN, EARL IRA
300	367	BROWN, GLORIA N
301	7093	BROWN, GREGORY EUGENE
302	368	BROWN, HELEN
303	8037	BROWN, JAMES ARNOLD
304	2616	BROWN, LISA GAY
305	7048	BROWN, MARCUS GREGORY OBIE
306	3699	BROWN, REBECCA LORRAINE
307	4419	BROWN, REBECCA MICHELLE
308	375	BROWN, ROY EDWARD
309	7092	BROWN, THARREN REECE
310	377	BROWN, YVONNE MARIE
311	8950	BRUNDIN, EUGENE GLENN
312	8951	BRUNDIN, PETER OTTO
313	9048	BRUNSON, NANCY ANN
314	4473	BRUNSTAD, KATHLEEN ROCHELLE
315	383	BUCHHOLZ, NADINE ROSE
316	7863	BUCKLEY, DARLENE JOY
317	17355	BUCKLEY, GEORGE EDWARD
318	4502	BUCKSKIN, MARJORIE

NO.	CNTRLNO	LAST, FIRST & MIDDLE NAME
319	7075	BURDICK, CHARLES STANLEY
320	389	BURDICK, SUSAN MAE
321	391	BURKE, JUNE JEANNETTE
322	397	BURNS, CHARLEY E.
323	392	BURNS, RACHEL MAE
324	398	BURNS, VENITA ANNIE
325	402	BURTON, ALICE JEAN
326	402	BURTON, SANDRA DEON
327	2286	BURTON, WILLIAM CECIL
328	403	BUSSELL, ANITA LYNN
329	405	BUSSELL, GORDON LESTER
330	408	BUSSELL, TIMOTHY LEONARD
331	583	BUTLER, ELAINE ELISE
332	409	BUTLER, JOAN LOUISE
333	6158	BUTLER, LEELAND WAYNE
334	410	BUTLER, LILLIE ELEANOR
335	411	BUTLER, RALENE ROSE
336	6157	BUTLER, JR., REGINALD MARCUS
337	412	BUTRICK, JANET GENEVA
338	4093	BYRNS, KELLY JAY
339	861	CABODI, TALITHA ANN
340	2775	CADER, ALICE MARIE
341	7419	CAIRNS, TAMI LYNN WILLIAMS
342	423	CALDWELL, MARGARET MARIE
343	18009	CALDWELL, PAULINE DEANNA
344	8038	CALDWELL, SHERRY ANN
345	426	CALLAHAN, CHERYL RAE
346	427	CALLEJA, DEBORA LEE
347	4788	CALVIN, CARLA ADELINE
348	6137	CANEZ, MARILYN KATHRYN
349	432	CANON, FLORENCE KATHERINE
350	438	CANTLEY, DOROTHY ORTHA
351	6954	CAPOEMAN, ALANA JEAN
352	6951	CAPOEMAN, BENJAMIN DEAN
353	6957	CAPOEMAN, CHELSEA GLADYS
354	6952	CAPOEMAN, DANIEL SEAN
355	6950	CAPOEMAN, FELIX EUGENE
356	6956	CAPOEMAN, SATANTA
357	6955	CAPOEMAN, SHIVA
358	6953	CAPOEMAN, TIMOTHY GALL
359	441	CARLETON, CAROLE LEE
360	443	CARLSON, FORREST LEE
361	444	CARLSON, KARRIE LYNN
362	18010	CARLSON, MARGUERITE HELEN
363	5200	CARLSON, TRISHA ANN
364	3970	CARLSON, VIOLET
365	18011	CARLSON, WALTER MILTON
366	449	CARLSON, WILLARD EARL
367	9225	CARLSON, JR., WILLARD
368	451	CARMODY, BARBARA A.
369	6835	CARPENTER, KAYLA RAE
370	456	CARR, ANTHONY BRUCE
371	457	CARR, BRIAN ERIC

NO.	CNTRLNO	LAST FIRST & MIDDLE NAME
372	4547	CARR, CAROL LYNN
373	4918	CARR, SHIRLEE
374	6473	CARR, SONDRA PAULA
375	458	CARR, WILLIAM PAUL
376	463	CARROLL, MARY LOUISE
377	464	CARROLL, REBECCA SUE
378	463	CARROLL, JR., LIONEL R
379	8851	CARTER, NORMA JEAN
380	3238	CASANOVA, MARK ANTHONY
381	468	CASTON, MELVIN ANTHONY
382	4013	CASTON REYNOLDS, BECKY GAY
383	18012	CASTRO, JUDITH DIANA
384	477	CHARLES, ADA WAUKELL
385	17742	CHARLES, ARLEN LUTHER
386	6529	CHARLES, CECIL KENNETH
387	4633	CHARLES, CRYSTAL CARMEN
388	4878	CHARLES, HOMER
389	4476	CHARLES, JAMIE LYNE
390	4477	CHARLES, JUDY MAE
391	480	CHARLES, KENNETH C
392	5794	CHARLES, LARRY ROSS
393	482	CHARLES, LAWRENCE R
394	18013	CHARLES, LEONA MAE
395	2359	CHARLES, LESLIE IRENE
396	4632	CHARLES, LLOYD LEWIS
397	4478	CHARLES, STACY LEE
398	5030	CHARLEY, CHRIS LEE
399	489	CHARLEY, DEWAYNE LEE
400	5031	CHARLEY, NEAL ROBERT
401	5747	CHARLEY, PETER ROBERT GRAY
402	5032	CHARLEY, TEAH JEAN
403	493	CHASE, DANIEL LEE
404	6459	CHASE, ELIZABETH ANN
405	500	CHASE, LOTTIE
406	18016	CHASE, JR., FRANCIS EDWARD
407	6668	CHASE, JR., GUY THEODORE
408	504	CHENAULT, ALICE FAYE
409	505	CHERNOF, JEAN CARMEN
410	935	CHEROLIS, LORETTA ARLENE
411	506	CHEROLIS, MICHYL JAMI SHANE
412	508	CHILDS, ELISA
413	7665	CHILDS, WILLIAM ALEXANDER
414	510	CHILDS JR., KENNETH CAMPBELL
415	3872	CHILDS, SR., KENNETH CAMPBELL
416	512	CHISHOLM, DOROTHY MAE SHAMP
417	513	CHITTENDEN, ERNEST ALFRED
418	514	CHRISTANSEN, ELLEN MARIE
419	571	CINQ-MARS, MARGARET COOPER
420	9545	CIRINO, ARDELLE
421	521	CLAGGETT, LAWRENCE EUGENE
422	520	CLAGGETT, JR., DARRYL HARVEY
423	522	CLARK, RICHARD LEE
424	523	CLARK, SHIRLEY ANN

NO.	CNTRLNO	LAST, FIRST & MIDDLE NAME
425	3015	CLARK, TEENA DENISE
426	17769	CLARKE, JOYCE JEAN
427	8522	CLARY, ELAINE LILA
428	2435	CLAUS, DARLENE JANE
429	528	CLAYTON, BONNI CARLEEN
430	7709	CLEMENTS, WILLIAM EDWARD
431	18017	CLEVELAND, NELLIE SARAH
432	17770	CLOSE, EDDIE LEE
433	4479	CLOSE, JAMES EUGENE
434	4480	CLOSE, JERALD LAWRENCE
435	4481	CLOSE, RAYMOND NEIL
436	6098	COBB, GAIL LORRAINE
437	535	COBB, ROBERT LOUIS
438	536	COBB, WILLIAM ROY
439	4215	COCHRAN, ALISHA FRANCISCA
440	4216	COCHRAN, CHRISTOPHER ROBIN
441	737	CODDINGTON, JUDITH DEE
442	538	COLEGROVE, CHARLENE PEARL
443	539	COLEGROVE, MARILYN SUE
444	7700	COLEGROVE, NIKOLAI REVA
445	4258	COLEGROVE, TORY MARSHALLE
446	540	COLEMAN, CARMEN ANN
447	542	COLEMAN, NANCY T.
448	543	COLETTA, MARGARET T.
449	549	COMBS, BARBARA DEANNE
450	550	COMBS, JOYCE DARLENE
451	9054	COMSTOCK, PETER ALEXANDER
452	6793	CONNELLY, JILL SUZETTE
453	2473	CONNER, JOHN LOREN
454	713	CONNER, JULIE ANN
455	556	CONNER, LAVINA RUBY
456	9075	CONNER, PANSY G
457	3001	CONTRERAS, MARGARET ANN
458	1988	COOK, FAWN ALANA
459	558	COOK, GLENNA LORENA
460	18018	COOKE, WILLIAM ROBERT
461	567	COOLEY, CHESTER FRANCIS
462	3667	COOLEY, DARLA F
463	569	COOLEY, DAVID LYN
464	579	COOLEY, DAVID WAYNE
465	572	COOLEY, DENNIS ARNOLD
466	576	COOLEY, GERALD COLEMAN
467	577	COOLEY, GORDON
468	574	COOLEY, SR., DONALD LEE
469	581	COOPER, CORNELIUS JAY
470	3991	COOPER, GLYNDA LANEA
471	3984	COOPER, JOANN JANICE
472	4944	COOPER, LEANNE ELIZABETH
473	595	COOPER, LISA RENEE
474	3992	COOPER, LORETTA LEE
475	595	COOPER, MARY LUCILLE
476	3985	COOPER, MEREDITH MARLEEN
477	595	COOPER, PETER EDWARD

NO.	CNTRLNO	LAST, FIRST & MIDDLE NAME
478	588	COOPER, RALPH DUANE
479	4942	COOPER, SHARON LYNN
480	595	COOPER, TAMA ANN
481	3986	COOPER, VERA JOLEEN
482	593	COOPER, VERNON E.
483	595	COOPER, WAYNE AMOS
484	585	COOPER (JR.) III, HENRY CLAY
485	4943	COOPER, IV, HENRY CLAY
486	3990	COOPER, JR., RODNEY DEAN
487	595	COOPER, JR., WAYNE AMOS
488	589	COOPER, SR., RODNEY D.
489	7019	CORDOVA, MONICA T.
490	580	CORNELIUS, CHRISTINE DOLORES
491	4321	CORREIA, JESS ROBERT
492	598	CORREIA, JESSIE D
493	4965	CORREIA, SR., JAMES ALVIN
494	3209	CORVIN, SHARON FERN
495	1392	CORWIN, EVERETTA LAVONNE
496	600	COSTA, DENNIS MARK
497	602	COSTA, JOANNE WILDER
498	607	COX, LOIS ILENE
499	611	CRAYTON, DEBRA ELAINE
500	8792	CRAYTON, JENNIFER LEE
501	6594	CRAYTON, TYRONE TES-ERE
502	626	CRNICH, GERALD BERNARD
503	620	CRNICH, IDA FRYE
504	627	CRNICH, WILLIAM CHARLES
505	8047	CRUTCHFIELD, ABNER BYRON
506	6927	CRUTCHFIELD, ADAM BRUCE
507	4759	CRUTCHFIELD, ANITA JOY
508	631	CRUTCHFIELD, CARLEEN LORETA
509	2260	CRUTCHFIELD, LANA MARIA
510	6928	CRUTCHFIELD, MARK ALAN
511	633	CRUTCHFIELD, ROBERT EDWARD
512	4760	CRUTCHFIELD, SUNNI JO
513	634	CRUTCHFIELD, TRACY LEE
514	635	CRUTCHFIELD, VICTOR IRVING
515	636	CRUTCHFIELD, WILLIAM H
516	4209	CRUTCHFIELD, WILLIAM HENRY
517	18028	CRUZ, MELINDA LUCILLE
518	162	CUPP, CORETHA JILL
519	4060	CURRY, CHRISTINA ANN
520	639	CURTICE, BARNEY ALVA
521	6628	CURTICE, FRANCES FREDA
522	642	CURTICE, ROGER ARTHUR
523	644	CURTICE, VERNON CHADLEY
524	645	DABBS, RICHARD C
525	654	DAIGLE, VERA LYNN
526	655	DAIGNAULT, BONNIE
527	656	DAIGNAULT, JOSEPH OSCAR
528	659	DAMON, AGNES AUDREY
529	1337	DANFORTH, DORIS CHRISTINE
530	660	DANKULICH, NORMA MARY

NO.	CNTRLNO	LAST, FIRST & MIDDLE NAME
531	661	DARE, SHEILA JEAN
532	18075	DAVIDSON, GENINE MARIE
533	18020	DAVIDSON, JOLENE MARIE
534	4535	DAVIS, ALLEN PHILLIP
535	700	DAVIS, ALLIE
536	5312	DAVIS, ARLENE CHRISTINE
537	4955	DAVIS, DONALD ALBERT
538	17356	DAVIS, GEORGE HAMPTON
539	704	DAVIS, LEVI E.
540	4727	DAVIS, LORETTA ANN
541	7602	DAVIS, MARY LOUISE
542	5309	DAVIS, NORMA JEAN TAYLOR
543	707	DAVIS, ROBERT ELMER
544	6109	DAVIS, ROLINDA LOUISE
545	709	DAVIS, ROSA M.
546	4534	DAVIS, STARLA D
547	4533	DAVIS, TERI VADA
548	706	DAVIS, JR., RONALD PARNELL
549	712	DAWSON, CLARA ANN
550	714	DAY, ELIZABETH BETTY
551	4100	DAY, MATTHEW LEWIS
552	715	DAY, JR., ROBERT RALPH
553	716	DE LA ROSA, CAROL ANN
554	717	DE LA ROSA, JONNY R.
555	718	DE VALLY, PATRICIA ANN
556	6555	DEAN, AL KENNY
557	2632	DEAN, DARLA JEAN
558	6854	DEAN, LONNIE RICHARD
559	6853	DEAN, NANDAYEHRI THUNDER
560	5611	DEAN, SALISHA DANALE
561	5612	DEAN, SANECHA DANETTE
562	976	DEBRIE, IRENE GARCIA
563	719	DECANTI, ANTHONY MARTIN
564	722	DECANTI, MARION CLARA
565	6619	DECKER, LANA LOREEN
566	2688	DEJOLIE, JENNIFER MARIE
567	724	DELGADO, JOSE CHRISTOPHER
568	17773	DELGADO, RHEA MARGARET
569	7746	DELGADO, RHODA RENEE
570	3354	DEMPEWOLF, TYSON L.
571	726	DENNISON, VIOLA SAFFORD
572	732	DEXTER, LONNA LEE
573	733	DICKENS, PAMELA SUZETTE
574	745	DODGE, VICKIE LYNN
575	746	DOE, GLENNA MARIE
576	1649	DOERING, CHRISTINE ELAINE
577	747	DOKWEILER, WYNDEE EARLEEN
578	5618	DOMINGUEZ, LYNNETTE LEE
579	2442	DONAHUE, AMANDA SUE
580	4810	DONAHUE, FRANKLIN EUGENE
581	5315	DONAHUE, GLADYS DELORES
582	666	DONAHUE, JAMES JOHNSON
583	4092	DONAHUE, JESS HARTING

NO.	CNTRLNO	LAST, FIRST & MIDDLE NAME
584	5306	DONAHUE, JESSE PER-GON-GISH
585	5305	DONAHUE, JOHN ISHKI
586	4501	DONAHUE, LAFEYETTE R
587	668	DONAHUE, LELANETTE
588	669	DONAHUE, PHYLLIS MAE
589	7713	DONAHUE, SR., PAUL FRANKLIN
590	672	DORNBACK, MARY ELLEN
591	3680	DOUGLAS, PATRICIA ANN
592	18103	DOWD, CHARLES JEFFERSON
593	4413	DOWD, DAVY GENE
594	674	DOWD, FRANK BENJAMIN
595	675	DOWD, FRANK RODNEY
596	676	DOWD, GARY MITCH
597	677	DOWD, KATHY NOREEN
598	678	DOWD, KENNETH WILLIAM
599	679	DOWD, RHONDA GAYLE
600	682	DOWD, VENOLA
601	7714	DOWD, SR., RICK R.
602	18022	DOWNS, LOREN EDDY
603	687	DOWNS, LORNA NANCY
604	688	DOWNS, LUCILLE ANN
605	689	DOWNS, MARILYN ROSE
606	690	DOWNS, MARY ELLEN
607	18024	DOWNS, SANDRA ELIZABETH
608	694	DOWNS, TRACI MARIE
609	18104	DOWNS, VERONICA ELLYN
610	683	DOWNS, JR., FREDERICK LEWIS
611	684	DOWNS, JR., HERBERT
612	18023	DOWNS, JR., RALPH EUGENE
613	696	DOYLE, ANN
614	698	DOYLE, ROBERTA LYNN
615	9762	DRAKE, DAVID HIRAM
616	9761	DRAKE, GABRIELLE E.L.
617	6820	DRAKE, LONNIE
618	7586	DRIVER, ESTELLE H
619	751	DRYDEN, DENNIS DALE
620	752	DRYDEN, GARY LEE
621	753	DRYDEN, VALDEE CHESTER
622	755	DUCKEY, HOWARD GORDON
623	17635	DUGAN, JAMES PATRICK
624	17636	DUGAN, PATRICIA COLLEEN
625	756	DUGGAN, ESTELLE H
626	757	DUGGAN, JOANNE NMN
627	4707	DUGGAN, JULIE MARIE
628	4701	DUGGAN, KERRY
629	4436	DUGGAN, LAURI
630	760	DUGGAN, MICHAEL STEPHAN
631	17824	DUNCAN, ELAINE MAE
632	762	DUNCAN, WILLA MAE
633	8274	DUNLAP, JAMES EVERETT
634	763	DUNLAP-DUTRA, CYNTHIA L.
635	3454	DURBIN, MARJORIE
636	768	EBERHARDT, JENNIE JEANNETTE

Page No. 13 HOOPA-YUROK SETTLEMENT ROLL AS OF OCTOBER 31, 1988

NO.	CNTRLNO	LAST, FIRST & MIDDLE NAME
637	4691	EBERHARDT, JOLLEANE B.
638	8947	EBRIGHT, EDNA MAE
639	769	ECHOLS, AGNES JOSPEHINE
640	8476	ECHOLS, CATHLEEN ANNETTE
641	771	ECHOLS, FLORENCE CAROLEE
642	8477	ECHOLS, MICHAEL ADAM
643	770	ECHOLS, JR., DAVID LEE
644	773	EDDY, DONNA MARIE
645	7953	EDENFIELD, CARLOTTA JEAN
646	774	EDWARDS, EUGENE DANIEL
647	776	EDWARDS, WILLIAM RONALD
648	779	EHRLICH, CAROLYN ANN
649	6092	EIDMAN, BILLEE LYNN
650	782	EINMAN, ELIZABETH ANNE
651	782	EINMAN, LEONA LORRAINE
652	782	EINMAN, WILLIAM HAROLD
653	783	EISELE, DARRELL DWAYNE
654	785	EISELE, FRANK LADUE
655	5897	EISELE, RAYMOND WARD
656	6103	EISELE, JR., EDWIN EARL
657	17752	ELLIOTT, IDA ELAINE
658	795	ELLIS, MERLYN EDWARD
659	796	ELLIS, MICHAEL JOHN
660	798	ELLIS, THOMAS WILLIAM
661	17524	ENCINAS, SR., CHRIS MCCOVEY
662	805	ERICKSON, LAVARR CARL
663	7613	ERICKSON, THERESA IRENE
664	7612	ERICKSON, JR., FRANK JAMES
665	7611	ERICKSON, SR., FRANK JAMES
666	808	ERVIN, CAROL ANN
667	4428	ERVIN, FRANCES LOUISE
668	809	ERVIN, KEITH CRAIG
669	18025	ESLICK, BARBARA JEAN
670	5926	ESLICK, LESLIE MARIE
671	812	ESLICK, MARY JANE
672	5927	ESLICK, JR., JOHN P.
673	18105	ESPINOSA, MARTA MARGARET
674	817	EVANS, NORMA JEAN
675	17503	EVENSON, ANGELA RAE
676	8451	EVENSON, FELICITY LOVE
677	6963	EVENSON, MARY CHERYL
678	4179	EVENSON, TAMMIE
679	8450	EVENSON, THOMAS EDWARD
680	4180	EVENSON, TOMMIE
681	3890	EVENSON, TONJA LEE
682	8449	EVENSON, TONYA HELENE
683	8489	EVENSON, JR., WALLACE RAYMOND
684	822	EXLINE, JESSIE JEAN
685	823	EXLINE, KEVIN PAUL
686	5816	FAIN, SANDRA LOU
687	826	FAUSTINO, MARILYN MAXINE
688	17505	FAWCETT, YVONNE LYNN
689	2189	FELIX, JANINE MELISSA

Page No. 14 HOOPA-YUROK SETTLEMENT ROLL AS OF OCTOBER 31, 1988

NO.	CNTRLNO	LAST, FIRST & MIDDLE NAME
690	7681	FENELL, MAMIE MATILDA
691	833	FERNANDES, EUNICE K
692	834	FERRARI, ETTA M.
693	3014	FERRER, TAMARA LYNETTE
694	836	FERRIS, CLIFFORD MARION
695	837	FERRIS, DAN L.
696	5637	FERRIS, DAVID WAYNE
697	7668	FERRIS, FRANCES ELLEN
698	7669	FERRIS, ILENE
699	7667	FERRIS, JULIE ANNA
700	838	FERRIS, KATHRYN SUSAN
701	5636	FERRIS, LAWRENCE GENE
702	840	FERRIS, SANDRA JEAN
703	842	FERRIS, JR., WILFRED ERNEST
704	841	FERRIS, SR., WILFRED ERNEST
705	3891	FIESTER, ANN MARIE
706	7264	FIESTER, DALE J.
707	5977	FIESTER, GERALD ALLEN
708	3892	FIESTER, LINDA MARIE
709	4309	FIESTER, ROBERT
710	7957	FIESTER, SHALISA ANNE
711	3893	FIESTER, JR., JOHN
712	848	FIGUEROA, AILEEN MAE
713	849	FIGUEROA, DOMINIC HENRY
714	18026	FIGUEROA, FLOYD KEVIN
715	3410	FISCHER, SUNNY LORIEE
716	854	FITCH, DAWN ADAIRE
717	18079	FITZGERALD, DONNA MAE
718	5349	FLAGLER, JILL REMEMBER
719	857	FLEMING, IDA FAYE
720	4163	FLETCHER, CODY STEVEN
721	5765	FLETCHER, LURAL RANDY
722	5762	FLETCHER, LYLE EUGENE
723	862	FLETCHER, TAMI RAQUEL
724	863	FLETCHER, TIANNA LINN
725	864	FLETCHER, TIFFANY GRACE
726	4162	FLETCHER, TROY SIMON
727	865	FLETCHER, TROY STEVEN
728	5759	FLETCHER, JR., RAYMOND LEE
729	866	FLORES, JR., FLOYD HAROLD
730	873	FORD, CALVIN GEARY
731	1493	FORD, CHLENA MC COVEY
732	17357	FORD, CLIFFORD LEONARD
733	17358	FORD, LINDA FAYE
734	17359	FORD, RANDAL WAYNE
735	880	FORD, THELMA JEAN
736	6417	FOSEIDE, CLEO ANN
737	886	FOSEIDE, OLLIE OLIVE
738	898	FOSTER, STUART COVINGTON
739	17383	FOWLER, SHELLY RAE
740	3593	FRAME, BENET PITT
741	4212	FRAME, BRIAN PETER
742	892	FRANK, ADA FLORENCE

NO.	CNTRLNO	LAST, FIRST & MIDDLE NAME
743	893	FRANK, ANTHONY
744	894	FRANK, CAROLYN SUE
745	895	FRANK, DIXIE LEE
746	896	FRANK, GAYLE
747	897	FRANK, HAROLD IVAN
748	9588	FRANK, HENRY EDWARD
749	898	FRANK, JEWEL CRYSTAL
750	899	FRANK, KENNETH
751	900	FRANK, KENNETH
752	901	FRANK, PAMELA
753	902	FRANK, RICKY
754	903	FRANK, ROBERT KEITH
755	9589	FRANK, THOMAS JOAQUIN
756	904	FRANK, WILLIAM
757	7460	FRANKE, DONNA MAE
758	296	FRANKLIN, JILL ANN
759	906	FRANKLIN, JOHN ANDRE
760	911	FRANKS, RODNEY GERALD
761	4149	FRANKS, RONALD RAYMOND
762	5237	FRAZIER, TAMMY RAE
763	7203	FRAZIER, JR., JERRY L.
764	913	FREDERICKSON, ESTELLE FERN
765	7512	FREEMAN, BARBARA LYNN
766	918	FREEMAN, HAZEL ANN
767	7513	FREEMAN, SHAUNANA LEEANN
768	4809	FRENCH, CHEREE EVELINA
769	926	FRENCH, DAISY MAE
770	929	FRENCH, GLORIA GEAN
771	6621	FRENCH, LAURIE
772	4808	FRENCH, LLEWELLYN LEWIS ALBERT
773	4193	FRENCH, NATHAN E.
774	4811	FRENCH, JR., RONALD WAYNE
775	927	FRENCH, SR., DANIEL ARTHUR
776	932	FRENCH, SR., RONALD WAYNE
777	935	FRICK, DAMON ALAN
778	934	FRICK, DAVID L.
779	935	FRICK, DYLAN RONALD
780	4110	FRICK, TENE LOUISE
781	2412	FRIZZELL, JEANETTE ADELL
782	5043	FRYE, CHARLIE W
783	940	FRYE, CYNTHIA JANICE
784	941	FRYE, DAVID JULIUS
785	18029	FRYE, EUGENE D.
786	944	FRYE, GREELEY CHARLES
787	940	FRYE, KATHRYN A
788	942	FRYE, LEONARD DAVID
789	4354	FRYE, MALISSA MARIE
790	18030	FRYE, MURIEL SOPHIE
791	4355	FRYE, PATRICIA ANNE
792	952	FRYE, VINA
793	7614	FRYE, WALTER WILLIAM
794	954	FUGATE, MARSHA LYNN
795	4763	FULLERTON, MICHAEL ANTONY

NO.	CNTRLNO	LAST, FIRST & MIDDLE NAME
796	958	FULWIDER, GEORGIA RAMONA
797	957	FULWIDER, JR., WILLIAM DERRELL
798	959	GABRIEL, JUDITH MARIE
799	960	GABY, DOROTHY ELEANOR
800	962	GACHES, MONA MARIE
801	965	GALLACCI, EUGENE AVERY
802	966	GALLACCI, JOHN MICHEAL
803	967	GALLACCI, WILDA VIRGINIA
804	971	GALYEAN, JOHN IRVIN
805	973	GALYEAN, MICHAEL JOSEPH
806	3965	GAMBOA, PATRICIA JADINE
807	975	GARCIA, IMOGENE LORRAINE
808	977	GARCIA, MARGARET
809	1649	GARDNER, HOPE ROSE MARIE
810	979	GARRETT, ELISE ANN RIECKE
811	5652	GATES, JOLENE ANNE
812	5653	GATES, NICOLE WENDY
813	982	GENSAW, ALMA JOYCE
814	6066	GENSAW, ANNIE JANE
815	4310	GENSAW, BELLE VIOLA PILGRIM
816	993	GENSAW, CARROLL LAWRENCE
817	987	GENSAW, CURTIS FLOYD
818	4883	GENSAW, DOMINIC DUANE
819	4420	GENSAW, ELISABETH DIANE
820	17778	GENSAW, EVELYN MARIE
821	5858	GENSAW, HENRY GRANT
822	990	GENSAW, JAMES RONALD
823	6585	GENSAW, JANELL NICOLE
824	5374	GENSAW, JASPER WHITEHORSE
825	4715	GENSAW, JOLENE BLACKSTAR
826	5365	GENSAW, JOSEPHINE
827	4882	GENSAW, KARENA KAY
828	992	GENSAW, KATHLEEN ROSE
829	985	GENSAW, LEO GEORGE
830	994	GENSAW, LORI ANN
831	3002	GENSAW, MARGARET MAE
832	3005	GENSAW, PEGGY SUE
833	3006	GENSAW, PENNY JANINNE
834	3007	GENSAW, RAMONA JUNE
835	3845	GENSAW, RONALD RAY
836	6067	GENSAW, ROY LEE
837	3013	GENSAW, SANDRA LUANNE
838	5318	GENSAW, STEPHEN FARRELL
839	6065	GENSAW, VICKY MARIE
840	5859	GENSAW, VICTORIA LYNARE
841	2415	GENSAW SEALOCK, FLORENE
842	3018	GENSAW, III, WILLIAM E
843	5373	GENSAW, JR., JOSEPH WILLIAM
844	3004	GENSAW, JR., OSCAR TAYLOR
845	6070	GENSAW, JR., RAYMOND GIANT
846	3011	GENSAW, JR., SAMUEL LLOYD
847	3017	GENSAW, JR., WILLIAM EDMOND
848	3799	GENSAW, SR., CARROLL

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NO.	CNTRLNO	LAST, FIRST & MIDDLE NAME
849	988	GENSAW, SR., DAVID L
850	991	GENSAW, SR., JOSEPH WILLIAM
851	3003	GENSAW, SR., OSCAR TAYLOR
852	3009	GENSAW, SR., RAYMOND
853	3012	GENSAW, SR., SAMUEL LLOYD
854	3016	GENSAW, SR., WILLIAM
855	3019	GEORGE, BEN EUGENE
856	4856	GEORGE, ELMER GRAY
857	9554	GEORGE, ISKA DUANE
858	3021	GEORGE, JACK DUANE
859	9553	GEORGE, JACK N.
860	18031	GEORGE, LAURA ELAINE
861	3740	GEORGE, LAURA LEE GRANT
862	3024	GEORGE, LINDA PEARL
863	3025	GEORGE, MICHAEL GAIL
864	6591	GIBBENS, ADIA HELEN
865	6590	GIBBENS, AMBER JADE
866	6584	GIBBENS, CARLTON FRANKLIN HAIGHT
867	6583	GIBBENS, MINNIE ROSE
868	3026	GIBBENS, PATRICIA JEAN
869	6592	GIBBENS, RENA LORRAINE
870	1329	GIBSON, STEPHANIE JANE
871	3027	GIBSON, VALERIA DENISE
872	3028	GIDDINGS, DELIA ANGELENE SPOTT
873	3029	GIDDINGS, EDWIN DALE
874	3029	GIDDINGS, MONICA COLLETTE
875	3030	GIDDINGS, RALPH MONROE
876	5024	GIERTSEN, GLENDA JILL
877	3031	GIFFEN, NORMAN RAINE
878	3034	GILKISON, ADRIENNE LAVERNE
879	3041	GILLESPIE, ELAINE ROSE
880	3045	GILLHAM, DONNA RAE
881	1687	GIST, EUGENE SAMUEL
882	3048	GIST, FRANK GRAY
883	3049	GIST, GORON LEROY
884	7550	GIST, JR., FRANK G.
885	3053	GLAZE, LAVERNE FRANCES
886	3054	GOLDSWORTHY, ELLEN LOUISE
887	8128	GOMES, TIMOTHY JOE
888	4973	GOMES, JR., ALVIN GENE
889	4972	GOMES, SR., ALVIN GENE
890	2175	GOODMAN, CORAL LYNN
891	3365	GOOSELAW, ELLEN KERR
892	681	GORDON, SUSAN S
893	4954	GORDY, LORRENE LINDA
894	305	GRADY, ELTHERIA B.
895	3059	GRADY, TIMOTHY H.
896	1748	GRADY, WILLIAM KENNETH
897	3060	GRAHAM, ARDITH K.
898	3837	GRANT, BYRON LANE
899	3065	GRANT, ELINOR
900	4183	GRANT, GARY DALE
901	6601	GRANT, MAGGIE

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NO.	CNTRLNO	LAST, FIRST & MIDDLE NAME
902	4857	GRANT, WAYNE ANDREW
903	3739	GRANT, III, FRANK ALEXANDER
904	3738	GRANT, JR., FRANK ALEXANDER
905	3737	GRANT, SR., ZANE ELDON
906	4643	GRAVES, SHELDON EUGENE
907	3974	GRAY, DOTTIE MARIE
908	3075	GRAY, JAMES BENTON
909	3976	GRAY, RACHELYN NICOLETTE
910	7518	GRAY, STEVEN TAYLOR
911	3073	GRAY, SR., ALBERT T.
912	6626	GRAZIDE, JR., PHILLIP FRANCIS ANTHONY
913	5313	GREEN, ALVERETTA MAE
914	3079	GREEN, BONITA
915	6361	GREEN, CYNTHIA RENE
916	3080	GREEN, DORENE KAYE
917	685	GREEN, JANICE LORNA
918	6372	GREEN, KENNETH MIKE
919	3088	GREEN, MARLENE NETTIE
920	324	GREEN, MARY ELLEN
921	6373	GREEN, MELVIN LOWELL
922	3091	GREEN, RONALD WAYNE
923	1914	GREEN, WANDA KAY
924	3093	GREEN, JR., THEODORE HAROLD
925	3095	GREEN, JR., VIRGIL LEROY
926	3096	GREEN, SR., VIRGIL LEROY
927	18093	GREENE, CHRIS LINDY GENSAW
928	17293	GREENE, JANICE MARIE
929	6277	GREENE, JENNIFER JEANETTE
930	3098	GREENE, NAOMI MARIE
931	6106	GRIES, TINA LOUISE
932	3101	GRIFFIN, CHARLENE M
933	3102	GRIFFIN, DONNA MARLEEN
934	5357	GRIFFIN, ELSIE ADRIENNE
935	5355	GRIFFIN, FREDRICK LEE
936	3105	GRIFFIN, JAMES EDWARD
937	5347	GRIFFIN, MARY BELLE
938	6147	GRIFFIN, RHODA LILLIAN
939	3108	GRIFFIN, STANLEY SEELEY
940	311	GRIFFIN, WALLACE
941	5358	GRIFFIN, WARREN PRESTON
942	5356	GRIFFIN, III, STANLEY SEELEY
943	4680	GRIFFITH, COLEEN JUNE GRUBBS
944	3114	GRIFFITH, EARL
945	3117	GRIFFITH, GLORIA JEAN
946	4327	GRIFFITH, KARRIE KEESHEN
947	3118	GRIFFITH, LILLIAN LOUISE
948	5615	GRIFFITH, MERLE
949	3116	GRIFFITH, III, EARL
950	3115	GRIFFITH, JR., EARL
951	2691	GRIMES, VICKIE DIANE
952	8272	GRISWOLD, MARIANNE ROSE
953	17393	GRITTS, ANITA ANN
954	17392	GRITTS, DOROTHY JEANETTE

NO.	CNTRLNO	LAST, FIRST & MIDDLE NAME
955	17394	GRITTS, JEANETTE MARIE
956	17395	GRITTS, II, J. D.
957	3129	GRUBBS, CECIL JOSEPH
958	4679	GRUBBS, DARRELL LEE
959	3132	GRUBBS, HAROLD ROY
960	3133	GRUBBS, JEANNETTE JULIEANN
961	4678	GRUBBS, LESTER WILLIAM
962	3136	GRUBBS, MERLIN EDWARD
963	3137	GRUBBS, MERVIN EUGENE
964	3138	GRUBBS, RONALD LEE
965	7065	GUEVARA, AMBER JEWEL
966	3140	GUEVARA, CHARLOTTE LEE
967	3141	GUIDO, COLLENE ESTELLE
968	3143	GUILLIAMS, SOPHIA MAE
969	36	GUTIERREZ, MARIA DEL SOCORRO
970	980	GUYATT, CLAIRE ROSE
971	3146	HAAS, CHERYL SUSAN
972	3147	HABERMAN, ALTON VINCENT
973	3149	HABERMAN, DOROTHY HARRIET
974	3151	HABERMAN, HENRY GARY
975	3152	HABERMAN, LYLE DEAN
976	3154	HABERMAN, RICHARD LEE
977	3155	HABERMAN, RODNEY LYNN
978	3156	HAIGHT, MARIE MARGRIE
979	4543	HALL, ANNETTE JOAN CHEZEM
980	9759	HALL, MARY LOUISE
981	3164	HALSTEAD, ROBERT ALEXANDER
982	1222	HAMMOND, ARLENE MAREE
983	3177	HAMPTON, SUSAN DARLENE
984	17360	HANCORNE, GRETA
985	5169	HANCORNE, HOPE IONE
986	2024	HANCORNE, PHYLLIS MAE
987	3180	HANCORNE, JR., HENRY C.
988	4101	HANES, MICHELLE CATHERINE
989	3186	HANLEY, PATRICIA ANN
990	8709	HANNON, GUYLLA ROSE
991	3189	HANSON, LAURAL ANN
992	3191	HARDER, HELEN ELIZABETH
993	3192	HARDER, LARRY
994	3193	HARDER, MICHAEL EUGENE
995	3196	HARMON, PHILA M
996	6020	HARPER, MARY LYNN MARTIN
997	3197	HARPST, BERNIECE STOKES
998	5279	HARPST, WILLIAM CHARLES
999	1919	HARRINGTON, TERRI JO
1000	4870	HARRIS, NEAL EDWARD
1001	4871	HARRIS, TARA LYNN
1002	3201	HARRIS, VERA GERTRUDE
1003	3203	HARRISON, GEORGIA LAVERNE
1004	3204	HARRISON, LEROY JAMES
1005	9836	HARRISON, MARVIN LEROY
1006	3205	HARRISON, MICHAEL JOHN
1007	18032	HARRISON, JR., THOMAS FRANKLIN

NO.	CNTRLNO	LAST, FIRST & MIDDLE NAME
1008	3209	HARTMAN, ELWOOD DEMPSEY
1009	17743	HARTMAN, WAYNE D.
1010	5501	HARWOOD, TABATHA LYNN
1011	3214	HASTINGS, MARY L
1012	2815	HATFIELD, GAIL MARIE
1013	3216	HAVEN, BETTY LOU
1014	3217	HAVEN, JENNIE MASTEN
1015	9732	HAYDEN, LEWIS KITSAI
1016	3220	HAYNES, JUDY ANN
1017	1495	HECKEL, DAWN
1018	3237	HEITMAN, MONA LOGAN
1019	3236	HEITMAN, JR., GEORGE H.
1020	3239	HELLMAN, MICHAEL WELLINGTON
1021	3802	HENDERSON, CYNTHIA LEIGH
1022	8743	HENDERSON, JULIO WESLEY
1023	2117	HENDERSON, MELINDA MAE
1024	2398	HENDON, JENNIE JENNETTE
1025	3935	HENDRIX, FREDRICK JAMES
1026	3247	HENDRIX, LARRY ZANE
1027	3248	HENDRIX, LINDA ANN
1028	3249	HENDRIX, MABEL HODGE
1029	3257	HENRY, MADELINE LENAIRE
1030	7031	HENRY, VALERIE LANEEN
1031	3259	HENRY, VICKY LEE
1032	310	HENRY BONES, YVONNE ANNETTE
1033	3252	HENRY, SR., ELLIOTT MILTON
1034	3253	HENRY, SR., FRANK AARON
1035	3260	HENSON, LINDA JEAN SILLAWAY
1036	2287	HERNANDEZ, ANNABELLE
1037	3261	HERNANDEZ, CARMEN MARIE
1038	3702	HERNANDEZ, VERONICA RUBY
1039	7752	HESSE, VICKI LEE
1040	9330	HEYER, ALAN VERNON
1041	9329	HEYER, STEVEN PATRICK
1042	6060	HICKEY, BRIAN NEAL
1043	6059	HICKEY, DANIEL JOSEPH
1044	2802	HICKEY, KELLY ANN
1045	6058	HICKEY, LILLIAN JUANITA
1046	7916	HICKOX, JR., KENNETH LLOYD
1047	3052	HILL, MYRNA KAY GIST
1048	7622	HILL, SARAH ELAINE
1049	4088	HILLMAN, LUANA KAY
1050	3842	HILTON, MARY ELLEN
1051	964	HINTON, CATHY RAE
1052	7062	HODGE, ADAM MICHAEL
1053	18033	HODGE, ANDREW ERIC
1054	3276	HODGE, ANGELA SUZETTE
1055	3277	HODGE, GARY RAY
1056	5462	HODGE, HENRY EUGENE
1057	7061	HODGE, JAMES C-ERI
1058	3278	HODGE, JAMES SIDNEY
1059	4260	HODGE, JEFFREY WAYNE
1060	3279	HODGE, KENNETH MARK

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NO.	CNTRLNO	LAST, FIRST & MIDDLE NAME
1061	3280	HODGE, KEVIN MARK
1062	3281	HODGE, KIPP ROXANNE
1063	3282	HODGE, LEAH MAE
1064	3283	HODGE, LORI LYNN
1065	3286	HODGE, PAUL EUGENE
1066	3287	HODGE, ROBERT
1067	9740	HODGE, STACEY E.
1068	3285	HODGE, JR., OTTO
1069	3284	HODGE, SR., OTTO
1070	17914	HODGES, CHARLES KENNETH
1071	3288	HOFFMAN, EVELINA MC COVEY
1072	3289	HOFFMAN, LINDA LEE
1073	7855	HOFFMAN, WILMA LINDA
1074	3290	HOLDREN, ALICE MARIE
1075	703	HOLMES, JOYETTA JANE
1076	3292	HOLT, DENISE LOREEN
1077	3293	HOLZHAUSER, RICHARD JOHN
1078	3294	HOLZHAUSER, RONALD LEE
1079	3297	HONEYCUTT, CALVIN GUY
1080	3298	HONEYCUTT, DIANE ELENE
1081	3299	HONEYCUTT, ERNEST DONALD
1082	3304	HONEYCUTT, RALPH VERNON
1083	52	HOOK, GAYLEE JEAN VAN PELT
1084	3313	HOOPER, ALICE JANE
1085	17389	HOOVEN, EUGENE DONALD
1086	17390	HOOVEN, SR., FELIX OWEN
1087	3315	HOSTLER, CARMEN MELINDA
1088	1979	HOSTLER, KAREN DAWN
1089	3320	HOSTLER, PAMELA JEAN
1090	3324	HOTELLING, DAISY DEAN
1091	3326	HOTELLING, JR., WESLEY EARL
1092	3327	HOTELLING, SR., WESLEY EARL
1093	4618	HOUSTON, JEREMY RAY
1094	9451	HOWARD, DARLENE JOYCE
1095	3333	HOWARD, GARY WAYNE
1096	7502	HOWARD, HUGH WAYNE GLEN
1097	3334	HOWARD, IMOGENE G
1098	18034	HOWARD, MICHAEL LEROY
1099	3339	HOWARD, ROBERTA LORRAINE
1100	3332	HOWARD, JR., EARL VERNON
1101	18035	HOWARD, JR., RICHARD BERNARD
1102	3340	HOWERTON, VIRGINIA NADINE
1103	17740	HUBBELL, JULIE DEANNE
1104	3341	HUFFMAN, ESTHER PEARL
1105	9544	HUFFMAN, LEANNE MAE
1106	3343	HUFFMAN, LEONARD LEE
1107	345	HUFFORD, JOSEPH EDWARD
1108	3506	HUGES, ANNE JEANNETTE CARLSON
1109	6522	HUGHES, DARLENE JOYCE
1110	3351	HUNSUCKER, GENEVA JANE
1111	7520	HUNSUCKER, LAUREL ROSE
1112	3353	HUNSUCKER, PATRICIA J.
1113	3352	HUNSUCKER, JR., GERALD BRUCE

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NO.	CNTRLNO	LAST, FIRST & MIDDLE NAME
1114	7521	HUNSUCKER, JR., ROBERT EUGENE
1115	3354	HUNSUCKER, SR., ROBERT EUGENE
1116	3355	HUNT, IDA MARIE
1117	2240	HUSTED, TONYA LYNN
1118	6761	HUTCHASON, MARTHA ELIZABETH
1119	3360	HYGELUND, MARY A.
1120	7307	INONG, GLORIA LORRAINE
1121	7309	INONG, KATRINA LANAI
1122	18080	INONG, KAY LARRAINE
1123	7308	INONG, REMIJIA LEA
1124	7306	INONG, YADAO BRITTON
1125	3374	IPINA, CHRISTINA DEANNA
1126	18036	IPINA, DANIEL EFRAIN
1127	3376	IPINA, DAVID JAVIER
1128	3377	IPINA, TERESA MARIE
1129	3378	ISKRA, BETTY JANE
1130	3379	ISKRA, JEANETTE MARIE
1131	3380	ISKRA, JEROME WESLEY
1132	7951	ISKRA, KAREN LYNN
1133	3382	IVERSEN, DOROTHY LOUISE
1134	3383	JACKSON, BETTY DELPHINE
1135	3741	JACKSON, EARL CHARLES
1136	5605	JACKSON, ELEANOR FRANCES
1137	5606	JACKSON, GAYLENE GRACE
1138	5604	JACKSON, HEATH GALE
1139	3385	JACKSON, HENRIETTA JOYCE
1140	3386	JACKSON, MARY MAE
1141	392	JAHR, ALICE FAYE
1142	3389	JAKE, LESTER
1143	3391	JAKE, MARIE ESTHER
1144	3388	JAKE, STANFORD WESLY
1145	3392	JAKE, JR., FRANKLIN MORRIS
1146	3387	JAKE, SR., FRANKLIN MORRIS
1147	6730	JAMES, CHESHEPE CHERIE
1148	6731	JAMES, DEANNA SHALISHAH
1149	3811	JAMES, EARLENE FAYE
1150	3815	JAMES, JIMMIE S
1151	4655	JAMES, JOANN
1152	3812	JAMES, JOSEPH LEE
1153	3813	JAMES, JOSEPHINE
1154	4894	JAMES, MATHEW R
1155	315	JAMES, PATTI LYNN
1156	3814	JAMES, PAUL DEAN
1157	3998	JAMES, RAFEY MICHAEL
1158	3407	JAMES, REBECCA KITTY
1159	3882	JAMES, VICTORIA W
1160	7617	JAMES, JR., PAUL DEAN
1161	3399	JAMES, SR., JIMMIE PAUL
1162	3409	JAMESON, CHARMAINE JESSIE
1163	3420	JENNESS, ELLA JOSEPHINE
1164	4069	JENNESS, GARY WILLIAM
1165	5360	JENNINGS, FRANKIE S
1166	3384	JENNINGS, GLENDA KAY

HOOPA-YUROK SETTLEMENT ROLL
AS OF OCTOBER 31, 1988

NO.	CNTRLNO	LAST, FIRST & MIDDLE NAME
1167	6130	JENNINGS, MARY
1168	3422	JENTRY, EARLENE FAYE RAKESTRAW
1169	4690	JERKE, MARVIN JEROME
1170	3698	JIM, LYLE PAUL
1171	3697	JIM, SUSAN CAROLE
1172	3427	JOHANNSEN, ALLEN G
1173	3433	JOHANNSEN, ILENE
1174	3436	JOHANNSEN, JOHN PETER
1175	3437	JOHANNSEN, LEE RAY
1176	9169	JOHANNSEN, LINDA LEE
1177	3432	JOHANNSEN, PHILLIP
1178	3432	JOHANNSEN, SR., HIRAM
1179	8154	JOHANSSON, RUTH
1180	3440	JOHN, EDWARD DAVID
1181	3441	JOHN, JUDITH MARLENE
1182	2307	JOHNNIE, SYLVINA ADELAIDE
1183	3443	JOHNSON, BEN GRANT
1184	2451	JOHNSON, BEVERLEE ANN
1185	6262	JOHNSON, CLARA LOUISE
1186	3446	JOHNSON, DIXIE LEA FRYE
1187	3447	JOHNSON, ELLA
1188	8150	JOHNSON, ELMER VERNON
1189	3449	JOHNSON, HENRY ORIN
1190	9369	JOHNSON, JODY NEIL
1191	3450	JOHNSON, JULIE ANN
1192	3452	JOHNSON, LINDA DARLENE
1193	9231	JOHNSON, MARK KEITH
1194	4039	JOHNSON, ROBERTA JEAN
1195	18099	JOHNSON, SANDRA LEE
1196	3458	JOHNSON, WAYNE RAY
1197	3459	JOHNSTON, BEVERLY J.
1198	3461	JOHNSTON, YVONNE DELIA
1199	3462	JOLLEY, YVONNE HELKER
1200	3644	JONES, ANGELA MARIA
1201	3466	JONES, CAROLENE RENEE
1202	7963	JONES, CASEY GERALD
1203	3467	JONES, CHRISTEE ANNETTE
1204	3469	JONES, CLIFFORD NATHANIEL
1205	3471	JONES, DELMA J
1206	3883	JONES, DEWEY WILLIE GEORGE
1207	4466	JONES, EDITH M.
1208	3475	JONES, HOWARD JACOB
1209	3476	JONES, JOSEPHINE JEANNETTE LARA
1210	3874	JONES, KENDRA FEATHER ADELENA
1211	3873	JONES, KENNETH GROVER
1212	3482	JONES, LETITIA FAYE
1213	7059	JONES, MARK EDWIN
1214	4463	JONES, MARVA LYNN
1215	4464	JONES, MARVIN JAMES
1216	3484	JONES, MARVIN WALLACE
1217	3477	JONES, MICHAEL PHILLIP
1218	3843	JONES, NOREEN SUE
1219	9331	JONES, PATRICIA DELORES

HOOPA-YUROK SETTLEMENT ROLL
AS OF OCTOBER 31, 1988 .

NO.	CNTRLNO	LAST, FIRST & MIDDLE NAME
1220	3486	JONES, RICHARD WILLIAM
1221	4721	JONES, SHANNON DALE
1222	3490	JONES, SHELLY MAXINE
1223	5783	JONES, SHIRLEY ANNIE
1224	3494	JONES, TRACI L
1225	3488	JONES, JR., SAMUEL LLEWELLYN
1226	3481	JONES, SR., LARRY LEE
1227	5649	JORDAN, ANDREA THERESA
1228	7624	JORDAN, ANGELA MARIE
1229	5647	JORDAN, BRANDON MICHALE
1230	5648	JORDAN, BRIAN EUGENE
1231	4261	JORDAN, CARMELI RAMONA
1232	7631	JORDAN, LAURA ANNE
1233	5650	JORDAN, LORELIE SUE
1234	3499	JORDAN, RONALDA JEAN
1235	5646	JORDAN, JR., GARY LEALOND
1236	1016	KALER, DENISE RENEE
1237	1016	KALER, LENNI MARIE
1238	1016	KALER, JR., JAMES ROBERT
1239	1017	KALLIO, CHARLOTTE ANNONA
1240	1019	KANE, GERALD OLLIE
1241	7736	KANE, JAY PATRICK
1242	7735	KANE, JERIANN
1243	7029	KANE, LOREN DELVIN
1244	7028	KANE, LUCINDA L.
1245	7027	KANE, JR., OLLIE DELVIN
1246	5631	KATZ, SUSAN BETTY
1247	17783	KEENE, SHARON ROSETTA
1248	18039	KEENE, JR., ROBERT JAMES
1249	7219	KEISNER, ARLYS FAYE
1250	1029	KEISNER, EDWARD CARL
1251	1030	KEISNER, FLOYD JAMES
1252	1031	KEISNER, FREDERICK ALLEN
1253	1032	KEISNER, GLENN WAYNE
1254	1033	KEISNER, HENRY JAMES
1255	1034	KEISNER, LORNIE LELAND
1256	1035	KEISNER, LOUISE BELL
1257	7218	KEISNER, RHODA DAWN
1258	1036	KEISNER, RONALD CRAIG
1259	1037	KEISNER, SANDRA DEAN
1260	1028	KEISNER, JR., DELMER MALIN
1261	4076	KEISNER, JR., GEORGE MCCLELLAN
1262	17370	KELLER, SANDRA LEE
1263	467	KELLER - CASTON, KELLY MARIE
1264	1038	KELLING, EDITH
1265	7558	KELLY, DEBBIE KAY
1266	17792	KELLY, JANICE ROSE
1267	17677	KELSEY, MADELYN KAY
1268	5865	KENNEDY, CHARLENE
1269	1044	KENTTA, ARLENE FRANCES
1270	7907	KERWIN, DEBORAH ANN
1271	3643	KERWIN, KEITH LEWIS
1272	8286	KERWIN, MELODY CAROL

NO.	CNTRLNO	LAST, FIRST & MIDDLE NAME
1273	3639	KERWIN, MICHAEL GENE
1274	1769	KESTER, ANNA MARIE
1275	8949	KEWIN, IMOGENE LEONA
1276	1048	KIBBY, DANIEL JAMES
1277	1049	KIBBY, DAVID CLARENCE
1278	1050	KIBBY, WANDA J.
1279	9283	KIBBY-GANNON, GAYLEEN
1280	35	KIMBER, ONA LEE ALAMEDA
1281	1054	KINDER, CLIFFORD LEE THOMAS
1282	1055	KINDER, DANIEL STUART
1283	1056	KINDER, JIMMIE VINCENT
1284	5916	KINDER, KAREN ELIZABETH
1285	1058	KINDER, MARTIN ARNOLD
1286	1059	KINDER, ROBERT LEE
1287	1057	KINDER, SR., MARTIN ALBERT
1288	3301	KINDRICK, KATHERINE HONEYCUTT
1289	2454	KING, JACQUELINE MARIE
1290	914	KING, LYNN ANN
1291	4490	KING, SR., KENNETH RAYMOND
1292	9104	KINGSLEY, CHARLIE JAMES
1293	6918	KINGSLEY, JACKIE MARIE
1294	1065	KINGSLEY, PHILLIP LEE
1295	1066	KINGSLEY, WALLACE DUANE
1296	1069	KINNEY, CARSON L
1297	8264	KINNEY, LESLIE EUGENE
1298	1079	KINNEY, WAYNE ALAN
1299	1080	KINNEY, WILLIAM WADE
1300	1073	KINNEY, ZELMA MARIE
1301	18042	KINNEY, JR., DON MILLER
1302	1077	KINNEY, JR., ROBERT LEROY
1303	18041	KINNEY, SR., DEAN MILTON
1304	6810	KINNEY, SR., HAROLD ANTHONY
1305	1086	KLEINHANS, DALE EDWARD
1306	17786	KLEINHANS, DEBORA ANN
1307	1088	KLEINHANS, DENNIS GALE
1308	17787	KLEINHANS, ROBERT NELSON
1309	484	KNAPP, LUCILLE JEAN
1310	1090	KNIGHT, RACHEL LOUISE
1311	1091	KNOX, MERRILYN IRENE
1312	1093	KNUDSEN, DANIEL EDWIN
1313	1095	KNUDSEN, RUTH L
1314	1099	KOCH, VIOLA
1315	1101	KORB, CAROLE NANCY
1316	18088	KOTHMAN, PAULINE MARIE
1317	17366	KUENSTER, JR., JEROME EDMOND
1318	3319	KUNDO, NORA MAE
1319	1111	LA FRANCHI, ELVERNA J
1320	4609	LAKE, TELA JUANITA
1321	1114	LAMBERSON, ANDREW JAMES
1322	4719	LAMBERSON, WENDY LYNN
1323	4736	LAMBERSON, III, FRED
1324	1115	LAMBERSON, JR., FRED
1325	4893	LAME BEAR, NORA ASHLEY

NO.	CNTRLNO	LAST, FIRST & MIDDLE NAME
1326	4891	LAME BEAR, WILLIAM THOMAS
1327	4892	LAME BEAR, JR., ALEXANDER FRANCIS
1328	1120	LANDI, JASPER STANLEY
1329	6262	LANDI, MIKE STANLEY
1330	17747	LANDI, SAMUEL ROBERT
1331	8031	LANE, ARNOLD DEAN
1332	8443	LANE, DENNIS D.
1333	8444	LANE, KEITH A.
1334	7965	LANE, MARGE ANGELINE
1335	8032	LANE, VIRGIL ALLEN
1336	8027	LAOS, SHIRLEY FAYE
1337	3477	LARA, CORBETT MAXWELL
1338	1122	LARA, FRANCES SHALLENE
1339	1122	LARA, FRANCIS MARKS
1340	1123	LARA, FRANKLIN W.
1341	1124	LARA, LORRAINE LYNN
1342	1125	LARA, LOUIS DALE
1343	5709	LARA, MARGARET MARKS
1344	1127	LARA, PETER HARRY
1345	5059	LARA, WALTER JAMES
1346	1130	LARA, WILLIAM BENNETT
1347	1128	LARA, JR., WALTER JAMES
1348	5623	LARSON, VIRGINIA LEE
1349	9728	LATHAM, BESSIE
1350	6889	LATHAM, DUSTIN SCOTT
1351	1132	LATHAM, MARILYN GRACE LEWIS
1352	3846	LAVATO, ANDREA JEAN
1353	18043	LAVENDER, MARIE LOUISE
1354	6791	LAVEZZO, JENELL RENEE
1355	3908	LAWSON, MARIE MC COVEY
1356	17506	LAWSON, JR., MERCER LANE
1357	6391	LE CLAIRE, MARCELENE
1358	1146	LE FEVRE, LORENE LYNN
1359	3966	LEE, MILLICENT R
1360	1143	LEEST, ANNA MAE
1361	1144	LEEST, ROBERT D.
1362	1147	LEGGITT, ROBERTA MARIE
1363	5697	LEMIEUX, SASHA PEARL SYLVIA
1364	9525	LEMON, SANDRA LYNN
1365	4165	LESLIE, ELAINA M.
1366	1155	LETSON, LARRY ALAN
1367	1156	LETSON, WILLIAM DAVID
1368	18106	LETSON-SAMUELS, JUANITA JUNE
1369	1157	LEWIS, ALFRED
1370	6894	LEWIS, ANGELA LORAINE
1371	4324	LEWIS, CELINDA JANE
1372	18045	LEWIS, CHARLES EMERSON
1373	9362	LEWIS, DARLA JEAN
1374	1166	LEWIS, DARREL GENE
1375	1167	LEWIS, DAVID WILLIAM
1376	1496	LEWIS, DEBORAH LYN
1377	1168	LEWIS, DOROTHY COOPER
1378	1172	LEWIS, EUGENE GEORGE

NO.	CNTRLNO	LAST, FIRST & MIDDLE NAME
1379	5617	LEWIS, FRANCES ARLENE
1380	6815	LEWIS, FRANKLIN DUANE
1381	6812	LEWIS, FREDERICK WILLIAM
1382	1175	LEWIS, GARY DEAN
1383	5011	LEWIS, GERALD ALAN
1384	5616	LEWIS, GRACIE JANE
1385	1178	LEWIS, HAROLD JOSEPH
1386	1179	LEWIS, HENRIETTA WILMA
1387	1180	LEWIS, HENRY CLAY
1388	9361	LEWIS, HOWARD HENRY
1389	1182	LEWIS, JEANETTE MARIE
1390	1183	LEWIS, JOHN ARTHUR
1391	1185	LEWIS, KIMBERLEE KRISTINE
1392	6818	LEWIS, LINDA GAYLE
1393	1186	LEWIS, MARGARET MCCOVEY
1394	1187	LEWIS, MARILYN EARLENE
1395	6819	LEWIS, MARYANN K.
1396	1188	LEWIS, MICHAEL WAYNE
1397	6821	LEWIS, NORA JEAN
1398	6893	LEWIS, REBECCA LYNN
1399	1190	LEWIS, ROBERT CALVIN
1400	2583	LEWIS, SHAWNA ELIZABETH
1401	1192	LEWIS, VERNON LEROY
1402	9370	LEWIS, VIRGINIA MAE
1403	5662	LEWIS, VIVIAN KAY
1404	1159	LEWIS, III, ANDREW JAMES
1405	7283	LEWIS, III, ERNEST
1406	1160	LEWIS, JR., ANDREW JAMES
1407	18044	LEWIS, JR., ARTHUR D.
1408	7284	LEWIS, JR., ERNEST
1409	1174	LEWIS, JR., FRANKLIN DUANE
1410	4326	LEWIS, JR., GAYLORD WAYNE
1411	1176	LEWIS, SR., GAYLORD WAYNE
1412	7678	LILLY, JUSTINE DELBERT
1413	7680	LILLY, KATRINA MARIE AMBER
1414	1195	LILLY, OSCAR NMN
1415	1196	LILLY, ROBERT LEE
1416	7679	LILLY, SIERRA JAYNE
1417	3	LINCOLN, CHARLENE RUTH ABBOTT
1418	1202	LINDGREN, CHARLES AUGUSTUS
1419	1203	LINDGREN, CONNIE KAY
1420	1204	LINDGREN, KELLY JEAN
1421	1205	LINDGREN, KRIS K.C.
1422	1206	LINDGREN, LINDY CHARLES
1423	1207	LINDGREN, PARRIS EDWARD
1424	1208	LINDGREN, ROBERTA ALICE
1425	1201	LINDGREN, III, AXEL RODERICK
1426	1200	LINDGREN, JR., AXEL RODERICK
1427	4089	LINDLEY, SHARON ELIZABETH
1428	1209	LINDQUIST, LYNELLE KAY
1429	4254	LINFORD, DELYSICE ELIZABETH
1430	1211	LITTLE, WILLIAM HERBERT
1431	1214	LITTLEFIELD, SYLVIA DORIS

NO.	CNTRLNO	LAST, FIRST & MIDDLE NAME
1432	1649	LOFTIN, MICHAEL CLARENCE
1433	1218	LOGAN, ELEANOR
1434	1219	LOGAN, FLORENIA FAY
1435	6156	LOGAN, RAFEY JAMES
1436	6154	LOGAN, SHAWN
1437	9608	LOGAN, SYLVINA
1438	6155	LOGAN, III, JOHN
1439	1220	LOGAN, JR., JOHN
1440	17748	LOMELI, YVONNE C.
1441	1227	LONG, ALAN D.
1442	1225	LONG, BRIAN RUSSELL
1443	413	LONG, MABEL SARAH
1444	1233	LONG, SUSIE LOUISE
1445	6488	LOOP, SHELLEY MARIE
1446	9221	LOPEZ, DANNY JOSEPH
1447	1239	LOPEZ, FRANCINE L
1448	7928	LOPEZ, JANET EILEEN
1449	1244	LORENTZEN, JUDITH A.
1450	6131	LORING, MELVOURNEEN
1451	7369	LOVE, ANNIE L.
1452	1250	LOVE, LEORA MARY
1453	1251	LOVELL, TERRY LEE
1454	1252	LOWDEN, MARY W.
1455	8243	LOWE, CURRY PRICE C-01365
1456	5136	LOWE, MYRA LOIS
1457	1254	LOWRY, SANDRA DIANE
1458	3199	LUCERRO, ANGELA M.
1459	1258	LUNDBERG, VIOLET MILLIE
1460	1259	LUNDY, KATHERINE REED
1461	1260	LUNSFORD, MARILYN KAY
1462	4917	LUNSFORD, SHANNON WAYNE
1463	4916	LUNSFORD, SHEILA RENAE
1464	1266	LUSTER, GRACE LOUISE
1465	1268	LYALL, ROANNE ELECTA
1466	4677	LYONS, GARLAND DEAN
1467	1270	LYONS, HAROLD HOWELLL
1468	17781	LYONS, JUDY ANN
1469	533	LYONS, MURIEL OLLIE CLOSE
1470	7186	LYONS, STACEY JEROME
1471	1275	LYTLE, JULIE ANNE
1472	1277	MABRY, SHERYLE RENE GREEN
1473	1278	MAC DONALD, SHIRLEY JEAN
1474	1283	MAC NEILL, DANIEL
1475	1284	MAC NEILL, FRANK
1476	1285	MAC NEILL, GLORIA FAYE
1477	1287	MAC NEILL, MURRAY
1478	1288	MAC NEILL, ROBERT
1479	1286	MAC NEILL, JR., JOHN R.
1480	1279	MACEDO, JILL
1481	1092	MACKAY, NORMA JEAN
1482	1289	MACOMBER, MINNIE SPOTT
1483	1291	MAGEE, JACQUELINE E
1484	4713	MAGEE, JERALDINE PHILLIS

NO.	CNTRLNO	LAST, FIRST & MIDDLE NAME
1485	5321	MAGEE, JESSIE DARLENE
1486	5231	MAGEE, JULIA JOLENE
1487	18054	MAGLIO, MELVIN BERTRAM
1488	1296	MAHACH, HARVEY LAWRENCE
1489	5419	MAHACH, JAMES ANDREW FRANK
1490	4329	MALLOY, ALLISON RAE
1491	4330	MALLOY, KELLY LORRAINE
1492	4328	MALLOY, KERRI JOSEPH
1493	1299	MALLOY, PAMELA JEANELLE
1494	4704	MALONE, MONA LISA
1495	4504	MALONEY, DORIS JEAN
1496	1302	MALONEY, ETHEL MAE
1497	1300	MALONEY, JR., DAVID WAYNE
1498	3600	MANNING, WANDA ROSE
1499	3681	MANUEL, GLORIA SUSAN
1500	6897	MANUEL, SHANNON RENE
1501	6896	MANUEL, JR., LORENZO
1502	1304	MARASCO, GERTRUDE ELTHEA
1503	1305	MARASCO, JAMES ANTHONY
1504	2475	MARASCO, JUDITH LEE
1505	1306	MAREZ, MARY JANE
1506	6365	MARKEL, ANITA ANN
1507	1307	MARKERT, VIOLA HESTER
1508	5179	MARKS, BRADLEY DEAN
1509	1310	MARKS, HARVEY MYRON
1510	1312	MARKS, RALPH ALFRED
1511	1315	MARKUSSEN, DELFORD DUANE
1512	1316	MARKUSSEN, EDWIN LEROY
1513	1318	MARKUSSEN, GARY LEE
1514	3797	MARKUSSEN, GEORGE LEE
1515	1319	MARKUSSEN, KENNETH CARL
1516	1320	MARKUSSEN, LENFORD LARRY
1517	1321	MARKUSSEN, VERNON RUSSELL
1518	1314	MARKUSSEN, III, ALBERT ALLIE
1519	1313	MARKUSSEN, JR., ALBERT ALLIE
1520	5129	MARKUSSON, MELINDA JAMIE
1521	4708	MARSH, JERRY JEAN
1522	8752	MARSHALL, DEANNA RAE
1523	3820	MARSHALL, DORI R.
1524	9482	MARSHALL, ELIZABETH ROSE
1525	7657	MARSHALL, ELOISA TEATA
1526	1326	MARSHALL, EUNICE
1527	7652	MARSHALL, JOSEPH ANTONE
1528	7653	MARSHALL, JUDE ALFREDO
1529	7651	MARSHALL, TERESA FAYE
1530	1330	MARSHALL, THELMA F.
1531	3747	MARSHALL, WINIFRED FRANCES
1532	3819	MARSHALL, JR., CLIFFORD L.
1533	231	MARTIN, CAROLYN FAYE
1534	1333	MARTIN, CHERYL LYNN
1535	17793	MARTIN, CHRISTOPHER SHANE
1536	7961	MARTIN, CLARK WILBUR
1537	7501	MARTIN, DONNA R.

NO.	CNTRLNO	LAST, FIRST & MIDDLE NAME
1538	1338	MARTIN, EDWARD HENRY
1539	1339	MARTIN, ERNEST GENE
1540	1341	MARTIN, EVA MARGARET
1541	1342	MARTIN, EVA MARIE
1542	1344	MARTIN, GREGORY SCOTT
1543	9051	MARTIN, JEAN ALENE
1544	18055	MARTIN, JERRY DEAN
1545	6009	MARTIN, JOEY DEAN
1546	18056	MARTIN, JOHNNY RAY
1547	1348	MARTIN, JOSEPH JOHN
1548	1349	MARTIN, KRISTI LYNN
1549	7962	MARTIN, KYLE KEVIN
1550	18057	MARTIN, LANCE ALLEN
1551	1352	MARTIN, LAVERNE LYNN
1552	18058	MARTIN, LEE ARNOLD
1553	18059	MARTIN, LESTER A.
1554	1355	MARTIN, LESTER CHARLES
1555	1356	MARTIN, LINDA JO
1556	1357	MARTIN, LORI ANN
1557	1360	MARTIN, MARILYN S.
1558	8866	MARTIN, MARION JULIUS
1559	1362	MARTIN, MARVIN CODY
1560	18062	MARTIN, MICKEY GENE
1561	9973	MARTIN, NADINE ANTONETTE
1562	950	MARTIN, RICHARD SAMUEL
1563	1367	MARTIN, RICK LEE
1564	1366	MARTIN, RICKEY GENE
1565	4945	MARTIN, ROBERT NELSON
1566	1369	MARTIN, ROBERTA JEANNE
1567	1370	MARTIN, STEVEN DEAN
1568	1371	MARTIN, SUSAN RUTH
1569	1372	MARTIN, THELMA MARY
1570	1373	MARTIN, TOMMY JOE
1571	6115	MARTIN, JR., ANTONE FREDRICK
1572	1335	MARTIN, JR., CLARENCE M.
1573	18061	MARTIN, JR., LOUIS A.
1574	17794	MARTIN, JR., VIRGIL DEAN
1575	18060	MARTIN, SR., LOUIS A.
1576	5779	MARTIN, SR., TONY FREDRICK
1577	1375	MARTINEZ, DEANNA IRENE
1578	1376	MARTINEZ, DENISE LYNN
1579	810	MARTINEZ, KIM RENAE
1580	7537	MARTINEZ, LAWRENCE RAYMOND
1581	18014	MARTINEZ, MARGARET JEAN
1582	7536	MARTINEZ, PAUL GEORGE
1583	1383	MASTEN, BRADLEY CHARLES
1584	4214	MASTEN, CRYSTAL LYNN
1585	1388	MASTEN, DEBRA NAN
1586	18063	MASTEN, EVERETT WILLIAM
1587	4213	MASTEN, GREGORY JOHN
1588	1392	MASTEN, GREGORY KIM
1589	7632	MASTEN, JESSICA LEE
1590	7633	MASTEN, KATERI THERESE

NO.	CNTRLNO	LAST, FIRST & MIDDLE NAME
1591	1840	MASTEN, NELDA LAVERNE
1592	4164	MASTEN, PALOMA
1593	18066	MASTEN, PAMELA KAY
1594	18064	MASTEN, PATRICK DALE
1595	5082	MASTEN, SUSAN MORIA
1596	5863	MASTEN, TORREY VIRGIL
1597	5256	MASTEN, TRACEY LEIGH
1598	4801	MASTEN, VIVIENNA
1599	3983	MASTEN, WILLIAM M
1600	1389	MASTEN, II, EVERETT WILLIAM
1601	1384	MASTEN, JR, CHARLES AUGUSTUS
1602	5698	MASTEN, JR., FRANK ALEXANDER
1603	1398	MASTEN, SR., WILLIAM MARTIN
1604	1399	MATA, LARRY WILLIAM
1605	1400	MATA, MARIANNE FRANCES MAILE
1606	1401	MATA, ROBERT ARTHUR
1607	1402	MATA, SHARLENE KAY
1608	1403	MATA, WILMA IONE
1609	18067	MATILTON, DONNA JEAN
1610	5286	MATILTON, STEVEN DALE
1611	17522	MATILTON, THERESA LYNN
1612	1410	MATLOCK, VINCENT LEE
1613	6524	MATTHEWS, PATRICIA LYNN
1614	3464	MATTZ, BETTY MAXINE
1615	1416	MATTZ, DAVID LEE
1616	1420	MATTZ, GLORIA RENE
1617	1421	MATTZ, JACK EDWIN
1618	1426	MATTZ, MARVIN BRUCE
1619	1428	MATTZ, MICHAEL ANTHONY
1620	5511	MATTZ, NINADEE
1621	4120	MATTZ, RANDY T
1622	1429	MATTZ, RAYMOND GAIL
1623	1419	MATTZ, III, EMERY WILLIAM
1624	1431	MATZGER, ALICE EMILY
1625	1432	MAURONI, CARMEN
1626	17749	MAXWELL, LINDA LEE
1627	7799	MC ALLISTER, ROBERT LLOYD
1628	1365	MC ARDLE, PAMELA JEANNE
1629	4602	MC CASH, JOHN LEE
1630	1454	MC CLENNY, LINDA DEALVA
1631	1456	MC CLOSKEY, BETTY MAY
1632	8376	MC CLOSKEY, DAWN VALERIE
1633	1457	MC CLOSKEY, RICHARD THOMAS
1634	1474	MC COLLUM, MARGARET VIRGINIA
1635	1476	MC CONNELL, ARDITH EVELYN
1636	1478	MC CONNELL, HOWARD DUANE
1637	1479	MC CONNELL, JEFFREY PAXTON
1638	9332	MC CONNELL, KARLA SUSAN TURTLE
1639	6838	MC CONNELL, LOUISA DEBROSE
1640	1481	MC CONNELL, MICHAEL
1641	1483	MC CONNELL, ROBERT BRIAN
1642	6837	MC CONNELL, STUART IRVING
1643	6696	MC CONNELL, TAMMY LYNN

NO.	CNTRLNO	LAST, FIRST & MIDDLE NAME
1644	1485	MC CONNELL, WILLIAM IRVINE
1645	6836	MC CONNELL, JR., ROBERT BRIAN
1646	1487	MC COVEY, ALLEN C.
1647	6419	MC COVEY, ALLISON ROBIN
1648	1488	MC COVEY, BARRY WAYNE
1649	71	MC COVEY, BEATRICE VIOLET
1650	1489	MC COVEY, BETTY ANN
1651	1490	MC COVEY, BRIAN DEAN
1652	1491	MC COVEY, CAROL L.
1653	4334	MC COVEY, CAROLINE JUNE
1654	1494	MC COVEY, DARRELL DELMER
1655	4177	MC COVEY, DOLORES ANN
1656	1498	MC COVEY, DONALD
1657	7509	MC COVEY, FRANK LYNN
1658	1502	MC COVEY, JAMES LEE
1659	1503	MC COVEY, JENE LARAYNE
1660	1504	MC COVEY, JOYCE JUANITA
1661	4332	MC COVEY, JULIA EMILY
1662	1506	MC COVEY, KATHY ANN
1663	7512	MC COVEY, KITTY
1664	1507	MC COVEY, LANA MARIE
1665	1508	MC COVEY, LAWRENCE LEE
1666	4085	MC COVEY, LISA ANNE
1667	1510	MC COVEY, LOREN GERHAD
1668	3087	MC COVEY, LORENE FRYE
1669	1511	MC COVEY, MARGARET LORRAINE
1670	1512	MC COVEY, MARILYN R.
1671	4335	MC COVEY, MEGAN MARIE
1672	1513	MC COVEY, MONA LENA
1673	1514	MC COVEY, MYRTLE
1674	1515	MC COVEY, NANCY LYNN
1675	1516	MC COVEY, NICHOLAS CHRISTIAN
1676	5749	MC COVEY, PAMELA LEA
1677	5362	MC COVEY, PHYLLIS YVONNE
1678	1518	MC COVEY, RICHARD LAWRENCE
1679	1519	MC COVEY, ROBERT CHARLIE
1680	4331	MC COVEY, SHAUNNA OTEKA
1681	1523	MC COVEY, TERRYL LENA
1682	1524	MC COVEY, VADA NORMA
1683	1525	MC COVEY, VLAYN DENE
1684	1526	MC COVEY, WALTER
1685	1528	MC COVEY, WILLIAM
1686	1621	MC COVEY, III, CHARLES ALFRED
1687	4333	MC COVEY, JR., BARRY WAYNE
1688	1486	MC COVEY, SR., ALLEN
1689	1517	MC COVEY, SR., RICHARD BENTON
1690	4172	MC COVEY, SR., TERRANCE ARTHUR
1691	1497	MC COVEY-TORRES, DIANA LORRAINE
1692	2166	MC COY, EDNA JOHNNY
1693	1531	MC COY, ROBERT DARELL
1694	1536	MC DERMOTT, LENORA
1695	1537	MC DONALD, EVAN LEE
1696	9764	MC DONALD, SCH'KI NEOMA

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NO.	CNTRLNO	LAST, FIRST & MIDDLE NAME
1697	1540	MC GAHUEY, ROBERT LEE
1698	4896	MC GAIN, NEKKA YVONNE
1699	17377	MC GARITY-WARREN, LYNNE ANN
1700	9233	MC GARVIE, STELLA MAE
1701	4751	MC GINNIS, JANICE JOSEPHINE
1702	4755	MC GINNIS, JOHN FITZGERALD
1703	4753	MC GINNIS, JOSEPH JAMES
1704	4754	MC GINNIS, MARGARET CAROLINE
1705	4752	MC GINNIS, JR., DAKOTA
1706	1543	MC GUIRE, ALFRED WILBUR
1707	1544	MC GUIRE, DENNIS EMMETT
1708	17753	MC GUIRE, JAMES CHRISTOPHER
1709	1548	MC GUIRE, MICHAEL ISLE
1710	1549	MC GUIRE, OLIN ISLE
1711	1550	MC GUIRE, PATRICK ALFRED
1712	1551	MC INERNEY, DANIEL EUGENE
1713	1551	MC INERNEY, JR., ROBERT GARDNER
1714	1561	MC KINNON, CARL MELTON
1715	6833	MC KINNON, CHRISTAL ROSE
1716	5186	MC KINNON, DAWN KAY
1717	1562	MC KINNON, DENNIS LEE
1718	1563	MC KINNON, DUANE GARY
1719	1564	MC KINNON, GERALD MERLE
1720	4829	MC KINNON, LACEY JUNE
1721	5186	MC KINNON, LEONA D
1722	1565	MC KINNON, LOREN MARK
1723	4830	MC KINNON, LYLE BLAINE
1724	1566	MC KINNON, LYLE LEARY
1725	5186	MC KINNON, NEIL GARY
1726	1567	MC KINNON, NEIL M
1727	1569	MC KINNON, RODNEY LANE
1728	4828	MC KINNON, ROSE GAIL
1729	1571	MC KINNON, THELMA
1730	1572	MC KINNON, WALTER CLIFFORD
1731	1573	MC KINNON, III, WALTER CLIFFORD
1732	6832	MC KINNON, JR., LOREN MARK
1733	1574	MC LAUGHLIN, CLIFFORD WAYNE
1734	1577	MC LAUGHLIN, DOYLE RAY
1735	1579	MC LAUGHLIN, FLOYD MERLE
1736	1581	MC LAUGHLIN, JOYCE M
1737	1582	MC LAUGHLIN, KATHERINE M
1738	1584	MC LAUGHLIN, LUCILLE SALLY
1739	1585	MC LAUGHLIN, MARIAN MAE
1740	5624	MC LAUGHLIN, NORINE RAE
1741	1588	MC LAUGHLIN, THELMA WILMA
1742	1589	MC LAUGHLIN, VIRGIL V
1743	5625	MC LAUGHLIN, SR., MICHAEL EUGENE
1744	1590	MC NEAL, CLEVE
1745	6704	MC NEAL, GRANT GENE
1746	1594	MC NEAL, JOYCE LOUISE
1747	1595	MC NEAL, NELLIE
1748	1596	MC NEAL, ROCKY BUD
1749	1597	MC NEAL, RUSSELL WAYNE

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NO.	CNTRLNO	LAST, FIRST & MIDDLE NAME
1750	1598	MC NEAL, THELMA MAGDALEN
1751	1599	MC NEAL, VERNON LEE
1752	1600	MC NEAL, VICKY CHARLENE
1753	1592	MC NEAL, JR., ELMER HARLEY
1754	1591	MC NEAL, SR., ELMER HARLEY
1755	18052	MC NERTNEY, BAMBI L.
1756	5945	MC NERTNEY, MICHAEL NATHANIEL
1757	1604	MC NERTNEY, ROBIN RENEE
1758	1603	MC NERTNEY, JR., JACK IVAN
1759	4648	MC QUILLEN, BARBARA MARIE
1760	3897	MC QUILLEN, DANIEL FRANK
1761	6544	MC QUILLEN, ELIZABETH ANN
1762	1608	MC QUILLEN, IDA ELIZABETH
1763	1610	MC QUILLEN, MARY LOUISE
1764	3896	MC QUILLEN, RAYMOND WILLIAM
1765	3863	MC QUILLEN, STEPHANIE ANN
1766	3895	MC QUILLEN, THERESA RENEE
1767	4575	MC QUILLEN, JR., JAMES JOSEPH
1768	1611	MC REYNOLDS, ELEANOR EDITH QUINN
1769	1612	MC VAY, THELMA AUDREY
1770	1613	MC VEY, JACQUELYN A
1771	18046	MCALLISTER, CHARLES WILLIAM
1772	18047	MCALLISTER, GARY ELWOOD
1773	18049	MCCLAFLIN, BONNIE LOUELLA
1774	18050	MCCONNELL, MICHAEL DAVID
1775	18051	MCCOVEY, GERALD
1776	18108	MCLAUGHLIN, DAVID EDGAR
1777	18109	MCLAUGHLIN, LONNIE ERROL
1778	18110	MCLAUGHLIN, STANTON EUGENE
1779	18053	MCNERTNEY, BARBARA EDITH
1780	1618	MEAD, RALPH EDWARD
1781	1619	MEIKLE, FRANCES M.
1782	1620	MEIKLE, PERRY WILLARD
1783	1621	MEIKLE, SALLY MARIE
1784	1622	MEISNER, CONNIE LOUISE
1785	1623	MELENDY, CAROL LYNN
1786	8049	MELENDY, MICHELLE ARLENE
1787	8048	MELENDY, TRACI RENE'
1788	1628	MELVIN, CHARLES JOHN
1789	1631	MENDEZ, ANITA LEE
1790	7339	MENDEZ, BLAKE H.
1791	1633	MENDEZ, JESSIE BLAKE
1792	1635	MENDEZ, RICHARD CURTIS
1793	1635	MENDEZ, II, RICHARD
1794	1637	MENZEMER, MARLENE JOYCE
1795	1639	MERIDETH, DIANNE RUBY
1796	1640	MERRELL, EDWINA LA FRANCHI
1797	1641	MERTLE, GARY EUGENE
1798	1642	MERTLE, OLA MAE
1799	1643	MERTLE, RAYMOND FRANCIS
1800	4529	MEYER, PAULINE PATRICA
1801	1650	MEYER, RONNA RONNELLE
1802	1649	MEYER, II, RONNIE THEODORE

NO.	CNTRLNO	LAST, FIRST & MIDDLE NAME
1803	1967	MEYERS, LOUIE S.
1804	1651	MEYERS, SHIRLEE FAYE
1805	1654	MILLER, DALE ALLEN
1806	17825	MILLER, DAVID EDWARD
1807	1655	MILLER, ELSIEMAE
1808	7767	MILLER, JENNA JENIFER LOUISE
1809	4343	MILLER, KIMBERLY DAWN
1810	1659	MILLER, LINDA LEE
1811	4052	MILLER, LINDA LOUISE
1812	1660	MILLER, LOUISE
1813	1661	MILLER, MALINDA MILDRED
1814	1663	MILLER, SHIRLEE ANN
1815	1664	MILLER, VERONA LOREE
1816	4343	MILLER, VINCENT ROY
1817	1666	MILLIGAN, HELEN PATRICIA
1818	18068	MILLIKEN, DOROTHY LOUISE
1819	1670	MINARD, CHARLES DEE
1820	1671	MINARD, DUANE ALAN
1821	1673	MINARD, PHILLIP EUGENE
1822	1675	MINARD, TIMOTHY EVAN
1823	2191	MINARD, ZELDA MAE
1824	1674	MINARD, SR., ROBERT ALAN
1825	18082	MITCHELL, BERTHA ELAINE
1826	8650	MITCHELL, CURTIS EARL
1827	1679	MITCHELL, EDWARD ELMER
1828	1680	MITCHELL, EDWARD ELMER
1829	7777	MITCHELL, ERVIN LEWIS
1830	8651	MITCHELL, EUGENE LOUIS
1831	1688	MITCHELL, TAMMY CHARLENE
1832	1684	MITCHELL, SR., LOUIS DALE
1833	1690	MIX, JILL A
1834	1691	MIZNER, HAROLD ROBERT
1835	17371	MOLLIER, GERTRUDE VIOLA
1836	1694	MOLLIER, HARRY CHARLES
1837	1697	MOLLIER, LEO ALTON
1838	139	MOLLIER, RAYMOND WARREN
1839	1701	MOLLIER, ROY S
1840	6019	MOLONEY, LINDA JEAN
1841	18019	MONARES, DARLENE ANNE
1842	18078	MONREAN, SHARON LEE
1843	6866	MONTES, DOLORES ELLEN
1844	1431	MONTES, EDWARD DENNIS
1845	1708	MONTES, JOSEPH JOHN
1846	17372	MONTES, MARCIA L.
1847	18069	MONTES, PAULINE
1848	17373	MONTES, WALTER
1849	1712	MONTGOMERY, MILDRED
1850	2004	MOODIE, SUANNE O.
1851	1714	MOON, ARLINE MAE
1852	1715	MOON, CARMEN LOUISE
1853	1716	MOON, CAROL SUE
1854	8040	MOON, DARRELL KENNETH
1855	1718	MOON, DELORES ANNETTE

NO.	CNTRLNO	LAST, FIRST & MIDDLE NAME
1856	1719	MOON, DOUGLAS STEVEN
1857	1720	MOON, EARL LESLIE
1858	1721	MOON, MARIE GAIL
1859	17648	MOON, NEILL FREDRICK
1860	5183	MOON, RICHARD CHARLES
1861	9574	MOON, ROBERT JAMES
1862	17649	MOON, ROBERTA JANE
1863	1713	MOON, JR., ALFRED CARL
1864	3840	MOON, JR., GERALD EDWARD
1865	3834	MOON, JR., JAMES
1866	4443	MOON, PFC, MICHELLE MARIE
1867	9573	MOON-BATT, ARNEZ AGNES
1868	1723	MOORE, ANNETTE E
1869	1724	MOORE, ARNOLD LEE
1870	1726	MOORE, DAVID ERIC
1871	1728	MOORE, DONALD E
1872	1729	MOORE, EDWARD MICHAEL
1873	3870	MOORE, GARY ALVIN
1874	1733	MOORE, GLENN
1875	1734	MOORE, GREGORY ALAN
1876	8953	MOORE, GROVER RONALD
1877	7101	MOORE, JENNIFER ANNA
1878	1736	MOORE, JOANNE
1879	6479	MOORE, JOCELYN CLAIRE
1880	1739	MOORE, JOYCE PATRICIA
1881	1741	MOORE, KATHERYN DEAN
1882	8571	MOORE, LESLIE STEPHEN
1883	5425	MOORE, MARILYN LARAINE SANDERSON
1884	7102	MOORE, SILAS BARRETT
1885	6609	MOORE, VICKI SUE
1886	1747	MOORE, VIOLET
1887	1738	MOORE, JR., JOHN PAUL
1888	1749	MOOREHEAD, BEVERLY F.
1889	5890	MOOREHEAD, EVERETT FRANK
1890	7800	MOOREHEAD, LANELLE F
1891	5889	MOOREHEAD, LINDA COLEEN
1892	1760	MOOREHEAD, LOUISE JEAN
1893	1765	MOOREHEAD, ROGER LEE
1894	1767	MOOREHEAD, VIRGIL D.
1895	3498	MORENO, NANCY LOUISE
1896	1772	MORGAN, NELDA GAY
1897	1770	MORGAN, JR., GARLAND LEROY
1898	6702	MORRIS, BRIAN JAY
1899	2787	MORRIS, CATHERINE D
1900	6703	MORRIS, CURTIS DALE
1901	4279	MORRIS, DALE ARNOLD
1902	8057	MORRIS, DARRYN DEE
1903	1778	MORRIS, FAWN ELOISE M.
1904	6701	MORRIS, FRANK WILLIAM
1905	1781	MORRIS, MAYDENE DAVIS
1906	1782	MORRIS, MICHAEL LANCE
1907	1780	MORRIS, JR., GARY DOUGLAS
1908	1774	MORRIS, SR., ALLAN LANE

NO.	CNTRLNO	LAST, FIRST & MIDDLE NAME
1909	6579	MORRISON, BARBARA C
1910	4259	MORTON, MELISSA LOIS
1911	4257	MORTON, TONI LYNN
1912	1785	MOSELEY, CLARA LOU
1913	7727	MOSELEY, DONALD SAFFORD
1914	7449	MOSELEY, KATHY LYNN
1915	7349	MOSELEY, KEVIN SCOTT
1916	1787	MOSELEY, LEONARD FRANCIS
1917	1788	MOSELEY, MARK ALAN
1918	1789	MOSELEY, VINCENT FRANCIS
1919	18107	MOSER, SHANE RENE
1920	1793	MOTSCHMAN, CHARLES ARNOLD
1921	17611	MOTSCHMAN, LESLIE ANN
1922	17612	MOTSCHMAN, RICHARD AARON
1923	9374	MOULTON, KAREN ANN
1924	9960	MOUSER, JOEL LOUISE
1925	9958	MOUSER, RICHARD A.
1926	18038	MOYA, CYNTHIA MARGARET
1927	9584	MULLINS, TERRY EUGENE
1928	7084	MUNCY, WANDA LORRAINE
1929	1807	MURDOCK, FRANKLIN RAY
1930	4748	MURDOCK, HALONA S
1931	4749	MURDOCK, JOSEPH R.
1932	4747	MURDOCK, JR., FRANKLIN R
1933	6888	MYERS, CASSIE LEE
1934	1937	MYERS, DEWEY E.
1935	1811	MYERS, EVERETT DEWEY
1936	17374	MYERS, EVERTTA ROSE
1937	1813	MYERS, GILBERT JOHN
1938	1967	MYERS, HAROLD LESTER
1939	1816	MYERS, LUCINDA ARLENE
1940	1818	MYERS, RICHARD LEE
1941	7272	MYERS, RONALD LEE
1942	1819	MYERS, SYLVESTER LEWIS
1943	6887	MYERS, TROY ALLEN
1944	7708	NACE, JAMES RICHARD MC NERTNEY
1945	1823	NAPOLEON, CONNIE GAIL
1946	1824	NAPOLEON, ELSIE IRENE
1947	1825	NAPOLEON, LEWIS ROBERT
1948	1826	NAPOLEON, MELVIN DION
1949	6570	NAPOLEON, REBECCA SUE
1950	1828	NATT, DONALD CHARLES
1951	1829	NATT, DOROTHY MAE
1952	8278	NATT, EVELYN
1953	4325	NATT, HECTOR WAYNE
1954	4446	NATT, ROMALDO ROBERT
1955	1832	NATT, JR., SANDY
1956	5976	NAVA, VALERIE GAIL
1957	1836	NELSON, DIANE ELAINE
1958	5004	NELSON, ELIZEBATH INGA
1959	6540	NELSON, GARY DUANE
1960	6539	NELSON, GEORGE EDWARD
1961	1842	NELSON, RICHARD DALE

NO.	CNTRLNO	LAST, FIRST & MIDDLE NAME
1962	1842	NELSON, RICK EUGENE
1963	5001	NELSON, ROLLIE SAMUEL
1964	7344	NELSON, RUSS ALLEN
1965	1303	NELSON, RUTHIE ANN
1966	1847	NELSON, WILMA MARIE NATT
1967	8754	NELSON, WINDSONG
1968	1841	NELSON, JR., NELS L
1969	5003	NELSON, JR., RICHARD NICHOLAS
1970	1848	NESBITT, DOROTHEA ELLEN
1971	1851	NESBITT, JEANETTE
1972	1850	NESBITT, LORI LEE
1973	1849	NESBITT, PATRICIA RENE
1974	1771	NEUMAYER, JANET LUCILLE
1975	9974	NEVAREZ, DEANA NANETTE
1976	3877	NEVAREZ, SHAY KILI
1977	1855	NEWELL, DEBBIE J.
1978	4344	NEWTON, NATALIE MARIE
1979	1856	NICHOLSON, LENA
1980	1858	NICKERSON, MERLE MERCEDES
1981	9345	NIELSEN, CARL HANS
1982	1861	NITSCHE, ROBERT
1983	6012	NIX, BEATRICE KAY
1984	5791	NIX, DOROTHY D.
1985	17375	NIX, KATHERINE A.
1986	1865	NIX, LAWRENCE DANIEL
1987	17532	NIX, MAURICA G.
1988	7368	NIX, PETER EDWARD
1989	1868	NIX, SIDNEY
1990	1869	NIX, SUSAN ARLENE
1991	3493	NOBLE, TERRI SUE
1992	3099	NORDSTROM, PENNY LYNN
1993	4048	NORMAN, PAULETTE ANITA
1994	18071	NORRIS, BRIAN EUGENE
1995	17385	NORRIS, CLARA
1996	6143	NORRIS, CONSTANCE ELAINE
1997	18073	NORRIS, DAVID LLEWELLYN
1998	7053	NORRIS, DEBRA ARLENE
1999	1877	NORRIS, ELDRENE KAY
2000	4356	NORRIS, ETTA ROSE
2001	1878	NORRIS, EVAN JAY
2002	18074	NORRIS, GAIL JOANN
2003	9221	NORRIS, JACK DUANE
2004	4557	NORRIS, KAREN LEA
2005	1881	NORRIS, LAVERNE ELAINE
2006	1883	NORRIS, LEROY JOSEPH
2007	7116	NORRIS, LETHA LOUISE
2008	18076	NORRIS, LYNETTE LOUISE
2009	1885	NORRIS, MARY ELIZABETH
2010	4366	NORRIS, PATRICK J
2011	6145	NORRIS, PAULA MARGRET
2012	4546	NORRIS, PETER WILLIAM
2013	18077	NORRIS, RONALD LELAND
2014	6144	NORRIS, SHELLY ELAINE

NO.	CNTRLNO	LAST, FIRST & MIDDLE NAME
2015	3258	NORRIS, TANYA LYNN
2016	17376	NORRIS, VALERIE MARGRET
2017	1891	NORRIS, WILLIAM KENT
2018	7056	NORRIS, JR., ELDRED WILLIS
2019	1889	NORRIS, JR., STANFORD E
2020	1882	NORRIS, SR., LEONARD OSCAR
2021	17361	NORTON, BARRY LYNN
2022	17364	NORTON, LARRY WAYNE
2023	1895	NORTON, MAISIE IRENE
2024	17362	NORTON, TEDRA LEA
2025	3775	NORTON, JR., JACK
2026	17363	NORTON-RABY, JUDITH RAE
2027	1904	NOVA, ARNOLD ALLEN
2028	2868	NOVA, CAROL ANN
2029	1899	NOVA, KIM SUE
2030	6515	NOVA, LARRY DEAN
2031	9961	NOVA, LEWIS
2032	7841	NOVA, LEWIS ELDER
2033	9287	NOVA, RICKY LEE
2034	9309	NOVA, III, WALTER MARDO
2035	1903	NOVA, SR., STEVEN WAYNE
2036	1905	NOVOA, DAVID L
2037	17900	NOVOA, GARY LEROY
2038	1908	NOVOA, WALTER M
2039	1909	NULPH, DIANA M
2040	7792	NUTTALL, BEVERLEY ANN
2041	1915	O'CONNOR, FRANCIS JOHN
2042	3905	O'CONNOR, GERALD
2043	1917	O'CONNOR, MARLA MAY
2044	1918	O'CONNOR, PATRICK MICHAEL
2045	4012	O'CONNOR, JR., DEMING LORAN
2046	6221	O'NEILL, DARIN LEE
2047	1921	O'NEILL, DAVID EUGENE
2048	5214	O'NEILL, DEANNA FAYE
2049	1922	O'NEILL, ELLEN JOSEPHINE
2050	1924	O'NEILL, HERBERT LINCOLN
2051	4539	O'NEILL, JAMES DANIEL
2052	5216	O'NEILL, JESSICA LEIGH
2053	5213	O'NEILL, JIMMY RAYMOND
2054	5215	O'NEILL, JOSEPH ROBERT
2055	1925	O'NEILL, LINDA DARLENE
2056	3943	O'NEILL, MARY ELIZABETH
2057	5212	O'NEILL, PAULETTE FAYE
2058	1929	O'NEILL, WILLIAM ARNOLD
2059	6598	O'ROURKE, ANTHONY JAMES
2060	1930	O'ROURKE, DANIEL EUGENE
2061	6606	O'ROURKE, DENA MICHELLE
2062	1931	O'ROURKE, DENNIS
2063	6605	O'ROURKE, ERICA BERNICE
2064	6604	O'ROURKE, GREGORY THOMAS
2065	6600	O'ROURKE, JOSEPH LANCE
2066	6599	O'ROURKE, KYRA EILEEN
2067	18081	O'ROURKE, LAWRENCE ANTHONY

NO.	CNTRLNO	LAST, FIRST & MIDDLE NAME
2068	1933	O'ROURKE, MARGARET ELOISE
2069	1934	O'ROURKE, MARY ELIZABETH
2070	1935	O'ROURKE, MICHAEL JOHN
2071	1936	O'ROURKE, PAULA JANE
2072	1937	O'ROURKE, RENA LORRAINE
2073	1936	O'ROURKE, III, RICHARD FRANCIS
2074	1938	O'ROURKE, JR., RICHARD FRANCIS
2075	1939	O'ROURKE, SR., THOMAS PATRICK
2076	1395	O'ROURKE-COCHRAN, VALERIE JOYCE
2077	18027	OAKHURST, ALBERT QUINTON
2078	17777	OAKHURST, WILLA MARIE
2079	8952	OAKHURST, WILLIAM QUENTEN
2080	1944	OBERDORF, EVELYN FRANCIS RYERSON
2081	1945	OBI, DEBORAH DIANE
2082	1946	OBIE, ANTHONY L.
2083	6891	OBIE, ANTHONY WINTERHAWK
2084	3988	OBIE, CHRISTINA FAWN M
2085	1947	OBIE, DARRELL DEWAYNE
2086	1948	OBIE, DENISE FAYE
2087	7050	OBIE, DOMINIC LEON
2088	3989	OBIE, DOROTHY MARGUERITE
2089	1949	OBIE, JON D.
2090	972	OBIE, KIMBERLY
2091	7047	OBIE, KIMBERLY LYNETTE
2092	7742	OBIE, LAWRENCE NEAL
2093	1951	OBIE, LESTER ALLEN
2094	1952	OBIE, LISA GAYE
2095	1953	OBIE, MATILDA C.
2096	7628	OBIE, MERRIS DENEEN
2097	1954	OBIE, MILTON L.
2098	6199	OBIE, ROBERT W
2099	1956	OBIE, ROXANNE
2100	1957	OBIE, SHARON ARLEEN
2101	1958	OBIE, WALLACE E
2102	7049	OBIE-BROWN, JAMYAH RENEE
2103	5974	OCHOA, KATHLENN COLETTE
2104	1962	OFFIELD, ROSEMARY
2105	7017	OFFIELD, VINCENT R.
2106	8514	OFFINS, ARNOLD WADE
2107	1965	OFFINS, LAURA LEE
2108	1966	OFFINS, MORNEEN M
2109	1967	OFFINS, NORKA HELENE
2110	1968	OGBURN, LINDA MARIE
2111	1970	OGO, NANCY JEAN
2112	8117	OHLHEISER, JANEEN LAVENIA
2113	7726	OHLHEISER, JOYCE EASTMAN
2114	3971	OHLY, LINDA MICHAELLE
2115	9236	OLIPHANT, JANICE MICHELLE
2116	1972	OLIPHANT, JIMMY DUANE
2117	5348	OLIPHANT, JOHN PATRICK
2118	7401	OLIVER, CATHERINE FLORENCE
2119	9319	OLIVER, DAVID ALLEN MCQUILLEN
2120	1975	OLIVER, DESMOND KEITH

NO.	CNTRLNO	LAST, FIRST & MIDDLE NAME
2121	1976	OLIVER, EDDIE
2122	5268	OLIVER, WENDY LYNN
2123	1977	OLSON, DANA ANTHONY
2124	1980	OLSON, SONYA G
2125	1982	ORCUTT, BARBARA DEAN
2126	4486	ORCUTT, HARVEY M.
2127	17294	ORCUTT, LAWRENCE ELLIOT
2128	4722	ORCUTT, LORENA ROSE
2129	1991	OSCAR, BENJAMIN DERRICK
2130	8171	OSCAR, FRED ALLEN
2131	1997	OSCAR, GERTRUDE NATHLEEN
2132	7936	OSCAR, LARRY LEROY
2133	7734	OSCAR, MELFORD L.
2134	6356	OSCAR, ROBERT LEWIS
2135	6358	OSCAR, RONALD NEWMAN
2136	2005	OSCAR, VALDEMAR OOKAKAE
2137	6355	OSCAR, JR., FREELAN NUCOA
2138	5778	OSCAR, SR., DELANO FRANKLIN
2139	1995	OSCAR, SR., FREELAN NUCOA
2140	17723	OSCEOLA, SHELDON SMILING COYOTE
2141	465	OWEN, ELIZABETH JEAN
2142	3880	OWEN, FALISHA NATE
2143	2010	OWEN, GERALD MICHEAL
2144	2008	OWEN, JR., ALBERT ERVIN
2145	3844	OWEN, SR., LLOYD WAYNE
2146	2015	OWNSBEY, CECILIA ANN
2147	2016	OWNSBEY, KEITH JAMES
2148	7165	PACO, MARIA ELAINE
2149	4741	PAINTER, MATTEW ROBERT
2150	4741	PAINTER, MISTY DAWN
2151	2018	PAINTER, SUSAN MAE
2152	7748	PALLIN, IRENE M
2153	17369	PAPP, CATHERINE LOUISE
2154	17432	PAPP, GARY LEE
2155	17433	PAPP, NELSON EDWARD
2156	17434	PAPP, JR., DANIEL GEORGE
2157	2023	PARKER, ELIZABETH CLAIRE
2158	831	PARKER, LILLIAN DIANA
2159	2025	PARKER, RONALD EDWARD
2160	2027	PATAPOFF, EVELYN C
2161	2028	PATAPOFF, PATRICK DEAN
2162	3964	PATEL, JENNIFER DEVI
2163	2029	PATRICK, CATHERINE KAY
2164	2032	PATTERSON, DAVID GERALD
2165	2033	PATTERSON, LINDA LOU
2166	2034	PATTERSON, ROSE CLEONE
2167	2036	PAUL, ALICE INGER
2168	2039	PEARSON, KAREN ELIZABETH
2169	2038	PEARSON, III, ERIC WILLIAM
2170	2037	PEARSON, JR., ERIC WILLIAM
2171	4797	PEARSON, JR., RANOLD MATT
2172	4796	PEARSON, SR., RANOLD MATT
2173	2042	PEETS, MARY JO

NO.	CNTRLNO	LAST, FIRST & MIDDLE NAME
2174	3776	PEEVEY, LAURETTA ANN
2175	1382	PEREZ, ALENA LU
2176	2049	PEREZ, DELFINA M
2177	5845	PEREZ, HELEN VIOLA
2178	2053	PERKINS, DEBRA MAE
2179	2054	PERKINS, GARY MERRILL
2180	2055	PERKINS, RUTH ISABELLE
2181	2059	PETERS, AMY MC CARTY SMOKER
2182	7686	PETERS, BILLY JOE
2183	18083	PETERS, CHRISTOPHER HERMAN
2184	18084	PETERS, DARAXA ANN
2185	18111	PETERS, FLOYD JOHN
2186	2065	PETERS, GLORIA FRANCES
2187	17724	PETERS, JAMES LEE
2188	3755	PETERS, JOSEPHINE SARAH
2189	7687	PETERS, KIMBERLY DAWN
2190	2069	PETERS, PEARL OLIVE
2191	6826	PETERS, QUETTA LEI
2192	7484	PETERS, SAMUEL
2193	2071	PETERS, TAMARA CHARLECETTA
2194	2073	PETERS, WILLIAM ALFRED
2195	5739	PETERSEN, MARIANNE
2196	5755	PEVEY, JACK HERBERT
2197	2078	PEVEY, JAMES ALBERT
2198	3705	PFREMMER, ESTERFAY
2199	18085	PHELPS, CALVIN F.
2200	7927	PHILLIPS, GERTRUDE
2201	2085	PHILLIPS, LESTER EDWARD
2202	1539	PHILLIPS, PENNIE LARAE
2203	2089	PILGRIM, GRANT
2204	3865	PIRES, FRANK JOHN
2205	2093	PITT, SR., JOSEPH HENRY
2206	2107	PLIKERD, SHIRLEY BERNICE
2207	6222	PLUMMER, DANIEL ROY
2208	3672	PLUMMER, JOYCE RUTH
2209	2109	PLUMMER, JR., DANIEL ROY WOODHURST
2210	2112	POLE, HELEN G.
2211	4681	POTTER, LORNA ELAINE
2212	2116	POWELL, LINDA BRAMHALL
2213	3403	POWELL, LORITA FAYE
2214	3810	POWELL, RACHEL D
2215	2118	POWELL, VICTORIA
2216	7601	PRATT, ALFRED CHRISTOPHER
2217	6900	PRATT, ANTHONY VALANDINGHAM
2218	6898	PRATT, ANTOINETTE JEAN
2219	6899	PRATT, ROBERTA JEAN
2220	6501	PRICE, MERVIN VERNON
2221	2428	PRICE, SHARON DIANE
2222	18086	PRIDEMORE, STEPHEN LEONARD
2223	7345	PROCTOR, JAMES DALE
2224	6301	PROCTOR, JAMES WAUKEL
2225	6303	PROCTOR, JAMIE MARIE CHE-GERY
2226	2126	PROCTOR, JOHN RAY

NO.	CNTRLNO	LAST, FIRST & MIDDLE NAME
2227	6302	PROCTOR, JUANITA METTAH
2228	2127	PROCTOR, KELLY LOREEN
2229	2128	PROCTOR, LARRY DWAYNE
2230	4377	PROCTOR, ROBERT LOREN
2231	4649	PROCTOR, TAOS
2232	2129	PROCTOR, WILLIAM BLAKE
2233	4562	PROCTOR, WILLIAM WAYNE
2234	18087	PROCTOR, SR., JAMES DALE
2235	17365	PROVOLT, SHERRI KAY
2236	564	PUZZ, EDNA SOPHIA
2237	2133	PUZZ, PAUL FRANK
2238	2131	PUZZ, SR., DENNIS STANLEY
2239	18112	PYNE, BARBARA ANN
2240	18113	PYNE, DELLA MARIE
2241	2136	QUELLA, CHRISTINE HELEN
2242	2137	QUELLA, DWAYNE EDWARD
2243	2139	QUINN, ALAN DALE
2244	2140	QUINN, DANNY RAY
2245	8314	QUINN, IRENE ELIZABETH
2246	3683	QUINN, JOHN E.
2247	3678	QUINN, KENNETH J.
2248	2151	QUINN, KENNETH MAURICE
2249	2154	QUINN, LILLIAN MAE
2250	2153	QUINN, LILLIAN MARRIE
2251	5020	QUINN, MARILYN LORRAINE
2252	3682	QUINN, MARY LOUISE
2253	3679	QUINN, RAYMOND WILLIAM
2254	2156	QUINN, ROBERT RAY
2255	6411	QUINN, SHANNON DELORES
2256	2157	QUINN, SUSAN IRENE
2257	6412	QUINN, III, HERMAN ASHLEY
2258	2146	QUINN, JR., GLENN EDWARD
2259	5021	QUINN, JR., WILLIAM CHESTER
2260	17386	QUINN, SR., GARY LARRY
2261	2145	QUINN, SR., GLENN EDWARD
2262	2439	QUINN, SR., WILLIAM CHESTER
2263	2159	QUIRINO, BLANCHE RUTH
2264	9874	RABINO, CHRISTOPHER RICHARDS
2265	638	RABINO, LORRAINE RICHARDS
2266	2160	RAGAIN, ARLENE GAIL
2267	7835	RAGAIN, EILEEN RENEE
2268	2161	RAGAIN, MARLENE ANN
2269	2162	RAGAIN, MITCHELL DALE
2270	2165	RAINERI, DOLORES MARIE
2271	4802	RAKESTRAW, AUSTIN HARRY
2272	2167	RAKESTRAW, BARBARA JEAN
2273	4801	RAKESTRAW, JASON LEROY
2274	2168	RAKESTRAW, JR., ROBERT ALLEN
2275	2170	RAMERIZ, GEORGIANA
2276	2171	RAMERIZ, MICHAEL
2277	6614	RAMIREZ, JR., GEORGE
2278	2172	RAMOS, JEAN DOLORES
2279	3800	RAMOS, JOANNA LYNN

NO.	CNTRLNO	LAST, FIRST & MIDDLE NAME
2280	3937	RAMOS, JULIE RENE
2281	9462	RANSTEAD, FRANCIS JEAN
2282	2174	RASMUSSEN, LILA MAY
2283	2176	RASSBACH, MICHAEL LEE
2284	2178	RAYMOND, ARNOLD WAYNE
2285	2179	RAYMOND, DALE ROBIN
2286	920	RAYMOND, MAXINE VIRGINIA LEWIS
2287	2181	RAYMOND, NADINE SUE
2288	2182	RAYMOND, ROLAND LEROY
2289	1112	REALI, ELVERNA LENEE LA FRANCHI
2290	4232	REBMAN, DONNA MAE
2291	2186	REECE, FRANK JAMES
2292	2188	REECE, JANETTE IRENE
2293	2090	REECE, SHERRIE LEE
2294	17540	REECE, III, DAVID LOWELL
2295	17378	REECE, III, FRANK JAMES
2296	2184	REECE, JR., DAVID LOWELL
2297	2183	REECE, SR., DAVID LOWELL
2298	17368	REED, ANN MARIA
2299	9215	REED, BARBARA JEAN
2300	2195	REED, DELORES ETHEL
2301	8789	REED, DWAYNE DARRIN
2302	2197	REED, FRED JULIUS
2303	6830	REED, GREGORY JONATHAN
2304	2203	REED, LENNIE DEE
2305	9213	REED, LISA SUE
2306	8022	REED, MICHELE RENEE
2307	2208	REED, PATRICIA ANN
2308	2209	REED, PETER JAMES
2309	9214	REED, RADENIA
2310	3791	REED, RONALD
2311	3794	REED, RONALD ERNEST
2312	5866	REED, SHANNON RENEE
2313	5063	REED, SONJA LEE
2314	6829	REED, TINA MARIE
2315	6306	REED, VALERIE DAWN
2316	17541	REED, II, RODERICK TERRY
2317	2202	REED, JR., LAWRENCE
2318	2201	REED, SR., LAWRENCE
2319	6608	RESENDEZ, JEANINE IDA
2320	3691	RHODES, LYNNE FRANCEANE
2321	2216	RICE, BERTHA JEAN
2322	2217	RICE, DAVID EVAN
2323	2218	RICE, EVELYN MARIE
2324	2017	RICHARDS, DENISE LARRAINE
2325	2232	RICHARDS, LESTIE LOUISE
2326	2236	RICHARDS, MICHAEL GARY
2327	2246	RICHARDSON, BARRY ALAN
2328	2248	RICHEY, BEVERLY JEAN
2329	7064	RICKER, TAMMI RENEE
2330	2250	RIECKE, JEANNE MARIE
2331	2251	RIECKE, LESLIE MINA
2332	2253	RIECKE, PAUL JOSEPH

NO.	CNTRLNO	LAST, FIRST & MIDDLE NAME
2333	2254	RIEDNER, SHIRLEY MAY
2334	2256	RINDELS, GAYLON DALE
2335	17901	RISLING, ANGELA CHRISTINE
2336	17902	RISLING, ANTOINETTE ROSE
2337	4102	RISLING, FELICE
2338	5607	RISLING, JACQUELINE THEADORA
2339	17903	RISLING, LEVI MAXINE
2340	17904	RISLING, NICOLE GRACE
2341	17905	RISLING, NIKKI GAIL
2342	2123	RITCHEY, RHONDA LEA
2343	2259	ROBBINS, JR., GEORGE RICHARD
2344	2261	ROBERTS, DEBORAH ANN
2345	2799	ROBERTS, DOROTHY AILEEN
2346	2262	ROBERTS, GLEN
2347	2263	ROBERTS, HAROLD WESLEY
2348	4499	ROBERTS, JOHN WILLIAM
2349	4475	ROBERTS, KELLA NAOMI
2350	4498	ROBERTS, KENNETH ARCHIE
2351	2265	ROBERTS, KENNETH WILLIAM
2352	2266	ROBERTS, KOREN ANN
2353	2267	ROBERTS, RAFEY JAMES
2354	2269	ROBERTS, WILMA L
2355	2173	ROBERTSON, TERESA JAYNE
2356	2272	ROBINSON, ARNOLD LEWIS
2357	2276	ROBINSON, KENNETH V
2358	84	ROBINSON, JR., MELVIN E.
2359	17739	ROBISON, ROGER LEE
2360	2289	ROBLEDO, MARIE C.
2361	2290	ROCHA, PATRICIA ANN
2362	794	RODEGERDTS, MARY CATHERINE
2363	4639	RODELA, STARLENE RUTH
2364	6268	RODRIGUEZ, ANGELINA ANN
2365	6266	RODRIGUEZ, BARBARA JEAN
2366	6265	RODRIGUEZ, DAVID LYONS
2367	6269	RODRIGUEZ, DONNA ANN
2368	6263	RODRIGUEZ, DOROTHY MAE
2369	6264	RODRIGUEZ, ROBERT LEE
2370	6267	RODRIGUEZ, SHARON LYNN
2371	2300	ROESENER, FAITH MARIA
2372	18000	ROGERS, ALTA MAE
2373	7162	ROGERS, JOANN
2374	2304	ROLLINGS, JOHN EDWARD
2375	6000	ROLLINGS, LADONNA JEAN
2376	5581	ROLLINGS, LINWOOD DEAN
2377	2305	ROLLINGS, RANDY RAY
2378	2306	ROLLINGS, RONEY RAY
2379	5582	ROLLINGS, RUBY JEAN
2380	754	ROMERO, DARRELEN HOPE
2381	5846	ROMERO, LORNA MARIE
2382	2308	RONK, EVELYN E
2383	2310	ROOK, RUBY LOTTIE
2384	2311	ROOK, WESLEY LEROY
2385	3046	RORIE, BETH MARIE

NO.	CNTRLNO	LAST, FIRST & MIDDLE NAME
2386	2605	ROSE, CORINNE LYNNE
2387	17790	ROSELLINI, LADONNA
2388	17381	ROSS, LAURA JEAN
2389	6859	ROSS, THERESIA ELVERA
2390	17547	ROSS, TIMOTHY EVERT
2391	17548	ROSS, VICKY LEE
2392	7984	ROTH, ROBERTA JEANINE BURDICK
2393	2316	ROUBIDOUX, BERNICE JEAN
2394	2317	ROUBIDOUX, DARLENE MARIE
2395	2318	ROUBIDOUX, KENNETH ALFRED
2396	2319	ROUBIDOUX, SR., RICKY ALLEN
2397	2320	ROUSE, DELLA
2398	2324	RUGGIERO, MARY
2399	7627	RUIZ, ARAN L.
2400	7623	RUIZ, DENISE S.
2401	8145	RUIZ, DENNIS JARED
2402	7625	RUIZ, DIANA L
2403	7626	RUIZ, ERIC J.
2404	1509	RUIZ, LENA MARIE
2405	8144	RUIZ, PRESTON LEE
2406	7629	RUIZ, SETH JUSTIN
2407	1273	RUMP, LINDA LYONS
2408	2327	RUSSELL, MARY JANE
2409	2207	RUTHERFORD, MELVA JEAN
2410	2330	RUUD, MOLLIE MAE
2411	2331	RYERSON, FRANK BUD T.
2412	2333	RYERSON, VERA COOPER
2413	6895	SAATHOFF, ADELINE
2414	2335	SAATHOFF, JOAN ADELINE
2415	2336	SAATHOFF, WAYNE
2416	2338	SAFFORD, DELIA CHARLOTTE
2417	2339	SAFFORD, JAMES FRANKLYN
2418	2340	SAFFORD, JAMES LLOYD
2419	2341	SAFFORD, JOHN ALBERT
2420	2342	SAFFORD, LAURA ELAINE
2421	9877	SALINAS, ANDREW WILLIAM
2422	9878	SALINAS, JOSHUA ALAN
2423	17726	SALINAS, REBECCA NICOLE
2424	5619	SALINAS, TIMOTHY
2425	2344	SALZLER, FRANK XAVIER
2426	4072	SALZLER, FRANK XAVIER
2427	2346	SANCHEZ, TWILA JUNE
2428	8871	SANDERS, DANIEL EUGENE
2429	2349	SANDERS, LARRY DAVID
2430	6890	SANDERS, RAINEY
2431	8424	SANDERSON, BERT MONROE
2432	2352	SANDERSON, DALE
2433	2354	SANDERSON, DAVID LEWIS
2434	9526	SANDERSON, GERALD LEROY
2435	8026	SANDERSON, HENRY FRANCIS
2436	2356	SANDERSON, KENNETH
2437	5644	SANDERSON, LANAI MICHELLE
2438	7611	SANDERSON, LUCILLE DELPHINE

NO.	CNTRLNO	LAST, FIRST & MIDDLE NAME
2439	5837	SANDERSON, MARK ALLEN
2440	3975	SANDERSON, MELANIE CHEMAYNE
2441	2362	SANDERSON, PEGGY JOYCE
2442	6629	SANDERSON, RICHARD LYLE
2443	5730	SANDERSON, WILLIAM ROY
2444	2353	SANDERSON, JR., DALE
2445	8423	SANDERSON, JR., GERALD LEROY
2446	2357	SANDERSON, JR., KENNETH GAYLON
2447	2358	SANDERSON, JR., LEONARD B.
2448	2365	SANDERSON, JR., WILFORD MELVIN
2449	9718	SANDERSON, SR., EDWARD LEE
2450	2368	SANDHOLM, MELVIN ARVID
2451	17352	SANGREY, TANYA LOUISE
2452	2252	SANTSCHE, MICHELLE LOUISE
2453	4647	SAUCIER, HOLLY ANN
2454	2375	SAUERS, LORRIE SUE
2455	2798	SAULSBURY, CAROL ANN
2456	2376	SAUNDERS, MARY LOU PHILLIPS
2457	2377	SAXON, ELAINE DIANE
2458	2379	SCHAEFER, MARGARET
2459	7438	SCHAMEHORN, AARON L.
2460	7439	SCHAMEHORN, ADRIANE M.
2461	7437	SCHAMEHORN, MATTHEW J.
2462	7436	SCHAMEHORN, SUSAN C.
2463	5163	SCHNURBUSCH, PAULINE JEAN
2464	3969	SCHULTZ, DAVID F
2465	2383	SCHWENK, LOUISE HODGE
2466	2384	SCHWENK, PETER G
2467	2385	SCHWENK, ROBLEY LEMUEL
2468	951	SCHWENK, SANDRA GAIL
2469	4353	SCHWENK, TANE PAI-WIK HAGEEN LA DONNA
2470	8624	SCHWING, EOLA ELIZABETH
2471	8625	SCHWING, FRED MAURICE
2472	5793	SCOTT, BYRON W
2473	7489	SCOTT, CAROL LYNN
2474	2388	SCOTT, CHALMER
2475	2412	SCOTT, DELLA VIRGINIA
2476	2391	SCOTT, DENNIS ROCKY
2477	17912	SCOTT, FREDRICK WILLIAM
2478	2396	SCOTT, GLENN JAMES
2479	6368	SCOTT, IMOGENE RITA
2480	18114	SCOTT, JEANNIE RUTH
2481	5307	SCOTT, JOANN
2482	2400	SCOTT, JOANNE ANITA
2483	7491	SCOTT, JOHN MARTIN
2484	7490	SCOTT, JOSEPH DANNY
2485	5828	SCOTT, LISA ANNETTE
2486	7553	SCOTT, MARK ANTHONY
2487	3941	SCOTT, ROSE MAE
2488	9368	SCOTT, RUBY MAY
2489	5743	SCOTT, SHERI
2490	7411	SCOTT, TAWNIE RAE
2491	5302	SCOTT, VLAYNE DENE

NO.	CNTRLNO	LAST, FIRST & MIDDLE NAME
2492	2411	SCOTT, WALLACE F.R.
2493	4913	SCOTT, WALLACE REID
2494	3980	SCOTT, WESLEY DANIEL JOSEPH
2495	3940	SCOTT, WILLIAM JOHN
2496	18090	SCOTT, WILLIAM RANDY
2497	2395	SCOTT, II, GLENN JAMES
2498	17560	SEPIC, FLORENCE JOYCE
2499	2417	SEVERNS, DAVID ERIC
2500	5233	SEVERNS, EDMUND EUGENE
2501	4378	SHARP, CONSTANCE ELAINE
2502	17558	SHARP, FAWN RENA
2503	6531	SHAW, KRISTIN KAY
2504	18091	SHELTON, RONALD LEROY
2505	3809	SHEPERD, III, RAYMOND WAYNE
2506	2429	SHERMAN, DALE ANN
2507	7480	SHERMAN, KATHLEEN ETHEL
2508	2431	SHERMAN, PATRICIA JOY
2509	2432	SHERMOEN, LILLIAN
2510	2433	SHIELDS, NORA ANN
2511	2436	SHORT, EUGENE EMMETT
2512	2437	SHORT, EUGENE LELAND
2513	17348	SHORT, JESSIE
2514	3933	SHULTZ, DENISE RACHELLE
2515	3417	SHUSTER, GLORIA FAYE
2516	5929	SILLAWAY, LARRY JOE
2517	7529	SILVA, HENRIETTA CATHERINE
2518	2443	SIMMS, FLORENCE GENEVIEVE
2519	9362	SIMMS, FREDERICK HECTOR
2520	2446	SIMPSON, VIVIAN KAY
2521	17379	SIMPSON, II, JOHN DENTON
2522	2447	SIMS, BILL WAYNE
2523	2448	SIMS, DARRELL DEAN
2524	2449	SINES, MARTHA E.
2525	18015	SITTINGDOWN, SUSIE MAE
2526	2453	SITTS, DELORES M.
2527	349	SLAYTON, THERESA ANN
2528	2458	SLOAN, CLIFFORD WILLIAM
2529	4077	SMILING, ELIZABETH ANDREA
2530	2459	SMITH, BRYAN MILTON
2531	2460	SMITH, DAVID ALLEN
2532	2608	SMITH, DEBRA CHERIE
2533	2461	SMITH, DENVER EUGENE
2534	2462	SMITH, DONALD EVERETT
2535	5589	SMITH, DONNA MAE HALSTEAD
2536	2463	SMITH, DWANE EVANS
2537	2465	SMITH, EDMUND M.
2538	2464	SMITH, EDMUND MILTON
2539	2466	SMITH, ELINOR BROWN
2540	820	SMITH, ELSIE JEAN
2541	2467	SMITH, HARRIET M
2542	18115	SMITH, HARRISON RANDOLPH
2543	2469	SMITH, HELEN MARIE
2544	5524	SMITH, JANET MARILYN

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NO.	CNTRLNO	LAST, FIRST & MIDDLE NAME
2545	2472	SMITH, JEFFREY VERN
2546	2473	SMITH, JOLENE ANNETTE
2547	8935	SMITH, KAREN L.
2548	2480	SMITH, LINDA MARIE
2549	2481	SMITH, LORENA JANE
2550	2482	SMITH, LYDIA RUTH
2551	2484	SMITH, MARY AGNES
2552	2486	SMITH, MELVIN LESLIE
2553	4281	SMITH, MICHAEL DOUGLAS
2554	2487	SMITH, NANCIETTA DELMAGENE
2555	2488	SMITH, ORA SHORT
2556	5221	SMITH, PAUL A
2557	6002	SMITH, RHONDA YVONNE
2558	4282	SMITH, ROSALEE MARIE ANN
2559	2494	SMITH, STEPHEN PARK
2560	4280	SMITH, III, JOSEPH PERRY
2561	2474	SMITH, JR., JOSEPH PERRY
2562	2483	SMITH, JR., MARVIN LEE
2563	2502	SMOKER, CHARLES E
2564	2505	SMOKER, CRYSTAL LENE
2565	4166	SMOKER, DARCY RENE
2566	2506	SMOKER, EDWARD L
2567	2507	SMOKER, ELSIE DORENE
2568	2508	SMOKER, FLORENA AMES
2569	8867	SMOKER, GALEN MITCHELL
2570	7473	SMOKER, GEORGE LEE
2571	7015	SMOKER, JASON WARD
2572	2512	SMOKER, LINDA ANN
2573	2513	SMOKER, MARVIN EUGENE
2574	2514	SMOKER, MARY SOFFIE
2575	7013	SMOKER, SARAH MICHELLE
2576	4184	SMOKER, SHARON EARLENE
2577	4167	SMOKER, UTAHNA SUE
2578	2515	SMOKER, WILLIAM EARL
2579	8868	SMOKER, WILLIE EUGENE
2580	2503	SMOKER, JR., CHUCK E.
2581	2510	SMOKER, JR., GORHAM VERNON
2582	7014	SMOKER, JR., MARVIN EUGENE
2583	1913	SNIDER, FRANCES ANN
2584	3949	SNYDER, ANNA NELL
2585	4601	SNYDER, BRENDA JEAN
2586	2524	SNYDER, CARL BERT
2587	2525	SNYDER, VICTORIA VIOLET
2588	2526	SNYDER, VIVIAN JANE
2589	7883	SNYDER, JR., RONALD MARVIN
2590	6295	SOLIS, LINDA MARIE
2591	8767	SORBER, ANNA MARIA
2592	6071	SORENSON, STEPHANIE NICOLE
2593	17809	SORRELHORSE, CHERYL LYNN
2594	2528	SORRELL, CHARLES LEE
2595	2529	SORRELL, JOSEPH ROBERTS
2596	2530	SORRELL, MARLEN ANDREW
2597	2531	SORRELL, WILLARD JOHN

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NO.	CNTRLNO	LAST, FIRST & MIDDLE NAME
2598	6296	SOUSA, JOE FRANCISCO
2599	2534	SOVEREIGN, MARTHA CAMILLE
2600	2535	SOVEREIGN, MARY MADELINE
2601	2711	SPINO, TRUDY J. THOMPSON
2602	2539	SPINOS, LORRAINE GAIL
2603	2540	SPORMAN, EVELYN MILDRED
2604	7483	SPOTT, LAURA ANN
2605	7478	SPOTT, MARY ROSE
2606	6201	SPOTT, NELLIE LYNN
2607	6099	SPOTT, SEELEY EARL
2608	6100	SPOTT, VALIDMER LEWIS
2609	3029	SPOTT GIDDINGS, MURIEL ANNE
2610	7482	SPOTT, JR., SEELEY LANE
2611	18089	SPOTT, SR., ARNOLD JOHN
2612	9066	ST. JOHN, VIVIAN LEE
2613	18092	STACONA, CHARLENE CAROL
2614	18094	STACONA, DEBRA MARCIA
2615	18095	STACONA, MARK ANTONY
2616	18096	STACONA, RONALD MCKIE
2617	18097	STACONA, WILLIAM CURTIS
2618	2552	STACY, JANIE LORAINE
2619	2553	STANLEY, ELEANOR ROSALIE
2620	4745	STANSHAW, ALLEN DUANE
2621	2555	STANSHAW, JEAN
2622	4746	STANSHAW, JEANNE MARIE
2623	4743	STANSHAW, KEITH FRANKLIN
2624	4744	STANSHAW, KEVIN RAY
2625	4742	STANSHAW, SAMUEL MARTIN
2626	2501	STARK, DAVITA ROSE
2627	17391	STARRITT, MORENE FAE
2628	3688	STARRITT, WAYMOND EARL
2629	2594	STAUFFER, RENEE FRANCES
2630	2558	STEELE, EDNA DOLORES
2631	4224	STEVENS, ADAM J
2632	17380	STEVENS, BONNIE KAY
2633	2561	STEVENS, CLARK GERALD
2634	2562	STEVENS, DONNA MARIE SHORT
2635	5664	STEVENS, JANAYE NICOLE
2636	2565	STEVENS, LEONARD HATHAWAY
2637	2566	STEVENS, LEONARD LEE
2638	2569	STEVENS, MELVA RAE
2639	570	STEVENS, SHARLA RENAE
2640	4223	STEVENS, STACEY J.
2641	2572	STEVENSON, GERALDINE
2642	5304	STEVENSON, ROSE'EL RIA
2643	5303	STEVENSON, JR., MERYL CLARK
2644	2574	STEWART, ALVIN GERALD
2645	1387	STEWART, DARLENE GRACE
2646	4591	STEWART, GERALD EUGENE
2647	4590	STEWART, JOHN JEROME
2648	6453	STEWART, JONA LESLEY
2649	6452	STEWART, JONNELL DENISE
2650	4968	STEWART, RHODELE CHARLENE

NO.	CNTRLNO	LAST, FIRST & MIDDLE NAME
2651	18070	STEWART, ROSALEE JEAN
2652	2579	STEWART, RUBY MARLENE
2653	2581	STICKNEY, IRENE M
2654	8510	STIFEL, DEBRA LEE
2655	2582	STILL, CLARENCE LEE
2656	2584	STILL, DOROTHY L.
2657	4452	STILL, KIMBERLY BELLE
2658	6795	STODGHILL, PEGGY SUE
2659	2598	STOKES, MELVIN MORRIS
2660	2599	STOUT, LYNNETTE
2661	2601	STRAUBE, VICKIE L BRASHER
2662	2602	STREETER, BARBARA JUNE
2663	2603	STREETER, RONALD ZANE
2664	282	STROMBECK, PATRICIA ANN
2665	6612	STROPE, KARA KRISTIN
2666	6613	STROPE, NIKKI LYN
2667	2610	SULLIVAN, DELORES DEAN BEEBE
2668	4995	SULLIVAN, JEFFERY RAY
2669	2611	SULLIVAN, RAE ERNESTINE
2670	4994	SULLIVAN, WILLIAM FLOYD
2671	2613	SUNDBERG, DANIEL EDWARD
2672	2615	SUNDBERG, GARTH RANDOLPH
2673	2617	SUNDBERG, MARK JONATHAN
2674	2618	SUNDBERG, MARSHALL ALVIN
2675	2619	SUNDBERG, ROSE JOY
2676	2614	SUNDBERG, SR., FREDRICK LEE
2677	2621	SUPER, KEG RANDELL
2678	2622	SUPER, KENDRA ZOE
2679	17700	SUPER, TROY
2680	17349	SUPER, VIOLA GRACE
2681	2624	SURBAUGH, THERESA FAYE
2682	2625	SURBER, FRANK OWEN
2683	2626	SURBER, GORDON TERRY
2684	7643	SWAIN, CLARICE LOUISE
2685	18098	SWAIN, DONALD
2686	7647	SWAIN, JACK RODNEY
2687	3886	SWAIN, JOHN MACK
2688	7572	SWAIN, JOSEPH ALAN
2689	2629	SWAIN, JR., GEORGE ADRAIN
2690	3888	SWAIN, JR., JAMES EDWARD
2691	3942	SWANSON, CAROL ANNE
2692	4416	SWANSON, MATTHEW LEROY
2693	2646	SWANSON, PETER L.
2694	4049	SWANSON, ROBERT L
2695	2630	SWANSON, JR, ALMONZO L
2696	4415	SWANSON, JR., WESLEY LEROY
2697	3599	SYLSTRA, LORIE JEANNE
2698	2651	SYLVIA, ALBERTA R
2699	5695	SYLVIA, CHAY-GEE BUD
2700	2653	SYLVIA, DAVID PAUL
2701	2654	SYLVIA, LENA ROSETTE
2702	6811	SYLVIA, MATHEW LEROY
2703	5665	SYLVIA, PAULA DAY

NO.	CNTRLNO	LAST, FIRST & MIDDLE NAME
2704	2655	SYLVIA, PETER DARWYN
2705	5694	SYLVIA, TALENA ANGELA
2706	2656	SYLVIA, TONY JOEL
2707	5666	SYLVIA, TORI LEE
2708	8943	SYLVIES, CECIL JEAN
2709	8944	SYLVIES, MAGGIE CHERYL
2710	2830	TAFOYA, LADENE RAE
2711	2658	TAGGART, GARY RICHARD
2712	2659	TAGGART, GREGORY ALLEN
2713	2660	TAGGART, LORRAINE LYN
2714	2661	TAGGART, RICHARD HARRY
2715	5913	TATUM, MARGARET LYNN
2716	2249	TAYLOR, ANNETTE CECILE
2717	2666	TAYLOR, BETTY ROSE
2718	2669	TAYLOR, DARIN EUGENE
2719	2670	TAYLOR, DAVID EUGENE
2720	2671	TAYLOR, DIXIE LEE
2721	2675	TAYLOR, LORRAINE WANDA
2722	7621	TAYLOR, MARY ROSE
2723	3987	TAYLOR, RHONDA LEE
2724	2679	TAYLOR, RONALD ARTHUR
2725	5971	TAYLOR, SHAWNENE RENEE
2726	5218	TAYLOR, TERI L
2727	6792	TAYLOR, WINIFRED WILMA
2728	3864	TAYLOR, JR., LAWRENCE LARNIE
2729	516	TELFOR, JAYNE AMORE
2730	2683	TEMPLE, JR., LEE ALLEN
2731	2687	THAYER, JAMES ANDREW
2732	2689	THAYER, MICHAEL LEWIS
2733	2690	THAYER, PATRICIA SUE
2734	5587	THAYER, ROBERT ALAN
2735	2692	THAYER, JR., WILLIAM DEAN
2736	1553	THIGPEN, PATRICIA EILEEN
2737	4554	THOMAS, CHERYL JEANNE
2738	4980	THOMAS, KAY CAROLINE
2739	2695	THOMAS, MARJORIE RENE
2740	18065	THOMAS, SHARON EVANGELINE
2741	2698	THOMPSON, ARCHIE
2742	5892	THOMPSON, BRENDA COLLEEN
2743	2701	THOMPSON, DEBBIE KAY
2744	2189	THOMPSON, DOREEN FAYE
2745	1863	THOMPSON, EVA MARCIA
2746	2702	THOMPSON, JOHNNIE LEROY
2747	17559	THOMPSON, JOY MARIE
2748	2705	THOMPSON, RANDY LEE
2749	4657	THOMPSON, ROBERT CLYDE
2750	5244	THOMPSON, SHERRY RAE
2751	5276	THOMPSON, TIMOTHY JAMES
2752	2410	THOMPSON, VALERIE ANN
2753	2712	THOMPSON, WILFORD MORGAN
2754	18116	THOMPSON, WILLIAM
2755	2709	THOMPSON, JR., ARCHIE CURTIS
2756	2714	THOMSEN, ERNEST ASMUS

NO.	CNTRLNO	LAST, FIRST & MIDDLE NAME
2757	7656	THORNTON, WINONA ANN
2758	5006	THRASHER, BRADLEY JAMES
2759	5007	THRASHER, GARLAND DEAN
2760	5008	THRASHER, KIMBERLY LYNN
2761	5009	THRASHER, VIOLA JOYCE
2762	5005	THRASHER, JR., BOBBY BERT
2763	5165	THRESH, DIANE F.
2764	5050	TITCOMB, JONNELL
2765	2731	TOMASINI, LEONA ADELIA
2766	2732	TOMASINI, RICHARD ALLEN
2767	2734	TONDANI, PATRICIA EVE
2768	9528	TORREZ, LILLIE M.
2769	2738	TRACY, GEORGE IRA
2770	2739	TRACY, JOYCE MARIE
2771	2740	TRACY, LARRY SIDNEY
2772	2741	TRACY, SHERRI LYNN
2773	7634	TRACY, TARA MARIE
2774	2742	TRAUMANN, DELMAR PETER
2775	17563	TRAUMANN, RICHARD DELMAR
2776	5678	TRIMBLE, ADAM JAY
2777	1015	TRIMBLE, BONNY FAYE
2778	5679	TRIMBLE, ERICK LITTLE HAWK
2779	2747	TRIMBLE, ERNESTINE ROSE
2780	2749	TRIMBLE, GREGORY PIERCE
2781	5680	TRIMBLE, JEREMY SEYGEP
2782	5677	TRIMBLE, JULIE ANN
2783	4791	TRIMBLE, KIMBERLY MAE
2784	2751	TRIMBLE, MELINDA MAE
2785	5676	TRIMBLE, MELISSA MARIE
2786	2752	TRIMBLE, RAMONA H MCCOVEY
2787	2753	TRIMBLE, RODNEY GAIL
2788	2478	TRIMBLE, JR, FRANK W
2789	2746	TRIMBLE, SR., DONALD EDWARD
2790	5563	TRINIDAD, BEVERLY JOYCE
2791	2754	TRIPP, CECELIA ALMA
2792	2755	TRIPP, EDITH LORENA
2793	18100	TRIPP, HARRY WALLACE
2794	5628	TRIPP, IRENE FRANCES
2795	2757	TRIPP, MARIA EILEEN
2796	2758	TRIPP, WILLIAM MICHAEL
2797	7021	TRIPPO, CAMERON E.
2798	5364	TRIPPO, DOLORES INA
2799	7018	TRIPPO, JR., VERNON R.
2800	2765	TROMBETTI, ANTHONY
2801	2766	TROMBETTI, DARCI ANN
2802	2767	TROMBETTI, DAVID
2803	7358	TROMBETTI, MICHAEL
2804	2770	TROMBETTI, ORA LILLIAN
2805	2771	TROMBETTI, SCOTT
2806	2768	TROMBETTI, JR., JOHN
2807	2772	TRULL, GEORGIANA
2808	2773	TSOSIE, SUSAN JEANNE
2809	2775	TUMA, JEFFREY H

NO.	CNTRLNO	LAST, FIRST & MIDDLE NAME
2810	5712	TURNER, ANTHONY MIGUEL
2811	2777	TURNER, BRADY WAYNE
2812	2778	TURNER, CARRIE ANN
2813	2779	TURNER, DANNY ALLEN
2814	2780	TURNER, HENRIETTA JEAN
2815	5713	TURNER, MARTHA REMEMBER
2816	2782	TURNER, MICHAEL IRVING
2817	8766	TURNER, SARAH ELAINE
2818	3551	TURNER, STORMI DAWN
2819	1164	TUTTLE, CHERYL DENISE
2820	3067	ULMER, RONALD ALLAN
2821	2785	ULMER, VIVIAN KAREN
2822	17387	ULRICH, JOANNE C.
2823	2788	VALENCIA, SALLY ANNE
2824	4566	VALENZUELA, DONALD DAVID
2825	9224	VALENZUELA, PAULA JEAN
2826	3910	VALENZUELA, STEPHEN LARRY
2827	2300	VAN LANDINGHAM, ROSA LEE
2828	2796	VAN MECHELEN, DIANA NADINE
2829	2797	VAN MECHELEN, NADINE M.
2830	908	VAN MECHELEN, PAUL MATTZ
2831	2803	VAN PELT, KENDAL TIMOTHY
2832	2804	VAN PELT, LLOYD WILLIAM
2833	2805	VAN PELT, WILLIAM
2834	2806	VAN PELT, WILLIAM
2835	4540	VAN PELT, JR., HENRY
2836	2801	VAN PELT, SR., HENRY
2837	2809	VEDOLLA, FRANCES HELEN
2838	7158	VEGA, DOUGLAS THEODORE
2839	7155	VEGA, GARY TIMOTHY
2840	7154	VEGA, KELLY JOHN
2841	7152	VEGA, MARILYN E.
2842	7153	VEGA, MICHAEL ANTHONY
2843	7156	VEGA, SCOTT ALAN
2844	7166	VEGA, VALERIA JO
2845	17382	VEGA, WILLIAM PATRICK
2846	912	VELAZQUEZ, MALVA JEAN
2847	3501	VICE, KAREN MARIE
2848	4161	VIGIL, BRITTANY MICHELLE
2849	578	VIGIL, KATHLEEN MAE
2850	2814	VORIS, MARY MADELINE
2851	2818	WAGGONER, DENNIS ALLEN
2852	2820	WAGGONER, LELAND WAYNE
2853	2821	WAGGONER, MYRTLE JEAN
2854	2819	WAGGONER, JR., ELLIS LEON
2855	2822	WALKER, CORNELIA J
2856	2823	WALKER, DOROTHY LILLIAN
2857	2824	WALKER, HARRY JOHN
2858	2825	WALKER, JOHN EUGENE
2859	2826	WALKER, LARRY LAYNE
2860	2303	WALKOWIAK, ESTER MARIE
2861	2827	WALLACE, EUNICE MARIE
2862	2829	WALLIS, CLEO DEAN

NO.	CNTRLNO	LAST, FIRST & MIDDLE NAME
2863	2828	WALLIS, JR., BILL B
2864	8753	WALSH, BEVERLY IRENE
2865	2832	WALTERS, DONALD LEONARD
2866	4099	WALTERS, RUSSELL H
2867	18072	WARD, COLEEN SUSANNE
2868	2840	WARD, DOLORES ESTELLE
2869	2841	WARD, LAWRENCE GRANT
2870	5433	WARD, MICHAEL LANE
2871	5418	WATKINS, JOHN JOSEPH WAYNE
2872	6924	WATKINS, MADELINE ALBERTA
2873	2856	WATKINS, PATRICIA ANN
2874	2858	WATKINS, SYLVIA ANN
2875	2853	WATKINS, JR., LIONEL HENRY LAURENCE
2876	2859	WATSON, DELORES IRENE
2877	2849	WATSON, ESTER MARGARET
2878	2860	WATSON, MICHAEL EVERETT
2879	17667	WATSON, VERNA DEAN
2880	3967	WAUKCHEN, MARK
2881	9105	WEASELBEAR, WALLACE DANIEL
2882	2862	WEATHERFORD, VERA YVONNE
2883	2863	WEAVER, DOROTHY MAE
2884	2864	WEAVER, JACK DAVID
2885	5310	WEBER, LORRIENE JEAN
2886	5711	WEBSTER, ALBERT WAYNE
2887	2870	WEBSTER, DALE WALTER
2888	5792	WEBSTER, JACQUELINE DALE
2889	5710	WEBSTER, JANET MARIE
2890	2873	WEBSTER, LLOYD RUSSELL
2891	2874	WEBSTER, MARGARET CAROL
2892	2875	WEBSTER, ROY LEE
2893	5715	WEBSTER, SANDRA LYNN
2894	5718	WEBSTER, TASHA DALE
2895	5716	WEBSTER, TINA APRIL
2896	2877	WEEKS, JO ANN
2897	8458	WEIEN, KAREN DARLENE
2898	2878	WEIS, CAROL JANE
2899	17327	WELDON, LORI ANN
2900	2879	WEST, ALBERTA LENA
2901	6610	WEST, GARY LEE
2902	6611	WEST, GARY WADE
2903	8948	WEST, SHARON LYNNE
2904	8285	WESTMAN, VERA LUELLA
2905	4305	WETTERSTROM, ARLETTA JEAN
2906	1505	WHEELER, JULIE DIANE
2907	2896	WHITE, DAVID LEWIS
2908	4940	WHITE, EDWARD H
2909	4772	WHITE, EMIL EDWARD
2910	18101	WHITE, FLORENCE HENRIETTA
2911	2898	WHITE, FRANCIS COLEMAN
2912	3914	WHITE, HOWARD EDWARD
2913	4939	WHITE, LISA FAYE
2914	6436	WHITE, SHANNON ELAINE
2915	6437	WHITE, JR., DAVID LEWIS

NO.	CNTRLNO	LAST, FIRST & MIDDLE NAME
2916	3503	WHITE, JR., LUTHER OTTO
2917	3508	WHITEHURST, JR., DENNIS LEE
2918	3509	WHITEWATER, RICHARD FRANCIS
2919	2386	WHITLATCH, ANITA RAE
2920	3510	WHITLATCH, LAURANCE HOMER
2921	3511	WHITTET, LOTTIE JUANITA
2922	3512	WICKERD, PAMELA JEAN
2923	3513	WIENECKE, LINDA L. STEVENS
2924	3516	WILDER, ALTON EUGENE
2925	8394	WILDER, DONALD MELVIN
2926	3518	WILDER, FORREST LEE
2927	3519	WILDER, GEORGE LEWELLYN
2928	3520	WILDER, HARRY FERRIS
2929	8393	WILDER, IRVING DONALD
2930	3742	WILDER, KENNETH RAMON
2931	3524	WILDER, KERRY M.
2932	3525	WILDER, LENA CLEVELAND
2933	3527	WILDER, LEONARD CLARK
2934	3531	WILDER, ROSE LORRAINE
2935	3529	WILDER, JR, LLEWELLYN OLIVER
2936	8042	WILDER, JR., KENNY RAY
2937	3532	WILDER, JR., STANLEY
2938	3533	WILDER, JR., WARREN WHALEN
2939	3515	WILDER, SR., ALBERT WALTER
2940	3534	WILDER, SR., WARREN WAYLAND
2941	6213	WILLIAMS, BRANDI LEE
2942	3536	WILLIAMS, CAROL ANN
2943	3537	WILLIAMS, CHARLES JUKE
2944	3538	WILLIAMS, CHARLES VINCENT
2945	3539	WILLIAMS, DESMA MARIE
2946	3540	WILLIAMS, DESMOND TERROLD
2947	3541	WILLIAMS, DOROTHY MAE GREEN
2948	4237	WILLIAMS, ELISE KAY
2949	3546	WILLIAMS, JUANITA JANE
2950	3500	WILLIAMS, LAVINA BERDINE
2951	4302	WILLIAMS, MATTHEW C.I.
2952	4702	WILLIAMS, PHILLIP LEE
2953	17384	WILLIAMS, RICHARD LOREN
2954	4418	WILLIAMS, SEAN DAVID
2955	6214	WILLIAMS, STORMY LYNN
2956	9204	WILLIAMS, THERESA
2957	3553	WILLIAMS, THOMAS R.
2958	3554	WILLIAMS, THOMAS WAYNE
2959	1773	WILLIAMS, TRACY GAIL
2960	4703	WILLIAMS, VERONICA LYNN
2961	3545	WILLIAMS, SR., GREGORY MARTIN
2962	4098	WILLIAMSON, ELIZABETH ANN
2963	3561	WILLISON, ATHENA PATRICIA
2964	6823	WILLISON, ATHENA SHANDELLE
2965	6822	WILLISON, SHANTELLE SHERR'EE
2966	3562	WILLSON, IRENE JEWEL
2967	3563	WILLSON, PATRICK WARREN
2968	3564	WILLSON, PRESTON GEORGE

HOOPA-YUROK SETTLEMENT ROLL
AS OF OCTOBER 31, 1988

NO.	CNTRLNO	LAST, FIRST & MIDDLE NAME
2969	3565	WILLSON, THOMAS EDWARD
2970	3566	WILLSON, WILLIAM WARREN
2971	3465	WILSON, CAROL ANN
2972	6369	WILSON, CAROLYN FRANCES
2973	9972	WILSON, DELORIS M.
2974	7924	WILSON, DONALD JOSEPH
2975	7851	WILSON, DONNALD CHARLES
2976	3513	WILSON, GEORGE LEROY
2977	3574	WILSON, INA MAE
2978	5015	WILSON, JOSEPH EDWARD
2979	8021	WILSON, LAURETTE MARIE
2980	3578	WILSON, MICHAEL CHARLES
2981	3580	WILSON, ROBERT CHARLES
2982	3570	WILSON, ROBERT DARRELL
2983	3581	WILSON, SAMUEL NEIL
2984	3504	WILSON, SHAUN LAURETTE
2985	7925	WILSON, SUE ANN
2986	3582	WILSON, TERRY LEE
2987	3584	WILSON, WILLIAM LESLIE
2988	3567	WILSON, JR., CARL DEFOREST
2989	3590	WINTER, JACQUELINE EHRLICH
2990	7934	WINTON, BRENDA RENEE
2991	7935	WINTON, DENISE NELLIE
2992	5748	WISEMAN, DREW MICHAEL
2993	3597	WOLFE, JOHN HENRY
2994	3598	WOLFE, LARRY JAMES
2995	3629	WOOD, GARY DENNIS
2996	5140	WOODHURST, BRISTOL MARIE
2997	5141	WOODHURST, LARRY EUGENE
2998	3627	WOODS, DAWN DEE
2999	3626	WOODS, LANUS DOYLE
3000	4938	WOODS, LAURA GALE
3001	3625	WOODS, NORMA JEAN
3002	7964	WOOTEN, ERNESTINE JEANETTE
3003	7970	WOOTEN, JAMES MELVIN
3004	5076	WORTMAN, JANET BOWERS
3005	374	WRIGHT, NIECA DAWN
3006	17576	WRIGHT, RHONDA LYNN
3007	3250	WRIGHT, TERESA LOREME
3008	3620	WRIGHT, VIRGINIA MARIE
3009	17765	WYATT, CAREY LYNN
3010	7966	YELL, ROBIN MONIQUE
3011	1425	YOST, KIM ROCHELL
3012	3602	YOUNG, BERNARD C
3013	3616	YOUNG, EUGENE
3014	5246	YOUNG, GARY EDWARD
3015	3617	YOUNG, NELLIS AUER
3016	5079	YTURRALDE, DEBORA MICHELLE
3017	3614	ZABEL, FRANCES E.
3018	7085	ZABEL, LARRY PAUL
3019	3608	ZAVALA, LAVONNE CARMEN
3020	1020	ZIMMERMAN, LISA ANN

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BILLING CODE 4310-02-C

federal register

Thursday
March 21, 1991

Part III

Environmental Protection Agency

Financial Assistance for State and Tribal Emergency Planning and Community Right-to-Know Programs; Notice of a Second Year of Grant Availability

ENVIRONMENTAL PROTECTION AGENCY

[FRL-3915-3]

Financial Assistance for State and Tribal Emergency Planning and Community Right-to-Know Programs

AGENCY: Environmental Protection Agency.

ACTION: Notice of a second year of grant availability.

SUMMARY: The Environmental Protection Agency's (EPA) Office of Solid Waste and Emergency Response, Chemical Emergency Preparedness and Prevention (CEPP) Office is announcing a second year of the availability of financial assistance to States and Indian Tribes for emergency planning and community right-to-know programs. There will be at least $1.2 million in grant and cooperative agreement funds for State and tribal programs established under the Emergency Planning and Community Right-to-Know Act of 1986, also known as title III of the Superfund Amendments and Reauthorization Act (SARA). Again this year, the purpose of these grants will be to help the States and tribes enhance their title III programs, especially their efforts to provide support to the local emergency planning committees. Eligible recipients are the 50 States, the District of Columbia, Puerto Rico, the U.S. Virgin Islands, Guam, American Samoa, the Trust Territory of the Pacific Islands, the Northern Mariana Islands, and federally recognized Indian tribes. ("States" and "Tribes" is used in this announcement to refer to all eligible applicants.)

DATES: Applicant should send a letter of intent to participate to EPA no later than April 18, 1991. Completed applications must be received at EPA no later than June 21, 1991.

ADDRESSES: Letters of intent to participate in this program should be submitted to: Lea Anne Gleason, Chemical Emergency Preparedness and Prevention Office, Solid Waste and Emergency Response (OS-120), U.S. Environmental Protection Agency, 401 M St., SW., Washington, DC 20460, (202) 475-7387.

Duplicate completed application packages should be submitted simultaneously to EPA's Grants Operations Branch and the appropriate Regional Office. Packages submitted to the Grants Operations Branch should be addressed as follows: Grants Operations Branch, Grants Administration Division (PM-216F), Attn: OSWER State Title III Grants, U.S. Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.

Regional copies of application packages should be addressed to the appropriate EPA Regional Preparedness and Prevention Coordinator:

Region I (CT, MA, ME, NH, RI, VT)

Ray DiNardo (617) 860-4385, U.S. Environmental Protection Agency (EEE-LEX), New England Regional Lab, 60 Westview Street, Lexington, MA 02173

Region II (NY, NJ, PR, VI)

John Ulshofer (908) 321-6620, U.S. Environmental Protection Agency (211), 2890 Woodbridge Avenue, Edison, NJ 08837-3679

Region III (DE, MD, PA, VA, WV, DC)

Karen Wolper (215) 597-8751, U.S. Environmental Protection Agency (3HW33), 841 Chestnut Street, Philadelphia, PA 19107

Region IV (AL, FL, GA, KY, MS, NC, SC, TN)

Henry Hudson (404) 347-1033, U.S. Environmental Protection Agency, 345 Courtland Street, NE., Atlanta, GA 30365

Region V (IL, IN, MI, MN, OH, WI)

Mark Horwitz (312) 886-1964, U.S. Environmental Protection Agency (5HS-TUB-6), 230 South Dearborn, Chicago, IL 60604

Region VI (AR, LA, NM, OK, TX)

Jim Staves (214) 655-2270, U.S. Environmental Protection Agency (6E-E), Allied Bank Tower, 1445 Ross Avenue, Dallas, TX 75202-2733

Region VII (IA, KS, MO, NE)

Ron Ritter (913) 551-7005, U.S. Environmental Protection Agency, 726 Minnesota Avenue, Kansas City, KS 66101

Region VIII (CO, MT, ND, SD, UT, WY)

Cheryl Crisler (303) 293-1723, U.S. Environmental Protection Agency (8HWM-ERB), One Denver Place, 999 18th St., suite 500, Denver, CO 80202-2405

Region IX (AZ, CA, HI, NV, AS, GU, MP)

Kathleen Shimmin (415) 744-2100, U.S. Environmental Protection Agency OHEP (H-1-2), 75 Hawthorne St., San Francisco, CA 94105

Region X (AK, ID, OR, WA)

Walt Jaspers (206) 442-1263, U.S. Environmental Protection Agency (HW-093), 1200 6th Avenue, Seattle, WA 98101

States and tribes are encouraged to work closely with their EPA Regional Preparedness and Prevention Coordinators in the development of their applications.

FOR FURTHER INFORMATION CONTACT: Lea Anne Gleason, Chemical Emergency Preparedness and Prevention Office (OS-120), Office of Solid Waste and Emergency Response, U.S. Environmental Protection Agency, 401 M St., SW., Washington, DC 20460; (202) 475-7387.

SUPPLEMENTARY INFORMATION:

I. Background

In 1986, Congress enacted the Emergency Planning and Community Right-to-Know Act, also known as title III of the Superfund Amendments and Reauthorization Act of 1986 (SARA). The purpose of the Act is to improve the ability of States, tribes and local communities to protect public health and safety and the environment from chemical hazards.

Under SARA title III, governors are required to appoint State emergency response commissions (SERCs), and tribal leaders are required to appoint Tribal emergency response commissions, which, in turn, must designate local emergency planning committees (LEPCs). The LEPCs are required to develop emergency response plans for their communities to identify potential sources of chemical accidents and to prepare for responding to such accidents should they occur. Facilities that handle any of the 360 designated extremely hazardous substances (EHSs) in quantities that exceed threshold planning quantities are required to notify the SERC or Tribal emergency response commission, and LEPC and to participate in the local planning process. Plans should be comprehensive, addressing all hazardous materials risks to the community from both fixed facilities and transportation. The LEPC emergency plans were required to be submitted by October 1988. LEPCs are now working to test and revise these plans.

SARA section 304 requires facilities that release certain quantities of EHSs or hazardous substances covered by the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) of 1980 to report the releases to the affected SERC(s) or Tribal emergency response commissions, and LEPC(s). In addition, SARA sections 311 and 312 require any facility that handles more than specified

quantities of chemicals considered hazardous by the Occupational Safety and Health Administration to provide information on the presence and quantities of the chemicals to the SERC or Tribal emergency response commission, LEPC, and local fire departments. The first data were submitted under sections 311 and 312 in 1987. The SERCs, Tribal emergency response commissions and LEPCs are required to make this data available to the public. SARA section 313 requires certain manufacturers of more than 300 toxic chemicals to report annually to EPA and the State or Tribe on their emissions of those chemicals to environmental media. The first reports under section 313 were submitted by July 1988. EPA has created a database, the Toxic Release Inventory (TRI), containing all the section 313 data submitted and has made the database available to the public.

Because responders in local communities handle most chemical accidents, the strength of the title III planning and preparedness program depends on the effectiveness of the local planning process. Consistent with the legislative history of the Fiscal Year 1991 VA, HUD and Independent Agencies Appropriations Act (Pub. L. 101–144). EPA will again this year make available a total of at least $1.2 million in FY 91 for grants to States and Tribes to enhance their title III capabilities. EPA anticipates making multiple (10 to 20) grants or cooperative agreements of up to $150,000 each. Smaller proposals (less than $50,000) are encouraged. Proposals in excess of $150,000 will be considered if the project's scope or work warrants the higher funding and if the project's benefits appear to outweigh the reduced potential to fund other projects. EPA intends to fund at least one project in each Region.

Awards to all applicants except federally recognized Indian tribes will be made under the authority of section 28 of the Toxic Substances Control Act (TSCA) (15 U.S.C. 2601 *et seq.*). Awards to federally recognized Indian tribes for demonstration projects will be made under the authority of TSCA section 10. Recipients must contribute a match of 25 percent of the establishment and operations costs of the project. States and tribes should also be aware that Congress appropriated $3.84 million in SARA section 305(a) training grant funds, which were awarded through the Federal Emergency Management Agency (FEMA). In addition, EPA's Office of Pesticides and Toxic Substances (OPTS) will award $800 thousand in grants and cooperative agreements in 1991 for projects related to title III section 313 program development and advancement. Under this program, called the Toxic Release Inventory Data Capabilities Program, States may apply for funds for basic section 313 program development and for projects involving Toxic Release Inventory data management data use, data dissemination, data quality assurance, and public and industry outreach. Accordingly, this grant program will not be available for such training or section 313 specific purposes. However, proposals that complement related initiatives eligible for funding by FEMA or OPTS are encouraged.

II. Projects

General Purpose of the Grants. The purpose of this program is to help States enhance the effectiveness of their LEPCs in meeting their title III mandate. It is EPA's intent that grants enable States and Tribes to make significant strides toward strengthening the capabilities and operation of their LEPCs to address key problems associated with hazardous substances. EPA recognizes that States, Tribes and LEPCs are at different stages in the title III implementation process. Therefore, EPA will consider grants for start-up projects, as well as program advancement.

EPA is especially interested in funding some projects that deal with the following types of issues:

- Focusing on geographic areas that have a high risk* (associated with a chemical release*) for a major chemical accident (this would also include transportation corridors);
- Focusing on Extremely Hazardous Substances (EHS) or specific high profile chemicals that present risk (e.g. Hydrogen Fluoride (HF), ammonia, chlorine).

The following are other areas in which States or Tribes may want to develop proposals:

- Organizing or enhancing State or Tribal technical assistance programs for LEPCs;
- Enhancing the ability of LEPCs to conduct hazards analyses;
- Enhancing State or Tribal assistance to LEPCs for chemical emergency exercises;
- Developing programs to address or help LEPCs address chemical accident prevention issues, including chemical safety audit and risk management programs;
- Developing innovative uses for title III data;
- Enhancing the information management capability of the SERC and LEPCs;
- Developing or enhancing State and LEPC enforcement/compliance programs; and
- Enhancing LEPC public outreach programs.

This list is not all-inclusive; EPA welcomes proposals for projects in other areas that address title III issues.

Although EPA will consider all proposals submitted, the Agency is especially interested in projects that result in a "product", preferably one that can be used by other states and LEPCs, and that address EHS's or high profile chemicals and/or high risk areas. For example, the product may be a final project report that serves as a model for other States and LEPCs; if the project involves the development of a technical assistance program, the final report would explain the program objectives, how the program was organized, problems encountered and overcome, etc.; other States could then use the report as the basis for designing similar programs. A project could also involve the development of a guidance document (e.g., guidance on how to use the different data submitted under all title III reporting requirements to reduce community chemical risks), public outreach materials (brochures, videos, etc.), or similar materials that could be used directly or adapted by other States.

Limitations. These grant funds will not be used to continue projects funded in FY 90. The grant funds are made available for a single year as currently provided by Congress; States and Tribes should not expect further federal funding beyond the grant budget period. Consequently, grant requests should not include the hiring of new personnel unless the State or Tribe is prepared to continue the position(s) with its own funds at the end of the grant budget period. The grant money also may not supplant State or Tribal funds already being spent. EPA will not award grants for proposals that purchase equipment for the State, Tribe or LEPCs (except for small items essential for the purposes of the grant). The grant will be awarded to the SERC or Tribal emergency response commission or, if required by State or Tribal procedure, a State or Tribal agency representing the SERC or Tribal Emergency Response Commission, with a co-signature by the SERC chair or tribal chairperson. Because these awards are being made under TSCA authorities, all grant proposals must be

*Risk is defined as a combination of the likelihood of a release and severity of consequences as described in the Technical Guidance for Hazards Analysis pp 2–28 to 2–33.

related to activities involving chemicals subject to regulation under TSCA.

III. Criteria

In evaluating State and Tribal applications for grants under this program, EPA will consider the following factors:

- Potential Benefit—25 Pts. EPA will evaluate the proposed activities for potential benefit to the State, Tribe and the LEPCs. Projects should build State, Tribal and local capabilities. The State or Tribe must also demonstrate that the LEPCs need the intended project.
- Technical Soundness—30 Pts. EPA will evaluate the proposals for technical soundness, appropriateness for addressing the identified problems, and feasibility of implementation.
- Likelihood of Continuation—20 Pts. If the proposed activities (e.g., technical assistance programs) are intended to be of continuing value to the State or Tribe and LEPCs, the proposal should indicate how the programs will be carried out after the end of the grant period. For projects that are designed to create a product such as a guidance manual, the proposal should indicate how the State or Tribe and LEPCs will continue to use the document.
- Appropriateness for this Program—10 Pts. Grants for section 313 specific project or for training will not be considered because separate grant programs are available for these and other related title III activities as specified in this notice.
- Priority Need—15 Pts. State or Tribal applicants must demonstrate a priority need for assistance as set forth in TSCA section 28. Determination of this priority need will consider, to the extent feasible: The extent to which chemical substances are handled and disposed within the State or Tribe; and the risk associated with a potential release for specified geographic areas; the extent of exposure in the State of humans and the environment to chemical substances and mixtures; and the seriousness of the health effects within the State or Tribe which are associated with chemical substances and mixtures. EPA will consider factors such as the types of chemicals and volumes of chemicals handled in a State or Tribe and the number of chemical accidents.

The application should address each of the criteria listed above. In addition to meeting the above selection criteria, the application must demonstrate that the necessary State or tribal authority exists to achieve the intended results.

IV. Grant Application Review Process

An application package will be sent to each State and eligible Indian Tribe submitting a letter of intent to participate. The package will contain an EPA application form, instructions, and additional guidance for completing the application.

To apply for funds, States and Indian Tribes must:

1. Submit a letter of intent to participate to Lea Anne Gleason at EPA (see **ADDRESSES**) by April 18, 1991, and
2. Submit a complete application package to the Grants Operations Branch and the appropriate Regional Preparedness and Prevention Coordinator (see **ADDRESSES**). Applications received after June 21, 1991 will not be considered for the award.

Grant applications will undergo a two-step review process. Initially, Regional Office staff will evaluate each application and forward them to the CEPP Office with comments and a recommendation. Based in part on this preliminary Regional screening process, the final funding decision will be made by a review panel including both CEPP Office and Regional Office staff, as well as other Federal agency (e.g. FEMA, DOT) representatives. The review process will concentrate on choosing the best project concepts. Once a grant is awarded, EPA will monitor the work in progress and provide project guidance and oversight to the States and Tribes.

Because this is a one time only program, it will not be entered in the Catalog of Federal Domestic Assistance.

V. Grant Administration

Once awarded, grants will be administered and monitored by the Regional Offices.

Dated: March 18, 1991.

Henry L. Longest II,

Acting Assistant Administrator.

[FR Doc. 91-6734 Filed 3-20-91; 8:45 am]

BILLING CODE 6560-50-M

federal register

Thursday,
March 21, 1991

Part IV

Environmental Protection Agency

40 CFR Part 122

National Pollutant Discharge Elimination System Permit Application Regulations for Storm Water Discharges; Application Deadlines; Final Rule and Proposed Rule

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 122

[FRL 3915-4]

National Pollutant Discharge Elimination System Permit Application Regulations for Storm Water Discharges; Application Deadline for Group Applications

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is extending the deadline for submission of Part 1 of group industrial storm water applications to September 30, 1991. EPA is also establishing a fixed deadline of no later than May 18, 1992 for Part 2 group applications. EPA is making these changes because EPA has received numerous requests from the regulated community that they were, until recently, unaware of the impact of EPA's November 16, 1990 rule or have had difficulty determining whether or not the regulations apply to them. These changes will provide the regulated community with additional time to determine their status under the November 16, 1990 rule, to organize groups and to prepare and submit Part 1 applications. In establishing May 18, 1992 as a fixed date for submission of Part 2 of a group application, EPA is attempting to ensure that there will be no practical change in the time by which full group applications will be filed and thus when final storm water permits will be issued.

EFFECTIVE DATE: March 18, 1991.

FOR FURTHER INFORMATION CONTACT: Thomas J. Seaton, Office of Water Enforcement and Permits (EN-336), United States Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460, (202) 475-9518.

SUPPLEMENTARY INFORMATION:

I. Background

On November 16, 1990, EPA promulgated regulations (55 FR 47990) specifying, *inter alia*, NPDES application requirements and application deadlines for storm water discharges associated with industrial activity. These requirements included a new procedure for applying for NPDES permits through a group application process. The group application process allows for a group of similar discharges to file a permit application which requires storm water sampling data from a subset of the facilities covered by the application.

Under § 122.26(e)(2) of the November 16, 1990 regulations, Part 1 of the group application must be submitted to EPA no later than March 18, 1991. Part 1 is to include a list of the facilities applying, basic narrative information about each facility, and a proposed designation of the facilities in the group to perform the quantitative sampling. The regulation provides that EPA has a 60 day period after receipt to review the Part 1 applications and notify the groups as to whether they have been approved or denied as a properly constituted "group" for purposes of this alternative application process. Under the November 16, 1990 regulations, once Part 1 is approved by EPA, part 2 of the group application, which contains requirements for sampling data, must be filed with EPA Headquarters within one year of EPA providing notification of its approval.

As EPA explained in the preamble to the November 16, 1990 regulation, the group application process merely establishes a set of procedures to obtain sufficient information about industrial facilities to allow for issuance of NPDES permits, in the hopes of implementing the statutory mandate of section 402(p) of the Clean Water Act as expeditiously and efficiently as possible. 55 FR 48021, 48028. The group application process attempts to lessen the burden on the regulated community by minimizing the amount of quantitative sampling data collected. It also minimizes the number of individual storm water permit applications filed, which helps to lessen the administrative burden on EPA and the NPDES-authorized States. The group application process does not, however, change the requirement to apply for and obtain a permit, nor does it limit EPA's discretion to collect additional information from an applicant. It represents a new form of application procedure, not a change to the storm water requirements.

II. Reasons for Today's Rule

The group application process has been designed by EPA as a one-time administrative procedure to ease the burden on the regulated community and permitting authorities in the initial stage of the program. As noted above, EPA has established a single deadline for the filing of group applications. To facilitate meeting this deadline, the Agency has undertaken substantial efforts to provide the public with notice of the group application process. As part of this outreach effort, the Office of Water Enforcement and Permits (OWEP) established a hotline which has fielded thousands of telephone inquiries on group applications and related issues. OWEP has also held workshops in ten cities across the country during the first six weeks of 1991, and has addressed storm water requirements at 30 other conferences and speaking engagements. Staff in EPA Regional offices have also contributed to this effort by participating in numerous State and local workshops and conferences on storm water discharge permit application requirements.

Despite these efforts, EPA has received an extensive number of requests to extend the March 18, 1991, deadline for filing Part 1 of the group application. Numerous industry and municipal representatives have expressed concern that although they are currently forming groups, they may not be able to file the Part 1 application by the March 18, 1991 deadline. Particular concerns have been raised by municipal governments. Under the November 16, 1990 rule, operations owned or operated by a Federal, State, or municipal entity that results in storm water discharges associated with industrial activity must also apply for industrial storm water permits. 55 FR 48015. (The regulations impose additional permit application requirements on large and medium municipal separate storm sewer systems. Deadlines for complying with these requirements are not affected by today's rule.) EPA has learned that several small municipalities were largely unaware of the impact of the new storm water regulations on them; many apparently believed that since their municipal separate storm sewer systems were not yet covered by the rule, they were unaffected.

EPA is also aware that many industrial facilities, whether or not municipally-owned, have had difficulty determining whether the new regulations apply to them. EPA defined the scope of coverage in the November 16, 1990 rule on the basis of SIC codes. However, many facilities engage in more than one operation falling into more than one SIC code; some of these operations are covered, while others are not. EPA has received over 50 letters and 3,000 phone inquiries to date regarding the scope of the final rule as it applies to industrial activity. Since many facilities could not quickly determine whether they were covered by the regulation, many got a late start in forming groups to file group applications.

For these reasons, EPA is today extending the March 18, 1991 deadline for Part 1 group applications to September 30, 1991 for all storm water discharges associated with industrial

activity. EPA has determined that a six month extension is an appropriate amount of additional time for members of the regulated community to determine their status under the November 16, 1990 rule, to organize groups, and to prepare and submit Part 1 applications. EPA notes that the Part 1 application is not particularly burdensome. Part 1 requires only a list of the facilities applying, basic narrative information about each facility, and a proposed designation of the facilities in the group to perform the quantitative sampling. Several large groups have already formed and have submitted their applications before the March 18, 1991 deadline. EPA also believes, however, that a shorter extension may not be sufficient, particularly for those small municipalities which own or operate operations which discharge storm water associated with industrial activity. Municipalities may face a more difficult task in determining which of their operations constitute industrial activity. Groups of such municipalities also face particular problems of coordination. Municipal governments may need to seek specific local or state legislative approval to join a group. In addition, many functions of municipal governments that lead to storm water discharges associated with industrial activity are not reflected in existing organizations which could take the lead in organizing groups. EPA also believes that non-municipally owned or operated industrial facilities may also experience coordination problems in forming groups, particularly groups that extend across State lines. Therefore, EPA believes it appropriate to grant them an extension as well and, in any event, believes it should maintain a single date for submission of all group applications to avoid further confusion in the regulated community.

Thus, EPA believes that extending the application deadline six months will address all of the concerns raised. EPA strongly encourages, however, that dischargers submit their group applications as soon as possible.

Today's rule also establishes a fixed deadline of May 18, 1992 for submission of Part 2 group applications. While under the November 16, 1990 regulation, Part 2 was not due until one year after the Part 1, under today's amendment Part 2 of the group application will be due no later than May 18, 1992, even if EPA's approval of the Part 1 occurs after May 18, 1991. In other words, groups that take advantage of the deadline extension in today's rule to file their Part 1 applications would potentially have less than the full year to complete their Part 2. By establishing a fixed date of no later than May, 1992, EPA has made no effective change in the time by which both Parts of all group applications will be filed, and thus when final storm water permits should be issued. This will ensure that the environmental benefits of the November 16, 1990 rule are not delayed. EPA does not believe that any further delay in the ultimate issuance of storm water permits is appropriate or necessary. Section 402(p) suggests a strong Congressional desire to implement the storm water program expeditiously, and EPA does not want the extension of the Part 1 deadline to hold up the remainder of the group application process.

This deadline may possibly cause those groups that file significantly later than March 18, 1991 to have less than one year to complete the part 2 application. Thus, even with today's extension, it is in the best interests of facilities to file group applications as soon as possible to allow for the maximum time to collect Part 2 sampling information, particularly those in arid climates. EPA also notes that nothing prevents facilities from collecting quantitative sampling data from a representative storm event that occurs between now and when the Part 1 application is approved. Certain groups of facilities may need to engage in such preliminary sampling if they do not get their group applications in at an early date.

Elsewhere in today's **Federal Register**, EPA is proposing to amend the other deadlines for individual industrial storm water applications to establish a May 18, 1992 deadline for all individual applications for storm water discharges associated with industrial activity, either from those facilities who do not join a group or those facilities who are rejected from a group.

III. APA Requirements

Today's rule is being issued without notice and comment. EPA believes that notice and comment are not required because today's rule does not change any substantive requirements imposed on the regulatory community. The rule only specifies a date when group storm water permit applications should be filed for EPA processing. It does not change the requirement in section 402(p)(4) of the CWA to submit an NPDES storm water permit application or the general requirement of the CWA not to discharge without a permit. Furthermore, this rule does not change the date by which group applications are ultimately due, in that Part 2 applications are due no later than originally contemplated under the November 16, 1990 rule. Thus, EPA believes today's rule has no substantial impact on the regulated community and the public. The rule is therefore merely a "rule[] of agency * * * procedure" and is thus exempt from APA requirements pursuant to 5 U.S.C. 553(b)(A). See *American Hospital Ass'n* v. *Bowen*, 834 F.2d 1037 (D.C. Cir. 1987).

In addition even if today's rule is subject to the mandatory notice and comment requirements of the APA, EPA believes that there is good cause for issuing this rule without notice and comment, pursuant to 5 U.S.C. 553(b)(B). EPA bases this determination on two grounds. First, seeking notice and comment before the existing March 18, 1991 deadline would be impracticable and contrary to the public interest. This rule must be issued in final form immediately so that those affected by the March 18, 1991 deadline will no longer be compelled to submit a group application by that date, which will help to alleviate the confusion in the regulated community. Similarly, the establishment of the fixed May 18, 1992 deadline must be issued in final form so that the regulated community is fully aware of its obligations to complete group applications as quickly as possible and so that groups can start to complete the Part 2 application. Promulgation of today's rule will also have the effect of encouraging additional participation in the group application process by those who are recently aware of their regulated status. Today's rule will reduce the number of individual applications submitted, improve the quality of those group applications which are submitted, and decrease the administrative workload on EPA and authorized States in processing large numbers of individual applications and, for EPA, in processing poorly and hastily-prepared group applications. Thus, today's rule will ultimately advance the statutory goal of reducing point source discharges of pollutants. EPA therefore believes that immediate promulgation of today's rule is in the public interest and failure to promulgate immediately would adversely affect these interests.

EPA also believes notice and comment is unnecessary because the rule has no substantive effect on the regulated community's requirement to submit a permit application or the ultimate date for submission of Part 2 group applications and subsequent permit issuance and compliance, leading to the desired water quality benefits.

For the same reasons as discussed above, there is good cause to make this

rule immediately effective, pursuant to 5 U.S.C. 553(d)(3).

IV. Regulatory Requirements

Today's rule makes no change in the substantive requirements of the storm water program, only the date by which storm water permit applications are due. Thus, the rule meets none of the criteria for a major rule under section 1(b) of Executive Order 12291. The information collection requirements in this rule have already been approved by the Office of Management and Budget and been assigned OMB control number 2040–0086. Since this rule does not change any existing substantive requirements, I certify that it will not have a significant impact on a substantial number of small entities under the Regulatory Flexibility Act. EPA has submitted this regulation to the Office of Management and Budget for review. Any written comments received will be put into the public docket.

List of Subjects in 40 CFR Part 122

Administrative practice and procedure, Reporting and recordkeeping requirements, Water pollution control, Confidential business information.

Dated: March 18, 1991.

William K. Reilly,

Administrator.

For the reasons set out above, part 122, chapter I of title 40 of the Code of Federal Regulations is amended as follows:

PART 122—EPA ADMINISTERED PERMIT PROGRAMS; THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM

Subpart B—Permit Application and Special NPDES Program Requirements

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

Authority: Clean Water Act, 33 U.S.C. 1251 *et. seq.*

§ 122.26 Storm water discharges (applicable to State NPDES programs, see § 123.25).

2. In paragraph 122.26(e)(2)(i), "March 18, 1991" is revised to read "September 30, 1991."

3. Paragraph 122.26(e)(2)(iii) is revised to read as follows:

* * * * *

(e) * * *

(2) * * *

(iii) Part 2 of the application shall be submitted to the Director, Office of Water Enforcement and Permits no later than 12 months after the date of approval of the part 1 application or May 18, 1992, whichever comes first.

* * * * *

[FR Doc. 91–6737 Filed 3–19–91; 9:05 am]

BILLING CODE 6560–50–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 122

[FRL 3915-5]

National Pollutant Discharge Elimination System Permit Application Regulations for Storm Water Discharges; Application Deadlines

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is proposing to extend the deadline for submission of individual industrial storm water applications to May 18, 1992. EPA is also proposing to establish a fixed deadline of no later than May 18, 1992 for submission of individual applications from rejected members of storm water groups. These proposed changes are designed to reduce confusion in the regulated community over what application requirements affect which facilities and on which dates. In addition, the proposed changes are designed to treat all regulated facilities as equitably as possible, and to avoid serious delays in the issuance of storm water permits and the implementation of necessary controls leading to the desired water quality benefits.

DATES: EPA will accept comments until April 22, 1991.

ADDRESSES: The public should send an original and two copies of their comments to Tom Seaton, Office of Water Enforcement and Permits (EN-336), United States Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460, (202) 475-9518. The public docket for this proposal is located at EPA Headquarters (the above address), room NE-208 and is available for viewing from 9:30 a.m. to 4 p.m., Monday through Friday, excluding Federal holidays. Appointments may be made by calling Shavonne Simms at (202) 475-9541. Copies cost 15 cents per page.

FOR FURTHER INFORMATION CONTACT: Thomas J. Seaton, Office of Water Enforcement and Permits (EN-336), United States Environmental Protection Agency, 401 M Street SW., Washington, DC 20460, (202) 475-9518.

SUPPLEMENTARY INFORMATION:

I. Background

On November 16, 1990, EPA promulgated regulations (55 FR 47990) specifying, *inter alia*, NPDES application requirements and application deadlines for storm water discharges associated with industrial activity. These requirements included a new procedure for applying for NPDES permits through a group application process. The group application process allows for a group of similar dischargers to file a permit application which requires storm water sampling data from a subset of the facilities covered by the application.

Under § 122.26(e)(2) of the November 16, 1990 regulations, Part 1 of the group application must be submitted to EPA no later than March 18, 1991. Part 1 is to include a list of the facilities applying, basic narrative information about each facility, and a proposed designation of the facilities in the group to perform the quantitative sampling. The regulation provides that EPA has a 60 day period after receipt to review the Part 1 applications and notify the groups as to whether they have been approved or denied as a properly constituted "group" for purposes of this alternative application process. Under the existing regulations, once Part 1 is approved by EPA, Part 2 of the group application, which contains requirements for sampling data, must be filed with EPA Headquarters within one year of EPA providing notification of its approval.

The group application process has been designed by EPA as a one-time administrative procedure to ease the burden on the regulated community and permitting authorities in the initial stage of the program. As noted above, EPA has established a single deadline for the filing of group applications. To facilitate meeting this deadline, the Agency has undertaken substantial efforts to provide the public with notice of the group application process. As part of this outreach effort, the Office of Water Enforcement and Permits (OWEP) established a hotline which has fielded thousands of telephone inquiries on group applications and related issues. OWEP has also held workshops in ten cities across the country during the first six weeks of 1991, and has addressed storm water requirements at 30 other conferences and speaking engagements. Staff in EPA Regional offices have also contributed to this effort by participating in numerous State and local workshops and conferences on storm water discharge permit application requirements.

Despite these efforts, EPA has received an extensive number of requests to extend the March 18, 1991, deadline for filing Part 1 of the group application. Numerous industry and municipal representatives have expressed concern that although they are currently forming groups, they may not be able to file the Part 1 application by the March 18, 1991 deadline. Particular concerns have been raised by municipal governments. Under the November 16, 1990 rule, operations owned or operated by a Federal, State, or municipal entity that results in storm water discharges associated with industrial activity must also apply for industrial storm water permits. 55 FR 48015. (The regulations impose additional permit application requirements on large and medium municipal separate storm sewer systems. Deadlines for complying with these requirements are not affected by today's rule.) EPA has learned that several small municipalities were largely unaware of the impact of the new storm water regulations on them; many apparently believed that since their municipal separate storm sewer systems were not yet covered by the rule, they were unaffected.

EPA is also aware that many industrial facilities, whether or not municipally-owned, have had difficulty determining whether the new regulations apply to them. EPA defined the scope of coverage in the November 16, 1990 rule on the basis of SIC codes. However, many facilities engage in more than one operation falling into more than one SIC code; some of these operations are covered, while others are not. EPA has received over 50 letters and 3000 phone inquiries to date regarding the scope of the final rule as it applies to industrial activity. Since many facilities could not quickly determine whether they were covered by the regulation, many got a late start in forming groups to file group applications.

For these reasons, EPA has extended this deadline from March 18, 1991 in a separate final rule published elsewhere in today's **Federal Register** and established a fixed final deadline of May 18, 1992 for submission of part 2 of the group application. However, many questions remain regarding the effect of today's change on the other deadlines in the storm water regulations. Therefore, as discussed below, EPA is proposing, and accepting public comment on changes to other related application deadlines in the storm water program in light of the change to the Part 1 group application deadline.

II. Today's proposal

Under § 122.26(e)(1), individual applications for storm water discharges associated with industrial activity are currently due on November 18, 1991. Under § 122.26(e)(2)(i) (as amended today), Part 1 of group applications are due on September 30, 1991. Section 122.26(e)(2) (as amended today) specifies that EPA will approve or deny

group applications within 60 days of receipt, and that Part 2 of the group application is due one year after the Part 1 is approved, but no later than May 18, 1992.

EPA is today proposing to make two other changes to the deadlines specified in the November 16, 1990 regulations. These changes are designed to accomplish several goals: to reduce confusion in the regulated community over what application requirements affect which facilities on which dates, and to treat all regulated facilities as equitably as possible, but also to avoid serious delays in the issuance of storm water permits and the implementation of necessary controls leading to the desired water quality benefits.

To implement this strategy, EPA is first proposing that those facilities that EPA rejects for inclusion in a filed group application should file an individual application no later than May 18, 1992. EPA is proposing this change for the same reasons that it has already established a fixed deadline for submission of the Part 2 application for those who remain in the group. EPA does not believe that any further delay in the ultimate issuance of storm water permits is appropriate or necessary. Section 402(p) suggests a strong Congressional desire to implement the storm water program expeditiously and EPA does not wish to delay the intended water quality benefits of the storm water program.

Those facilities that join a group application which is filed later than the original March 18, 1991 deadline may be required to complete an individual application in less than one year in the event they are rejected from the group. EPA notes that each facility in a group will have already completed Form 1; thus rejected facilities will need only complete Form 2F. Indeed, if a rejected facility is one that was originally designated for sampling in the Part 1 group application, the Form 2F sampling data and other information may already have been collected by and be available to the facility by the time it receives the notice of rejection.

EPA recognizes, however, that for facilities in certain precipitation zones, it may be difficult to collect quantitative storm water sampling data if given less than one year to sample. EPA notes that it is in the best interests of facilities to file group applications as soon as possible to allow for the maximum time to collect Part 2 information, particularly those in arid climates. EPA also notes that nothing prevents facilities from collecting quantitative sampling data from a representative storm event that occurs between now and when the Part 1 application is approved. EPA is requesting comment on creation of the May 18, 1992 fixed deadline for individual applications of rejected group members.

EPA is not proposing any changes to the internal regulatory requirement to process group applications within 60 days of receipt. 40 CFR 22.26(e)(2)(ii). EPA is still committed to processing group applications within that 60 day period and notifying the group members of approval or denial.

EPA is also proposing to extend the individual application deadline for industrial dischargers who do not join a group to May 18, 1992. This will have the effect of ensuring that all industrial applications, whether individual or group, will be due on the same day. EPA believes that, as with those dischargers who are now attempting to join a group, there may be many facilities affected by the November 16, 1990 rule who are planning to file an individual application and who have only recently become aware of their status under the regulation. EPA again believes this to be a particular problem for small municipalities who own or operate operations which result in a storm water discharge associated with industrial activity. EPA believes that those who have been unable to join a group application are no different in terms of problems with compliance with the new regulations than those who find a group to join.

EPA wishes to emphasize that today's proposal does not affect the application deadlines specified in the November 16, 1990 rule for municipal separate storm sewer systems. Part 1 applications for large municipal separate storm sewer systems are still due November 18, 1991; Part 1 applications for medium systems are due May 18, 1992. EPA has no information to suggest that these systems, which are specifically enumerated in the final regulation (see 55 FR 48073–74 (Appendices F–I to part 122)), are unaware of the November 16, 1990 regulations or that they need any additional time to complete Part 1 of the application. In addition, large and medium cities have an additional year to complete Part 2 of the municipal application, which establishes a final date for filing a full application to well beyond May, 1992.

EPA requests comments on all aspects of today's proposal.

III. Regulatory Requirements

Today's proposed rule makes no change in the substantive requirements of the storm water program, only the date by which Part 1 applications are due. Thus, the rule meets none of the criteria for a major rule under section 1(b) of Executive Order 12291. The information collection requirements in this rule have already been approved by the Office of Management and Budget and been assigned OMB control number 2040–0086. Since this rule does not change any existing substantive requirements, I certify that it will not have a significant impact on a substantial number of small entities under the Regulatory Flexibility Act. EPA has submitted this regulation to the Office of Management and Budget for review. Any written comments received will be put into the public docket.

List of Subjects in 40 CFR Part 122

Administrative practice and procedure, Reporting and recordkeeping requirements, Water pollution control, Confidential business information.

Dated: March 18, 1991.

William K. Reilly,

Administrator.

For the reasons set out above, it is proposed to amend part 122 chapter I of title 40 of the Code of Federal Regulations as follows:

PART 122—EPA ADMINISTERED PERMIT PROGRAMS: THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM

Subpart B—Permit Application and Special NPDES Program Requirements

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

Authority: Clean Water Act, 33 U.S.C. 1251 *et seq.*

2. In § 122.26(e)(1), "November 18, 1991" is revised to read "May 18, 1992".

3. Section 122.26(e)(2)(iv) is added to read as follows:

§ 122.26 Storm water discharges (applicable to State NPDES programs, see § 123.25).

* * * * *

(e) * * *

(2) * * *

(iv) Facilities that are rejected as members of the group shall submit an individual application no later than 12 months after the date of receipt of the notice of rejection or May 18, 1992, whichever comes first.

* * * * *

[FR Doc. 91–6738 Filed 3–19–91; 9:06 am]

BILLING CODE 6560–50–M

federal register

Thursday
March 21, 1991

Part V

The President

Proclamation 6261—National County Government Week, 1991

Executive Order 12757—Implementation of the Enterprise for the Americas Initiative

Part 2

The Presidency

Federal Register
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Thursday, March 21, 1991

Presidential Documents

Title 3—

The President

Proclamation 6261 of March 19, 1991

National County Government Week, 1991

By the President of the United States of America

A Proclamation

Although many Americans are just beginning to understand its special role in our Federal system, county government has a long and rich history in the United States. In fact, it is one of the oldest forms of local government in America, existing before many States and cities. Colonists divided part of Virginia into eight shires or counties as early as 1634, and the first counties in Massachusetts were formed in 1643. Today approximately 98 percent of the Nation's people reside in counties.

During the 1800s and the early part of this century, the primary functions of county government involved the administration of justice, law enforcement, and the building and maintenance of roads. In recent decades, however, the responsibilities of county government have grown enormously.

The duties of our Nation's county governments now range from the preservation of public safety to environmental protection. While every county is unique, these government entities direct housing and community development programs; they maintain parks, airports, and transit systems; and they work to solve area-wide problems such as air and water pollution, solid waste disposal, and drug trafficking. For many ill, elderly, and low-income Americans, the county is often the only available source of help in obtaining health care and other social services. The National Association of Counties reports that county governments, employing more than 2.9 million people, spent almost $111 billion in 1990 to provide services to the public.

National County Government Week is a fitting time to reaffirm the continued importance of a strong partnership between City, County, State, and Federal Government—particularly in areas such as education, transportation, and the fight against drug abuse. In recent years, more and more Americans have realized what many have known all along: that the answer to many of the problems before us can be found, not in bigger Federal Government, but in effective local leadership and cooperation between citizens and public officials at all levels. Indeed, we know that government closest to the people is truly government "of the people, by the people, and for the people." This is the essence of federalism and democracy, and it is the key to meeting many of the challenges and opportunities before our country.

In recognition of the Nation's county governments, the Congress, by Public Law 101–470, has designated the week of April 7 through April 13, 1991, as "National County Government Week" and has authorized and requested the President to issue a proclamation in observance of this week.

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, do hereby proclaim the week of April 7 through April 13, 1991, as National County Government Week. I call upon the American people and their elected representatives at all levels of government to observe this week with appropriate programs, ceremonies, and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this 19th day of March, in the year of our Lord nineteen hundred and ninety-one, and of the Independence of the United States of America the two hundred and fifteenth.

George Bush

[FR Doc. 91-6852
Filed 3-20-91; 10:13 am]
Billing code 3195-01-M

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Executive Order 12757 of March 19, 1991

Implementation of the Enterprise for the Americas Initiative

By the authority vested in me as President by the Constitution and the laws of the United States of America, including the Agricultural Trade Development and Assistance Act of 1954 ("Act"), as amended by section 1512 of Public Law 101-624, it is hereby ordered as follows:

Section 1. The functions vested in the President by sections 603, 604, 611, and 614 of the Act are delegated to the Secretary of the Treasury ("Secretary"), who shall exercise such functions in accordance with recommendations of the National Advisory Council on International Monetary and Financial Policies ("Council"), as established by Executive Order No. 11269 of February 14, 1966. The Secretary of State, when necessary, shall report to the Council regarding the need to review the implementation of environmental programs pursuant to section 611 of the Act.

Sec. 2. (a) For purposes of section 1 of this order only, the membership of the Council shall be expanded to include the following: the Secretary of Agriculture, the Director of the Office of Management and Budget, the Chairman of the Council of Economic Advisers, the Chairman of the Council on Environmental Quality, and the Administrator of the Environmental Protection Agency.

(b) Whenever matters being considered by the Council may be of interest to an agency not represented on the Council, the chairperson may invite a representative of such agency to participate in meetings and deliberations of the Council.

(c) In the event of a disagreement among agencies represented on the Council, the Secretary shall refer the issue to the appropriate Cabinet-level body designated by the President.

Sec. 3. (a) The functions vested in the President by section 607 of the Act are delegated to the Secretary of State, in consultation with the Department of the Treasury, the Department of Agriculture, the Department of Commerce, the Council on Environmental Quality, the Environmental Protection Agency, the Agency for International Development, and any other agency determined by the Secretary of State to have an interest in an environmental framework agreement.

(b) Pursuant to section 610(c) of the Act, the Environment for the Americas Board shall also advise the Secretary of State on the negotiations of the environmental framework agreements.

(c) The Secretary of State shall ensure that the elements and requirements for the Administering Bodies established in section 607(c) of the Act shall be included in the environmental framework agreements.

Sec. 4. (a) The five U.S. Government members of the Environment for the Americas Board ("Board") established by section 610 of the Act shall be representatives from the Department of State, the Department of the Treasury, the Environmental Protection Agency, the Agency for International Development, and the Inter-American Foundation.

(b) The Department of Commerce, the Department of Agriculture, and other appropriate agencies may each send representatives to the meetings of the Board, and such representatives may participate in the activities of the Board.

(c) The representative from the Department of the Treasury shall be the chairperson of the Board. The representative from the Department of State shall be the vice chairperson of the Board. The representative from the Environmental Protection Agency shall serve as secretary of the Board.

(1) The chairperson shall be responsible for presiding over the meetings of the Board, ensuring that the views of all other participants are taken into account, and coordinating with other appropriate agencies in assisting the Board in its review of the fiscal audits conducted pursuant to section 607(c)(4) of the Act.

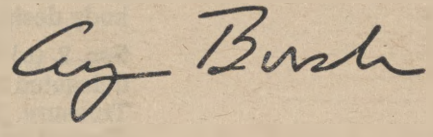
(2) The vice chairperson shall be responsible for serving as liaison between the Board and local governments, local nongovernmental organizations, and the local Administering Bodies in Latin America and the Caribbean, and for coordinating the international activities related to programs funded under the Act.

(3) The secretary of the Board shall be responsible for coordinating the preparation of materials for Board discussion, including the technical reviews of the annual programs and reports required to be submitted to the Board under section 607 (c)(5) and (c)(6) of the Act, and for preparing official minutes of Board discussions.

(d) The four private nongovernmental organization members of the Board shall be chosen by the President.

Sec. 5. No new agreement under Title I of the Agricultural Trade Development and Assistance Act of 1954, as amended by section 1512 of Public Law 101–624, and no new credit agreement under the Food for Progress Act of 1985 shall be entered into with any country that is in default with respect to the payment of principal or interest on any obligation issued pursuant to section 604 of the Act unless such country meets its obligations or unless the President so authorizes.

Sec. 6. This order is intended only to improve the internal management of the executive branch and is not intended to create any right or benefit, substantive or procedural, enforceable at law by a party against the United States, its agencies, its officers, or any person.



THE WHITE HOUSE,
March 19, 1991.

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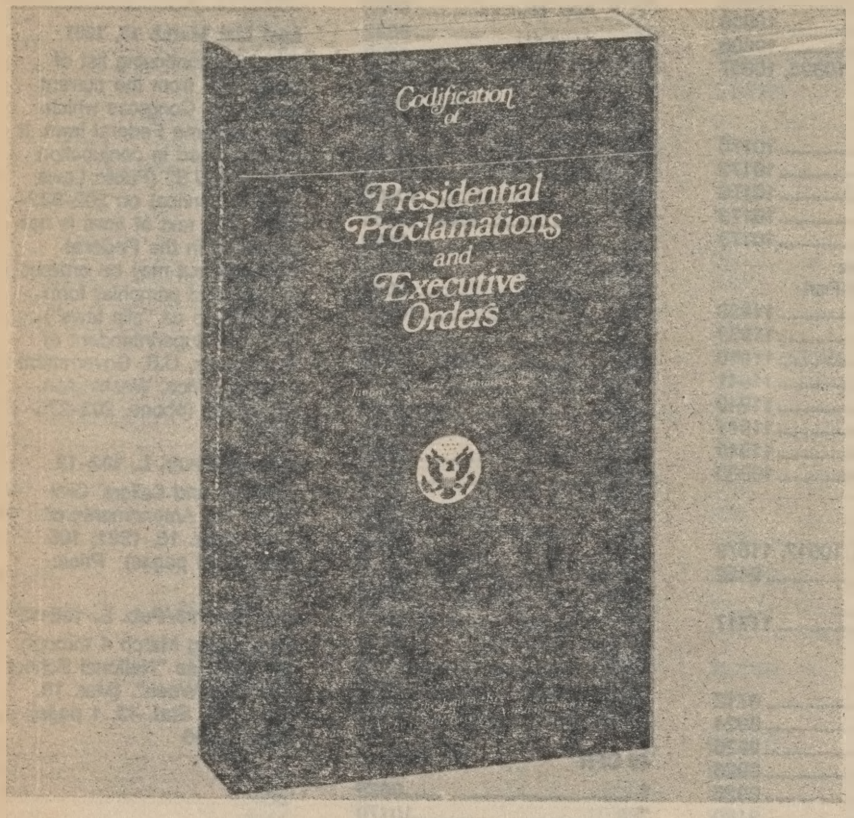

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