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WHAT IT IS AND HOW TO USE IT

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

WHO: The Office of the Federal Register.

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

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

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

WASHINGTON, DC

WHEN: January 24, 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

LOS ANGELES, CA

WHEN: March 4, at 9:00 a.m.
WHERE: Federal Building,
300 N. Los Angeles St.
Conference Room 8544
Los Angeles, CA
RESERVATIONS: 1–800–726–4995

SAN DIEGO CA

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

Contents

Federal Register

Vol. 56, No. 11

Wednesday, January 16, 1991

Administrative Conference of the United States
NOTICES
Meetings:
Judicial Review Committee, 1622

Agriculture Department
See Farmers Home Administration; Food and Nutrition Service; Forest Service; Rural Electrification Administration

Air Force Department
RULES
Claims and litigation:
Administrative claims on behalf of and against government for personal injury and property damage, 1574

Antitrust Division
NOTICES
National cooperative research notifications:
Gas Utilization Research Forum, 1655
International Partners in Glass Research, 1655

Arctic Research Commission
NOTICES
Membership; Presidential appointments, 1622

Arts and Humanities, National Foundation
See National Foundation on the Arts and the Humanities

Civil Rights Commission
NOTICES
Meetings; State advisory committees:
Colorado, 1623
Oregon, 1623
Meetings; Sunshine Act, 1667

Coast Guard
NOTICES
Committees; establishment, renewal, termination, etc.:
Towing Safety Advisory Committee, 1661

Commerce Department
See International Trade Administration; National Oceanic and Atmospheric Administration

Defense Department
See Air Force Department

Education Department
RULES
Grant and cooperative agreement awards:
Institutions of higher education and other nonprofit organizations; audits, 1697
Postsecondary education:
Pell grant program—
Expected family contribution, calculation; special conditions, 1700

Energy Department
See Federal Energy Regulatory Commission

Environmental Protection Agency
RULES
Air pollutants, hazardous; national emission standards:
Asbestos; correction, 1669
Pesticides; tolerances in food, animal feeds, and raw agricultural commodities:
2-[1-(ethoxyimino)butyl]-5-[2-(ethylthio)propyl]-3-hydroxy-2-cyclohexene-1-one, 1575
PROPOSED RULES
Pesticides; tolerances in food, animal feeds, and raw agricultural commodities:
Inorganic bromide, 1591
NOTICES
Agency information collection activities under OMB review, 1628
Air programs:
State implementation plans inadequacy and call for revision; notification to Governors, 1628
Meetings:
Emergency Planning and Community Right-to-Know Act; train-the-trainer conference, 1629
Science Advisory Board, 1629
Pesticide programs:
Ciba Geigy Corp.; nonindigenous microbial pesticides; field test, 1632
Confidential business information and data transfer to contractors, 1632
Pesticides; emergency exemptions, etc.:
Dicamba, etc., 1630
Pesticides; experimental use permits, etc.:
BioControl Ltd. et al., 1630
Pesticides; temporary tolerances:
Du Pont, Agricultural Products, et al., 1631
Superfund program:
Implementation progress 1989 FY; report to Congress, 1633
Toxic and hazardous substances control:
Premanufacture exemption applications, 1634
Premanufacture notices receipts, 1633, 1634 (2 documents)

Executive Office of the President
See Management and Budget Office; Presidential Documents; Trade Representative, Office of United States

Farmers Home Administration
RULES
Program regulations:
Emergency disaster assistance, 1563

Federal Aviation Administration
RULES
Airworthiness directives:
Airbus Industrie, 1567
British Aerospace, 1569
Transition areas, 1569, 1572 (4 documents)
PROPOSED RULES
Airworthiness directives:
Boeing, 1585

Federal Communications Commission
NOTICES
Meetings:
Advanced Television Service Advisory Committee, 1638

Federal Deposit Insurance Corporation
NOTICES
Meetings; Sunshine Act, 1667

Federal Emergency Management Agency
PROPOSED RULES
Flood elevation determinations:
California et al., 1593
NOTICES
Disaster and emergency areas:
Alabama, 1639
Indiana, 1639
(3 documents)
Mississippi, 1640
Tennessee, 1640, 1641
(3 documents)

Federal Energy Regulatory Commission
NOTICES
Environmental statements; availability, etc.:
Pacific Gas Transmission Co. et al., 1623
Applications, hearings, determinations, etc.:
Columbia Gas Transmission Corp., 1624
Eastern Shore Natural Gas Co., 1624
High Island Offshore System, 1625
Natural Gas Pipeline Co. of America, 1625
Northwest Pipeline Corp., 1625
Rivers Electric Co., Inc., 1626
Southern Natural Gas Co., 1626
Texas Eastern Transmission Corp., 1626
Texas Gas Transmission Corp., 1627
Transcontinental Gas Pipe Line Corp., 1627
Wailuku River Hydroelectric Power Co., Inc., 1627

Federal Highway Administration
NOTICES
Environmental statements; notice of intent:
Fresno and Madera Counties, CA, 1661
Los Angeles County, CA, 1661

Federal Maritime Commission
NOTICES
Agreements filed, etc., 1641

Federal Reserve System
RULES
Extensions of credit by Federal Reserve banks (Regulation A):
Discount rates; change, 1566
NOTICES
Agency information collection activities under OMB review, 1641
Meetings; Sunshine Act, 1667
Applications, hearings, determinations, etc.:
North Fork Bancorporation, Inc., et al., 1642
Spiers, Juel Wood, Jr., 1642

Food and Drug Administration
PROPOSED RULES
Radiological health:
Diagnostic X-ray systems and major components; performance standard, 1589
NOTICES
Medical devices; premarket approval:
Datascope Corp.; Micross PTCA Dilatation Catheter, 1643

Food and Nutrition Service
PROPOSED RULES
Food stamp program:
Quality control error rate liabilities; good cause relief provision, 1578

Forest Service
NOTICES
Appealable decisions; legal notice:
Eastern region, 1621

Health and Human Services Department
See Food and Drug Administration; Health Care Financing Administration; Health Resources and Services Administration; National Institutes of Health

Health Care Financing Administration
NOTICES
Meetings:
Social Security Advisory Council, 1643

Health Resources and Services Administration
NOTICES
Advisory committees; annual reports; availability, 1644
Meetings; advisory committees:
March, 1644

Immigration and Naturalization Service
RULES
Immigration:
Registration and fingerprinting of aliens in U.S.—Nonimmigrants bearing Iraqi and Kuwaiti travel documents, 1566

Interior Department
See Land Management Bureau; Minerals Management Service; National Park Service

International Trade Administration
NOTICES
Export trade certificates of review; correction, 1669

International Trade Commission
NOTICES
Import investigations:
Gene amplification thermal cyclers and subassemblies from United Kingdom, 1648
Microporous nylon membrane and products containing same, 1649
Shopping carts from China and Taiwan, 1649
Sparklers from China, 1650
Meetings; Sunshine Act, 1667
(2 documents)

Interstate Commerce Commission
NOTICES
Rail carriers:
Cost recovery procedures—Adjustment factor, 1652
Railroad operation, acquisition, construction, etc.:
Indiana & Ohio Rail Corp., 1652
Wichita, Tillman & Jackson Railway Co. et al.; correction, 1669
Railroad services abandonment:
CSX Transportation, Inc., 1652
Georgia Southern & Florida Railway Co., 1653

Judicial Conference of the United States
NOTICES
Meetings:
Judicial Conference Advisory Committee on—
Civil Rules, 1655
(2 documents)

Justice Department
See also Antitrust Division; Immigration and Naturalization Service; Justice Programs Office
NOTICES
Pollution control; consent judgments:
Ciba-Geigy Corp. et al., 1653
Gulf Coast Recycling, Inc., 1654
Moorestown, NJ, 1654
Mt. Pleasant, PA, 1654
Oyster Bay, ME; correction, 1655

Justice Programs Office
NOTICES
Grants and cooperative agreements; availability, etc.:
Discretionary programs (1991 FY), 1672

Land Management Bureau
NOTICES
Meetings:
Arizona Strip District Grazing Advisory Board, 1645
Battle Mountain District Advisory Council, 1645
Idaho Falls District Grazing Advisory Board, 1645
Moab District Grazing Advisory Board, 1645
Realty actions; sales, leases, etc.:
Nevada, 1646
Resource management plans, etc.:
Cody Resource Area, WY, 1646

Management and Budget Office
NOTICES
Budget rescissions and deferrals, 1704

Minerals Management Service
NOTICES
Committees; establishment, renewal, termination, etc.:
North Carolina Environmental Sciences Review Panel, 1647
Meetings:
North Carolina Environmental Sciences Review Panel, 1647

National Foundation on the Arts and the Humanities
NOTICES
Agency information collection activities under OMB review, 1656

National Institutes of Health
NOTICES
Meetings:
National Institute of General Medical Sciences, 1645

National Oceanic and Atmospheric Administration
RULES
Fishery conservation and management:
Foreign fishing—
Fee schedule, 1575
PROPOSED RULES
Fishery conservation and management:
Gulf of Alaska and Bering Sea and Aleutian Islands groundfish, 1612
Marine mammals:
Incidental taking, 1606

National Park Service
NOTICES
National Register of Historic Places:
Pending nominations, 1647

Office of Management and Budget
See Management and Budget Office

Office of United States Trade Representative
See Trade Representative, Office of United States

Presidential Documents
ADMINISTRATIVE ORDERS
Refugees from Africa and Middle East; contributions from U.S. Emergency Refugee and Migration Assistance Fund (Presidential Determination No. 91–12 of January 2, 1991), 1562
Soviet Union; determination under Trade Act of 1974 (Presidential Determination No. 91–11 of December 29, 1990), 1561
PROCLAMATIONS
Special observances:
Sanctity of Human Life Day, National (Proc. 6241), 1559
Martin Luther King, Jr., Federal Holiday (Proc. 6142), 1717

Public Health Service
See Food and Drug Administration; Health Resources and Services Administration; National Institutes of Health

Railroad Retirement Board
RULES
Railroad Retirement Act:
Railroad employers' reports and responsibilities; lump-sum payments, 1572
PROPOSED RULES
Railroad Unemployment Insurance Act:
Unemployment or sickness insurance; nongovernmental plans, 1587

Rural Electrification Administration
RULES
Electric standards and specifications:
Electric materials and equipment; specification rescinded, 1563
NOTICES
Environmental statements; availability, etc.:
Seminole Electric Cooperative, Inc., 1621

Securities and Exchange Commission
NOTICES
Meetings; Sunshine Act, 1667
Self-regulatory organizations; proposed rule changes:
American Stock Exchange, Inc., 1656
Chicago Board Options Exchange, Inc., 1658
Participant Trust Co., 1659

Thrift Supervision Office
NOTICES
Conservator appointments:
Trident Federal Savings & Loan Association, F.A., 1663
Receiver appointments:
First Federal Savings & Loan Association—
Pittsburgh, 1663
San Antonio, 1663
Moultrie Savings Bank, FSB, 1663
Trident Federal Savings & Loan Association, 1663

Trade Representative, Office of United States
NOTICES
European Community:
Third country meat directive; Section 302 investigation, 1663

Transportation Department
See Coast Guard; Federal Aviation Administration; Federal Highway Administration

Treasury Department
See also Thrift Supervision Office
NOTICES
Agency information collection activities under OMB review, 1672
(3 documents)

Veterans Affairs Department
NOTICES
Agency information collection activities under OMB review, 1664, 1665
(3 documents)

Separate Parts In This Issue

Part II
Department of Justice, Office of Justice Programs, 1692

Part III
Department of Education, 1697

Part IV
Department of Education, 1700

Part V
Office of Management and Budget, 1704

Part VI
The President, 1717

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

CFR PARTS AFFECTED IN THIS ISSUE

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

3 CFR

Executive Orders:

12740.....1561
(See Presidential Determination No. 91-11)

Administrative Orders:

Presidential Determinations:

No. 91-11 of December 29, 1990.....1561
No. 91-12 of January 2, 1991.....1562

Proclamations:

6241.....1559
6242.....1719

7 CFR

1728.....1563
1945.....1563

Proposed Rules:

275.....1578

8 CFR

264.....1566

12 CFR

201.....1566

14 CFR

39 (2 documents).....1567-1569
71 (4 documents).....1569-1572

Proposed Rules:

39.....1585

20 CFR

200.....1572
209.....1572
234.....1572

Proposed Rules:

323.....1587

21 CFR

Proposed Rules:

1020.....1589

32 CFR

842.....1574

34 CFR

74.....1697
80.....1697
690.....1700

40 CFR

61.....1669
180.....1575

Proposed Rules:

180.....1591

44 CFR

Proposed Rules:

67.....1593

50 CFR

611.....1575

Proposed Rules:

228.....1606
672.....1612
675.....1612

Federal Register
Vol. 56, No. 11
Wednesday, January 16, 1991

Presidential Documents

Title 3—

The President

Proclamation 6241 of January 11, 1991

National Sanctity of Human Life Day, 1991

By the President of the United States of America

A Proclamation

On January 21, the United States will observe a Federal holiday honoring the birth of the Reverend Dr. Martin Luther King, Jr. In his efforts to end legal segregation in America, Dr. King believed that achieving peace and goodwill among all peoples depends on obedience to the will of God and the affirmation of the sacredness of all human life. "Every man is somebody," Dr. King said, "because he is a child of God."

It is this conviction—the recognition that all people are made in the image of their Creator—which guides our observance of National Sanctity of Human Life Day and our efforts to reaffirm in our Nation the sanctity of human life in all its stages.

For more than two hundred years, America has been the home of freedom. Our national commitment to fundamental human rights—the "unalienable Rights" of "Life, Liberty and the pursuit of Happiness"—was eloquently proclaimed in the Declaration of Independence and has been reaffirmed countless times in legislative halls; in a free and unfettered press; on battlefields around the world; and, most important, in our hearts.

Despite this deep national commitment, however, there have been times when realities have not lived up to our ideals. The United States was once a land of slavery and racial segregation. For far too long, many persons with disabilities have not been able to participate fully in the mainstream of American life. And the prevalence of abortion on demand in America calls into question our respect for the fundamental right to life.

The tragedy of abortion in America affects two persons, mother and child. While sincere persons may disagree, my position is that the lives of both must be cherished and protected. We must recognize the dignity and worth of every human being in our laws, as well as in our hearts. Abortion robs America of a portion of its future and denies preborn children the chance to grow, to contribute, and to enjoy a full life with all its challenges and opportunities.

Scientific advances reinforce the belief that unborn children are persons, entitled to medical care and legal protection. We must turn from abortion to loving alternatives such as adoption. All levels of government and all sectors of society should promote policies that encourage alternatives such as adoption and make adopting easier for families who want children and will give them loving homes, particularly children with special needs.

Across America, many people are involved in efforts to protect unborn children and to assist pregnant women in need. Through their compassion, generosity, and hard work, they are helping to ensure that the value of every human life is never forgotten. We hope and pray for the day when the principle of life's sanctity will guide both private thought and public policy on this question throughout our Nation.

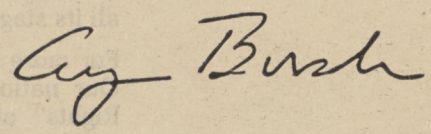
On this occasion we also recall with gratitude and thanks to Almighty God the millions of Americans whose work in many and various ways likewise upholds our fundamental belief in the sanctity of human life. Members of the health professions and scientists work for cures to dread diseases and to

alleviate the suffering of the ill and infirm. Parents, teachers, and community leaders work together towards ending the scourge of drugs. And volunteers throughout our Nation visit the sick, the elderly, and the lonely; care for the dying; help children in need; and bring joy to the lives of our fellow citizens.

In affirming the sanctity of life, we realize the highest ideals of our country. We deny our very heritage when we do not. Today, mindful of our heritage and our convictions, let us not only resolve to uphold the sanctity of human life but also work to promote policies that affirm our highest ideals as a Nation. All stages of human life are precious; all demand recognition of their sanctity.

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, by virtue of the authority vested in me by the Constitution and laws of the United States, do hereby proclaim Sunday, January 20, 1991, as National Sanctity of Human Life Day. I call on all Americans to reflect on the sanctity of human life in all its stages and to gather in homes and places of worship to give thanks for the gift of life and to reaffirm our commitment to respect the life and the dignity of every human being.

IN WITNESS WHEREOF, I have hereunto set my hand this eleventh day of January, 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.



Jan. 11, 1991

[FR Doc. 91-1224
Filed 1-14-91; 4:45 pm]
Billing code 3195-01-M

Presidential Documents

Presidential Determination No. 91–11 of December 29, 1990

Determination Under Section 402(c)(2)(A) of the Trade Act of 1974, as Amended—Soviet Union

Memorandum for the Secretary of State

Pursuant to section 402(c)(2)(A) of the Trade Act of 1974 (19 U.S.C. 2432(c)(2)(A)), as amended, (the "Act"), I determine that a waiver by Executive order of the application of subsections (a) and (b) of section 402 of the Act with respect to the Soviet Union will substantially promote the objectives of section 402.

You are authorized and directed to publish this determination in the **Federal Register**.

George Bush

THE WHITE HOUSE,
Washington, December 29, 1990.

[FR Doc. 91–1197
Filed 1–14–91; 3:30 pm]
Billing code 3195–01–M

Editorial note: For the Executive order and the President's letter on trade with the Soviet Union, both dated Dec. 29, 1990, see the *Weekly Compilation of Presidential Documents* (vol. 27, p. 2).

Presidential Documents

Presidential Determination No. 91–12 of January 2, 1991

Determination Pursuant to Section 2(c)(1) of the Migration and Refugee Assistance Act of 1962, as Amended

Memorandum for the Secretary of State

Pursuant to Section 2(c)(1) of the Migration and Refugee Assistance Act of 1962, as amended, 22 U.S.C. 2601(c)(1), I hereby determine that it is important to the national interest that $12,100,000 be made available from the U.S. Emergency Refugee and Migration Assistance Fund (Emergency Fund) to meet unexpected urgent needs of refugees and migrants in Africa and the Middle East. It is essential to U.S. foreign policy interests in these regions that we respond to these critical humanitarian needs.

Of this $12,100,000, $6,000,000 will be used to assist Liberian refugees and those affected by their impact; $2,500,000 will be contributed to the United National High Commissioner for Refugees (UNHCR) and other international or non-governmental organizations for assistance programs for Sudanese refugees; $600,000 will be contributed in support of assistance programs for Chadian, Rwandan and Burundi refugees; and $3,000,000 will be contributed to the Office of the United Nations Disaster Relief Coordinator (UNDRO) or other international or non-governmental organizations for needs related to the Persian Gulf crisis.

You are directed to inform the appropriate committees of the Congress of this Determination and the obligation of funds under this authority, and to publish this Determination in the **Federal Register**.

George Bush

THE WHITE HOUSE,
Washington, January 2, 1991.

[FR Doc. 91–1198
Filed 1–14–91; 3:31 pm]
Billing code 3195–01–M

Rules and Regulations

Federal Register
Vol. 56, No. 11
Wednesday, January 16, 1991

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

DEPARTMENT OF AGRICULTURE

Rural Electrification Administration

7 CFR Part 1728

Electric Standards and Specifications

AGENCY: Rural Electrification Administration, USDA.

ACTION: Final rule.

SUMMARY: The Rural Electrification Administration (REA) hereby amends 7 CFR part 1728 by withdrawing Bulletin 50–92, REA Specification S–4, REA Specifications for Step-Up Substation Transformers from incorporation by reference in the Code of Federal Regulations and by rescinding the specification.

This specification is being withdrawn for the following reasons:

1. Bulletin 50–92, REA Specification S–4 has become obsolete because of changes in technology.

2. The equipment covered in Bulletin 50–92, REA Specification S–4 is now adequately covered by American National Standards of the C 57 series and by the engineers specifications for specific generating plants.

For the reasons set forth above, the withdrawal of this REA Specification will have a minimal impact on REA borrowers and manufacturers. The Federal Government will benefit by not incurring the administrative cost of maintaining and printing this Specification.

EFFECTIVE DATE: This final rule is effective January 16, 1991.

FOR FURTHER INFORMATION CONTACT: Archie W. Cain, Director, Electric Staff Division, Rural Electrification Administration, room 1246, South Building, U.S. Department of Agriculture, Washington, DC 20250–1500, telephone number (202) 382–1900.

SUPPLEMENTARY INFORMATION: This rule is issued in conformity with Executive Order 12291, Federal Regulation. This action will not: (1) Have an annual effect of the economy of $100 million or more; (2) result in a major increase in costs or prices for consumers, individual industries, Federal, state, or local government agencies, or geographic regions; or (3) result in significant adverse effects on competition, employment, investment or productivity innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets and, therefore, has been determined to be "not major."

This action does not fall within the scope of the Regulatory Flexibility Act. REA has concluded that promulgation of this rule would not represent a major Federal action significantly affecting the quality of the human environment under the National Environment Policy Act of 1969 (42 U.S.C. 4321 *et seq.* (1975) and, therefore, does not require an environmental impact statement or an environmental assessment.

This regulation contains no information or record keeping requirement which requires approval under the Paperwork Reduction Act of 1980 (44 U.S.C. 3507 *et seq.*).

This program is listed in the catalog of Federal Domestic Assistance under No. 10.850 Rural Electrification Loans and Loan Guarantees. For the reasons set forth in the final rule related Notice to 7 CFR part 3015, subpart V (50 FR 47034, November 14, 1985), this program is excluded from the scope of Executive Order 12372 which requires intergovernmental consultation with State and local officials.

Background

REA has issued a series of publications which serve to implement the policy, procedures and requirements for administering its loan and loan guarantee programs and the security instruments which provide for and secure REA financing. In these publications, REA issues standards and specifications for the construction of Electric facilities financed by REA. Over the years there has been many technical changes in large step-up transformers in technology have caused a change in the construction standards, methods and materials used to build transformers. The REA electric borrower in planning and ordering step-up substation transformers can now utilize industry standards in the development of purchase specification which are developed for the specific generating plant. It is, therefore, no longer necessary for Bulletin 50–92, Specification S–4, REA Specifications for Step–Up Substation Transformers to be incorporated by reference in the Code of Federal Regulations. It is, therefore, withdrawn from IBR, and rescinded.

List of Subjects in 7 CFR Part 1728

Electric Power, Incorporation by reference, Loan programs—energy, Reporting and recordkeeping requirements, Rural areas.

In view of the above, REA is amending 7 CFR part 1728 withdrawing the REA sepcification for electric materials and equipment listed below.

PART 1728—[AMENDED]

1. The authority cited for part 1728 continues to read as follows:

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

2. The table in § 1728.97(b) is amended by removing the entry "Bulletin 50–92 (S–4), REA Specifications for Step-Up Substation Transformers (2–63)".

Dated: January 9, 1991.

Gary C. Byrne,

Administrator.

[FR Doc. 91–1040 Filed 1–15–91; 8:45 am]
BILLING CODE 3410–15–M

Farmers Home Administration

7 CFR Part 1945

Implementation of Provisions of the 1990 Farm Bill

AGENCY: Farmers Home Administration, USDA.

ACTION: Interim rule with request for comments.

SUMMARY: The Farmers Home Administration (FmHA) amends its regulations to provide special disaster assistance to eligible farmers and ranchers who sustained severe production losses in 1989 or 1990 as a result of natural disasters. This action is necessary to implement the provisions

of the 1990 Farm Bill (Pub. L. 101–624), dated November 28, 1990. The intended effect is to incorporate the law into existing FmHA regulations.

DATES: Interim rule effective January 16, 1991, written comments must be submitted on or before February 15, 1991.

ADDRESSES: Submit written comments, in duplicate, to the Office of the Chief, Regulations Analysis and Control Branch, Farmers Home Administration, USDA, room 6348, South Agriculture Building, 14th Street and Independence Avenue SW., Washington, DC 20250. All written comments made pursuant to this notice will be available for public inspection during regular working hours at the above address.

FOR FURTHER INFORMATION CONTACT: Mary Ferguson, Loan Specialist, Farmer Programs Loan Making Division, Farmers Home Administration, USDA, South Building, 14th Street and Independence Avenue SW., Washington, DC 20250, telephone (202) 475–4018.

SUPPLEMENTARY INFORMATION:

Classification

This action was reviewed under USDA procedures established in Department Regulation 1512–1, which implements Executive Order 12291, and has been determined to be nonmajor because it will not result in an annual effect on the economy of $100 million or more. The language in the 1990 Farm Bill relating to the waiver of crop insurance is very similar to such language in the Disaster Assistance Acts of 1988 and 1989. In Fiscal Year (FY) 1988, 554 Emergency (EM) loans were made, totaling approximately $30 million. As a prerequisite to obtaining a loan, however, applicants were required to show that the damaged 1987 crop was insured, or was not eligible for crop insurance at the beginning of the 1988 crop year. In FY 1989, 2,806 EM loans were made for a total of approximately $73 million. In FY 1990, 2,609 EM loans were made for a total of approximately $102 million. The crop insurance requirement was waived for losses to the 1988 and 1989 crops by the Disaster Assistance Acts of 1988 and 1989, and the 1990 Farm Bill waives the requirement again for losses to the 1990 crop. Had there been no waiver during 1989 and 1990, some EM loans still would have been made as evidenced by loans made in 1988. As a result of this waiver for 1990 crop losses, we do not anticipate an annual effect on the economy of $100 million or more.

Intergovernmental Consultation

For the reasons set forth in the final rule related to Notice, 7 CFR part 3015, subpart V (48 FR 29115, June 24, 1983) and FmHA Instruction 1940–J, "Intergovernmental Review of Farmers Home Administration Programs and Activities" (December 23, 1983), Emergency Loans are excluded from the scope of Executive Order 12372, which requires intergovernmental consultation with State and local officials.

Programs Affected

These changes affect the following FmHA programs as listed in the Catalog of Federal Domestic Assistance:

10.404—Emergency Loans.

Environmental Impact Statement

This document has been reviewed in accordance with 7 CFR part 1940, subpart G, "Environmental Program." It is the determination of FmHA that the proposed action does not constitute a major Federal action significantly affecting the quality of the human environment, and in accordance with the National Environmental Policy Act of 1969, Public Law 91–190, and Environmental Impact Statement is not required.

Discussion of Interim Rule

FmHA is implementing this interim rule immediately with a 30-day comment period. The 1990 Farm Bill (Pub. L. 101–624), dated November 28, 1990, amended FmHA's statutory loan making authorities. It is necessary to implement these authorities upon publication to provide immediate assistance to farmers and ranchers who have suffered major crop production losses as a result of natural disasters in 1989 and 1990.

Farmers who have suffered severe production losses are in dire need of disaster program assistance to purchase livestock feed for replacement of feed crops lost as a result of the disaster(s), and to repay creditors and suppliers annual production loans, open supplier accounts, and installments due on intermediate and long term debts.

The Act mandates changes in the emergency loan regulations. These changes ease the requirements for obtaining assistance under this program, as did previous changes made as a result of the Disaster Assistance Acts of 1988 and 1989. By implementing these regulations immediately, assistance can be provided to many needy farmers and ranchers who, without this assistance, would be in danger of losing their operations.

Background

The loan making, supervision and servicing of FmHA borrowers is governed primarily by the Consolidated Farm and Rural Development Act (CONACT) (7 U.S.C. 1921 et seq.). The purpose for revising the FmHA regulations at this time is to implement various sections of the 1990 Farm Bill as it applies to EM loans. The sections of the Act affecting FmHA are as follows:

Section 2247—Crop Insurance Coverage for the 1990 Crops.

Section 2269—Emergency Loans.

Due to the urgent need of financial assistance for many farmers and ranchers, FmHA has expedited the implementation of these changes.

Changes

The existing emergency (EM) loan regulations state that applicants will not be eligible for EM loans to cover damages and losses to any crop(s) harvested after December 21, 1986, which was not insured, but could have been insured with Federal Crop Insurance Corporation (FCIC) crop insurance or multi-peril crop insurance, unless the crop(s) could not be planted due to the declared/designated/authorized disaster(s). The Disaster Assistance Act of 1989 suspended this requirement for farmers and ranchers who suffered severe crop production losses due to drought and other natural disasters in 1989 and who otherwise qualified for emergency loan assistance due to crop production losses in 1989. The 1990 Farm Bill again suspends this requirement for crop production losses in 1990. These statutes waive this requirement only for crops planted for harvest in 1989 and 1990.

While the above-referenced statutes provide for the waiver of crop insurance for the 1989 and 1990 crop year, they require that eligible applicants must agree to purchase multi-peril crop insurance for the 1991 crop or commodity which suffered disaster losses due to natural disasters in 1989 or 1990, and for which the EM loan is sought. However, if any of the following conditions exist, the applicant will not be required to obtain crop insurance for their 1991 crop:

(1) Crop insurance is not available for the crop for which the loan is sought. (This means that crop insurance must have been applied for during the open season for the crop(s) in question, and not that it was unavailable at the time of application for the EM loan).

(2) The applicant's annual premium rate for the crop insurance will be more

than 25 percent greater than the average premium rate charged for insurance on the 1990 crop in the county where the applicant's farming operation is located.

(3) The annual premium for such crop insurance is greater than 25 percent of the amount of the EM loan sought.

(4) The applicant's 1989 or 1990 production loss, with respect to the crop(s)/commodity(ies) for which the EM loan is made, does not exceed 65 percent.

(5) The applicant can establish, by appeal to the FmHA County Committee, that the purchase of crop insurance would impose an undue financial hardship, and that a waiver of the requirement to obtain crop insurance should be granted by the County Committee.

The crop insurance requirement on the new crop, along with the existence of any of the conditions to waive it, was also addressed under the Disaster Assistance Acts of 1988 and 1989, but these requirements have been superseded by the 1990 Farm Bill.

List of Subjects in 7 CFR Part 1945

Agriculture, Disaster assistance.

Therefore, chapter XVIII, title 7, Code of Federal Regulations, is amended as follows:

PART 1945—EMERGENCY

1. The authority citation for part 1945 continues to read as follows:

Authority: 7 U.S.C. 1989; 5 U.S.C. 301; 7 CFR 2.23; 7 CFR 2.70.

Subpart D—Emergency Loan Policies, Procedures and Authorizations

2. Section 1945.167 is amended by revising paragraph (a) to read as follows:

§ 1945.167 Loan limitations and special provisions.

(a) *EM loans are not authorized for losses to crops grown in areas where FCIC crop insurance or multi-peril crop insurance is available.* Applicants will not be eligible for EM loans to cover damages and losses to any crop(s) harvested after December 31, 1986, which was not insured, but could have been insured with FCIC crop insurance or multi-peril crop insurance. In such instances, applicants will not qualify for EM loans based on losses to those crops which could have been insured against the losses, unless the crop(s) could not be planted due to the declared/designated/authorized disaster(s). However, as a result of 1989 and 1990 natural disasters, the Disaster Assistance Act of 1989 and the 1990 Farm Bill provide for the waiver of this mandatory crop insurance requirement, but only for crops planted for harvest in 1989 or 1990. Under these waiver provisions, disaster related production losses sustained to crops planted for harvest in 1989 or 1990 will be counted in the eligibility calculation and the maximum EM loan entitlement determination, regardless of whether or not crop insurance was available to the applicant, or whether or not such insurance was purchased by the applicant. Planted for harvest in 1989 or 1990 means:

(1) For annual crops, planted for harvest in 1989 or 1990;

(2) For perennial crops, planted in 1990 or earlier and producing an annual crop for harvest in 1989 or 1990.

* * * * *

3. Section 1945.169 is amended by revising the introductory text of paragraph (n)(5), and by revising paragraphs (n)(5) (ii), (iv) and (v), and (n)(6) to read as follows:

§ 1945.169 Security requirements.

* * * * *

(n) * * *

(5) As a result of 1989 and 1990 natural disasters affecting 1989 or 1990 crops, the 1990 Farm Bill provides that all recipients of EM loans, based on 1989 or 1990 production losses, must agree to obtain multi-peril crop insurance, under the Federal Crop Insurance Act, for the 1991 crop/commodity which suffered disaster losses in 1989 or 1990, and for which the EM loan is sought. However, applicants shall not be required to obtain crop insurance for a 1991 crop/commodity when any one of the following conditions exists:

* * * * *

(ii) The applicant's annual premium rate for crop insurance will be more than 25 percent greater than the average premium rate charged for insurance on the 1989 or 1990 crop (depending upon which year's losses are claimed) in the county where the applicant's farming operation is located;

* * * * *

(iv) The applicant's 1989 or 1990 production loss, with respect to the crop(s) for which the EM loan is made, does not exceed 65 percent. Calculations for this determination will be performed by ASCS and entered on Form FmHA 1945–29, "ASCS Verification of Farm Acreages, Production and Benefits," in part II, Column (b). The ASCS County Office will enter all crops for which an application for disaster assistance has been filed in the disaster year for each farm unit, and enter the percent of loss after each crop listed. Any listed crop that has a loss greater than 65 percent must be insured for 1991, if it is planned to be planted. Any listed crop that does not have a loss greater than 65 percent will not have an insurance requirement, but EM borrowers should be encouraged to purchase insurance on all crops for which it is available;

(v) The applicant can establish, by appeal to the FmHA County Committee, that the purchase of crop insurance coverage would impose an undue financial hardship, i.e., the premium cost of the required insurance would prevent the applicant from projecting a positive cash flow, and thus disqualify the applicant for EM loan assistance. Each appeal to the County Committee for waiver of purchasing crop insurance for the 1991 crop(s) must be accompanied by a completed "Farm and Home Plan," Form FmHA 431–2, or comparable plan of operation for 1991, signed by the applicant and the County Supervisor. When the County Committee approves the waiver, it will be so stated on the "County Committee Certification or Recommendation," Form FmHA 440–2. If the County Committee denies the waiver, that decision will be documented on Form FmHA 440–2 and the applicant will be given full appeal rights under subpart B of part 1900 of this chapter, "Adverse Decisions and Administrative Appeals."

(6) When an applicant purchases the necessary crop insurance for 1991 as a condition to receiving an EM loan and, after the EM loan is closed, allows the policy(ies) to lapse or causes it (them) to be cancelled before completion of the 1991 production year, the borrower will become immediately liable for full repayment of all principal and interest outstanding on any EM loan made under the provisions of title XXII, subtitle B, chapter 3, subchapter A, section 2247 of the 1990 Farm Bill. The loan approval official will insert this requirement in item 41 of Form FmHA 1940–1, "Request for Obligation of Funds," which is signed by the applicant and the FmHA loan approval official.

* * * * *

Dated: January 13, 1991.

La Verne Ausman,

Administrator, Farmers Home Administration.

[FR Doc. 91–1039 Filed 1–15–91; 8:45 am]

BILLING CODE 3410–07–M

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

8 CFR Part 264

[DOJ Order Number: 1467-91]

[INS Number: 1315-91]

Registration and Fingerprinting of Certain Nonimmigrants Bearing Iraqi and Kuwaiti Travel Documents

AGENCY: Immigration and Naturalization Service, Department of Justice.

ACTION: Final rule.

SUMMARY: This rule provides for the registration and fingerprinting of certain nonimmigrants bearing Iraqi and Kuwaiti travel documents who apply for admission to the United States. Authority for this rule is provided in section 263(a) of the Immigration and Nationality Act (Act) (8 U.S.C. 1303 (a)), which authorizes the Attorney General to prescribe special regulations and forms for the registration and fingerprinting of certain aliens. This action is necessary to protect and safeguard the interests and security of the United States as a precaution against reprisals, because of the heightened tension in the Middle East, after the invasion of the Kingdom of Kuwait by Iraq, and the deployment of United States military forces to that region.

EFFECTIVE DATE: January 10, 1991.

FOR FURTHER INFORMATION CONTACT: Richard Gottlieb, Assistant Chief Inspector, Office of Inspections, Immigration and Naturalization Service, 425 I Street, NW. room 7123, Washington, DC 20536, telephone number (202) 514-2680.

SUPPLEMENTARY INFORMATION: On August 2, 1990, the Kingdom of Kuwait was invaded by Iraqi troops. As a result of the U.S. condemnation of and economic sanctions against Iraq's invasion of Kuwait, the potential for anti-U.S. terrorist-type activities domestically has increased. The new sections will not only assist in preventing the improper use of stolen Kuwaiti passports, but in securing information on terrorists intending to target U.S. citizens, Kuwaiti diplomats, and others who oppose the Iraqi invasion.

Diplomats accredited to the United States along with representatives to prescribed international organizations in the United States are precluded by statute from the controls provided in section 263 of the Act.

This rule amends title 8 of the CFR by adding a new § 264.3, which directs that certain nonimmigrants bearing Iraqi and Kuwaiti travel documents who arrive in the United States on or after January 10, 1991, be registered and fingerprinted by the Immigration and Naturalization Service at the Port of Entry to the United States.

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

The information collection requirements contained in this regulation have been cleared by OMB under the Paperwork Reduction Act. The OMB control number for this collection is 1115-0077.

Compliance with 5 U.S.C. 553 as to notice of proposed rulemaking and delayed effective date is unnecessary since this rule is necessary to safeguard the interests and security of the United States.

List of Subjects in 8 CFR Part 264

Aliens, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, title 8, chapter I, part 264 of the Code of Federal Regulations is amended as follows:

PART 264—REGISTRATION AND FINGERPRINTING OF ALIENS IN THE UNITED STATES

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

Authority: 8 U.S.C. 1103, 1201, 1201a, 1301-1305; 66 Stat. 173, 191, 223-225; 71 Stat. 641.

2. In part 264, a new § 264.3 is added to read as follows:

§ 264.3 Registration and fingerprinting of certain nonimmigrants bearing Iraqi and Kuwaiti travel documents.

All nonimmigrants bearing Iraqi and Kuwaiti travel documents who apply for admission to the United States on or after January 10, 1991, except those applying for admission under section 101(a)(15)(A) or 101(a)(15)(G) of the Act, shall be registered on Form I-94, photographed, and fingerprinted on Form FD-258, by the Service at the Port of Entry where they apply for admission to the United States.

Dated: January 10, 1991.

Dick Thornburg,

Attorney General.

[FR Doc. 91-1019 Filed 1-15-91; 8:45 am]

BILLING CODE 4410-10-M

FEDERAL RESERVE SYSTEM

12 CFR Part 201

[Reg. A]

Extensions of Credit by Federal Reserve Banks; Change in Discount Rates

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Final rule.

SUMMARY: The Board of Governors has amended its Regulation A—Extensions of Credit by Federal Reserve Banks to reflect its recent approval of a reduction in discount rates at each Federal Reserve Bank effective December 19, 1990. The discount rate is the interest rate that is charged depository institutions when they borrow from their district Federal Reserve Banks. The Board acted on requests submitted by the Boards of Directors of the twelve Federal Reserve Banks.

The Board approved the requests against the background of weakness in the economy, constraints on credit, and slow growth in the monetary aggregates. The reduction, in part, realigns the discount rate with market interest rates.

EFFECTIVE DATE: The discount rate changes were effective on December 19, 1990.

FOR FURTHER INFORMATION CONTACT: William W. Wiles, Secretary of the Board (202/452-3257); for the hearing impaired only, Telecommunications Device for the Deaf (TTD) (202/452-3544), Dorothea Thompson, Board of Governors of the Federal Reserve System, Washington, DC 20551.

SUPPLEMENTARY INFORMATION: Pursuant to the authority of sections 10(b), 13, 14, 19, *et al.*, of the Federal Reserve Act, the Board has amended its Regulation A to incorporate changes in discount rates on Reserve Bank extensions of credit. The discount rate is the interest rate that is charged depository institutions when they borrow from their district Federal Reserve Banks.

The Board acted on requests submitted by the Boards of Directors of the twelve Federal Reserve Banks effective December 19, 1990. The Board took this action against the background of weakness in the economy, constraints on credit, and slow growth in the

monetary aggregates. The reduction, in part, realigned the discount rate with market interest rates. Consistent with its past practice, the Board made the changes effective as soon as possible.

The provisions of 5 U.S.C. 553(b) relating to notice and public participation were not followed in connection with the adoption of these amendments because the Board's approval of the discount rates is excepted from those requirements because it is "* * * a matter relating to agency management or personnel or to public property, loans, grants, benefits, or contracts." 5 U.S.C. 553(a)(2). Nevertheless, when the Board approved these rates, it considered the reasons for the action as "good cause" for finding that delaying the reduction in discount rates to allow notice and public comment on the changes was impracticable, unnecessary, and contrary to the public interest.[1] In any event, borrowing from a Reserve Bank must be done in accordance with Regulation A, and potential borrowers are advised of applicable rates before an advance is granted. Thus, these changes to Regulation A reflect the current discount rates and are for general information only.

The provisions of 5 U.S.C. 553(d) generally prescribing 30 days' prior notice of the effective date of a rule were not followed in connection with the adoption of these amendments because the action is excepted from those requirements. Further, section 553(d) provides that such prior notice is not necessary whenever there is good cause for finding that such notice is contrary to the public interest. As previously stated, the Board determined that delaying the effectiveness of the changes in the discount rate is contrary to the public interest.

Regulatory Flexibility Act Analysis

Pursuant to section 605(b) of the Regulatory Flexibility Act (Pub. L. No. 96-354, 5 U.S.C. 601 et seq.), the Board certifies that the changes will not have a significant adverse economic impact on a substantial number of small entities. The amendments will have no general effect on regulatory burdens for all depository institutions, no specific effect on such burdens for small depository institutions, and have no particular adverse effect on other small entities.

[1] The Board's Rules of Procedure provide that advance notice and deferred effective date will ordinarily be omitted in the public interest for changes in discount rates. 12 CFR 262.2(e).

List of Subjects in 12 CFR Part 201

Banks, banking: Credit; Federal Reserve System.

For the reasons outlined above, the Board of Governors amends 12 CFR part 201 as set forth below:

1. The authority citation for 12 CFR part 201 continues to read as follows:

Authority: Secs. 10(a), 10(b), 13, 13a, 14(d) and 19 of the Federal Reserve Act (12 U.S.C. 347a, 347b, 348 *et seq.*, 347c, 348 *et seq.*, 357, 374, 374a and 461); and sec. 7(b) of the International Banking Act of 1978 (12 U.S.C. 347d).

2. Section 201.51 is revised to read as follows:

§ 201.51 Short-term adjustment credit for depository institutions.

The rates for short-term adjustment credit provided to depository institutions under § 201.3(a) of Regulation A are:

Federal Reserve Bank	Rate	Effective
Boston	6.5	Dec. 19, 1990.
New York	6.5	Dec. 19, 1990.
Philadelphia	6.5	Dec. 19, 1990.
Cleveland	6.5	Dec. 19, 1990.
Richmond	6.5	Dec. 19, 1990.
Atlanta	6.5	Dec. 19, 1990.
Chicago	6.5	Dec. 19, 1990.
St. Louis	6.5	Dec. 19, 1990.
Minneapolis	6.5	Dec. 19, 1990.
Kansas City	6.5	Dec. 19, 1990.
Dallas	6.5	Dec. 19, 1990.
San Francisco	6.5	Dec. 19, 1990.

3. Section 201.52 is revised to read as follows:

§ 201.52 Extended credit for depository institutions.

(a) *Seasonal credit.* The rates for seasonal credit extended to depository institutions under § 201.3(b)(1) of Regulation A are:

Federal Reserve Bank	Rate	Effective
Boston	6.5	Dec. 19, 1990.
New York	6.5	Dec. 19, 1990.
Philadelphia	6.5	Dec. 19, 1990.
Cleveland	6.5	Dec. 19, 1990.
Richmond	6.5	Dec. 19, 1990.
Atlanta	6.5	Dec. 19, 1990.
Chicago	6.5	Dec. 19, 1990.
St. Louis	6.5	Dec. 19, 1990.
Minneapolis	6.5	Dec. 19, 1990.
Kansas City	6.5	Dec. 19, 1990.
Dallas	6.5	Dec. 19, 1990.
San Francisco	6.5	Dec. 19, 1990.

(b) *Other extended credit.* The rates for other extended credit provided to depository institutions under sustained liquidity pressures or where there are exceptional circumstances or practices involving a particular institution under § 201.3(b)(2) of Regulation A are:

Federal Reserve Bank	Rate	Effective
Boston	6.5	Dec. 19, 1990.
New York	6.5	Dec. 19, 1990.
Philadelphia	6.5	Dec. 19, 1990.
Cleveland	6.5	Dec. 19, 1990.
Richmond	6.5	Dec. 19, 1990.
Atlanta	6.5	Dec. 19, 1990.
Chicago	6.5	Dec. 19, 1990.
St. Louis	6.5	Dec. 19, 1990.
Minneapolis	6.5	Dec. 19, 1990.
Kansas City	6.5	Dec. 19, 1990.
Dallas	6.5	Dec. 19, 1990.
San Francisco	6.5	Dec. 19, 1990.

These rates apply for the first 30 days of borrowing. For credit outstanding for more than 30 days, a flexible rate will be charged which takes into account rates on market sources of funds, but in no case will the rate charged be less than the basic discount rate plus one-half percentage point. Where extended credit provided to a particular depository institution is anticipated to be outstanding for an unusually prolonged period and in relatively large amounts, the 30-day time period may be shortened.

By order of the Board of Governors of the Federal Reserve System, January 10, 1991.

William W. Wiles,

Secretary of the Board.

[FR Doc. 91-1014 Filed 1-15-91; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 90-NM-66-AD; Amdt. 39-6860]

Airworthiness Directives; Airbus Industrie Model A320-111, -211, and -231 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to all Airbus Industrie Model A320-111, -211, and -231 series airplanes, which requires the installation of wiring and electronic components in the landing gear retraction system. This amendment is prompted by reports of failure of the landing gear to continue to retract during the simulated failure of an alternator on take-off. This condition, if not corrected, could result in excess drag, failure to achieve climb performance, and loss of obstacle clearance margins.

EFFECTIVE DATE: February 25, 1991.

ADDRESSES: 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: A proposal to amend part 39 of the Federal Aviation Regulations to include a new airworthiness directive, applicable to all Airbus Industrie Model A320–111, –211, and –231 series airplanes, which requires the installation of wiring and electronic components in the landing gear retraction system, was published in the **Federal Register** on June 5, 1990 (55 FR 22924).

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

One commenter, the Air Transport Association (ATA) of America, supported the rule.

The other commenter, Airbus Industrie, recommended that the final rule be revised to include reference to installation of Modification 21703. This modification, described in Service Bulletin A320–32–1048, Revision 1, dated July 10, 1990, changes the location of the electronic components and introduces minor wiring changes. Airbus also noted that further investigation revealed that, in a small area of the flight envelope (high MACH and altitude), it is possible to extend the landing gear by crew action, which should not be possible above 260 KTS. The changes introduced by Modification 21703 will ensure that there is no possibility for the capacitor to supply electrical power to the solenoid valve when aircraft speed decreases below 260 KTS (high altitude cruise). The protection function against power supply cut-off during the landing gear retraction sequence will be maintained with this modification. (The Direction Générale de l'Aviation Civile, which is the airworthiness authority of France, has classified Service Bulletin A320–32–1048, Revision 1, as mandatory.) The FAA concurs with the commenter's request and has revised paragraph A. of the final rule to include Modification 21703 as an optional method of compliance.

The economic analysis paragraph, below, has been changed to reflect a more accurate actual cost to operators. Based on new data received since issuance of the Notice, the FAA has revised the estimated costs to indicate that 6 manhours will be required to accomplish the required actions, rather than 3.5 manhours as was specified in the preamble to the Notice.

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

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

It is estimated that 8 airplanes of U.S. registry will be affected by this AD, that it will take approximately 6 manhours per airplane to accomplish the required actions, and that the average labor cost will be $40 per manhour. The estimated cost for required parts if $355. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be $4,600.

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

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

Adoption of the Amendment

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

PART 39—[AMENDED]

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

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

§ 39.13 [Amended]

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

Airbus Industrie: Applies to all Model A320–111, –211, and –231 series airplanes, certificated in any category. Compliance is required within 45 days after the effective date of this AD, unless previously accomplished.

To prevent failure of the landing gear to retract following takeoff, accomplish the following:

A. Install wiring and electronic components in relay 48GA's energization system, in accordance with Airbus Industrie Service Bulletin A320–32–1035, Revision 2, dated December 18, 1989; or Airbus Industrie Service Bulletin A320–32–1048, Revision 1, dated July 10, 1990.

B. An alternate means of compliance or adjustment of the compliance time, which provides an acceptable level of safety, may be used when approved by the Manager, 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.

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 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.

This amendment becomes effective February 25, 1991.

Issued in Renton, Washington, on January 7, 1991.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 91–1035 Filed 1–15–91; 8:45 am]

BILLING CODE 4910–13–M

14 CFR Part 39

[Docket No. 90–NM–192–AD; Amdt. 39–6861]

Airworthiness Directives; British Aerospace Model BAC 1–11 200 and 400 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to all British Aerospace Model BAC 1–11 200 and 400 series airplanes, which requires repetitive visual inspections to detect cracks in the flight deck canopy area, and repair, if necessary. This amendment is prompted by several reports of cracks in various structural members in the flight deck canopy area. This condition, if not corrected, could result in reduced structural integrity of the fuselage.

EFFECTIVE DATE: February 25, 1991.

ADDRESSES: The applicable service information may be obtained from British Aerospace, PLC, Librarian for Service Bulletins, P.O. Box 17414, Dulles International Airport, Washington, DC 20041–0414. This information may be examined at the FAA, Northwest Mountain Region, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington.

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

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations to include a new airworthiness directive, applicable to all British Aerospace Model BAC 1–11 200 and 400 series airplanes, which requires repetitive visual inspections to detect cracks in the flight deck canopy area, and repair, if necessary, was published in the **Federal Register** on October 19, 1990 (55 FR 42398).

Interested persons have been afforded an opportunity to participate in the making of this amendment. No comments were received in response to the proposal

After careful review of the available data, the FAA has determined that air safety and the public interest require the adoption of the rule as proposed.

It is estimated that 70 airplanes of U.S. registry will be affected by this AD, that it will take approximately 18 manhours per airplane to accomplish the required actions, and that the average labor cost will be $40 per manhour. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be $50,400.

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

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

Adoption of the Amendment

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

PART 39—[AMENDED]

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

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

§ 39.13 [Amended]

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

British Aerospace: Applies to all Model BAC 1–11 200 and 400 series airplanes, certificated in any category. Compliance is required as indicated, unless previously accomplished.

To detect cracks in the flight deck canopy and to prevent reduced structural integrity of the fuselage, accomplish the following:

A. Prior to the accumulation of 30,000 landings, or within 6 months after the effective date of this AD, whichever occurs later, and thereafter at intervals not to exceed 5,000 landings, perform a visual inspection of the flight deck canopy area, in accordance with British Aerospace Alert Service Bulletin 53–A–PM5994, Issue 2, dated June 5, 1990. Pay particular attention to the top sill joint strap, the top sill intercostal, the frame at Station 113, and the top sill boom and web.

B. If cracks are found, repair prior to further flight, in a manner approved by the Manager, Standardization Branch, ANM–113, FAA, Transport Airplane Directorate. After repair, repeat the inspections required by paragraph A. of this AD at intervals not to exceed 5,000 landings.

C. An alternate means of compliance or adjustment of the compliance time, which provides an acceptable level of safety, may be used when approved by the Manager, 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.

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 British Aerospace, PLC, Librarian for Service Bulletins, P.O. Box 17414, Dulles International Airport, Washington, D.C. 20041–0414. These documents may be examined at the FAA, Northwest Mountain Region, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington.

This amendment becomes effective February 25, 1991.

Issued in Renton, Washington, on January 7, 1991.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 91–1036 Filed 1–15–91; 8:45 am]

BILLING CODE 4910–13–M

14 CFR Part 71

[Airspace Docket No. 90–ASO–21]

Amendment to Transition Area, New Smyrna Beach, FL

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment extends the New Smyrna Beach transition area over the Massey Ranch Airport. A standard instrument approach procedure (SIAP) ahs been developed to serve the Massey Ranch Airport predicated on the New Smyrna Beach nondirectional radio beacon (NDB). This action lowers the base of controlled airspace from 1200 to 700 feet above the surface in the vicinity of the airport to provide controlled airspace protection for instrument flight rules (IFR) aeronautical operations. Concurrent with publication of the NDB SIAP, the operating status of the Massey Ranch Airport will change from visual flight rules (VFR) to IFR.

EFFECTIVE DATE: 0901 u.t.c., March 7, 1991.

FOR FURTHER INFORMATION CONTACT: James. G. Walters, Airspace Section, System Management Branch, Air Traffic Division, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320; telephone (404) 763–7646.

SUPPLEMENTARY INFORMATION:

History

On November 9, 1990, the FAA proposed to amend part 71 of the Federal Aviation Regulations (14 CFR part 71) to amend the New Smyrna Beach transition area (55 FR 47073). The proposed action would extend the existing New Smyrna Beach transition area southward to include the Massey Ranch Airport. An NDB SIAP had been developed to serve the airport based on the New Smyrna Beach NDB. The proposed action would lower the base of controlled airspace from 1200 to 700 feet above the surface in order to provide controlled airspace protection for IFR aeronautical operations. If the airspace amendment was approved, the operating status of the Massey Ranch Airport would be changed from VFR to IFR concurrent with publication of the SIAP. Interested persons 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. Section 71.181 of Part 71 of the Federal Aviation Regulations was republished in FAA Handbook 7400.6G dated September 4, 1990.

The Rule

This amendment to part 71 of the Federal Aviation Regulations amends the New Smyrna Beach transition area. The base of controlled airspace is lowered from 1200 to 700 feet above the surface in vicinity of the Massey Ranch Airport for protection of IFR aeronautical operations. Concurrent with publication of the planned NDB SIAP, the operating status of the airport will change from VFR to IFR.

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 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—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

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 Public Law 97–449, January 12, 1983); 14 CFR 11.69.

§ 71.181 [Amended]

2. Section 71.181 is amended as follows:

New Smyrna Beach, FL [Amended]

Following the words, "* * * New Smyrna Beach Airport (lat. 29°03'15" N., long. 80°56'54" W.);" insert the clause, "within a 6.5-mile radius of Massey Ranch Airport (lat. 28° 58'45" N., long. 80°55'30" W.);"

Issued in East Point, Georgia, on January 7, 1991.

Don Cass,

Acting Manager, Air Traffic Division, Southern Region.

[FR Doc. 91–1031 Filed 1–15–91; 8:45 am]

BILLING CODE 4910–13–M

14 CFR Part 71

[Airspace Docket No. 90–AGL–14]

Alteration of Transition Area; Morris, MN

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The nature of this action is to alter the existing Morris, MN, transition area to accommodate a new VOR Runway 14 Standard Instrument Approach Procedure (SIAP) to Morris Municipal Airport, Morris, MN. 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., April 4, 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 Friday, October 19, 1990, the Federal Aviation Administration (FAA) proposed to amend part 71 of the Federal Aviation Administration (14 CFR part 71) to alter a transition area airspace near Morris, MN (55 FR 42400).

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 Morris, MN. The transition area is being modified to accommodate a new VOR Runway 14 SIAP to Morris Municipal Airport, Morris, MN. The modification to the existing airspace will consist of a 2.75 miles width each side of the 331° bearing from the airport, extending from the 5.5-mile radius area to 8.5 miles northwest of the airport.

The development of a new SIAP requires that the FAA alter the

designated airspace to insure that the procedure will be contained within controlled airspace. The minimum descent altitude for the 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:

Morris, MN [Revised]

That airspace extending upward from 700 feet above the surface within a 5.5-mile radius of Morris Municipal Airport (lat. 45°34'00" N., long. 95°58'00" W.); and, within 3 miles each side of the 138° bearing from the Morris Municipal Airport extending from the 5.5-mile radius to 7 miles southeast of the airport; and within 2.75 miles each side of the 331° bearing from the airport extending from the 5.5-mile radius to 8.5 miles northwest of the airport.

Issued in Des Plaines, Illinois, on December 17, 1990.

Teddy W. Burcham,

Manager, Air Traffic Division.

[FR Doc. 91–1034 Filed 1–15–91; 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Part 71

[Airspace Docket No. 90–AGL–18]

Alteration to Transition Area; Staples, MN

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The nature of this action is to alter the existing transition area to accommodate a revised NDB Runway 14 Standard Instrument Approach Procedure (SIAP) to Staples Municipal Airport, Staples, MN. 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.m., April 4, 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, October 30, 1990, 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 Staples, MN (55 FR 45613).

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 Staples, MN. The transition area is being modified to accommodate a revised NDB Runway 14 SIAP to Staples Municipal Airport, Staples, MN. The modification to the existing airspace will consist of a 3-mile width each side of the 317° bearing from Staples Municipal Airport, extending from the existing 5-mile radius area to 8.5 miles northwest of the airport.

The revised 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 the 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:

Staples, MN [Revised]

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Staples Municipal Airport (lat. 46°22'48" N., long. 94°48'08" W.); and within 3 miles each side of the 317° bearing from Staples

Municipal Airport extending from the 5-mile radius to 8.5 miles northwest of the airport.

Issued in Des Plaines, Illinois, on December 18, 1990.

Teddy W. Burcham,

Manager, Air Traffic Division.

[FR Doc. 91–1032 Filed 1–15–91; 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Part 71

[Airspace Docket No. 90–AGL–17]

Transition Area Establishment; Two Harbors, MN

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The nature of this action is to establish the Two Harbors, MN, transition area to accommodate a new NDB Runway 24 Standard Instrument Approach Procedure (SIAP) to Two Harbors Municipal Airport, Two Harbors, MN. 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., April 4, 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 Friday, October 26, 1990, the Federal Aviation Administration (FAA) proposed to amend part 71 of the Federal Aviation Regulations (14 CFR part 71) to establish a transition area airspace near Two Harbors, MN (55 FR 43144).

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 establishes a transition area airspace near Two Harbors, MN. The transition area is being established to accommodate a new NDB Runway 24 SIAP to Two Harbors Municipal Airport, Two Harbors, MN.

The development of a new SIAP requires that the FAA alter the designated airspace to ensure that the procedure will be contained within controlled airspace. The minimum descent altitude for the 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:

Two Harbors, MN [New]

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Two Harbors Municipal Airport (lat. 47° 03'04" N., long. 91° 44'32" W.); and within 3 miles each side of the 073° bearing from Two Harbors Municipal Airport extending from the 5-mile radius to 8.5 miles northeast of the airport.

Issued in Des Plaines, Illinois on December 18, 1990.

Teddy W. Burcham,

Manager, Air Traffic Division.

[FR Doc. 91–1033 Filed 1–15–91; 8:45 am]

BILLING CODE 4910–13–M

RAILROAD RETIREMENT BOARD

20 CFR Parts 200, 209, and 234

RIN 3220–AA69

Railroad Employers' Reports and Responsibilities; Lump-Sum Payments

AGENCY: Railroad Retirement Board.

ACTION: Final rule.

SUMMARY: The Railroad Retirement Board (Board) amends parts 200, 209, and 234 of its regulations to reflect an amendment to the Railroad Retirement Act which provides for the payment of a lump-sum benefit under certain circumstances to employees who received separation allowances or severance pay which may not be used to increase a tier II benefit under the Act.

EFFECTIVE DATE: January 16, 1991.

FOR FURTHER INFORMATION CONTACT: Michael C. Litt, General Attorney, Railroad Retirement Board, Bureau of Law, 844 Rush Street, Chicago, Illinois 60611, (312) 751–4929 (FTS 386–4929).

SUPPLEMENTARY INFORMATION: The Railroad Retirement Act was recently amended by the Railroad Unemployment Insurance and Retirement Improvement Act of 1988, Public Law 100–647, 102 Stat. 3342. Section 7301 of the latter Act adds a new section 6(e) to the Railroad Retirement Act which provides for a lump-sum payment, the Separation Allowance Lump-Sum Payment, which is equal to the amount of an employee's railroad retirement taxes paid under section 3201(b) of the Internal Revenue Code (tier II taxes) which have been deducted from separation or severance payments which were not creditable for purposes of computing the employee's tier II benefit under the Railroad Retirement Act because of the employee's cessation of employment. This lump sum is to be paid upon entitlement to an annuity under the Railroad Retirement Act to an employee with ten years of service if the separation or severance payments were not used in the computation of his or her tier II benefit under the Railroad Retirement Act because payments were made after he or she left the employment of his or her railroad employer. If the employee dies before

his or her annuity begins to accrue, the lump sum is payable to his or her survivors. The provision for this benefit applies retroactively to separation and severance payments made after 1984.

In addition, the Board amends part 200, General Administration, and part 209, Railroad Employers' Reports and Responsibilities, to add a reference to new form, number BA–9, Report of Separation Allowances or Severance Pay Subject to Tier II Taxation, designed to obtain the information required by the Board to compute and pay the lump-sum benefit. Part 200 is also amended by adding references to new Forms BA–10, Report of Sick Pay and Miscellaneous Compensation Subject to Tier I Tax, and G–440, Annual and Quarterly Indication/Specification Sheet, used to transmit compensation reports.

The Board published this rule as a proposed rule on May 11, 1990 (55 FR 19743), and invited comments by June 11, 1990. No comments were received.

The Board has determined that this is not a major rule for purposes of Executive Order 12291. Therefore, no regulatory analysis is required. The information collections imposed by these amendments have been approved by the Office of Management and Budget under control numbers 3220–0173 and 3220–0175.

List of Subjects in 20 CFR Parts 200, 209, and 234

Railroad employees, Railroad retirement, Reporting and recordkeeping requirements.

PART 200—GENERAL ADMINISTRATION

1. The authority citation for part 200 continues to read as follows:

Authority: 45 U.S.C. 231f(b)(5) and 45 U.S.C. 362; § 200.4 also issued under 5 U.S.C. 552; § 200.5 also issued under 5 U.S.C. 552a; § 200.6 also issued under 5 U.S.C. 552b; and § 200.7 also issued under 31 U.S.C. 3717.

2. Section 200.3(a)(2)(ii) is amended by adding after the reference to G–423 and before the reference to G–476c the following:

§ 200.3 Designation of forms and display of assigned OMB control numbers.

(a) * * *
(2) * * *
(i) * * *

* * * * *

G–440—*Annual and Quarterly Report Indication/Specification Sheet.* Used by an employer to transmit reports of compensation.

* * * * *

§ 200.3 [Amended]

3. Section 200.3(a)(5) is amended by adding after the reference to BA–5 and before the reference to DC–1 the following:

* * * * *

BA–9—*Report of Separation Allowances or Severance Pay Subject to Tier II Taxation.* Used by an employer to report the amount of separation allowances paid.

BA–10—*Report of Sick Pay and Miscellaneous Compensation Subject to Tier I Tax.* Used by an employer to transmit reports of compensation.

* * * * *

§ 200.3 [Amended]

4. Table 1A in section 200.3(b) is amended by adding after the entry for BA–5 and before the entry for DC–1 the following entries:

Table 1A.—Railroad Retirement Board Application and Related Forms

* * * * *

BA–9	209.14	3220–0173
BA–10	209.13	3220–0175

* * * * *

PART 209—[AMENDED]

5. The title of part 209 is corrected to read: Railroad Employers' Reports and Responsibilities.

6. The authority citation for part 209 is revised to read as follows:

Authority: 45 U.S.C. 231f.

7. Part 209 is amended by adding a new § 209.14, to read as follows:

§ 209.14 Report of separation allowances subject to tier II taxation.

For any employee who is paid a separation payment, the employer must file a report of the amount of the separation allowance. This report shall be submitted to the Director of Research and Employment Accounts on or before the last day of the month following the end of the calendar quarter in which payment is made. The reports may be made on magnetic tape, punch cards or the form prescribed by the Board as described in § 200.3(a)(5) of this chapter. The reports must be accompanied by a report indication/specification sheet prescribed by the Board as described in § 200.3(a)(2)(ii) of this chapter.

(Approved by the Office of Management and Budget under control number 3220–0173)

PART 234—LUMP-SUM PAYMENTS

8. The authority citation for part 234 continues to read as follows:

Authority: 45 U.S.C. 231f.

9. Part 234 is amended by redesignating the current subpart F, consisting of §§ 234.60 through 234.62, as subpart G, and by adding a new subpart F to read as follows:

Subpart F—Tier II Separation Allowance Lump-Sum Payment

Sec.
234.55 General.
234.56 Persons to whom a separation allowance lump-sum payment is payable.
234.57 Effect of payment on other benefits.
234.58 Computation of the separation allowance lump-sum payment.

Subpart F—Tier II Separation Allowance Lump-Sum Payment

§ 234.55 General.

Under the Railroad Retirement Act certain railroad employees who have received separation or severance payments may be entitled to a lump-sum payment if tier II railroad retirement taxes were deducted from these payments. This part sets forth the conditions for entitlement to the lump-sum payment and explains how the payment is computed.

§ 234.56 Persons to whom a separation allowance lump-sum payment is payable.

(a) An employee who has completed 10 years of service at the time of his or her retirement or death and who has received on or after January 1, 1985, a separation allowance or severance payment (see § 210.11 of this chapter) which would have been used to increase his or her tier II benefit, except for the fact that he or she was neither in an employment relation to one or more employers as defined in part 204 of this chapter nor an employee representative (see part 205 of this chapter), shall be entitled to a lump sum in the amount provided for in § 234.58.

(b) If an employee, otherwise eligible for the lump sum provided for in this section, dies before he or she becomes entitled to a regular annuity or before he or she receives payment of the lump sum, the lump sum is payable to the employee's widow or widower who will not have died before receiving payment. If the employee is not survived by a widow or widower who will not have died before receiving payment, the lump sum is payable to the employee's survivors in the same order of priority as shown for the residual lump-sum (RLS) in § 234.44.

§ 234.57 Effect of payment on other benefits.

The tier II separation allowance lump-sum payment has no effect on the payment of other benefits.

§ 234.58 Computation of the separation allowance lump-sum payment.

The separation allowance lump-sum payment is calculated as follows:

(a) Determine the amount of the compensation due to the receipt of separation or severance pay that could not be considered in the computation of tier II;

(b) Multiply this amount by the rate or rates of tax imposed by section 3201(b) of the Internal Revenue Code of 1954 or 1986 on the compensation (tier II tax); and

(c) The product is the amount of the separation allowance lump-sum payment.

Example. In January of 1988 an employee with 10 years of railroad service relinquished his seniority rights in order to receive a separation allowance of $20,000, thereby severing his employment relation. This was the only creditable railroad compensation earned by the employee in 1988. Both the employer and employee would have paid their share of railroad retirement taxes on this amount. With respect to the employee tier II tax, the tax rate for 1988 was 4.9% under section 3201(b) of the Internal Revenue Code of 1986. Although the full $20,000 was creditable under the Railroad Retirement Act for tier I benefit computation purposes, only one month's compensation, $2,800, one-twelfth of the annual tier II earnings base of $33,600 for 1988, was creditable for tier II benefit purposes. This is because section 3(i)(4) of the Railroad Retirement Act does not permit crediting of compensation for tier II computation purposes after the employment relation has been severed. Under the lump-sum provision discussed above, the employee in this example would, upon award of his employee annuity, receive a payment of $842.80 ($20,000 minus $2,800, the amount of separation allowance that was creditable, or $17,200 times 4.9%).

Dated: January 8, 1991.

By authority of the Board.

Beatrice Ezerski,

Secretary to the Board.

[FR Doc. 91-996 Filed 1-15-91; 8:45 am]

BILLING CODE 7905-01-M

DEPARTMENT OF DEFENSE

Department of the Air Force

32 CFR Part 842

Administrative Claims

AGENCY: Department of the Air Force, DOD.

ACTION: Final rule.

SUMMARY: The Department of the Air Force is revising its regulation which governs the processing of administrative claims for personal injury and property damage both on behalf of and against the government. These amendments reflect the review and reevaluation of current regulations, the deactivation of the Alaska Air Command, and a change in the existing guidance. This regulation will facilitate the settlement of claims in the field.

EFFECTIVE DATE: February 15, 1991.

FOR FURTHER INFORMATION CONTACT: Major F. Adams, Claims and Tort Litigation Staff, Office of The Judge Advocate General, Department of the Air Force, Washington, DC 20332-6128, telephone (202) 767-1575.

SUPPLEMENTARY INFORMATION: Because this part implements a higher level directive, it is not published as a proposed rule for public comment. It is published as a final rule for information purposes.

Sections 842.2, 842.11 and 842.23 are revised to recognize the deactivation of Alaskan Air Command. Sections 842.42, 842.57 and 842.88 are revised to implement existing guidance. Sections 842.57 and 842.84 are revised to correct omissions and to facilitate settlement of claims in the field. Section 842.136 is revised to update responsibility for claims within the Army and Air Force Exchange Service, and to update addresses. These sections were revised as a result of Air Force review and reevaluation.

The Department of the Air Force has determined this regulation is not a major rule as defined by Executive Order 12291; and does not contain reporting or recordkeeping requirements under the criteria of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

List of Subjects in 32 CFR Part 842

Claims, Foreign claims, Government property, Law, Tort claims.

For the reasons set out in the preamble, 32 CFR part 842 is amended as set forth below.

PART 842—ADMINISTRATIVE CLAIMS

1. The authority citation for part 842 continues to read as follows:

Authority: Sec. 8013, 100 Stat. 1053, as amended; 10 U.S.C. 8013, except as otherwise noted.

§ 842.2 [Amended]

2. In § 842.2(e) remove the words "and Alaska."

§ 842.11 [Amended]

3. Section 842.11 is amended by removing paragraph (d) and redesignating paragraph (e) as (d).

§ 842.23 [Amended]

4. In § 842.23(a)(2) remove the words "HQ AAC,".

5. Section 842.42 is amended by adding paragraph (f)(11) to read as follows:

§ 842.42 Delegations of authority.

* * * * *

(f) * * *

(11) Medical malpractice.

6. Section 842.57 is amended by revising paragraph (a)(5) introductory text; in paragraph (a)(6) remove the words "Lajes AB, Azores, Patrick AFB, FL, Howard AFB, Panama, and"; and adding paragraph (e) to read as follows:

§ 842.57 Delegations of authority.

(a) * * *

(5) The SJAs of Numbered Air Forces in PACAF and USAFE; the SJA of HQ TUSLOG; the SJA of 12AF (for South America); and the SJAs of Lajes AB, Azores, Patrick AFB, FL, and Howard AFB, Panama are each a foreign claims commission and have delegated authority to:

* * * * *

(e) Special exceptions. Do not settle claims for medical malpractice without HQ USAF/JACC approval.

7. Section 842.84 is amended by revising paragraph (b)(3) introductory text to read as follows:

§ 842.84 Delegations of authority.

* * * * *

(b) * * *

(3) The following individuals have delegated authority to settle claims for $100,000 or less and deny them in any amount:

* * * * *

8. Section 842.88 is amended to revise paragraph (e) introductory text and add paragraph (e)(6) to read as follows:

§ 842.88 Delegations of authority.

* * * * *

(e) *Special exceptions.* Do not settle claims for the following without HQ USAF/JACC approval:

* * * * *

(6) Medical malpractice.

9. Section 842.136 is amended by revising paragraph (a); and paragraph (c)(1) is amended to change "HQ AFMPC/DPMSC1" to "HQ AFMPC/DPMSCI" and to add "6001" after "78150" to read as follows:

§ 842.136 Claim payments and deposits.

* * * * *

(a) *AAFES:* (1) Claims payable for more than $2500: HQ AAFES, Comptroller, Insurance Branch, P.O. Box 660202, Dallas, TX 75266–0202.

(2) Claims payable for $2500 or less: AAFES Operations Center (OSC–AC), 2727 LBJ Highway, Dallas TX 75266–0320.

Patsy J. Conner,

Air Force Federal Register Liaison Officer.

[FR Doc. 91–965 Filed 1–15–91; 8:45 am]

BILLING CODE 3910–01–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[PP 9E3789/R1098; FRL–3838–8]

Pesticide Tolerance for 2–[1–(Ethoxyimino)Butyl]–5–[2–(Ethylthio)Propyl]–3–Hydroxy–2–Cyclohexene–1–One

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This document establishes a tolerance for the the combined residues of the herbicide 2-[1-(ethoxyimino)butyl]-5-[2-(ethylthio)propyl]-3-hydroxy-2-cyclohexene-1-one (also called "sethoxydim") and its metabolite containing the 2-cyclohexene-1-one moiety (calculated as the herbicide) in or on the raw agricultural commodity sweet potato. The regulation to establish a maximum permissible level for residues of the pesticide in or on the commodity was requested in a petition submitted by the Interregional Research Project No. 4 (IR-4).

DATES: This regulation becomes effective January 16, 1991.

ADDRESSES: Written objections, identified by the document control number, [PP 9E3789/R1098], may be submitted to: Hearing Clerk (A-110), Environmental Protection Agency, Rm. 3708, 401 M St., SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: By mail: Hoyt Jamerson, Emergency Response and Minor Use Section (H7505C), Registration Division, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location and telephone number: Rm. 716, CM #2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703)-557-2310.

SUPPLEMENTARY INFORMATION: In the Federal Register of September 27, 1990 (55 FR 39488), EPA issued a proposed rule that gave notice that the Interregional Research Project No. 4 (IR-4), New Jersey Agricultural Experiment Station, P.O. Box 231, Rutgers University, New Brunswick, NJ 08903, had submitted pesticide petition (PP) 9E3789 to EPA on behalf of Dr. Robert H. Kupelian, National Director, IR-4 Project, and the Agricultural Experiment Stations of Arkansas, Florida, Louisiana, North Carolina, Oklahoma, and South Carolina.

The petition requested that the Administrator, pursuant to section 408(e) of the Federal Food, Drug, and Cosmetic Act, propose the establishment of a tolerance for residues of the herbicide 2-[1-(ethoxyimino)butyl]-5-[2-ethylthio)propyl]-3-hydroxy-2-cyclohexene-1-one and its metabolites containing the 2-cyclohexene-1-one moiety (calculated as the herbicide) in or on the raw agricultural commodity sweet potato at 2.0 parts per million (ppm). The petition was later revised to propose a tolerance level of 4.0 ppm in or on sweet potato.

There were no comments or requests for referral to an advisory committee received in response to the proposed rule.

The data submitted in the petition and other relevant material have been evaluated and discussed in the proposed rule. Based on the data and information considered, the Agency concludes that the tolerance will protect the public health. Therefore, the tolerance is established as set forth below.

Any person adversely affected by this regulation may, within 30 days after publication of this document in the Federal Register, file written objections with the Hearing Clerk, at the address given above. Such objections should specify the provisions of the regulation deemed objectionable and the grounds for the objections. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

The Office of Management and Budget has exempted this rule from the requirements of section 3 of Executive Order 12291.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-354, 94 Stat. 1164, 5 U.S.C. 601-612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the Federal Register of May 4, 1981 (46 FR 24950).

List of Subjects in 40 CFR Part 180

Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: December 24, 1990.

Douglas D. Campt,

Director, Office of Pesticide Programs.

Therefore, 40 CFR part 180 is amended as follows:

PART 180—[AMENDED]

1. The authority citation for part 180 continues to read as follows:

Authority: 21 U.S.C. 346a and 371.

2. Section 180.412(a) is amended in the table therein by adding and alphabetically inserting a tolerance for the raw agricultural commodity sweet potato, to read as follows:

§ 180.412 2-[1-(Ethoxyimino)butyl]-5-[2-(ethylthio)propyl]-3-hydroxy-2-cyclohexene-1-one; tolerance for residues.

(a) * * *

Commodities	Parts per million
* * * * *	
Sweet potato	4.0
* * * * *	

[FR Doc. 91–690 Filed 1–15–91; 8:45 am]

BILLING CODE 6560–50–F

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 611

[Docket No. 900936–0010]

RIN 0648–AC70

Fee Schedule for Foreign Fishing

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

ACTION: Final rule.

SUMMARY: NOAA adopts the 1991 fee schedule for foreign vessels fishing in the Exclusive Economic Zone (EEZ). This schedule adopts fees for only the species currently available for foreign fishing. Fees for all species but Atlantic mackerel are identical to fees charged under schedules adopted in 1988, 1989, and 1990. Under these schedules, owners or operators of foreign vessels paid $354 per fishing permit application.

The poundage fees in foreign directed fisheries were assessed at 44.4 percent of the exvessel value of the species taken. Except for mackerel, which is assessed a poundage fee of about 38 percent of the exvessel value of mackerel, the poundage fees for all other species for 1991 remain the same as in 1990. No surcharge is required for the Fishing Vessel and Gear Damage Compensation Fund in 1991. This action complies with section 204(b)(10) of the Magnuson Fishery Conservation and Management Act (Magnuson Act), 16 U.S.C. 1801 *et seq.*

EFFECTIVE DATE: January 1, 1991.

ADDRESSES: Copies of a regulatory impact review (RIR) are available from: Operations Support and Analysis Division (F/CM1), Office of Fisheries Conservation and Management, National Marine Fisheries Service, 1335 East-West Highway, Silver Spring, Maryland 20910.

FOR FURTHER INFORMATION CONTACT: Alfred J. Bilik, 301–427–2337, or telex 467856 US COMM FISH CI.

SUPPLEMENTARY INFORMATION: NOAA implements the schedule of permit application and poundage fees for fishing by foreign vessels in the EEZ in 1991. The schedule is consistent with section 204(b)(10) of the Magnuson Act. This schedule targets fee collections of about $1.9 million in 1991 and continues the permit application fee of $354 per vessel application.

Background

On October 12, 1990, NOAA published a Notice of Proposed Rulemaking (NPR) for a 30-day public comment period at 55 FR 41570. The NPR described NOAA's proposed 1991 fee schedule. The proposal was to maintain all fees except the poundage fee for Atlantic mackerel (mackerel) at levels charged in 1988, 1989, and 1990. The poundage fee for Atlantic mackerel was proposed to be reduced by about $10 to $58.33/mt. The only presently remaining fishery in which an allocation may be available for foreign fishing and specified by a total allowable level of foreign fishing (TALFF) is the Atlantic mackerel fishery and the species taken as bycatch in the directed fisheries for mackerel. The specifications for the Atlantic mackerel fishery, at this writing, are still not final; furthermore, there is still a remote possibility that an allocation of Bering Sea snails may be requested for foreign fishing in 1991. Thus, there is still a requirement to set 1991 foreign fishing fees in order to have such fees in place if foreign fishing is permitted. Fees for any other species which may be required should TALFFs for those species be established in 1991 will be set by a technical amendment of this schedule.

One comment was received on the schedule proposed by NOAA. This comment was submitted on behalf of U.S. mackerel fishermen and recommended that the poundage fee for mackerel be reduced to $50/mt or less. It was said that such a reduction would keep prices up for U.S. fishermen and yet make U.S. mackerel production competitive on the world market.

NOAA believes that competitiveness on the world market can be achieved through a combined effort by all sectors of the U.S. mackerel industry. The reduction in fees as proposed by NOAA should stimulate consideration by industry sectors of cost reductions. It is clear that at some point in the future, opportunities for directed foreign fishing will be removed. In that situation, the cost structure of the U.S. production will be the combined joint venture prices and the cost of U.S. shoreside production. In the absence of low-cost TALFF, the higher costs of U.S. production will result in a non-competitive product, to the eventual detriment of the efforts to develop this fishery. Therefore, NOAA believes a $58.33/mt fee for foreign harvested mackerel is appropriate and that any further reductions in the cost of mackerel production from the EEZ should be sought from the U.S. production sectors. In addition, foreign fees at this level would result in reasonable returns to the U.S. Treasury for foreign fishing. NOAA believes the 15-percent reduction of the mackerel fee constitutes an acceptable approach to setting 1991 fees, consistent with the recent revision of section 204(b)(10) of the Magnuson Act enacted under the "Fishery Conservation Amendments of 1990," Pub. L. 101–627 (Magnuson Act Amendments), and therefore adopts as final the fees proposed in the NPR on October 12, 1990, at 55 FR 41570.

In addition to implementing final 1991 foreign fishing fees, this document also revises § 611.22 as a result of the Magnuson Act Amendments. Regulatory provisions related to Incremental amounts to be paid by nations harvesting anadromous species of U.S. origin at unacceptable levels or failing to take sufficient action to benefit the conservation and development of the U.S. fisheries are removed and the remaining paragraphs are renumbered.

Classification

NOAA prepared an RIR for the 1988 fee schedule which discussed the economic consequences and impacts of that fee schedule and alternatives. Copies of that RIR are available (see **ADDRESSES**). Based on that RIR, the Assistant Administrator for Fisheries, NOAA, determined that the 1988 fee schedule complied with the requirements of section 2 of E.O. 12291. Since the poundage fees proposed for 1989 and 1990 were not changed, NOAA anticipated no new economic impacts. It reached similar conclusions for the 1991 schedule and also concluded that the 1991 schedule does not constitute a major rule.

The General Counsel of the Department of Commerce has certified that the proposed fee schedule will not have significant economic impact upon a substantial number of small domestic entities for purposes of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). This certification was forwarded to the Chief Counsel for Advocacy of the Small Business Administration. Because the fee schedule will not have a significant economic impact upon a substantial number of small domestic entities, a regulatory flexibility analysis was not required, and has not been prepared.

This action is categorically excluded from the requirement to prepare an environmental assessment by NOAA Directive 02–10.

The Assistant Administrator for Fisheries, under the provisions of section 553(d) of the Administrative Procedure Act, finds for good cause, namely to implement the fee schedule as close to the beginning of the fishing season as possible and prior to the preparation of billings for the first quarter's catches, that it is impractical and contrary to the public interest to delay for 30 days the effective date of these regulations. This action does not require significant changes in plans or strategies by foreign fishing companies since it does not increase the fees over the amounts which applied in 1988, in 1989 and in 1990.

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

This rule does not directly affect the coastal zone of any state with an approved coastal zone management program. The rule does not contain policies with federalism implications sufficient to warrant a federalism assessment under E.O. 12612.

List of Subjects in 50 CFR Part 611

Fish, Fisheries, Foreign relations, Reporting and recordkeeping requirements.

Dated: January 10, 1991.

Samuel W. McKeen,

Acting Assistant Administrator for Fisheries, National Marine Fisheries Service.

PART 611—FOREIGN FISHING

For the reasons set forth above, 50 CFR part 611 is amended as follows:

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

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

2. In § 611.22, paragraph (d) is removed, paragraphs (e) and (f) are redesignated as paragraphs (d) and (e), respectively, and paragraphs (b)(1) and paragraph (c) are revised, to read as follows:

§ 611.22 Fee schedule for foreign fishing.

* * * * *

(b) *Poundage fees.*

(1) *Rates.* If a nation chooses to accept an allocation, poundage fees must be paid at the rate specified in Table 1, plus the surcharge required by paragraph (d) of this section. [Insert Table 1.]

* * * * *

(c) *Surcharges.* The owner or operator of each foreign vessel who accepts and pays permit application or poundage fees under paragraph (a) or (b) of this section must also pay a surcharge. The Assistant Administrator may reduce or waive the surcharge if it is determined that the Fishing Vessel and Gear Damage Compensation Fund is capitalized sufficiently. The Assistant Administrator also may increase the surcharge during the year to a maximum level of 20 percent, if needed, to maintain capitalization of the fund. The Assistant Administrator has effectively waived the surcharge on 1991 fees.

* * * * *

TABLE 1.—SPECIES AND POUNDAGE FEES

[Dollars per metric ton, unless otherwise noted]

Species	Poundage fees
Northwest Atlantic Ocean fisheries:	
1. Butterfish	274.61
2. Hake, red	163.97
3. Hake, silver	174.63
4. Herring	61.76
5. Mackerel, Atlantic	58.33
6. Other groundfish	119.09
7. Squid *Illex*	103.98
8. Squid, *Loligo*	245.73
Alaska fisheries:	
21. Snails	128.42

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Proposed Rules

Federal Register
Vol. 56, No. 11
Wednesday, January 16, 1991

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

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service

7 CFR Part 275

[Amdt. No. 327]

Food Stamp Program: Good Cause Relief From Quality Control Error Rate Liabilities

AGENCY: Food and Nutrition Service, USDA.

ACTION: Proposed rule.

SUMMARY: This rule proposes changes to the current provisions for good cause relief from potential quality control liabilities against State agencies. Changes are required by the redesign of the Payment Accuracy Improvement System contained in Title VI of the Hunger Prevention Act of 1988 (Pub. L. 100–435, enacted September 19, 1988).

DATES: Comments must be received on or before March 18, 1991, to be assured of receiving consideration.

ADDRESSES: Comments should be submitted to Duane Maddox, Chief, Quality Control Branch, Program Accountability Division, Food Stamp Program, Food and Nutrition Sevice, USDA, 3101 Park Center Drive, Room 905, Alexandria, Virginia 22302. All written comments will be available for public inspection during regular business hours (8:30 a.m. to 5 p.m.) Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Mr. Maddox at the above address, or by telephone at (703) 756–3472.

SUPPLEMENTARY INFORMATION: .

Classification

Executive Order 12291/Secretary's Memorandum 1512–1

This action has been reviewed under Executive Order 12291 and Secretary's Memorandum No. 1512–1. Betty Jo Nelsen, Administrator of the Food and Nutrition Service, has classified this rule as non-major. The rule's effect on the economy will be less than $100 million. The rule will have no effect on costs or prices for consumers, individual industries, Federal, State or local government agencies, or geographic regions. It will not have significant adverse effect 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.

Executive Order 12372

The Food Stamp Program is listed in the Catalog of Federal Domestic Assistance under No. 10.551. For the reasons set forth in the final rule at 7 CFR part 3015, subpart V and related notice (48 FR 29115, June 24, 1983), this Program is excluded from the scope of Executive Order 12372 which requires intergovernmental consultation with State and local officials.

Regulatory Flexibility Act

This action has also been reviewed in relation to the requirements of the Regulatory Flexibility Act of 1980 (5 U.S.C. 601 through 612). Betty Jo Nelsen, Administrator of the Food and Nutrition Service, has certified that this rule does not have a significant economic impact on a substantial number of small entities. The requirements will affect State and local agencies which administer the Food Stamp Program.

Paperwork Reduction Act

This action does not contain recordkeeping or reporting requirements subject to approval by the Office of Management and Budget under the Paperwork Reduction Act of 1980 (44 U.S.C. Sec. 3507).

Background

Title VI of the Hunger Prevention Act of 1988, Public Law 100–435, contained a number of provisions designed to improve payment accuracy in the Food Stamp Program. The new Payment Accuracy Improvement System includes: (1) A new definition of error; (2) new tolerance levels for enhanced payments and liabilities for States with low and high error rates; (3) a streamlined appeals process for disputed claims; and (4) interest charges on unpaid claims against State agencies for high error rates.

The new quality control sysem is being put in place by this rulemaking and the following other regulations: (1) Miscellaneous Quality Control Provisions of the Hunger Prevention Act of 1988; (2) Quality Control Variance Exclusions; (3) Hunger Prevention Act of 1988: Rules of Practice for Hearings Before Administrative Law Judges; and (4) Quality Control Claims Adjustments for State Agency Investments.

This rule proposes changes to the good cause provisions of the current regulations to make them consistent with the new legislation. The proposed rule also clarifies how the Department intends to evaluate good cause requests.

Good Cause Waiver Requests—Section 275.23

What is good cause?

The Food Stamp Act of 1977, as amended, states that "* * * *other than for good cause shown,* the State agency shall pay to the Secretary an amount equal to its payment error rate less such tolerance level times the total value of allotments issued in such fiscal year by such State agency." (section 16(c)(1)(C)) The legislative history states that "The purpose of good cause under the new system is to allow the Secretary the discretion to provide relief when a State with otherwise effective administration has faced an unusual event with a large uncontrollable impact on errors." (House Report 100–828, part 1, page 34).

The good cause provision, therefore, allows the Secretary to grant State agencies relief from liability or an increase in liability incurred because an unusual event has had a large uncontrollable impact upon error rates. Good cause relief is not appropriate for uncontrollable errors made under normal administrative conditions; these are accommodated by the higher error rate tolerance introduced by the Hunger Prevention Act of 1988.

The Authority To Grant Good Cause Relief

Good cause is determined by the Secretary of Agriculture or the Secretary's designee.

The authority of the Secretary to determine good cause was not changed by the Hunger Prevention Act of 1988. The legislative history of the Food Stamp Act Amendments of 1980 (House Report No. 96–788) indicates that good cause decisions are a matter for the Secretary. However, the Hunger Prevention Act of 1988 and its legislative history contain a good deal of language

clarifying this issue. For this reason the Department is proposing to clarify the Secretary's authority to grant good cause relief under the rule.

After passage of the Hunger Prevention Act of 1988, section 14 (a) of the Food Stamp Act of 1977, as amended, provides, "Notwithstanding the administrative or judicial review procedures set forth in this subsection, determinations by the Secretary concerning whether a State agency had good cause for its failure to meet error rate tolerance levels established under section 16(c) are final." The Department intends the good cause determination process described in this proposed rulemaking to be the only process by which the Secretary reaches this final good cause determination. Pursuant to section 16(c) of the Act the proposed rule would provide that, before billing a State agency for a liability arising from quality control error rates the Secretary would make a finding as to good cause and the amount of any relief that might be appropriate. The Secretary would not consider granting good cause relief unless a State agency requested such relief and provided justification as required under these proposed rules. If a State agency failed to request and justify such relief under the provisions of this rule, the Secretary would make a final determination that there was no good cause for relief. The determination of the Secretary with respect to good cause relief would not be subject to the administrative or judicial reviews provided under section 14 of the Act because Congress has specifically stated that, notwithstanding the administrative and judicial review procedures provided in section 14, the determination of the Secretary is final and not subject to review.

Examples of Unusual, Uncontrollable Events That Affect Errors

Congress first discussed good cause in the 1980 quality control legislation (Food Stamp Act Amendments of 1980, House Report 96–788, pg. 73–74). Regulations promulgated to implement the 1980 amendments to the Food Stamp Act of 1977 incorporated examples of unusual, uncontrollable events specifically identified in the report language. The rule (46 FR 7257, January 23, 1981) also recognized the possibility of other unusual events beyond the control of the State agencies. Most of the examples in current regulations are still good examples of the kinds of events most likely to so disrupt program operations and increase error rates that relief from resulting liabilities or increased liabilities is appropriate. Such events include: (1) Natural disasters or civil disorders that disrupt Food Stamp Program operations; (2) strikes by staff necessary to determine eligibility and process case changes; (3) significant caseload growth prior to or during a fiscal year, for example, 15 percent; (4) major changes in the Food Stamp Program or other Federal or State programs that disrupt management of the State agency's Food Stamp Program; and (5) other circumstances beyond the control of the State agency. One of the examples included in current regulations would no longer include; errors caused by incorrect Federal policy guidance are no longer included in the error rate so they would no longer constitute a basis for good cause relief.

Events and Conditions FNS Does not Intend To Consider as Basis for Good Cause Relief

Good cause relief is only appropriate for unusual events that have a large uncontrollable impact on program operations. The good cause process is not a proper vehicle for challenging features of the Quality Control System which Congress has explicitly accommodated in the tolerance levels contained in the redesignated Quality Control System under the Hunger Prevention Act of 1988. There are four kinds of situations that are not appropriate bases for good cause relief: (1) Lack of resources; (2) normal administrative difficulties; (3) technical features of the error rate measurement and the liability system that have been properly implemented by regulation; and (4) successful or unsuccessful efforts to lower the error rate after the review period.

Lack of resources. Congress indicated in 1980 that it expected States to appropriate sufficient funds to manage the Food Stamp Program in accordance with the Food Stamp Act of 1977, as amended. There was no change in this expectation under the Hunger Prevention Act of 1988. The failure of State and local governments to provide sufficient financial and other resources to manage the Food Stamp Program under normal circumstances does not constitute a basis for good cause relief from quality control liabilities. For purposes of this rulemaking, "State" is not limited to the State agency. It includes any component of government which has an effect on Food Stamp Program operations. This includes the Governor and legislative bodies.

Normal administrative difficulties. State agencies have claimed that a variety of situations which are not under their control make it difficult to eliminate errors in the Food Stamp Program. State agencies have claimed that one such impediment is the constant change in the requirements of the Food Stamp Program, Aid to Families with Dependent Children, Medicaid, and State and local general assistance programs that has characterized these programs during the last two decades. State agencies have also argued that they should not be penalized for recipient-caused errors or for having a caseload that is more difficult than average to administer. In addition, State agencies have argued that it is unfair not to grant relief if management changes such as the introduction of a new computer system which will reduce errors and achieve other management improvements cause an error rate increase in the short run while they are being implemented. In the legislative history, Congress explicitly stated that problems caused by recipient errors and caseload characteristics were taken into account in setting the higher tolerance levels. (House Report 100–828, part 1, page 37). Similarly, information about the difficulties created by program changes led Congress to exclude errors made during the first 60 or 90 days of implementing new Food Stamp Program policy. Any longer term effects of new policy or the total effects of program changes are accommodated by the new tolerance levels. Good cause relief is for unusual events. Error rate tolerances are set to accommodate the other kinds of challenges faced by State agencies. Therefore, no good cause would be granted for errors associated with normal administrative difficulties.

Technical features of the program. Good cause relief is also not appropriate for the effects of any properly promulgated technical features of the error measurement and liability system. Congress explicitly endorsed the use of the point estimate of the error rate in the Hunger Prevention Act of 1988 and the legislative history indicates that the new tolerances accommodate: (1) The variability of error rate estimates derived from samples; (2) the double counting of AFDC and Food Stamp Program errors that can occur for someone receiving benefits from both programs; and (3) the fact the error rate measure does not reflect recoveries by the State agency of erroneous payments. (House Report 100–828, part 1, page 37).

Corrective action and good faith efforts. The Department does not intend to grant good cause relief solely because a State agency reduces it error rate after the review period or otherwise engages in corrective action. Congress said explicitly that neither good faith efforts (which in the past have meant subsequent error rate reduction) nor

corrective action was a basis for waiving liabilities under the Secretary's authority for waiving liabilities for reinvestment. (Hunger Prevention Act of 1988, House Report 100–828, part 1, page 30). From this the Secretary concludes that Congress also did not intend corrective action and subsequent error reduction in themselves to be a basis of good cause relief. State agencies may, of course, use evidence from subsequent periods of their explanation about why an unusual event cause uncontrollable increases in error rates during the review period.

The Good Cause Application and Review Process

Under current regulations the good cause process begins when FNS notifies (certified mail, return receipt requested) State agencies of their error rates and any potential liability resulting from that error rate for the review year. This proposed rulemaking would not change that. As currently, the State agency would be advised at that time of its right pursuant to § 275.23(e)(5) to submit a request for waiver of some portion or all of the potential liability based upon the specific reasons for good cause set forth in the regulations. This proposed rule would increase the time for making such a request from 30 days to 60 days from the date of notification. State agencies would be required to submit such requests to their FNS Regional Office with a full justification of how the criteria for a good cause waiver have been met. FNS would evaluate the request and decisions on the request would be made by the Secretary or the Secretary's designee. Under the proposal, billings for quality control errors would continue to be made after the good cause review and determination. Accordingly, as is current practice, until the time of billing, these liabilities are referred to as "potential" liabilities.

Content of State Requests for Good Cause Relief

The purpose of a State agency's good cause request is to describe the uncontrollable effect of unusual events on error rates in sufficient detail to provide the Secretary a basis for deciding whether to grant a waiver and the amount of any waiver. Thus the proposed rule describes the kinds of information State agencies would be required to include in waiver requests. Although the proposed rule sets forth the kind of information pertinent to the specific examples of unusual events most likely to disrupt program operations, generally FNS is asking State agencies to submit the following kinds of information: (1) A description of the unusual event, e.g., its nature, scope, intensity, duration; (2) the effect of the event on State Food Stamp Program operations; (3) an explanation of the uncontrollable aspects of the event including descriptions of State agency efforts to achieve effective administration during normal operations; and (4) the effect of the event on error rates including information such as the proportion of the Food Stamp Program caseload whose administration is adversely affected, types of errors affected, and the magnitude of the types of errors affected. State agencies should explain what proportion of observed error rates are due to unusual events. This is necessary because the uncontrollable negative effects of unusual events may mask the effects of successful efforts to decrease error rates and all of an observed error rate increase may not be due to unusual events.

While documentation is essential to the Secretary's good cause determination, FNS does not seek nor wish to receive voluminous documentation in support of good cause requests. The request should contain a well-structured narrative and the narrative should indicate the relevance of any documentation provided. Numerous source documents for data analyzed in the request do not need to be provided if the analysis stands alone. Source documents such as entire case records should be maintained in the State agency rather then submitted with waiver requests.

FNS Review of Good Cause Waiver Requests

Under this proposal FNS would evaluate each State agency's request based on the information provided by the State agency and any other sources FNS finds useful to the review process. The purpose of the review is to reach a judgment as to the total uncontrollable effect of unusual events on the error rate and grant relief from quality control liabilities commensurate with the error rate effect. The Secretary would evaluate the State agency's explanation of the uncontrollable effects of separate events both separately and together to determine a total amount of any waiver.

Comparison to Past Method of Evaluating Good Cause Requests

The method outlines in this proposed rulemaking is consistent with past rulemaking and with Congressional intent in prior and current legislation. However, in the past some State agencys' good cause requests did not contain all the information needed to make decisions about the uncontrollable effect of unusual events on error rates. Because of this, if there was enough information to indicate that some good cause relief might be appropriate, the Department developed methodologies which were used to decide the amount of any such relief. In this proposed rulemaking, FNS seeks to provide additional guidance to permit the development of sufficient information so that relief can be more closly related to the uncontrollable effects on error rates of the unusual event. In addition, FNS believes that two other factors will make it easier for State agencies and FNS to utilize the good cause process.

First, State agencies should be better able to document the uncontrollable effects of unusual events on error rates. The last few years have seen increased State agency capacity for program analysis, in large part because automated systems improved access to data and the capacity for analyzing data.

Second, in the past State agencies have requested good cause relief from types of situations that do not fit the criteria for good cause considerations. Although the Department did not consider these appropriate to the good cause process, State agencies spend considerable resources on these types of arguments. As already noted, the legislative history of the Hunger Prevention Act of 1988 clearly precludes certain types of arguments from the good cause process. Clarifying this point so that State agencies remove such arguments from their appeals should ease the burden of preparing good cause requests on State agencies.

In spite of the goal to obtain a complete factual analysis of the uncontrollable effects of unusual events on error rates, FNS recognizes that some State agencies may still find it difficult to provide all the required information. Difficulties occur because: (1) Sufficient data on all relevant aspects of unusual events, program operations and errors are not always available; and (2) there are difficulties in disentangling controllable and uncontrollable effects on error rates. Because each State agency will, no doubt, still present different types of information, it will not be easy to ensure that similar situations are evaluated comparably. If State agencies do not provide the type or amount of information required for a complete factual analysis and it is not otherwise available in the Department, the Secretary would have to exercise some judgment in reaching a decision on good cause relief from QC liabilities. In exercising judgment, the Secretary may

apply alternative methods of evaluation including but not limited to the methodologies that were used in the past to determine a waiver amount. These methodologies are described later in the sections of this proposed rule that address specific examples of unusual events. State agencies should not, however, send in incomplete good cause justifications in hopes that the Secretary would provide more generous relief under an alternative method of evaluation than the full facts would justify. State agencies are required to provide all the information possible to justify requests for good cause relief.

In general, FNS anticipates four possible FNS evaluations of State agency requests: (1) The Secretary agrees with the State agency's explanation and grants the waiver amount requested; (2) the Secretary disagrees with aspects of the explanation and grants a different waiver amount based on available information; (3) the Secretary determines that a waiver is appropriate and uses a formula to set the amount because available information is insufficient to determine a more exact amount; and (4) the Secretary determines that there is no basis for good cause relief and grants no waiver.

Examples of Events That May Serve as the Basis of Good Cause Relief

The Department is proposing to modify current regulations to: (1) Describe the specific information that would comprise the justification for the waiver; and (2) include a description of a method of evaluation which the Secretary may use if State agencies do not provide the information needed for complete analysis and if the information is not otherwise available from existing Department records. The Department does not intend to seek additional information from State agencies.

The Department proposes to evaluate requests for good cause relief which are based upon the following categories of unusual events:

1. Natural Disasters or Civil Disorders

The occurrence of a natural disaster or civil disorder does not automatically qualify as good cause for failure to meet the QC payment error rate goal. The State agency would be required to explain: (1) How the event uncontrollably and adversely affected program operations during the relevant time period, i.e., that significant numbers of food stamp certification or administrative personnel were diverted from normal program activities or that the disaster either destroyed or delayed access to needed records; and (2) how the event caused an uncontrollable increase in its error rate. The regulation itself describes in greater detail the information the Secretary would need for this evaluation. If determined to be appropriate under the circumstances, the Secretary would waive any portion of the liability which the Secretary attributed to the disaster or civil disorder.

If the Secretary determined that insufficient information had been provided or that needed information is otherwise not available from existing Department records to determine a waiver using factual analysis, the Secretary might use the following alternative method of evaluation. First, although State agencies might appropriately request good cause relief from the uncontrollable effects of any type of natural disaster, in reaching a decision based on incomplete information about the effect of a natural disaster on error rates, the Secretary would only grant a waiver if the State agency documented that there was a Federally-declared disaster during the six months before or during the review period, and that the disaster adversely affected program operations during the review period. The Secretary would determine a preliminary waiver amount by: (1) Determining, from the State agency's request, the number of months during the eighteen months that begins six months before the subject review period during which a civil disorder or Federally-declared disaster hurt Food Stamp Program operations; and (2) determining an amount equal to one eighteenth of the liability for each such month. The Secretary might then adjust the preliminary amount as the Secretary deems necessary to take into account recent error rate history and the nature of the natural disaster or civil disorder. For example, a reduction in the preliminary amount might be made if the formula resulted in a waiver of all or nearly all the liability when a State agency's recent error rate history indicates that even absent the events described, the State agency would have exceeded error rate tolerances in the review period. Similarly, the waiver might be adjusted to take into account the scope of the area affected by a natural disaster or the intensity of the effect within the area affected. Under this approach FNS woud assume that there were no remaining uncontrollable effects of disasters or civil disorders that ended during the first half of the prior review year.

2. Strikes by State Agency Staff Necessary To Determine Food Stamp Program Eligibility and Process Case Changes

The occurrence of a strike does not automatically qualify as good cause for failure to meet the QC payment error rate goal. The State agency would have to document: (1) How the event adversely affected program operations during the relevant time period; and (2) how the event caused an uncontrollable increase in its error rate. The proposed regulation describes in greater detail the information the Secretary would need for evaluation. If appropriate under the circumstances, the Secretary could waive any portion of the liability which the Secretary attributes to the strike.

If the Secretary determined that insufficient information has been provided or that needed information is otherwise not available from existing Department records to determine a waiver amount using factual analysis, the Secretary might use the following alternative method to evaluate the effects during the review period of a strike that occurred during the eighteen months beginning six months before the subject review period. The Secretary would determine a preliminary waiver amount for the effects of a strike which adversely affected program operations during the review year by: (1) Determining from the State agency's request the number of months out of the eighteen months that begins the six months before the subject review period during which Food Stamp Program operations were hurt by the effects of a strike; and (2) determining a preliminary waiver amount equal to one eighteenth of the liability for each such month. The Secretary might then adjust the preliminary amount as the Secretary deems necessary to take into account recent error rate history and the nature of any strike. For example, a reduction in the preliminary amount might be made if the formula resulted in a waiver of all or nearly all the liability when a State agency's recent error rate history indicates that even absent the events described, the State agency would have exceeded error rate tolerances in the review period. Similarly, the waiver might be reduced for a strike that was limited to a small area of the State. Under this approach FNS would assume that there were no remaining uncontrollable effects of a strike that ended during the first half of the prior review year.

3. Caseload Growth

The State would have to explain: (1) How an increase in Food Stamp Program caseloads uncontrollably and adversely affected program operations during the review period; and (2) how the event triggered an uncontrollable increase in its error rate. Seasonal increases/changes would not be considered unusual events since State agencies should have anticipated these fluctuations and developed a plan, such as increasing staff, to deal with this situation. In addition, the new error rate tolerance provided by the Hunger Prevention Act of 1988 accommodates the effects of some increase in caseloads due to unforeseen events.

Congress indicated in the 1980 legislative history that it regards caseload growth of 15 percent or more to constitute a basis for good cause relief. Thus the Department does not propose to grant relief for smaller increases. State agencies are not, however, restricted to the definition of 15 percent growth used in the formula described below that the Department may use to determine a waiver amount when it finds it has insufficient information. The regulation itself describes in greater detail the information the Secretary needs for this evaluation. The Secretary could waive any portion of the liability which the Secretary attributes to the uncontrollable effects of caseload growth.

If the Secretary determined that a State has provided insufficient information or that sufficient information is not otherwise available from existing Department records to determine a waiver amount for the effects of caseload growth using factual analysis, the Secretary might use an alternative method of evaluation. The Secretary would determine the waiver amount for the uncontrollable effects of unusual caseload growth by first determining a preliminary waiver amount using a formula and then adjusting the preliminary waiver amount if the Secretary deemed it necessary to take into account recent error rate history or the pattern of caseload growth. For example, a reduction in the preliminary amount might be made if the formula results in a waiver of all or nearly all the liability when a State agency's recent error rate history indicates that even absent the events described, the State would have exceeded error rate tolerances in the review period. Similarly, the Department would likely grant more relief where caseload sizes were widely fluctuating than where there was a single one-time increase in participation that persisted. Under the formula, the Secretary would: (1) Count the number of months out of the eighteen months beginning in April prior to the subject review period in which the State Agency's Food Stamp Program caseloads were 15 percent or more above caseloads in March prior to the review period; (2) count the number of months during the twelve months of the review period in which the State Agency's Food Stamp Program caseloads were 15 percent or more above caseloads in September prior to the review period; and (3) determine a preliminary waiver amount equal to one eighteenth of the liability times whichever number is larger under (1) or (2). No waiver would be granted based only on seasonal increases in caseloads.

4. Changes in the Food Stamp Program or Other Federal or State Programs

The Department proposes new language to describe specific information that would be required to be submitted in support of waiver requests based on changes in the Food Stamp or other programs, and to take into account the variance (error) exclusions now provided by the Hunger Prevention Act of 1988. For example, the State agency would be required to document the types of change(s) that occurred; and (2) reasons the State agency was unable to adequately handle the change(s). The regulation itself describes in greater detail the information the Secretary needs to evaluate requests.

Interim rulemaking published on November 2, 1988 (53 FR 44171) pursuant to Public Law 100–435, excludes from the QC payment error rate those errors resulting from: (1) Application of new regulations during the first 60 or 90 days (as appropriate) from the required implementation date; (2) the use of correctly processed incorrect information concerning households or individuals received from Federal agencies; and (3) incorrect policy guidance from FNS. Good cause relief from these types of errors is therefore unneeded. However, FNS would still entertain requests for good cause waivers for the impact of substantial program changes on the payment error rate after the variance exclusion period. As noted earlier, FNS wishes to advise State agencies that the higher error rate tolerance levels provided by the Hunger Prevention Act of 1988 are intended to accommodate normal levels of program change. FNS expects to grant relief only for the effects of unusual changes that have a large and uncontrollable impact. The Secretary would waive any portion of the liability which the Secretary attributed to the uncontrollable effects of large and unusual changes in the Food Stamp Program or other Federal and State programs.

5. Other Circumstances Beyond the Control of the State Agency

The Department proposes new language to describe the specific information that would be required to be submitted in waiver requests. For example, the State agency would be required to document: (1) Why the State had no control over the unusual circumstances; and (2) how the unusual circumstances had an adverse impact on the State agency's error rate. The regulation itself describes in greater detail the information the Secretary needs to evaluate requests.

The Department also proposes new language to indicate that only unusual circumstances having an uncontrollable effect on error rates will be considered. The burden would rest upon the State agency, in its request, to demonstrate how the unusual circumstances uncontrollably and adversely affected its payment error rate. It has already been noted that FNS does not intend to grant relief for the effects of normal levels of management difficulties or the effects of features of the Quality Control System that Congress has already accommodated with the higher error tolerance levels provided by the Hunger Prevention Act of 1988.

Timeframes

Currently, State agencies have 30 days from the date of notification by FNS of its final error rate and potential liability to submit requests for good cause. Because a number of State agencies have requested extensions in the past, we are proposing a 60-day period for such requests. The 60-day period would begin upon notification by FNS (certified mail, return receipt requested) of the State agency's final error rate and potential liability. Therefore, requests for good cause or requests for extension would be required to be post-marked no later than 60 days from the date of receipt of FNS' letter of notification. The date of receipt would be the date indicated on the certified mail return receipt. In the event that the Department did not receive the return receipt, the date of receipt would be the date which would be seven days from the date on the letter of notification. Requests for extension would be evaluated on a case-by-case basis. However, only in the most unusual situations would such requests be granted. For example, an occurrence that would preclude a State agency from conducting normal business may be considered an unusual situation.

Implementation

The Department proposes that this rulemaking become effective 30 days after publication as a final rule. The Department also proposes that for Fiscal Years 1986 through 1989, State agencies must submit good cause waiver requests no later than 120 days (60 days as allowed in the regulations plus an automatic 60-day extension) from the date of receipt of notification of the official payment error rate and liability. For Fiscal Year 1990 and thereafter, State agencies would be required to submit good cause waiver requests no later than 60 days from the date of receipt of notification of the official payment error rate and liability. Therefore, requests would be required to be postmarked no later than 120 days or 60 days from the date of receipt of notification.

Interim rules affecting the variance exclusion provisions were published November 2, 1988, and were effective with Fiscal Year 1989.

List of Subjects in 7 CFR Part 275

Administrative practice and procedure, Food stamps, Reporting, and Recordkeeping requirements.

Accordingly, 7 CFR part 275 is proposed to be amended as follows:

PART 275—PERFORMANCE REPORTING SYSTEM

1. The authority citation for Part 275 continues to read as follows:

Authority: 7 U.S.C. 2011–2029.

2. In § 275.23:

a. The second sentence of paragraph (e)(4)(i) is removed and two new sentences are added in its place.

b. Paragraph (e)(5) is revised.

The revision and additions read as follows:

§ 275.23 Determination of State agency program performance.

* * * * *

(e) *State agencies' liabilities for payment error rates.* * * *

(4) *Relationship to warning process and disallowance of funds.* (i) * * * However, State agencies shall be notified by certified mail, return receipt requested at least 60 days before any billing and shall have sixty days following such notice to request a good cause waiver of part or all of their potential liability. The billing will not occur until after the expiration of 60 days and the Secretary's determination of good cause. * * *

* * * * *

(5) *Good Cause.* (i) *Events.* When a State agency exceeds the allowable level for payment errors as described in this section, FNS may determine that the State agency had good cause for not achieving the payment error rate tolerance due to an unusual event or events having an uncontrollable effect upon error rates, and grant relief from quality control liabilities that would otherwise be levied under this section of the regulations. State agencies desiring such relief must submit a request in writing within 60 days from the date of receipt of notification of the official payment error rate and potential liability. The Secretary or the Secretary's designee shall make a final determination that there is no good cause for relief if a State agency fails to request such relief under the provisions of this rule. The following are examples of unusual events which State agencies may use as a basis for requesting good cause relief and specific information that FNS expects State agencies to submit to justify such requests for relief:

(A) Natural disasters such as those under the authority of the Disaster Relief Act of 1974, as amended (42 U.S.C. 5121 *et seq.*, Pub. L. 93–288) or civil disorders that adversely affect program operations, during or not more than six months prior to the subject review period. When submitting a request for good cause relief based on this example, the State agency shall provide the following information:

(*1*) The nature of the disaster(s) (e.g. a tornado, hurricane, earthquake, flood, fire in a certification office, etc.) or civil disorder(s)) and evidence that the President has declared as disaster;

(*2*) The date(s) of the occurrence;

(*3*) The date(s) after the occurrence when program operations were affected;

(*4*) The geographic extent of the occurrence;

(*5*) The proportion of the food stamp caseload whose management was affected;

(*6*) The nature of the impact on program operations and State agency efforts to control these impacts;

(*7*) Identification and explanation of the uncontrollable errors caused by the event (types of errors, geographic location of the errors, time period during which the errors occurred, etc.); and

(*8*) The percentage of the payment error rate that resulted from the occurrence and how this figure was derived.

The Secretary shall evaluate the State agency's request and waive any portion of the liability which the Secretary attributes to the uncontrollable effects of a disaster or civil disorder. If the Secretary determines the State agency is unable to provide sufficient information to determine a waiver amount for the effects of a disaster or civil disorder using factual analysis, the Secretary may use the following alternative method of evaluation. First, although State agencies may appropriately request relief from the effects of any type of natural disaster, in reaching a decision based on incomplete information about the effect of a natural disaster on error rates, the Secretary will only grant a waiver if the State agency documents that there was a federally declared disaster during the eighteen months beginning six months prior to the subject review period, and that the disaster uncontrollably and adversely affected program operations during the review period. The Secretary shall determine a preliminary waiver amount by determining, from the State agency's application, the number of months during the eighteen months that begins six months before the subject review period during which a civil disorder or Federally-declared disaster uncontrollably hurt Food Stamp Program operations; and determining an amount equal to one eighteenth of the liability for each such month. The Secretary may then adjust the preliminary waiver amount to reflect, among other factors, recent error rate history, geographical impact of the disaster, State efforts to control impact on program operations, the proportion of food stamp caseload affected, and/or the duration of the disaster and its impact on program operations. Adjustments for these factors may result in a waiver of all, part, or none of the error rate liabilities for the applicable period. For example, a reduction in the preliminary amount may be made if the formula results in a waiver of all or nearly all the liability when a State agency's recent error rate history indicates that even absent the events described, the State agency would have exceeded error rate tolerances in the review period. Similarly, the waiver might be adjusted to take into account the scope of the area affected by a natural disaster or the intensity of the effect within the area affected. Under this approach FNS will not grant relief in one review period for the effects of disasters or civil disorders that ended during the first half of the prior review year.

(B) Strikes by State agency staff necessary to determine Food Stamp Program eligibility and process case changes, during or not more than six months prior to the subject review period. When submitting a request for good cause relief based on this example, the State agency shall provide the following information:

(1) Which workers (i.e. eligibility workers, clerks, data input staff, etc.) and how many (number and percentage of total staff) were on strike or refused tc cross picket lines;

(2) The date(s) and nature of the strike (i.e. the issues surrounding the strike);

(3) The geographic extent of the strike (i.e. the county or counties where the strike occurred):

(4) The proportion of the food stamp caseload whose management was affected by the strike;

(5) The adverse affect of the strike on program operations (i.e. the nature of the work that was and was not done during the strike, the State agency's efforts to counter the effects of the strike, etc.);

(6) Identification and explanation of the uncontrollable errors caused by the event (types of errors, geographic location of the errors, time period during which the errors occurred, etc.); and

(7) The percentage of the payments error rate that resulted from the strike.

The Secretary shall evaluate the State agency's request and waive any portion of the liability which the Secretary attributes to the uncontrollable effects of the strike. If the Secretary determines the State agency is unable to provide sufficient information to determine a waiver amount using factual analysis, the Secretary may use the following alternative method to evaluate the effects during the review period of a strike that occurred during the eighteen months beginning six months before the subject review period. The Secretary will determine a preliminary waiver amount for the effects of a strike which uncontrollably and adversely affected program operations during the review year by determining from the State's application the number of months out of eighteen months that begins the six months before the subject review period during which Food Stamp Program operations were uncontrollably hurt by the effects of a strike; and determining a preliminary waiver amount equal to one eighteenth of the liability for each such month. The Secretary may then adjust the preliminary waiver amount if the Secretary deems it necessary to take into account recent error rate history or the nature of any strike. A reduction in the preliminary amount may be made if the formula results in a waiver of all or nearly all the liability when a State's agency's recent error rate history indicates that even absent the events described, the State agency would have exceeded error rate tolerances in the review period. Similarly, the amount of the waiver might be reduced for a strike that was limited to a small area of the State. Under this approach FNS will not grant relief in one review period for the effects of a strike that ended during the first half of the prior review year.

(C) Unusual Food Stamp Program caseload growth prior to or during the fiscal year, for example 15 percent or more within the 18-month period which covers the subject review period and the six months immediately preceding that period may constitute unusual caseload growth. Caseload growth which historically increases during certain periods of the year will not be considered unusual or beyond the State agency's control. When submitting a request for good cause relief based on this example, the State agency shall provide the following information:

(1) The amount of growth (both actual and percentage);

(2) The time the growth occurred (what month(s)/year);

(3) The geographic extent of the caseload growth (i.e. Statewide or in which particular counties);

(4) The impact of caseload growth;

(5) The reason(s) why the State agency was unable to control the effects of caseload growth on program administration and errors; and

(6) The percentage of the payment error rate that resulted from the caseload growth.

The Secretary shall evaluate the State's request and waive any portion of the liability which the Secretary attributes to the uncontrollable effects of unusual caseload growth. If the Secretary determines the State agency is unable to provide sufficient information to determine a waiver amount for the uncontrollable effects of unusual caseload growth using factual analysis, the Secretary may use the following alternative method of evaluation. The Secretary shall determine the waiver amount for the uncontrollable effects of unusual caseload growth by first determining a preliminary waiver amount using a formula and then adjusting the preliminary waiver amount if the Secretary deems it necessary to take into account recent error rate history or the pattern of caseload growth. For example, a reduction in the preliminary amount may be made if the formula results in a waiver of all or nearly all the liability when a State's recent error rate history indicates that even absent the events described, the State agency would have exceeded error rate tolerances in the review period. Similarly, the Department would likely grant more relief where caseload sizes were widely fluctuating than where there was a single one-time increase in participation that persisted. Under the formula, the Secretary shall count the number of months out of the eighteen months beginning in April prior to the subject review period in which the State Food Stamp Program caseloads were 15 percent more above caseloads in March prior to the subject review period; count the number of months during the twelve months of the review period in which the State agency's Food Stamp Program caseloads were 15 percent or more above caseloads in September prior to the subject review period; and determine a preliminary waiver amount equal to one eighteenth of the liability times whichever number is larger.

(D) Unusual changes in the Food Stamp or other Federal or State programs that have a substantial uncontrollable effect on the QC payment error rate. Requests for relief from errors caused by the substantial uncontrollable effects of unusual program changes other than those variances already excluded by § 275.12(d)(2)(vii) will be considered. When submitting a request for good cause relief based on unusual changes in the Food Stamp or other Federal or State programs, the State agency shall provide the following information:

(1) The type of change(s) that occurred;

(2) When the change(s) occurred;

(3) The nature of the adverse effect of the changes on program operations and the State agency's efforts to mitigate these effects;

(4) Reason(s) the State agency was unable to adequately handle the change(s);

(5) Identification and explanation of the substantial uncontrollable errors caused by the changes (type of errors, geographic location of the errors, time period during which the errors occurred, etc.); and

(6) The percentage of the payment error rate that resulted from the adverse impact of the change(s).

The Secretary shall evaluate the State agency's request and waive any portion of the liability which the Secretary attributes to the substantial, uncontrollable effects of unusual changes in the Food Stamp Program or other Federal and State programs.

(E) Other unusual circumstances. When submitting a request for good cause relief based on unusual circumstances other than those specifically set forth in this paragraph, the State agency shall provide the following information:

(1) The unusual circumstances that the State agency believes uncontrollably and adversely affected the payment error rate for the fiscal year in question;

(2) Why the State agency had no control over the unusual circumstances;

(3) How the unusual circumstances had an uncontrollable and adverse impact on the State agency's error rate;

(4) Where the unusual circumstances existed (i.e. Statewide or in particular counties);

(5) When the unusual circumstances existed (give as nearly exact dates as possible);

(6) The proportion of the food stamp caseload whose management was affected;

(7) Identification and explanation of the uncontrollable errors caused by the event (types of errors, geographic location of the errors, time period during which the errors occurred, etc.); and

(8) The percentage of the payment error rate that was caused by the unusual circumstances.

The Secretary shall evaluate the State agency's request and waive any portion of the liability which the Secretary attributes to the uncontrollable effects of unusual circumstances other than those set forth earlier in this paragraph.

(ii) *Timeframes.* State agencies have 60 days from the date of receipt of notification by certified mail return receipt requested by FNS of its final error rate and potential liability to submit requests for good cause. Requests for extensions shall be evaluated on a case-by-case basis. In computing any period of time prescribed or allowed under these procedures, the day of delivery of any notice of action, acknowledgment, or reply shall not be included. The last day of the period so computed shall be included unless it is a Saturday, Sunday or Federal or State holiday. In that case, the period runs until the end of the next day which is not a Saturday, Sunday or Federal or State holiday. Requests for good cause or an extension shall be post-marked no later than 60 days from the date of receipt of FNS' letter of notification.

(iii) *Evidence.* When submitting a request for good cause relief, the State agency shall include such data and documentation as is necessary to support and verify the information submitted in accordance with the requirements of this paragraph so as to fully explain how a particular unusual circumstance(s) uncontrollably increased its payment error rate.

(iv) *Determination.* When the Secretary determines that good cause exists for a State agency's failure to meet the payment error rate tolerance for the fiscal year, the Secretary shall reduce or eliminate the State agency's liability as the Secretary deems is appropriate under the circumstances.

(v) *Finality.* The good cause determination of the Secretary are final and not subject to further appeal.

* * * * *

Dated: January 9, 1991.

Betty J. Nelsen,

Administrator.

[FR Doc. 91-1008 Filed 1-15-91; 8:45 am]

BILLING CODE 3410-30-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 90-NM-275-AD]

Airworthiness Directives; Boeing of Canada, Ltd., de Havilland Division, Model DHC-7 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 de Havilland Model DHC-7 series airplanes, which currently requires repetitive X-ray inspections to detect cracks in the rear spar wing attachment and wing/outboard nacelle joint, and repair, if necessary. This action would require reinforcement of the rear spar frame and the wing/nacelle joint which, when accomplished, would terminate the need for the repetitive X-ray inspections. This proposal is prompted by reports of recent incidents involving fatigue cracking in transport category airplanes that are approaching or have exceeded their economic design goal. This condition, if not corrected, could result in reduced structural integrity of the fuselage longeron and the wing/nacelle joint. This action also reflectsthe FAA's decision that long-term continued operational safety should be assured by actual modification of the airframe rather than by repetitive inspections.

DATES: Comments must be received no later than March 11, 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. 90-NM-275-AD, 1601 Lind Avenue SW., Renton, Washington 98055-4056. The applicable service information may be obtained from Boeing of Canada, Ltd., de Havilland Division, Garratt Boulevard, Downsview, Ontario M3K 1Y5, Canada. This information may be examined at the FAA, Northwest Mountain Region, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington, or at the FAA, New England Region, New York Aircraft Certification Office, 181 South Franklin Avenue, Valley Stream, New York.

FOR FURTHER INFORMATION CONTACT: Mr. John Maher, Airframe Branch, ANE-172; telephone (516) 791-6220. Mailing address: FAA, New England Region, New York Aircraft Certification Office, 181 South Franklin Avenue, Valley Stream, New York 11581.

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 90-NM-275-AD. The post card will be date/time stamped and returned to the commenter.

Discussion

On October 17, 1980, the FAA issued AD 80-22-14, Amendment 39-3961 (45 FR 71767, October 30, 1980), to require repetitive X-ray inspections to detect cracks in the rear spar wing attachment and wing/outboard nacelle joint, and repair, if necessary. That action was prompted by fatigue testing by the manufacturer, which revealed that improved fatigue strength of the fuselage longeron at the rear spar and of the wing/outboard nacelle joint was required. This condition, if not corrected, could result in reduced structural integrity of the fuselage.

In April 1988, a high-cycle Boeing Model 737 suffered major structural damage in flight. Investigation revealed that 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 determined that increased attention needed to be focused on this aging fleet to maintain 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. The 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 de Havilland Model DHC-7 series airplanes made a recommendation to reinforce the longeron at the rear spar frame and the wing lower structure outboard nacelle joint. The manufacturer was made aware of the problem when cracks occurred during the fatigue test. Completing these reinforcements will reduce the possibility of major structural failure at the longeron and at the wing/nacelle joint.

Boeing of Canada, Ltd., de Havilland Division, has issued Service Bulletin 7-53-9, Revision B, and Service Bulletin 7-57-4, Revision A, both dated September 10, 1982, which describe procedures for reinforcing the longeron at the rear spar frame (Modification No. 7/1622) and the wing lower structure and outboard nacelle joint (Modification No. 7/1645). Transport Canada has classified these service bulletins as mandatory, and has issued Airworthiness Directive CF-80-20 addressing this subject.

Since fatigue cracking and corrosion are 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 reinforcement of the longeron and wing/nacelle joint in accordance with the service bulletins previously described.

The proposed compliance time for accomplishing the structural modifications is based on the recommendation of the Model DHC-7 Airworthiness Assurance Task Group. Their recommendation is based on a review of fatigue inspections, the ability of the manufacturer to provide parts, and the time necessary to incorporate the modifications.

It is estimated that 8 airplanes of U.S. registry would be affected by this AD, that it would take approximately 715 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 operator at no cost. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be $228,800.

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

For the reasons discussed above, I certify that this proposed regulation (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the draft evaluation prepared for this action is contained in the 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 superseding Amendment 39-3961 (45 FR 71767, October 30, 1980), AD 80-22-14, with the following new airworthiness directive:

Boeing of Canada, Ltd., de Havilland Division: Applies to Model DHC-7 series airplanes, certified in any category. Compliance is required as indicated, unless previously accomplished.

To prevent structural fatigue failure of the fuselage longeron at the rear spar frame and the lower wing/outboard nacelle joint, accomplish the following:

A. For airplanes Serial Numbers 1 through 14, with 2,975 hours or more time-in-service: Within the next 25 hours time-in-service, after October 31, 1980 (the effective date of Amendment 39-3961, AD 80-22-14), unless previously accomplished within the last 975 hours time-in-service, perform a radiographic inspection for cracks at the rear spar wing attachment to the fuselage frame in accordance with the instructions given in Figure 1 and 2 of de Havilland Service Bulletin 7-53-9, dated May 23, 1980.

Note: Inspections performed in accordance with de Havilland Service Bulletin 7-53-9, Revision A, dated June 9, 1980, or Revision B, dated September 10, 1982, are considered in compliance with the requirements of this paragraph.

1. If cracks are found, prior to further flight, repair in a manner approved by the Manager, New York Aircraft Certification Office (ACO), ANE-170, FAA, New England Region, and incorporate de Havilland Modification No. 7/1622 (reinforcement of the rear spar frame) in accordance with the Accomplishment Instructions of the service bulletin.

2. If no cracks are found, repeat the radiographic inspection at intervals not to exceed 1,000 hours time-in-service.

B. For airplanes Serial Numbers 1 through 14 and 17, with 4,975 hours or more time-in-service: Within the next 25 hours time-in-service, after October 31, 1980 (the effective date of Amendment 39-3961, AD 80-22-14), unless previously accomplished within the last 975 hours time-in-service, perform a radiographic inspection for cracks at the wing/outboard nacelle joint in accordance with the instructions given in Figure 1 of DeHavilland Service Bulletin 7-57-4, dated May 23, 1980.

Note: Inspection performed in accordance with de Havilland Service Bulletin 7–57–4, Revision A, dated September 10, 1982, are considered in compliance with the requirements of the paragraph.

1. If cracks are found, prior to further flight, repair in a manner approved by the Manager, New York Aircraft Certification Office (ACO), ANE–170, FAA, New England Region, and incorporate DeHavilland Modification No. 7/1645 (reinforcement of the lower wing structure and outboard nacelle) in accordance with the Accomplishment Instructions of the service bulletin.

2. If no cracks are found, repeat the radiographic inspection at intervals not to exceed 1,000 hours time-in-service.

C. Within 2 years after the effective date of this AD, reinforce the longeron at the rear spar frame (Modification No. 7/1622) and reinforce the wing/nacelle joint (Modification No. 7/1645), in accordance with the Accomplishment Instructions in de Haviland Service Bulletins 7–53–9, Revision B, and 7–57–4, Revision A, both dated September 10, 1982. Accomplishment of Modifications 7/1622 and 7/1645 constitutes terminating action for the repetitive radiographic inspections required by paragraphs A. and B. of this AD.

D. An alternate means of compliance or adjustment of the compliance time, which provides an acceptable level of safety, may be used when approved by the Manager, New York Aircraft Certification Office (ACO), ANE–170, FAA, New England Region.

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

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

All persons affected by this directive who have not already received the appropriate service documents from the manufacturer may obtain copies upon request to Boeing of Canada, Ltd., de Havilland Division, Garratt Boulevard, Downsview, Ontario, Canada M3K 1Y5. These documents may be examined at the FAA, Northwest Mountain Region, Transport Airplane Directorate, 1601 Lind Avenue S.W., Renton, Washington, or at the FAA, New England Region, New York Aircraft Certification Office, 181 South Franklin Avenue, Valley Stream, New York.

Issued in Renton, Washington, on January 7, 1991.

Leroy A. Keith,

Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 91–1037 Filed 1–15–91; 8:45 am]

BILLING CODE 4910–13–M

RAILROAD RETIREMENT BOARD

20 CFR Part 323

RIN 3220–AA84

Nongovernmental Plans for Unemployment or Sickness Insurance

AGENCY: Railroad Retirement Board.

ACTION: Proposed rule.

SUMMARY: The Railroad Retirement Board (Board) proposes to amend chapter II of title 20 of the Code of Federal Regulations by adding a new part 323. Part 323 defines, for purposes of the Railroad Unemployment Insurance Act, what is meant by the phrase "nongovernmental plan for unemployment or sickness insurance," the standards by which the Board will determine whether a proposed plan qualifies as a nongovernmental plan, and the procedure by which an employer may obtain a determination by the Board as to whether such a plan so qualifies.

DATES: Comments must be submitted on or before March 18, 1991.

ADDRESSES: Secretary to the Board, Railroad Retirement Board, 844 Rush Street, Chicago, Illinois 60611.

FOR FURTHER INFORMATION CONTACT: Thomas W. Sadler, General Attorney, Railroad Retirement Board, Bureau of Law, 844 Rush Street, Chicago, Illinois 60611, (312) 751–4513, (FTS) 386–4513.

SUPPLEMENTARY INFORMATION: The Railroad Unemployment Insurance Act (RUIA) provides for the payment of benefits to qualified railroad employees for their days of unemployment or days of sickness, as defined in section 1(k) of the RUIA. Under section 1(k), no day can be a day of unemployment or a day of sickness for any employee if "remuneration" is payable to or accrues to the employee for such day. Section 1(j) of the RUIA and part 322 of the Board's regulations define the term "remuneration" as meaning all pay for services for hire, including pay for time lost, and all other earned income payable or accruing with respect to any day. However, section 1(j) excludes from the definition of "remuneration" any money payments received by an employee pursuant to any nongovernmental plan for unemployment insurance, maternity insurance, or sickness insurance.

With the elimination of maternity benefits as a separate category of benefits under the RUIA by section 201 of Public Law 90–257 (82 Stat. 16, 23), the reference to maternity insurance in section 1(j) is obsolete. Consequently, this proposed part 323 confines itself to defining nongovernmental plans for unemployment or sickness insurance, their content, and the standards for Board approval of such plans.

The Board considers it necessary to publish a regulation on the subject of nongovernmental plans for unemployment or sickness insurance because of the growing number of such plans in recent years. At the same time, many railroad employees have been affected by railroad mergers, consolidations or abandonments, and many of them are entitled to receive payment of dismissal allowances pursuant to an order of the Interstate Commerce Commission or to a wage guarantee plan or agreement. A dismissal allowance or similar wage guarantee is a form of "remuneration" that prevents the payment of benefits under the RUIA or causes such benefits to be recoverable by the Board. See § 322.7 of the Board's regulations and section 2(f) of the RUIA (45 U.S.C. 352(f)). This proposed rule makes it clear that such payments are not made pursuant to a nongovernmental plan merely because the plan provides an offset for benefits received under the RUIA.

In addition, because benefit payments under nongovernmental plans are not "compensation" under section 1(i) of the RUIA, such benefit payments are not subject to payment of contributions under part 345 of this chapter. Accordingly, the Board considers it necessary and desirable to clearly distinguish employer payments under nongovernmental plans from other employer payments to employees due to unemployment and sickness and to create a formal procedure by which an employer may obtain from the Board a ruling as to whether payments it may have to make to an employee under such plans would, or would not, be regarded as "remuneration" within the meaning of section 1(j) of the Act.

The Board has determined that this is not a major rule for purposes of Executive Order 12291. Therefore, no regulatory analysis is required. There are no information collections contemplated by this proposed part 323.

List of Subjects in 20 CFR Part 323

Railroad employees, railroad employers, railroad unemployment benefits.

For the reasons set out in the preamble, title 20, chapter II of the Code of Federal Regulations is proposed to be amended by adding part 323 to read as follows:

Part 323—NONGOVERNMENTAL PLANS FOR UNEMPLOYMENT OR SICKNESS INSURANCE

Sec.
323.1 Introduction.
323.2 Definition of nongovernmental plan for unemployment or sickness insurance.
323.3 Standards for Board approval of a nongovernmental plan.
323.4 Guidelines for content of a nongovernmental plan.
323.5 Submitting proposed plan for Board approval.
323.6 Treatment of benefit payments under a nongovernmental plan for purposes of contributions.
323.7 Effective date.

Authority: 45 U.S.C. 362(l).

§ 323.1 Introduction.

(a) This part defines the phrase "nongovernmental plan for unemployment or sickness insurance" and sets forth the procedure by which an employer may obtain a determination by the Railroad Retirement Board as to whether a particular plan that such employer maintains for its employees qualifies as a nongovernmental plan. In general, any payment by an employer to an employee for services rendered as an employee will be considered to be "remuneration" within the meaning of section 1(j) of the Railroad Unemployment Insurance Act and part 322 of this chapter. This includes employer payments that relate to an employee's loss of earnings during a period of time when the employee is unemployed or sick, including sickness resulting from injury. The exception is when an employer pays an employee a benefit pursuant to the provisions of a nongovernmental plan for unemployment or sickness insurance established by an employer for the benefit of its employees. Benefit payments under such plans are not remuneration and do not affect an employee's eligibility for unemployment or sickness benefits under the Railroad Unemployment Insurance Act.

(b) This part does not have any general applicability to private insurance contracts under which an insurance company, pursuant to a policy of insurance maintained by or for an employee, pays medical or hospital expenses or other cash benefits to or in behalf of an employee. Nor does this part apply to any private plan for relief of unemployment established by a party other than an employer such as, for example, a plan established by a labor union under which it undertakes to pay benefits to striking members of the union out of a strike insurance fund. Insurance policy benefits and strike unemployment benefits, although paid under plans that are nongovernmental in nature, are not considered remuneration for services under the general definition of "remuneration." See part 322 of this chapter.

§ 323.2 Definition of nongovernmental plan for unemployment or sickness insurance.

A nongovernmental plan for unemployment or sickness insurance is a benefit plan, program or policy that is in the nature of insurance and is designed and established by an employer for the purpose of supplementing the benefit that an employee of such employer may receive under the Railroad Unemployment Insurance Act during a period of unemployment or sickness. A nongovernmental plan may be established by labor-management agreement or by unilateral employer action. Payments under such plans are referred to as supplemental unemployment benefits (SUB pay) or supplemental sickness benefits, rather than as wages, salary or pay for time lost, because their inherent nature is to supplement benefit payments under the Railroad Unemployment Insurance Act rather than to replace or duplicate such payments.

§ 323.3 Standards for Board approval of a nongovernmental plan.

An unemployment or sickness benefit plan qualifies as a nongovernmental plan if it conforms to the following standards:

(a) The plan is in writing and has been published or otherwise communicated to covered employees prior to the inception of the plan;

(b) Benefits under the plan are payable only to employees who are involuntarily laid off or separated from the service of the employer or who are absent from work on account of illness or injury;

(c) Payment of benefits under the plan is conditioned upon a covered employee's meeting the eligibility conditions governing payment of benefits under the Railroad Unemployment Insurance Act. However, a plan will not be disqualified merely because it:

(1) Provides benefits during any waiting period required under the Railroad Unemployment Insurance Act, or

(2) Provides benefits after an employee has exhausted rights to benefits under the Railroad Unemployment Insurance Act, or

(3) Provides benefits during a period when the employee is not a "qualified employee", within the meaning of part 302 of this chapter;

(d) Payment of benefits under the plan is coordinated with benefit payments to which the employee may be entitled under the Railroad Unemployment Insurance Act. In general, plan benefit payments will be considered coordinated with Railroad Unemployment Insurance Act benefit payments when computation of the plan benefits takes Railroad Unemployment Insurance Act benefit entitlement into consideration in such a way as to make it clear that the plan is supplementing Railroad Unemployment Insurance Act benefit payments for days of unemployment or days of sickness. For example, a plan that provides for payment of a specified daily benefit amount is considered coordinated with Railroad Unemployment Insurance Act benefit payments if the plan provides that the daily benefit amount otherwise payable to the employee is reduced by the amount of benefits that the employee received or could receive under the Railroad Unemployment Insurance Act for the same day if the employee had met all the eligibility criteria for such benefit. Similarly, there is acceptable coordination if the plan simply provides for payment of an amount as an "add-on" benefit to the amount of Railroad Unemployment Insurance Act benefits paid or payable. On the other hand, a plan that allows payment so as to compensate an employee for railroad or non-railroad earnings that are lower in amount than what the employee would get under the plan if he or she were not employed is not considered coordinated with benefit payments under the Railroad Unemployment Insurance Act because an employer payment made under such circumstances supplements earnings rather than benefit payments under the Railroad Unemployment Insurance Act. No Railroad Unemployment Insurance Act benefits are payable to an employee who is earning remuneration from railroad or non-railroad employment. Employer payments that make up for low earnings are pay for time lost and therefore are "compensation" and "remuneration";

(e) The plan confers upon covered employees an enforceable right to the benefits under the plan. The plan may not commit to management discretion any decision as to whether such employee will actually be paid the benefits to which he is entitled under the plan or the amount to be paid;

(f) The plan may not provide benefits to a covered employee in an amount that, when added to his or her Railroad

Unemployment Insurance Act benefits, is greater than the wages or salary that would have been paid if the employee were employed; and

(g) The plan incorporates the features set forth in § 323.4 of this part and has been approved by the Board's Director of Unemployment and Sickness Insurance as a nongovernmental plan for unemployment or sickness insurance.

§ 323.4 Guidelines for content of a nongovernmental plan.

At a minimum, a nongovernmental plan for unemployment or sickness insurance should contain the following features:

(a) The title of the plan (e.g., Supplemental Unemployment Benefit Plan or Supplemental Sickness Benefit Plan);

(b) A statement of purpose, such as the following: There is hereby established a nongovernmental plan for (unemployment insurance) (sickness insurance) [specify which one] within the meaning of section 1(j) of the Railroad Unemployment Insurance Act. The purpose of this plan is to supplement the benefits that an eligible employee may receive under that Act and not to replace or duplicate such benefits. Payments under this plan are designed as one of the benefits of employment with [name of employer] and are not intended as pay for time lost or any other form of remuneration for services rendered as an employee;

(c) A statement as to which class or craft of employees, or other specified group of employees, is covered by the plan;

(d) The criteria governing a particular covered employee's eligibility for supplemental benefits under the plan;

(e) The dollar amount of supplemental benefits payable on a periodic basis to an eligible employee, the duration of supplemental benefits, how such benefits will be computed, and the conditions under which an employee will be disqualified or benefit payments reduced or terminated; and

(f) The identity of the plan administrator and the procedure by which a covered employee may claim supplemental benefits under the plan, including forms to be filed (if any), how to file, the time limit for filing, and how an employee may appeal from a denial of supplemental benefits.

§ 323.5 Submitting proposed plan for Board approval.

An employer shall submit each proposed plan, or a proposed revision to an existing plan, to the Director of Unemployment and Sickness Insurance, Railroad Retirement Board, 844 Rush Street, Chicago, Illinois 60611. The Director shall determine whether the plan or revision conforms to this Part. Approval shall be effective as of the effective date of the plan. If not approved, the Director will advise the employer in which particular respects the proposed plan or revision does not conform to this part.

§ 323.6 Treatment of benefit payments under a nongovernmental plan for purposes of contributions.

Benefit payments under nongovernmental plans approved by the Board under this part are not "compensation" as defined in section 1(i) of the Railroad Unemployment Insurance Act, and therefore they are not subject to contribution under part 345 of this chapter.

§ 323.7 Effective date.

(a) This part shall not apply to a plan approved by the Director of Unemployment and Sickness Insurance prior to the effective date of this part. However, it shall apply to any proposed revision to such plan.

(b) Any plan in effect on the effective date of this part that has not been approved by the Director of Unemployment and Sickness Insurance shall be considered a proposed plan for purposes of § 323.5.

Dated: January 8, 1991.

By Authority of the Board.

Beatrice Ezerski,

Secretary to the Board.

[FR Doc. 91–1007 Filed 1–15–91; 8:45 am]

BILLING CODE 7905–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 1020

[Docket No. 87P–0256/CP]

Performance Standards for Ionizing Radiation Emitting Products: Diagnostic X-Ray Systems and Their Major Component; Computed Tomography Equipment; Proposed Removal of Requirement; Citizen Petition

AGENCY: Food and Drug Administration, HSS.

ACTION: Proposed rule.

SUMMARY: The Food and Drug Administration (FDA), in response to a citizen petition, is proposing to remove a requirement in the performance standard for diagnostic X-ray systems and their major components regarding computed tomography (CT) equipment.

DATES: Comments by March 18, 1991. FDA proposes that any final rule based on this proposed rule become effective 30 days after the date of its publication in the **Federal Register**.

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: Joseph M. Sheehan, Center for Devices and Radiological Health (HFZ–84), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–4874.

SUPPLEMENTARY INFORMATION: On July 31, 1987, the National Electrical Manufacturers Association (NEMA) filed a petition requesting that FDA remove § 1020.33(f)(2)(ii) (21 CFR 1020.33(f)(2)(ii)), a paragraph of the performance standard for diagnostic X-ray systems and their major components regarding CT equipment. The requirement that the petition requested be removed is as follows:

> (ii) Means shall be provided such that the exposure from the system does not exceed the radiation levels specified in § 1020.30(k) except when x-ray transmission data are being collected for use in image production or technique factor selection.

The agency had established this requirement to prevent or limit unnecessary radiation exposure to the patient during a CT scan. As described in the preamble of the notice proposing this requirement, published in the **Federal Register** of October 31, 1980 (45 FR 72204), the intent was to limit exposure of the patient which might occur if the CT system exposed the patient to radiation without, at the same time, collecting transmission data for image production or for selection of technique factors. Such unused exposure might occur during adjustment of X-ray tube current and potential to operating levels, during opening or closing of beam shutters, or during periods of X-ray production without data collection if systems were not optimally designed from a radiation use standpoint. Some early CT designs produced excessive amounts of unused radiation.

Early drafts of this requirement, circulated for comment in March 1978 and October 1978 prior to its formal proposal, would have permitted exposure of the patient during data collection only. FDA specifically solicited comments on this and on the amount of exposure to be permitted for technique factor selection purposes.

Some manufacturers commenting on the drafts stated that allowance was required for some unused radiation in order for CT systems to function optimally and suggested limits based on a fraction of the scan time, a fraction of the total exposure from the scan, or the 100 milliroentgens (mR) limit contained in § 1020.30(k) (21 CFR 1020.30(k)). FDA proposed the latter limit of 100 mR for the amount of unused exposure to be permitted during a scan and specifically requested comments on this proposed limit for technique factor selection. However, FDA received no comments on this requirement in the proposed rule, and the requirement became final as proposed. The final rule was published in the Federal Register on August 31, 1984 (49 FR 34698).

In 1986, FDA, during the review of initial reports submitted by CT manufacturers under 21 CFR 1002.10, raised questions with one manufacturer that had failed to design a CT system in compliance with 21 CFR 1020.33(f)(2)(ii). As a result of the review, the manufacturer then made a software change that resulted in a significant reduction in the unused radiation for this system design. On April 14, 1987, FDA sent a letter to all CT system manufacturers setting forth the agency's interpretation of § 1020.33(f)(2)(ii) and requesting additional information from the manufacturers as to how they had designed their systems to comply with § 1020.33(f)(2)(ii). The letter stated FDA's interpretation that the reference in § 1020.33(f)(2)(ii) to § 1020.30(k) referred only to the radiation exposure limit of 100 mR in § 1020.30(k) and not to the measurement conditions in § 1020.30(k). The letter stated that those portions of § 1020.30(k) relating to exposure time, leakage technique factors, measurement area, and measurement distance did not apply to § 1020.33(f)(2)(ii). FDA also stated that the 100 mR limit on unused exposure applied to an individual scan and recommended measurement of the exposure in air at the axis or center of rotation of the X-ray tube. The letter requested each manufacturer to provide additional information as a supplement to initial reports on the operation and compliance of their CT systems with respect to § 1020.33(f)(2)(ii).

Following receipt of the April 14, 1987, letter, manufacturers of CT systems, through NEMA, requested a meeting with FDA to discuss the interpretation of § 1020.33(f)(2)(ii) and its impact of manufacturers. During this meeting, which was held on June 24, 1987, the manufacturers revealed that a large number of currently marketed CT systems failed to comply with the agency's interpretation of § 1020.33(f)(2)(ii). Their problems in meeting the agency's interpretation were claimed to be due to the manufacturers: (1) Interpreting § 1020.33(f)(2)(ii) as a leakage radiation requirement rather than as a limit on direct beam exposure to the patient; (2) interpretating the reference to § 1020.30(k) to include the measurement conditions in that section; or (3) failing to consider how compliance with § 1020.33(f)(2)(ii) should be determined. Information submitted to FDA by NEMA following this meeting indicated that the maximum unused radiation during a single scan ranged from 93 mR to 1040 mR. This represents from 0.2 to 8 percent of the total patient exposure during a single scan. These data, however, did not encompass all manufacturers or all models of CT systems.

FDA received the citizen petition from NEMA after these discussions with manufacturers. The petitioner's argument for removal of this requirement consisted of the following:

(1) The performance standard allegedly contains basic flaws which make it unsuitable for the use for which the agency stated that it was intended. These alleged flaws are:

(a) The application of the referenced requirement (§ 1020.30(k)) in the subject regulation (§ 1020.33(f)(2)(ii)) to limit exposure to the patient is not appropriate to the way in which the numerical limit of 100 mR in 1 hour in § 1020.30(k) was determined.

(b) The promulgation of § 1020.33(f)(ii) was never accompanied by notice-and-comment rulemaking.

(c) FDA did not conduct a survey of state-of-the art CT scanners to determine the feasibility of compliance with the standard as FDA interpreted it.

(d) Because FDA acceded to an industry comment during the original rulemaking concerning § 1020.33(f)(2)(ii), the industry reasonably believed that the requirement was simply a leakage radiation requirement. This misunderstanding was only cleared up by a 1987 letter from FDA to NEMA.

(e) FDA did not establish an adequate rationale for the new limit of 100 mR/scan first promulgated in its interpretation and not previously referenced in the regulation.

(f) For various reasons, FDA's attempt to reduce X-ray exposure to patients via § 1020.33(f)(2)(ii) would for many CT systems result in just the opposite effect.

(2) Patient dose protection is allegedly already covered in other sections of the CT performance standard which require the disclosure of dose in the form of CTDI values in the labeling.

(3) The interpretation in the recent (1987) FDA letter is allegedly equivalent to an amendment to the CT performance standard because of the severity of its impact.

While FDA does not agree with the first and third petitioner's arguments, there are good reasons for repeal of the requirement.

First, it is apparent that a significant number of previously and currently marketed CT systems would require redesign or modification to comply with § 1020.33(f)(2)(ii), although the extent or cost of such modification is unknown to the agency.

Second, it is clear that some unused radiation exposure of the patient is inherent in the design of CT systems, and attempting to eliminate or severely restrict that exposure could adversely affect the clinical performance of those systems.

Furthermore, the patient dose resulting from unused radiation exposure for a given CT system is reflected in and contributes to the CTDI for that system. Manufacturers are required by § 1020.33(c) to provide information on the total radiation dose from each CT system through the CTDI. Thus, systems with larger amounts of unused radiation will reflect this in the CTDI information provided to purchasers. Purchasers and users thus have the CTDI, which reflects total patient radiation dose, which may be used to judge the radiation impact of a given model or technique of operation. The negative impact of large CTDI values and the desirability of keeping scan times as short as possible are factors which presently encourage designs that limit unused exposure.

In addition to these considerations, FDA has identified no suitable alternate requirement whose benefits would clearly exceed the potential costs to manufacturers and, ultimately, to users if system modifications were to be required for compliance. FDA believes that the potential public health benefit of such a suitable alternate requirement, were one to be developed, to be minor.

For these reasons FDA agrees with the petitioner that the requirement in § 1020.33(f)(2)(ii) should be removed.

In conjunction with its proposal to remove § 1020.33(f)(2)(ii) and because of the lack of a suitable alternative requirement, FDA encourages manufacturers to review carefully current and proposed CT system designs. Particular attention should be given to ensuring that the system design limits the unused exposure to the

minimum required to operate the system for its intended purposes.

In January and February 1990, FDA sent a draft of this proposed rule to remove § 1020.33(f)(2)(ii) to members of the Technical Electronic Product Radiation Safety Standards Committee (TEPRSSC) for their review. Of the 15 TEPRSSC members, 10 concurred, 1 did not concur, 1 abstained, and 3 did not respond. The member who did not concur believes that a regulation addressing unnecessary radiation exposure to the patient is important to have and that any confusion over the interpretation of § 1020.33(f)(2)(ii) could be eliminated by amending this section rather than by removing it. FDA disagrees but invites comments on this issue.

Environmental Impact

The agency has determined under 21 CFR 25.24(e)(3) that this action is of a type that does not individually or cumulatively have a significant effect on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

Economic Impact

After considering the economic consequences of removing § 1020.33(f)(2)(ii), FDA certifies that this notice requires neither a regulatory impact analysis, as specified in Executive Order 12291, nor a regulatory flexibility analysis as defined in the Regulatory Flexibility Act (Pub. L. 96–354).

Comments

Interested persons may, on or before March 18, 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 p.m., Monday through Friday.

List of Subjects in 21 CFR Part 1020

Electronic products, Medical devices, Performance standards for ionizing radiation emitting products, Radiation protection, Reporting and recordkeeping requirements, Television, and X-rays.

Therefore, under the Public Health Service Act as amended by the Radiation Control for Health and Safety Act of 1968 and under authority delegated to the Commissioner of Food and Drugs, it is proposed that 21 CFR part 1020 be amended as follows:

PART 1020—PERFORMANCE STANDARDS FOR IONIZING RADIATION EMITTING PRODUCTS

1. The authority citation for 21 CFR part 1020 continues to read as follows:

Authority: Secs. 501, 502, 515–520, 701, 801 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 351, 352, 360e–360j, 371, 381); secs. 354–360F of the Public Health Service Act (42 U.S.C. 263b–263n).

§ 1020.33 [Amended]

2. Section 1020.33 *Computed tomography (CT) equipment* is amended by removing paragraph (f)(2)(ii) and by redesignating paragraph (f)(2)(iii) as paragraph (f)(2)(ii).

Dated: November 30, 1990.

Ronald G. Chesemore,

Associate Commissioner for Regulatory Affairs.

[FR Doc. 91–1027 Filed 1–15–91; 8:45 am]

BILLING CODE 4160–01–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[PP 9E3711/P519; FRL–3942–2]

RIN 2070-AC18

Pesticide Tolerances for Inorganic Bromide Resulting From Fumigation With Methyl Bromide

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: This document proposes that the established tolerance for residues of inorganic bromide in or on ginger roots be amended to allow preplant soil fumigation with methyl bromide. The proposed amendment to the tolerance for inorganic bromide was requested in a petition submitted by the Interregional Research Project No. 4 (IR-4).

DATES: Comments, identified by the document control number (PP 9E3711/P519), must be received on or before February 15, 1991.

ADDRESSES: By mail, submit written comments to: Public Information Branch, Field Operations Division (H7506C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. In person, bring comments to: Rm. 246, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202.

Information submitted as a comment concerning this document may be claimed confidential by marking any part or all of that information as "Confidential Business Information" (CBI). Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. A copy of the comment that does not contain CBI must be submitted for inclusion in the public record. Information not marked confidential may be disclosed publicly by EPA without prior notice. All written comments will be available for public inspection in Rm. 246 at the address given above, from 8 a.m. to 4 p.m., Monday through Friday, excluding legal holidays.

FOR FURTHER INFORMATION CONTACT: By mail: Hoyt L. Jamerson, Emergency Response and Minor Use Section (H-7505C), Registration Division, Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location and telephone number: Rm. 716C, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703)-557-2310.

SUPPLEMENTARY INFORMATION: The Interregional Research Project No. 4, (IR-4), New Jersey Agricultural Experiment Station, P.O. Box 231, Rutgers University, New Brunswick, NJ 08903, has submitted pesticide petition 9E3711 to EPA on behalf of the Agricultural Experiment Station of Hawaii.

This petition requested that the Administrator, pursuant to section 408(e) of the Federal Food, Drug, and Cosmetic Act, propose an amendment to 40 CFR 180.123 by revising the existing tolerance for residues of inorganic bromide in or on ginger roots resulting from postharvest fumigation with methyl bromide to allow preplant soil fumigation. The existing tolerance for residues of inorganic bromide on ginger roots at 100 parts per million resulting from postharvest commodity fumigation with methyl bromide would remain in effect. No increase in the existing tolerance for residues of inorganic bromide on ginger roots was proposed to cover residues resulting from both preplant soil fumigation and postharvest commodity fumigation.

The petitioner proposed that this use of methyl bromide be limited to Hawaii based on the geographical representation of the residue data submitted. Additional residue data will be required to expand the area of usage. Persons seeking geographically broader registration should contact the Agency's Registration Division at the address provided above.

To make the regulations consistent, EPA also proposes to add a tolerance

with regional registration under 40 CFR 180.199 for residues of inorganic bromide in or on ginger roots at 100 ppm resulting from soil fumigation with methyl bromide and chloropicrin. Tolerances under 40 CFR 180.199 are established for residues of inorganic bromide resulting from soil fumigation with combinations of chloropicrin, methyl bromide, or propargyl bromide. Chloropicrin is used in combination with methyl bromide as a warning agent. No tolerance is needed for chloropicrin, since the Agency has concluded that no residues of chloropicrin will remain in or on ginger roots as a result of preplant soil fumigation with formulations containing chloropicrin at 2 percent or less.

All tolerances for methyl bromide are currently expressed in terms of inorganic bromide. Methyl bromide is exempt from the requirement of a tolerance under 40 CFR 180.3(c)(2) since residues of methyl bromide per se (also referred to in this document as the parent compound) were expected to degrade and/or dissipate by the time the treated commodity was consumed. Tolerances for inorganic bromide were, therefore, considered adequate to regulate residues from preplant soil fumigation and postharvest commodity fumigation with methyl bromide.

Data are now available, however, that show residues of the parent compound in foods which were treated by postharvest fumigation. In addition, the Registration Standard for Methyl Bromide, issued in 1986, requires the submission of data reflecting residues of methyl bromide per se. If both preplant and postharvest fumigation are registered uses on a given commodity, then data are required depicting residues of both inorganic bromide and methyl bromide residues resulting from the combination of the two types of treatment, and one tolerance will be established.

Based on numerous field residue studies, it is known that the bromide ion is a metabolite in plants grown in fumigated soil. The parent compound, however, has not been detected with certainty in plants grown in fumigated soil.

Residue data submitted by the petitioner reflecting preplant soil fumigation with methyl bromide show no detectable residues of the parent compound in or on ginger roots. The petitioner has also submitted data indicating that residues of inorganic bromide resulting from preplant soil fumigation with methyl bromide are relatively low compared with the tolerance established for postharvest fumigation with methyl bromide.

Data relating to methyl bromide residues in or on ginger roots resulting from postharvest fumigation are not available to the Agency at this time. However, based on the available information it appears that tolerances for residues of methyl bromide per se in or on ginger root resulting from both preplant soil fumigation and postharvest commodity fumigation with methyl bromide will be based primarily on residue data reflecting postharvest treatment. Once the registrant has submitted residue data for postharvest fumigation, and other data required by the registration standard, a tolerance can be established for ginger roots based on residue data reflecting preplant and postharvest fumigation. In the interim, the existing tolerance for inorganic bromide is considered adequate to allow both types of fumigation with methyl bromide.

The Agency concludes that the amount of inorganic bromide added to the diet from the proposed use will not significantly increase dietary exposure. There will be no increase in the theoretical maximum residue contribution (TMRC); the existing tolerance for ginger roots is adequate to allow both preplant soil fumigation and postharvest commodity fumigation.

Inorganic bromide is a naturally occurring substance in some soils with demonstrated safe use by humans in the form of over-the-counter proprietary brominated analgesics. Inorganic bromide is also a metabolite of numerous agricultural pesticides, and tolerances have been established for residues of the inorganic bromides on various commodities at levels ranging from 5 ppm to 240 ppm (40 CFR 180.123); food additive tolerances have been established at levels up to 400 ppm in major food items such as cheeses, dried eggs, and milled grain products (40 CFR 185.3700) and in fermented malt beverages (40 CFR 185.3480).

The nature of the residues is adequately understood for purposes of this tolerance, and an adequate analytical method, direct potentiometry using a solid-state bromide electrode, is available in FDA's *Pesticide Analytical Manual* (PAM), Vol. II, for enforcement purposes. No secondary residues in meat, milk, or eggs are expected since ginger is not considered a livestock feed commodity. There are currently no actions pending against the continued registration of this chemical.

Based on the above information considered by the Agency, the proposed amendments to 40 CFR 180.123 and 40 CFR 180.199 would protect the public health. Therefore, it is proposed that the tolerances be amended as set forth below.

Any person who has registered or submitted an application for registration of a pesticide under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended, which contains any of the ingredients listed herein, may request within 30 days after publication of this document in the **Federal Register** that this rulemaking proposal be referred to an Advisory Committee in accordance with section 408(e) of the Federal Food, Drug, and Cosmetic Act.

Interested persons are invited to submit written comments on the proposed regulation. Comments must bear a notation indicating the document control number, (PP 9E3711/P519). All written comments filed in response to this petition will be available in the Public Information Branch, at the address given above from 8 a.m. to 4 p.m., Monday through Friday, except legal holidays.

The Office of Management and Budget has exempted this rule from the requirements of section 3 of Executive Order 12291.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-354, 94 Stat. 1164, 5 U.S.C. 601-612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the **Federal Register** of May 4, 1981 (46 FR 24950).

List of Subjects in 40 CFR Part 180

Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: December 27, 1990.

Anne E. Lindsay.

Director, Registration Division, Office of Pesticide Programs.

Therefore, it is proposed that 40 CFR part 180 be amended as follows:

PART 180—[AMENDED]

1. The authority citation for part 180 continues to read as follows:

Authority: 21 U.S.C. 346a and 371.

2. In § 180.123, by designating the current text as paragraph (a) and revising its introductory text and adding new paragraph (b), to read as follows:

§ 180.123 Inorganic bromides resulting from fumigation with methyl bromide; tolerances for residues.

(a) Tolerances are established for residues of inorganic bromides (calculated as Br) in or on the following raw agricultural commodities which have been fumigated with the antimicrobial agent and insecticide methyl bromide after harvest (with the exception of strawberries):

* * * * *

(b) A tolerance with regional registration, as defined in § 180.1(n), is established for residues of inorganic bromides (calculated as Br) in or on the following raw agricultural commodity grown in soil fumigated with methyl bromide.

Commodity	Parts per million
Ginger, roots (Pre-H)	100

3. In § 180.199, by adding new paragraph (c), to read as follows:

§ 180.199 Inorganic bromides resulting from soil treatment with combinations of chloropicrin and methyl bromide, or propargyl bromide; tolerances for residues.

* * * * *

(c) A tolerance with regional registration, as defined in § 180.1(n), is established for residues of inorganic bromides (calculated as Br) in or on the following raw agricultural commodity grown in soil fumigated with combinations of methyl bromide and chloropicrin. No tolerance is established for chloropicrin since it has been established that no residue of this substance remains in the raw agricultural commodity when formulations containing chloropicrin at 2 percent or less are used.

Commodity	Parts per million
Ginger, roots	100

[FR Doc. 91-694 Filed 1-15-91; 8:45 am]
BILLING CODE 6560-50-F

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 67

[Docket No. FEMA-7010]

Proposed Flood Elevation Determinations

AGENCY: Federal Emergency Management Agency.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations and proposed base flood elevation modifications listed below for selected locations in the nation. These base (100-year) flood elevations are the basis for the floodplain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in each community.

ADDRESSES: See table below.

FOR FURTHER INFORMATION CONTACT: William R. Locke, Acting Chief, Risk Studies Division, Federal Insurance Administration, Federal Emergency Management Agency, Washington, DC 20472 (202) 646-2754.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency gives notice of the proposed determinations of base (100-year) flood elevations and modified base flood elevations for selected locations in the nation, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 44 CFR 67.4(a).

These elevations, together with the floodplain management measures required by 60.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

Pursuant to the provisions of 5 U.S.C. 605(b), the Administrator, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that the proposed flood elevation determinations, if promulgated, will not have a significant economic impact on a substantial number of small entities. A flood elevation determination under section 1363 forms the basis for new local ordinances, which, if adopted by a local community, will govern future construction within the floodplain area. The elevation determinations, however, impose no restriction unless and until the local community voluntarily adopts floodplain ordinances in accord with these elevations. Even if ordinances are adopted in compliance with Federal standards, the elevations prescribe how high to build in the floodplain and do not prohibit development. Thus, this action only forms the basis for future local actions. It imposes no new requirement; of itself it has no economic impact.

List of Subjects in 44 CFR Part 67

Flood insurance, Flood plains.

PART 67—[AMENDED]

1. The authority citation for part 67 continues to read as follows:

Authority: 42 U.S.C. 4001 et seq., Reorganization Plan No. 3 of 1978, E.O. 12127.

2. The proposed base (100-year) flood elevations for selected locations are:

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS

Source of flooding and location	#Depth in feet above ground. *Elevation in feet (NGVD)
CALIFORNIA	
Simi Valley (city), Ventura County	
Arroyo Simi:	
At Western Corporate Limits	*616
At confluence with Alamos Canyon	*643
At confluence with Brea Canyon	*680
At confluence with Sycamore Canyon, 1,800 feet downstream of Madera Road Bridge	*689
Maps are available for review at the Development Services Building, 3855 North Alamo Street, Simi Valley, California.	
Send comments to The Honorable Greg Stratton, Mayor, City of Simi Valley, 2929 Tapo Canyon Road, Simi Valley, California 93063.	

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

Source of flooding and location	#Depth in feet above ground. *Elevation in feet (NGVD)
COLORADO	
Meeker (town), Rio Blanco County	
White River:	
Approximately 700 feet downstream of Tenth Street Bridge	*6,201
Just upstream of Tenth Street Bridge	*6,205
Approximately 2,500 feet upstream of Tenth Street Bridge	*6,218
Maps are available for review at Town Hall, 236 Seventh Street, Meeker, Colorado.	
Send comments to The Honorable Jan Hugley, Mayor, Town of Meeker, P.O. Box 38, Meeker, Colorado 81641.	
Parachute (town), Garfield County	
Colorado River:	
Approximately 3,000 feet downstream of confluence of Parachute Creek	*5,047
Just upstream of County Road 300	*5,072
Approximately 1,000 feet upstream of County Road 300	*5,075
Parachute Creek:	
At confluence with Colorado River	*5,055
At South Frontage Road	*5,075
At First Street	5,096
Approximately 2,500 feet upstream of First Street	5,108
Maps are available for review at Town Hall, 222 Grand Valley Way, Parachute, Colorado.	
Send comments to The Honorable David Beasley, Mayor, Town of Parachute, P.O. Box 100, Parachute, Colorado 81635.	
Windsor (town), Weld County	
Cache La Poudre River:	
Approximately 100 feet downstream of Weld County Road 17	*4,763
Approximately 5,600 feet upstream of Weld County Road 17	*4,776
Maps are available for review at Town Hall, 301 Walnut Street, Windsor, Colorado.	
Send comments to The Honorable Wayne Miller, Mayor, Town of Windsor, Town Hall, 301 Walnut Street, Windsor, Colorado 80550.	
GEORGIA	
Dahlonega (city), Lumpkin County	
Yahoola Creek:	
About 760 feet downstream of Wimpy Mill Road	*1,226
Just downstream of Wimpy Mill Road	*1,241
Tanyard Branch:	
About 3,000 feet downstream of the Concrete Plant Road	*1,210
Just downstream of Pine Tree Road	*1,333
Just upstream of Pine Tree Road	*1,351
Just downstream of State Route 60	*1,359
Happy Hollow Creek:	
At mouth	*1,190
Just downstream of Happy Hollow Road	*1,262
Tributary C:	
About 1,650 feet downstream of the Sanitary Landfill Road	*1,235
About 800 feet upstream of Sanitary Landfill Road	*1,309
Cane Creek:	
Just upstream of State Route 9	*1,186
About 850 feet upstream of Torrington Road	*1,192
Maps available for inspection at the Building Inspector's Office, City Hall, 1000 Riley Road, Dahlonega, Georgia.	
Send comments to The Honorable Emory Stephens, City Manager, City of Dahlonega, P.O. Box 2073, Dahlonega, Georgia 30533.	

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

Source of flooding and location	#Depth in feet above ground. *Elevation in feet (NGVD)
IDAHO	
Idaho County (unincorporated areas)	
Clearwater River:	
Approximately 3,000 feet downstream of the Union Pacific Railroad Bridge	*1,174
Just downstream of the Union Pacific Railroad Bridge	*1,176
Just upstream of U.S. Highway 12	*1,184
Approximately 4,100 feet upstream of the confluence of Lawyer Creek	*1,194
Clearwater River at Kooskia:	
Approximately 3,300 feet downstream of State Highway 13 Bridge	*1,237
Approximately 600 feet downstream of State Highway 13	*1,244
Lawyer Creek:	
Approximately 100 feet downstream of Union Pacific Railroad Bridge	*1,189
Approximately 600 feet downstream of Hill Street	*1,230
Approximately 4,150 feet upstream of Hill Street	*1,284
South Fork Clearwater River:	
Just upstream of the intersection of Fourth Avenue and Main Street (State Highway 13)	*1,253
At the confluence of an unnamed tributary approximately 3,500 feet from the southern end of Kooskia Airport	*1,272
Approximately 200 feet upstream of Bridge Street Bridge	*1,316
Approximately 100 feet upstream of the confluence of Threemile Creek	*1,390
Approximately 1,100 feet upstream of the confluence of Sears Creek	*1,573
Middle Fork Clearwater River (At Kooskia):	
Just downstream of U.S. Highway 13	*1,245
Approximately 6,000 feet upstream of State Highway 13	*1,256
Main Threemile Creek:	
At Airport Road	*3,264
Approximately 40 feet downstream of County Road	*3,279
Approximately 90 feet upstream of County Road	*3,285
West Fork Threemile Creek:	
Approximately 80 feet downstream of Madison Street	*3,461
Approximately 130 feet upstream of Madison Street	*3,467
East Fork Threemile Creek:	
Approximately 340 feet downstream of Maple Street	*3,437
At Maple Street	*3,446
Approximately 1,330 feet upstream of Maple Street	*3,486
Long Haul Creek:	
Just upstream of County Road	*3,296
Just downstream of Camas Prairie Railroad	*3,302
Maps available for inspection at the County Recorder's Office, County Courthouse, 321 West Main Street, Grangeville, Idaho.	
Send comments to The Honorable Douglas Higgins, Chairman, Idaho County Board of Commissioners, County Courthouse, 321 West Main Street, Grangeville, Idaho 83530.	
City of Meridian, Ada County	
Fivemile Creek:	
At Claire Street	*2,568
At Meridian Road	*2,583
Just upstream of Fairview Avenue	*2,594
Just upstream of Union Pacific Railroad	*2,611
Ninemile Creek:	
Approximately 2,000 feet downstream of West Chateau Road	*2,553
Just upstream of Cherry Lane	*2,568
Just upstream of Meridian Road	*2,601
Just upstream of Franklin Road	*2,607
Just upstream of Overland Road	*2,632
Tenmile Creek:	
Just downstream of Interstate Highway 80 westbound	*2,606
At Meridian Road	*2,613

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

Source of flooding and location	#Depth in feet above ground. *Elevation in feet (NGVD)
At the City of Meridian corporate limits	*2,632
Maps available for review at City Hall, 33 East Idaho Avenue, Meridian, Idaho.	
Send comments to The Honorable Grant P. Kingsford, Mayor, City of Meridian, City Hall, 33 East Idaho Avenue, Meridian, Idaho 83642.	
LOUISIANA	
St. Helena Parish (unincorporated areas)	
Amite River:	
Approximately 1.6 miles downstream of confluence of Chaney Branch	*86
Approximately 6.1 miles upstream of State Route 432	*205
Darling Creek:	
At confluence with Amite River	*155
Approximately 0.7 mile upstream of State Route 10	*187
Sandy Run:	
At confluence with Darling Creek	*184
Approximately 1.5 miles upstream of State Route 173	*206
Little Natalbany River:	
Approximately 0.3 mile downstream of confluence of Tributary No. 2 of Little Natalbany River	*87
Approximately 1.1 miles upstream of confluence of Tributary No. 1 of Little Natalbany River	*100
Tributary No. 1 of Little Natalbany River:	
At confluence with Little Natalbany River	*93
Approximately 6.0 miles upstream of confluence with Little Natalbany River	*98
Tributary No. 2 of Little Natalbany River:	
At confluence with Little Natalbany River	*88
Approximately 1.6 miles upstream of confluence with Little Natalbany River	*99
Tickfaw River:	
Approximately 1.8 miles downstream of State Route 16	*110
Approximately 2. 2 miles upstream of confluence of Tributary of Tickfaw River	*119
Tributary of Tickfaw River:	
At confluence with Tickfaw River	*113
Approximately 2.4 miles upstream of confluence with Tickfaw River	*127
Twelvemile Creek:	
At confluence with Tickfaw River	*111
Approximately 0.7 mile upstream of confluence with Red Hill Branch	*120
Maps available for inspection at the Police Jury Office, 415 Sitman Street, Greensburg, Louisiana	
Send comments to Mr. Clay Doughty, President of the St. Helena, Parish Police Jury, P.O. Box 339, Greensburg, Louisiana 70441.	
MAINE	
Oxford (town), Oxford County	
Thompson Lake. Entire shoreline within community	*327
Maps available for inspection at the Town Clerk's Office, Oxford, Maine.	
Send comments to Mr. Evan Thurlow, First Selectman of the Town of Oxford, Oxford County, P.O. Box 153, Oxford, Maine 04270.	
Paris (town), Oxford County	
Little Androscoggin River:	
Approximately 600 feet upstream of State Route 26 in Oxford, Maine	*324
Approximately 100 feet upstream of upstream corporate limits	*389
Stony Brook:	
At confluence with Little Androscoggin River	*350
Approximately 0.5 mile upstream of Brett Hill Road	*429
Maps available for inspection at the Town Clerk's Vault, Town Office, Paris, Maine.	

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

Source of flooding and location	#Depth in feet above ground. *Elevation in feet (NGVD)
Send comments to Mr. John White, Manager of the Town of Paris, Oxford County, 1 East Main, Town Office, Paris, Maine 04281.	
MINNESOTA	
Cloquet (city), Carlton County	
St. Louis River:	
Just upstream of Knife Falls Dam	*1,181
About 3.2 miles upstream of State Route 33	*1,188
North Channel:	
Just upstream of Knife Falls Dam	*1,181
About 3,700 feet upstream of Knife Falls Dam	*1,182
South Channel:	
Just upstream of Duluth and Northeastern Railroad	*1,182
About 1,500 feet upstream of Main Street	*1,184
Maps available for inspection at the Planning Department, City Hall, 1307 Cloquet Avenue, Cloquet, Minnesota.	
Send comments to The Honorable Don Panger, Mayor, City of Cloquet, 1307 Cloquet Avenue, Cloquet, Minnesota 55720.	
Hibbing (city), St. Louis County	
Barber Creek:	
About 3,900 feet upstream of mouth	*1,304
About 1,700 feet upstream of Dixon Road	*1,344
Penobscot Creek:	
At mouth	*1,329
Just downstream of Tamminen Road	*1,383
Maps available for inspection at the Zoning Department, City Hall, Hibbing, Minnesota.	
Send comments to The Honorable Richard Nordvold, Mayor, City of Hibbing, City Hall, Hibbing, Minnesota 55746.	
Pine County (unincorporated areas)	
Cross Lake: Within community	*939
Snake River:	
About 3.2 miles upstream of mouth	*856
About 3.2 miles upstream of Interstate 35	*944
Skunk Creek:	
Just upstream of Burlington Northern railroad	*1,055
About 2,300 feet upstream of Burlington Northern railroad	*1,058
Maps available for inspection at the Zoning Department, County Courthouse, Pine City, Minnesota.	
Send comments to The Honorable Glenn Danielski, Chairman, County Board, Pine County, County Courthouse, c/o County Auditor, Pine City, Minnesota 55063	
Ranier (city), Koochiching County	
Rainy Lake: Along shoreline	*1,113
Maps available for inspection at the City Clerk's Office, City Hall, Ranier, Minnesota.	
Send comments to The Honorable Mary Decker-Christianson, Mayor, City of Ranier, City Hall, Ranier, Minnesota 56668	
NEW HAMPSHIRE	
Orford (town), Grafton County	
Connecticut River:	
At the downstream corporate limits	*407
At the upstream corporate limits	*411
Maps available for inspection at the Town Office, Orford, New Hampshire.	
Send comments to Mr. Paul Goundrey, Chairman of the Town of Orford Board of Selectmen, Town Office, P.O. Box F, Orford, New Hampshire 03777.	

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

Source of flooding and location	#Depth in feet above ground. *Elevation in feet (NGVD)
NEW MEXICO	
Doña Ana County (unincorporated areas)	
Sand Hill Arroyo Flow Path 1:	
Approximately .4 mile downstream of Elks Drive	*3,959
Approximately 1,500 feet downstream of Elks Drive	*3,973
Flow Path 4: At Doña Ana Road approximately 0.40 mile downstream of Alameda Boulevard	*3,906
Flow Path 6:	
At Las Cruces corporate limits	*3,877
Approximately 100 feet downstream of Union Avenue	*3,880
Flow Path 10:	
Approximately 450 feet upstream of Interstate Route 25	*4,012
Approximately 650 feet upstream of Interstate Route 25	*4,015
Flow Path 11:	
At Las Cruces Lateral	*3,882
Approximately 1,450 feet downstream of Interstate Route 10	*3,896
Flow Path 12:	
Approximately 720 feet downstream of Stern Drive	*3,934
Approximately 1,680 feet upstream of Las Alturas	*3,983
Stream Bilbo:	
Approximately 0.75 mile upstream of Picacho Drain	*3,987
Approximately 1.2 miles upstream of Picacho Drain	*4,123
Stream 13:	
Approximately 0.6 mile upstream of Picacho Drain	*3,954
Approximately 1.25 miles upstream of Picacho Drain	*4,096
Stream 14:	
Approximately 0.45 mile upstream of Picacho Drain	*3,999
Approximately 1.2 miles upstream of Picacho Drain	*4,138
Stream 15:	
Approximately 0.2 mile upstream of Picacho Drain	*3,902
Approximately 1.0 mile upstream of Picacho Drain	*4,068
Stream 16:	
Approximately 0.5 mile upstream of Picacho Drain	*3,935
Approximately 1.0 mile upstream of Picacho Drain	*4,067
Stream 17:	
Approximately 0.6 mile upstream of Picacho Drain	*3,955
Approximately 1.0 mile upstream of Picacho Drain	*4,075
Stream 21:	
Approximately 0.5 mile upstream of Picacho Drain	*3,952
Approximately 0.85 mile upstream of Picacho Drain	*4,061
Stream 22:	
Approximately 0.5 mile upstream of Picacho Drain	*3,941
Approximately 0.65 mile upstream of Picacho Drain	*3,997
Stream 23:	
Approximately 0.5 mile upstream of Picacho Drain	*3,993
Approximately 0.7 mile upstream of Picacho Drain	*4,036
Stream 24:	
Approximately 0.85 mile upstream of Picacho Drain	*3,952
Approximately 1.9 miles upstream of Picacho Drain	*4,063
Shallow Flooding	
Stream Bilbo:	
At cross section A	#1
At corporate limits	#1
Stream 13:	
At corporate limits	#1
At cross section A	#2

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

Source of flooding and location	#Depth in feet above ground. *Elevation in feet (NGVD)
Stream 14:	
At corporate limits	#1
At cross section A	#2
Stream 15:	
At a point approximately 1,000 feet downstream of cross section A	#1
At cross section A	#2
Stream 16:	
At cross section A	#1
At Picacho Drain	#1
Stream 17: Area from cross section A to Picacho Drain	#1
Stream 21: At cross section A	#1
Stream 22: Area from cross section A to Picacho Drain	#1
Stream 23: Area from cross section A to Picacho Drain	#1
Stream 24:	
At Picacho Drain	#2
At cross section A	#3
Maps available for inspection at the County Courthouse, 180 West Amador, Las Cruces, New Mexico.	
Send comments to Ms. Sandra Peticolas, Doña Ana County Manager, 180 West Amador, Las Cruces, New Mexico 88001.	
OHIO	
Perry County (unincorporated areas)	
Center Branch:	
At mouth	*813
Just downstream of State Route 668	*846
Tributary F:	
At mouth	*820
Just downstream of County Route 94B	*846
Rush Creek:	
At county boundary	*807
Just downstream of Township Road 364	*873
Tributary T:	
At mouth	*830
Just downstream of Township Road 131	*848
Tributary G:	
At mouth	*849
Just downstream of Mainesville Road	*863
Moxahala Creek:	
Just upstream of Conrail	*738
About 0.8 mile upstream of Waterworks Road	*755
Maps available for inspection at the County Courthouse, 121 W. Brown, New Lexington, Ohio.	
Send comments to The Honorable James Brown, Chairman, Board of Commissioners, Perry County, 121 W. Brown, P.O. Box 248, New Lexington, Ohio 43764.	
Pickaway County (unincorporated areas)	
Scioto River:	
Just upstream of county boundary	*652
About 2,000 feet upstream of confluence of Big Walnut Creek	*694
Walnut Creek:	
At mouth	*679
Just downstream of Lockbourne Road	*694
Big Darby Creek:	
At mouth	*671
Just downstream of State Route 316	*731
Maps available for inspection at the County Courthouse, 23 S. Main Street, Circleville, Ohio.	
Send comments to The Honorable Bruce Neff, Chairman, County Commissioners, Pickaway County, 23 S. Main Street, Circleville, Ohio 43113.	
Union County (unincorporated areas)	
Mill Creek:	
About 700 feet downstream of Thompson Road	*91
About 2.20 miles upstream of U.S. Route 33	*994
Big Darby Creek:	
About 0.45 mile downstream of U.S. Route 36	*979

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

Source of flooding and location	#Depth in feet above ground. *Elevation in feet (NGVD)
About 1.42 miles upstream of North Lewisburg Road	*1,050
Sugar Run:	
About 1.70 miles downstream of Converse Road	*920
Just downstream of Taylor Road	*954
Fulton Creek:	
About 2.6 miles downstream of State Route 4	*923
Just downstream of State Route 739	*1030
Elliot Run:	
At mouth	*934
Just downstream of Kinney Pike	*945
Ash Run:	
At mouth	*941
Just downstream of Race Road	*943
Big Run:	
At mouth	*977
Just downstream of Boundary Road	*980
Maps available for inspection at the County Courthouse, Marysville, Ohio.	
Send comments to The Honorable Max Robinson, Chairman, County Commissioners, Union County, County Courthouse, Marysville, Ohio 43040.	
OKLAHOMA	
Apache (city), Caddo County	
Box Elder Creek:	
Approximately 1,000 feet downstream of State Route 19	*1,256
Approximately 400 feet upstream of State Route 19	*1,260
Maps available for inspection at the City Hall, Apache, Oklahoma.	
Send comments to The Honorable Jewel Thompson, Mayor of the City of Apache, Caddo County, P.O. Box 390, Apache, Oklahoma 73006.	
Binger (town), Caddo County	
Sugar Creek:	
Approximately 800 feet downstream of US Route 281	*1,293
Approximately 175 feet upstream of Town of Binger corporate limits	*1,305
Maps available for inspection at the Town Hall, 303 W. Main, Binger, Oklahoma.	
Send comments to The Honorable Kenneth Cartwright, Mayor of the Town of Binger, Caddo County, 303 W. Main, Binger, Oklahoma 73009.	
Breckenridge (town), Garfield County	
Unnamed Tributary of Red Rock Creek:	
At the downstream corporate limits	*1,089
At the upstream corporate limits	*1,091
Red Rock Creek:	
Approximately .40 mile downstream of the confluence of Unnamed Tributary of Red Rock Creek	*1,084
Approximately 50 feet downstream of the confluence of Unnamed Tributary of Red Rock Creek	*1,089
Tributary 3 Reach 2: At 78th Street	*1,197
Maps available for inspection at the Town Hall, Route 6, Enid, Oklahoma.	
Send comments to The Honorable Ray Dean Postier, Mayor of the Town of Breckenridge, Garfield County, Route 6, Enid, Oklahoma 73701.	
Caddo County (unincorporated areas)	
Deer Creek:	
Approximately 1,000 feet downstream of confluence of Deer Creek East Tributary	*1,476
Approximately 1,000 feet upstream of confluence of Deer Creek West Tributary	*1,488
Deer Creek West Tributary:	
At the confluence with Deer Creek	*1,487
Approximately .5 mile upstream of confluence with Deer Creek	*1,498
Deer Creek East Tributary:	
At the confluence with Deer Creek	*1,477
Approximately 1.1 miles upstream of confluence with Deer Creek	*1,537
Sugar Creek:	
Approximately 8 miles upstream of the confluence with Washita River	*1,212
Approximately .8 mile upstream of Wishita Avenue	*1,353
Box Elder Creek West Tributary:	
At confluence with Box Elder Creek	*1,264
Approximately 3,100 feet upstream of confluence with Box Elder Creek	*1,274
Washita River (cont.):	
At the confluence of Two Hatchet Creek	*1,240
Approximately .8 mile upstream of Oklahoma-Kansas-Texas Railroad	*1,256
Box Elder Creek:	
At State Route 19	*1,257
Approximately 1.1 miles upstream of State Route 19	*1,272
Cobb Creek:	
At the confluence with Washita River	*1,249
Approximately 1.8 miles upstream of East Konner Avenue	*1,256
Washita River:	
Approximately 3 miles downstream of US Route 281	*1,166
Approximately 1.87 miles upstream of Central Boulevard	*1,193
Tonkawa Creek:	
Approximately 100 feet downstream of Petree Road	*1,168
Approximately .4 mile downstream of Section Line Road	*1,194
Maps available for inspection at the County Courthouse, Anadarko, Oklahoma.	
Send comments to Mr. Felix Long, Chairman of the Caddo County Board of Commissioners, P.O. Box 427, Anadarko, Oklahoma 73005.	
Comanche County	
East Cache Creek:	
Approximately 1,200 feet downstream of S.E. Coombs Road	*1,059
Approximately 200 feet upstream of City of Lawton corporate limits	*1,099
Wolf Creek:	
At confluence with East Cache Creek	*1,059
S.W. Coombs Road (City of Lawton corporate limits)	*1,073
West Branch Wolf Creek:	
N.W. Cache Road	*1,191
Approximately 3,000 feet upstream of U.S. Route 62	*1,222
West Branch Wolf Creek Tributary B:	
W.W. Cache Road	*1,218
Approximately 2,000 feet upstream of Dam No. 4	*1,263
Squaw Creek:	
U.S. Routes 281 and 277 (Pioneer Expressway)	*1,079
Approximately 400 feet upstream of U.S. Routes 281 and 277	*1,079
Ninemile Creek Tributary:	
Confluence with Ninemile Creek	*1,091
Approximately 1 mile upstream of N.E. Cache Road	*1,197
West Cache Creek:	
At confluence with Rock Creek	*1,229
Approximately 1,600 feet upstream of Burlington Northern Railroad	*1,240
Crater Creek:	
At confluence with West Cache Creek	*1,200
Approximately .5 mile upstream of U.S. Route 62 (Twin Bridges)	*1,276
Rock Creek:	
AT confluence of West Cache Creek	*1,229
Old U.S. Route 62	*1,229
Blue Beaver Creek:	
Approximately 2.7 miles upstream of confluence of West Branch Blue Beaver Creek	*1,176
Approximately 3,400 feet upstream of U.S. Route 62	*1,264
Tributary of Blue Beaver Creek:	
At confluence with Blue Beaver Creek	*1,235
Approximately 3,300 feet upstream of U.S. Route 62	*1,255
West Branch Blue Beaver Creek:	
Approximately 100 feet downstream of Lee Boulevard	*1,189
Approximately 2,000 feet upstream of U.S. Route 62	*1,256
Tributary B of West Branch Blue Beaver Creek:	
At confluence with West Branch Blue Beaver Creek	*1,219
Town of Cache corporate limits	*1,244
Maps available for inspection at the Comanche County Courthouse, Comanche, Oklahoma.	
Send comments to Mr. Duty Rowe, Chairman of the Comanche County Commission, 115 North Second Street, Comanche, Oklahoma 73529.	
Devol (town), Cotton County	
Red River Tributary 1:	
Approximately 1,300 feet downstream of U.S. Route 70 and State Route 36	*1,019
Approximately 3,000 feet upstream of U.S. Route 70 and Senate Route 36	*1,032
Maps available for inspection at the Town Hall, Devol, Oklahoma.	
Send comments to The Honorable Ron Dinger, Mayor of the Town of Devol, Cotton County, Box 144, Devol, Oklahoma 73531.	
Fairmont (town), Garfield County	
Pleasantdale Creek:	
At the confluence with Bethany Creek	*1,113
Approximately .74 mile upstream of the confluence with Bethany Creek	*1,132
North Creek:	
At confluence with Bethany Creek	*1,130
At Rupe Avenue	*1,142
Bethany Creek:	
Approximately 1,000 feet downstream of the confluence of Pleasantdale Creek	*1,111
Approximately 1.62 miles upstream of the confluence of Pleasantdale Creek	*1,137
Levengood Creek:	
At downstream corporate limits	*1,113
Approximately 100 feet upstream of upstream corporate limits	*1,130
Dinker Creek:	
Approximately 350 feet upstream of the confluence of Dinker Overflow Tributary	*1,113
Approximately 1.53 miles upstream of the divergence of Dinker Overflow Tributary	*1,170
Unnamed Tributary of Dinker Creek:	
At the downstream corporate limits	*1,135
Approximately .52 mile upstream of the confluence with Dinker Creek	*1,143
Skeleton Creek:	
Approximately 1,800 feet upstream of Southgate Road Upstream corporate limits	*1,132
Maps available for inspection at the Town Hall, Fairmont, Oklahoma.	
Send comments to The Honorable Pat Fagan, Mayor of the Town of Fairmont, Garfield County, P.O. Box 59, Fairmont, Oklahoma 73736.	
Fort Cobb (town), Caddo County	
Cobb Creek:	
Approximately 1,000 feet downstream of East Konner Avenue	*1,249
At the East Konner Avenue	*1,251
Maps available for inspection at the Town Hall, 201 E. Main, Fort Cobb, Oklahoma.	

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

Source of flooding and location	#Depth in feet above ground. *Elevation in feet (NGVD)
Send comments to The Honorable Timothy Plaster, Mayor of the Town of Fort Cobb, Caddo County, 201 E. Main, Fort Cobb, Oklahoma 73038.	
Garfield County (unincorporated areas)	
Green Valley Creek:	
Approximately 1.3 miles downstream of N Street	*1,207
Approximately 700 feet upstream of N Street	*1,239
Clear Creek-Sand Creek:	
Approximately 3.4 miles upstream of confluence with Turkey Creek	*1,217
Approximately 1 mile upstream of West Chestnut Avenue	*1,265
Levengood Creek:	
Approximately .5 mile upstream of confluence with Dinker Creek	*1,109
Approximately 2.2 miles upstream of confluence with Dinker Creek	*1,136
Tributary 3 Reach 2:	
Approximately 200 feet upstream of 75th Street	*1,198
Dinker Creek:	
Approximately 3,500 feet upstream of confluence with Levengood Creek	*1,109
Approximately 1.7 miles upstream of divergence of Dinker Overflow Tributary	*1,175
Dinker Overflow Tributary:	
Confluence with Dinker Creek	*1,111
Divergence from Dinker Creek:	*1,131
Unnamed Tributary of Dinker Creek:	
Confluence with Dinker Creek	*1,130
Approximately 1,500 feet above confluence with Dinker Creek	*1,137
Red Rock Creek:	
Approximately .4 miles downstream of confluence of Unamed Tributary of Red Rock Creek	*1,084
Approximately 1.26 miles upstream of confluence of Unnamed Tributary of Red Rock Creek	*1,100
Unnamed Tributary of Red Rock Creek:	
At confluence with Red Rock Creek	*1,089
Approximately .57 mile upstream of confluence with Red Rock Creek	*1,095
Turkey Creek:	
Approximately 1,000 feet downstream of Burlington Northern Railroad	*1,175
Approximately 1 mile upstream of confluence of Lahoma Tributary	*1,230
Unnamed Tributary of Turkey Creek near Fish Hatchery:	
At confluence with Turkey Creek	*1,185
At U.S. Route 60	*1,235
Unnamed Tributary of Turkey Creek Northeast of Fish Hatchery:	
At confluence with Unnamed Tributary near Fish Hatchery	*1,210
At U.S. Route 60	*1,244
Lahoma Tributary:	
At confluence with Turkey Creek	*1,227
At Missouri-Kansas-Texas Railroad	*1,255
Unnamed Tributary of Lahoma Tributary:	
At confluence with Lahoma Tributary	*1,234
At Missouri-Kansas-Texas Railroad	*1,254
Maps available for inspection at County Courthouse, Enid, Oklahoma.	
Send comments to Mr. Don Donahoo, Chairman of the Garfield County Floodplain Board, 2309 N. 10th Street, Suite C, Enid, Oklahoma 73701.	
Gracemont (town), Caddo County	
Sugar Creek:	
Approximately .4 mile downstream of Unnamed Road	*1,215
At the Unnamed Road	*1,218
Maps available for inspection at the Town Hall, Gracemont, Oklahoma.	
Send comments to The Honorable Glenda Kobza, Mayor of the Town of Gracemont, Caddo County, P.O. Box 40, Gracemont, Oklahoma 73042.	

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

Source of flooding and location	#Depth in feet above ground. *Elevation in feet (NGVD)
Grady County (unincorporated areas)	
Bridge Creek:	
Approximately 500 feet downstream of County boundary	*1,199
Approximately 0.8 mile upstream of County Road (5th crossing)	*1,254
Worley Creek:	
At upstream side of State Route 37	*1,243
Approximately 2.1 miles upstream of County Road	*1,277
Woley Creek Tributary:	
At confluence with Worley Creek	*1,244
Approximately 0.9 mile upstream of County Road	*1,281
Coal Creek:	
At upstream side of State Route 37	*1,241
Approximately 1.2 miles upstream of County Road	*1,292
Coal Creek Tributary:	
At upstream side of State Route 37	*1,234
Approximately 1.3 miles upstream of Dove Creek Road	*1,332
Maps available for inspection at the Grady County Courthouse, Chickasha, Okahoma.	
Send comments to Mr. Elmer R. Klippel, Grady County Commissioner, P.O. Box 459, Chickasha, Oklahoma 73023.	
Hydro (town), Caddo County	
Deer Creek:	
Approximately 250 feet downstream of State Route 58	*1,482
Approximately 650 feet downstream of confluence of Deer Creek West Tributary	*1,486
Deer Creek East Tributary:	
Approximately 400 feet upstream of North Central Oklahoma Railway	*1,486
Approximately 1,150 feet upstream of North Central Oklahoma Railway	*1,494
Maps available for inspection at the Town Hall, 505 W. Fifth Street, Hydro, Oklahoma.	
Send comments to The Honorable Dennison Duke, Mayor of the Town of Hydro, Caddo County, 505 W. Fifth Street, Hydro, Oklahoma 73048.	
Lahoma (town), Garfield County	
Lahoma Tributary:	
Approximately .4 mile downstream of U.S. Route 60 and State Route 15	*1,232
Approximately .5 mile upstream of U.S. Route 60 and State Route 15	*1,250
Unnamed Tributary of Lahoma Tributary:	
At the downstream corporate limits	*1,234
Approximately 100 feet upstream of corporate limits	*1,254
Maps available for inspection at the Town Hall, Lahoma, Oklahoma.	
Send comments to The Honorable Rick Jantz, Mayor of the Town of Lahoma, Garfield County, P.O. Box 86, Lahoma, Oklahoma 73754.	
Lookeba (town), Caddo County	
Sugar Creek:	
Approximately 125 feet downstream of downstream corporate limits of Town of Lookeba	*1,340
At upstream corporate limits of Town of Lookeba	*1,349
Maps available for inspection at the Town Hall, Lookeba, Oklahoma.	
Send comments to The Honorable Raymond Barthel, Mayor of the Town of Lookeba, Caddo County, P.O. Box 73, Lookeba, Oklahoma 73053.	

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

Source of flooding and location	#Depth in feet above ground. *Elevation in feet (NGVD)
Nash (town), Grant County	
East Side Creek:	
Approximately 500 feet downstream of Grand Avenue	*1,111
Approximately 1,400 feet upstream of Grand Avenue	*1,113
Maps available for inspection at the Town Hall, 115 South Main Street, Nash, Oklahoma.	
Send comments to The Honorable John Wilkins, Mayor of the Town of Nash, Grant County, P.O. Box 196, Nash, Oklahoma 73761.	
Okmulgee County (unincorporated areas)	
Deep Fork Creek:	
Approximately 3.1 miles downstream of Burlington Northern Railroad	*625
Approximately 2.2 miles upstream of confluence of South Okmulgee Creek	*646
Coal Creek:	
Approximately .5 mile downstream of confluence of Coal Creek Tributary	*645
Approximately .5 mile upstream of upstream crossing of Union Pacific Railroad	*686
Cussetah Creek:	
At confluence of Deep Fork Creek	*626
Approximately .8 mile upstream of U.S. Route 62 and State Route 56	*644
South Okmulgee Creek:	
At confluence with Deep Fork Creek	*645
Approximately 1.9 miles upstream of confluence with Deep Fork Creek	*645
North Okmulgee Creek:	
Approximately 100 feet downstream of State Route 56	*668
Approximately 1.42 miles upstream of Gun Club Road	*680
Dutch Creek:	
At confluence with Coal Creek	*686
Approximately 53 feet upstream of Interstate Highway 40	*691
Cussetah Creek Tributary:	
At confluence with Cussetah Creek	*631
At County Road	*645
Unnamed Creek:	
At confluence with Coal Creek	*653
Approximately 950 feet upstream of U.S. Routes 62 and 75	*668
Maps available for inspection at the County Courthouse, 719 E. Eighth Street, Okmulgee, Oklahoma.	
Send comments to Mr. C. D. Kissee, Chairman of the Okmulgee County Board of Commissioners, Okmulgee County Commissioners Office, County Courthouse, Okmulgee, Oklahoma 74447.	
Washington County (unincorporated areas)	
Deer Creek:	
At Durham Avenue	*680
At County Road	*703
Maps available for inspection at the Washington County Courthouse, 420 South Johnston, Room 108, Bartlesville, Oklahoma.	
Send comments to Ms. Joanne Bennett, Chairwoman of the Washington County Board of Commissioners, 205 East Bulldogger Road, Dewey, Oklahoma 74029.	
TENNESSEE	
DeKalb County (unincorporated areas)	
Smith Fork Creek:	
At county boundary	*514
About 2200 feet upstream of Helton Road	*546
Maps available for inspection at the County Courthouse, Smithville,Tennessee.	

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

Source of flooding and location	#Depth in feet above ground. *Elevation in feet (NGVD)
Send comments to The Honorable Larry Webb, County Executive, DeKalb County, County Courthouse, Room 204, Smithville, Tennessee 37166.	
TEXAS	
Bowie County (unincorporated areas)	
Waggoner Creek:	
Approximately 0.4 mile downstream of U.S. Route 82	*300
Upstream side of Birdwell-Davis Road	*355
Stream WC-1:	
At the confluence with Waggoner Creek	*307
Approximately 300 feet upstream of Jonathan Street	*328
Stream WC-2:	
At the confluence with Waggoner Creek	*316
Approximately 0.4 mile upstream of Concord Place	*341
Stream WC-3:	
At the confluence with Waggoner Creek	*323
Approximately 700 feet upstream of FM 989	*347
Stream WC-4:	
At the confluence with Waggoner Creek	*325
Approximately 0.6 mile upstream of confluence with Waggoner Creek	*338
Spring Creek:	
Approximately 1.8 miles upstream of confluence with Sulphur River	*214
Approximately 0.9 mile upstream of confluence of Stream SC-6	*301
Stream SC-1:	
Approximately 0.7 mile upstream of confluence with Spring Creek	*214
Approximately 100 feet upstream of FM 2516	*259
Stream SC-2:	
At the confluence with Spring Creek	*219
Approximately 0.9 mile upstream of confluence with Spring Creek	*258
Stream SC-3:	
At the confluence with Spring Creek	*245
Approximately 100 feet upstream of FM 989	*307
Stream SC-3A:	
At the confluence with Stream SC-3	*271
Approximately 950 feet upstream of FM 989	*300
Stream SC-4:	
At the confluence with Spring Creek	*245
Approximately 1,250 feet upstream of Randall Road	*274
Stream SC-5:	
At the confluence with Spring Creek	*264
Approximately 400 feet upstream of Cherokee Trail	*279
Stream SC-6:	
At the confluence with Spring Creek	*278
Approximately 100 feet upstream of FM 989	*297
Aiken Creek:	
Approximately 0.5 mile downstream of Henery Road	*235
Approximately 0.3 mile upstream of Access Road	*318
Stream AC-1:	
At the confluence with Aiken Creek	*244
Approximately 0.5 mile upstream of confluence of Stream AC-1A	*288
Stream AC-1A:	
At the confluence with Stream AC-1	*279
Approximately 0.5 mile upstream of confluence with Stream AC-1	*301
Stream AC-2:	
At the confluence with Aiken Creek	*259
Approximately 1,200 feet upstream of the confluence of Stream AC-2A	*303
Stream AC-2A:	
At the confluence with Stream AC-2	*296
Approximately 1,220 feet upstream of confluence with stream AC-2	*316
Stream AC-3:	
At the confluence with Aiken Creek	*264
Approximately 2.0 miles upstream of confluence with Aiken Creek	*307
Stream AC-4:	
At the confluence with Aiken Creek	*265

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

Source of flooding and location	#Depth in feet above ground. *Elevation in feet (NGVD)
Approximately 180 feet upstream of Oak Forest Road	*284
Stream AC-5:	
At the confluence with Aiken Creek	*265
Approximately 0.4 mile upstream of confluence with Aiken Creek	*291
Stream AC-6:	
At the confluence with Aiken Creek	*270
Approximately 70 feet upstream of Tri State Road	*290
Stream AC-7:	
At the confluence with Aiken Creek	*283
Approximately 1,100 fet upstream of Tri State Road	*305
Stream AC-7A:	
At the confluence with Stream AC-7	*292
Approximately .6 mile upstream of confluence with Stream AC-7	*313
Stream AC-7B:	
At the confluence with Stream AC-7	*297
Approximately 0.4 mile upstream of confluence with Stream AC-7	*306
Stream MB-1:	
Approximately 0.4 mile upstream of confluence with McKinney Bayou	*290
Approximately 0.5 mile upstream of confluence with McKinney Bayou	*317
Stream MB-1A:	
Approximately 225 feet upstream of confluence with Stream MB-1	*290
Approximately 510 feet upstream of confluence with Stream MB-1	*299
Clear Creek:	
Approximately 1.5 miles upstream of confluence with McKinney Bayou	*305
Approximately 0.7 mile upstream of confluence of Stream CC-6	*323
Stream CC-1:	
At the confluence with Clear Creek	*305
Approximately 0.5 mile upstream of confluence with Clear Creek	*307
Stream CC-2:	
At the confluence with Clear Creek	*305
Approximately 0.4 mile upstream of confluence with Clear Creek	*311
Stream CC-3:	
At the confluence with Clear Creek	*305
Approximately 200 feet upstream of FM 559	*323
Stream CC-4:	
At the confluence with Stream CC-3	*305
Approximately 0.7 mile upstream of confluence with Stream CC-3	*334
Stream CC-5:	
At the confluence with Stream CC-3	*305
Approximately 100 feet upstream of Leggett Drive	*323
Stream CC-6:	
At the confluence with Clear Creek	*306
Approximately 80 feet upstream of Lionel Street	*334
Stream BC-1:	
Approximately 1,640 feet upstream of confluence with Kings Lake	*293
Approximately 260 feet upstream of Channel Dam	*340
Stream BC-1A:	
Approximately 1,440 feet upstream of confluence with Stream BC-1B	*293
Approximately 1.0 mile upstream of confluence with Stream BC-1B	*333
Stream BC-2:	
Approximately 1.0 mile upstream of confluence with Barkman Creek	*295
Approximately 1,900 feet upstream of Carter Lane	*330
Stream BC-2A:	
Approximately 1,420 feet upstream of confluence with BC-2	*295
Approximately 1.3 miles upstream of confluence with BC-2	*338
Stream BC-3:	
Approximately 0.9 mile upstream of confluence with Barkman Creek	*295
Approximately 150 feet upstream of Myrtle Springs Road	*329

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

Source of flooding and location	#Depth in feet above ground. *Elevation in feet (NGVD)
Stream BC-3A:	
Approximately 300 feet upstream of confluence with BC-3	*307
Approximately 100 feet upstream of Myrtle Springs Road	*328
Maps available for inspection at the Bijustice Building, 100 N. State Line Road, Texarkana, Texas.	
Send comments to The Honorable James M. Carlow, Bowie County Judge, P.O. Box 248, New Boston, Texas 75570.	
Brazos County (unincorporated areas)	
Navasota River:	
At confluence with the Brazos River	*189
At State Route OSR	*271
Wickson Creek:	
Approximately 2.8 miles downstream of Elmo Wheeden Road	*223
Approximately 800 feet upstream of Dilly Shaw Road	*298
Little Wickson Creek:	
At confluence with Wickson Creek	*284
Approximately 0.7 mile upstream of Dilly Shaw Road	*315
Mathis Creek:	
At confluence with Wickson Creek	*261
Approximately 0.78 mile upstream of State Route 190	*293
Carters Creek:	
At confluence with Navasota River	*208
Approximately 1.1 mile upstream of Old Reliance Road	*322
Turkey Creek:	
Approximately 420 feet downstream of London Bridge County Road	*228
Approximately .42 mile downstream from the downstream side of Villa Maria Road	*265
Maps available for inspection at the County Courthouse, 300 East 26th Street, Bryan, Texas.	
Send comments to The Honorable R. J. Holmgreen, Brazos County Judge, Brazos County Courthouse, 300 East 26th Street, Bryan, Texas 77803.	
Cedar Park (city), Williamson County	
Block House Creek:	
At downstream side of U.S. Route 183	*969
Approximately 150 feet upstream of Sumac Lane	*975
Spanish Oak Creek:	
Approximately 700 feet downstream of FM 1431	*913
Approximately 190 feet upstream of Doris Lane	*992
Cluck Creek:	
At the confluence with South Brushy Creek	*850
Approximately 1,530 feet upstream of Prize Oaks Drive	*1,005
Cluck Creek Tributary 1:	
At confluence with Cluck Creek	*890
Approximately 2,800 feet upstream of confluence with Cluck Creek	*904
Buttercup Creek:	
Approximately 1,800 feet upstream of confluence with South Brushy Creek	*867
Approximately 1,050 feet upstream of County Route 182 (Cypress Creek Road)	*929
Maps available for inspection at City Hall, Cedar Park, Texas.	
Send comments to Mr. Raymond M. Litton, Manager of the City of Cedar Park, Williamson County, P.O. Box 1090, Cedar Park, Texas 78613.	
Florence (city), Williamson County	
South Salado Creek:	
Approximately 250 feet downstram of State Route 195	*963
At the Sawyer Lane	*988

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

Source of flooding and location	#Depth in feet above ground. ^Elevation in feet (NGVD)
Fisher Branch:	
Approximately 210 feet downstream of FM 970 (South Street)	*970
Approximately 1,100 feet upstream of State Route 487 (Main Street)	*992
Maps available for inspection at the City Hall, Florence, Texas.	
Send comments to The Honorable Lee Roy Kanauth, Mayor of the City of Florence Williamson County, P.O. Box 430, Florence, Texas 76527.	
Georgetown (city), Williamson County	
San Gabriel River:	
At confluence of Berry Creek	*639
At confluence of North Fork San Gabriel River and South Fork San Gabriel River	*685
North Fork San Gabriel River:	
At confluence with South Fork San Gabriel River	*685
Approximately 1.4 miles upstream of the confluence of North Fork San Gabriel River Tributary 1	*730
South Fork San Gabriel River:	
At confluence with the San Gabriel River	*685
Approximately 2.1 miles upstream Interstate Route 35 (Southbound)	*744
Middle Fork San Gabriel River:	
At confluence with North Fork San Gabriel River	*692
Approximately 2.9 miles upstream of confluence with North Fork San Gabriel River	*768
Berry Creek:	
At confluence with San Gabriel River	*639
Approximately 50 feet upstream of Service Road to Interstate 35 (Southbound)	*686
Pecan Branch:	
Approximately 140 feet downstream of Loop 418	*711
Approximately 350 feet downstream of Serandada Drive	*760
Smith Branch:	
Approximately 0.6 mile upstream of confluence with San Gabriel River	*666
Approximately 150 feet upstream of Missouri—Kansas-Texas Railroad	*736
West Fork of Smith Branch:	
Approximately 250 feet upstream of confluence with Smith Branch	*717
Approximately 1,200 feet upstream of Service Road to Interstate Route 35 (Southbound)	*781
North Fork San Gabriel River Tributary 1:	
At confluence with North Fork San Gabriel River	*698
Approximately 300 feet upstream of confluence with North Fork San Gabriel River	*705
Maps available for inspection at City Hall, Georgetown, Texas.	
Send comments to Mr. Bob Hart, Manager of the City of Georgetown, Williamson County, P.O. Box 409, Georgetown, Texas 78627.	
Granger (city), Williamson County	
Willis Creek Tributary 1:	
Approximately 700 feet downstream of FM 971 (Davilla Street)	*543
Approximately 550 feet upstream of Oak Street	*555
Maps available for inspection at City Hall, Granger, Texas.	
Send comments to The Honorable Dollie Hajda, Mayor of the City of Granger, William County, P.O. Box 367, Granger, Texas 76530.	
Henderson County (unincorporated areas)	
Flat Creek:	
At State Route 314 (confluence with Lake Palestine)	*354
At Dam of Lake Athens	*409
Caney Creek:	
Approximately 0.91 mile downstream of County Route 1403	*334
At the County Route 3907	*392
Walnut Creek (Lower Reach):	
Approximately 0.82 mile downstream of State Route 3441	*292
At the State Route 753	*350
Sanders Creek:	
Approximately 0.7 mile downstream of FM 3225	*298
Approximately 1.1 miles upstream of County Route 2404	*347
Walnut Creek (Upper Reach):	
Approximately 0.9 mile downstream of County Route 1500	*395
Approximately .5 mile upstream of County Route 1500 (West College Street)	*398
Coon Creek:	
Approximately 0.91 mile downstream of City of Athens	*433
At the City of Athens corporate limits	*452
Coon Creek North Tributary:	
Approximately 500 feet upstream of the confluence with Coon Creek	*415
Approximately 2,170 feet upstream of the confluence with Coon Creek	*434
Coon Creek South Tributary:	
Approximately 0.7 mile downstream of Athens corporate limits	*425
Approximately 1,000 feet upstream of FM 1615	*461
Maps available for inspection at Henderson County Courthouse Annex, 3rd Floor, Athens, Texas.	
Send comments to The Honorable Winston Reagan, Henderson County Judge, 1st Floor, Henderson County Courthouse, Athens, Texas 75751.	
Henderson (city), Rusk County	
Dutch Creek:	
At confluence with Shawnee Creek	*390
Approximately 500 feet upstream of State Route 840	*422
Shawnee Creek:	
Approximately 1.9 miles downstream of confluence of Dutch Creek	*366
Approximately 70 feet upstream of U.S. Route 79	*436
Bromley Creek Tributary 1:	
At downstream corporate limits	*396
Approximately 1,100 feet upstream of State Route 13	*411
Bromley Creek:	
Approximately 500 feet downstream of downstream corporate limits	*366
Approximately 1.5 miles upstream of U.S. Route 79	*379
Hardy Creek:	
Approximately 500 feet downstream of South Evenside Street	*376
Approximately 1,400 feet upstream of State Route 64	*437
Maps available for inspection at the City Hall, 400 West Main Street, Henderson, Texas.	
Send comments to The Honorable Tony Wooster, Mayor of the City of Henderson, Rusk County, 400 West Main Street, Henderson, Texas 75652.	
Hutto (city), Williamson County	
Cottonwood Creek:	
Approximately 500 feet downstream of County Route 132	*641
At downstream side of County Route 136	*652
Maps available for inspection at the City Hall, Hutto, Texas.	
Send comments to The Honorable Ed Schmidt, Mayor of the City of Hutto, Williamson County, P.O. Box 266, Hutto, Texas 78634.	
Johnson County (unincorporated areas)	
East Buffalo Creek:	
At confluence of Unnamed Stream	*714
At downstream side of County Route 705	*837
McAnear Creek:	
At confluence with East Buffalo Creek	*730
At County Route	*828
West Buffalo Creek:	
At confluence with East Buffalo Creek	*739
Approximately 450 feet downstream of Country Club Road	*740
Lockett Branch:	
Approximately 1,200 feet upstream of confluence with East Buffalo Creek	*762
Approximately 0.84 mile upstream of U.S. Route 67	*782
Village Creek:	
At County Route 714	*725
Approximately 790 feet upstream of the confluence of Stream VC–8	*759
Quil Miller Creek:	
Approximately 100 feet upstream of the confluence of Hurst Creek	*676
Approximately 200 feet upstream of Interstate Route 35W (southbound)	*725
Hurst Creek:	
Approximately 50 feet upstream of the confluence with Quil Miller Creek	*675
Approximately 400 feet upstream of County Route 532	*681
Bypass Creek:	
At confluence with Quil Miller Creek	*704
Approximately 200 feet downstream of Interstate Route 35W (northbound)	*721
Shannon Creek:	
Approximately 1 mile upstream of State Route 174	*755
Approximately 60 feet upstream of Atchison, Topeka & Santa Fe Railway	*783
Stream VC–8:	
Approximately 100 feet downstream of Mountain Valley Estates Dam	*767
Approximately 0.5 mile upstream of County Route 802	*800
Stream VC–8A:	
At the confluence with Stream VC–8	*776
Approximately 75 feet upstream of County Route 802	*819
Willow Creek:	
Approximately 550 feet upstream of State Route 174 westbound	*793
At the Atchison, Topeka Santa Fe Railway	*816
East Buffalo Creek Tributary A:	
At the confluence with East Buffalo Creek	*823
Approximately 0.76 mile upstream of the confluence with East Buffalo Creek	*843
East Buffalo Creek Tributary B:	
At the confluence with East Buffalo Creek	*804
Approximately 0.58 mile upstream of FM 3048	*844
South Shannon Creek:	
Approximately 0.7 mile upstream of County Route 920 (Shaffstall Road)	*779
Approximately 1 mile upstream of County Route 920 (Shaffstall Road)	*786
Walnut Creek:	
Approximately 20 feet downstream of the confluence of Valley Branch	*627
Approximately 50 feet downstream of FM 917	*710
Walnut Creek Tributary A:	
At confluence with Walnut Creek	*659
At downstream side of County Route 528	*719
Walnut Creek Tributary B:	
At confluence with Walnut Creek	*691
At Interstate Route 35W Service Road	*811
Valley Branch:	
At the confluence with Walnut Creek	*627
Approximately 50 feet downstream of County Route 529	*683
Valley Branch Tributary A:	
At the confluence with Valley Branch	*667
Approximately 1.3 miles upstream of County Route 608	*708
King Branch:	
At the confluence with Walnut Creek	*643
Approximately 1.1 miles upstream of County Route 519	*687

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

Source of flooding and location	#Depth in feet above ground. *Elevation in feet (NGVD)
Maps available for inspection at the County Courthouse, Main and Henderson, Cleburne, Texas.	
Send comments to The Honorable Wayne Bridwell, Johnson County Judge, Johnson County Courthouse, Third Floor, Main and Henderson, Cleburne, Texas 76031.	
Joshua (city), Johnson County	
Village Creek:	
At Lakeaire Drive and Dam	*806
Approximately 2,000 feet upstream of Lakeaire Drive and Dam	*817
Maps available for inspection at the City Hall, Joshua, Texas.	
Send comments to The Honorable Johnnie Parrish, Mayor of the City of Joshua, Johnson County, P.O. Box 1109, Joshua, Texas 76058.	
Leander (city), Williamson County	
South Fork of Brushy Creek:	
Approximately 750 feet downstream of Southern Pacific Railroad	*955
Approximately 400 feet upstream of FM 2243	*974
Mason Creek:	
Approximately 650 feet upstream of County Route 273	*962
Approximately 400 feet upstream of South West Drive	*978
Block House Creek Tributary 1:	
At County Route 272	*971
Approximately 1,700 feet upstream of U.S. Route 183	*1,006
Block House Creek Tributary 2:	
Approximately 50 feet downstream of U.S. Route 183	*971
Approximately 1,550 feet upstream of Emerald Isle Drive	*1,019
Maps available for inspection at the City Hall, Leander, Texas.	
Send comments to The Honorable Pat Bryson, Mayor of the City of Leander, Williamson County, P.O. Box 319, Leander, Texas 78641.	
Madison County (unincorporated areas)	
Navasota River:	
At downstream County boundary	*240
At upstream County boundary	*271
Maps available for inspection at the County Courthouse, Madisonville, Texas.	
Send comments to The Honorable James R. Fite, Madison County Judge, 111 North Commerce, Madisonville, Texas 77864.	
Midland County (unincorporated areas)	
Midland Draw:	
0.6 mile downstream of County Route 120	*2,691
Approximately 0.9 mile upstream of corporate limits of City of Midland	*2,834
Jal Draw:	
Approximately 1,200 feet upstream of Loop 250	*2,836
Downstream side of FM 1788	*2,895
Stream MD1:	
At confluence with Midland Draw	*2,723
Approximately 500 feet upstream of FM 158	*2,739
Stream MD1A:	
Approximately 950 feet upstream of confluence with Stream MD1	*2,742
At downstream side of U.S. Route 80	*2,814
Stream MD2:	
At confluence with Midland Draw	*2,749
Approximately 1,200 feet upstream of Fairground Road	*2,766
Monahans Draw:	
Approximately 2.1 miles downstream of County Route 1160	*2,694
Approximately 0.8 mile upstream of Tower Road	*2,754

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

Source of flooding and location	#Depth in feet above ground. *Elevation in feet (NGVD)
Maps available for inspection at the County Extension Building, East Highway 80, Midland, Texas.	
Send comments to Mr. W.R. Harrall, Midland County Engineer, P.O. Box 1070, Midland, Texas 79702.	
Midland (city), Midland County	
Midland Draw:	
At upstream side of U.S. Route 80	*2,752
Approximately 0.8 mile upstream of upstream corporate limits	*2,833
Jal Draw:	
At confluence with Midland Draw	*2,786
Approximately 1,200 feet upstream of Loop 250	*2,836
Stream MD1:	
Approximately 500 feet upstream of FM 158	*2,739
700 feet upstream of confluence of Stream MD1A	*2,742
Stream MD1A:	
At confluence with Stream MD1	*2,742
1,600 feet upstream of U.S. Route 80	*2,827
Stream MD3:	
At confluence with Midland Draw	*2,767
600 feet upstream of North "I" Street	*2,789
Stream MD2:	
Approximately 1,200 feet upstream of Fairground Road	*2,766
850 feet upstream of Lee Street	*2,771
Maps available for inspection at City Hall, 300 North Lorean, Midland, Texas.	
Send comments to The Honorable Carroll Thomas, Mayor of the City of Midland, Midland County, P.O. Box 1152, Midland, Texas 79702.	
Parker County (unincorporated areas)	
Clear Fork Trinity River:	
Approximately 0.4 mile downstream of confluence with Stream CFWP–1	*823
Approximately 1.2 miles upstream of Crown Road	*859
Squaw Creek:	
At the confluence with Clear Fork Trinity River	*840
Approximately 0.4 mile upstream of confluence with Clear Fork Trinity River	*840
Brazos River:	
At downstream County boundary	*713
Approximately 1,000 feet downstream of upstream County boundary	*773
Maps available for inspection at the County Courthouse, 1 Courthouse Square, Weatherford, Texas.	
Send comments to The Honorable Harris Worchester, Parker County Judge, Parker County Courthouse, 1 Courthouse Square, Weatherford, Texas 76086.	
Round Rock (city), Williamson and Travis Counties	
Brushy Creek:	
At County Route 122 bridge	*641
Approximately 325 feet upstream of confluence of Dry Fork	*746
Chandler Branch:	
Approximately 300 feet downstream of Union Pacific Railroad	*643
Approximately 300 feet upstream of Interstate Route 35 bridge (Southbound	*743
Chandler Branch Tributary 1:	
At confluence with Chandler Branch	*739
Approximately 1,400 feet upstream of Chandler Road	*768
Dyer Branch:	
At confluence with Brushy Creek	*661
At upstream side of Gattis School Road	*731
Dry Branch:	
At confluence with Dyer Branch	*661
Approximately 675 feet upstream of Gattis School Road	*725
Dry Branch Tributary 1:	
At confluence with Dry Branch	680

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

Source of flooding and location	#Depth in feet above ground. *Elevation in feet (NGVD)
Approximately 200 feet upstream of Williams Drive	*772
Lake Creek:	
At confluence with Brushy Creek	*669
Approximately 700 feet upstream of confluence of Rattan Creek	*754
Lake Creek Tributary 1:	
At confluence with Lake Creek	*709
Approximately 1,350 feet upstream of Frontier Trail	*775
Rattan Creek Tributary 1:	
Approximately 750 feet downstream of Quanah Drive	*766
Approximately 100 feet upstream of Union Pacific Railroad	*798
Onion Branch:	
At confluence with Brushy Creek	*685
Approximately 600 feet upstream of FM 3406 (Old Settlers Boulevard	*752
Maps available for inspection at City Hall, 221 East Main Street, Round Rock, Texas.	
Send comments to The Honorable Mike Robinson, Mayor of the City of Round Rock, Williamson and Travis Counties, 221 East Main Street, Round Rock, Texas 78664.	
Rusk County (unincorporated areas)	
Shawnee Creek:	
At confluence with Bromley Creek	*358
Approximately .68 mile upstream of FM 3310	*387
Bromley Creek:	
At confluence with Shawnee Creek	*359
Approximately 900 feet upstream of State Route 13	*397
Dutch Creek:	
Approximately .9 mile upstream of confluence with Sahwnee Creek	*409
Approximately 1.29 miles upstream of Statre Route 840	*422
Adaway Creek:	
Approximately 1,150 feet above confluence with Mill Creek	*372
Approximately 75 feet upstream of Dam	*458
Taylor Branch:	
Aproximately .9 mile upstream of confluence with Martin Creek	*269
Approximately 50 feet upstream of Doc Young Dam	*305
Taylor Branch Tributary 1:	
At confluence with Taylor Branch	*284
Approximately .55 mile upstream of State Highway 53	*340
Hardy Creek:	
At confluence with Bromley Creek	*370
Approximately 800 feet upstream of FM 323	*443
Bromley Creek Tributary 1:	
At confluence with Bromley Creek	*381
Approximately 730 feet upstream of Asphalt Drive	*411
Maps available for inspection at the Rusk County Courthouse, 115 North Main, Henderson, Texas.	
Send comments to The Honorable Sandra Hodges, Rusk Country Judge, 115 North Main, Rusk County Courthouse, Henderson, Texas 75652.	
Sunrise Beach Village (city), Llano County	
Lake Lyndon Baines Johnson (Colorado River):	
At Shady Side Lane	*830
At Cottonwood Drive extended	*832
Maps available for inspection at the City Hall, 311 Sunrise Drive, Sunrise Beach, Texas.	
Send comments to The Honorable Edward Houy, Mayor of the City of Sunrise Beach Village, Llano County, 311 Sunrise Drive, Sunrise Beach, Texas 78643.	

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

Source of flooding and location	#Depth in feet above ground. *Elevation in feet (NGVD)
Tom Green County (unincorporated areas)	
Concho River:	
Approximately 1.1 miles downstream of FM 1692	*1,701
Most upstream corporate limits of City of San Angelo	*1,799
Red Creek:	
At confluence with Concho River	*1,751
Approximately 1.5 miles upstream of Pipeline Road	*2,087
Red Creek Tributary 1:	
At confluence with Red River	*1,879
Approximately 1.5 miles upstream of Abandoned Railroad	*1,997
Red Creek Tributary 2:	
At confluence with Red Creek	*1,896
Approximately 2.0 miles upstream of confluence with Red Creek	*1,937
Red Creek Tributary 4:	
At confluence with Red Creek	*1,940
Approximately 0.4 mile upstream of Bristow Road	*2,015
North Concho River:	
At the upstream side of the O.C. Fisher Dam	*1,936
Approximately 1.7 miles upstream of Carlsbad Loop Road	*2,011
Lake Creek:	
At Cowley Lane	*1,916
Approximately 1 mile upstream of Navajo Road	*2,050
West Fork Lake Creek:	
At confluence with lake Creek	*1,923
Approximately 0.6 mile upstream of Robbins Road	*1,995
Grap Creek Draw:	
At confluence with North Concho River	*1,936
Approximately 700 feet upstream of Wren Road	*1,987
Grape Creek:	
At confluence with North Concho River	*1,961
Approximately 1.3 miles upstream of Grape Creek Road	*2,020
Stream NC-1:	
At confluence with North Concho River	*1,990
Approximately 0.8 mile upstream of 8th Street	*2072
South Concho River:	
0.5 mile downstream of U.S. Routes 87 and 277 at San Angelo corporate limits	*1,823
Approximately 2.2 miles upstream of old U.S. Route 277	*2,060
Pecan Creek:	
At confluence with South Concho River	*1,893
Approximately 1.5 miles upstream of U.S. Route 277	*1,961
Red Creek Split:	
At confluence with Red Creek	*1,970
At the divergence from Red Creek	*1,986
Stream SCR-3:	
At confluence with South Concho River	*2,031
Approximately 0.7 mile upstream of confluence with South Concho River	*2,050
Stream SCR-4:	
At confluence with Scuth Concho River	*2,032
Approximately 1.1 miles upstream of confluence with South Concho River	*2,065
Stream SCR-5:	
At confluence with South Concho River	*2,035
Approximately 0.6 mile upstream of Ford Street	*2,123
Middle Concho River:	
Approximately 0.5 mile downstream of Twin Buttes Dam	*1,881
Approximately 0.6 mile upstream of confluence of Brushy Creek	*2,001
Spring Creek:	
At Twin Buttes Reservoir Dam	*1,959
Approximately 1.5 miles upstream of confluence of Stream SC1	*2,034
Spring Creek Tributary 1:	
At confluence with Spring Creek	*2,013
Approximately 150 feet upstream of U.S. Route 67	*2,037
Dove Creek:	
At confluence with Spring Creek	*1,964
At point approximately 850 feet upstream of County boundary	*2,115

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

Source of flooding and location	#Depth in feet above ground. *Elevation in feet (NGVD)
Stream DC-1:	
At confluence with Dove Creek	*1,991
Approximately 200 feet upstream of FM 2335	*2,013
Stream DC-2:	
At confluence with Dove Creek	*1,995
Approximately 175 feet upstream of FM 2235	*2,026
Dove Creek Split 1:	
At confluence with Spring Creek	*1,972
At the divergence from Dove Creek	*1,980
Dove Creek Split 2:	
At confluence with Spring Creek	*1,969
At divergence from Dove Creek	*1,970
Maps available for inspection at the Public Health Building, 2 City Hall Plaza, San Angelo, Texas.	
Send comments to The Honorable Robert Post, Tom Green County Judge, 112 West Beauregard, San Angelo, Texas 76902.	
Williamson County (unincorporated areas)	
Brushy Creek:	
Approximately 1.2 miles downstream of County Route 456	*492
Approximately 1,025 feet upstream of County Route 278	*1,000
Cottonwood Creek:	
At confluence with Brushy Creek	*567
Approximately 1,600 feet upstream of County Route 136	*657
McNutt Creek:	
At confluence with Brushy Creek	*630
Approximately 1,750 feet upstream of County Route 117	*692
Chandler Branch:	
At confluence with Brushy Creek	*643
Approximately 1.18 miles upstream of Georgetown Railroad	*774
Chandler Branch Tributary 1:	
Approximately 900 feet upstream of Chandler Road	*786
Approximately 0.75 mile upstream of Chandler Road	*782
Dyer Branch:	
Approximately 100 feet downstream of Missouri-Kansas-Texas Railroad	*691
Approximately 0.63 mile upstream of Gattis School Road	*768
Dry Branch:	
Approximately 50 feet downstream of Missouri-Kansas-Texas Railroad	*668
Approximately 0.50 mile upstream of Gattis School Road	*741
Dry Branch Tributary 1:	
Approximately 760 feet upstream of Logan Drive	*687
Approximately 1,150 feet upstream of Gattis School Road	*724
Lake Creek:	
At confluence with Brushy Creek	*669
Approximately 1,200 feet upstream of Deerbrook Trail	*964
Lake Creek Tributary 1:	
Approximately 1,125 feet upstream of Frontier Trail	*773
Approximately 0.53 mile upstream of Frontier Trail	*789
Rattan Creek Tributary 1:	
At the confluence with Rattan Creek	*755
Approximately 0.5 mile upstream of Union Pacific Railroad	*810
Davis Spring Branch:	
At the confluence with Lake Creek	*790
Approximately 1.3 miles upstream of FM 620	*851
Lake Creek Tributary 2:	
At the confluence with Lake Creek	*874
Approximately 50 feet upstream of Spillway Drive	*908
Onion Branch:	
Approximately 600 feet upstream of FM 3406	*752
Approximately 0.71 mile upstream of FM 3406	*756
South Brushy Creek:	
At the confluence with Brushy Creek	*764

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

Source of flooding and location	#Depth in feet above ground. *Elevation in feet (NGVD)
At the confluence of Cluck Creek and Buttercup Creek	*849
Buttercup Creek:	
At the confluence with South Brushy Creek	*849
Approximately .6 mile upstream of County Route 182	*938
Cluck Creek:	
At the confluence with South Brushy Creek	*849
Approximately 0.49 mile upstream of Prize Oaks Drive	*1,018
Cluck Creek Tributary 1:	
Approximately .5 mile upstream of the confluence with Cluck Creek	*903
Approximately 1.42 miles upstream of the confluence with Cluck Creek	*944
Spanish Oak Creek:	
At the confluence with Brushy Creek	*795
Approximately 990 feet upstream of Doris Lane	*1,001
Block House Creek:	
At the confluence with Brushy Creek	*809
Approximately 0.80 mile upstream of County Route 278	*1,017
Block House Creek Tributary 1:	
At the confluence with Block House Creek	*900
At the Southern Pacific Railroad	*988
Block House Creek Tributary 2:	
At the confluence with Block House Creek	*917
At the U.S. Route 183	*971
Mason Creek:	
At the confluence with Brushy Creek	*926
Approximately 50 feet upstream of County Route 278	*1,015
South Fork of Brushy Creek:	
At the confluence with Brushy Creek	*933
Approximately 1.08 miles upstream of FM 2243	*1,013
San Gabriel River:	
Approximately 0.45 mile downstream of downstream County boundary	*418
Approximately 100 feet downstream of Park Road	*676
North Fork San Gabriel River:	
Approximately 900 feet upstream of confluence of Middle Fork San Gabriel River	*692
Approximately 1.2 miles upstream of the confluence of North Fork San Gabriel River Tributary 1	*722
Willis Creek Tributary 1:	
At the confluence with Willis Creek	*526
Approximately 0.52 mile upstream of Oak Street	*561
Berry Creek:	
At the confluence with the San Gabriel River	*639
Approximately 1.3 miles upstream of the confluence of Cowan Creek	*821
Berry Creek Tributary 1:	
At the confluence with Berry Creek	*700
Approximately 0.54 mile upstream of Logan Road	*762
Pecan Branch:	
At the confluence with the San Gabriel River	*639
Approximately 1,400 feet upstream of La Paloma	*825
Pecan Branch Tributary 1:	
At the confluence with Pecan Branch	*777
Approximately 425 feet upstream of Sequoia Trail East	*796
Smith Branch:	
At the confluence with the San Gabriel River	*662
Approximately 1,150 feet upstream of FM 1460	*756
West Fork of Smith Branch:	
At the confluence with Smith Branch	*717
Approximately 0.44 mile upstream of Service Road to Interstate Route 35	*785
South Fork San Gabriel River:	
Approximately 150 feet upstream of Interstate Route 35 Southbound	*722
Approximately 2.17 miles upstream of FM 1869	*1,001
Middle Fork San Gabriel River:	
Approximately 0.83 mile upstream of the confluence with the San Gabriel River	*714
Approximately 15.6 miles upstream of the confluence with the San Gabriel River	*1,007
Donahoe Creek:	
At the downstream County boundary	*523
Approximately 3.0 miles upstream of FM 1105	*730

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

Source of flooding and location	#Depth in feet above ground. *Elevation in feet (NGVD)
Long Branch:	
At the confluence with Donahoe Creek	*549
Approximately 2.3 miles upstream of County Route 301	*643
Salado Creek:	
At the downstream County boundary	*712
At the confluence of North and South Salado Creeks	*833
South Salado Creek:	
At the confluence with Salado Creek	*833
Approximately 1.2 miles upstream of Main Street	*1,004
North Salado Creek:	
At the confluence with Salado Creek	*833
Approximately 4 miles upstream of the confluence with Salado Creek	*912
Fisher Branch:	
At the confluence with South Salado Creek	*960
At the downstream side of County Route 229	*1,006
North Fork San Gabriel River Tributary 1:	
Approximately 300 feet upstream of the confluence with the North Fork San Gabriel River	*705
Approximately 0.73 mile upstream of Booty's Crossing Road	*810
Mustang Creek:	
Approximately 0.4 mile upstream of Eastbound U.S. Highway 79 (Carlos Parker Loop)	*538
Approximately 0.84 mile upstream of U.S. Highway 79	*550
Bull Branch:	
Approximately 150 feet upstream of North Drive	*584
Approximately 1,700 feet upstream of North Drive	*588
Railroad Lake Draw:	
Approximately 750 feet upstream of U.S. Highway 79	*561
Approximately 0.6 mile upstream of U.S. Highway 79	*574
Maps available for inspection at the Williamson County Courthouse, Georgetown, Texas.	
Send comments to The Honorable Don Wilson, Williamson County Judge, P.O. Box 943, Georgetown, Texas 78627.	
VERMONT	
Corinth (town), Orange County	
Waits River:	
Approximately 200 feet downstream of downstream corporate limits	*621
Approximately 150 feet downstream of upstream corporate limits	*820
Tabor Branch:	
At confluence with Waits River	*660
At upstream corporate limits	*713
Maps available for inspection at the Town Office, Corinth, Vermont.	
Send comments to Mr. John Learmonth, Corinth Town Clerk, Orange County, P.O. Box 161, Corinth, Vermont 05039.	
Groton (town), Caledonia County	
Wells River:	
Approximately 1.4 miles downstream of Town Highway 32	*741
Approximately 2.16 miles upstream of confluence of South Branch Wells River	*1,052
South Branch Wells River:	
At confluence with Wells River	*881
Approximately 80 feet upstream of confluence of Heath Brook	*1,267
North Branch Wells River:	
At confluence with Wells River	*820
Approximately 100 feet upstream of U.S. Route 302	*837
Keenan Brook:	
At confluence with Wells River	*750
Approximately 1,765 feet upstream of Town Highway 32	*759
Heath Brook:	
At confluence with South Branch Wells River	*1,265
Approximately 80 feet upstream of Town Highway 24	*1,267

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

Source of flooding and location	#Depth in feet above ground. *Elevation in feet (NGVD)
Maps available for inspection at the Town Office, Groton, Vermont.	
Send comments to Ms. Ida Dennis, Groton Town Clerk, Caledonia County, R.F.D. 2, Box 3, Groton, Vermont 05046.	
Topsham (town), Orange County	
Waits River:	
At downstream corporate limits	*819
Approximately .9 mile upstream of State Route 25	*1,005
Tabor Branch:	
At downstream corporate limits	*713
Approximately 240 feet upstream of downstream corporate limits	*716
Maps available for inspection at the Town Office, West Topsham, Vermont.	
Send comments to Ms. Ruth Morrison, Topsham Town Clerk, Orange County, Town Office, West Topsham, Vermont 05086.	
Vernon (town), Windham County	
Connecticut River:	
At the downstream corporate limits	*209
At the upstream corporate limits	*229
Maps available for inspection at the Town Office, Vernon, Vermont.	
Send comments to Mr. Walter Zaluzny, Chairman of the Town of Vernon Board of Selectmen, Windham County, P.O. Box 116, Vernon, Vermont 05354.	
WEST VIRGINIA	
Beverly (town), Randolph County	
Tygart Valley River:	
At downstream corporate limits	*1,944
At upstream corporate limits	*1,949
Maps available for inspection at the Town Hall, Collette Street Extension, Beverly, West Virginia.	
Send comments to The Honorable John McGee, Mayor of the Town of Beverly, Randolph County, Town Hall, P.O. Box 266, Beverly, West Virginia 26253.	
Gauley Bridge (town), Fayette County	
Kanawha River:	
Approximately .5 mile downstream of confluence with New River and Gauley River	*663
At confluence with New River and Gauley River	*665
New River:	
At confluence with Kanawha River and Gauley River	*665
Approximately 1 mile upstream of confluence with Kanawha River	*667
Gauley River	
At confluence with Kanawha River	*665
Approximately .7 mile upstream of CONRAIL Bridge	*669
Maps available for inspection at the Town Hall, Gauley Bridge, West Virginia.	
Send comments to The Honorable Charles Keenan, Mayor of the Town of Gauley Bridge, Fayette County, Town Hall, Box 490, Gauley Bridge, West Virginia 25085.	
Keyser (city), Mineral County	
North Branch of Potomac River:	
Approximately 580 feet downstream of confluence with New Creek	*793
Approximately 6,400 feet upstream of U.S. Route 220	*828
New Creek:	
Approximately 560 feet downstream of Chessie System Bridge	*800
Approximately 1,825 feet upstream of Unnamed Street Bridge	*828

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

Source of flooding and location	#Depth in feet above ground. *Elevation in feet (NGVD)
Maps available for inspection at Ms. Penny Sanders Office, City Clerk, 111 North Davis Street, Keyser, West Virginia.	
Send comments to The Honorable Glen Ryan, Mayor of the City of Keyser, Mineral County, P.O. Box 70, Keyser, West Virginia 26726.	
Nicholas County (unincorporated areas)	
Birch River:	
Approximately 570 feet above confluence of Big Run	*1,071
Approximately 1.7 miles upstream of County Route 1-10	*1,263
Bells Creek:	
At confluence with Twentymile Creek	*700
Approximately 970 feet upstream of County Highway 2-7	*837
Open Fork:	
At confluence with Bells Creek	*726
Approximately 0.6 mile upstream of confluence of Williams Hollow	*898
Twentymile Creek:	
At confluence with Gauley River	*678
Approximately 400 feet upstream of County Highway 20-21	*700
Cherry River:	
Approximately 2.0 miles downstream of State Highways 20 and 150	*1,963
At downstream corporate limits for City of Richwood	*2,159
Laurel Creek:	
At confluence with Cherry River	*2,117
Approximately 1,050 feet upstream of County Highway 39-14	*2,178
Maps available for inspection at the County Commissioners Office, County Courthouse, 700 Main Street, Summersville, West Virginia.	
Send comments to Mr. Lloyd Paxton, President of the Nicholas County Commission, 700 Main Street, Summersville, West Virginia 26651.	
Randolph County (unincorporated areas)	
Tygart Valley River:	
Approximately 1.5 miles downstream of confluence of Leading Creek	*1,909
Approximately 1.7 miles upstream of County Route 39	*2,020
Leading Creek:	
At confluence with Tygart Valley River	*1,913
Approximately .9 mile upstream of confluence of Pearcy Run	*1,931
Cut-Off Canal:	
At confluence with Tygart Valley River	*1,914
At divergence from Tygart Valley River	*1,924
Maps available for inspection at the County Assessor's Office, County Annex Building, Randolph Street, Elkins, West Virginia.	
Send comments to Mr. Jim Bennett, President of the Randolph, County Commission, Box 368, Elkins, West Virginia 26241.	
Richwood (city), Nicholas County	
Cherry River:	
Approximately .8 mile downstream of County Road 13	*2,156
At confluence of North Fork of Cherry River and South Fork of Cherry River	*2,213
North Fork of Cherry River:	
At confluence with Cherry River	*2,213
Approximately 60 feet upstream of corporate limits	*2,236
South Fork of Cherry River:	
At confluence with Cherry River	*2,213
At corporate limits	*2,239
Maps available for inspection at the City Hall, 6 White Street, Richwood, West Virginia.	

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

Source of flooding and location	#Depth in feet above ground. *Elevation in feet (NGVD)
Send comments to The Honorable Robert Johnson, Mayor of the City of Richwood, Nicholas County, 6 White Street, Richwood, West Virginia 26261.	
WISCONSIN	
Independence (city), Trempealeau County	
Trempealeau River:	
About 1800 feet downstream of Green Street	*771
About 700 feet upstream of confluence of Elk Creek	*771
Elk Creek:	
At mouth	*777
About 2700 feet upstream of State Highway 93	*786
Maps available for inspection at the City Hall, 110 W. Adams Street, Independence, Wisconsin	
Send comments to The Honorable O.J. Evenson, Mayor, City of Independence, 110 W. Adams Street, Box 108, Independence, Wisconsin 54747.	

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

Source of flooding and location	#Depth in feet above ground. *Elevation in feet (NGVD)
Marquette County (unincorporated areas)	
Fox River:	
At east county boundary	*769
At south county boundary	*782
Neenah Creek:	
About 2.6 miles upstream of mouth	*783
At confluence of Big Slough	*791
Neenah Lake: Along shoreline	*853
Lake Puckaway: Along shoreline	*770
Lake Montello: Along shoreline	*787
Maps available for inspection at the Zoning Department, County Courthouse, Room 104, Montello, Wisconsin.	
Send comments to The Honorable Paul Wade, Chairman, County Board, Marquette County, 77 W. Park Street, Box 21, Montello, Wisconsin 53949.	
Richland County (unincorporated areas)	
Pine River:	
Just upstream of County Highway O	*716
Just downstream of County Highway AA	*744

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

Source of flooding and location	#Depth in feet above ground. *Elevation in feet (NGVD)
Mill Creek:	
About 1.2 miles downstream of U.S. Highway 14	*736
About 1850 Feet downstream of U.S. Highway 14	*740
Wisconsin River:	
At western county boundary	*660
Just upstream of State Highway 130	*702
Kickapoo River:	
About 1400 feet downstream of State Route 56	*767
About 2000 feet upstream of State Route 56	*769
Maps available for inspection at the Zoning Administrators Office, County Courthouse, Richland Center, Wisconsin.	
Send comments to The Honorable Ann Greenbeck, Chairperson, County Board, Richland County, Route 1 Lonerock, Richland Center, Wisconsin 53556.	

3. The proposed modified base (100-year) flood elevations for selected locations are:

PROPOSED MODIFIED BASE (100-YEAR) FLOOD ELEVATIONS

State	City/town/county	Source of flooding	Location	#Depth in feet above ground *Elevation in feet (NGVD)	
				Existing	Modified
Arizona	Town of Camp Verde Yavapai County	West Clear Creek	At confluence with Verde River	None	* 3,017
			At confluence with Wickiup Creek	* 3,082	* 3,080
			At intersection of Verde Lakes Drive and White Cap Drive.	* 3,132	* 3,132
			Approximately 400 feet upstream of Forest Highway 9.	None	* 3,201
	Maps are available at Town Hall, Planning and Zoning Division, Main Street, Camp Verde, Arizona.				
	Send comments to The Honorable A. Carter Rogers, Mayor, Town of Camp Verde, P.O. Box 710, Camp Verde, Arizona 86322.				
California	City of Merced, Merced County.	Black Rascal Creek	At the intersection of Snelling Highway and Santa Fe Avenue.	* 161	* 162
			Approximately 1,500 feet upstream of the confluence with Bear Creek.	None	* 163
			Just stream of the Atchison, Topeka, and Santa Fe Railroad.	None	* 165
			At the confluence of Fahrens Creek	* 166	* 166
		Fahrens Creek	At the confluence with Black Rascal Creek	* 166	* 166
			Approximately 5,000 feet upstream of the confluence with Black Rascal Creek.	* 166	* 167
			Approximately 8,000 feet upstream of the confluence with Black Rascal Creek.	None	* 169
			At the confluence of Cottonwood Creek	None	* 170
	Maps are available for review at City Hall, 678 West 18th Street, Merced, California.				
	Send comments to The Honorable Bruce Gabriault, Mayor, City of Merced, City Hall, 678 West 18th Street, Merced, California 95340.				
California	Monterey County, unincorporated areas.	Reclamation Ditch (downstream of Boronda Road).	At confluence with Tembladero Slough	None	* 14
			Near intersection of Route 183 and Copper Road extended.	None	* 23
			At San Jon Road	None	* 29
			Just upstream of a private drive approximately 6,500 feet downstream of Boronda Road.	None	* 32
			Just downstream of Boronda Road	None	* 35
	Maps are available for review at the Monterey County Flood Control Office, 855 East Laurel Drive, Building G, Salinas, California.				
	Send comments to The Honorable Ben Karaf, Chairman, Moneterey County Board of Supervisors, County Courthouse, P.O. Box 1587, Salinas, California 93902.				
California	Solano County, unincorporated areas.	Union Creek	Approximately 1,200 feet downstream of abandoned Union Pacific railroad.	*None	*72
			At Cordero Junction	*None	*81
			Just upstream of Cannon Road	*None	*87

PROPOSED MODIFIED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground *Elevation in feet (NGVD)	
				Existing	Modified
Maps are available for review at the Solano County Transportation Department, 1961 Walters Court, Fairfield, California. Send comments to The Honorable Sam Caddle, Chairman, Solano County Board of Supervisors, County Courthouse, 580 Texas Street, Fairfield, California 94533.					
Illinois	City of Marengo, McHenry County.	Unnamed Creek	About 0.67 mile downstream of State Street	*800	*799
			About 0.52 mile upstream of Prospect Street	*813	*814
Maps available for inspection at the City Building Official's Office, City Hall, 132 E. Prairie Street, Marengo, Illinois. Send comments to The Honorable Richard Baker, Mayor, City of Marengo, 132 E. Prairie Street, Marengo, Illinois 60152-3197.					
New Hampshire	Raymond, town Rockingham County.	Lamprey River	Approximately 3,000 feet downstream of Prescott Road.	*160	*161
			At the downstream side of Epping Road	*185	*186
		Exeter River	At the downstream corporate limits	None	*158
			At the upstream corporate limits	None	*165
Maps available for inspection at the Building Inspector's Office, Epping Street, Raymond, New Hampshire. Send comments to Ms. Sally Paradis, Chairperson of the Town of Raymond, Rockingham County, Epping Street, Raymond, New Hampshire 03077.					
New Mexico	Mesilla, Town of Doña Ana County.	Stream Bilbo	Shallow flooding (Alluvial fan) from Picacho Drain to the corporate limits.	None	*1
		Stream 13	At the corporate limits	None	*1
		Stream 14	Shallow flooding (Alluvial fan) from Picacho Drain to the corporate limits.	None	*1
		Stream 15	Shallow flooding (Alluvial fan) at a point approximately 200 feet downstream of cross section A.	None	*2
			At Picacho Drain	None	*1
		Stream 21	At the corporate limits	None	*1
Maps available for inspection at the Town Hall, Mesilla, New Mexico. Send comments to Mr. Dana Miller, Town Clerk of the Town of Mesilla, Doña Ana County, P.O. Box 13, Mesilla, New Mexico 88046.					
New York	Corning, Town Steuben County.	Stream Creek	At downstream corporate limits	None	*976
			Approximately 110 feet upstream Private Road	None	*1,185
		Cutler Creek	At State Route 41	None	*985
			Approximately 0.2 mile upstream of Corning-Hornby Road.	None	*1,088
		Winfield Creek	Approximately 560 feet downstream of Hickory Lane.	None	*926
			Approximately 0.8 mile upstream of Hickock Goff Road.	None	*1,208
		Chemung River	At the downstream corporate limits	None	*897
			Approximately 1.2 miles upstream of downstream corporate limits.	None	*907
Maps available for inspection at the Corning Town Hall, 20 South Maple Street, Corning, New York. Send comments to Mr. Dewitt Baker, Corning Town Supervisor, Steuben County, Town Hall, 20 South Maple Street, Corning, New York 14830.					
Oklahoma	Enid, City, Garfield County.	Tributary Tributary 1	At confluence with Tributary 3	None	*1,145
			At upstream side of Willow Road	None	*1,197
		Tributary 2	At confluence with Tributary 3	None	*1,150
			At upstream side of Purdue Avenue	None	*1,208
		Tributary 3	Approximately 1,350 feet upstream of confluence with Skeleton Creek.	None	*1,140
			Approximately 800 feet upstream of Willow Road.	None	*1,211
		Tributary 3, Reach 2	At confluence with Tributary 3	None	*1,187
			At downstream side of 78 Street	None	*1,196
		Tributary 4	At confluence with Skeleton Creek	None	*1,141
			At Atchison Topeka & Santa Fe Railway	None	*1,205
		Boggy Creek	At confluence with Boggy Creek	*1,274	*1,275
		Sand Creek	Approximately .54 mile upstream of U.S. Route 60.	None	*1,143
			At West Chestnut Avenue	None	*1,152
Maps available for inspection at the City Hall, Enid, Oklahoma. Send comments to The Honorable Walter Baker, Mayor of the City of Enid, Garfield County, 401 Owen Garriott Road, Enid, Oklahoma 73702.					
Oklahoma	Lawton, city Comanche county.	East Cache Creek	Approximately .6 mile downstream of S.E. Lee Boulevard.	* 1,067	* 1,068
			Upstream corporate limits	* 1,095	* 1,099
		East Cache Creek Tributary A	At confluence with East Cache	* 1,077	* 1,075
			Approximately 0.5 mile upstream of N.E. Flower Mound Road.	None	* 1,140
		East Cache Creek, Tributary A-1.	At confluence with East Cache Creek Tributary A.	None	* 1,090

PROPOSED MODIFIED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground *Elevation in feet (NGVD)	
				Existing	Modified
			Approximately 0.3 mile upstream of N.E. Flower Mound Road.	None	* 1,130
		Wratton Creek	At confluence with East Cache Creek	* 1,089	* 1,093
			Approximately 0.8 mile upstream of N.E. Flower Mound Road.	None	* 1,124
		Wratton Creek, Tributary	At confluence with Wratton Creek	None	* 1,101
			Approximately 1.3 miles upstream of N.E. Flower Mound Road.	None	* 1,138
		East Cache Creek Tributary B	At confluence with East Cache Creek	None	* 1,074
			At 1,000 feet upstream of 38th Street (S.E.)	None	* 1,127
		Mission Creek (formerly East Cache Creek Tributary B).	At confluence with East Cache Creek	None	* 1,088
			Approximately 700 feet upstream of N.W. Hilltop Drive.	* 1,136	* 1,137
		Wolf Creek	Approximately 1,000 feet upstream of S.W. Coombs Road.	* 1,075	* 1,074
			At confluence of E. Branch and Middle Branch Wolf Creek.	* None	* 1,114
		West Branch, Wolf Creek	At confluence with Wolf Creek Main Stem	* 1,115	* 1,113
			Approximately 0.6 mile upstream of U.S. Route 62.	None	* 1,222
		West Branch, Wolf Creek Tributary.	At confluence with West Branch Wolf Creek	* 1,126	* 1,129
			N.W. Cache Road	* 1,170	* 1,179
		East Branch Squaw Creek	At confluence with Squaw Creek	* 1,100	* 1,099
			Approximately 100 feet downstream of E Avenue.	* 1,109	* 1,110
		Middle Branch, Wolf Creek	At confluence with Wolf Creek Main Stem	* 1,115	* 1,114
			Approximately 0.4 mile upstream of N.W. 67th Street.	None	* 1,170
		East Branch, Wolf Creek	Confluence with Wolf Creek Main Stem	* 1,115	* 1,114
			N.W. Rogers Lane	* 1,140	* 1,137
		West Branch, Wolf Creek Tributary B.	At confluence with West Branch Wolf Creek	None	* 1,173
			Approximately 0.5 mile upstream of U.S. Route 62.	None	* 1,263
		Squaw Creek	U.S. Routes 281 and 277	None	* 1,079
			N.W. Denver Avenue	* 1,164	* 1,163
		Ninemile Creek Tributary	Approximately .7 mile upstream of S.E. Bishop Road.	None	* 1,110
			Upstream corporate limits	None	* 1,163

Maps available for inspection at the Planning Department, City Hall, Lawton, Oklahoma.

Send comments to The Honorale Robert Shanklin, Mayor of the City of Lawton, Comanche County, 103 South 4th Street, Lawton, Oklahoma 73501.

Oregon	City of Grants Pass, Josephine County.	Rogue River	At Doneen Lane	* 905	* 905
			Approximately 1,000 feet downstream of the sewage treatment plant.	* 910	* 909
			At Belle Aire Drive	* 920	* 921
			Approximately 1,400 feet upstream of Elm Lane extended.	* 926	* 926

Maps are available for review at the Department of Public Works, 101 Northwest A Street, Grants Pass, Oregon.

Send comments to The Honorable Candace Bartow, Mayor, City of Grants Pass, 101 Northwest A Street, Grants Pass, Oregon 97526.

Oregon	Jackson County, unincorporated areas.	Applegate River	At the Jackson-Josephine County boundary	None	*1,167
			Approximately 140 feet upstream of Applegate Bridge.	None	*1,260
			Just upstream of Cantrall Bridge	None	*1,420
			Approximately 100 feet upstream of Cameron Bridge.	None	*1,493
			Just upstream of McKee Bridge	None	*1,613

Maps are available for review at the Jackson County Planning Department, Room 100, County Courthouse, 10 South Oakdale, Medford, Oregon

Send comments to The Honorable Hank Henry, Chairperson, Jackson County Commissioners, County Courthouse, 10 South Oakdale, Medford, Oregon 97501.

Oregon	Josephine County, unincorporated areas.	Rogue River	Approximately 2,600 feet upstream of Sycamore Drive along Lower River Road.	*888	*888
			At Coutant Lane extended	*892	*891
			Approximately 300 feet downstream of Lincoln Avenue.	*906	*906
			At Shannon Lane extended	*928	*928
		Louse Creek	Just upstream of Grants Pass Road extended	*1,103	*1,103
			Just downstream of Monument Drive	*1,122	*1,121
			Just upstream of Soldier Creek Road	None	*1,186
			Just upstream of Granite Hill Road	None	*1,362

PROPOSED MODIFIED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground *Elevation in feet (NGVD)	
				Existing	Modified
		Applegate River	Approximately 800 feet downstream of confluence with Oscer Creek.	*1,185	*1,185
			At the confluence with Caris Creek	None	*1,135
			At the Josephine-Jackson County Line	None	*1,167
		Waters Creek	At confluence with Slate Creek	None	*1,087
			Just upstream of State Highway 199	None	*1,093
			At confluence with Salt Creek	None	*1,112
			Just above Waters Creek Road	None	*1,150
Maps are available for review at the Department of Public Works, Josephine County Courthouse, Grants Pass, Oregon. Send comments to The Honorable Rebecca L. Brown, Chairperson, Josephine County Board of Commissioners, County Courthouse, Grants Pass, Oregon 97526.					
Texas	Malakoff, city Henderson County.	Walnut Creek (Lower Reach)	Approximately 400 feet downstream of State Route 3341.	None	*297
			Approximately 600 feet upstream of State Route 3441 (Old State Route 90).	None	*299
Maps available for inspection at the City Hall, 109 South Milton, Malakoff, Texas. Send comments to The Honorable Alfred Williams, Mayor of the City of Malakoff, Henderson County, 109 South Milton, Texas 75148.					
Wisconsin	Unincorporated Areas of Crawford County.	Kickapoo River	About 1.0 mile downstream of Pleasant Ridge Road.	None	*680
			About 0.6 mile downstream of State Highway 131.	None	*723
		Mississippi River	At confluence of Wisconsin River	None	*629
			At county boundary	None	*634
		Wisconsin River	At mouth	None	*629
			At county boundary	None	*660
Maps available for inspection at the Zoning Administration Office, 220 N. Beaumont Road, Prairie du Chien, Wisconsin. Send comments to The Honorable Robert Dillman, Chairman, County Board, Crawford County, 220 N. Beaumont Road, Prairie du Chien, Wisconsin 53821					
Wyoming	Laramine County, unincorporated areas.	Crow Creek	2,500 feet downstream of Campstool Road	None	*5,882
			Just downstream of Wyoming Hereford Ranch Reservoir No. 1 Dam.	*5,917	*5,919
			Just upstream of South College Drive	*5,974	*5,977
			Just upstream of Refinery Road	*6,010	*6,008
			Just downstream of Interstate 25	None	*6,074
		Dry Creek	At confluence with Crow Creek	*5,887	*5,886
			Just upstream of the Union Pacific Railroad	*5,935	*5,937
			Just upstream of U.S. Highway 30	*5,966	*5,971
			Just upstream of Prairie Avenue	*6,088	*6,091
			Just downstream of Buffalo Avenue	None	*6,153
		Western Hills Draw (North Fork Dry Creek).	Just above Highway 25	None	*6,151
		Wyoming Hereford Ranch Reservoir No. 1 Emergency Spillway.	At the confluence with Crow Creek	*5,913	*5,913
			Just upstream of Old Campstool Road	*5,917	*5,919
			Just upstream of Kingman Ditch	*5,921	*5,928
			At Wyoming Hereford Ranch Reservoir Dam Breast.	*5,941	*5,941
Maps are available for review at the County Engineering Office, 2503 East Fox Farm Road, Cheyenne, Wyoming. Send comments to The Honorable Jeff Ketcham, Chairman, Laramie County Board of Commissioners, P.O. Box 608, Cheyenne, Wyoming 82003.					

Issued: January 8, 1991.

C.M. "Bud" Schauerte,

Administrator, Federal Insurance Administration.

[FR Doc. 91-962 Filed 1-15-91; 8:45 am]

BILLING CODE 6718-03-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 228

[Docket No. 901240-0340]

RIN 0648-AD48

Incidental Take of Marine Mammals

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

ACTION: Proposed rule.

SUMMARY: NMFS is proposing regulations that would allow the unintentional harassment of specified species of marine mammals incidental to launches of the Titan IV space vehicle from Vandenberg Air Force Base, California, over the next 5 years. The marine mammals are the Guadalupe fur seal, Steller sea lion, harbor seal, northern elephant seal, northern fur seal and California sea lion. The Marine Mammal Protection Act (MMPA) allows the incidental, but not intentional, harassment of marine mammals if certain conditions are met.

NMFS prepared an Environmental Assessment (EA) and found that the impact of this activity on populations of marine mammals would be negligible. A copy of the EA is available on request (see **ADDRESSES**).

DATES: Comments on the proposed rule must be received by February 15, 1991.

ADDRESSES: Dr. Nancy Foster, Director, Office of Protected Resources, National Marine Fisheries Service, 1335 East-West Highway, Silver Spring, MD 20910.

FOR FURTHER INFORMATION CONTACT: Margaret C. Lorenz, Protected Species Management Division, Office of Protected Resources, NMFS, 301–427–2322, or James Lecky, Southwest Region, NMFS, 214–514–6664.

SUPPLEMENTARY INFORMATION:

Background

Section 101(a)(5) of MMPA requires the Secretary of Commerce (Secretary) to allow, on request by U.S. citizens engaged in a specified activity (other than commercial fishing) in a specified geographical region, the incidental, but not intentional, taking of small numbers of marine mammals if certain conditions are met. Under the MMPA, the term "taking" means to harass, hunt, capture or kill. Permission may be granted for a period of 5 years or less.

Taking is allowed only if the Secretary, after notice and opportunity for public comment, finds that the total taking will have a negligible impact on the species or stocks and will not have an unmitigable adverse impact on the availability of the species or stock for subsistence uses. In addition, the Secretary must issue regulations that include permissible methods of taking and other means of effecting the least practicable adverse impact on the species and its habitat and on the availability of the species for subsistence uses, paying particular attention to rookeries, mating grounds and areas of similar significance. The regulations must include requirements for monitoring the incidental take and reporting of such taking.

In 1986, both the MMPA and the Endangered Species Act (ESA) were amended to allow incidental takings of depleted, endangered or threatened marine mammals. Previously, only non-depleted marine mammals could be taken under this exemption to the MMPA. Three of the species involved in this proposed rule, the Guadalupe fur seal, the Steller sea lion, and the Pribilof Islands stock of the northern fur seal are depleted species under the MMPA. Other changes included a definition of "negligible impact" as "an impact resulting from the specified activity that cannot be reasonably expected to, and not likely to, adversely affect the species through annual rates of recruitment or survival." Also, "unmitigable adverse impact" refers to the availability of the species for subsistence by Alaska natives. General regulations implementing section 101(a)(5) were published May 18, 1982 (47 FR 21248) and September 29, 1989 (54 FR 40338).

Summary of Request

On June 10, 1990, NMFS received a request from the Department of the Air Force for an incidental take of six species of seals and sea lions. The Air Force describes the Titan IV program as a continuation of an existing launch program at Vandenberg using modified and upgraded Titan 34D missiles. Sonic booms from the expendable unmanned space launch vehicle may become "focused" within a narrow band under the flight path. Focused sonic booms occur when the space vehicle curves toward the horizontal, and its sonic boom is focused into a narrow zone of particularly high sound pressure. Although the most likely sound level that will result from a focused sonic boom produced by launching the Titan IV is 119 decibels (dB), it is possible that the focused sonic boom could produce a sound level as high as 147 decibels (dB) or 10 psf (pounds per square foot). A sonic boom at this level (147 dB) may cause auditory damage and startle responses in animals.

Space vehicles at Vandenberg are launched into polar orbit. During the ascent of the launch of the Titan IV space vehicle from Vandenberg, it may pass over the Northern Channel Islands which are inhabited by the six species of seals and sea lions named in the request for an incidental take. Of the Channel Islands, San Miquel is the most likely to receive a focused sonic boom. However, not all launches of the Titan IV space vehicle will produce focused sonic booms over the island. If the launch azimuth is greater than 180 degrees, the focused sonic boom will occur over open water.

While specific dates and trajectories are classified, the first launch is expected in early 1991. Two launches are planned each year for the next 5 years.

The Air Force believes that a "taking" will occur because of infrequent, incidential and unintentional harassment. The primary concerns are that the focused sonic booms will cause the animals to stampede and pups will be trampled or separated from their mothers or the animals' hearing may be affected.

In consultation with NMFS, the Air Force has prepared a plan to monitor the affects of the launches on the seals and sea lions on San Miguel Island. The results of the monitoring will be used to verify the prediction made by the Air Force that the impact will be minimal and to make changes in the regulations, if necesary, to ensure that the impacts on marine mammals are negligible.

On July 30, 1990 (55 FR 30943), NMFS published a notice of the receipt of request for rulemaking from the Air Force and a request for information. Three comments were received.

ESA Section 7 Consultation

The Department of the Air Force consulted with NMFS, as required by section 7 of the Endangered Species Act, on whether the proposed launches and returns of the Titan II and Titan IV Lanuch Operations at Space Launch Complex 4 (SLC4), Vandenberg Air Force Base (Vandenberg), California, would jeopardize the continued existence of species listed as threatened or endangered. NMFS issued a section 7 biological opinion on this activity to the Air Force on October 31, 1988. At that time, only the Guadalupe fur seal was a species listed as threatened or endangered under the ESA, and NMFS determined that the project would not likely jeopardize the continued existence of the species.

NMFS recommended that the Air Force implement a monitoring program to assess the predictions concerning sound levels and to assess whether there are any possible effects to Guadalupe fur seals. Because the Steller sea lion has been listed as a threatened species (November 26, 1990, 55 FR 49204), the Air Force will reinitiate consultation with NMFS to include this species.

Before a final rule is published, NMFS will issue its own biological opinion on this authorization since authorizing an incidental take of marine mammals is a Federal action that requries a section 7 ESA consultation.

Summary of Proposed Rule

Specific regulations are proposed to govern the incidental taking of six species of seals and sea lions when the Titan IV space vehicle is launched by the U.S. Air Force from Vandenberg beginning in 1991. These regulations do no regulate or restrict space vehicle activities but rather the taking of seals and sea lions incidental to those activities. These regulations are proposed based on a finding that space vehicle launches from Vandenberg over the Northern Channel Islands off the

coast of California over the next 5 years may involve the incidental taking (by harassment) of California sea lions, Steller (northern) sea lions, northern elephant seals, harbor seals, northern fur seals, and Guadalupe fur seals. Further, NMFS believes that the total impact of the taking will have a negligible impact on the species, on their habitat, and on the availablility of these species for subsistence uses. Although two of the northern ranging species of pinnipeds on the Channel Islands, the northern fur seal and the harbor seal, are taken for subsistence in Alaska, an incidental take from the populations on San Miguel would not reduce the availability of these species for subsistence in Alaska. Therefore, NMFS has determined that this incidental taking will not have an unmitigable adverse impact on the availability of marine mammals for substance by Alaska natives.

The proposed regulations would apply only to Tatan IV space vehicle launches from Space Launch Complex 4 and associated activities over the Northern Channel Islands off the coast of southern California which may involve the incidental taking of seals and sea lions from 1991 to 1996. All activities must be conducted in a manner that minimizes adverse effects on the six species of pinnipeds authorized to be taken and their habitat.

After the final regulations are published, NMFS will issue the Air Force a Letter of Authorization which is the official document allowing the taking of marine mammals. Any substantive changes to the Letter of Authorization over the 5-year period the regulations are in effect will be subject to public review unless NMFS determines that an emergency exists that necessitates immediate action. The proposed regulations require the holder of the Letter of Authorization to cooperate with NMFS and any other Federal, state or local agency monitoring the impacts of the space shuttle launches on these species. The regulations require that the pinniped populations on San Miguel Island be monitored. In addition, a report must be submitted to NMFS within 90 days after all launches that are monitored. In order to assess the effects of launches that produce focused sonic booms over San Miguel Island, the first two launches that produce a focused sonic boom over the island will be monitored. At is discretion, NMFS will place observers on San Miguel Island to monitor the impact of the sonic boom on the seals and sea lions.

Descripition of Habitat and Marine Mammals Species Affected by Lanuches of the Space Vehicle

The Northern Channel Islands off the coast of California are the above-surface projections of a western, largerly submarine extension of the Santa Monica Mountains. The four islands (also called the Santa Barbara Channel Islands) from west to east are San Miguel, Santa Rosa, Santa Cruz, and Anacapa. These islands lie between 11 and 28 miles from the mainland and together comprise about 200 square miles of land.

Since the Northern Channel Islands mark the southern breeding limit of some northern cold-termperate species of seals, sea lions and seabirds and the northern limit of some southern warm-temperate species, there is a deverse group of animals on the islands. The islands are inhabited by the Guadalupe fur seal at its northern limit and the northern fur seal and the northern sea lion at their southern limit. All of the islands are used by pinnipeds for some purposes, but most of the breeding and pupping occurs on San Miguel Island.

At some places on the island (Point Bennett, for example), the rookery areas of four breeding species (the Guadalupe fur seal has not established a breeding colony on the Channel Islands) are virtually side by side.

NMFS estimates that 15,000 to 40,000 seals and sea lions may haul out on San Miguel Island at different seasons of the year, and the breeding and pupping months include mid-December through July (see Table 1).

TABLE 1. POPULATION ESTIMATE OF SEALS AND SEA LIONS

Species	World	Pacific Ocean	So. Calif. Bight	San Miguel Island Breeding Season
Calif. Sea Lion	177,000	157,000	87,000	45,000/50,000 May 15–July 31
Steller Sea Lion	66,000	63,000	100	0
Northern Elephant Seal	144,000	144,000	50,800	40,000 Dec. 15–Feb. 28
Harbor Seal	390,000/413,000	317,000	24,450	1,000 Mar. 1–Apr. 30
Northern Fur Seal	1,151,000	815,000	4,000	4,000 May 15–July 31
Guadalupe Fur Seal	1,600	1,600	1 to 5	1

1. Harbor seal (*Phoca vitulina*)

Harbor seals are widely dispersed in the Atlantic, Arctic, and Pacific Ocean basins. The Pacific harbor seal ranges from Baja California to the eastern Aleutian Islands. Harbor seals are considered abundant throughout most of their range. Populations have increased substantially in the last 10 years. European populations are estimated at 48,000 to 51,500 animals, eastern Canada populations at 20,000 to 30,000, and those in U.S. Atlantic waters at 10,000 to 15,000. Between 312,000 and 317,000 individuals inhabit the Pacific Ocean although actual populations in this region may be higher.

In the Southern California Bight, the population is estimated at about 3,000 animals. On San Miguel during the breeding season, the population estimate is about 1,000. Numbers are lowest in December, increase gradually from February to June, then sharply decrease again to a minimum in December. Pups are born from February through May. Pups nurse for about 4 weeks; nursing extends to at least the end of May. Breeding activities occur from mid-April to mid-June. In addition to their presence on the island, harbor seals also haul out on the southern end of Vendenberg.

2. Steller (northern) sea lion (*Eumetopias jubatus*)

Steller sea lions are found in a large arc around the northern Pacific including the Sea of Japan, the Bering Sea, Aleutian Islands, Gulf of Alaska and the Channel Islands off California.

NMFS made a final determination that the species was threatened (Nov. 26, 1990, 55 FR 49204) throughout its range, and it has been added to the U.S. List of Endangered and Threatened Species (effective December 3, 1990).

In the late 1970's, abundance estimates ranged from 245,000 to 290,000 adult and juvenile animals. However, the number of Steller sea lions observed on certain rookeries in Alaska has declined by 63 percent since 1985 and 82 percent since 1960. Declines are occurring in previously stable areas and are accelerating. The Alaskan population is currently estimated at 53,000 animals. The U.S.S.R. population is thought to be about 3,000. The British Columbia population is about 6,000; and the Washington, Oregon and California population at about 4,000.

Until 1977, a small rookery of Steller sea lions existed on San Miguel Island. However, pupping has not been known to occur on San Miguel for the past 10 years, and no animals have been seen on San Miguel since 1983.

3. California sea lion (*Zalophus californianus*)

The three subspecies of the California sea lion inhabit the Pacific Ocean from the Galapagos Island to Baja California to British Columbia. The California population breeds along the Channel Islands and oceanic islands off Mexico. After the breeding season, males migrate as far north as Washington and British Columbia. Females and juveniles frequent the coastal waters of California and Mexico. Births occur from mid-May through early July off California and from October to December in the Galapagos Islands.

The California population of sea lions numbers about 87,000 and the Mexican population about 70,000. The Galapagos Island population has stabilized at about 20,000 animals. In general, California sea lions are increasing in numbers and may be at historical peak abundance.

On San Miguel, the population estimate during the breeding season is about 45,000 to 50,000. The shore population increases from a low in December-January to a breeding season peak in July. Numbers decrease rapidly during the summer and fall months leveling off to the average low levels characteristic of October through January. Females and juveniles are present year-round. Breeding occurs from late May through August with the peak number of pups present in early July.

4. Northern elephant seal *(Mirounga angustirostris)*

The northern elephant seal, the second largest species of pinniped, is found on offshore islands from Central Baja California to Pt. Reyes, California, north of San Francisco. Elephant seals can be found on rookeries at all times of the year although some wander as far north as southeastern Alaska.

This species has made a remarkable recovery in its population numbers. In 1892, it was estimated that only 100 elephant seals remained, and they inhabited Guadalupe Island, Mexico. The total population now is about 144,000 animals with an estimated U.S. population of 60,000. In the southern California Bight, the population is estimated at 50,800 animals.

On San Miguel Island, the estimated breeding season population is about 40,000 and on San Nicolas Island, the population is close to 12,000. The highest population numbers occur in January which coincides with the pupping and breeding season that begins around December 15. Numbers decline sharply after February and through March as postbreeding animals and weaned pups leave the island. By April, the beach population is relatively small. The population increases rapidly as juveniles and females haul out to molt, peaking again in May. This peak is followed by a sharp decline in June when mainly juveniles and subadult males are ashore followed by an increase in July of subadult and adult males. Numbers then decline through August reaching the annual minimum in September. Numbers increase in October and continue to rise through December as pups of the year return briefly followed by adult males and pregnant females in late November through early December. In addition to their presence on the island, a few elephant seals haul out on Vandenberg at Point Arguello.

5. Northern fur seal *(Callorhinus ursinus)*

The northern fur seal is one of the best known species of pinnipeds. Its biology and management have been the focus of an international treaty for over 75 years. The females and juveniles are highly migratory and range in a great arc across the North Pacific from the Sea of Japan through the southern Bering Sea down to the Channel Islands (San Miguel Island) off southern California. With the exception of the San Miguel breeding population, the animals migrate north in June to several island complexes. The largest numbers congregate on the Pribilof Islands in the eastern Bering Sea and lesser numbers on the Commander Islands, Sea of Okhotsk, and Kuril Island in the western North Pacific.

Because of recent declines, NMFS has declared the Pribilof Islands stock of the nothern fur seal as a depleted species under the MMPA. In 1983, the estimated size of the northern fur seal population was about 1.2 million. No significant changes have been documented since that time although recent counts of adult males on the Pribilof Islands and counts of pups on Robben Island have declined. There are an estimated 871,000 animals in Alaskan waters; 332,000 in Soviet waters; and 4,000 in southern California waters.

The peak number of hauled-out animals on San Miguel Island occurs in mid-July with a post-breeding season decline continuing through December. Some females and yearlings may be present at any time, with the highest number of pups present in early July. These animals are generally at sea for seven consecutive months from November through late May.

6. Guadalupe fur seal *(Arctocaphalus townsendi)*

After 1923, the Guadalupe fur seal generally was regarded as extinct. In 1949, one adult male was seen on San Nicolas Island off California, and a breeding colony was discovered on Guadalupe Island off Mexico in 1954. In August 1984, about 1,600 seals were counted on Guadalupe Island and occasional sightings have been made of animals in the offshore waters of Baja California and southern California. Since 1968, small numbers of nonbreeding animals, usually sub-adult males, have been observed on San Miguel Island.

In December 1985, the Guadalupe fur seal was added as a threatened species to the U.S. List of Endangered and Threatened Species (50 FR 51252).

Effects of Titan IV Launches on Marine Mammals

The Air Force funded several studies in anticipation of launching the space shuttle from Vandenberg. This program was cancelled before any launches took place and replaced by the current expendable space launch vehicle program. The studies for the space shuttle generally conclude that significant adverse impacts on the population of marine mammals inhabiting the Channel Islands are unlikely but not impossible.

The Air Force believes several factors indicate that the magnitude of the sonic boom from launching the Titan IV

vehicle from Vandenberg will be less than what was expected from launching the space shuttle (for which NMFS gave the Air Force authorization for an incidental take of marine mammals in 1986). The Titan IV space launch vehicle is smaller than the shuttle (about two-thirds of the overall size), and its exhaust plume is significantly smaller than that of the shuttle. Since the magnitude of the sonic boom is directly proportional to the size of the vehicle, the size of its exhaust plume, and the shape of the vehicle, the magnitude of the sonic boom associated with the Titan IV is estimated to less than the shuttle.

On San Miguel Island, time-lapse photographic monitoring (Jehl and Cooper 1982) shows that in response to a specific stimulus, large numbers of pinnipeds move suddenly from the shoreline to the water. These events occur at a frequency of about 24 to 36 times per year for sea lions and seals other than harbor seals, and about 48 to 60 times annually for harbor seals. Visual stimuli such as humans and low-flying aircraft are much more likely to elicit this response than strictly auditory stimuli such as boat noise or sonic booms which currently occur about 8 times a month. It is rare for mass movement to take place in a "panic," and no resulting pup or adult mortality has been observed under these circumstances. According to the Air Force, the occurrence of Titan IV sonic booms is expected to increase the frequency of sudden movements toward the water by no more than 5 percent.

During the 1981 breeding season, additional tests were conducted on San Nicolas Island using a carbide pest control cannon to simulate the loud impulse sound of a sonic boom. The noise level of the cannon was reported to be 156 decibels. The animals studied were the northern elephant seal, considered tolerant to disturbance, and the California sea lion, one of the most easily disturbed pinnipeds. These studies concluded that habitat use, population growth, and pup survival were unaffected by the simulated sonic boom noise (Stewart 1982).

Most physiological effects such as those on reproduction, metabolism and general health, or on the animals' resistance to disease, are caused by much greater cumulative sound exposures (intense continuous noise) than those expected from space vehicle booms (infrequent, loud, short-duration noise), which have less potential for affecting physiology.

Researchers (under contract to the Air Force) who conducted studies on effects of the space shuttle stated that the space shuttle sonic booms would not produce auditory or nonauditory effects in Channel Island pinnipeds of sufficient magnitude to measurably influence population levels. Some temporary hearing treshold shift would be likely following the exceptionally loud focused boom created by launches flying directly over the islands, but this threshold change should last a short time (minutes to hours) and minimally disrupt animals. Although the startle effect of the space shuttle boom might cause some panic and concomitant physiological stress, the frequency of booms would be low compared to the frequency of naturally-induced startle-causing events.

Chappell (1980) states there will be no adverse effect on pinniped survival since no significant increase in stress-related pathology is anticipated, nor is any disruption of the reproductive cycle considered probable. Yet, the possibility of more serious consequences cannot be ruled out since the information available in the literature regarding hearing is sparse.

In response to the request from the Air Force, the Marine Mammal Commission stated that NMFS should (1) determine the numbers, as well as the species, of marine mammals that could be affected, and what proportions these numbers are of the affected species and populations; (2) determine whether the planned monitoring program would be sufficient to verify the predicted effects and to identify any unforeseen effects of the proposed action on marine mammals; and (3) undertake Section 7 consultations to identify measures that would be required to assure that the proposed action does not adversely affect steller sea lions or habitats critical to their survival. The Commission recommends that NMFS advise the Air Force that the risk of adversely affecting pinniped populations could largely be avoided by scheduling launches outside the pupping/breeding seasons of the various species.

While NMFS is concerned about the effects of a focused sonic boom during all breeding seasons on San Miguel, the most sensitive time is May 15 to July 31 when two species are using San Miguel for pupping, nursing, and breeding. At this time, there is a greater chance of startling large groups of animals at this time which could cause stampeding into the water and trampling or displacing pups. Although there are 15,000 to 40,000 pinnipeds on the island year round, one of the largest concentrations of animals occurs during this season. January and February are also times when large numbers of pinnipeds are present because this is the peak time for northern elephant seals to use the island. Although the highest number of elephant seals occurs during January and February, pupping begins around December 15 and nursing and breeding activities taper off around March 1. The third breeding season is March and April when about 1,000 harbor seals use the island. While harbor seals are known to be sensitive to disturbance, their numbers on San Miguel are considerably less than that of the other breeding populations.

Also, NMFS is concerned about the effects of Titan IV launches from Vandenberg on harbor seals that inhabit the base although the harbor seals are about 3½ miles from the launch site. The Air Force has agreed to measure the sound levels of launches where the seals haul out at Vandenberg.

Measures to Reduce Impacts

The Air Force has stated the following regarding measures to reduce impacts on the affected species:

"Although no significant impact on the Channel Islands are expected from launching the Titan IV from SLC–4, mitigating measures will be considered if monitoring the initial launches of the Titan IV over the Channel Islands indicates that extremely adverse or catastrophic impact might occur to pinnipeds at San Miguel Island from subsequent Titan IV launches. These mitigation measures must allow for the completion of all specific Titan IV missions from Vandenberg AFB within the following constraints: Current Titan IV mission plans will be reviewed to determine if launch dates, azimuths and trajectory may be modified. Mission requirements will dictate the degree of modification, if any, to be made.

"Unless dictated by mission and national security requirements, the periods from 1 Jan to 15 Feb and 15 May to 31 July would be avoided for launch azimuths which may generate a focused sonic boom that could impact the Channel Islands. In addition, consideration would be given to using launch "windows" between sensitive breeding periods during the months of March and April. These constraints would not apply if national security mission requirements would not allow for alternative dates or launch trajectories.

"Federal and state agencies will be furnished results from the initial Titan IV launch monitoring effort and any subsequent monitoring efforts. Their review and recommendations will be used to determine if overflight restrictions need to be considered for future launches of the Titan IV from Vandenberg AFB. Recommendations

provided by Federal and state agencies will be implemented unless they conflict with mission requirements to meet national security requirements."

Monitoring Program

NMFS met with the Air Force to review the monitoring plan described by the Air Force in its request for an incidental take authorization. The program will include coverage, at a minimum, of the first two launches that result in focused sonic booms over San Miguel Island. The Air Force may choose to monitor other launches for security purposes, to test equipment, and as a contingency in case a boom not expected to contact San Miguel is refracted by atmospheric conditions toward the island. Monitoring will occur before, during and after the two launches. If safety considerations are met, NMFS prefers to have observers on San Miguel Island itself. Otherwise, remote monitoring will be relied on for observation.

Conclusion

While NMFS belives that focused sonic booms at a predicted level of 10 psf (147 decibels) may affect some of the pinnipeds on San Miguel Island, the available data suggest that the taking will have a negligible impact on the populations of marine mammals that use the island. NMFS agrees with the Marine Mammal Commission that the risk of adverse effects on marine mammals would be reduced if launches were scheduled outside the pupping/breeding seasons of the various species. However, until NMFS has had an opportunity to evaluate information obtained from monitoring the first two launches that produce a focused sonic boom over San Miguel, seasonal restrictions on taking will not be included.

In order to assess the effects of the launches on pinnipeds on the island, it is important that the Air Force monitor launches that produce focused sonic booms over San Miguel. If only the first two launches are monitored, and the focused sonic booms occur over open water rather than the island, NMFS will not be able to assess the effects of the launches.

If NMFS believes the effects are more than negligible, it may be necessary to add mitigating measures, such as seasonal restrictions on taking, that would reduce the impacts to negligible. Or, if this cannot be done, the Secretary is directed to withdraw or suspend the permission to take marine mammals under section 101(a)(5).

NMFS agrees with the Air Force that the effects of launching the Titan IV space vehicle is probably less than the effects of launches of the space shuttle because the magnitude of the sonic boom associated with the Titan IV is estimated to be less than that of the shuttle. The minimum noise level for the space shuttle was estimated at 147 dB while the maximum for the Titan IV space vehicle is estimated at that level with the most likely noise level estimated at 110 dB.

Classification

NMFS prepared an environmental assessment for this rulemaking and concluded that there will be no significant impact on the human environment as a result of this proposed rule.

The Under Secretary for Oceans and Atmosphere, NOAA, determined that this proposed rule is not a "major rule" requiring a regulatory impact analysis under Executive Order 12291. The proposed regulations are not likely to result in (1) an annual effect on the economy of $100 million or more; (2) a major increase in costs or prices for consumers, individual industries, or government agencies; or (3) significant adverse effect on competition, employment, productivity, innovation, or on the ability of U.S.-based enterprises to compete with foreign-based enterprises in domestic or export markets.

The General Counsel of the Department of Commerce certified to the Small Business Administration that the proposed rule, if adopted, would not have a significant economic impact on a substantial number of small entities since the Department of the Air Force does not qualify as a small entity. Therefore, a regulatory flexibility analysis was not prepared.

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

This proposed rule does not contain policies with federalism implications sufficient to warrant preparation of a federalism assessment under E.O. 12612.

NMFS determined that this proposed rule does not directly affect the coastal zone of any state with an approved coastal zone management program under the Coastal Zone Management Act (CZMA). This determination will be submitted to the State of California's Division of Governmental Coordination for review as provided for in 16 U.S.C. 1456.

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List of Subjects in 50 CFR Part 228

Marine mammals, Reporting and recordkeeping requirements.

Dated: January 10, 1991.

Sammuel W. McKeen,

Program Management Officer, NMFS.

For reasons set forth in the preamble, 50 CFR part 228 is proposed to be amended as follows:

PART 228—REGULATIONS GOVERNING SMALL TAKES OF MARINE MAMMALS INCIDENTAL TO SPECIFIED ACTIVITIES

1. The authority citation for part 228 continues to read as follows:

Authority: 16 U.S.C. 1361(a)(5).

2. Subpart C is revised to read as follows:

Subpart C—Taking of Marine Mammals Incidental to Space Vehicle Activities

228.21 Specified activity and specified geographical region.
228.22 Effective dates.
228.23 Permissible methods.
228.24 Prohibitions.
228.25 Requirements for monitoring and reporting.
228.26 Modifications of Letters of Authorization.

Subpart C—Taking of Marine Mammals Incidental to Space Vehicle Activities

§ 228.21 Specified activity and specified geographical region.

Regulations in this subpart apply only to the incidental taking of California sea lions, Steller (northern) sea lions, northern elephant seals, harbor seals, Guadalupe fur seals and northern fur seals by U.S. citizens engaged in launching Titan IV space vehicles from Space Launch Complex 4 at Vandenberg Air Force Base, California.

§ 228.22 Effective dates.

Regulations in this subpart are effective from February 1, 1991 through January 31, 1996.

§ 228.23 Permissible methods.

(a) The incidental, but not intentional, non-lethal taking of marine mammals is permitted by U.S. citizens under a Letter of Authorization issued pursuant to § 228.28 for the following activity: Launches of the Titan IV Space Vehicle from Space Launch Complex 4.

(b) The activity identified in § 228.23(a) must be conducted in a manner that minimizes, to the greatest extent possible, adverse impacts on seals and sea lions and their habitat.

§ 228.24 Prohibitions.

Notwithstanding takings authorized by § 228.23 or by a Letter of Authorization issued under § 228.28, the following activities are prohibited:

(a) The incidental take of a seal or sea lion other than by unintentional, non-lethal harassment;

(b) The violation or failure to comply with the terms, conditions and requirements of this part or a Letter of Authorization; and

(c) The incidental taking of any marine mammal not specified in this part.

§ 228.25 Requirements for monitoring and reporting.

(a) Holders of Letters of Authorization (see § 228.6) are required to cooperate with the National Marine Fisheries Service and any other Federal, state, or local agency monitoring the impacts on seals and sea lions. The Holder must notify the Director, Southwest Region, National Marine Fisheries Service, 300 South Ferry Street, Terminal Island CA, 213–548–2575, of any potential take at least 2 weeks prior to the launch in order to satisfy § 228.25(d).

(b) Holders of Letters of Authorization must designate a qualified individual or individuals to record the effects of space vehicle launches on seals and sea lions that inhabit the Northern Channel Islands.

(c) The pinniped populations on San Miguel Island must be monitored before, during and after the first two launches of the Titan IV space vehicle from SLC–4 that produce focused sonic booms over San Miguel. Special attention must be paid to the effects on hearing in pinnipeds and their behaviral responses.

(d) At its discretion, the National Marine Fisheries Service may place an observer on San Miguel Island to monitor the research and sonic boom impact on the seals and sea lions.

(e) A report must be submitted to the Assistant Administrator for Fisheries within 90 days of any launch that produces a focused sonic boom over the northern Channel Islands. This report must include the following information:

(1) Date and time of the launch;

(2) Dates and locations of research activities related to monitoring the effects of the focused sonic booms on pinniped populations;

(3) Results of monitoring activities concerning hearing and behavioral responses; and

(4) Results of population studies made of pinnipeds on the Channel Islands before and after launch.

§ 228.26 Modifications of Letters of Authorization.

(a) In addition to the provisions of § 228.6, any substantive modifications of the Letters of Authorization will be made after notice and opportunity for public comment.

(b) The requirement for notice and public review in § 228.2(a) will not apply if the National Marine Fisheries Service determines that an emergency exists which poses a significant risk to the well-being of the species or stocks of marine mammals concerned or which significantly and detrimentally alters the scheduling of space vehicle launches.

[FR Doc. 91–990 Filed 1–15–91; 8:45 am]
BILLING CODE 3510–22–M

50 CFR Parts 672 and 675

[Docket No. 900833–1013]

RIN 0648–AD18

Groundfish of the Gulf of Alaska, Groundfish Fishery of the Bering Sea and Aleutian Islands Area

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

ACTION: Proposed rule; request for comments.

SUMMARY: NOAA proposes a rule that would implement a revision to Amendment 16 to the Fishery Management Plan (FMP) for Bering Sea/Aleutian Islands (BSAI) Groundfish and Amendment 21 to the FMP for the Gulf of Alaska (GOA) Groundfish Fishery. These regulations are proposed to enhance prohibited species bycatch management in the BSAI and GOA and would hold operators of individual trawl vessels accountable for their bycatch of halibut and red king crab while participating in specified groundfish fisheries. This action is deemed necessary to promote management and conservation of groundfish and other fish resources. It is intended to further the goals and objectives contained in both FMPs that govern these fisheries.

DATES: Comments are invited through February 5, 1991.

ADDRESSES: Comments may be sent to Steven Pennoyer, Director, Alaska Region, National Marine Fisheries Service, P.O. Box 21668, Juneau, AK 99802. Individual copies of the revised Amendments 16 and 21 and the environmental assessment/regulatory impact review/initial regulatory flexibility analysis (EA/RIR/IRFA) may be obtained from the North Pacific Fishery Management Council, P.O. Box 103136, Anchorage, AK 99510. Comments on the environmental assessment are particularly requested.

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

SUPPLEMENTARY INFORMATION:

Background

The domestic and foreign groundfish fisheries in the Exclusive Economic Zone (EEZ) of the GOA and BSAI areas are managed by the Secretary according to FMPs prepared by the North Pacific Fishery Management Council (Council) under the authority of the Magnuson Fishery Conservation and Management Act (Magnuson Act). The FMPs are implemented by regulations for the foreign fisheries at 50 CFR part 611 and

for the U.S. fisheries at 50 CFR parts 672 and 675. General regulations that also pertain to the U.S. fishery are implemented at 50 CFR part 620.

Trawl, hook-and-line, and pot groundfish fisheries use partially non-selective harvesting techniques in that incidental (bycatch) species, including crab, halibut, and herring, are taken in addition to targeted groundfish species. A conflict occurs when bycatch in one fishery reduces the amount of a species available for harvest in another fishery. Bycatch management is an attempt to balance the effects of various fisheries on each other. It is a particularly contentious allocation issue because, compared to crab, halibut, or herring fishermen, groundfish fishermen value the use of crab, halibut, or herring very differently.

At its June 25–30, 1990, meeting, the Council adopted Amendments 16 and 21 for submission to the Secretary of Commerce (Secretary) for review and approval. The proposed rule to implement the amendments addressed several bycatch management measures, including a proposed program that would encourage individual groundfish vessel operators to avoid excessive bycatch rates of prohbited species (55 FR 38347, September 18, 1990). The Council anticipated that this vessel incentive program, commonly referred to as the "penalty box" program, would reduce overall prohibited species bycatch rates within the BSAI and GOA groundfish fisheries. On November 9, 1990, the Secretary approved the management measures in Amendments 16 and 21, except for the proposed penalty box program as described in §§ 672.26 and 675.26 of the proposed rule. The reasons for this denial are set forth in the final rule for Amendments 16 and 21 to be published in the **Federal Register** at a later date.

Given the above determinations, the Director, NMFS, Alaska Region (Region Director) notified the Council that the penalty box program, as proposed under Amendments 16 and 21, could not be implemented. Under section 304(b)(2) of the Magnuson Act, the Regional Director also made recommendations concerning actions that the Council could take towards the development of a 1991 vessel incentive program that would conform to the requirements of applicable law.

Based on these recommendations, the Council adopted a revised vessel incentive program during a November 15, 1990, teleconference meeting for resubmission to the Secretary for review and approval under section 304(b)(3) of the Magnuson Act. The need and justification for a vessel incentive program to reduce prohibited species bycatch are discussed below, along with a description of the specific elements of the vessel incentive program proposed under the revised Amendments 16 and 21.

Justification of a Vessel Incentive Program

The groundfish fishery results in incidental fishing mortality of crab, halibut, and other prohibited species. This use of crab and halibut is one of several competing uses of these resources. These resources also can be used as current or future target catch in the crab or halibut fisheries, respectively. The future use as catch necessarily requires that the crab or halibut are left in the sea to contribute to the productivity of the crab or halibut stocks. These species also can be left in the sea to contribute to other components of the ecosystem, or they can be used as incidental fishing mortality in the groundfish fisheries.

Existing regulations establish prohibited species catch (PSC) limits to control the bycatch of crab and halibut in the groundfish trawl fisheries in the BSAI, and halibut in the groundfish trawl, hook-and-line, and pot fisheries in the GOA. In 1990, the PSC limits resulted in the closures of specified trawl and hook-and-line fisheries and associated reductions in groundfish catch that imposed costs on those who would have benefited from continued fishing in the closed fisheries.

For a given PSC limit, or apportionment thereof, the amount of groundfish that can be harvested prior to a PSC-limit-induced closure is determined by the average bycatch rate of the fishery. A PSC limit, therefore, arguably provides fishermen an incentive to reduce bycatch rates. Unfortunately, although an increase in the amount of groundfish that can be harvested by reduced bycatch rates is in the best interest of the groundfish fleet as a whole, each individual operation will likely ignore bycatch and harvest groundfish rapidly so that its catch expectations can be met prior to the closure of the fishery.

This situation results in unnecessarily high bycatch rates, which will cause a given PSC limit to be reached more quickly. A much higher cost on the fishery will be imposed through lost opportunity to harvest available groundfish. A fishing operation that takes action to reduce its bycatch rate bears the costs of doing so in terms of decreased catch or increased operating costs. But it does not receive benefits that are proportional to either its success in reducing bycatch or the cost of doing so. An operation that takes no action to control its bycatch rates will not bear such costs nor will it bear much of the cost that it imposes on the fishery as a whole by having a high bycatch rate. However, such an operation may receive a disproportionately large share of the benefit from the actions taken by others to reduce the fishery's average bycatch rate. The problems are that: (1) External costs and benefits provide each operation with incentives to do what is counter to the best interests of the fishery as a whole and (2) the actions of a few operations can impose substantial costs on the rest of the fleet.

The penalty box program adopted by the Council as part of Amendments 16 and 21 was intended to provide a partial solution to these problems by reducing the magnitude of the external benefits and costs. The vessel incentive program proposed under the revised Amendments 16 and 21, discussed below, is intended to serve the same purpose. The purposes of the revised incentive program are similar to those of the program that was disapproved in that the program primarily is intended to decrease the costs that the PSC limits would impose on the trawl fisheries in 1991 and to provide guidance for future development of a comprehensive, effective, equitable, and efficient long-term bycatch management regime. The revised vessel incentive program differs from the penalty box program in that it would: (1) Be applied to fewer BSAI and GOA fisheries having new target fishery definitions; (2) be based on seasonal fixed bycatch rate standards; and (3) rely upon civil penalties, civil forfeitures, and permit sanctions authorized under sections 307–310 of the Magnuson Act that could be effectively assessed against violators post-season.

Description of the vessel incentive program under the revised Amendments 16 and 21

1. Scope of the Vessel Incentive Program

Under the revised program, penalties would be imposed after observers have been fully debriefed and their data analyzed and verified. In most cases, this could result in post-season action against vessels that have exhibited bycatch rates in excess of established bycatch rate standards.

The revised incentive program would encompass: (1) Halibut bycatch in the BSAI and GOA Pacific cod trawl fisheries, the BSAI flatfish fisheries, and the GOA "bottom rockfish" trawl fishery; and (2) red king crab bycatch in the BSAI flatfish fisheries in Zone 1. All

catcher/processor vessels and catcher vessels (including those that deliver unsorted codends to mothership processors) that participate in these fisheries and for which observer data are collected would be participants in the incentive program.

Given NMFS' operational and administrative constraints to monitor and enforce a vessel incentive program in 1991, the Council selected the Pacific cod, rockfish, and flatfish trawl fisheries for inclusion under the revised vessel incentive program. These fisheries were selected because they either: (1) Have been identified by NMFS and the groundfish industry as having relatively high halibut or crab bycatch rates; (2) are the most affected by existing PSC limit restrictions; or (3) would provide the most benefit to other groundfish trawl fisheries in terms of reduced prohibited species bycatch rates and increased opportunity to harvest groundfish under shared bycatch allowances.

2. Fishery Definitions

Under the revised program, there would be new target fishery definitions for the BSAI and GOA groundfish trawl fisheries that are based on at-sea observer data on groundfish catch composition and corresponding prohibited species bycatch rates collected from the 1990 domestic annual processing (DAP) fisheries. The analysis from which the following definitions are derived is set forth in the EA/RIR/IRFA prepared for the revised Amendments 16 and 21. The hierarchy of target fishery categories presented below for the BSAI and the GOA fishery definitions are based on NMFS' examination of historical observer data on groundfish catch composition and how closely a fishery's groundfish catch composition reflected intended target operations.

For purposes of apportioning prohibited species catch (PSC) limits to fishery categories, the new BSAI definitions for the Greenland turbot, rock sole, flatfish, and other trawl fisheries would replace existing definitions for these fisheries specified under § 675.21(b)(4). The existing definitions are based on whether or not retained amounts of Greenland turbot, rock sole , flatfish, or other groundfish species are equal to or exceed 20 percent of the retained amounts of other groundfish species during any weekly reporting period. The new BSAI definitions would be based on the species composition listed below as derived from reported retained catch and discard amounts of groundfish species for which a total allowable catch has been specified (allocated groundfish). The following fishery category definitions also would be used for the vessel incentive program proposed under this action, except that data on the species composition of a vessel's groundfish catch during any weekly reporting period would be derived from observer data collected from observed catch of allocated groundfish species.

BSAI fisheries. At the end of each weekly reporting period, a trawl vessel's BSAI groundfish catch composition of allocated groundfish would be used to assign it to one of five fisheries for that week. The first of the following five categories that is met would determine the fishery assignment of a vessel.

1. Greenland turbot fishery if Greenland turbot is at least 35% of the vessel's allocated groundfish catch.

2. Pacific cod fishery if Pacific cod is at least 45% of the vessel's allocated groundfish catch.

3. Rock sole fishery if rock sole, yellowfin sole, and other flatfish comprise at least 40% of the vessel's allocated groundfish catch and the amount of rock sole is greater than the amount of yellowfin sole and other flatfish, in the aggregate.

4. Flatfish fishery is yellowfin sole, rock sole, and other flatfish comprise at least 40% of the vessel's allocated groundfish catch.

5. Other non-pelagic trawl fishery if pollock is less than 95% of the vessel's allocated groundfish catch.

In the BSAI, a vessel would be subject to the vessel incentive program if it is assigned to either the Pacific cod fishery or the "flatfish fishery." For purposes of the vessel incentive program, both the rock sole fishery and the yellowfish sole/flatfish fishery would be part of the "flatfish fishery." Neigher the Greenland turbot fishery nor the "other non-pelagic trawl fishery" would be included in the vessel incentive program for the BSAI. The distinction between the Greenland turbot, rock sole, yellowfin sole/other flatish, and other non-pelagic trawl fishery categories would be used for monitoring the separate prohibited species bycatch allowances established for these fisheries under § 675.21. Under § 675.21, prohibited species bycatch that is attributed to the Pacific cod trawl fishery would be credited be credited against the prohibited species bycatch allowances established for the "other non-pelagic trawl fishery."

GOA fisheries. Each week a trawl vessel's observed GOA groundfish catch of the TAC species, excluding arrowtooth flounder, would be used as a basis for assigning it to one of three fisheries for that week. Arrowtooth flounder would be excluded because, although this species may comprise a large percentage of groundfish catch, it typically is not retained. The first of the following three catagories that is met would determine the fishery assignment of a vessel.

1. Pacific cod fishery if Pacific cod is at least 45% of the vessel's allocated groundfish catch.

2. Rockfish fishery if rockfish (slope rockfish, demersal shelf rockfish, and thornyhead rockfish, in the aggregate) is at least 30% of the vessel's allocated groundfish catch.

3. Other non-pelagic trawl fishery if pollock is less than 95% of the vessel's groundfish catch.

A vessel would be subject to the vessel incentive program if it is assigned to either the Pacific cod fishery or the rockfish fishery. The other non-pelagic trawl fishery would not be included in the vessel incentive program for the GOA.

3. Bycatch Rate Standards

Red king crab and halibut bycatch rate standards for vessels in the fisheries monitored under the vessel incentive program would be based on seasonal fixed rates. The use of seasonal bycatch rate standards would allow for seasonality in the factors that affect bycatch rates. The seasonal rates would be established semiannually.

The halibut bycatch rate standards would be based on average bycatch rates observed in the BSAI or GOA. Separate halibut bycatch rate standards would be established for the BSAI Pacific cod, BSAI flatfish, GOA Pacific cod, and GOA rockfish fisheries.

The red king crab bycatch rate standards established for the BSAI flatfish fisheries would be based on bycatch rates observed in zone 1. Compliance with red king crab bycatch rate standards would be monitored only for Zone 1.

Prior to January 1 and July 1 of each year, bycatch rate standards would be published in the Federal Register that would be in effect for specified seasons within the 6-month periods of January 1 through June 30 and July 1 through December 31, respectively. Such rates would remain in effect until revised by a subsequent notice in the Federal Register. Revisions to bycatch rate standards may be made as often as appropriate. Seasonal bycatch rate standards for a fishery and revisions to those standards would be based on prior seasonal bycatch rates and other relevant criteria, including:

(A) Previous years' average observed bycatch rates for the fishery;

(B) Immediately preceding season's average observed bycatch rates for the fishery;

(C) The prohibited species bycatch allowances and associated fishery closures specified for the fishery;

(D) Anticipated groundfish harvests for that fishery;

(E) Anticipated seasonal distribution of fishing effort for groundfish; or

(F) Other information and criteria deemed relevant by the Regional Director.

The analysis presented in the EA/RIR/IRFA assumed bycatch rate standards equal to the average bycatch rate exhibited by vessels with the lowest bycatch rates. Those vessels accounted for approximately 80% of the catch in the 1990 domestic annual processing (DAP) trawl fisheries for Pacific cod, flatfish, and rockfish. For the GOA, halibut bycatch rates were determined based on allocated groundfish catch excluding arrowtooth flounder.

At its December 3–7, 1990 meeting, the Council recommended alternative bycatch rate standards based on 1990 average quarterly bycatch rates exhibited by all vessels that participated in these fisheries. If a fishery did not operate during a quarter, historical joint venture processing bycatch rates were recommended for that quarter. The Council also recommended that GOA bycatch rate standards for the Pacific cod trawl fishery be based on average bycatch rates observed in the Central Regulatory Area rather than in the GOA as a whole. This recommendation reflected Council recognition that bycatch rates of halibut in the Central Regulatory Area are intrinsically higher than those in other areas of the GOA and that bycatch rate standards based on a GOA wide average would be too constraining to the Pacific cod fishery in the Central Regulatory Area. These standards are set forth in Table 1. Comments are requested on whether these standards should be implemented for the first half of 1991 by adding provisions to the rule proposed by this notice.

Council recommendatins for bycatch rate standards would be less constraining to individual vessels relative to those analyzed in the EA/RIR/IRFA. The Council expressed its view, however, that the recommended rates would satisfy the intent of the Council to reduce overall bycatch rates during the first year that a vessel incentive program was in place. Experience gained under the 1991 program would be used to refine bycatch management measures and associated bycatch rate standards under subsequent rulemaking.

TABLE 1.—BYCATCH RATE STANDARDS PROPOSED FOR THE 1991 VESSEL INCENTIVE PROGRAM IN THE BSAI AND GOA BY FISHERY AND QUARTER

Fishery and quarter	1991 bycatch standard
Halibut bycatch as kg of halibut/mt of allocated groundfish catch	
BSAI Pacific cod:	
Qt 1	13.5
Qt 2	18.5
BSAI flatfish:	
Qt 1	13.1
Qt 2	3.0
GOA rockfish:	
Qt 1–2	40.0
GOA Pacific cod:	
Qt 1	33.1
Qt 2	41.3
Zone 1 red king crab bycatch rates (number of crab/mt of allocated groundfish)	
BSAI flatfish:	
Qt 1	2.68
Qt 2	1.50

4. Fishery Checkpoints and Penalties

At the end of each fishing month, the average observed bycatch rate of red king crab and/or halibut for each vessel assigned to the BSAI flatfish fishery, the BSAI/GOA Pacific cod fisheries or the GOA bottom rockfish fishery during that month would be judged against the fixed seasonal bycatch rate standard established for those fisheries. If the vessel's average bycatch rate for a fishing month exceeds a seasonal bycatch rate standard, the vessel would be in violation of the regulations implementing the vessel incentive program and be subject to prosecution under sections 307–310 of the Magnuson Act.

The NOAA Office of General Counsel, Alaska Region (GCAK), has discretion to assess penalties for violations of Magnuson Act regulations. In determining the level of assessment for violations of this rule, GCAK may take into account a number of factors, which could include resource or economic damage to the groundfish trawl fishery, relevant participation in voluntary programs designed to reduce prohibited species bycatch, and culpability of the vessel operator/owner. A vessel operator/owner who failed to meet established bycatch rate standards at the end of a fishing month might have committed serveral violations, one for each weekly reporting period during the month that the standard was exceeded. Under recently signed amendments to the Magnuson Act, each violation would carry a maximum civil penalty of $100,000, so total civil penalties for a monthly period could total a maximum of $400,000–500,000. Possible sanctions in addition to civil penalties include permit sanctions and judicial forfeiture of the vessel and its catch.

For purposes of the vessel incentive program, a "fishing month" is defined as a time period calculated on the basis of weekly reporting periods. Each fishing month would begin on the first day of the first weekly reporting period that has at least 4 days in the associated calendar month and ends on the last day of the last weekly reporting period that has at least 4 days in that same calendar month. Based on this definition, the 1991 fishing months are specified as the following periods:

Month 1: January 1 through February 3
Month 2: February 4 through March 3
Month 3: March 4 through March 31
Month 4: April 1 through April 28
Month 5: April 29 through June 2
Month 6: June 3 through June 30
Month 7: July 1 through July 28
Month 8: July 29 through September 1
Month 9: September 2 through September 29
Month 10: September 30 through November 3
Month 11: November 4 through December 1
Month 12: December 2 through December 31

5. Public Release of Vessel Bycatch Rates

The Council has adopted a proposed regulatory amendment to the observer plan that would give NMFS the authority to publicize unverified observed bycatch rates of individual vessels inseason. If such authority is approved, NMFS would have the option of posting unverified weekly observed bycatch rates that could be used by vessel operators as guidance. At a minimum, NMFS would continue to release a vessel's unverified observed bycatch rate to the vessel's operator or owner upon request. Whether or not NMFS exercises authority for public release of observed bycatch rates, inseason weekly rates available to the industry would continue to be based on unverified observer data and subject to verification as observers are debriefed and their data are analyzed.

Classification

Upon receipt of a revised amendment from a Council, section 304(b)(3)(B) of the Magnuson Act, as amended by Public Law No. 99–659, requires the Secretary immediately to publish proposed regulations that would implement the revised amendments. At this time, the Secretary has not determined that the revised Amendments 16 and 21 and the accompanying regulations that would implement a vessel incentive program

are consistent with the national standards, other provisions of the Magnuson Act, and other applicable law. The Secretary, in making that determination, will take into account the data, views, and comments received during the comment period.

The Council prepared an environmental assessment (EA) for these FMP amendments that discusses the impact on the environment as a result of this rule. A copy of the EA may be obtained from the Council at the address above and comments on it are requested.

The Assistant Administrator for Fisheries, NOAA, initially determined that the proposed rule is not a "major rule" requiring a regulatory impact analysis under Executive Order 12291. The Council prepared a RIR, which concludes that none of the proposed measures in this rule would cause impacts considered significant for purposes of this Executive Order. A copy of the RIR is available from the Council at the address listed above.

The Council prepared an IRFA as part of the RIR, which concludes that this proposed rule, if adopted, would have significant effects on a number of small entities. A copy of this analysis is available from the Council at the above address.

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

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

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

List of Subjects in 50 CFR parts 672 and 675

Fisheries, Fishing vessels.

Dated: January 11, 1991.

Michael F. Tillman,

Acting Assistant Administrator for Fisheries, National Marine Fisheries Service.

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

PART 672—GROUNDFISH OF THE GULF OF ALASKA

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

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

2. In § 672.7, a new paragraph (e) is added as follows:

§ 672.7 General prohibitions.

* * * * *

(e) Exceed a bycatch rate standard specified under § 672.26.

3. A new § 672.26 is added as follows:

§ 672.26 Program to reduce prohibited species bycatch rates.

(a) *General.* (1) A vessel's average observed bycatch rate, as calculated at the end of a fishing month under paragraph (d) of this section, while participating in the fisheries identified in paragraph (b) of this section, shall not exceed bycatch rate standards specified in paragraph (c) of this section.

(2) *Definitions for purposes of this section.* (i) *Observed* refers to data collected by observers who are certified under the NMFS Observer Program authorized under § 672.27. Only data from observers who have been debriefed and their data checked, verified, and analyzed by NMFS will be used to calculate vessel bycatch rates for purposes of this section.

(ii) *Bycatch rate* refers to the ratio of weight of halibut in kilograms to the total round weight, in metric tons, of groundfish listed in Table 1 of § 672.20.

(iii) *Fishing month* is defined as a time period calculated on the basis of weekly reporting periods as follows: each fishing month begins on the first day of the first weekly reporting period that has at least 4 days in the associated calendar month and ends on the last day of the last weekly reporting period that has at least 4 days in that same calendar month. Dates of each fishing month will be announced in the **Federal Register** notices published under paragraph (c)(2) of this section.

(b) *Fisheries.* A vessel will be subject to this section if the groundfish catch of the vessel is observed on board the vessel or on board a mothership processor that receives unsorted codends from the vessel at any time during a weekly reporting period; and the vessel is assigned to either the Pacific cod fishery or the bottom rockfish fishery as defined in paragraphs (b)(1) and (2) of this section. During any weekly reporting period, a vessel's observed catch composition of groundfish species for which a TAC has been specified under § 672.20 of this part, excluding arrowtooth flounder, will dertermine the fishery to which the vessel is assigned.

(1) The *Pacific cod fishery* means trawl fishing that results in an observed groundfish catch during a weekly reporting period that is composed of 45 percent or more of Pacific cod.

(2) The *bottom rockfish fishery* means trawl fishing that does not qualify as a Pacific cod fishery under paragraph (b)(1) of this section and results in an observed groundfish catch during a weekly reporting period that is comprised of 30 percent or more of rockfish species of the genus *Sebastes* and *Sebastolobus* in the aggregate, except for the rockfish species that comprise the pelagic shelf rockfish category *(Sebastes melanops, S. mystinus, S. ciliatus, S. entomelas,* and *S. flavidus).*

(c) *Bycatch rate standards*—(1) *Establishment of bycatch rate standards.* (i) Prior to January 1 and July 1 of each year, the Regional Director will publish a notice in the **Federal Register** specifying bycatch rate standards for the fisheries identified in paragraph (b) of this section that will be in effect for specified seasons within the 6-month periods of January 1 through June 30 and July 1 through December 31, respectively. Bycatch rate standards will remain in effect until revised by a notice in the **Federal Register.** The Regional Director may adjust bycatch rate standards as frequently as he considers appropriate.

(ii) Bycatch rate standards for a fishery and adjustments to such standards will be based on the following information and considerations:

(A) Previous years' average observed bycatch rates for that fishery;

(B) Immediately preceding season's average observed bycatch rates for that fishery;

(C) The bycatch allowances and associated fishery closures specified under section 672.20(f);

(D) Anticipated groundfish harvests for that fishery;

(E) Anticipated seasonal distribution of fishing effort for groundfish; and,

(F) Other information and criteria deemed relevant by the Regional Director.

(2) *Procedure.* (i) Bycatch rate standards or adjustments to such standards specified under this section will not take effect until the Secretary has published the proposed bycatch rate standards or adjustments to such standards in the **Federal Register** for public comment for a period of 30 days before they are made effective, unless the Secretary finds for good cause that such notice and public procedure is impracticable, unnecessary, or contrary to the public interest.

(ii) If the Secretary decides, for good cause, that bycatch rate standards or adjustments to such standards are to be

made effective without affording a prior opportunity for public comment, public comments on the necessity for, and extent of, bycatch rate standards or adjustments to such standards will be received by the Regional Director for a period of 15 days after the effective date of the notice.

(iii) During any such 15-day period, the Regional Director will make available for public inspection, during business hours, the aggregate data upon which bycatch rate standards or adjustments to such standards were based.

(iv) If written comments are received during any such 15-day period that oppose or protest bycatch rate standards or adjustments to such standards issued under this section, the Secretary will reconsider the necessity for the bycatch rate standards or adjustment to such standards and, as soon as practicable after that reconsideration, will either:

(A) Publish in the Federal Register a notice of continued effectiveness of bycatch rate standards or adjustment to such standards, responding to comments received; or

(B) Modify or rescind bycatch rate standards or adjustment to such standards.

(v) Notices of adjustments to bycatch rate standards issued by the Secretary under paragraph (c) of this section will include the following information:

(A) A description of the adjustment to one or more bycatch rate standards specified for a fishery;

(B) The reasons for the adjustment and the determinations required under paragraph (c)(1)(ii) of this section; and

(C) The effective date and any termination date of such adjustment. If no termination date is specified, the adjustment will remain in effect until revised by subsequent notice in the Federal Register under paragraph (c) of this section.

(d) *Vessel bycatch rates*—(1) *Observer data.* Observer data will be collected under the procedures set forth in the Observer Plan authorized under § 672.27. For purposes of this section, observer data collected for each haul sampled during a day will include the date, position (latitude and longitude) where trawl gear for the haul was retrieved, total round weight of groundfish in the portion of the haul sampled by an observer by groundfish species or species group specified in Table 1 of § 672.20, and number and weight of halibut in the portion of the haul sampled by the observer.

(2) *Calculation of individual vessel observed bycatch rate.* (i) For each vessel, the Regional Director will aggregate the observer data collected on round weight catch composition of groundfish sampled on that vessel during a weekly reporting period to determine the fishery to which the vessel should be assigned for that week.

(ii) If the Regional Director determines that a vessel should be assigned to a fishery described in paragraph (b) of this section during a weekly reporting period, he will calculate an average bycatch rate for all hauls sampled by an observer during that week based on the observer data collected from those hauls under paragraph (d)(1) of this section.

(A) A vessel's average bycatch rate for a weekly reporting period is calculated as the total weight of halibut (in kilograms) observed in all haul samples during that week divided by the total weight of groundfish in the haul samples (in metric tons) for which a TAC has been specified under § 672.20.

(3) *Determinations.* (i) At the end of each fishing month, the Regional Director will calculate each vessel's average observed bycatch rate for each fishery identified under paragraph (b) of this section that the vessel was assigned to during the weekly reporting periods of that fishing month.

(A) A vessel's average bycatch rate for a fishery identified under paragraph (b) of this section during a fishing month is calculated as the total weight of halibut (in kilograms) observed in all haul samples during all weekly reporting periods of that month that the vessel was assigned to that fishery divided by the total weight of the groundfish in the haul samples (in Metric tons) for which a TAC has been specified under § 672.20.

(ii) A vessel has exceeded a bycatch rate standard if its average observed bycatch rate for any fishery defined in paragraph (b) of this section at the end of a fishing month exceeds the bycatch rate standard established for that fishery under paragraph (c) of this section.

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

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

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

5. In § 675.7, a new paragraph (e) is added to read as follows:

§ 675.7 Prohibitions.

* * * * *

(e) Exceed a bycatch rate standard specified under § 675.26.

6. In § 675.21, paragraphs (c)(2), (c)(3), and (c)(4) are redesignated as paragraphs (c)(3), (c)(4), and (c)(5); a new paragraph (c)(2) is added; and paragraphs (b)(1), (b)(4), (c)(1), and newly redesignated (c)(3) are revised to read as follows:

§ 675.21 Prohibited species catch (PSC) limitations.

* * * * *

(b) * * *

(1) *Apportionment to fishery categories.* The Secretary, after consultation with the Council, will apportion each PSC limit into bycatch allowances that may be assigned to the following fisheries as they are defined in paragraph (b)(4) of this section: (i) DAP Greenland turbot fishery; (ii) DAP rock sole fishery; (iii) DAP flatfish fishery; (iv) DAP Pacific cod and DAP other non-pelagic trawl fisheries combined; and (v) JVP flatfish fishery. Bycatch allowances will be based on each fishery's proportional share of the anticipated incidental catch during a fishing year of prohibited species for which a PSC limit is specified and the need to optimize the amount of total groundfish harvested under established PSC limits. The sum of the prohibited species bycatch in the DAP Pacific cod fishery and the DAP other non-pelagic trawl fishery will be aggregated for purposes of monitoring the bycatch allowance of any prohibited species that is apportioned to these fisheries. The sum of all bycatch allowances of any prohibited species will equal its PSC limit.

* * * * *

(4) For purposes of this section and § 675.26 of this part, six domestic fisheries are defined based on total groundfish catch of species for which a TAC is specified under § 675.20 as follows:

(i) *DAP Greenland turbot fishery* means DAP fishing with trawl gear during any weekly reporting period that results in a catch of Greenland turbot that is 35 percent or more of the toal amount of groundfish caught during the week.

(ii) *DAP Pacific code fishery* means DAP fishing with trawl gear during any weekly reporting period that (A) results in a catch of Pacific cod that is 45 percent or more of the total amount of groundfish caught during the week, and (B) does not qualify as a "DAP Greenland turbot fishery."

(iii) *DAP rock sole fishery* means DAP fishing with trawl gear during any weekly reporting period that (A) results in a catch of rock sole, yellowfin sole, and "other flatfish" in the aggregate that is 40 percent or more of the total amount of groundfish caught during the week, (B) results in a catch of rock sole that is greater than the catch of yellowfin sole

and "other flatfish" in the aggregate, and (C) does not qualify as a "DAP Greenland turbot" or "DAP Pacific cod" fishery.

(iv) *DAP flatfish fishery* means DAP fishing with trawl gear during any weekly reporting period that (A) results in a catch of yellowfin sole, rock sole, and "other flatfish," in the aggregate, that is 40 percent or more of the total amount of groundfish caught during the week, and (B) does not qualify as a "DAP Greenland turbot," "DAP Pacific cod," or "DAP rock sole" fishery.

(v) *DAP other non-pelagic trawl fishery* means DAP fishing with trawl gear during any weekly reporting period that (A) results in a catch of pollock that is less than 95 percent of the total amount of groundfish caught during the week, and (B) does not qualify as a "DAP Greenland turbot," "DAP Pacific cod," "DAP rock sole," or "DAP flatfish" fishery.

(vi) *JVP flatfish fishery* means JVP fishing with trawl gear during any weekly reporting period that results in deliveries to foreign vessels of amounts of yellowfin sole, rock sole, and "other flatfish," in aggregate amounts, that are 20 percent or more of the total amount of groundfish delivered during a weekly reporting period.

(c) *Attainment of a PSC bycatch allowance or seasonal apportionment of the bycatch allowance*— (1) *By the DAP rock sole, DAP Greenland turbot, or the JVP flatfish fisheries.* (i) If, during the fishing year, the Regional Director determines that U.S. fishing vessels using trawl gear will catch either of the PSC bycatch allowances or seasonal apportionment of the bycatch allowances of red king crabs or *C. bairdi* in Zone 1 while participating in either the DAP rock sole, DAP Greenland turbot, or JVP flatfish fisheries as defined in paragraph (b)(4) of this section, the Secretary will publish a notice in the **Federal Register** closing Zone 1 to directed fishing with trawl gear for rock sole, Greenland turbot, or JVP flatfish for the remainder of the fishing year or for the remainder of the season.

(ii) If, during the fishing year, the Regional Director determines that U.S. fishing vessels using trawl gear will catch the PSC bycatch allowance or seasonal apportionment of the bycatch allowance of *C. bairdi* in Zone 2 while participating in either the DAP rock sole, DAP Greenland turbot, or JVP flatfish fisheries as defined in paragraph (b)(4) of this section, the Secretary will publish a notice in the **Federal Register** closing Zone 2 to directed fishing with trawl gear for rock sole, Greenland turbot, or JVP flatfish for the remainder of the fishing year or for the remainder of the fishing season.

(iii) If, during the fishing year, the Regional Director determines that U.S. fishing vessels using trawl gear will catch the primary PSC bycatch allowance or seasonal apportionment of the bycatch allowance of Pacific halibut in the Bering Sea and Aleutian Islands Management Area while participating in either the DAP rock sole, DAP Greenland turbot, or JVP flatfish fisheries as defined in paragraph (b)(4) of this section, the Secretary will publish a notice in the **Federal Register** closing Zones 1 and 2H to directed fishing with trawl gear for rock sole, Greenland turbot, or JVP flatfish for the remainder of the fishing year or for the remainder of the fishing season.

(iv) If, during the fishing year, the Regional Director determines that U.S. fishing vessels using trawl gear will catch the secondary PSC bycatch allowance or seasonal apportionment of the bycatch allowance of Pacific halibut in the Bering Sea and Aleutian Islands Management Area while participating in either the DAP rock sole, DAP Greenland turbot, or JVP flatfish fisheries as defined in paragraph (b)(4) of this section, the Secretary will publish a notice in the **Federal Register** closing the entire Bering Sea and Aleutian Islands Management Area to directed fishing with trawl gear for rock sole, Greenland turbot, or JVP flatfish for the remainder of the fishing year or for the remainder of the fishing season.

(2) *By the DAP flatfish fishery.* (i) If, during the fishing year, the Regional Director determines that U.S. fishing vessels using trawl gear will catch either of the PSC bycatch allowances or seasonal apportionment of the bycatch allowances or red king crabs or *C. bairdi* in Zone 1 while participating in the DAP flatfish fishery as defined in paragraph (b)(4) of this section, the Secretary will publish a notice in the **Federal Register** closing Zone 1 to directed fishing with trawl gear for yellowfish sole and "other flatfish," in the aggregate, for the remainder of the fishing year or for the remainder of the season.

(ii) If, during the fishing year, the Regional Director determines that U.S. fishing vessels using trawl gear will catch the PSC bycatch allowance or seasonal apportionment of the bycatch allowance of *C. bairdi* in Zone 2 while participating in the DAP flatfish fishery as defined in paragraph (b)(4) of this section, the Secretary will publish a notice in the **Federal Register** closing Zone 2 to directed fishing with trawl gear for yellowfish sole and "other flatfish," in the aggregate, for the remainder of the fishing year or for the remainder of the season.

(iii) If, during the fishing year, the Regional Director determines that U.S. fishing vessels using trawl gear will catch the primary PSC bycatch allowances or seasonal apportionment of the bycatch allowance of Pacific halibut in the Bearing Sea and Aleutian Islands Management Area while participating in the DAP flatfish fishery as defined in paragraph (b)(4) of this section, the Secretary will publish a notice in the **Federal Register** closing Zones 1 and 2H to directed fishing with trawl gear for yellowfin sole and "other flatfish," in the aggregate, for the remainder of the fishing year or for the remainder of the fishing season.

(iv) If, during the fishing year, the Regional Director determines that U.S. fishing vessels using trawl gear will catch the secondary PSC bycatch allowances or seasonal apportionment of the bycatch allowances of Pacific halibut in the Bearing Sea and Aleutian Islands Management Area while participating in the DAP flatfish fishery as defined in paragraph (b)(4) of this section, the Secretary will publish a notice in the **Federal Register** closing the entire Bearing Sea and Aleutian Islands Management Area to directed fishing with trawl gear for yellowfish sole and "other flatfish," in the aggregate, for the remainder of the fishing year or for the remainder of the fishing season.

(3) *By the "DAP other non-pelagic trawl" and "DAP Pacific cod" fisheries.* (i) If, during the fishing year, the Regional Director determines that U.S. fishing vessels will catch either of the PSC bycatch allowances or seasonal apportionments of bycatch allowances of red king crabs or *C. bairdi* in Zone 1 while participating in the "DAP Pacific cod" and "DAP other non-pelagic trawl" fisheries as defined in paragraph (b)(4) of this section, the Secretary will publish a notice in the **Federal Register** closing Zone 1 to directed fishing for pollock and Pacific cod, in the aggregate, by trawl vessels using other than pelagic trawl gear for the remainder of the year or for the remainder of the fishing season.

(ii) If, during the fishing year, the Regional Director determines that U.S. fishing vessels will catch the PSC bycatch allowances or seasonal apportionment of the bycatch allowances of *C. bairdi* in Zone 2 while participating in the "DAP Pacific cod" and "DAP other non-pelagic trawl" fisheries, the Secretary will publish a notice in the **Federal Register** closing Zone 2 to directed fishing for pollock and Pacific cod, in the aggregate, by

trawl vessels using other than pelagic trawl gear for the remainder of the year or for the remainder of the fishing season.

(iii) If, during the fishing year, the Regional Director determines that U.S. fishing vessels using trawl gear will catch the primary PSC bycatch allowance or seasonal apportionment of the bycatch allowance of Pacific halibut in the Bearing Sea and Aleutian Islands Management Area while participating in the "DAP Pacific cod" and "DAP other non-pelagic trawl" fisheries, the Secretary will publish a notice in the **Federal Register** closing Zones 1 and 2H to directed fishing for pollock and Pacific cod, in the aggregate, by trawl vessels using other than pelagic trawl gear for the remainder of the year or for the remainder of the fishing season.

(iv) If, during the fishing year, the Regional Director determines that U.S. fishing vessels using trawl gear will catch the secondary PSC bycatch allowance or seasonal apportionment of the bycatch allowance of Pacific halibut in the Bearing Sea and Aleutian Islands Management Area while participating in the "DAP Pacific cod" and "DAP other non-pelagic trawl" fisheries, the Secretary will publish a notice in the **Federal Register** closing the Bering Sea and Aleutian Islands Management area to directed fishing for pollock and Pacific cod, in the aggregate, by trawl vessels using other than pelagic trawl gear for the remainder of the year or for the remainder of the fishing season.

7. A new § 675.26 is added as follows:

§ 675.26 Program to reduce prohibited species bycatch rates.

(a) **General.** (1) A vessel's average observed bycatch rarte, as calculated at the end of a fishing month under paragraph (d) of this section, while participating in the fisheries identified in paragraph (b) of this section, shall not exceed bycatch rate standards specified in paragraph (c) of this section.

(2) *Definitions for purposes of this section.* (i) *Observed* refers to verified data collected by observers who are certified under the NMFS Observer Program authorized under § 675.25. Only data from observers who have been debriefed and their data checked, verified, and analyzed by NMFS will be used to calculate vessel bycatch rates for purposes of this section.

(ii) *Bycatch rate* refers to: (A) The ratio of weight of halibut in kilograms to the total round weight, in metric tons, of groundfish listed as "target species" and "other species" in Table 1 of § 675.20 while participating in the DAP Pacific cod, DAP rock sole, or DAP flatfish fisheries as defined in § 675.21(b)(4) of this part; and (B) the ratio of number of red king crab to the total round weight, in metric tons, of groundfish listed as "target species" and "other species" in Table 1 of § 675.20 while participating in the DAP rock sole or DAP flatfish fisheries as defined in § 675.21(b)(4) of this part.

(iii) *Fishing month* is defined as a time period calculated on the basis of weekly reporting periods as follows: each fishing month begins on the first day of the first weekly reporting period that has at least 4 days in the associated calendar month and ends on the last day of the last weekly reporting period that has at least 4 days in that same calendar month. Dates of each fishing month will be announced in the **Federal Register** notices published under paragraph (c)(2) of this section.

(b) *Fisheries.* A vessel will be subject to this section if the groundfish catch of the vessel is observed on board the vessel or on board a mothership processor that receives unsorted codends from the vessel at any time during a weekly reporting period; and the vessel is assigned to either the DAP Pacific cod fishery, DAP rock sole fishery, or DAP flatfish fishery as defined in § 675.21(b)(4) of this part. During any weekly reporting period, a vessel's observed catch composition of groundfish species for which a TAC has been specified under § 675.20 of this part will determine the fishery to which the vessel is assigned.

(c) *Bycatch rate standards*—(1) *Establishment of bycatch rate standards.* (i) Prior to January 1 and July 1 of each year, the Regional Director will publish a notice in the **Federal Register** specifying bycatch rate standards for the fisheries identified in paragraph (b) of this section that will be in effect for specified seasons within the six-month periods of January 1 through June 30 and July 1 through December 31, respectively. Bycatch rate standards will remain in effect until revised by a notice in the **Federal Register.** The Regional Director may adjust bycatch rate standards as frequently as he considers appropriate.

(ii) Bycatch rate standards for a fishery and adjustments to such standards will be based on the following information and considerations:

(A) Previous years' average observed bycatch rates for that fishery;

(B) Immediately preceding season's average observed bycatch rates for that fishery;

(C) The bycatch allowances and associated fishery closures specified under § 675.21;

(D) Anticipated groundfish harvest for that fishery;

(E) Anticipated seasonal distribution of fishing effort for groundfish; and

(F) Other information and criteria deemed relevant by the Regional Director.

(2) *Procedure.* (i) Bycatch rate standards or adjustments to such standards specified under this section will not take effect until the Secretary has published the proposed bycatch rate standards or adjustments to such standards in the **Federal Register** for public comment for a period of thirty (30) days before they are made effective, unless the Secretary finds for good cause that such notice and public procedure is impracticable, unnecessary, or contrary to the public interest.

(ii) If the Secretary decides, for good cause, that bycatch rate standards or adjustments to such standards are to be made effective without affording a prior opportunity for public comment, public comments on the necessity for, and extent of, bycatch rate standards or adjustments to such standards will be received by the Regional Director for a period of fifteen (15) days after the effective date of the notice.

(iii) During any such 15-day period, the Regional Director will make available for public inspection, during business hours, the aggregate data upon which bycatch rate standards or adjustments to such standards were based.

(iv) If written comments are received during any such 15-day period that oppose or protest bycatch rate standards or adjustments to such standards issued under this section, the Secretary will reconsider the necessity for the bycatch rate standards or adjustments to such standards and, as soon as practicable after that reconsideration, will either:

(A) Publish in the **Federal Register** a notice of continued effectiveness of bycatch rate standards or adjustment to such standards, responding to comments received; or

(B) Modify or rescind bycatch rate standards or adjustment to such standards.

(v) Notices of adjustments to bycatch rate standards issued by the Secretary under paragraph (c) of this section will include the following information:

(A) A description of the adjustment to one or more bycatch rate standards specified for a fishery;

(B) The reasons for the adjustment and the determinations required under paragraph (c)(1)(ii) of this section; and

(C) The effective date and any termination date of such adjustment. If no termination date is specified, the

adjustment will remain in effect until revised by subsequent notice in the **Federal Register** under paragraph (c) of this section.

(d) *Vessel bycatch rates* (1) *Observer data.* Observer data will be collected under the procedures set forth in the Observer Plan authorized under § 675.25. For purposes of this section, observer data collected for each haul sampled during a day will include the date, position (latitude and longitude) where trawl gear for the haul was retrieved, total round weight of groundfish in the portion of the haul sampled by an observer by groundfish "target species" and "other species" listed in Table 1 of § 675.20, and weight of halibut and number of red king crab in the portion of the haul sampled by the observer.

(2) *Calculation of individual vessel observed bycatch rate.* (i) For each vessel, the Regional Director will aggregate the observer data collected on round weight catch composition of groundfish sampled on that vessel during a weekly reporting period to determine the fishery to which the vessel should be assigned for that week.

(ii) If the Regional Director determines that a vessel should be assigned to a fishery described in paragraph (b) of this section during a weekly reporting period, he will calculate an average bycatch rate for all hauls sampled by an observer during that week based on the observer data collected from those hauls under paragraph (d)(1) of this section.

(A) A vessel's average bycatch rate for a weekly reporting period is calculated as the total weight of halibut (in kilograms) or total number of red king crab observed in all haul samples during that week divided by the total weight of the groundfish in haul samples (in metric tons) for which a TAC has been specified under § 675.20 of this part.

(3) *Determinations.* (i) At the end of each fishing month, the Regional Director will calculate each vessel's average observed bycatch rate for each fishery identified under paragraph (b) of this section that the vessel was assigned to during the weekly reporting periods of that fishing month.

(A) A vessel's average bycatch rate for a fishery identified under paragraph (b) of this section during a fishing month is calculated as the total weight of halibut (in kilograms) or total number of red king crab observed in all haul samples during all weekly reporting periods of that month that the vessel was assigned to that fishery divided by the total weight of the groundfish in the haul samples (in metric tons) for which a TAC has been specified under § 675.20 of this part.

(ii) A vessel has exceeded a bycatch rate standard if its average observed bycatch rate for any fishery defined in paragraph (b) of ths section at the end of a fishing month exceeds the bycatch rate standard established for that fishery under paragraph (c) of this section.

[FR Doc. 91-1017 Filed 1-11-91; 11:55 am]
BILLING CODE 3510-22-M

Notices

Federal Register
Vol. 56, No. 11
Wednesday, January 16, 1991

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

DEPARTMENT OF AGRICULTURE

Forest Service

Eastern Region: Illinois, Indiana and Ohio, Michigan, Minnesota, Missouri, New Hampshire and Maine, Pennsylvania, Vermont and New York, West Virginia, and Wisconsin; Legal Notice of Appealable Decisions

AGENCY: Forest Service, USDA.

ACTION: Notice.

SUMMARY: On October 9, 1990, the Eastern Region published (FR Vol. 55, No. 195, pgs. 41119–41121) a list of newspapers in which decisions would be published in accordance with 36 CFR 217.5(d).

The October 9, 1991 Eastern Region list will remain unchanged except for the Huron Manistee National Forest. Huron Manistee National Forest Decisions will be published in the legal notice section of the newspapers listed in the Supplemental Information Section of this notice.

FOR FURTHER INFORMATION CONTACT: Joni Sue Hanson, Regional Appeals Coordinator, Eastern Region, Reuss Federal Plaza, 310 West Wisconsin Avenue, Milwaukee, Wisconsin 53203, Area Code 414–297–3661.

SUPPLEMENTARY INFORMATION: Deciding Officers in the Eastern Region will give legal notice of decisions subject to appeal under 36 CFR part 217 in the following newspapers which are listed by Forest Service administrative unit. Where more than one newspaper is listed for any unit, the first newspaper listed is the primary newspaper which shall be used to constitute legal evidence that the agency has given timely and constructive notice of decisions that are subject to administrative appeal. As provided in 36 CFR 317.5(d), the timeframe for appeal shall be based on the date of publication of a notice of decision in the primary newspaper.

Huron-Manistee National Forests, Michigan

Forest Supervisor Decisions

Cadillac Evening News, published daily in Cadillac, Wexford County, Michigan

District Rangers Decisions

Baldwin District: Lake County Star, published weekly in Baldwin, Lake County, Michigan

Ludington Daily News, published daily in Ludington, Mason County, Michigan

Cadillac District: Cadillac Evening News, published daily in Cadillac, Wexford County, Michigan

Manistee News Advocate, published daily in Manistee, Manistee County, Michigan

Lake County Star, published weekly in Baldwin, Lake County, Michigan

Harrisville District: Alcona County Review, published weekly in Harrisville, Alcona County, Michigan

Manistee District: Manistee News Advocate, published weekly in Manistee, Manistee County, Michigan

Mio District: Oscoda County Herald, published weekly in Mio, Oscoda County, Michigan

Crawford County Avalanche, published weekly in Grayling, Crawford County, Michigan

Tawas District: Iosco County News Herald, published weekly in East Tawas, Iosco County, Michigan

White Cloud District: Fremont Times-Indicator published weekly in Fremont, Newaygo County, Michigan

Muskegon Chronicle, published daily in Muskegon, Muksegon County, Michigan

Grand Rapids Press, published daily in Grand Rapids, Kent County, Michigan

Big Rapids Pioneer, published daily in Big Rapids, Mecosta County, Michigan

Dated: January 8, 1991.

James Jordan,

Deputy Regional Forester.

[FR Doc. 91–968 Filed 1–15–91; 8:45 am]

BILLING CODE 3410–11–M

Rural Electrification Administration

Availability of Final Environmental Impact Statement; Seminole

AGENCY: Rural Electrification Administration.

ACTION: Availability of Final Environmental Impact Statement.

SUMMARY: Notice is hereby given that the Rural Electrification Administration (REA), as lead Federal agency, is issuing a Final Environmental Impact Statement (FEIS) pursuant to the National Environmental Policy Act of 1969 (NEPA), as amended (42 U.S.C. section 4321 *et seq.*), the Council on Environmental Quality Regulations (40 CFR parts 1500–1508), and REA Environmental Policy and Procedures (7 CFR part 1794). This FEIS is being issued in connection with potential REA action related to Seminole Electric Cooperative, Inc.'s (Seminole) involvement in the construction, ownership and operation of the Hardee Power Station and related facilities. The U.S. Environmental Protection Agency (EPA) and the Federal Energy Regulatory Commission (FERC) have acted as cooperating agencies during the NEPA process.

FOR FURTHER INFORMATION CONTACT: Mr. Alex M. Cockey, Jr., Director, Southeast Area—Electric, Room 0268–S, South Agriculture Building, Rural Electrification Administration, Washington, DC 20250, telephone (202) 382–8436 or Mr. Michael Opalinski, Manager of Environmental Affairs, Seminole Electric Cooperative, Inc., P.O. Box 272000, Tampa, Florida 33688–2000, telephone (813) 963–0994.

SUPPLEMENTARY INFORMATION: Seminole Electric Cooperative, Inc. (Seminole), has requested REA approval of an agreement between itself and TECO Power Services, Inc., for the sale and purchase of capacity and energy. As part of the agreement, TECO Power Services proposes to construct and operate 295 MW of generating capacity at the Hardee Power Station to be operational in 1993. Seminole has also requested financing assistance from REA to construct its portion of the transmission facilities to be connected to the Hardee Power Station.

The proposed Hardee Power Station will consist of natural gas and/or oil fired combustion turbines utilizing heat

recovery steam generators that will operate efficiently by recovering heat from the combustion turbines. When completed, the Hardee Power Station will be made up of three, 220 MW combined cycle units for a total of 660 MW. Each 220 MW unit will have two 75 MW combustion turbines and a 70 MW steam turbine fed by the two heat recovery steam generators. Each turbine will drive an electric generator.

The Rural Electrification Administration's preferred site for the Hardee Power Station is located approximately 11 kilometers (7 miles) due west of Bowling Green, Florida, in Hardee County and extends into Polk County. The boundary of the site encompasses approximately 5,260 hectares (1,300 acres). Approximately 0.09 hectares (.22 acres) of a shallow wetland swale on the proposed Hardee Power Station site will be displaced by construction. Mitigation measures have been developed to establish another wetland area of the same size to offset the loss to wetlands.

Three 230 kilovolt (kV) transmission lines will be required to connect the Hardee Power Station into the Florida transmission grid. These lines will originate from the 230 kV switchyard at the Hardee Power Station. One will traverse north for approximately 26 kilometers (16 miles) to Tampa Electric Company's Pebbledale Substation located in Polk County near Pebbledale, one will go south for approximately 13 kilometers (8 miles) to Florida Power Corporation's Vandolah Substation located in Hardee County near Vandolah, and another will parallel the Hardee Power Station to Vandolah Substation line and proceed an additional 112 kilometers (69 miles) to Lee County Cooperative's Lee Substation located in Lee County in North Fort Myers.

The primary fuel to be used to power the plant will be natural gas. It is proposed that it be transported via a new 46 centimeter (18 inch) diameter, underground gas pipeline to be connected from the St. Petersburg Lateral (an existing natural gas pipeline) north of Polk City, Florida, to the Hardee Power Station. The total length of the proposed pipeline is approximately 80 kilometers (50 miles).

Alternatives to the project as proposed included no action, demand side alternatives, load management, conservation, interruptible load, reserve capacity and alternative sites and transmission line corridors.

REA prepared a Draft Environmental Impact Statement (DEIS) for the Hardee Power Station. The availability of the DEIS was announced in the **Federal Register** on October 11 and 12, 1990, and in newspapers with a general circulation in all counties where the Hardee Power Station and associated facilities will be located. A 45-day comment period was provided that ended on November 26, 1990. Copies of all correspondence received during the comment period for the DEIS are included in Appendix D of the FEIS. The FEIS adequately addresses these comments.

The FEIS will be available for review at the following libraries:

Bartow Public Library,
315 E. Parker Street,
Bartow, Florida 33830.

De Soto County Library,
519 Hickory Street,
Arcadia, Florida 33821.

Charlotee-Glades,
Library System,
18400 Murdock Circle,
Port Charlotte, Florida 33948.

Hardee County Library,
315 N. 6th Avenue, Suite 114,
Wauchula, Florida 33837.

Lee County/Fort Myers,
Public Library,
2050 Lee Street,
Ft. Myers, Florida 33901.

Persons, organizations, and agencies wishing to comment on the FEIS should do so in writing within 30 days to REA at the address provided in this notice. The 30-day comment period will begin on the date of the EPA's notice of availability of the FEIS in the **Federal Register** or the date the notices are published by Seminole in newspapers of general circulation in the proposed project area, whichever comes later.

All comments received within the 30-day comment period will be considered in the formulation of final determinations regarding REA's action related to the project. Prior to REA taking its final action related to the project, a Record of Decision will be prepared. The Record of Decision will not be circulated but will be made available upon request. Anyone wanting a copy of REA's Record of Decision should contact REA at the address provided herein.

Dated: January 3, 1991.

George E. Pratt,

Deputy Administrator, Program Operations.

[FR Doc. 91-1041 Filed 1-15-91; 8:45 am]

BILLING CODE 3410-15-M

ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

Judicial Review Committee; Meetings

ACTION: Committee on Judicial Review notice of public meeting.

SUMMARY: Pursuant to the Federal Advisory Committee Act (Pub. L. 92-463), notices is hereby given of a meeting of the Committee on Judicial Review of the Administrative Conference of the United States. The committee has scheduled the meeting to continue its discussion of licensing procedures and judicial review under the Export Administrative Act.

DATES: Wednesday, January 23, 1991 at 2 p.m.

LOCATION: Library of the Administrative Conference, 2120 L Street, NW suite 500, Washington, DC.

PUBLIC PARTICIPATION: The committee is open to the interested public, but limited to the space available. Persons wishing to attend should notify the contact person at least two days prior to the meeting. The committee chairman may permit members of the public to present oral statements at the meeting. Any members of the public may file a written statement with the committee before, during, or after the meeting. Minutes of the meeting will be available on request.

FOR FURTHER INFORMATION CONTACT: Mary Candace Fowler, Office of the Chairman, Administrative Conference of the United States, 2120 L Street, NW., suite 500, Washington, DC 20037. Telephone: (202) 254-7065.

Dated: January 7, 1991.

Jeffrey S. Lubbers,

Research Director.

[FR Doc. 91-1081 Filed 1-15-91; 8:45 am]

BILLING CODE 6110-01-M

ARCTIC RESEARCH COMMISSION

Membership; Presidential Appointments

Notice is hereby given that the Arctic Research and Policy Act was amended (Pub. L. 101-609) and signed by the President on November 16, 1990. The amended law establishes two additional member of the Arctic Research Commission to be appointed by the President for a total of seven voting members. One additional appointment must be from individuals from academic or other research institutions with expertise in areas of research relating to the Arctic, including the physical, biological, health, environmental, social and behavioral sciences. The other appointment must be from individuals familiar with the Arctic and representative of the needs and interests

of private industry undertaking resource development in the Arctic.

Philip L. Johnson,

Executive Director.

[FR Doc. 91–1006 Filed 1–15–91; 8:45 am]

BILLING CODE 7555–01–M

COMMISSION ON CIVIL RIGHTS

Colorado Advisory Committee; Agenda and Notice of Public Meeting

Notice is hereby given, pursuant to the provisons of the Rules and Regulations of the U.S. Commission on Civil Rights, that the Colorado Advisory Committee to the Commission will convene a meeting on Monday, January 28, 1991 from 1 p.m. to 3 p.m. at the Executive Tower Inn, 1405 Curtis Street, Denver, Colorado 80202. The purpose of the meeting is to plan Committee activities and discuss project ideas.

Persons desiring additional information, or planning a presentation to the Committee, should contact Committee Chairperson, Gwendolyn Thomas or Philip Montez, Director of the Western Regional Division (213) 894–3437, (TDD 213/894–0508). Hearing impaired persons who will attend the meeting and require the services of the sign language interpreter, should contact the Regional Division office 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, January 11, 1991.

Wilfredo J. Gonzalez,

Staff Director.

[FR Doc. 91–1029 Filed 1–11–91; 11:46 am]

BILLING CODE 6335–01–M

Oregon Advisory Committee; Agenda and Notice of Public 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 Oregon Advisory Committee to the Commission will convene at 1 p.m. and adjourn at 4 p.m. on Friday, February 1, 1991, at the Red Lion-Lloyd Center, 1000 NE Multnomah, Portland, Oregon 97232. The purpose of the meeting is to plan activities and programming for the coming year.

Persons desiring additional information, or planning a presentation to the Committee, should contact Committee Chairperson, H.J. Hamilton or Philip Montez, Director of the Western Regional Division (213) 894–3437, (TDD 213/894–0508). Hearing impaired persons who will attend the meeting and require the services of a sign language interpreter, should contact the Western Regional Division office 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 Committee.

Dated at Washington, DC, January 11, 1991.

Wilfredo J. Gonzalez,

Staff Director.

[FR Doc. 91–1030 Filed 1–11–91; 11:46 am]

BILLING CODE 6335–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP89–460–001, Docket No. CP90–1375–000]

Pacific Gas Transmission Co., Altamount Gas Transmission Co.; Availability of the Draft Environmental Impact Statement for the PGT/PG&E Expansion—Altamont Natural Gas Pipeline Projects and Preliminary Notification of Schedule for Public Meetings to Receive Comments on the DEIS

January 11, 1991.

Notice is hereby given that the staff of the Federal Energy Regulatory Commission (FERC), has made available a draft environmental impact statement (DEIS) on the natural gas pipeline facilities proposed in the above-referenced dockets, and related nonjurisdictional facilities. The DEIS was prepared to satisfy the requirements of the National Environmental Policy Act. Construction of either of the proposed projects would be a "major Federal action significantly affecting the quality of the human environment." However, the staff concludes that approval of one or both of the proposed projects, with appropriate mitigating measures, including receipt of necessary permits and approvals, would have limited adverse environmental impact. The DEIS evaluates alternatives to each proposal.

Pacific Gas Transmission Company (PGT) proposed in its application at Docket No. CP89–460–001 to expand the capacity of its existing natural gas pipeline transmission system which extends from the United States/Canadian border at Kingsgate, British Columbia to the Oregon/California border at Malin, Oregon. In order to transport up to an additional 903 million cubic feet per day (MMcf/d) of natural gas, PGT would construct 430 miles of 42-inch-diameter pipeline loop in seven segments through the states of Idaho, Washington, and Oregon, and replace/install additional compression at three existing compressor stations. Minor modifications would also be required at nine additional stations. The new gas would be received at Kingsgate from Alberta Natural Gas Company, Ltd. and transported for delivery at existing interconnections with Northwest Pipeline Corporation (Northwest) at Stanfield, Oregon and with Pacific Gas and Electric Company (PG&E) at Malin, Oregon. Northwest would deliver 148 MMcf/d of the gas to customers in the Pacific Northwest and intermountain region, while PG&E would deliver 755 MMcf/d of the gas to customers within the state of California.

In order to accommodate the additional gas deliveries from PGT, PG&E proposes to construct 415 miles of 42- and 36-inch-diameter pipeline loop in 5 segments between the Oregon-California border and a point near Panoche Station, California. Additionally, PG&E proposes to make minor modifications at three existing compressor stations, install additional compression at its Delevan Compressor Station, and either expand is Brentwood Compressor Station or construct an additional station at a new location. PG&E is not regulated by the FERC. However, because their facilities would not be constructed without FERC approval of the PGT expansion, the DEIS discusses the potential impact of the nonjurisdictional PG&E facilities on federally listed threatened and endangered species, cultural resources, and federally administered lands within California. The DEIS also incorporates by reference relevant portions of the Final Environmental Impact Report (FEIR) prepared by the California Public Utilities Commission (CPUC) for the facilities proposed by PG&E. The FEIR was issued by the CPUC on November 19, 1990. This will eliminate duplication of this information in this document. With the exception of the three limited issues concerning the non-jurisdictional facilities in California, all other issues/comments concerning the California facilities should be directed to the CPUC.

In its application at Docket No. CP90–1375–000, Altamont Gas Transmission Company (Altamont) proposed to construct a new natural gas transmission system from the United States/Canadian border near Wild Horse, Montana to a point in southwest Wyoming near Opal. Altamont's system would consist of 620 miles of 30-inch-diameter pipeline, 6 compressor

stations, 1 meter station, and related appurtenant facilities. Gas would be received at Wild Horse from NOVA Corporation of Alberta and transported for delivery to Kern River Gas Transmission Company (Kern River) at its certificated interconnection with Northwest near Opal. Kern River would then transport up to 700 MMcf/d of natural gas for Altamont to customers in southern California. Incremental facilities required on the certificated Kern River system in order to accommodate gas received from Altamont at the proposed Opal interconnection would consist of installing additional compression at two compressor stations and construction of five new compressor stations.

Detailed listings of the facilities associated with each project, land requirements, and counties affected by the proposed construction were published in the **Federal Register** on August 14, 1989. (See 54 FR 33272).

Written comments are hereby solicited to help identify significant new issues or concerns related to either of the proposed actions. All comments should focus on specific environmental issues and contain supporting documentation and rationale. Written comments must be filed on or before March 4, 1991, reference Docket Nos. CP89–460–001 and CP90–1375–000, and should be addressed to: Ms. Lois Cashell, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426.

Copies of all comments should also be sent to the FERC environmental project managers at the same address: Mr. Mark C. Kalpin (PGT/PG&E Expansion Project), Mr. Laurence J. Sauter, Jr. (Altamont Project).

Comments on the DEIS will also be accepted from state and local government agencies and the general public at a limited number of local public meetings. These meetings are tentatively scheduled to take place the week of February 25, 1991, in Riverton, Wyoming; Billings, Montana; Bonners Ferry, Idaho; and Bend, Oregon. Further information concerning the public comment meetings, including the precise dates and locations, will be mailed to all of the parties receiving this notice in early February.

After these comments are reviewed, any significant new issues are investigated, and modifications are made to the DEIS, a final EIS (FEIS) will be published by the staff and distributed. The FEIS will contain the staff's responses to timely comments received on the DEIS.

The DEIS has been placed in the public files of the FERC and is available for public inspection in the FERC's Division of Public Information, room 2200, 825 North Capitol Street NE., Washington, DC 20426. Copies have been mailed to Federal, State and local agencies, public interest groups, libraries, parties in the FERC proceedings interested in environmental issues, and other interested individuals. Copies of the DEIS are also available from Messrs. Kalpin or Sauter at (202) 208–0918 or (202) 208–0205, respectively. An Executive Summary was also prepared and sent to approximately 1400 property owners directly affected by the projects, as well as 600 other environmental groups and organizations and the remaining parties to the FERC proceedings. Those individuals receiving the Executive Summary who wish to receive the entire DEIS may request copies from Messrs. Kalpin or Sauter while supplies last; however, this will not extend the comment period. Any person may file a motion to intervene on the basis of the Commission staff's DEIS [18 CFR 380.10(a) and 385.214].

Lois D. Cashell,

Secretary.

[FR Doc. 91–978 Filed 1–15–91; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP90–108–006]

Columbia Gas Transmission Corp.; Proposed Changes in FERC Gas Tariff

January 10, 1991.

Take notice that Columbia Gas Transmission Corporation (Columbia) on December 21, 1990, tendered for filing the following changes to its FERC Gas Tariff, First Revised Volume No. 1, to be effective:

November 1, 1990

Second Substitute Fifth Revised Sheet Nos. 26 through 26C

December 1, 1990

Substitute Sixth Revised Sheet Nos. 26 through 26C

The instant filing is being made to comply with the conditions specified in the December 7, 1990 Letter Order (Letter Order) issued in Docket No. RP90–108–005, *et al.*, and the Office of Pipeline and Producer Regulation's October 26, 1990 Letter Order relating to Columbia's November 1, 1990 PGA and TCRA fillings in Docket Nos. TQ91–1–21–000 and TM91–4–21–000, respectively. In the motion rate filing to which the Letter Order pertained, Columbia requested a waiver of the Commission's regulations in order to include the cost in its rates effective November 1, 1990, of certain "Global Settlement facilities" which had been certificated but which were not yet in service. In the Letter Order, the Commission granted a conditional waiver directing Columbia to file rates to be effective November 1, 1990, reflecting the removal of the costs and associated demand and throughput levels for Global Settlement facilities not yet in service on October 31, 1990, and refile its rates as of January 1, 1991, to include the costs, demand and throughput levels for the Global Settlement facilities in service on December 31, 1990. The purpose of this filing is to remove the costs and associated demand and throughput levels for the Global Settlement facilities not in service on October 31, 1990.

Substitute Sixth Revised Sheet Nos. 26 through 26C are being submitted to become effective December 1, 1990, solely to update the revised non-gas rates filed herein effective November 1, 1990, and applicable to Columbia's December 1, 1990 out-of-cycle PGA filed November 28, 1990, in Docket No. TQ91–2–21–000 (PGA 90–5).

Columbia states that copies of the filing were served on the parties to the proceeding, Columbia's wholesale customers and interested state regulatory commissions.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 214 and 211 of the Commission's Rules of Practice and Procedure (18 CFR 385.214, 385.211 (1990)). All such protests should be filed on or before January 18, 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. 91–980 Filed 1–15–91; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TQ91–1–23–000]

Eastern Shore Natural Gas Co.; Proposed Changes in FERC Gas Tariff

January 9, 1991.

Take notice that Eastern Shore Natural Gas Company (ESNG) tendered

for filing on December 28, 1990 certain revised tariff sheets included in appendix A attached to the filing. Such sheets are proposed to be effective February 1, 1991.

ESNG states that such tariff sheets are being filed pursuant to § 154.308 of the Commission's regulations and §§ 21.2 and 21.4 of the General Terms and Conditions of ESNG's FERC Gas Tariff to reflect changes in ESNG's jurisdictional rates. The sales rates set forth thereon reflect to decrease of $0.1446 per dt in the Commodity Charge and a decrease of $0.3669 per dt in the Demand Charge, all as measured against ESNG's previously scheduled PGA filing in the Docket No. TA91–1–23–000 as filed on August 31, 1990 and approved to be effective on November 1, 1990.

ESNG states that copies of the filing have been served upon its jurisdictional customers and interested State Commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rule 211 and Rule 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protects should be filed on or before January 16, 1991. Protects will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make Protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 91–981 Filed 1–15–91; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP89–37–013]

High Island Offshore System; Compliance Filing

January 10, 1991.

Take notice that on December 28, 1990, High Island Offshore System (HIOS) filed with the Federal Energy Regulatory Commission (Commission) the following tariff sheets reflecting a reduction in HIOS' rates effective February 1, 1991:

First Revised Volume No. 1

Fourth Revised Sheet No. 8
First Revised Sheet No. 8A

Pursuant to Article VI of the HIOS Stipulation and Agreement approved by the Commission on October 30, 1990, in the above-designated proceedings, HIOS has filed revised tariff sheets to reflect reductions in the annual amounts charged to HIOS for measurement, dehydration and separation under U–T Offshore System's (U–TOS') Rate Schedule X–1, as approved in the U–TOS rate proceeding in Docket No. RP89–38.

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 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 (1990)). All such protests should be filed on or before January 18, 1991. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 91–982 Filed 1–15–91; 8:45 am]

BILLING CODE 6717–01–M

[TM91–4–26–001]

Natural Gas Pipeline Co. of America; Notice of Changes in Rates

January 10, 1991.

Take notice that on January 8, 1991, Natural Gas Pipeline Company of America (Natural) tendered for filing First Revised Sheet No. 5A to be a part of its FERC Gas Tariff, First Revised Volume No. 1A, to be effective January 1, 1991.

Natural states that the revised tariff sheet reflects the GRI surcharge related to the Gas Research Institute's 1991 Research and Development Program as approved by Commission Opinion No. 355 (Docket No. RP90–120–000) issued October 1, 1990. The rate authorized by the October 1st order is 1.42¢ per Dekatherm. The sheet submitted in this filing was inadvertently omitted from the GRI filing submitted on November 30, 1990.

Natural requested waiver of the Commission's Regulations to the extent necessary to permit the tariff sheet to become effective January 1, 1991.

Natural states that copies of the filing is being mailed to Natural's jurisdictional customers and interested state regulatory agencies.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 214 and 211 of the Commission's Rules of Practice and Procedure (18 CFR § 385.214, 385.211 (1990). All such protests should be filed on or before January 18, 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. 91–983 Filed 1–15–91; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. CP89–1740–007 Compliance Filing]

Northwest Pipeline Corp.; Notice of Proposed Change in FERC Gas Tariff

January 10, 1991.

Take notice that on December 18, 1990, Northwest Pipeline Corporation ("Northwest") tendered for filing and acceptance the following tariff sheets to be a part of its FERC Gas Tariff.

Second Revised Volume No. 1

First Revised Sheet No. 25
First Revised Sheet No. 26
First Revised Sheet No. 148
First Revised Sheet No. 149
First Revised Sheet No. 150
First Revised Sheet No. 207

The purpose of this filing is to incorporate several tariff sheets, already approved by the Commission, into Second Revised Volume No. 1 of Northwest's tariff. These tariff sheets are necessary to implement a Gas Inventory Charge Provision in Second Revised Volume No. 1 of Northwest's tariff, effective January 1, 1991, for Rate Schedule DS–1 service.

Northwest states that a copy of this filing is being mailed to Northwest's jurisdictional customer list and affected state commissions.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 214 and 211 of the Commission's Rules of Practice and Procedure (18 CFR 385.214, 385.211 (1990). All such protests should be filed on or before January 18, 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. 91-984 Filed 1-15-91; 8:45 am]

BILLING CODE 6717-01-M

Rivers Electric Co., Inc.; Notice of Complaint

[Docket No. 8289-011]

January 9, 1991.

On November 30, 1990, the Town of Tuxedo filed a complaint contending that Rivers Electric Co., Inc. has violated and continues to violate certain terms of its license for the Tuxedo Falls Hydroelectric Project, located on the Ramapo River in Orange County, New York. Specifically, Tuxedo alleges that Rivers has failed and refused to secure all necessary permits for construction of the project and has not complied with the requirement of the New York State Office of Parks and Recreation to file a plan establishing a public recreational facility. Tuxedo further alleges that Rivers submitted a fraudulent license application in that Tuxedo failed to advise the Commission that Tuxedo was entitled to notice of the application under section 4(f) of the Federal Power Act, failed to advise Tuxedo of its application, misrepresented to Tuxedo the intended use of the existing property and dam, and misrepresented that it had consulted with Tuxedo prior to filing its application. In addition, Tuxedo alleges that Rivers submitted an incomplete license application in that certain requirements of New York law were not met. Tuxedo therefore requests that Rivers' license be revoked.

On December 12, 1990, Rivers filed a response to Tuxedo's complaint denying Tuxedo's allegations. In its response, Rivers maintains that Tuxedo was notified of the license application and did not provide any comments or objections concerning the project. Rivers alleges that its efforts to lease or purchase the lands and dam necessary for the project from Tuxedo were unsuccessful, and attaches a copy of a Federal court decision of April 17, 1990, granting Rivers a judgment of condemnation of Tuxedo's property interests and authorizing immediate entry onto the property to permit Rivers to begin construction of the project. Rivers further alleges that Tuxedo's complaint is "yet another step toward trying to prevent the construction of a Federally licensed hydroelectric project." Rivers adds that it has complied with valid federal and state requirements, and that the local permits at issue would give Tuxedo a veto power over the project in contravention of the Supreme Court's decision in *First Iowa Electric Corp.* v. *Federal Power Commission*, 328 U.S. 152 (1946).

Commission rules provide for publication in the **Federal Register** of a notice of complaint filed against a licensee. 18 CFR 2.1(a). Any person may submit comments or a protest regarding this complaint with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with rule 211 of the Commission's Rules of Practice and Procedure, 18 CFR 385.211. The rules also provide that the respondent must file an answer to the complaint pursuant to rules 206 and 213, 18 CFR 385.206 and 385.213, no later than 30 days after publication of notice of the complaint, unless otherwise ordered. As noted above, Rivers has already filed a response, and is therefore authorized but not required to file the answer contemplated by the rules.[1] No replies to respondent's answer will be accepted. In determining the appropriate action to take, the Commission will consider all protests or other comments filed. Copies of the complaint and Rivers' response are on file with the Commission and are available for public inspection. Comments, protests, and any further filing by Rivers in answer to the complaint are due on or before February 8, 1991.

For further information, contact Linda S. Gilbert at (202) 208-5759.

Lois D. Cashell,

Secretary.

[FR Doc. 91-985 Filed 1-15-91; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP90-139-004, RP91-69-000]

Southern Natural Gas Co.; Compliance Filing and Rate Increase

January 10, 1991.

Take notice that on December 29, 1990, Southern Natural Gas Company (Southern) tendered for filing the tariff sheets listed in Appendix A attached to the filing and moved that such sheets be made effective on January 1, 1991. Southern states that the tariff sheets contain in the same non-gas rates which were originally filed in this proceeding and suspended by the Commission until January 1, 1991, modified only to reflect (i) Southern's actual firms sales and transportation entitlements as of December 31, 1990; (ii) the elimination from Southern's proposed rates of the costs associated with facilities which have not been certificated and placed in service by December 31, 1990; and (iii) a revised allocation of costs to the ANR Storage Services in compliance with the Commission's July 27, 1990 suspension order in this proceeding and its order on rehearing in Docket Nos. RP86-63-014 and RP86-114-010. As a result of changes in revised entitlements and projected throughout certain of Southern's rates increased above originally filed levels. On January 3, 1991, Southern paid a filing fee required in connection with the increased rates.

Southern states that copies of Southern's filing were served upon all of Southern's jurisdictional purchasers, shippers, and interested state commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with §§ 385.214 and 385.211 of the Commission's Rules and Regulations. All such motions or protests should be filed on or before January 18, 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. 91-986 Filed 1-15-91; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TM91-4-17-000]

Texas Eastern Transmission Corp.; Proposed Changes in FERC Gas Tariff

January 9, 1991.

Take notice that Texas Eastern Transmission Corporation (Texas Eastern) on December 28, 1990 tendered for filing as part of its FERC Gas Tariff, Fifth Revised Volume No. 1, six copies of the following tariff sheets:

Proposed to be Effective January 1, 1991

1st Revised 26th Revised Sheet No. 50.2

Proposed to be Effective February 1, 1991

Twenty-eighth Revised Sheet No. 50.2

Texas Eastern states that these sheets are being filed pursuant to section 4.F of

[1] No opinion is expressed or intended regarding the adequacy of the response already submitted.

Texas Eastern's Rate Schedules SS–2 and SS–3 to flow through changes in CNG Transmission Corporation's Rate Schedule GSS rates which underlie Texas Eastern's Rate Schedules SS–2 and SS–3.

Copies of the filing were served on Texas Eastern's jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such motions or protests should be filed on or before January 16, 1991. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 91–987 Filed 1–15–91; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP90–104–005]

Texas Gas Transmission Corp., Proposed Changes in FERC Gas Tariff

January 10, 1991.

Take notice that on January 7, 1991, Texas Gas Transmission Corporation (Texas Gas) tendered for filing the following tariff sheets:

FPC Gas Tariff, Original Volume No. 2

Second Substitute Eleventh Revised Sheet No. 82
Second Substitute Twelfth Revised Sheet No. 547
Substitute Sixth Revised Sheet No. 1085

FERC Gas Tariff, First Revised Volume No. 2–A

Second Substitute Original Sheet No. 10
Second Substitute Original Sheet No. 11
Second Substitute Original Sheet No. 12
Second Substitute Original Sheet No. 13

This filing is being made in compliance with the Commission's Letter Order issued December 18, 1990, in Docket No. RP90–104. These tariff sheets contain revisions necessary to reflect transportation rates which are no higher than those in the Docket No. RP90–104 original filing as directed by the aforementioned Letter Order.

Texas Gas requests an effective date of November 1, 1990, for the proposed Tariff Sheets. Texas Gas further states that it has served copies of this filing upon the company's jurisdictional customers, interested state commissions, and all parties on the service list in Docket No. RP90–104.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 214 and 211 of the Commission's Rules of Practice and Procedure (18 CFR 385.214, 385.211 (1990). All such protests should be filed on or before January 18, 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. 91–988 Filed 1–15–91; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. TQ91–2–29–000]

Transcontinental Gas Pipe Line Corp.; Proposed Changes in FERC Gas Tariff

January 9, 1991.

Take notice that Transcontinental Gas Pipe Line Corporation (Transco) tendered for filing on December 28, 1990, revised tariff sheets to Second Revised Volume No. 1 of its FERC Gas Tariff, which tariff sheets are included in Appendix A attached to the filing. Such tariff sheets are proposed to be effective February 1, 1991.

The proposed tariff sheets reflect a 43.4¢ per dt decrease in Transco's adjusted unit current commodity cost of gas compared to the quarterly Purchased Gas Adjustment (PGA) filing which became effective November 1, 1990 and an increase of 47.0¢ per dt compared to the interim PGA filing of November 30, 1990 which became effective December 1, 1990. The instant PGA filing reflects an average cost of gas of 279.68¢ per dt for the quarterly period February 1, 1991 through April 30, 1991.

Transco requests a waiver of § 22.4 of the General Terms and Conditions of its FERC Gas Tariff, Second Revised Volume No. 1 and § 154.308(c) of the Commission's regulations in order to calculate the commodity Current Gas Cost Adjustment to its PGA affected rate schedules in the manner provided in the instant filing.

Transco states that it has filed the necessary schedules in order to comply with §§ 154.305, 154.308 and FERC Form 542. Transco has also filed a 9-track magnetic tape containing such schedules.

Transco states that copies of the instant filing are being mailed to its jurisdictional customers and interested State Commissions. In accordance with provisions of § 154.16 of the Commission's Regulations, copies of this filing are available for public inspection, during regular business hours, in a convenient form and place at Transco's main offices at 2800 Post Oak Boulevard in Houston, Texas.

Any Person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE, Washington, DC 20426, in accordance with §§ 385.214 and 385.211 of the Commission's Rules and Regulations. All such motions or protests should be filed on or before January 16, 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. 91–989 Filed 1–15–91; 8:45 am]

BILLING CODE 6717–01–M

[Project No. 10627–000]

Wailuku River Hydroelectric Power Co., Inc.; Effective Date of Withdrawal of Application for Preliminary Permit and Dismissal of Motion to Dismiss Application

January 9, 1991.

On July 15, 1988, Wailuku Hydroelectric Development, Inc., now called Wailuku River Hydroelectric Power Company, Inc., filed an application for a preliminary permit under section 4(f) of the Federal Power Act for the proposed Wailuku River Project, to be located on the Wailuku River and its tributaries in Piihonua County, Hawaii. The State of Hawaii and Waimana Enterprises, Inc. intervened and opposed issuance of the permit on the ground that the Commission lacks the authority to issue a license, and therefore a permit, for the project. Waimana also filed a motion to

dismiss the permit application for the same reason.

On November 30, 1990, the applicant filed a notice of withdrawal of its preliminary permit application. No one filed a motion in opposition to the notice of withdrawal, and the Commission took no action to disallow the withdrawal. Accordingly, pursuant to § 385.216 of the Commission's Rules of practice and Procedure, 18 CFR 385.216, the withdrawal of Wailuku's preliminary permit application is effective fifteen days from the date of filing. Waimana's motion to dismiss the preliminary permit application is therefore dismissed as moot, and further proceedings in this docket are terminated.

Lois D. Cashell,

Secretary.

[FR Doc. 91-979 Filed 1-15-91; 8:45 am]

BILLING CODE 6717-01-M

ENVIRONMENTAL PROTECTION AGENCY

[FRL-3897-7]

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 February 15, 1991.

FOR FURTHER INFORMATION CONTACT: Sandy Farmer at EPA, (202) 382-2740.

SUPPLEMENTARY INFORMATION:

Office of Water

Title: 1991 Waste Treatment Industry Survey (ICR #1578.01).

Abstract: EPA's Office of Water (OW) is planning to conduct a survey of the waste treatment industry, primarily for the purpose of developing effluent limitations for this industry as part of a rulemaking under section 304(m) of the Clean Water Act (CWA). The results of this survey will also be applied to activities under the Resource Conservation and Recovery Act (RCRA).

This survey will collect data on the following:

—The amount and type of waste treated by facilities
—Water use and waste
—Wastewater treatment and waste minimization measures
—Wastewater treatment sludge disposal
—The capacity and cost of waste treatment operations
—Characteristics of the waste treatment services market
—Facility balance sheets and income statements
—Facilities' involvement in operations unrelated to the regulations
—The liquidation value of each facility
—The number of employees working at each facility.

EPA will use the information collected to determine the best performing facilities and the best effluent treatment and discharge technology in use, to analyze other available treatment operations, to determine the feasibility of compliance with best technology modifications and to develop new source performance standards (NSPS) as well as pretreatment standards for existing and new sources (PSES and PSNS).

In addition, EPA is requesting sludge production and disposal data under section 3007 of RCRA to determine the need for regulation of waste disposal practices.

The information collection will consist of a census of all the facilities involved in treating hazardous and non-hazardous waste. Based on their responses to the initial questionnaire, 20% of these facilities will be asked to provide additional information in a more detailed monitoring questionnaire.

Burden Statement: The average burden imposed by the 1991 Waste Treatment Industry Survey is 160 hours per respondent. This figure includes the time required for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

Respondents: Centralized waste treatment facilities.

Estimated No. of Respondents: 404.

Estimated Total Annual Burden on Respondents: 68,640 hours.

Frequency of Collection: One-time.

Send comments regarding the burden estimate, or any other aspect of this collection of information, 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

Matt Mitchell, Office of Management and Budget, Office of Information and Regulatory Affairs, 725 17th St., NW., Washington, DC 20503.

Dated: January 9, 1991.

Paul Lapsley,

Director, Regulatory Management Division.

[FR Doc. 91-1053 Filed 1-15-91; 8:45 am]

BILLING CODE 6560-50-M

[FRL-3897-6]

Approval and Promulgation of Implementation Plans; State of Missouri

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of inadequacy for the State Implementation Plan (SIP) for lead and call for revisions.

SUMMARY: This document gives notice that EPA has notified the Governor of Missouri that the SIP is inadequate to attain the National Ambient Air Quality Standard (NAAQS) for lead in Boss and Glover, Missouri. The Governor has been requested to revise the plan and submit the revisions. The purpose of this notice is to advise the public of EPA's action.

DATES: The final plan revision for Boss must be submitted to EPA by December 31, 1991; and the final plan revision for Glover must be submitted to EPA by September 30, 1992.

ADDRESSES: The information on which this decision was based is available from the Environmental Protection Agency, Region VII, Air Branch, 726 Minnesota Avenue, Kansas City, Kansas 66101.

FOR FURTHER INFORMATION CONTACT: Dewayne E. Durst at (913) 551-7609 (FTS 276-7609).

SUPPLEMENTARY INFORMATION: On October 5, 1978, EPA promulgated an ambient air quality standard for lead. The standard was set at a level of 1.5 micrograms per cubic meter, maximum arithmetic mean averaged over a calendar quarter. On the same date, regulations were promulgated which contain requirements for preparation, adoption, and submittal of implementation plans for lead. On September 2, 1980, Missouri submitted a SIP which was designated to attain the lead standard throughout the state. EPA approved the plan with the exception of the attainment date and modeling portions of the SIP on April 27, 1981 (46 FR 23412).

Subsequent to this EPA action, three primary smelters located in Missouri submitted a petition for reconsideration of EPA's partial disapproval. On October 21, 1983, after reconsideration,

EPA proposed to approve the attainment date and modeling portion of the SIP (48 FR 48982) and on August 20, 1884, final action was taken to approve the disapproved item (49 FR 29218) which resulted in full approval of Missouri's lead SIP. In the notice accompanying the approval, EPA stated that ambient monitoring would be used to determine whether the standards had been attained after implementation of the control strategy.

Ambient air quality data for lead from the Boss, Missouri, area show that the NAAQS for lead was exceeded in 1988. Since that time, most operations have been shut down at the Doe Run lead smelter in Boss, Missouri. However, during intermittent smelting activity, monitors indicate that lead concentrations greater than the lead standard exist in the vicinity of the plant. At this time, the plant is not restricted from operating at capacity by the Missouri lead SIP. Consequently, EPA has determined that additional emission regulations are required in the vicinity of Boss, Missouri, in order to attain the lead standard.

Ambient air quality data show that the NAAQS for lead has been exceeded in Hogan, Missouri. This monitoring site was established in 1987 and is located approximately two miles north of a primary lead smelter operated by Asarco Incorporated at Glover, Missouri.

Prior to 1987, modeling had been used to estimate ambient lead concentrations in Glover, Missouri. According to the model, there were predicted violations of the lead standard in Glover. Since 1987, the Hogan monitor has produced three quarters of data which show violations of the ambient lead standard. It has produced an additional two quarters of data in which the sampling frequency did not meet the minimal requirements but exceedances of the lead standard were measured. Based on the available data, EPA has determined that the lead SIP must be revised in the area of Glover, Missouri, in order to attain the lead standard.

On November 5, 1990, EPA notified Governor John Ashcroft that the Missouri lead SIP was inadequate in the areas of Boss and Glover, Missouri. In order to cure the problem, EPA requested the state to revise the SIP as it pertains to these two areas. At present, these are the only areas of the state where EPA has determined that the Missouri lead SIP is substantially inadequate.

In the November 5, 1990, letter, EPA indicated the plan revision for Boss would be due December 31, 1991, and for Glover September 30, 1992. The Clean Air Act Amendments of 1990 have been enacted since the letter was sent to Governor Ashcroft. Passage of the Amendments does not alter the need for revisions to the lead SIP for Boss and Glover, Missouri. However, adjustments may be needed in the submittal dates because of provisions in the new Act dealing with lead nonattainment area designations and subsequent implementation plan revisions. Such adjustments will be coordinated with the state of Missouri and announcement in the **Federal Register**. The call for the plan revision was issued pursuant to the authority of section 110(a)(2)(H) of the Clean Air Act and the regulations in 40 CFR part 51 issued pursuant thereto.

Authority: Section 110 and section 301 of the Clean Air Act (42 U.S.C. 7410 and 7601).

Dated: December 20, 1990.

Morris Kay,

Regional Administrator.

[FR Doc. 91–1064 Filed 1–15–91; 8:45 am]

BILLING CODE 6560–50–01

[OPTS–400053; FRL–3847–7]

Emergency Planning and Community Right-to-Know Act; Train-the-Trainers Conference

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of conferences.

SUMMARY: EPA will hold two 2–day train-the-trainers conferences on section 313 of the Emergency Planning and Community Right-to-Know Act reporting requirements. The purpose of this training is to present a model course to persons who plan to train others to comply with the reporting requirements of section 313. Persons who should consider attending are representatives from industry, consulting firms, or university continuing education departments. Attendance is restricted to organizations that have not attended this training in the past 2 years. It will be restricted to those organizations that intend to provide training on a regular basis and expect to conduct a minimum of two training courses on section 313 prior to July 1, 1991. Persons who successfully complete the course will obtain a certification of proficiency. There is limited space available. Requests should be sent in writing to the person listed under **FOR FURTHER INFORMATION CONTACT.** Notification will be sent out to each applicant regarding their acceptance for the training session. There is no charge for this training.

DATES: The meeting in Houston, TX will be held on Wednesday and Thursday, February 27 and 28, 1991. The meeting in Orlando, FL will be held on Wednesday and Thursday, March 6 and 7, 1991. Both meetings will start at 9 a.m. and end at approximately 5 p.m.

ADDRESSES: The Houston meeting will be held at: Hyatt Regency, West Houston 13210 Katy Freeway, West Houston, TX. The Orlando meeting will be held at: Sheraton Plaza Hotel, 1500 Sand Lake Rd., Orlando, FL 32809.

FOR FURTHER INFORMATION CONTACT: Lee DePont, Economics and Technology Division, Office of Toxic Substances, Environmental Protection Agency, 401 M St., SW., (TS–779), Washington, DC 20460, Telephone: (1–800– 535–0202), Fax: (202) 252–0981.

SUPPLEMENTARY INFORMATION: Requests for registration will not be accepted after February 4, 1991. If there is insufficient interest in one or both conferences, they may be canceled. The Agency bears no responsibility for attendees' decision to purchase nonrefundable transportation tickets or accommodation reservations.

Dated: January 7, 1991.

Mark Greenwood,

Director, Office of Toxic Substances.

[FR Doc. 91–1048 Filed 1–15–91; 8:45 a.m.]

BILLING CODE 6560–50–F

[FRL–3897–4]

Science Advisory Board Drinking Water Committee; Open Meeting—February 7–8, 1991

Under Public Law 92–463, notice is hereby given that a meeting of the Drinking Water Committee of the Science Advisory Board will be held on February 7–8, 1991 at the Holiday Inn, 550 C Street, SW., Washington, DC, 20024. This meeting will start at 8:30 a.m. on February 7 and will adjourn no later than 1 p.m. February 8.

The main purpose of this meeting will be to finalize recommendations on previous reviews of trihalomethane, arsenic, and relative risk within the Office of Water. The Committee will also discuss plans for future meetings and plans in the area of monitoring. A health criteria document for chlorinated acids, alcohols, aldehydes, and ketones will be reviewed.

Documentation for this meeting is available from the Office of Drinking Water, U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460.

Any member of the public wishing to make a presentation at the meeting should forward a written statement to

Dr. C. Richard Cothern, Designated Federal Official, Science Advisory Board (A–101F), U.S. Environmental Protection Agency, Washington, DC 20460 by January 19, 1991. The Science Advisory Board expects that the public statements presented at its meetings will not be repetitive of previously submitted written statements. In general, each individual or group making an oral presentation will be limited to a total of ten minutes.

Dated: January 8, 1991.

Donald G. Barnes,

Director, Science Advisory Board.

[FR Doc. 91–1055 Filed 1–15–91; 8:45 am]

BILLING CODE 6560–50–M

[OPP–50714; FRL–3840–9]

Issuance of Experimental Use Permits

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has granted experimental use permits to the following applicants. These permits are in accordance with, and subject to, the provisions of 40 CFR part 172, which defines EPA procedures with respect to the use of pesticides for experimental use purposes.

FOR FURTHER INFORMATION CONTACT: By mail: Registration Division (H7505C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.

In person or by telephone: Contact the product manager at the following address at the office location or telephone number cited in each experimental use permit: 1921 Jefferson Davis Highway, Arlington, VA.

SUPPLEMENTARY INFORMATION: EPA has issued the following experimental use permits:

53575–EUP–2. Issuance. BioControl Limited, Davis, CA 95616. This experimental use permit allows the use of the following insecticides: carbaryl (60 pounds), buffalo gourd root powder (1,000 pounds), and volatile floral attractants (140 pounds) on 2,000 acres of field corn to evaluate the control of the adult corn rootworm. The program is authorized only in the States of Illinois, Indiana, Iowa, Nebraska, and Texas. The experimental use permit is effective from August 1, 1990 to August 1, 1991. A temporary exemption from the requirement of a tolerance for residues of the active ingredients in or on corn has been established. (Phil Hutton, PM 17, Rm. 201, CM #2, (703–557–4412))

279–EUP–122. Issuance. FMC Corporation, Agricultural Chemicals Group, 2000 Market St., Philadelphia, PA 19103. This experimental use permit allows the use of 189.6 pounds of the insecticide (2-methyl[1,1'-biphenyl]-3-yl)methyl 3-(2-chloro-3,3,3-trifluoro-1-propenyl)-2,2-dimethyl-cyclopropanecarboxylate in and around 237 structures and construction to evaluate the control of termites and wood infesting insects. The program is authorized only in the States of Alabama, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, Florida, Georgia, Hawaii, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New Mexico, New York, North Carolina, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Utah, Vermont, Virginia, Washington, and West Virginia. The experimental use permit is effective from October 1, 1990 to October 1, 1991. (Robert Taylor, PM 25, Rm 245, CM #2, (703–557–1800))

279–EUP–123. Issuance. FMC Corporation, Agricultural Chemicals Group, 2000 Market St., Philadelphia, PA 19103. This experimental use permit allows the use of 50 pounds of the insecticide 2-(2-chlorophenyl)methyl-4,4-dimethyl-3-isoxadinone on 50 acres of tobacco to evaluate the control of various grasses and broadleaf weeds. The program is authorized only in the States of Georgia, Kentucky, Maryland, North Carolina, Pennsylvania, South Carolina, Tennessee, Virginia, West Virginia, and Wisconsin. The experimental use permit is effective from April 15, 1991 to April 15, 1992. This permit is issued with the limitation that all treated crops are destroyed or used for research purposes only. (Robert Taylor, PM 25, Rm. 245, CM #2, (703–557–1800))

Persons wishing to review these experimental use permits are referred to the designated product managers. Inquires concerning these permits should be directed to the persons cited above. It is suggested that interested persons call before visiting the EPA office, so that the appropriate file may be made available for inspection purposes from 8 a.m. to 4 p.m., Monday through Friday, excluding legal holidays.

Authority: 7 U.S.C. 136.

Dated: December 20, 1990.

Anne E. Lindsay,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 91–699 Filed 1–15–91; 8:45 am]

BILLING CODE 6560–50–F

[OPP–180836; FRL 3841–8]

Emergency Exemptions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has granted specific exemptions for the control of various pests to the 11 States as listed below. Three crisis exemptions were initiated by the Illinois, Nebraska, and Texas Departments of Agriculture. Two quarantine exemptions were also granted to the United States Department of Agriculture. These exemptions, issued during the months of September and October, except for the two in July and one in August, are subject to application and timing restrictions and reporting requirements designed to protect the environment to the maximum extent possible. Information on these restrictions is available from the contact persons in EPA listed below.

DATES: See each specific, quarantine, and crisis exemption for its effective date.

FOR FURTHER INFORMATION CONTACT: See each emergency exemption for the name of the contact person. The following information applies to all contact persons: By mail: Registration Division (H7505C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location and telephone number: Rm. 716, CM #2, 1921 Jefferson Davis Highway, Arlington, VA, (703–557–1806).

SUPPLEMENTARY INFORMATION: EPA has granted specific exemptions to the:

1. Arkansas State Plant Board for the use of dicamba on cotton to control redvines; September 20, 1990, to December 1, 1990. (Susan Stanton)

2. California Department of Food and Agriculture for the use of benomyl on artichokes to control ramularia leaf spot; September 26, 1990, to December 31, 1990. (Susan Stanton)

3. California Department of Food and Agriculture for the use of prometryn on parsley to control cheesewood, burning nettle, and shepherd's purse; September 20, 1990, to June 30, 1991. (Libby Pemberton)

4. California Department of Food and Agriculture for the use of fenamiphos on broccoli and cauliflower to control nematodes; October 15, 1990, to October 14, 1991. (Libby Pemberton)

5. Florida Department of Agriculture and Consumer Services for the use of avermectin B_1 on fresh market tomatoes to control leafminers; September 6, 1990, to July 31, 1991 (Libby Pemberton)

6. Florida Department of Agriculture and Consumer Services for the use of propiconazole on celery to control early and late blight; October 2, 1990, to July 31, 1991. (Jim Tompkins)

7. Florida Department of Agriculture and Consumer Services for the use of diquat dibromide on tomatoes and green peppers to control nightshade and parthenium; October 2, 1990, to August 31, 1991. (Jim Tompkins)

8. Florida Department of Agriculture and Consumer Services for the use of avermectin B_1 on celery to control two-spotted spider mites and leafminers; October 2, 1990, to October 1, 1991. (Libby Pemberton)

9. Idaho Department of Agriculture for the use of clopyralid on peppermint and spearmint to control weeds; October 5, 1990, to November 15, 1990. (Susan Stanton)

10. Maine Department of Agriculture for the use of cryolite on potatoes to control Colorado potato beetles; September 20, 1990, to October 31, 1990. Maine had initiated a crisis exemption for this use. (Libby Pemberton)

11. Mississippi Department of Agriculture and Commerce for the use of dicamba on cotton to control redvines; September 24, 1990, to December 1, 1990. (Susan Stanton)

12. New York Department of Environmental Conservation for the use of Pro-Gro (carboxin/thiram) on onion seed to control onion smut; October 15, 1990, to May 31, 1991. (Susan Stanton)

13. Oregon Department of Agriculture for the use of clopyralid on peppermint and spearmint to control weeds; October 5, 1990, to November 15, 1990. (Susan Stanton)

14. Oregon Department of Agriculture for the use of oxyfluorfen on grasses grown for seed to control various weedy grasses; October 23, 1990, to January 15, 1991. EPA completed a rebuttable presumption against registration (RPAR) for this chemical; final determination has been returned to registration. (Libby Pemberton)

15. Pennsylvania Department of Agriculture for the use of chlorothalonil on mushrooms to control verticillium diseases; October 2, 1990, to October 2, 1991. (Susan Stanton)

16. Texas Department of Agriculture for the use of bifenthrin on seed corn to control mites; October 2, 1990, to October 24, 1990. (Jim Tompkins)

17. Texas Department of Agriculture for the use of cyromazine on chili, bell, and jalapeno peppers to control leafminers; September 14, 1990, to June 15, 1990. (Susan Stanton)

18. Washington Department of Agriculture for the use of clopyralid on peppermint and spearmint to control weeds; October 5, 1990, to November 1, 1990. (Susan Stanton)

Crisis exemptions were initiated by the:

1. Illinois Department of Agriculture on October 9, 1990, for the use of thiabendazole and iprodione on stored corn to control storage mold. The need for this program is expected to last until February 1, 1991. (Jim Tompkins)

2. Nebraska Department of Agriculture on July 27, 1990, for the use of bifenthrin on field corn to control Banks grass mites and two-spotted mites. This program has ended. (Jim Tompkins)

3. Texas Department of Agriculture on August 10, 1990, for the use of chlorothalonil on chili peppers to control blossom end rot. This program has ended. (Susan Stanton)

Quarantine exemptions were granted to the:

1. United States Department of Agriculture for the use of methyl bromide on cucumbers to control certain plant pests new or not known to be widely distributed in the United States; July 18, 1990, to February 21, 1993. USDA had initiated a crisis exemption for this use. (Libby Pemberton)

2. United States Department of Agriculture for the use of ethylene oxide on miscellaneous cargo to control quarantinable snails and slugs at ports of entry throughout the United States; September 11, 1990, to September 10, 1993. There is a rebuttable presumption against registration (RPAR) for this chemical. All application exposures to ethylene oxide are covered under Occupation Safety and Health Administration (OSHA) exposure standards. (Libby Pemberton)

Authority: 7 U.S.C. 136.

Dated: December 10, 1990.

Douglas D. Campt,

Director, Office of Pesticide Programs.

[FR Doc. 91-1050 Filed 1-15-91; 8:45 am]

BILLING CODE 6560-50-F

[PF-541; FRL-3841-6]

Pesticide Tolerance Petitions; Initial Filings and Withdrawals

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces initial filings and withdrawals for pesticide petitions (PP) proposing the establishment of regulations for residues of certain pesticide chemicals in or on various agricultural commodities.

ADDRESSES: By mail, submit written comments to: Public Docket and Freedom of Information Section, Field Operations Division (H7506C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. In person, bring comments to: Rm. 246, CM #2, 1921 Jefferson Davis Hwy., Arlington, VA 22202.

Information submitted as a comment concerning this notice may be claimed confidential by marking any part or all of that information as "Confidential Business Information" (CBI). Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. A copy of the comment that does not contain CBI must be submitted for inclusion in the public record. Information not marked confidential may be disclosed publicly by EPA without prior notice. All written comments will be available for public inspection in Rm. 246 at the address given above, from 8 a.m. to 4 p.m., Monday through Friday, excluding legal holidays.

FOR FURTHER INFORMATION CONTACT: By mail: Registration Division (H-7505C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. In person, contact the PM named in each petition at the following office location/ telephone number:

Product Manager	Office location/ telephone number	Address
George LaRocca (PM 15).	Rm. 204, CM #2, 703-557-2400.	1921 Jefferson Davis Hwy., Arlington, Va.
Bill Miller (PM 16).	Rm. 211, CM #2, 703-557-2600.	Do.
Susan Lewis (PM 21).	Rm. 227, CM #2, 703-557-1900.	Do.
Rober Taylor (PM 25).	Rm. 245, CM #2, 703-557-1800.	Do.

SUPPLEMENTARY INFORMATION: EPA has received pesticide petitions as follows proposing the establishment and/or amendment of regulations for residues of certain pesticide chemicals in or on various agricultural commodities. EPA has also received as follows certain requests to withdraw without prejudice to future filings certain previously filed pesticide petitions.

Initial Filings

1. *PP 0F3872.* Du Pont, Agricultural Products, P.O. Box 80038, Walker's Mill, Barley Mill Plaza, Wilmington, DE 19880-0038, proposes to amend 40 CFR part 180 by establishing a regulation for

a tolerance to permit residues of the herbicide thifensulfuron in or on field corn grain at 0.05 part per million (ppm) and field corn forage and fodder at 0.1 ppm. (PM 25)

2. *PP 0F3876.* Rhom and Haas Co., Independence Mall West, Philadelphia, PA 19105, proposes to amend 40 CFR 180.443 by establishing a regulation to permit combined residues of myclobutanil, [alpha-butyl-alpha(4-chlorophenyl)-1H-1,2,4-triazole-1-propaneitrile], and both the free and bound forms of its metabolite, [alpha-(3-hydroxybutyl)-alpha-(4-chlorophenyl)-1H-1,2,4-triazole-1-propaneitrile], in or on almond hulls at 2.0 ppm and almond nuts at 0.1 ppm. (PM 21)

3. *PP 0F3878.* Rhone-Poulenc Ag Co., P.O. Box 12014, TW Alexander Drive, Research Triangle Park, NC 27709, proposes to amend 40 CFR 180.415 by establishing a regulation to permit residues of the fungicide aluminum tris (O-ethylphosphonate) in or on strawberries at 20 ppm. Analytical method used is flame photometric gas chromatography. (PM 21)

4. *PP 0F3880.* Merck Sharpe & Dohme, Merck & Co., Inc., Hillsboro Rd., Three Bridges, NJ 08887, proposes to amend 40 CFR 180.449 by establishing a regulation to permit residues of abamectin in or on strawberries at 0.02 ppm. Analytical method used is high-performance liquid chromatography. (PM 15)

5. *PP 0F3890.* ICI Americas, Inc., Concord Pike and New Murphy Rd., Wilmington, DE 19897, proposes to amend 40 CFR part 180 by establishing a regulation to permit combined residues of n-phosphonomethyl glycine (carboxymethylamino methyl phosphonate) and its metabolite AMPA resulting from application of the trimethylsulfonium salt in or on citrus fruits at 0.5 ppm. (PM 25)

6. *PP 0F3893.* Ciba-Geigy Corp., Agricultural Products, P.O. Box 18300, Greensboro, NC 27419-8300, proposes to amend 40 CFR 180.408 by establishing a regulation to permit combined residues of metalaxyl, *N*-(2,6-dimethylphenyl)-N-(methoxyacetyl) analine methyl ester, and its metabolites in or on leafy vegetables (excluding Brassica vegetables) and spinach at 5.0 ppm. (PM 21)

7. *PP 0F3894.* Mobay Corp., Agricultural Chemicals Corp., P.O. Box 4913, Kansas City, MO 64120, proposes to amend 40 CFR 180.349 by establishing a regulation to permit combined residues of nemacur, ethyl 3-methyl-4-(methylthio)phenyl(1-methylethyl)phosphoramidate, and its cholinesterase-inhibiting metabolites, in or on broccoli and cauliflower at 0.1 ppm. (PM 16)

Withdrawn Petitions

1. *PP 4F3121.* American Cyanamid, P.O. Box 400, Princeton, NJ 08540, has withdrawn without prejudice PP 4F3121, which proposed to establish a tolerance in 40 CFR 180.361 for the herbicide [N-(1-ethylpropyl)-3,4 dimethyl-2,6-dinitrobenzeneamine] and its metabolites 4-[(1-ethylpropyl)-2-methyl-3,5-dinitrobenzyl alcohol in or on grapes at 0.1 ppm. (PM 25)

Original notice of this petition appeared in the Federal Register of October 17, 1984. (49 FR 40659).

2. *PP 6F3355.* Merck and Co., Inc., P.O. Box 2000 WBW-360, Rahway, NJ 07065, has withdrawn without prejudice PP 6F3355, which proposed to establish a tolerance in 40 CFR 180.242 for the fungicide thiabendazole (2-(4-thiazolyl) benzimidazole) in or on peanuts at 0.1 ppm and peanut hulls at 2.0 ppm.

Original notice of this petition appeared in the Federal Register of March 19, 1986 (51 FR 9514).

Authority: 7 U.S.C. 136a.

Dated: December 6, 1990.

Stephanie R. Irene,

Acting Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 91-692 Filed 1-15-91; 8:45 am]

BILLING CODE 6560-50-F

[OPP-50714; FRL-3843-7]

Receipt of Notification of Intent To Conduct Small-Scale Field Testing; Nonindigenous Microbial Pesticide

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has received from Ciba Geigy Corp. a notification of intent to conduct small-scale field testing on cotton, vegetables, and ornamentals in Florida, Mississippi, California, New York, and Illinois of a strain of *Pseudomonas fluorescens* isolated from roots of quackgrass in Switzerland.

DATES: Comments must be received on or before January 30, 1991.

ADDRESSES: By mail, submit written comments to: Public Docket and Freedom of Information Section, Field Operations Division (H-7505C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. In person, bring comments to: Rm. 246, CM #2, 1921 Jefferson Davis Hwy., Arlington, VA.

Information submitted and any comment(s) concerning this notice may be claimed confidential by marking any part or all of that information as "Confidential Business Information" (CBI). Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. A copy of the comment(s) that does not contain CBI must be submitted for inclusion in the public record. Information not marked confidential may be disclosed publicly by EPA without prior notice to the submitter. Information on the proposed test and any written comments will be available for public inspection in Rm. 246 at the Virginia address given above, from 8 a.m. to 4 p.m., Monday through Friday, excluding legal holidays.

FOR FURTHER INFORMATION CONTACT: By mail: Susan T. Lewis, Product Manager (PM-21), Registration Division (H-7505C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location and telephone number: Rm. 227, CM #2, 1921 Jefferson Davis Hwy., Arlington, VA, (703)-557-1900.

SUPPLEMENTARY INFORMATION: A notification of intent to conduct small-scale field testing pursuant to the EPA's "Statement of Policy; Microbial Products Subject to the Federal Insecticide, Fungicide, and Rodenticide Act and the Toxic Substances Control Act" of June 26, 1986 (51 FR 23313), has been received from Ciba-Geigy Corp., Greensboro, NC. The purpose of the proposed testing is to evaluate the efficacy of the nonindigenous strain of *Pseudomonas fluorescens* isolated in Switzerland for the control of soil-borne pathogens of cotton, vegetables, and ornamentals. The proposed field tests would be conducted at Ciba-Geigy research stations located in Florida, Mississippi, California, New York, and Illinois. The total area of the proposed test sites is 1.5 acres.

Dated: December 17, 1990.

Anne E. Lindsay,

Director, Registration Division (H7505C), Office of Pesticide Programs.

[FR Doc. 91-697 Filed 1-15-91; 8:45 am]

BILLING CODE 6560-50-F

[OPP-100082; FRL-3843-5]

Kevric Company; Transfer of Data

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This is a notice to certain persons who have submitted information to EPA in connection with pesticide information requirements imposed under the Federal Insecticide,

Fungicide, and Rodenticide Act (FIFRA) and the Federal Food, Drug, and Cosmetic Act (FFDCA). Kevric Company has been awarded a contract to perform work for the EPA Office of Pesticide Programs, and will be provided access to certain information submitted to EPA under FIFRA and the FFDCA. Some of this information may have been claimed to be confidential business information (CBI) by submitters. This information will be transferred to Kevric Company consistent with the requirements of 40 CFR 2.307(h)(3) and 2.308(i)(2), respectively. This transfer will enable Kevric Company to fulfill the obligations of the contract and this notice serves to notify affected persons.

DATES: Kevric Company will be given access to this information no sooner than January 22, 1991.

FOR FURTHER INFORMATION CONTACT: By mail: Clare Grubbs, Program Management and Support Division (H7502C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location and telephone number: Rm. 212, Crystal Mall # 2, 1921 Jefferson Davis Highway, Arlington, VA, (703) 557–4460.

SUPPLEMENTARY INFORMATION: Under Contract No. 68–D0–0176, Kevric Company will perform wordprocessing services, editing and proofreading, and final typing of manuscripts submitted by the Office of Pesticide Programs, containing documentation of EPA staff analyses and review of data submitted by applicants for registration and reregistration under FIFRA, and related correspondence with applicants for registration and others. This contract involves no subcontractor.

The Office of Pesticide Programs has determined that access by Kevric Company to information on all pesticide chemicals is necessary for the performance of this contract.

Some of this information may be entitled to confidential treatment. The information has been submitted to EPA under sections 3, 4, 6, and 7 of FIFRA and under sections 408 and 409 of the FFDCA.

In accordance with the requirements of 40 CFR 2.307(h)(3) and 2.308(i)(2), the contract with Kevric Company prohibits use of the information for any purpose other than purposes specified in the contract; prohibits disclosure of the information in any form to a third party without prior written approval from the Agency; and requires that each official and employee of the contractor sign an agreement to protect the information from unauthorized release and to handle it in accordance with the FIFRA Information Security Manual. In addition, Kevric Company is required to submit for EPA approval a security plan under which any CBI will be secured and protected against unauthorized release or compromise. No information will be provided to this contractor until the above requirements have been fully satisfied. Records of information provided to this contractor will be maintained by the Project Officer for this contract in the EPA Office of Pesticide Programs. All information supplied to Kevric Company by EPA for use in connection with this contract will be returned to EPA when Kevric Company has completed its work.

Dated: December 26, 1990.

Douglas D. Campt,

Director, Office of Pesticide Programs.

[FR Doc. 91–696 Filed 1–15–91; 8:45 am]

BILLING CODE 6560–50–F

EVIRONMENTAL PROTECTION AGENCY

[FRL–3897–9]

Office of Emergency and Remedial Response Availability of Report to Congress on Progress Toward Implementing Superfund Fiscal Year 1989

AGENCY: Environmental protection Agency (EPA).

ACTION: Notice of availability.

SUMMARY: This notice announces the availability of the Agency's Progress Toward Implementing Superfund: Fiscal Year 1989 which is the third of five annual reports required by 301(h) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA) as amended by the Superfund Amendments and Reauthorization Act of 1986. The Report to Congress contains information on overall progress, and includes the following four categories of information specifically requested in 301(h) of CERCLA: (1) Feasibility studies, remedial and enforcement actions; (2) an evaluation of newly developed and feasible permanent treatment technologies; (3) progress in reducing the number of facilities subject to review under 121(c) of CERCLA; and (4) an estimate of resources needed by the federal government to complete CERCLA's implementation. The report also includes: information required by 105(f) of CERCLA about the participation of minority firms in Superfund contracting; and the EPA Inspector General audit report required by 301(h)(2) of CERCLA. In addition, the Report highlights significant initiatives undertaken during the fiscal year in response to recommendations of the study commissioned by EPA's new Administrator, A Management Review of the Superfund Program (the 90-Day Study).

ADDRESSES: Copies of the Report may be purchased before printed copies are available, from the National Technical Information Service (NTIS) at 5285 Port Royal Road, Springfield, VA., 22161 (call (703) 487–4650. After publication, copies of the Report may be ordered from the Publications Office, Center for Environmental Research Information, USEPA, 26 West Martin Luther King Drive, Cincinnati, OH., 45268 (call (513) 569–7562). Copies will also be available in the Public Information Center, (PIC), at EPA Headquarters, (Call (202) 382–2080).

FOR FURTHER INFORMATION CONTACT: Jim Fary, Policy and Analysis Staff, Office of Emergency and Remedial Response (OS–240), U.S. Environmental protection Agency, 401 M Street SW., Washington, DC 20460 at (202) 382–6254, or the RCRA/Superfund Hotline at (800) 424–9346 (in Washington, DC, at (202) 382–3000).

William K. Reilly

Administrator

[FR Doc. 91–1051 Filed 1–15–91; 8:45 am]

BILLING CODE 6560–50–M

[OPTS–59901; FRL 3874–6]

Toxic and Hazardous Substances; Certain Chemicals Premanufacture Notices

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical substance to submit a premanufacture notice (PMN) to EPA at least 90 days before manufacture or import commences. Statutory requirements for section 5(a)(1) premanufacture notices are discussed in the final rule published in the **Federal Register** of May 13, 1983 (48 FR 21722). In the **Federal Register** of November 11, 1984, (49 FR 46066) (40 CFR 723.250), EPA published a rule which granted a limited exemption from certain PMN requirements for certain types of polymers. Notices for such polymers are reviewed by EPA within 21

days of receipt. This notice announces receipt of 7 such PMN(s) and provides a summary of each.

DATES: Close of review periods:

Y 91–65, December 30, 1990.
Y 91–67, December 31, 1990.
Y 91–69, January 7, 1991.
Y 91–70, 91–71, January 8, 1991.
Y 91–72, January 10, 1991.
Y 91–73, January 23, 1991.

FOR FURTHER INFORMATION CONTACT: Michael M. Stahl, Director, 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: The following notice contains information extracted from the nonconfidential version of the submission provided by the manufacturer on the PMNs received by EPA. The complete nonconfidential document is available in the TSCA Public Docket Office, NE–G004 at the above address between 8 a.m. and noon and 1 p.m. and 4 p.m., Monday through Friday, excluding legal holidays.

Y 91–65

Manufacturer. Confidential.
Chemical. (G) Polyester polyurethane.
Use/Production. (S) Polymeric coating for leather, wood, metal. Prod. range: 300,000–600,000 kg/yr.

Y 91–67

Manufacturer. Confidential.
Chemical. (S) Neopentyl glycol; trimethylol propane; polyethylene terephthlate; phthalic anhydride; C36 dimer acid.
Use/Production. (S) Baking enamels. Prod. range: Confidential.

Y 91–69

Manufacturer. Akzo - LanChem.
Chemical. (G) Hydroxy functional acrylic.
Use/Production. (G) Resin for coating. Prod. range: Confidential.

Y 91–70

Manufacturer. Confidential.
Chemical. (G) Polyimide resin.
Use/Production. (G) Coating - electronic use. Prod. range: Confidential.

Y 91–71

Manufacturer. Confidential.
Chemical. (G) Polyurethane of 1,1'-methylenebis (4-isocyanatobenzene) and diols.
Use/Production. (G) Binder of magnetic iron oxide and tape base. Prod. range: Confidential.

Y 91–72

Manufacturer. MTC America Inc.
Chemical. (G) Copolymer of styrene and acrylic esters.
Use/Production. (G) Surfactant. Prod. range: Confidential.

Y 91–73

Manufacturer. Milliken & Company.
Chemical. (G) Alkoxylated bisphenol A, inorganic ester, ammonium salt.
Use/Production. (G) Surfactant. Prod. range: Confidential.

Dated: January 10, 1991.

Steve Newburg-Rinn,

Acting Director, Information Management Division, Office of Toxic Substances.

[FR Doc. 91–1046 Filed 1–5–91; 8:45 am]
BILLING CODE 6560–50–F

[OPTS–59291; FRL 3874–5]

Toxic and Hazardous Substances; Test Market Exemption Applications

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA may upon application exempt any person from the premanufacturing notification requirements of section 5(a) or (b) of the Toxic Substance Control Act (TSCA) to permit the person to manufacture or process a chemical for test marketing purposes under section 5(h)(1) of TSCA. Requirements for test marketing exemption (TME) applications, which must either be approved or denied within 45 days of receipt are discussed in EPA's final rule published in the **Federal Register** of May 13, 1983 (48 FR 21722). This notice, issued under section 5(h)(6) of TSCA, announces receipt of two applications for exemption, provides a summary, and requests comments on the appropriateness of granting these exemptions.

DATES:

Written comments by:
T 91–5, 91–6, January 17, 1991.

ADDRESSES: Written comments, identified by the document control number "(OPTS–59291)" and the specific TME number should be sent to: Document Processing Center (TS–790), Office of Toxic Substances, Environmental Protection Agency, 401 M St., SW, Rm. L–100, Washington, DC 20460, (202) 382–3532.

FOR FURTHER INFORMATION CONTACT: Michael M. Stahl, Director, Environmental Assistance Division (TS–799), Office of Toxic Substances, Environmental Protection Agency, Rm. EB–44, 401 M St., SW, Washington, DC 20460, (202) 554–1404, TDD (202) 554–0551.

SUPPLEMENTARY INFORMATION: The following notice contains information extracted from the nonconfidential version of the submission provided by the manufacturer of the TME received by EPA. The complete nonconfidential document is available in the TSCA Public Docket Office NE–G004 at the above address between 8 a.m. and noon, and 1 p.m. and 4 p.m., Monday through Friday, excluding legal holidays.

T 91–5

Close of Review Period. January 31, 1991.
Manufacturer. Westinghouse Electric Corporation.
Chemical. (S) Polymer of maleic anhydride, adipic acid, tetrahydrophthalic anhydride, diethylene glycol, neopentyl glycol, and dimer acids.
Use/Production. (S) Potting compound, known application is for electro-magnets. Prod. range: 21,500–65,000 kg/yr.

T 91–6

Close of Review Period. January 31, 1991.
Manufacturer. Westinghouse Electric Corporation.
Chemical. (S) Polymer of maleic anhydride, dicyclopentadiene, diethylene glycol, ethylene glycol, propylene glycol, isophthalic acid, and water.
Use/Production. (S) Electrical insulating varnish. Prod. range: 16,500–100,000 kg/yr.

Dated: January 10, 1991.

Steven Newburg-Rinn,

Acting Director, Information Management Division, Office of Toxic Substances.

[FR Doc. 91–1047 Filed 1–15–91 8:45 am]
BILLING CODE 6560–50–F

[OPTS–51758; FRL 3873–5]

Toxic and Hazardous Substances; Certain Chemicals Premanufacture Notices

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical substance to

submit a premanufacture notice (PMN) to EPA at least 90 days before manufacture or import commences. Statutory requirements for section 5(a)(1) premanufacture notices are discussed in the final rule published in the **Federal Register** of May 13, 1983 (48 FR 21722). This notice announces receipt of 79 such PMNs and provides a summary of each.

DATES: Close of review periods:

P 90–102, 90–107, 90–109, February 3, 1990.

P 91–222, 91–223, 91–224, 91–225, 91–226, 91–227, 91–228, 91–229, February 17, 1991.

P 91–230, 91–231, 91–232, 91–233, February 18, 1991.

P 91–234, 91–235, 91–236, 91–237, 91–238, 91–239, February 20, 1991.

P 91–242, 91–243, 91–244, 91–245, 91–246, 91–247, 91–248, 91–249, 91–250, 91–251, 91–252, 91–253, 91–254, 91–255, February 23, 1991.

P 91–256, February 26, 1991.

P 91–257, February 24, 1991.

P 91–258, 91–259, 91–260, 91–262, February 25, 1991.

P 91–263, 91–264, 91–265, 91–266, 91–267, 91–268, February 26, 1991.

P 91–270, 91–271, 91–272, 91–273, 91–274, 91–275, February 27, 1991.

P 91–276, March 2, 1991.

P 91–277, 91–278, February 27, 1991.

P 91–279, 91–280, 91–281, 91–282, 91–283, 91–284, March 2, 1991.

P 91–285, 91–286, 91–287, March 3, 1991.

P 91–288, 91–289, 91–290, 91–291, 91–292, 91–293, March 4, 1991.

P 91–294, 91–295, 91–296, 91–297, 91–298, 91–299, 91–300, 91–301, March 5, 1991.

Written comments by:

P 90–102, 90–107, 90–109, January 4, 1990.

P 91–222, 91–223, 91–224, 91–225, 91–226, 91–227, 91–228, 91–229, January 18, 1991.

P 91–230, 91–231, 91–232, 91–233, January 19, 1991.

P 91–234, 91–235, 91–236, 91–237, 91–238, 91–239, January 21, 1991.

P 91–242, 91–243, 91–244, 91–245, 91–246, 91–247, 91–248, 91–249, 91–250, 91–251, 91–252, 91–253, 91–254, 91–255, January 24, 1991.

P 91–256, January 27, 1991.

P 91–257, January 25, 1991.

P 91–258, 91–259, 91–260, 91–262, January 26, 1991.

P 91–263, 91–264, 91–265, 91–266, 91–267, 91–268, January 27, 1991.

P 91–270, 91–271, 91–272, 91–273, 91–274, 91–275, January 28, 1991.

P 91–276, January 31, 1991.

P 91–277, 91–278, January 28, 1991.

P 91–279, 91–280, 91–281, 91–282, 91–283 91–284, January 31, 1991.

P 91–285, 91–286, 91–287, February 1, 1991.

P 91–288, 91–289, 91–290, 91–291, 91–292, 91–293, February 2, 1991.

P 91–294, 91–295, 91–296, 91–297, 91–298, 91–299, 91–300, 91–301, February 3, 1991.

ADDRESSES: Written comments, identified by the document control number "(OPTS–51758)" and the specific PMN number should be sent to: Document Processing Center (TS–790), Office of Toxic Substances, Environmental Protection Agency, 401 M St., SW., Rm L–100, Washington, DC, 20460, (202) 382–3532.

FOR FURTHER INFORMATION CONTACT: Michael M. Stahl, Director, Environmental Assistance Division (TS–799), Office of Toxic Substances, Environmental Protection Agency, Rm EB–44, 401 M St., SW., Washington, DC 20460 (202) 554–1404, TDD (202) 554–0551.

SUPPLEMENTARY INFORMATION: The following notice contains information extracted from the nonconfidential version of the submission provided by the manufacturer on the PMNs received by EPA. The complete nonconfidential document is available in the TSCA Public Docket Office NE–G004 at the above address between 8 a.m. and noon and 1 p.m. and 4 p.m., Monday through Friday, excluding legal holidays.

P 90–102

Manufacturer. Confidential.

Chemical. (G) Alkyl alkoxide mixed metal complex.

Use/Production. (G) Chemical intermediate. Prod. range: Confidential.

P 90–107

Manufacturer. Confidential.

Chemical. (G) Fluorinated polyurethane.

Use/Production. (S) Ingredient for soil repellent textile finish. Prod. range: Confidential.

Toxicity Data. Eye irritation: none species (Rabbit). Skin irritation: negligible species (Rabbit).

P 90–109

Importer. Confidential.

Chemical. (G) Heterocyclic dispersive dyestuff.

Use/Import. (G) Dye. Import range: Confidential.

Toxicity Data. Acute oral toxicity: LD50 > 2,000 mg/kg species (Rat). Acute dermal toxicity: LD50 > 2,000 mg/kg species (Rat). Eye irritation: none species (Rabbit). Mutagenicity: positive. Static acute toxicity: time LC50 96h > 100 mg/l species (Rainbow Trout). Skin irritation: negligible species (Rabbit). Skin sensitization: positive species (Guinea Pig).

P 91–222

Manufacturer. E.I. Du Pont De Nemours & Co.

Chemical. (G) Aliphatic amine; aliphatic nitrile.

Use/Production. (S) Chemical intermediate. Prod. range: Confidential.

Toxicity Data. Acute oral toxicity: LD50 3,400 mg/kg species (Rat). Eye irritation: strong species (Rabbit). Skin irritation: slight species (Rabbit). Mutagenicity: negative.

P 91–223

Manufacturer. E.I. Du Pont De Nemours & Co.

Chemical. (G) Aliphatic diamine.

Use/Production. (S) Monomer for polymer. Prod. range: Confidential.

Toxicity Data. Acute oral toxicity: LD50 1,000 mg/kg species (Rat). Skin irritation: strong species (Rabbit). Mutagenicity: negative.

P 91–224

Manufacturer. Confidential.

Chemical. (G) Acid functional polyester polyurethane.

Use/Production. (G) Ingredient in a dispersively used coating. Prod. range: 2,500–15,000 kg/yr.

P 91–225

Manufacturer. Ciba-Geigy Corporation.

Chemical. (G) Tall oil fatty acid polyamide.

Use/Production. (S) Hardener. Prod. range: Confidential.

Toxicity Data. Acute oral toxicity: LD50 > 2,000 mg/kg species (Rat). Acute dermal toxicity: LD50 > 2,000 mg/kg species (Rabbit). Skin irritation: strong species (Rabbit).

P 91–226

Manufacturer. Confidential.

Chemical. (G) Polyamide alloy.

Use/Production. (G) Polyamide alloy. Prod. range: Confidential.

P 91–227

Manufacturer. Confidential.

Chemical. (G) Polyamide alloy.

Use/Production. (G) Polyamide alloy. Prod. range: Confidential.

P 91–228

Importer. Confidential.

Chemical. (S) 1,3-Propanediamine, *N*-(3-aminopropyl-*N*-dodecyl-.

Use/Import. (G) Industrial metal lubricant/corrosion inhibitor. Import range: Confidential.

P 91-229

Manufacturer. Confidential.

Chemical. (G) Isocyanate terminated polyester polyurethane.

Use/Production. (S) Coatings. Prod. range: Confidential.

P 91-230

Manufacturer. Henkel Corporation.

Chemical. (G) Alkyl phosphate salt or alkyl phosphate amine salt.

Use/Production. (G) Textile processing aid. Prod. range: Confidential.

Toxicity Data. Acute oral toxicity: LD50 > 5,000 mg/kg species (Rat). Acute dermal toxicity: LD50 > 2,000 mg/kg species (Rabbit). Skin irritation: slight species (Rabbit).

P 91-231

Manufacturer. Henkel Corporation.

Chemical. (G) Alkyl phosphate salt or alkyl phosphate amine salt.

Use/Production. (G) Textile processing aid. Prod. range: Confidential.

Toxicity Data. Acute oral toxicity: LD50 > 5,000 mg/kg species (Rat). Acute dermal toxicity: LD50 > 2,000 mg/kg species (Rabbit). Skin irritation: slight species (Rabbit).

P 91-232

Manufacturer. Henkel Corporation.

Chemical. (G) Alkyl phosphate salt or alkyl phosphate amine salt.

Use/Production. (G) Textile processing aid. Prod. range: Confidential.

Toxicity Data. Acute oral toxicity: LD50 > 5,000 mg/kg species (Rat). Acute dermal toxicity: LD50 > 2,000 mg/kg species (Rabbit). Skin irritation: slight species (Rabbit).

P 91-233

Manufacturer. Henkel Corporation.

Chemical. (G) Alkyl phosphate salt or alkyl phosphate amine salt.

Use/Production. (G) Textile processing aid. Prod. range: Confidential.

Toxicity Data. Acute oral toxicity: LD50 > 5,000 mg/kg species (Rat). Acute dermal toxicity: LD50 > 2,000 mg/kg species (Rabbit). Skin irritation: slight species (Rabbit).

P 91-234

Manufacturer. Confidential.

Chemical. (G) Polyurethane.

Use/Production. (G) A polyurethane intermediate for the plastic and textile industry. Prod. range: Confidential.

P 91-235

Manufacturer. Confidential.

Chemical. (G) Polyurethane.

Use/Production. (G) A polyurethane intermediate for the plastic and textile industry. Prod. range: Confidential.

P 91-236

Manufacturer. Confidential.

Chemical. (G) Oxidized polymer of formaldyde and a carbomonocyclic diol.

Use/Production. (G) Component of an industrial adhesive. Prod. range: Confidential.

P 91-237

Manufacturer. Confidential.

Chemical. (G) Alkylamine carboxtylate.

Use/Production. (G) Destructive use. Prod. range: Confidential.

P 91-238

Importer. Confidential.

Chemical. (G) Phenolic epoxide sulfonamide.

Use/Import. (G) Powder additive. Import range: 10,000–30,000 kg/yr.

P 91-239

Importer. Confidential.

Chemical. (G) 2-Alkylphenoxyl-1,4-diamino-3-phenoxy anthraquinone.

Use/Import. (G) Magenta component of colorant cassette. Import range: Confidential.

Toxicity Data. Acute oral toxicity: LD50 > 5,000 mg/kg species (Rat). Eye irritation: none species (Rabbit). Skin irritation: slight species (Rabbit). Mutagenicity: negative. Skin sensitization: negative species (Guinea Pig).

P 91-242

Manufacturer. Olin Corporation.

Chemical. (G) Polycarboxylated surfactant.

Use/Production. (S) Surfactant-general industrial cleaning. Prod. range: Confidential.

Toxicity Data. Acute oral toxicity: LD50 > 5.0 gm/kg species (Rat). Acute dermal toxicity: LD50 > 2.0 mg/l species (Rabbit). Skin irritation: slight species (Rabbit). Static acute toxicity: time LC50 96H 3.5.mg/l species (Bluegill Sunfish).

P 91-243

Manufacturer. Olin Corporation.

Chemical. (G) Polycarboxylated surfactant.

Use/Production. (S) Surfactant-general industrial cleaning. Prod. range: Confidential.

Toxicity Data. Acute oral toxicity: LD50 > 5.0 gm/kg species (Rat). Acute dermal toxicity: LD50 > 2.0 mg/l species (Rabbit). Skin irritation: slight species (Rabbit). Static acute toxicity: time LC50 96H 3.5.mg/l species (Bluegill Sunfish).

P 91-244

Manufacturer. Olin Corporation.

Chemical. (G) Polycarboxylated surfactant.

Use/Production. (S) Surfactant-general industrial cleaning. Prod. range: Confidential.

Toxicity Data. Acute oral toxicity: LD50 > 5.0 gm/kg species (Rat). Acute dermal toxicity: LD50 > 2.0 mg/l species (Rabbit). Skin irritation: slight species (Rabbit). Static acute toxicity: time LC50 96H 3.5.mg/l species (Bluegill Sunfish).

P 91-245

Manufacturer. Olin Corporation.

Chemical. (G) Polycarboxylated surfactant.

Use/Production. (S) Surfactant-general industrial cleaning. Prod. range: Confidential.

Toxicity Data. Acute oral toxicity: LD50 > 5.0 gm/kg species (Rat). Acute dermal toxicity: LD50 > 2.0 mg/l species (Rabbit). Skin irritation: slight species (Rabbit). Static acute toxicity: time LC50 96H 3.5.mg/l species (Bluegill Sunfish).

P 91-246

Manufacturer. Olin Corporation.

Chemical. (G) Polycarboxylated surfactant.

Use/Production. (S) Surfactant-general industrial cleaning. Prod. range: Confidential.

Toxicity Data. Acute oral toxicity: LD50 > 5.0 gm/kg species (Rat). Acute dermal toxicity: LD50 > 2.0 mg/l species (Rabbit). Skin irritation: slight species (Rabbit). Static acute toxicity: time LC50 96H 3.5.mg/l species (Bluegill Sunfish).

P 91-247

Manufacturer. Olin corporation.

Chemical. (G) Polycarboxylated surfactant.

Use/Production. (S) Surfactant-general industrial cleaning. Prod. range: Confidential.

Toxicity Data. Acute oral toxicity: LD50 > 5.0 gm/kg species (Rat). Acute dermal toxicity: LD50 > 2.0 mg/l species (Rabbit). Skin irritation: slight species (Rabbit). Static acute toxicity: time LC50 96H 3.5.mg/l species (Bluegill Sunfish).

P 91-248

Manufacturer. Olin Corporation.

Chemical. (G) Polycarboxylated surfactant.

Use/Production. (S) Surfactant-general industrial cleaning. Prod. range: Confidential.

Toxicity Data. Acute oral toxicity: LD50 > 5.0 gm/kg species (Rat). Acute dermal toxicity: LD50 > 2.0 mg/l species (Rabbit). Skin irritation: slight species (Rabbit). Static acute toxicity: time LC50 96H 3.5.mg/l species (Bluegill Sunfish).

P 91-249

Importer. Hoechst Celanese Corporation.

Chemical. (G) Disubstituted thiophenecarbonitrile.

Use/Import. (S) Disperse dye for polyester dyeing. Import range: 1,000–2,000 kg/yr.

P 91-250

Importer. Hoechst Celanese Corporation.

Chemical. (G) Disubstituted thiophenecarbonitrile.

Use/Import. (S) Disperse dye for polyester dyeing. Import range: 1,000–2,000 kg/yr.

P 91-251

Importer. Hoechst Celanese Corporation.

Chemical. (G) Substituted diamino anthraquinone.

Use/Import. (S) Disperse dye for dyeing polyester. Import range: 1,000–2,000 kg/yr.

Toxicity Data. Mutagenicity: positive.

P 91-252

Importer. Hoechst Celanese Corporation.

Chemical. (G) (Substituted indene carboxylic acid ester) substituted quinoine.

Use/Import. (S) Dyestuff for polyester dyeing. Import range: 1,000–2,000 kg/yr.

P 91-253

Importer. Hoechst Celanese Corporation.

Chemical. (G) (Substituted indene carboxylic acid ester) substituted quinoine.

Use/Import. (S) Dyestuff for polyester dyeing. Import range: 1,000–2,000 kg/yr.

P 91-254

Importer. E.I. Du Pont De Nemours & Co. Inc.

Chemical. (G) Epoxy siloxane copolymer.

Use/Import. (G) Open, nondispersive use. Import range: Confidential.

P 91-255

Manufacturer. Confidential.

Chemical. (G) Phosphatide derivative.

Use/Production. (G) Open, nondispersive use. Prod. range: Confidential.

P 91-256

Manufacturer. Champion Technologies, Inc.

Chemical. (G) 2-Propenoic acid C16-C44 esters, polymerized.

Use/Production. (S) Corrosion inhibitor for oil and gas production pipe lines. Prod. range: Confidential.

P 91-257

Importer. Bostik, Inc.

Chemical. (G) Waterborne polyurethane.

Use/Import. (G) Open nondispersive use. Import range: Confidential.

P 91-258

Importer. Marubeni America Corporation.

Chemical. (G) Ethylene acrylate copolymer.

Use/Import. (G) Cross-linkable plastic resin for use of wire and cable compounds and foamed film or sheet. Import range: Confidential.

P 91-259

Manufacturer. Confidential.

Chemical. (G) Amine functional acrylic polymer salt.

Use/Production. (S) Coatings. Prod. range: Confidential.

P 91-260

Manufacturer. Confidential.

Chemical. (G) Amine functional epoxy salt.

Use/Production. (S) Coating. Prod. range: Confidential.

P 91-262

Manufacturer. Confidential.

Chemical. (G) Carboxy functional polyester salted by amine.

Use/Production. (S) Spray applied coatings. Prod. range: Confidential.

P 91-263

Manufacturer. Confidential.

Chemical. (G) Phosohonic acid ester of aromatic epoxy.

Use/Production. (G) Dispersively used coating, pretreatment solution. Prod. range: 10,00–24,000 kg/yr.

P 91-264

Manufacturer. Confidential.

Chemical. (G) Phosphonic acid ester of aromatic epoxy.

Use/Production. (G) Dispersively used coating, pretreatment solution. Prod. range: 10,00–24,000 kg/yr.

P 91-265

Manufacturer. Confidential.

Chemical. (G) Phosphonic acid ester of aromatic epoxy.

Use/Production. (G) Dispersively used coating, pretreatment solution. Prod. range: 10,00–24,000 kg/yr.

P 91-266

Manufacturer. Confidential.

Chemical. (G) Phosphonic acid ester of aromatic eopxy.

Use/Production. (G) Dispersively used coating, pretreatment solution. Prod. range: 10,00–24,000 kg/yr.

P 91-267

Manufacturer. Confidential.

Chemical. (G) Phosphonic acid ester of aromatic epoxy.

Use/Production. (G) Dispersively used coating, pretreatment solution. Prod. range: 10,00–24,000 kg/yr.

P 91-268

Manufacturer. Confidential.

Chemical. (G) Phosphonic acid ester of aromatic epoxy.

Use/Production. (G) Dispersively used coating, pretreatment solution. Prod. range: 10,00–24,000 kg/yr.

P 91-270

Manufacturer. Amoco Performance Products.

Chemical. (G) Rubber modified poly phthalamide.

Use/Production. (S) Manufacture of plastic articles. Prod. range: Confidential.

P 91-271

Importer. Confidential.

Chemical. (G) Acrylate/styrene polymer containing carboxylic groups.

Use/Import. (S) Paint binder. Import range: Confidential.

P 91-272

Manufacturer. Chem Rex, Inc.

Chemical. (G) Functionalized acrylic copolymer.

Use/Production. (S) Component of waterproof coating. Prod. range: 30,000–50,000 kg/yr.

P 91-273

Importer. Confidential.

Chemical. (G) Styrene-acrylate-methacrylate copolymer.

Use/Import. (S) Polymer dispersion. Import range: Confidential.

P 91-274

Manufacturer. E.I. Du Pont De Nemours & Co., Inc.

Chemical. (G) Waterborne poly acrylourethane.

Use/Production. (G) Open, nondispersive use. Prod. range: Confidential.

P 91-275

Importer. Confidential.

Chemical. (G) Saturated polyester resin.

Use/Import. (G) Saturated polyester resin. Import range: Confidential.

P 91-276

Manufacturer. Confidential.

Chemical. (G) Polyacrylate elastomer.

Use/Production. (S) Heat and oil resistant for automobile hose and rubber oil seals. Prod. range: Confidential.

P 91-277

Importer. Zeon Chemicals U.S.A., Inc.
Chemical. (G) Polyacrylate elastomer.
Use/Import. (S) Heat and oil resistant for automobile hose and rubber oil seals. Prod. range: Confidential.

P 91-278

Importer. Zeon Chemicals U.S.A., Inc.
Chemical. (G) Polyacrylate elastomer.
Use/Import. (S) Heat and oil resistant for automobile hose and rubber oil seals. Prod. range: Confidential.

P 91-279

Manufacturer. Confidential.
Chemical. (G) Polyisocyanate poly additiom product B.
Use/Production. (G) Urethane polymer. Prod. range: Confidential.

P 91-280

Manufacturer. Confidential.
Chemical. (G) Styrene butadiene polymer salt.
Use/Production. (S) Pigment binder. Prod. range: Confidential.

P 91-281

Manufacturer. Confidential.
Chemical. (G) Styrene butadiene polymer salt.
Use/Production. (S) Pigment binder. Prod. range: Confidential.

P 91-282

Manufacturer. Confidential.
Chemical. (G) Anhydride functional acrylic.
Use/Production. (G) Paint. Prod. range: Confidential.

P 91-283

Manufacturer. Confidential.
Chemical. (G) Polyurethane.
Use/Production. (G) Polyurethane intermediate for the plastic and textile industry. Prod. range: Confidential.

P 91-284

Manufacturer. Confidential.
Chemical. (G) Polyurethane salts.
Use/Production. (G) Polyurethane intermediate for the plastic and textile industry. Prod. range: Confidential.

P 91-285

Importer. Confidential.
Chemical. (G) Carboxylated epoxy cresol novolak acrylate.
Use/Import. (G) Component of surface coating. Import range: Confidential.

P 91-286

Manufacturer. Henkel Corporation.
Chemical. (S) Pentaerythritol mixed esters of isopentanoic acid, caprylic and capric acids.
Use/Production. (S) Lubricant basestock for aircraft turbine oils. Prod. range: 5,000–80,000 kg/yr.

P 91-287

Manufacturer. Henkel Corporation.
Chemical. (S) Pentaery mixed esters of isopentanoic acid, caprylic and capric acids.
Use/Production. (S) Lubricant basestock for aircraft turbine oils. Prod. range: 5,000–80,000 kg/yr.

P 91-288

Manufacturer. Confidential.
Chemical. (G) Alkoxylated dialky-diethylene triamine, alkyl sulfate salt.
Use/Production. (G) Softening of cellulose. Prod. range: 1,500–45,000 kg/yr.

P 91-289

Importer. Henkel Corporation.
Chemical. (G) Alphatic polyesterdoil.
Use/Import. (S) Adhesives, elastomer and coatings, resins, foams. Import range: Confidential.

P 91-290

Manufacturer. Engerhard Corporation.
Chemical. (S) Alkali or alkaline earth containing hydrous titanogilicate gel.
Use/Production. (S) Removal of trace amounts of lead from potable water. Prod. range: Confidential.

P 91-291

Manufacturer. Confidential.
Chemical. (G) Calcium alkylbenzenesulfonate.
Use/Production. (G) Intermediate consumed in the production of a petroleum additive. Prod. range: Confidential.

P 91-292

Manufacturer. Basf Corporation.
Chemical. (G) Casein, alkylamine compound.
Use/Production. (S) Leather finishing. Prod. range: Confidential.

P 91-293

Manufacturer. Basf Coporation.
Chemical. (G) Modified rosin, aluminium salt.
Use/Production. (G) Pigment modifier. Prod. range: Confidnetial.

P 91-294

Importer. Basf Corporation.
Chemical. (G) Benzeneamine,*N*-ethyl-*N*-(substituted aryl)-4-(phenyazo).

P 91-295

Manufacturer. Confidential.
Chemical. (G) Amine salt of modified epoxy resin.
Use/Production. (G) Container coatings. Prod. range: confidential.

P 91-296

Manufacturer. Confidential.
Chemical. (G) Amine salt of acrylic polymer.
Use/Production. (G) Container coatings. Prod. range: Confidential.

P 91-297

Manufacturer. Confidential.
Chemical. (G) Amine salt of acrylic polymer.
Use/Production. (G) Container coatings. Prod. range: Confidential.

P 91-298

Manufacturer. Confidential.
Chemical. (G) Amine salt of acrylic polymer.
Use/Production. (G) Container coatings. Prod. range: Confidential.

P 91-299

Manufacturer. Confidential.
Chemical. (G) Amine salt of acrylic polymer.
Use/Production. (G) Container coatings. Prod. range: Confidential.

P 91-300

Manufacturer. Confidential.
Chemical. (G) Amine salt of acrylic polymer.
Use/Production. (G) Container coatings. Prod. range: Confidential.

P 91-301

Manufacturer. Confidential.
Chemical. (G) Amine salt of acrylic polymer.
Use/Production. (G) Container coatings. Prod. range: Confidential.

Dated: January 8, 1991.

Steve Newburg-Rinn

Acting Director, Information Management Division, Office of Toxic Substances.

[FR Doc. 91-1049, Filed 1-15-91; 8:45 am]
BILLING CODE 6560-50-F

FEDERAL COMMUNICATIONS COMMISSION

Advisory Committee on Advanced Television Systems Subcommittee

The 12th meeting of the Systems Subcommittee of the Advisory Committee on Advanced Television Service will be held at 10 a.m. on February 21, 1991, in room 856 at the FCC's offices at 1919 M Street NW., Washington, DC.

The agenda for the meeting is:

1. Introductory Remarks
2. Approval of Agenda
3. Approval of Minutes from November 6, 1990 Meeting
4. Status of Open Action Items from the Previous Meeting
5. Report on Mr. Wiley's Meeting with the System Proponents
6. Discussion of 4th Interim Report

7. Report on Subjective Test Materials
8. Report by Working Party 1 (System Analysis)
9. Report by Working Party 2 (System Evaluation and Testing)
   A. Report on Field Test Procedures Plans
   B. Report from the Laboratories
10. Report by Working Party 3 (Economic Assessment)
11. Report by Working Party 4 (System Standard)
12. Open Discussion
13. Next Meeting

All interested parties are invited to attend. Those interested may also submit written statements at the meeting. Oral statements and discussion will be permitted under the direction of the Committee Chairman.

Any questions regarding this meeting should be addressed to Dr. Irwin Dorros at (201) 740–3200 or Alan Stillwell at (202) 632–7060.

Federal Communications Commission.

Donna R. Searcy,

Secretary.

[FR Doc. 91–1002 Filed 1–15–91; 8:45 am]

BILLING CODE 6712–01–M

FEDERAL EMERGENCY MANAGEMENT AGENCY

Alabama; Major Disaster and Related Determinations

AGENCY: Federal Emergency Management Agency.

ACTION: Notice.

SUMMARY: This is a notice of the Presidential declaration of a major disaster for the State of Alabama (FEMA–890–DR), dated January 4, 1991, and related determinations.

DATES: January 4, 1991.

FOR FURTHER INFORMATION CONTACT: Neva K. Elliott, Disaster Assistance Program, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–3614.

NOTICE: Notice is hereby given that, in a letter dated January 4, 1991, the President declared a major disaster under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 *et seq.*, Public Law 93–288, as amended by Public Law 100–707), as follows:

I have determined that the damage in certain areas of the State of Alabama, resulting from severe storms and flooding beginning on December 21, 1990, is of sufficient severity and magnitude to warrant a major disaster declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act ("the Stafford Act"). I, therefore, declare that such a major disaster exists in the State of Alabama.

In order to provide Federal assistance, you are hereby authorized to allocate from funds available for these purposes, such amounts as you find necessary for Federal disaster assistance and administrative expenses.

You are authorized to provide Individual Assistance and Public Assistance in the designated areas. Consistent with the requirement that Federal assistance be supplemental, any Federal funds provided under the Stafford Act for Public Assistance will be limited to 75 percent of the total eligible costs.

The time period prescribed for the implementation of section 310(a), Priority to Certain Applications for Public Facility and Public Housing Assistance, shall be for a period not to exceed six months after the date of this declaration.

Notice is hereby given that pursuant to the authority vested in the Director of the Federal Emergency Management Agency under Executive Order 12148, I hereby appoint Melvin Schneider of the Federal Emergency Management Agency to act as the Federal Emergency Management Agency to act as the Federal Coordinating Officer for this declared disaster.

I do hereby determine the following areas of the State of Alabama to have been affected adversely by this declared major disaster:

The counties of Colbert, Cullman, Franklin, Lauderdale, Lawrence, Madison, Marion, Morgan, and Winston for Individual Assistance and Public Assistance; and Jackson County for Individual Assistance only.

(Catalog of Federal Domestic Assistance No. 83.516, Disaster Assistance)

Wallace E. Stickney,

Director, Federal Emergency Management Agency.

[FR Doc. 91–957 Filed 1–15–91; 8:45 am]

BILLING CODE 6718–02–M

Indiana; Amendment to Notice of a Major Disaster Declaration

[FEMA–891–DR]

AGENCY: Federal Emergency Management Agency.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster for the State of Indiana (FEMA–891–DR), dated January 5, 1991, and related determinations.

DATES: January 5, 1991.

FOR FURTHER INFORMATION CONTACT: Neva K. Elliott, Disaster Assistance Programs, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–3614.

NOTICE: The notice of a major disaster for the State of Indiana, dated January 5, 1991, is hereby amended to include the following areas among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of January 5, 1991:

The counties of Bartholomew, Carroll, Delaware, Madison, and Morgan for Individual Assistance.

(Catalog of Federal Domestic Assistance No. 83.516, Disaster Assistance)

Grant C. Peterson,

Associate Director, State and Local Programs and Support, Federal Emergency Management Agency.

[FR Doc. 91–958 Filed 1–15–91; 8:45 am]

BILLING CODE 6718–02–M

Indiana; Amendment to Notice of a Major Disaster Declaration

[FEMA 891–DR]

AGENCY: Federal Emergency Management Agency.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster for the State of Indiana (FEMA 891–DR), dated January 5, 1991, and related determinations.

DATES: January 7, 1991.

FOR FURTHER INFORMATION CONTACT: Neva K. Elliott, Disaster Assistance Programs, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–3614.

NOTICE: The notice of a major disaster for the State of Indiana, dated January 5, 1991, is hereby amended to include the following areas among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of January 5, 1991:

The counties of Allen, Brown, Dearborn, Decatur, Fayette, Franklin, Greene, Johnson, Noble, Owen, Parke, Rush, Shelby, and Tippecanoe for Individual Assistance.

(Catalog of Federal Domestic Assistance No. 83.516, Disaster Assistance)

Grant C. Peterson,

Associate Director, Federal Emergency Management Agency.

[FR Doc. 91–959 Filed 1–15–91; 8:45 am]

BILLING CODE 6718–02–M

[FEMA–891–DR]

Indiana; Major Disaster and Related Determinations

AGENCY: Federal Emergency Management Agency.

ACTION: Notice.

SUMMARY: This is a notice of the Presidential declaration of a major disaster for the State of Indiana (FEMA–891–DR), dated January 5, 1991, and related determinations.

DATES: January 5, 1991.

FOR FURTHER INFORMATION CONTACT: Neva K. Elliott, Disaster Assistance Programs, Federal Emergency Management Agency, Washington, DC 20472 (202) 646–3614.

NOTICE: Notice is hereby given that, in a letter dated January 5, 1991, the President declared a major disaster under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 *et seq.*, Pub. L. 93–288, as amended by Pub. L. 100–707), as follows:

I have determined that the damage in certain areas of the State of Indiana, resulting from severe storms and flooding beginning on December 28, 1990, is of sufficient severity and magnitude to warrant a major disaster declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act ("the Stafford Act"). I, therefore, declare that such a major disaster exists in the State of Indiana.

In order to provide Federal assistance, you are hereby authorized to allocate from funds available for these purposes, such amounts as you find necessary for Federal disaster assistance and administrative expenses.

You are authorized to provide Individual Assistance in the designated areas. Public Assistance may be provided at a later date, if warranted. Consistent with the requirement that Federal assistance be supplemental, any Federal funds provided under the Stafford Act for Public Assistance will be limited to 75 percent of the total eligible costs.

The time period prescribed for the implementation of section 310(a), Priority to Certain Applications for Public Facility and Public Housing Assistance, shall be for a period not to exceed six months after the date of this declaration.

Notice is hereby given that pursuant to the authority vested in the Director of the Federal Emergency Management Agency under Executive Order 12148, I hereby appoint Phil Zaferopulos of the Federal Emergency Management Agency to act as the Federal Coordinating Officer for this declared disaster.

I do hereby determine the following areas of the State of Indiana to have been affected adversely by this declared major disaster:

The counties of Clinton, Grant, Hamilton, Howard, Marion, and Montgomery for Individual Assistance.

(Catalog of Federal Domestic Assistance No. 83.516, Disaster Assistance)

Wallace E. Stickney,

Director, Federal Emergency Management Agency.

[FR Doc. 91–960 Filed 1–15–91; 8:45 am]

BILLING CODE 6718–02–M

[FEMA–888–DR]

Mississippi; Amendment to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster for the State of Mississippi (FEMA–888–DR), dated January 3, 1991, and related determinations.

DATES: January 8, 1991.

FOR FURTHER INFORMATION CONTACT: Neva K. Elliott, Disaster Assistance Programs, Federal Emergency Management Agency, Washington, DC 20472 (202) 646–3614.

NOTICE: The notice of a major disaster for the State of Mississippi, dated January 3, 1991, is hereby amended to include the following areas among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of January 3, 1991:

The counties of Clay and Monroe for Individual Assistance.

(Catalog of Federal Domestic Assistance No. 83.516, Disaster Assistance)

Grant C. Peterson,

Associate Director, State and Local Programs and Support, Federal Emergency Management Agency.

[FR Doc. 91–954 Filed 1–15–91; 8:45 am]

BILLING CODE 6718–21–M

[FEMA–889–DR]

Tennessee; Amendment to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster for the State of Tennessee (FEMA–889–DR), dated January 4, 1991, and related determinations.

DATES: January 4, 1991.

FOR FURTHER INFORMATION CONTACT: Neva K. Elliott, Disaster Assistance Programs, Federal Emergency Management Agency, Washington, DC 20472 (202) 646–3614.

NOTICE: The notice of a major disaster for the State of Tennessee, dated January 4, 1991, is hereby amended to add Public Assistance and include the following areas among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of January 4, 1991:

Grundy County for Individual Assistance.

(Catalog of Federal Domestic Assistance No. 83.516, Disaster Assistance)

Grant C. Peterson,

Associate Director, State and Local Programs and Support, Federal Emergency Management Agency.

[FR Doc. 91–956 Filed 1–15–91; 8:45 am]

BILLING CODE 6718–02–M

Tennessee; Notice of Major Disaster and Related Determinations

[FEMA–889–DR]

AGENCY: Federal Emergency Management Agency.

ACTION: Notice.

SUMMARY: This is a notice of the Presidential declaration of a major disaster for the State of Tennessee (FEMA–889–DR), dated January 4, 1991, and related determinations.

DATES: January 4, 1991.

FOR FURTHER INFORMATION CONTACT: Neva K. Elliott, Disaster Assistance Programs, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–3614.

NOTICE: Notice is hereby given that, in a letter dated January 4, 1991, the President declared a major disaster under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 *et seq.*, Pub. L. 93–288, as amended by Pub. L. 100–707), as follows:

I have determined that the damage in certain areas of the State of Tennessee, resulting from severe storms and flooding beginning on December 19, 1990, is of sufficient severity and magnitude to warrant a major disaster declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act ("the Stafford Act"). I, therefore, declare that such a major disaster exists in the State of Tennessee.

In order to provide Federal assistance, you are hereby authorized to allocate from funds available for these purposes, such amounts as you find necessary for Federal disaster assistance and administrative expenses.

You are authorized to provide Individual Assistance in the designated areas. Public Assistance may be provided at a later date, if warranted. Consistent with the requirement

that Federal assistance be supplemental, any Federal funds provided under the Stafford Act for Public Assistance will be limited to 75 percent of the total eligible costs.

The time period prescribed for the implementation of section 310(a), Priority to Certain Applications for Public Facility and Public Housing Assistance, shall be for a period not to exceed six months after the date of this declaration.

Notice is hereby given that pursuant to the authority vested in the Director of the Federal Emergency Management Agency under Executive Order 12148, I hereby appoint Paul E. Hall of the Federal Emergency Management Agency to act as the Federal Coordinating Officer for this declared disaster.

I do hereby determine the following areas of the State of Tennessee to have been affected adversely by this declared major disaster:

The counties of Dyer, Franklin, Gibson, Lincoln, Marion, Obion, and Rhea for Individual Assistance.

(Catalog of Federal Domestic Assistance No. 83.516, Disaster Assistances.)

Wallace E. Stickney,

Director, Federal Emergency Management Agency.

[FR Doc. 91–955 Filed 1–15–91; 8:45 am]

BILLING CODE 6718–21–M

Tennessee; Amendment to Notice of a Major Disaster Declaration

[FEMA–889–DR]

AGENCY: Federal Emergency Management Agency.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster for the State of Tennessee (FEMA–889–DR), dated January 4, 1991, and related determinations.

DATES: January 8, 1991.

FOR FURTHER INFORMATION CONTACT: Neva K. Elliott, Disaster Assistance Programs, Federal Emergency Management Agency, Washington, DC 20472 (202) 646–3614.

NOTICE: The notice of a major disaster for the State of Tennessee, dated January 4, 1991, is hereby amended to include the following areas among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of January 4, 1991:

Hardin County for Individual Assistance.

(Catalog of Federal Domestic Assistance No. 83.516, Disaster Assistance)

Grant C. Peterson,

Associate Director, State and Local Programs and Support, Federal Emergency Management Agency.

[FR Doc. 91–961 Filed 1–15–91; 8:45 am]

BILLING CODE 6718–02–M

FEDERAL MARITIME COMMISSION

Agreement(s) Filed; Port of Oakland/ Hapag Lloyd A.G., et. al.

The Federal Maritime Commission hereby gives notice of the filing of the following agreement(s) pursuant to section 5 of the Shipping Act of 1984.

Interested parties may inspect and obtain a copy of each agreement at the Washington, DC Office of the Federal Maritime Commission, 1100 L Street NW., room 10220. Interested parties may submit comments on each agreement to the Secretary, Federal Maritime Commission, Washington, DC 20573, within 10 days after the date of the **Federal Register** in which this notice appears. The requirements for comments are found in § 572.603 of title 46 of the Code of Federal Regulations. Interested persons should consult this section before communicating with the Commission regarding a pending agreement.

Agreement No.: 224–200312–002.

Title: The Port of Oakland/Hapag Lloyd A.G., Compagnie Generale Maritime, Atlantic Container Line AB Terminal Agreement.

Parties:

The Port of Oakland (Port)
Hapag Lloyd A.G.
Compagnie Generale Maritime
Atlantic Container Line AB.

Synopsis: The Agreement amends the parties' basic agreement to delete Sea-Land Service, Inc. and P & O Containers Limited, as joint users of the Port's Charles P. Howard Terminal under the agreement.

Agreement No.: 224–010759–001.

Title: Puerto Rico Ports Authority/ Crowley Towing and Transportation Company Terminal Agreement.

Parties:

Puerto Rico Ports Authority
Crowley Towing Transportation Company (CTTC).

Synopsis: The Agreement amends the basic agreement to provide CTTC the temporary use of 500 square feet of dockage area at the Pan American Dock, (Isla Grande Dock), San Juan, Puerto Rico.

Dated: January 10, 1991.

By Order of the Federal Maritime Commission.

Joseph C. Polking,

Secretary.

[FR Doc. 91–1016 Filed 1–15–91; 8:45 am]

BILLING CODE 6730–01–M

FEDERAL RESERVE SYSTEM

Agency Form Under Review

January 10, 1991.

BACKGROUND: Notice is hereby given of the final approval of proposed information collection(s) by the Board of Governors of the Federal Reserve System (Board) under OMB delegated authority, as per 5 CFR 1320.9 (OMB Regulations on Controlling Paperwork Burden on the Public)

FOR FURTHER INFORMATION CONTACT:

Federal Reserve Board Clearance Officer—Frederick J. Schroeder—Division of Research and Statistics, Board of Governors of the Federal Reserve System, Washington DC. 20551 (202–452–3829).

OMB Desk Officer—Gary Waxman—Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, room 3208, Washington, DC 20503 (202–395–7340).

Final approval under OMB delegated authority of the extension, without revision, of the following report:

Report title: Quarterly and Annual Reports of Repurchase Agreements on U.S. Government and Federal Agency Securities with Specified Holders.

Agency form number: FR 2090a, FR 2090q.

OMB Docket number: 7100 2090a, FR 2090q.

Frequency: Annually and quarterly.

Reporters: Commerical banks, S&Ls, MSBs, FSBs and U.S. agencies and branches of foreign banks.

Annual reporting hours: 2221.

Estimated average hours per response: 05.

Number of respondents: 2840.

Small businesses are not affected:

General description of report: This information collection is voluntary (12 U.S.C. 248(a) and 3105(b)) and is given confidential treatment (5 U.S.C. 552(b)(4)).

These reports provide data on wholesale overnight RPs, wholesale term RPs, and retail RPs which are used in the computation of the repurchase agreement (RP) component of the monetary aggregates.

Final approval under OMB delegated authority of the extension, with revisions, of the following report:

Report title: Weekly Report of Assets and Liabilities for Large Banks and Weekly Report of Selected Assets.

Agency form number: FR 2416 and 2644, respectively.

OMB Docket number: 7100–0075

Frequency: Weekly.

Reporters: U.S. commercial banks.

Annual reporting hours: 47,975.

Estimated average hours per response: 2.3 (FR 2416), 0.5 (FR 2644).

Number of respondents: 162 (FR 2416), 1,100 (FR 2644)

Small businesses are not affected.

General Description of Report: This information collection is authorized by law (12 U.S.C. 225(A), and 248(A)) and is given confidential treatment (5 U.S.C. 552(B)(4) and (8)).

These reports provide basic data from U.S. commercial banks for estimating bank credit and nondeposit funds and for analyzing banking and monetary developments. The proposed revisions affect the FR 2416 report, including minimal changes to the current reporting panel. The proposal includes the elimination of two data item previously required on the FR 2416 (Memorandum items 2 and 3 on nontrasaction savings deposits and Treasury securities holdings). The proposal also adds an item, Memorandum item 4, "Loans defined as highly leveraged transactions to commercial and industrial firms (nonfinancial) domiciled in the U.S." This item, which is to be reported beginning April 3, 1991, is needed to prevent distortion in the analysis of business borrowing.

Final approval under OMB delegated authority of the discontinuance of the following report:

Report title: Ownership of Demand Deposit Accounts of Individuals, Partnerships, and Corporation.

Agency form number: FR 2591.

OMB Docket number: 7100–0082.

Frequency: Quarterly.

Reporters: Commercial banks.

Annual reporting hours: 763.

Estimated average hours per response: 1.23.

Number of respondents: 155.

Small businesses are affected.

General description of report: This information collection is voluntary (12 U.S C. 248(a) and (i)) and is given confidential treatment (5 U.S.C. 552(b)(4)).

This report collects data from a sample of 155 commercial banks on demand deposit balances held by individuals, partnerships, and corporations (IPC). The data are reported for five ownership categories of the IPC customer group: U.S. financial businesses, U.S. nonfinancial businesses, U.S. individuals, foreign holders, and all other. The sample data are used by the Federal Reserve to construct estimates of IPC demand deposits held by the five ownership categories at all "weekly reporting" banks (banks that file the FR 2416, Weekly Report of Assets and Liabilities for Large Banks) and at all insured commercial banks.

Because of the very small sample size, the standard errors of the share estimates for all commercial banks are so large that quarter-to-quarter changes in ownership are no longer statistically meaningful. However, given the cost of reporting DDOS data, it is unlikely that the panel could be enlarged appreciably. Indeed, the burden of reporting on current respondents is heavy. At the same time, the use of DDOS data by the Federal Reserve has waned in recent years. In light of these factors, the Federal Reserve proposes that the survey be discontinued.

Board of Governors of the Federal Reserve System, January 10, 1991.

William W. Wiles,

Secretary of the Board.

[FR Doc. 91–1015 Filed 1–15–91; 8:45 am]

BILLING CODE 6210–01–M

North Fork Bancorporation, Inc., et al.; Formations of; Acquisitions by; and Mergers of Bank Holding Companies

The companies listed in this notice have applied for the Board's approval under section 3 of the Bank Holding Company Act (12 U.S.C. 1842) and § 225.14 of the Board's Regulation Y (12 CFR 225.14) to become a bank holding company or to acquire a bank or bank holding company. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank or to the offices of the Board of Governors. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Unless otherwise noted, comments regarding each of these applications must be received not later than February 5, 1991.

A. Federal Reserve Bank of New York (William L. Rutledge, Vice President) 33 Liberty Street, New York, New York 10045:

1. North Fork Bancorporation, Inc., Mattituck, New York; to acquire 100 percent of the voting shares of Eastchester Financial Corp., White Plains, New York, and thereby indirectly acquire Eastchester Savings Bank, White Plains, New York.

B. Federal Reserve Bank of Kansas City (Thomas M. Hoenig, Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

1. Routt County National Bank Corporation, Steamboat Springs, Colorado; to become a bank holding company by acquiring 100 percent of the voting shares of First National Bank of Steamboat Springs, Colorado.

Board of Governors of the Federal Reserve System, January 10, 1991.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 91–1012 Filed 1–15–91; 8:45 am]

BILLING CODE 6210–01–M

Juel Wood Spiers, Jr.; 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 January 30, 1991.

A. Federal Reserve Bank of Atlanta (Robert E. Heck, Vice President) 104 Marietta Street, NW., Atlanta, Georgia 30303:

1. Juel Wood Spiers, Jr., Picayune, Mississippi; trustee for First National Corporation of Picayune Employee Stock Ownership Stock Bonus Plan and Trust, Picayune, Mississippi, to acquire an additional 4.6 percent of the voting shares of First National Corporation of

Picayune, Picayune, Mississippi, for a total of 17.5 percent, and thereby indirectly acquire First National Bank of Picayune, Picayune, Mississippi.

Board of Governors of the Federal Reserve System, January 10, 1991.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 91-1013 Filed 1-15-91; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 90M-0437]

Datascope Corp.; Premarket Approval of the Micross™ PTCA Dilation Catheter

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing its approval of the application by Datascope Corp., Oakland, NJ, for premarket approval, under the Medical Device Amendments of 1976, of the Micross™ PTCA Dilation Catheter. After reviewing the recommendation of the Circulatory System Devices Panel, FDA's Center for Devices and Radiological Health (CDRH) notified the applicant, by letter of September 26, 1990, of the approval of the application.

DATES: Petitions for administrative review by February 15, 1991.

ADDRESSES: Written requests for copies of the summary of safety and effectiveness data and petitions for administrative review to the Dockets Management Branch (HFA-305), Food and Drug Administration, room 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Brad C. Astor, Center for Devices and Radiological Health (HFZ-450), Food and Drug Administration, 1390 Piccard Dr., Rockville, MD 20850, 301-427-1197.

SUPPLEMENTARY INFORMATION: On July 18, 1988, Datascope Corp., Oakland, NJ 07436, submitted to CDRH an application for premarket approval of the Micross™ PTCA Dilation Catheter. The device is indicated for precutaneous transluminal coronary angioplasty of the coronary vasculature for patients who are judged to: (1) Be acceptable candidates for coronary artery bypass graft surgery; (2) have single or multivessel atherosclerotic lesions which are concentric, discrete, subtotal, noncalcific and acceptable to dilation with a catheter; and (3) have undergone previous aorto-coronary bypass surgery with a recurrence of symptoms and the progression of disease in the coronary artery or stenosis and closure of the grafts.

On April 24, 1989, the Circulatory System Devices Panel, an FDA advisory committee, reviewed and recommended approval of the application. On September 26, 1990, CDRH approved the application by a letter to the applicant from the Director of the Office of Device Evaluation, CDRH.

A summary of the safety and effectiveness data on which CDRH based its approval is on file in the Dockets Management Branch (address above) and is available from that office upon written request. Requests should be identified with the name of the device and the docket number found in brackets in the heading of this document.

A copy of all approved labeling is available for public inspection at CDRH—contact Brad C. Astor (HFZ-450), address above.

Opportunity for Administrative Review

Section 515(d)(3) of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 360e(d)(3)) authorizes any interested person to petition, under section 515(g) of the act (21 U.S.C. 350e(g)), for administrative review of CDRH's decision to approve this application. A petitioner may request either a formal hearing under part 12 (21 CFR part 12) of FDA's administrative practices and procedures regulations or a review of the application and CDRH's action by an independent advisory committee of experts. A petition is to be in the form of a petition for reconsideration under § 10.33(b) (21 CFR 10.33(b)). A petitioner shall identify the form of review requested (hearing or independent advisory committee) and shall submit with the petition supporting data and information showing that there is a genuine and substantial issue of material fact for resolution through administrative review. After reviewing the petition, FDA will decide whether to grant or deny the petition and will publish a notice of its decision in the **Federal Register**. If FDA grants the petition, the notice will state the issue to be reviewed, the form of review to be used, the persons who may participate in the review, the time and place where the review will occur, and other details.

Petitioners may, at any time on or before February 15, 1991, file with the Dockets Management Branch (address above) two copies of each petition and supporting data and information, identified with the name of the device and the docket number found in brackets in the heading of this document. Received petitions may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

This notice is issued under the Federal Food, Drug, and Cosmetic Act (secs. 515(d), 520(h) (21 U.S.C. 360e(d), 360j(h))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Director, Center for Devices and Radiological Health (21 CFR 5.53).

Dated: January 8, 1991.

Elizabeth D. Jacobson,

Acting Director, Center for Devices and Radiological Health.

[FR Doc. 91-1028 Filed 1-15-91; 8:45 am]

BILLING CODE 4160-01-M

Health Care Financing Administration

Medicare and Medicaid Programs; Meeting of the Advisory Council on Social Security

AGENCY: Health Care Financing Administration (HCFA), HHS.

ACTION: Notice of public hearing.

SUMMARY: In accordance with section 10(a) of the Federal Advisory Committee Act, this notice announces a hearing of the Advisory Council on Social Security.

DATES: The hearing will be open to the public on January 31, 1990 from 10 a.m. to 7:30 p.m.

ADDRESSES: Foulton County Government Center, Assembly Hall, 141 Pryor St. SW., Atlanta, Georgia 30303.

FOR FURTHER INFORMATION CONTACT: Olga Nelson, Administrative Officer, Advisory Council on Social Security, room 638 G, Hubert H. Humphrey Building, 200 Independence Avenue, SW., Washington, DC 20201, 202-245-0217.

SUPPLEMENTARY INFORMATION:

I. Purpose

Under section 706 of the Social Security Act (the Act), the Secretary of Health and Human Services (the Secretary) appoints the Council every four years. The Council examines issues affecting the Social Security retirement, disability, and survivors insurance programs, as well as the Medicare and Medicaid programs, which were created under the Act.

In addition, the Secretary has asked the Council specifically to address the following:

- The adequacy of the Medicare program to meet the health and long-term care needs of our aged and disabled populations, the impact on Medicaid of the current financing structure for long-term care, and the need for more stable health care financing for the aged, the disabled, the poor, and the uninsured;
- Major Old-Age, Survivors, and Disability Insurance (OASDI) financing issues, including the long-range financial status of the program, relationship of OASDI income and outgo to budget-deficit reduction efforts under the Balanced Budget and Emergency Deficit Control Act of 1985, and projected buildups in the OASDI trust funds; and
- Broad policy issues in Social Security, such as the role of Social Security in overall U.S. retirement income policy.

The Council is composed of 12 members: G. Lawrence Atkins, Robert M. Ball, Philip Briggs, Lonnie R. Bristow, Theodore Cooper, John T. Dunlop, Karen Ignagni, James R. Jones, Paul O'Neill, A.L. "Pete" Singleton, John J. Sweeney, and Don C. Wegmiller. The chairperson is Deborah Steelman.

The Council is to report to the Secretary and Congress by Spring 1991.

II. Agenda

The Council will hear testimony on the interim report on Social Security and its relationship to the Federal budget; other aspects of the social security programs; and issues and options related to health care financing reforms; including long term care.

The agenda items are subject to change as priorities dictate.

(Catalog of Federal Domestic Assistance Programs Nos. 13.714 Medical Assistance Program; 13.733 Medicare-Hospital Insurance; 13.774 Medicare-Supplementary Medical Insurance; 13.802, Social Security-Disability Insurance; 13.803 Social Security-Retirement Insurance 13.805 Social Security-Survivor's Insurance)

Dated: December 31, 1990.

Ann D. LaBelle, D.D.S.,

Executive Director, Advisory Council on Social Security.

[FR Doc. 91–1160 Filed 1–15–91; 8:45 am]

BILLING CODE 4120–01–M

Health Resources and Services Administration

Notice of Filing of Annual Report of Federal Advisory Committee

Notice is hereby given that pursuant to section 13 of Public Law 92–463, the Annual Report for the following Health Resources and Service Administration's Federal Advisory Committee has been filed with the Library of Congress: National Advisory Council on Migrant Health.

Copies are available to the public for inspection at the Library of Congress Newspaper and Current Periodical Reading Room, room 1026, Thomas Jefferson Building, Second Street and Independence Avenue SE., Washington, DC, or weekdays between 9 a.m. and 4:30 p.m. at the Department of Health and Human Services, Department Library, HHS North Building, room G–619, 330 Independence Avenue SW., Washington, DC, telephone (202) 619–0791. Copies may be obtained from: Mr. Jack Egan, Executive Secretary, National Advisory Council on Migrant Health, room 7A–55, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857, Telephone (301) 443–1153.

Dated: January 10, 1991.

Jackie E. Baum,

Advisory Committee Management Officer, HRSA.

[FR Doc. 91–1025 Filed 1–15–91; 8:45 am]

BILLING CODE 4160–15–M

Advisory Council; Notice of Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), announcement is made of the following National Advisory bodies scheduled to meet during the month of March 1991.

Name: Graduate Training in Family Medicine Review Committee

Date and Time: March 5–7, 1991, 8:30 a.m.

Place: Conference Room G & H, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857.

Open on March 5, 8:30 a.m.—9:30 a.m.

Closed for Remainder of Meeting.

Purpose: The Graduate Training in Family Medicine Review Committee shall review applications from public or nonprofit private hospitals, and other public or nonprofit entities that plan, develop and operate or participate in approved graduate training programs in the field of family medicine; or supports trainees in such programs who plan to specialize or work in the practice of family medicine.

Agenda: The open portion of the meeting will cover welcome and opening remarks, financial management and legislative implementation updates, and overview of the review process. The meeting will be closed to the public on March 5, at 9:30 a.m. for the remainder of the meeting for the review of grant applications. The closing is in accordance with the provisions set forth in section 552b(c)(6), title 5 U.S.C. and the determination by the Administrator, Health Resources and Services Administration, pursuant to Public Law 92–463.

Name: Faculty Development Review Committee

Date and Time: March 14–15. 1991. 8:30 a.m.

Place: Conference Rooms I and J, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857.

Open on March 14, 8:30 a.m.—9:30 a.m.

Closed for Remainder of Meeting.

Purpose: The Faculty Development Review Committee shall review applications that: (1) Plan, develop and operate programs for the training of physicians who plan to teach in family medicine training programs; and support physicians who are trainees in such programs and who plan to teach in family medicine training programs; and that (2) plan, develop and operate programs for the training of physicians who plan to teach in general internal medicine or general pediatrics training programs and support traineeships and fellowships to physicians in training.

Agenda: The open portion of the meeting will cover welcome and opening remarks, financial management and legislative implementation updates, and overview of the review process. The meeting will be closed to the public on March 14, at 9:30 a.m. for the remainder of the meeting for the review of grant applications. The closing is in accordance with the provisions set forth in section 552b(c)(6), title 5 U.S.C. and the Determination by the Administrator, Health Resources and Services Administration, pursuant to Public Law 92–463.

Anyone requiring information regarding the subject Councils should contact Mrs. Sherry Whipple, Executive Secretary of the Faculty Development Review Committee, and the Graduate Training in Family Medicine Review Committee, Room 4C–18, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857, Telephone (301) 443–6874.

Agenda Items are subject to change as priorities dictate.

Dated: January 10, 1991.

Jackie E. Baum,

Advisory Committee Management Officer, HRSA.

[FR Doc. 91–1026 Filed 1–15–91; 8:45 am]

BILLING CODE 4160–15–M

National Institutes of Health

National Institute of General Medical Sciences; Amended Notice of Meeting

Notice is hereby given of a change in the meeting of the National Advisory General Medical Sciences Council, National Institute of General Medical Sciences, National Institutes of Health, which was published in the Federal Register on December 11, 1990, (55 FR 50885).

As previously noticed in the Federal Register on December 11, 1990, the National Advisory General Medical Sciences Council is scheduled to meet on Janaury 22 and 23, 1991, at the National Institutes of Health, Building 31, Bethesda, Maryland. The location has been changed from Conference room 10 to Conference room 6.

The Council was scheduled to meet on January 21 at the Hyatt Regency Hotel, Bethesda, Maryland, from 9 a.m. to 5 p.m. in closed session for the review of grant applications submitted to the National Center for Human Genome Research. This portion of the meeting has been cancelled. The grant applications will now be reviewed by the recently established National Advisory Council for Human Genome Research.

Dated: January 11, 1991.

Betty J. Beveridge,

Committee Management Officer, NIH.

[FR Doc. 91–1157 Filed 1–15–91; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[AZ–010–91–4322–02; 1784–010]

Arizona Strip District Advisory Boards; Meeting

AGENCY: Bureau of Land Management, Arizona Strip District, Interior.

ACTION: Notice of meeting.

SUMMARY: The Arizona Strip District Grazing Advisory Board will meet Tuesday February 19, 1991 at 9 a.m. in the Hilton Inn, 1450 South Hilton Inn Drive, St. George, Utah. Primary topics of the meetings are range improvement projects and resource management updates.

FOR FURTHER INFORMATION CONTACT: G. William Lamb, District Manager, 390 North 3050 East, St. George, Utah 84770 (Phone 801/673–3545).

SUPPLEMENTARY INFORMATION: The meeting is open to the public. Any person may attend, file a written statement by mail, or appear before the Board at 9:30 a.m.

Dated: January 7, 1991.

G. William Lamb,

Arizona Strip District Manager.

[FR Doc. 91–1078 Filed 1–15–91; 8:45 am]

BILLING CODE 4310–32–M

[NV–060–4322–02]

Battle Mountain District Advisory Council Meeting in Battle Mountain, NV

SUMMARY: Notice is hereby given in accordance with Public Law 94–579 and 43 CFR part 1780 that a meeting of the Battle Mountain District Advisory Council will be held on Thursday, January 31, 1991. The meeting will convene at 9 a.m. in the Conference Room at the Battle Mountain District Office in Battle Mountain, Nevada.

SUPPLEMENTARY INFORMATION: The agenda for the meeting will include:

1. Fiscal Year 1991 Budget and Program Activities
2. Tonopah Resource Management Plan Update
3. Shoshone-Eureka Allotment Evaluation and Decision Process
4. Nevada BLM Mining Initiatives and Memorandum of Understanding with the State of Nevada

The meeting is open to the public. Interested persons may make oral statements between 3:30 and 4 p.m. on January 31, 1991. If you wish to make an oral statement, please contact James D. Currivan by 4:30 p.m., January 28, 1991.

FOR FURTHER INFORMATION CONTACT: James D. Currivan, District Manager, P.O. Box 1420, Battle Mountain Nevada, 89820 or phone (702) 635–4000.

Dated: January 7, 1991.

James D. Currivan,

District Manager, Battle Mountain, Nevada.

[FR Doc. 91–967 Filed 1–15–91; 8:45 am]

BILLING CODE 4310–HC–M

[ID–030–4320–12]

Idaho Falls District Grazing Advisory Board

AGENCY: Bureau of Land Management, Interior.

ACTION: Meeting of the Idaho Falls District Grazing Advisory Board.

SUMMARY: The Idaho Falls District Grazing Advisory Board will meet Thursday, February 21, 1991. Notice of this meeting is in accordance with Public Law 92–463. The meeting will begin at 9 a.m. at the Idaho Falls District Office at 940 Lincoln Road, Idaho Falls, Idaho. The meeting is open to the public; public comments will be accepted from 9:30 a.m. to 10 a.m.

The agenda for this meeting includes, but is not limited to: District highlights, Indian Rocks Park, Blackfoot River Coordinated Management Plan, Environmental Assessment Procedures, noxious weed program, proposed District policy on base property and livestock leases, and project funding to include both 8100 projects and Advisory Board projects.

Detailed minutes of the Board meeting will be maintained in the District Office and will be available for public review during regular business hours (7:45 a.m. to 4:30 p.m., Monday through Friday) within 30 days following the meeting.

Dated: January 7, 1991

Lloyd H. Ferguson,

District Manager.

[FR Doc. 91–1004 Filed 1–15–91; 8:45 am]

BILLING CODE 4310–GG–M

[UT–060–00–4320–02]

Moab District Grazing Advisory Board; Meeting

AGENCY: Bureau of Land Management, Moab.

ACTION: Moab District Grazing Advisory Board meeting.

SUMMARY: Notice is hereby given in accordance with Public Law 92–463 that a meeting of the Moab District Grazing Advisory Board will be held on February 14, 1991. The meeting will begin at 10 a.m. in the conference room of the Bureau of Land Management's Moab District Office at 82 East Dogwood, Moab, Utah.

The agenda for the meeting will include:

1. Election of Officers;
2. Briefing on drought strategy and procedures for FY 1991 throughout the District;
3. Range Improvement Projects for FY 1991;
4. Coordinated Resource Management Plan Proposal for Comb Wash Allotment;
5. Discussion of APHIS's Animal Damage Control Program in the Moab District;
6. Report on status of San Juan and San Rafael RMPs; and
7. Public topics as submitted below.

The meeting is open to the public. Interested persons may make oral statements to the Board between 2 p.m. and 3 p.m. on February 14, 1991 or file written statements for the Board's

consideration. Anyone wishing to make an oral statement must submit a written summary of their statement to the District Manager, Bureau of Land Management, P.O. Box 970, Moab, Utah 84532, by February 12, 1991. Written statements submitted for the Board's consideration must be received at the above address on or before February 13, 1991. Summary minutes of the Board meeting will be maintained in the District Office and will be available within thirty (30) days following the meeting.

Gene Nodine,

District Manager.

[FR Doc. 91-1079 Filed 1-15-91; 8:45 am]

BILLING CODE 4310-DQ-M

[NV-930-4211-11; N-20284 Amendment]

Notice of Realty Action; Recreation and Public Purposes (R&PP) Act Classification, Nevada

AGENCY: Bureau of Land Management.

ACTION: Notice of realty action classifying public lands.

SUMMARY: Lyon County Schools submitted a request to the BLM for conveyances of 60.44 acres of public lands located in Lyon County, Nevada, which have been substantially developed for a high school facility under R&PP Lease N-20284. However, patent cannot effectively be issued based on the present metes and bounds description of the lands. Therefore, in order to accommodate Lyon County Schools, facilitate conveyance and allow for additional expansion, an aliquot parts description incorporating an additional 7.06 acres into the existing lease area was developed in cooperation with the County as follows:

Mount Diablo Meridian, Nevada

T. 20 N., R. 24 E.,

Original Metes and Bounds Description

Sec. 24, the south 50' of the SE¼SEW¼, except the west 200' thereof; the south 500' of the NW¼SW¼, except the west 200' thereof; the west 200' of the SE¼SW¼, except the north 300' thereof; and the SW¼SW¼.

Aggregating 60.44 Acres

Aliquot Parts Description

Sec. 24, lots 1 and 2, E½SW¼NW¼SW¼, E½W½SW¼NW¼SW¼, SE¼NW¼SW¼, W½W½SE¼SW¼.

Aggregating 67.5 Acres

The 7.06 acres under consideration for R&PP amendment have been examined and found suitable for classification for lease or conveyance to Lyon County Schools under the provisions of the Recreation and Public Purposes Act, as amended (43 U.S.C. 869 et seq.).

The subject lands were withdrawn for reclamation purposes in association with the Newlands Project and are under Bureau of Reclamation administration. The Bureau of Reclamation has approved a determination that the lands are no longer needed for reclamation or any other Federal purposes. Lease or conveyance is consistent with current BLM land use planning and would be in the public interest.

The lease/patent when issued will be subject to the following terms, conditions and reservations:

1. Provisions of the Recreation and Public Purposes Act and to all applicable regulations of the Secretary of the Interior.

2. A right-of-way for ditches and canals constructed by the authority of the United States.

3. All minerals shall be reserved to the United States, together with the right to prospect for, mine and remove the minerals.

4. Those rights for powerline purposes granted to Sierra Pacific Power Company by Right-of-Way Nev-066163.

Detailed information concerning this action is available for review at the office of the Bureau of Land Management, Carson City District, 1535 Hot Springs Road, suite 300, Carson, City, Nevada 89706-0638.

Upon publication of this notice in the **Federal Register**, the lands will be segregated from all other forms of appropriation under the public land laws, including the general mining laws, except for lease or conveyance under the Recreation and Public Purposes Act and leasing under the mineral leasing laws. For a period of 45 days from the date of publication of this notice, interested persons may submit comments regarding the proposed lease/conveyance or classification of the lands to the Area Manager, Lahontan Resource Area, Carson City District Office, 1535 Hot Springs Road, suite 300, Carson City, Nevada 89706-0638. Any adverse comments will be reviewed by the Area Manager. In the absence of any adverse comments, the classification will become effective 60 days from the date of publication of this notice.

Dated: January 4, 1991.

James M. Phillips,

Area Manager, Lahontan Resource Area.

[FR Doc. 91-1080 Filed 1-15-91; 8:45 am]

BILLING CODE 4310-HC-M

[WY-010-01-4410-08]

Cody Resource Area; Resource Management Plans

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of availability of the Record of Decision (ROD) for the Cody Resource Management Plan/Environmental Impact Statement (RMP/EIS) and the approved Cody Resource Management Plan (RMP).

SUMMARY: In accordance with the Federal Land Policy and Management Act of 1976 and the National Environmental Policy Act of 1969, the Wyoming State Director of the Bureau of Land Management has signed the Record of Decision (ROD) on the Environmental Impact Statement (EIS) for the Cody Resource Management Plan (RMP). The Cody ROD identifies the selection of the approved Cody RMP. The approved CODY RMP presents multiple-use management prescriptions for approximately 891,600 acres of public land and 1,505,200 acres of Federal mineral estate in portions of Park and Big Horn counties in the Bighorn Basin of north central Wyoming. The Cody draft RMP/EIS was made available for public review and comment in February of 1988. Comments received on the draft RMP/EIS were considered in preparing the proposed RMP/final EIS. The Cody proposed RMP/final EIS was made available for review and protest in September of 1988. During a 30-day protest period on the Cody proposed RMP/final EIS, six protests were filed.

In resolving the six protests, the BLM made several modifications in the Cody RMP.

Management prescriptions are presented for all BLM administered public land and resource uses and values found within the planning area, such as: Minerals, watershed values, wildlife habitat, livestock grazing, wild horses, forest resources, cultural values, and recreation. The off-road vehicle designations previously published in a separate ROD dated July, 1990, have been incorporated into the Cody RMP. Also, the livestock grazing portion of the Cody RMP will be published as a separate Range Program Summary (RPS) at a later date. These RPSs are kept current on a continuing basis

ADDRESSES: Information on the approved Cody RMP may be obtained from the Area Manager, Cody Resource Area, P.O. Box 518, Cody, Wyoming 82414, telephone (307) 587-2216.

FOR FURTHER INFORMATION CONTACT: The Area Manager, Cody Resource Area at the above address or George Hollis, Assistant District Manager for Lands and Renewable Resources, Worland District Office, P.O. Box 119, Worland, Wyoming 82401, telephone (307) 347–9871. Copies of the Cody ROD and approved plan are available in the Cody Resource Area Office.

SUPPLEMENTARY INFORMATION: The approved RMP for the Cody Resource Area provides guidance to resource managers for the comprehensive management and use of the BLM-administered public lands and resources in the Cody Resource Area. Four Areas of Critical Environmental Concern (ACEC), are designated in the approved plan:.

Approximately 7,819 acres are designated as the Carter Mountain ACEC. The management objective for the Carter Mountain ACEC is to protect areas of unique airplane tundra and fragile soils.

Approximately 160 acres are designated as the Five Springs Falls ACEC. The management objective for the Five Springs Falls ACEC is to protect existing populations of four near-endemic rare and sensitive plant species in the Five Springs Falls area.

Approximately 22,270 acres are designated as the Little Mountain ACEC. The management objective for the Little Mountain ACEC is to protect and manage important cave, cultural, and paleontological resources, and to maintain scenic values.

Approximately 12,285 acres are designated as the Sheep Mountain Anticline ACEC. The management objective for the Sheep Mountain Anticline ACEC is to protect an important natural area with unique geological features.

Further information regarding these special management area designations and Special Recreation Management Areas (SRMAs) is contained in the Cody RMP. Management of wilderness values will continue under interim management until Congress acts on wilderness legislation.

Individuals interested in and wishing to be involved in future implementation of management actions that may involve or affect the resource values addressed in the approved RMP, are requested to identify themselves. Please contact the Cody Resource Area or the Worland District BLM Offices at the above addresses and request to be placed on a future contact list.

Copies of the Cody RMP may be obtained from the Cody Resource Area Office at the address listed above.

Dated: January 7, 1991.

F. William Eikenberry,

Associate State Director, Wyoming.

[FR Doc. 91–1009 Filed 1–15–91; 8:45 am]

BILLING CODE 4310–22–M

Minerals Management Service

The North Carolina Environmental Sciences Review Panel

This is published in accordance with section 9(a)(2) of the Federal Advisory Committee Act (5 U.S.C. appendix) and gives notice that the Secretary of the Interior is establishing the North Carolina Environmental Sciences Review Panel.

In accordance with Public Law 101–380, section 6003, the Panel will assess the adequacy of available physical oceanographic, ecological, and socioeconomic information for offshore North Carolina and prepare and submit to the Secretary of the Interior a report on its assessment. The purpose of this assessment is to enable the Secretary of the Interior to carry out his responsibilities under the Outer Continental Shelf (OCS) Lands Act with respect to issuing new leases, approving exploration or development and production plans, approving applications for permits to drill, and permitting any drilling for oil and gas on OCS lands offshore North Carolina. If the Panel concludes that available information is not adequate for the above purpose, the Panel will indicate what additional information it considers is required to enable the Secretary of the Interior to carry out his responsibilities.

Further information regarding the Panel may be obtained from the Minerals Management Service, 1849 C Street, NW. (MS–4230) Washington, DC 20240.

Dated: December 21, 1990.

Thomas Gernhofer,

Associate Director for Offshore Minerals Management.

[FR Doc. 91–1060 Filed 1–15–91; 8:45 am]

BILLING CODE 4310–MR–M

North Carolina Environmental Sciences Review Panel; Notice and Agenda for Meeting

This Notice is issued in accordance with the provisions of the Federal Advisory Committee Act, Public Law No. 92–463, 5 U.S.C. appendix 1, and the Office of Management and Budget's Circular No. A–63, Revised.

The North Carolina Environmental Sciences Review Panel will meet from 10 a.m. to 5 p.m. on Monday, January 28 in the Auditorium of the Duke University Marine Laboratory, Library Auditorium Building in Beaufort, North Carolina. The Panel will discuss its purpose, function, and responsibilities.

The meeting is open to the public. Upon request, interested parties may make oral or written presentations related to the purpose of the Panel. Requests should be made to Mr. Andrew Robertson, Panel Coordinator, 301–443–8933.

Dated: January 11, 1991.

Thomas Gernhofer,

Associate Director for Offshore Minerals Management.

[FR Doc. 91–1061 Filed 1–11–91; 8:45 am]

BILLING CODE 4310–MR–M

National Park Service

National Register of Historic Places; Notification of Pending Nominations

Nominations for the following properties being considered for listing in the National Register were received by the National Park Service before January 5, 1991. Pursuant to § 60.13 of 36 CFR part 60 written comments concerning the significance of these properties under the National Register criteria for evaluation may be forwarded to the National Register, National Park Service, P.O. Box 37127, Washington, DC 20013–7127. Written comments should be submitted by January 31, 1991.

Carol D. Shull,

Chief of Registration, National Register.

COLORADO

Weld County

Glazier House, 1402 10th Ave., Greeley, 91000002

MARYLAND

Harford County

Nelson—Reardon—Kennard House, 3604 Philadelphia Rd., Abingdon, 91000001

NORTH CAROLINA

Mecklenburg County

Ewart, John F., Farm (Rural Mecklenburg County MPS), 12920 Huntersville—Concord Rd., Huntersville vicinity, 91000023

McAuley Farm (Rural Mecklenburg County MPS), 10724 Alexanderana Rd., Charlotte vicinity, 91000024

VIRGINIA

Arlington County

Northwest #1 Boundary Marker of the Original District of Columbia (Boundary Markers of the Original District of

Columbia MPS), 3607 Powhatan St., Arlington, 91000003
Northwest #2 Boundary Marker of the Original District of Columbia (Boundary Markers of the Original District of Columbia MPS), 5145 N. 38th St., Arlington, 91000004
Southwest #4 Boundary Marker of the Original District of Columbia (Boundary Markers of the Original District of Columbia MPS), King St. N of jct. with Wakefield St., Alexandria, 91000009
Southwest #5 Boundary Marker of the Original District of Columbia (Boundary Markers of the Original District of Columbia MPS), NE of jct. of King St. and Walter Reed Dr., Arlington, 91000010
Southwest #6 Boundary Marker of the Original District of Columbia (Boundary Markers of the Original District of Columbia MPS), S. Jefferson St. S of jct. with Columbia Pike, in median strip, Bailey's Crossroads, 91000011
Southwest #7 Boundary Marker of the Original District of Columbia (Boundary Markers of the Original District of Columbia MPS), Behind 3101 S. Manchester St., Fairfax, 91000012
Southwest #8 Boundary Marker of the Original District of Columbia (Boundary Markers of the Original District of Columbia MPS), Jct. of Wilson Blvd. and John Marshall Dr., behind apt. bldg., Arlington, 91000013
West Cornerstone (Boundary Markers of the Original District of Columbia MPS), W side Meridian St., S of jct. with Williamsburg Blvd., Falls Church, 91000014

Dinwiddie County

Rose Bower, VA 665 S of jct. with VA 40, Stoney Creek vicinity, 91000020

Fairfax County

Frying Pan Meetinghouse, 2615 Centreville Rd., Floris vicinity, 91000016
Northwest #3 Boundary Marker of the Original District of Columbia (Boundary Markers of the Original District of Columbia MPS), 4013 N. Tazewell St., Arlington, 91000005

Nottoway County

Little Mountain Pictograph Site, Address Restricted, Blackstone vicinity, 91000021

Orange County

Tetley, VA 64 E of jct. with VA 231, Somerset vicinity, 91000018

Patrick County

Aurora, VA 629 S of jct. with US 58, Spencer vicinity, 91000015

Wise County

Colonial Hotel, Jct of Main and Spring Sts., Wise, 91000019

Alexandria Independent City

Southwest #1 Boundary Marker of the Original District of Columbia (Boundary Markers of the Original District of Columbia MPS), 1220 Wilkes St., Alexandria 91000006
Southwest #2 Boundary Marker of the Original District of Columbia (Boundary Markers of the Original District of Columbia MPS), E side of Russell Rd., N of jct. with King St., Alexandria 91000007
Southwest #3 Boundary Marker of the Original District of Columbia (Boundary Markers of the Original District of Columbia MPS), 2952 King St., Alexandria 91000008

Richmond Independent City

Oregon Hill Historic District, Roughly bounded by W. Cary St., Belvidere St., Oregon Hill Park, S. Cherry St. and S. Linden St., Richmond, 91000022

FR Doc. 91–966 Filed 1–15–91; 8:45 am]
BILLING CODE 4310–70–M

INTERNATIONAL TRADE COMMISSION

[Investigation No. 731–TA–485 (Preliminary)]

Certain Gene Amplification Thermal Cyclers and Subassemblies Thereof from the United Kingdom

Determination

On the basis of the record [1] developed in the subject investigation, the Commission determines,[2] pursuant to section 733(a) of the Tariff Act of 1930 (19 U.S.C. 1673b(a)), that there is a reasonable indication that an industry in the United States is threatened with material injury by reason of imports from the United Kingdom of Peltier-effect *in vitro* gene amplification thermal cyclers and subassemblies thereof,[3] provided for in subheadings 8419.89.50 and 8419.90.90, respectively, of the harmonized Tariff Schedule of the United States, that are alleged to be sold in the United States at less than fair value (LTFV).

Background

On November 14, 1990, a petition was filed with the Commission and the Department of Commerce by MJ Research, Inc., Watertown, MA, alleging that an industry in the United States is materially injured and threatened with material injury by reason of LTFV imports of Peltier-effect *in vitro* gene amplification thermal cyclers and subassemblies thereof from the United Kingdom. Accordingly, effective November 14, 1990, the Commission instituted preliminary antidumping investigation No. 731–TA–485 (Preliminary).

Notice of the institution of the Commission's investigation and of a public conference to be held in connection therewith was given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, DC, and by publishing the notice in the **Federal Register** of November 20, 1990 (55 FR 48302). The conference was held in Washington, DC, on December 5, 1990, and all persons who requested the opportunity were permitted to appear in person or by counsel.

The Commission transmitted its determination in this investigation to the Secretary of Commerce on December 31, 1990. The view of the Commission are contained in USITC Publication 2346 (December 1990), entitled "Certain Gene Amplification Thermal Cyclers and Subassemblies Thereof from the United Kingdom: Determination of the Commission in Investigation No. 731–TA–485 (Preliminary) Under the Tariff Act of 1930, Together With the Information Obtained in the Investigation."

Issued: January 10, 1991.

By Order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 91–1021 Filed 1–15–91; 8:45 am]
BILLING CODE 7020–02–M

[1] The record is defined in § 207.2(h) of the Commission's Rules of Practice and Procedure (19 CFR 207.2(h)).

[2] Acting Chairman Brunsdale and Commissioner Rohr dissenting.

[3] The imports covered by this determination are certain gene amplification thermal cyclers (GATCs), consisting of Peltier-effect *in vitro* GATCs, whether assembled or unassembled, and the subassemblies thereof specified below. GATCs are microprocessor-based reaction controllers that regulate temperatures of biologic reagents through a programmed and highly-controlled thermal regime. GATCs incorporate a metal sample block, one or more thermoelectric modules, one or more electronic thermal sensors, a heat exchanger, power supply circuitry, microprocessor-based logic circuitry, software, and a housing or enclosure. GATCs are used in a variety of biotechnology applications, such as *in vitro* gene amplification, and sequencing and radionucleotide labeling reactions. Peltier-effect machines use one or more thermoelectric modules for cooling the biologic samples, and the thermoelectric modules and/or electric resistive heaters for heating the biologic samples. Excluded from the scope of this determination are vapor-compression thermal cyclers, which use a reversed Rankine cycle apparatus, and heat-only thermal cyclers.

The following subassemblies are included in the scope of the determination when they are manufactured according to specifications and operational requirements for use in a GATC as defined in the preceding paragraph: (a) The sample block/thermoelectric/sensor/heat exchanger subassembly, which consists of the sample block, one or more thermoelectric modules, one or more electronic thermal sensors, and a heat exchanger, and which can include an electric resistive heater; (b) the housing or enclosure, whether finished or unfinished, of the GATC; (c) the membrane keypad used to program and control a GATC; and (d) the software to operate the GATC.

[Investigation No. 337-TA-322]

Certain Microporous Nylon Membrane and Products Containing Same Investigation

AGENCY: International Trade Commission.

ACTION: Institution of investigation pursuant to 19 U.S.C. 1337.

SUMMARY: Notice is hereby given that a complaint was filed with the U.S. International Trade Commission on December 12, 1990, under section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, on behalf of Pall Corporation, 2200 Northern Boulevard, East Hills, New York 11548. Letters supplementing the complaint was filed on December 27, 1990, January 3, 1991, January 4, 1991 and January 9, 1991. The complaint, as supplemented, alleges violations of section 337 in the importation into the United States, the sale for importation, and the sale within the United States after importation of certain microporous nylon membrane and products containing same, by reason of alleged direct, contributory and/or induced infringement of claims 34, 37, 39, 48, 49, 50, 53, 69, 75, 116, 119, 121, 125, 126, 129, 131, 132, 133, 134, and 137 of U.S. Letters Patent 4,340,479, and that there exists an industry in the United States as required by subsection (a)(2) of section 337.

The complainant requests that the Commission institute an investigation and, after a full investigation, issue a permanent exclusion order and permanent cease and desist orders.

ADDRESSES: The complaint, except for any confidential information contained therein, is available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street, SW., room 112, Washington, DC 20436, telephone 202-252-1802. Hearing-impaired individuals are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on 202-252-1810.

FOR FURTHER INFORMATION CONTACT: Kent R. Stevens, Esq., Office of Unfair Import Investigations, U.S. International Trade Commission, telephone 202-252-1579.

Authority: The authority for institution of this investigation is contained in section 337 of the Tariff Act of 1930, as amended, and in § 210.12 of the Commission's Interim Rules of Practice and Procedure, 19 CFR 210.12.

SCOPE OF INVESTIGATION: Having considered the complaint, the U.S. International Trade Commission, on January 10, 1991, *Ordered* that—

(1) Pursuant to subsection (b) of section 337 of the Tariff Act of 1930, as amended, an investigation be instituted to determine whether there is a violation of subsection (a)(1)(B)(i) of section 337 in the importation into the United States, the sale for importation, or the sale within the United States after importation of certain microporous nylon membrane or products containing same, by reason of alleged direct, contributory or induced infringement of claims 34, 37, 39, 48, 49, 50, 53, 69, 75, 116, 119, 121, 125, 126, 129, 131, 132, 133, 134, or 137 of U.S. Letters Patent 4,340,479; and whether there exists an industry in the United States as required by subsection (a)(2) of section 337.

(2) For the purpose of the investigation so instituted, the following are hereby named as parties upon which this notice of investigation shall be served:

(a) The complainant is—

Pall Corporation, 2200 Northern Boulevard, East Hills, New York 11548.

(b) The respondents are the following companies alleged to be in violation of section 337, and are the parties upon which the complaint is to be served:

Enka A.G., Postfach 100149, Enka-Haus Kasinostrasse, D-5600 Wuppertal 1, Germany.

Enka America, Inc. Ridgefield Business Center, suite 318, Asheville, North Carolina 28810.

Meissner Filtration Products Co., Inc., 1300 Stellar Drive, Oxnard, California 93030.

Meissner Manufacturing Co., Inc., 3750 Cohasset Street, Burbank, California 91505.

(c) Kent R. Stevens, Esq., Office of Unfair Import Investigations, U.S. International Trade Commission, 500 E Street, SW., room 401D, Washington, DC 20436, who shall be the Commission investigative attorney, party to this investigation; and

(3) For the investigation so instituted, Janet D. Saxon, Chief Administrative Law Judge, U.S. International Trade Commission, shall designate the presiding Administrative Law Judge.

Responses to the complaint and the notice of investigation must be submitted by the named respondents in accordance with § 210.21 of the Commission's Interim Rules of Practice and Procedure, 19 CFR 210.21. Pursuant to §§ 201.16(d) and 210.21(a) of the Commission's Rules, 19 CFR 201.16(d) and 210.21(a), such responses will be considered by the Commission if received not later than 20 days after the date of service of the complaint. Extensions of time for submitting responses to the complaint will not be granted unless good cause therefor is shown.

Failure of a respondent to file a timely response to each allegation in the complaint and in this notice may be deemed to constitute a waiver of the right to appear and contest the allegations of the complaint and this notice, and to authorize the administrative law judge and the Commission, without further notice to such respondent, to find the facts to be as alleged in the complaint and this notice and to enter both an initial determination and a final determination containing such findings, and may result in the issuance of a limited exclusion order or a cease and desist order or both directed against such responden[t].

Issued: January 11, 1991.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 91-1020 Filed 1-15-91; 8:45 am]

BILLING CODE 7020-02-M

[Investigations Nos. 731-TA-495-496 (Preliminary)]

Certain shopping Carts From China and Taiwan

AGENCY: United States International Trade Commission.

ACTION: Institution of preliminary antidumping investigations and scheduling of a conference to be held in connection with the investigations.

SUMMARY: The Commission hereby gives notice of the institution of preliminary antidumping investigations Nos. 731-TA-496 (Preliminary) under section 733(a) of the Triff Act of 1930 (19 U.S.C. 1673b(a)) to determine whether there is a reasonable indication that an industry in the United States is materially injured, or is threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of imports from China and Taiwan of certain shopping carts,[1] that are alleged to be sold in the United States at less than fair value. As provided in section 733(a), the Commission must complete preliminary antidumping investigations

[1] Shopping Carts are non-commercial shopping carts of steel tubing and wire construction. The shopping carts in question are small vehicles with either two or four wheels, typically used by consumers to carry items from grocery, clothing, or other types of stores to the home, as provided for in subheading 8716.80.5050 of the Harmonized Tariff Schedule of the United States (HTS) (item 692.6000 of the former Tariff Schedules of the United States Annotated (TSUSA)), or wherever else classified.

in 45 days, or in this case by February 25, 1991.

For further information concerning the conduct of these investigations and rules of general application, consult the Commission's Rules of Practice and Procedure, part 207, subparts A and B (19 CFR part 207), and part 201, subparts A through E (19 CFR part 201).

EFFECTIVE DATE: January 10, 1991.

FOR FURTHER INFORMATION CONTACT: Olympia DeRosa Hand (202–252–1182), Office of Investigations, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436. Hearing-impaired individuals are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on 202–252–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–252–1000.

SUPPLEMENTARY INFORMATION:

Background.—These investigations are being instituted in response to a petition filed on January 10, 1991 by Petite Home Products, Inc., Brooklyn, NY.

Participation in the investigations.—Persons wishing to participate in these investigations as parties must file an entry of appearance with the Secretary to the Commission, as provided in § 201.11 of the Commission's rules (19 CFR 201.11), not later than seven (7) days after publication of this notice in the **Federal Register**. Any entry of appearance filed after this date will be referred to the Chairman, who will determine whether to accept the late entry for good cause shown by the person desiring to file the entry.

Public service list.—Pursuant to § 201.11(d) of the Commission's rules (19 CFR 201.11(d)), the Secretary will prepare a public service list containing the names and addresses of all persons, or their representatives, who are parties to these investigations upon the expiration of the period for filing entries of appearance. In accordance with § 201.16(c) and 207.3 of the rules (19 CFR 201.16(c) and 207.3), each public document filed by a party to the investigations must be served on all other parties to the investigations (as identified by the public service list), and a certificate of service must accompany the document. The Secretary will not accept a document for filing without a certificate of service.

Limited disclosure of business proprietary information under a protective order and business proprietary information service list.—Pursuant to § 207.7(a) of the Commission's rules (19 CFR 207.7(a)), the Secretary will make available business proprietary information gathered in these preliminary investigations to authorized applicants under a protective order, provided that the application be made not later than seven (7) days after the publication of this notice in the **Federal Register**. A separate service list will be maintained by the Secretary for those parties authorized to receive business proprietary information under a protective order. The Secretary will not accept any submission by parties containing business proprietary information without a certificate of service indicating that it has been served on all the parties that are authorized to receive such information under a protective order.

Conference.—The Director of Operations of the Commission has scheduled a conference in connection with these investigations for 9:30 a.m. on January 31, 1991 at the U.S. International Trade Commission Building, 500 E Street SW., Washington, DC. Parties wishing to participate in the conference should contact Olympia Hand (202–252–1182) not later than January 28, 1991 to arrange for their appearance. Parties in support of the imposition of antidumping duties in these investigations and parties in opposition to the imposition of such duties will each be collectively allocated one hour within which to make an oral presentation at the conference.

Written submissions.—Any person may submit to the Commission on or before February 4, 1991 a written brief containing information and arguments pertinent to the subject matter of the investigations, as provided in § 207.15 of the Commission's rules (19 CFR 207.15). If briefs contain business proprietary information, a nonbusiness proprietary version is due February 5, 1991. A signed original and fourteen (14) copies of each submission must be filed with the Secretary to the Commission in accordance with § 201.8 of the rules (19 CFR 201.8). All written submissions except for business proprietary data will be available for public inspection during regular business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary to the Commission.

Any information for which business proprietary treatment is desired must be submitted separately. The envelope and all pages of such submissions must be clearly labeled "Business Proprietary Information." Business proprietary submissions and requests for business proprietary treatment must conform with the requirements of §§ 201.6 and 207.7 of the Commission's rules (19 CFR 201.6 and 207.7).

Parties which obtain disclosure of business proprietary information pursuant to § 207.7(a) of the Commission's rules (19 CFR 207.7(a)) may comment on such information in their written brief, and may also file additional written comments on such information no later than February 7, 1991. Such additional comments must be limited to comments on business proprietary information received in or after the written briefs. A nonbusiness proprietary version of such additional comments is due February 8, 1991.

Authority: These investigations are being conducted under authortiy of the Tariff Act of 1930, title VII. This notice is published pursuant to § 207.12 of the Commission's rules (19 CFR 207.12).

Issued: January 14, 1991.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 91–1161 Filed 1–15–91; 8:45 am]

BILLING CODE 7020–02–M

[Investigation No. 731–TA–464 (Final)]

Sparklers From China

AGENCY: United States International Trade Commission.

ACTION: Institution of a final antidumping investigation and scheduling of a hearing to be held in connection with the investigation.

SUMMARY: The Commission hereby gives notice of the institution of final antidumping investigation No. 731–TA–464 (Final) under section 735(b) of the Tariff Act of 1930 (19 U.S.C. 1673d(b)) (the act) to determine whether an industry in the United States is materially injured, or is threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of imports from China of sparklers, provided for in subheading 3604.10.00 of the Harmonized Tariff Schedule of the United States, that have been found by the Department of Commerce, in a preliminary determination, to be sold in the United States at less than fair value (LTFV). Commerce will make its final LTFV determination on or before April 26, 1991, and the Commission will make its final injury determination by June 10, 1991 (see sections 735(a) and 735(b) of the act (19 U.S.C. 1673d(a) and 1673(b))).

For further information concerning the conduct of this investigation, hearing procedures, and rules of general application, consult the Commission's

Rules of Practice and Procedure, part 207, subparts A and C (19 CFR part 207), and part 201, subparts A through E (19 CFR part 201).

EFFECTIVE DATE: December 17, 1990.

FOR FURTHER INFORMATION CONTACT: Olympia DeRosa Hand (202–252–1182), Office of Investigations, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436. Hearing-impaired individuals are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on 202–252–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–252–1000.

SUPPLEMENTARY INFORMATION:

Background

This investigation is being instituted as a result of an affirmative preliminary determination by the Department of Commerce that imports of sparklers from China are being sold in the United States at less than fair value within the meaning of section 733 of the act (19 U.S.C. 1673b). The investigation was requested in a petition filed on July 2, 1990, by Elkton Sparkler Co., North East, MD, and Diamond Sparkler Co., Youngstown, OH. In response to that petition the Commission conducted a preliminary antidumping investigation and, on the basis of information developed during the course of that investigation, determined that there was a reasonable indication that an industry in the United States was materially injured by reason of imports of the subject merchandise (55 FR 34628, August 23, 1990).

Participation in the Investigation

Persons wishing to participate in this investigation as parties must file an entry of appearance with the Secretary to the Commission, as provided in § 201.11 of the Commission's rules (19 CFR 201.11), not later than twenty-one (21) days after the publication of this notice in the **Federal Register**. Any entry of appearance filed after this date will be referred to the Chairman, who will determine whether to accept the late entry for good cause shown by the person desiring to file the entry.

Public Service List

Pursuant to § 201.11(d) of the Commission's rules (19 CFR 201.11(d)), the Secretary will prepare a public service list containing the names and addresses of all persons, or their representatives, who are parties to this investigation upon the expiration of the period for filing entries of appearance. In accordance with §§ 201.16(c) and 207.3 of the rules (19 CFR 201.16(c) and 207.3), each public document filed by a party to the investigation must be served on all other parties to the investigation (as identified by the public service list), and a certificate of service must accompany the document. The Secretary will not accept a document for filing without a certificate of service.

Limited Disclosure of Business Proprietary Information Under a Protective Order and Business Proprietary Information Service List

Pursuant to § 207.7(a) of the Commission's rules (19 CFR 207.7(a)), the Secretary will make available business proprietary information gathered in this final investigation to authorized applicants under a protective order, provided that the application be made not later than twenty-one (21) days after the publication of this notice in the **Federal Register**. A separate service list will be maintained by the Secretary for those parties authorized to receive business proprietary information under a protective order. The Secretary will not accept any submission by parties containing business proprietary information without a certificate of service indicating that it has been served on all the parties that are authorized to receive such information under a protective order.

Staff Report

The prehearing staff report in this investigation will be placed in the nonpublic record on April 15, 1991, and a public version will be issued thereafter, pursuant to § 207.21 of the Commission's rules (19 CFR 207.21).

Hearing

The Commission will hold a hearing in connection with this investigation beginning at 9:30 a.m. on April 30, 1991, at the U.S. International Trade Commission Building, 500 E Street SW., Washington, DC. Requests to appear at the hearing should be filed in writing with the Secretary to the Commission not later than the close of business (5:15 p.m.) on April 24, 1991. A nonparty who has testimony that may aid the Commission's deliberations may request permission to present a short statement at the hearing. All parties and nonparties desiring to appear at the hearing and make oral presentations should attend a prehearing conference to be held at 9:30 a.m. on April 29, 1991, at the U.S. International Trade Commission Building. Pursuant to § 207.22 of the Commission's rules (19 CFR 207.22) each party is encouraged to submit a hearing brief to the Commission. The deadline for filing prehearing briefs is April 25, 1991. If prehearing briefs contain business proprietary information, nonbusiness proprietary version is due April 26, 1991.

Testimony at the public hearing is governed by § 207.23 of the Commission's rules (19 CFR 207.23). This rule requires that testimony be limited to a nonbusiness proprietary summary and analysis of material contained in prehearing briefs and to information not available at the time the prehearing brief was submitted. Any written materials submitted at the hearing must be filed in accordance with the procedures described below and any business proprietary materials must be submitted at least three (3) working days prior to the hearing (see § 201.6(b)(2) of the Commission's rules (19 CFR 201.6(b)(2))).

Written Submissions

Prehearing briefs submitted by parties must conform with the provisions of § 207.22 of the Commission's rules (19 CFR 207.22) and should include all legal arguments, economic analyses, and factual materials relevant to the public hearing. Posthearing briefs submitted by parties must conform with the provisions of § 207.24 (19 CFR 207.24) and must be submitted not later than the close of business on May 6, 1991. If posthearing briefs contain business proprietary information, a nonbusiness proprietary version is due May 7, 1991. In addition, any person who has not entered an appearance as a party to the investigation may submit a written statement of information pertinent to the subject of the investigation on or before May 6, 1991.

A signed original and fourteen (14) copies of each submission must be filed with the Secretary to the Commission in accordance with § 201.8 of the Commission's rules (19 CFR 201.8). All written submissions except for business proprietary data will be available for public inspection during regular business hours (8:45 a.m. to 5:15 p.m.) in the Office to the Secretary to the Commission.

Any information for which business proprietary treatment is desired must be submitted separately. The envelope and all pages of such submissions must be clearly labeled "Business Proprietary Information." Business proprietary submissions and requests for business proprietary treatment must conform with the requirements of §§ 201.6 and 207.7 of the Commission's rules (19 CFR 201.6 and 207.7).

Parties which obtain disclosure of business proprietary information pursuant to § 207.7(a) of the Commission's rules (19 CFR 207.7(a)) may comment on such information in their prehearing and posthearing briefs, and may also file additional written comments on such information no later than May 13, 1991. Such additional comments must be limited to comments on business proprietary information received in or after the posthearing briefs. A nonbusiness proprietary version of such additional comments is due May 14, 1991.

Authority: This investigation is being conducted under authority of the Tariff Act of 1930, title VII. This notice is published pursuant to § 207.20 of the Commission's rules (19 CFR 207.20).

Issued: January 10, 1991.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 91–1022 Filed 1–15–91; 8:45 am]

BILLING CODE 7020–02–M

INTERSTATE COMMERCE COMMISSION

[Ex Parte No. 290 (Sub-No. 2)]

Railroad Cost Recovery Procedures

AGENCY: Interstate Commerce Commission.

ACTION: Notice of policy determination.

SUMMARY: The Commission is adopting a data collection form and a set of guidelines for the revised fuel component methodology of the index used to calculate the quarterly Rail Cost Adjustment Factor (RCAF). Use of the form and guidelines will result in a more accurate fuel index.

EFFECTIVE DATE: Effective beginning with the second quarter 1991.

FOR FURTHER INFORMATION CONTACT: William T. Bono, (202) 275–7354, Robert C. Hasek, (202) 275–0938 [TDD for hearing impaired (202) 275–1721].

SUPPLEMENTARY INFORMATION: Additional information is contained in the Commission's decision. To purchase a copy of the full decision write to, call or pick up in person from Dynamic Concepts, Inc., room 2229, Interstate Commerce Commission Building, Washington, DC 20423, or telephone (202) 289–4357/4359. (Assistance for the hearing impaired is available through TDD services at (202) 275–1721).

This action will not significantly affect either the quality of the human environment or energy conservation.

Authority: 49 U.S.C. 10321, 10707a, 5 U.S.C. 553.

Decided: January 2, 1991.

By the Commission, Chairman Philbin, Vice Chairman Phillips, Commissioners Simmons, Emmett, and McDonald.

Sidney L. Strickland, Jr.,

Secretary.

[FR Doc. 91–1065 Filed 1–15–91; 8:45 am]

BILLING CODE 7035–01–M

[Docket No. AB–55 (Sub-No. 369)]

CSX Transportation, Inc.—Abandonment Exemption—In Pike County, KY

Applicant has filed a notice of exemption under 49 CFR 1152 subpart F—Exempt Abandonments to abandon its 3.06-mile line of railroad between milepost 0.00, at R.C. Jct., and milepost 3.06, near Republic, in Pike County, KY.

Applicant has certified that: (1) No local traffic has moved over the line for at least 2 years; (2) any overhead traffic on the line can be rerouted over other lines; and (3) no formal complaint filed by a user of rail service on the line (or a State or local government entity acting on behalf of such user) regarding cessation of service over the line either is pending with the Commission or with any U.S. District Court or has been decided in favor of the complainant within the 2-year period. The appropriate State agency has been notified in writing at least 10 days prior to the filing of this notice.

As a condition to use of this exemption, any employee affected by the abandonment shall be protected under *Oregon Short Line R. Co.—Abandonment—Goshen* 360 I.C.C. 91 (1979). To address whether this condition adequately protects affected employees, a petition for partial revocation under 49 U.S.C. 10505(d) must be filed.

Provided no formal expression of intent to file an offer of financial assistance has been received, this exemption will be effective on February 15, 1991 (unless stayed pending reconsideration). Petitions to stay that do not involve environmental issues,[1] formal expressions of intent to file an offer of financial assistance under 49 CFR 1152.(c)(2),[2] and trail use/rail banking statements under 49 CFR 1152.29 must be filed by January 28, 1991.[3] Petitions for reconsideration and requests for public use conditions under 49 CFR 1152.28 must be filed by February 5, 1991, with:

Office of the Secretary,
Case Control Branch,
Interstate Commerce Commission,
Washington, DC 20423.

A copy of any petition filed with the Commission should be sent to applicant's representative:

Lawrence H. Richmond,
CSX Transportation, Inc.,
100 North Charles Street,
Baltimore, MD 21201

If the notice of exemption contains false or misleading information, use of the exemption is void *ab initio*.

Applicant has filed an environmental report which addresses environmenal or energy impacts, if any, from this abandonment.

The Section of Energy and Environment (SEE) will prepare an environmental assessment (EA). SEE will issue the EA by January 18, 1991. Interested persons may obtain a copy of the EA from SEE by writing to it (room 3219, Interstate Commerce Commission, Washington, DC 20423) or by calling Elaine Kaiser, Chief, SEE at (202) 275–7684. Comments on environmental and energy concerns must be filed within 15 days after the EA becomes available to the public.

Environmental, public use, or trail use/rail banking conditions will be imposed, where appropriate, in a subsequent decision.

Decided: January 9, 1991.

By the Commission, David M. Konschnik, Director, Office of Proceedings.

Sidney L. Strickland, Jr.,

Secretary.

[FR Doc. 91–932 Filed 1–15–91; 8:45 am]

BILLING CODE 7035–01–M

[Finance Docket No. 31744]

The Indiana & Ohio Rail Corp.; Control Exemption; The Metropolitan Railway Co., Inc.

AGENCY: Interstate Commerce Commission.

ACTION: Notice of exemption.

[1] A stay will be routinely issued by the Commission in those proceedings where an informed decision on environmental issues (whether raised by a party or by the Section of Energy and Environment in its independent investigation) cannot be made prior to the effective date of the notice of exemption. *See Exemption of Out-of-Service Rail Lines*, 5 I.C.C. 2d 377 (1989). Any entity seeking a stay involving environmental concerns is encouraged to file its request as soon as possible in order to permit this Commission to review and act on the request before the effective date of this exemption.

[2] *See Exempt. of Rail Abandonment—Offers of Finan. Assist.* 4 I.C.C. 2d 164 (1987).

[3] The Commission will accept a late-filed trail use statement so long as it retains jurisdiction to do so.

SUMMARY: The Commission, under 49 U.S.C. 10505, exempts The Indiana & Ohio Rail Corporation (IORC) from the requirements of 49 U.S.C. 11343 to continue in control of The Metropolitan Railway Company, Inc. (MRC) when MRC becomes a rail common carrier through the acquisition and operation of certain rail lines of Consolidated Rail Corporation, subject to standard labor protective conditions. MRC will connect with The Indiana & Ohio Railway Company (IORY), a rail common carrier already controlled by IORC. The exemption is related to the notice of exemption in Finance Docket No. 31777.

DATES: This exemption is effective on January 16, 1991. Petitions to reopen must be filed by February 5, 1991.

ADDRESSES: Send pleadings referring to Finance Docket No. 31744 to:

(1) Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423

(2) Petitioner's representative: Robert L. Calhoun, Esq., Sullivan & Worcester, Suite 806, 1025 Connecticut Avenue, NW., Washington, DC 20036

FOR FURTHER INFORMATION CONTACT: Joseph H. Dettmar (202) 275–7245. [TDD for hearing impaired: (202) 275–1721.]

SUPPLEMENTARY INFORMATION: Additional information is contained in the Commission's decision. To purchase a copy of the full decision, write to, call, or pick up in person from: Dynamic Concepts, Inc., Room 2229, Interstate Commerce Commission Building, Washington, DC 20423. Telephone: (202) 289–4357/4359. [Assistance for the hearing impaired is available through TDD services (202) 275–1721.]

Decided: January 9, 1991.

By the Commission, Chairman Philbin, Vice Chairman Phillips, Commissioners Simmons, Emmett, and McDonald.

Sidney L. Strickland, Jr.,

Secretary.

[FR Doc. 91–1066 Filed 1–15–91; 8:45 am]

BILLING CODE 7035–01–M

[Docket No. AB–290 (Sub-No. 110X)]

Georgia Southern and Florida Railway Co.—Abandonment Exemption Between Navair and Palatka, FL

AGENCY: Interstate Commerce Commission.

ACTION: Notice of Exemption.

SUMMARY: The Commission pursuant to 49 U.S.C. 10505 exempts from the prior approval requirements of 49 U.S.C. 10903–10904, the abandonment by Georgia Southern and Florida Railway Company of its: (a) 65.1-mile rail line between milepost 216.2–B at Navair and milepost 281.3–B at Palatka; and (b) 2.2-mile rail line between milepost 282.5–B and milepost 284.7–B in Palatka in Columbia, Union, Bradford, Clay and Putnam Counties, FL, subject to standard labor protective conditions.

DATES: Provided no formal expression of intent to file an offer of financial assistance has been received, this exemption will be effective on February 15, 1991. Requests for public use and formal expressions of intent to file an offer [1] must be filed by January 28, 1991. Petitions to stay must be filed by February 4, 1991, and petitions for reconsideration must be filed by February 14, 1991.

ADDRESSES: Send pleadings referring to Docket No. AB–290 (Sub-No. 110X) to:

(1) Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423

(2) Petitioner's representatives: R.J. Cooney, Norfolk Southern Corporation, Three Commercial Place, Norfolk, Virginia 23510–2191.

FOR FURTHER INFORMATION CONTACT: Joseph H. Dettmar (202) 275–7245. [TDD for hearing impaired: (202) 275–1721.]

SUPPLEMENTARY INFORMATION: Addition information is contained in the Commission's decision. To obtain a copy of the full decision, write to, call, or pickup for person from: Dynamic Concepts, Inc., Room 2229, Interstate Commerce Commission Building, Washington, DC 20423. Telephone: (202) 289–4357/4359. [Assistance for the hearing impaired in available through TDD services (202) 275–1721.]

Decided: January 4, 1991.

By the Commission, Chairman Philbin, Vice Chairman Phillips, Commissioners Simmons, Emmett, and McDonald.

Sidney L. Strickland, Jr.,

Secretary.

[FR Doc. 91–1067 Filed 1–15–91; 8:45 am]

BILLING CODE 7035–01–M

DEPARTMENT OF JUSTICE

Lodging of Consent Decree; Ciba-Geigy Corp., et al.

In accordance with Departmental policy, 28 CFR 50.7, notice is hereby given that on January 2, 1991, a proposed Consent Decree in *United States* v. *Ciba-Geigy Corp., et al.*, Civil Action No. 91–0009, (E.D. Pa.) was lodged with the United States District Court for the Eastern District of Pennsylvania.

The proposed Consent Decree resolves the liability of Defendants Ciba-Geigy Corporation and Monsey Products Company (collectively "Defendants") under the Comprehensive Environmental Response, Compensation and Liability Act ("CERCLA") for the groundwater contamination at the Kimberton Superfund Site ("the Site") in the Village of Kimberton, Chester County, Pennsylvania. The Consent Decree requires Defendants to implement the June 30, 1989, Record of Decision, which calls for remediation of groundwater contamination at the Site by pumping the groundwater and treating it by means of air stripping. The remedial objectives set forth in the June, 1989, Record of Decision are to prevent current and future ingestion of groundwater containing unacceptable levels of volatile organic compounds ("VOC") and to restore the aquifer within a reasonable time frame to a condition such that levels of the VOC contaminants of concern are below specified remediation levels. Under the Decree, Defendants agree to pay the United States $200,000 in settlement of the federal government's claim for reimbursement of past response costs incurred by EPA at the Site. Defendants also agree to pay all future oversight costs to be incurred by the United States at the Site overseeing the implementation of work under the Decree.

The Department of Justice will receive comments relating to the proposed Consent Decree for a period of thirty (30) days from the date of this publication. Comments should be addressed to the Assistant Attorney General of the Environment and Natural Resources Division, Department of Justice, Washington, DC 20530, and should refer to *United States* v. *Ciba-Geigy Corp., et al.* (DOJ No. 90–11–2–494).

The proposed Consent Decree may be examined at the office of the United States Attorney for the Eastern District of Pennsylvania, 615 Chestnut Street, suite 1300, Philadelphia, Pennsylvania 19106 and the U.S. Environmental Protection Agency, Region III, 841 Chestnut Building, Philadelphia, Pennsylvania 19107. The Decree may also be examined at the Environmental Enforcement Section Document Center, 601 Pennsylvania Avenue, NW., Box 1097, Washington, DC 20004, 202–347–2072. A copy of the proposed Consent Decree may be obtained in person or by mail from the Document Center. In requesting a copy of the proposed Consent Decree, please enclose a check in the amount of $66.00 (25 cents per

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[1] *See Exempt. of Rail Abandonment—Offers of Finan. Assit.*, 4 I.C.C. 2d 164 (1987).

page reproduction cost) payable to Consent Decree Library.

Richard B. Stewart,

Assistant Attorney General, Environment and Natural Resources Division.

[FR Doc. 91-998 Filed 1-15-91; 8:45 am]

BILLING CODE 4410-01-M

Lodging of Consent Decree; Gulf Coast Recycling, Inc.

In accordance with section 122(i)(1) CERCLA, 42 U.S.C. 9622(i)(1) as well as Departmental Policy, 28 CFR 50.7, notice is hereby given that a proposed consent decree in *United States* v. *Gulf Coast Recycling, Inc.*, Action No. 90-1587-CIU-T-10B was lodged with the United States Distict Court for the Middle District of Florida on December 31, 1990. This agreement resolves a judicial enforcement action brought by the United States against the defendant pursuant to section 107 of the Comprehensive Environmental Response Compensation and Liability Act, as amended by the Superfund Amendments and Reauthorization Act of 1986, Public Law 99-499, 42 U.S.C. 9607, for the cleanup of the Kassouf-Kimerling Superfund Site ("Site") located in Tampa, Florida, and for the recovery of costs expended by the United States in connection with the Site.

The consent decree is entered into between the United States and Gulf Coast Recycling, Inc., a generator of hazardous substances at the Site. The Consent Decree requires the defendants to implement the remedial action selected by the Environmental Protection Agency ("EPA") for the site and to reimburse the United States for its response costs at the Site not previously reimbursed through prior settlements.

The Department of Justice will receive for a period of (30) days from the date of this publication, comments relating to the proposed consent decree. Comments should be addressed to the Assistant Attorney General of the Environmental and Natural Resources Division, Department of Justice, Washington, DC 20530, and should refer to *United States* v. *Gulf Coast Recycling Inc.*, DOJ # 90-11-2-580.

The Decree may be examined at the offices of the United States Environmental Protection Agency, 345 Courtland Street, NE., Atlanta, Georgia 30365, and at the offices of the Environmental Enforcement Section, Environment and Natural Resources Division of the Department of Justice, room 1535, Ninth Street and Pennsylvania Avenue, NW., Washington, DC 20530. The proposed consent decree may also be examined at the Environmental Enforcement Section Document Center, 1333 F Street, NW., suite 600, Washington, DC 20004, 202-347-7829. A copy of the proposed consent decree may be obtained in person or by mail from the Document Center. In requesting a copy, please enclose a check in the amount of $13.25 (25 cents per page reproduction costs) payable to Consent Decree Library.

Richard B. Steward,

Assistant Attorney General, Environment and Natural Resources Division.

[FR Doc. 91-999 Filed 1-15-91; 8:45 am]

BILLING CODE 4410-01-M

Lodging of Consent Decree; Morristown, NJ, et al.

In accordance with Departmental policy, 28 CFR 50.7, notice is hereby given that on January 3, 1991, a proposed consent decree in *United States* v. *The Township of Moorestown, New Jersey et al.* was lodged with the United States District Court for the District of New Jersey. The proposed consent decree concerns a complaint filed by the United States alleging violations of the Clear Water Act by Moorestown at its sewage treatment plant, which discharges effluent into the North Branch of Pennsauken Creek, a tributary of the Delaware River.

The decree requires Moorestown to upgrade its plant, pursuant to a specified construction schedule, so as to bring it into compliance with the Act by February, 1993, and to pay a civil penalty of $75,000 for past violations of the Act. It also imposes interim compliance limits on the plant's effluent, and stipulates penalties for the violation of those limits and of the construction schedule.

The Department of Justice will receive for a period of thirty (30) days from the date of the publication comments relating to the proposed consent decree. Comments should be addressed to the Assistant Attorney General of the Environment and Natural Resources Division, Department of Justice, Washington, DC 20530, and should refer to *United States* v. *The Township of Moorestown, New Jersey*, D.J. No. 90-5-1-1-3192.

The proposed consent decree may be examined at the Region II Office of the United States Environmental Protection Agency, 26 Federal Plaza, New York, New York 10278. Copies of the consent decree may also be examined at the Environmental Enforcement Section, Environment and Natural Resources Division of the Department of Justice, room 1515, Ninth Street and Pennsylvania Avenue, NW., Washington, DC 20530. A copy of the Consent Decree may be obtained in person or by mail from the Environmental Enforcement Section Document Center, 1333 F Street, suite 600, NW Washington, DC 20004, Telephone Number (202) 347-2072. In requesting a copy, please enclose a check in the amount of $10.75 (25 cents per page reproduction charge) payable to Consent Decree Library.

Richard B. Stewart,

Assistant Attorney General, Environment and Natural Resources Division.

[FR Doc. 91-1082 Filed 1-15-91; 8:45 am]

BILLING CODE 4410-01-M

Lodging of Consent Decree; Mt. Pleasant, PA

In accordance with Department policy, 28 CFR 50.7, notice is hereby given that on December 11, 1990, a proposed Consent Decree in *United States* v. *Borough of Mt Pleasant*, Civil Action No. 90-2018, was lodged with the United States District Court for the Western District of Pennsylvania. The Consent Decree requires defendant to pay a civil penalty of $18,500 and to undertake measures to ensure future compliance with the Clean Water Act, 33 U.S.C. 1251 *et seq.*, and the applicable permit.

The Department of Justice will received for a period of thirty (30) days from the date of publication comments relating to the proposed Consent Decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, U.S. Department of Justice, Washington, DC 20530, and should refer to *United States* v. *Borough of Mt Pleasant*, DOJ Ref. 90-5—1-1-3195A.

The proposed Consent Decree may be examined at the Office of the United States Attorney, United States Court House, 633 U.S. Post Office and Courthouse, 7th Avenue and Grant Street, Pittsburgh, Pennsylvania 15219. Copies of the Consent Decree may also be examined at the Environmental Enforcement Section Document Center, 601 Pennsylvania Avenue Building, NW., Washington, DC 20004 (202-347-2072). A copy of the proposed Consent Decree may be obtained in person or by mail from the Environmental Enforcement Section, Document Center, 601 Pennsylvania Avenue, NW., Box 1097, Washington, DC 20004. In requesting a copy, please enclose a check in the amount of $8.50 (25 cents per page

reproduction cost) payable to the Treasurer of the United States.

Richard B. Steward,

Assistant Attorney General, Environment and Natural Resources Division.

[FR Doc. 91–1083 Filed 1–15–91; 8:45 am]

BILLING CODE 4410–01–M

Lodging of Consent Decree Pursuant to the Comprehensive Environmental Response, Compensation and Liability Act; Town of Oyster Bay; Correction

This is to correct the Notice which was published in the **Federal Register** on December 18, 1990, cited at Vol. 55, No. 243, p. 51970, *United States* v. *Town of Oyster Bay.*

This notice corrects the following error:

In the third paragraph, the name of the case should appear as *United States* v. *Town of Oyster Bay*, instead of *United States* v. *Central Maine Power*. There are no other changes to this paragraph.

Richard B. Stewart,

Assistant Attorney General, Environment and Natural Resources Division.

[FR Doc. 91–997 Filed 1–15–91; 8:45 am]

BILLING CODE 4410–01–M

Antitrust Division

Gas Utilization Research Forum

Notice is hereby given that, pursuant to section 6(a) of the National Cooperative Research Act of 1984, 15 U.S.C. 4301 *et seq.* ("the Act"), Gas Utilization Research Forum ("GURF") has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission on December 19, 1990, disclosing (1) the identities of the parties to GURF and (2) the nature and objective of GURF. The notifications were filed for the purpose of invoking the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Pursuant to section 6(b) of the Act, identities of the parties to GURF, and its general areas of planned activity, are given below:

Atlanta Gas Light Company, P.O. Box 4569, Atlanta, GA 30302.

Brooklyn Union Gas, 195 Montague Street, Brooklyn, NY 11201–3635.

Chevron Research and Technology Company, P.O. Box 1627, Richmond, CA 94802–0627.

With copies of all correspondence to:

Chevron Corporation, Law Department, P.O. Box 7141, San Francisco, CA 94120–7141.

Eniricerche, 200097 S. Donato, Milan, Italy.

Exxon Research & Engineering Co., P.O. Box 101, Florham Park, NJ 07932–0101.

Gas Research Institute, 8600 W. Bryn Mawr Avenue, Chicago, IL 60631.

Mobil Research & Development Corp., P.O. Box 480, Paulsboro, NJ 08066–0480.

University of Salford, The Crescent, Salford M5 4WT, England.

British Gas PLC, Midlands Research Station, Wharf Lane, Solihull, West Midlands Region B91 2JW, England.

The objectives of GURF and its members and the area of planned activity in this project are to provide a stimulus to research and development of technology for natural gas transportation, processing, storage and utilization; to provide a forum for the presentation of proposals for joint industry projects related to natural gas transportation, processing, storage and utilization for funding members of GURF and non-members alike; to provide advice to academic organizations and other natural gas research oriented groups of the needs and interests of members.

Nonmembers of GURF may become participants in this project and the parties intend to file additional written notification disclosing all membership changes in this project. Information regarding participation in this project may be obtained from the Chevron Corporation Law Department, P.O. Box 7141, San Francisco, CA 94120–7141.

Joseph H. Widmar,

Director of Operations, Antitrust Division.

[FR Doc. 91–1000 Filed 1–15–91; 8:45 am]

BILLING CODE 4410–01–M

International Partners in Glass Research

Notice is hereby given that, pursuant to section 6(a) of the National Cooperative Research Act of 1984, 15 U.S.C. 4301 *et seq.* ("the Act"), International Partners in Glass Research ("IPGR") has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission on December 26, 1990, disclosing a change in its termination date. The notifications were filed for the purpose of invoking the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Pursuant to section 6(b) of the Act, the general areas of planned activity are given below.

The joint venture partners have agreed to extend the research and developmental program of the Partnership that is the subject of the above-referenced filings to approximately December 14, 1991. This constitutes an extension of one year from the original termination date, as set forth in the partnership agreement, of December 14, 1990.

On March 12, 1985, IPGR filed its original notification pursuant to section 6(a) of the Act. The Department of Justice (the "Department") published a notice in the **Federal Register** pursuant to section 6(b) of the Act on April 10, 1985, 50 FR 14175. On November 18, 1986, April 25, 1988, and February 9, 1990, IPGR filed additional notifications. The Department published notices in response to these additional notifications on January 6, 1987, 52 FR 468; June 2, 1988, 53 FR 20197; and March 8, 1990, 55 FR 8612 respectively.

Joseph H. Widmar,

Director of Operations, Antitrust Division.

[FR Doc. 91–1001 Filed 1–15–91; 8:45 am]

BILLING CODE 4410–01–M

JUDICIAL CONFERENCE OF THE UNITED STATES

Hearing of the Judicial Conference Advisory Committee on Civil Rules

AGENCY: Judicial Conference on the United States.

ACTION: Notice of open hearing.

SUMMARY: There will be a one-day hearing of the Advisory Committee on Civil Rules to hear testimony on Rule 11 of the Federal Rules of Civil Procedure. The hearing will be open to public observation but not participation, and will commence at 8:30 a.m.

DATES: February 21, 1991.

ADDRESSES: United States Court of Appeals, En Banc Courtroom, 2nd Floor, 600 Camp Street, New Orleans. Louisiana.

FOR FURTHER INFORMATION CONTACT: James E. Macklin, Jr., Secretary, Committee on Rules of Practice and Procedure, Washington, DC 20544; telephone (202) 633–6021.

Dated: January 9, 1991.

James E Macklin, Jr.,

Secretary, Committee on Rules of Practice and Procedure.

[FR Doc. 91–1042 Filed 1–15–91; 8:45 am]

BILLING CODE 2210–01–M

Meeting of the Judicial Conference Advisory Committee on Civil Rules

AGENCY: Judicial Conference of the United States.

ACTION: Notice of open meeting.

SUMMARY: There will be a two-day meeting of the Advisory Committee on

Civil Rules to consider revisions of the Discovery Rules, Rule 11 and other Federal Rules of Civil Procedure. The meeting will be open to public observation, and will commence each day at 8:30 a.m.

DATES: February 22–23, 1991.

ADDRESSES: United States Court of Appeals, En Banc Courtroom, 2nd Floor, 600 Camp Street, New Orleans, Louisiana.

FOR FURTHER INFORMATION CONTACT: James E. Macklin, Jr., Secretary, Committee on Rules of Practice and Procedure, Washington, DC 20544, telephone (202) 633–6021

Dated: January 10, 1991.

James E. Macklin, Jr.,

Secretary, Committee on Rules of Practice and Procedure.

[FR Doc. 91–1043 Filed 1–15–91; 8:45 am]

BILLING CODE 2210–01–M

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Agency Information Collection Activities Under OMB Review

AGENCY: National Endowment for the Arts.

ACTION: Notice.

SUMMARY: The National Endowment for the Arts (NEA) has sent to the Office of Management and Budget (OMB) the following proposal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35).

DATES: Comments on this information colletion must be submitted by February 15, 1991.

ADDRESSES: Send comments to Mr. Dan Chenok, Office of Mangement and Budget, New Executive Office Building, 726 Jackson Place, NW., Room 302, Washington, DC 20503; (202–395–7316). In addition, copies of such comments may be sent to Mrs. Anne C. Doyle, National Endowment for the Arts, Administrative Services Division, Room 203, 1100 Pennsylvania Avenue, NW., Washington, DC 20506; (202–682–5401).

FOR FURTHER INFORMATION CONTACT: Mrs. Anne C. Doyle, National Endowment for the Arts, Administrative Services Division, Room 303, 1100 Pennsylvania Avenue, NW., Washington, DC 20506; (202–682–5401) from whom copies of the documents are available.

SUPPLEMENTARY INFORMATION: The Endowment requests the reinstatement of a previously approved collection of information This entry is issued by the Endowment and contains the following information:

(1) The title of the form; (2) how often the required information must be reported; (3) who will be required or asked to report; (4) what the form will be used for; (5) an estimate of the number of responses; (6) the average burden hours per response; (7) an estimate of the total number of hours needed to prepare the form. This entry is not subject to 44 U.S.C. 3504(h).

Title: Music Ensembles FY 1991 Application Guidelines.

Frequency of Collection: One time.

Respondents: State or local governments; Non-profit institutions.

Use: Guideline instructions and applications elicit relevant information from non-profit organizations and state or local arts agencies that apply for funding under the Music Ensembles categories. This information is necessary for the accurate, fair, and thorough consideration of competing proposals.

Estimated Number of Respondents: 520.

Average Burden Hours per Response: 34.

Total Estimated Burden: 17,440.

Anne C. Doyle,

Administrative Services Division, National Endowment for the Arts.

[FR Doc. 91–977 Filed 1–15–91; 8:45 am]

BILLING CODE 7537–01–M

SECURITIES AND EXCHANGE COMMISSION

[Rel. No. 34–28758; File No. SR–Amex–90–39]

Self-Regulatory Organizations; Filing and Order Granting Accelerated Temporary Approval to Proposed Rule Change by American Stock Exchange, Inc. Relating to a Pilot Program for Execution of Odd-lot Market Orders

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"), 15 U.S.C. 78s(b)(1), notice is hereby given that on December 30, 1990, the American Stock Exchange, Inc. ("Amex" or "Exchange") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Amex. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes that its pilot program regarding the execution of odd-lot market orders be extended for 120 days.[1] The Amex received approval, on a pilot basis expiring on January 10, 1991, of amendments to Amex Rule 205 to require execution of odd-lot market orders at the prevailing Amex quote with no odd-lot differential.[2]

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Amex included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item III below. The Amex has prepared summaries, set forth in Sections (A), (B), and (C) below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

Purpose. The Commission has approved, on a pilot basis extending to January 10, 1991, amendments to Exchange Rule 205 to require the execution of odd-lot market orders at the prevailing Amex quote with no odd-lot differential.[3] Under the pilot procedures, market orders with no qualifying notations are executed at the Amex quotation at the time the order is represented in the market either by being received at the trading post or through the Exchange's Post Execution Reporting system ("PER"). Enhancements to the PER system have been implemented to provide for the automatic execution of odd-lot market orders entered through PER. For

[1] The Exchange seeks accelerated approval of the proposed rule change in order to allow the pilot program, which will expire on January 10, 1991, to continue without interruption.

[2] See Securities Exchange Act Rel. No. 27590 (January 5, 1990), 55 FR 1123 (January 11, 1990) (approving File No. SR–Amex–89–31) ("1990 Approval Order"). The Commission previously approved this one year pilot program and granted permanent approval of procedures which provide that the odd-lot portion of a Part of Round Lot ("PRL") order will be executed at the same price as the round lot portion, with no differential charged. See Securities Exchange Act Rel. No. 26445 (January 10, 1989), 54 FR 2248 (approving File No. SR–Amex–88–23) ("1989 Approval Order").

[3] See supra note 2.

purposes of the pilot program, limit orders that are immediately executable based on the Amex quote at the time order is received at the trading post or through PER are executed in the same manner as market orders.

The Exchange proposes that the pilot program applicable to odd-lot execution procedures be extended for 120 days. This will provide the Commission with an additional period of time to assess procedures under the pilot program and will permit the Exchange to provide additional data and information regarding its experience under the pilot program as well as the operation of the PER system enhancements, if such data is requested by the Commission.

Basis. The proposed rule change is consistent with section 6(b) of the Act in general and furthers the objectives of sections 6(b)(5) and 11A(a)(1) in particular in that it facilitates the economically efficient execution of odd-lot transactions, and is intended to result in improved execution of customer orders.

B. Self-Regulatory Organization's Statement on Burden on Competition

The proposed rule change will impose no burden on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any persons, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street, NW., Washington, DC 20549. Copies of such filing will also be available for inspection and copying at the principal office of the Amex. All submissions should refer to File No. SR–Amex–90–39 and should be submitted by February 6, 1991.

IV. Commission's Findings and Order Granting Accelerated Approval of Proposed Rule Change

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, with the requirements of sections 6 [4] and 11A(a)(1) [5] of the Act and the rules and regulations thereunder. In particular, the Commission believes that the revised procedures which provide for pricing of odd-lot market orders at the prevailing market quote rather than a subsequent transaction should provide investors with more timely executions of these orders. Moreover, these orders will receive execution prices that more accurately reflect market conditions than would otherwise be the case under former procedures. In addition, the Exchange has implemented enhancements to its PER system to provide for the automatic execution of odd-lot market orders, as set forth in the Commission's 1989 Approval Order.[6]

In its 1989 and 1990 Approval Orders, the Commission asked the Amex to analyze the difference in executions between using the Intermarket Trading System ("ITS") best bid or offer and the Amex quote without the differential. Specifically, the Commission was interested in whether customers are receiving a better execution, both in terms of price and time, using the new Amex system. The Commission also was interested in the feasibility of implementing an odd-lot pricing system using the ITS best bid or offer and no differential.

The Amex submitted the requested information to the Commission on January 9, 1991. The Amex data indicates that for 97.4% of the odd-lot executions, the Amex quote was the ITS best bid or offer. The Amex concluded that odd-lots were executed at a price equal to or better than the inside quote 97.0% of the time.[7] The Amex also concluded that the prices at which odd-lot market orders are executed under the pilot program have been, on balance, superior to those available under the Exchange's previous procedures. The Amex states that, based upon its data, it is expected that 87% of Amex odd-lot executions would receive a better price under the pilot procedures than under the prior procedures.[8]

The Commission believes that it is reasonable to extend the pilot program for 120 days to enable the Commission to fully review the Amex report and to enable the pilot to continue without interruption during the Commission's review. The Amex data indicates that the pilot procedures provide a superior price for a substantial majority of odd-lot executions. The Commission, however, remains concerned that odd-lot orders could receive executions at less than the best available price since the Exchange's pricing formula does not include quotations from other markets.[9] Due to the low number of odd-lot market orders,[10] the small percentage of Amex quotes that are worse than the ITS best bid and offer, and the benefits to customers under the pilot program procedures, however, the Commission believes that it is acceptable to continue the pilot's current pricing procedures for an additional 120 days. The Commission requests that the Amex provide data for additional trade dates that will analyze the difference in executions between using the ITS best bid or offer and the Amex quote without the differential during the extension of the pilot program. The Commission also is interested in the feasibility of implementing an odd-lot pricing system using the ITS best bid or offer and no differential. The Commission requests that the Amex provide a report on those questions by April 1, 1991.

The Commission finds good cause for approving the proposed rule change prior to the thirtieth day after the date of publication of notice of filing thereof. This will permit the pilot program to continue on an uninterrupted basis. In addition, the procedures the Exchange proposes to continue using are the identical procedures that were published in the **Federal Register** for the

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[4] 15 U.S.C. 78f (1988).

[5] 15 U.S.C. 78k-1(a)(1) (1988).

[6] See 1989 Approval Order, *supra* note 2 for a description of the Exchange's odd-lot procedures and the Commission's rationale for approving those procedures on a pilot basis. The discussion in that Order is incorporated by reference into this Order.

[7] See letter from Jules L. Winters, Executive Vice President, Operations, Amex, to Howard L. Kramer, Assistant Director, Commission, dated January 8, 1991.

[8] *Id.*

[9] The ITS quote remains the Commission's preferred method of pricing standard odd-lot market orders. The Commission recently approved amendments to the New York Stock Exchange's ("NYSE") rules which incorporates the ITS quote into the NYSE's odd-lot pricing procedures through the use of the "Best Pricing Quote." See Securities Exchange Act Release No. 27981 (May 2, 1990), 55 FR 19409 (May 9, 1990).

[10] The Amex states that during the period of January 1 to November 30, 1990, odd-lots accounted for 0.24% of total Exchange volume (7,529,926 shares). *See* letter from Jules L. Winters, Executive Vice President, Operations, Amex, to Howard L. Kramer, Assistant Director, Commission, dated January 8, 1991.

full comment period and were approved by the Commission.[11]

It is therefore ordered, pursuant to section 19(b)(2) of the Act,[12] that the proposed rule change is approved for a 120 day period ending on May 10, 1991.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[13]

Dated: January 10, 1991.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 91-1057 Filed 1-15-91; 8:45 am]

BILLING CODE 8010-01-M

[Rel. No. 34-28756; File No. SR-CBOE-90-21, Amdt. No.1]

Self-Regulatory Organizations; Filing of Amendment to Proposed Rule Change by the Chicago Board Options Exchange, Inc. Relating to Special Provisions Regarding CBOE Memberships

January 9, 1991.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on January 2, 1991, the Chicago Board Options Exchange, Incorporated ("CBOE" or "Exchange") filed with the Securities and Exchange Commission ("SEC" or "Commission") an amendment to the proposed rule change as described in Items I, II, and III below, which items have been prepared by the CBOE. The Commission is publishing this notice to solicit comment on the amendment from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The text of the proposed rule change (including the amendment) is as follows (italics indicate additions):

Rule 3.16 Special Provisions Regarding CBOE Memberships (a) and (b) No change.

(c) *Board of Trade Exercisers*

For the purpose of continued entitlement to membership on the Exchange in accordance with section 2.1(b) of the Constitution and paragraph (b) of Article Fifth of the Certificate of Incorporation of the Exchange, the term "member of the Board of Trade of the City of Chicago" (the "Board") is interpreted to mean a single individual or organization in possession of a full Board membership as described below. Such membership shall consist of all the trading rights and privileges afforded to Board memberships as in existence on February 4, 1972 (the date the Exchange's Certificate of Incorporation was adopted) except for such rights and privileges which the Exchange may exclude. Where the member is an organization, one individual must possess all of a full membership's trading rights and privileges on the Board. If any part not excluded by the Exchange (but less than all) of a full membership's trading rights and privileges on the Board is sold, leased, licensed, delegated or in any other fashion transferred, then neither the transferror nor the transferee of such rights and privileges shall be deemed to be a "member of the Board" entitled to Exchange membership. If a full membership's trading rights and privileges, as they existed on February 4, 1972, should be split into two or more sets of rights or privileges or be segmented or separated in any other manner, then, in order for an individual or organization to be deemed to be in possession of all the pertinent and regular trading rights and privileges afforded such full membership, such individual or organization must be in possession of, and have pertinent and regular trading rights and privileges with respect to all of the split, segmented or separated parts of such original membership except for those excluded by the Exchange.

. . . Interpretation and Policies:

.01 The trading rights and privileges on the Board of Trade of the City of Chicago (the "Board") during the hours between 5 p.m. and 12 midnight, Chicago time (the "nighttime trading hours"), shall be excluded, so long as this interpretation is in effect, from being deemed part of a full membership's trading rights and privileges on the Board for the purposes of rule 3.16(c). A person who does not hold trading rights and privileges on the Board during nighttime trading hours, but who otherwise holds all of the trading rights and privileges of full Board membership, shall not thereby be precluded from being deemed to be a "member of the Board of Trade of the City of Chicago" in accordance with section 2.1(b) of the Constitution and paragraph (b) of Article Fifth of the Certificate of Incorporation of the Exchange. The interpretation shall cease to apply when and if (i) the trading hours of the Exchange for any instrument traded on or through the facilities of the Exchange extended into the nighttime trading hours and (ii) a change in or the repeal of this interpretation has been approved by the Securities and Exchange Commission upon a filing pursuant to the provisions of sections 19(b)(1) and 19(b)(2) of the Securities Exchange Act of 1934.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the CBOE included statements concerning the purpose of the basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The CBOE has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

(1) Purpose

In the original rule proposal, [1] the Exchange stated that the purpose of rule 3.16(c) is to assure that the spirit and the letter of the agreement by which the CBOE was created by the Board and by which the Board and the Exchange have conducted their affairs, is maintained.

In Article 5(b) of the CBOE's Certificate of Incorporation, the CBOE recognized the special contributions made by those membership holders of the Board during the period when the CBOE was organized and developed. The recognition extended by the CBOE consists of allowing the present holder of each Board membership, which existed at the time of the incorporation of the CBOE, the right to apply (exercise) for membership on the CBOE without purchasing a CBOE issued membership. The rule clarification is proposed for the purpose of specifically stating that only full Board memberships which possess all the trading rights afforded such membership, except for such rights and privileges which the Exchange may exclude, will qualify for CBOE membership pursuant to Article 5(b) of CBOE's Certificate of Incorporation. At the time when the CBOE was incorporated, there existed a limited number of full memberships on the Board which were assigned an exercise (membership) privilege on the CBOE.

The rule clarification also addresses the possibility of a full membership split by the Board or the multiple party use of

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[11] No comments were received in connection with the proposed rule change which implemented these procedures. See 1989 Approval Order, *supra* note 2.

[12] 15 U.S.C. 78s(b)(2) (1988).

[13] 17 CFR 200.30-3(a)(12) (1990).

[1] See Securities Exchange Act Rel. No. 28201 (July 13, 1990), 55 FR 29686.

a full membership. If a split should occur, enough split (fractional) memberships of a full membership, as of the time of the CBOE's incorporation, would be required to form a full Board membership capable of exercise (membership) privileges on the CBOE. Any multiple party use of one Board membership would preclude a CBOE exercise (membership) privilege.

In amendment number 1 to SR–CBOE–90–21, the Exchange hereby adds Interpretation and Policies .01 to further clarify the application of the agreement between both marketplaces as it applies to nighttime trading hours. The Interpretation says that, unless and until the CBOE extends the trading hours for an instrument traded on the CBOE to between 5 p.m. and 12 midnight, Chicago time, and the SEC approves a change to Interpretation .01, the CBOE will not deem the nighttime rights and privileges on the Board to be a part of a full Board membership. Therefore, the interpretation provides that, for purposes of rule 3.16(c), one may still be a full member of the Board despite having leased, licensed, or otherwise disposed of one's nighttime trading privileges.

(b) Basis

The CBOE believes the proposed rule change is consistent with section 6(b) of the Act, in general, and section 6(b)(5), in particular, which provides, among other things, that the rules of the Exchange are to be designed to promote just and equitable principles of trade and are not designed to permit unfair discrimination between customers, issuers, brokers or dealers.

B. Self-Regulatory Organization's Statement on Burden on Competition

The CBOE does not believe that the proposed rule change will impose any inappropriate burden on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

The Exchange consented to the inclusion of the comments to SR–CBOE–90–11 as part of this file since that filing was published in the Federal Register on May 24, 1990, but was subsequently withdrawn on June 26, 1990, when SR–CBOE–9–21 was filed. The Exchange has responded to all comments received on the proposal thus far in letters dated May 21, 1990, and September 4, 1990, which were directed to Jonathan Katz, Secretary, SEC.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the Federal Register or within such longer period (i) As the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes it reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(a) By order approved such proposed rule change or

(b) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provision of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street NW., Washington, DC 20549. Copies of such filing will also be available for inspection and copying at the principal office of the CBOE. All submissions should refer to the File No. SR–CBOE–90–21 and should be submitted by February 6, 1991.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 91–1058 Filed 1–15–91; 8:45 am]

BILLING CODE 8010–01–M

[Rel. No. 34–28753; File No. SR–PTC–90–08]

Self-Regulatory Organizations; Participant Trust Company; Filing of Proposed Rule Change Relating to the Termination of the "Supercap"

January 8, 1991.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"), 15 U.S.C. 78s(b)(1), notice is hereby given that on November 29, 1990, the Participant Trust Company ("PTC") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I, II, and III below, which items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

PTC filed the proposed rule change to amend its rules by deleting the "supercap" provision of PTC's "Net Debit Monitoring Level Procedure". Below is the text of the proposed rule change. Brackets indicate deletions.

Net Debit Monitoring Level Procedures

A Net Debit Monitoring Level ("NDML") shall be established for each Participant. The NDML for each Participant will equal the lesser of (1) 100% of the total committed lines of credit available to PTC to finance settlement or (2) an amount as determined by the PTC Board of Directors from time to time based upon criteria related to credit and/or capital.

If a Participant wishes to raise its NDML it may, subject to PTC acceptance and approval, provide a committed line of credit to PTC on which PTC may draw at its discretion on behalf of the Participant. Any individual credit line must be provided pursuant to an agreement in form and substance acceptable to PTC.

For every Participant, a "net debit balance" or a "Net credit balance" is computed which is the algebraic sum of the Credit and Debit Balances for all Proprietary, Agency and Pledgee Accounts of the participants plus optional cash deposits by the Participant to the Participants Fund which are earmarked to prefund transactions in those Accounts.

If a Participant's's net debit balance reaches 80% of the Participant's NDML the Participant will be notified and requested to monitor the situation. However, PTC will continue to process transactions.

PTC will not process transactions that increase a Participant's net debit balance to a level greater than its NDML. In the event that a transaction would increase a Participant's net debit balance to a level greater than its NDML (the "excess net debit"), the Participant must take one of the following actions before PTC will process the transaction:

1. Redeliver or pledge the subject Securities Versus Payment;

2. Deliver or pledge other Securities Versus Payment to reduce its net debit balance to a level that would permit the transaction to occur;

3. Provide adequate additional committed lines of credit; or

4. Prefund the receipt [, subject to the next paragraph].

[If a Participant reaches its NDML prior to 1 p.m. and intends to prefund its excess net debit, a Participant may request senior management of PTC (the President or his designee) to grant an extension of the time for the Participant to prefund its excess net debit, during which time transactions may continue. PTC's senior management shall approve that extension subject to the following conditions:

1. The Participant has positive Net Free Equity ("NFE") and no transaction during the extension should reduce NFE to a negative position;

2. Prior to granting the extension, the Participant identifies to PTC the prefunding banks and the amount to be prefunded, to the satisfaction of PTC senior management;

3. The Participant's net debit balance will not exceed twice its established NDML; and

4. The extension is for no longer than one and one-half hours.

5. For all Participants concurrently granted an extension, the aggregate of their excess net debits shall not at any time exceed 300% of the committed credit lines of PTC. If this condition is the exclusive effective constraint on a proposed transaction, the transaction will be queued and permitted to proceed in turn when the aggregate of excess net debits has been reduced below the 300% limit sufficiently to accommodate the transaction.

If the excess net debit has not been prefunded upon termination of the extension, or it the conditions to the extension are not met, PTC shall suspend all further receives Versus Payment pending reduction of the Participant's net debit balance below its established NDML. In addition, PTC may take other action against the Participant pursuant to its Rules and Procedures as it deems appropriate.

The above procedure for extension is a transitional measure. The procedure is necessary to assure that, as the depository's activities increase after its formation, situations do not develop in which the fixed NDML would block a transaction which in turn would block other transactions, immobilizing the system. During the transitional period, PTC and Participants shall adjust their operations so that the transitional procedure can be eliminated. PTC shall encourage this by limited use of the transitional procedure and by imposing fees for its use.]

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries set forth in Sections (A), (B) and (C) below of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of and Statutory Basis for, the Proposed Rule Change

The "supercap" provisions of the NDML Procedure were intended *ab initio* to serve as a transitional lubricant to the PTC system in order to avoid "gridlock" as participants adjusted to use of the system and the conversion of all coupons was completed. The termination of this transitional measure six months after all coupons were in the system and, in all events, by January 1, 1991 was a commitment made by PTC to the Federal Reserve ("Fed") in connection with Fed approval of PTC for membership in the Fed System. This commitment was cited in the SEC order (Securities Exchange Act Rel. No. 26671, File No. 600–25 at Footnote 16 and Section III.C.3.c. including, in particular, Footnote 43) approving the temporary registration of PTC as a clearing agency. PTC was required to report every use of supercap to the Sec. Supercap has never been used. The purpose of the proposed rule change is thus to satisfy the Fed commitment and to eliminate an unnecessary, unused provision of the rules.

The basis for this proposed rule change under the Act is to promote the prompt and accurate clearance and settlement of securities transactions as required by section 17A(b)(3)(F) of the 1934 Act.

B. Self-Regulatory Organization's Statement on Burden on Competition

PTC does not perceive that this proposed rule change imposes any burden on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants or Others

PTC has not solicited, and does not intend to solicit, comments on this proposed rule change. PTC has not received any unsolicited written comments from participants or other interested parties.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the Federal Register or within such longer period: (i) As the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reason for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street, NW., Washington, DC 20549. Copies of such filing will also be available for inspection and copying at the principle office of PTC. All submissions should refer to File No. SR–PTC–90–08 and should be submitted by February 6, 1991.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 91–1059 Filed 1–15–91; 8:45 am]

BILLING CODE 8010–01–M

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGD 91-003]

Towing Safety Advisory Committee

AGENCY: Coast Guard, DOT.

ACTION: Request for applications.

SUMMARY: The U.S. Coast Guard is seeking applicants for appointment to membership on the Towing Safety Advisory Committee (TSAC). This committee advises the Secretary of Transportation on rulemaking matters related to shallow-draft inland and coastal waterway navigation and towing safety.

Nine members will be appointed as follows: Four (4) members from the barge and towing industry, reflecting a geographical balance; one (1) member from the mineral and oil supply vessel industry; two (2) members from port districts, authorities or terminal operators; and two (2) members from the general public.

To achieve the balance of membership required by the Federal Advisory Committee Act, the Coast Guard is especially interested in receiving applications from minorities and women. The committee will meet at least once a year in Washington, DC or another location selected by the Coast Guard.

DATES: Requests for applications should be received no later than May 15, 1991.

ADDRESSES: Persons interested in applying should write to Commandant (G-MP-4), room 2412, U.S. Coast Guard Headquarters, 2100 Second Street, SW., Washington, DC 20593-0001.

FOR FURTHER INFORMATION CONTACT: Ms. Jo Pensivy, Executive Director, Towing Safety Advisory Committee (G-MP-4), room 2412, U.S. Coast Guard Headquarters, 2100 Second Street, SW., Washington, DC 20593-0001, (202) 267-1406.

Dated: January 8, 1991.

J.D. Sipes,

Rear Admiral, U.S. Coast Guard, Chief, Office of Marine Safety, Security and Environmental Protection.

[FR Doc. 91-1044 Filed 1-15-91; 8:45 am]

BILLING CODE 4910-14-M

Federal Highway Administration

Environmental Impact Statement: Fresno and Madera Counties, CA

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of intent.

SUMMARY: The FHWA is issuing this notice to advise the public that an environmental impact statement will be prepared for a proposed transportation corridor north of the city of Fresno in Fresno and Madera Counties, California.

FOR FURTHER INFORMATION CONTACT: Mr. John R. Schultz, District Engineer, Federal Highway Administration, P.O. Box 1915, Sacramento, California 95812-1915. Telephone: 916/551-1140.

SUPPLEMENTARY INFORMATION: The FHWA, in cooperation with the California Department of Transportation (Caltrans), will prepare an environmental impact statement (EIS) on a proposal to preserve a wider right-of-way on Route 41 from 0.2 mile north of Audubon Drive, in the City of Fresno, to one mile north of Route 145 in rural Madera County, to prevent the loss of a potentially important future transportation corridor.

This study will replace studies described in earlier notices of intent.

Alternatives include a corridor on the present alignment or a new alignment to the east; or no preservation at all.

The scoping process for this proposed action will include coordination and consultation with appropriate agencies, groups, and individuals. Three public information meetings were conducted in 1985, 1988, and 1990; additional public meetings will be held as needed. The draft EIS will be circulated and a public hearing conducted.

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 proposed action and the EIS should be directed to the FHWA at the address provided previously in this document.

(Catalog of Federal Domestic Assistance Programs 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.)

Issued on: January 7, 1991.

John R. Schultz,

District Engineer, Sacramento, California.

[FR Doc. 91-1011 Filed 1-15-91; 8:45 am]

BILLING CODE 4910-22-M

Environmental Impact Statement; Los Angeles County, CA

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of intent.

SUMMARY: The FHWA is issuing this notice to advise the public that a Tier 1 Environmental Impact Statement will be prepared for a proposed highway project in Los Angeles County in the City of Santa Clarita and vicinity.

FOR FURTHER INFORMATION CONTACT: James J. Bednar, District Engineer, Federal Highway Administration, P.O. Box 1915, Sacramento, California 95812-1915, Telephone: (916) 551-1310.

SUPPLEMENTARY INFORMATION: The FHWA, in cooperation with the California Department of Transportation, will prepare a Tier 1 Environmental Impact Statement (EIS) on a proposal to adopt a route corridor location to build California State Route 126, in the City of Santa Clarita and vicinity, between Interstate Route 5 and State Route 14, a distance of about 9 miles.

The City of Santa Clarita and vicinity is developing rapidly and traffic congestion is increasing on the existing network of roads and highways. Even including future planned highway and arterial improvements in the area, a need is anticipated for the extension of existing State Route 126, from its present interchange with Interstate 5 at Henry Mayo Drive to State Route 14.

The Tier 1 EIS is to include an evaluation of the purpose and need for the project, solutions and alternatives to satisfy the needs, description of the affected environment, and inter-agency coordination and public involvement. The environmental consequences discussion will include issues and elements that are critical to the selection of the location adoption.

A Tier 1 document does not have the detail of a project level (Tier 2) document. The scope and level of analysis of the critical issues will be detailed to the degree necessary to satisfy FHWA requirements for location approval and give authorization for protection of right-of-way for purposes of corridor preservation. A Tier 2 document, to be performed at a later date, will address project specific issues and describe in greater detail the project environmental consequences, design alternatives, and project mitigation. Once a Tier 2 document is approved, final right-of-way acquisition and project development procedures can be pursued.

The alternatives proposed to be considered are for a multi-lane expressway or freeway on new alignment as shown on the attached map for: (1) Rescinded State Route 126 location alternative; (2) County of Los Angeles study alignment alternative; (3) southern alignment alternative. The no-build alternative will also be evaluated.

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. A scoping meeting will be held early in 1991 and a series of public meetings are proposed prior to the public hearing planned for mid-1992. Public notice will be given of the time and place of the meetings and hearing. The draft Tier 1 EIS will be available for public and agency review and comment prior to the public hearing.

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. The views of agencies which may have knowledge about historic resources potentially affected by the proposal or interest in the effects of the proposal on historic properties are specifically solicited. Comments or questions concerning this proposed action and the Tier 1 EIS should be directed to the FHWA at the address provided above.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Research, Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program.)

Issued on: January 7, 1991.

James J. Bednar,

District Engineer, Sacramento, California.

[FR Doc. 91-1005 Filed 1-15-91; 8:45 am]

BILLING CODE 4910-22-M

DEPARTMENT OF THE TREASURY

Public Information Collection Requirements Submitted to OMB for Review

January 10, 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.

Internal Revenue Service

OMB Number: 1545-0002
Form Number: IRS Form CT-2
Type of Review: Revision.
Title: Employee Representative's Quarterly Railroad Tax Return.
Description: Employee representatives file Form CT-2 quarterly to report compensation on which railroad retirement and on which railroad unemployment repayment taxes are due. IRS uses this information to ensure that employee representatives have paid the correct tax. Form CT-2 also transmits the tax payment.
Respondents: Individuals or households.
Estimated Number of Respondents/ Recordkeepers: 112
Estimated Burden Hours Per Respondent/Recordkeeper:
Recordkeeping—26 minutes
Learning about the law or the form—13 minutes
Preparing the form—17 minutes
Copying, assembling, and sending the form to IRS—17 minutes
Frequency of Response: Quarterly
Estimated Total Reporting/ Recordkeeping Burden: 168 hours.
Clearance Officer: Garrick Shear (202) 535-4297, Internal Revenue Service, room 5571, 1111 Constitution Avenue, NW., Washington, DC 20224.
OMB Reviewer: Milo Sunderhauf (202) 395-6880, Office of Management and Budget, room 3001, New Executive Office Building, Washington, DC 20503.

Lois K. Holland,

Departmental Reports, Management Officer.

[FR Doc. 91-974 Filed 1-15-91; 8:45 am]

BILLING CODE 4830-01-M

Public Information Collection Requirements Submitted to OMB for Review

January 10, 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: 1550-0060
Form Number: H-(b) 11
Type of Review: Revision.
Title: Savings and Loan Holding Company Report.
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: 750
Estimated Burden Hours Per Response: 15 hours, 30 minutes.
Frequency of Response: Quarterly and annually.
Estimated Total Reporting Burden: 46,500 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. 91-975 Filed 1-15-91; 8:45 am]

BILLING CODE 4810-25-M

Public Information Collection Requirements Submitted to OMB for Review

January 9, 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 2224, 1500 Pennsylvania Avenue, NW., Washington, DC 20220.

Bureau of the Public Debt

OMB Number: 1535-0040
Form Number: PD 2458-1
Type of Review: Reinstatement
Title: Certificate of Entitlement for United States Registered Securities and Checks Not Exceeding $500.00 After Administration of a Deceased Owner's Estate
Description: This form is used for collecting payment of $500.00 or less

after an estate has been administered
Respondents: Individuals or households, State or local governments, businesses or other for-profit, non-profit institutions
Estimated Number of Respondents: 80
Estimated Burden Hours Per Response: 1 hour
Frequency of Response: On occasion
Estimated Total Reporting Burden: 80 hours
OMB Number: 1535–0052
Form Number: PD 1011
Type of Review: Reinstatement
Title: Resolution Authorizing (1) Disposition of Securities held by Organization (2) Execution and Delivery of Bonds of Indemnity
Description: This form is used by an organization that delegates officials to dispose of Treasury securities
Respondents: Individuals or households, businesses or other for-profit, non-profit institutions
Estimated Number of Respondents: 485
Estimated Burden Hours Per Response: 30 minutes
Frequency of Response: On occasion
Estimated Total Reporting Burden: 243 hours

Clearance Officer: Rita DeNagy (202) 447–1640, Bureau of the Public Debt, Room 137, BEP Annex, 300 13th Street, SW., Washington, DC 20239–0001
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. 91–976 Filed 1–15–91; 8:45 am]
BILLING CODE 4810–40–M

Office of Thrift Supervision

Trident Federal Savings and Loan Association, F.A.; Appointment of Conservator

Notice is hereby given that, pursuant to the authority contained in sections 5(d)(2) (B) and (H) of the Home Owners' Loan Act, the Office of Thrift Supervision has duly appointed the Resolution Trust Corporation as sole Conservator for Trident Federal Savings and Loan Association, F.A. Newark, New Jersey, on January 4, 1991.

Dated: January 10, 1991.
By the Office of Thrift Supervision.
Nadine Y. Washington,
Corporate Secretary.
[FR Doc. 91–995 Filed 1–15–91; 8:45
BILLING CODE 6720–01–M

First Federal Savings and Loan Association of Pittsburgh; Notice of Appointment of Receiver

Notice is hereby given that, pursuant to the authority contained in section 5(d)(2)(A) of the Home Owners' Loan Act of 1933, as amended by section 301 of the Financial Institutions Reform, Recovery and Enforcement Act of 1989, the Office of Thrift Supervision has duly appointed the Resolution Trust Corporation as sole Receiver for First Federal Savings and Loan Association of Pittsburgh, Pittsburgh, Pennsylvania, Docket No. 3014, on January 4, 1991.

Dated: January 10, 1991.
By the Office of Thrift Supervision.
Nadine Y. Washington,
Corporate Secretary.
[FR Doc. 91–991 Filed 1–15–91; 8:45 am]
BILLING CODE 6720–01–M

First Federal Savings and Loan Association of San Antonio; Notice of Appointment of Receiver

Notice is hereby given that, pursuant to the authority contained in section 5(d)(2)(A) of the Home Owners' Loan Act of 1933, as amended by section 301 of the Financial Institutions Reform, Recovery and Enforcement Act of 1989, the Office of Thrift Supervision has duly appointed the Resolution Trust Corporation as sole Receiver for First Federal Savings and Loan Association of San Antonio, San Antonio, Texas, Docket No. 3792, on January 4, 1991.

Dated: January 10, 1991.
By the Office of Thrift Supervision.
Nadine Y. Washington,
Corporate Secretary.
[FR Doc. 91–992 Filed 1–15–91; 8:45 am]
BILLING CODE 6720–01–M

Moultrie Savings Bank, FSB; Replacement of Conservator With a Receiver

Notice is hereby given that, pursuant to the authority contained in subdivision (F) of section 5(d)(2)(A) of the Home Owners' Loan Act, the Office of Thrift Supervision duly replaced the Resolution Trust Corporation is Conservator for Moultrie Savings Bank, FSB, Moultrie, Georgia with the Resolution Trust Corporation as sole Receiver for the Association on January 4, 1991.

Dated: January 10, 1991.
By the Office of Thrift Supervision.
Nadine Y. Washington,
Corporate Secretary.
[FR Doc. 91–994 Filed 1–15–91; 8:45 am]
BILLING CODE 6720–01–M

Trident Federal Savings and Loan Assoc.; Notice of Appointment of Receiver

Notice is hereby given that, pursuant to the authority contained in section 5(d)(2)(A) of the Home Owners' Loan Act, the Office of Thrift Supervision has duly appointed the Resolution Trust Corporation as sole Receiver for Trident Savings and Loan Association, Newark, New Jersey (Docket No. 6067), on January 4, 1991.

Dated: January 10, 1991.
By the Office of Thrift Supervision.
Nadine Y. Washington,
Corporate Secretary.
[FR Doc. 91–993 Filed 1–15–91; 8:45 am]
BILLING CODE 6720–01–M

OFFICE OF UNITED STATES TRADE REPRESENTATIVE

[Docket No. 301–83]

Initiation of Section 302 Investigation and Request for Public Comment; European Community Third Country Meat Directive

AGENCY: Office of the United States Trade Representative.

ACTION: Notice of initiation of investigation under section 302 of the Trade Act of 1974, as amended; notice of delay of request for formal consultations under section 303(b) of the Trade Act of 1974, as amended; request for written comments.

SUMMARY: The United States Trade Representative (USTR) has initiated an investigation under section 302 of the Trade Act of 1974, as amended, ("the Trade Act") regarding the European Community (EC) Third Country Meat Directive ("Directive"). The USTR will continue informal discussions already commenced with the EC aimed at reaching a mutually satisfactory solution, and for that reason will delay formal consultations under Article XXIII:1 of the General Agreement on Tariffs and Trade (GATT) for up to 90 days. The petitioners concur with this approach. USTR invites written comments on the matter being investigated.

DATES: This investigation was initiated on January 10, 1991. Written comments from interested persons are due February 19, 1991.

ADDRESSES: Office of the United States Trade Representative, room 223, 600 17th Street, NW., Washington, DC 20506.

FOR FURTHER INFORMATION CONTACT: Leonard W. Condon, Deputy Assistant U.S. Trade Representative for Agricultural Affairs, (202) 395–5006, or Richard H. Steinberg, Assistant General Counsel (202) 395–7305.

SUPPLEMENTARY INFORMATION: On July 14, 1987, a petition was filed under section 302 of the Trade Act of 1974, as amended, by the American Meat Institute, U.S. Meat Export Federation, American Farm Bureau Federation, National Pork Producers Council and National Cattleman's Association. The petitioners, who are associations representing producers of livestock and grains, and packers and processors of meat, complained of trade barriers to EC imports of beef, pork and lamb from the United States. Specifically, they maintained that the Third Country Meat Directive subjects meat imported from the United States into EC member countries to regulatory requirements that are not observed within the EC member countries; are not fully enforced or observed in meat packing plants shipping across national boundaries in the EC; are not based on or justified by any scientific analysis; and are generally unjustifiable, unreasonable, discriminatory and a burden on United States commerce. The petitioners also alleged that the Directive violates Article III (the "national treatment" provision) of the GATT.

On July 22, 1987, the U.S. Trade Representative initiated an investigation in response to the petition filed July 14, 1987. Morever, USTR requested consultations with the EC, as required by section 303(a) of the Trade Act. (52 FR 28223) The United States consulted with the EC twice under Article XXIII:1 of the GATT, in September and November 1987. In December 1987, the GATT Council established a dispute settlement panel to examine the matter, but soon thereafter the EC took steps to provide access for a number of U.S. meat packers. Accordingly, the GATT dispute settlement panel was never convened and the underlying section 302 investigation was suspended.

Almost three years later, on October 30, 1990, the EC confirmed its decision, pursuant to the Directive, to "delist" all U.S. pork plants from the list of plants then eligible to ship pork to the EC, effective midnight, October 31, 1990. Exports of beef from previously eligible U.S. plants were halted as of January 1, 1991.

On November 2, 1990, the USTR requested consultations on this matter with the EC, and initial consultations were held in Washington November 19–20, 1990. Technical information was exchanged, arguments were made about the GATT consistency of the Directive and its application, and both the United States and the EC demonstrated a willingness to continue efforts to reach a mutually satisfactory resolution of the matter.

On November 28, 1990, the National Pork Producers Council and the American Meat Institute filed a petition under section 302 of the Trade Act, as amended by the 1988 Omnibus Trade and Competitiveness Act, alleging that the Directive constitutes a foreign practice which denies the rights of the United States under the GATT and is otherwise unreasonable and burdens or restricts United States commerce. Petitioners seek elimination of the alleged violation and "restrictions such as counter measures as are authorized under section 301" as amended.

Further bilateral discussions aimed at resolving the matter were held with the EC in December 1990, and those discussions are continuing.

Copies of the petition are available for public inspection at the USTR Reading Room: Room 101, Office of the United States Trade Representative, 600 17th Street, NW., Washington, DC. An appointment to review the docket (Docket No. 301–83) may be made by calling Brenda Webb, (202) 397–6186. The USTR Reading Room is open to the public from 10 a.m. to 12 noon and from 1 p.m. to 4 p.m., Monday through Friday.

Investigation

Under section 302 of the Trade Act, the USTR is required to determine, not later than 45 days from the date of the filing of a petition, whether to initiate an investigation. In this case that determination was due by January 12, 1991. On January 10, 1991, pursuant to section 302(a) of the Trade Act, the USTR initiated an investigation of the EC's practices and procedures with respect to the Directive. The initiation of this investigation does not preclude or otherwise impair the ability of the United States Government to continue the bilateral discussions already commenced with a view to seeking a mutually satisfactory resolution.

Consultations

Section 303(b) of the Trade Act permits delay of the request for formal consultations for up to 90 days after initiation of a section 302 investigation, for the purpose of verifying or improving the petition to ensure an adequate basis for consultation. After consulting with the petitioner, the USTR has decided to delay for up to 90 days formal consultations with the EC under GATT Article XXIII:1, and will continue informal discussions with the EC which could resolve this matter without resort to GATT dispute settlement proceedings.

Public Comment

Interested persons are invited to submit written comments on the issues raised in the petition and on the determinations required under section 304 of the Trade Act. Comments must be filed in accordance with the requirements set forth in 15 CFR 2006.8(b) and are due by noon on Tuesday, February 19, 1991. Comments must be in English and provided in twenty copies to: Chairman, Section 301 Committee, room 222, USTR, 600 17th Street, NW., Washington, DC 20506.

Comments will be placed in a file (Docket 301–83) open to public inspection pursuant to 15 CFR 2006.13, except confidential business information exempt from public inspection in accordance with 15 CFR 2006.15. (Confidential business information submitted in accordance with 15 CFR 2006.15 must be clearly marked "BUSINESS CONFIDENTIAL" in a contrasting color ink at the top of each page on each of 20 copies, and must be accompanied by a nonconfidential summary of the confidential information. The nonconfidential summary shall be placed in the Docket which is open to public inspection.)

A. Jane Bradley,

Chairman, Section 301 Committee.

[FR Doc. 91–1023 Filed 1–15–91; 8:45 am]

BILLING CODE 3190–01–M

DEPARTMENT OF VETERANS AFFAIRS

Information Collection Under OMB Review

AGENCY: Department of Veterans Affairs.

ACTION: Notice.

The Department of Veterans Affairs has submitted to OMB the following proposal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35). This document lists the following information: (1) The agency responsible for sponsoring the information collection; (2) the title of the information collection; (3) the

Department form number(s), if applicable; (4) a description of the need and its use; (5) frequency of information collection, if applicable; (6) who will be required or asked to respond; (7) an estimate of the number of responses; (8) an estimate of the total number of hours needed to complete the information collection; and (9) an indication of whether section 3504(h) of Public Law 96–511 applies.

ADDRESSES: Copies of the proposed information collection and supporting documents may be obtained from Ann Bickoff, Veterans Health Service and Research Administration (161B3), Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420, (202) 233–2282.

Comments and questions about the items on the list should be directed to VA's OMB Desk Officer, Joseph Lackey, Officer of Management and Budget, 726 Jackson Place, NW., Washington, DC 20503, (202) 395–7316. Do not send requests for benefits to this address.

DATES: Comments on the information collection should be directed to the OMB Desk Officer by February 15, 1991.

Dated: January 10, 1991.

By direction of the Secretary.

Frank E. Lalley,

Director, Office of Information Resources Policies.

Reinstatement

1. Veterans Health Services and Research Administration.
2. Application for Employment and Appraisal of Applicant for Title 38 Positions.
3. Department Form Numbers:
a. VA Form 10–2350, Application for Physicians, Dentists, and Optometrists
b. VA Form 10–2850a, Application for Nurses and Nurse Anesthetists
c. VA Form 10–2850b, Application for Residency
d. VA Form 10–2850c, Application for Associated Health Occupations Appointments
e. Form Letter 10–341a, Appraisal of Applicant
4. The application forms are used in lieu of the SF 171 by individuals applying for title 38 positions. FL 10–341a is sent to educational institutions, organizations and individuals indicated by the applicant on the employment application form to elicit prior education and/or performance information. The information provided is used to determine eligility for employment and the appropriate grade and step rate.
5. On occasion.
6. Individuals or households; State and local governments; business or other for-profit; Federal agencies or employees; non-profit institutions; small businesses or organizations.
7. Estimate of the number of responses:
a. VA Form 10–2350—12,900 responses
b. VA Form 10–2350a—51,600 responses
c. VA Form 10–2350b—27,000 responses
d. VA Form 10–2350c—17,200 responses
e. VA Form 10–341a—42,500 responses
8. Estimate of Total Number of Hours:
a. VA Form 10–2350—30 minutes
b. VA Form 10–2350a—30 minutes
c. VA Form 10–2350b—30 minutes
d. VA Form 10–2350c—30 minutes
e. VA Form letter 10–341a—20 minutes
9. Not applicable.

[FR Doc. 91–951 Filed 1–15–91; 8:45 am]

BILLING CODE 8320–01–M

Information Collection Under OMB Review

AGENCY: Department of Veterans Affairs.

ACTION: Notice.

The Department of Veterans Affairs has submitted to OMB the following proposal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35). This document lists the following information: (1) The agency responsible for sponsoring the information collection; (2) the title of the information collection; (3) the Department form number(s), if applicable; (4) a description of the need and its use; (5) frequency of the information collection, if applicable; (6) who will be required or asked to respond; (7) an estimate of the number of responses; (8) an estimate of the total number of hours needed to complete the information collection; and (9) an indication of whether section 3504(h) of Public Law 96–511 applies.

ADDRESSES: Copies of the proposed information collection and supporting documents may be obtained from John Turner, Veterans Benefits Administration, (20A5A), Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420 (202) 233–2744.

Comments and questions about the items on the list should be directed to VA's OMB Desk Officer, Joseph Lackey, Office of Management and Budget, 726 Jackson Place, NW., Washington, DC 20503, (202) 395–7316. Please do not send applications for benefits to the above addressees.

DATES: Comments on the information collection should be directed to the OMB Desk Officer by February 15, 1991.

Dated: January 10, 1991.

By direction of the Secretary.

Frank E. Lalley,

Director, Office of Information Resources Policies.

Reinstatement

1. Veterans Benefits Administration.
2. Offer to Rent on Month-to-Month Basis and Credit Statement.
3. VA Form 26–6725.
4. The form is completed by prospective tenants of properties owned by VA and serves as the rental offer and credit statement. The information collected provides the basis for acceptance or rejection of offers to rent.
5. On occasion.
6. Individuals or households; businesses or other for-profit.
7. 100 responses.
8. ⅓ hour.
9. Not applicable.

[FR Doc. 91–952 Filed 1–15–91; 8:45 am]

BILLING CODE 8320–01–M

Information Collection Under OMB Review

AGENCY: Department of Veterans Affairs.

ACTION: Notice.

The Department of Veterans Affairs has submitted to OMB the following proposal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35). This document lists the following information: (1) The agency responsible for sponsoring the information collection; (2) the title of the information collection; (3) the Department form number(s), if applicable; (4) a description of the need and its use; (5) frequency of the information collection, if applicable; (6) who will be required or asked to respond; (7) an estimate of the number of responses; (8) an estimate of the total number of hours needed to complete the information collection; and (9) an indication of whether section 3504(h) of Public Law 96–511 applies.

ADDRESSES: Copies of the proposed information collection and supporting documents may be obtained from John Turner, Veterans Benefits Administration, (20A5A), Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420 (202) 233–2744.

Comments and questions about the items on the list should be directed to VA's OMB Desk Officer, Joseph Lackey, Office of Management and Budget, 726 Jackson Place, NW., Washington, DC 20503, (202) 395–7316. Please do not send

applications for benefits to the above addressees.

DATES: Comments on the information collection should be directed to the OMB Desk Officer until February 15, 1991.

Dated: January 10, 1991.

By direction of the Secretary.

Frank E. Lalley,

Director, Office of Information Resources Policies.

Reinstatement

1. Veterans Benefits Administration.
2. Statement of Heirs for Payment of Credit Due Estate of Deceased Veteran (NSLI).
3. VA Form Letter 29–596.
4. This form letter is used by the administrator, executor, or next of kin of a deceased veteran to support a claim for money in the form of unearned or unapplied insurance premiums due the veteran's estate. The information is used to establish entitlement to the refundable credit.
5. On occasion.
6. Individuals or households.
7. 312 responses.
8. ¼ hour.I119. Not applicable.

[FR Doc. 91–953 Filed 1–15–91; 8:45 am]

BILLING CODE 8320–01–M

Sunshine Act Meetings

Federal Register
Vol. 56, No. 11
Wednesday, January 16, 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. COMMISSION ON CIVIL RIGHTS

January 14, 1991.

PLACE: Telephonic meeting to participants in different locales. Some, participants will be present at the Commission's Offices at 1121 Vermont Avenue, NW., Washington, D.C. 20425.

TIME AND DATE: Wednesday, January 23, 1991, 9:00 a.m.—1:00 p.m. E.D.T.

STATUS: Open to the public.

MATTER TO BE CONSIDERED:

Agenda

I. Approval of the Agenda
II. Commissioner discussion of the Department of Educaiton's Minority Scholarship Policy

CONTACT PERSON FOR MORE INFORMATION: Barbara Brooks, Press and Communications Division, (202) 376-8312.

Emma Monroig,

Solicitor.

[FR Doc. 91–1203 Filed 1–14–91; 4:08 pm]

BILLING CODE 6335–01–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 2:05 p.m. on Tuesday, January 8, 1991, the Board of Directors of the Federal Deposit Insurance Corporation met in closed session to consider the following:

Matters relating to the probable failure of certain insured banks.

Recommendations concerning administrative enforcement proceedings.

Matters relating to the Corporation's corporate activities.

Recommendation regarding an assistance agreement with a depository institution.

Application for a waiver of the cross-guarantee provisions of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989.

In calling the meeting, the Board determined, on motion of Director C. C. Hope, Jr. (Appointive), seconded by Vice Chairman Andrew C. Hove, Jr., concurred in by Director T. Timothy Ryan, Jr. (Office of Thrift Supervision) and Chairman L. William Seidman, that Corporation business required its consideration of the matters on less than seven days' notice to the public; that no earlier notice of the meeting was practicable; that the public interest did not require consideration of the matters in a meeting open to public observation; and that the matters could be considered in a closed meeting by authority of subsections (c)(2), (c)(4), (c)(6), (c)(8), (c)(9)(A)(ii), (c)(9)(B), and (c)(10) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(2), (c)(4), (c)(6), (c)(8), (c)(9)(A)(ii), (c)(9)(B), and (c)(10)).

The meeting was held in the Board Room of the FDIC Building located at 550—17th Street NW., Washington, D.C.

Dated: January 9, 1991.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[FR Doc. 91–1099 Filed 1–11–91; 4:25 pm]

BILLING CODE 6714–01–M

FEDERAL RESERVE SYSTEM BOARD OF GOVERNORS

TIME AND DATE: 11:00 a.m., Tuesday, January 22, 1991.

PLACE: Marriner S. Eccles Federal Reserve Board Building, C Street entrance between 20th and 21st Streets, NW., Washington, D.C. 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.
2. Any items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board; (202) 452–3204. You may call (202) 452–3207, beginning at approximately 5 p.m. two business days before this meeting, for a recorded announcement of bank and bank holding company applications scheduled for the meeting.

Dated: January 14, 1991.

Jennifer J. Johnson,

Associated Secretary of the Board.

[FR Doc. 91–1202 Filed 1–14–91; 4:05 pm]

BILLING CODE 6210–01–M

UNITED STATES INTERNATIONAL TRADE COMMISSION

TIME AND DATE Tuesday, January 22, 1991 at 2:00 p.m.

PLACE: Room 101, 500 E Street, SW., Washington, D.C. 20436.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

1. Agenda
2. Minutes
3. Ratifications
4. Petitions and Complaints:
   Certain Monoclonal Antibodies Used for Therapeutically Treating Humans Having Gram Negative Bacterial Infections (D/N 1603)
5. Any items left over from previous agenda

CONTACT PERSON FOR MORE INFORMATION: Kenneth R. Mason, Secretary, (202) 252–1000.

Dated: January 11, 1991

Kenneth R. Mason,

Secretary,

[FR Doc. 91–1129 Filed 1–14–91; 9:25 am]

BILLING CODE 7020–02–M

UNITED STATES INTERNATIONAL TRADE COMMISSION

TIME AND DATE Monday, January 28, 1991 at 2:00 p.m.

PLACE: Room 101, 500 E Street, SW., Washington, D.C. 20436.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

1. Agenda
2. Minutes
3. Ratifications
4. Petitions and Complaints:
   Certain Acid-Washed Denim Garments, and Accessories, including Jeans, Jackets, Bags, and Shirts (D/N 1605).
5. Inv. No. 731–TA–462 (F) (Benzyl Paraben from Japan) — briefing and vote.
6. Any items left over from previous agenda

CONTACT PERSON FOR MORE INFORMATION: Kenneth R. Mason, Secretary, (202) 252–1000.

Dated: January 11, 1991

Kenneth R. Mason,

Secretary,

[FR Doc. 91–1130 Filed 1–14–91; 9:25 am]

BILLING CODE 7020–02–M

SECURITIES AND EXCHANGE COMMISSION

Agency Meetings

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Pub. L. 94–409, that the Securities and Exchange Commission

will hold the following meetings during the week of January 14, 1991.

Closed meetings will be held on Tuesday, January 15, 1991, at 2:30 p.m. and Thursday, January 17, 1991, at 2:30 p.m.

The Commissioners, Counsel to the Commissioners, the Secretary to the Commission, and recording secretaries will attend the closed meetings. Certain staff members who have an interest in the matters may also be present.

The General Counsel of the Commission, or his designee, has certified that, in his opinion, one or more of the exemptions set forth in 5 U.S.C. 552b(c)(4), (8), (9)(A) and (10) and 17 CFR 200.,402(a)(4), (8), (9)(i) and (10), permit consideration of the scheduled matters at closed meetings.

Commissioner Schapiro, as duty officer, voted to consider the items listed for the closed meetings in closed session.

The subject matter of the closed meeting scheduled for Tuesday, January 15, 1991, at 2:30 p.m., will be:

Regulatory matter bearing enforcement implications.
Report of investigation.
Settlement of administrative proceedings of an enforcement nature.
Institution of administrative proceedings of an enforcement nature.
Institution of injunctive actions.
Settlement of injunctive actions.

The subject matter of the closed meeting scheduled for Thursday, January 17, 1991, at 2:30 p.m., will be:

Settlement of injunctive actions.
Settlement of administrative proceedings of an enforcement nature.
Institution of administrative proceedings of an enforcement nature.
Institution of injunctive actions.
Opinion.

At times, changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact: Daniel Hirsch at (202) 272–2100.

Dated: January 11, 1991.

Jonathan G. Katz,

Secretary.

[FR Doc. 91–1167 Field 1–14–91; 1:32 pm]

BILLING CODE 8010-01-M

Corrections

Federal Register
Vol. 56, No. 11
Wednesday, January 16, 1991

This section of the FEDERAL REGISTER contains editorial corrections of previously published Presidential, Rule, Proposed Rule, and Notice documents. These corrections are prepared by the Office of the Federal Register. Agency prepared corrections are issued as signed documents and appear in the appropriate document categories elsewhere in the issue.

DEPARTMENT OF COMMERCE

International Trade Administration

Export Trade Certificate of Review

Correction

In notice document 91-620 beginning on page 1175 in the issue of Friday, January 11, 1991, make the following correction:

On page 1176, in the first column under **Summary of the Application**, the fifth paragraph should read:

"*Members (in addition to applicant):* Acres International Corporation, Amherst, NY, and its controlling entities Acres Corporation, Wilmington, DE, and Acres Inc., Toronto, Canada; Benham-Holway Power Group, Tulsa, OK, and its controlling entity The Benham Group, Inc., Oklahoma City, OK; EWI Engineering Associates, Inc., Middleton, WI; Ossberger Turbines, Inc., Richmond, VA; Synergics, Inc., Annapolis, MD: Tacoma Public Utilities, Tacoma, WA."

BILLING CODE 1505-01-D

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 61

[AD-FRL-3814-7]

RIN 2060-AC57

National Emission Standards for Hazardous Air Pollutants; Asbestos NESHAP Revision

Correction

In rule document 90-26835 beginning on page 48406, in the issue of Tuesday, November 20, 1990, make the following corrections:

§ 61.141 [Corrected]

1. On page 48414, in the third column, under amendatory instruction 4., in the seventh line, "materials" should read "material".

2. On page 48415, in the first column, in § 61.141, under the definition *Asbestos-containing waste materials*, in the 11th line, "renovations" should read "renovation".

3. On the same page, in the second column, in § 61.141, under the definition *Glove bag*, "properly" should read "Properly".

§ 61.143 [Corrected]

4. On page 48419, in the first column, in § 61.143(b), in the next to the last line, "one" should read "once".

§ 61.144 [Corrected]

5. On the same page, in the 1st column, in § 61.144(b)(3), in the 10th line, after "be" insert "by".

§ 61.145 [Corrected]

6. On the same page, in the third column, in § 61.145(a)(2)(i), in the second line, after "pipes" insert "and".

§ 61.149 [Corrected]

7. On page 48424, in the third column, in § 61.149(c)(1)(ii), in the last line, the five stars should be removed.

§ 61.150 [Corrected]

8. On page 48429, in the second column, in § 61.150(b), in the second line, "desposited" should read "deposited".

§ 61.153 [Corrected]

9. On page 48430, in the third column, in § 61.153(a), in the third line, after "§ § 61.143," insert "§ 61.145".

§ 61.154 [Corrected]

10. On page 48431, in the second column, in § 61.154(e)(1)(iv), in the fourth line,"lead-tight" should read "leak-tight".

BILLING CODE 1505-01-D

INTERSTATE COMMERCE COMMISSION

[Finance Docket No. 31787]

Exemption; Wichita, Tillman & Jackson Railway Co.-Lease and Operation Exemption-Missouri Pacific Railroad Co.

Correction

In notice document 91-344 appearing on page 709, in the issue of Tuesday, January 8, 1991, in the first column, the docket number should appear as set forth above.

BILLING CODE 1505-01-D

federal register

Wednesday
January 16, 1991

Part II

Department of Justice

Office of Justice Programs

Discretionary Programs for Fiscal Year 1991; Notice

DEPARTMENT OF JUSTICE

Office of Justice Programs

Discretionary Programs for Fiscal Year 1991

AGENCY: Office of Justice Programs, Bureau of Justice Assistance, Bureau of Justice Statistics, National Institute of Justice, Office of Juvenile Justice and Delinquency Prevention, Office of Victims of Crime, Justice.

ACTION: Public announcement of the discretionary program plans for the component offices/bureaus of the Office of Justice Programs for Fiscal Year 1991.

SUMMARY: The Office of Justice Programs (OJP) publishes this announcement of the discretionary programs of the Bureau of Justice Assistance, the Bureau of Justice Statistics, the National Institute of Justice, the Office of Juvenile Justice and Delinquency Prevention, and the Office for Victims of Crime.

ADDRESSES: Office of Justice Programs, 633 Indiana Avenue, NW., Washington, DC 20531.

FOR FURTHER INFORMATION CONTACT:
Gerald (Jerry) Regier, Acting Director, Bureau of Justice Assistance, room 1042, 633 Indiana Avenue NW., Washington, DC 20531. (202) 514–6278.

Steven D. Dillingham, Ph.D., Director, Bureau of Justice Statistics, room 1142, 633 Indiana Avenue NW., Washington, DC 20531. (202) 307–0765.

Charles B. DeWitt, Director, National Institute of Justice, room 846, 633 Indiana Avenue, NW., Washington, DC 20531. (202) 307–2942.

Robert W. Sweet, Jr., Administrator, Office of Juvenile Justice and Delinquency Prevention, 633 Indiana Avenue, NW., Washington, DC 20531. (202) 307–5911.

Jane Nady Burnley, Ph.D., Director, Office for Victims of Crime, room 1386, 633 Indiana Avenue, NW., Washington, DC 20531. (202) 307–5983.

SUPPLEMENTARY INFORMATION:

Foreword

"* * * I don't know how to quantify the human suffering drugs cause, but I do know we're all paying for it. We're all feeling it. Every day. Every time someone does drugs, or sells drugs, or even just looks the other way, they're supporting an industry that costs more than money, it costs lives." George Bush, President of the United States, September 12, 1989, in Remarks to Students on Drug Abuse, *Administration of George Bush, 1989.*

The number one domestic problem facing our nation today is illegal drug trafficking and use. It is an insidious and unlawful activity that permeates many aspects of our society damaging our health, our economy, our domestic security and most importantly, blighting the promise of our children and this nation. The answer to this problem is intervention that is focused, coordinated and aggressive, as well as punishment of both drug traffickers and users that is swift, certain and appropriate. Drug users must be held accountable. Beyond enforcement, there is a need for greater community-based prevention and education efforts designed to mobilize residents and organize neighborhoods. Through these efforts, communities can "take back the streets" from the drug traffickers and thugs.

The Fiscal Year 1991 Program Plan for the Office of Justice Programs (OJP) is a cooperative effort aimed at coordinating the resources and expertise within each of the five OJP Bureaus, viz., the Bureau of Justice Assistance (BJA), the Bureau of Justice Statistics (BJS), the National Institute of Justice (NIJ), the Office of Juvenile Justice and Delinquency Prevention (OJJDP) and the Office for Victims of Crime (OVC), to maximize and broaden the impact of program funding on the "War on Drugs" as well as complex criminal justice issues confronting the country. The OJP Program Plan is the result of extensive agency-wide collaboration to identify programs that are responsive to the objectives and goals of President Bush's National Drug Control Strategy and the needs of state and local criminal justice agencies.

A significant emphasis of this year's Program Plan will be placed on evaluations. Through evaluations, programs that work can be identified, publicized and replicated, while projects that have not been proven to be effective can and will be discontinued. Another important theme of the Fiscal Year 1991 Program Plan is the development of programs that have a significant impact on minority communities. Minority neighborhoods are disproportionately victimized by drugs and violent crime and funding within OJP should be responsive to the critical needs of minority citizens. OJP further recognizes the importance of forging partnerships at the grassroots level. The war on drugs and violent crime cannot be won by the efforts of law enforcement alone.

As the result of this OJP team effort, ten priority areas have been identified for the OJP Bureaus to direct and concentrate their efforts. Those priority areas are as follows:

- Intermediate Sanctions (User Accountability)
- Gangs and Violence
- Evaluation
- Prevention and Education
- Multijurisdictional Task Forces
- Community-Based Policing
- Community-Based Programs
- Drug Testing
- Victims
- Information Systems, Support and Statistics

These priorities are reflected in the following 205 discretionary programs described herein. These programs will cost approximately $119 million and are arrayed by bureau in accordance with the priorities. The dollars identified in this Plan represent both Fiscal Year 1991 funds and carryover funds from Fiscal Year 1990. Certain selected program areas are not included in the Program Plan because of limited focus and specific purpose as described in the enabling legislation, e.g., the Public Safety Officer Benefit Program, Regional Information Sharing System, Mariel Cubans, and Missing Children. The Program Plan also reflects a number of themes that have guided the planning process and are incorporated throughout the programs. These themes are inter-bureau cooperation and coordination in program development and implementation; evaluation and program assessment; and sensitivity to and impact on minority communities.

The Application information will be available in the immediate future. This information will contain expanded program descriptions to solicit and guide the subsequent applications for new and continuation programs listed in the Plan. These discretionary programs are primarily designed to promote innovation and to foster improvements in the Nation's criminal justice system rather than to subsidize on-going activities. Successful demonstration programs are expected to be replicated and funded by the States, localities or private agencies. The programs described herein are not necessarily exhaustive of all activities that may be funded in Fiscal Year 1991. Dollar figures provided represent commitments by the OJP agencies to OJP priorities, but are subject to modification based upon unanticipated program needs and actual amounts requested or required in applications received. Amounts shown also do not necessarily reflect relative priority of the programs. These amounts reflect the estimated costs for effective distribution of limited resources primarily to support innovative projects that may not be eligible for funding by other Federal agencies. Accordingly, funding amounts and program descriptions cited herein are subject to modification without further publication.

Specific questions regarding application and details of the various programs offered by the OJP Bureaus should be directed to respective Bureaus. It is important to note that in the case of the Office of Juvenile Justice and Delinquency Prevention, the material contained herein represents the Proposed Program Plan published in the Federal Register on November 28, 1990 55 FR 49480), with a final plan to be published after a 45-day public comment period.

Office of Justice Programs' Bureaus

OJP Bureaus operate in coordination to support the mission of the agency in providing leadership through innovation in the administration of justice, in keeping with the priorities of the Administration, the Attorney General and the National Drug Control Policy.

The Bureau of Justice Assistance (BJA) administers grant programs to support national drug control efforts and to improve state and local criminal justice systems, particularly law enforcement activities. The BJA announcement contained herein is published pursuant to the Anti-Drug Abuse Act of 1988, Public Law 100-690, 102 Stat. 4335, 42 U.S.C.A. 3760-3764 (1989 Supp.). Through this program, BJA provides funds to support training and technical assistance for state and local criminal justice personnel; projects which are national or multijurisdictional in scope and which comply with the purposes specified in the State formula grant program; and demonstration programs which, if found effective, can be replicated throughout the Nation.

The Bureau of Justice Statistics (BJS) collects, analyzes, publishes, and disseminates statistical information on crime, criminal offenders, victims of crime, and the operations of justice systems at all levels of government. See 42 U.S.C.A. 3731-3735 (1989 Supp.). More than 90 percent of its funds are allocated each year to ongoing statistical surveys and support entities. Additional competitive funding is made available from BJS to networks of state agencies that assist BJS in its collection and analysis functions. BJS also administers special programs funded by the Bureau of Justice Assistance to assist state and local governments in improving their criminal justice records and information systems and to provide technical assistance and data relating to justice expenditures and drug issues.

The National Institute of Justice (NIJ) develops practical knowledge and operates programs that support and strengthen State and local efforts to combat crime and drug abuse. NIJ also is required to conduct evaluations of drug control projects, and it analyzes criminal justice policies and practices. The Institute tests new law enforcement and criminal justice programs and conducts demonstration projects. It operates a national and international clearinghouse for justice-related information, conducts national and regional conferences, and produces publications detailing new policy options and successful programs. NIJ also provides technical assistance in the construction of correctional facilities and operates a technology and equipment program for law enforcement and corrections agencies. See 42 U.S.C.A. 3721-3723 (1989 Supp.). NIJ's unique mandate as a research and development agency requires flexibility to respond to varied needs and emerging national issues.

The Office of Juvenile Justice and Delinquency Prevention (OJJDP) provides direction, coordination and resources to assist State and local governments and agencies in improving their juvenile justice systems and in preventing delinquency through its discretionary and formula grant programs. See 42 U.S.C.A. 5631 *et seq.*

The Office for Victims of Crime (OVC) serves as the Federal focal point for improving the treatment of crime victims and ensuring that the criminal justice system recognizes the legitimate rights and interests of innocent victims. In addition to its role as a national victims advocate, OVC's program activities include victims' assistance and compensation grants to States, training and research technical assistance, and the provision of emergency services to victims of Federal crimes, particularly on Indian reservations. See 42 U.S.C.A. 10601-10605. (1989 Supp.). Given the demonstrable link between drug abuse and crime, the activities of OVC are an increasingly vital component of the Nation's war against illegal substance abuse.

Intermediate Sanctions

(User Accountability)—$7,300,000

"* * * we need to fill the gap between simple probation and prison. We need intermediate steps—intermediate punishments. * * * This concept has appeal in both principle and practice. In principle, if we recognize gradations in the seriousness of criminal behavior, then we should have gradations in sanctions, as well. That's why we need a portfolio of intermediate punishments that are available—independent of whether our correctional budgets are lush or lean, or whether our offender populations are increasing or declining." From the Opening remarks by Dick Thornburgh, Attorney General of the United States, at the National Drug Conference, May 15, 1990.

OJP Policy Statement

Correctional systems should include intermediate sanctions, which are less severe than jail or prison, but more restrictive than probation, for non-dangerous offenders. Intermediate sanctions are designed to hold the drug user accountable and focus on the range of post-adjudication sanctions that fill the gap between traditional probation and jail or prison sentences. The message is unmistakably clear: drug use will not be tolerated. These criminal sanctions address the problem of both juvenile and adult crime. Demonstration programs, as well as evaluation efforts, are being initiated to promote and test a continuum of sanctions such as the expanded use of fines, restitution, community service, home detention, intensive supervision, electronic monitoring, and boot camps. Intermediate sanctions recognize gradations in the seriousness of criminal behavior and are designed to respond accordingly with graduated levels of criminal punishment.

OJP Program Response

Bureau Of Justice Assistance

$4,775,000

New Programs

Civil Penalty Demonstration Program

$900,000

This program is designed to demonstrate the use of civil penalties for drug users by enabling local prosecutors' offices to work with local law enforcement agencies to identify individuals, test for suspected controlled substances, and present these cases to the United States Attorney's Office. Pursuant to Department of Justice Civil Penalties Regulations (implementing section 6486, Anti-Drug Abuse Act of 1988), the U.S. Attorney would bring assessment actions under the civil penalty provisions of this law. The funding to the local prosecutor's office will support personnel to be assigned to this effort.

Intermediate Sanctions (Boot Camp) Training and Technical Assistance

$350,000

The purpose of this program is to develop training and technical assistance for States and local jurisdictions that wish to implement boot camp programs as intermediate sanctions for non-violent offenders. The major implementation steps include an assessment of the literature on intermediate sanctions and existing boot camps, the development of a model or

models, the development of a training curriculum and a strategy for delivering technical assistance, pilot testing of the training and technical assistance at the BJA demonstration sites and expansion of the training and technical assistance to a national level effort.

User Accountability Demonstration Program Models

$500,000

The purpose of this program is to develop two new demonstration program models which will be designed to hold "casual" drug users responsible for their actions through the use of meaningful criminal, civil, and/or social sanctions. These sanctions, which may include such elements as treatment and asset seizure, will seek to deter drug abuse behavior, attract the attention of the drug user, especially the "casual" drug user, and change the attitudes of "casual" users toward drug use. These model sites will be supported by training and technical assistance to document their experiences thoroughly and develop prototype user accountability programs for dissemination to States and local jurisdictions.

Structured Fines

$525,000

This program benefits all jurisdictions in which criminal fines are used as sanctions in the punishment of drug offenders. The purpose of this program is to enhance alternative sanctioning options by demonstrating the application and enforcement of day-fines as a means to achieve realistic and credible monetary penalties. Three demonstration sites will be selected competitively to implement the Structured Fine Program. Training and Technical Assistance will be provided to the demonstration sites.

Training and Technical Assistance for Intensive Supervision Probation/Parole (ISP)

$350,000

This program targets offenders released into the community for whom incarceration is too severe and for whom regular probation is not appropriate. The programs are accomplished through the probation or parole agencies responsible for offender supervision. Building upon the knowledge gained through BJA's demonstration programs, the program will be designed to provide guidance to the States on the appropriate uses of intensive supervision programs. A nationwide assessment of intensive supervision projects will be conducted and used as the basis for designing a training curriculum.

Continuation Programs

Coordinated Interagency Drug Training and Technical Assistance

$300,000

The purpose of this program is to improve case management of drug dependent offenders by promoting coordination between probation and parole officers and drug treatment practitioners. Information and resource sharing are emphasized. Under the first phase, a training curriculum was developed and tested. During the final phase, additional training will be provided and a marketing strategy will be developed.

Denial of Federal Benefits Project

$500,000

This project established a clearinghouse of automated systems to receive and transmit to the General Services Administration, as well as other interested Federal agencies, information on persons convicted of drug trafficking or possession offenses who have been sentenced to a denial of Federal benefits. FY 1991 funds will support three competitive demonstration sites, the development of model legislation, technical assistance by the American Prosecutors Research Institute, and an evaluation component.

Intermediate Sanctions (Adult Boot Camp) Demonstration

$400,000

The program is designed to demonstrate and determine through evaluation: the effectiveness of boot camps as an intervention for drug using offenders, the capacity to identify those offenders for whom boot camps are an appropriate intervention, and the capacity to document program procedures and protocols for transfer state corrections facilities.

Structured Sentencing

$300,000

BJA, in collaboration with the U.S. Sentencing Commission, will assist participant states in developing and implementing sentencing policies and practices that facilitate consistent and appropriate punishment of convicted offenders. The strategy employed will include clearinghouse services, a national conference, and training and technical assistance to selected States.
Treatment Alternatives to Street Crime Management Information System (TASC MIS)

$300,000

This program is divided into two phases: The first phase has involved designing and field testing the software package. The second phase will be to reproduce and disseminate software to TASC and other case management programs at a nominal fee in cooperation with the National Consortium of TASC Programs. In addition, regional meetings will be conducted to train designated personnel on the system's use. At the end of one year, the grantee will conduct a mail survey of all system users to assess the reliability and validity of the system's application.

Treatment Alternatives to Street Crime (TASC) Training and Technical Assistance

$300,000

The purpose of this program is to provide local and state criminal justice agencies and formula grantees with technical and program development assistance for managing offenders adjudicated to case management programs such as TASC. Through a cooperative agreement with the National Consortium of TASC Programs (NCTP), program certification will be implemented through on-site evaluations of local TASC program operations matched against criteria already devised and pre-tested through previous BJA cooperative agreements for TASC technical assistance. Documentation will be prepared by field experts and reviewed by the project's advisory committee.

Interstate Compact Administrators Information Network (ICAIN)—Automation of the Parole and Probation Interstate Compact

$50,000

The Parole and Probation Compact Administrator's Association has designed and is demonstrating a micro-computer system to provide complete and timely information on probationers and parolees moving between five pilot States, with particular attention to those offenders with drug-related conditions of parole or probation. FY 1991 funds will support computer software to provide the direct entry of the ICAIN file into each intrastate system; will allow

additional, already automated, states to join ICAIN; and will support efforts to explore linkage of ICAIN with the NCIC.

Bureau of Justice Statistics

$500,000

New Programs

National Probation And Parole Survey Initiative

$500,000

This initiative will be launched with the dual objectives of obtaining detailed data on each probation and parole agency nationwide and eventually, the collection of new and expanded information on the offense, criminal history, and substance abuse history of the nearly 3 million offenders under conditional supervision in the community. The National Institute of Corrections and the Office for Victims of Crime will be contacted for technical assistance in providing feedback and comments regarding the draft census and survey instruments. Finalized data sets will be made available to all OJP components, and BJS will provide assistance for those utilizing the BJS data for their own analyses.

National Institute of Justice

$1,100,000

New Programs

Juvenile Boot Camps: Evaluation

$300,000

This is a collaborative intra-agency program among NIJ, OJJDP and BJA in which BJA is providing a major portion of the funding. The purpose of this NIJ program is to evaluate juvenile boot camp programs that target juvenile males, adjudicated for nonviolent offenses, who evidence drug or alcohol abuse problems and pose a high risk of continuing their delinquent careers. The goal of these programs is to reduce drug use and to provide an opportunity and incentive for law-abiding behavior among such youths. Phase I of the evaluation will be conducted in Fiscal Year 1991; Phase II is expected to commence in Fiscal Year 1992. (A solicitation is pending; no additional applications will be accepted in Fiscal Year 1991.)

Intermediate Sanctions—Regional Conferences

$150,000

This regional workshop series will provide information based on research and experience regarding the effectiveness of intermediate sanctions and guidance regarding achievable operational goals for States and localities. Services are provided by a current contractor.

Inmate Work Initiative—Private Sector Prison

$150,000

This program, in conjunction with BJA, provides developmental assistance to jurisdictions seeking to implement private sector prison and jail industries. This program will provide training to State and local correctional facilities. Its purpose is to strengthen and expand inmate industries under the Federal Certification Program. This is a possible continuation of a current project.

Continuation Programs

Intermediate Sanctions, NIJ Punishment and Control Program

$500,000

In FY 1991, the program will continue to build on previous findings in the areas of assessing the effectiveness of Intermediate Punishments such as Intensive Supervision of Probationers, Electronic Monitoring, Drug Testing, Home Detention and Boot Camps. In addition, the 1991 program will focus on areas of concern to prison administrators: The incidence and medical costs of AIDS among prison populations, the programming of special offender groups such as sex offenders, and management concerns such as system performance measures and recruitment and retention of staff. Multiple awards may be made. Methods of procurement will be determined and solicitations may be issued as appropriate.

Office of Juvenile Justice and Delinquency Prevention

$925,000

New Programs

Boot Camps for Juvenile Offenders; Constructive Intervention and Early Support

$750,000

This is a collaborative intra-agency program between OJJDP, NIJ and BJA, in which BJA is providing all or a major portion of the funds. The guideline for this initiative was issued in Fiscal Year 1990, and the deadline for submission of applications was October 30, 1990. The funding for this new program will, therefore, occur in Fiscal Year 1991. The purpose of the program is to develop and test boot camps that are focused on adjudicated, nonviolent, juvenile offenders who are under 18 years of age. The program will: Serve as a criminal sanction; promote basic, traditional, moral values inherent in our national heritage; increase academic achievement; provide discipline through physical conditioning and team work; include activities and resources to reduce drug and alcohol abuse among juvenile offenders; encourage participants to become productive law-abiding citizens; promote literacy by using intensive, systematic phonics; and instill a work ethic among juvenile offenders. Up to three sites will be funded under this initiative.

Continuation Programs

Restitution

$175,000

This project provides training, technical assistance, and guideline information to juvenile courts and to other juvenile justice agencies for the development, implementation, and improvement of restitution programs. Expansion of restitution as an accountability-based juvenile justice disposition is fostered in this program. The most recent award will support a state-of-the-art assessment of the latest developments and training or technical assistance needs in the field of juvenile restitution. Also, it will provide for an update and revision of the *1987 National Directory of Juvenile Restitution Programs.*

Gangs and Violence—$5,192,000

"We will not allow our communities to be held hostage to gangs and drug dealers." President Bush, November 2, 1990 (Remarks in Cincinnati, Ohio.)

OJP Policy Statement

Federal, State and local law enforcement must work together in a partnership with the community to combat gang violence and drug trafficking. Gang-related homicides and violent crime are tragically high and with gang members armed with fully-automatic weapons, gangs pose a problem of national concern. The Office of Justice Programs will initiate a comprehensive agency-wide program which will emphasize prevention, intervention and suppression of illegal gang activity. A broad range of resources will be dedicated across the full spectrum of OJP agency functions, including, policy research, evaluation, program development, demonstration, training and technical assistance, and information dissemination, to confront the gang problem.

OJP Program Response

Bureau of Justice Assistance

$1,300,000

New Programs

Comprehensive Gang Initiative

$600,000

This is a collaborative intra-agency program between OVC, OJJDP and BJA, in which BJA is providing all or a major portion of the funds. This program will focus on jurisdictions with chronic or emerging gang problems which are interested in expanding their efforts to include both prevention and control activities. A comprehensive program model will be developed based in part on the experience of the BJA programs focused on law enforcement impact and prosecution, and the materials developed through OJJDP on prevention and intervention strategies as well as assistance from OVC on services for victims of gang crimes. A corresponding training and technical assistance curriculum will be developed this year.

Continuation Programs

Urban Street Gang Drug Trafficking Enforcement Program

$700,000

This is a demonstration program directed at the development of model city-wide or multijurisdictional enforcement projects to investigate and prosecute drug distribution and drug-related violent crimes by organized urban street gang networks. A competitive solicitation will be released and up to three projects will be supported. Documentation of site implementation activities and model development will be undertaken by a separately funded technical assistance and training effort, which will operate concurrently with the implementation activities.

National Institute of Justice

$1,242,000

New Programs

Gangs and Crime: Assessments and Publications

$117,000

The purpose of this project is to conduct a national survey of police and prosecutors regarding activities that are currently operating in their jurisdictions. The project will involve the development of reports, case studies, publications and monographs to support the gangs initiative. Services are provided by a current contractor.

Gangs and Violence Program

$1,125,000

The purpose of this program is to assess the current state of criminal justice responses to the gang problem, the relationship between gangs and crime, and the national perspective on gangs. This program includes all of the NIJ violence projects and a continuation of a study of Asian Gangs. Multiple awards may be made. Methods of procurement will be determined and solicitations may be issued as appropriate.

Office of Juvenile Justice and Delinquency Prevention

$2,650,000

The balance of $850,000 to satisfy $3.5 million Congressional earmark for gangs is reflected in other priority areas, in which the gang initiative is a component of the programs, but not the major focus.

New Programs

City of Portland, Oregon Comprehensive Gang Demonstration Project

$500,000*

The Conference Report covering the appropriations for the United States Department of Justice dated October 20, 1990 (Congressional Record, H. 10877) provides for at least $500,000 in funding for this project, with the State of Oregon providing $1,500,000 in matching funds to support the effort. The Portland gang project is an integrated multi-agency project consisting of a Gang Resource Intervention Team (GRIT) located in the probation department, a police special gang unit called the Gang Enforcement Team (GET) and a specialized short-term 30-day detention program which works primarily with gang youth. This continuum of programming enables Portland to respond with graduated sanctions against gang members depending on the severity of their offenses.

Continuation Programs

National Youth Gang Suppression and Intervention Project

$200,000*

The purpose of this program is to develop effective, comprehensive approaches to suppress, control, and treat criminality among chronic and emerging youth gangs. It will focus on community-based programs to "take back the streets" and school zones from drug dealers in high crime areas. Fiscal Year 1991 funding will support training and technical assistance to selected sites.

Teens, Crime and the Community: Teens in Action in the 1990's

$400,000*

This program is designed to reduce teen victimization by actively engaging teens in helping to improve their schools. The program will be expanded to include teen victimization programs for rural and Native American populations and institutions in the juvenile justice system. The program will also provide training, technical assistance, program replication and dissemination materials to increase significantly the capacity of schools and other institutions to prevent juvenile victimization.

Targeted Outreach With a Gang Prevention and Intervention Component

$400,000*

This program is designed to enable local Boys and Girls Clubs to prevent youth from entering gangs and to intervene with gang members, who are very early in their careers, in an effort to divert them from gangs. The National Office of Boys and Girls Clubs will provide training and technical assistance to 30 local clubs to help them develop the capacity to intervene with gang youth.

Youth Gang Intervention Training

$500,000*

The objectives of this training program are: (1) To provide a process for community leaders to recognize the benefits of cooperatively developing a strategy to address effectively the problems resulting from gang and drug activities; (2) to promote an awareness and recognition of the problem of gangs and drugs, justice system practices, behavior patterns of gangs and gang members and current system practices and demonstration projects; (3) to provide strategies and techniques for public and private interagency partnerships dealing dynamically with community gang- and drug-related problems; (4) to clarify and document the legal roles, responsibilities and issues relating to an interagency approach to the prevention, intervention and suppression of the illegal activities of youth gangs; (5) to encourage leadership and innovation in the management and resolution of gang and drug problems; and (6) to develop or improve the response capacity to gang and drug issues through an effective

*This program and the corresponding budget amount represent a Congressional "earmark" or directive as contained in the Fiscal Year 1991 Appropriations report language pertaining to the Office of Justice Programs.

interagency model which fosters the matching of resources to demands.

School Safety

$500,000*

The purpose of this program is to provide training and technical assistance on school safety to elementary and secondary schools, as well as to identify methods to diminish crime, violence, and illegal drug use in schools and on school campuses. This includes a special emphasis on outreach to ethnic minorities and gang-related crime. The National School Safety Center (NSSC) is an integral part of this program and makes site visits to local schools and school districts to assist with a wide variety of problems, from safety of the physical plant to determining whether there is gang activity at a location. OJJDP will work with NSSC over the next two years to facilitate transition of the Center into a mode of self-sufficiency.

Schools and Jobs Are Winners

$150,000*

This Philadelphia-based program focuses on high school students in grades ten and eleven who are in gangs, have family members who belong to gangs, are involved with drugs or alcohol usage, were abused or neglected, or were arrested by police. The goals are to prevent high school students from dropping out of school and joining gangs, by providing educational, recreational and social services; and by providing support services to families of at-risk youths and extremely disadvantaged youths.

Evaluation—$7,275,000

"It is our Federal role to get the thinking going, to support demonstration projects to see if we're on the right track, to evaluate what's right and wrong with the project, and then to get the word out to you, who are in State and local government." Attorney General Dick Thornburgh, May 15, 1990 (The National Drug Conference, Washington, DC.).

OJP Policy Statement

Evaluations should be a primary component of OJP discretionary grant programs. The Office of Justice Programs promotes program evaluation so that programs that work can be identified, publicized and replicated in other jurisdictions, while programs that have not been proven to be effective can be discontinued. The Office of Justice Programs will dedicate significant financial resources to encourage, enhance and enforce quality design and program development, and will disseminate the results to communicate what works and what doesn't. OJP evaluation activities consist of formal assessment of OJP programs through objective measurement and systematic analysis of the manner and extent to which the programs achieve their objectives and produce significant results. The results are used to assist in the formulation of relevant policy and related program design and the subsequent development and dissemination of program policies, procedures and practices to provide information and guidance at the Federal, State and local levels.

OJP Program Response

Bureau of Justice Assistance

$4,675,000

New Programs

Evaluation of the Program for the Improvement of State Criminal History Records

$600,000

This program provides funds to perform, process and impact evaluations of efforts to improve State criminal history records. It will assess whether or not the program improved the accuracy, completeness and timeliness of criminal history record information at centralized State repositories and whether or not it is providing effective information to the Federal Bureau of Investigation and promoting newly developed, recommended reporting standards. It will determine if the program serves to identify convicted felons who are ineligible under Federal law from purchasing firearms, particularly those convicted in the past five years and in the future.

Continuation Programs

Consortium to Assess the Impact of State Drug Control Strategies

$775,000

This project is designed to develop and implement standardized evaluations of subgrant performance data to allow the assessment and evaluation of formula grant drug control efforts at the State and local levels. The Consortium will provide technical assistance to the 56 States and Territories directly and through a series of reports and technical assistance documents. This technical assistance will enhance the data collection, analysis and reporting capabilities of the State agencies designated to administer the formula grant program.

Evaluation of Discretionary and Formula Grant Programs

$3,000,000*

This program provides funds through interagency transfer to perform impact evaluations of national programs funded by the Edward Byrne Memorial Drug Grants, for both the discretionary and formula grant programs. In addition, funds are included to convene the 2nd annual Conference on Drug Control Evaluation.

Evaluation of the National Citizens' Crime Prevention Campaign

$300,000*

This program provides funds to assess the effectiveness of the national campaign which includes public service advertising, technical assistance and training, youth programs, demonstration projects for community involvement, material development and dissemination, the Crime Prevention Coalition and many other activities. These efforts in drug prevention are designed to reach millions of children, law enforcement professionals, community groups, schools and businesses.

National Institute of Justice

$1,500,000

New Programs

Building Evaluation Capacity

$500,000

This will provide additional resources to enhance the NIJ evaluation effort. The purpose of this program is to evaluate programs and projects to determine their effectiveness in achieving stated criminal justice goals and to identify new and promising approaches to criminal justice problems that have high potential for national replication. Methods of procurement will be determined.

Continuation Programs

Evaluation of Drug Control Projects

$1,000,000

NIJ will continue to evaluate innovative state and local anti-drug programs supported by BJA funds. In this effort, BJA, pursuant to the Fiscal Year 1991 Appropriations Conference Report (H. Rpt. 101–909), page 45, will transfer $3 million to NIJ. NIJ will sponsor evaluations that assess the impact of these programs and disseminate the findings from evaluations to state and local officials. Program topics will encompass a wide variety of criminal justice issues,

ranging from community crime prevention to enforcement and punishment. Multiple awards may be made. Methods of procurement will be determined and solicitations may be issued as appropriate.

Office of Juvenile Justice and Delinquency Prevention

$1,100,000

New Programs

Evaluation of the Cities in Schools Partnership Plan Phase V Program

$150,000

This effort is designed to evaluate the national drop-out prevention model that is being implemented by Cities in Schools, Inc. The model focuses social service, employment, mental health and other resources on high risk youth in the school setting. OJJDP, the United States Department of Labor, and the United States Department of Education will jointly design and fund this evaluation program.

Independent Evaluations

$500,000

A contract or other appropriate arrangement will be initiated to conduct independent evaluations of OJJDP-funded programs. The following criteria will determine the sequence of programs selected for evaluation: (1) Continuations in order of number of years of funding and total expenditure; (2) new action programs being tested to serve as possible models; and (3) new and continuing programs requiring decisions on continuation.

Impact Evaluation of Youth Gang Intervention Training

$300,000*

An independent impact evaluation will be funded as part of the interagency agreement developed with the Federal Law Enforcement Training Center.

Evaluation of the Juvenile Firesetter/Arson Program

$150,000

The Juvenile Firesetter/Arson Program calls for the funding of test sites. In addition to funding jointly these test sites, OJJDP and the Federal Emergency Management Administration's Fire Administration will fund jointly an evaluation of the implementation of the program in the test sites.

Prevention and Education—$12,503,000

Prevention remains one of our most important weapons in the Nation's war on illicit drugs. President Bush, September 4, 1990. (Proclamation 6174—National DARE Day.)

Securing a drug-free future for every American school and community will require the personal commitment and sustained cooperation of parents, students, teachers, law enforcement personnel, members of the clergy, elected officials, and business and community leaders. President Bush, October 17, 1990 (Proclamation 6202—National Drug-Free Schools and Communities Education and Awareness Day.)

OJP Policy Statement

The criminal justice system should assume a primary role in developing community-wide efforts to prevent the use and trafficking of illegal drugs. Office of Justice Programs prevention and education activities focus on community-based efforts to eliminate the problems of drug abuse, gang activities, illiteracy, juvenile delinquency and school drop out rates, especially in our minority communities. In addition, these program activities focus on offenders returning from correctional programs. Demonstration, training, technical assistance and program evaluation are used to promote and assess effective community responses to preventing high-risk individuals from becoming involved in serious crime and illegal drug use.

OJP Program Response

Bureau of Justice Assistance

$3,900,000

Continuation Programs

Drug Abuse Resistance Education Program—DARE

$1,050,000*

The purpose of this program is: (1) To train police officers to teach skills to children that help them to resist pressure to use drugs; (2) to reduce the demand for drugs and eliminate drug-related crime; and (3) to provide technical assistance to State training centers and to accredit those centers that are qualified as DARE Training Centers. DARE officer candidates will receive 80 hours of initial training, to be followed by 40 hours of in-service training classes.

Drug Abuse Resistance Education Parent Program

$150,000*

This continuation program: (1) Provides training for parents of school children (K–12) in drug use prevention; (2) educates parents in ways to communicate better with their children; (3) assists parents in understanding the scope of the drug problem, especially among adolescents; (4) trains parents how to recognize drug use; (5) assists parents in acquiring treatment for youth who are using drugs; and (6) helps parents cope more effectively with drug use problems that may arise within their families. The program is being developed further and tested by presentations at school auditoriums, churches, and public housing projects. The DARE Regional Training Centers will evaluate the effectiveness of the curriculum and, if found to be successful, the program will be presented nationwide.

National Citizens' Crime Prevention Campaign

$2,700,000*

The purpose of this program (represented by "McGruff, the Crime Dog") is to educate children and adults about crime and drug prevention; to mobilize existing resources for crime and drug prevention; to generate an individual and community sense of responsibility for crime and drug prevention; and to provide program direction to the field of law enforcement, state and local governments and communities around the world. An evaluation of the public service advertising campaign will be included in this effort. (For the remaining $300,000 balance of the Congressional $3.0 million earmark, see the Evaluation section above.)

National Institute of Justice

$1,575,000

New Programs

DARE National Assessment

$300,000

NIJ will sponsor a national assessment of the DARE program. It will perform a critical review of the evidence amassed by local evaluations to determine the scope and reliability of DARE findings. The assessment will also analyze future drug resistance education needs in terms of curricula, funding, and the appropriateness of follow-up education programs. This grant will be a single award. Method of procurement will be determined; a solicitation may be issued as appropriate.

Research on School Crime Survey

$75,000

This is a collaborative intra-agency program between NIJ and BJS. This program will sponsor research on the recently completed supplement to the National Crime Survey on School Crime. The studies will explore a variety of issues dealing with victimization at

school, school safety, and the availability of drugs on the campus. Studies are expected to benefit school safety officials and contribute to drug education programs. A solicitation is pending; no additional applications will be accepted in Fiscal Year 1991.

Continuation Programs

Criminal Career Project

Up to $1,200,000

This is a continuation of a joint program with the MacArthur Foundation to predict and interrupt criminal careers. The MacArthur Foundation matches NIJ funds. The research will study the development of delinquent and criminal behavior patterns in at least two large cities, gathering data over a five-year period on males belonging to overlapping age cohorts spaced from birth to 18 years. During the course of the study, experimental projects are planned that will review life histories to identify emerging patterns of delinquency and crime. This is a possible continuation of a current project and applications will not be solicited in Fiscal Year 1991.

Computer Crime Prevention

$50,000 (DOEd)

This is an interagency collaborative effort between NIJ and the Department of Education. The goal of this interagency agreement is to develop strategies for school boards, school administrators and teachers that will help them construct policies and curricula that cover the important issues in technology ethics. An advisory panel of law enforcement, education and private sector experts will help determine what is included in these strategies. This is an interagency agreement with The U.S. Department of Education and a solicitation is pending and no further applications will be accepted

AIDS/HIV in Prisons and Jails

$1,083,000 (NIDA)

This is an interagency collaborative effort between NIJ and the National Institute of Drug Abuse. The purpose of this program is to design, test and evaluate the effectiveness of strategies for AIDS/HIV education and referral to drug treatment on arrestees held fewer than 48 hours in jail booking facilities and lockups. This is a possible continuation of a current project and applications will not be solicited in Fiscal Year 1991.

Smart Program

$250,000 (DOEd)

This is an interagency collaborative effort between NIJ and the Department of Education. The Smart Program is a demonstration program that provides assistance to local school districts in establishing safe, drug-free schools. Since 1983, the program has been field-tested in more than 100 schools and 7 districts. The program provides technical assistance and support, training and evaluation. This is a possible continuation of a current project and applications will not be solicited in Fiscal Year 1991.

Office of Juvenile Justice and Delinquency Prevention

$7,028,000

New Programs

Satellite Pre-School and Early Elementary Schools for Privatized Public Housing

$300,000*

This program is designed to address the need for early childhood education for children who reside in public housing and will serve the needs of public housing resident children from nursery school through the fourth grade. The model will include a focus on individual attention for these youth, highly motivational materials and approaches that focus on traditional values. It is hoped that this program will be linked to a private business and foundation's efforts that will provide a continuum of educational and employment services to public housing youth into the later elementary, junior high and senior high school years. This program will be coordinated with the Department of Health and Human Services and the Department of Education.

Improving Literacy Skills of Institutionalized Juvenile Delinquents

$200,000

Coordinated with the Department of Education, this program will include training, technical assistance, and development of curricula for use by staff of detention and correctional facilities. It will improve the literacy levels of juvenile residents in these facilities while creating a national network of trained reading teachers and volunteers available to juvenile correctional facilities.

Improving Conditions of Confinement: Training for Juvenile Corrections Staff

$350,000

OJJDP will initiate a comprehensive training program for juvenile corrections staff through an interagency agreement with the National Institute of Corrections (NIC). The program will be designed to develop a core curriculum or adapt existing curriculum to provide training for juvenile corrections administrators and mid-level management personnel in areas such as drug testing and gang activity.

Family Strengthening

$50,000

Beginning with research to analyze how families function effectively (including such factors as parent-child dynamics, nurturing, and family-community involvement that may be associated with delinquency prevention), this program will develop and support programs that strengthen and maintain the family unit in order to prevent or treat juvenile delinquency. As part of this initiative, OJJDP will sponsor a National Conference on Strengthening the Family.

Continuation Programs

Juvenile Court Training

$1,100,000*

This project will provide foundation training both to newly-elected or appointed judges and to experienced judges who have been newly assigned to the juvenile or family court bench. The training objectives are to supplement law school curricula, provide judges with current information on developments in juvenile and family case law, and provide options for sentencing and treatment. Emphasis will be placed on the areas of drug testing, gangs and violence, intermediate sanctions, as well as on responding to the problems of unemployability, illiteracy and family dysfunction.

Technical Assistance to the Juvenile Courts

$392,000*

The National Center for Juvenile Justice (NCJJ) is the research division of the National Council of Juvenile and Family Court Judges. Serving as a direct resource for the members of the Council, the NCJJ provides valuable technical assistance to juvenile court practitioners. The general areas in which assistance is provided include: court administration and management, program development, court decisionmaking, legal opinions, due

process, and case law. Emphasis will be placed on intermediate sanctions such as boot camps and on appropriate dispositional alternatives for handling juveniles involved in gang activity.

Juvenile Justice Training for Court Personnel

$81,000

The National Center for State Courts, Institute for Court Management, conducts education and training programs for juvenile justice practitioners and others involved in the administration and management of the courts. This program will focus upon the completion of an assessment of juvenile court management staff training needs as a basis for development of a broader based program designed to upgrade significantly the skills of juvenile court staff members.

National Juvenile Firesetter/Arson Control and Prevention Program

$100,000

The purpose of this program is to develop models and provide training and technical assistance to communities to prevent juvenile firesetting and arson. During the next funding phase of the program, four sites will be identified to implement the model program. Training and technical assistance will be provided to these selected sites and, under a separate solicitation, an evaluator will be selected to evaluate the program.

Training and Technical Assistance for Juvenile Detention and Corrections

$250,000

This program will provide a national forum on juvenile corrections, to include juvenile court judges and probation officers; develop a resource guide designed to increase literacy among youth involved in the juvenile justice system; assist in the development of standards for all juvenile justice facilities; and produce a second edition, *Guideline for the Development of Policies and Procedures: Juvenile Detention Facilities*. Emphasis will be placed on intermediate sanctions for handling juveniles involved in drug-related offenses and gang activity.

Law-Related Education (LRE)

$3,200,000*

The Law-Related Education National Training and Dissemination Program involves five national LRE projects and programs which operate in 47 States. The purpose of this program is to provide training and materials to state and local school jurisdictions to encourage and guide them in establishing LRE delinquency prevention programs in the curricula of grades kindergarten through 12 and in juvenile justice settings. Emphasis will be placed on drug abuse prevention programs in primary, middle and secondary schools.

Student Initiated Drug Prevention Training

$100,000

This drug prevention program uses peer counseling and professional athletes to combat peer pressure and to influence other youngsters to refrain from abusing alcohol and drugs. During the next year, the program will be documented for replication, and a training manual will be developed to support dissemination.

Career Development

$90,000

This program gives high-risk youths an opportunity to assess their interest in and potential for careers in the criminal justice system and the National Park Service. In addition, Law Enforcement Exploring is designed to educate and involve youths in police or other justice system operations and to build understanding between youths and law enforcement personnel. The participating youths render hands-on assistance to their host agencies or organizations (State and local police departments, U.S. Park Service, U.S. Customs, etc.) and also receive hands-on training from their host agencies.

Juvenile Corrections Industries Venture Program

$200,000

The purpose of this program is to assist juvenile corrections agencies in establishing joint ventures with private businesses and industries to provide new opportunities for vocational training of juvenile offenders. After an assessment of corrections ventures programs has been completed (by January 1991), the next stage of funding will permit the development of a corrections ventures model, a policies and procedures manual, and training and technical assistance materials.

Partnership Plan, Phase V

$500,000

This program continues a national school drop-out prevention model that is being implemented by Cities In Schools, Inc. (CIS), which provides training and technical assistance to states and local communities to enable them to adapt and implement the CIS drop-out prevention model. The model focuses social, employment, mental health and other resources on high-risk youths and their families at the school level. The program is funded jointly by OJJDP and the United States Departments of Labor, Health and Human Services, and Commerce.

Juvenile Justice Training for Prosecutors

$115,000

The project's activities include designing and implementing policy development workshops for chief prosecutors and for juvenile unit chiefs in district attorneys' offices to support their role in the juvenile court processing of delinquent offenders. The program will address juveniles involved in serious and violent crime, as well as drug and gang-related activity, with emphasis on intermediate sanctions such as drug testing and restitution. Materials will be collected for the preparation of a training manual on policy issues pertaining to the prosecution of juvenile offenders. The project will continue to issue a newsletter.

Multijurisdictional Task Forces—$14,152,000

From a law enforcement perspective, our Federal responsibility is to disrupt, dismantle, and destroy drug trafficking enterprises. This ambitious agenda reaches across the full spectrum of drug control activities. We intend to dismantle drug trafficking organizations by incapacitating their leadership and by seizing and forfeiting the immense profits and proceeds derived from their illegal activities. Attorney General Dick Thornburgh, May 15, 1990. (The National Drug Conference, Washington, DC)

But a truly integrated, effective, and efficient national strategy requires that various law enforcement authorities coordinate their efforts when drugs are involved. And, in fact, drug enforcement in the United States has enjoyed some of its greatest successes when Federal authorities have worked together. Coordination between the Federal Government and the States and localities, typified by the increasingly productive DEA/State and local task forces, has also worked well. National Drug Control Strategy, 1989.

OJP Policy Statement:

Coordination of resources and programs among Federal, State, and local agencies is essential to controlling the use and trafficking of illegal drugs. Office of Justice Programs multijurisdictional task forces activities focus on promoting coordination and cooperation between law enforcement agencies at the Federal, State and local levels in common geographic areas. These programs involve shared

intelligence, technologies, expertise, tactics and strategies, successful financial investigations, asset forfeiture, money laundering and gang investigation units. OJP will continue to provide a wide range of assistance to these Task Forces through demonstration, technical assistance, training and information dissemination programs, as well as evaluation activities, to effect comprehensive responses to drug-related crimes and gang violence.

OJP Program Response

Bureau of Justice Assistance

$12,202,000

New Programs

Drug Prosecutions' "Best Practices"—Large Jurisdictions

$200,000

This program is designed to identify and assess the current "best practices" in metropolitan jurisdictions (one million population and larger) for all phases of drug prosecution. Individual prosecutors' offices will be requested to identify and document a specific technique or practice currently being employed that is producing results exceeding the previous customary or routine processing case procedure. The grantee will validate each of these practices and compile them in a comprehensive drug prosecution "best practices" document for dissemination to the Nation's large jurisdictions.

Asset Forfeiture Case Management and Tracking System

$150,000

The primary thrust of asset forfeiture programs is to remove the profit motive from the sale and distribution of drugs and to disrupt the distribution network by the prosecution of drug offenders and the seizure of assets. The result of this demonstration project will be a generic, operating case management and tracking system that can be used by local jurisdictions on a 386 class computer, modifiable if necessary. The system will be operational in 2–3 jurisdictions and documentation for its use by other jurisdictions will be provided. The grant will be made on a competitive basis.

Asset Forfeiture Training for Prosecutors

$200,000

This program is designed to train and provide technical assistance to local selected law enforcement officers on how to implement and apply effective State forfeiture statutes. The training will address the key provisions of these statutes: Civil (in rem) and criminal forfeiture procedures, substitute asset provisions, money laundering provisions and property management procedures. It will focus on how to develop the prosecution capacity, policies and management to ensure just, ethical and effective prosecution of model State asset forfeiture provisions. Training will be targeted on States that now have or are actively pursuing the adoption of the model asset forfeiture statute or an enhanced State asset forfeiture statute.

Financial Investigation and Money Laundering

$400,000*

The purpose of this project is to develop a prototype or prototypes and to provide training and technical assistance to State Attorneys General in conducting complex financial investigations of illicit drug enterprises and successfully prosecuting these enterprises for money laundering offenses. State Attorneys General will be surveyed to identify model or prototype financial investigations and money laundering units that can inform the development of the prototypes and be documented for future replication.

Foreign Nationals Involved in Domestic Drug Trafficking

$150,000

The purpose of this program is to demonstrate that a cooperative effort between Federal, State and local authorities can have significant impact on organized drug trafficking by foreign nationals operating within the United States. Domestic drug trafficking is frequently conducted and even controlled by foreign nationals operating in the United States. These foreign nationals may enter the U.S. legally as visitors, students or working immigrants. They are largely unknown to local criminal justice authorities, and they can retreat to their homelands in relative anonymity to avoid detection or apprehension. This program envisions a cooperative effort between local police and prosecution authorities, Federal law enforcement agencies, and the appropriate law enforcement authorities in the trafficker's country of origin. Intelligence and other appropriate resources would be shared with all involved parties. However, grant funding would be used only for domestic enforcement and prosecution.

South Carolina Grand Jury Project

$500,000*

The purpose of this demonstration is to expand the on-going South Carolina Grand Jury Project's operation, to assess and document the State Project, and to facilitate its replication by other States. The South Carolina Attorney General's Office has been recognized during hearings held by Senators Hollings and Rudman in February 1990 as having a highly successful Statewide Grand Jury—Criminal Drug Organization Project. (This is a special prosecution unit in the Attorney General's Office dedicated to intensive investigation and prosecution of multijurisdictional drug trafficking networks throughout the State.) This project will expand the Criminal Drug Organization Project of the South Carolina State Grand Jury into a model for the Nation that should be made available to other States. An objective assessment and the full documentation of the genesis, constitutional and statutory authorizations, project development, operations and results obtained by this project will provide the basis for a replication package.

Drug Market Analysis

$650,000

This is a collaborative intra-agency program between NIJ and BJA, in which BJA is providing matching funds. This program, originally funded in five cities, will be continued and expanded to surrounding regions using a task force approach. It will involve real time computer mapping of movement of drug markets. These are possible continuations of existing grants.

Continuation Programs

Asset Seizure and Forfeiture Training

$350,000

The primary purpose of this BJA/DOJ Executive Office for Asset Forfeiture interagency program is to provide training for State and local law enforcement officers in the use of their cognizant State asset seizure and forfeiture statutes. Fiscal Year 1991 funds will continue a cooperative agreement with the Police Executive Research Forum to train State and local agencies in the use of statutes and to provide technical assistance to develop and implement asset seizure and forfeiture units with their police departments.

Metropolitan Area Drug Enforcement Task Force

$1,652,000

With the cooperation of the Drug Enforcement Administration, this Bureau of Justice Assistance continuation project targets street level

and mid-level drug traffickers in the Washington, DC, Metropolitan Area. Its purpose is to establish a visible law enforcement presence in local neighborhoods; to disrupt major links between the suppliers, distributors, and users; to seize and initiate forfeitures against properties used to facilitate the sale and/or consumption of drugs; to initiate enforcement action against property owners who knowingly allow their property to be used in the distribution of illicit drugs and who fail to take action against their tenants who do so; and to develop comprehensive intelligence systems to identify the illicit drug supply source and the distribution network that is responsible for illicit drug trafficking and its associated violence.

Statewide Training for Local Prosecutors

$200,000

The purpose of this dissemination program is to provide training and technical assistance to prosecutors that are assigned full-time to drug units and task forces. It is based on a sophisticated trial training program for drug prosecutors that was tested in two jurisdictions and is applicable to all States.

Organized Crime Narcotics Trafficking (OCN) Program

$3,000,000*

This program demonstrates a unique approach to the development and implementation of coordinated investigations and prosecutions of upper level conspiratorial narcotics trafficking. It demonstrates that shared management, via a control group composed of all participating agencies, of multijurisdictional investigations and prosecutions can avoid the usual pitfalls of single lead agency task forces. FY 1991 funds will continue 18 existing projects, initiate two new statewide sites and continue training and technical assistance.

Use of State Civil RICO Statutes to Interrupt Criminal Enterprises Trafficking in Illegal/Drugs—Demonstration

$400,000

This program demonstrates, in selected State Attorney General Offices, several different approaches for increasing use of a State's civil RICO statute along with related civil remedies as a drug enforcement tool. A prototype or model and a corresponding training curriculum will be developed based on the four current demonstration projects. Available statistical information will be shared with the Bureau of Justice Statistics.

Use of State Civil RICO Statutes to Interrupt Criminal Enterprises Trafficking in Illegal Drugs—Training and Technical Assistance

$400,000

This project will provide technical assistance, training, and an information exchange to State Attorneys General. It will increase the use of State civil RICO and other civil remedies statutes as drug enforcement tools by providing technical assistance and training to four demonstration sites. Available statistical information will be shared with the Bureau of Justice Statistics.

Clandestine Laboratory Enforcement Certification Training

$200,000

This program continues the interagency agreement with the Drug Enforcement Administration, where DEA provides regionally-based training in clandestine laboratory investigations and safety certification. At the conclusion of the training, each officer who successfully completes the course receives the Occupational Safety and Health Administration (OSHA) certification required for clandestine lab investigators.

Financial Investigation Demonstration Program (FINVEST)

$2,600,000*

This program is designed to develop and implement centrally coordinated multijurisdictional financial investigation activities involving tracing narcotics-related financial transactions, analyzing movement of currency, and identifying criminal financial structures and forfeitures. FY 1991 funds will provide continuation funding for 4 existing sites, provide for 6 new sites, and provide for continuation and expansion of the training and technical assistance component.

Interjurisdictional Prosecution Program

$450,000

The purpose of this program is for prosecutors from two or more (up to six) adjoining jurisdictions to establish formal coordination to support an interjurisdictional task force focused on the investigation and prosecution of illegal drug manufacturing and distribution organizations operating regionally across their jurisdictional boundaries.

Model State Drug Control Statutes: Development, Dissemination, Implementation

$300,000

This program will facilitate the development of drug control statutes which strengthen States' investigation, apprehension, prosecution and punishment capabilities in dealing with drug offenders and organizations trafficking in illegal drugs and narcotics. In addition, this program will survey and assess existing State drug control laws and actual practice to identify trends and assist States in correcting current statutory problems by redrafting or implementing updated model State statutes.

Clandestine Laboratory Enforcement Program

$400,000

This program is designed to develop and implement law enforcement, prosecution and forensic chemist teams in different geographic areas of the country to respond to requests to investigate clandestine drug laboratories. From the policies, procedures and experiences of the implementing sites, it is a model clandestine laboratory investigation approach will be developed and presented in a BJA program brief. The technical assistance and training component would be a new program element, developed through a separately funded grantee to assess the project's achievements, and to document a model for dissemination to the field.

Drug Market Analysis

$650,000

This is a collaborative intra-agency program between NIJ and BJA, in which BJA is matching funds. This program, originally funded in five cities, will be continued and expanded to surrounding regions using a task force approach. It will involve real time computer mapping of movement of drug markets.

National Institute of Justice

$1,150,000

Continuation Programs

White Collar and Organized Crime Program

$500,000

This continuation of a broad program focuses on asset forfeiture, money laundering and prosecution of complex cases. The effectiveness of current efforts to combat major offenses will be examined and assessed. The goals of this program are to develop successful

strategies to prevent the occurrence of white collar crimes and organized criminal enterprises, to document harmful impacts of such crime on the individual and institutional victims, and to support more effective legislative, investigative, prosecutorial, and punishment strategies. It is anticipated that one or more in-house research projects will be included in this program area. Multiple awards may be made. Methods of procurement will be determined and solicitations may be issued as appropriate.

Office of Juvenile Justice and Delinquency Prevention

$800,000

Continuation Programs

Serious Habitual Offender Comprehensive Action Program (SHOCAP)

$800,000*

SHOCAP is an information and case management program on the part of police, probation, prosecutor, social service, school, and correction authorities that enables the juvenile justice system to focus additional attention on juveniles who repeatedly commit serious crimes. Particular attention is given to providing relevant case information for more informed sentencing dispositions. Intensive training and follow-up technical assistance is being provided to 20 jurisdictions, while the provider also serves as a clearinghouse for information on the model, to which non-participating jurisdictions can have access.

Community-Based Policing—$6,362,000

"In order to win the war on drugs, law enforcement needs the cooperation of those in our communities. Individuals, civic organizations, local government agencies, schools, businesses, the clergy, and others must all work with police to reclaim neighborhoods from drug traffickers and criminals who prey on innocent victims." Attorney General Dick Thornburgh, October 18, 1990 (Press Release)

State and local governments are the best judges of how their own drug enforcement efforts should be carried out. But they are encouraged to expand the carefully focused street level enforcement techniques that have already shown success in so many neighborhoods. Communities across the country, working with local police, are discovering that these tactics are the most effective method for ridding a neighborhood of drugs, or making sure they never gain a foothold. National Drug Control Strategy, January 1990.

OJP Policy Statement

Alliances between community residents and the police are essential for making neighborhoods safe and drug-free. Office of Justice Programs Community-Based Policing activities emphasize the importance of the police and the communities working together in a relationship of trust, cooperation and partnership to promote safety and security and to rid their neighborhoods of thugs and drug pushers. OJP will focus on demonstration projects which involve promising innovations, such as mini-police stations, directed patrols, and police-neighborhood ombudsmen. This rapidly developing approach to better crime control addresses the need both to prevent crime and to respond effectively to crime when it occurs.

OJP Program Response

Bureau of Justice Assistance

$2,900,000

Continuation Programs

Drug Impacted Small Jurisdictions Demonstration Program

$500,000

The purpose of this program is to demonstrate effective drug prevention and control strategies which address drug trafficking and drug-related crime problems in jurisdictions or combinations of jurisdictions with populations of 50,000 or less. A comprehensive drug control program will be designed and implemented which features a centrally coordinated, cooperative effort with law enforcement, prosecutors, the courts, corrections, drug treatment services and the community.

Innovative Neighborhood Oriented Policing Programs

$2,400,000*

This is a collaborative intra-agency program between NIJ and BJA, in which BJA is providing all or a major portion of the funds. The program is designed to develop and demonstrate innovative community policing programs which target demand reduction at the neighborhood level in urban and rural areas. It is both a law enforcement as well as community-based program, and involves the "co-production of public safety" through extensive partnership efforts. A special program focused on rural areas also will be initiated.

Bureau of Justice Statistics

$1,300,000

Continuation Programs

National Law Enforcement Statistics

$1,300,000

Having funded the redesign of the Uniform Crime Reporting (UCR) program of the Federal Bureau of Investigation, BJS is now funding the implementation of the National Incident-Based Reporting System (NIBRS). Funding is provided to a national network of State agencies compiling and processing the data on crimes reported to local law enforcement agencies. More than 25 States have received funds and several States are expected to provide NIBRS data starting in 1991, with additional States being added each year thereafter. A second element of this program is the newly established data series dealing with Law Enforcement Management and Administrative Statistics (LEMAS). As a result of this survey, *Profile of State and Local Law Enforcement Agencies, 1990* is expected to be published.

National Institute of Justice

$900,000

New Programs

Innovative Neighborhood Oriented Policing (INOP) Program Evaluation

$400,000

This is a collaborative intra-agency program between NIJ and BJA under the Section 520 Evaluation Program. The purpose of this program is to evaluate the process and impact of "Innovative Neighborhood Oriented Policing" (INOP), demonstration projects which encourage a proactive police approach to solving community problems. This grant will be a single award. Methods of procurement will be determined and solicitation may be issued as appropriate.

Continuation Programs

Community Policing, Public Safety and Security Program

$900,000

The purpose of this program is to identify improvements in traditional (reactive) policing as well as to develop innovative methods of policing and crime analysis. The latter includes police/community partnerships and the linking of police resources to other public agencies and to private community resources on problems of crime, drugs, and disorder in the community. The most innovative forms of policing that are currently developing are known as "problem-oriented-policing" and "community policing." This program will identify effective community-based strategies and provide program guidance to selected communities. Multiple awards may be made. Methods of procurement will be determined and solicitations may be issued as appropriate.

Office of Juvenile Justice and Delinquency Prevention

$1,262,000

New Programs

Incarceration of Minorities

$600,000

The purpose of this program is to help jurisdictions identify the extent and nature of the representation of minorities in the juvenile justice system and thereby develop practical guidelines from arrest through disposition. The overall goal of the program is to provide State and local practitioners and professionals with the necessary skills and information to adopt and implement model processes for determining whether the juvenile justice system handles juveniles differently, based on minority status, and to identify resources and strategies to respond to problems identified.

Training in Cultural Differences for Law Enforcement Officials

$125,000

The purpose of this program is to provide those law enforcement officials who interact with juveniles, specialized training relative to racial, cultural and ethnic issues. In developing the training modules, the grantee will work in a consulting capacity with several current OJJDP grantees which have training components, such as the Federal Law Enforcement Training Center, the National Family and Juvenile Court Judges Association (NFJCJA), the National Institute of Corrections, and the American Probation and Parole Association.

Continuation Programs

Juvenile Justice Training for Law Enforcement Personnel

$537,000

This project provides technical assistance and training to provide a better understanding of the juvenile justice system to national, State and local law enforcement agencies. The following training programs are offered through this project: (1) Police Operations Leading to Improved Children and Youth Services (POLICY); (2) Managing Juvenile Operations; and (3) School Administrators for Effective Police, Probation, and Prosecutors Operations Leading to Improved Children and Youth Services (SAFE POLICY).

Community—Based programs—$4,850,000

Let me emphasize here that the Federal Government cannot do it alone, local communities and States and individuals and families must help. The President's News Conference, August 15, 1989.

The first challenge facing our criminal justice system is to help reclaim neighborhoods that have been rendered unsafe by drugs. For it is in neighborhoods that drugs pose an immediate threat to local residents and the quality of their lives. National Drug Control Strategy, 1989.

OJP Policy Statement

The criminal justice system should assume a primary role in mobilizing communities to develop comprehensive strategies for combatting illegal drugs. Office of Justice Programs community-based programs will emphasize programs at the grass roots level which focus on mobilizing law abiding citizens to get involved in high crime neighborhoods where there is a prevalence of drug trafficking, serious crime, gang violence and child sexual exploitation. Through comprehensive and coordinated activities, community leaders including school officials, church, business and civic leaders can work together to "take back the streets" and keep them safe from the criminals. Prevention and intervention efforts will be concentrated in public housing complexes, drug-free school zones, recreational parks and community centers threatened by drug-related crime and illegal gang activity. The involvement of residents, neighborhood organizations and institutions is essential components of these programs. Demonstration and dissemination programs are the primary approaches for informing and directing communities on the most effective programs and how these programs can be implemented in their neighborhoods.

OJP Program Response

Bureau of Justice Assistance

$1,900,000

Continuation Programs

Community Drug Abuse Prevention Initiatives

$1,000,000*

This program is designed to assess, document and demonstrate programs which encourage the active participation of the community, including businesses, the family, the workplace, schools, churches, and social organizations, working jointly with law enforcement, to reduce the demand for drugs and improve the quality of life in communities.

National Night Out 1991

$100,000*

Sponsored by the National Association of Town Watch, Inc. (NATW), "National Night Out" (NNO) is an annual, nationwide drug prevention initiative that involves thousands of communities in a year-long effort of coalition and partnership-building among public and private agencies, businesses, community organizations, and citizens. Program activities for the year culminate in a one-night event in which citizens are asked to turn on their porch lights between the hours of 8 and 10 p.m., go outside and meet neighbors, and organize events such as block parties and candlelight vigils to demonstrate support for community crime prevention efforts.

Neighborhood Crime and Drug Abuse Prevention Program—(Eisenhower Foundation)

$500,000*

This program is designed to continue the development and demonstration of an innovative community policing program which targets demand reduction at the neighborhood level. Objectives will focus on at-risk-youth, the prevention of gang activity, deteriorating social structures, developing an environment for economic growth, building coalitions and planning teams, and law enforcement's adoption of community and neighborhood oriented policing.

Local Drug Prosecution Program: Development Documentation and Dissemination

$300,000

This program is designed to provide State and local prosecutors with new and innovative approaches to: (1) Improve local investigation and prosecution of drug offenses; and (2) organize community resources into a comprehensive strategy to eliminate illegal drugs. The program targets district attorneys, who establish and implement drug control policies, and front line prosecutors who try drug-related cases. Drawing upon the expertise of an established national network of narcotics prosecutors, the project will develop, document and disseminate information on innovative programs and policies related to effective investigation and prosecution of drug offenses, and development of comprehensive community-based drug control strategies.

National Institute of Justice

$250,000

New Programs

Ridding Public Housing of Gangs

$250,000

Efforts are underway to rid housing developments of gangs, drugs and violence through techniques such as "Operation Cleansweep." This community-based initiative removes unauthorized persons, makes the buildings secure, identifies needed repairs, and establishes a permanent security system. NIJ is proposing to document these approaches as well as assess strategies to identify effective ways to rid housing projects of gangs, drugs and violence. The method of procurement will be determined.

Office of Juvenile Justice And Delinquency Prevention

$2,700,000

New Programs

The Native American Alternative to Incarceration Venture (NAATIV)

$50,000

This program is designed to build upon OJJDP's currently funded study of juvenile justice on Native American reservations that is being conducted by the American Indian Law Center in Albuquerque, New Mexico. Fiscal Year 1991 funding will support the development of a planning process to utilize the findings of the study to develop programs that respond to the high levels of incarceration of Native American youths. This will be facilitated by developing sound, culturally relevant alternatives to incarceration which can then be implemented and tested on a number of Native American reservations. Implementation and testing will occur in Fiscal Year 1992.

Anti-Drug Abuse Prevention—Technical Assistance Voucher Project

$300,000

This project will provide technical assistance to 15 to 25 neighborhood-based organizations which have established anti-drug abuse projects to enhance their capacity to serve high-risk youth and serious juvenile offenders. Presenting their own plans and design will allow these neighborhood groups to secure technical assistance inexpensively from sources compatible with both their programs and their specific community characteristics.

Continuation Programs

Reaching At-Risk Youth in Public Housing

$300,000*

Boys and Girls Clubs of America have established seven Boys and Girls Clubs in Public Housing across the Nation under the existing cooperative agreement with OJJDP. These programs are designed to provide needed services to the high-risk youth who live in public housing, thereby preventing their involvement in delinquency, drug and alcohol abuse and gang membership. During Fiscal Year 1991, additional sites will be established, and training and technical assistance will be made available to other Boys and Girls Clubs and public housing authorities wishing to establish clubs.

Intensive Community-Based Aftercare Program

$100,000

This program is designed to develop a juvenile aftercare model which can be tested in the juvenile justice system. The next stage of funding of this project will permit the completion of training and technical assistance materials, and enable the testing of the training materials in one or two sites. Depending on availability of resources, the model may be tested in Fiscal Year 1992.

Promising Approaches for the Prevention, Intervention and Treatment of Illegal Drug and Alcohol Use Among Juveniles

$150,000

The purpose of this program is to provide communities with the necessary skills and information to adopt and implement promising approaches for the prevention, intervention and treatment of chronic juvenile drug and alcohol abuse. An assessment as well as several components of program models for each category have been completed, including related training and technical assistance materials. Fiscal Year 1991 funds will permit the completion of all the components for the respective community-based models and related training and technical assistance.

Research on the Causes and Correlates of Delinquency and Non-Delinquency

$1,800,000

This longitudinal study, involving three coordinated projects, is now in its fifth and scheduled final year. Its purpose has been to improve the knowledge base regarding positive, delinquent, or drug using behaviors of juveniles in the context of the family, school and individual. A summation report is planned for use by program developers and managers.

Drug Testing—$5,867,000

Testing within the criminal justice system can serve as an 'early warning system' that provides another method of keeping offenders in check while they are on pretrial or post-conviction release. Moreover, random, mandatory drug tests, coupled with certain penalties, create a powerful incentive for those under correctional supervision—a high risk group—to get off and stay off drugs. National Drug Control Strategy, January, 1990.

OJP Policy Statement

Drug testing should be a part of each component of the criminal justice system. Drug testing is a critical deterrent in the Nation's drug war. Research has shown that those who use drugs are most likely to end up being involved in criminal activity. The Office of Justice Programs Drug Testing activities focus on pre- and post-adjudicatory screening to assist criminal justice officials in making decisions regarding confinement, disposition and referral decisions. Through the drug testing programs, OJP plans to provide policymakers at the state and local levels with information to enable and encourage them to incorporate testing in all aspects of the criminal and juvenile justice systems.

OJP Program Response

Bureau of Justice Assistance

$3,300,000

New Programs

Drug Testing in Community Corrections

$500,000

The purpose of this cooperative program between BJA and NIJ is to conduct controlled experiments on the effect of drug testing on offenders sentenced in the community.

Continuation Programs

Drug Testing Throughout the Criminal Justice System

$800,000

The purpose of this program is to demonstrate the use of drug testing throughout the criminal justice system from pretrial through parole. Training and technical assistance is being provided during the planning and operational phases of the demonstration site.

Drug Testing Technical Assistance and Training

$750,000

This program provides technical assistance and training to jurisdictions and representatives of the criminal justice system desiring to conduct drug testing. The program provides assistance to BJA demonstration sites as well as to jurisdictions desiring to implement drug testing through formula grants or local revenues. Training is to be provided to all components of the justice system to enhance awareness of the benefits of drug testing, the accepted technology, application of sanctions, and operational procedures in administering a drug testing project.

Pretrial Drug Testing

$250,000

This program provides assistance to jurisdictions for conducting drug testing at the pretrial stage. Prior to arraignment, arrestees are screened to determine drug use. Upon recommendation by the prosecutor and pretrial service agency case managers, arrestees may be released by the court on condition they submit to periodic urinalysis as a means of monitoring pretrial conduct. In addition to evaluation, BJA is coordinating with NIJ on the Drug Use Forecasting (DUF) System, where both programs are being implemented in the same jurisdiction.

Drug Use Forecasting (DUF) Program

$1,000,000

This is a collaborative intra-agency program between BJA and NIJ in the NIJ/DUF Program (see below). The purpose of this program is to document the prevalence and type of drug use among defined arrestee populations jailed in American cities. This year, the extensive data base was used to produce quarterly and annual reports, as well as forecasting summaries. Plans for Fiscal Year 1991 include maintaining the DUF baseline activities for collection and dissemination of data, and improving data collection methodologies, with increasing focus on assessment of that data for program planning purposes at the state and local level beginning with New York City and San Diego.

National Institute of Justice

$2,492,000

New Programs

Drug Use Forecasting Program

$1,742,000

The purpose of this program is to document the prevalence and type of drug use among defined arrestee populations jailed in American cities. Fiscal Year 1991 initiatives will emphasize the practical application of DUF findings in local policy, planning and program development; continue and refine program operations and increase interagency coordination. These are possible continuations of existing grants.

Juvenile Drug Use Forecasting

$75,000

This is a collaborative intra-agency program between OJJDP and NIJ. This program provides funds from OJJDP to NIJ through intra-agency transfer to document the prevalence and type of drug use among juvenile detainees in pre- and post-adjudicatory institutions. The findings will be used to contribute to local policymaking to increase interagency coordination at the local and State level. The method of procurement will be determined.

Hair Analysis Research and Standards

$250,000

This project continues the Hair Analysis program underway which studies the relationship between cocaine dosages and concentrations found in hair. The project also continues a hair testing standards program to compare and standardize hair testing technologies for forensic purposes. This is a possible continuation of a current project and no additional applications will be solicited in Fiscal Year 1991.

Continuation Programs

Drug Testing in Community Corrections

$500,000

The purpose of this NIJ program, in collaboration with BJA, is to continue controlled experiments on the effect of drug testing on offenders sentenced in the community. This is a possible continuation of a current project and no additional applications will be solicited in Fiscal Year 1991.

Office of Juvenile Justice and Delinquency Prevention

$75,000

Continuation Programs

Drug Screening and Testing

$25,000

This program, funded for 18 months, addresses illegal drug use among high-risk youths. Program goals and objectives include developing a comprehensive drug identification, screening and testing program for juvenile justice personnel. This will include training curricula for juvenile justice policymakers, administrators, and direct service professionals. Upon review of the final publication, consideration will be given to national dissemination and a conference on drug testing.

Drug Control

$50,000

This interagency agreement with the Department of Education supports developing, implementing, and evaluating a comprehensive drug information and rehabilitation training program for counselors of State vocational rehabilitation agencies. The goal of this program is to enhance referrals and, ultimately, to employ eligible youths, ages 14–18, who have been drug dependent.

Victims—$16,682,000

We must ensure that crime victims receive our special attention and that the combined efforts of concerned citizens, lawmakers, and criminal justice personnel help to improve and expand services for them. President Bush, April 12, 1989 (Proclamation 5953—Crime Victims Week, 1989).

OJP Policy Statement

The criminal justice system should implement policies and programs to improve services to crime victims. Much progress has been made in recent years to assist, compensate and protect innocent victims of crime. However, much more needs to be done. OJP is committed to helping crime victims and improving the responsiveness of juvenile justice, criminal justice and victim service systems. This year's Program Plan focuses on victims of Federal crimes, particularly on Indian reservations, and child victims of pornography, prostitution and sexual exploitation as well as other aspects of victimization. Resources will be committed to training law enforcement officers, prosecutors and other criminal justice personnel on working with innocent victims of crime.

OJP Program Response

Bureau of Justice Statistics

$9,635,000

Continuation Programs

The National Crime Survey (NCS)

$9,535,000

The National Crime Survey is the second largest ongoing household survey undertaken by the Federal Government and is a major national indicator of crime in the American society. The National Crime Survey Redesign Project is presently being

conducted. The revised screening questionnaire was implemented in 10% of the ongoing sample beginning in January 1990, and the new screener will continue to be phased into the sample in 1990–1993. Another aspect of the National Crime Survey is the NCS Workshops, which bring young researchers to the DC area for an intensive two week workshop that teaches all aspects of NCS analysis. BJS supports the Computer-Assisted Telephone Interviewing Center (CATI) which is currently utilized in approximately 10% of the NCS sample.

School Crime Supplement

$100,000

This is a collaborative intra-agency program between NIJ and BJS. Under the National Crime Survey program, interviews are conducted with over 100,000 persons in approximately 50,000 households every six months in order to obtain data on the impact, frequency and consequences of criminal victimization in the United States. The School Crime Supplement added to the National Crime Survey, asked household members ages 12 or older, who attend school, various questions about their school environment.

Specifically, the questionnaire is designed to obtain information relating to some of the following factors: Knowledge about various drugs; availability of specific drugs and alcohol; existence of street gangs at school and how often gang members fight with each other; victimization of the respondent, including being robbed or physically attacked; the number of times these incidents occurred and whether these attacks resulted in injuries that needed medical attention; avoidance of school for fear of being attacked or harmed; weapons brought to school for protection; and whether the weapon made the respondent feel safe at school. Analysis is being performed in collaboration with the National Institute of Justice, which is providing additional funding.

National Institute of Justice

$683,000

New Programs

Rape: The Criminal Justice System Response

$90,000

This is a collaborative intra-agency program between OVC and NIJ. The purpose of this program is to examine the most recent literature on the nature of criminal rape, its impact on victims, and the impact of rape reform laws on the reporting, investigation, filing and prosecution of rape cases and case dispositions. It will also explore state-of-the-art rape victim services in four to six jurisdictions and any literature on the impact of services, as well as the availability and uses of new technologies that support rape investigations and convictions such as rape kits and the use of DNA analysis. Services are being provided by a current contractor.

Under-utilization of Victim Services by Minority Victims

$100,000

This is a collaborative intra-agency program between OVC and NIJ. Available data suggest that there is underutilization of victim compensation and victim assistance programs in poor and minority communities. NIJ will use this data, in conjunction with focus groups and expert opinion, to define issues and design a questionnaire that will be used for a national survey to determine impediments to utilization and ways to overcome these impediments. The resulting report will describe steps to overcome the problem. The method of procurement will be determined.

Technologies Associated With Sexual Assault Cases

$75,000

The purpose of this program is to examine the technical requirements associated with sexual assault cases as they relate to the forensic sciences. This will lead to written guidelines for law enforcement and prosecutors on the identification, collection and preservation of potential evidence in sexual assault cases. Possible continuation of existing grant; no application will be solicited in Fiscal Year 1991.

Assessment of Skills of Victims Services Providers

$18,000

NIJ will develop a Research-in-Action publication from its current data on staff training needs of victim service providers as reflected in the 1990 National Assessment Program (NAP) Survey. NIJ has indicators from these data of significant training and education needs of staff in service agencies. The *Research-in-Action* will provide information for NIJ's more comprehensive look at these issues in the next NAP survey. Services are being provided by a current contractor

Training and Technical Assistance Evaluation (Visiting Fellow)

$100,000

This project will provide, through in-house staff, evaluation designs and analysis of the pilot programs initiated by the Office for Victims of Crime and the Bureau of Justice Assistance in some or all of the following five areas: (1) Corrections Based Victim Assistance Project; (2) Legal Remedies for Crime Victims Against Perpetrators—Basic Principles; (3) Offender Supervision and Victim Restitution Project and Technical Assistance; (4) Training Project for Victims of Drug Related Crime; and (5) Law Training Project for Victim Assistance Providers on Sexual Assault. Evaluation results will be used to refine regional training programs scheduled during the second year of these programs. The method of recruitment will be determined and a solicitation may be issued as appropriate.

Child Sexual Exploitation National Assessment

$25,000

This program in conjunction with OVC, BJA and the Administration for Children, Youth and Families (ACYF) provide a national assessment of existing outreach programs to victims of child sexual exploitation, particularly runaways and throwaway children engaged in prostitution and drug abuse. An integral part of the program would be the identification for assessment of at least one model program with visibility in the field. It also will assess how the Nation's law enforcement and prosecution agencies handle cases involving these victims and develop follow-up information on a sample of victims that have come into contact with service programs or with the criminal justice system. This effort will provide information to guide policy and program development. BJA and AYF will provide an additional $75,000. The method of procurement will be determined.

Continuation Programs

Victims of Crime Program

$275,000

Research shows that approximately half of the victims remain dissatisfied with case outcomes and with the criminal justice system as a whole.

This program will provide new information on the effectiveness of legislative reforms and other efforts to improve the treatment of and services to victims of crime and will examine ways to help the criminal justice system to address these areas of need.

Other research will examine the costs and psychological effects of victimization and will yield valuable information to providers of victims services on victim needs and how to meet them. Other topics to be examined include victimization by criminal fraud and the effects of crime and victimization by gangs and drugs on the health and functioning of urban communities.

It is anticipated that one or more in-house research projects will be included in this program area. Multiple awards may be made. Methods of procurement will be determined and solicitations may be issued as appropriate.

Office of Juvenile Justice and Delinquency Prevention

$1,975,000

New Programs

National Public/Private Child and Family Protection Law Center

$250,000

This public/private national law center will assist State and local public officials, legislators, law enforcement, prosecutors, courts, parents and children in preventing escalating child sexual exploitation and child pornography. The goal of the center is to conduct legal research, draft model legislation, and provide training and technical assistance to law enforcement personnel, social service providers, prosecutors, policymakers and legislators on the issues of prosecution and prevention of child sexual exploitation, child prostitution and child pornography.

Continuation Programs

Advocacy for Abused and Neglected Children

$750,000*

The National Court Appointed Special Advocates Association (NCASAA) provides training and technical assistance to local and statewide programs. It assists in program development, advocates for the best interest of abused and neglected children, publicizes the CASA concept, which helps recruit volunteers, and develops management systems and standards to improve local CASA operation. In addition, this project provides a resource library and resource services, gathers and publishes information about the needs of the CASA network and operation, develops cooperative relationships with other national and regional organizations, and performs a variety of related services in furtherance of its goal of assuring that every child who needs one has a CASA.

Permanent Families for Abused and Neglected Children

$225,000*

This is a national project to prevent unnecessary foster care placement of abused and neglected children, to reunify the families of children already in care, and to ensure permanent adoptive homes when reunification is impossible.The purpose of this project is to ensure that foster care is utilized only as a last resort and as a temporary solution for children. Project activities include national training programs for judges, social service personnel, citizen volunteers and others in the Reasonable Efforts Provision of Public Law 96–272, training in selected lead States, and development of model questions to guide risk assessment.

Victims and Witnesses Development Program

$100,000

This project aims to help local juvenile justice agencies and other human service providers to develop model programs and services for victims and witnesses of juvenile crime. In the next funding phase, the model program will be tested in four sites. Each will receive training and technical assistance, and on-site monitoring visits by the technical assistance provider. Subsequent caseload data on clients, services and implementation experiences across sites, in combination with the information collected during the monitoring visits, will comprise a process evaluation of the program.

The Investigation and Prosecution of Child Abuse

$650,000

This program is designed to provide training and technical assistance to prosecutors and related professionals on the issue of child abuse prosecution. The project also serves as a clearinghouse of child abuse prosecution issues.

Office for Victims of Crime

$4,389,000

New Programs

Training and Technical Assistance for Law Enforcement Officials and Victims Assistance Providers on Sexual Assault

$150,000

This is a collaborative intra-agency program involving BJA and OVC in which BJA is providing the funds. The purpose of this program is to provide training and technical assistance to law enforcement officers, prosecutors, and victims service providers in the area of sexual assault. The program emphasis will be on effective intervention and proper handling of the victims as well as policy considerations and legal issues regarding AIDS testing and release of test results information as it relates to both the victim and the perpetrator.

Topic Specific Training

$250,000

The purpose of this program is to provide grants of up to $60,000 for the improvement of victims services. The funding will support the development of training materials and the provision of training of topic-specific areas relating to crime victims of concern to victim service providers, mental health practitioners, judges, prosecutors, the clergy and others.

Family Violence Law Enforcement Training, Technical Assistance and Information Dissemination

Funding to be determined

Under authority of the Family Violence Prevention and Services Act, this program is funded through an interagency transfer from the Department of Health and Human Services. Grantees are to develop and implement a training program for law enforcement policymakers and officers on the most effective procedures and policies for responding to incidents of family violence.

Training and Technical Assistance for Victim Service Providers

$150,000

This is a collaborative intra-agency program between OVC and BJA, in which BJA is providing the funds. This program will address the ongoing need for national scope training and technical assistance to assist crime victim service providers and managers of programs, including law enforcement victim and witness coordinators, in providing quality and timely service to crime victims. The training will include segments on: (1) Program Development, Management and Evaluation; (2) Direct Services Skills Training, i.e., counseling, shelter, etc.; (3) Outreach to Special Populations; and (4) Emerging Issues in Victim Assistance. (Regional training conferences in varying geographic locations are a necessary component of this training program.)

Continuation Programs

Direct Services for Victims of Federal Crime

$906,000

Efforts have focused on developing services for victims of Federal crime in cases where victim assistance services are scarce or unavailable. The Emergency Services Fund for Victims of Federal Crime has supported assistance for Federal crime victims when no local services were available. The Assistance to Victims of Federal Crime in Indian Country Grant Program was initiated in November of 1988 to establish and expand "on-reservation" victim assistance services in remote sections of Indian country. OVC has awarded grants to 15 States that have made subgrants to tribes. As a result, 52 new victim assistance programs have been established in remote areas of Indian country. Both programs have been essential in ensuring that Federal crime victim's needs are met and will be continued to be met.

Federal Training and Technical Assistance

$327,000

OVC will continue to improve the response of Federal law enforcement officials to the needs of Federal victims through training programs for Federal prosecutors, investigators and Victim-Witness Coordinators. Efforts will include specialized training on handling cases of child abuse in the Federal criminal justice system; an interagency agreement with the Federal Law Enforcement Training Center to train Federal law enforcement officers to respond effectively to crime victims; and assistance for grantees in Indian country to initiate and expand victim assistance services.

Children's Justice Act Discretionary Grant Program for Native Americans

$1,316,000

The desired goal of this program is to bring about systemic improvement in the overall response to child sexual abuse on Indian reservations and other locations where Federally recognized Indian tribes exist. Grants are made directly to Indian tribes to improve the investigation, prosecution and handling of child abuse cases, particularly those involving child sexual abuse, and to limit the trauma to child victims. Additionally a grant will be awarded to provide training and technical assistance to Native American Indian tribes and organizations that have received a grant from the Children's Justice Act Discretionary Grant Program for Native Americans.

Child Pornography, Child Prostitution, and Drug Abuse Outreach

$150,000

This is a collaborative intra-agency program between OVC and BJA, in which BJA is providing all or a major portion of the funds. This program will provide assistance to child victims of sexual exploitation. The Paul and Lisa staff will provide crisis care to these youth. A manual, which describes the overall operation of the street intervention program, will be developed. In addition, a curriculum is being implemented to inform junior high and high school students of the dangers of drug abuse and the sexual exploitation suffered by youth who seek refuge on the streets of New York City. Finally, case history profiles of the victims and perpetrators will be developed; photographs of the illicit activity will also be taken to show indications of prostitution activity, as well as the coercion and control of the child victims. The profiles and photographs will inform and train law enforcement and victims assistance providers on how to identify the Mann Act/RICO victims and perpetrators and how to communicate effectively with victims in order to end their exploitation.

Offender Supervision and Victim Restitution Project

$200,000

This is a collaborative intra-agency program between OVC and BJA, in which BJA is providing the funds. This program is intended to improve the response of probation and parole personnel to the needs of crime victims, with emphasis upon the management of restitution. The project will result in implementation of a training curriculum and individual State training events for State probation and parole professionals who seek to implement victims assistance programs, particularly restitution programs, in their respective agencies.

Corrections-Based Victim Assistance Project

$200,000

This is a collaborative intra-agency program between OVC and BJA, in which BJA is providing the funds. This program is intended to improve the correctional system's response to the needs and rights of crime victims. The recipient will address this objective by providing training for State corrections personnel in selected States. The training will cover four key areas: Direct services to victims, development of victim assistance programs for correctional staff, training and technical assistance programs for corrections personnel, and offender-directed programs (including refinements for restitution programs). Additional materials will also be developed to assist corrections staff in addressing victims-related issues associated with AIDS testing of offenders.

Technical Assistance and Training Project for Victims of Drug-Related Crime

$150,000

This is a collaborative intra-agency program between OVC and BJA, in which BJA is providing the funds. This program is intended to enhance the capability of victim service organizations to treat victims of drug-related crime. The grantee will address this objective by making technical assistance and regionally based training available to victims service organizations assisting those suffering a loss or injury due to drug-related crime.

Legal Remedies For Crime Victims Against Perpetrators—Basic Principles

$200,000

This is a collaborative intra-agency program between OVC and BJA, in which BJA is providing all or a major portion of the funds. This grant is intended to provide regionally based training to criminal justice professionals, victim service providers and practitioners. The training will allow these professionals to assist victims of violent crime in understanding their legal rights and remedies against perpetrators and in determining how and when to obtain qualified legal assistance in appropriate cases.

National Victims Resource Center

$390,000

This is a collaborative intra-agency program between OVC and BJA, in which BJA is providing all or a major portion of the funds. The National Victims Resource Center collects, maintains, and disseminates information about national, State and local victims-related organizations, criminal justice officials, and also State programs that receive funds authorized by the Victims of Crime Act. The National Victims Resource Center is a component of the National Criminal Justice Reference Service (NCJRS).

Information Systems, Support and Statistics—$26,896,000

The President urged States to transfer criminal history conviction, sentencing, and other case disposition records to the proper Federal authorities. He also directed the Attorney General to recommend additional improvements in the criminal records data system. The quality of criminal history data is a critical factor in crime control and prevention. The White House, Office of the Press Secretary (Combatting Violent Crime Fact Sheet, May 15, 1989).

OJP Policy Statement

Criminal justice agencies should use accurate, comprehensive and timely information in developing policies and allocating resources to prevent and control illegal drugs. Office of Justice Programs Information Systems, Support and Statistics' activities focus on the collection and analysis of criminal and juvenile justice information related to serious crime, gang activity, illegal drug use, pre- and post-adjudication incarceration, criminal history and system-wide service response effectiveness. Improvement of criminal history information systems within the States to enhance reporting and access to accurate and complete criminal history data is a primary focus of this activity. Statistical research, analysis, development and dissemination activities are used to implement this priority.

OJP Program Response

Bureau of Justice Assistance

$11,090,000

New Programs

User's Guide for FBI's Incident-Based Reporting System

$50,000

The purpose of this program is to promote the use of the National Incident-Based Reporting System with researchers, law enforcement personnel, public officials, and other public interest groups. This will be accomplished through the development of a User's Guide in consultation with the Bureau of Justice Statistics which will provide users with information and examples necessary to effect access and use of the data base. The Guide will assist users in acquiring the ability to gain access to, understand, analyze and interpret crime data.

Continuation Programs

Drugs and Crime Data Center and Clearinghouse

$300,000

This is a collaborative intra-agency program between BJS and BJA, in which BJA is providing all or a major portion of the funds. Since its establishment in Fiscal Year 1988, the Drugs and Crime Data Center and Clearinghouse has been funded by the Bureau of Justice Assistance and managed by the Bureau of Justice Statistics. It has two essential objectives: (1) To provide a centralized source of readily accessible information and data on drugs and crime for use by Federal, State, and local officials, criminal justice and public health practitioners, researchers, private corporations, the media and the general public; and (2) to increase knowledge about drugs and crime through policy analysis and analytic products in support of the formulation of drug strategies.

In Fiscal Year 1991, the Drugs and Crime Data Center and Clearinghouse plans to produce reports relating to the sanctioning of drug law violators and the cost of drug law enforcement, a technical guide to drug data sources, and a series of fact sheets on current topics of interest in the area of drugs and crime.

National Criminal Justice Reference Service (NCJRS)

$500,000

The NCJRS serves as a clearinghouse by maintaining a criminal justice library of over 100,000 documents and an electronic data base of document surrogates which serve reference specialists in locating information quickly for the use of the criminal justice practitioners and research community. During FY 1991, particular emphasis will be placed on OJP priorities. For example, publications regarding gangs and violence will be disseminated throughout the criminal justice community via NIJ Reports, the NCJRS Electronic Bulletin Board and conference support system which ensures dissemination to all major criminal justice agencies and organizations in the Nation, and where appropriate, the world.

Criminal History Information System Improvements

$8,700,000

This is a collaborative intra-agency program between BJS and BJA, in which BJA is providing all or a major portion of the funds. This program is for the development and implementation of systems and procedures that will help States improve their criminal history information systems and meet the new BJS and Federal Bureau of Investigation (FBI) Voluntary Standards for Improving the Quality of Criminal History Records, as well as identifying ineligible felons who attempt to purchase firearms. This project is administered by the Bureau of Justice Statistics, in collaboration with the Bureau of Justice Assistance.

Criminal Justice Expenditure and Employment Survey (CJEE)

$600,000

This is a collaborative intra-agency program between BJS and BJA in which BJA is providing all or a major portion of the funds. The purpose of this program is to collect and analyze State and local data relating to justice system expenditures and employment. This analysis will provide detailed information on the costs of the criminal justice system including police protection, courts, prosecution, public defense, and corrections. It will assess the long term trends in justice expenditure and employment, costs of drug law enforcement, and variations in spending for the different types of correctional institutions and programs, such as prisons, jails, parole and probation, and in the various courts. The CJEE Analysis will provide information for planning at the State and local level, as well as the allocation of State and local anti-drug abuse formula grants.

Operational Systems Support Technical Assistance and Training

$450,000*

The purpose of this continuation program is to conduct outreach training to improve the general level of knowledge and understanding of micro-computer automation, and to provide criminal justice practitioners with information and demonstrations of specific criminal justice applications. It is designed to provide short-term technical assistance in order to address the specific needs of operational criminal justice agencies and long-term technical assistance to individual States or agencies within States that are predominantly not automated or that seriously lag in their adoption of criminal justice automation.

Criminal Justice Simulation Model Training and Technical Assistance

$200,000

The purpose of this continuation program is to enable cities and counties, as well as State criminal justice agencies, to develop systematic approaches to solving criminal justice systems problems through use of computerized criminal justice simulation models. The participators will provide regional training sessions and demonstrations of existing simulation models for personnel from other

jurisdictions who are interested in developing a simulation modeling program.

National Criminal Justice Computer Laboratory and Training Center

$250,000*

This program will provide hands-on training in micro-computer-based software for statistical, graphics, and operational applications. Software demonstrations also will be conducted and objective evaluations of computer products will be provided to assist criminal justice agencies with their purchasing decisions.

Residential Burglary Expert Systems (REBES) Conference

$40,000

The Residential Burglary Expert System is designed to assist investigators to solve burglary crimes. The primary purpose of this award is to provide technical assistance and one cluster conference for the five residential burglary expert systems demonstration sites.

Bureau of Justice Statistics

$10,656,000

Continuation Programs

National Adjudicatory Statistics

$1,765,000

The National Adjudicatory Statistics grants involve four programs: (1) The National Judicial Reporting Program (NJRP) which is the Nation's sole source of data on characteristics of persons convicted of felonies in State courts nationwide; (2) the National Prosecutor Survey Program which is being conducted in conjunction with the National Judicial Reporting Program to obtain data from prosecutors within the same national sample of 300 counties; (3) the National Pretrial Reporting Program (NPRP) which collects data relating to the pretrial status of persons charged with felonies; and (4) the National Survey of State Court Organization, which provides a reference document containing information on the organizational, financial and personnel statistics for court systems in the United States and its territories. The data collected and analyzed in each of these programs will result in several different publications to be released in 1991.

National Corrections Statistics

$2,448,000

This program consists of a number of separate data collection and analysis efforts designed to obtain detailed information on offenders under correctional care, custody, or control and the agencies and facilities responsible for administering the supervision of offenders. Statistical series obtain information on Federal, State, and local correctional populations including those in confinement, as well as those subject to intermediate sanctions or conditional supervision in the community. The data collected and analyzed under the corrections statistics program results in several publication series and press releases.

State Analysis Network And Statistics

$2,977,000

Under its enabling legislation, the Bureau is required to give primary emphasis to State and local criminal justice issues. To do so, BJS provides financial and technical assistance to support a network of State statistical analysis centers (SACs) (generally, approximately $50,000 per year per State). SACs are State-level organizations devoted to the collection, analysis, interpretation, and dissemination of criminal justice statistical information. Under the Offender-Based Transaction Statistics (OBTS) Program, these same centers serve as the focal point for the collection and analysis of data tracing the key decisions of arrest, prosecution, judicial decision, and sentencing of the felony offender within the State's criminal justice system."Tracking Offenders, 1988" is an OBTS proposed publication for release in 1991. Finally, BJS provides support to the Criminal Justice Statistics Association (CJSA), a national organization of the State analysis centers and their directors, for special activities of national significance.

National Resources and Statistical Compilations

$466,000

This program provides funding for the *Sourcebook of Criminal Justice Statistics*, which is a BJS annual publication that brings together in a single volume data on criminal justice from a wide variety of sources and covers topics of interest to persons concerned with the administration of justice. This program also supports the Directory of Justice Agencies project which maintains and updates the listing of approximately 55,000 agencies from which BJS and other organizations draw samples of agencies for various surveys.

Drug Data and the National Strategy

$30,000

This program is part of the overall effort to provide support to the President's National Drug Control Strategy. Under this program BJS provides direct support to the Office of National Drug Control Policy (ONDCP) on State and local drug policy and the development of a National drug research agenda. In FY 1991, BJS also will complete the *Report to the Nation on Drugs, Crime, and Justice* which combines a variety of sources of drug data into one report and covers a gamut of topics including illegal drug production and trafficking, extent of drug use, costs associated with drug abuse, types of drug policies, and history of drug abuse and control. Although, the activities of the Drugs and Crime Data Center and Clearinghouse are an integral part of this overall program, its operations and funding are detailed elsewhere in this plan. The funding (administrative dollars) shown includes only the direct support efforts of BJS to ONDCP and the completion of the national drug report.

Criminal Justice Expenditure and Employment Survey

$145,000

This is a collaborative intra-agency program between BJS and BJA in which BJA is providing all or a major portion of the funds. The purpose of this program is to analyze data acquired through the expenditure and employment survey. This analysis will review the detailed information on the costs of the criminal justice system including police protection, courts, prosecution, public defense, and corrections. It will assess the long-term trends in justice expenditure and employment, costs of drug law enforcement, and variations in spending for the different types of correctional institutions and programs, such as prisons, jails, parole and probation and in the various courts.

Federal Statistics and Policy

$1,220,000

BJS has developed and maintained a Federal integrated data base which links information from investigative agencies, the Executive Office of U.S. Attorneys, the Administrative Office of the Courts and the Bureau of Prisons to understand the movement of cases and accused persons or offenders through the Federal criminal process. An expansion of the program will take place in 1991/1992 which will include input and analysis of Drug Enforcement Administration data; the development and implementation of an automated model to simulate the functioning of the Federal criminal justice system, thus providing the ability to assess the impact of varying drug

strategies; and the initiation of a Quarterly Indicator Series. Attention is given to privacy and security issues in data series, particularly criminal histories and other data bases where access is a critical issue. Also included is white collar crime, including definitions, surveys of statutes, and the acquisition of Federal data bases.

International Statistics

$90,000

The International Statistics program has two objectives: (1) To improve the quantity, quality, and comparability of international crime and justice statistics of operational significance; and (2) to promote the preparation and dissemination of cross-country criminal justice analyses based on international statistics. Through the international program, BJS is providing support to the United Nations Criminal Justice Network. The purpose of the network is to provide quick communication among criminal justice professionals and to disseminate criminal justice information and research findings around the world. BJS anticipates funding several international projects in FY 1991. Two of these projects are currently in progress.

Publication and Dissemination

$1,515,000

Every BJS program results in a publication. BJS reports on specific data series are sent to persons who have requested inclusion in one or more of these lists. Reports are distributed by two clearinghouses: The Justice Statistics Clearinghouse, through the National Criminal Justice Reference Service (NCJRS), and the Data Center and Clearinghouse for Drugs and Crime. In addition, the University of Michigan's Inter-University Consortium for Political and Social Research is the repository for and provides access to the public-use data tapes created as a result of all BJS data collection activities, including those of the Bureau of Census, the Federal Bureau of Investigation and all BJS and NIJ grantees. Finally, BJS also supports the National Clearinghouse for Criminal Justice Information Systems (CJIS) which operates an automated index of more than 1,000 criminal justice information systems maintained by State and local governments throughout the Nation. As part of this program, the CJIS Clearinghouse operates an electronic bulletin board which promotes and facilitates the exchange of information among justice agencies and practitioners and features an electronic mail system, a variety of publications to read on-line or download, and the ability to exchange software between users.

National Institute of Justice

$5,000,000

[Additional funding to be determined]

Continuation Programs

National Criminal Justice Reference Service (NCJRS)

Up to $4,000,000

The NCJRS serves as a clearinghouse by maintaining a criminal justice library of over 100,000 documents and an electronic data base which serves reference specialists in locating information quickly for use by law enforcement agencies, policymakers, criminal justice practitioners and the research community. During FY 1991, particular emphasis will be placed on OJP priorities. For example, publications regarding gangs and violence will be disseminated throughout the criminal justice community via *NIJ Reports*, the NCJRS Electronic Bulletin Board and conference support system which ensures dissemination to all major criminal justice agencies and organizations in the Nation and, where appropriate, the world. This is a continuation of a contract and no applications will be solicited in Fiscal Year 1991.

Professional Conference Series

[Funding to be determined]

The Professional Conference Series sponsors national conferences and meetings to obtain from and provide for State and local officials information and research findings regarding criminal justice issues. The Series also provides regional training workshops. In Fiscal Year 1991, regional conferences on intermediate sanctions are proposed. This is a continuation of a contract and no applications will be solicited in Fiscal Year 1991.

Research Support Services

[Funding to be determined]

The services provided under this contract fall into three areas: Peer review; general logistical and administrative support for NIJ's programs; and consultant support. Taken together, these services constitute essential research and administrative support to NIJ. A new three-year procurement for this contract will be initiated during Fiscal Year 1991.

Research Applications Program

Up to $975,000

The Research Applications Contract supports applied research projects, summaries of major studies, and syntheses of studies in identified topic areas. The program also develops reports, publications and program development products to convey useful research-based information to criminal justice policy and practitioner audiences. A number of projects underway and proposed for FY 1991 specifically address the Office of Justice Programs initiatives on Gangs and Violence, and Victims. This is a continuation of a contract and no applications will be solicited in Fiscal Year 1991.

National Assessment Program

$25,000

The 1990 National Assessment Program surveyed seven professional groups involved in criminal justice. The focus of the survey was their priorities, problems, and research and information needs. Also an initial analysis of responses from approximately 2,400 State and local officials has been completed and reports are being developed. FY 1991 activities will focus on more detailed review of particular issues, including a trend analysis of results from the prior surveys. Services are being provided by a current contractor.

Office of Juvenile Justice and Delinquency Prevention

$150,000

Continuation Programs

Juveniles Taken Into Custody

$150,000

Through this statistical, dissemination program, an annual report to Congress is presented giving a detailed summary and analysis of the most recent data available regarding the numbers and characteristics of juveniles taken into custody during the preceding fiscal year. It includes data on ethnic background and gang membership.

Other Programs for Criminal Justice Improvements—$11,446,000

OJP Policy Statement

Other programs to be funded in FY 1991 by the Office of Justice Programs focus on activities that support the priority programs, but do not fall squarely within the OJP priorities. The emphasis is on system enhancement in the prevention, intervention, adjudication and supervision areas. All of the agency functions are represented. research, development, demonstration and dissemination.

OJP Program Response

Bureau of Justice Assistance

$2,400,000

New Programs

Drug Night Courts

$150,000

This program would benefit medium and large jurisdictions which experience backlogs and/or increased filings of drug cases. The main purposes of this program are to assess current experiences of drug night court operations, develop program models, demonstrate those models, and determine their impact on the adjudication of drug cases. The project is composed of a national assessment of drug night courts and the development of a prototype or prototypes.

National Conference on Drugs and the Courts

$100,000

This program is a collaborative effort with the State Justice Institute to help the State Judiciaries develop and implement strategies, programs and activities in response to increasing drug cases. The national conference, to be held by the fall of 1991, will explain the Administration's National Drug Strategy, define the role of the State Judiciary in context of the strategy, and present and discuss how the State Judiciary can directly support strategy implementation. Further, the Conference will identify successful programs (e.g., expedited drug case management, drug testing, denial of Federal benefits, comprehensive adjudication of drug arrestees), and address special issues facing judicial administration in processing drug cases.

Assessment of Prison Industry Enhancement Certified Projects

$75,000

This project is designed to develop a history and evaluation of certified projects. It will document program development in certified States and counties, including an analysis of offender characteristics for participating inmates and a number of model products for use by the corrections community. The products will be of interest to those in correctional agencies, local units of government, private sector partners, legislative representatives and others.

State and Local Training and Technical Assistance

$750,000

This program will be designed to assist States and local jurisdictions in developing and implementing comprehensive strategies to prevent and control illegal drugs, and to improve their criminal justice systems. The major purposes of the program are to: (1) Support the development and enhancement of comprehensive State strategies; (2) promote and facilitate the implementation of programs developed under BJA discretionary initiatives; and (3) provide technical assistance to States and local jurisdictions.

Continuation Programs

Trial Court Performance Standards—Demonstration

$250,000

The main purpose of this program is to demonstrate the application of performance standards and to achieve more efficient adjudication of cases in courts of general jurisdiction. Because the standards and measures are contemporary and emphasize the accountability of the courts to the public, demonstration of their application is critical to acceptance and implementation by the courts nationwide. Although this initiative follows from the development work completed in July, this demonstration effort is a new element in the overall program concept by making operational and institutionalizing the standards. This is a collaborative program with the State Justice Institute.

Private Sector/Prison Industry Enhancement Certification Program

$350,000

This program is designed to provide specialized training, technical assistance and monitoring to certified agencies, designated prison industry projects, and interested agencies. It will provide the necessary resources, leadership, management and coordination of technical assistance delivery for those who are involved in the planning, development, or management of private sector prison industry programs. Project participation in Prison Industry Enhancement has the dual purpose of generating products and services that produce income so inmates can make contributions to society (becoming taxpayers instead of tax users) and providing purposeful work for inmates, thereby reducing prison tensions caused by overcrowding, while increasing job skills, and providing some marginal opportunity for inmate rehabilitation.

Correctional Industries Information Clearinghouse (CI-NET)

$200,000

This project will provide publications, technical assistance and special research for correctional industries. CI-Net is designed to support improved operations and expansion of correctional industries, both as a means to reduce the security risk of inmate idleness, and to develop revenues for a variety of correctional and social purposes. All of its products and services are designed to help correctional industries address the challenges of rapid growth in corrections.

Real Property Identification

$25,000

This program is designed to alleviate crowded State and local correctional facilities through the transfer of suitable land and buildings for new construction or renovation. A primary purpose of the Federal Property and Administrative Services Act of 1949, as amended by the Anti-Drug Act of 1988, is to provide more prison space to the States in which to incarcerate criminal offenders.

Expedited Drug Case Management

$400,000

The purpose of this program is to accelerate the adjudication of drug cases and to implement an array of intermediate sanctions to achieve timely and complete disposition of drug offenders. This continuation funding will allow for final modifications to the demonstration projects based on evaluation results and program monitoring, institutionalization within the demonstration sites, and the development of final documents to promote replication.

Enhanced Pretrial Services Delivery

$100,000

The purpose of this program is to demonstrate effective pretrial service models and to document these models for replication nationwide. Additional host sites will be added and an implementation manual will be developed to guide jurisdictions desiring to begin or improve pretrial service activities. Additional host sites will be certified.

National Institute of Justice

$4,575,000

New Programs

Jails and Prison Construction Initiative

$250,000

The purpose of this program in conjunction with BJA is to develop and disseminate information to State and local officials on building more cells at reasonable cost. This is a possible continuation of a contract and no applications will be solicited in Fiscal Year 1991.

State and Local Technical Assistance

Up to $500,000

This program will provide assistance to State and local governments implementing new and innovative approaches to crime control and criminal justice. The methods of procurement will be determined.

Continuation Programs

Fellowship Programs

[Funding to be determined]

The Fellowship Program will support work on topics of high priority to the Attorney General and the Office of Justice Programs. The program includes grants for 6 to 18-month periods of Washington-based analysis and model development in criminal justice. One fellow is anticipated to work in the field of training and technical assistance for victims services. Multiple awards will be made under this program. Methods of application will be determined and solicitations may be issued as appropriate.

NIJ Research Monograph Series

Up to $150,000

This program produces an annual volume of research papers on current criminal justice policies, and is widely considered to be one of the most prestigious publications in the field. The methods of procurement will be determined and a solicitation may be issued as appropriate.

Drugs, Alcohol and Crime Program

$500,000

This program addresses drug-related problems including the use of drugs in criminal careers and drug testing issues. This program also includes an initiative to control the diversion of precursor and essential chemicals used to produce illicit drugs. Multiple awards may be made. Methods of procurement will be determined and solicitations may be issued as appropriate.

Prosecution and Adjudication Program

$500,000

This program focuses on the problems of prosecutors and the courts in processing criminal cases. These include evidentiary issues such as eyewitness testimony, innovation in pretrial supervision, jury management and appellate delay. Multiple awards may be made. Methods of procurement will be determined and solicitations may be issued as appropriate.

Criminal Behavior Program

$500,000

The focus of this program is on issues critical to the criminal justice system in preventing and controlling crime. These include violence, drugs, classification, the effects of official sanctions on criminal careers, and ethnographies of active offenders. Multiple awards may be made. Methods of procurement will be determined and solicitations may be issued as appropriate.

Less Than Lethal Weapon

$1,700,000*

This project, based on an Attorney General's Task Force report and Congressional directive, supports research on a field prototype of a less than lethal weapon. The methods of procurement will be determined.

Forensic Sciences and Criminal Justice

$475,000

This technology program supports development of new methods, techniques, and systems for improving investigative functions. This program also will develop protocols for DNA testing and matching to meet court standards of admissible evidence. Multiple awards will be made under the program. Methods of procurement will be determined and solicitations may be issued as appropriate.

Technology Assessment Program

[Funding to be determined]

The Technology Assessment Program Information Center (TAPIC), operated by NIJ and the Commerce Department, develops equipment performance standards that can be used by law enforcement agencies in making informed purchases. TAPIC disseminates information to Federal, State and local law enforcement officials on the reliability and effectiveness of criminal justice equipment and products. Services are being provided by a current contractor.

Electronic Benefits Transfer Project

$68,000 (Treasury)

This is an intra-agency collaborative effort between NIJ and the Treasury Department. This project examines the use of government issued ATM cards to provide benefits to recipients in poor neighborhoods vulnerable to robbery or fraud involving their checks. This is a possible continuation of a current grantee and no applications will be solicited in Fiscal Year 1991.

Office of Juvenile Justice and Delinquency Prevention

$4,473,000

New Programs

Fellowship Program

$350,000

Acting through the National Institute for Juvenile Justice and Delinquency Prevention, OJJDP will begin a Fellowship Program which will provide grants of varying amounts to individuals for independent, scholarly study in the field of juvenile delinquency while in residence at OJJDP. The areas of study may include developing new knowledge, evaluating existing or proposed juvenile justice system policies and practices, or developing state-of-the-art information in areas specified under section 243(l) of the Juvenile Justice and Delinquency Prevention (JJDP) Act, 42 U.S.C. 5653(l).

Field—Initiated Programs

$400,000

OJJDP is proposing a development program designed to increase the capacity of State and local governments, public and private youth-serving agencies, and neighborhood organizations or community groups to prevent delinquency, develop and use alternatives to the juvenile justice system, and improve the administration of juvenile justice. Grants will be awarded competitively to researchers, practitioners, and policymakers who have innovative ideas to address areas that do not fall within the scope of other Fiscal Year 1991 grant programs funded by OJJDP. The award of these grants will be closely coordinated with the Assistant Attorney General, Office of Justice Programs.

Model Program Identification and Dissemination

$50,000

OJJDP will actively identify and package promising or proven program models and provide them to State and local jurisdictions. In addition, they will be incorporated into OJJDP's technical

assistance and training activities. In keeping with this initiative, OJJDP has re-established its program of "Recognition of Outstanding Juvenile Justice Programs." The National Coalition of State Juvenile Advisory Groups has agreed to participate with State Advisory Groups in developing the nominating process and in recommending programs for OJJDP recognition.

Comparative Research on Success of Juvenile Delinquency and Substance Abuse Treatment Programs

$250,000

The purpose of this research program is to conduct a special study of juvenile delinquency and substance abuse treatment programs. These programs will include instruction in strong ethical and moral values such as honesty, integrity, respect for authority, and responsibility for one's actions and then will be compared with programs lacking, or with minor inclusion of, this component. Public and private programs will be included in the study and exemplary programs identified.

Continuation Programs

National Juvenile Court Data Archive

$617,000*

The purpose of this program is to collect, process, analyze, and disseminate available data concerning cases handled by the Nation's juvenile courts. Specific emphasis will be given to the collection and analysis of data involving gang-related and minority offenders within the court system in terms of resources expended and the types of dispositions, such as intermediate sanctions.

Children in Custody Census

$300,000

This dissemination project is a biennial census of public and private juvenile detention and correctional facilities, conducted by the Census Bureau. It describes the subject facilities in terms of their resident populations as well as their programs and physical characteristics.

Research on the Juvenile Justice Systems in American Indian and Alaskan Native Communities

$425,000

The purpose of this research project is to study and describe the juvenile justice systems and procedures, particularly the treatment of accused juveniles in the communities which have law enforcement functions. Also, the program will determine the amount of financial resources available to support community-based alternatives to incarceration and will study the extent to which deinstitutionalization of status offenders and removal of juveniles from adult secure institutions are applied.

Information Center

$765,000

The Center provides support services to OJJDP in preparing and disseminating information on all aspects of juvenile delinquency and responds to information requests from the juvenile justice field.

Insular Area Support

Estimated $325,000

The purpose of this demonstration program is to provide supplemental financial support to the Virgin Islands, Guam, American Samoa, Palau and the Commonwealth of the Northern Mariana Islands in accordance with section 261(e) of the JJDP Act, as amended.

Non-Participating State Initiative

$325,000

The purpose of this demonstration program is to make funds available to non-participating States in accordance with section 223(d) of the JJDP Act, as amended.

OJJDP Technical Assistance Support Contract

$166,000

The purpose of this dissemination project is to provide technical assistance and support to the Office of Juvenile Justice and Delinquency Prevention, OJJDP grantees, and the Coordinating Council on Juvenile Justice and Delinquency Prevention in all research, program development, evaluation, training, and research utilization activities.

National Coalition of State Juvenile Justice Advisory Groups

$500,000*

This National Coalition was required by Congress in 1984 to prepare and submit an Annual Report that reviews Federal policies regarding juvenile justice and delinquency prevention to the President, the Congress and the OJJDP Administrator. The coalition also is required to disseminate information, data, standards, and advanced techniques.

Jimmy Gurulé,

Assistant Attorney General, Office of Justice Programs.

[FR Doc. 91-928 Filed 1-15-91; 8:45 am]

BILLING CODE 4410-18-M

Federal Register

Wednesday
January 16, 1991

Part III

Department of Education

34 CFR Parts 74 and 80

Education Department General Administrative Regulations; Final Regulations

DEPARTMENT OF EDUCATION

34 CFR Parts 74 and 80

RIN 1880-AA49

Education Department General Administrative Regulations

AGENCY: Department of Education.

ACTION: Final regulations.

SUMMARY: The Secretary amends the Education Department General Administrative Regulations (EDGAR) to adopt Office of Management and Budget (OMB) Circular A-133, "Audits of Institutions of Higher Education and Other Nonprofit Organizations" as published in the **Federal Register** on March 16, 1990, at 55 FR 10019. The new audit requirements are added to the Department's regulations at 34 CFR part 74 and replace audit requirements that were found in OMB Circular A-110, "Grants and Agreements with Institutions of Higher Education and Other Nonprofit Organizations." Conforming amendments are also made to 34 CFR part 80.

EFFECTIVE DATE: These regulations take effect either March 4, 1991, or later if the Congress takes certain adjournments. If you want to know the effective date of these regulations, call or write the Department of Education contact person. A document announcing the effective date will be published in the **Federal Register.**

FOR FURTHER INFORMATION CONTACT: Mary Hughes, Grants and Contracts Service, U.S. Department of Education, 400 Maryland Avenue, SW. (room 3636, ROB-3), Washington, DC 20202-4700; Telephone (202) 708-5880.

SUPPLEMENTARY INFORMATION: OMB published in the **Federal Register** a proposed new Circular covering audits of institutions of higher education and other nonprofit organizations on November 10, 1988, at 53 FR 45744, and offered interested parties an opportunity to comment on the proposed Circular. After consideration of the comments received on the proposed Circular, OMB published in the **Federal Register** a final version of the Circular on March 16, 1990, at 55 FR 10019. OMB Circular A-133 provides guidance to all Federal agencies about how audits of institutions of higher education and nonprofit organizations must be conducted. The Secretary has reviewed the new Circular and determined that there is no need for any Department exceptions from its substance at this time.

Waiver of Proposed Rulemaking

In accordance with section 431 (b)(2)(A) of the General Education Provisions Act (200 U.S.C. 1232(b)(2)(A)) and the Administrative Procedure Act (5 U.S.C. 553), it is the practice of the Secretary to offer interested parties the opportunity to comment on proposed regulations. However, OMB has already offered a full opportunity to comment on the proposed Circular. Therefore, the Secretary has determined, under 5 U.S.C. 553(b)(B), that proposed rulemaking is unnecessary and contrary to the public interest. Accordingly, for good cause, the Secretary waives proposed rulemaking and adopts OMB Circular A-133 as published in the **Federal Register** on March 16, 1990 at 55 FR 10019.

Executive Order 12291

These regulations have been reviewed in accordance with Executive Order 12291. They are not classified as major because they do not meet the criteria for major regulations established in the Order.

List of Subjects

34 CFR Part 74

Administrative practice and procedure, Education Department, Grant programs, education, Grant administration.

34 CFR Part 80

Administrative practice and procedure, Education Department, Grant programs, education, Grant administration.

(Catalog of Federal Domestic Assistance does not apply.)

Dated: December 21, 1990.

Ted Sanders,

Acting Secretary.

The Secretary amends parts 74 and 80 of title 34 of the Code of Federal Regulations as follows:

PART 74—ADMINISTRATION OF GRANTS TO INSTITUTIONS OF HIGHER EDUCATION, HOSPITALS AND NONPROFIT ORGANIZATIONS

1. The authority citation for part 74 is revised to read as follows:

Authority: 20 U.S.C. 1221e-3(a)(1) and 3474, OMB Circular A-110, unless otherwise noted.

2. Section 74.61 is amended by revising paragraph (h) and the authority citation at the end of the section to read as follows:

§ 74.61 Financial management standards.

* * * * *

(h)(1) This paragraph applies to each grantee or subgrantee that is not subject to the audit requirements specified in 34 CFR 80.26(a).

(2) Public hospitals and public colleges and universities are subject to this paragraph if excluded from the single audit conducted under 34 CFR 80.26.

(3) Each grantee shall have audits conducted as required under OMB Circular A-133.

* * * * *

(Authority: 20 U.S.C. 1221e-3(a)(1) and 3474, OMB Circulars A-110 and A-113)

PART 80—UNIFORM ADMINISTRATIVE REQUIREMENTS FOR GRANTS AND COOPERATIVE AGREEMENTS TO STATE AND LOCAL GOVERNMENTS

3. The authority citation for part 80 is revised to read as follows:

Authority: 20 U.S.C. 1221e-3(a)(1) and 3474, OMB Circular A-102, unless otherwise noted.

4. Section 80.26 is amended by revising paragraphs (b)(1) and (b)(2), and the authority citation at the end of the section to read as follows:

§ 80.26 Non-Federal audit.

* * * * *

(b) * * *

(1) Determine whether State or local subgrantees have met the audit requirements of the Act and whether subgrantees covered by OMB Circular A-133, "Audits of Institutions of Higher Education and Other Nonprofit Institutions" have met the audit requirements in that Circular. Commercial contractors (private for-profit and private and governmental organizations) providing goods and services to State and local governments are not required to have a single audit performed. State and local governments should use their own procedures to ensure that the contractor has complied with laws and regulations affecting the expenditure of Federal funds;

(2) Determine whether the subgrantee spent Federal assistance funds provided in accordance with applicable laws and regulations. This may be accomplished by reviewing an audit of the subgrantee made in accordance with the Act, OMB Circular A-133, or through other means (e.g., program reviews) if the subgrantee has not had such an audit;

* * * * *

(Authority: 20 U.S.C. 1221e-3(a)(1) and 3474, OMB Circulars A-102, A-128 and A-133)

[FR Doc. 91-971 Filed 1-15-91; 8:45 am]

BILLING CODE 4000-01-M

federal register

Wednesday
January 16, 1991

Part IV

Department of Education

34 CFR Part 690

Pell Grant Program; Final Regulations

DEPARTMENT OF EDUCATION

34 CFR Part 690

RIN 1840-AB40

Pell Grant Program

AGENCY: Department of Education

ACTION: Final regulations.

SUMMARY: The Secretary amends the regulations for the Pell Grant Program prescribing those special conditions under which a special calculation of a student's expected family contribution is to be made.

EFFECTIVE DATE: These regulations take effect either March 4, 1991, or later if the Congress takes certain adjournments. A document announcing the effective date will be published in the Federal Register. If you want to know the effective date of these regulations, call or write the Department of Education contact person.

FOR FURTHER INFORMATION CONTACT: Cheryl Leibovitz, U.S. Department of Education, 400 Maryland Avenue, SW. (ROB-3, room 4318), Washington, DC 20202-5444. Telephone (202) 708-7888.

SUPPLEMENTARY INFORMATION: The Departments of Labor, Health, and Human Services, and Education, and Related Agencies Act, 1991 (Pub. L. 101-517) signed by President Bush on November 5, 1990, makes changes to the determination of a student's expected family contribution (EFC), also called the Pell Grant Index (PGI), under the Pell Grant Program for the 1991-92 award year. The above mentioned appropriations act rescinded a financial aid administrator's (FAA's) authority under section 479A of the Higher Education Act of 1965, as amended (HEA), to make individual adjustments, based on adequate documentation, to a student's EFC under the Pell Grant Program. This rescission applies only to the Pell Grant Program and is effective only for the 1991-92 award year. The FAA's authority to make adjustments to a student's EFC in the other programs authorized by title IV of the HEA (title IV, HEA programs) remains unchanged. Also, an FAA's authority to make a determination that a student is independent by reason of documented unusual circumstances under sections 411F(12)(B)(vii) and 480(d)(2)(G) of the HEA for all of the title IV, HEA programs remains unchanged.

The new legislation provides that in those instances where special conditions exist (as determined by the Secretary), the student's PGI for the Pell Grant Program shall be based upon expected year income instead of base year income. That is, any student whose family circumstances meet a special condition criterion shall have his or her PGI calculated using the expected income for the 1991 calendar year instead of by the standard procedure of using the base year income for the 1990 calendar year. This use of expected year income in the Pell Grant formula is identical to the use of expected year income in the Pell Grant formula for the 1990-91 award year.

The purpose of these regulations is to provide a list of the special conditions under which a computation of a student's PGI, using expected year data, would be performed. The special conditions are the same as those used in the Pell Grant Program in the 1990-91 award year. Because the statute was amended to require special condition calculations for the 1991-92 award year so close to the beginning of the 1991-92 processing year, the Department is unable to provide a Special Conditions Form.

To ensure that students know that they may be eligible to have their awards calculated on the basis of special conditions, a message will be printed on each Student Aid Report (SAR) indicating that a student who believes that he or she qualifies for a special condition calculation should contact his or her FAA. Students meeting a special condition criterion must provide the data needed for the special calculation on either the Correction Application for Federal Student Assistance (Correction AFSA) or the SAR. In either case the student forwards the document to the processor indicated on the form. At that time a computation based on the expected year data will be made and a new SAR generated.

As in prior award years, a student's eligibility for the simplified needs test (SNT) is determined using base year information. If a student qualifies for the SNT and also qualifies for a special condition calculation, that special condition calculation is made using full expected year information.

Waiver of Notice of Proposed Rulemaking

In accordance with section 431(b)(2)(A) of the General Education Provisions Act (20 U.S.C. 1232(b)(2)(A)) and the Administrative Procedure Act (5 U.S.C. 553), it is the practice of the Secretary to offer interested parties the opportunity to comment on proposed regulations. However, under the Departments of Labor, Health and Human Services, and Education, and Related Agencies Act, 1991 (Pub. L. 101-517) the Secretary is required to apply regulatory criteria governing special condition calculations for the 1991-92 award year. The processing cycle for the 1991-92 award year begins in January 1991. If the Secretary were to delay implementation of these regulations the Secretary would be prevented from the due and required execution of this law. Moreover, in the absence of immediate implementation of these regulations needy students would be prevented from obtaining the full amount of Pell Grant assistance for which they are eligible under the special conditions prescribed by the Secretary. The public is also unlikely to object to these regulations because they contain special conditions that are identical to those contained in the regulations that were in effect for the 1987-88, 1989-90 and 1990-91 award years. The regulations in effect for the 1987-88 award year were the product of notice and comment rulemaking. Since the regulations are effective for the current award cycle only, the delay occasioned by taking public comment would result in the nonapplication of the Appropriations Act provision to many of the students to whom it was intended to apply. Therefore, the Secretary has determined that publication of a proposed rule is unnecessary, impracticable, and contrary to the public interest under 5 U.S.C. 553(b)(B).

Executive Order 12291

These regulations have been reviewed in accordance with Executive Order 12291. They are not classified as major because they do not meet the criteria for major regulations established in the order.

Paperwork Reduction Act of 1980

These regulations have been examined under the Paperwork Reduction Act of 1980 and have been found to contain no information collection requirements.

Assessment of Education Impact

The Secretary has determined that the regulations in this document do not require transmission of information that is being gathered by or is available from any other agency or authority of the United States.

List of Subjects in 34 CFR Part 690

Administrative practice and procedure, Education, Education of disadvantaged, Grant programs—education, Student aid.

(Catalog of Federal Domestic Assistance Number: 84.063 Pell Grant Program)

Dated: December 17, 1990.

Ted Sanders,

Acting Secretary of Education.

The Secretary amends part 690 of title 34 of the Code of Federal Regulations as follows:

PART 690—PELL GRANT PROGRAM

1. The authority citation for part 690 continues to read as follows:

Authority: 20 U.S.C. 1070a through 1070a–6, unless otherwise noted.

§ 690.31 [Amended]

2. In § 690.31, paragraph (a), the introductory text is amended by removing "1990–91", and adding, in its place, "1991–92", and by removing "1990", and adding, in its place, "1991"; paragraphs (a) (2), (3), (4), and paragraph (b), are amended by removing "1990" each time it appers, and adding, in its place, "1991"; paragraphs (a) (1), (2), (3), (4), and (6), are amended by removing "1989" each time it appears, and adding, in its place, "1990"; and the authority citation is revised to read as follows:

(Authority: Pub. L. 101–517)

§ 690.32 [Amended]

3. In § 690.32, paragraph (a), the introductory text is amended by removing "1990–91", and adding, in its place, "1991–92", and by removing "1990", and adding, in its place, "1991"; paragraphs (a) (2), (3), (5), and paragraph (b), are amended by removing "1990" each time it appears, and adding, in its place, "1991"; paragraphs (a) (1), (2), (3), and (5), are amended by removing "1989" each time it appears, and adding, in its place, "1990"; and the authority citation is revised to read as follows:

(Authority: Pub. L. 101–517)

[FR Doc. 91–972 Filed 1–15–91; 8:45 am]

BILLING CODE 4000–01–M

federal register

Wednesday
January 16, 1991

Part V

Office of Management and Budget

Budget Rescissions and Deferrals; Notice

OFFICE OF MANAGEMENT AND BUDGET

Budget Rescissions and Deferrals

TO THE CONGRESS OF THE UNITED STATES:

In accordance with the Impoundment Control Act of 1974, I herewith report two new deferrals and four revised deferrals of budget authority now totalling $9,093,864,337.

The deferrals affect International Security Assistance programs, as well as programs of the Departments of Agriculture, State, and Transportation.

The details of these deferrals are contained in the attached report.

George Bush

The White House,

January 9, 1991.

[FR Doc. 91–1102 Filed 1–15–91; 8:45 am]

BILLING CODE 3110–01–M

CONTENTS OF SPECIAL MESSAGE
(in thousands of dollars)

DEFERRAL NO.	ITEM	BUDGET AUTHORITY
	Funds Appropriated to the President:	
	International Security Assistance:	
D91-1A	Economic support fund	2,092,829
D91-8	Foreign military financing	4,820,649
D91-9	Peacekeeping operations	5,177
	Department of Agriculture:	
	Forest Service:	
D91-3A	Cooperative work	509,040
	Department of State:	
	Bureau of Refugee Programs:	
	United States emergency refugee and	
D91-6A	migration fund	59,036
	Department of Transportation:	
	Federal Aviation Administration:	
	Facilities and equipment, Airport	
D91-7A	and airway trust fund	1,607,132
	Total deferrals	9,093,864

SUMMARY OF SPECIAL MESSAGES
FISCAL YEAR 1991
(in thousands of dollars)

	RESCISSIONS	DEFERRALS
Second special message:		
New items	---	4,825,826
Revisions to previous special messages	---	3,292,062
Effects of the second special message	---	8,117,888
Amounts from previous special messages	---	1,120,244
TOTAL amount proposed to date in all special messages	---	9,238,132

Deferral No. D91-1A

Supplemental Report
Report Pursuant to Section 1014(c) of Public Law 93-344

This report updates Deferral No. D91-1 transmitted to Congress on October 4, 1990.

This revision increases by $1,943,510,000 the previous deferral of $149,319,284 in the Economic support fund, resulting in a total deferral of $2,092,829,284. The increase reflects the routine deferral of increases in unobligated funds carried over from 1990 and funds included in the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1991.

Deferral No. 91-1A

DEFERRAL OF BUDGET AUTHORITY

Report Pursuant to Section 1013 of P.L. 93-344

AGENCY: Funds Appropriated to the President	New budget authority.....* $ 3,161,000,000 (P.L. 101-513)
BUREAU: International Security Assistance	Other budgetary resources..... * 181,779,021
Appropriation title and symbol: Economic support fund 1/ 111/21037 * 11X1037 110/11037	Total budgetary resources..... * 3,342,779,021
	Amount to be deferred: Part of year..... * $ 2,092,829,284 2/ Entire year..... _____
OMB identification code: 11-1037-0-1-152	Legal authority (in addition to sec. 1013): [X] Antideficiency Act [ ] Other _____
Grant program: [X] Yes [ ] No	
Type of account or fund: [ ] Annual [X] Multi-year: September 30, 1991 September 30, 1992 * (expiration date) [X] No-Year	Type of budget authority: [X] Appropriation [ ] Contract authority [ ] Other

Coverage:

Appropriation	Account Symbol	OMB Identification Code		Deferred Amount Reported
Economic support fund.....	11x1037	11-1037-0-1-152	* $	39,389,000
Economic support fund.....*	111/21037	11-1037-0-1-152	*	1,904,121,000
Economic support fund.....	110/11037	11-1037-0-1-152		149,319,284
			*	2,092,829,284

JUSTIFICATION: This action defers funds pending approval of specific loans and grants to eligible countries by the Secretary of State after review by the Agency for International Development and the Treasury Department. This interagency review process will ensure that each approved program is consistent with the foreign and financial policies of the United States and will not exceed the limits of available funds. This action is taken pursuant to the Antideficiency Act (31 U.S.C. 1512).

Estimated Program Effect: None

Outlay Effect: None

1/ This account was the subject of a similar deferral in FY 1990 (D90-1C).

2/ The deferred amount has been reduced to $2,053,693,434 due to subsequent releases.

* Revised from previous report.

Deferral No. 91-8

DEFERRAL OF BUDGET AUTHORITY

Report Pursuant to Section 1013 of P.L. 93-344

AGENCY: Funds Appropriated to the President	New budget authority..... $ 5,066,920,800 (P.L. 101-513)
BUREAU: International Security Assistance	Other budgetary resources..... -96,271,495
Appropriation title and symbol: Foreign military financing (FMF) 1/ 1111082	Total budgetary resources..... 4,970,649,305
	Amount to be deferred: Part of year..... $ 4,820,649,305 Entire year..... _____
OMB identification code: 11-1082-0-1-152	Legal authority (in addition to sec. 1013): [X] Antideficiency Act [ ] Other _____
Grant program: [X] Yes [ ] No	
Type of account or fund: [X] Annual [ ] Multi-year: _____ (expiration date) [ ] No-Year	Type of budget authority: [X] Appropriation [ ] Contract authority [ ] Other

JUSTIFICATION: The President is authorized by the Arms Export Control Act to sell or finance by grant, credit, or guarantee articles and defense services to friendly countries to facilitate the common defense and is further authorized by the International Narcotics Control Act of 1989 to provide military and law enforcement assistance to counter illegal narcotics. Under Section 2 of the Arms Export Act, the Secretary of State, under the direction of the President, is responsible for sales made under the Act, including determining whether there shall be a sale to a country and the amount thereof. Executive Order No. 11958 further requires the Secretary of State to obtain the prior concurrence of the Secretaries of Defense and Treasury, respectively, regarding standards and criteria for credit transactions that are based upon national security and financial policies. These funds have been deferred pending the approval of the Department of State, Defense, and Treasury for the specific sales to eligible countries. Consultation among these Departments will ensure that each approved program is consistent with the foreign, national security, and financial policies of the United States and will not exceed the limits of available funds. This action is taken pursuant to the Antideficiency Act (31 U.S.C. 1512).

Estimated Program Effect: None

Outlay Effect: None

1/ This account was the subject of a similar deferral in FY 1990 (D90-8).

Deferral No. 91-9

DEFERRAL OF BUDGET AUTHORITY

Report Pursuant to Section 1013 of P.L. 93-344

AGENCY: Funds Appropriated to the President	New budget authority..... $ 32,800,000 (P.L. 101-513)
BUREAU: International Security Assistance	Other budgetary resources..... -623,000
Appropriation title and symbol: Peacekeeping Operations 1111032	Total budgetary resources..... 32,177,000 Amount to be deferred: Part of year..... $ 5,177,000 Entire year..... _____
OMB identification code: 11-1032-0-1-152	Legal authority (in addition to sec. 1013): [X] Antideficiency Act
Grant program: [X] Yes [ ] No	[ ] Other _____
Type of account or fund: [X] Annual [ ] Multi-year: _____ (expiration date) [ ] No-Year	Type of budget authority: [X] Appropriation [ ] Contract authority [ ] Other

JUSTIFICATION: This accounts funds U.S. assistance to international efforts to monitor and maintain the peace in areas of special concern to the United States. In 1991, contributions will be made to the Multinational Force and Observers in the Sinai and to the United Nations Force in Cyprus. Funds currently needed for Multinational Force and Observers in the Sinai fall short of the funds requested and appropriated. No other peacekeeping operations are currently being conducted. This deferral action is taken under the Antideficiency Act (31 U.S.C. 1512).

Estimated Program Effect: None

Outlay Effect: None

Deferral No. D91-3A

Supplemental Report
Report Pursuant to Section 1014(c) of Public Law 93-344

This report updates Deferral No. D91-3 transmitted to Congress on October 4, 1990.

This revision to a deferral of the Department of Agriculture, Forest Service, Cooperative work account, increases the amount previously reported deferred from $273,468,457 to $509,040,433. This increase of $235,571,976 is composed of repayments to this account of prior year advances made to other accounts for firefighting costs.

This revision also reflects a change in the period covered for the deferred amount for the Department of Agriculture, Forest Service, Cooperative work's account from "Part of Year" to "Entire Year."

Deferral No. 91-3A

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

AGENCY: Department of Agriculture	New budget authority.....* $ 331,598,688 (16 U.S.C. 576b)
BUREAU: Forest Service	Other budgetary resources.....* 515,588,121
Appropriation title and symbol: Cooperative Work 1/ 12X8028	Total budgetary resources.....* 847,186,809 Amount to be deferred: Part of year.....* $ _____ Entire year.....* 509,040,433
OMB identification code: 12-9922-0-2-302 Grant program: ☐ Yes ☒ No	Legal authority (in addition to sec. 1013): ☒ Antideficiency Act ☐ Other _____
Type of account or fund: ☐ Annual ☐ Multi-year: _____ (expiration date) ☒ No-Year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other

JUSTIFICATION: Funds are received from States, counties, timber sale operators, individuals, associations, and others. These funds are expended by the Forest Service as authorized by law and the terms of the applicable trust agreements. The work benefits the national forest users, research investigations, reforestation, and administration of private forest lands. Much of the work for which deposits have been made cannot be done, or is not planned to be done, during the same year that the collections are being realized. Examples include areas where timber operators have not completed all of the contract obligations during the year funds are deposited. As a result restoration efforts cannot begin, and the funds cannot be obligated this year. This deferral action is taken under the provisions of the Antideficiency Act (31 U.S.C. 1512).

Estimated Program Effect: None

Outlay Effect: None

1/ This account was the subject of a similar deferral in FY 1990 (D90-3A).

* Revised from previous report.

Deferral No. D91-6A

Supplemental Report
Report Pursuant to Section 1014(c) of Public Law 93-344

This report updates Deferral No. D91-6 transmitted to Congress on October 4, 1990.

This revision to a deferral of the Department of State's Emergency refugee and migration assistance fund increases the amount previously reported as deferred from $14,529,000 to $59,036,000. This increase of $44,507,000 results from the routine deferral of increased carry over balances from 1990 and of 1991 appropriations pending Presidential designation of the refugees to be assisted.

Deferral No. 91-6A

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

AGENCY: Department of State	New budget authority.....* $ 35,000,000 (P.L. 101-513)
BUREAU: Bureau of Refugee Programs	Other budgetary resources..... * 25,536,000
Appropriation title and symbol: United States emergency refugee and migration assistance fund 1/ 11X0040	Total budgetary resources..... * 60,536,000 Amount to be deferred: Part of year.....* $ 59,036,000 Entire year.....
OMB identification code: 11-0040-0-1-151	Legal authority (in addition to sec. 1013): [X] Antideficiency Act
Grant program: [ ] Yes [X] No	[ ] Other _____
Type of account or fund: [ ] Annual [ ] Multi-year: _____ (expiration date) [X] No-Year	Type of budget authority: [X] Appropriation [ ] Contract authority [ ] Other

JUSTIFICATION: Section 501(a) of the Foreign Relations Authorization Act, 1976 (Public Law 94-141) and Section 414(b) (1) of the Refugee Act of 1980 (Public Law 96-212) amended Section 2(c) of the Migration and Refugee Assistance Act of 1962 (22 U.S.C. 2601) by authorizing a fund to enable the President to provide emergency assistance for unexpected urgent refugee and migration needs.

Executive Order No. 11922 of June 16, 1976, allocated all funds appropriated to the President for the Emergency Fund to the Secretary of State but reserved for the President the determination of assistance to be furnished and the designation of refugees to be assisted by the Fund.

These funds have been deferred pending Presidential decisions required by Executive Order No. 11922. Funds will be released as the President determines assistance to be furnished and designates refugees to be assisted by the Fund. This deferral action is taken under the provisions of the Antideficiency Act (31 U.S.C. 1512).

Estimated Program Effect: None

Outlay Effect: None

1/ This account was the subject of a similar deferral in FY 1990 (D90-6B).

* Revised from previous report.

Deferral No. D91-7A

Supplemental Report
Report Pursuant to Section 1014(c) of Public Law 93-344

This report updates Deferral No. D91-7 transmitted to Congress on October 4, 1990.

This revision increases by $1,068,472,991 the previous deferral of $538,659,324 in the Department of Transportation's Facilities and equipment, FAA trust fund account, resulting in a total deferral of $1,607,132,315. The increases results from projects and equipment funded in the Department of Transportation and Related Agencies Appropriation Act, 1991, that cannot be constructed or contracted for this year.

Deferral No. 91-7A

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

AGENCY: Department of Transportation	New budget authority.....* $ 2,095,407,000
BUREAU: Federal Aviation Administration	Other budgetary resources.....* 1,627,266,522
Appropriation title and symbol: Facilities and equipment (Airport and airway trust fund) 1/ 69X8107 699/38107 697/18107 690/48107 698/28107 691/58107 *	Total budgetary resources.....* 3,722,673,522 Amount to be deferred: Part of year..... ____ Entire year.....2/.* $ 1,607,132,315
OMB identification code: 69-8107-0-7-402	Legal authority (in addition to sec. 1013): [X] Antideficiency Act [ ] Other ____
Grant program: [ ] Yes [X] No	
Type of account or fund: 9/30/91 9/30/95 * [ ] Annual 9/30/92 9/30/93 [X] Multi-year: 9/30/94 (expiration date) [X] No-Year	Type of budget authority: [X] Appropriation [ ] Contract authority [ ] Other

JUSTIFICATION: Funds from this account are used to continue to procure specific Congressionally-approved facilities and equipment for the expansion and modernization of the National Airspace System. The projects financed from this account include construction of buildings, and the purchase of new equipment for new or improved air traffic control towers, automation of the enroute airway control system, and expansion/improvement of navigational and landing aid systems. Funds to continue these activities were justified and provided for in the Department's regular budget submissions and were appropriated by Congress. Because of the lengthy procurement and construction time for these interrelated facilities and complex equipment systems, it is not possible to obligate all the funds necessary to complete each project in the year funds were appropriated. Therefore, it is necessary to apportion funds so that sufficient resources will be available in future periods to complete these projects. This deferral action is consistent with FAA's full funding approach and Congress' intent to provide resources for a project's total cost, and is taken under provision of the Antideficiency Act (31 U.S.C. 1512).

Estimated Program Effect: None

Outlay Effect: None

1/ This account was the subject of a similar deferral in FY 1990 (D90-7A)

2/ None of the deferred funds expire at the end of FY 1991.

* Revised from previous report.

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federal register

Wednesday
January 16 1991

Part VI

The President

Proclamation 6242—Martin Luther King, Jr., Federal Holiday

Integrity

Federal Register
Vol. 56, No. 11
Wednesday, January 16, 1991

Presidential Documents

Title 3—

The President

Proclamation 6242 of January 14, 1991

Martin Luther King, Jr., Federal Holiday, 1991

By the President of the United States of America

A Proclamation

In commemorating the anniversary of the birth of the Reverend Dr. Martin Luther King, Jr., we celebrate the cause to which he dedicated his life. More than a struggle to end bigotry and segregation in the United States—although that alone would be ample reason to honor him—Martin Luther King's great purpose was an effort "to make real the promises of democracy."

With characteristic eloquence, Dr. King told his countrymen, "In spite of the difficulties and frustrations of the moment, I still have a dream. It is a dream deeply rooted in the American dream. I have a dream that one day this Nation will rise up and live out the true meaning of its creed." By working to fulfill for all Americans the promise of life, liberty, and happiness expressed in the Declaration of Independence, Martin Luther King helped to bring our country closer to the ideal envisioned at its founding.

Inspiring Martin Luther King's appeals for racial equality was a strong faith—faith in Almighty God, faith in the future, and faith in the ultimate triumph of truth and justice. A gifted preacher who often quoted from Scripture, King believed that America must uphold its promise of liberty and opportunity for all because prejudice and discrimination obscure the reality that all people are made in the image of their Creator.

The faith that animated Martin Luther King's efforts to uphold the God-given dignity and worth of every individual was nurtured in him from childhood. The son of a Baptist minister, King was clearly inspired by the example of his parents and their quiet nobility and determination.

The family is still, as King once observed, "the main educational agency of mankind." Thus, we must begin with the family if we are to ensure that our children "live in a nation where they will not be judged by the color of their skin but by the content of their character." We give our children the tools needed to build a bright future when we give them love and attention and help them to develop a sense of personal responsibility and self-esteem, as well as an appreciation for the value of learning and hard work. Finally, we must instill in our children a sense of hope and higher purpose, helping them to recognize—as did Martin Luther King—the power of prayer and the rewards of basic human goodness. As Dr. King once said, "Intelligence plus character—that is the goal of true education. The complete education gives one not only power of concentration but worthy objectives upon which to concentrate."

Throughout his adult life, Martin Luther King concentrated on efforts to overcome bitterness and division and to fulfill the American dream for all members of our society. He taught all of us important lessons about faith, sacrifice, perseverance, and optimism. Today we recall those lessons and renew our determination to promote racial harmony and equality of opportunity in the United States.

By Public Law 98–144, the third Monday in January of each year has been designated as a legal public holiday.

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, by virtue of the authority vested in me by the Constitution and laws of the United States, do hereby proclaim Monday, January 21, 1991, as the Martin Luther King, Jr., Federal Holiday.

IN WITNESS WHEREOF, I have hereunto set my hand this fourteenth day of January, 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. 91–1266
Filed 1–15–91; 10:50 am]
Billing code 3195–01–M

Reader Aids

Federal Register

Vol. 56, No. 11

Wednesday, January 16, 1991

INFORMATION AND ASSISTANCE

Federal Register

Index, finding aids & general information	523-5227
Public inspection desk	523-5215
Corrections to published documents	523-5237
Document drafting information	523-5237
Machine readable documents	523-3447

Code of Federal Regulations

Index, finding aids & general information	523-5227
Printing schedules	523-3419

Laws

Public Laws Update Service (numbers, dates, etc.)	523-6641
Additional information	523-5230

Presidential Documents

Executive orders and proclamations	523-5230
Public Papers of the Presidents	523-5230
Weekly Compilation of Presidential Documents	523-5230

The United States Government Manual

General information	523-5230

Other Services

Data base and machine readable specifications	523-3408
Guide to Record Retention Requirements	523-3187
Legal staff	523-4534
Library	523-5240
Privacy Act Compilation	523-3187
Public Laws Update Service (PLUS)	523-6641
TDD for the hearing impaired	523-5229

FEDERAL REGISTER PAGES AND DATES, JANUARY

1-162.....2
163-354.....3
355-478.....4
479-624.....7
625-770.....8
771-942.....9
943-1080.....10
1081-1344.....11
1345-1482.....14
1483-1558.....15
1559-1920.....16

CFR PARTS AFFECTED DURING JANUARY

At the end of each month, the Office of the Federal Register publishes separately a List of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

3 CFR

Executive Orders:
12543 (See Notice of January 2, 1991).....477
12544 (See Notice of January 2, 1991).....477
12687 (Amended by 12741).....475
12740.....355, 1561
(See Presidential Determination No. 91-11)
12741.....475
12742.....1079

Administrative Orders:

Memorandums:
November 16, 1990 (See Presidential Determination No. 91-10 of December 27, 1990).....163
December 19, 1990.....357

Notices:
January 4, 1990 (See Notice of January 2, 1991).....477
January 10, 1991.....1481

Presidential Determinations:
No. 91-10 of December 27, 1990.....163
No. 91-11 of December 29, 1990).....1561
No. 91-12 of January 2, 1991.....477

Proclamations:
6241.....1559
6242.....1719

5 CFR

213.....165
317.....165
359.....165
531.....771
842.....165
1601.....592
1603.....600
1606.....602
1650.....614

7 CFR

47.....173, 175
58.....773
354.....1081
457.....1345
719.....479
760.....1358
793.....479
907.....1, 774, 775
908.....1
910.....2, 625
987.....777
1230.....4
1403.....359
1404.....360
1405.....479
1413.....479
1421.....479
1427.....479
1470.....360
1477.....364
1497.....479
1498.....479
1717.....558
1755.....1483
1728.....1563
1927.....943
1945.....1563

Proposed Rules:
46.....654
53.....801
275.....1578
301.....1121
319.....1122
918.....1124
932.....31
998.....804
1001.....732
1002.....732
1004.....732
1005.....732
1006.....732
1007.....732
1011.....732
1012.....732
1013.....732
1030.....732
1032.....732
1033.....732
1036.....732, 1125
1040.....732
1044.....732
1046.....732
1049.....732
1050.....732
1064.....732
1065.....732
1068.....732
1075.....732
1076.....732
1079.....732
1093.....732
1094.....732
1096.....732
1097.....732
1098.....732
1099.....732
1106.....732
1108.....732
1120.....732

1124.....732
1126.....732
1131.....732
1132.....732
1134.....732
1135.....732
1137.....732
1138.....732
1139.....732
1700.....32
1980.....202

8 CFR

3.....618
103.....618
214.....480
240.....618
264.....482, 1566
274a.....618
299.....618

Proposed Rules:

214.....502

9 CFR

78.....1082, 1083
91.....365
92.....365
97.....1081
317.....1359
381.....1359

Proposed Rules:

318.....503

10 CFR

20.....944
50.....944

11 CFR

Proposed Rules:

100.....106
106.....106
110.....106
9001.....106
9002.....106
9003.....106
9004.....106
9005.....106
9006.....106
9007.....106
9012.....106
9031.....106
9032.....106
9033.....106
9034.....106
9035.....106
9036.....106
9037.....106
9038.....106
9039.....106

12 CFR

34.....1229
201.....1566
208.....627
225.....1229
250.....627
323.....1229
564.....778, 1229
722.....1229
1608.....1229

Proposed Rules:

226.....103
563.....1126
567.....806, 966
571.....1126
575.....1126
936.....387

13 CFR

115.....627

Proposed Rules:

107.....1334

14 CFR

1.....344
23.....344
39.....6, 627–634, 778–781, 944, 945, 1567–1569
71.....635, 947, 948, 1569–1572
91.....466, 1229
93.....1059
97.....949, 950,
121.....156
129.....156
135.....156
170.....336, 1059

Proposed Rules:

Ch. I.....806, 966
39.....33, 655–662, 806–811, 967–972, 1585
71.....35, 663–665, 973, 974, 1074
75.....233, 975, 1228
91.....812
161.....667

15 CFR

19.....160
771.....1485
774.....1485, 1486
776.....1485
779.....1487
786.....1485
799.....1485
1201.....176

Proposed Rules:

303.....812

16 CFR

1500.....7, 558

17 CFR

211.....951

Proposed Rules:

240.....814–820

18 CFR

37.....10

20 CFR

10.....1359
200.....1572
209.....1572
234.....1572

Proposed Rules:

323.....1587

21 CFR

14.....559
176.....17, 367
178.....1084, 1085
442.....483

Proposed Rules:

101.....1151
104.....1151
105.....1151
1020.....1589

22 CFR

Proposed Rules:

1104.....389

24 CFR

8.....918
35.....918
200.....918
215.....918
571.....918
750.....918
813.....918
880.....918
881.....918
882.....918
883.....918
884.....918
886.....918
887.....918
904.....918
905.....918
912.....918
913.....918
966.....918
968.....918
969.....918
970.....918
990.....918

26 CFR

1.....484, 559, 1361
40.....179
43.....179
44.....179
45.....179
46.....179
48.....179
49.....179
52.....18, 179
138.....179
142.....179
145.....179
146.....179
147.....179
148.....179
154.....179
602.....484, 559, 1361

Proposed Rules:

1.....508, 732
31.....395, 398
40.....233
43.....233
46.....233
48.....36, 233
49.....233
52.....50, 233
154.....233
701.....733
702.....733

27 CFR

9.....23
53.....302

28 CFR

76.....1086

29 CFR

2610.....1488
2622.....1488
2644.....1489
2676.....1490

Proposed Rules:

1910.....976

30 CFR

49.....1476
75.....1476
77.....1476
906.....1363
920.....1097
925.....190
936.....782
946.....368

Proposed Rules:

701.....1375
816.....1375
817.....1375
904.....51
915.....398
920.....822
934.....1505
938.....399

32 CFR

589.....370
811.....953
842.....1574
953.....371

Proposed Rules:

286b.....401
299.....1375

33 CFR

100.....783
117.....487, 635, 1490, 1491
165.....488, 783, 1108, 1109
401.....732

Proposed Rules:

100.....1152
110.....823
151.....824

34 CFR

74.....1697
80.....1697
690.....1700

36 CFR

228.....558
242.....103, 372
1152.....958

38 CFR

3.....1110

Proposed Rules:

4.....667, 1229
21.....1506

39 CFR

111.....1111
224.....785
232.....1112

40 CFR

35.....1492
52.....460
61.....1669
141.....636, 1556
142.....1556
180.....1575
228.....1112
261.....643
271.....643
280.....24
302.....643

Proposed Rules:

52.....51, 463, 826
180.....234, 1153, 1591
372.....1154

41 CFR

301.....1492

42 CFR

412.....568

43 CFR

Public Land Orders:
6827.....1492
4700.....786

Proposed Rules:
3840.....938
3850.....938

44 CFR

64.....1118, 1119

Proposed Rules:
67.....1593

45 CFR

205.....1493

46 CFR

67.....960
580.....1493
581.....1493
583.....1493
586.....1372

Proposed Rules:
25.....829
26.....829
162.....829
550.....668
580.....668
581.....668

47 CFR

Ch. I.....964
0.....787
1.....787
15.....372
36.....26
61.....1500
73.....373, 558, 787–796, 1372
97.....27, 28

Proposed Rules:
15.....1376
64.....402
68.....402
73.....1377, 1507–1509
74.....1510
76.....406
78.....1510

48 CFR

516.....376
552.....376, 377, 965

Proposed Rules:
27.....1159
37.....1076
52.....1159

49 CFR

172.....197
173.....197
396.....489
661.....926
1103.....1374

Proposed Rules:
1145.....410

50 CFR

17.....797, 1228, 1450–1464
32.....796
100.....103
204.....377
611.....384, 492, 645, 736, 1575
622.....652
638.....1500
641.....558
663.....645, 736
672.....492
675.....30, 384, 492
695.....377

Proposed Rules:
17.....1159
20.....1378
228.....1606
301.....1378
625.....976
650.....1161
651.....979
661.....836
672.....1612
675.....1612

LIST OF PUBLIC LAWS

Note: The list of Public Laws for the second session of the 101st Congress has been completed and will resume when bills are enacted into law during the first session of the 102d Congress, which convenes on January 3, 1991.

A cumulative list of Public Laws for the second session was published in Part II of the **Federal Register** on December 10, 1990.

Public Laws

102d Congress, 1st Session, 1991

Pamphlet prints of public laws, often referred to as slip laws, are the initial publication of Federal laws upon enactment and are printed as soon as possible after approval by the President. Legislative history references appear on each law. Subscription service includes all public laws, issued irregularly upon enactment, for the 102d Congress, 1st Session, 1991.

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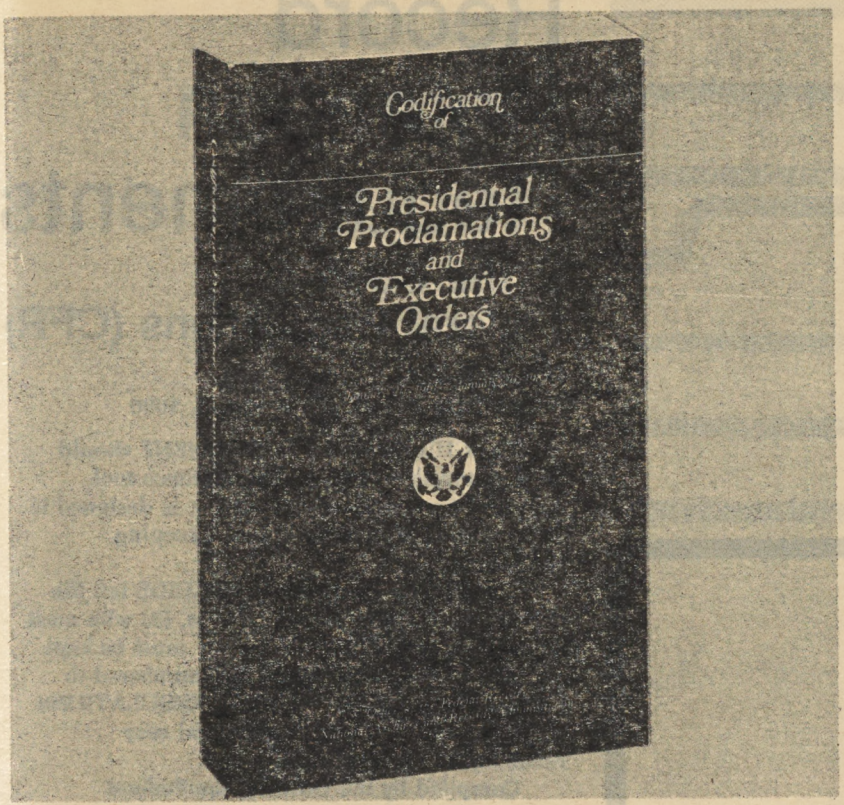
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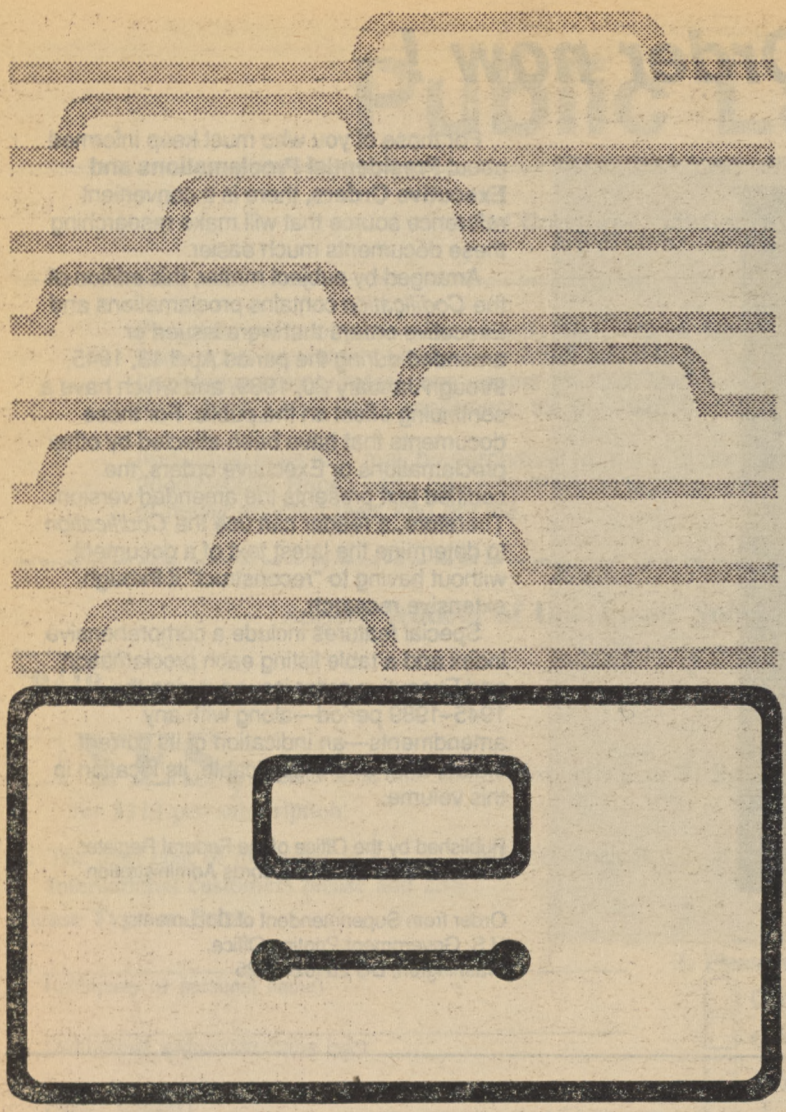
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in the Code of Federal Regulations (CFR)

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SUPPLEMENT: Revised January 1, 1990

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The various abstracts in the GUIDE tell the user (1) what records must be kept, (2) who must keep them, and (3) how long they must be kept.

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4. **Mail To: Superintendent of Documents, Government Printing Office, Washington, DC 20402–9325**