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Tuesday  
October 29, 1991

# Federal Register

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



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**THE FEDERAL REGISTER**

**WHAT IT IS AND HOW TO USE IT**

- FOR:** Any person who uses the Federal Register and Code of Federal Regulations.
- WHO:** The Office of the Federal Register.
- WHAT:** Free public briefings (approximately 3 hours) to present:
1. The regulatory process, with a focus on the Federal Register system and the public's role in the development of regulations.
  2. The relationship between the Federal Register and Code of Federal Regulations.
  3. The important elements of typical Federal Register documents.
  4. An introduction to the finding aids of the FR/CFR system.
- WHY:** To provide the public with access to information necessary to research Federal agency regulations which directly affect them. There will be no discussion of specific agency regulations.

**WASHINGTON, DC**

- WHEN:** November 25, 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.
- DIRECTIONS:** North on 11th Street from Metro Center to southwest corner of 11th and L Streets

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# Rules and Regulations

Federal Register

Vol. 56, No. 209

Tuesday, October 29, 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.

## OFFICE OF PERSONNEL MANAGEMENT

### 5 CFR Parts 831 and 842

RIN 3206-AE39

#### Retirement—Service Credit

**AGENCY:** Office of Personnel Management.

**ACTION:** Final rule.

**SUMMARY:** The Office of Personnel Management (OPM) is issuing final rules pertaining to service credit for pre-1969 National Guard technician (NGT) service. These rules implement statutory changes enacted in Public Law 101-530, dated November 6, 1990.

**EFFECTIVE DATE:** November 29, 1991.

**ADDRESSES:** Annuitants, separated employees, and survivors should send written application for pre-1969 National Guard technician service credit to the Office of Personnel Management, Office of Retirement Programs, Correspondence and Death Claims Branch, Employee Service and Records Center, Boyers, PA 16017, Attention: Larry Hillwig.

**FOR FURTHER INFORMATION CONTACT:** Patricia A. Rochester, (FTS) 266-0299 or (202) 606-0299.

**SUPPLEMENTARY INFORMATION:** On February 19, 1991, OPM published (at 56 FR 6552) interim regulations implementing the provisions of Public Law 101-530, enacted November 6, 1990. Interested parties were given until April 18, 1991, to submit comments.

We received one comment from an agency requesting information about individuals employed after November 5, 1990, but retired before information concerning Public Law 101-530 was issued by OPM. If a former employee had pre-1969 NGT service and retired before receiving information about making the necessary deposit, we will

allow the deposit to be made directly to OPM in a lump sum after retirement.

We made a number of editorial and organizational changes to clarify procedures covering certain situations we encountered when processing pre-1969 NGT claims. In addition, we amended §§ 831.306(b)(3), 831.306(d), and 842.304(c)(2) and (3) to make it clear that an individual who separates with title to an annuity—whether immediate or deferred—commencing after November 5, 1990, may have the pre-1969 NGT service deemed deposited if he or she is eligible to elect the alternative form of annuity and makes such an election.

We also amended §§ 831.306(d) and 842.304(c) to clarify the rules that apply to individuals eligible for deferred annuity. Deferred annuitants who separated after December 31, 1968, but before November 6, 1990, must apply to OPM for pre-1969 NGT service credit no later than November 5, 1991. They may make the deposit under normal service credit procedures—in installments of \$50 or more—provided they complete the deposit before their application for retirement is finally adjudicated. This category of deferred annuitants will not be subject to the 24-installment limitation imposed on annuitants already entitled to receive annuity as of November 6, 1990.

#### Executive Order 12291, Federal Regulation

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

#### Regulatory Flexibility Act

I certify that this rule will not have a significant economic impact on a substantial number of small entities because it will only affect retirement payments to retired Government employees, spouses, and former spouses.

#### List of Subjects in 5 CFR Parts 831 and 842

Administrative practice and procedure, Claims, Disability benefits, Firefighters, Government employees, Income taxes, Intergovernmental relations, Law enforcement officers, Pensions, Retirement, Survivors.

U.S. Office of Personnel Management.

Constance Berry Newman,

Director.

Accordingly, OPM's interim regulations under 5 CFR Parts 831 and 842 published on February 19, 1991, at 56 FR 6552, are adopted as final with the following changes:

## PART 831—RETIREMENT

### Subpart C—Credit for Service

1. The authority citation for part 831 continues to read as follows:

Authority: 5 U.S.C. 8347; § 831.102 also issued under 5 U.S.C. 8334; § 831.106 also issued under 5 U.S.C. 552a; § 831.108 also issued under 5 U.S.C. 8336(d)(2); § 831.502 also issued under 5 U.S.C. 8337; § 831.503 also issued under sec. 1(3), E.O. 11223, 3 CFR 1964-1965 Comp.; § 831.621 also issued under sec. 201(d) of the Federal Employees Benefits Improvement Act of 1986, Public Law 99-251; subpart S also issued under 5 U.S.C. 8345(k); subpart V also issued under 5 U.S.C. 8343a and sec. 6001, Public Law 100-203.

2. § 831.306 paragraphs (b), (c), and (d) are revised and paragraph (e) is added to read as follows:

#### § 831.306 Service as a National Guard technician before January 1, 1969.

(b) *Conditions for crediting service to CSRS employees after November 5, 1990.* An employee subject to CSRS retirement deductions whose only service as a National Guard technician was performed prior to January 1, 1969, is entitled to credit under CSRS if—

(1) The individual submits to OPM an application for service credit in a form prescribed by OPM;

(2) The individual is employed by the Federal Government in a position subject to CSRS retirement deductions after November 5, 1990; and

(3) The individual completes the deposit for the service through normal service credit channels before final adjudication of his or her application for retirement or has the deposit deemed made when he or she elects the alternative form of annuity.

(c) *Processing the CSRS employee's application for service credit.* (1) If an employee described in paragraph (b) of this section makes an application for service credit, OPM will determine whether all conditions for creditability have been met, compute the deposit and send the employee notice of the

payment required and the procedures for submitting the payments to OPM.

(2) The deposit will be computed based on—

(i) The appropriate percentage of basic pay that would have been deducted from the individual's pay at the time the service was performed; and

(ii) Interest at the rate of 3 percent per year computed as specified by section 8334(e)(2) of title 5, United States Code, until the date the deposit is paid.

(d) *Conditions for crediting service to CSRS annuitants and former Federal employees who separated after December 31, 1968, and before November 6, 1990*—(1) *Former Federal employees*. Former Federal employees who were subject to CSRS retirement deductions and separated after December 31, 1968, but before November 6, 1990, with title to a deferred annuity, may make a deposit for pre-1969 National Guard technician service provided they—

(i) Submit a written service credit application for the pre-1969 National Guard technician service to OPM before November 6, 1991; and

(ii) Complete a deposit for the additional service in a lump sum or in installment payments of \$50 or more. Payments must be completed before their retirement claim is finally adjudicated, unless the deposit is deemed made when they elect an alternative form of annuity.

(2) *Annuityants and survivors*. Individuals who were entitled to receive an immediate annuity (or survivor annuity benefits) as of November 6, 1990, may make a deposit for pre-1969 National Guard technician service provided they—

(i) Submit a written application for service credit to OPM before November 6, 1991; and

(ii) Complete a deposit for the additional service in a lump sum or in equal monthly annuity installments to be completed within 24 months of the date of the complete written application.

(3) To determine the commencing date of the deposit installment payment period for annuitants and survivors, the "date of application" will be considered to be the first day of the second month beginning after OPM receives a complete written application from the individual.

(4) To be a complete application, the individual's written request for pre-1969 National Guard technician service credit must also include a certification of the dates of employment and the rates of pay received by the individual during the employment period. The individual may obtain certification of his or her service from the Adjutant General of the

State in which the service was performed.

(e) *Processing annuitants', survivors' or former employees' applications for service credit*—(1) *OPM determines creditable service*. OPM will determine whether all conditions for crediting the additional service have been met, compute the amount of the deposit, and notify the individual.

(2) *Computing the deposit*. The deposit will be computed based on—

(i) The appropriate percentage of basic pay that would have been deducted from the individual's pay at the time the service was performed; and

(ii) Interest at the rate of 3 percent per year as specified by section 8334(e)(2) of title 5, United States Code, to—

(A) The midpoint of the 24-month installment period or if paid in a lump sum, the date payment is made if the individual is an annuitant or survivor; or

(B) The date the deposit is paid or the commencing date of annuity, whichever comes first, if the individual is a former employee.

(3) *Individuals who are annuitants or survivors as of November 6, 1990*. (i) OPM will notify annuitants and survivors of the amount of the deposit and give them a proposed installment schedule for paying the deposit from monthly annuity payments. The proposed installment payments will consist of equal monthly payments that will not exceed a period 24 months from the date a complete written application is received by OPM.

(ii) The annuitant or survivor may allow the installments to be deducted from his or her annuity as proposed or make payment in a lump sum within 30 days from the date of the notice.

(iii) Increased annuity payments will begin to accrue the first day of the month after OPM receives a complete written application.

(iv) If an annuitant dies before completing the deposit installment payments, the remaining installments will be deducted as established for the annuitant, from benefits payable to the survivor annuitant (but not if the only survivor benefit is payable to a child or children of the deceased), if any. If no survivor annuity is payable, OPM may collect the balance of the deposit from any lump-sum benefits payable or the decedent's estate, if any.

(4) *Former employees who separated after December 31, 1968, but before November 6, 1990*. A former employee with title to a deferred annuity that commences after November 6, 1990, will be billed for the amount of the deposit due and informed of the procedures for sending payments to OPM. If payment is to be made in installments, each

payment must be at least \$50 and the total deposit due must be completed before final adjudication of the retirement claim, unless the deposit is deemed made when he or she elects an alternative form of annuity.

## PART 842—FEDERAL EMPLOYEES RETIREMENT SYSTEM—BASIC ANNUITY

### Subpart C—Credit for Service

3. The authority citation for Part 842 is revised to read as follows:

**Authority:** 5 U.S.C. 8461(g); Sections 842.104 and 842.106 also issued under 5 U.S.C. 8461(n); Section 842.105 also issued under 5 U.S.C. 8402(c)(1); Section 842.106 also issued under section 7202(m)(2) of the Omnibus Budget Reconciliation Act of 1990, Pub. L. 101-508; Sections 842.604 and 842.611 also issued under 5 U.S.C. 8417; Section 842.607 also issued under 5 U.S.C. 8416 and 8417; section 842.614 also issued under 5 U.S.C. 8419; section 842.615 also issued under 5 U.S.C. 8418; § 842.703 also issued under sec. 7001(a)(4) of the Omnibus Budget Reconciliation Act of 1990, Public Law 101-508; section 842.707 also issued under section 6001 of the Omnibus Budget Reconciliation Act of 1987, Pub. L. 100-203; section 842.708 also issued under section 4005 of the Omnibus Budget Reconciliation Act of 1989, Pub. L. 101-239 and section 7001 of the Omnibus Budget Reconciliation Act of 1990, Pub. L. 101-508; Subpart H also issued under 5 U.S.C. 1104.

4. Section 842.304 is amended by revising paragraph (c) as follows:

#### § 842.304 Civilian service.

\* \* \* \* \*

(c) *National Guard technician service before January 1, 1969*—(1) *Definition*. In this section, "service as a National Guard technician" is service performed under section 709 of title 32, United States Code (or under a prior corresponding provision of law) before January 1, 1969.

(2) *Employees on or after November 6, 1990*. Employees, subject to FERS retirement deductions, whose only service as a National Guard technician was performed prior to January 1, 1969, are entitled to credit under FERS if they—

(i) Submit to OPM an application for service credit in a form prescribed by OPM;

(ii) Are employed by the Federal Government in a position subject to FERS retirement deductions after November 5, 1990; and

(iii) Complete the deposit for the service through normal service credit channels before final adjudication of their application for retirement or have

the deposit deemed made when they elect the alternative form of annuity.

(3) *Former Federal employees.* Former Federal employees who were subject to FERS retirement deductions and separated after December 31, 1968, but before November 6, 1990, with title to a deferred annuity, may make a deposit for pre-1969 National Guard technician service provided they—

(i) Submit a written application for the pre-1969 National Guard technician service to OPM before November 6, 1991; and

(ii) Complete a deposit for the additional service in a lump sum or in installment payments of \$50 or more. Payments must be completed before their retirement claim is finally adjudicated, unless the deposit is deemed made when they elect an alternative form of annuity.

(4) *Annuitants and survivors.* (i) Individuals who were entitled to receive an immediate annuity (or survivor annuity benefits) as of November 6, 1990, may make a deposit for pre-1969 National Guard technician service provided they—

(A) Submit a written application for service credit to OPM before November 6, 1991; and

(B) Complete a deposit for the additional service in a lump sum or in equal monthly annuity installments to be completed within 24 months of the date of the written application.

(ii) To determine the commencing date of the deposit installment payment period for annuitants and survivors, the "date of application" will be considered to be the first day of the second month beginning after OPM receives a complete written application from the individual.

(iii) To be a complete application, the individual's written request for pre-1969 National Guard technician service credit must also include a certification of the dates of employment and the rates of pay received by the individual during the employment period. The individual may obtain certification of service from the Adjutant General of the State in which the service was performed.

5. Section 842.305 is amended by revising paragraph (h) and (i) to read as follows:

**§ 842.305 Deposits for civilian service.**

\* \* \* \* \*

(h) *Processing applications for pre-1969 National Guard technician service credit for employees subject to FERS retirement deductions after November 5, 1990—(1) OPM determines creditable service.* OPM will determine whether all conditions for crediting the additional service have been met, compute the

deposit, and notify the employee of the amount of and the procedures for submitting the deposit payments to OPM to obtain credit for the service.

(2) *Computing the deposit.* (i) For individuals who will not have a CSRS component, the deposit will be computed based on—

(A) One and three tenths percent of basic pay at the time the service was performed; and

(B) Interest at the rate of 3 percent per year computed as specified by section 8334(e)(2) of title 5, United States Code, until the date the deposit is paid.

(ii) For individuals who will have a CSRS component, the deposit will be computed as specified in 5 CFR 831.306(c).

(i) *Processing applications for pre-1969 National Guard technician service credit for annuitants (and survivors) and for former employees who separated after December 31, 1968, and before November 6, 1990—(1) OPM determines creditable service.* OPM will determine whether all conditions for crediting the additional service have been met, compute the amount of the deposit, and notify the individual.

(2) *Computing the deposit for annuitants and survivors.* (i) For individuals who do not have a CSRS component, the deposit will be computed based on—

(A) One and three tenths percent of basic pay at the time the service was performed; and

(B) Interest at the rate of 3 percent per year as specified by section 8334(e)(2) of title 5, United States Code, to the midpoint of the 24-month installment period, or if paid in a lump sum, the date the deposit is paid.

(ii) For individuals who will have a CSRS component, the deposit will be computed as specified in 5 CFR 831.306(e)(2)(i) and (ii)(A).

(iii)(A) OPM will notify annuitants and survivors of the amount of the deposit and give them a proposed installment schedule for paying the deposit from monthly annuity payments. The proposed installment payments will consist of equal monthly payments that will not exceed a period 24 months from the date a complete written application is received by OPM.

(B) The annuitant or survivor may allow the deposit installments to be deducted from his or her annuity as proposed or make payment in a lump sum within 30 days from the date of the notice.

(C) Increased annuity payments will begin to accrue the first day of the month after OPM receives the complete written application.

(iv) If an annuitant dies before completing the deposit installment payments, the remaining installments will be deducted as established for the annuitant from benefits payable to the survivor annuitant (but not if the only survivor benefit is payable to a child or children of the deceased), if any. If no survivor annuity is payable, OPM may collect the balance of the deposit from any lump sum benefits payable or from the decedent's estate, if any.

(3) *Computing the deposit for former Federal employees separated after December 31, 1968 but before November 6, 1990.* For former employees with title to a deferred annuity that commences after November 6, 1990, the deposit will be computed as provided in paragraph (i)(2) above, except that interest will be computed through the commencing date of annuity or the date the deposit is paid, whichever comes first.

[FR Doc. 91-25946 Filed 10-28-91; 8:45 am.]

BILLING CODE 6325-01-M

**5 CFR Parts 841 and 843**

RIN: 3206-AD63

**Federal Employees Retirement System; Annual Pay Computation for Less Than Full-Time Employees**

**AGENCY:** Office of Personnel Management.

**ACTION:** Final rules.

**SUMMARY:** The Office of Personnel Management (OPM) is adopting its interim rules providing a methodology for computing the amount of the basic employee death benefit under the Federal Employees Retirement System (FERS) Act of 1986 for employees whose tour of duty is less than full time. These rules define "final annual rate of pay" as used in computing the basic employee death benefit and require agencies to certify sufficient information to permit OPM to compute the "final annual rate of pay" for employees whose tour of duty is less than full time.

**EFFECTIVE DATE:** November 29, 1991.

**FOR FURTHER INFORMATION CONTACT:** Harold L. Siegelman, (202) 606-0299.

**SUPPLEMENTARY INFORMATION:** The FERS Act of 1986, Public Law 99-335, created a new retirement system for Federal employees. OPM's regulations implementing the death benefits and employee refund provisions of FERS (part 843 of title 5, Code of Federal Regulations) did not address the case of employees who die in service with a less-than-full-time tour of duty. On May 10, 1988, we published (at 53 FR 16535)

interim rules with a request for comments to establish the methodology that we would use to compute the final annual rate of basic pay for payment of a lump-sum benefit (under section 8442(b) of title 5, United States Code) to the widow or widower of a deceased employee in the case of an employee with a less than full-time tour of duty.

We received one comment on the interim regulations. The commenter criticized the interim rule for exceeding OPM's authority, by creating law. We disagree. The statute provides that the basic employee death benefit is equal to \$15,000 indexed by CSRS cost-of-living adjustments plus one-half of the employee's final annual rate of basic pay. The statute does not define the final annual rate of basic pay. Accordingly, in administering the law, we needed to develop a method for determining the final annual rate of basic pay. The benefit for full-time employees would be based on the full-time rate of basic pay. However, for other employees, we needed to design a methodology to conform to the statutory purpose of replacing one-half year's expected earnings.

For a part-time (regularly scheduled) employee, the final annual rate of pay will be the basic pay, at the rate in effect immediately before the employee's death, that is applicable to the employee's tour of duty (or, if higher, the hours in a basic pay status) in a 52-week work year. For example, a part-time employee who, at the time of his death, was being paid at the annual rate of \$30,000, but whose tour of duty was 20 hours a week, would have a final annual pay rate of \$15,000 for purposes of the lump-sum survivor benefit. However, if the same employee actually earned basic pay during 1144 hours (averaging 22 hours per week) in the 52-week work year, the final annual rate of basic pay would be \$16,500.

To determine the final annual pay rate of an intermittent (not regularly scheduled) employee, the employee's final hourly rate of pay will be multiplied by the number of hours he or she worked at basic pay rates (up to full time) in the 52-week work year immediately preceding the end of the last pay period the employee was in a pay status. Intermittent employees do not have a regularly scheduled tour of duty and normally work fewer hours than full-time employees. However, these employees have a reasonable expectation that they would have received some level of income if they could have continued in Federal service. Therefore, we have arrived at this method of looking back at the preceding

52-week period to equitably calculate the individual's final annual rate of pay for the purposes of the lump-sum survivor benefit.

This method avoids the random fluctuations that would result from basing the benefit on the employee's rate of basic pay for the pay period in which the employee died. Using the pay period of death would be harmful to the survivor if the employee worked an unusually small number of hours in that pay period. Our method produces an equitable result consistent with the intent of the statute.

The commenter suggested that since part-time and intermittent employees meet the statutory definition of "employee," we should use the full-time annual rate of pay for the employee's position. Such a computation ignores the statutory linkage to expected earnings and would produce a windfall for the survivor, that is, a payment unrelated to reasonably expected future earnings of the employee. We therefore decline to accept the commenter's suggestion.

#### E.O. 12291, Federal Regulation

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

#### Regulatory Flexibility Act

I certify that this regulation will not have a significant economic impact on a substantial number of small entities because the regulation will only affect Federal agencies and retirement payments to retired Government employees, spouses, and former spouses.

#### List of Subject in 5 CFR Parts 841 and 843

Administrative practice and procedure, Claims, Disability benefits, Firefighters, Government employees, Income taxes, Law enforcement officers, Pensions, Retirement.

U.S. Office of Personnel Management.

**Constance Berry Newman,**  
*Director.*

Accordingly, OPM is adopting its interim rules under 5 CFR parts 841 and 843 published on May 10, 1988, at 53 FR 16535 as final rules with the following change:

#### PART 841—FEDERAL EMPLOYEES RETIREMENT SYSTEM—GENERAL ADMINISTRATION

The authority citation for part 841 is revised to read as follows:

**Authority:** 5 U.S.C. 8461; § 841.108 also issued under 5 U.S.C. 552a; subpart D also issued under 5 U.S.C. 8423; § 841.504 also

issued under 5 U.S.C. 8422; § 841.507 also issued under section 505 of Pub. L. 99-335; subpart J also issued under 5 U.S.C. 8469.

[FR Doc. 91-26020 Filed 10-28-91; 8:45 am]

BILLING CODE 6325-01-M

## MERIT SYSTEMS PROTECTION BOARD

### 5 CFR Part 1201

#### Practices and Procedures

**AGENCY:** Merit Systems Protection Board.

**ACTION:** Final rule.

**SUMMARY:** The Merit Systems Protection Board (MSPB) is amending 5 CFR part 1201, appendix I, by substituting the revised and OMB approved MSPB Appeal Form (Optional Form 283 (Rev. 7/91)) for the previous edition of the form. This amendment is needed to provide accurate information to Federal employees exercising their appeal rights to the Board.

**EFFECTIVE DATE:** October 29, 1991.

**FOR FURTHER INFORMATION CONTACT:** C.P. Kramarsky, Office of Management Analysis, (202) 653-8892.

**SUPPLEMENTARY INFORMATION:** Under the Board's regulations at 5 CFR part 1209, Practices and Procedures for Appeals and Stay Requests of Personnel Actions Allegedly Based on Whistleblowing, an appellant who appeals and/or requests a stay of a personnel action allegedly based on whistleblowing must provide certain information in addition to that required for other types of appeals. The requirement with respect to whistleblower appeals is set forth at 5 CFR 1209.6, Content of appeal; right to hearing. The requirement with respect to whistleblower stay requests is set forth at 5 CFR 1209.9, Content of stay request and response. To assist appellants in providing the additional information needed for processing appeals and/or stay requests of personnel actions allegedly based on whistleblowing, the Board has revised its Appeal Form by adding two new sections, parts VII and VIII.

The Board has also revised the Appeal Form by making minor changes in wording in the "Instructions;" by renumbering part V as part II; and by renumbering parts II, III, and IV as parts III, IV, and V, respectively.

The MSPB Appeal Form is stocked by the General Services Administration as Optional Form 283 (Rev. 7/91), NSN 7540-01-098-1230. Previous editions of the form are obsolete.

The Board is publishing this rule as a final rule pursuant to 5 U.S.C. 1204(h).

**List of Subjects in 5 CFR Part 1201**

Administrative practice and procedure, Civil rights, Government employees.

Accordingly, the Board amends part 1201 as follows:

**PART 1201—[AMENDED]**

Authority for 5 CFR part 1201 continues to read:

Authority: 5 U.S.C. 1204 and 7701.

2. Appendix I to part 1201 is amended by revising MSPB Optional Form 283 (Rev. 7/91) to read as follows:

BILLING CODE 7400-01-M



**U.S. MERIT SYSTEMS PROTECTION BOARD**

**APPEAL FORM**

**INSTRUCTIONS**

**GENERAL:** You do not have to use this form to file an appeal with the Board. However, if you do not, your appeal must still comply with the Board's regulations. 5 C.F.R. Parts 1201 and 1209. Your agency's personnel office will give you access to the regulations, and the Board will expect you to be familiar with them. You also should become familiar with the Board's key case law and controlling court decisions as they may affect your case. **You must tell the Board if you are raising an affirmative defense (see Part IV), and you are responsible for proving each defense you raise.**

**WHERE TO FILE AN APPEAL:** You must file your appeal with the Board's regional office which has responsibility for the geographic area in which you are employed. See 5 C.F.R. Part 1201, Appendix II.

**WHEN TO FILE AN APPEAL:** Your appeal must be filed during the period beginning with the day after the effective date of the action you are appealing and ending on the 20th day after the effective date. You may not file your appeal before the effective date of the action you are appealing. If you are appealing from a decision which does not set an effective date, you must file within 25 days of the date of the decision you are appealing. If your appeal

is late, it may be dismissed as untimely. The date of the filing is the date your appeal is postmarked, the date of the facsimile transmission, or the date of receipt if you personally deliver it to the regional office.

**HOW TO FILE AN APPEAL:** You may file your appeal by mail, by facsimile, or by personal delivery. You must submit two copies of both your appeal and all attachments. You may supplement your response to any question on separate sheets of paper, but if you do, **please put your name and address at the top of each additional page.** All of your submissions must be legible and on 8 1/2" x 11" paper. Your appeal must contain your or your representative's signature in block 6. **If it does not, your appeal will be rejected and returned to you.** If your representative signs block 6, you must sign block 11 or submit a separate written designation of representative.

**WHISTLEBLOWING APPEAL/STAY REQUEST:** If you believe the action you are appealing was threatened, proposed, taken, or not taken because of whistleblowing activities, **you must complete Part VII of this form. If you are requesting a stay, you must complete Part VIII of this form.**

*Privacy Act Statement: This form requests personal information which is relevant and necessary to reach a decision in your appeal. The U.S. Merit Systems Protection Board collects this information in order to process appeals under its statutory and regulatory authority. Since your appeal is a voluntary action you are not required to provide any personal information in connection with it. However, failure to supply the U.S. Merit Systems Protection Board with all the information essential to reach a decision in your case could result in the rejection of your appeal.*

*The U.S. Merit Systems Protection Board is authorized under provisions of Executive Order 9397, dated November 22, 1943, to request your Social Security number, but providing your Social Security number is voluntary and failure to provide it will not result in the rejection of your appeal. Your Social Security number will only be used for identification purposes in the processing of your appeal.*

*You should know that the decisions of the U.S. Merit Systems Protection Board on appeals are final administrative decisions and, as such, are*

*available to the public under the provisions of the Freedom of Information Act. Additionally, it is possible that information contained in your appeal file may be released as required by the Freedom of Information Act. Some information about your appeal will also be used in depersonalized form as a data base for program statistics.*

*Public Reporting Burden: The public reporting burden for this collection of information is estimated to vary from 20 minutes to 1 hour, with an average of 30 minutes per response, including time for reviewing the form, searching existing data sources, gathering the data necessary, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of the collection of information, including suggestions for reducing this burden, to the Office of Management Analysis, Merit Systems Protection Board, 1120 Vermont Ave., NW., Washington, DC 20419, and to the Office of Management and Budget, Paperwork Reduction Project (3124-0009), Washington, DC 20503.*

**Part I Appellant Identification**

1. Name (last, first, middle initial)	2. Social Security Number
3. Present address (number and street, city, state, and ZIP code) You must notify the Board of any change of address or telephone number while the appeal is pending with the MSPB.	4. Home phone (include area code)
	5. Office phone (include area code)
6. I certify that all of the statements made in this appeal are true, complete, and correct to the best of my knowledge and belief.	Signature of appellant or designated representative _____ Date signed _____

**Part II Designation of Representative**

7. You may represent yourself in this appeal, or you may choose someone to represent you. Your representative does not have to be an attorney. You may change your designation of a representative at a later date, if you so desire, but you must notify the Board promptly of any change. Where circumstances require, a separate designation of representative may be submitted after the original filing. Include the information requested in blocks 7 through 11.

"I hereby designate \_\_\_\_\_ to serve as my representative during the course of this appeal. I understand that my representative is authorized to act on my behalf."

8. Representative's address (number and street, city, state, and ZIP code).

9. Representative's employer

10.a) Representative's telephone number (include area code)

10.b) Representative's facsimile number

11. Appellant's signature

Date

**Part III Appealed Action**

12. Briefly describe the agency action you wish to appeal and attach any relevant documents, including the proposal letter, the decision letter, and the relevant SF 50 or its equivalent.

13. Name and address of the agency that took the action you are appealing (including bureau or other divisions, as well as street address, city, state and ZIP code)

14. Your position title and duty station at the time of the action appealed

15. Grade at time of the action appealed

16. Salary at the time of the action appealed

\$ per

17. Are you a veteran and/or entitled to the employment rights of a veteran?

Yes  No

18. Employment status at the time of the action appealed

Temporary  Applicant  Retired  
 Permanent  Term  Seasonal

19. If retired, date of retirement (month, day, year)

20. Type of service

Competitive  SES  
 Excepted  Postal Service

21. Length of government service

22. Length of service with acting agency

23. Were you serving a probationary or trial period at the time of the action appealed?

Yes  No

24. Date you received written notice of the proposed action (month, day, year) (attach a copy)

25. Date you received the final decision notice (month, day, year) (attach a copy)

26. Effective date of the action appealed (month, day, year)

27. Explain briefly why you think the agency was wrong in taking this action.

28. Do you believe the penalty imposed by the agency was too harsh?

Yes  No

29. What action would you like the Board to take on this case (i.e., what remedy are you asking for)?

#### Part IV Appellant's Defenses

30.a) Do you believe the agency committed harmful procedural error(s)?

Yes  No

30.b) If so, what is (are) the error(s)?

30.c) Explain how you were harmed by the error(s).

31.a) Do you believe that the action you are appealing violated the law?

Yes  No

31.b) If so, what law?

31.c) How was it violated?

32.a) If you believe you were discriminated against by the agency, in connection with the matter appealed, because of either your race, color, religion, sex, national origin, marital status, political affiliation, handicapping condition, or age, indicate so and explain why you believe it to be true. You must indicate, by specific examples, how you were discriminated against.

32.b) Have you filed a formal discrimination complaint with your agency or any other agency concerning the matter which you are seeking to appeal?

Yes (attach a copy)  No

32.c) If yes, place filed (agency, number and street, city, state, and ZIP code)

32.d) Date filed (month, day, year)

32.e) Has a decision been issued?

Yes (attach a copy)  No

<p>33.a) Have you, or anyone in your behalf, filed a formal grievance with your agency concerning this matter, under a negotiated grievance procedure provided by a collective bargaining agreement?</p> <p><input type="checkbox"/> Yes (attach a copy)    <input type="checkbox"/> No</p>	<p>33.b) Date filed (month, day, year)</p>
<p>33.c) If yes, place filed (agency, number and street, city, state, and ZIP code)</p>	<p>33.d) Has a decision been issued?</p> <p><input type="checkbox"/> Yes (attach a copy)    <input type="checkbox"/> No</p> <p>33.e) If yes, date issued (month, day, year)</p>

**Part V Hearing**

34. You may have a right to a hearing on this appeal. If you do not want a hearing, the Board will make its decision on the basis of the documents you and the agency submit, after providing you and the agency with an opportunity to submit additional documents. If neither box is checked, the Board will presume you do not want a hearing, and none will be scheduled.

Do you want a hearing?     Yes                       No

If you choose to have a hearing, the Board will notify you where and when it is to be held.

**Part VI Reduction In Force**

**INSTRUCTIONS**

Fill out this part only if you are appealing from a Reduction in Force. Your agency's personnel office can furnish you with most of the information requested below.

<p>35. Retention group and sub-group</p>	<p>36. Service computation date</p>	<p>37.a) Has your agency offered you another position rather than separating you?</p> <p><input type="checkbox"/> Yes                      <input type="checkbox"/> No</p>
<p>37.b) Title of position offered</p>	<p>37.c) Grade of position offered</p>	<p>37.d) Salary of position offered</p> <p>\$                      per</p>
<p>37.e) Location of position offered</p>		<p>37.f) Did you accept this position?</p> <p><input type="checkbox"/> Yes                      <input type="checkbox"/> No</p>

38. Explain why you think you should not have been affected by the Reduction In Force. (Explanations could include: you were placed in the wrong retention group or sub-group; an error was made in the computation of your service computation date; competitive area was too narrow; improperly reached for separation from competitive level; an exception was made to the regular order of selection; full 30-day notice was not given; you believe you have assignment [bump or retreat] rights; or any other reasons. Please provide as much information as possible regarding each reason.)

## Part VII Whistleblowing Activity

## INSTRUCTIONS

Complete Parts VII and VIII of this form only if you believe the action you are appealing is based on whistleblowing activities.

39. a) Have you disclosed information that evidences a violation of any law, rule, or regulation; gross mismanagement; a gross waste of funds; an abuse of authority; or a substantial and specific danger to public health or safety?

Yes (attach a copy or summary of disclosure)  No

39. b) If yes, provide the name, title, and office address of the person to whom the disclosure was made

39. c) Date the disclosure was made (month, day, year)

40. If you believe the action you are appealing was... (please check appropriate box)

Threatened  Proposed

Taken  Not Taken

...because of a disclosure evidencing a violation of any law, rule, or regulation; gross mismanagement; a gross waste of funds; an abuse of authority; or a substantial and specific danger to public health or safety, provide:

a) a chronology of facts concerning the action appealed; and

b) explain why you believe the action was based on whistleblowing activity and attach a copy of any documentary evidence which supports your statement.

41.a) Have you sought corrective action from the Office of Special Counsel concerning the action which you are appealing? <input type="checkbox"/> Yes (attach a copy) <input type="checkbox"/> No	41.b) If yes, date(s) filed (month, day, year)
41.c) Place filed (location, number and street, city, state, and ZIP code)	
42. Have you received a written notice of your right to file this appeal from the Office of Special Counsel? <input type="checkbox"/> Yes (attach a copy) <input type="checkbox"/> No	
43.a) Have you already requested a stay from the Board of the action you are seeking to appeal? <input type="checkbox"/> Yes (attach a copy) <input type="checkbox"/> No	43.b) If yes, date requested (month, day, year)
43.c) Place filed (location, number and street, city, state, and ZIP code)	43.d) Has there been a decision? <input type="checkbox"/> Yes (attach a copy) <input type="checkbox"/> No

## Part VIII Stay Request

## INSTRUCTIONS

You may request a stay of a personnel action allegedly based on whistleblowing at any time after you become eligible to file an appeal with the Board under 5 C.F.R. 1209.5, but no later than the time limit set for the close of discovery in the appeal. The stay request may be filed prior to, simultaneous with, or after the filing of an appeal. When you file a stay request with the Board, you must

simultaneously serve it upon the agency's local servicing personnel office or the agency's designated representative. 5 C.F.R. 1209.8.

If your stay request is being filed prior to filing an appeal with the Board, you must complete Parts I and II and items 41 through 43 above.

44. On separate sheets of paper, please provide the following. Please put your name and address at the top of each page.

- |  |  |
|--|--|
| <p>a. A chronology of facts, including a description of the disclosure and the action taken by the agency (unless you have already supplied this information in Part VII above).</p> <p>b. Evidence and/or argument demonstrating that the:</p> <p>(1) action threatened, proposed, taken, or not taken is a personnel action, as defined in 5 C.F.R. 1209.4(a); and</p> <p>(2) action complained of was based on whistleblowing, as defined in 5 C.F.R. 1209.4(b) (unless you have already supplied this information in Part VII above).</p> <p>c. Evidence and/or argument demonstrating that there is a</p> | <p>substantial likelihood that you will prevail on the merits of your appeal of the personnel action.</p> <p>d. Documentary evidence that supports your stay request.</p> <p>e. Evidence and/or argument addressing how long the stay should remain in effect.</p> <p>f. Certificate of service specifying how and when the stay request was served on the agency.</p> <p>g. You may provide evidence and/or argument concerning whether a stay would impose extreme hardship on the agency.</p> |
|--|--|

\* \* \* \* \*  
Dated: October 24, 1991.

Robert E. Taylor,  
Clerk of the Board.

[FR Doc. 91-25980 Filed 10-28-91; 8:45 am]

BILLING CODE 7400-01-M

## DEPARTMENT OF AGRICULTURE

### Commodity Credit Corporation

#### 7 CFR Part 1435

#### Sugar Marketing Assessments

**AGENCY:** Commodity Credit Corporation, USDA.

**ACTION:** Final rule.

**SUMMARY:** This final rule sets forth the regulations necessary for the collection of the nonrefundable marketing assessments imposed on sugar processed from domestically produced sugar beets and sugarcane as required by amendments made by the Omnibus Budget Reconciliation Act of 1990 (the "Reconciliation Act") to the Agricultural Act of 1949 (the "1949 Act"). This final rule revises provisions on marketing assessments established by an interim rule to implement the assessments which was published in the *Federal Register* on June 19, 1991 (56 FR 28034).

**EFFECTIVE DATE:** This final rule is effective on November 1, 1991.

**FOR FURTHER INFORMATION CONTACT:** Matt Smargiasso, Financial Management Division, Agricultural Stabilization and Conservation Service; telephone: (202) 382-0011.

**SUPPLEMENTARY INFORMATION:** This final rule has been reviewed under United States Department of Agriculture (USDA) procedures implementing Executive Order 12291 and Departmental Regulation 1512-1 and has been classified as "not major".

It has been determined that the provisions of this final rule will not result in: (1) An annual effect on the economy of \$100 million or more; (2) major increases in costs or prices for consumers, individual industries, Federal, State or local government agencies, or geographic regions; or (3) significant adverse effects on competition, employment, investment, productivity, innovation or on the ability of United States-based enterprises to compete in domestic or export markets.

The Executive Vice President, Commodity Credit Corporation (CCC) certifies that this final rule will not have a significant economic impact on a substantial number of small entities. Consequently, a regulatory flexibility analysis is not required under the

provisions of the Regulatory Flexibility Act.

It has been determined by an environmental evaluation that this action will not have a significant impact on the quality of the human environment. Therefore, an Environmental Assessment and an Environmental Impact Statement are not necessary for this final rule.

This final rule requires an information collection form CCC-80 which has been approved by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1980 (44 U.S.C. chapter 35) and has been assigned OMB No. 0560-0134. The public reporting burden for these collections of information is estimated to vary from 60 to 120 minutes per response, with an average of 90 minutes per response including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

The program covered by this final rule is not subject to the provisions of Executive Order 12372 which requires intergovernmental consultation with State and local officials. See the notice related to 7 CFR part 3015, subpart V, published at 48 FR 29115 (June 24, 1983).

Because the Reconciliation Act required the imposition of assessments on the 1991 crops of raw cane sugar and beet sugar, which began on July 1, 1991, an interim rule was promulgated effective upon publication in the *Federal Register* on June 19, 1991 (56 FR 28034). Comments on the interim rule were received from 10 interested parties. Based on consideration of various comments received, the final rule has changed some of the regulations promulgated by the interim rule. These changes, in many cases, may result in an adjustment to amounts already remitted to CCC. Any such adjustments will be handled by procedures to be developed by the Controller, CCC.

#### Summary of Changes/Comments

Each of the ten commenters suggested that, since the assessment was designated a marketing assessment in the 1949 Act, the triggering event that makes the assessment due and payable should be the marketing—rather than the production—of raw cane sugar or beet sugar. CCC agrees with the comments and has amended the regulations accordingly to trigger the marketing assessment on the first marketing of raw cane sugar or beet sugar. However, since it is clear that Congress did not intend to exempt from the assessment any sugar processed from domestically produced sugarcane

or sugar beets, CCC has defined marketing so as to include all dispositions of sugar by a first processor of sugarcane or sugar beets.

Several commenters suggested that CCC require quarterly rather than monthly assessment remittances and that remittances should be due 45 days after the end of a quarter. CCC provided for monthly assessments in the interim rule since monthly reconciliations are the standard for most accounting systems. It has been CCC's experience that the longer the period of time that goes by between reconciliations, the more difficult and time consuming the task of verifying compliance becomes. Therefore, CCC made no change in the monthly remittance requirement.

One commenter suggested that Hawaii administer marketing assessment payments on a state-wide basis because Hawaii sugarcane production and sugar processing, marketing and refining is vertically integrated, making it more difficult to draw the line between the processor and refiner than in most other sugarcane operations. However, CCC notes that there are other integrated producer/processor/refiner operations. Section 206(i)(1) of the 1949 Act, as added by the Reconciliation Act, clearly states that the "first processor of sugarcane" is responsible for paying the assessment and for any civil penalty assessed for not paying the assessment. Hawaii processors can arrange to have a cooperatively-owned marketing entity collect and remit marketing assessments on behalf of the processors that are members of the cooperative, but such processors will remain legally responsible to ensure that the assessments are properly paid.

Several commenters suggested that a civil penalty of 100 percent of the loan rate is excessive. CCC agrees that such a civil penalty might be excessive in certain circumstances, such as purely negligent errors or omissions. Accordingly, CCC has changed section 1435.204 to permit an adjustment in the amount of the civil penalty based upon the circumstances of the violation.

One commenter suggested that calendar months may not be the most efficient basis to calculate sugar processed. This should not be a concern with the assessment being triggered by the marketing of sugar rather than its processing.

Several commenters suggested guidelines should be provided that suggest what is acceptable evidence of production or that recordkeeping requirements should be more specific. CCC believes that standard business

documentation, e.g., invoices and bills of lading, should exist to substantiate marketings and, thereby, the value of assessments due and payable to CCC. Processors, at a minimum, should maintain sufficient data to:

- Distinguish their processing of domestic sugar, sugar beets or sugarcane if they also process imported sugar, sugar beets or sugarcane; and
- Distinguish their marketing, after July 1991, of sugar processed prior to the 1991 crop year.

Several commenters suggested that the assessment could apply to 1990 crop beets. The law is clear that the assessment applies only to the 1991 through 1995 crops of sugarcane or sugar beets. It will be up to processors to document marketings of sugar produced during the 1990 crop year that are exempt from the assessment. Section 1435.201 is being amended to incorporate the definition of the crop year used for purposes of the price support program.

Two commenters suggested that the definitions of alternative and intermediate products should be clarified. The interim rule included definitions of alternative and intermediate products because the interim rule based the assessments on processings rather than marketings. This final rule amends the regulations to trigger the marketing assessment on the first marketing of raw cane sugar or beet sugar. Accordingly, the definitions of alternative and intermediate products are no longer needed and have been removed. Since, clearly, Congress did not intend to exempt any sugar processed from domestically produced sugarcane or sugar beets from the assessments, CCC has modified the definitions of beet sugar and raw cane sugar so as to include all forms of sugar produced by first processors of sugarcane or sugar beets. In particular, raw cane sugar has been defined to include the raw value of cane syrup and edible molasses. Products derived from domestic sugarcane, sugar beets or molasses that do not get processed into a form described in these definitions (e.g., inedible molasses, bagasse, etc.) are not subject to assessments. It should be noted that the raw cane sugar marketing assessment rate reflects an adjustment to raw value, and all forms of raw cane sugar must be converted to raw value prior to calculation of the assessment.

#### Statutory Background

Section 1105(c) of the Reconciliation Act amended section 206 of the 1949 Act to provide that for the 1991 through 1995 crops of sugarcane and sugar beets, the

first processor shall remit to CCC a nonrefundable marketing assessment in an amount equal to 0.18 cents per pound of raw cane sugar and 0.193 cents per pound of beet sugar, respectively. As amended, section 206 of the 1949 Act provides for the imposition of civil penalties if any person fails to remit such funds or to comply with the recordkeeping requirements which are necessary to ensure that such collections or remittances are made.

#### Summary of the Final Rule

Generally, the final rule provides as follows:

##### 1. Area of Coverage

The marketing assessments apply to all first processors of domestically grown sugar beets and sugarcane operating in the 50 United States, the several territories, the District of Columbia, and Puerto Rico.

##### 2. Marketing Assessments Payable

The marketing assessments shall be payable on all beet sugar and raw cane sugar, as defined, processed during the 1991 through 1995 crop years. The marketing assessment for raw cane sugar shall apply to the raw value of such sugar that would be calculated if the product were placed under price support loan. The marketing assessment rate for beet sugar shall apply to the actual weight of the beet sugar.

##### 3. Time for Remittance

Remittances will be due by the end of the month following the month in which the sugar was marketed. Marketing will be deemed to have occurred on the earlier of:

- With respect to any first processor, the date of shipment in conjunction with a sale or other disposition, of the raw cane sugar or beet sugar from the facility of the first processor, or
- With respect to an integrated processor-refiner, the moving of raw cane sugar into the refining process of the integrated processor-refiner, or
- The date that sugar was forfeited to the CCC under the price support program for sugarcane and sugar beets.

#### List of Subjects in 7 CFR Part 1435

Loan programs/agriculture, Price support programs, Reporting and recordkeeping requirements, Sugar.

Accordingly, 7 CFR part 1435 is amended as follows:

#### PART 1435—SUGAR

The authority citation for part 1435 is revised to read as follows:

Authority: 7 U.S.C. 1359aa-1359jj, 1421, 1423, 1446g; 15 U.S.C. 714b and 714c.

2. Subpart—Sugar Marketing Assessments, consisting of sections 1435.200-1435.206 is added to read as follows:

#### Sugar Marketing Assessments Subpart—

Sec.	
1435.200	General statement.
1435.201	Definitions.
1435.202	Amount of the marketing assessment.
1435.203	Remittance.
1435.204	Civil penalties and interest.
1435.205	Maintenance and inspection of records.
1435.206	Refunds.

#### Subpart—Sugar Marketing Assessments

##### § 1435.200 General statement.

(a) This subpart sets forth the terms and conditions for the payment to the Commodity Credit Corporation of marketing assessments for the 1991 through 1995 crops of sugar beets and sugarcane.

(b) The marketing assessment applies to: (1) The marketing by first processors of all raw cane sugar produced during the 1991 through 1995 crop years; and

(2) The marketing by first processors of all beet sugar produced during the 1991 through 1995 crop years.

(c) All first processors of sugar beets and sugarcane are responsible to remit the marketing assessments.

(d) The marketing assessments shall be due and payable to the Commodity Credit Corporation by the last day of the calendar month following the month in which the beet sugar or raw cane sugar was marketed.

##### § 1435.201 Definitions.

*Beet sugar* means sugar, whether in liquid or crystalline form, processed from domestically produced sugar beets or sugar beet molasses.

*Crop year* shall have the same meaning as is ascribed to such term in § 1435.3 of this part.

*First processor* means a person who commercially processes sugar beets, sugarcane, or molasses into beet sugar or raw cane sugar.

*Integrated processor-refiner* means a person who commercially processes sugarcane into raw cane sugar and also refines raw cane sugar into refined sugar.

*Marketed* means: (1) With respect to any first processor other than an integrated processor-refiner, the shipment in conjunction with a sale or other disposition, or the forfeiture to the CCC, of beet sugar or raw cane sugar by the first processor of such sugar; and

(2) With respect to an integrated processor-refiner, the moving of raw cane sugar into the refining process, the shipment of raw cane sugar in conjunction with a sale or other disposition, or the forfeiture of such sugar to the CCC. Beet sugar or raw cane sugar will be deemed to have been marketed as of the date of shipment of such sugar from the facility of the first processor, the date on which such raw cane sugar was moved into the refining process by an integrated processor-refiner, or the date on which such sugar was forfeited to the CCC.

*Raw cane sugar* means crystalline raw sugar, cane syrup or edible molasses, processed from domestically produced sugarcane or sugarcane molasses.

*Raw value* of any quantity of raw cane sugar means its equivalent in terms of ordinary commercial raw sugar testing 96 degrees by the polariscope.

**§ 1435.202 Amount of the marketing assessment.**

(a) The amount of the beet sugar marketing assessment to be remitted shall be the sum determined by multiplying the number of pounds of beet sugar marketed in a calendar month by 0.193.

(b) The amount of the marketing assessment on raw cane sugar to be remitted to CCC shall be the sum determined by multiplying the number of pounds, raw value, of raw cane sugar marketed in a calendar month by 0.18 cents.

**§ 1435.203 Remittance.**

(a) First processors shall remit marketing assessments to the CCC by the last day of the month following the month in which the beet sugar or raw cane sugar was marketed.

(b)(1) First processors shall prepare and submit a form CCC-80 each month that shows the quantity of:

(i) Beet sugar marketed during the previous calendar month; and

(ii) Raw cane sugar marketed during the previous calendar month.

(2) Form CCC-80 shall be submitted along with the remittance of the assessment.

(c) Remittances not received by the last day of the calendar month following the month the beet sugar or raw cane sugar was marketed will be considered late and the processor shall be assessed a civil penalty and interest in accordance with § 1435.204 of this subpart.

(d) Sugar processors shall send the remittance and form CCC-80 as specified by CCC.

**§ 1435.204 Civil penalties and interest.**

(a) Any first processor who: (1) Fails to remit, on a timely basis, the entire amount of any marketing assessment.

(2) Fails to submit form CCC-80 fully and accurately completed; or

(3) Fails to maintain and permit inspection of records as required by section 1435.205 of this subpart, shall be liable for a civil penalty of up to 100 percent of the relevant national average price support loan rate times the quantity of sugar involved in the violation.

(b) In addition to any civil penalty, interest on unpaid assessments or deficiencies in assessments paid shall be due and payable at the rate specified in part 1403 of this chapter beginning on the first day of the month after the marketing assessment was due in accordance with § 1435.203 of this subpart and such interest shall continue to accrue until such amount is paid. Interest shall be charged for amounts that are not received by the required date; however if full payment of an assessment is received within 30 calendar days of the date on which the assessment was due, no interest shall apply.

(c) The Controller, CCC, shall assess civil penalties and interest.

(d) Administrative appeal of any imposition of civil penalties shall be made by filing a timely notice of appeal, within 30 calendar days after the date of imposition, to the Director of the ASCS Appeals Division, ASCS, in Washington, DC.

**§ 1435.205 Maintenance and inspection of records.**

Representatives of CCC shall have the right to have access to the premises of the processor in order to inspect, examine, and make copies of the books, records, accounts, and other data as are deemed necessary by CCC or CCC's agents to verify compliance with the requirements of this subpart. Such books, records, accounts, and other written data shall be retained by the processor for not less than three years from the date the remittance is made to CCC.

**§ 1435.206 Refunds.**

Marketing assessments are nonrefundable. However, upon presentation of evidence acceptable to the Controller, CCC, adjustments in an assessment may be made by CCC to reflect the actual marketings of beet sugar and raw cane sugar.

Signed at Washington, DC this 8th day of October, 1991.

Keith D. Bjerke,  
Executive Vice President, Commodity Credit Corporation.

[FR Doc. 91-25758 Filed 10-28-91; 8:45 am]

BILLING CODE 3410-05-M

**DEPARTMENT OF JUSTICE**

**Immigration and Naturalization Service**

**8 CFR Parts 214 and 274a**

[INS No. 1403-91]

RIN 1115-AC33

**Nonimmigrant Classes; Students, F and M Classifications**

**AGENCY:** Immigration and Naturalization Service, Justice.

**ACTION:** Final rule.

**SUMMARY:** Section 221(a) of the Immigration Act of 1990 (IMMACT 90), provides a three-year off-campus employment program for F-1 students. To implement this off-campus employment provision and to clarify and streamline the current procedures for F-1 student employment authorization and extension of stay, the Immigration and Naturalization Service (the Service) is amending the F-1 student regulations. These regulations will improve efficiency in the administration of the student-school program.

**EFFECTIVE DATE:** October 29, 1991.

**FOR FURTHER INFORMATION CONTACT:** Pearl B. Chang, Senior Immigration Examiner, Immigration and Naturalization Service, Examinations Division, 425 I Street, NW., room 7122, Washington, DC 20536, telephone (202) 514-3240.

**SUPPLEMENTARY INFORMATION:**

**Background**

*1. Pilot Off-campus Employment Program*

Section 221(a) of the Immigration Act of 1990 (IMMACT 90), establishes a three-year off-campus employment program for F-1 students. Beginning October 1, 1991, F-1 students in good academic standing are authorized to engage in part-time and off-campus work for a specified employer after having been in F-1 nonimmigrant student status for one year. The employer must provide the educational institution and the Secretary of Labor with an attestation that it has recruited for at least 60 days for the position and

that it will pay wages comparable to those paid to domestic workers.

The Department of Labor (DOL) will set forth regulations that employers must follow in their recruitment efforts. If the Secretary of Labor determines that an employer has falsified information on the attestation, the employer will be disqualified from employing foreign students under this program. The Congress has also directed the Commissioner to submit a report, before April 1, 1994, on the effect of the pilot program on prevailing wages and a recommendation on whether to extend the program.

## 2. The Proposed Rule.

On June 13, 1991, the Service published a proposed rule with request for comments, in the *Federal Register* at 56 FR 27211, to implement the pilot off-campus employment provision of IMMACT 90. In the same proposed rule, the Service also has clarified and simplified the current procedures for F-1 student employment authorization and extension of stay. The proposed changes were designed to reduce the paperwork burden for the students and schools, and to improve the F-1 student program's operational efficiency.

It should be noted that the proposed rule incorporated the public comments to an earlier proposed rule, 55 FR 28767 (1990), that was issued to implement the standard employment authorization application, Form I-765. The proposed rule of July 13, 1990, which was not finalized, would have required students seeking employment off-campus to apply, in person, for an employment authorization document (EAD), Form I-688B, to the Service district office having jurisdiction over them.

## Discussion of Comments

The Service received more than three hundred comments in response to the publication of the proposed rule. About two-thirds of these comments were from universities and colleges with a large foreign student population. The rest of the comments were from F-1 English language schools concerned with the language that was placed in 8 CFR 214.2(f)(6)(ii), which was interpreted as requiring that language school students be classified as M-1 nonimmigrants. While most of the commenters expressed appreciation for the Service's efforts to simplify and clarify its regulations and felt that the changes represented an overall improvement, a great number of them also had reservations about some of the proposed changes, specifically in the areas of extension of stay, employment, and practical training.

## Extension of Stay. 8 CFR 214.2(f)(7)

The Service proposed that F-1 students be admitted for duration of status. F-1 students would not be required to apply for extension of stay as long as they were maintaining status and making normal progress. Those students who failed to complete the educational program within the time period indicated on the Form I-20 A-B, Certificate of Eligibility for F-1 Student Status, would be rendered out of status and would have to apply for reinstatement.

While lauding the Service for eliminating the cumbersome extension of stay requirements, the commenters overwhelmingly protested the reinstatement requirement. They said it would be difficult to predict an accurate completion date for students since delays were frequently caused by unforeseen circumstances. The commenters argued that the reinstatement requirement penalized students for delays that they could not control. Therefore, as an alternative, many commenters recommended that the schools be allowed to approve program extensions for students who have continually maintained status and simply notify the Service of their decisions. They recommended that program extensions be limited to in-status students who were certified by the designated school official (DSO) to have legitimate academic or medical reasons for a delay, such as changes of major or research topics, unexpected research problems, or documented illnesses. The recommended notification procedure would require that a new Form I-20 A-B showing a new completion date and a certification by the DSO on Form I-538 be forwarded to the Service's data processing center in London, Kentucky. Delays caused by academic probation or suspension would not be acceptable excuses for program extension.

The Service agrees that the notification procedure is a reasonable alternative to reinstatement. With the DSOs screening out ineligible students, the Service is satisfied that the purposes of extension of stay can be effectively met through the notification procedure. The Service adopted this suggestion in the final rule and revised 8 CFR 214.2(f)(7) accordingly. The new provisions for extension of stay are applicable to all F-1 students as of October 1, 1991, regardless of their initial admission dates.

## On-campus Employment. 8 CFR 214.2(f)(9)(i)

### 1. Education Affiliation by Contract

Most commenters supported the Service's proposal to expand the definition of "on-campus" to include off-campus locations that are educationally affiliated with the established curriculum. A large number of commenters requested that the definition should be further modified to include contract-based educational affiliations. They pointed out that many professors have contract-based research grants which are not payable through the educational institutions. Including this type of "contractually-based educational affiliation" would enable graduate students to conduct research under the supervision of their professors.

Noting the similarity in the above described employment and a graduate research assistantship, the Service adopted this suggestion. However, to prevent abuses of the on-campus employment program, the Service will continue to require that employment pursuant to a contract-based educational affiliation be an integral part of the student's educational program and be commensurate with the level of study.

### 2. On-campus Employment Based on Financial Aid

In the proposed rule, the Service deleted from 8 CFR 214.2(f)(9)(i) the language: "On-campus employment pursuant to the terms of a scholarship, fellowship, or assistantship is deemed to be part of the academic program of a student otherwise taking a full course of study." Several commenters maintained that the deletion of this language would blur the distinction between academic employment and employment for purely economic reasons. Other commenters stated that the deletion would preclude a scholarship student from engaging in additional employment on campus.

Both groups of commenters have misunderstood the purpose of the deleted language. That language was not intended to ensure additional on-campus employment opportunities for students on scholarships nor to create different categories of on-campus employment. Rather, the language was deleted to clarify that students who are assigned teaching or research responsibilities pursuant to the terms of a scholarship or fellowship may carry a reduced course load. For example, a student enrolled in a Master's program is normally required to carry nine semester hours. However, it is a

common practice among educational institutions to restrict students awarded teaching or research assistantships to six semester hours. The Service deleted the referenced language from this paragraph because it was confusing. In the final rule, the Service placed the referenced language in 8 CFR 214.2(f)(6)(iii), under the heading "Reduced course load," to clarify the point.

### 3. Employment With On-campus Commercial Firms

Several commenters urged the Service to continue the current policy of requiring that on-campus employment not displace United States residents, and to classify employment with on-site commercial firms which do not provide direct student services as off-campus employment. The Service concurs and has amended the final rule accordingly.

### 4. On-campus Employment Between Two Educational Programs

A number of commenters urged the Service to provide for continued on-campus employment during summer vacation for transfer students or graduating students who are in transition between two degree programs. The Service accommodated these requests and revised the eighth sentence in 8 CFR 214.2(f)(9)(i) to read:

"A student who has been issued a Form I-20 A-B to begin a new program in accordance with the provision of 8 CFR 214.3(k) and who intends to enroll for the next regular academic year, term or session at the institution which issued the Form I-20 A-B may continue on-campus employment incident to status. Otherwise, an F-1 student may not engage in on-campus employment after completing a course of study, except employment for practical training as authorized under paragraph (f)(10) of this section."

### Pilot Off-campus Employment Program, 8 CFR 214.2(9)(ii)

#### 1. General Reaction

The commenters generally reacted favorably to the proposed implementing regulation for the pilot program. However, many were concerned that the documentation and recruitment requirements would discourage small businesses from hiring F-1 students. Therefore, they questioned the effectiveness of the pilot program. They wanted the Service to eliminate the attestation requirement or, at the very least, shorten the required recruitment period.

The attestation and the 60-day recruitment are both statutory requirements which can only be amended through further legislative action. The Commissioner is directed by

Congress to submit, before April 1, 1994, a report on the impact of this pilot program on the wages of domestic workers and a recommendation regarding extensions beyond October 1, 1994. The Service has always supported part-time student employment as long as it does not depress domestic wages or displace United States residents. The Service will contract a study of the impact of the pilot program prior to making the report to Congress in 1994.

#### 2. One Year In-status Requirement

Almost all of the commenters argued for a modification of the Service's interpretation of the one-year off-campus employment prohibition. They requested that the statutory language "one full year" be interpreted to mean one full academic year (nine consecutive months) to allow better utilization of the pilot program by students and employers alike. Since such a change is consistent with the Congressional intent to benefit American employers while allowing foreign students with economic needs to work, the Service complied.

#### 3. DSO's Authorization for Off-campus Employment

The statute provided that good academic standing be a prerequisite for employment authorization under the pilot program. Those authorized to work must maintain good academic standing at all times. To enable the DSOs to monitor the students' academic standings more easily, the final rule provides that DSOs authorize off-campus employment in renewable segments of up to one year for the duration of a valid labor attestation.

When a student transfers to a new school, the DSO at the new school may not renew an off-campus employment authorization unless either a copy of the original attestation or a new attestation is received. The DSO's endorsement on I-20 ID shall read "part-time employment (not to exceed 20 hours a week when school is in session) authorized with (name of employer) at (location) from (date) to (date)." To assist with the data collection necessary for the program status report to Congress in 1994, the DSOs must notify the Service's data processing center of each off-campus employment authorization on a Form I-538, Certification by Designated Schools Official.

#### 4. Monitoring Responsibilities

The Service was asked by several DSOs to clarify their monitoring responsibilities. DSOs are not responsible for monitoring a student's authorized off-campus employment

beyond verifying that the student is maintaining good academic standing. Students authorized to work under the pilot program are limited to part-time employment not to exceed 20 hours a week when school is in session. Employers who violate these terms are subject to penalties under the employer sanctions regulations under 8 CFR part 274a.

#### 5. Consolidation of Economic Necessity Employment, Pre-completion Practical Training, and the Pilot Off-campus Employment Program

The commenters criticized the proposed regulations as replacing the existing employment provisions for economic necessity with the pilot off-campus employment program. Some commenters argued that the pilot off-campus employment program would not adequately provide for students who had unforeseen economic needs. These commenters speculated that employers would be reluctant to file the labor-and-wage attestation. They feared that the attestation requirement would severely curtail the student's opportunity for needed employment.

The F-1 student employment program in the final rule represents a careful balance between the Service's desire to allow foreign students every opportunity to further their educational objectives in this country and the need to avoid adversely affecting the domestic labor market. The House Judiciary Committee report on HR 4300 (the House version of IMMACT 90), H.R. Rep. No. 101-723, 101st Cong., 2d Sess. at 67, reprinted in 1990 U.S. Code Cong. & Admin. News 6710, demonstrated a clear Congressional concern about the Service's plan to expand student employment authorization without any built-in labor safeguards. The proposed student employment provisions are designed to carry out Congress' intent to expand opportunities for both business and students while adequately protecting domestic workers. Under the final rule, F-1 students regardless of economic needs will have numerous opportunities for employment. An F-1 student may work on-campus upon enrollment as a full-time student, or may work off-campus after having been in status for one academic year (nine months) without having to prove economic necessity.

Commenters also criticized that the proposed rule eliminated the pre-completion practical training category. These commenters argued that the pilot off-campus employment program would not adequately provide for students who wished to gain practical training.

experience concurrent with their course work. They recommend broadening the definition of curricular practical training to include any employment which relates to the student's area of academic study. Under the final rule, an F-1 student may participate in any required curricular practical training as soon as school begins or in any elective curricular practical training after having been in status for nine months. An F-1 student eligible for practical training is entitled to one full year of practical training after completing the educational program if he or she has had less than one full year of curricular practical training.

In summary, after carefully considering the comments, the Service amended the proposed procedures as follows: The Service reduced the one-year bar to off-campus employment to nine months (one academic year); expanded the definition for on-campus employment; exempted the nine-month in-status requirement for required curricular practical training; and lifted the ceiling for both required and optional curricular practical training to facilitate academically-oriented employment. The Service also streamlined student employment procedures to allow the DSOs to authorize employment for students in all situations except post-completion practical training. With all these employment opportunities for F-1 students, the Service is confident that the final rule adequately provides for F-1 students who need to or want to work without the risk of displacing United States resident workers.

#### **Curricular Practical Training, 8 CFR 214.2(f)(10)(i).**

The proposed rule defined curricular practical training as one where students are awarded academic credits. Many commenters pointed out that certain types of educational programs, such as hotel management, nursing, law, engineering, and teaching, routinely require their students to undertake non-credit internships. Students are often not remunerated for their participation in these training programs. Some commenters urged the Service to broaden the definition of curricular practical training to include these types of non-credit training programs that are an integral part of an established curriculum. Other commenters suggested even broader definitions that would include unsponsored employment directly related to the student's area of study.

Although the Service disagrees that unsponsored, optional employment should be categorized as curricular

practical training, the Service is persuaded that required non-credit internships are part of the established curriculum. The final definition of curricular practical training, therefore, includes required noncredit internships or practicum.

On a related matter, a large group of commenters pleaded for an exception to the nine-month in status requirement for practical training for certain graduate students. They stated that many graduate students are enrolled in programs which require immediate participation in internships. They maintained that the nine-month in status requirement interferes with the students' academic programs. The Service concurs and provides in the final rule, 8 CFR 214.2(f)(10)(i), for exceptions for compelling circumstances.

#### **Post-completion Practical Training, 8 CFR 214.2(f)(10)(ii).**

##### *1. A Single Period of Post-completion Practical Training*

Public comments on the Service's proposal to adjudicate post-completion practical training in one application were divided. A number of commenters stated that students should be given the option to split post-completion practical training into two six-month segments. Since the proposed rule did not provide summer employment for graduating students who plan to begin a new degree program in the fall, these commenters argued that splitting post-completion practical training would enable these students to work during the summer vacation.

Post-completion practical training is intended to prepare students for careers in their home countries, not to serve as a source of income to help bridge educational programs. Splitting post-completion practical training into two segments would undermine the intended purpose of the program and complicate the adjudication process. Further, the final rule reduces the bar to employment from one full year to one full academic year (9 months) in order to enable students seeking summer employment to work under the new pilot off-campus employment program. The Service is not persuaded that post-completion practical training should be split into two shorter segments.

##### *2. Employment Authorization for Post-Completion Practical Training*

A number of commenters contended that post-completion practical training is an extension of the educational curriculum, and should be authorized by the DSOs. They also cited lengthy adjudication as another reason why

students should be authorized employment for post-completion practical training incident to status by the DSOs, and thereby be exempted from the EAD requirement.

While the Service recognizes the legitimate concern about lengthy adjudication (see the separate discussion on that issue below), it disagrees with the assertion that educational institutions should have the authority to grant post-completion practical training. Educational institutions play only a limited role in securing employment for students for post-completion practical training purposes. Students who wish to engage in post-completion practical training, must seek employment in the open market. This employment is unstructured and unmonitored by the schools, which have neither control over nor responsibility for the employers. Therefore, the Service is not persuaded that post-completion practical training is an extension of the educational curriculum or that it should be authorized by the schools. Accordingly, the Service is maintaining its authority for employment authorization and EAD issuance for post-completion practical training.

Finally, many commenters suggested as an alternative that F-1 students be allowed to accept employment on the recommendation of the DSO, but be required to obtain an EAD from the Service within thirty days of beginning employment with an employer's letter. This approach is not workable for two reasons: (1) The student may not accept employment without the Service's approval and (2) employers are required by regulation under 8 CFR part 274a to verify the work eligibility of their employees at the time of hire and to complete a Form I-9, Employment Eligibility Verification Form, within three business days of the hire.

##### *3. EAD for F-1 Students*

Fearing that the perceived hardship associated with the acquisition of an EAD would discourage foreign students from seeking practical training, many commenters maintained that EADs were not necessary for F-1 students because employers could be educated to recognize and accept the DSOs' authorization on I-20 ID Copies. The findings of a recent GAO study on the subject do not support this argument.

The GAO study asserted a widespread pattern of discrimination linked directly to the implementation of employer sanctions. According to GAO, confusion among employers resulting from the multiplicity of different

employment authorization documents was unintentionally leading to discrimination against foreign looking or sounding workers.

To reduce the burden for employers, the Service implemented changes that will essentially reduce to two the number of Service-issued work authorization documents for aliens eligible to seek employment in the open market—the standardized Alien Registration Card, Form I-551, for immigrants and the EAD for nonimmigrants. It is in this context that students are required to apply for a Service issued EAD.

#### 4. Timely Processing

Many of the objections to the EAD were prompted by concern about the Service's ability to adjudicate the applications in a timely manner. Almost all of the commenters questioned whether the Service has adequate staff to handle the additional EAD workload. Most believed that the Service's intention to give preferential handling to F-1 student applications could not "alleviate the inevitable processing crunch that would accompany the proposed rule change." They urged that additional personnel be hired to ensure speedy processing. Several commenters called for "up-front" processing.

Recognizing that speedy processing is the key to the successful implementation of the EAD project, the Service has requested additional staff positions to handle the expected increase in workload. Each field office has already been allocated additional positions in proportion to the projected work volume.

The Service has already equipped its field offices, including all of the major airports and land border ports, with an EAD issuing capability. All of these offices have been instructed to make special arrangements with the local educational communities to expedite the processing of student applications. Where feasible, field offices are encouraged to schedule up-front adjudication for student EAD issuance.

By hiring additional staff, streamlining the student employment authorization process, and giving students more flexibility in selecting the time and location for EAD applications, the Service will be able to implement the EAD efficiently for student practical training.

#### 5. Filing of the Application

To give students the flexibility of selecting a suitable time for filing EAD applications, the Service has decided to expand the filing period from the proposed 90 days to 120 days. An F-1

student may file an application for an EAD with the Service office having jurisdiction over his or her place of residence in the 120-day period beginning 90 days before and ending 30 days after the date of graduation. The Service will adjudicate the application and issue an EAD for the maximum 12 months. The EAD will not take effect before the student completes the course of study and will terminate, in any event, no later than 14 months from the date of graduation.

#### 6. Conversion to EAD

Employment authorizations granted on I-20 ID (Student) Copies prior to October 1, 1991, will remain valid until they expire. If F-1 students granted only the first-period of post-completion practical training by the DSO before October 1, 1991, wish to continue employment for the second six-month period, they must apply to the Service for authorization under the new procedure. Those who choose before October 1, 1991, to split the two periods of post-completion practical training will be required to apply to the Service for the remaining six-months upon completion of a new course of study. (The application on Form I-765 must be supported by a statement to that effect from the DSO.) Students applying after October 1, 1991, will not be allowed to split post-completion practical training into two periods.

#### Other Issues

##### 1. Employment During Pendency of Reinstatement. 8 CFR 214.2(f)(16).

Some commenters objected to the deletion of the provision for continued employment on campus during the pendency of a request for reinstatement. They urged a retention of that provision to ease possible financial hardship on students.

On-campus employment is an immigration benefit which is only available to students who remain in lawful status. Students with a pending reinstatement request are out of status and ineligible for nonimmigrant benefits. Hiring students who are no longer maintaining status would subject the educational institutions to sanctions under the Immigration Reform and Control Act (IRCA) of 1986. The Service therefore did not comply with this request.

##### 2. Students Returning From a Temporary Trip Abroad to Resume Authorized Post-completion Practical Training. 8 CFR 214.2(f)(13)(ii).

It has come to the Service's attention that the last sentence of paragraph

214.2(f)(13)(ii) gave the wrong impression that students returning to the United States to resume authorized employment after a temporary trip abroad could be admitted on the basis of an unexpired EAD alone. The provisions for an F-1 student seeking reentry after a period of temporary absence from the United States as contained in § 214.2(f)(4) clearly require the student to present either a new Form I-20 A-B or an I-20 ID endorsed for reentry by the DSO. To correct this misconception, the final rule provides that a returning F-1 student present an unexpired EAD and an I-20 ID endorsed by the DSO within the last six months for reentry.

##### 3. Original I-20 ID for Dependent Travel.

Several commenters questioned the need for the F-1 student's I-20 ID or a new Form I-20 A-B for F-2 dependents who follow to join the student as contained in 8 CFR 214.2(f)(3). They said that photocopies of the original I-20 ID should be acceptable. Both the Service and the Department of State have an outstanding policy of not accepting reproduced copies of any documents which are used as the basis for issuing visas or granting entries into the United States. However, a reproduced copy of the F-1 student's original I-20 ID is acceptable if the copy bears an original endorsement for reentry by the DSO.

##### 4. F-1 Classification for Language Schools.

The Service inadvertently included language instruction in the last sentence of 8 CFR 214.2(f)(6)(ii) when clarifying that provisions of 8 CFR 214.2(f)(6) are not applicable to schools which devote themselves primarily to vocational or business instruction. This oversight resulted in more than one hundred protest letters from English language schools with an F-1 classification. The Service never intended to reclassify English language schools, as they are statutorily classified as F-1 schools. The reference to language instruction was deleted from 8 CFR 214.2(f)(6)(ii).

#### Notice to Public

Copies of the final rule, the revised Form I-538, and a notice to employers, which can be shown to employers by the students, are being distributed to all schools authorized to accept foreign students. The information packet will be sent to all Service-approved schools.

In accordance with 5 U.S.C. 605(b), the Commissioner of the Immigration and Naturalization Service certifies that this rule will not have a significant adverse

economic impact on a substantial number of small entities. This rule is not a major rule within the meaning 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 are being submitted to OMB for review and approval under the provisions of the Paperwork Reduction Act. Control numbers for previously approved information collections are contained in 8 CFR 299.5 Display of Control Numbers.

#### List of Subjects

##### 8 CFR Part 214

Administrative practice and procedure, Aliens, Authority delegations (government agencies), Employment, Organization and functions (government agencies), Passports and visas.

##### 8 CFR Part 274a

Administrative practice and procedures, Aliens.

Accordingly, chapter I of title 8 of the Code of Federal Regulations is amended as follows:

#### PART 214—NONIMMIGRANT CLASSES

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

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

2. Section 214.2 is amended by revising paragraph (f), the first two sentences of the introductory text of paragraph (m)(14)(ii), and paragraph (m)(14)(iii), to read as follows:

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

(f) *Students in colleges, universities, seminaries, conservatories, academic high schools, elementary schools, other academic institutions, and in language training programs*—(1) *Admission of student*—(i) *Eligibility for admission*: A nonimmigrant student and his or her accompanying spouse and minor children may be admitted into the United States in F-1 and F-2 classifications for duration of status under section 101(a)(15)(F)(i) of the Act, if the student:

(A) Presents a properly completed Form I-20 A-B/I-20 ID, Certificate of Eligibility for Nonimmigrant (F-1) Student Status, which is issued by a school approved by the Service for attendance by foreign students;

(B) Has documentary evidence of financial support in the amount indicated on the Form I-20 A-B/I-20 ID; and

(C) For students seeking initial admission only, intends to attend the school specified in the student's visa except where the student is exempt from the requirement for a visa, in which case the student must intend to attend the school indicated on the Form I-20 A-B/I-20 ID.

(ii) *Disposition of Form I-20 A-B/I-20 ID*: Form I-20 A-B/I-20 ID contains two copies, the I-20 School Copy and the I-20 ID (Student) Copy. For purposes of clarity, the entire Form I-20 A-B/I-20 ID shall be referred to as Form I-20 A-B and the I-20 ID (Student) Copy shall be referred to as the I-20 ID. When an F-1 student applies for admission with a complete Form I-20 A-B, the inspecting officer shall:

(A) Transcribe the student's admission number from Form I-94 onto his or her Form I-20 A-B (for students seeking initial admission only);

(B) Endorse all copies of the Form I-20 A-B;

(C) Return the I-20 ID to the student; and

(D) Forward the I-20 School Copy to the Service's processing center for data entry. (The school copy of Form I-20 A-B will be sent back to the school as a notice of the student's admission after data entry.)

(2) *I-20 ID*: An F-1 student is expected to safekeep the initial I-20 ID bearing the admission number and any subsequent copies which have been issued to him or her. Should the student lose his or her current I-20 ID, a replacement copy bearing the same information as the lost copy, including any endorsement for employment and notations, may be issued by the designated school official (DSO) as defined in 8 CFR 214.3(f)(1)(i).

(3) *Spouse and minor children following to join student*: The spouse and minor children following to join an F-1 student are eligible for admission to the United States if the F-1 student is, or will be within sixty days, enrolled in a full course of study or, if the student is engaged in approved practical training following completion of studies. The eligible spouse and minor children of an F-1 student may be admitted in F-2 status if they present the F-1 student's current I-20 ID with proper endorsement by the DSO. A new Form I-20 A-B is required where there has been any substantive change in the information on the student's current I-20 ID.

(4) *Temporary absence*: An F-1 student returning to the United States from a temporary absence of five

months or less may be readmitted for attendance at a Service-approved educational institution, if the student presents:

(i) A current I-20 ID properly endorsed by the DSO for reentry if there is no substantive change on the most recent I-20 ID; or

(ii) A new Form I-20 A-B if there has been any substantive change in the information on the student's most recent I-20 ID, such as in the case of a student who has changed the major area of study, who intends to transfer to another Service-approved institution, or who has advanced to a higher level of study.

(5) *Duration of status*—(i) *General*: Duration of status is defined as the time during which an F-1 student is pursuing a full course of study at an educational institution approved by the Service for attendance by foreign students, or engaging in authorized practical training following completion of studies, plus sixty days to prepare for departure from the United States. The student is considered to be maintaining status if he or she is making normal progress toward completing a course of study.

(ii) *Change in educational levels*: An F-1 student who continues from one educational level to another is considered to be maintaining status, provided that the transition to the new educational level is accomplished according to transfer procedures outlined in paragraph (f)(9) of this section.

(iii) *Annual vacation*: An F-1 student at an academic institution is considered to be in status during the annual (or summer) vacation if the student is eligible and intends to register for the next term. A student attending a school on a quarter or trimester calendar who takes only one vacation a year during any one of the quarters or trimesters instead of during the summer is considered to be in status during that vacation, if the student has completed the equivalent of an academic year prior to taking the vacation.

(iv) *Illness or medical conditions*: A student who is compelled by illness or other medical conditions to interrupt or reduce a full course of study is considered to be in status during the illness or other medical condition. The student must resume a full course of study upon recovery.

(6) *Full course of study*—(i) *General*: Successful completion of the full course of study must lead to the attainment of a specific educational or professional objective. A "full course of study" as required by section 101(a)(15)(F)(i) of the Act means:

(A) Postgraduate study or postdoctoral study at a college or university, or undergraduate or postgraduate study at a conservatory or religious seminary, certified by a DSO as a full course of study;

(B) Undergraduate study at a college or university, certified by a school official to consist of at least twelve semester or quarter hours of instruction per academic term in those institutions using standard semester, trimester, or quarter hour systems, where all undergraduate students who are enrolled for a minimum of twelve semester or quarter hours are charged full-time tuition or are considered full-time for other administrative purposes, or its equivalent (as determined by the district director in the school approval process), except when the student needs a lesser course load to complete the course of study during the current term;

(C) Study in a post-secondary language, liberal arts, fine arts or other non-vocational program at a school which confers upon its graduates recognized associate or other degrees or has established that its credits have been and are accepted unconditionally by at least three institutions of higher learning within 8 CFR 214.3(c) (1) or (2), and which has been certified by a designated school official to consist of at least twelve clock hours of instruction a week, or its equivalent as determined by the district director in the school approval process;

(D) Study in any other language, liberal arts, fine arts, or other nonvocational training program, certified by a designated school official to consist of at least eighteen clock hours of attendance a week if the dominant part of the course of study consists of classroom instruction, or to consist of at least twenty-two clock hours a week if the dominant part of the course of study consists of laboratory work; or

(E) Study in a primary school or academic high school curriculum certified by a designated school official to consist of class attendance for not less than the minimum number of hours a week prescribed by the school for normal progress towards graduation.

(ii) *Institution of higher learning.* For purposes of this paragraph, a college or university is an institution of higher learning which awards recognized associate, bachelor's, master's, doctorate, or professional degrees. Schools which devote themselves exclusively or primarily to vocational, business, or language instruction are not included in the category of colleges or universities. Vocational or business schools which are classifiable as M-1

schools are provided for by regulations under 8 CFR 214.2(m).

(iii) *Reduced course load.* The designated school official may advise an F-1 student to engage in less than a full course of study due to initial difficulties with the English language or reading requirements, unfamiliarity with American teaching methods, or improper course level placement. An F-1 student authorized to reduce course load by the DSO in accordance with the provisions of this paragraph is considered to be maintaining status. On-campus employment pursuant to the terms of a scholarship, fellowship, or assistantship is deemed to be part of the academic program of a student otherwise taking a full course of study.

(7) *Extension of stay—(i) General.* An F-1 student is admitted for duration of status. The student is not required to apply for extension of stay as long as the student is maintaining status and making normal progress toward completing his or her educational objective. An F-1 student who is unable to complete a full course of study in a timely manner must apply, in a 30-day period before the completion date on the Form I-20 A-B, to the DSO for a program extension pursuant to paragraph (f)(7)(iii) of this section.

(ii) *Completion date on Form I-20 A-B.* When determining the program completion date on Form I-20 A-B, the DSO should make a reasonable estimate based on the time an average foreign student would need to complete a similar program in the same discipline. A grace period of no more than one year may be added onto the DSO's estimate.

(iii) *Program extension for students in lawful status.* An F-1 student who is unable to meet the program completion date on the Form I-20 A-B may be granted a program extension by the school, if the DSO certifies on a Form I-538 that the student has continually maintained status and that the delays are caused by compelling academic or medical reasons, such as changes of major or research topics, unexpected research problems, or documented illnesses. Delays caused by academic probation or suspension are not acceptable reasons for program extension. The DSO must notify the Service within 30 days of any approved program extensions by forwarding to the Service data processing center a certification on Form I-538 and the top page of a new Form I-20 A-B showing a new program completion date.

(iv) *Failure to complete the educational program in a timely manner.* An F-1 student who is unable to complete the educational program within the time period written on the

Form I-20 A-B and who is ineligible for program extension pursuant to paragraph (f)(7)(iii) of this section is considered to be out of status. Under these circumstances, the student must apply for reinstatement under the Provisions of paragraph (f)(16) of this section.

(8) *School transfer—(i) Eligibility.* An F-1 student who is maintaining status may transfer to another Service-approved school by following the notification procedure prescribed in paragraph (f)(8)(ii) of this section. An F-1 student who was not pursuing a full course of study at the school he or she was last authorized to attend is ineligible for school-transfer and must apply for reinstatement under the provisions of paragraph (f)(16) of this section.

(ii) *Transfer procedure.* To transfer schools, an F-1 student must first notify the school he or she is attending of the intent to transfer, then obtain a Form I-20 A-B, issued in accordance with the provisions of 8 CFR 214.3(k), from the school to which he or she intends to transfer. The transfer will be effected only if the F-1 student completes the Student Certification portion of the Form I-20 A-B and returns the form to a designated school official on campus within 15 days of beginning attendance at the new school.

(iii) *Notification.* Upon receipt of the student's Form I-20 A-B, the DSO must:

(A) Note "transfer completed on (date)" on the student's I-20 ID in the space provided for the DSO's remarks, thereby acknowledging the student's attendance;

(B) Return the I-20 ID to the student;

(C) Submit the I-20 School copy to the Service's Data Processing Center within 30 days of receipt from the student; and

(D) Forward a photocopy of the Form I-20 A-B School Copy to the school from which the student transferred.

(9) *Employment—(i) On-campus employment.* On-campus employment must either be performed on the school's premises, (including on-location commercial firms which provide services for students on campus, such as the school bookstore or cafeteria), or at an off-campus location which is educationally affiliated with the school. Employment with on-site commercial firms, such as a construction company building a school building, which do not provide direct student services is not deemed on-campus employment for the purposes of this paragraph. In the case of off-campus locations, the educational affiliation must be associated with the school's established curriculum or related to contractually funded research

projects at the post-graduate level. In any event, the employment must be an integral part of the student's educational program. Employment authorized under this paragraph must not exceed twenty hours a week while school is in session. An F-1 student may, however, work on campus full-time when school is not in session or during the annual vacation. A student who has been issued a Form I-20 A-B to begin a new program in accordance with the provision of 8 CFR 214.3(k) and who intends to enroll for the next regular academic year, term, or session at the institution which issued the Form I-20 A-B may continue on-campus employment incident to status. Otherwise, an F-1 student may not engage in on-campus employment after completing a course of study, except employment for practical training as authorized under paragraph (f)(10) of this section. An F-1 student may engage in any on-campus employment authorized under this paragraph which will not displace United States residents.

(ii) *Off-campus employment—(A) General.* An F-1 student is authorized to work off-campus on a part-time basis after having been in F-1 status for one full academic year provided that he or she is in good academic standing as determined by the DSO and that the employer has filed a labor-and-wage attestation as required by section 221(a)(2) of Public Law 101-649. Part-time off-campus employment authorized under this section is limited to no more than twenty hours a week when school is in session. A student who is granted off-campus employment authorization may work full-time during holidays or school vacation. A student may accept off-campus employment only after his or her I-20 ID has been endorsed to that effect by the DSO. The employment authorization is terminated whenever the student fails to maintain status.

(B) *Procedure for off-campus employment authorization.* An eligible F-1 student may make a request for off-campus employment authorization to the DSO on Form I-538, Certification by Designated School Official. By certifying on Form I-538 that the student is eligible for off-campus employment in accordance with paragraph (f)(9)(ii) of this section, the DSO may authorize off-campus employment in one year intervals for the duration of a valid attestation as determined by the Secretary of Labor. The off-campus employment authorization may be renewed by the DSO only if the student is maintaining status and good academic standing. The DSO must notify the Service of each off-campus employment

authorization by forwarding to the Service data processing center a Form I-538 with a copy of the labor attestation attached. The endorsement on the student's I-20 ID should read "part-time employment with (name of employer) at (location) authorized from (date) to (date)." Off-campus employment authorized by the DSO under this provision is incident to the student's status and employer-specific and, therefore, exempt from the EAD requirement.

(C) *Attestation.* Section 221(a) of Public Law 101-649 provides that an F-1 student may be authorized to accept employment off-campus only if the prospective employer provides the educational institution with an attestation following the procedures set forth by the Secretary of Labor, 20 CFR part 655, subparts J and K. The employer must attest to the effect that it has actively recruited domestic labor for at least 60 days for the position and will accord the student worker the same wages and working conditions as domestic workers similarly employed.

(iii) *Internship with an international organization.* A bona fide F-1 student who has been offered employment by a recognized international organization within the meaning of the International Organization Immunities Act (59 Stat. 669) must apply for employment authorization, in person, to the Service office having jurisdiction over his or her place of residence. A student seeking employment authorization under this provision is required to present a written certification from the international organization that the proposed employment is within the scope of the organization's sponsorship, an I-20 ID endorsed for reentry by the DSO within the last 30 days, and a completed Form I-765, Application for Employment Authorization, with the fee required in 8 CFR 103.7(b)(1).

(10) *Practical training.* Practical training is available to F-1 students who have been lawfully enrolled on a full-time basis in a Service-approved college, university, conservatory, or seminary for at least nine consecutive months. Students in English language training programs are ineligible for practical training. An eligible F-1 student may request employment authorization for practical training in a position which is directly related to his or her major area of study. There are two types of practical training available:

(i) *Curricular practical training programs.* An F-1 student may be authorized, by the DSO, to participate in a curricular practical training program which is an integral part of an

established curriculum. Curricular practical training is defined to be alternate work/study, internship, cooperative education, or any other type of required internship or practicum which is offered by sponsoring employers through cooperative agreements with the school. Students who have received one year or more of full-time curricular practical training are ineligible for post-completion practical training. Exceptions to the nine-month in status requirement are provided for students enrolled in graduate studies which require immediate participation in curricular practical training. A request for authorization for curricular practical training must be made to the DSO on Form I-538. Upon approving the request for authorization, the DSO shall:

(A) Certify the Form I-538 and send the form to the Service's data processing center;

(B) Endorse the student's I-20 ID with "full-time (or part-time) curricular practical training authorized for (employer) at (location) from (date) to (date)"; and

(C) Sign and date the I-20 ID before returning it to the student. A student may begin curricular practical training only after receiving his or her I-20 ID with the DSO endorsement.

(ii) *Post-completion practical training—(A) General.* An F-1 student may apply to the Service for authorization for temporary employment for practical training after completion of studies. Post-completion practical training generally will be authorized on recommendation of the DSO, whether or not the student intends to continue another full-course of study after completing the authorized practical training. Authorization for post-completion practical training may be granted for a maximum of 12 months and takes effect only after the student has completed the course of study. In any event, a student must complete practical training within a 14-month period following the completion of studies. An F-1 student may be authorized to engage in post-completion practical training only once for the duration of student status.

(B) *Request for recommendation for post-completion practical training.* A student may request recommendation for practical training during a 120-day period which begins 90 days before and ends 30 days after the completion of the course of study. A student must make the request for recommendation for post-completion practical training to the DSO on Form I-538, accompanied by his or her current I-20 ID.

(C) *Action on request for recommendation for practical training.* In making a recommendation for post-completion practical training, a designated school official must:

(1) Certify on Form I-538 that the proposed employment is directly related to the student's major area of study and commensurate with the student's educational level;

(2) Endorse and date the I-20 ID to show that post-completion practical training in the student's major field of study is recommended beginning on (date of completion of the course of study); and

(3) Return to the student the I-20 ID and send to the Service data processing center the school certification on Form I-538.

(11) *Employment authorization.* As required by the regulations at 8 CFR 274a, an F-1 student seeking practical training (excluding curricular practical training) under paragraph (f)(10) of this section may not accept employment until he or she has been issued an Employment Authorization Document (EAD) by the Service. An F-1 student must apply for the EAD on Form I-765 at the Service office having jurisdiction over his or her place of residence during the same 120-day period when the DSOs are authorized to recommend practical training. (The application process includes a required personal appearance.) The application for employment authorization must include the following documents:

- (i) A completed Form I-765, with the fee required by § 103.7(b)(1); and
- (ii) A DSO's recommendation for practical training on I-20 ID.

(12) *Decision on application for employment authorization.* The Service shall adjudicate the Form I-765 and issue an EAD on the basis of the DSO's recommendation unless the student is found otherwise ineligible. The Service director shall notify the applicant of the decision and, if the application is denied, of the reason or reasons for the denial. The applicant may not appeal the decision.

(13) *Temporary absence from the United States of F-1 student granted employment authorization.* (i) A student returning from a temporary trip abroad with an unexpired off-campus employment authorization on his or her I-20 ID may resume employment only if the student is readmitted to attend the same school which granted the employment authorization.

(ii) An F-1 student who has an unexpired EAD issued for post-completion practical training and who is otherwise admissible may return to the United States to resume employment

after a period of temporary absence. The EAD must be used in combination with an I-20 ID endorsed for reentry by the DSO within the last six months.

(14) *Effect of strike or other labor dispute.* Any employment authorization, whether or not part of an academic program, is automatically suspended upon certification by the Secretary of Labor or the Secretary's designee to the Commissioner of the Immigration and Naturalization Service or the Commissioner's designee, that a strike or other labor dispute involving a work stoppage of workers is in progress in the occupation at the place of employment. As used in this paragraph, "place of employment" means the facility or facilities where a labor dispute exists. The employer is prohibited from transferring F-1 students working at other facilities to the facility where the work stoppage is occurring.

(15) *Spouse and children of F-1 student.* The F-1 spouse and children of an F-1 student may not accept employment.

(16) *Reinstatement to student status—*

(i) *General.* A Service director may consider reinstating an F-1 student who makes a request for reinstatement on Form I-539, Application to Extend Time of Temporary Stay, accompanied by a properly completed Form I-20 A-B from the school the student is attending or intends to attend, if the student:

(A) Establishes to the satisfaction of the Service director that the violation of status resulted from circumstances beyond the student's control or that failure to receive reinstatement to lawful F-1 status would result in extreme hardship to the student;

(B) Is currently pursuing, or intending to pursue, a full course of study at the school which issued the Form I-20 A-B;

(C) Has not engaged in unauthorized employment; and

(D) Is not deportable on any ground other than section 241(a)(1)(B) or (C)(i) of the Act.

(ii) *Decision.* If the Service director reinstates the student, the director shall endorse Form I-20 A-B to indicate that the student has been reinstated, return the I-20 ID to the student, and forward the school copy of the form to the Service's processing center for data entry. If the Service director does not reinstate the student, the student may not appeal that decision.

\* \* \* \* \*

(m) \* \* \*

(14) \* \* \*

(ii) *Application.* An M-1 student must apply for permission to accept employment for practical training on Form I-765, with the fee required by 8

CFR 103.7(b)(1), accompanied by his or her I-20 ID endorsed for practical training by the DSO. The student must submit the application to the Service office having jurisdiction over the student's place of residence. (A personal appearance is required before the application can be approved.) \* \* \*

(iii) *Duration of practical training.* When the student is authorized to engage in employment for practical training, he or she will be issued an employment authorization document. The M-1 student may not begin employment until he or she has been issued an employment authorization document by the Service. One month of employment authorization will be granted for each four months of full-time study that the M-1 student has completed. However, an M-1 student may not engage in more than six months of practical training in the aggregate. The student will not be granted employment authorization if he or she cannot complete the requested practical training within six months.

\* \* \* \* \*

**PART 274a—CONTROL OF EMPLOYMENT OF ALIENS**

3. The authority citation for part 274a continues to read as follows:

Authority: 8 U.S.C. 1101, 1103, 1324a; and 8 CFR part 2.

4. Section 274a.12 is amended by revising paragraphs (b)(6), (c)(3), and (c)(6) to read as follows:

**§ 274a.12 Classes of aliens authorized to accept employment.**

\* \* \* \* \*

(b) \* \* \*

(6) A nonimmigrant (F-1) student who is in valid nonimmigrant student status and pursuant to 8 CFR 214.2(f) is seeking:

(i) On-campus employment for not more than twenty hours per week when school is in session or full-time employment when school is not in session if the student intends and is eligible to register for the next term or session. Part-time on-campus employment is authorized by the school and no specific endorsement by a school official or Service officer is necessary;

(ii) Part-time off-campus employment authorization based on an approved attestation from the employer pursuant to 8 CFR 214.2(f) and who presents an I-20 ID endorsed by the designated school official; or

(iii) Curricular practical training (internships, cooperative training programs, or work-study programs which are part of an established

curriculum) after having been enrolled full-time in a Service-approved institution for at least nine months. Curricular practical training (part-time or full-time) is authorized by the Designated School Official on the student's I-20 ID; no Service endorsement is necessary.

- \* \* \* \* \*
- (c) \* \* \*
- (3) A nonimmigrant (F-1) student who:
- (i) Is seeking employment for purposes of post completion practical training pursuant to 8 CFR 214.2(f), provided the alien will be employed only in an occupation which is directly related to his or her area of studies and that he or she presents an I-20 ID endorsed by the designated school official; or
  - (ii) Has been offered employment under the sponsorship of an international organization within the meaning of the International Organization Immunities Act (59 Stat. 669) and who presents a written certification from the international organization that the proposed employment is within the scope of the organization's sponsorship. The F-1 student must also present an I-20 ID endorsed by the DSO in the last 30 days;

\* \* \* \* \*

(6) A nonimmigrant (M-1) student seeking employment for practical training pursuant to 8 CFR 214.2(m) following completion of studies. The alien may be employed only in an occupation or vocation directly related to his or her course of study as recommended by the endorsement of the designated school official on the I-20 ID;

\* \* \* \* \*

Dated: September 10, 1991.

**Gene McNary,**  
*Commissioner,*  
*Immigration and Naturalization Service.*  
 [FR Doc. 91-25975 Filed 10-28-91; 8:45 am]  
 BILLING CODE 4410-10-M

**SMALL BUSINESS ADMINISTRATION**

**13 CFR Part 121**

**Small Business Size Standards; Chicken Egg Industry**

**AGENCY:** Small Business Administration.  
**ACTION:** Final rule.

**SUMMARY:** The Small Business Administration (SBA) is adopting as final its proposal to establish a size standard of \$7 million in average annual receipts for the Chicken Egg industry, Standard Industrial Classification (SIC) code 0252. This action is being taken to better define a small business in this

industry. Its intent is to indicate which firms in the industry are eligible for SBA assistance as small businesses.

**EFFECTIVE DATE:** November 29, 1991.  
**FOR FURTHER INFORMATION CONTACT:** Gary M. Jackson, Size Standards Staff, Telephone: 202-205-6618.

**SUPPLEMENTARY INFORMATION:** On April 30, 1991 SBA proposed in the *Federal Register* (56 FR 19821) an increase of the size standard for the Chicken Egg industry to \$7 million from \$1 million in average annual receipts. SBA proposed this action because of concern about low small business participation in the Federal chicken egg procurement market that may be attributed, in part, to an unreasonable size standard given the structure of the industry. Only 1 to 2 percent of Federal chicken egg contracts have been awarded to small business in recent years. In view of the limited participation of small chicken egg producers in Federal procurement, SBA reexamined the appropriateness of the \$1.0 million size standard.

SBA received two comments on the proposal. The respondents supported the proposed size standard. Both respondents, small business chicken egg dealers, cited that the \$7.0 million size standard would increase opportunities in the Federal market for small egg producers. One commenter added that a higher standard of \$10 million to \$15 million would be appropriate, but provided no justification to support a higher standard. Accordingly, SBA believes its proposed size standard of \$7.0 million is the most appropriate standard for this industry and adopts the proposed rule as a final rule.

In reviewing this size standard SBA examined a number of factors related to the structure of the chicken egg industry. These are: concentration of industry output by the largest producers, average firm size, the distribution of firms by size within the industry, and small business participation in the Federal market. These factors, as they relate to the chicken egg industry, were also compared to other sectors and their size standards. The proposed rule included an analysis of each of these factors. Below is a brief summary of the most significant points.

SBA found that the egg industry size standard was unreasonably low compared to the relationship between industry structure and the size standard prevailing for other industries. About one-half of industry firms were considered small under the \$1.0 million size standard. These firms account for only 8 percent of industry sales. By contrast, SBA's size standards define approximately 98 percent of all firms as

small which account for 38 percent of sales. Average firm size of chicken egg producers of \$2.5 million is more than twice that of the average retail trade or services firm, \$1.3 million and \$1.2 million, respectively. However, the most common size standard for the retail trade and services industries is \$3.5 million, compared to the \$1.0 million size standard for the chicken egg industry. Supporting the argument for a higher size standard is also the observation that larger firms have increased their market share at the expense of small chicken egg producers. Larger producers (one million layers or more) have increased their market share to 56 percent of industry sales in 1987 from 36 percent in 1980. Smaller firms under the \$1.0 million size standard, equivalent to about 80,000 layers, account for only 8 percent of sales. As mentioned earlier, small chicken egg producers have obtained only a minimal share of Federal chicken egg contracts—one to 2 percent compared to a 20 percent share awarded to small business on total Federal procurement.

In choosing a \$7 million size standard, it would make the chicken egg industry's size standard more comparable to other industries in terms of its relationship between the size standard and average firm size and coverage rates. Specifically a \$7 million size standard appears to be more reasonable compared to the \$2.5 million average industry firm size. Usually a size standard is considerably larger than the average size firm in an industry. The new size standard would define as small, or cover, 93 percent of industry firms compared to 54 percent under the \$1 million standard. Thirty-seven percent of industry sales would be included under the new size standard as opposed to 8 percent under the old one. These coverage rates are more consistent with average rates prevailing under the size standards for all industries.

**Compliance With Executive Orders 12291 and 12612, Regulatory Flexibility Act and Paperwork Reduction Act (5 U.S.C. 601, et seq. and 44 U.S.C., Chapter 35)**

The SBA certifies that this proposed rule does not constitute a major rule for purposes of Executive Order 12291. This rule does not qualify as a major rule because it is not expected to have an economic impact of \$100 million or more. SBA made only 20 loans to firms in this industry for \$4.1 million in 1989, and the number of contracts set aside for small business in this industry has been only a few per year. In the

procurement program, the small business set-aside amount could increase to an estimated 20 percent of \$37 million in procurement, to perhaps \$7 million per year from the present \$55,000. In addition, SBA believes this rule is not likely to result in a major increase in costs or prices.

SBA also certifies that this rule does not have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.*

This rule defines which firms in the Chicken Egg industry are eligible for SBA assistance as small businesses. Even though small business eligibility is expanded, from approximately 500 firms to 851, SBA anticipates that few of these firms would be affected. Based on current levels of participation by chicken egg producers in SBA programs, the newly eligible firms are expected to generate no more than 10 additional loans and 40 to 50 additional small business contracts per year. The expected impact would be \$1.5 million in new loans and \$5 million to \$7 million worth of contracts per year.

Furthermore, small firms under \$1.0 million in receipts size should not be adversely affected by the newly defined small businesses in view of their lack of participation in Federal procurement and the continued availability of guaranteed loans to the expected number of small businesses seeking this form of financial assistance.

SBA certifies that this rule does not contain recordkeeping or reporting requirements subject to the Paperwork Reduction Act, 44 U.S.C., chapter 35. Also, SBA certifies that this final rule would not have federalism implications warranting the preparation of a Federalism Assessment in accordance with Executive Order 12612.

**List of Subjects in 13 CFR Part 121**

Government procurement, Government property, Grant programs—business, Loan programs—business, Small business.

Accordingly, part 121 of 13 CFR is amended as follows:

**PART 121—[AMENDED]**

1. The authority citation for part 121 is revised to read as follows:

**Authority:** 15 U.S.C. 632(a), 634(b)(6), 637(a) and 644(c).

2. In § 121.601 for Major Group 02, SIC code 0252, is revised to read as follows:

**§ 121.601 [Amended]**

SIC (* = new SIC code in 1987, not used in 1972)	Description (N.E.C.—not elsewhere classified)	Size standards in number of employees or millions of dollars
0252 .....	Chicken eggs.....	\$7.0

\* \* \* \* \*

Dated: September 23, 1991.

Patricia F. Saiki,  
Administrator, U.S. Small Business Administration.

[FR Doc. 91-26036 Filed 10-28-91; 8:45 am]

BILLING CODE 8025-01-M

**DEPARTMENT OF TRANSPORTATION**

**Federal Aviation Administration**

**14 CFR Parts 21 and 25**

[Docket No. NM-61; Special Conditions No. 25-ANM-51]

**Special Conditions: British Aerospace Model 146-100A, -200A, and -300A Airplanes Equipped with Phase II Avionics; Lightning and High Intensity Radiated Fields (HIRF)**

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Final special conditions.

**SUMMARY:** These special conditions are issued for the British Aerospace Model 146-100A, -200A and -300A Series airplanes. These airplanes are equipped with British Aerospace 146 Phase II high-technology digital avionics systems which perform critical or essential functions. The applicable regulations do not contain adequate or appropriate safety standards for the protection of these systems from the effects of lightning and high-intensity radiated fields (HIRF). These special conditions contain the additional safety standards which the Administrator considers necessary to ensure that the critical and essential functions that these systems perform are maintained when the airplane is exposed to lightning and HIRF.

**EFFECTIVE DATE:** November 29, 1991.

**FOR FURTHER INFORMATION CONTACT:** William L. Schroeder, FAA, Standardization Branch, ANM-113, Transport Airplane Directorate, Aircraft Certification Service, 1601 Lind Avenue SW., Renton, Washington, 98055-4046; telephone: (206) 227-2148.

**SUPPLEMENTARY INFORMATION Background**

On May 8, 1989, and January 6, 1989, British Aerospace applied for amendment to their Type Certificate (TC) No. A49EU for their Model 146 Series airplanes to include the Phase II Avionics package. Applications were made for 146-100A and -200A airplanes with these systems on May 8, 1989, and on January 6, 1989, for 146-300A airplanes. The Model 146 series are high wing pressurized 94-108 passenger transport category airplanes with a maximum takeoff gross weight of 84,000 to 95,000 pounds (depending on model), maximum cruise speed of 305 knots, and a maximum operating altitude of 31,000 feet. The airplanes are powered by four Avco Lycoming turbofan engines mounted on the wing. The Phase II avionics installation on these airplanes incorporates a number of novel or unusual design features, such as digital avionics including, but not necessarily limited to, an electronic flight instrument system (EFIS) including primary airspeed and vertical speed, dual fail passive digital flight guidance system with Category III automatic landing system, dual digital air data computers, and full authority digital engine control (FADEC) with auto throttle system which are vulnerable to lightning and high-intensity radiated fields (HIRF) external to the airplane.

**Type Certification Basis**

Under the provisions of § 21.101 of the FAR, British Aerospace must show that the Model 146 meets the applicable provisions of the regulations incorporated by reference in TC No. A49EU, or the applicable regulations in effect on the date of application for the Model 146 unless: (1) Otherwise specified by the Administrator; or (2) compliance with later effective amendments is elected or required under § 21.17; and (3) special conditions are prescribed by the Administrator.

The Phase II avionics installation for the Model 146 would be required to comply with part 25, as amended through Amendment 25-86. In addition, part 34 of the FAR through the latest amendments in effect at the time of awarding the type certificate, and part 36 of the FAR through the latest amendment in effect on the date the noise tests are performed, must be met. These special conditions form an additional part of the type certification basis.

If the Administrator finds that the applicable airworthiness regulations (i.e., part 25, as amended) do not contain adequate or appropriate safety

standards for Model 146 series airplanes with Phase II avionics because of a novel or unusual design feature, special conditions are prescribed under the provisions of § 21.16 to establish a level of safety equivalent to that established in the regulations.

Special conditions, as appropriate, are issued in accordance with § 11.49 of the FAR after public notice, as required by §§ 11.28 and 11.29, and become part of the type certification basis in accordance with § 21.17(a)(2). In addition to the applicable airworthiness regulations and special conditions, the Model 146 must comply with the noise certification requirements of part 36 and the engine emission requirements of part 34.

#### Discussion

The existing lightning protection airworthiness certification requirements are insufficient to provide an acceptable level of safety with the new technology avionic systems. There are two regulations that specifically pertain to lightning protection; one for the airframe in general (§ 25.581), and the other for fuel system protection (§ 25.954). There are, however, no regulations that deal specifically with protection of electrical and electronic systems from lightning. The loss of a critical function of these systems due to lightning would prevent continued safe flight and landing of the airplane. Although the loss of an essential function would not prevent continued safe flight and landing, it would significantly impact the safety level of the airplane.

There is also no specific regulation that addresses protection requirements for electrical and electronic systems from high-intensity radiated fields (HIRF). Increased power levels from ground based radio transmitters and the growing use of sensitive electrical and electronic systems to command and control airplanes have made it necessary to provide adequate protection.

To ensure that a level of safety is achieved equivalent to that intended by the regulations incorporated by reference, these special conditions for the Model 146 Phase II avionics require that the new technology electrical and electronic systems such as the electronic flight instrument system (EFIS), dual fail passive digital flight guidance system with Category III automatic landing, dual digital air data computers, and full authority digital engine control (FADEC) with auto throttles, be designed and installed to preclude component damage and interruption of function due to both the direct and indirect effects of lightning and HIRF.

#### Lightning

To provide a means of compliance with these special conditions, a clarification on the threat definition for lightning is needed. The following "threat definition," based on FAA Advisory Circular 20-136, Protection of Aircraft Electrical/Electronic Systems Against the Indirect Effects of Lightning, dated March 5, 1990, is the basis used in demonstrating compliance with the lightning protection special condition.

The lightning current waveforms (Components A, D, and H) defined below, along with the voltage waveforms in Advisory Circular (AC) 20-53A, will provide a consistent and reasonable standard which is acceptable for use in evaluating the effects of lightning on the airplane. These waveforms depict threats that are external to the airplane. How these threats affect the airplane and its systems depend upon their installation configuration, materials, shielding, airplane geometry, etc. Therefore, tests (including tests on the completed airplane or an adequate simulation) and/or verified analyses need to be conducted in order to obtain the resultant internal threat to the installed systems. The electronic systems may then be evaluated with this internal threat in order to determine their susceptibility to upset and/or malfunction.

To evaluate the induced effects to these systems, three considerations are required:

1. *First Return Stroke*: (Severe Strike—Component A, or Restrike—Component D). This external threat needs to be evaluated to obtain the resultant internal threat and to verify that the level of the induced currents and voltages is sufficiently below the equipment "hardness" level; then

2. *Multiple Stroke Flash*: ( $\frac{1}{2}$  Component D). A lightning strike is often composed of a number of successive strokes, referred to as multiple strokes. Although multiple strokes are not necessarily a salient factor in a damage assessment, they can be the primary factor in a system upset analysis. Multiple strokes can induce a sequence of transients over an extended period of time. While a single event upset of input/output signals may not affect system performance, multiple signal upsets over an extended period of time (2 seconds) may affect the systems under consideration. Repetitive pulse testing and/or analysis needs to be carried out in response to the multiple stroke environment to demonstrate that the system response meets the safety objective. This external multiple stroke

environment consists of 24 pulses and is described as a single Component A followed by 23 randomly spaced restrikes of  $\frac{1}{2}$  magnitude of Component D (peak amplitude of 50,000 amps). The 23 restrikes are distributed over a period of up to 2 seconds according to the following constraints: (1) The minimum time between subsequent strokes is 10 ms, and (2) the maximum time between subsequent strokes is 200 ms. An analysis or test needs to be accomplished in order to obtain the resultant internal threat environment for the system under evaluation.

And,

3. *Multiple Burst*: (Component H). In-flight data-gathering projects have shown bursts of multiple, low amplitude, fast rates of rise, short duration pulses accompanying the airplane lightning strike process. While insufficient energy exists in these pulses to cause physical damage, it is possible that transients resulting from this environment may cause upset to some digital processing systems.

The representation of this interference environment is a repetition of short duration, low amplitude, high peak rate of rise, double exponential pulses which represent the multiple burst of current pulses observed in these flight data gathering projects. This component is intended for an analytical (or test) assessment of functional upset of the system. Again, it is necessary that this component be translated into an internal environmental threat in order to be used. This "Multiple Burst" consists of 24 random sets of 20 strokes each, distributed over a period of 2 seconds. Each set of 20 strokes is made up of 20 repetitive Component H waveforms distributed within a period of one millisecond. The minimum time between individual Component H pulses within a burst is 10  $\mu$ s, the maximum is 50  $\mu$ s. The 24 bursts are distributed over a period of up to 2 seconds according to the following constraints: (1) the minimum time between subsequent strokes is 10 ms, and (2) the maximum time between subsequent strokes is 200 ms. The individual "Multiple Burst" Component H waveform is defined below.

The following current waveforms constitute the "Severe Strike" (Component A), "Restrike" (Component D), "Multiple Stroke" ( $\frac{1}{2}$  Component D), and the "Multiple Burst" (Component H).

These components are defined by the following double exponential equation:

$$i(t) = I_0 (e^{-at} - e^{-bt})$$

Where;  $t$  = time in seconds,  $i$  = current in amperes, and

	Severe Strike (Component A)	Restrike (Component D)	Multiple Stroke (1/2 Component D)	Multiple Burst (Component H)
$i_{cs}$ , amp =	218,810	109,405	54,703	10,572
a, sec <sup>-1</sup> =	11,354	22,708	22,708	187,191
b, sec <sup>-1</sup> =	647,265	1,294,530	1,294,530	19,105,100
This equation produces the following characteristics;				
$i_{peak}$ =	200 KA	100 KA	50 KA	10 KA
and				
(di/dt) <sub>max</sub> (amp/sec) =	$1.4 \times 10^{11}$ @t=0+sec	$1.4 \times 10^{11}$ @t=0+sec	$0.7 \times 10^{11}$ @t=0+sec	$2.0 \times 10^{11}$ @t=0+sec
(di/dt), (amp/sec) =	$1.0 \times 10^{11}$ @t=.5μs	$1.0 \times 10^{11}$ @t=.25μs	$0.5 \times 10^{11}$ @t=.25μs	
Action Integral (amp <sup>2</sup> sec) =	$2.0 \times 10^6$	$0.25 \times 10^6$	$.0625 \times 10^6$	

**High-Intensity Radiated Fields (HIRF)**

With the trend toward increased power levels from ground based transmitters, plus the advent of space and satellite communications, coupled with electronic command and control of the airplane, the immunity of critical digital avionics systems, such as EFIS, to HIRF must be established. It is not possible to precisely define the HIRF to which the airplane will be exposed in service. There is also uncertainty concerning the effectiveness of airframe shielding for HIRF. Furthermore, coupling to cockpit installed equipment through the cockpit window apertures is undefined. Based on surveys and analysis of existing HIRF emitters, and adequate level of protection exists when compliance with the HIRF protection special condition is shown with either paragraphs 1 or 2 below:

1. A minimum threat of 100 volts per meter peak electric field strength from 10 KHz to 18 GHz.

a. The threat must be applied to the system elements and their associated wiring harnesses without the benefit of airframe shielding.

b. Demonstration of this level of protection is established through system tests and analysis.

2. A threat external to the airframe of the following field strengths for the frequency ranges indicated.

Frequency	Peak (V/M)	Average (V/M)
10 KHz-500 KHz	80	80
500 KHz-2 MHz	80	80
2 MHz-30 MHz	200	200
30 MHz-100 MHz	33	33
100 MHz-200 MHz	33	33
200 MHz-400 MHz	150	33
400 MHz-1 GHz	8,300	2,000
1 GHz-2 GHz	9,000	1,500
2 GHz-4 GHz	17,000	1,200
4 GHz-6 GHz	14,500	800
6 GHz-8 GHz	4,000	666
8 GHz-12 GHz	9,000	2,000
12 GHz-20 GHz	4,000	509
20 GHz-40 GHz	4,000	1,000

The envelope given in paragraph 2 above is a revision to the envelope used in previously issued special conditions in other certification projects. It is based on new data and SAE AE4R subcommittee recommendations. This revised envelope includes data from Western Europe and the U. S. It will also be adopted by the European Joint Airworthiness Authorities.

**Discussion of Comments**

Notice of Proposed Special Conditions No. SC-91-9-NM was published in the **Federal Register** on July 31, 1991 (56 FR 36116). The comment period closed September 16, 1991. One comment was received.

The commenter recommends that the FAA undertake regulatory action to promulgate one set of regulations for protection of all airplanes with high technology digital avionics systems performing critical and essential functions from effects of lightning and high intensity radiated fields (HIRF). Rulemaking action has been initiated by FAA to amend part 25 of the Federal Aviation Regulations to provide regulations which, when complied with, will protect airplanes with high technology digital avionics which perform critical essential functions from the effects of lightning and HIRF. Even though this effort is being expedited, the extensive development and coordination work required in promulgating rules of general applicability will likely result in it being some time before the new regulations are issued and effective. In the interim it will be the FAA's policy to continue to propose and issue special conditions applicable to specific projects to apply appropriate lightning and HIRF criteria to those designs and installations.

**Conclusion**

This action affects only certain unusual or novel design features on one model series of airplane. It is not a rule of general applicability and affects only the manufacturer who applied to the

FAA for approval of these features on the airplane.

**List of Subjects in 14 CFR Parts 21 and 25**

Air transportation, Aircraft, Aviation safety, Safety.

The authority citation for these special conditions is as follows:

**Authority:** 49 U.S.C. 1344, 1348(c), 1352, 1354(a), 1355, 1421 through 1431, 1502, 1651(b)(2), 42 U.S.C. 1857f-10, 4321 et seq.; E.O. 11514; 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983).

**The Special Conditions**

Accordingly, pursuant to the authority delegated to me by the Administrator, the following special conditions are issued as part of the type certification basis for the British Aerospace Model 146 Series airplanes with Phase II avionics:

1. *Lightning protection.*  
a. Each electrical and electronic system which performs critical functions must be designed and installed to ensure that the operation and operational capability of these systems to perform critical functions are not adversely affected when the airplane is exposed to lightning.

b. Each essential function of electrical or electronic systems or installations must be protected to ensure that the function can be recovered in a timely manner after the airplane has been exposed to lightning.

2. *Protection from unwanted effects of high-intensity radiated fields (HIRF).*

Each electrical and electronic system which performs critical functions must be designed and installed to ensure that the operation and operational capability of these systems to perform critical functions are not adversely affected when the airplane is exposed to externally radiated electromagnetic energy.

3. The following definitions apply with respect to these special conditions:

*Critical Function.* Functions whose failure would contribute to or cause a failure condition which would prevent the continued safe flight and landing of the airplane.

*Essential Functions.* Functions whose failure would contribute to or cause a failure condition which would significantly impact the safety of the airplane or the ability of the

flightcrew to cope with adverse operating conditions.

Issued in Renton, Washington, on October 18, 1991.

**Darrell M. Pederson,**

*Assistant Manager, Transport Airplane Directorate, Aircraft Certification Service, ANM-100.*

[FR Doc. 91-25952 Filed 10-28-91; 8:45 am]

BILLING CODE 4910-13-M

#### 14 CFR Part 39

[Docket No. 91-NM-86-AD; Amdt. 39-8067; AD 91-22-07]

#### Airworthiness Directives; McDonnell Douglas Model DC-9 and C-9 (Military) Series Airplanes

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Final rule.

**SUMMARY:** This amendment supersedes an existing airworthiness directive (AD), applicable to certain McDonnell Douglas Model DC-9 and C-9 (Military) series airplanes, which currently requires inspections of MLG outboard door assemblies, hinges, linkages, and attachments for discrepancies, and repair of discrepant parts. This amendment adds similar requirements for inspections and repair of those airplanes fitted with a MLG outboard door having a wing-mounted titanium hinge half. This amendment is prompted by reports of MLG outboard doors separating from the airplane, and the generally poor condition of the door assemblies as reported by operators. This condition, if not corrected, could result in major structural damage to the horizontal stabilizer and adjacent control components of the airplane, thereby causing severe controllability problems for the airplane as well as creating a safety hazard to objects on the ground.

**DATES:** Effective December 3, 1991.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of December 3, 1991.

**ADDRESSES:** The applicable service information may be obtained from McDonnell Douglas Corporation, P.O. Box 1771, Long Beach, California 90846-0001, Attention: Business Unit Manager, Technical Publications, C1-HDR (54-60). This information may be examined at the FAA, Northwest Mountain Region, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington; or at the Los Angeles Aircraft Certification Office, 3229 East Spring

Street, Long Beach, California; or at the Office of the Federal Register, 1100 L Street NW., room 8401, Washington, DC.

**FOR FURTHER INFORMATION CONTACT:**

Mr. David Y. J. Hsu, Aerospace Engineer, Airframe Branch, ANM-120L; Los Angeles Aircraft Certification Office, Transport Airplane Directorate, 3229 East Spring Street, Long Beach, California 90806-2425; telephone (213) 988-5323.

**SUPPLEMENTARY INFORMATION:** A

proposal to amend part 39 of the Federal Aviation Regulations by superseding AD 91-03-07, Amendment 39-6869 (56 FR 3024, January 28, 1991), applicable to certain McDonnell Douglas Model DC-9 and C-9 (Military) series airplanes, fitted with a main landing gear (MLG) outboard door having a wing-mounted aluminum hinge half, to require the inspections and necessary repair of those airplanes fitted with a MLG outboard door having a wing-mounted titanium hinge half, was published in the Federal Register on May 14, 1991 (56 FR 22126).

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

Three commenters questioned the justification for the proposed inspections. They stated that the proposed requirements may not be based on the exact mode of failures experienced. The FAA disagrees. The requirements were based on the fact that there have been at least 19 instances of in-flight separation of MLG outboard doors. Recently, one airplane sustained major structural damage to the horizontal stabilizer from a separated door. In another incident, fallen debris caused extensive damage to objects on the ground. Investigations revealed that the door separations were caused by hinge failures, door debonding, loose/misrigged linkages, and linkage failures. In addition, since February 11, 1991, the effective date of AD 91-03-07, the FAA has received additional reports from operators indicating a generally poor condition of the door assemblies fleetwide.

One commenter requested that the final rule be revised to extend the proposed 50-day initial inspection compliance time for Group II airplanes to 120 days. This commenter had concerns regarding a potential problem in obtaining repair parts for its large fleet of Group II airplanes and the proposed compliance time may pose a logistics problem in acquiring needed hangar space and equipment. The FAA does not concur that an extension is

warranted with regard to a parts availability problem. The FAA has confirmed with the manufacturer that an adequate supply of necessary parts will be available to those operators needing to perform repairs based on findings of discrepancies. However, should a parts availability problem develop in the future, affected operators may apply for an alternative method of compliance under the provisions of paragraph (e) of the final rule.

One commenter pointed out that the FAA previously had approved an extension of the initial compliance time for the measurement of the wall thickness of aluminum hinge lobes on Group I airplanes. Based on data submitted by the manufacturer under the alternative methods of compliance provisions of AD 91-03-07, the FAA had approved an extension of the compliance time for that specific inspection to 18 months. This commenter requested that the final rule be revised to provide this extension not only for all affected Group I airplanes, but for Group II airplanes as well. The FAA concurs with this request. The data provided to the FAA indicate, among other things, that if a hinge lobe were to fail, the door would still be able to withstand limit loads. In light of this, the FAA has determined that extension of the compliance time for measuring wall thickness of the aluminum hinge lobes for both Groups I and II airplanes is justified, and will not compromise safety. The final rule has been revised accordingly.

Another commenter requested that the final rule be revised to extend the proposed initial inspection compliance time for the inspection for discrepancies in the MLG outboard door assemblies from 50 days to 90 days, and to extend the proposed repetitive inspection interval from one year to 2,500 flight hours. This commenter stated that such changes could be made and still maintain the same level of safety. The FAA cannot concur with this request. The FAA does not have at this time, nor did the commenter submit, sufficient data to support extensions of these proposed inspection compliance times.

One Commenter requested that the proposed one-year calendar time repetitive inspection intervals be revised to be aligned with the affected operators' normal maintenance schedules, such as "B" or "C" checks, which are based on the number of flight cycles accumulated by the airplane. The FAA disagrees. Based on data provided by the manufacturer, the FAA has determined that the one-year interval represented the most appropriate time in

which the discrepancies could be detected in a timely manner. Since maintenance schedules vary from operator to operator, and sometimes from airplane to airplane, there would be no assurance that the inspections would be accomplished within this necessary timeframe. However, should an operator's service experience justify an adjustment of this compliance time, the FAA will consider such an action in accordance with the alternative methods of compliance provisions of paragraph (e) of the final rule.

One commenter requested that credit be given for inspections previously performed prior to the issuance of the final rule. The FAA notes that the phrase, "unless previously accomplished," in the compliance statement of the final rule is intended to credit those operators who have previously performed the required inspections.

The reporting requirements of AD 91-03-07 have been deleted from the final rule. The FAA has determined that sufficient information has been obtained from the operators to-date in regards to the general condition of the door assemblies.

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 as proposed with the changes previously described. The FAA has determined that these changes will neither increase the economic burden on any operator nor increase the scope of the AD. This is considered to be interim action until final action is identified, at which time the FAA may consider further rulemaking.

There are approximately 920 Model DC-9 and C-9 (Military) series airplanes of the affected design in the worldwide fleet. It is estimated that 586 airplanes of U.S. registry will be affected by this AD, that it will take approximately 4.5 manhours per airplane to accomplish the required actions, and that the average labor cost will be \$55 per manhour. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be \$145,035.

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, Incorporation by reference, 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 removing Amendment 39-6869 and by adding the following new airworthiness directive:

**91-22-07. McDonnell Douglas:** Amendment 39-8067. Docket No. 91-NM-88-AD. Supersedes AD 91-03-07, Amendment 39-6869.

**Applicability:** Model DC-9-10, -20, -30, -40, and -50 series and C-9 (Military) series airplanes; fitted with left (LH) or right (RH) main landing gear (MLG) outboard door with a wing-mounted aluminum hinge half (Group I) or titanium hinge half (Group II); certificated in any category.

**Compliance:** Required as indicated, unless previously accomplished.

To prevent the loss of the LH or RH MLG outboard door, accomplish the following:

(a) For Group I airplanes: Within 30 days after February 11, 1991 (the effective date of Amendment 39-6869, AD 91-03-07), and thereafter at intervals not to exceed one year, accomplish the following in accordance with McDonnell Douglas Alert Service Bulletin A32-244, dated November 20, 1990, for both the LH and RH MLG outboard door assemblies:

(1) Inspect the MLG door for delamination; and

(2) Inspect the MLG door linkages and their attachments for corrosion, pitting, wear, and general conditions; and

(3) Inspect the MLG door hinge lobes on both the wing-mounted hinge half and door-

mounted hinge half for cracks and corrosion; and

(4) Inspect the hinge halves on articulating doors for cracks and corrosion.

(b) For Group II airplanes: Within 50 days after the effective date of this AD, and thereafter at intervals not to exceed one year, accomplish the following in accordance with McDonnell Douglas Alert Service Bulletin A32-244, dated November 20, 1990, for both the LH and RH MLG outboard door assemblies:

(1) Inspect the MLG door for delamination; and

(2) Inspect the MLG door linkages and their attachments for corrosion, pitting, wear, and general conditions; and

(3) Inspect the MLG door hinge lobes on both the wing-mounted hinge half and door-mounted hinge half for cracks and corrosion; and

(4) Inspect the hinge halves on articulating doors for cracks and corrosion.

(c) For Group I and II airplanes: Within 18 months after the effective date of this AD, measure the aluminum hinge lobes, if bushed, for minimum wall thickness of .055 inch or greater, in accordance with McDonnell Douglas Alert Service Bulletin A32-244, dated November 20, 1990.

(d) If discrepancies are found as a result of the inspections required by paragraph (a), (b), or (c) of this AD, prior to further flight, repair in a manner approved by the Manager of the Los Angeles Aircraft Certification Office (ACO).

(e) An alternative method of compliance or adjustment of the compliance time, which provides an acceptable level of safety, may be used when approved by the Manager, Los Angeles Aircraft Certification Office (ACO), FAA, Transport Airplane Directorate.

**Note:** The request should be forwarded through an FAA Principal Maintenance Inspector, who may concur or comment and then send it to the Manager, Los Angeles ACO.

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

(g) The inspection, replacement, and repair requirements shall be done in accordance with McDonnell Douglas Alert Service Bulletin A32-244, dated November 20, 1990. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR Part 51. Copies may be obtained from McDonnell Douglas Corporation, P. O. Box 1771, Long Beach, California 90846-0001, Attention: Business Unit Manager, Technical Publications, C1-HDR (54-60). Copies may be inspected at the FAA, Northwest Mountain Region, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington; or at the Los Angeles Aircraft Certification Office, 3229 East Spring Street, Long Beach, California; or at the Office of the Federal Register, 1100 L Street NW., room 8401, Washington, DC.

This amendment supersedes Amendment 39-6869, AD 91-03-07.

This amendment (39-8067, AD 91-22-07) becomes effective December 3, 1991.

Issued in Renton, Washington, on October 9, 1991.

**Darrell M. Pederson,**

*Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.*

[FR Doc. 91-26014 Filed 10-28-91; 8:45 am]

BILLING CODE 4910-13-M

#### 14 CFR Part 71

[Airspace Docket No. 91-AEA-09]

#### Alteration of Transition Area; Wurtsboro, NY

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Final rule.

**SUMMARY:** This notice revises the 700 foot Transition Area established at Wurtsboro, NY, due to the establishment of a new VHF Omnidirectional Range/Distance Measuring Equipment (VOR/DME) Runway 5 Standard Instrument Approach Procedure (SIAP) to the Wurtsboro-Sullivan County Airport, Wurtsboro, NY. This action establishes that amount of controlled airspace necessary to contain aircraft operations conducted under instrument flight rules to and from Wurtsboro-Sullivan County Airport, Wurtsboro, NY.

**EFFECTIVE DATE:** 0901 u.t.c. January 9, 1992.

**FOR FURTHER INFORMATION CONTACT:** Mr. Curtis L. Brewington, Airspace Specialist, System Management Branch, AEA-530, F.A.A. Eastern Region, Federal Building # 111, John F. Kennedy International Airport, Jamaica, New York 11430; telephone: (718) 917-0857.

#### SUPPLEMENTARY INFORMATION:

#### History

On June 24, 1991, the FAA proposed to amend part 71 of the Federal Aviation Regulations (14 CFR part 71) to revise the 700 foot Transition Area established at Wurtsboro, NY, due to the development of a new VOR/DME Runway 5 SIAP to the Wurtsboro-Sullivan County Airport, Wurtsboro, NY (56 FR 41634). The proposed action would establish that amount of controlled airspace necessary to contain aircraft operating under instrument flight rules.

Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments on 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 FAA Handbook 7400.6G, September 4, 1990.

#### The Rule

This amendment to part 71 of the Federal Aviation Regulations revises the 700 foot Transition Area established at Wurtsboro, NY, due to the establishment of a new VOR/DME Runway 5 SIAP to the Wurtsboro-Sullivan County Airport, Wurtsboro, NY.

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. Therefore, this 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) 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. App. 1348(a), 1354(a), 1510; Executive Order 10654; 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:

#### Wurtsboro, NY [Revised]

Wurtsboro-Sullivan County Airport, Wurtsboro, NY (lat. 41°35'50" N, long. 74°27'32" W)  
Huguenot VORTAC, NY (lat. 41°24'35" N, long. 74°35'31" W.)

That airspace extending upward from 700 feet above the surface within a 7.4-mile radius of Wurtsboro-Sullivan County Airport and within 4 miles either side of the Huguenot VORTAC 028° (T) 039° (M) radial extending from 1.4 miles northeast of the VORTAC to the 7.4-mile radius. This

transition area is effective from sunrise to sunset daily.

Issued in Jamaica, New York, on October 9, 1991.

**Gary W. Tucker,**

*Manager, Air Traffic Division.*

[FR Doc. 91-25955 Filed 10-28-91; 8:45 am]

BILLING CODE 4910-13-M

#### 14 CFR Part 97

[Docket No. 26665; Amdt. No. 1463]

#### Standard Instrument Approach Procedures: Miscellaneous Amendments

**AGENCY:** Federal Aviation Administration (FAA), DOT

**ACTION:** Final rule.

**SUMMARY:** This amendment establishes, amends, suspends, or revokes Standard Instrument Approach Procedures (SIAPs) for operations at certain airports. These regulatory actions are needed because of changes occurring in the National Airspace System, such as the commissioning of new navigational facilities, addition of new obstacles, or changes in air traffic requirements. These changes are designed to provide safe and efficient use to the navigable airspace and to promote safe flight operations under instrument flight rules at the affected airports.

**EFFECTIVE DATE:** An effective date for each SIAP is specified in the amendatory provisions.

Incorporation by reference approved by the Director of the Federal Register on December 31, 1980, and reapproved as of January 1, 1982.

**ADDRESSES:** Availability of matter incorporated by reference in the amendment is as follows:

For Examination—

1. FAA Rules Docket, FAA Headquarters Building, 800 Independence Avenue, SW., Washington, DC 20591;

2. The FAA Regional Office of the region in which affected airport is located; or

3. The Flight Inspection Field Office which originated the SIAP.

For Purchase—

Individual SIAP copies may be obtained from:

1. FAA Public Inquiry Center (APA-200), FAA Headquarters Building, 800 Independence Avenue, SW., Washington, DC 20591; or

2. The FAA Regional Office of the region in which the affected airport is located.

By Subscription—

Copies of all SIAPs, mailed once every 2 weeks, are for sale by the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402.

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

**SUPPLEMENTARY INFORMATION:** This amendment to part 97 of the Federal Aviation Regulations (14 CFR Part 97) establishes, amends, suspends, or revokes Standard Instrument Approach Procedures (SIAPs). The complete regulatory description of each SIAP is contained in the appropriate FAA Form 8260 and the National Flight Data Center (FDC)/Permanent (P) Notices to Airmen (NOTAM) which are incorporated by reference in the amendment under 5 U.S.C. 552(a), 1 CFR part 51, and § 97.20 of the Federal Aviation Regulations (FAR). Materials incorporated by reference are available for examination or purchase as stated above.

The large number of SIAPs, their complex nature, and the need for a special format make their verbatim publication in the *Federal Register* expensive and impractical. Further, airmen do not use the regulatory text of the SIAPs, but refer to their graphic depiction of charts printed by publishers of aeronautical materials. Thus, the advantages of incorporation by reference are realized and publication of the complete description of each SIAP contained in FAA form documents is unnecessary. The Provisions of this amendment state the affected CFR (and FAR) sections with the types and effective dates of the SIAPs. This amendment also identifies the airport, its location, the procedure identification and the amendment number.

**The Rule**

This amendment to part 97 of the Federal Aviation Regulations (14 CFR

part 97) establishes, amends, suspends, or revokes SIAPs. For safety and timeliness of change considerations, this amendment incorporates only specific changes contained in the content of the following FDC/P NOTAM for each SIAP. The SIAP information in some previously designated FDC/Temporary (T) (FDC/T) NOTAMs is of such duration as to be permanent. With conversion to FDC/P NOTAMs, the respective FDC/T NOTAMs have been cancelled.

The FDC/P NOTAMs for the SIAPs contained in this amendment are based on the criteria contained in the U.S. Standard for Terminal Instrument Approach Procedures (TERPs). In developing these chart changes to SIAPs by FDC/P NOTAMs, the TERPs criteria were applied to only these specific conditions existing at the affected airports.

This amendment to part 97 is effective on the date of publication and contains separate SIAPs which have compliance dates stated as effective dates based on related changes in the National Airspace System or the application of new or revised criteria. All SIAP amendments in this rule have been previously issued by the FAA in a National Flight Data Center (FDC) Notice Airmen (NOTAM) as an emergency action of immediate flight safety relating directly to published aeronautical charts. The circumstances which created the need for all these SIAP amendments requires making them effective in less than 30 days.

Further, the SIAPs contained in this amendment are based on the criteria contained in the U.S. Standard for Terminal Instrument Approach Procedures (TERPs). Because of the close and immediate relationship between these SIAPs and safety in air commerce, I find that notice and public procedure before adopting these SIAPs are unnecessary, impractical, and contrary to the public interest and, where applicable, that good cause exists for making these SIAPs effective in less than 30 days.

**Conclusion**

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 DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. For the same reason, the FAA certifies that this amendment will not have a significant economic impact is so minimal. For the same reason, the FAA certifies that this amendment will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

**List of Subjects in 14 CFR Part 97**

Approaches, Standard instrument, Incorporation by reference.

Issued in Washington, DC on October 11, 1991.

**Thomas C. Accardi,**  
*Director, Flight Standards Service.*

**Adoption of the Amendment**

Accordingly, pursuant to the authority delegated to me, part 97 of the Federal Aviation Regulations (14 CFR part 97) is amended by establishing, amending, suspending, or revoking Standard Instrument Approach Procedures, effective at 0901 u.t.c. on the dates specified, as follows:

**PART 97—[AMENDED]**

1. The authority citation for part 97 continues to read as follows:

**Authority:** 49 U.S.C. 1348, 1354(a), 1421 and 1510; 49 U.S.C. 106(g) (revised Pub. L. 97-449, January 12, 1983); and 14 CFR 11.49 (b) (2).

2. Part 97 is amended to read as follows:

§§ 97.23, 97.25, 97.27, 97.29, 97.31, 97.33, 97.35 [Amended]

Effective	State	City	Airport	FDC No.	SIAP
09/25/91	CO	Holyoke.....	Holyoke Muni.....	FDC 1/4653	NDB RWY 17 AMDT 1
09/25/91	CO	Holyoke.....	Holyoke Muni.....	FDC 1/4656	NDB RWY 35 AMDT 1
09/25/91	CO	La Junta.....	La Junta Muni.....	FDC1/4652	NDB RWY 8 AMDT 5
09/26/91	CA	Hayward.....	Hayward Air Terminal.....	FDC 1/4684	VOR-A AMDT 6

Effective	State	City	Airport	FDC No.	SIAP
09/26/91	CA	Hayward	Hayward Air Terminal	FDC 1/4685	VOR/DME-B AMDT 1
09/26/91	MI	Sparta	Sparta	FDC 1/4667	VOR-A-AMDT 2
09/26/91	OH	Fremont	Fremont	FDC 1/4662	VOR RWY 9 AMDT 5
09/26/91	UT	Salt Lake City	Salt Lake City Intl	FDC 1/4670	ILS RWY 34L AMDT 39
09/26/91	WY	Cowley-Lovell-Byron	North Big Horn County	FDC 1/4669	NDB RWY 9 ORIG
09/27/91	FL	Daytona Beach	Daytona Beach Regional	FDC 1/4700	VOR RWY 16 AMDT 17
09/27/91	NY	Cortland	Cortland County-Chase Field	FDC 1/4694	VOR RWY 6 AMDT 1
09/27/91	NY	Hudson	Columbia County	FDC 1/4693	NDB-A AMDT 2
09/27/91	NY	Sidney	Sidney Muni	FDC 1/4692	VOR/DME-R AMDT 2
09/27/91	OH	Findlay	Findlay	FDC 1/4702	VOR WY 7 AMDT 10
09/27/91	OH	Findlay	Findlay	FDC 1/4703	NDB RWY 36 AMDT 9
09/30/91	FL	New Smyrna Beach	Massey Ranch Airpark	FDC 1/4758	NDB RWY ORIG
09/30/91	PA	Johnstown	Johnstown-Cambria County	FDC 1/4753	VOR/DME RWY 15 AMDT 4
09/30/91	PA	Johnstown	Johnstown-Cambria County	FDC 1/4754	VOR RWY 15 AMDT 8
09/30/91	PA	Johnstown	Johnstown-Cambria County	FDC 1/4756	VOR/DME RWY 23 ORIG
09/30/91	PA	Johnstown	Johnstown-Cambria County	FDC 1/4757	VOR RWY 5 AMDT 5
10/02/91	CT	Windsor Locks	Bradley Intl	FDC 1/4477	VOR/DME RWY 6 ORIG
10/02/91	MI	Harbor Springs	Harbor Springs	FDC 1/4800	VOR-A ORIG
10/02/91	MN	Marshall	Marshall Muni-Ryan Field	FDC 1/4810	VOR/DME RWY 30 AMDT 1
10/03/91	NJ	Linden	Linden	FDC 1/4832	NDB-B AMDT 4
10/03/91	NJ	Millville	Millville Muni	FDC 1/4833	ILS RWY 10 AMDT 1
10/03/91	NJ	Millville	Millville Muni	FDC 1/4834	RNAV RWY 32 ORIG
10/03/91	NJ	Readington	Solberg-Hunterdon	FDC 1/4831	VOR-A AMDT 6
10/03/91	NJ	Teterboro	Teterboro	FDC 1/4837	NDB RWY 6 AMDT 17
10/03/91	NJ	Wildwood	Cape May County	FDC 1/4836	RNAV RWY 19 AMDT 5
10/03/91	NM	Deming	Deming Muni	FDC 1/4840	VOR RWY 26 AMDT 8
10/07/91	NC	Oxford	Henderson-Oxford	FDC 1/4898	NDB RWY 6 AMDT 1
10/07/91	MI	Sault Ste Marie	Chippewa County Intl	FDC 1/4944	NDB RWY 16 AMDT 5
10/07/91	MI	Sault Ste Marie	Chippewa County Intl	FDC 1/4944	NDB RWY 16 AMDT 5
10/07/91	MI	Sault Ste Marie	Chippewa County Intl	FDC 1/4944	NDB RWY 16 AMDT 5
10/08/91	FL	Melbourne	Melbourne Regional	FDC 1/4920	VOR RWY 9R AMDT 18
10/08/91	SC	Pickens	Pickens County	FDC 1/4927	NDB RWY 4 AMDT 4
10/09/91	MI	Sault Ste Marie	Chippewa County Intl	FDC 1/4941	ILS RWY 16 AMDT 7
10/09/91	MN	Austin	Austin Muni	FDC 1/4971	VOR RWY 36 ORIG
10/10/91	MI	Kalamazoo	Kalamazoo/Battle Creek International	FDC 1/4987	NDB RWY 35 AMDT 17
10/10/91	MI	Kalamazoo	Kalamazoo/Battle Creek International	FDC 1/4989	LOC BC RWY 17 AMDT 17
10/10/91	MI	Kalamazoo	Kalamazoo/Battle Creek International	FDC 1/4991	VOR RWY 17 AMDT 16
10/10/91	MI	Kalamazoo	Kalamazoo/Battle Creek International	FDC 1/4993	VOR RWY 23 AMDT 16
10/10/91	MI	Kalamazoo	Kalamazoo/Battle Creek International	FDC 1/4995	VOR RWY 35 AMDT 15

Effective	State	City	Airport	FDC No.	SIAP
10/11/91	MI	Kalamazoo.....	Kalamazoo/Battle Creek International.....	FDC 1/5018	Departure Procedures Takeoff Minimums AMDT 7
10/11/91	MI	Kalamazoo.....	Kalamazoo/Battle Creek Intl.....	FDC 1/5016	ILS RWY 35 AMDT 19

**NFDC Transmittal Letter Attachment**

Hayward  
Hayward Air Terminal  
California  
VOR-A AMDT 6...  
Effective: 09/26/91  
FDC 1/4684/HWD/ FI/P Hayward Air Terminal, Hayward, CA. VOR-A AMDT 6... Terminal route Mabry Int /IAF/ to Mison Int/Oak 21 DME Distance 6.0 NM vice 6.2 NM. Terminal route Mison Int to imply Int/Oak 16.2 DME Distance 4.8 NM Vice 4.7 NM. Delete Note... When Hayward Tower not operational the following applies... /1/ Use Oakland, CA ALSTG. /2/ Alternate MINS NA. Add Note... When Control Zone not in effect use Oakland, CA ALSTG. Delete alternate MINS Note... NA when Hayward Tower not operational. Add alternate MINS Note... NA when Control Zone not in effect. This becomes VOR-A AMDT 6A.

Hayward  
Hayward Air Terminal  
California  
VOR/DME-B AMDT 1...  
Effective: 09/26/91  
FDC 1/4685/HWD/ FI/P Hayward Air Terminal, Hayward, CA. VOR/DME-B AMDT 1... Terminal route Mabry Int /IAF/ to Mison Int/Oak 21 DME Distance 6.0 NM Vice 6.2 NM. Terminal route Mison Int to imply Int/Oak 16.2 DME Distance 4.8 NM Vice 4.7 NM. Delete Note... When Hayward Tower not operational the following applies... /1/ Use Oakland, CA ALSTG. /2/ Alternate MINS NA. Add Note... When Control Zone not in effect use Oakland, CA ALSTG. Delete alternate MINS Note... NA when Hayward Tower not operational. Add alternate MINS Note... NA when Control Zone not in effect. This becomes VOR/DME-B AMDT 1A.

La Junta  
La Junta Muni  
Colorado  
NDB RWY 8 AMDT 5...  
Effective: 09/25/91  
FDC 1/4652/LHX/ FI/P La Junta Muni, La Junta, CO. NDB RWY 8 AMDT 5... TRML RTE Bloom Int to Fayes Int MIN Alt 8500 FT. This becomes NDB RWY 8 AMDT 5A.

Holyoke  
Holyoke Muni  
Colorado  
NDB RWY 17 AMDT 1...  
Effective: 09/25/91  
FDC 1/4653/8V5/ FI/P Holyoke Muni, Holyoke, CO. NDB RWY 17 AMDT 1... TRML RTE Holyo Int to HEQ NDB, CRS and Distance 280/6.4 NM. Change note to read Obtain LCL ALSTG on CTAF; when not received, use Sidney, Nebraska ALSTG. This becomes NDB RWY 17, AMDT 1A.

Holyoke  
Holyoke Muni  
Colorado  
NDB RWY 35 AMDT 1...  
Effective: 09/25/91  
FDC 1/4656/8V5/ FI/P Holyoke Muni, Holyoke, CO. NDB RWY 35 AMDT 1... TRML RTE Holyo Int to HEQ NDB, CRS and Distance 280/6.4 NM. Change note to read Obtain LCL ALSTG on CTAF; when not received, use Sidney, Nebraska ALSTG. This becomes NDB RWY 35, AMDT 1A.

Windsor Locks  
Bradley Intl  
Connecticut  
VOR/DME RWY 6 ORIG...  
Effective: 10/02/91  
FDC 1/4477/BDL/ FI/P Bradley Intl, Windsor Locks, CT. VOR/DME RWY 6 ORIG... Circling CAT D MDA 1020, VIS 2 3/4 Miles, HAA 846. Alt MINS... Standard, CAT D 900 2-3/4. This becomes VOR/DME RWY 6 ORIG A.

Daytona Beach  
Daytona Beach Regional  
Florida  
VOR RWY 16 AMDT 17...  
Effective: 09/27/91  
FDC 1/4700/DAB/ FI/P Daytona Beach Regional, Daytona Beach, FL. VOR RWY 16 AMDT 17... Missed APCH climb to 2000 VIA OMN R-161 to Smyra Int and hold. This becomes VOR RWY 16 AMDT 17A.

New Smyrna Beach  
Massey Ranch Airpark  
Florida  
NDB RWY ORIG...  
Effective: 09/30/91  
FDC 1/4758/X50/ FI/P Massey Ranch Airpark, New Smyrna Beach, FL. NDB RWY ORIG... Missed APCH climb to 1000 then climbing left turn to 1600 direct EVB NDB and hold. This becomes NDB RWY 18 ORIG A.

Melbourne  
Melbourne Regional  
Florida  
VOR RWY 9R AMDT 18...  
Effective: 10/08/91  
FDC 1/4920/MLB/ FI/P Melbourne Regional, Melbourne, FL. VOR RWY 9R AMDT 18... DME/NDB MINS... S-9R MDA 440/HAT 407 All Cats. Vis Cat C RVR 4000. This becomes VOR RWY 9R AMDT 18A.

Sparta  
Sparta  
Michigan  
VOR-A AMDT 2...  
Effective: 09/26/91  
FDC 1/4667/8D4/ FI/P Sparta, Sparta, MI. VOR-A AMDT 2... Circling MDA 1360/HAA 599 VIS 1 CAT A; MDA 1380/HAA 619 VIS 1

CAT B; CAT C & D NA. Add note... "Use Grand Rapids altimeter setting." Delete Grand Rapids altimeter setting minimums. Delete note... "Obtain local altimeter setting on CTAF, if not received, use Grand Rapids altimeter setting." This is VOR-A AMDT 2A.

Harbor Springs  
Harbor Springs  
Michigan  
VOR-A ORIG...  
Effective: 10/02/91  
FDC 1/4800/D87/ FI/P Harbor Springs, Harbor Springs, MI. VOR-A ORIG... CAT C MINS NA. This is VOR-A ORIG A.

Sault Ste Marie  
Chippewa County Intl  
Michigan  
ILS RWY 16 AMDT 7...  
Effective: 10/09/91  
FDC 1/4941/CIU/ FI/P Chippewa County Intl, Sault Ste Marie, MI. ILS RWY 16 AMDT 7... Change ALSTG note to read, IFF local ASTG not received use Sault Ste Marie Canada ALSTG and increase all DH/MDA's 60 ft. This is ILS RWY 16 AMDT 7A.

Sault Ste Marie  
Chippewa County Intl  
Michigan  
NDB RWY 16 AMDT 5...  
Effective: 10/07/9115  
FDC 1/4944/CIU/ FI/P Chippewa County Intl, Sault Ste Marie, MI. NDB RWY 16 AMDT 5... Change ALSTG note to read, if local ASTG not received use Sault Ste Marie Canada ALSTG and increase all MDA's 60 ft. This is NDB RWY 16 AMDT 5A.14.

Sault Ste Marie  
Chippewa County Intl  
Michigan  
NDB RWY 16 AMDT 5...  
Effective: 10/07/9115  
FDC 1/4944/CIU/ FI/P Chippewa County Intl, Sault Ste Marie, MI. NDB RWY 16 AMDT 5... Change ALSTG note to read, if local ASTG not received use Sault Ste Marie Canada ALSTG and increase all MDA's 60 ft. This is NDB RWY 16 AMDT 5A.14.

Sault Ste Marie  
Chippewa County Intl  
Michigan  
NDB RWY 16 AMDT 5...  
Effective: 10/07/9115  
FDC 1/4944/CIU/ FI/P Chippewa County Intl, Sault Ste Marie, MI. NDB RWY 16 AMDT 5... Change ALSTG note to read, if local ASTG not received use Sault Ste Marie Canada ALSTG and increase all MDA's 60 ft. This is NDB RWY 16 AMDT 5A.

Kalamazoo  
Kalamazoo/Battle Creek International

## Michigan

NDB RWY 35 AMDT 17...

Effective: 10/10/91

FDC 1/4987/AZO/ FI/P Kalamazoo/Battle Creek International, Kalamazoo, MI. NDB RWY 35 AMDT 17...S-35 MDA 1500/HAT 632 ALL CATS, VIS CAT C 600, CAT D 1-3/4. CIRCLING MDA 1500, HAA 626 ALL CTS, VIS CAT C 1-3/4. South Bend ALSTG MINS S-35 MDA 1720/HAT 852 All CATS, VIS CAT B 1, CAT C 2, CAT D 2-1/2. Circling MDA 1720/HAA 846 All CATS, VIS CAT B 1-1/4, CAT C 2-1/2, CAT D 2-3/4. Delete note, "When Control Tower closed...thru...Use South Bend ALSTG." Add note, "When Control Tower closed, except for operators with approved weather reporting service, use South Bend ALSTG." This is NDB RWY 35 AMDT 17A.

## Kalamazoo

Kalamazoo/Battle Creek International

Michigan

LOC BC RWY 17 AMDT 17...

Effective: 10/10/91

FDC 1/4989/AZO/ FI/P Kalamazoo/Battle Creek International Kalamazoo, MI. LOC BC RWY 17 AMDT 17...Panga Fix MINS Circling MDA 1500/HAA 626 All CATS, VIS CAT C 1-3/4. Delete transition...Osego Int to Upjohn Int (NOPT). Delete note, "Air carrier landing visibility...thru...3. Straight-In MINS NA." Add notes, "When Control Tower closed, except for operators with approved weather reporting service, use South Bend ALSTG. Increase all MDA's 220 AND ALL VIS 3/4 MI. Straight-In MINS NA. LOC BC unusable beyond 20 degrees left side of centerline." This is LOC BC RWY 17 AMDT 17A.

## Kalamazoo

Kalamazoo/Battle Creek International

Michigan

VOR RWY 17 AMDT 16...

Effective: 10/10/91

FDC 1/4991/AZO/ FI/P Kalamazoo/Battle Creek International, Kalamazoo, MI. VOR RWY 17 AMDT 16...Tomey Fix MINS circling MDA 1500/HAA 626 All CATS, VIS CAT C 1-3/4. Delete note, "Air carrier landing visibility...thru...3. Straight-In MINS not authorized." Add note, "When Control Tower closed, except for operators with approved weather reporting service, use South Bend ALSTG. Increase all MDA's 220 AND ALL VIS 3/4 MILE. Straight-In MINS NA." This is VOR RWY 17 AMDT 16A.

## Kalamazoo

Kalamazoo/Battle Creek International

Michigan

VOR RWY 23 AMDT 16...

Effective: 10/10/91

FDC 1/4993/AZO/ FI/P Kalamazoo/Battle Creek International, Kalamazoo, MI. VOR RWY 23 AMDT 16...Circling MDA 1500/HAA 626 All CATS, VIS CAT C 1-3/4. South Bend Altitude setting minimums...Circling MDA 1720/HAA 846 All CATS, VIS CAT B 1-1/4, CAT C 2-1/2, CAT D 2-3/4. Delete note, "Air carrier landing visibility...thru use South Bend altimeter setting." Add note, "When Control Tower closed, except for operators with approved weather reporting service, use South Bend altimeter setting." This is VOR RWY 23 AMDT 16A.

## Kalamazoo

Kalamazoo/Battle Creek International

Michigan

VOR RWY 35 AMDT 15...

Effective: 10/10/91

FDC 1/4995/AZO/ FI/P Kalamazoo/Battle Creek International, Kalamazoo, MI. VOR RWY 35 AMDT 15...S-35 MDA 1460/HAT 592 All CATS, VIS CAT A/B RVR 4000, CAT C RVR 4000, CAT C RVR 5000, CAT D RVR 6000. Circling MDA 1500/HAA 626 All CATS, VIS CAT C 1-3/4. South Bend ALSTG MINS...S-35 MDA 1660/HAT 792 All CATS, VIS CAT A/B 1, CAT B 1-1/4, CAT C 2-1/2, CAT D 2-3/4. Delete note, "CAT D S-35 visibility increased...thru...use South Bend altimeter setting." Add note, "When Control Tower closed, except for operators with approved weather reporting service, use South Bend altimeter setting. CAT A/B S-35 visibility increased 1/4 mile for inoperative MALS." This is VOR RWY 35 AMDT 15A.

## Kalamazoo

Kalamazoo/Battle Creek Intl

Michigan

ILS RWY 35 AMDT 19...

Effective: 10/11/91

FDC 1/5016/AZO/ FI/P Kalamazoo/Battle Creek Intl, Kalamazoo, MI. ILS RWY 35 AMDT 19...S-ILS 35 DH 1308/HAT 440, VIS RVR 4000 All CATS, S-LOC 35 MDA 1340/HAT 472. All CATS, VIS CAT A/B/C RVR 4000, CAT D RVR 5000. Circling MDA 1500/HAA 626 All CATS, VIS CAT C 1-3/4. South Bend altimeter setting minimums... S-ILS 35 DH 1518/HAT 650; VIS 1 All CATS, S-LOC 35 MDA 1560/HAT 692 All CATS, VIS CAT A/B 1, CAT C 1-1/2, CAT D 1-3/4. Circling MDA 1720/HAA 846 All CATS, VIS CAT B 1-1/4, CAT C 2-1/2, CAT D 2-3/4. Delete note, "CAT D S-LOC visibility...thru...use South Bend ALSTG." Add note, "When Control Tower closed, except for operators with approved weather reporting service, use South Bend ALSTG. S-ILS 35 inoperative table does not apply. CAT A/B S-LOC 35 visibility increased 1/4 mile for inoperative MALS." This is ILS RWY 35 AMDT 19A.

## Kalamazoo

Kalamazoo/Battle Creek International

Michigan

DEPARTURE PROCEDURES/TAKEOFF

MINIMUMS, AMDT 7...

Effective: 10/11/91

FDC 1/5018/AZO/ FI/P Kalamazoo/Battle Creek International, Kalamazoo, MI. Departure procedures/takeoff minimums, AMDT 7...RWY 17 400-1. This is AMDT 7A.

## Marshall

Marshall Muni-Ryan Field

Minnesota

VOR/DME RWY 30 AMDT 1...

Effective: 10/02/91

FDC 1/4810/MML/ FI/P Marshall Muni-Ryan Field, Marshall, MN. VOR/DME RWY 30 AMDT 1...minimums... S-30 CATS A/B MDA 1740/HAT 562, CAT C MDA 1740/HAT 562 VIS 1-1/2, CAT D MDA 1740/HAT 562 VIS 1-3/4. Circling CATS A/B MDA 1740/HAA 560, CAT C MDA 1740/HAA 560, CAT D MDA 1740/HAA 560. Redwood Falls Altitude setting minimums... S-30 CATS A/B MDA 1880/HAT 702, CAT C MDA 1880/HAT 702, VIS 2, CAT D MDA 1880/HAT 702

VIS 2-1/4. Circling CATS A/B MDA 1880/HAA 700, CAT C MDA 1880/HAA 700 VIS 2, CAT D MDA 1880/HAA 700 VIS 2-1/4. Delete visual descent point. This is VOR/DME RWY 30 AMDT 1A.

## Austin

Austin Muni

Minnesota

VOR RWY 36 ORIG...

Effective: 10/09/91

FDC 1/4971/AUM/ FI/P Austin, MN. VOR RWY 36 Orig...mised approach... climb to 2900 then left turn direct Jay VOR/DME and hold. This is VOR RWY 36 ORIG A.

## Oxford

Henderson-Oxford

North Carolina

NDB RWY 6 AMDT 1...

Effective: 10/07/91

FDC 1/4898/4W8/ FI/P Henderson-Oxford, Oxford, NC. NDB RWY 6 AMDT 1...MSA 25 NM HXO NDB 2700. Delete light activation note... activate MIREL RWY 6-24 CTAF. This becomes NDB RWY 6 AMDT 1A.

## Readington

Solberg-Hunterdon

NJ.

VOR-A AMDT 6...

FDC 1/4830/N51/ FI/P Solberg-Hunterdon, Readington, NJ. VOR-A AMDT 6... Add note to read... PROC NA at night except by prior arrangements for RWY lights. This becomes VOR-A AMDT 6A.

Effective: 10/03/91

FDC 1/4831/N40/ FI/P Sky Manor, Pittstown, NJ. VOR RWY 7 AMDT 2...Delete terminal route Abe Vortac to Evitt Int. This becomes VOR RWY 7 AMDT 2A.

## Linden

Linden

NJ.

NDB-B AMDT 4...

Effective: 10/03/91

FDC 1/4832/LD/ FI/P Linden, Linden, NJ. NDB-B AMDT 4...Change note to read... Procedure NA at night after 2200 LCL except by prior arrangements for RWY lights. This becomes NDB-B AMDT 4A.

## Millville

Millville Muni

NJ.

ILS RWY 10 AMDT 1...

Effective: 10/03/91

FDC 1/4833/MIV/ FI/P Millville Muni, Millville, NJ. ILS RWY 10 AMDT 1...Delete terminal route SIE Vortac to Ladie Int. This becomes ILS 10 AMDT 1A.

## Millville

Millville Muni

NJ.

RNAV RWY 32 ORIG...

Effective: 10/03/91

FDC 1/4834MIV/ FI/P Millville Muni, Millville, NJ. RNAV RWY 32 ORIG...Delete terminal route SIE Vortac to Zunie WP. This becomes RNAV RWY 32 ORIG A.

## Wildwood

Cape May County

NJ.

RNAV RWY 19 AMDT 5...

Effective: 10/03/91

FDC 1/4836/WWD/ FI/P Cape May County, Wildwood, NJ. RNAV RWY 19 AMDT 5...Change terminal Route ALT Tubor Int to Kimba WP 2500, Leeah Int to Kimba WP 2500. This becomes RNAV RWY 19 AMDT 5A.

Teterboro

Teterboro NJ.

NDB RWY 6 AMDT 17...

Effective: 10/03/91

FDC 1/4837/TEB/ FI/P Teterboro, Teterboro, NJ. NDB RWY 6 AMDT 17...Delete feeder route Joell Int to Torby LOM. This becomes NDB RWY 6 AMDT 17A.

Deming

Deming Muni New Mexico

VOR RWY 26 AMDT 8...

Effective: 10/03/91

FDC 1/4840/DMN/ FI/P Deming Muni, Deming, NM. VOR RWY 26 AMDT 8...MSA from DMN Vortac R-140 CLKWS R-270 16000. Delete Note... Activate Mirl RWY 8-26-122.8. This becomes VOR RWY 26 AMDT 8A.

Sidney

Sidney Muni New York

VOR/DME-B AMDT 2...

Effective: 09/27/91

FDC 1/4692/N23/ FI/P Sidney Muni, Sidney, NY. VOR/DME-B AMDT 2...Change missed APCH instructions to read... Climbing right turn to 3400 VIA RKA R-229 to Terut Int 7 DME and hold. Change altimeter note to read... Obtain LCL ALSTG on CTAF. When not received use Binghamton ALSTG and increase all MDAS 100 ft. This becomes VOR/DME-B AMDT 2A.

Hudson

Columbia County New York

NDB-A AMDT 2...

Effective: 09/27/91

FDC 1/4693/1B1/ FI/P Columbia County, Hudson, NY. NDB-A AMDT 2...Change Altimeter note to read... If LCL ALSTG not received, use Albany ALSTG and increase all MDAS 120 ft. Add AWOS-3. This becomes NDB-A AMDT 2A.

Cortland

Cortland County-Chase Field New York

VOR RWY 6 AMDT 1...

Effective: 09/27/91

FDC 1/4694/NO3/ FI/P Cortland County-Chase Field, Cortland, NY. VOR RWY 6 AMDT 1...Change ALSTG note to read... if LCL ALSTG not received, PROC NA. Add AWOS-3. This becomes VOR RWY 6 AMDT 1A.

Fremont

Fremont Ohio

VOR RWY 9 AMDT 5...

Effective: 09/26/91

FDC 1/4662/14C/ FI/P Fremont, Fremont, OH. VOR RWY 9 AMDT 5... MIN... 2-9 MDA 1340/HAT 678 All CATS. VIS CAT C

2 CAT D-2-1/4. Circling MDA 1340/HAA 678 All CATS. VIS CAT C 2 CAT D 2-1/4. Delete note... "Activate Lirl RWY 9-27 121.7." This is VOR RWY 9 AMDT 5A.

Findlay

Findlay Ohio

VOR WY 9 AMDT 10...

Effective: 09/27/91

FDC 1/4702/FDY/ FI/P Findlay, Findlay, OH. VOR WY 7 AMDT 10...Delete note "When local altimeter.. thru..160 feet." Add note "Request Rail/Reil RWYS 7 & 36, and Mirl Rws 7-25 and 18-36—CTAF. This is VOR RWY 7 AMDT 10A.

Findlay

Findlay Ohio

NDB RWY 36 AMDT 9...

Effective: 09/27/91

FDC 1/4703/FDY/ FI/P Findlay, Findlay, OH. NDB RWY 36 AMDT 9...Delete note "When local altimeter.. thru..160 feet." Minimum altitude Premo Int 1380. Delete Premo Int profile note "1540 when using Toledo express altimeter setting. Add note "Request Rail/Reil RWYS 7 & 36, and Mirl RWYS 7-25 and 18-36—CTAF." This is NDB RWY 36 AMDT 9A.

09/27/91

FDC 1/4704/FDY/Findlay, Findlay, OH. VOR RWY 36 AMDT 4...Alternate Minimums NA. Delete note "When local altimeter..thru..160 feet." Minimum altitude Pegge Int 1320. Delete Pegge Int profile note "1480 when using Toledo express altimeter setting." Add note "Request Rail/Reil RWYS 7 & 36, and Mirl RWYS 7-25 AND 18-36—CTAF." This is VOR RWY 36 AMDT 4A.

Johnstown

Johnstown-Cambria County Pennsylvania

VOR/DME RWY 15 AMDT 4...

Effective: 09/30/91

FDC 1/4753/JST/ FI/P Johnstown-Cambria County, Johnstown, PA. VOR/DME RWY 15 AMDT 4...Change missed approach to read... Climb to 4200 then... Entire note pertaining to when control zone not in effect deleted. Delete profile note...—3800 when control zone not in effect—. Alternate Mins... Standard. This becomes VOR/DME RWY 15 ADMT 4A.

Johnstown

Johnstown-Cambria County Pennsylvania

VOR RWY 15 AMDT 8...

Effective: 09/30/91

FDC 1/4754/JST/ FI/P Johnstown-Cambria County, Johnstown, PA. VOR RWY 15 AMDT 8... Change missed approach to read...—Climb to 4200 then...—. Entire note pertaining to when Control Zone not in effect deleted. Delete profile note...—3800 when Control Zone not in effect—. This becomes VOR RWY 15 AMDT 8A.

Johnstown

Johnstown-Cambria County Pennsylvania

VOR/DME RWY 23 ORIG...

Effective: 09/30/91

FDC 1/4756/JST/ FI/P Johnstown-Cambria County, Johnstown, PA. VOR/DME RWY 23 ORIG...Entire note pertaining to when Control

Zone not in effect deleted. Delete profile note...—3800 when Control Zone not in effect—. Alternate Mins...Standard. This becomes VOR/DME RWY 23 ORIG A.

Johnstown

Johnstown-Cambria County Pennsylvania

VOR RWY 5 AMDT 5...

Effective: 09/30/91

FDC 1/4757/JST/ FI/P Johnstown-Cambria County, Johnstown, PA. VOR RWY 5 AMDT 5...Entire note pertaining to when Control Zone not in effect deleted. Delete profile note...—3800 when Control Zone not in effect—. This becomes VOR RWY 5 AMDT 5A.

Pickens

Pickens County South Carolina

NDB RWY 4 AMDT 4...

Effective: 10/08/91

FDC 1/4927/LQK/ FI/P Pickens County, Pickens, SC. NDB RWY 4 AMDT 4...Change all references to RWYS 4-22 to RWYS 5-23. This becomes NDB RWY 5 AMDT 4A.

Salt Lake City

Salt Lake City Intl

Utah

ILS RWY 34L AMDT 39...

Effective: 09/28/91

FDC 1/4670/SLC/ FI/P Salt Lake City Intl, Salt Lake City, UT. ILS RWY 34L AMDT 39...Distance to THLD from inner market 847, glide path ALT at inner marker 4321. This becomes ILS RWY 34L AMDT 39A.

Cowley-Lovell-Byron

North Big Horn County Wyoming

NDB RWY 9 ORIG...

Effective: 09/26/91

FDC 1/4669/HCY/ FI/P North Big Horn County, Cowley-Lovell-Byron, WY. NDB RWY 9 ORIG...Delete note... "Activate Mirl, VASI RWYS 9, 27 and Windcone-CTAF." This becomes NDB RWY 9 ORIG-A.

[FR Doc. 91-25954 Filed 10-28-91; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 97

[Docket No. 26665; Amdt. No. 1463]

Standard Instrument Approach Procedures; Miscellaneous Amendments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment establishes, amends, suspends, or revokes Standard Instrument Approach Procedures (SIAPs) for operations at certain airports. These regulatory actions are needed because of the adoption of new or revised criteria, or because of changes occurring in the National Airspace System, such as the commissioning of new navigational

facilities, addition of new obstacles, or changes in air traffic requirements. These changes are designed to provide safe and efficient use of the navigable airspace and to promote safe flight operations under instrument flight rules at the affected airports.

**DATES:** *Effective:* An effective date for each SIAP is specified in the amendatory provisions.

Incorporation by reference—approved by the Director of the Federal Register on December 31, 1980, and reapproved as of January 1, 1982.

**ADDRESSES:** Availability of matters incorporated by reference in the amendment is as follows:

*For Examination—*

1. FAA Rules Docket, FAA Headquarters Building, 800 Independence Avenue, SW., Washington, DC 20591;
2. The FAA Regional Office of the region in which the affected airport is located; or
3. The Flight Inspection Field Office which originated the SIAP.

*For Purchase—*

Individual SIAP copies may be obtained from:

1. FAA Public Inquiry Center (APA-200), FAA Headquarters Building, 800 Independence Avenue, SW., Washington, DC 20591; or
2. The FAA Regional Office of the region in which the affected airport is located.

*By Subscription—*

Copies of all SIAPs, mailed once every 2 weeks, are for sale by the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402.

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

**SUPPLEMENTARY INFORMATION:** This amendment to part 97 of the Federal Aviation Regulations (14 CFR part 97) establishes, amends, suspends, or revokes Standard Instrument Approach Procedures (SIAPs). The complete regulatory description of each SIAP is contained in official FAA form documents which are incorporated by reference in this amendment under 5 U.S.C. 552(a), 1 CFR part 51, and § 97.20 of the Federal Aviation Regulations (FAR). The applicable FAA Forms are identified as FAA Forms 8260-3, 8260-4,

and 8260-5. Materials incorporated by reference are available for examination or purchase as stated above.

The large number of SIAPs, their complex nature, and the need for a special format make their verbatim publication in the *Federal Register* expensive and impractical. Further, airmen do not use the regulatory text of the SIAPs, but refer to their graphic depiction on charts printed by publishers of aeronautical materials. Thus, the advantages of incorporation by reference are realized and publication of the complete description of each SIAP contained in FAA form documents is unnecessary. The provisions of this amendment state the affected CFR (and FAR) sections, with the types and effective dates of the SIAPs. This amendment also identifies the airport, its location, the procedure identification and the amendment number.

This amendment to part 97 is effective on the date of publication and contains separate SIAPs which have compliance dates stated as effective dates based on related changes in the National Airspace System or the application of new or revised criteria. Some SIAP amendments may have been previously issued by the FAA in a National Flight Data Center (FDC) Notice to Airmen (NOTAM) as an emergency action of immediate flight safety relating directly to published aeronautical charts. The circumstances which created the need for some SIAP amendments may require making them effective in less than 30 days. For the remaining SIAPs, an effective date at least 30 days after publication is provided.

Further, the SIAPs contained in this amendment are based on the criteria contained in the U.S. Standard for Terminal Instrument Approach Procedures (TERPs). In developing these SIAPs, the TERPs criteria were applied to the conditions existing or anticipated at the affected airports. Because of the close and immediate relationship between these SIAPs and safety in air commerce, I find that notice and public procedure before adopting these SIAPs are unnecessary, impracticable, and contrary to the public interest and, where applicable, that good cause exists for making some SIAPs effective in less than 30 days.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44

FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. For the same reason, the FAA certifies that this amendment will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

**List of Subjects in 14 CFR Part 97**

Approaches; Standard instrument; Incorporation by reference.

Issued in Washington, DC on October 11, 1991.

Thomas C. Accardi,  
*Director, Flight Standards Service.*

**Adoption of the Amendment**

Accordingly, pursuant to the authority delegated to me, part 97 of the Federal Aviation Regulations (14 CFR part 97) is amended by establishing, amending, suspending, or revoking Standard Instrument Approach Procedures, effective at 0901 u.t.c. on the dates specified, as follows:

**PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES**

1. The authority citation for part 97 continues to read as follows:

Authority: 49 U.S.C. App. 1348, 1354(a), 1421 and 1510; 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983); and 14 CFR 11.49(b)(2).

2. Part 97 is amended to read as follows:

**§§ 97.23, 97.25, 97.27, 97.29, 97.31, 97.33, 97.35 [Amended]**

By amending: § 97.23 VOR, VOR/DME, VOR or TACAN, and VOR/DME or TACAN; § 97.25 LOC, LOC/DME, LDA, LDA/DME, SDF, SDF/DME; § 97.27 NDB, NDB/DME; § 97.29 ILS, ILS/DME, ISMLS, MLS, MLS/DME, MLS/RNAV; § 97.31 RADAR SIAPs; § 97.33 RNAV SIAPs; and § 97.35 CPTER SIAPs, identified as follows:

\* \* \* *Effective January 9, 1992*

Globe, AZ—Globe-San Carlos Regional Air Facility, NDB-A, Amdt. 2, CANCELLED  
Mountain Home, AR—Baxter County Regional, VOR-A, Amdt. 9  
Mountain Home, AR—Baxter County Regional, VOR/DME RNAV RWY 5, Amdt. 1  
Camarillo, CA—Camarillo, NDB/DME-A, Amdt. 1, CANCELLED  
Cordele, GA—Crisp County-Cordele, VOR/DME RWY 22, Amdt. 10  
Cordele, GA—Crisp County-Cordele, LOC RWY 9, Orig.  
Cordele, GA—Crisp County-Cordele, NDB RWY 9, Amdt. 4  
Corinth, MS—Roscoe Turner, NDB RWY 17, Amdt. 8

Corinth, MS—Roscoe Turner, NDB RWY 35, Amdt. 7

Kenansville, NC—Duplin Co., LOC RWY 22, Orig.

Kenansville, NC—Duplin Co., NDB RWY 22, Amdt. 5

Tulsa, OK—Tulsa Intl, NDB RWY 18L, Amdt. 8

Tulsa, OK—Tulsa Intl, NDB RWY 36R, Amdt. 19

Tulsa, OK—Tulsa Intl, ILS RWY 18L, Amdt. 10

Tulsa, OK—Tulsa Intl, ILS RWY 18R, Amdt. 4

Tulsa, OK—Tulsa Intl, ILS RWY 36R, Amdt. 28

Tulsa, OK—Tulsa Intl, RADAR-1, Amdt. 16

Carlisle, PA—Carlisle, NDB RWY 28, Amdt. 1

Harrisburg, PA—Capital City, ILS RWY 8, Amdt. 10

Johnson City, TX—Johnson City, VOR-B, Amdt. 1, CANCELLED

\* \* \* Effective December 12, 1991

Missoula, MT—Missoula International, VOR/DME-B, Amdt. 5

\* \* \* Effective November 14, 1991

Chicago/Aurora, IL—Aurora Muni, ILS RWY 9, Amdt. 1

Chicago/Aurora, IL—Aurora Muni, VOR/DME RNAV RWY 27, Amdt. 1

Mount Carmel, IL—Mount Carmel Muni, VOR RWY 22, Amdt. 7

Mount Carmel, IL—Mount Carmel Muni, NDB RWY 4, Amdt. 3

Peru, IL—Illinois Valley Rgnl-Walter A Duncan Field, LOC RWY 36, Amdt. 1

Peru, IL—Illinois Valley Rgnl-Walter A Duncan Field, NDB RWY 18, Amdt. 2

Menominee, MI—Menominee-Marquette Twin Co., VOR-A, Amdt. 2

Menominee, MI—Menominee-Marquette Twin Co., NDB RWY 3, Amdt. 2

Menominee, MI—Menominee-Marquette Twin Co., ILS RWY 3, Amdt. 2

Menominee, MI—Menominee-Marquette Twin Co., RNAV RWY 21, Amdt. 1

Claremont, NH—Claremont Muni, NDB-A, Amdt. 4, CANCELLED

Charlotte, NC—Charlotte/Douglas Intl, ILS RWY 36R, Amdt. 6

Wilmington, OH—Airborne Airpark, VOR RWY 4, Amdt. 4

Wilmington, OH—Airborne Airpark, VOR RWY 22, Amdt. 3

Wilmington, OH—Airborne Airpark, VOR/DME RWY 22, Amdt. 3

Wilmington, OH—Airborne Airpark, NDB RWY 4, Amdt. 1

Wilmington, OH—Airborne Airpark, NDB RWY 22, Amdt. 6

Wilmington, OH—Airborne Airpark, ILS RWY 4, Amdt. 1

Wilmington, OH—Airborne Airpark, ILS RWY 22, Amdt. 2

Conway, SC—Conway-Horry County, VOR/DME-B, Amdt. 3

Conway, SC—Conway-Horry County, NDB-A, Amdt. 1

Conway, SC—Conway-Horry County, NDB RWY 4, Amdt. 1

Fayetteville, TN—Fayetteville Municipal, VOR/DME RWY 1, Orig.

Fayetteville, TN—Fayetteville Municipal, SDF RWY 19, Amdt. 2

Fayetteville, TN—Fayetteville Municipal, NDB RWY 19, Amdt. 2

Spokane, WA—Felts Field, VOR/DME-A, Amdt. 5, CANCELLED

Casper, WY—Natrona County International, RADAR-1, Amdt. 2, CANCELLED

\* \* \* Effective October 8, 1991

Washington, DC—Washington Dulles International, CONVERGING ILS RWY 19L, Amdt. 4

Washington, DC—Washington Dulles International, CONVERGING ILS RWY 12, Amdt. 3

Washington, DC—Washington Dulles International, CONVERGING ILS RWY 19R, Amdt. 4

\* \* \* Effective October 7, 1991

Decatur, AL—Pryor Field, VOR RWY 36, Amdt. 4

\* \* \* Effective October 3, 1991

Wildwood, NJ—Cape May County, LOC RWY 19, Amdt. 4

Memphis, TN—Memphis Intl, ILS RWY 18R, Amdt. 10

[FR Doc. 91-25953 Filed 10-28-91; 8:45 am]

BILLING CODE 4910-13-M

## DEPARTMENT OF STATE

### Bureau of Politico-Military Affairs

#### 22 CFR Part 126

[Public Notice 1510]

#### International Traffic in Arms Regulations; Amendments

**AGENCY:** U.S. Department of State.

**ACTION:** Final rule.

**SUMMARY:** The Department of State is formally removing Chile, Poland, Hungary, Czechoslovakia, East Germany, and South Yemen (PDRY) from the list of proscribed destinations for exports of defense articles and services in the International Traffic in Arms Regulations (ITAR) (22 CFR parts 120-130) and is expressly adding Iraq to the list of prohibited destinations. Additionally, this notice revises §§ 126.1(c) and 126.1(c)(2) to reflect current export policy on South Africa in light of the termination of the major sanctions against South Africa imposed under the Comprehensive Anti-Apartheid Act of 1986.

**EFFECTIVE DATE:** October 29, 1991.

**FOR FURTHER INFORMATION CONTACT:** Rose Marie H. Biancianiello, Chief, Arms Licensing Division, U.S. Department of State, Office of Defense Trade Controls, tel. (703) 875-6644.

**SUPPLEMENTARY INFORMATION:** The ITAR is being amended to reflect changes in export policy affecting several countries.

On December 1, 1990, the Secretary of State made a determination pursuant to

section 726 of the International Security and Development Cooperation Act of 1981 and officially removed Chile from the prohibition codified in § 126.1(e) of the ITAR. The arms embargo against Chile terminated at that time. Section 126.1(e) of the ITAR is being amended to reflect this change.

On September 1, 1990, the Acting Secretary of State determined that Iraq had repeatedly provided support for acts of international terrorism and thereby returned Iraq to the terrorism list currently contained in § 126.1(d) of the ITAR. Iraq will now be subject to the requirements of section 40 of the Arms Export Control Act and the policy specified in § 126.1(a) of the ITAR.

At the same time, South Yemen (the former PDRY) was removed from the official list of terrorism supporting countries. (South Yemen had merged with the Yemen Arab Republic to form the Republic of Yemen and ceased to exist as a state entity.)

Poland, Hungary, Czechoslovakia and the geographical region previously known as the German Democratic Republic (or East Germany) are being deleted from the list of proscribed countries contained in § 126.1(a) of the ITAR. Thus, the Department will consider applications for licenses for the export of U.S. munitions list items to these areas on a case-by-case basis.

Finally, on July 10, 1991, the President issued Executive Order Number 12769, in which he concluded that the major sanctions against South Africa contained in title III of the Comprehensive Anti-Apartheid Act of 1986 (CAAA) had terminated. The preexisting arms embargo against South Africa was not affected by the President's action. Thus, the only effect of the termination of the CAAA sections with respect to arms exports is that advance Congressional notification is not required before any license may be approved by the State department. Section 126.1(c) is being amended to delete references to the CAAA and to state the current policy on exports of munitions items to South Africa.

Current U.S. policy refers to the country previously known as "Kampuchea" by the name "Cambodia." As a technical change, the ITAR is being amended to reflect current U.S. Government usage.

This amendment involves a foreign affairs function of the United States and thus is excluded from the major rule procedures of Executive Order Number 12291 (46 FR 13193) and the procedures of 5 U.S.C. 553 and 554. This final rule does not contain a new or amended information requirement subject to the

Paperwork Reduction Act (44 U.S.C. 3501 *et. seq.*).

**List of Subjects in 22 CFR Part 126**

Arms and munitions, Exports.

Accordingly, for the reasons set forth in the preamble, and under the authority of the Arms Export Control Act, the State Department is adopting the following amendments to 22 CFR part 126.

**PART 126—[AMENDED]**

1. The authority citation for part 126 is revised to read as follows:

**Authority:** Sec. 38, sec. 42, Arms Export Control Act, 90 Stat. 744 (22 U.S.C. 2778, 2780); E.O. 11958, 42 FR 4311, E.O. 11322, 32 FR 119; 22 U.S.C. 2658.

2. Section 126.1 is amended by revising paragraphs (a), (c), and (d), by removing paragraph (e), and by redesignating paragraph (f) as new paragraph (e) to read as follows:

**§ 126.1 Prohibited exports and sales to certain countries.**

(a) *General.* It is the policy of the United States to deny licenses and other approvals with respect to defense articles and defense services destined for or originating in certain countries or areas. This policy also applies to exports to and imports from these countries or areas. This policy applies to Albania, Bulgaria, Cambodia, Cuba, Estonia, Latvia, Lithuania, North Korea, Outer Mongolia, Romania, the Soviet Union and Vietnam. This policy also applies to countries or areas with respect to which the United States maintains an arms embargo (*e.g.*, Angola) or whenever an export would not otherwise be in furtherance of world peace and the security and foreign policy of the United States. The exemptions provided in the regulations in this subchapter, except § 123.17 and § 125.4(b)(13) of this subchapter, do not apply with respect to exports to or originating in any of such proscribed countries or areas.

(c) *South Africa.* South Africa is subject to an arms embargo and thus to the policy specified in paragraph (a) of this section. Exceptions may be made to this policy only if the Assistant Secretary for Politico-Military Affairs determines that:

(1) The item is not covered by United Nations Security Council Resolution 418 of November 4, 1977; and

(2) The item is to be exported solely for commercial purposes and not for use by the armed forces, police, or other security forces of South Africa or for any other similar purpose.

(d) *Terrorism.* Exports to countries that have repeatedly provided support for acts of international terrorism are contrary to the foreign policy of the United States and are thus subject to the policy specified in paragraph (a) of this section and the requirements of section 40 of the Arms Export Control Act (22 U.S.C. 2780). The countries in this category are Cuba, Iran, Iraq, Libya, Syria, and North Korea. These are the same countries identified pursuant to section 6(j) of the Export Administration Act, as amended (50 U.S.C. App. 2405(j)).

\* \* \* \* \*

Dated: September 20, 1991.  
For the Department of State.

Lawrence S. Eagleburger,  
*Acting Secretary.*

[FR Doc. 91-25818 Filed 10-28-91; 8:45 am]

BILLING CODE 4710-25-M

**DEPARTMENT OF DEFENSE**

**Office of the Secretary**

**32 CFR Parts 286a, 286b, 286c, 286d, 286e, 290a, 291a, 298a, 299a, 310, 311, 313, 314, 315, 317, 318, 321, and 322**

**Redesignation of Parts**

**AGENCY:** Office of the Secretary, DOD.

**ACTION:** Final rule amendment.

**SUMMARY:** This document redesignates 32 CFR parts 286a, 286b, 286c, 286d, 286e, 290a, 291a, 298a, 299a, 310, 311, 313, 314, 315, 317, 318, 321, and 322 respectively. The purpose of this amendment is to make administrative changes within chapter I of title 32 of the Code of Federal Regulations for ease of use and to place the Department of Defense Privacy documents under the assigned Subchapter.

**EFFECTIVE DATE:** October 29, 1991.

**FOR FURTHER INFORMATION CONTACT:** L.M. Bynum, Correspondence and Directives Directorate, Washington Headquarters Services, Pentagon, Washington, DC 20301-1155, telephone 703-697-4111.

**SUPPLEMENTARY INFORMATION:**

**List of Subjects in 32 CFR Parts 286a, 286b, 286c, 286d, 286e, 290a, 291a, 298a, 299a, 310, 311, 313, 314, 315, 317, 318, 321, and 322**

Privacy.

Accordingly, under the authority of 10 U.S.C. 131, 32 CFR Chapter I, is amended as follows:

**PARTS 386a, 286b, 286c, 286d, 286e, 290a, 291a, 298a AND 299a— [REDESIGNATED AS PARTS 310, 311, 313, 314, 315, 317, 318, 321 AND 322]**

Parts 286a, 286b, 286c, 286d, 286e, 290a, 291a, 298a, and 299a are redesignated as parts 310, 311, 313, 314, 315, 317, 318, 321, and 322 and placed in subchapter O. A specific identification of text changes will be published at a later date.

**Authority:** Privacy Act of 1974, Pub. L. 93-579, 88 Stat. 1896 (5 USC 552a).

Dated: October 22, 1991.

L. M. Bynum,

*Alternate OSD Federal Register Liaison Officer.*

[FR Doc. 91-25741 Filed 10-28-91; 8:45 am]

BILLING CODE 3810-01-M

**PANAMA CANAL COMMISSION**

**35 CFR Part 101**

RIN 3207-AA31

**Arriving and Departing Vessels: Various Communication, Documentation, Sanitation and Admeasurement Requirements**

**AGENCY:** Panama Canal Commission.

**ACTION:** Final rule.

**SUMMARY:** The Panama Canal Commission is today amending section 101.2 of title 35, Code of Federal Regulations, which pertains to "Boarding of Arriving Vessels." The purpose of this change is to expand the permissible locations for boarding arriving vessels to include designated anchorage areas outside the breakwater at the Atlantic entrance to the Canal. This change will increase the efficiency of the boarding operations by expanding the geographic areas available to board ships at anchor and by reducing the need to board ships while they are underway.

**EFFECTIVE DATES:** October 29, 1991.

**FOR FURTHER INFORMATION CONTACT:** Mr. Michael Rhode, Jr., Secretary, Panama Canal Commission, telephone: (202) 634-6441, or Mr. John L. Haines, Jr., General Counsel, telephone in Balboa Heights, Republic of Panama, 011-507-52-7511.

**SUPPLEMENTARY INFORMATION:** On July 10, 1991, a notice of proposed rulemaking was published in the *Federal Register* (56 FR 31362) setting forth the proposed amendments to the rules concerning the boarding of arriving vessels to the Panama Canal. Interested parties were given the opportunity to

submit comments by August 9, 1991. No comments were received during the period.

The following is a summary of how the rules published today will modify the rules which have been in effect regarding the boarding of arriving vessels.

The Panama Canal Commission is revising § 101.2 by changing paragraphs (a) and (b) to expand existing boarding areas and to permit the boarding of vessels by Commission personnel outside the defined anchorage areas when, weather and seas permitting, it is deemed safe to do so. The reason for this revision is that many vessels do not anchor in the defined boarding areas but merely pass through them during transit. Often anchoring outside of existing permissible areas is made necessary by other Panama Canal Commission marine or safety requirements. In those cases, vessels can only be cleared after they are underway for transit. Expanding the boarding area would permit a greater number of ships to be boarded and cleared while at anchorage awaiting transit, thus, reducing the number of ships that are required to be cleared while underway and easing the burden on the boarding officers.

Boarding outside the breakwater at the Atlantic entrance of the Canal or other than off the seaward end of the marked entrance at the Pacific entrance will take place only when weather and sea conditions permit.

The Commission has determined that this rule does not constitute a major rule within the meaning of Executive Order 12291, dated February 17, 1981 (47 FR 13193). The basis for that determination is, first, the rule, when implemented, would not have an annual effect on the economy of \$100 million or more per year. Secondly, the rule would not result in a major increase in costs or prices for consumers, individual industries or local governmental agencies or geographic regions. Finally, the agency has determined that implementation of the rule would not have a 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.

Further, the Commission has determined this rule is not subject to the requirements of sections 603 and 604 of title 5, United States Code, in that its promulgation will not have a significant impact on a substantial number of small

entities, and the Administrator of the Commission so certifies pursuant to 5 U.S.C. 605(b).

**List of Subjects in 35 CFR Part 101**

Anchorage, boarding officers, canal, vessels.

Accordingly, title 35, Code of Federal Regulations, part 101, is amended as follows:

**PART 101—ARRIVING AND DEPARTING VESSELS: VARIOUS COMMUNICATION, DOCUMENTATION, SANITATION AND ADMEASUREMENT REQUIREMENTS**

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

Authority: 22 U.S.C. 3811, E.O. 12215, 45 FR 36043, and 44 U.S.C. 3501.

2. Section 101.2 is amended by revising paragraphs (a) and (b) to read as follows:

**§ 101.2 Boarding of arriving vessels.**

(a) Unless otherwise directed, all arriving vessels will anchor in designated anchorages to await instructions. No person other than boarding officials of the Panama Canal Commission and the Republic of Panama may go on board or leave any vessel until such vessel has been entered by the Commission and where applicable, by the Republic of Panama.

(b) Arriving vessels that are subject to inspection for compliance with Panama Canal shipping and navigation regulations will normally be boarded upon arrival inside the breakwater at the Atlantic entrance of the Canal or off the seaward end of the dredged, marked channel at the Pacific entrance. When such vessels are not boarded immediately upon arrival, they shall anchor in a designated anchorage area and await the boarding official. Weather and sea conditions permitting, the boarding of vessels may take place outside of these areas. Boarding will be performed by a Commission boarding official in accordance with the procedures established under this part.

\* \* \* \* \*

Dated: September 25, 1991.

Raymond P. Laverty,  
Acting Administrator, Panama Canal Commission.

[FR Doc. 91-25948 Filed 10-28-91; 8:45 am]

BILLING CODE 3640-04-M

**LIBRARY OF CONGRESS**

Copyright Office

37 CFR Part 202

[Docket No. 91-8]

**Registration of Claims to Copyright; Deposit of CD-ROM Format; Correction**

AGENCY: Library of Congress. Copyright Office;

ACTION: Final rules; correction.

SUMMARY: The Copyright Office is correcting an error in the designation of the clause entitled *Works fixed in a CD-ROM format* added to § 202.20(c)(2) which appeared in the *Federal Register* on September 19, 1991 (56 FR 47403).

EFFECTIVE DATE: October 21, 1991.

FOR FURTHER INFORMATION CONTACT: Marilyn Kretsinger, (202) 707-8380.

In the *Federal Register* issue of Thursday, September 19, 1991, on page 47403, second column, item 6, § 202.20(c)(2) is corrected by redesignating paragraph (c)(2)(XVII) as paragraph (c)(2)(xix) in both the amendatory language and regulatory text.

[FR Doc. 91-25911 Filed 10-28-91; 8:45 am]

BILLING CODE 1410-07-M

**FEDERAL COMMUNICATIONS COMMISSION**

47 CFR Part 73

[MM Docket No. 91-105; RM-7677]

**Radio Broadcasting Services; Socastee, SC**

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Commission, at the request of Puritan Radiocasting Company, substitutes Channel 258C3 for Channel 258A at Socastee, South Carolina, and modifies Station WMYB's construction permit to specify operation on the higher class channel. See 56 FR 18558, April 23, 1991. Channel 258C3 can be allotted to Socastee in compliance with the Commission's minimum distance separation requirements with a site restriction of 10.4 kilometers (6.5 miles) east to avoid a short-spacing to the proposed allotment of Channel 257C3 at Kingtree, South Carolina (RM-6826) and to accommodate petitioner's desired transmitter site, at coordinates North Latitude 33-42-20 and West

Longitude 78-53-23. With this action, this proceeding is terminated.

**EFFECTIVE DATE:** December 9, 1991.

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

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission's Report and Order, MM Docket No. 91-105, adopted October 9, 1991, and released October 24, 1991. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, Downtown Copy Center, (202) 452-1422, 1714 21st Street, NW., Washington, DC 20036.

#### List of Subjects in 47 CFR Part 73

Radio broadcasting.

#### PART 73—[AMENDED]

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

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

#### § 73.203 [Amended]

2. Section 73.202(b), the Table of FM Allotments under South Carolina, is amended by removing Channel 258A and adding Channel 258C3 at Socastee.

Federal Communications Commission.

Michael C. Ruger,

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

[FR Doc. 91-26049 Filed 10-28-91; 8:45 am]

BILLING CODE 6712-01-M

#### 47 CFR Part 73

[MM Docket No. 91-187; RM-7698]

#### Radio Broadcasting Services; Hamilton and Glen Rose, TX

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule.

**SUMMARY:** The Commission, at the request of Fletcher Broadcasting, Inc., allots Channel 221C2 to Glen Rose, Texas, as the community's first local aural transmission service and the modifies Station KCLW-FM's construction permit to specify Glen Rose as its community of license in lieu of Hamilton, Texas. See 56 FR 30526, July 3, 1991. Channel 221C2 can be allotted to Glen Rose in compliance with the Commission's minimum distance

separation requirements with a site restriction of 24.5 kilometers (15.2 miles) southwest to accommodate petitioner's desired transmitter site. The coordinates for Channel 221C2 at Glen Rose are North Latitude 32-07-25 and West Longitude 97-58-49. With this action, this proceeding is terminated.

**EFFECTIVE DATE:** December 9, 1991.

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

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission's Report and Order, MM Docket No. 91-187, adopted October 11, 1991, and released October 24, 1991. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, Downtown Copy Center, (202) 452-1422, 1714 21st Street, NW., Washington, DC 20036.

#### List of Subjects in 47 CFR Part 73

Radio broadcasting

#### PART 73—[AMENDED]

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

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

#### § 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Texas, is amended by removing Channel 221A, Hamilton and adding Channel 221C2, Glen Rose.

Federal Communications Commission.

Michael C. Ruger,

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

[FR Doc. 91-26050 Filed 10-28-91; 8:45 am]

BILLING CODE 6712-01-M

#### 47 CFR Part 73

[MM Docket No. 91-194; RM-7721]

#### Radio Broadcasting Services; San Angelo, TX

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule.

**SUMMARY:** The Commission, at the request of Cary Fitch, allots Channel 261A to San Angelo, Texas, as the community's eighth local FM transmission service. See 56 FR 32372, July 16, 1991. Channel 261A can be allotted to San Angelo in compliance

with the Commission's minimum distance separation requirements at the petitioner's requested site without the imposition of a site restriction. In addition, at the request of Earshot Broadcasting, Inc., licensee of Station KELI-FM, Channel 254C, San Angelo, we correct the FM Table of Allotments to reflect the allotment of Channel 254C, instead of Channel 254C1. The coordinates for Channel 261A at San Angelo are North Latitude 31-27-48 and West Longitude 100-26-12. Concurrence by the Mexican government has been obtained, since San Angelo is located within 320 kilometers (199 miles) of the U.S.-Mexican border. With this action, this proceeding is terminated.

**EFFECTIVE DATE:** December 9, 1991.

The window period for filing applications will open on December 10, 1991, and close on January 9, 1992.

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

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission's Report and Order, MM Docket No. 91-194, adopted October 8, 1991, and released October 24, 1991. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, Downtown Copy Center, (202) 452-1422, 1714 21st Street, NW., Washington, DC 20036.

#### List of Subjects in 47 CFR Part 73

Radio broadcasting.

#### PART 73—[AMENDED]

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

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

#### § 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Texas, is amended by adding Channel 261A and by removing channel 254C1 and adding Channel 254C at San Angelo.

Federal Communications Commission.

Michael C. Ruger,

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

[FR Doc. 91-26051 Filed 10-28-91; 8:45 am]

BILLING CODE 6712-01-M

## DEPARTMENT OF COMMERCE

## National Oceanic and Atmospheric Administration

## 50 CFR Part 661

[Docket No. 910498-1098]

## Ocean Salmon Fisheries Off the Coasts of Washington, Oregon, and California

**AGENCY:** National Marine Fisheries Service (NMFS), NOAA, Commerce.**ACTION:** Notice of inseason adjustment.

**SUMMARY:** NOAA announces the rescission of the October 1-7, 1991, closure of the commercial salmon fishery for all salmon species except coho salmon in the exclusive economic zone (EEZ) from the Florence South Jetty to Humbug Mountain, Oregon. The Director, Northwest Region, NMFS (Regional Director), determined that commercial fishermen should be provided additional opportunity to harvest the 15,000 chinook guideline for this fishery. This action is intended to maximize the harvest of chinook salmon without exceeding the ocean share allocated to the commercial fishery in this subarea.

**DATES:** *Effective:* Rescission of the October 1-7, 1991, closure of the commercial fishery for all salmon species except coho salmon from the Florence South Jetty to Humbug Mountain, Oregon, was effective 0001 hours local time, October 1, 1991. Actual notice to affected fishermen was given prior to this time through a special telephone hotline and U.S. Coast Guard Notice to Mariners broadcasts as provided by 50 CFR 661.23. *Comments:* Public comments are invited until November 13, 1991.

**ADDRESSES:** Comments may be mailed to Rolland A. Schmitt, Director, Northwest Region, NMFS, 7600 Sand Point Way NE., BIN C15700, Seattle, WA 98115-0070. Information relevant to this notice has been compiled in aggregate form and is available for public review during business hours at the office of the Regional Director.

**FOR FURTHER INFORMATION CONTACT:** William L. Robinson at 206-526-6140.

**SUPPLEMENTARY INFORMATION:** In an emergency interim rule and preseason notice of 1991 management measures (56 FR 21311, May 8, 1991), NOAA announced that the commercial fishery for all salmon species except coho salmon from the Florence South Jetty to Humbug Mountain, Oregon, would be open September 1-30 and October 8-31 under a harvest guideline of 15,000

chinook salmon; this fishery would be closed October 1-7.

Based on the best available information on September 30, 1991, harvest rates on chinook salmon in this commercial fishery have been relatively low, with the possibility that the total catch may not reach the 15,000 chinook guideline when the season closes as scheduled on October 31, 1991. Therefore, to increase the likelihood that the fishery will achieve the harvest guideline, commercial fishermen should be provided additional fishing opportunity to harvest these fish by rescinding the October 1-7, 1991, closure. Modification of fishing seasons is authorized by regulations at § 661.21(b)(1)(i).

In accordance with the inseason notice procedures at 50 CFR 661.23, actual notice to fishermen of this action was given prior to the time listed above by telephone hotline number (206) 526-6667 and by U.S. Coast Guard Notice to Mariners broadcasts on Channel 16 VHF-FM and 2182 KHz.

The Regional Director consulted with representatives of the Pacific Fishery Management Council and the Oregon Department of Fish and Wildlife regarding this action affecting the commercial fishery from the Florence South Jetty and Humbug Mountain, Oregon. The State of Oregon will manage the commercial fishery in State waters adjacent to this area of the EEZ in accordance with this Federal action. This notice does not apply to other fisheries that may be operating in other areas.

Because of the need for immediate action, NMFS has determined that good cause exists for this notice to be issued without affording a prior opportunity for public comment. Therefore, public comments on this notice will be accepted for 15 days after filing with the Office of the Federal Register, through November 13, 1991.

**Other Matters**

This action is authorized by 50 CFR 661.23 and is in compliance with Executive Order 12291.

**List of Subjects in 50 CFR Part 661**

Fisheries, Fishing, Indians, Reporting and recordkeeping requirements.

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

Alan D. Parsons,

*Acting Director, Office of Fisheries Conservation and Management, National Marine Fisheries Service.*

[FR Doc. 91-25927 Filed 10-28-91; 8:45 am]

**BILLING CODE** 3510-22-M

## 50 CFR Part 661

[Docket No. 910498-1098]

## Ocean Salmon Fisheries Off the Coasts of Washington, Oregon, and California

**AGENCY:** National Marine Fisheries Service (NMFS), NOAA, Commerce.**ACTION:** Notice of inseason adjustments, closure and reopening.

**SUMMARY:** NOAA announces that the recreational salmon fishery in the exclusive economic zone (EEZ) from the Red Buoy Line at the mouth of the Columbia River to Cape Falcon, Oregon, opened on September 15, 1991, under a modified subarea quota of 12,400 coho salmon. (The preseason notice of 1991 management measures announced that this fishery would open on September 16, 1991.) This fishery was closed on September 18, 1991, upon the projected attainment of the subarea coho quota, then reopened for one day on September 26, 1991. The Director, Northwest Region, NMFS (Regional Director), determined that: (1) The subarea coho quota for this fishery should be increased by the 5,400 fish not harvested by the earlier recreational fishery from Leadbetter Point, Washington, to Cape Falcon, Oregon; (2) this fishery should open on September 15 to provide one day of weekend fishing to sport fishermen; (3) the modified subarea coho quota would be reached and the fishery should close at midnight, September 18; and (4) this fishery should reopen for one day, September 26, to allow harvest of the coho salmon remaining after the closure. This action was intended to increase fishing opportunity for sport fishermen, maximize the harvest of coho salmon without exceeding the ocean share allocated to the recreational fishery in this subarea, and ensure conservation of coho salmon. This action was necessary to conform to the preseason notice of 1991 management measures.

**EFFECTIVE DATES:** Opening of the EEZ from the Red Buoy Line to Cape Falcon, Oregon, to recreational salmon fishing and modification of the subarea coho quota was effective 0001 hours local time, September 15, 1991. Closure of this portion of the EEZ to recreational salmon fishing was effective 2400 hours local time, September 18, 1991. Reopening of this portion of the EEZ to recreational salmon fishing was effective 0001 hours through 2400 hours local time, September 26, 1991. Actual notice affected fishermen was given prior to those times through a special telephone hotline and U.S. Coast Guard

Notice to Mariners broadcasts as provided by 50 CFR 661.23.

**COMMENTS:** Public comments are invited until November 12, 1991.

**ADDRESSES:** Comments may be mailed to Rolland A. Schmitt, Director, Northwest Region, National Marine Fisheries Service, 7600 Sand Point Way NE., BIN C15700, Seattle WA 98115-0070. Information relevant to this notice has been compiled in aggregate form and is available for public review during business hours at the office of the Regional Director.

**FOR FURTHER INFORMATION CONTACT:** William L. Robinson at 206-526-6140.

**SUPPLEMENTARY INFORMATION:** In its emergency interim rule and preseason notice of 1991 management measures (56 FR 21311, May 8, 1991), NOAA announced that the 1991 recreational salmon fishery for all salmon species in the subarea from the Red Buoy Line to Cape Falcon, Oregon, would begin on September 16 and continue through the earliest of September 26 or the attainment of either a subarea quota of 7,000 coho salmon or the overall recreational quota of 40,000 chinook salmon north of Cape Falcon, Oregon.

Based on the best available information, the catch during the earlier recreational fishery in the subarea from Leadbetter Point, Washington, to Cape Falcon, Oregon, which closed on August 12, 1991 (56 FR 41631, August 22, 1991), totaled about 104,100 coho salmon, leaving 5,400 fish of the subarea quota of 109,500 coho salmon unharvested. Therefore, these fish were transferred to the recreational fishery scheduled to open September 16 as described above; resulting in a modified subarea coho quota of 12,400 fish. This modification does not affect the overall recreational coho quota north of Cape Falcon, Oregon, of 233,000 fish. These additional fish were determined to be sufficient to allow opening one day early, on Sunday, and thus provide a day of weekend fishing for sport fishermen. Therefore, the Regional Director determined that the recreational fishery in the subarea from the Red Buoy Line to Cape Falcon, Oregon, would open on September 15, 1991. Inseason modifications of quotas

and fishing seasons are authorized by regulations governing the ocean salmon fisheries at 50 CFR 661.21(b)(1)(i).

The ocean salmon regulations at § 661.21(a)(1) specify that "When a quota for the commercial or the recreational fishery, or both, for any salmon species in any portion of the fishery management area is projected by the Regional Director to be reached on or by a certain date, the Secretary will, by notice issued under § 661.23, close the commercial or recreational fishery, or both, for all salmon species in the portion of the fishery management area to which the quota applies as of the date the quota is projected to be reached."

According to the best available information on September 17, 1991, the recreational fishery catch was projected to reach the revised subarea quota of 12,400 coho salmon by midnight, September 18, 1991. Therefore, the recreational fishery in the subarea from the Red Buoy Line to Cape Falcon, Oregon, was closed to recreational salmon fishing effective 2400 hours local time, September 18, 1991.

Regulations governing the ocean salmon fisheries further specify at § 661.21(a)(2) that "If a fishery is closed under a quota before the end of a scheduled season based on overestimate of actual catch, the Secretary will reopen that fishery in as timely a manner as possible for all or part of the remaining original season provided the secretary finds that a reopening of the fishery is consistent with the management objectives for the affected species and the additional open period is no less than 24 hours."

According to the best available information on September 23, 1991, recreational catches by this fishery totaled 10,100 coho salmon, leaving 2,300 coho salmon available for harvest in the subarea coho quota. This amount of available coho salmon was determined to be sufficient for additional recreational fishing on the last day of the original season. Therefore, the Regional Director determined that the recreational fishery from the Red Buoy Line to Cape Falcon, Oregon, should reopen for one day on September 26. This action is consistent with the

management objectives for coho salmon in this subarea. All other restrictions that apply to this fishery to this fishery remained in effect as announced in the preseason notice of 1991 management measures (56 FR 21311).

In accordance with the inseason notice procedures of 50 CFR 661.23, actual notice to fishermen of this action was given prior to the times listed above by telephone hotline number (206) 526-6667 and by U.S. Coast Guard Notice to Mariners broadcasts on Channel 16 VHF-FM and 2182 KHz.

The Regional Director consulted with representatives of the Pacific Fishery Management Council, the Washington Department of Fisheries, and the Oregon Department of Fish and Wildlife regarding this action involving the recreational fishery from the Red Buoy Line to Cape Falcon, Oregon. The States of Washington and Oregon managed the recreational fishery in State waters adjacent to this area of the EEZ in accordance with this federal action. This notice does not apply to other fisheries that may be operating in other areas.

Because of the need for immediate action, the Secretary of Commerce has determined that good cause exists for this notice to be issued without affording a prior opportunity for public comment. Therefore, public comments on this notice will be accepted for 15 days after filing with the Office of the Federal Register, through November 12, 1991.

#### Other Matters

This action is authorized by 50 CFR 661.23 and is in compliance with Executive Order 12291.

#### List of Subjects in 50 CFR Part 661

Fisheries, Fishing, Indians, Reporting and recordkeeping requirements.

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

**Dated:** October 24, 1991.

**David S. Crestin,**

*Acting Director, Office of Fisheries Conservation and Management, National Marine Fisheries Service.*

[FR Doc. 91-25986 Filed 10-28-91; 8:45 am]

**BILLING CODE 3510-22-M**

# Proposed Rules

Federal Register

Vol. 56, No. 209

Tuesday, October 29, 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

### Farmers Home Administration

#### 7 CFR Part 1980

#### Agricultural Resource Conservation Demonstration Program (Farms for the Future Act of 1990)

**AGENCY:** Farmers Home Administration, USDA.

**ACTION:** Proposed rule: Extension of comment period.

**SUMMARY:** Farmers Home Administration (FmHA) is issuing regulations to implement section 1465 of the Agriculture, Conservation, and Trade Act of 1990, Public Law 101-624. The intended effect of this action is to extend the public comment period for the proposed rule which was published in the *Federal Register* on September 24, 1991 (56 FR 48116), with a 30-day public comment period ending on October 24, 1991.

**DATES:** Comments must be submitted on or before November 13, 1991.

**ADDRESSES:** Submit written comments in duplicate to the Office of the Chief, Regulations Analysis and Control Branch, Farmers Home Administration, U.S. Department of Agriculture, room 6348, South Agriculture Building, 14th Street and Independence Avenue SW., Washington, DC 20250-0700. 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:** Rick Bonnet, Senior Loan Specialist, Community Facilities Division, Farmers Home Administration, U.S. Department of Agriculture, room 6310, South Agriculture Building, 14th Street and Independence Avenue SW., Washington, DC 20250-0700, telephone (202) 720-1495.

Dated: October 23, 1991.

**La Verne Ausman,**  
Administrator, Farmers Home  
Administration.

[FR Doc. 91-26035 Filed 10-28-91; 8:45 am]

BILLING CODE 3410-07-M

## SMALL BUSINESS ADMINISTRATION

### 13 CFR Part 121

#### Small Business Size Regulations; Waiver of the Nonmanufacturer Rule

**AGENCY:** Small Business Administration.

**ACTION:** Notice of intent to waive the "Nonmanufacturer Rule" for multiple products.

**SUMMARY:** This notice advises the public that the Small Business Administration (SBA) is considering a waiver of the "Nonmanufacturer Rule" for the classes of products listed in **SUPPLEMENTARY INFORMATION**. An initial SBA survey could not identify any small business manufacturers or processors for these classes available to participate in the Federal procurement market. The effect of a waiver would be to allow an otherwise qualified small business regular dealer to supply the product of any domestic manufacturer or processor on a Federal contract set aside for small business or awarded through the SBA 8(a) program. SBA therefore now proposes to waive the Nonmanufacturer Rule for these classes of products. The basis for a waiver is that no small business manufacturers or processors are available to participate in the Federal Government for these classes of products. This notice is to solicit small manufacturing or processing sources.

**EFFECTIVE DATE:** Comments must be submitted on or before November 13, 1991. If granted, the waivers will be effective immediately upon publication of the final waiver.

**ADDRESSES:** Comments should be addressed to: Mr. Robert J. Moffitt, Chairman, Size Policy Board, Small Business Administration, 409 Third St., SW., Washington, DC 20416.

**FOR FURTHER INFORMATION CONTACT:** James Fairbairn, Industrial Specialist, phone (202) 205-6465.

**SUPPLEMENTARY INFORMATION:** On November 15, 1988, section 303(h) of Public Law 100-656 incorporated into the Small Business Act the existing SBA

policy that small businesses who are other than the actual manufacturers (nonmanufacturers) must supply products manufactured or processed by small businesses on set-aside or 8(a) contracts. This requirement is commonly known as the "Nonmanufacturer Rule". The SBA regulations imposing this requirement are found in 13 CFR 121.906(b) and 121.1106(b). The law also provided for waiver of this requirement by SBA for any "class of products" for which there are no small business manufacturers or processors "in the Federal market". Section 210 of Public Law 101-574 further amended the Small Business Act to allow that SBA may waive the rule if there are no small businesses "available to participate in the Federal procurement market". To be considered available to participate in the Federal procurement market, a small business must have been awarded a contract for that class of product by the Federal government, provided the product to the Government through a dealer, or offered on a solicitation for that class of product within the past twenty four months from the date of request for waiver. SBA has been requested to issue a waiver for each of the classes of products listed above because of an apparent lack of available small business manufacturers or processors within the Federal procurement market. SBA searched its Procurement Automated Source System (PASS) for small business manufacturers or processors available to participate in the Federal procurement market. Because no small business manufacturers or processors were identified as available to participate the Federal procurement market, we state by this notice to the public in the *Federal Register* our proposed intention to grant waivers for these products unless small business manufacturers or processors are identified.

SIC <sup>1</sup>	PSC <sup>2</sup>	Class of product
3711.....	2310	passenger motor vehicles.
3537.....	8915	four wheel drive utility trucks.
3711.....	2420	wheeled tractors.
3621.....	6105	electric motors.
3699.....	6135	nuclear batteries.
2819.....	6810	calcium nitrate.
xxxx.....	6810	hydrocarbon diluent.
2819.....	6810	boric acid.

SIC <sup>1</sup>	PSC <sup>2</sup>	Class of product
2873.....	6810	nitric acid.
2819.....	6810	N-dodecane.
2819.....	6810	hydrofluoric acid.
2869.....	6810	methyl isobutyl ketone.
2812.....	6810	sodium hydroxide.

<sup>1</sup> Standard Industrial Classification.

<sup>2</sup> Product and Service Code.

The public is invited to submit comments or supply information identifying small business manufacturers or processors for these classes of products.

Robert J. Moffitt,

Chairman, Size Policy Board.

[FR Doc. 91-26037 Filed 10-28-91; 8:45 am]

BILLING CODE 8025-01-M

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 71

[Airspace Docket No. 91-ASW-26]

#### Proposed Revision of Control Zones: Lafayette and New Iberia, LA

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** This notice proposes to revise the control zones located at Lafayette and New Iberia, LA. The Lafayette VHF Omnidirectional Range/Tactical Air Navigation (VORTAC) navigational aid will be relocated to a site on the Lafayette Regional Airport effective January 9, 1992. Consequently, all the standard instrument approach procedures (SIAP) based on this navigational aid will be revised. This proposal is necessary to revise the control zone located at Lafayette, LA, due to revisions to the SIAP's at Lafayette Regional Airport and the development of a new VOR Runway 4R SIAP. This proposal would also revise the coordinates used to describe the Lafayette Regional Airport. This proposal is necessary to revise the control zone located at New Iberia, LA, due to the revisions to the SIAP's at the Acadiana Regional Airport and the discontinuance of the nondirectional beacon (NDB) Runway 16 SIAP. The intended effect of this proposal is to provide adequate controlled airspace for aircraft executing SIAP's at the Lafayette Regional Airport and the New Iberia/Acadiana Regional Airport.

**DATES:** Comments must be received on or before December 12, 1991.

**ADDRESSES:** Send comments on the proposal in triplicate to: Manager, System Management Branch, Air Traffic Division, Southwest Region, Docket No. 91-ASW-26, Department of Transportation, Federal Aviation Administration, Fort Worth, TX 76193-0530.

The official docket may be examined in the office of the Assistant Chief Counsel, Southwest Region, Federal Aviation Administration, 4400 Blue Mound Road, Fort Worth, TX.

**FOR FURTHER INFORMATION CONTACT:** Mark F. Kennedy, System Management Branch, Department of Transportation, Federal Aviation Administration, Fort Worth, TX 76193-0530; telephone: (817) 624-5561.

#### SUPPLEMENTARY INFORMATION:

##### Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposal. Communications should identify the airspace docket and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 91-ASW-26." The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination in the Office of the Assistant Chief Counsel, 4400 Blue Mound Road, Fort Worth, TX, both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

##### Availability of NPRM's

Any person may obtain a copy of this notice of proposed rulemaking (NPRM)

by submitting a request to the Manager, System Management Branch, Department of Transportation, Federal Aviation Administration, Fort Worth, TX 76193-0530. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should also request a copy of Advisory Circular No. 11-2A which describes the application procedure.

##### The Proposal

The FAA is considering an amendment to § 71.171 of the Federal Aviation Regulations (14 CFR part 71) to revise the control zones located at Lafayette and New Iberia, LA. The Lafayette VORTAC will be relocated to a site on the Lafayette Regional Airport effective January 9, 1992. SIAP's based on this navigational aid will be revised concurrent with the VORTAC relocation which necessitates this proposal. If adopted, this proposal would revise the coordinates described for the Lafayette Regional Airport. The intended effect of this proposal is to provide adequate controlled airspace for aircraft utilizing instrument procedures at the Lafayette Regional and New Iberia/Acadiana Regional Airports. Section 71.171 of part 71 of the Federal Aviation Regulations was republished in Handbook 7400.6G dated September 4, 1990.

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

##### The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the FAA proposes to amend part 71 of the Federal Aviation Regulations (14 CFR part 71) 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. app. 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.

**§ 71.171 [Amended]**

2. Section 71.171 is amended as follows:

**Lafayette, LA [Revised]**

Within a 5-mile radius of the Lafayette Regional Airport (latitude 30°12'18"N., longitude 091°59'15"W.); within 3 miles each side of the Lafayette VORTAC (latitude 30°11'37"N., longitude 091°59'33"W.) 238° radial, extending from the 5-mile radius zone to 9 miles southwest of the airport.

**New Iberia, LA [Revised]**

Within a 5-mile radius of the Acadiana Regional Airport (latitude 30°02'15"N., longitude 091°53'02"W.). This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective dates and times will thereafter be continuously published in the Airport/Facility Directory.

Issued in Fort Worth, TX on October 9, 1991.

Larry L. Craig,

Manager, Air Traffic Division, Southwest Region.

[FR Doc. 91-25992 Filed 10-28-91; 8:45 am]

BILLING CODE 4910-13-M

**14 CFR Part 39**

[Docket No. 91-CE-61-AD]

**Airworthiness Directives; British Aerospace (BAe), Limited, HP 137 Mk1, Jetstream Models 200, 3101, and 3201 Airplanes**

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Notice of proposed rulemaking (NPRM).

**SUMMARY:** This notice proposes to adopt a new airworthiness directive (AD) that would supersede AD 90-02-14, which currently requires a modification to the detent ball catch of the flap and main landing gear hydraulic emergency selector valve on BAe, Limited, HP 137 Mk1, jetstream Models 200, 3101, and 3201 airplanes. This proposed AD would retain the current modification and would also require repetitive inspections of the flap and main landing gear hydraulic emergency selector valve for excessive torque, and repair if excessive torque is found. Several incidents have

occurred where the operators of the affected airplanes that had complied with AD 90-02-12 were required to use excessive force to operate the flap and main landing gear hydraulic emergency selector valve handle. The actions specified in this proposed AD are intended to prevent undetected excessive torque on the selector valve that could result in landing gear or flap extension malfunction if the emergency hydraulic system is utilized.

**DATES:** Comments must be received on or before January 3, 1992.

**ADDRESSES:** BAe Service Bulletin 29-JA 901242, dated June 18, 1991, and BAe Alert Service Bulletin 29-A-J 881143, dated February 24, 1989, that are discussed in this AD may be obtained from British Aerospace Limited, Manager product Support, Commercial Aircraft Airlines Division, Prestwick Airport, Ayrshire, KA9 2RW Scotland; Telephone (44-292) 79888; Facsimile (44-292) 79703; or British Aerospace, Inc., Librarian, Box 17414, Dulles International Airport, Washington, DC, 20041; Telephone (703) 435-9100; Facsimile (703) 435-2628. Service Bulletin 8679-29-02, dated April 1991, may be obtained from AP Precision Hydraulics Ltd., P.O. Box 1, Shaw Road, Speke, Liverpool, England, L24 9JY; Telephone (44-51) 486-2121; Facsimile (44-51) 486-2226. This information also may be examined at the Rules Docket at the address below. Send comments on the proposal in triplicate to the FAA, Central Region, Office of the Assistant Chief Counsel, Attention: Rules Docket No. 91-CE-61-AD, room 1558 601 E. 12th Street, Kansas City, Missouri 64106. Comments may be inspected at this location between 8 a.m. and 4 p.m., Monday through Friday, holidays excepted.

**FOR FURTHER INFORMATION CONTACT:** Mr. Raymond A. Stoer, Project Manager Brussels Aircraft Certification Office, Europe, Africa, Middle East Office, FAA, c/o American Embassy, 1000 Brussels, Belgium; Telephone 322.513.38.30 extension 2710; or Mr. John P. Dow, Sr., Project Officer, Small Airplane Directorate, Aircraft Certification Service, FAA, 601 E. 12th Street, Kansas City, Missouri 64106; Telephone (816) 426-6932; Facsimile (816) 426-2169.

**SUPPLEMENTARY INFORMATION:**

**Comments invited**

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket

number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received.

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

**Availability of NPRMS**

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Central Region, Office of the Assistant Chief Counsel, Attention: Rules Docket No. 91-CE-61-AD, room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

**Discussion**

Airworthiness Directive (AD) 90-02-14, Amendment 39-6434 (55 FR 257, January 4, 1990), currently requires a modification to the detent ball catch of the flap and main landing gear hydraulic emergency selector valve on BAe, Limited, HP 137 Mk1, Jetstream Models 200, 3101, and 3201 airplanes. The actions must be accomplished in accordance with the instructions in BAe Alert Service Bulletin 29-A-JA 881143, dated February 24, 1989.

The Civil Aviation Authority (CAA), which is the airworthiness authority for the United Kingdom, recently notified the FAA that there have been several incidents where the operators of certain BAe, Limited, HP 137 Mk1, Jetstream Models 200, 3101, and 3201 airplanes were required to use excessive force to operate the flap and main landing gear hydraulic emergency selector valve handle. In these incidents, the modification required by AD 90-02-14 had been complied with, but the torque of the flap and main landing gear hydraulic emergency selector valve exceeded specified requirements. If excessive torque of the flap and main landing gear hydraulic emergency selector valve is not detected and corrected, a malfunction in landing gear operation or flap extension could result if operation of the emergency hydraulic system is required on the affected airplanes. British Aerospace has issued

Service Bulletin 29-JA 901242, dated June 18, 1991, which specifies repetitive inspection procedures of the flap and main landing gear hydraulic emergency selector valve for excessive torque, and repair if excessive torque is found. These inspection procedures of BAe SB 29-JA 901242 include a measurement check of the selector valve handle to ensure proper torque in accordance with AP Precision Hydraulics Ltd. SB 8679-29-02, dated April 1991. The CAA classified these service bulletins as mandatory in order to assure the airworthiness of these airplanes in the United Kingdom. The airplanes are manufactured in the United Kingdom and are type certificated for operation in the United States. Pursuant to bilateral airworthiness agreement, the CAA has kept the FAA totally informed of the above situation.

The FAA has examined the findings of the CAA, reviewed all available information, and determined that AD action is necessary for products of this type design that are certificated for operation in the United States. Since this condition could exist or develop in other BAe, Limited, HP 137 Mk1, Jetstream Models 200, 3101, and 3201 airplanes of the same type design, the proposed AD would supersede AD 90-02-14, Amendment 39-6434; would retain the modification to the detent ball catch required by AD 90-01-14; would require repetitive inspections of the flap and main landing gear hydraulic emergency selector valve for excessive torque, and repair if excessive torque is found; and would be done in accordance with BAe Alert SB 29-A-JA881143, dated February 24, 1989, AP Precision Hydraulics Ltd. SB 8679-29-02, dated April 1991, and BAe SB 29-JA 901242, dated June 18, 1991.

It is estimated that 233 airplanes in the U.S. registry would be affected by this AD, that it would take approximately 5 hours per airplane to accomplish all of the proposed actions (approximately 4 hours for the actions of AD 90-02-14, which would be superseded by this action, and 1 hour for the proposed additional actions), and that the average labor rate is approximately \$55 an hour. Parts would be provided by the manufacturer at no cost to the operator. Based on these figures, the minimum total cost impact of the AD on U.S. operators is estimated to be \$12,815 (with the actions of AD 90-02-14 already accomplished), and the maximum total cost impact is estimated to be \$64,075 (without the actions of AD 90-02-14 accomplished).

The regulations proposed herein would not have substantial direct effects

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

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

#### List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

#### The Proposed Amendment

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

#### PART 39—[AMENDED]

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

**Authority:** 49 U.S.C. 1354(a), 1421 and 1423; 49 U.S.C. 106(g); and 14 CFR 11.89.

#### § 39.13 [Amended]

2. Section 39.13 is amended by removing AD 90-02-14, Amendment 39-6434 [55 FR 257, January 4, 1990], and adding the following new AD:

**British Aerospace (BAe), Limited:** Docket No. 91-CE-61-AD. Applicability: HP 137 Mk1, Jetstream Models 200, 3101, and 3201 airplanes (all serial numbers), certificated in any category. *Compliance:* Required as indicated, unless already accomplished.

To prevent landing gear or flap extension malfunction during operation of the emergency hydraulic system, accomplish the following:

(a) Within the next 600 hours time-in-service (TIS) after February 5, 1990 (the effective date of AD 90-02-14, Amendment 39-6434), modify the detent ball catch of the emergency gear and flap extension hydraulic system selector valve in accordance with the instructions in BAe Alert Service Bulletin (SB) 29-A-JA881143, dated February 24, 1989.

(b) Upon the accumulation of 1,600 hours TIS, or within the next 200 hours TIS after the

effective date of this AD, whichever occurs later, and thereafter at intervals not to exceed 1,800 hours TIS, accomplish the following:

(1) Modify the emergency gear and flap extension hydraulic system valve in accordance with paragraphs A.(1) through A.(5) of the "ACCOMPLISHMENT INSTRUCTIONS" in BAe SB 29-JA 901242, dated June 18, 1991.

(2) Measure operational stiffness in accordance with paragraphs A.(1) through A.(3) of the "ACCOMPLISHMENT INSTRUCTIONS" in AP Precision Hydraulics Ltd. SB 8679-29-02, dated April 1991.

(i) If operational stiffness measurements are accomplished in accordance with A.(4) of the "ACCOMPLISHMENT INSTRUCTIONS" in AP Precision Hydraulics Ltd. SB 8679-29-02, dated April 1991, prior to further flight, release the safety catch and return the airplane to service by performing paragraphs A.(7) through A.(10) of the "ACCOMPLISHMENT INSTRUCTIONS" in BAe SB 29-JA 901242, dated June 18, 1991.

(ii) If operational stiffness measurements are not accomplished in accordance with paragraph A.(4) of the "ACCOMPLISHMENT INSTRUCTIONS" in AP Precision Hydraulics Ltd. SB 8679-29-02, dated April 1991, prior to further flight, recondition the selector valve as specified in paragraph A.(5) of the "ACCOMPLISHMENT INSTRUCTIONS" in AP Precision Hydraulics Ltd., dated April 1991, release the safety catch, and return the airplane to service by performing paragraphs A.(7) through A.(10) of the "ACCOMPLISHMENT INSTRUCTIONS" in BAe SB 29-JA 901242, dated June 18, 1991.

(c) Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate the airplane to a location where the requirements of this AD can be accomplished.

(d) An alternative method of compliance or adjustment of the compliance times that provides an equivalent level of safety may be approved by the Manager, Brussels Aircraft Certification Office, FAA, Europe, Africa, and Middle East Office, c/o American Embassy, B-1000 Brussels, Belgium. The request should be forwarded through an appropriate FAA Maintenance Inspector, who may add comments and then send it to the Manager, Brussels Aircraft Certification Office.

(e) All persons affected by this directive may obtain copies of BAe Alert Service Bulletin (SB) 29-A-JA881143, dated February 24, 1989, and BAe SB 29-JA 901242, dated June 18, 1991, upon request to British Aerospace Limited, Manager Product Support, Commercial Aircraft Airlines Division, Prestwick Airport, Ayrshire, KA9 2RW Scotland; or British Aerospace, Inc., Librarian, Box 17414, Dulles International Airport, Washington, DC, 20041. Copies of Service Bulletin 8679-29-02, dated April 1991, may be obtained upon request to AP Precision Hydraulics Ltd., P.O. Box 1, Shaw Road, Speke, Liverpool England, L24 9JY. These documents may also be examined at the FAA, Central Region, Office of the Assistant Chief Counsel, room 1558, 601 E. 12th Street, Kansas City, Missouri 64108. This

amendment supersedes AD 90-02-14, Amendment 39-6434.

Issued in Kansas City, Missouri, on September 11, 1991.

Barry D. Clements,

Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 91-25991 Filed 10-28-91; 8:45 am]

BILLING CODE 4910-13-M

#### 14 CFR Part 71

[Airspace Docket No. 91-AEA-18]

#### Proposed Increase in Operating Hours of Control Zone; Johnstown, PA

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** The FAA has been advised of the continuous availability of weather and aircraft communication services at the Johnstown-Cambria County Airport, Johnstown, PA. As a result of this increased availability, the FAA finds that the current effective hours of the Johnstown, PA, Control Zone are inadequate and do not accurately reflect the continuous availability of aviation services offered to pilots in the Johnstown, PA, area. The FAA is proposing to modify the effective hours of operation of the Johnstown, PA, Control Zone to reflect the actual availability of these services. This proposed action would revise the published operating hours of the control zone. Additionally, the geographic coordinates of the airport are being updated to reflect the actual location of the airport.

**DATES:** Comments must be received on or before November 29, 1991.

**ADDRESSES:** Send comments on the rule in triplicate to: Edward R. Trudeau, Manager, System Management Branch, AEA-530, Docket No. 91-AEA-18, F.A.A. Eastern Region, Federal Building #111, John F. Kennedy Int'l Airport, Jamaica, NY 11430.

The official docket may be examined in the Office of the Assistant Chief Counsel, AEA-7, F.A.A. Eastern Region, Federal Building #111, John F. Kennedy International Airport, Jamaica, New York 11430.

An informal docket may also be examined during normal business hours in the System Management Branch, AEA-530, F.A.A. Eastern Region, Federal Building #111, John F. Kennedy International Airport, Jamaica, NY 11430.

**FOR FURTHER INFORMATION CONTACT:** Mr. Curtis L. Brewington, Airspace Specialist, System Management Branch,

AEA-530, F.A.A. Eastern Region, Federal Building #111, John F. Kennedy International Airport, Jamaica, New York 11430; telephone: (718) 917-0857.

#### SUPPLEMENTARY INFORMATION:

##### Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy aspects of the proposal. Communications should identify the airspace docket and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 91-AEA-18". The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination in the Rules Docket both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

##### Availability of NPRMs

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Office of the Assistant Chief Counsel, AEA-7, F.A.A. Eastern Region, Federal Building #111, John F. Kennedy International Airport, Jamaica, NY 11430. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11-2A which describes the application procedure.

##### The Proposal

The FAA is considering an amendment to § 71.171 of part 71 of the Federal Aviation Regulations (14 CFR part 71) to amend the operating hours of the Johnstown, PA, Control Zone due to the increased availability of aviation

and weather reporting services at the Johnstown-Cambria County Airport, Johnstown, PA. Additionally, the airport geographic coordinates are being updated to reflect the actual airport location. Section 71.171 of part 71 of the Federal Aviation Regulations was republished in Handbook 7400.6G dated September 4, 1990.

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

##### The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend part 71 of the Federal Aviation Regulations (14 CFR part 71) 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. App. 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.

##### § 71.171 [Amended]

2. Section 71.171 is amended as follows:

##### Johnstown, PA [Amended]

Change "long, 78°50'00"N.", to read "long, 78°50'05"W."

Change "This control zone is effective from 0630 to 2330 hours, local time, daily.", to read as follows:

"This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airport/Facility Directory."

Issued in Jamaica, New York, on October 10, 1991.

Gary W. Tucker,  
Manager, Air Traffic Division.

[FR Doc. 91-25956 Filed 10-28-91; 8:45 am]  
BILLING CODE 4910-13-M

#### 14 CFR Part 71

[Airspace Docket No. 91-ASW-25]

#### Proposed Revision of Transition Area: Gruver, TX

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** This notice proposes to revise the transition area located at Gruver, TX. The development of a new standard instrument approach procedure (SIAP) and discontinuance of the previous SIAP has made this proposal necessary. A very high frequency omnidirectional range/distance measuring equipment (VOR/DME-A) SIAP has replaced the previous nondirectional beacon (NDB) SIAP. This proposal would also revise the coordinates that describe the location of the Gruver Municipal Airport. The intended effect of this proposal is to provide adequate controlled airspace for aircraft executing the VOR/DME-A SIAP.

**DATES:** Comments must be received on or before December 12, 1991.

**ADDRESSES:** Send comments on the proposal in triplicate to: Manager, System Management Branch, Air Traffic Division Southwest Region, Docket No. 91-ASW-25, Department of Transportation, Federal Aviation Administration, Fort Worth, TX 76193-0530.

The official docket may be examined in the office of the Assistant Chief Counsel, Southwest Region, Federal Aviation Administration, 4400 Blue Mound Road, Fort Worth, TX.

**FOR FURTHER INFORMATION CONTACT:** Mark F. Kennedy, System Management Branch, Department of Transportation, Federal Aviation Administration, Fort Worth, TX 76193-0530; telephone: (817) 624-5561.

#### SUPPLEMENTARY INFORMATION:

##### Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis

supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposal. Communications should identify the airspace docket and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 91-ASW-25." The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination in the office of the Assistant Chief Counsel, 4400 Blue Mound Road, Fort Worth, TX, both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

##### Availability of NPRM'S

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Manager, System Management Branch, Department of Transportation, Federal Aviation Administration, Fort Worth, TX 76193-0530. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should also request a copy of Advisory Circular No. 11-2A which describes the application procedure.

##### The Proposal

The FAA is considering an amendment to § 71.181 of the Federal Aviation Regulations (14 CFR part 71) to revise the 700-foot transition area located at Gruver, TX. The development of a VOR/DME-A to replace the previous NDB SIAP makes this proposal necessary. If adopted, this proposal would also revise the coordinates used to describe the location of the Gruver Municipal Airport. The intended effect of this proposal is to provide adequate controlled airspace for aircraft executing the VOR/DME-A SIAP. Section 71.181 of part 71 of the Federal

Aviation Regulations was republished in Handbook 7400.6G dated September 4, 1990.

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

##### The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the FAA proposes to amend part 71 of the Federal Aviation Regulations (14 CFR part 71) 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. App. 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:

##### Gruver, TX [Revised]

That airspace extending from 700 feet above the surface with a 7.5-mile radius of the Gruver Municipal Airport (latitude 36°14'01"N., longitude 101°25'54"W.), excluding that airspace within the Spearman, TX, transition area.

Issued in Fort Worth, TX on October 9, 1991.

Larry L. Craig,

Manager, Air Traffic Division Southwest Region.

[FR Doc. 91-25957 Filed 10-28-91; 8:45 am]

BILLING CODE 4910-13-M

**DEPARTMENT OF THE INTERIOR****Office of Surface Mining Reclamation and Enforcement****30 CFR Part 904****Arkansas Permanent Regulatory Program**

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

**ACTION:** Proposed rule; Public comment period and opportunity for public hearing on proposed amendment.

**SUMMARY:** OSM is announcing receipt of a proposed amendment to the Arkansas permanent regulatory program (hereinafter, the "Arkansas program") under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). The proposed amendment consists of revisions to the Arkansas regulations concerning the measurement of revegetation success. The amendment is intended to revise the State regulations to be consistent with, but be no more restrictive than, the corresponding Federal regulations.

This notice sets forth the times and locations that the Arkansas program and proposed amendment to that program are available for public inspection, the comment period during which interested persons may submit written comments on the proposed amendment, and the procedures that will be followed regarding the public hearing, if one is requested.

**DATES:** Written comments must be received by 4 p.m., c.s.t. November 29, 1991. If requested, a public hearing on the proposed amendment will be held on November 25, 1991. Requests to present oral testimony at the hearing must be received by 4 p.m., c.s.t. on November 13, 1991.

**ADDRESSES:** Written comments should be mailed or hand delivered to James H. Moncrief at the address listed below.

Copies of the Arkansas program, the proposed amendment, and all written comments received in response to this notice will be available for public review at the addresses listed below during normal business hours, Monday through Friday, excluding holidays. Each requester may receive one free copy of the proposed amendment by contacting OSM's Tulsa Field Office.

James H. Moncrief, Director, Tulsa Field Office, Office of Surface Mining Reclamation and Enforcement, 5100 East Skelly Drive, suite 550, Tulsa, OK 74135, Telephone: (918) 581-6430.

Arkansas Department of Pollution Control and Ecology, Surface Mining and Reclamation Division, 8001

National Drive, Little Rock, AR 72219, Telephone: (501) 562-7444.

**FOR FURTHER INFORMATION CONTACT:** James H. Moncrief, telephone: (918) 581-6430.

**SUPPLEMENTARY INFORMATION:****I. Background on the Arkansas Program**

On November 21, 1980, the Secretary of the Interior conditionally approved the Arkansas program. General background information on the Arkansas program, including the Secretary's findings, the disposition of comments, and the conditions of approval of the Arkansas program can be found in the November 21, 1980 *Federal Register* (45 FR 77003). Subsequent actions concerning Arkansas program and program amendments can be found at 30 CFR 904.12 and 904.15.

**II. Proposed Amendment**

By letter dated October 11, 1991 (administrative record No. AR-466), Arkansas submitted a proposed amendment to its program pursuant to SMCRA. Arkansas submitted the proposed amendment at its own initiative. The amendment is intended to revise the State regulations to be consistent with the corresponding Federal standards but to be no more restrictive than the corresponding Federal regulations, as required by section 5(b)(1) of the Arkansas Surface Coal Mining and Reclamation Act of 1979. The regulation that Arkansas proposes to amend is Arkansas Surface Coal Mining and Reclamation Code 816.116(c)(2), concerning growing seasons during the 5-year liability period may be utilized for the measurement of revegetation success.

**III. Public Comment Procedures**

In accordance with the provisions of 30 CFR 732.17(h), OSM is seeking comments on whether the proposed amendment satisfies the applicable program approval criteria of 30 CFR 732.15. If the amendment is deemed adequate, it will become part of the Arkansas program.

**Written Comments**

Written comments should be specific, pertain only to the issues proposed in this rulemaking, and include explanations in support of the commenter's recommendations. Comments received after the time indicated under "DATES" or at locations other than the Tulsa Field Office will not necessarily be considered in the final rulemaking or included in the administrative record.

**Public Hearing**

Persons wishing to testify at the public hearing should contact the person listed under "FOR FURTHER INFORMATION CONTACT" by 4 p.m., c.s.t. on November 13, 1991. The location and time of the hearing will be arranged with those persons requesting the hearing. If no one requests an opportunity to testify at the public hearing, the hearing will not be held.

Filing of a written statement at the time of the hearing is requested as it will greatly assist the transcriber. Submission of written statements in advance of the hearing will allow OSM officials to prepare adequate responses and appropriate questions.

The public hearing will continue on the specified date until all persons scheduled to testify have been heard. Persons in the audience who have not been scheduled to testify, and who wish to do so, will be heard following those who have been scheduled. The hearing will end after all persons scheduled to testify and persons present in the audience who wish to testify have been heard.

**Public Meeting**

If only one person requests an opportunity to testify at a hearing, a public meeting, rather than a public hearing, may be held. Persons wishing to meet with OSM representatives to discuss the proposed amendment may request a meeting by contacting the person listed under "FOR FURTHER INFORMATION CONTACT." All such meetings will be open to the public and, if possible, notices of meetings will be posted at the locations listed under "ADDRESSES." A written summary of each meeting will be made a part of the administrative record.

**List of Subjects in 30 CFR Part 904**

Intergovernmental relations, Surface mining, Underground mining.

Dated: October 18, 1991.

Raymond L. Lowrie,  
Assistant Director, Western Support Center.  
[FR Doc. 91-26005 Filed 10-28-91; 8:45 am]  
BILLING CODE 4310-05-M

**30 CFR Part 920****Maryland Permanent Regulatory Program; Ownership and Control Definitions; Improvidently Issued Permits**

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

**ACTION:** Proposed rule; Reopening of public comment period.

**SUMMARY:** OSM is reopening the public comment on proposed amendments to the Maryland permanent regulatory program (hereinafter referred to as the Maryland program) under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). The amendments concern proposed changes to the Code of Maryland Administrative Regulations (COMAR) and are intended to incorporate regulatory changes initiated by the State. OSM announced receipt of the proposed amendments in the February 15, 1991, *Federal Register* (56 FR 6333) and in the same notice opened the public comment period and provided opportunity for a public hearing. The comment period closed on March 12, 1991. Maryland submitted changes to the amendment on August 20, 1991 (Administrative Record No. MD-544).

This notice sets forth the times and locations that the Maryland program and proposed amendments to that program are available for public inspection, the comment period during which interested persons may submit written comments on the proposed amendments, and the procedures that will be followed regarding the public hearing, if one is requested.

**DATES:** Written comments must be received on or before 4 p.m. on November 13, 1991.

**ADDRESSES:** Written comments should be mailed or hand delivered to: Mr. Robert Biggi, Director, Harrisburg Field Office, at the address listed below. Copies of the proposed amendments and all written comments received in response to this notice will be available for public review at the addresses listed below during normal business hours, Monday through Friday, excluding holidays. Each requester may receive, free of charge, one copy of the proposed amendments by contacting OSM's Harrisburg Field Office.

Office of Surface Mining Reclamation and Enforcement, Harrisburg Field Office, Third Floor, suite 3-C, Harrisburg Transportation Center, 4th and Market Streets, Harrisburg, Pennsylvania 17101, Telephone: (717) 782-4223.

Maryland Bureau of Mines, 69 Hill Street, Frostburg, Maryland 21532, Telephone: (301) 689-4136.

**FOR FURTHER INFORMATION CONTACT:** Robert Biggi, Director, Harrisburg Field Office, Telephone: (717) 782-4223.

## SUPPLEMENTARY INFORMATION:

### I. Background

On February 18, 1982, the Secretary of the Interior approved the Maryland program. Information regarding general background on the Maryland program, including the Secretary's findings, the disposition of comments, and a detailed explanation of the conditions of approval of the Maryland program can be found in the February 18, 1982, *Federal Register* (47 FR 7214-7217). Subsequent actions concerning amendments to the Maryland program are contained in 30 CFR 920.15 and 30 CFR 920.16.

### II. Discussion of Proposed Amendments

On October 3, 1988, the Office of Surface Mining Reclamation and Enforcement published a final rule amending its regulations dealing with the permit approval process by adding definitions of the term "owns and controls" in 30 CFR part 773, and revised 30 CFR 773.15, to specify the review by the regulatory authority of the compliance record of the permit applicant and related parties with certain environmental laws which is required prior to the issuance of a permit for surface coal mining operations. The rule also amended the regulations governing the permitting process by expanding the scope of the review that must be made prior to the issuance of a permit concerning any willful pattern of violations (53 FR 38868-38890).

The regulation change was intended to secure greater compliance with SMCRA by preventing mining permits from being issued to persons who, either by themselves or through related persons, own or control violators of SMCRA. By letter dated May 11, 1989, OSM advised Maryland that three new rules had been promulgated which defined ownership and control, detail additional requirements concerning the reporting of violations and ownership and control data and the effect of that information on various permitting decisions, and provide criteria and procedures for the identification and rescission of improvidently issued permits. A list of Maryland program changes determined necessary as a result of the new rules was also provided (Administrative Record No. MD-400).

On December 6, 1990, the Maryland Bureau of Mines (the bureau) submitted proposed amendments to Maryland's federally approved program (Administrative Record No. MD-492).

On August 20, 1991, in response to an issue letter prepared by OSM May 3, 1991, Maryland submitted the following

proposed revision to the amendments (Administrative Record No. MD-525):

At COMAR 08.13.09.04L(2) and (6), Maryland is adding a reference to section 518 of the Federal SMCRA pertaining to Federal and State failure-to-abate cessation orders, unabated Federal and State imminent harm cessation orders, and delinquent penalties.

### III. Public Comments Procedure

In accordance with the provisions of 30 CFR 732.17(h), OSM is seeking comments on whether the proposed amendment satisfies the applicable program approval criteria of 30 CFR 732.15. If the amendment is deemed adequate, it will become part of the Maryland program.

#### Written Comments

Written comments should be specific, pertain only to the issues proposed in this rulemaking and include explanations in support of the commenter's recommendations. Comments received after the time indicated under "DATES" or at locations other than the Harrisburg Field Office will not necessarily be considered in the final rulemaking or included in the Administrative Record.

#### List of Subjects in 30 CFR Part 920

Intergovernmental relations, Surface mining, Underground mining.

Dated: October 22, 1991.

Carl C. Close,  
Assistant Director, Eastern Support Center.  
[FR Doc. 91-26003 Filed 10-28-91; 8:45 am]  
BILLING CODE 4310-05-M

### 30 CFR Part 943

#### Texas Permanent Regulatory Program

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

**ACTION:** Proposed rule; Reopening and extension of public comment period on proposed amendment.

**SUMMARY:** OSM is announcing receipt of revisions pertaining to a previously proposed amendment to the Texas permanent regulatory program (hereinafter, the "Texas program") under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). The revisions for Texas's proposed regulations pertain to self-bonding. The amendment is intended to ensure that the self-bonding regulations adequately assess the financial health of self-bonding applicants in Texas.

This notice sets forth the times and locations that the Texas program and proposed amendment to that program are available for public inspection, and the reopened comment period during which interested persons may submit written comments on the proposed amendment.

**DATES:** Written comments must be received by 4 p.m., c.s.t. November 13, 1991.

**ADDRESSES:** Written comments should be mailed or hand delivered to James H. Moncrief at the address listed below.

Copies of the Texas program, the proposed amendment, and all written comments received in response to this notice will be available for public review at the addresses listed below during normal business hours, Monday through Friday, excluding holidays. Each requester may receive one free copy of the proposed amendment by contacting OSM's Tulsa Field Office.

James H. Moncrief, Director, Tulsa Field Office, Office of Surface Mining Reclamation and Enforcement, 5100 East Skelly Drive, suite 550, Tulsa, OK 74135, Telephone: (918) 581-6430.

Railroad Commission of Texas, Surface Mining and Reclamation Division, Capitol Station, P.O. Drawer 12967, Austin, TX 78711, Telephone: (512) 463-6900.

**FOR FURTHER INFORMATION CONTACT:** James H. Moncrief, telephone: (918) 581-6430.

#### **SUPPLEMENTARY INFORMATION:**

##### **I. Background on the Texas Program**

On February 16, 1980, the Secretary of the Interior conditionally approved the Texas program. General background information on the Texas program, including the Secretary's findings, the disposition of comments, and the conditions of approval of the Texas program, can be found in the February 27, 1980, *Federal Register* (45 FR 12998). Subsequent actions concerning Texas's program and program amendments can be found at 30 CFR 943.15 and 943.16.

##### **II. Proposed Amendment**

By letter dated June 24, 1991 (Administrative Record No. TX-493), Texas submitted a proposed amendment to its program under SMCRA. Texas submitted the proposed amendment at its own initiative. Texas proposes to amend Texas Coal Mining Regulation (TCMR) 806.309(j) concerning self-bonding.

OSM published a notice in the July 9, 1991, *Federal Register* (56 FR 31094) announcing receipt of the amendment and inviting public comment on the adequacy of the proposed amendment

(Administrative Record No. TX-498). The public comment period ended August 8, 1991.

During its review of the amendment, OSM identified concerns relating to TCMR 806.309(j)(1)(H), definition of "SIC code;" TCMR 806.309(j)(2), requirements for business and governmental entities; and TCMR 806.309(j)(2)(C), financial information requirements. OSM notified Texas of the concerns by letter dated September 16, 1991 (Administrative Record No. TX-506).

Texas responded in a letter dated October 8, 1991, by submitting a revised amendment package (Administrative Record No. TX-505). The regulations that Texas proposes to amend are: TCMR 806.309(j)(1)(H), definition of "SIC code;" TCMR 806.309(j)(2), requirements for business and governmental entities; and TCMR 806.309(j)(2)(C), financial information requirements.

##### **III. Public Comment Procedures**

OSM is reopening the comment period on the proposed Texas program amendment to provide the public an opportunity to reconsider the adequacy of the amendment in light of the additional materials submitted. In accordance with the provisions of 30 CFR 732.17(h), OSM is seeking comments on whether the proposed amendment satisfies the applicable program approval criteria of 30 CFR 732.15. If the amendment is deemed adequate, it will become part of the Texas program.

Written comments should be specific, pertain only to the issues proposed in this rulemaking, and include explanations in support of the commenter's recommendations. Comments received after the time indicated under "**DATES**" or at locations other than the Tulsa Field Office will not necessarily be considered in the final rulemaking or included in the administrative record.

##### **List of Subjects in 30 CFR Part 943**

Intergovernmental relations, Surface mining, Underground mining.

Dated: October 18, 1991.

**Raymond L. Lowrie,**  
*Assistant Director, Western Support Center.*

[FR Doc. 91-26004 Filed 10-28-91; 8:45 am]

**BILLING CODE 4310-05-M**

## **ENVIRONMENTAL PROTECTION AGENCY**

### **40 CFR Part 52**

[NH-2-1-5245; A-1-FRL-4026-1]

#### **Approval and Promulgation of Air Quality Implementation Plans, New Hampshire; Rules Governing the Control of Air Pollution**

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Proposed rule.

**SUMMARY:** EPA is proposing to approve a state implementation plan (SIP) revision submitted by the State of New Hampshire consisting of a readoption of the Rules Governing the Control of Air Pollution for the State of New Hampshire. The State regulations have been revised with miscellaneous language changes and renumbering for the purpose of reorganization. Other more significant revisions amend EPA-approved regulations and add new regulations to the New Hampshire SIP. The intended effect of this action is to propose approval of the revision made by the State of New Hampshire in accordance with section 110 of the Clean Air Act.

**DATES:** Comments must be received on or before November 29, 1991. Public comments on this document are requested and will be considered before taking final action on these SIP revisions.

**ADDRESSES:** Comments may be mailed to Linda M. Murphy, Director, Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region I, JFK Federal Bldg., Boston, MA 02203. Copies of the State submittal and EPA's technical support document are available for public inspection during normal business hours, by appointment at the Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region I, One Congress Street, 10th floor, Boston, MA and Air Resources Division, Department of Environmental Services, 64 North Main Street, Caller Box 2033, Concord, NH 03302-2033.

**FOR FURTHER INFORMATION CONTACT:** Patricia C. Kelling, (617) 565-3249; FTS 835-3249.

**SUPPLEMENTARY INFORMATION:** On March 15, 1983 (48 FR 10830), EPA approved major revisions to the New Hampshire SIP involving format changes, miscellaneous language changes for purposes of consistency, and renumbering of the State regulations

governing the control of air pollution. Since that time, revisions to several parts of the SIP have been made to meet federal statutory and regulatory requirements.

On February 12, 1991, the State of New Hampshire submitted a revision to its SIP consisting of a re-adoption of Chapters Env-A 100-1300 of the Rules Governing the Control of Air Pollution for the State of New Hampshire. Most of the State regulations in the submittal are federally approvable because they were previously approved by EPA in the March 15, 1983 Federal Register notice. Except for those regulations specifically identified and discussed below, this action does not propose to approve substantive revisions to existing regulations or propose to approve additional regulations to the New Hampshire SIP.<sup>1</sup> Those sections that EPA is proposing to approve either for the first time today or have been substantially revised are as follows:

1. Part Env-A 201, PURPOSE OF THE RULES, sets forth the purpose of the rules which govern proceedings before the council and the director.

2. Part Env-A 202, APPEARANCE BEFORE COUNCIL OR DIRECTOR, sets forth the procedures and requirements for appearance before the council or the director.

3. Part Env-A 203, TIME, sets forth the computation of, change in and limitations of time under the rules.

4. Part Env-A 204, RULEMAKING, sets forth the procedures for Rulemaking in accordance with the New Hampshire Code of Administrative Rules RSA 541-A:3.

5. Part Env-A 207, ORAL HEARINGS, sets forth the requirements and procedures for oral hearings.

6. Env-A 209.05, Suspension or Revocation of Permits, outlines procedures for suspension or revocation of permits.

7. Part Env-A 210, MOTION FOR REHEARING, outlines procedures for motions for rehearing.

8. Env-A 303.01, Particulate Matter, provides stricter ambient standards for particulate matter by setting the annual arithmetic mean to 50 micrograms per cubic meter and the maximum 24-hour

average to 150 micrograms per cubic meter.

9. Env-A 303.015, Method of Measurement, provides measurement methods for particulate matter.

10. Env-A 602.01, Temporary Permits, clarifies the circumstances when the expiration date may be extended for a temporary permit.

11. Part Env-A 603, PERMITS REQUIRED, provides stricter permit requirement provisions for sources with a stationary internal combustion turbine or engine with a designed rating greater than or equal to 200 horse-power output and sources with a device whose emissions have a significant impact on the air quality as determined by the division.

12. Env-A 607.05, Review Procedures, specifies the use of the "bubble" concept on a case-by-case basis as approved by the division and EPA for those devices for which no emission control is presently available.

13. Env-A 611.03, Amendment of Permits, sets the time period for the notification of proposed changes to structure or operation of a permitted device to 30 days prior to the changes.

14. Env-A 612.01, Permit Renewal Date Established, clarifies the circumstances when the permit renewal date may be extended.

15. Env-A 702.01, Fee Determination, includes continuous emission monitor certification tests and continuous emission monitor audits as actual expenses incurred by the division.

16. Env-A 703.01, Permit Filing Fees, sets forth the filing fee for each application for large fuel burning devices with a gross heat input capacity equal to or greater than 150 million BTU/hr to be \$3000 and the filing fee for each application for all other devices to be \$900.

17. Env-A 703.02, Permit Review Fees For All Devices, sets forth the permit review fee criteria for all devices.

18. Env-A 703.03, Permit Extension Fees, sets forth the permit extension fees for a fuel burning device with a gross heat input capacity greater than or equal to 150 million BTU/hr at \$1,500 per device and the permit extension fees for all other devices at \$450 per device.

19. Env-A 703.06, Permit Extension Fee Payment, provides procedures for payment of permit extension fees.

20. Env-A 703.07, Additional Permit Review Fees, includes continuous emission monitor certification tests and continuous emission monitor audits and provides the procedures for the payment of testing and monitoring fees.

21. Env-A 705.01, Renewal Review Fees for Large Fuel Burning Devices, sets forth the renewal review fee for an

existing fuel burning device with a gross heat input capacity equal to or greater than 150 million BTU/hr to be \$3000 per device.

22. Env-A 705.02, Renewal Review Fee for All Other Devices, sets forth the renewal review fee for any existing devices under Chapter Env-A 600 to be \$900 per device.

23. Env-A 1201.071, Hydrogen Chloride, HCL Emission Standards for Incinerators, provides emission standards for hydrogen chloride for incinerators.

24. Part Env-A 1206, PULP AND PAPER INDUSTRY (except for Env-A 1206.06), provides particulate matter standards and permit requirements for the pulp and paper industry.

For more details on these changes and the minor changes not mentioned in this notice refer to the technical support document prepared by EPA for this revision which is available from the EPA Regional office listed in the ADDRESSES section of this notice.

On May 7, August 20 and August 26, 1991, the New Hampshire Air Resources Division (NHARD) submitted letters asking that certain portions of the February 12, 1991 submittal be withdrawn since they are either in the process of revision or not federally enforceable. Those sections that were withdrawn by the NHARD are as follows:

Chapter Env-A 100: Sections Env-A 101.21, .27, .33, .51, .53, .58, .63 and .98; and Parts Env-A 102-103

Chapter Env-A 200: Part Env-A 206; Part Env-A 208; and Sections 209.01-.04

Chapter Env-A 300: Part Env-A 304

Chapter Env-A 400: Part Env-A 406

Chapter Env-A 500: Parts Env-A 501-506

Chapter Env-A 600: Section Env-A 603.03(f)

Chapter Env-A 800: Part Env-A 803

Chapter Env-A 1000: Part Env-A 1002

Chapter Env-A 1100: Part Env-A 1101

Chapter Env-A 1200: Sections Env-A 1204.12 and 1206.03

Chapter Env-A 1300: Parts Env-A 1301-1305

In addition, on June 12, 1991, the NHARD submitted a supplement to the revision to the State's SIP entitled "NHARD Policy and Procedure for Air Quality Impact Modeling, Revised." This document has been incorporated by reference by the State in the Rules Governing the Control of Air Pollution at sections Env-A 405.05, 603.02 and 603.03. A preliminary review of this document determined that it contains several inconsistencies with EPA policy. Therefore, the State was informed in a letter dated July 31, 1991 that EPA will

<sup>1</sup> CHAPTER Env-A 600 Statewide Permit System includes provisions for permits to construct and permits to operate. Approval of the minor changes to this CHAPTER does not relieve the State from making changes in the future as required by titles I and V of the Clean Air Act Amendments of 1990. The Clean Air Act Amendments require the State of New Hampshire to amend its nonattainment area permitting requirements in PART Env-A 610 by November 15, 1992 and its operating permit requirements in Chapter Env-A 600 by November 15, 1993.

proceed with the notice of proposed rulemaking with the understanding that the NHARD will revise this document to make it consistent with EPA policy. The portions of New Hampshire's regulations referencing this document will not proceed to final rulemaking until this issue is resolved.

Furthermore, EPA has published a final rulemaking notice on August 14, 1991 (56 FR 40252), approving sections Env-A 802.09 Continuous Emission Monitoring (CEM) and Env-A 802.10 CEM Recordkeeping Requirements of the February 12, 1991 submittal. These sections contain CEM requirements which were proposed for approval on April 27, 1991 (55 FR 17759).

EPA is soliciting public comments on the issues discussed in this notice or on other relevant matters. These comments will be considered before taking final action. Interested parties may participate in the Federal rulemaking procedure by submitting written comments to the EPA Regional office listed in the **ADDRESSES** section of this notice.

#### Proposed Action

EPA is proposing to approve the following portions of the Rules Governing the Control of Air Pollution submitted as a revision to the New Hampshire SIP on February 12, 1991:

Chapter Env-A 100: Sections Env-A 101.01-.20, 101.22-.26, 101.28-.32, 101.34-.50, 101.52, 101.54-.57, 101.59-.62, 101.64-.97 and 101.99

Chapter Env-A 200: Parts Env-A 201-205; Part Env-A 207; section Env-A 209.05; and Part Env-A 210

Chapter Env-A 300: Parts Env-A 301-303

Chapter Env-A 400: Part Env-A 401-405

Chapter Env-A 600: Parts Env-A 601-602; sections Env-A 603.01-.03(e) and 603.03(g); and Parts Env-A 604-616

Chapter Env-A 700: Parts Env-A 701-705

Chapter Env-A 800: Parts Env-A 801-802; and Part Env-A 804

Chapter Env-A 900: Parts Env-A 901-903

Chapter Env-A 1000: Part Env-A 1001

Chapter Env-A 1200: Parts Env-A 1201-1203; sections 1204.01-.11 and 1204.13-.19; Part Env-A 1205; sections Env-A 1206.01-.02 and 1206.04-.06; and Parts Env-A 1207-1208

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

This action has been classified as a Table 3 action by the Regional Administrator under the procedures

published in the *Federal Register* on January 19, 1989 (54 FR 2214-2225).

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

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

EPA has reviewed the revision of this notice for conformance with the provisions of the 1990 Clean Air Act Amendments enacted on November 15, 1990. The revision may not include all of the new federal requirements, however, it strengthens the requirements in New Hampshire's SIP and conforms to all of EPA's current regulations. Furthermore, many of the provisions of the new law do not require State submittals until some time in the future. Therefore, EPA is proposing to approve this revision although New Hampshire submitted this SIP revision after November 15, 1990. EPA is currently developing guidance on the 1990 Clean Air Act Amendments and New Hampshire will adopt regulations meeting these new requirements and submit them in a separate submittal. EPA has decided to propose approving this revision today in order to strengthen the SIP and conform it to existing requirements during this transition period.

The Administrator's decision to approve or disapprove the SIP revision will be based on whether it meets the requirements of section 110(a)(2)(A)-(K) and 110(a)(3) of the Clean Air Act, as amended, and EPA regulations in 40 CFR part 51.

#### List of Subjects in 40 CFR Part 52

Air pollution control, Carbon monoxide, Hydrocarbons, Incorporation by reference, Intergovernmental relations, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides.

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

Dated: October 10, 1991.

Paul G. Keough,

Acting Regional Administrator, Region I.  
[FR Doc. 91-26009 Filed 10-28-91; 8:45 am]

BILLING CODE 6560-50-M

#### 40 CFR Parts 264 and 265

[FRL-4026-5]

#### Hazardous Waste Management; Containerized Liquids in Landfills

**AGENCY:** Environmental Protection Agency.

**ACTION:** Notice of availability of supplemental information and request for comments.

**SUMMARY:** On December 24, 1986 (51 FR 46824), EPA proposed, under authority of the Resource Conservation and Recovery Act (RCRA), to amend the regulations for containerized liquids in hazardous waste landfills. On June 24, 1987, EPA published a supplemental notice at (52 FR 23695). These notices addressed, in part, the development of a pressurized Liquids Release Test (LRT) for determining if free liquids could be released from sorbed liquid wastes. Today's supplemental notice provides the results of a single laboratory and multilaboratory collaborative study on an improved LRT, and requests public comments on these results and on specific issues concerning the LRT.

**DATES:** Written comments on this notice must be submitted on or before January 13, 1992.

**ADDRESSES:** Written comments (one original and two copies) should be addressed to: EPA RCRA Docket #F-91-CLLA-FFFFF, room 2427 (OS-332), U. S. Environmental Protection Agency, 401 M St SW., Washington, DC 20460. The Docket is open from 9 a.m. to 4 p.m., Monday through Friday, except Federal holidays. Call 202-260-9327 for an appointment to examine the docket. Up to 100 pages may be copied free of charge from any one regulatory docket. Additional copies are \$0.15 per page.

Call the RCRA Hotline, at 1-800-424-9346 (toll free) or 703-920-9810 in the Washington, DC area, for single copies of: (1) Method 9096—Liquid Release Test (LRT) Procedure, and (2) Background Document for the Liquids Release Test (LRT): Single Laboratory Evaluation and 1988 Collaborative Study. To buy the video, send \$30.00 + \$3.00 shipping and handling to: Technical Video Productions, Rt 3 Box 459M, Hillsborough, NC 27278 or phone 919-967-4050. Method 9096 is also available in the third edition of "Test Methods for Evaluating Solid Waste—Physical/chemical Methods" (SW-846).

**FOR FURTHER INFORMATION CONTACT:** For general information, call the RCRA Hotline, at 1-800-424-9346 (toll free), or 703-920-9810 in the Washington, DC area. For specific information related to

methods, call the Methods Information Communications Exchange (MICE) at (703) 821-4789. For technical questions, contact Ken Shuster, US EPA, Office of Solid Waste (OS-340), 401 M St, SW., Washington, DC 20460, 202-260-2214.

#### SUPPLEMENTARY INFORMATION:

##### I. Background

Section 3004(c)(2) of RCRA requires EPA to issue regulations that "prohibit the disposal in landfills of liquids that have been absorbed in materials that biodegrade or that *release liquids when compressed as might occur during routine landfill operations* [emphasis added]." Today's notice addresses only the latter (italicized) part of this requirement concerning the release of liquids under pressure.

On December 24, 1986 (51 FR 46824), EPA proposed Method 9096, The Liquids Release Test (LRT), utilizing the Zero-Headspace Extractor (ZHE) device which was being developed in conjunction with an unrelated regulatory activity, the Toxicity Characteristic Leaching Procedure (TCLP). As explained in the December 1986 notice, EPA proposed the ZHE in part because it was a device that might serve dual purposes under the hazardous waste regulatory scheme and therefore reduce equipment/laboratory cost (initial cost, lab space cost, and perhaps calibration and training cost). EPA solicited comment on a number of unresolved issues, including: Test duration (e.g., 30 minutes), test pressure (e.g., 45 or 50 psi, or use of site-specific/flexible pressure), sample size (e.g., 100 grams), rate of pressure application and overcoming friction in the ZHE device, and use of the same device to achieve two different purposes (i.e., a pass/fail LRT test to determine if liquids are released vs. a device to collect liquids for further TCLP analysis). EPA explained that it was continuing development of the test and that it would subject the test to a multilaboratory collaborative study. EPA also stated that it would notice the results of this additional work in the *Federal Register* when completed.

The June 24, 1987 supplemental notice (52 FR 23695) primarily addressed issues relating to the definition of "biodegradable." Regarding the LRT, the June 24 notice identified some of the public concerns with the December 24, 1986 proposed LRT and discussed actions and issues EPA planned to pursue in developing a new and improved test:

" \* \* \* with respect to using the LRT, the Agency has evaluated most of the comments received on the LRT and the ZHE, which

were generally unfavorable. Comments on the LRT addressed the specific issues of: Time limit, cost, complexity of apparatus, and difficulty of clean-up. The Agency has begun additional research on the LRT to address these comments. The following topics are being investigated: The use of a specific sample height vs. specifying a weight or volume; the use of colored filter paper to make detection of a wet spot easier; and the use of a metal screen or teflon mesh to prevent clogging of the teflon disk. The time limit (previously proposed to be 30 minutes) is also being investigated, with the hope of reducing the length of time that the test must be run. A shorter time period will alleviate commentors' concerns over truckloads of containers backing up at the receiving dock of the disposal facility due to long test times. When the Agency develops a satisfactory test and methodology, it will undertake a collaborative study that will allow different pieces of apparatus to be tested. If the results for a certain apparatus are equivalent to the Agency design and methodology, this piece of apparatus will also be allowed to be used. The Agency is requesting comments on these specific issues concerning the LRT." (52 FR 23697)

Upon further testing, EPA generally agreed with the comments concerning the unsatisfactory features of the ZHE. The Agency decided to abandon that device for the LRT and to pursue earlier promising work on the development of another confined pressure test device. The ZHE device was rejected because (1) the sample size is too small (subsequent testing shows sample size is an important factor), (2) the piston does not move smoothly, because the sorbed material for the LRT is relatively solid and the ZHE device was developed for highly liquid materials (resulting in nonuniform pressure application), and (3) the device is relatively difficult to clean, resulting in longer overall testing times.

In 1987, further equipment development and testing were conducted, including a seven-laboratory collaborative study on a device developed by Associated Design and Manufacturing Company (ADM) for EPA. Participants in the collaborative study also tested three other similar devices developed independently. The results of this testing are summarized in a report: Fall 1987 Further Development of the Liquid Release Test Collaborative Study Report, Research Triangle Institute, January 1988. This report is available in the regulatory docket—see **ADDRESSES** above. The report states: "The new LRT device designed by ADM works well mechanically and is much easier to clean up after testing than the device previously used (the ZHE). Several of the collaborative study participants commented on how they preferred the new device over the ZHE."

Although the ADM device worked better than the ZHE, a design change was needed to protect against wicking due to capillary action in fine-grained sorbents, and additional testing was recommended. After the device was thus modified, additional single laboratory tests and a new seven-laboratory collaborative study were completed.

Today, EPA is noticing the availability of two documents and a video describing the revised test and the results of the latest single laboratory and multilaboratory collaborative studies. EPA solicits public comment on these items and the appropriateness of requiring the revised test for sorbed liquids to implement RCRA section 3004(c)(2).

##### II. Availability of Information

EPA is today making available three items for public comment:

(1) *Method 9096—Liquid Release Test (LRT) Procedure*. Copies are available in the docket and from the RCRA Hotline as identified above under **ADDRESSES**. The test method can also be found in the third edition of Test Methods for Evaluating Solid Waste Physical/Chemical Methods, EPA, SW-846, [available from the Government Printing Office (GPO)].

(2) *Background Document for the Liquid Release Test (LRT): Single Laboratory Evaluation and 1988 Collaborative Study*. Copies are available in the docket and from the RCRA Hotline as identified above under **ADDRESSES**.

(3) *Video: The Liquids Release test (LRT)*. This 15 minute video shows the components of the LRT device and demonstrates how to use it. It also includes a computer-animated simulation of the test to help viewers visualize what is occurring within the device. Copies are available for viewing at EPA (at the Headquarters library, in the Hazardous Waste Superfund Collection, and in each EPA regional library). Copies may also be purchased. (See **ADDRESSES** above).

##### III. Summary of the New LRT Information

The ADM device utilizes the same confined compression test concept as the ZHE proposed in 1986. The ADM device utilizes a 10 cm high by 76 mm diameter sample in a confined chamber under 50 psi for 10 minutes. Testing has shown that the results of the LRT are influenced by temperature and sample size. The test results on other similar LRT devices show that they perform as well as the ADM device.

Some materials (e.g., Imbiber Beads<sup>®</sup>) interact with sorbate to create a solid chemical mass that does not permit normal operation of the LRT device or procedure.

In some cases the Paint Filter Test (PFT), a gravity test involving no compression, gives more conservative results than the pressurized LRT. The PFT, SW-846 Method 9095, is currently required to determine if a waste contains any free liquid; waste containing free liquids is prohibited from placement in landfills.

#### IV. Issues

##### 1. Reproducibility of LRT (Method 9096) Results

EPA has identified three parameters that are possible sources of variability in test results from using the LRT. The Agency is soliciting comments on the standardization of these parameters to improve the reproducibility of test results.

##### a. Temperature

The LRT was tested at different temperatures (at 4°, 23°, and 40° C). Releases occurred in the heated samples at lower liquid loadings than in the colder samples. Given the results of the temperature tests, EPA solicits comments on whether the test procedure should be modified to specify that the temperature of the test samples be at least at some minimum temperature (e.g., 15° C).

##### b. Sample preparation

Placement of the sample in the device seems to be a potential source of variation in the results. Tapping the sides of the container vs pressing the sample into the device may alter the results. The current procedure in Method 9096 removes air pockets and settles the sample by tapping the sides of the sample holder. EPA seeks comment on whether this waste placement procedure should be modified by requiring a different procedure such as compaction.

##### c. Pressure application rate

Although not tested, the possibility exists that applying pressure too rapidly at the start of the test can influence the outcome. EPA solicits comments on whether a maximum application rate (e.g., reaching the design operating pressure in 25-30 seconds) should be specified in the test method.

##### 2. PFT vs LRT

As mentioned earlier, the Paint Filter Test (PFT), SW-846 Method 9095, is currently required to determine if a waste contains any free liquid and

therefore cannot be placed in a landfill. The PFT is a 5 minute test that requires approximately 15 minutes total time to run (including sample preparation, testing, and clean-up time). In contrast, the LRT, which requires a 10 minute test time, can entail one hour or more total time per sample (although several samples can be run within that time).

Tests were performed to compare the results of the PFT with the LRT. With some samples (e.g., Floor Dry, a diatomite, and water) the PFT gave more conservative results than the LRT. Because of the inconsistency of the test results, EPA solicits comments on the following options: (1) Performing both tests on all sorbed waste; or (2) using the PFT as a pre-screen (i.e., if the waste fails the PFT there is no need to do the LRT; if the sorbed waste passes the PFT, the LRT will still need to be run).

##### 3. Limitations to LRT

The test results show the LRT device and test procedure are not suitable for at least some materials (e.g., Imbiber Beads<sup>®</sup>), that are organic polymers. The material interacted with the sorbate such that an irreversible solidified mass resulted. The Agency does not believe that liquids would be released from the resultant product under the pressure of a landfill. Because of the irreversible behavior of the material, EPA does not believe that these materials are sorbents that are subject to the requirement of section 3004(c)(2). EPA solicits comments on excluding from the LRT requirement wastes that are treated with materials such as organic polymers that result in an irreversible product.

##### 4. Alternate test devices

Because the test results indicate that test devices other than the ADM device give equally good results, EPA solicits comments on the concept of allowing the use of devices that meet design specifications (e.g., deliver 50 psi continuously, minimum sample size, 10-cm high sample) and performance requirements. The Agency also solicits comments on the process to be followed in allowing for alternate devices, such as self-certification by equipment manufacturers. The apparatus and material specifications that must be satisfied to demonstrate equivalency are found in section 4.0 of Method 9096.

##### 5. Costs

The ADM device currently costs \$1295 (\$565 for the holding fixture and \$730 for one test cell). Operating costs are primarily labor time as follows: (1) Equipment and sample preparation time—15 minutes; and (2) clean-up time—15 minutes to 1 hour depending on

how messy the test material is; typical time is 30 minutes. For some wastes a solvent may be needed to clean the device. To assist in the preparation of an regulatory impact analysis of future regulatory actions, EPA solicits comments on the implications of these costs and on the likely overall costs of requiring the LRT.

Dated: October 20, 1991.

**Richard Guimond,**

*Acting Assistant Administrator for Solid Waste and Emergency Response.*

[FR Doc. 91-26008 Filed 10-28-91; 8:45 am.]

BILLING CODE 6560-50-M

## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 73

[MM Docket No. 91-303, RM-6707, RM-6799, RM-7754 and RM-7813]

**Radio Broadcasting Services; Bay Minette, Butler, and Evergreen, AL, and Bay Springs, Ellisville, and Waynesboro, MS**

**AGENCY:** Federal Communications Commission.

**ACTION:** Proposed rule.

**SUMMARY:** This document is issued in response to four separately filed, conflicting petitions for FM allotments and channel substitutes in Alabama and Mississippi. See Supplemental Information, *infra*.

**DATES:** Comments must be filed on or before December 16, 1991, and reply comments on or before December 31, 1991.

**ADDRESSES:** Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner or its counsel, as follows:

Mark E. Fields, Miller & Fields, P.C., P.O. Box 33003, Washington, DC 20033, Counsel for Butler Broadcasting and Cotton Valley Broadcasting)

G. Dean Pearce, 1169 Northwood Lake, Northport, Alabama 35476, (Petitioner for Channel 232C2, Ellisville, Mississippi)

Erwin G. Krasnow, Verner, Liipfert, Bernhard, McPherson and Hand, Chartered, 901 15th Street, NW., suite 700, Washington, DC 20005-2301, (Counsel for Faulker-Phillips Media, Inc.)

Dennis J. Kelly, Cordon & Kelly, 1920 N Street, NW., Washington, DC 20036, (Counsel for Wolff Broadcasting Corporation)

**FOR FURTHER INFORMATION CONTACT:**

Kathleen Scheuerle, Mass Media Bureau, (202) 634-6530.

**SUPPLEMENTARY INFORMATION:** This is a summary of the Commission's Notice of Proposed Rule Making, MM Docket No. 91-303, adopted October 10, 1991, and released October 24, 1991. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, Downtown Copy Center, 1714 21st Street, NW., Washington, DC 20036, (202) 452-1422.

Butler Broadcasting Corporation, licensee of Station WQGL, has requested the substitution of Channel 228C2 for Channel 288A, Butler, Alabama, and modification of the license for Station WQGL to specify Channel 228C2. The coordinates for Channel 228C2 are 32-08-10 and 88-15-00. To accommodate Channel 228C2 at Butler, we shall propose to substitute Channel 232A for Channel 228A, Bay Springs, Mississippi, and modify the license for Station WIZK-FM, at coordinates 31-59-00 and 89-13-50. G. Dean Pearce has requested the allotment of Channel 232C2 to Ellisville, Mississippi, as that community's second FM broadcast service, at coordinates 31-36-12 and 89-12-00. Faulkner-Phillips Media, Inc., licensee of Station WMML-FM, Bay Minette, Mississippi, requests the substitution of Channel 288C3 for Channel 288A and modification of the license for Station WMML-FM to specify Channel 288C3 at coordinates 30-58-34 and 87-58-32. To accommodate the upgrade at Bay Minette, we shall propose to substitute Channel 299A for Channel 228A, Butler, Alabama and modify the license for Station WQGL at coordinates 32-06-02 and 88-14-07 and substitute Channel 227A for Channel 288A, Waynesboro, Mississippi, and modify the license for Station WABO at coordinates 31-40-48 and 88-40-34. Wolff Broadcasting Corporation, permittee of Station WIJK-FM, Evergreen, Alabama, proposes the substitution of Channel 227C1 for Channel 227C2 and modification to its construction permit for Station WIJK-FM at coordinates 31-14-48 and 86-48-32. In accordance with Section 1.420(g) of the Commission's Rules, we will not accept expressions of interest or require the petitioners to state the availability of alternate channels for proposals at Butler, AL (228C2 for 228A), Bay

Minette, AL (228C2 for 228A) or Evergreen, AL (227C1 for 227C2).

We note that Faulkner-Phillips' proposed Waynesboro channel substitution is mutually exclusive with Butler Broadcasting's proposed upgrade and Wolff Broadcasting's proposed Evergreen upgrade. Cotton Valley's proposed Bay Springs channel substitution is mutually exclusive with Pearce's proposed channel allotment at Ellisville.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contact.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

**List of Subjects in 47 CFR Part 73**

Radio broadcasting.  
Federal Communications Commission.

**Michael C. Ruger,**

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

[FR Doc. 91-26052 Filed 10-28-91; 8:45 am]

**BILLING CODE 6712-01-M**

**47 CFR Part 73**

[MM Docket No. 91-302, RM-7826]

**Radio Broadcasting Services; Fountain, CO**

**AGENCY:** Federal Communications Commission.

**ACTION:** Proposed rule.

**SUMMARY:** This document requests comments on a petition for rule making filed on behalf of Hubbard Broadcasting, Inc., permittee of Channel 241A, Fountain, Colorado, seeking the substitution of Channel 241C3 for Channel 241A and modification of its permit accordingly to specify operation on the higher powered channel. Petitioner's modification proposal complies with the provisions of § 1.420(g) of the Commission's Rules. Therefore, we will not accept competing expressions of interest in the use of Channel 241C3 at Fountain or require the petitioner to demonstrate the

availability of an additional equivalent class channel. Coordinates for Channel 241C3 at Fountain are 38-44-47 and 104-51-37.

**DATES:** Comments must be filed on or before December 16, 1991, and reply comments on or before December 31, 1991.

**ADDRESSES:** Secretary, Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner's counsel, as follows: Nathaniel F. Emmons and Mark N. Lipp, Esqs., Mullin, Rhyne, Emmons and Topel, P.C., 1000 Connecticut Ave., NW., suite 500, Washington, DC 20036.

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

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 91-302, adopted October 11, 1991, and released October 24, 1991. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, Downtown Copy Center, (202) 452-1422, 1714 21st St., NW., Washington, DC 20036.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, See 47 CFR 1.415 and 1.420.

**List of Subjects in 47 CFR Part 73**

Radio broadcasting.  
Federal Communications Commission.

**Michael C. Ruger,**

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

[FR Doc. 91-26053 Filed 10-28-91; 8:45 am]

**BILLING CODE 6712-01-M**

## DEPARTMENT OF TRANSPORTATION

## National Highway Traffic Safety Administration

## 49 CFR Part 571

[Docket No. 91-55; Notice 1]

RIN 2127-AE09

## Federal Motor Vehicle Safety Standards; Tire Selection and Rims for Motor Vehicles Other Than Passenger Cars

AGENCY: National Highway Traffic Safety Administration (NHTSA), DOT.

ACTION: Notice of proposed rulemaking.

**SUMMARY:** This notice solicits comments on a proposal to amend Standard No. 120, *Tire Selection and Rims for Motor Vehicles other than Passenger Cars*, to clarify the requirement that vehicle manufacturers who place a Standard No. 120 tire information label on a multipurpose passenger vehicle, truck, bus or trailer, recommending the use of a passenger care tire on that vehicle, must specify a recommended tire inflation pressure that reflects a 1.10 reduction in load carrying capability of such a tire for any given inflation pressure.

**DATES:** Comments must be received by December 13, 1991. If adopted, the proposed amendment would become effective 90 days following the publication of the final rule.

**ADDRESSES:** Comments should refer to the docket and notice number of this notice and be submitted to: Docket Section, room 5109, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, DC 20590. (Docket Room hours are 9:30 a.m.-4 p.m., Monday through Friday).

**FOR FURTHER INFORMATION CONTACT:** Mr. Larry Cook, NRM-11, Office of Vehicle Safety Standards, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, DC 20590, Telephone: (202) 366-4803.

**SUPPLEMENTARY INFORMATION:** Federal Motor Vehicle Safety Standard No. 120, *Tire Selection and Rims for Motor Vehicles Other than Passenger Cars*, specifies tire and rim selection requirements and rim marking requirements to ensure that multipurpose passenger vehicles (MPVs), trucks, buses, trailers and motorcycles are equipped with adequate tires and rims to support the fully-loaded vehicles under contemplated operating conditions. Section S5.3.2 of Standard No. 120 requires manufacturers to affix a permanent label to each vehicle recommending

rims, tires and corresponding inflation pressures appropriate for the vehicle's gross axle weight rating (GAWR).

Section S5.3.3 of Standard No. 120 directs manufacturers to Section S5.1.2 to determine whether a recommended tire size is appropriate for a vehicle's GAWR. Section S5.1.2 states that the sum of the maximum load ratings of the tires fitted to an axle shall not be less than the GAWR. In the event that passenger car tires are installed on an MPV, truck, bus, or trailer, this section specifies that each tire's load rating is to be reduced by dividing by 1.10 before determining whether the tires on an axle are adequate for the GAWR.

The 1.10 reduction in load rating is intended to account for the generally harsher treatment, such as more frequent over-loading and possible off-road use, that passenger car tires receive when installed on an MPV, truck, bus or trailer rather than on a passenger car. The purpose of the reduction is, therefore, to provide a safety margin in loading one of those other types of vehicles when it is equipped with passenger car tires.

In addition to recommending tires appropriate for the vehicle's GAWR, Standard No. 120 (S5.3.5) requires the manufacturer to recommend appropriate cold inflation pressures for those tires, as well as suitable rims. During recent enforcement actions, several manufacturers have argued that the reduction in load rating need not be reflected in the recommended inflation pressure labeled on the vehicle. They said that the 1.10 reduction in load carrying capability applies only for the purpose of determining whether the tires actually installed on a vehicle have adequate load carrying capacity compared to the GAWR of each axle. In support of their argument, these manufacturers noted that the section containing the 1.10 reduction factor for passenger car tires is only expressly referenced in S5.3.3, dealing with tire sizes, and have questioned whether the reduction must be taken into account when recommending inflation pressures.

In a letter to one of these manufacturers, NHTSA stated that vehicle manufacturers who place a Standard No. 120 tire information label on a multipurpose passenger vehicle, truck, bus or trailer, recommending the use of a passenger car tire on that vehicle, must specify a recommended cold tire inflation pressure sufficient such that when the tire's load carrying capacity at that pressure is reduced by 10 percent, the capacity is appropriate for the GAWR of each axle. In other words, the combined capacity of the tires on that axle must equal or exceed

that GAWR. (See March 15, 1990 letter from Mr. Wood to Mr. Nishibori, Nissan Research & Development, Inc.)

This notice proposes to amend Standard No. 120 to reflect this interpretation. The agency would do so by adding to the labeling provision regarding inflation pressure recommendations, a requirement that the pressure for a recommended passenger car tire be appropriate (i.e., selected so as to reflect the reduction of the load carrying capacity for any given cold inflation pressure) for the GAWR. This change would facilitate agency efforts to ensure fulfillment of the Standard's intended guarantee of a safety margin when passenger car tires are recommended for use on MPVs, trucks, buses, and trailers.

## Rulemaking Analyses and Notices

*Executive Order 12291 (Federal Regulation) and DOT Regulatory Policies and Procedures*

NHTSA has examined the impact of this rulemaking action and determined that it is not major within the meaning of Executive Order 12291 or significant within the meaning of the Department of Transportation's regulatory policies and procedures. The agency has also determined that the economic and other impacts of this rulemaking action are so minimal that a full regulatory evaluation is not required. The proposed amendment would not change the requirements of Standard No. 120 and is consistent with past agency interpretations of the Standard. The proposed amendment would merely clarify that Standard No. 120 requires manufacturers to take into account the 1.10 reduction in load carrying capability when recommending inflation pressures for passenger car tires that may be installed on MPVs, trucks, buses and trailers. Thus, the proposed amendment would not impose any new requirements on manufacturers but would rather clarify an existing requirement.

*Regulatory Flexibility Act*

NHTSA has also considered the impacts of this rulemaking action under the Regulatory Flexibility Act. I hereby certify that this amendment would not have a significant impact on a substantial number of small entities. Few, if any, vehicle manufacturers would qualify as small entities. The amendment should not affect the purchase price of new vehicles because it would merely clarify an existing requirement in Standard No. 120. Thus, the amendment should not significantly

affect small organizations and governmental units. Accordingly, the agency has not prepared a preliminary regulatory flexibility analysis.

#### National Environmental Policy Act

NHTSA has also analyzed this rulemaking action with regard to the National Environmental Policy Act. The agency has determined that implementation of this action would not have any significant impact on the quality of the human environment.

#### Executive Order 12612 (Federalism)

Finally, NHTSA has analyzed this proposal in accordance with the principles and criteria contained in Executive Order 12612. The agency has determined that this proposal does not have significant federalism implications and therefore does not warrant the preparation of a Federalism Assessment.

#### Submission of Comments

Interested persons are invited to submit comments on the proposal. It is requested but not required that 10 copies be submitted.

All comments must not exceed 15 pages in length. (49 CFR 553.21). Necessary attachments may be appended to these submissions without regard to the 15-page limit. This limitation is intended to encourage commenters to detail their primary arguments in a concise fashion.

If a commenter wishes to submit certain information under a claim of confidentiality, three copies of the complete submission, including purportedly confidential business information, should be submitted to the Chief Counsel, NHTSA, at the street address given above, and seven copies from which the purportedly confidential information has been deleted should be submitted to the Docket Section. A request for confidentiality should be accompanied by a cover letter setting forth the information specified in the agency's confidential business information regulation. 49 CFR part 512.

All comments received before the close of business on the comment closing date indicated above for the proposal will be considered, and will be available for examination in the docket at the above address both before and after that date. To the extent possible, comments filed after the closing date will also be considered. Comments received too late for consideration in regard to the final rule will be considered as suggestions for further rulemaking action. Comments on the proposal will be available for inspection in the docket. The NHTSA will continue

to file relevant information as it becomes available in the docket after the closing date, and it is recommended that interested persons continue to examine the docket for new material.

Those persons desiring to be notified upon receipt of their comments in the rules docket should enclose a self-addressed, stamped postcard in the envelope with their comments. Upon receiving the comments, the docket supervisor will return the postcard by mail.

#### List of Subjects in 49 CFR Part 571

Imports, Motor vehicle safety, Motor Vehicles.

In consideration of the foregoing, it is proposed that 49 CFR 571.120 be amended as follows:

#### PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

1. The authority citation for part 571 would continue to read as follows:

Authority: 15 U.S.C. 1392, 1401, 1403, 1407; delegation of authority at 49 CFR 1.50.

#### § 571.120 [Amended]

2. S5.3 would be amended by revising S5.3.2 through S5.3.6 to read as follows:  
S5.3 *Label Information.*

\* \* \* \* \*

S5.3.2 *Vehicles Manufacturer on or after December 1, 1984.* Each vehicle manufactured on or after December 1, 1984, shall show the information specified in S5.3.1 through S5.3.3, and in the case of a vehicle equipped with a non-pneumatic spare tire, also that specified in S5.3.4, in the English language, lettered in block capitals and numerals not less than three thirty-seconds of an inch high and in the format set forth in the example following this section. This information shall appear either—

(a) After each GAWR listed on the certification label required by § 567.4 or § 567.5 of this chapter; or, at the option of the manufacturer,

(b) On a tire information label affixed to the vehicle in the manner, location and form described in § 567.4 (b) through (f) of this chapter, as appropriate to carry the load for each GVWR-GAWR combination listed on the certification label.

S5.3.3 *Tires.* The size designation of tires (not necessarily those on the vehicle) appropriate (as specified in S5.1.2) for the GAWR.

S5.3.4 *Rims.* The size designation and, if applicable, the type designation of rims (not necessarily those on the vehicle) appropriate for those tires.

S5.3.5 *Cold Inflation Pressure.* The cold inflation pressure for those tires

such that the sum of the load ratings at the specified pressure is appropriate (as specified in S5.1.2) for the GAWR.

S5.3.6 The non-pneumatic tire identification code, with which that assembly is labeled pursuant to S4.3(a) of § 571.129.

#### Truck Example—Suitable Tire-Rim Choice

GVWR: 17280

GAWR: Front—6280 with 7.50—20 (D) tires, 20×6.00 rims, at 75 psi cold single.

GAWR: Rear—11000 with 7.50—20 (D) tires, 20×6.00 rims, at 65 psi cold dual.

GVWR: 17340

GAWR: Front—8300 with 7.00—20 (E) tires, 20×5.50 rims, at 90 psi cold single.

GAWR: Rear—11040 with 7.00—20 (E) tires, 20×5.50 rims, at 80 psi cold dual.

\* \* \* \* \*

Issued On October 23, 1991.

Barry Felrice,

Associate Administrator for Rulemaking.

[FR Doc. 91-25962 Filed 10-28-91; 8:45 am]

BILLING CODE 4910-59-M

#### DEPARTMENT OF COMMERCE

#### National Oceanic and Atmospheric Administration

#### 50 CFR Part 685

#### Pelagic Fisheries of the Western Pacific Region

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

ACTION: Notice of availability of a fishery management plan amendment and request for comments.

SUMMARY: NOAA issues this notice that the Western Pacific Fishery Management Council (Council) has submitted Amendment 5 to its Fishery Management Plan for the Pelagic Fisheries of the Western Pacific Region (FMP) for Secretarial review, and is requesting comments from the public. Copies of Amendment 5 may be obtained from the Council at the address below.

DATES: Comments on the amendment should be submitted on or before December 13, 1991.

ADDRESSES: All comments should be sent to: E.C. Fullerton, Regional Director, Southwest Region, NMFS, 300 South Ferry Street, Terminal Island, CA 90731. Copies of the amendment and environmental assessment are available from the Western Pacific Fishery Management Council, 1164 Bishop Street, Suite 1405, Honolulu, HI 96813 (808-541-1974).

**FOR FURTHER INFORMATION CONTACT:**

Svein Fougner, Fisheries Management Division, Southwest Region, NMFS, Terminal Island, California (213-514-6660) or Alvin Katekaru, Southwest Region, NMFS, Pacific Area Office, Honolulu, Hawaii, (808-955-8831).

**SUPPLEMENTARY INFORMATION:**

The Magnuson Fishery Conservation and Management Act (Magnuson Act, 16 U.S.C. 1801 *et seq.*) requires that each Regional Fishery Management Council submit any fishery management plan or amendment it prepares to the Secretary of Commerce (Secretary) for review and approval, disapproval, or partial disapproval. The Magnuson Act also requires that the Secretary, upon receiving a plan or amendment, immediately publish a notice that the plan or amendment is available for public review and comment. The Secretary will consider all public comments in determining whether to approve the plan or amendment.

Amendment 5 proposes to establish permanently area closures in the Main Hawaiian Islands to prevent gear conflicts. Area closures to longline fishing within 75 nautical miles (nm) of the Counties of Kauai and Honolulu and within 50 nm of the Counties of Maui and Hawaii were implemented by emergency rule on June 14, 1991 (56 FR 28116, June 19, 1991), and the closures were extended through December 16, 1991 (56 FR 47701, September 20, 1991). The intent of the closures is to minimize gear conflicts between longline and troll/handline pelagic fishing vessels. In addition to prescribing the closures permanently, Amendment 5 establishes a procedure by which the areas can be adjusted as needed, establishes a procedure to provide exemptions for certain longline vessels whose owners have experienced extreme economic hardship as a result of the area closures, and establishes a 50-nm area closure around Guam.

An environmental assessment was prepared for the emergency rule, and a supplemental environmental assessment was prepared for Amendment 5. A regulatory impact review/initial regulatory flexibility analysis is incorporated in Amendment 5. All are available for public review (see **ADDRESSES**).

Proposed regulations to implement Amendment 5 are scheduled to be filed with the Office of the Federal Register within 15 days.

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

Dated: October 23, 1991.

David S. Crestin,

Acting Director, Office of Fisheries Conservation and Management, National Marine Fisheries Service.

[FR Doc. 91-25899 Filed 10-23-91; 3:47 pm]

BILLING CODE 3510-22-M

**50 CFR Part 685**

[Docket No. 910645-1260]

**Pelagic Fisheries of the Western Pacific Region**

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

**ACTION:** Notice requesting comments; criteria for modification of longline fishing prohibited area.

**SUMMARY:** NMFS requests interested persons to comment on financial hardships that may have resulted from the closure of waters around the main Hawaiian Islands (MHI) to longline fishing. The Western Pacific Fishery Management Council (Council) will review these comments when considering the criteria and conditions that should be used to allow exemptions to the area closures.

**EFFECTIVE DATES:** The Council requests that comments be submitted to the Council by November 29, 1991.

**ADDRESSES:** Send comments about the exemption program to the Western Pacific Fishery Management Council, suite 1405, 1164 Bishop Street, Honolulu, HI 96813.

**FOR FURTHER INFORMATION CONTACT:** Kitty Simonds, Executive Director, Western Pacific Fishery Management Council, Honolulu, Hawaii (808) 523-1368, or Svein Fougner, Fisheries Management Division, Southwest Region, NMFS, Terminal Island, California (213) 514-6660.

**SUPPLEMENTARY INFORMATION:** Under the emergency action authority of section 305(c) of the Magnuson Fishery Conservation and Management Act (Magnuson Act), the Secretary of Commerce (Secretary) issued an emergency rule (56 FR 28116, June 19, 1991) temporarily amending the Fishery Management Plan for Pelagic Fisheries of the Western Pacific Region (FMP) and its implementing regulations. The rule, which was made effective from 0000 hours local time June 14, 1991, prohibits fishing for pelagic species with longline gear within 75 nautical miles (nm) of the Counties of Honolulu and Kauai (which includes the islands of Kauai, Niihau, Kaula, and Oahu), and within 50 nm of the Counties of Maui and Hawaii (which includes the islands of Maui,

Kahoolawe, Lanai, Molokai, and Hawaii). The closure was implemented to prevent conflict between fishing vessels using longline gear and fishing vessels using troll or handline gear to catch pelagic management unit species in waters near the MHI.

At its meeting on August 21-22, 1991, the Council agreed that the emergency rule should be extended for a second 90-day period while the Council completes an amendment to the FMP to implement area closures on a permanent basis. The Secretary concurred and a notice of extension was published in the **Federal Register** on September 20, 1991 (56 FR 47701).

The Council also agreed, after hearing considerable testimony, that several persons were being financially disadvantaged by the area closures. These persons had a long history of longline fishing in the closed areas and were dependent on continued access to these areas. They either did not have the capability, experience, or both, to fish successfully beyond the closed areas. They sought exemptions from the closure so they could continue their traditional fishery. The Council agreed to a set of criteria by which persons who could document a long history of involvement in the longline fishery and dependence on fishing in the areas now closed would be exempt from the closures. The Council submitted to the secretary a request that the emergency rule be amended to establish a process and criteria for awarding such exemptions.

The Council further agreed that it will include in the FMP amendment dealing with MHI area closures a framework procedure for developing future criteria for awarding exemptions to the area closures. In this connection, the Council needs more complete information about hardships that may have been caused or that may be caused in the future by the area closures. This would supplement information presented to the Council at its meeting in August. The Council requested that NMFS publish a notice in the **Federal Register** to advise interested persons to submit comments and information on this matter to the Council within 30 days of the publication of this notice. The Council would particularly like comments and information on some or all of the following points: The number of years a person affected by the closures has used longline gear, if any; the total catch of pelagic species each year, if any; the proportion of the total catch that was made in waters now closed to longline fishing; vessel characteristics (including length, hold capacity, range, ice-making machinery,

amount of longline gear carried) that may affect the ability to fish in alternate areas; and any other comments any person believes relevant to exemptions. The Council will not necessarily be able to consider comments submitted by persons more than 30 days after publication of this notice.

After the comment period closes, the Council will evaluate the responses provided and other information available to it and assess whether gear conflicts might arise if exemptions are awarded under different criteria.

Dated: October 23, 1991.

**Alan D. Parsons,**

*Acting Director of Office Fisheries,  
Conservation and Management, National  
Marine Fisheries Service.*

[FR Doc 91-25987 Filed 10-28-91; 8:45 am]

BILLING CODE 3510-22-M

## Notices

Federal Register

Vol. 56, No. 209

Tuesday, October 29, 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

#### Meeting of the President's Council on Rural America

**AGENCY:** Department of Agriculture.

**ACTION:** Notice of meeting.

**SUMMARY:** The Under Secretary for Small Community and Rural Development, Department of Agriculture, is announcing a meeting of the President's Council on Rural America. The meeting is open to all interested parties.

**DATES:** Meeting on Tuesday, November 12, 1991, from 8:30 a.m. to 5 p.m., and Wednesday, November 13, from 8:30 a.m. to 12 noon.

**ADDRESSES:** The meetings will be held at: Hilton of Sante Fe, 100 Sandoval Street, P.O. Box 25104, Sante Fe, New Mexico 87501, (505) 988-2811, (Fax) (505) 988-1730.

**FOR FURTHER INFORMATION CONTACT:** Jennifer Pratt, Special Assistant to the Council, Office of Small Community and Rural Development, room 5405 South Building, USDA, Washington, DC 20250, (202) 382-0394.

**SUPPLEMENTARY INFORMATION:** The President's Council on Rural America was established by Executive Order on July 16, 1990. Members are appointed by the President and include representatives from the private sector and from State and local governments. The Council is reviewing and assessing the Federal Government's rural economic development policy and will advise the President and the Economic Policy Council on how the Federal Government can improve its rural development policy. The purpose of the meeting is to make decisions on a workplan for the Council task groups. The public may participate by providing written and verbal comments. Written comments may be submitted to Jennifer Pratt.

Dated: October 22, 1991.

**Roland R. Vautour,**  
*Under Secretary for Small Community and Rural Development.*

[FR Doc. 91-26034 Filed 10-28-91; 8:45 am]

**BILLING CODE 3410-07-M**

### Forest Service

#### Newspapers Used for Publication of Legal Notice of Appealable Decisions for Intermountain Region, Utah, Idaho, Nevada, and Wyoming

**AGENCY:** Forest Service, USDA.

**ACTION:** Notice.

**SUMMARY:** On April 5, 1991 the Intermountain Region published a list of newspapers in which decisions would be published in accordance with 36 CFR 217.5(d). This list must be updated twice annually.

The April 5, 1991 Intermountain Region list will remain unchanged except for the Districts in the Wasatch-Cache National Forest. Wasatch-Cache National Forest and District 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:** K. Dale Torgerson, Regional Appeals and Litigation Manager, Intermountain Region, 324 25th Street, Ogden, UT 84401, phone (801) 625-5279.

**SUPPLEMENTARY INFORMATION:** The administrative appeal procedures, 36 CFR part 217, of the Forest Service require publication of legal notice in a newspaper of general circulation of all decisions subject to appeal. This newspaper publication of notices of decisions is in addition to direct notice to those who have requested notice in writing and to those known to be interested and affected by a specific decision.

The legal notice is to identify: The decision by title and subject matter; the date of the decision; the name and title of the official making the decision; and how to obtain copies of the decision. In addition, the notice is to state the date the appeal period begins which is the day following publication of the notice.

The timeframe for appeal shall be based on the date of publication of the notice in the first (principal) newspaper listed for each unit.

The newspapers to be used for the Wasatch-Cache National Forest are as follows:

#### Wasatch-Cache National Forest

##### Wasatch-Cache Forest Supervisor decisions:

*Salt Lake Tribune*, Salt Lake City, Utah Salt Lake District Ranger decisions:

*Salt Lake Tribune*, Salt Lake City, Utah Kamas Lake District Ranger decisions:

*Salt Lake Tribune*, Salt Lake City, Utah Evanston Lake District Ranger decisions:

*Uintah County Herald*, Evanston, Wyoming Mountain View District Ranger decisions:

*Uintah County Herald*, Evanston, Wyoming Ogden District Ranger decisions:

*Ogden Standard Examiner*, Ogden, Utah Logan District Ranger decisions:

*Logan Herald Journal*, Logan, Utah

**John P. Butt,**

*Director, Planning and Budget.*

[FR Doc. 91-25968 Filed 10-28-91; 8:45 am]

**BILLING CODE 3410-11-M**

#### Timber Sales; Exemption, Lassen National Forest, CA

**AGENCY:** Forest Service, USDA.

**ACTION:** Notice of exemption from appeal, salvage and fuel reduction environmental assessment, Eagle Lake Ranger District, Lassen National Forest.

**SUMMARY:** The Forest Service is exempting from appeal the decision to sell dead and dying trees that are being killed by the combined effects of severe drought and bark beetles. The project objective is to reduce the fire hazard to recover the value of the timber and to rehabilitate the affected areas. The Salvage and Fuel Reduction Environmental Assessment (EA) has been prepared for all compartments of the Eagle Lake Ranger District, Lassen National Forest, which are located west of the community of Susanville, California.

There are higher than normal levels of tree mortality occurring throughout the Lassen National Forest as a result of five years of below normal precipitation. The drought has had the greatest effect on reducing vigor and weakening

natural defense mechanisms of overstocked and over-mature stands, predisposing them to attack by bark beetles. Stands located above 5,000 feet elevation containing primarily true fir are experiencing the greatest mortality. The rapid deterioration rate of true fir requires that it be removed as soon as possible if the timber is to be utilized, its value to be recovered, and the fire hazard to be reduced.

Salvage harvests will focus on California spotted owl, goshawk, fisher habitat, and old-growth retention areas. The purpose of the harvests would be to reduce the potential of catastrophic loss from wildfire and to maintain species viability. Fuel loads outside these special areas have been lowered to acceptable levels of risk from previous salvage operations and green sales. Old-growth and wildlife habitat areas are now the most at risk, potentially defeating the purpose of their establishment. Habitat areas lost to a wildfire cannot be easily replaced by suitable habitat elsewhere on the District. Also, existing habitat areas are strategically located across the range of each species to provide effective distribution and to maintain population viability. If lost to wildfire, the connectivity of these habitat areas would be broken. Management objectives for these areas would not be met.

Harvest would remove individual trees or small clumps of trees less than one acre in size. Suitable habitat, stand structure, and down log/snag requirements would be maintained at "high" habitat capability levels in accordance with the management prescriptions for these areas. "High" habitat capability is defined in the snag models for montane conifer stands as 3.5 to 10 snags per acre. Artificial regeneration (planting) is not anticipated, but may be done to enhance stand structure and to ensure rapid restocking of holes created in the canopy.

The Forest Supervisor has determined through environmental analysis, which included public scoping, that there is good cause to expedite this project. The analysis area is approximately 35,000 acres (gross) with at least 15,000 acres visibly affected at this time. Up to 90% or more of the trees in some stands within the analysis area are dead or dying. The Forest is proposing several sales using tractor harvest systems. An estimated 25 million board feet (MMBF) could be salvaged from this analysis area. Total volume killed could go as high as 50 MMBF if mortality increases due to the continuing drought and bark

beetle infestation. The management direction for all compartments in this proposal is established through forest standards and guidelines and management prescriptions. These standards and guidelines and management prescriptions would be adhered to so as not to forgo future management options.

No roadless or former roadless areas exist in the analysis area. No new system road construction is planned in the compartments, and reconstruction is limited to less than five miles.

The California spotted owl inhabits eight of the eight Spotted Owl Habitat Areas under consideration. The Fish and Wildlife Service is considering now whether the California spotted owl should be listed as threatened or endangered. Non-network spotted owls are known to inhabit five of the old-growth areas and none of the goshawk areas.

The northern goshawk is known to inhabit four of the goshawk areas and one of the old-growth areas.

It is extremely important to remove the dead and dying timber prior to deterioration and subsequent value losses which would make the sales economically infeasible. Through timber sales, fuel treatments can be accomplished (or deposits collected to accomplish them) to a degree that could not be funded otherwise. It is also important to harvest the dead and dying timber when there is the potential to get the highest return to the government and collect Knutsen-Vandenburg (K-V) funds to restore forest values being affected by extensive tree mortality.

The decision for the analysis area is scheduled to be issued in mid-October 1991. If projects are delayed because of appeals (delays can be up to 100 days, with an additional 15-20 days for discretionary review by the Chief of the Forest Service), it is likely that the projects could not be implemented this operating season or during the winter operating period. This would result in a loss of value of the timber due to deterioration. This loss of timber value would create the potential that the sales would not sell. In addition, the fire hazard would not be reduced if the dead timber was not removed.

Pursuant to 36 CFR 217.4(a)(11), it is my decision to exempt from appeals the decisions relating to the timber harvest and restoration of the lands affected by drought-induced timber mortality in the Salvage and Fuels Reduction analysis area on the Eagle Lake Ranger District, Lassen National Forest, the environmental document being prepared will address the effects of the proposed

actions on the environment, document public involvement, and address the issues raised by the public.

**EFFECTIVE DATE:** This decision will be effective October 29, 1991.

**FOR FURTHER INFORMATION CONTACT:** Questions about this decision should be addressed to Ed Whitmore, Timber Management Staff Director, Pacific Southwest Region, Forest Service, USDA, 630 Sansome Street, San Francisco, CA 94111 at (415) 705-2648, or to Leonard Atencio, Forest Supervisor, Lassen National Forest, 55 South Sacramento Street, Susanville, CA 96130 at (916) 257-2151.

**ADDITIONAL INFORMATION:** The Cooperative Forestry Assistance Act of 1978 authorizes the Secretary of Agriculture to enhance the growth and maintenance of forests, promote the stability of forest-related industries and employment associated therewith, aid in forest fire prevention and control, conserve the forest cover on watersheds, and protect recreational opportunities and other forest resources.

The environmental analysis for this proposal will be documented in the Salvage and Fuel Reduction Environmental Assessment. Public participation in the analysis was solicited through Public Notice published in the Lassen County Times on February 19, 1990. Also, scoping letters were sent to various individuals, businesses, and state and private organizations soliciting their concerns about the project during February of 1991. Comments received were considered in the issues, range of alternatives and the management requirements and mitigation measures developed. The project files and related maps are available for public review at the Eagle Lake Ranger District, Susanville, California.

The analysis indicates that up to 30 million board feet, primarily true fir, valued at up to six million dollars, have been currently killed by the combined effects of drought and bark beetle attack. Up to 70% of the merchantable volume can be lost by the second year if true fir is left as standing dead. (USDA Circular 962 was used as a reference for the volume loss calculation and it describes decay rates in timber killed by fire. Pacific Southwest Research Station personnel have stated that the decay in timber killed by insects would be equivalent or greater.) Delaying or not harvesting this timber could result in a loss of up to \$875,000 in National Forest Receipts not being available to counties, as well as employment opportunities generated from harvest, milling and sale

of timber in Lassen, Plumas, and Shasta Counties.

The environmental analysis documents that salvage harvesting can be conducted while protecting other resource values, such as wildlife habitat, soil productivity, watershed values, visual quality, air quality, recreation, and public safety. No wetlands, wilderness areas, released roadless areas, or threatened or endangered species would be affected by the proposed projects. Delays for any reason could jeopardize changes of accomplishing recovery and rehabilitation of the damaged resources funded with K-V monies. These delays would result in volume and value losses, and increase the chances of wildfire due to the large quantity of standing and down fuels.

Dated: October 22, 1991.

Edward Whitmore,

Acting Deputy Regional Forester.

[FR Doc. 91-25965 Filed 10-29-91; 8:45 am]

BILLING CODE 3410-11-M

### Management Direction for the Red-cockaded Woodpecker in the Southern Region

**AGENCY:** Forest Service, USDA.

**ACTION:** Notice of intent to prepare an environmental impact statement.

**SUMMARY:** The Southern Region of the Forest Service will prepare a draft and final environmental impact statement (EIS) on a proposal to establish Regional standards and guidelines for the management of the Red-cockaded Woodpecker (RCW) and its habitat; establish criteria to delineate habitat management areas and determine population objectives; and establish monitoring requirements, in order to provide Regional direction to the affected National Forests within the Southern Region to ensure the protection of the RCW and fulfill the responsibility toward the recovery of the species. The EIS will be prepared in accordance with the National Environmental Policy Act (NEPA), the National Forest Management Act (NFMA) and the Endangered Species Act (ESA).

The Fish and Wildlife Service, USDI, will be a cooperating agency.

The Forest Service is inviting comments on the scope of the environmental analysis for this EIS.

**DATES:** Comments concerning scope of analysis should be received in writing by November 29, 1991.

**ADDRESSES:** Send written comments to: RCW Team Leader; USDA Forest

Service, Southern Region; 1720 Peachtree Rd. NW.; Atlanta, GA 30367.

**FOR FURTHER INFORMATION CONTACT:** Joseph M. Dabney, RCW Team Leader, (404) 347-5097.

**SUPPLEMENTARY INFORMATION:** The decisions to be made, based on the EIS, will constitute the Regional direction to the affected National Forests within the Southern Region and will include: (1) What Regional standards and guidelines will be used for the management of the Red-cockaded Woodpecker (RCW) and its habitat, (2) what criteria will be used to delineate habitat management areas and determine population objectives, and (3) what monitoring requirements will be necessary.

The decision resulting from this EIS will not amend Forest Land and Resource Management Plans (Forest Plan). Using the Regional direction, each affected National Forest within the Southern Region will conduct a Forest-level analysis to determine the effect of allocating land to RCW management and the effect of applying the Regional RCW standards and guidelines on the RCW, its habitat, and other forest resources. The affected National Forests will also develop procedures for implementing the monitoring requirements established through the Regional direction. The Forest-level analyses will be conducted as part of the Forest Plan amendment/revision process in compliance with NEPA, NFMA, and ESA. During Forest-level analyses, if new information surfaces regarding RCW management, reasonable alternatives that deviate from the Regional direction may be developed by the affected National Forests. In this event, consultation with the Fish and Wildlife Service will be required. A "No Jeopardy" opinion will be required for alternatives that deviate from Regional direction.

Pursuant to the National Forest System Land and Resource Management Planning regulations (36 CFR 219), the Regional Guide for the Southern Region (the Guide) was issued in June 1984, which provided Regional standards and guidelines to facilitate land and resource management planning for the National Forests within the Southern Region. The Guide did not include any specific direction for management of the RCW or its habitat. Specific direction for RCW management was issued in the Wildlife Habitat Management Handbook (FSH 2609.23R), which was incorporated by reference into the Guide. The RCW chapter (420) in the Handbook was originally issued in 1975, with revisions in 1979 and 1985. The 1985 revision was finalized following consultation with

Fish and Wildlife Service. An analysis, conducted in 1989, of RCW survey information indicated that most of the populations of the endangered RCW's are declining in the Southern Region. This evidence prompted a review of management practices which led to the Regional Forester issuing a "Policy on Cutting within ¼ mile of RCW colonies on Existing Timber Sale Contracts" (the policy). The policy, implemented on March 27, 1989, was instituted to ensure that Forest Service actions did not jeopardize the species. The policy was continued by the decision notice of June 26, 1989. This completed Phase I of a 3-Phase process initiated to protect the RCW and establish new RCW management direction.

Phase II included an environmental analysis and the preparation of an environmental assessment, "Environmental Assessment for Interim Standards and Guidelines for the Protection and Management of RCW habitat within ¼ mile of Colony Sites" (Interim Guide). The Interim Guide, implemented May 9, 1990, and supplemented May 3, 1991, currently apply to all RCW populations in the Southern Region except the National Forests in Texas where a court ordered management plan is still in effect. The Interim Guide will remain in effect until the affected National Forests implement the Regional direction through Forest Plan amendments/revisions.

The Forest Service is now beginning Phase III, the establishment of Regional standards and guidelines for the management of the Red-cockaded Woodpecker (RCW) and its habitat; the establishment of criteria that will be used to delineate habitat management areas and determine population objectives; and the establishment of monitoring requirements.

The proposed action is to ensure the protection of the RCW on the affected National Forests in the Southern Region and to fulfill responsibility toward the recovery of the species. This action will not apply to other Federal, State or private lands. In addition, a range of preliminary alternatives to the proposed action has been developed.

The proposed action will: (1) Establish Regional standards and guidelines for the management of the Red-cockaded Woodpecker (RCW) and its habitat as follows: (a) set a maximum percentage of the area within ¼ mile of RCW colonies allowed in the 0-10 and 0-30 age classes at 6.5 percent and 20 percent, respectively, to prevent habitat fragmentation; (b) set minimum rotation ages ranging from 70-120 years, depending on tree species, to ensure

trees suitable for cavity development, and (c) set 4 different management intensity levels based on RCW population size and trend to ensure adequate protection of small, vulnerable populations; (2) establish criteria that will be used to delineate habitat management areas and determine population objectives to ensure demographic stability; and (3) establish monitoring requirements to determine if the objectives of the new RCW management direction is being met.

The preliminary alternatives include: (1) The No Action alternative. This will be a continuation of the Interim Guide which (a) controls habitat fragmentation by setting timber harvest limitations within ¼ mile of RCW colony sites, (b) sets a minimum rotation age of 120 years for all pine species, (c) applies the same management intensity to all RCW populations regardless of size, and (d) defines management areas as a ¾ mile radius circle around both active and inactive colony sites. (2) An alternative based on the 1985 Handbook which (a) does not set specific criteria to prevent habitat fragmentation, (b) sets minimum rotation ages ranging from 70-100 years depending upon tree species, (c) applies the same management intensity to all RCW populations regardless of size, and (d) does not specifically define a RCW management area. (3) An alternative similar to the proposed action, with the following exceptions: (a) Controls habitat fragmentation by limiting timber harvest within ¼ mile of RCW colony sites, (b) sets minimum rotation ages ranging from 60-200 years based upon tree species and site index, and (c) has 5 different management intensity levels. (4) An alternative that will be the same as (3), except the area of application is expanded to include all National Forest System land known to be occupied by RCW in 1970, the year the RCW was listed as endangered.

Additional alternatives may be developed from public comments received during this EIS scoping period.

The following preliminary issues, derived from comments received during preparation of the Interim Guide, as well as any issues identified during this EIS scoping process, will be considered in the environmental analysis: (1) Economic effects on local communities, (2) effects on RCW habitat resulting from modification of silvicultural practices, (3) effects of direct habitat improvements and population manipulation on the RCW, and (4) effects on other forest resources from RCW management.

The EIS will disclose the direct,

indirect, and cumulative effects of implementing the proposed action and the alternatives.

Public participation will be especially important at several points during the analysis process. The first point in the analysis is the scoping process (40 CFR 1501.7). The scoping process includes, but is not limited to: (1) Identifying potential issues, (2) identifying issues to be analyzed in depth, (3) eliminating insignificant issues or those which have been covered by a relevant previous environmental analysis, (4) exploring additional alternatives, and (5) identifying potential environmental effects of the proposed action and alternatives (i.e., direct, indirect, and cumulative effects).

The Forest Service is seeking information, comments, and assistance from Federal, State and local agencies, and other individuals or organizations who may be interested in or affected by the proposed action. This input will be utilized in the preparation of the draft environmental impact statement. Additional public participation will include notifying known interested and affected publics and key contacts in person and/or by mail. News releases will be used to provide general notice to the public.

The draft environmental impact statement is expected to be filed with the Environmental Protection Agency (EPA) and to be available for public review by January 1992. At that time, EPA will publish a notice of availability of the draft environmental impact statement in the *Federal Register*.

The comment period on the draft environmental impact statement will be 90 days from the date the Environmental Protection Agency publishes the notice of availability in the *Federal Register*.

The Forest Service believes, at this early stage, it is important to give reviewers notice of several court rulings related to public participation in the environmental review process. Upon release of the draft environmental impact statement, projected for January 1992, reviewers must structure their participation in the environmental review of the proposal so that it is meaningful and alerts an agency to the reviewer's position and contentions. *Vermont Yankee Nuclear Power Corp. v. NRDC*, 435 U.S. 519 (1978). Also, environmental objections that could be raised at the draft environmental impact statement stage but that are not raised until after completion of the final environmental impact statement may be waived or dismissed by the courts. *City of Angoon v. Hodel*, 803 F.2d 1016, 1022

(9th Cir. 1986) and *Wisconsin Heritages, Inc. v. Harris*, 490 F. Supp. 1334, 1338 (E.D. Wis. 1980). Because of these court rulings, it is very important that those interested in this proposed action participate by the close of the 90-day comment period so that substantive comments and objections are made available to the Forest Service at a time when it can meaningfully consider them and respond to them in the final environmental impact statement.

To assist the Forest Service in identifying and considering issues and concerns on the proposed action, comments on the draft environmental impact statement should be as specific as possible. It is also helpful if comments refer to specific pages or chapters of the draft statement. Comments may also address the adequacy of the draft environmental impact statement or the merits of the alternatives formulated and discussed in the statement. (Reviewers may wish to refer to the Council on Environmental Quality Regulations for implementing the procedural provisions of the National Environmental Policy Act at 40 CFR 1503.3 in addressing these points.)

After the comment period ends on the draft environmental impact statement, the comments will be analyzed, considered, and responded to by the Forest Service in preparing the final environmental impact statement. The final environmental impact statement is scheduled to be completed by June 1992. The responsible official will consider the comments, responses, environmental consequences discussed in the final environmental impact statement, and applicable laws, regulations, and policies in making a decision regarding this revision of regional direction. The responsible official will document the decision and reasons for the decision in the Record of Decision. That decision will be subject in appeal in accordance with 36 CFR 217.

The responsible official is: John E. Alcock, Regional Forester; USDA Forest Service, Southern Region; 1720 Peachtree Rd. NW., Atlanta, GA 30367.

Dated: October 24, 1991.

Marvin C. Meier,  
Deputy Regional Forester.  
[FR Doc. 91-26089 Filed 10-28-91; 8:45 am]  
BILLING CODE 3410-11-M

**Draft Supplement to the Final Environmental Impact Statement for the Regional Guide for the South**

**AGENCY:** Forest Service, USDA.

**ACTION:** Notice of cancellation of intent to prepare an environmental impact statement.

**SUMMARY:** The Southern Region of the Forest Service is withdrawing the Notice of Intent to prepare a Supplement to the Final Environmental Impact Statement for the Regional Guide for the South.

The Notices of Intent, published in the *Federal Register* of May 5, 1989, and July 24, 1989, are hereby rescinded (54 FR 19422-19423 and 54 FR 30771-30772).

A new notice of intent to prepare a draft and final environmental impact

statement to provide management direction for the Red-cockaded Woodpecker in the Southern Region will be published in the *Federal Register*.

**FOR FURTHER INFORMATION CONTACT:** Joseph M. Dabney, RCW Team Leader, USDA Forest Service, 1720 Peachtree Rd. NW., Atlanta, GA. 30367. Telephone (404) 347-5097.

Dated: October 24, 1991.

Marvin C. Meier,

Deputy Regional Forester.

[FR Doc. 91-26090 Filed 10-28-91; 8:45 am]

BILLING CODE 3410-11-M

## DEPARTMENT OF COMMERCE

### Economic Development Administration

#### Petitions by Producing Firms for Determination of Eligibility to Apply for Trade Adjustment Assistance

**AGENCY:** Economic Development Administration (EDA), Commerce.

**ACTION:** To give firms an opportunity to comment.

Petitions have been accepted for filing on the dates indicated from the firms listed below.

Firm name	Address	Date petition accepted	Product
Accede Mold & Tool Company, Inc.	1125 Lexington Avenue, Rochester, NY 14606.	09/18/91	Plastic measurement devices, fan shrouds for autos, depth finders for boats & caps for bottles.
Schulze Tool Company, Inc.	1032 S. Vista Avenue, Independence, MO 64056-2395.	09/18/91	Blow Molds (machined aluminum or copper) from developed or supplied prints.
Emanuel Equipment	314 Commercial Street, Sunnyvale, CA 94086.	09/19/91	Tooling for semiconductor packaging and semiconductor packages.
Universal Chain Company, Inc.	92 Burnett Avenue, Maplewood, NJ 07040.	09/23/91	Jewelry chains and links, of precious and non-precious metals and surgical ligating wire.
Johnstown Knitting Mill Company (The)	309 W. Montgomery Street, Johnstown, NY 12095.	09/23/91	Men's and boy's sweatshirts, nightwear, sportswear and thermal underwear.
Dan Dee Belt & Bag Company, Inc.	115-131 Grand Street, Hoboken, NJ 07030.	09/23/91	Bonded leather, web and elastic belts, leather diaries, business card holders and organizers.
Video Accessory Corporation	2450 Central Avenue, Suite H, Boulder, CO 80301.	09/23/91	Sync and pattern generators, interference and hum reducers amplifiers and switches for video.
Specialty Measurements, Inc.	P.O. Box 275, Pittstown, NJ 08867	09/23/91	Transducers (load cells) of copper, stainless steel aluminum and alloy steel.
Sundog, Incorporated	712 North 34th Street, Seattle, WA 98103	09/26/91	Soft sided luggage.
Sarlo Tool & Machine Company, Inc.	310 Filmore Street, Riverside, NJ 08075	09/27/91	Heat-guns for the shrinking of polyethylene film and textile equipment creels.
Virginia Walton, Limited dba Tres Bonne	1578 First Avenue South, Seattle, WA 98134.	09/30/91	Adult jackets, pants and knits.
Peter Caruso Leatherwear, Inc.	72 Broadway, Passaic, NJ 07055	09/30/91	Adult leather apparel.
Clare Joseph, Inc.	2165 Hampton Avenue, St. Louis, MO 63139.	10/01/91	Women's dresses and skirts.
Northwest Waters Salmon Smokery, Inc.	12685-B Miller Road, Brainbridge Island, WA 98110.	10/04/91	Smoked salmon.
Terry Fabrics, Inc.	74 Coit Street, Irvington, NJ 07111	10/04/91	Window blinds both venetian and vertical made of plastic, cloth and cord.
AJL Tool & Manufacturing Company, Inc.	233 Lagrange Avenue, Rochester, NY 14613.	10/07/91	Frames, covers, paper path components, and brackets for copy machines.
NS Company, Inc.	2125 Lavista Executive Park Drive, Tucker, GA 30084.	10/07/91	Jewelry.
Actek, Incorporated	12740 28th Northeast, Seattle, WA 98124	10/07/91	Control products.
Allstate Tool & Die, Inc.	15 Coldwater Crescent, Rochester, NY 14624.	10/07/91	Copier shafts and optical housing.
Hemel Engineering Products, Inc.	6520 Lockport Road, Niagara Falls, NY 14305.	10/07/91	Coordinate measuring machines (hemel) and its software.
Simpson Electric Company	853 Dundee Avenue, Elgin, IL 60120-3090	10/09/91	Voltage testers, multimeters, temperature testers, microwave leakage testers & frequency counters.
Spraying Devices, Inc.	Box 3107, 447 E. Caldwell Ave., Visalia, CA 93278.	10/09/91	Power spraying equipment.
Polley, Inc./Kelco Sales & Engineering Co., Inc.	11936 East Front Street, Norwalk, CA 90650.	10/09/91	Abrasive blast cleaning equipment and parts.
Advance Canvas Design	609 Clinton Street, Ridgway, CO 81432	10/09/91	Tents of canvas.
Moore Gear and Manufacturing Company	P.O. Box 56, Hermann, MO 65041	10/10/91	Loose gears.
Hermann Oak Leather Company	4050 North First Street, St. Louis, MO 63147.	10/11/91	Tanned bovine hides.
Diamond Brands, Inc.	1804 Cloquet Avenue, Cloquet, MN 55720	10/15/91	Wood matches, toothpicks, stick swabs and skewers cut and shaped from logs.
Waters Instruments, Inc.	2411 Seventh Street, NW, Box 6117, Rochester, MN 55903-6117.	10/15/91	Electric fence controllers for livestock.

The petitions were submitted pursuant to section 251 of the Trade Act of 1974 (19 U.S.C. 2341). Consequently, the United States Department of

Commerce has initiated separate investigations to determine whether increased imports into the United States of articles like or directly competitive

with those produced by each firm contributed importantly to total or partial separation of the firm's workers, or threat thereof, and to a decrease in

sales or production of each petitioning firm.

Any party having a substantial interest in the proceedings may request a public hearing on the matter. A request for a hearing must be received by the Trade Adjustment Assistance Division, room 4015A, Economic Development Administration, U.S. Department of Commerce, Washington, DC 20230, no later than the close of business of the tenth calendar day following the publication of this notice.

The Catalog of Federal Domestic Assistance official program number and title of the program under which these petitions are submitted is 11.313, Trade Adjustment Assistance.

Dated: October 23, 1991.

L. Joyce Hampers,

*Assistant Secretary for Economic Development.*

[FR Doc. 91-26042 Filed 10-28-91; 8:45 am]

BILLING CODE 3510-24-M

### Foreign-Trade Zones Board

[Order No. 538]

#### Designation of New Grantee for Foreign-Trade Zone 88, Great Falls, MT; Proceedings of the Foreign-Trade Zones Board, Washington, DC

##### Resolution and Order

Pursuant to its authority under the Foreign-Trade Zones Act of June 18, 1934, as amended (19 U.S.C. 81a-81u), and the Foreign-Trade Zones Board Regulations (15 CFR part 400), the Foreign-Trade Zones Board (the Board) adopts the following Order:

The Board, having considered the matter, hereby orders:

After consideration of the request with supporting documents (Docket 22-91, filed April 23, 1991) of the Economic Growth Council of Great Falls, grantee of Foreign Trade Zone 88, Great Falls, Montana, for reissuance of the grant of authority for said zone to the Great Falls International Airport Authority, a Montana public corporation, which has accepted such reissuance subject to approval of the Foreign-Trade Zones Board, the Board, finding that the requirements of the Foreign-Trade Zones Act, as amended, and the Board's regulations are satisfied, and that the proposal is in the public interest, approves the request and recognizes the Great Falls International Airport Authority as the new grantee of Foreign-Trade Zone 88, Great Falls, Montana.

The Secretary of Commerce, as Chairman

and Executive Officer of the Board, is hereby authorized to issue a grant of authority and appropriate Board Order.

Signed at Washington, DC, this 18th day of October, 1991.

Eric I. Garfinkel,

*Assistant Secretary of Commerce for Import Administration, Chairman, Committee of Alternates, Foreign-Trade Zones Board.*

[FR Doc. 91-26044 Filed 10-28-91; 8:45 am]

BILLING CODE 3510-DS-M

### International Trade Administration

[A-570-815]

#### Initiation of Antidumping Duty Investigation: Sulfanilic Acid From the People's Republic of China

**AGENCY:** Import Administration, International Trade Administration, Commerce.

**EFFECTIVE DATE:** October 29, 1991.

**FOR FURTHER INFORMATION CONTACT:** Mary Jenkins, Office of Antidumping Investigations, Import Administration, U.S. Department of Commerce, room B099, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone (202) 377-1756.

##### Initiation

##### *The Petition*

On October 3, 1991, R-M Industries, Inc., a private company incorporated in the State of North Carolina, filed with the Department of Commerce (the Department) an antidumping duty petition on behalf of the United States industry producing sulfanilic acid. In accordance with 19 CFR 353.12 of the Department's Regulations, the petitioner alleges that imports of sulfanilic acid from the People's Republic of China (PRC) are being, or are likely to be, sold in the United States at less than fair value within the meaning of section 731 of the Tariff Act of 1930, as amended (the Act), and that these imports are materially injuring, or threaten material injury to, a U.S. industry.

The petitioner states that it has standing to file the petition because it is an interested party, as defined in 19 CFR 353.2(k), and because it has filed the petition on behalf of the U.S. industry producing sulfanilic acid. If any interested party, as described in 19 CFR 353.2(k) (3), (4), (5), or (6), wishes to register support for, or opposition to, this investigation, please file written notification with the Assistant Secretary for Import Administration.

### *United States Price and Foreign Market Value*

Petitioner based United States price (USP) on 1990 and 1991 price quotations for sulfanilic acid produced in the PRC, which were obtained from U.S. customers who purchase sulfanilic acid from petitioner and/or from the PRC. The price quotes petitioner obtained were delivered prices to U.S. customers. To obtain the ex-factory price, petitioner subtracted from U.S. price foreign inland freight, ocean freight, U.S. brokerage and handling charges, marine insurance, U.S. duty and U.S. inland freight based on quoted August 1991 rates from an international freight forwarder and U.S. commissions.

Petitioner, alleging that the PRC is a nonmarket economy (NME) country within the meaning of section 773(c) of the Act, based foreign market value (FMV) on its own factors of production and valued those factors in India. Where surrogate information was not reasonably available for activated carbon and fuel oil, petitioner used U.S. factors. Petitioner used its actual percentages for manufacturing overhead, the statutory minimum of 10 percent for general expenses, and eight percent for profit.

Pursuant to section 771(18), the PRC is presumed to be a NME and the Department has treated it as such (see Final Determination of Sales at Less Than Fair Value: Chrome-Plated Lug Nuts from the People's Republic of China, 56 FR 46153 (September 10, 1991) and Final Determination of Sales at Less Than Fair Value: Sparklers from the People's Republic of China, 56 FR 20588 (May 6, 1991) (Sparklers)).

For purposes of this initiation we have accepted India as having a comparable economy and as being a significant producer, pursuant to section 773(c)(4) of the Act. Therefore, we have accepted petitioner's information for purposes of this initiation.

Based on the comparison of USP and FMV, petitioner alleges dumping margins ranging from 0 percent to 94.1 percent. However, after we recalculated the U.S. price inclusive of the U.S. commissions, in accordance with the Departments methodology, the dumping margins range from 0 percent to 85.2 percent.

Petitioner also alleges that "critical circumstances" exist, within the meaning of section 733(e) of the Act, with respect to imports of sulfanilic acid from the PRC.

##### *Initiation of Investigation*

Under 19 CFR 353.13(a), the

Department must determine, within 20 days after a petition is filed, whether the petition properly alleges the basis on which an antidumping duty may be imposed under section 731 of the Act, and whether the petition contains information reasonably available to the petitioner supporting the allegations.

We have examined the petition on sulfanilic acid from the PRC and find that it meets the requirements of 19 CFR 353.13(a). Therefore, we are initiating an antidumping duty investigation to determine whether imports of sulfanilic acid from the PRC are being, or are likely to be, sold in the United States at less than fair value.

In accordance with 19 CFR 353.13(b) we are notifying the International Trade Commission (ITC) of this action.

Any producer or reseller seeking exclusion from a potential antidumping duty order must submit its request for exclusion within 30 days of the date of the publication of this notice. The procedures and requirements regarding the filing of such requests are contained in 19 CFR 533.14.

Pursuant to section 771(18) of the Act and based on prior investigations, the PRC is an NME. Parties will have the opportunity to comment on this issue and whether foreign market value should be based on prices or costs in the NME in the course of this investigation. The Department further presumes, based on the extent of central control in an NME, that a single antidumping duty margin is appropriate for all exporters. Only if NME exporters can demonstrate an absence of central government control with respect to the pricing of exports, both in law and in fact, will they be entitled to separate, company-specific margins. (See, Final Determination of Sales at Less Than Fair Value: Sparklers from the People's Republic of China, 56 FR 20588 (May 6, 1991) for a discussion of the information the Department considers in this regard).

In accordance with section 773(c), FMV in NME cases is based on NME producers' factors of production (valued in a market economy country). Absent evidence that the PRC government has selected which factories produce for the United States, for purposes of the investigation we intend to base FMV only on those factories in the PRC which are known to produce sulfanilic acid for export to the United States.

#### *Scope of Investigation*

The products covered by this investigation are all grades of sulfanilic acid, which include technical (or crude) sulfanilic acid, refined (or purified) sulfanilic acid and sodium salt or

aminobenzenesulfonic acid.

Sulfanilic acid is a synthetic organic chemical produced from the direct sulfonation of aniline with sulfuric acid. Sulfanilic acid is used as a raw material in the production of optical brighteners, food colors, specialty dyes, and concrete additives. The principal differences between the grades are the undesirable quantities of residual aniline and alkali insoluble materials present in the sulfanilic acid. All grades are available as dry, free flowing powders.

Technical sulfanilic acid, classifiable under the subheading 2921.42.24 of the Harmonized Tariff Schedule (HTS) contains 96 percent minimum sulfanilic acid, 1.0 percent maximum aniline, and 1.0 percent maximum alkali insoluble materials.

Refined sulfanilic acid, classifiable under the subheading 2921.42.24 of the HTS and contains 98 percent minimum sulfanilic acid, 0.5 percent maximum aniline and 0.25 percent maximum alkali insoluble materials.

Sodium salt, classifiable under the HTS subheading 2921.42.70 is a granular or crystalline material which contains 75 percent minimum equivalent sulfanilic acid, 0.5 percent maximum aniline based on the equivalent sulfanilic acid content, and 0.25 percent maximum alkali insoluble materials based on the equivalent sulfanilic acid content.

Although the HTS subheading are provided for convenience and customs purposes, our written description of the scope of this proceeding is dispositive.

#### *Preliminary Determination by ITC*

The ITC will determine by November 18, 1991, whether there is a reasonable indication that imports of sulfanilic acid from the PRC are materially injuring, or threaten material injury to, a U.S. industry. If its determination is negative, the investigation will be terminated. If affirmative, the Department will make its preliminary determination on or before March 11, 1992, unless the investigation is terminated pursuant to 19 CFR 353.17 or the preliminary determination is extended pursuant to 19 CFR 353.15.

This notice is published pursuant to section 732(c)(2) of the Act and 19 CFR 353.13(b).

Dated: October 23, 1991.

**Marjorie A. Chorlins,**  
*Acting Assistant Secretary for Import Administration.*

[FR Doc. 91-26045 Filed 10-28-91; 8:45 am]

BILLING CODE 3510-DS-M

[C-357-404]

### **Certain Apparel From Argentina; Amendment to Final Results of Countervailing Duty Administrative Review**

**AGENCY:** International Trade Administration/Import Administration Department of Commerce.

**ACTION:** Notice of amendment to final results of countervailing duty administrative review.

**SUMMARY:** On August 23, 1991, the Department of Commerce published the final results of its administrative review on the countervailing duty order on certain apparel from Argentina (56 FR 41823). After the disclosure conference, counsel for Fibramalva submitted timely comments in accordance with 19 CFR 355.28, alleging that the Department made certain ministerial errors in its benefit calculations. The Department has received no comments from petitioner. After reviewing respondent's comments, we agree that we made certain ministerial errors in our signed notice and in the notice as it appeared in the *Federal Register*. We have corrected those errors and are now amending the final results.

**EFFECTIVE DATE:** August 23, 1991.

**FOR FURTHER INFORMATION CONTACT:** Christopher Beach or Maria MacKay, Office of Countervailing Compliance, International Trade Administration, U.S. Department of Commerce, Washington, DC 20230; telephone (202) 377-2786.

#### **SUPPLEMENTARY INFORMATION:**

##### **Background**

On August 23, 1991, the Department of Commerce ("the Department") published the final results of its administrative review of the countervailing duty order on certain apparel from Argentina (56 FR 41823). The Department held a disclosure conference on September 4, 1991. Based on the information obtained at disclosure, on September 11, 1991, counsel for Fibramalva submitted timely comments in accordance with 19 CFR 355.28, alleging that the Department made certain ministerial errors in the benefit calculations for particular loans reported under the RF-21 loan program. The Department has received no comments from petitioner contesting this allegation. After reviewing respondent's comments, we agree that we made certain ministerial errors in our signed notice and in the notice as it appeared in the *Federal Register*. We have corrected

those errors and are now amending the final results.

Section 1333 of the Omnibus Trade and Competitiveness Act of 1988, which amends section 735 of the Tariff Act of 1930, authorizes the Department to correct ministerial errors in final results of administrative review.

#### Ministerial Error

We corrected the following ministerial errors:

1. On page 41823 in the third column, fifth paragraph, eleventh line, 2.22 is corrected to read 1.96.

2. On page 41825 in the second column, fourth paragraph, seventh line, 1.67 is corrected to read 1.41.

3. On page 41825 in the third column, first paragraph, fourth line, 2.22 is corrected to read 1.96.

4. On page 41825 in the third column, second paragraph, seventh line, 2.22 is corrected to read 1.96.

5. On page 41825 in the third column, third paragraph, ninth line, 2.22 is corrected to read 1.96.

All other assessment and cash deposit rates cited remain unchanged.

This notice is in accordance with sections 751(a)(1) and 735 of the Tariff Act.

Dated: October 21, 1991.

**Marjorie A. Chorlins,**

*Acting Assistant Secretary for Import Administration.*

[FR Doc. 91-26046 Filed 10-28-91; 8:45 am]

BILLING CODE 3510-DS-M

#### National Oceanic and Atmospheric Administration

#### National Fish and Seafood Promotional Council; Public Meeting

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

**TIME AND DATE:** The meeting will convene at 1:00 p.m. on Thursday, November 21, 1991, and adjourn approximately 12:00 noon on Friday, November 22, 1991.

**PLACE:** Mayflower Hotel, 1127 Connecticut Avenue NW., Washington, DC 20036.

**STATUS:** NOAA announces a meeting of the National Fish and Seafood Promotional Council (NFSPC). The NFSPC, consisting of 15 industry members and the Secretary of Commerce as a non-voting member, was established by the Fish and Seafood Promotion Act of 1986 to carry out programs to promote the consumption of fish and seafood and to improve the competitiveness of the U.S. fishing industry.

The NFSPC is required to submit an annual marketing plan and budget to the Secretary of Commerce for his approval that describes the marketing and promotion activities the NFSPC intends to carry out.

Funding for NFSPC activities is provided through Congressional appropriations.

#### Matters To Be Considered—Portion Opened To The Public

November 21, 1991

1 p.m.—5 p.m.—Chairman's opening remarks; approval of minutes from previous meeting; review of meeting agenda and objectives; presentation of results, 1991 consumer focus groups, followed by discussion; presentations by individual Council members on the industry in their area, with opinions as to where the industry is going relative to marketing; discussion and review of the three active years of Council programs, their effectiveness and results.

November 22, 1991

9 a.m.—12 noon—Executive Director's report; discussion of October National Seafood Month activities, holiday press materials; presentation of final Council report (in progress); explanation, with representatives of the National Marine Fisheries Service, of final Council handover and close-down procedures; open session for other business and general discussion.

#### Portion Closed To the Public

None.

#### FOR FURTHER INFORMATION CONTACT:

Nancy L. Trigali, Public Affairs Specialist, National Fish and Seafood Promotional Council, 1825 Connecticut Avenue, NW., room 620, Washington, DC 20235. Telephone: (202) 606-4237.

Dated: October 23, 1991.

**David S. Crestin,**

*Acting Director, Office of Fisheries Conservation and Management, National Marine Fisheries Service.*

[FR Doc. 91-25900 Filed 10-28-91; 8:45 am]

BILLING CODE 3510-22-M

#### Pacific Fishery Management Council; Public Meeting

**AGENCY:** National Marine Fisheries Service, NOAA, Commerce.

The Pacific Fishery Management Council's (Council) Coastal Pelagics Species Plan Development Team (CPSPDT) will hold two special public meetings, in lieu of the CPSPDT's regularly scheduled November 8, 1991, public meeting.

The first special meeting will be held on November 6, 1991, at 10 a.m. in the conference room of the Department of Parks and Recreation, 2211 Garden Road, Monterey, CA. Dr. Dale Squires of the National Marine Fisheries Service (NMFS), Southwest Fisheries Center, will discuss alternatives to open access management in fisheries, such as license limitations, and individual transferable quotas. Dr. Squires will explore experiences in other fisheries, and discuss the strengths and weaknesses of different approaches to managing fishing effort. This presentation will provide industry participants and managers information necessary to make informed decisions about managing fishing effort in the "Coastal Pelagic Species Fishery Management Plan," that is currently being developed by the Council. This meeting also will allow members of the northern segment of the wetfish fishery and other interested persons to meet with the CPSPDT and discuss issues concerning the coastal pelagic species plan. A question/answer period will be held after the presentation.

The second meeting will be held on November 7, 1991, at 9 a.m., at the NMFS Tiburon Laboratory, 3150 Paradise Drive, Tiburon, CA. The CPSPDT will meet with academic and other biologists at that time to discuss issues concerning the use of coastal pelagic species as forage for birds and other animals.

For more information contact Patricia Wolf at the California Department of Fish and Games; telephone: (213) 590-5117.

Dated: October 23, 1991.

**Joe P. Clem,**

*Acting Director, Office of Fisheries Conservation and Management, National Marine Fisheries Service.*

[FR Doc. 91-25964 Filed 10-28-91; 8:45 am]

BILLING CODE 3510-22-M

#### COMMISSION ON INTERSTATE CHILD SUPPORT

#### Commission Meeting

November 8—9 a.m.—6 p.m.

November 9—8 a.m.—5:30 p.m.

November 10—8 a.m.—2 p.m.

Hall of States, room 263, 444 North Capitol Street, NW., Washington, DC.

The U.S. Commission on Interstate Child Support will meet as noted above to discuss recommendations for inclusion in its report to Congress. Issues to be discussed include registries of support orders, income withholding, role and staffing of state child support agencies, role of the federal Office of

Child Support Enforcement, training, establishment of paternity and support, enforcement, medical support, child support assurance, data collection, funding, and studies of support and visitation issues. For further information, contact Joyce Moore at 202/254-8093.

Margaret Campbell Haynes,  
Chair.

[FR Doc. 91-25963 Filed 10-28-91; 8:45 am]

BILLING CODE 6820-64-M

## COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

### Adjustment of Import Limits for Certain Cotton, Man-Made Fiber, Silk Blend and Other Vegetable Fiber Textiles and Textile Products Produced or Manufactured in India

October 24, 1991.

**AGENCY:** Committee for the Implementation of Textile Agreements (CITA).

**ACTION:** Issuing a directive to the Commissioner of Customs increasing limits.

**EFFECTIVE DATE:** October 31, 1991.

**FOR FURTHER INFORMATION CONTACT:** Jennifer Tallarico, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 377-4212. For information on the quota status of these limits, refer to the Quota Status Reports posted on the bulletin boards of each Customs port or call (202) 343-6494. For information on embargoes and quota re-openings, call (202) 377-3715.

#### SUPPLEMENTARY INFORMATION:

**Authority:** Executive Order 11651 of March 3, 1972, as amended; section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854).

The current limits for Category 219 and Group II are being increased for carryover.

A description of the textile and apparel categories in terms of HTS numbers is available in the **CORRELATION:** Textile and Apparel Categories with the Harmonized Tariff Schedule of the United States (see **Federal Register** notice 55 FR 50756, published on December 10, 1990). Also see 55 FR 51144, published on December 12, 1990.

The letter to the Commissioner of Customs and the actions taken pursuant to it are not designed to implement all of the provisions of the bilateral agreement, but are designed to assist

only in the implementation of certain of its provisions.

**Auggie D. Tantillo,**

*Chairman, Committee for the Implementation of Textile Agreements.*

**Committee for the Implementation of Textile Agreements**

October 24, 1991.

Commissioner of Customs,  
*Department of the Treasury, Washington, DC 20229.*

Dear Commissioner: This directive amends, but does not cancel, the directive issued to you on December 7, 1990, by the Chairman, Committee for the Implementation of Textile Agreements. That directive concerns imports of certain cotton, man-made fiber, silk blend and other vegetable fiber textiles and textile products, produced or manufactured in India and exported during the twelve-month period which began on January 1, 1991 and extends through December 31, 1991.

Effective on October 31, 1991, you are directed to amend further the directive dated December 7, 1990 to increase the limits for the following categories, as provided under the terms of the current bilateral agreement between the Governments of the United States and India:

Category	Adjusted twelve-month limit <sup>1</sup>
Level in Group I	
219 .....	41,150,202 square meters.
Group II	
200, 201, 220-229, 237, 239, 300/301, 317, 326, 330-334, 345, 349-352, 359- 362, 600-607, 611- 635, 638-652, 659, 665-O <sup>2</sup> , 666-670 and 831-859, as a group.	119,200,807 square meters equivalent.

<sup>1</sup> The limits have not been adjusted to account for any imports exported after December 31, 1990.

<sup>2</sup> Category 665-O: all HTS numbers except 5702.10.9030, 5702.42.2010, 5702.92.0010 and 5703.20.1000.

The Committee for the Implementation of Textile Agreements has determined that these actions fall within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,

**Auggie D. Tantillo,**

*Chairman, Committee for the Implementation of Textile Agreements.*

[FR Doc. 91-26040 Filed 10-28-91; 8:45 am]

BILLING CODE 3510-DR-F

### Establishment of an Import Restraint Limit for Certain Cotton Textile Products Produced or Manufactured in Myanmar

October 24, 1991.

**AGENCY:** Committee for the Implementation of Textile Agreements (CITA).

**ACTION:** Issuing a directive to the Commissioner of Customs establishing a limit.

**EFFECTIVE DATE:** October 31, 1991.

**FOR FURTHER INFORMATION CONTACT:** Jennifer Aldrich, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 377-4212. For information on the quota status of this limit, refer to the Quota Status Reports posted on the bulletin boards of each Customs port or call (202) 566-5810. For information on embargoes and quota re-openings, call (202) 377-3715.

#### SUPPLEMENTARY INFORMATION:

**Authority:** Executive Order 11651 of March 3, 1972, as amended; section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854).

Under the terms of Section 204 of the Agricultural Act of 1956, as amended, the Government of the United States has decided to establish a restraint limit for cotton shop towels in Category 369-S, produced or manufactured in Myanmar (formerly known as Burma) and exported during the twelve-month period which began on October 1, 1991 and extends through September 30, 1992.

A summary market statement concerning Category 369-S follows this notice.

Anyone wishing to comment or provide data or information regarding the treatment of Category 369-S or to comment on domestic production or availability of products included in Category 369-S, is invited to submit 10 copies of such comments or information to Auggie D. Tantillo, Chairman, Committee for the Implementation of Textile Agreements, U.S. Department of Commerce, Washington, DC 20230; ATTN: Helen L. LeGrande.

Further comments may be invited regarding particular comments or information received from the public which the Committee for the Implementation of Textile Agreements considers appropriate for further consideration.

The solicitation of comments regarding any aspect of the agreement or the implementation thereof is not a waiver in any respect of the exemption contained in 5 U.S.C. 553(a)(1) relating to matters which constitute "a foreign affairs function of the United States."

A description of the textile and apparel categories in terms of HTS numbers is available in the **CORRELATION:** Textile and Apparel Categories with the Harmonized Tariff Schedule of the United States (see

Federal Register notice 55 FR 50756, published on December 10, 1990).

Auggie D. Tantillo,

*Chairman, Committee for the Implementation of Textile Agreements.*

**Market Statement—Burma**

**Category 369-S—Shop Towels**  
**September 1991**

*Import Situation and Conclusion*

U.S. imports of cotton shop towels, Category 369-S, from Burma reached 1,555,000 units (45,142 kilograms) in the year ending June 1991, 24 percent above the 1,250,000 units (36,288 kilograms) imported a year earlier. There were no imports from Burma in calendar year 1990. In the first six months of 1991, Burma's shipments of cotton shop towels to the U.S. reached 1,555,000 units (45,142 kilograms) exceeding its calendar year 1989 shipments of 1,500,000 units (43,456 kilograms).

The sharp and substantial increase of Category 369-S imports from Burma is disrupting the U.S. market for cotton shop towels.

*Import Penetration and Market Share*

U.S. production of cotton shop towels dropped to 144,448 thousand units in 1990, 2.4 percent below the 1989 level and 12.4 percent below the 1988 level. In contrast, U.S. imports of cotton shop towels from all sources reached 159,942 thousand units in 1990, 50 percent above the 1988 level. Imports for the year ending June 1991 were 155,300 thousand units, 20 percent above the 129,413 thousand units imported a year earlier.

The U.S. producers' share of the cotton shop towel market dropped 13 percentage points, falling from 61 percent in 1988 to 48 percent in 1990. The ratio of imports to domestic production increased from 65 percent in 1988 to 111 percent in 1990.

*Duty-Paid Value and U.S. Producers' Price*

Category 369-S imports from Burma during the first six months of 1991 entered the U.S. under HTSUSA number 6307.10.2005—cotton shop towels. These shop towels entered the U.S. at duty-paid landed values below the U.S. producers' prices for comparable shop towels.

**Committee for the Implementation of Textile Agreements**

October 24, 1991.

Commissioner of Customs,  
*Department of the Treasury, Washington, DC 20229.*

Dear Commissioner: Under the terms of section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854); and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended, you are directed to prohibit, effective on October 31, 1991, entry into the United States for consumption and withdrawal from

warehouse for consumption of cotton textile products in Category 369-S<sup>1</sup>, produced or manufactured in Myanmar (formerly known as Burma) and exported during the period beginning on October 1, 1991 and extending through September 30, 1992, in excess of 45,142 kilograms.<sup>2</sup>

Textile products in Category 369-S which have been exported to the United States prior to October 1, 1991 shall not be subject to the limit established in this directive.

Textile products in Category 369-S which have been released from the custody of the U.S. Customs Service under the provisions of 19 U.S.C. 1448(b) or 1484(a)(1)(A) prior to the effective date of this directive shall not be denied entry under this directive.

In carrying out the above directions, the Commissioner of Customs should construe entry into the United States for consumption to include entry for consumption into the Commonwealth of Puerto Rico.

The Committee for the Implementation of Textile Agreements has determined that this action falls within the foreign affairs exception of the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,

Auggie D. Tantillo,

*Chairman, Committee for the Implementation of Textile Agreements.*

[FR Doc. 91-26041 Filed 10-28-91; 8:45 am]

BILLING CODE 3510-DR-F

**DEPARTMENT OF DEFENSE**

**Department of the Army**

**Comprehensive Base Realignment/  
Closure and Fort Belvoir Development;  
Availability of Record of Decision**

**AGENCY:** Department of Defense, U.S. Army.

**ACTION:** Notice of Availability of the Record of Decision for the Comprehensive Base Realignment/Closure and Fort Belvoir Development.

**SUMMARY:** On December 29, 1988, the Defense Secretary's Commission on Base Realignment and Closure recommended that Cameron Station be closed and the major activities relocated to Fort Belvoir, Virginia; elements of the Criminal Investigation Command at Fort Holabird and Fort Meade, Maryland, be consolidated at Fort Belvoir; the corrosion prevention and control related research at the Army Materials Technology Laboratory (AMTL), Massachusetts, be relocated to Fort Belvoir; and the Information Systems Command activity at Fort Belvoir be realigned to Fort Devens, Massachusetts.

<sup>1</sup> Category 369-S: only HTS number 6307.10.2005.

<sup>2</sup> The limit has not been adjusted to account for any imports exported after September 30, 1991.

This Final Environmental Impact Statement (EIS) considered the impact of the commission's recommendations on Cameron Station and Fort Belvoir and the associated impacts of minor relocations to Fort Myer and Fort McNair. The impact of the Fort Belvoir Engineer Proving Grounds public/private development was also mentioned in this Final EIS; however, separate National Environmental Policy Act (NEPA) analysis is being developed for that action. Actions proposed in the initial announcement of this EIS which are no longer under consideration include new construction for Headquarters, U.S. Army Material Command and Headquarters, U.S. Army Corps of Engineers at Fort Belvoir, and redevelopment by General Services Administration of a 70-acre parcel of land in Franconia near Springfield, Virginia. The impacts of the Commission's recommendation at Fort Holabird, Fort Meade, AMTL, and Fort Devens are being addressed in other NEPA analysis.

Execution of some of the decisions analyzed in the EIS are subject to change based on the Defense Base Closure and Realignment Act of 1990. Specifically, the Defense Base Closure and Realignment Commission recommended the relocation of selected Information Systems Command elements from Fort Belvoir to Fort Ritchie, Maryland or another location within the National Capital Region, rather than Fort Devens, and to relocate the Army Materials Technology Laboratory activities from Watertown, Massachusetts, to Aberdeen Proving Ground, Maryland, rather than Fort Belvoir. These proposals will be subject to additional environmental impact analyses.

No significant environmental or human health effects are expected from actions at Cameron Station, Fort Myer and Fort McNair. Socioeconomic effects are minimal because the majority of the realignment personnel are neither entering nor leaving the study region.

The most significant effects on Fort Belvoir are an increase in traffic volumes and potential changes in commuter patterns. The Department of the Army is working with the local community to develop a plan to lessen these impacts.

The public comment period for the Final EIS concluded on 30 September, 1991. A copy of the Record of Decision may be obtained by contacting Mr. Keith Harris, (301) 962-4999, or writing to Commander, U.S. Army Corps of

Engineers, Baltimore District, P.O. Box 1715, Baltimore, Maryland 21203

Lewis D. Walker,

*Deputy Assistant Secretary of the Army (Environment, Safety and Occupational Health) OASA (I, L&E).*

[FR Doc. 91-25913 Filed 10-28-91; 8:45 am]

BILLING CODE 3710-08-M

### Availability of a Record of Decision for the Partial Closure of Fort Meade, Maryland, and Fort Holabird, Maryland

**AGENCY:** DOD, U.S. Army.

**SUMMARY:** Fort Meade and Fort Holabird were recommended for partial closure by the Defense Secretary's Commission on Base Realignment and Closure. The Commission specifically recommended: the closure of 9,000 acres of Fort Meade, to include Tipton Army Airfield, and the relocation of Criminal Investigation Command activities to Fort Belvoir; and the partial closure of Fort Holabird and relocation of the Crime Records Center to Fort Belvoir. The relocation of the Headquarters, Criminal Investigation Command, from Falls Church, Virginia, to Fort Belvoir is also addressed. This document focuses upon the environmental and socioeconomic impacts and mitigations associated with the planned partial closure of Fort Meade and Fort Holabird. The environmental analysis for the impacts on Fort Belvoir are addressed in a separate document. No long-term adverse environmental or socio-economic effects are expected as a result of realignment and closure implementation.

A copy of the Record of Decision may be obtained by contracting Mr. Keith Harris, (301) 962-4999, or by writing to: Commander, U.S. Army Corps of Engineers, Baltimore District, P.O. Box 1715, Baltimore, MD 21203-1715.

Lewis D. Walker,

*Deputy Assistant Secretary of the Army, (Environmental, Safety and Occupational Health) OASA (I, L&E).*

[FR Doc. 91-25915 Filed 10-28-91; 8:45 am]

BILLING CODE 3710-08-M

### Closures of Jefferson Proving Ground, et al.; Notice of Availability of the Record of Decision

**AGENCY:** Department of Defense, U.S. Army.

**ACTION:** The Army announced today the availability of the Record of Decision (ROD) for the closures of Jefferson Proving ground (JPG), Indiana; the Army Materials Technology Laboratory

(AMTL), Massachusetts; the Lexington portion of Lexington Bluegrass Army Depot (LBAD), Kentucky; Fort Wingate Depot Activity, New Mexico; Navajo Depot Activity, Arizona; and the realignment of Pueblo Depot Activity, Colorado, and Umatilla Depot Activity, Oregon. These actions are in accordance with the Base Closure and Realignment Act, Public Law 100-526.

**SUMMARY:** JPG will cease operations and realign its mission to Yuma Proving Ground, Arizona. AMTL will cease operations and realign its mission. The specifics of the AMTL realignment will be addressed in separate National Environmental Policy Act (NEPA) analyses. The Lexington portion of LBAD will cease operations and realign its missions to Anniston Army Depot, Alabama; the Bluegrass portion of LBAD, Kentucky; Letterkenny Army Depot, Pennsylvania; Redstone Arsenal, Alabama; and Tobyhanna Army Depot, Pennsylvania. Fort Wingate and Navajo will cease operations and realign their missions to Hawthorne Army Ammunition Plant, Nevada. Navajo will continue to be used by the Arizona National Guard. Umatilla Depot Activity will realign, to the maximum extent possible, its mission to Hawthorne Army Ammunition Plant. Pueblo Depot Activity will realign its missions, to the maximum extent possible, to Anniston Army Depot; Red River Army Depot, Texas; Tooele Army Depot, Utah; and Sierra Army Depot, California.

Future NEPA analyses will address specific reuse alternatives and their environmental and socioeconomic impacts.

Lewis D. Walker,

*Deputy Assistant Secretary of the Army, (Environment, Safety and Occupational Health) OASA (I, L&E).*

[FR Doc. 91-25914 Filed 10-28-91; 8:45 am]

BILLING CODE 3710-08-M

### National Board for the Promotion of Rifle Practice; Meeting; Correction

**AGENCY:** National Board for the Promotion of Rifle Practice, Department of the Army.

Correction

In the notice document 91-24436 appearing on page 51202 in the issue of Thursday, October 10, 1991, make the following corrections:

(1) The name of the Committee should read "National Board for the Promotion of Rifle Practice."

(2) The date of the meeting should read "December 4, 1991."

(3) The name of the point of contact should read "Mr. Dennis W. Galoci."

John O. Roach,

*Department of the Army Liaison with the Federal Register.*

[FR Doc. 91-25916 Filed 10-28-91; 8:45 am]

BILLING CODE 3710-08-M

### Department of the Navy

#### Naval Research Advisory Committee; Closed Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (5 U.S.C. app. 2), notice is hereby given that the Naval Research Advisory Committee on Countermine Capabilities for Amphibious Operations (Phase II) will meet on November 12, 13, and 14, 1991. The meeting will be held at the Applied Physics Laboratory, University of Washington, Seattle, Washington. The meeting will commence at 8 a.m. and terminate 4:30 p.m. on November 12, 13, and 14, 1991.

The purpose of the meeting is to meet in Executive Session to write the final report pertaining to the review and update of the previous NRAC study on this subject, which was completed in 1989. The Panel has assessed the U.S. Navy and Marine Corps countermine capabilities for amphibious operations; identified potential countermine capabilities for very shallow water, the surf zone, and the adjoining land areas (beach and beyond) with emphasis on new technology applications that offer the greatest potential payoff; examined issues concerning landing craft air cushion (LCAC) vehicle vulnerability to undersea mines; and gained knowledge of all applicable technologies and systems that could contribute to the countermine operations and vulnerability of U.S. naval forces and the corresponding critical technology requirements. The agenda consists of Executive Sessions which are devoted to writing the final report. These Executive Sessions will include discussions which contain classified information that is specifically authorized under criteria established by Executive order to be kept secret in the interest of national defense and are in fact properly classified pursuant to such Executive order. The classified and nonclassified matters to be discussed are so inextricably intertwined as to preclude opening any portion of the meeting. Accordingly, the Secretary of the Navy has determined in writing that the public interest requires that all sessions of the meeting be closed to the public because they will be concerned with matters

listed in section 552b(c)(1) of title 5, United States Code.

For further information concerning this meeting contact: Commander John Hrenko, USN, Office of the Chief of Naval Research, 800 North Quincy Street, Arlington, VA 22217-5000 Telephone number: (703) 696-4870.

Dated: October 21, 1991.

Wayne T. Baucino,  
Lieutenant, JAGC U.S. Naval Reserve,  
Alternate Federal Register Liaison Officer.

[FR Doc. 91-25917 Filed 10-28-91; 8:45 am]

BILLING CODE 3810-AE-F

## DEPARTMENT OF EDUCATION

[CFDA NO. 84.183B]

### Drug Prevention Programs in Higher Education—Special Focus Program Competition: National College Student Organizational Network Program—FY 1992

**ACTION:** Amendment to notice inviting applications for new awards for Fiscal Year 1992.

On September 18, 1991, the Secretary of Education published in the *Federal Register* (56 FR 47290) a notice inviting applications for fiscal year 1992 under the Drug Prevention Programs in Higher Education—Special Focus Program Competition: National College Student Organizational Network Program—FY 1992. This notice changes the applications from April 25, 1992, to April 27, 1992.

**FOR FURTHER INFORMATION CONTACT:** Lavona M. Grow, FY 1992-B Competition, FIPSE, U.S. Department of Education, 400 Maryland Avenue, SW, room 3100, ROB-3, Washington, DC 20202-5175. Telephone: (202) 708-5750 or (202) 708-4850. Deaf and hearing impaired individuals may call the Federal Dual Party Relay Service at 1-800-877-8339 (in the Washington, DC 202 area code, telephone 708-9300) between 8 a.m. and 7 p.m. Eastern time.

**Program Authority:** 20 U.S.C. 3211.

Dated: October 23, 1991.

Michael J. Farrell,  
Acting Assistant Secretary for Postsecondary Education.

[FR Doc. 91-26038 Filed 10-28-91; 8:45 am]

BILLING CODE 4000-01-M

[CFDA No. 84.094B]

### Patricia Roberts Harris Fellowships Program-Graduate and Professional Study Fellowships

**ACTION:** Amendment to notice inviting applications for new awards for fiscal year 1992.

On September 18, 1991, the Secretary of Education published in the *Federal Register* (56 FR 47287) a notice inviting applications for fiscal year 1992 under the Patricia Roberts Harris Fellowships Program-Graduate and Professional Study Fellowships. This notice changes the application deadline date from November 1, 1991 to November 29, 1991.

**FOR FURTHER INFORMATION CONTACT:** Dr. Charles H. Miller, Senior Education Program Specialist, U.S. Department of Education, Room 3022, Telephone: (202) 708-8395. Deaf and hearing impaired individuals may call the Federal Dual Party Relay Service at 1-800-877-8339 (in Washington, DC 202 area code, telephone 708-9300) between 8 a.m. and 7 p.m. Eastern time.

**Program Authority:** 20 U.S.C. 1134r.

Dated: October 23, 1991.

Michael J. Farrell,  
Acting Assistant Secretary for Postsecondary Education.

[FR Doc. 91-26039 Filed 10-28-91; 8:45 am]

BILLING CODE 4000-01-M

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. QF91-221-000]

#### March Point Cogeneration Co.; Amendment to Filing

October 22, 1991.

On October 8, 1991, March Point Cogeneration Company tendered for filing an amendment to its filing in this docket.

The amendment provides additional information pertaining primarily to technical data and the ownership structure of the cogeneration facility.

Any person desiring to be heard or objecting to the granting of qualifying status 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 must be filed by November 12, 1991, and must be served on the applicant. 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 petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 91-25931 Filed 10-28-91; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. ES92-5-000, et al.]

### Electric rate, Small Power Production, and Interlocking Directorate Filings, New York Electric & Gas Company, et al.

October 21, 1991.

Take notice that the following filings have been made with the Commission:

#### 1. New York Electric & Gas Corp.

[Docket No. ES92-5-000]

Take notice that on October 15, 1991, New York Electric & Gas Corporation filed an application with the Federal Energy Regulatory Commission pursuant to section 204 of the Federal Power Act seeking authorization to issue \$275 million of short-term securities on or before December 31, 1993, with a final maturity date no later than December 31, 1994.

*Comment date:* November 14, 1991, in accordance with Standard Paragraph E at the end of this notice.

#### 2. PSI Energy, Inc.

[Docket No. ER91-510-000]

Take notice that on October 2, 1991, PSI Energy, Inc. (PSI) tendered for filing an amendment to its July 1, 1991 filing in this docket. PSI states that the Amendment provides revised pages to exhibit B of its Interconnection Agreement with Cincinnati Gas & Electric Company.

*Comment date:* November 1, 1991, in accordance with Standard Paragraph E at the end of this notice.

#### 3. Iowa Power Inc.

[Docket No. ES92-4-000]

Take notice that on October 15, 1991, Iowa Power Inc. filed an application with the Federal Energy Regulatory Commission pursuant to section 204 of the Federal Power Act seeking authorization to issue \$125 million of First Mortgage Bonds and for exemption from the Commission's competitive bidding regulations.

*Comment date:* November 7, 1991, in accordance with Standard Paragraph E at the end of this notice.

#### Standard Paragraphs

E. Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before the comment date. 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. 91-25932 Filed 10-28-91; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. CP92-71-000, et al.]

#### Natural Gas Certificate Filings; Northern Natural Gas Company, et al.

October 21, 1991.

Take notice that the following filings gave been made with the Commission:

##### 1. Northern Natural Gas Co.

[Docket No. CP92-71-000]

Take notice that in October 9, 1991, Northern Natural Gas Company (Northern), 1111 South 103rd Street, Omaha, Nebraska 68124-1000, filed in Docket No. CP92-71-000 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing various changes in Northern's service and related tariff provisions, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Northern states that the instant request in Docket No. CP92-71-000 and a related section 4 general rate proceeding filed by Northern on October 1, 1991, in Docket No. RP92-1-000 will complete the transition to unbundled, full service comparability on Northern's system. Northern States that its proposals incorporate and build upon

the New Services Settlement<sup>1</sup> filed by Northern on March 29, 1991.

Specifically, Northern requests authorization for the following:

(1) Implement changes which maintain Northern's Firm Deferred Delivery Service as a base-load storage service;

(2) Implement a new Flexible Firm Deferred Delivery Service which allows injections and withdrawals throughout the year to meet varying load requirements and allows shippers to buy and sell volumes to other shippers within the deferred delivery services;

(3) Permit (a) temporary relinquishments of capacity by firm transportation shippers for specific terms with a minimum term of one month pursuant to section 24 of subpart A of the General Terms and Conditions (with receipt of a credit equal to 75 percent of applicable reservation fees) and (b) the permanent relinquishment by firm transportation shippers of their firm capacity to any other shipper;

(4) Implement a right of first refusal for rollovers of firm throughput agreements entered into after implementation of the proposals set forth herein.

(5) Implement separate Market Area and Field Area Reservation Fees for firm throughput service to enhance pooling on Northern's system, and a transaction fee of 2 cents per MMBtu;

(6) Provide Northern's customers with access to its capacity on upstream pipelines;

(7) Provide Northern's customers with access to its Canadian supplies;

(8) Implement revised imbalance resolution procedures require shippers to balance their imbalance accounts on a monthly basis utilizing first their firm deferred delivery accounts, if available, and second, a "cash-out" mechanism;

(9) Implement a new Load Balancing Service to allow firm shippers to mitigate charges and penalties;

(10) Implement a daily delivery point variance charge for positive and negative variances between scheduled and actual deliveries that exceed a tolerance level of 2% of scheduled volumes;

(11) Permit Northern to issue operational flow orders to firm shippers in order to maintain adequate line pack on Northern's system;

(12) Unbundle Northern's Argus Rate Schedule;

(13) Implement a straight fixed-variable rate design methodology with the ability to negotiate individual rates which may place more of the total rate

in the commodity charge (which may exceed the maximum commodity charge);

(14) Establish a mechanism to generate a contribution in aid of construction for costs of necessary metering, data exchange and flow control facilities.

(15) Implement an Account No. 858 cost tracker and a related exit fee;

(16) Provide a recovery of contract reformation costs associated with further reductions in Northern's sales entitlement levels;

(17) Implement an exit fee for customers reducing firm supply entitlement with Northern to allow Northern to recover Account 191 costs;

(18) Establish negotiated market-based rates for interruptible service and implement a scheduling procedure for interruptible service consisting of priorities based on the price a shipper is willing to pay, with those volumes with a Priority Charge being scheduled first;

(19) Implement a Capital Expenditure Incentive Program; and

(20) Implement an Automatic Rate Adjustment Mechanism to automatically adjust Northern's rates in accordance with an inflation measure as adjusted by a productivity factor.

*Comment date:* November 12, 1991, in accordance with Standard Paragraph F at the end of this notice.

##### 2. K N Energy, Inc.

[Docket Nos. CP92-104-000, CP92-105-000, CP92-106-000]

Take notice that on October 16, 1991, K N Energy, Inc. (K N), P.O. Box 150265, Lakewood, Colorado 80215, filed prior notice requests with the Commission in the above-referenced dockets pursuant to §§ 157.205 and 284.223 of the Commission's Regulations under the Natural Gas Act (NGA) for authorization to transport natural gas on behalf of various shippers under its blanket certificate issued in Docket No. CP89-1043-000, pursuant to section 7 of the NGA, all as more fully set forth in the requests which are open to public inspection.<sup>2</sup>

K N has provided information applicable to each transaction, including the shipper's identity; the type of transportation service; the appropriate transportation rate schedule; the peak day, average day, and annual volumes; the service initiation dates; and the related ST docket number of the 120-day transaction under § 284.223 of the Commission's Regulations, as summarized in the appendix.

<sup>1</sup> Northern Natural Gas Company Stipulation and Agreement of Settlement Docket Nos. RP88-259, CP89-1227, RP90-124, and RP90-161.

<sup>2</sup> These prior notice requests are not consolidated.

Comment date: December 5, 1991, in accordance with Standard Paragraph G at the end of this notice.

Docket No.	Shipper name (type)	Peak day, average day, annual Mcf	Receipt points	Delivery points	Contract date, rate schedule, service type	Related docket, start up date
CP92-104-000	K N Gas Marketing, Inc. (Marketer).	150,000 150,000 54,750,000	KS .....	KS .....	8-23-91, IT-1, IT-2, & IT-3, Interruptible.	ST91-10,581, 9-1-91.
CP92-105-000	Hastings Utilities (Local Distributor).	20,000 20,000 7,300,000	CO, KS, NE, WY .....	NE .....	6-4-91, IT-1, IT-2, & IT-3, Interruptible.	ST91-10,580, 9-1-91.
CP92-106-000	Hastings Utilities (Local Distributor).	20,000 1,918 700,000	NE .....	NE .....	6-4-91, IT-1, IT-2, & IT-3, Interruptible.	ST91-10,579, 9-1-91.

**3. Columbia Gulf Transmission Co.**

[Docket Nos. CP92-98-000, CP92-99-000]

Take notice that Columbia Gulf Transmission Company, 3805 West Alabama, Houston, Texas 77027, (Applicant) filed in the above-referenced dockets prior notice requests pursuant to §§ 157.205 and 284.223 of the Commission's Regulations under the Natural Gas Act for authorization to transport natural gas on behalf of

various shippers under its blanket certificate issued in Docket No. CP86-239-000, pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the requests that are on file with the Commission and open to public inspection.<sup>3</sup>

Information applicable to each transaction, including the identity of the shipper, the type of transportation

<sup>3</sup> These prior notice requests are not consolidated.

service, the appropriate transportation rate schedule, the peak day, average day and annual volumes, and the initiation service dates and related ST docket numbers of the 120-day transactions under § 284.223 of the Commission's Regulations, has been provided by Applicant and is summarized in the attached appendix.

Comment date: December 5, 1991, in accordance with Standard Paragraph G at the end of this notice.

Docket number (date filed)	Shipper name (type)	Peak day average day annual MMBtu	Receipt points <sup>1</sup>	Delivery points	Contract date rate schedule service type	Related docket, start up date
CP92-98-000 (10-15-91)	Eagle Natural Gas Company (Marketer).	30,000 24,000 8,760,000	LA, OLA .....	LA, OLA, MS, TN .....	8-13-90, ITS-1, Interruptible.	ST91-10514, 9-2-91.
CP92-99-000 (10-15-91)	Northeast Ohio Gas Marketing Co. (Marketer).	40,000 32,000 11,680,000	LA .....	LA, MS, TN, TX .....	9-1-91, ITS-2, Interruptible.	ST91-10453, 9-1-91.

<sup>1</sup> Offshore Louisiana and offshore Texas are shown as OLA and OTX.

**Standard Paragraphs**

F. Any person desiring to be heard or make any protest with reference to said filing should on or before the comment date file with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to

intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this filing if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for the applicant to appear or be represented at the hearing.

G. Any person or the Commission's staff may, within 45 days after the issuance of the instant notice by the Commission, file pursuant to rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefore, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for

authorization pursuant to section 7 of the Natural Gas Act.

Lois D. Cashell,  
Secretary.

[FR Doc. 91-25933 Filed 10-28-91; 8:45 am]  
BILLING CODE 6717-01-M

[Docket Nos. CP92-110-000, et al.]

**Natural Gas Certificate Filings;  
Northern Natural Gas Company, et al.**

October 22, 1991.

Take notice that the following filings have been made with the Commission:

**1. Northern Natural Gas Co.**

[Docket No. CP92-110-000]

Take notice that on October 18, 1991, Northern Natural Gas Company (Northern), 1111 South 103rd Street, Omaha, Nebraska 68124-1000, filed in Docket No. CP92-110-000 a request pursuant to §§ 157.205 and 157.216 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205, 157.216) for authorization to abandon certain town border stations serving five distribution customers under Northern's blanket certificate issued in Docket No. CP82-401-000 pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request that is on file

with the Commission and open to public inspection.

Northern proposes to abandon and remove six town border stations. Northern states that the involved utility customers have advised Northern that gas service downstream of the town border stations has been discontinued, and such customers either request or consent to the removal of the meters. Northern advises that no other use exists for the facilities. The town border stations and the distribution customers are listed in the attached appendix.

*Comment date:* December 6, 1991, in accordance with Standard Paragraph G at the end of this notice.

**NORTHERN NATURAL GAS COMPANY**

[Town border stations proposed to be abandoned]

Town border station	Location	Utility
Coon Rapids TBS No. 1A.....	Sec. 30, T32N, R23W in Anoka County, MN.....	Midwest Gas, a Division of Iowa Public Service Co. (Formerly North Central Public Service Co.).
Winona TBS No. 2.....	Sec. 35, T107N, R7W in Winona County, MN.....	Northern States Power Company.
Albert Lea Airport TBS No. 2.....	Sec. 33, T103N, R21W in Freeborn County, MN.....	Interstate Power Company.
Twin Lakes TBS No. 2.....	Sec. 11 T101N, R22W in Freeborn County, MN.....	Peoples Natural Gas.
Cedar Bluffs TBS No. 2.....	Sec. 35, T17N, R7E in Saunders Co., NE.....	City of Fremont, NE.
Fremont TBS No. 2.....	Sec. 22, T17N, R8E in Dodge County, NE.....	City of Fremont, NE.

**2. The Union Gas Co. of Arkansas, Inc.**

[Docket No. CP92-78-000]

Take notice that on October 11, 1991, The Union Gas Company of Arkansas, Inc. (Union Gas), 628 Madison Street, Clarendon, Arkansas 72029, filed in Docket No. CP92-78-000 an application pursuant to Section 7(a) of the Natural Gas Act for an order directing Mississippi River Transmission Corporation (MRT) to provide a sales service to Union Gas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Union Gas states that it has constructed a natural gas distribution system in the City of Biscoe, Arkansas, pursuant to a contract with Biscoe, a franchise right granted by Biscoe and a certificate of extension and of public convenience and necessity granted by the Arkansas Public Service Commission. Union Gas further states that it is presently serving Biscoe with natural gas purchased from Arkla Energy Marketing Company (Arkla Energy) and transported by MRT. The gas is delivered to the City of Hazen, Arkansas, for transport and delivery to the City of DeValls Bluff, Arkansas, for transport and delivery to Union Gas at a metering station constructed by Union Gas on the DeValls Bluff system.

Union Gas requests that MRT provide a firm sales service to it under MRT's Rate Schedule SGS-1. Union Gas alleges that such service from MRT would be more economical than spot purchases and would provide a more reliable long term supply of natural gas.

Union Gas further states that no new facilities would be required to provide the sales service; the natural gas purchased from MRT would be delivered to Union Gas in the same manner as the spot purchases of natural gas from Arkla Energy are delivered to Union Gas.

Union Gas estimates the third year peak day and annual requirements to be 414 Mcf and 26,640 Mcf respectively.

Union Gas states that the facilities cost \$251,662 to construct and that \$197,902 was provided by Biscoe from a grant by the U.S. Department of Housing and Urban Development through the Arkansas Industrial Development Commission.

*Comment date:* November 12, 1991, in accordance with the first subparagraph of Standard Paragraph F at the end of this notice.

**3. Panhandle Eastern Pipe Line Co.**

[Docket No. CP92-82-000]

Take notice that on October 11, 1991, Panhandle Eastern Pipe Line Company (Panhandle), P.O. Box 1642, Houston, Texas 77001, filed in Docket No. CP92-

82-000 an application pursuant to section 7(b) of the Commission's Regulations under the Natural Gas Act for an order granting permission and approval for the abandonment of the sale of natural gas to the City of Stinnett, Texas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Panhandle states that it provides such service for the City of Stinnett under its Rate Schedule SG. It is stated that by letter dated September 24, 1991, the City of Stinnett and Panhandle mutually agreed to terminate the sales service under Rate Schedule SG effective November 1, 1991. Panhandle further states that upon approval of the authorization requested it will make the appropriate corresponding changes to its FERC Gas Tariff, Original Volume No. 1.

*Comment date:* November 12, 1991, in accordance with Standard Paragraph F at the end of the notice.

**4. United Gas Pipe Line Co.**

[Docket No. CP92-102-000]

Take notice that on October 16, 1991, United Gas Pipe Line Company (United), P.O. Box 1478, Houston, Texas 77251-1478, filed in Docket No. CP92-102-000 a request pursuant to § 157.216(b) of the Commission's Regulations under the Natural Gas Act for permission and approval to abandon certain metering

facilities under its blanket certificate issued in Docket No. CP82-430-000 pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request on file with the Commission and open to public inspection.

Specifically, United proposes to abandon and remove the meter station serving *Williamette Industries-Dodson Sawmill* in Winn Parish, Louisiana. United states that it has received a letter from *Williamette Industries* consenting to the proposed abandonment. United indicates that the removal of the metering facilities will be accomplished without detriment or disadvantage to its other existing customers and that the proposed activity is in compliance with section 157, subpart F of the Commission's Regulations.

*Comment date:* December 2, 1991, in accordance with Standard Paragraph G at the end of this notice.

#### 5. United Gas Pipe Line Co.

[Docket No. CP92-100-000]

Take notice that on October 16, 1991, *United Gas Pipe Line Company (United)*, P.O. Box 1478, Houston, Texas 77251-1478, filed in Docket No. CP92-100-000 a request pursuant to § 157.205 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205) for authorization to provide an interruptible transportation service for *LaSER Marketing Company (LaSER)*, a marketer of natural gas, and to construct and operate a meter station and appurtenant facilities required to perform the transportation service under the blanket certificates issued in Docket Nos. CP88-6-000 and CP82-430-000, both pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request that is on file with the Commission and open to public inspection.

United states that, pursuant to an agreement dated October 1, 1988, under its Rate Schedule ITS, it proposes to transport up to 700 Mcf per day of natural gas for *LaSER*. United indicates that it would transport 700 Mcf on an average day and 255,500 Mcf annually. United further indicates that the gas would be delivered for *LaSER's* account to *ICI Americas (ICI)* in Mobile County, Alabama.

United proposes to construct and operate a 3-inch meter station, 600 feet of 4-inch pipeline, and related facilities in Mobile County in order to facilitate the transportation service. The cost of the proposed facilities is estimated at \$66,000, and it is stated that United would be reimbursed by *ICI* for such costs. It is asserted that United has

sufficient capacity to render the proposed service without detriment or disadvantage to its other existing customers and that its tariff does not prohibit the addition of new delivery points.

*Comment date:* December 6, 1991, in accordance with Standard Paragraph G at the end of this notice.

#### 6. Northwest Pipeline Corp.

[Docket No. CP92-79-000]

Take notice that on October 11, 1991, *Northwest Pipeline Corporation (Northwest)*, 295 Chipeta Way, Salt Lake City, Utah 84158, filed an application in Docket No. CP92-79-000, pursuant to sections 7(b) and 7(c) of the Natural Gas Act, for the authorizations necessary for Northwest to implement a sales conversion program, all as more fully described in the application which is on file with the Commission and available for public inspection.

Northwest requests the following authorizations:

(1) Permission and approval to abandon Rate Schedule ODL-1 and 242,387 Dth per day of firm sales contract demand under terminating ODL-1 and DS-1 sales service agreements with nine customers;

(2) Permission and approval to abandon the sales options under Storage Service Rate Schedule LS-1 and under Section 10 of Storage Service Rate Schedule SGS-1;

(3) Permission and approval to abandon Rate Schedule IOS-1 for interruptible sales;

(4) Permission and approval to abandon the gas inventory charge provisions applicable to Rate Schedule ODL-1 and DS-1 sales;

(5) Authorization to direct bill the nine customers which are terminating their ODL-1 and DS-1 service agreements for a pro rata share of Northwest's unrecovered purchased gas costs in Account 191, as provided in the Termination Agreements executed by the subject customers;

(6) Amendments to Northwest's blanket transportation certificate and *Pacific Gas Transmission Company's (PGT)* certificated Rate Schedule T-1 service for Northwest as necessary for the implementation of Replacement Firm Transportation Agreements for the nine converting sales customers; and

(7) A limited-term certificate of public convenience and necessity authorizing the sale of Northwest's Clay Basin Storage gas inventory to its nine terminating sales customers at the book value of the gas.

Northwest requests the authorizations as soon as possible before April 15,

1992, so that the proposed sales conversions to transportation and the related Clay Basin sales can be coordinated with the injection schedule for storage service at Clay Basin.

Northwest explains that the requested authorizations are necessary to implement a sales conversion program designed to give Northwest's firm sales customers one final opportunity to convert from firm sales to firm transportation service, while minimizing Northwest's transition costs and maintaining reliable service for those sales customers are electing to convert to firm transportation service. Northwest states that all but three of its jurisdictional firm sales customers elected to participate in the sales conversion program. Northwest avers that implementation of this program would nearly complete its transition from a merchant pipeline to a transportation pipeline, since its remaining jurisdictional firm sales contracts would represent only 7,545 Dth per day of contract demand.

*Comment date:* November 12, 1991, in accordance with Standard F at the end of the notice.

#### 7. Panhandle Eastern Pipe Line Co.

[Docket No. CP92-81-000]

Take notice that on October 11, 1991, *Panhandle Eastern Pipe Line Company (Panhandle)*, P.O. Box 1642, Houston, Texas 77251-1642, filed in Docket No. CP92-81-000 an application pursuant to section 7(b) of the Natural Gas Act for an order granting permission and approval effective March 31, 1992, for the abandonment of the transportation and storage services for *Citizens Gas & Coke Utility (Citizens Gas)*, an existing sales customer of Panhandle, as authorized in Docket No. CP79-84, *et al.*, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Panhandle states that it is currently providing certain long-term storage and transportation service to *Citizens Gas* in accordance with the provisions of a gas storage and transportation agreement dated July 6, 1978, as amended December 5, 1980 under Rate Schedule TS-4. It is stated that by letter dated October 3, 1991, *Citizens Gas* and Panhandle mutually agreed to the termination of the storage arrangements to be effective March 31, 1992.

*Comment date:* November 12, 1991, in accordance with Standard F at the end of the notice.

**8. United Gas Pipe Line Co. and Colorado Interstate Gas Co.**

[Docket Nos. CP92-101-000, CP92-107-000]

Take notice that United Gas Pipe Line Company, P.O. Box 1478, Houston, Texas 77251-1478, and Colorado Interstate Gas Company, P.O. Box 1087, Colorado Springs, Colorado 80944, (Applicants) filed in the above-referenced dockets prior notice requests pursuant to § 157.205 and 284.223 of the Commission's Regulations under the Natural Gas Act for authorization to

transport natural gas on behalf of shippers under the blanket certificates issue in Docket No. CP88-6-000 and Docket No. CP86-589, *et al.*, respectively, pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the requests that are on file with the Commission and open to public inspection.<sup>1</sup>

Information applicable to each transaction, including the identity of the

<sup>1</sup> These prior notice requests are not consolidated.

shipper, the type of transportation service, the appropriate transportation rate schedule, the peak day, average day and annual volumes, and the initiation service dates and related ST docket numbers of the 120-day transactions under § 284.223 of the Commission's Regulations, has been provided by Applicants and is summarized in the attached appendix.

*Comment date:* December 6, 1991, in accordance with Standard G at the end of the notice.

Docket No. (date filed)	Shipper name (type)	Peak day, average day, annual MMBtu	Receipt points <sup>1</sup>	Delivery points	Contract date, rate schedule, service type	Related docket, start up date
CP92-101-000 (10-16-91)	Coastal Gas Marketing Company (Marketer).	52,400 52,400 19,126,000	OTX.....	OTX.....	8-26-91, ITS, Interruptible	ST91-10509, 9-1-91.
CP92-107-000 (10-17-91)	Oryx Gas Marketing Company Limited (Marketer).	50,000 5,000 1,825	OK, TX, KS, CO, WY.....	OK.....	7-1-91, TI-1, Interruptible	ST91-9846, 7-1-91.

<sup>1</sup> Offshore Louisiana and offshore Texas are shown as OLA and OTX.

**Standard Paragraphs**

F. Any person desiring to be heard or make any protest with reference to said filing should on or before the comment date file with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this filing if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the

certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for the applicant to appear or be represented at the hearing.

G. Any person or the Commission's staff may, within 45 days after the issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefore, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to Section 7 of the Natural Gas Act.

Lois D. Cashell,

Secretary.

[FR Doc. 91-25934 Filed 10-28-91; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP92-97-000]

**Alabama-Tennessee Natural Gas Co., Supplement to Request Under Blanket Authorization and Request for Waiver**

October 22, 1991.

Take notice that on October 22, 1991, Alabama-Tennessee Natural Gas Company (Alabama-Tennessee), P.O. Box 918, Florence, Alabama 35631, filed a supplement in Docket No. CP92-97-000 to request that the Commission grant it a limited waiver of section 17.3 of the General Terms and Conditions of its FERC Gas Tariff, First Revised Volume No. 1 in connection with its application for authorization to construct and operate all four of the sales taps with the City of Sheffield, Alabama (Sheffield), and not just the Baker Lane tap, as proposed in its original request.

Alabama-Tennessee explains that since the preparation and filing of its request on October 15, 1991, in Docket No. CP92-97-000, it has reexamined the location of all of the proposed sales taps with Sheffield in connection with the delivery point description set forth in its sales contract with Sheffield. Alabama-Tennessee states that it has now concluded that all four of these taps may not come within that description and, therefore, that the same problem in connection with section 17.3 may exist. For this reason, Alabama-Tennessee requests that the Commission grant it a limited waiver of section 17.3 in

connection with the construction and operation of all the sales taps proposed in its request, and not just the Baker Lane tap.

The period for filing a motion to intervene or notice of intervention and protest provided in the notice issued by the Commission on October 16, 1991, in Docket No. CP92-97-000, is not extended as a result of this supplement.

**Lois D. Cashell,**

*Secretary*

[FR Doc. 91-25935 Filed 10-28-91; 8:45 am]

BILLING CODE 28-6717-01-M

[Docket No. CP89-638-005]

**CNG Transmission Corp.; Petition To Amend**

October 23, 1991.

Take notice that on October 9, 1991, CNG Transmission Corporation (CNG), 445 West Main Street, Clarksburg, West Virginia 26301, filed in Docket No. CP89-638-005, under section 7 of the Natural Gas Act (NGA), and part 157 of the Commission's Rules and Regulations, a petition to amend CNG's certificate authorization issued by Commission's Order on June 11, 1991, as part of the open-season ANR Phase II Project, Docket Nos. CP89-638-000, 001, and 002.<sup>1</sup> The June 11 Order authorized transportation services of up to 380,600 dekatherms (Dth) per day for various shippers with the expansion of CNG's existing pipeline system between Lebanon, Ohio, and Leidy, Pennsylvania.

By this petition, CNG respectfully requests an order granting: (1) Permission under section 7(b) of the NGA to abandon two uncommenced, firm transportation services on behalf of two shippers (Brookhaven Cogeneration, L.P. and Mid-County Cogeneration, L.P.) whose precedent agreements for transportation have been terminated; and (2) certificate authorization under Section 7(c) of the NGA to provide firm transportation service to Indeck-Corinth Limited Partnership (Indeck-Corinth) and Indeck-Illion Limited Partnership (Indeck-Illion) (together Indeck or the Indeck Shippers).

CNG states that, to the best of its knowledge, the developers of the Brookhaven and Mid-County cogeneration projects have not cancelled their plans to construct these plants, but have delayed commencement of construction until the 1994-1995 time frame.

Further, CNG states that its Lebanon to Leidy Project is under construction and some Lebanon to Leidy services begin November 1, 1991, with increasing services as construction is completed. CNG and its Lebanon to Leidy shippers can not reserve this capacity for Mid-County and Brookhaven until the 1994-95 time frame without suffering a shortfall in revenues required to cover the cost of this construction project. Thus, CNG proposes to replace the Mid-County and Brookhaven Shippers, whose cogeneration plants will not be ready in the required time frame, with the Indeck-Illion and Indeck-Corinth Shippers whose plants will be ready in the required time frame.

Further, CNG states that the combined total volume to be shipped by CNG for Indeck-Illion and Indeck-Corinth as part of this project is 16,000 Dth per day plus fuel. For the transportation services, CNG proposes to charge the Indeck Shippers the initial rates which the Commission authorized for 1992 service in Ordering Paragraph (I)(8) of its Preliminary Determination (54 FERC ¶61,032), which are based upon a modified fixed-variable rate design. Additionally, CNG states that it is reevaluating its rate and facility requirements for transportation service downstream of Leidy and plans to file an additional amendment which will propose a substantially lower rate for all Lebanon to Leidy Shippers needing service north of Leidy.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before November 4, 1991, file with the Federal Energy Regulatory Commission, Washington, DC 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

**Lois D. Cashell,**

*Secretary*

[FR Doc. 91-25936 Filed 10-28-91; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. RP91-78-000 and CP92-108-000]

**Midwestern Gas Transmission Co.; Offer of Settlement and Certificate Application**

October 22, 1991.

Take notice that on October 17, 1991, pursuant to Rule 602(c) of the Commission's Rules of Practice and Procedure, 18 CFR 385.602(c), Midwestern Gas Transmission Company (Midwestern) submitted an offer of settlement that would resolve all issues pertaining to the recovery by Midwestern of certain take-or-pay buyout and buydown costs billed by Midwestern's upstream supplier, Tennessee Gas Pipeline Company (Tennessee). Midwestern states that this resolution comes in the context of a concurrent implementation of a gas inventory charge (MGIC) as well as the restructuring of certain aspects of Midwestern's services to effect a greater comparability between sales and transportation on the Midwestern system.

Take notice also that on October 17, 1991, Midwestern filed pursuant to sections 4 and 7 of the Natural Gas Act and parts 154 and 157 of the Commission's Regulations, an application for all certificate and abandonment authorization necessary to restructure its sales service during an interim period by means of the MGIC established pursuant to the terms of a concurrently filed offer of settlement. Midwestern seeks the following certificate authority and abandonment permissions:

a. Certificate authority to institute the MGIC, associated services, and related tariff provisions pursuant to which all jurisdictional sales service will be provided during the MGIC Period;

b. Permission to abandon the MGIC service and related tariff provisions at the conclusion of the MGIC Period, except to the extent necessary to complete the reconciliation process;

c. Permission to abandon firm sales service to a customer to the extent of its conversions to firm transportation during the MGIC Period;

d. Certificate authority to provide firm sales service to a customer to the extent of its conversions from firm transportation; provided that the aggregate of all such conversions does not exceed total certificated sales contract demands in effect as of July 1, 1991; and

e. Certificate authority to permit customers under Rate Schedule SR-1 to effect rearrangements of their maximum

<sup>1</sup> Order Granting Certificate and Granting in Part Denying in Part Requests for Clarification and Rehearing, 55 FERC ¶61,415 (1991).

daily delivery obligation, provided that such maximum daily delivery obligations to do not exceed the level in effect as of July 1, 1991.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with 18 CFR 385.214 and 385.211 of the Commission's Rules and Regulations. All such motions or protests should be filed on or before November 6, 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. Any person wishing to comment on the settlement should do so on or before November 6, 1991. Reply comments may be filed no later than November 18, 1991.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 4, 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Lois D. Cashell,

Secretary.

[FR Doc. 91-25937 Filed 10-28-91; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TQ91-4-28-002]

**Panhandle Eastern Pipe Line Co.;  
Proposed Changes in FERC Gas Tariff**

October 22, 1991.

Take notice that Panhandle Eastern Pipe Line Company (Panhandle) on October 10, 1991, tendered for filing revised tariff sheets to its FERC Gas Tariff, Original Volume No. 1 as listed on Appendix A attached to the filing. Panhandle proposes that the revised tariff sheets be made effective on the dates stated on the respective revise tariff sheets.

Panhandle states that the tariff sheets revise Panhandle's Index of Purchasers and Indexes of Demand Billing Units to reflect new service agreements between Panhandle and its sales customers.

Panhandle states that the tariff sheets also reflect revisions to service agreements with Indiana Gas Company, Missouri Public Service Company, and Michigan Gas Storage Company, who have elected to convert all or a portion of their sales service with Panhandle to transportation service. The termination of sales agreements with Small General Customers who converted to transportation under Rate Schedule SCT pursuant to authority granted in Docket Nos. RP88-262-000, *et al.*, and CP88-917-000, *et al.*, are also reflected.

Panhandle states that copies of the filing have been sent to each of its jurisdictional customers and respective 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 Rule 211 of the Commission's Rules of Practice and Procedure 18 CFR 385.211. All such protests should be filed on or before October 29, 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. 91-25938 Filed 10-28-91; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP89-185-008]

**Panhandle Eastern Pipe Line Co.;  
Compliance Filing**

October 22, 1991.

Take notice that Panhandle Eastern Pipe Line Company (Panhandle) on October 15, 1991, filed additional data concerning the deferred purchased gas costs for each month of the Seasonal Sales Program—July 1, 1989, through March 31, 1991.

Panhandle states that the additional data is filed to comply with the Commission's order dated September 13, 1991, in Docket No. RP89-185.

Panhandle states that copies of its filing have been served on all parties to the Docket No. RP89-185 proceeding.

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 Rule 211 of the Commission's Rules of Practice and Procedure 18 CFR 385.211. All such protests should be filed on or before October 29, 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. 91-25939 Filed 10-28-91; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TQ91-4-28-001]

**Panhandle Eastern Pipe Line Co.;  
Compliance Filing**

October 22, 1991.

Take notice that Panhandle Eastern Pipe Line Company (Panhandle) on October 10, 1991, filed additional data concerning the current Account No. 191 deferred subaccount balance as of May 31, 1991.

Panhandle states that the additional data is being filed to comply with the Commission's order dated August 29, 1991. On September 24, 1991, the Commission issued a letter order which granted Panhandle's request for an extension of time and permitted the compliance filing to be made October 10, 1991.

Panhandle states that the attached workpapers provide the requested information for the current deferred subaccount balance as of May 31, 1991, as follows:

- (1) Commodity current deferred subaccount balance;
- (2) Detail of out-of-period adjustments; and,
- (3) Detail of T&E imbalances.

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 Rule 211 of the Commission's Rules of Practice and Procedure 18 CFR 385.211. All such protests should be filed on or before October 29, 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. 91-25940 Filed 10-28-91; 8:45 am]

BILLING CODE 6717-01-M

### Office of Fossil Energy

[FE Docket No. 91-53-NG]

#### Valero Industrial Gas, L.P.; Order Granting Blanket Authorization to Import and Export Natural Gas From and to Mexico

**AGENCY:** Office of Fossil Energy, Department of Energy.

**ACTION:** Notice of an order granting blanket authorization to import and export natural gas from and to Mexico.

**SUMMARY:** The Office of Fossil Energy of the Department of Energy gives notice that it has issued an order to Valero Industrial Gas L.P. granting blanket authorization to import and export up to a combined total of 200 billion cubic feet (Bcf) of natural gas from and to Mexico over a two-year period beginning with the date of first delivery.

A copy of this order is available for inspection and copying in the Office of Fuels Programs Docket Room, 3F-056, Forrestal Building, U.S. Department of Energy, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586-9478. The docket room is open between the hours of 8 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, DC, October 23, 1991.

Clifford P. Tomaszewski,

Acting Deputy Assistant Secretary for Fuels Programs, Office of Fossil Energy.

[FR Doc. 91-26048 Filed 10-28-91; 8:45 am]

BILLING CODE 6450-01-M

### ENVIRONMENTAL PROTECTION AGENCY

[FRL-4026-6]

#### Agency Information Collection Activities Under OMB Review

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice.

**SUMMARY:** In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), this notice announces that the Information Collection Request (ICR) abstracted below has been forwarded to the Office of Management and Budget (OMB) for review and comment. The

ICR describes the nature of the information collection and its expected cost and burden; where appropriate, it includes the actual data collection instrument.

**DATES:** Comments must be submitted on or before November 29, 1991.

**FOR FURTHER INFORMATION CONTACT:** Sandy Farmer at EPA, (202) 260-2740.

#### SUPPLEMENTARY INFORMATION:

##### Office of Air and Radiation

*Title:* Maximum Achievable Control Technology (MACT) Standards Development Under title III (Section 112) of the Clean Air Act Regulatory Development Program (EPA ICR # 1602.01). This is a new information collection.

*Abstract:* Respondents are owners or operators of facilities included on the list of source categories for which EPA plans to initiate development of national emission standards for hazardous air pollutants (NESHAP) under section 112(d) of the amended Clean Air Act within the next 3 years. The preliminary draft list of source categories was published in the June 21, 1991 **Federal Register** (56 FR 28548). Depending on the number of facilities in an individual source category, respondents will be required to complete one of two surveys. In those source categories with 400 or fewer facilities, respondents will complete a survey for maximum achievable control technology (MACT) standards development. This survey is designed to obtain facility-specific information on process types, emissions, controls, and factors affecting costs to ensure that the EPA Office of Air Quality Planning and Standards (OAQPS) has sufficient information to make subcategory distinctions and MACT floor decisions for each NESHAP. In those source categories with more than 400 facilities, respondents will complete a screening survey. EPA will use the results of the screening survey to develop a sample design for the category to determine which respondents will be asked to complete the MACT standards development survey under a subsequent information collection.

*Burden Statement:* The public reporting burden for this collection of information is estimated to average 85 hours per response for completing the MACT standards development survey and 8.5 hours per response for completing the screening survey. This estimate includes the time needed to review instructions, search existing data sources, gather the data needed and review the collection of information.

*Respondents:* Owners or operators of facilities which emit hazardous air pollutants.

*Estimated Annual No. of Respondents:* 36,776.

*Estimated No. of Responses Per Respondent:* One.

*Estimated Total Annual Burden:* 1,255,229 hours.

*Frequency of Collection:* Once.

Send comments regarding the burden estimate, or any other aspect of the information collection, including suggestions for reducing the burden, to:

Sandy Farmer, U.S. Environmental Protection Agency, Information Policy Branch (PM-223Y), 401 M Street, SW., Washington, DC 20460

and

Troy Hillier, Office of Management and Budget, Office of Information and Regulatory Affairs, 725 17th Street, NW., Washington, DC 20503.

Please include the ICR number in any correspondence.

Dated: October 23, 1991.

Paul Lapsley,

Director, Regulatory Management Division.

[FR Doc. 91-26013 Filed 10-28-91; 8:45 am]

BILLING CODE 6560-50-M

[FRL-4026-4]

#### Ambient Air Monitoring Reference and Equivalent Methods; Receipt of Application for an Equivalent Method Determination

Notice is hereby given that on September 24, 1991, the Environmental Protection Agency received an application from OPSIS AB, P.O. Box 244, S-24402 Furlund, Sweden, to determine if their opto-analyzer Model AR 500 long-path SO<sub>2</sub> analyzer should be designated by the Administrator of the EPA as an equivalent method under 40 CFR part 53. If, after appropriate technical study, the Administrator determines that this method should be so designated, notice thereof will be given in a subsequent issue of the **Federal Register**.

John H. Skinner,

Acting Assistant Administrator for Research and Development.

[FR Doc. 91-26011 Filed 10-28-91; 8:45 am]

BILLING CODE 6560-50-M

[FRL-4026-3]

**Proposed Administrative Settlement Pursuant to Section 122(g)(4) of the Comprehensive Environmental Response, Compensation, and Liability Act, as Amended by the Superfund Amendments and Reauthorization Act**

**AGENCY:** U.S. Environmental Protection Agency.

**ACTION:** Notice; Request for public comment.

**SUMMARY:** The United States Environmental Protection Agency (EPA) and the State of Maine Department of Environmental Protection (DEP), are proposing to enter into a *de minimis* administrative settlement to resolve claims for recovery of costs incurred at the Union Chemical Company, Inc. Superfund Site in South Hope, Maine, under the authority of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended (CERCLA), 42 U.S.C. 9601 *et seq.* Notice is being published to inform the public of this proposed settlement and of the opportunity to comment. This settlement is intended to resolve the past and potential future administrative or civil cost recovery liabilities of 270 alleged *de minimis* generators and transporters of hazardous substances to the Site (the Settling Parties). The settlement requires the Settling Parties to pay a total of approximately \$3,112,000 into an established Trust Fund.

For thirty (30) days following the date of publication of this notice, EPA will receive written comments relating to the settlement. EPA's response to any comments received will be available for public inspection at the Hope Town Hall, Hope, Maine, and at the EPA Records Center at 90 Canal Street, Boston, Massachusetts.

**DATES:** Comments must be provided on or before November 29, 1991.

**ADDRESSES:** The proposed settlement is available for public inspection at the EPA Records Center at 90 Canal Street, Boston, Massachusetts, and the Hope Town Hall, Hope, Maine. A copy of the proposed settlement may be obtained from Margery L. Adams, U.S. Environmental Protection Agency, Region I, Office of Regional Counsel, Mailcode: RCU-23, JFK Federal Building, Boston, Massachusetts 02203-2211. Comments should be addressed to the Office of the Regional Administrator, U.S. Environmental Protection Agency, Region I, JFK Federal Building, Boston, Massachusetts 02203-2211, and should refer to the settlement, "In the Matter of The Union Chemical Company

Superfund Site, South Hope, Maine," U.S. EPA Docket No. CERCLA I-91-1067, for which the comments are being submitted.

**FOR FURTHER INFORMATION CONTACT:** Margery L. Adams, U.S. Environmental Protection Agency, Region I, Office of Regional Counsel, Mailcode: RCU-23, JFK Federal Building, Boston, Massachusetts 02203-2211, (617) 565-3746.

**SUPPLEMENTARY INFORMATION:**

**NOTICE OF ADMINISTRATIVE SETTLEMENT:**

In accordance with Section 122(i)(1) of CERCLA, 42 U.S.C. 9622(i)(1), notice is hereby given of a proposed *de minimis* administrative settlement concerning the Union Chemical Company, Inc. Superfund Site located in South Hope, Maine. This settlement is made and entered into pursuant to the authority vested in the President of the United States by section 122(g) of CERCLA, 42 U.S.C. 9622(g), as amended by the Superfund Amendments and Reauthorization Act of 1986 (SARA), Public Law No. 99-499, 100 Stat. 1613, 122(g) (1986), delegated to the Administrator of the United States Environmental Protection Agency on January 23, 1987 by Executive Order 12580, 52 FR 2923 and further delegated to the Regional Administrator by EPA Delegation 14-14-E, September 13, 1987. The U.S. Department of Justice approved this settlement in writing on August 8, 1991.

"In the Matter of The Union Chemical Company Superfund Site, South Hope, Maine," U.S. EPA Docket No. CERCLA I-91-1067: Under this settlement, the Settling Parties listed below, who are alleged generators and/or transporters of hazardous substances delivered to the Union Chemical Company, Inc. Superfund Site, will pay approximately \$3,112,000 into an established Trust Fund. This amount includes penalties assessed against certain Settling parties who were given an earlier opportunity to settle, but who failed to do so. The Settling Parties are: Adams Co., Inc., J. K.; Adams Plastic Company, Inc. (American Home Products Corporation); Adams-Russell Co., Inc. (M/A-Com Adams-Russell, Inc.); Adventure Manufacturing Co., Inc.; Affiliated Laboratory, Inc.; Albany International Corp; Alco Dispensing Systems (through Alco Standard Corporation); Alltex Standard Uniform, Inc. (d/b/a Alltex-Standard Uniform); American Biltrite Corporation (American Biltrite Inc.); American Business Systems, Inc.; American Electro Products (National Integrated Industries, Inc. d/b/a American Electro Products); American National Can Company (formerly,

American Can Company); American Stabilis Inc.; AMF Incorporated; Ampad Incorporated; Amphenol/Bunker Ramo (Amphenol Corporation); Amplex (Norton Company d/b/a Amplex Corp.); Amtrol Inc.; Arden Jewelry Manufacturing Co.; Ark-Les Corporation; Artfaire Company Inc./CPS Corporation; Arwood Machine Corp; Ascutney Metal Products, Inc.; Astro Wire & Cable Co.; Audio Accessories, Inc.; Autowize (a unit of ITT Corporation); BIF (a unit of General Signal); Baker Company, Inc., the; Balfour Trust, Lloyd G. (through New Bank of England, trustee); Ball and Socket Plastics Company (Balso Liquidating Trust); Banton Inc.; Barry Controls Division (Division of Applied Power Inc.); Bass Harbor Marine; Becton Dickinson and Company (Becton-Dickinson Division); Biddeford Industries (GWNCO); Borduas Graphics; Bottoms U.S.A., Inc.; Brunell Electroplating Corp., A.A.; Bryant Griner Corporation (Textron Inc.); Bull Metal Products; Burndy Corporation; Control Techniques, Inc. (Burton Industries, Inc.); Camden Tanning Corporation; Carleton Woolen Mills, Inc.; Carr Company (TRW Inc.); Central Coating Company; Charles D. Burnes Co., Inc.; Chem-Clean Furniture Restoration (Alfred); Chem-Clean Furniture Restoration (Allentown); Chem-Clean Furniture Restoration (Scotch Plains); Chemical Pollution Control, Inc.; Chromalloy (Standard Foundry Company); Church Seat Company (now a Division of Bemis Manufacturing Company); Cianbro Corporation; Clark-Sawyer, Inc. (W. H. Sawyer Lumber Co., Inc. and George H. Clark & Co., Inc.); Clarostat Mfg. Co., Inc.; the Clinton Instrument Co.; Colby College; Cole Enterprises (d/b/a Coles Express); Colonial Services (through Alltex Standard Uniform, Inc. d/b/a Alltex-Standard Uniform); Columbia Dry Cleaners; Columbia Mfg. Co.; Computrol (Kilde-Thorn Automated Systems, Inc.); Congress Technical Spray Co., Inc.; Consolidated Pressure Sensors Division (Eaton Corporation); Continental Corporation; Conway Office Products, Inc.; Cooley, Inc.; Cooperative Microwave (Microwave Techniques, as successor to Cooperative Microwave); Crosby Group, Inc.; CSB Corporation (f/k/a Crownmark Corporation); Custom Coating and Laminating Corporation; Danforth Division of the Eastern Company; Data General Corporation; Data Products New England, Inc.; Datel, Inc.; Davol, Inc.; ITW Devcon Corporation; Dexter Shoe Company; Dielectric Communications; Dienes & Neuenkamp; Dresser Industries, Inc.

(Instrument Division); Edlund Company, Inc.; Edwards Company, Inc.; Electrix, Inc.; Electro-Films, Inc.; Electronics Corporation of America; Elektrisola, Inc.; Elmers Pipe, Inc.; Emhart Metal Products Division (Emhart Industries, Inc.); the Ensign-Bickford Company; Environmental Systems Corp. (through D. D. Bean & Sons Co.); Erving Paper Mills; Esten Machine (Lucas Epsco Inc.); Ethan Allen Inc.; Fairchild Semiconductor Corporation; Fiberglass Products Incorporated; FMC Corporation; Fothergill Composites, Inc. (now known as Courtaulds Structural Composites, Inc.); the Foxboro Company; Franklin Electro Plating Co., Inc.; Frem Corporation; Gencorp, Inc. (f/k/a General Tire); Global Specialties Incorporated (d/b/a Interplex Electronics, Inc.); Gould, Inc.; Greenberg Co., B.B.; Grobet File Co. of America Inc.; Grumbacher, Inc., M.; GTE Products Corporation; Guardian (Cooper Industries, Inc. on behalf of Guardian); Hadco Corporation (formerly Hadco Printed Circuits, Inc.); Hallowell Shoe Company; Hamblet & Hayes Co., Polar Chemicals Division (subsidiary of Van Waters & Rogers, Inc.); Samuel P. Harris, Inc.; Hebron Academy; Herman Shoe Co. (Joseph M. Herman Shoe Company, Inc.); Hewitt Auto Body; Hi-G Company, Inc.; Hill-Loma, Inc. (d/b/a Hill Acme Company); Henry R. Hinckley & Company; Hobson & Motzer, Inc.; Holyoke Card and Paper Company; Independent Cable, Inc.; Indiana Screw Machine Products, Inc.; Interconics (BMC Industries, Inc.); Interstate Uniform Services (Unifirst Corporation); Ionics, Incorporated; ITT Vulcan Electric (a Division of ITT Corporation); James River-Otis (James River Paper Company, Inc., James River Corporation of Virginia); C.F. Jameson & Co., Inc.; Eaton Corporation (JBT Switch); Kalloch Fuel Service; Town of Kennebunk, Kenway Corporation; Kingfield Wood Products; Kittery Laundry, Inc. (d/b/a Colonial Services—through Alltex Standard Uniform, Inc. d/b/a Alltex-Standard Uniform); Knox Semiconductor, Inc.; Knox Woolen Company (now Mount Vernon Mills, Inc.) L & A Heel Corp; Lamson & Goodnow Mfg. Co.; A.C. Lawrence Leather Co., Inc.; LCP-Maine, Inc.; Leen Company; Levin Plating Co., Inc.; Mark Levinson Audio Systems, Ltd.; Libbey Co., W.S.; Liberty Research Co., Inc.; Rogers Lunt & Bowlen Co. (d/b/a Lunt Silversmiths); Madico, Incorporated (through Keyes Fibre Company); Madison/Wil. Tec. Insul. Wire; Maine Electronics, Inc.; Maine Medical Center; Maine Printing & Business Forms Co.; Maine Yankee Atomic Power Company; Markem

Corporation; Matchless Buff Co., Inc.; McCord Winn (Textron, Inc.); Melville Corporation; Messer Company, W.A.; Metalart Buckle Co.; Figgie International, Inc. (Meyer/World Packaging Machinery); Microwave Techniques; Mid-State Machine; Miller Shoes; Milton Bradley Company (Division of Hasbro, Inc.); Modern Electroplating Co., Inc.; Crompton Modutec, Inc.; Monarch Industries, Inc.; Moore Chemical Co.; Morgan Construction Co.; Morningstar of Maine (Costar Corporation); Nachi Bearing Corporation; Nashua Wood Products, Inc.; New England Aerosol & Packaging, Inc.; New England Industrial Waste, Inc.; New England Rack Co., Inc.; George Newman & Company; Parker-Hannifin Corporation (for Nichols Fluid Machinery and W.H. Nichols); Northampton Manufacturing Corporation; Northeast Shoe Company; NRC Inc.; Nuroco Woodworking, Inc.; Omni-Wave Electronics Corporation (RCM Corporation); Pacesetter Products Incorporated; Pak 2000/Division of Ocor Products Corp.; Parametrics; Parker Metal Corporation; Parlex Corporation; Permuthane (Division of ICI Americas); Pervel Industries; Phalo Corporation; Photofabrication Engineering, Inc.; Pontiac Weaving Corporation; Key Packaging Industries, Inc. (on behalf of Port-Poly, Inc.); Power Electronics Corp.; Precision Components Incorporated; Preferred Electronics, Inc.; the Presmet Corporation; G. Pruefer Mfg. Co., Inc.; Quality Spraying & Stenciling Co.; Quint Corporation (NH); Rec-Tec Incorporated (PDS Technologies, Inc.); AMF Reece (f/d/b/a The Reece Corporation); Rich Tool & Die Co.; Rosenthal Technik USA Limited; Becton Dickinson and Company (Rudolph Beaver Company); Rule Industries, Inc.; S.N. Foster Co., Inc.; S.N.S. Plastics; S&H Precision Mfg. Co., Inc.; S.D. Warren Company; Safety-Kleen Corp.; Chemical Waste Management, Inc. (on behalf of SCA Chemical Services); Scola Enterprises, Inc.; Scott Paper Company; Sevcon, Division Tech/Ops (Sevcon, Inc.); Shape, Inc.; Shape Systems Design I (a Division of Shape Inc.); Shepard Motors, Inc.; Silicon Transistor Corp.; Snocraft; Songo of Maine, Inc.; Spaulding & Slye Company; Spectrum Coatings Laboratories; Speidel (Textron, Inc.); Spencer Press, Inc. and Spencer Press of Maine, Inc.; Hyde Athletic Industries, Inc./Spot-Bilt, Inc.; Sprague Electric Company; Spray Me., Inc.; Spray-O-Matic Corp.; Winnrich, Inc. (d/b/a Sproul Drycleaners); St. Johnsbury Trucking Co., Inc.; Stadium Auto Body, Inc.; Stahl Finish, Division of ICI Americas; Sterling-Clark-Lurton, Corp.;

Stinson Canning Company (now known as S.S.T. and S., Inc.); Striar Textile Mill; Stultz Electric Motor Systems; Sturm, Ruger & Co., Inc.; Ausimont U.S.A., Inc. (on behalf of Styletek); Suffolk Services, Inc.; Summagraphics Corporation; Surface Coatings, Inc.; Swank, Inc.; Symmons Industries, Inc.; Tadco, Inc.; Technipower, Inc.; Tek Coating Company, Inc.; Tex-Tech Industries, Inc.; Theatre Techniques, Inc.; Tibbetts Industries, Inc.; Tillotson Rubber Co.; Total Waste Management Corporation; Touraine Paints, Inc.; Transco; Alcatel NA Network Systems Corp. (on behalf of Transcom Electronics, Inc.); U.S. Coast Guard; U.S. Department of the Air Force (Loring Air Force Base); U.S. Department of the Navy (Northern Division; Naval Facilities Engineering Command; Naval Air Station Brunswick); Litton Industrial Automation Systems, Inc. (Union Butterfield Division); Union Camp Corporation; Unitrode Corporation; USM Corporation-Bailey Division (Emhart Industries, Inc.); Valiant Finishing Co. (Cambridge Tool & Die); Velcro USA, Inc.; Viner Shoe Co. (Wolverine World Wide, Inc.); Webber Hospital Association (d/b/a Southern Maine Medical Center); Westfield Electroplating Company (Westfield Electro); Whitman Products Limited (Whitman Skivertex, Ltd; f/k/a Whitman Products, Ltd.); G.F. Wright Steel & Wire Company.

Dated: October 21, 1991.

Julie Belaga,

Regional Administrator.

[FR Doc. 91-26010 Filed 10-28-91; 8:45 am]

BILLING CODE 6560-50-M

[FRL-4026-2]

**Proposed Administrative Settlement Under Section 122(h) of the Comprehensive Environmental Response, Compensation, and Liability Act; Waterboro Patent Leather Site, Waterboro, ME**

**AGENCY:** U.S. Environmental Protection Agency.

**ACTION:** Notice of proposed administrative settlement and request for public comment.

**SUMMARY:** The U.S. Environmental Protection Agency (EPA) is proposing to enter into an administrative settlement to address claims under the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended (CERCLA), 42 U.S.C. 9601. Notice is being published to inform the public of the proposed

settlement and of the opportunity to comment. The settlement is intended to resolve the liability under CERCLA of Antonio Andreotolla and NorthEast Hide & Fur Corporation for costs incurred by EPA in conducting response actions at the Waterboro Patent Leather Superfund Site in Waterboro, Maine as of October 10, 1991.

**DATES:** Comments must be provided on or before November 29, 1991.

**ADDRESSES:** Comments should be addressed to the Docket Clerk, U.S. Environmental Protection Agency, Region I, JFK Federal Building—RCG, Boston, Massachusetts 02203, and should refer to: In the Matter of Waterboro Patent Leather Superfund Site, Waterboro, ME, U.S. EPA Docket No. I-91-1066.

**FOR FURTHER INFORMATION CONTACT:** Andrea Simpson, U.S. Environmental Protection Agency, Office of Regional Counsel, RCE, J.F.K. Federal Building, Boston, Massachusetts 02203, (617) 565-9401.

**SUPPLEMENTARY INFORMATION:** In accordance with section 122(i)(1) of the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended (CERCLA), 42 U.S.C. 9622(i)(1), notice is hereby given of a proposed administrative settlement concerning the Waterboro Patent Leather Superfund Site in Waterboro, ME. The settlement was approved by EPA Region I on September 30, 1991, subject to review by the public pursuant to this Notice. Antonio Andreotolla and NorthEast Hide & Fur Corporation, the Settling Parties, have executed signature pages committing them to participate in the settlement. Under the proposed settlement, the Settling Parties are required to pay \$20,000 to the Hazardous Substances Superfund. EPA believes the settlement is fair and in the public interest.

EPA is entering into this agreement under the authority of section 122(h) of CERCLA. Section 122(h) of CERCLA provides EPA with authority to consider, compromise, and settle a claim under section 107 of CERCLA for costs incurred by the United States if the claim has not been referred to the U.S. Department of Justice for further action.

EPA will receive written comments relating to this settlement for thirty (30) days from the date of publication of this Notice.

A copy of the proposed administrative settlement may be obtained in person or by mail from Andrea Simpson, U.S. Environmental Protection Agency, Office of Regional Counsel, JFK Federal Building—RCE, Boston, Massachusetts 02203, (617) 565-9401.

The Agency's response to any comments received will be available for public inspection with the Docket Clerk, U.S. Environmental Protection Agency, Region I, JFK Federal Building—RCG, Boston, Massachusetts, (U.S. EPA Docket No. I-91-1066.

Dated: October 9, 1991.

**Paul Keough,**

*Acting Regional Administrator.*

[FR Doc. 91-260121 Filed 10-28-91; 8:45 am]

**BILLING CODE 6560-50-M**

## FEDERAL COMMUNICATIONS COMMISSION

### Pearce Broadcasting Partnership, et al.; Applications for Consolidated Hearing

1. The Commission has before it the following mutually exclusive applications for a new FM station:

Applicant, City and State	File No.	MM Docket
A. Pearce Broadcasting Partnership; Valley, AL	BPH-900918MA...	91-289
B. Stephen L. Gradick; Valley, AL	BPH-900919MG...	

#### Issue heading and applicant(s)

1. City Coverage, B
2. Environmental, A, B
3. Comparative, A, B
4. Ultimate, A, B

## II

A. Jhonny V. Gomez; Amarillo, Texas	BPH-901121MB...	91-290
B. North Plains Broadcasting Corporation; Amarillo, Texas	BPH-901123MB...	
C. Mandujano Communications, Inc.; Amarillo, Texas	BPH-901123MC...	
D. JR Communications Corporation; Amarillo, Texas	BPH-901123MA (Dismissed Herein)	
E. B.F.J. Timm; Amarillo, Texas	BPH-901123MD (Dismissed Herein)	

#### Issue heading and applicants

1. Comparative, A, B, C
2. Ultimate, A, B, C

## III

A. Bible Broadcasting Network, Inc.; Salina, KS	BPED-900730MH	91-287
B. North Central Kansas Broadcasting, Inc.; Salina, KS	BPED-901105MK	

#### Issue heading and applicants

Applicant, City and State	File No.	MM Docket
1. Comparative—Noncommercial Educational FM, A, B		
2. Ultimate, A, B		

## IV

A. Reir Broadcasting Company, Inc., Bozeman, Montana	BPH-900806MI.....	91-288
B. KBSZ Broadcasting Limited Partnership, Bozeman, Montana	BPH-900828MK	

#### Issue heading and applicant(s)

1. Site Availability, A
2. Environmental Impact, Both
3. Comparative, Both
4. Ultimate, Both

2. Pursuant to section 309(e) of the Communications Act of 1934, as amended, the above applications have been designated for hearing in a consolidated proceeding upon the issues whose headings are set forth below. The text of each of these issues has been standardized and is set forth in its entirety under the corresponding headings at 51 FR 19347, May 29, 1986. The letter shown before each applicant's name, above, is used below to signify whether the issue in question applies to that particular applicant.

3. If there is any non-standardized issue(s) in this proceeding, the full text of the issue and the applicant(s) to which it applies are set forth in an appendix to this notice. A copy of the complete HDO in this proceeding is available for inspection and copying during normal business hours in the FCC Dockets Branch (room 230), 1919 M Street, NW., Washington, DC. The complete text may also be purchased from the Commission's duplicating contractor, Downtown Copy Center, 1114 21st Street, NW., Washington, DC 20036 (Telephone No. (202) 452-1422).

**W. Jan Gay**

*Assistant Chief, Audio Services Division, Mass Media Bureau.*

[FR Doc. 91-26054 Filed 10-28-91; 8:45 am]

**BILLING CODE 6712-01-M**

## FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA-914-DR]

### Massachusetts; 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 Commonwealth of Massachusetts (FEMA-914-DR), dated August 26, 1991, and related determinations.

**DATES:** October 18, 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 Commonwealth of Massachusetts, dated August 26, 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 August 26, 1991:

Hampden County for Public Assistance.

**Grant C. Peterson,**

*Associate Director, State and Local Programs and Support, Federal Emergency Management Agency.*

(Catalog of Federal Domestic Assistance No. 83.516, Disaster Assistance.)

[FR Doc. 91-25988 Filed 10-28-91; 8:45 am]

BILLING CODE 6718-02-M

## FEDERAL MARITIME COMMISSION

### Agreement(s) Filed; A. Bottacchi S.A. de Navegacion C.F.I.e.I. 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 10325. Interested parties may submit comments on each agreement to the Secretary, Federal Maritime Commission, Washington, DC 20573, within 10 days after the date of the **Federal Register** in which this notice appears. The requirements for comments are found in § 572.603 of title 46 of the Code of Federal Regulations. Interested persons should consult this section before communicating with the Commission regarding a pending agreement.

*Agreement No.:* 202-009648A-054.

*Title:* Inter-American Freight Conference.

*Parties:*

A. Bottacchi S.A. de Navegacion C.F.I.e.I.,

American Transport Lines, Inc.,  
A/S Ivarans Rederi,  
Companhia Maritima Nacional,  
Companhia de Navegacao Lloyd Brasileiro,

Companhia de Navegacao Maritima Netumar.

Empresa Lineas Maritimas Argentinas,

Empresa de Navegacao Alianca S.A.,  
Frota Amazonica S.A.,

Hamburg-Sudamerikanische Dampfschiffahrts Gesellschaft Eggert & Amsinck ("Columbus Line").

*Synopsis:* The modification stipulates that no member line or joint service (including each party to a member line or joint service) may operate in the trade covered by any section of the conference unless it shall then be a member line of the section.

*Agreement No.:* 224-200165-004.

*Title:* Maryland Port Administration/ Ceres Corporation Terminal Agreement.

*Parties:*

Maryland Port Administration  
Ceres Corporation.

*Synopsis:* The Agreement would extend the existing lease between the parties for a period of 120 days.

*Agreement No.:* 224-200283-001.

*Title:* Tampa Bay International Terminals/Garrison Stevedoring, Inc. Terminal Operating Agreement.

*Parties:*

Tampa Bay International Terminals ("TBIT") Garrison Stevedoring Inc. ("Garrison").

*Synopsis:* The amendment provides for increases in fees payable by TBIT for services provided by Garrison to TBIT.

*Agreement No.:* 224-200582.

*Title:* South Carolina State Ports Authority/Nordana Lines Terminal Agreement.

*Parties:*

South Carolina State Ports Authority  
Nordana Lines AS ("Nordana").

*Synopsis:* The proposed Agreement is a non-preferential berthing arrangement between the parties, with a two year term. The Agreement specifies that Nordana will move specified amounts of cargo through the Port of Charleston in return for certain reductions in the port's tariff fees.

*Agreement No.:* 224-200583.

*Title:* Tampa Port Authority/Holland America Line-Westours Terminal Agreement.

*Parties:*

Tampa Port Authority.  
Holland America Line-Westours Inc. ("Holland-America").

*Synopsis:* The proposed Agreement would grant Holland America non-exclusive preferential use of a passenger terminal facility at Tampa, Florida.

Dated: October 23, 1991.

By Order of the Federal Maritime Commission.

**Joseph C. Polking,**  
*Secretary.*

[FR Doc. 91-25944 Filed 10-28-91; 8:45 am]

BILLING CODE 6730-01-M

[Docket No. 91-49]

### Trident Seafoods Corp. v. Coastal Transportation, Inc.; Filing of Complaint and Assignment

Notice is given that a complaint filed by Trident Seafoods Corporation ("Complainant") against Coastal Transportation, Inc. ("Respondent") was served October 23, 1991. Complainant alleges that Respondent engaged in violations of section 16 First and 18(a) of the Shipping Act, 1916, 46 U.S.C. app. 815 and 817(a), by refusing to deliver cargo to the port of discharge designated on Respondent's bills of lading and charging and collecting freight rates that were not published in Respondent's tariff on file at the Commission.

This proceeding has been assigned to Administrative Law Judge Norman D. Kline ("Presiding Officer"). Hearing in this matter, if any is held, shall commence within the time limitations prescribed in 46 CFR 502.61. The hearing shall include oral testimony and cross-examination in the discretion of the Presiding Officer only upon proper showing that there are genuine issues of material fact that cannot be resolved on the basis of sworn statements, affidavits, depositions, or other documents or that the nature of the matter in issue is such that an oral hearing and cross-examination are necessary for the development of an adequate record. Pursuant to the further terms of 46 CFR 502.61, the initial decision of the Presiding Officer in this proceeding shall be issued by October 23, 1992, and the final decision of the Commission shall be issued by February 22, 1993.

**Joseph C. Polking,**  
*Secretary.*

[FR Doc. 91-25976 Filed 10-28-91; 8:45 am]

BILLING CODE 6730-01-M

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Agency For Health Care Policy and Research; Statement of Organization, Functions and Delegations of Authority

Part H, Public Health Service (PHS), Chapter HP (Agency for Health Care Policy and Research), of the Statement

of Organization, Functions and Delegations of Authority for the Department of Health and Human Services (55 FR 12286-89, April 2, 1990, as amended at 44 FR 42492-5, October 19, 1990) is amended to reflect realignment of and to retitle the Office of State and Local User Liaison within the Agency for Health Care Policy and Research and revise the functional statements.

#### Agency for Health Care Policy and Research

Under Section HP-10, Organization and Functions, within the statement for the Office of Planning and Resource Management (HPA2), delete item (4) and renumber items (5) through (7) as (4) through (6). In item (6) delete "Center" and add "and."

Following the statement for the Office of Scientific Review (HPA24), delete the title and statement in its entirety for the Office of State and Local User Liaison (HPA25).

Within the statement for the Center for Research Dissemination and Liaison (HPG), following item (9), delete the "and" and following item (10) delete the period, insert a semicolon, add "and" and the following new item, "(11) develops and maintains effective linkage with State and local government organizations and with the research community and other potential users of the Agency's research."

Following the statement for the Division of Information and Publications (HPG3), add the following title and statement:

#### *Division of User Liaison (HPG4)*

Provides direction and coordination of the Agency's program to define the issues, problems, and information needs of selected users of health services research, especially public and private sector policymakers, and to disseminate to them relevant research findings, program data, and descriptive information related to the organization, planning, management, financing, delivery, evaluation, and outcomes of health services at the Federal, state, and local level. Specifically: (1) Develops syntheses of research findings focused on particular issues dealing with policy concerns and operational problems; (2) plans and conducts workshops and seminars to provide research findings and related information to policymakers and other consumers of health services research to allow them to make better informed health care policy decisions; (3) maintains liaison with State and local government organizations, public policy organizations, and with the research community and provides

information which may impact on the Agency's research plan and priority setting process; (4) formulates, in collaboration with Agency staff, appropriate policies and activities to develop effective linkages with potential users of health services research; (5) communicates information regarding user research needs to the Agency Administrator and appropriate Agency staff to ensure user needs are adequately addressed in current and planned Agency projects; (6) develops and implements mechanisms to identify and contact potential users of research findings and related information; (7) plans meetings and coordinates contacts between Agency staff and individual users and representatives of users' groups and organizations; (8) provides assistance and advice to other Federal agencies and organizations in evaluating the utility of Federally-sponsored research to State and local government officials; and (9) provides technical assistance for the design and implementation of research projects undertaken by State and local governments.

Dated: October 21, 1991.

Louis W. Sullivan,

Secretary.

[FR Doc. 91-25942 Filed 10-28-91; 8:45 am]

BILLING CODE 4160-90-M

#### National Institutes of Health; Statement of Organization, Functions and Delegations of Authority

Part H, Chapter HN, (National Institutes of Health) of the Statement of Organization, Functions and Delegations of Authority for the Department of Health and Human Services (40 FR 22859, May 27, 1975), as amended most recently at 56 FR 26418-9, June 7, 1991), is amended to reflect the following change in the Office of the Director, National Institutes of Health (NIH): (1) Retitle the Division of Equal Opportunity (HNA-2) to the Office of Equal Opportunity (HNAD) and revise its functional statement. This organizational change will standardize the organizational nomenclature of components reporting directly to the Director, NIH, and emphasize the importance that the NIH places on the equal employment opportunity function.

Section HN-B, Organization and Functions, is amended as follows: (1) After the heading Office of Scientific Integrity (HNAC), insert the following: *Office of Equal Opportunity (HNAD)*. (1) Advises the Director, NIH, and staff on matters related to the equal employment opportunity (EEO)

programs and policies of the NIH; (2) in coordination with NIH and other components, plans, develops, provides policy direction and leadership, monitors, and evaluates the execution of the Federal Equal Opportunity Recruitment Program, Minority Cultural Program, and Special Emphasis Programs (which include the Federal Women's Program, the Hispanic Employment Program, the Black Employment Program, the Native American Program, the Asian American/Pacific Islander Program, and the Program for Employees with Disabilities); (3) consults with and advises responsible NIH officials regarding problems and progress of EEO programs in their respective organizations; (4) reviews efforts and makes recommendations to implement the NIH Civil Rights Program as it relates to research contractors and grantees, and reports to the Director, NIH, on the status of the program; (5) maintains liaison with NIH components that administer programs to increase the participation of minorities in biomedical research; (6) represents the Director, NIH, in contacts with groups, both within and outside NIH, and maintains liaison with other Federal agencies concerned with equal employment opportunity programs; (7) provides for the investigation of complaints of discrimination, and assures counseling of complainants and fair and judicious processing of such complaints; (8) in cooperation with NIH components, develops the NIH Affirmative Employment Program Plan, and the Federal Equal Opportunity Recruitment Program Plan, and monitors their implementation; (9) participates with other organizations in the continuing maintenance and effective use of an EEO data system; (10) provides support (e.g., budget, logistics, secretarial services) to advisory groups (e.g., EEO Executive Council, Women's Advisory Committee) concerned with equal opportunity at NIH; (11) participates with NIH personnel staff in planning, developing, and conducting training in EEO, affirmative action, and civil rights for NIH top management, EEO Counselors, supervisors, etc.; and (12) performs studies and analyses necessary to support the equal opportunity and civil rights functions.

Dated: October 21, 1991.

Louis W. Sullivan,

Secretary.

[FR Doc. 91-25943 Filed 10-28-91; 8:45 am]

BILLING CODE 4140-01-M

## National Institutes of Health

### Consensus Development Conference on Diagnosis and Treatment of Depression in Late Life

Notice is hereby given of the NIH Consensus Development Conference on "Diagnosis and Treatment of Depression in Late Life," which will be held November 4-6, 1991 in the Masur Auditorium of the National Institutes of Health, 9000 Rockville Pike, Bethesda, Maryland 20892. This conference is sponsored by the National Institute of Mental Health, the National Institute on Aging, and the NIH Office of Medical Applications of Research.

Depressive illness is a major public health problem among the elderly, whose proportion in the population is increasing rapidly. With increasing longevity and the aging of the "baby boom" generation, the number of people 65 years and older will increase by 40 percent between 1984 to 2010 and will represent nearly 14 percent of the general population. Elderly depressed patients are over-represented in hospitals, outpatient clinics, and institutions. The 1985 National Nursing Home Survey found that 25 percent of nursing home residents had major depression not including the 63 percent that were cognitively impaired.

There is substantial evidence that the prognosis of depression in the elderly and treatment response may be poorer than in younger patients. Although pharmacotherapy is effective in older patients, it may not be as effective as in younger adults, with less than 50 percent response rate. Evidence for the efficacy of psychotherapy in older depressed adults has emerged only recently. Reasons for these differences remain to be explicated but include the possibilities that depression in late life is different in phenomenology and natural history; that organicity or concurrent medical illness may mitigate the course and treatment response; that the physiological effects of aging per se may increase sensitivity to toxic effects or decrease sensitivity to therapeutic effects of medication; and that significant age-related pharmacokinetic and pharmacodynamic effects may impair response. The increased prevalence of suicide and depression among residents of long-term care facilities are other special issues to be considered.

During the last decade, significant progress has been made in understanding the diagnosis and treatment of depression in late life, but important questions remain unsolved. The purpose of this Consensus

Development Conference is to examine what is known of the epidemiology, pathogenesis, pathophysiology, and treatment of major depression in the elderly as well as its prevention and management.

The conference will bring together biomedical and behavioral scientists, health care providers, and the public. Following a day and a half of presentations by experts and discussion by the audience, an independent non-Federal consensus panel will weigh the scientific evidence and write a draft statement in response to the following questions:

- How does depression in late life differ from depression earlier in life?
- How prevalent is depression in the elderly and what are its risk factors?
- What constitutes safe and effective treatment for late life depression? What are the indications and contraindications for specific treatments?
- What are the obstacles to the delivery of adequate treatment? What are the patterns of health services use for late life depression?
- What are the benefits of recognizing and adequately treating depression in late life? What are the consequences of unrecognized or inadequately treated depression in late life?
- What are the most promising areas for future research?

On the final day of the meeting, the panel chairman will read the draft statement to the conference audience and invite comments and questions.

Information on the program may be obtained from: Judy Gale, Prospect Associates, 1801 Rockville Pike, suite 500, Rockville, Maryland 20852, 301-468-6338.

Dated: October 21, 1991.

**Bernadine P. Healy,**  
*Director.*

[FR Doc. 91-26025 Filed 10-28-91; 8:45 am]

BILLING CODE 4140-01-M

### National Institute of Allergy and Infectious Diseases; Notice of Meeting of Basic Sciences I Subcommittee of Acquired Immunodeficiency Syndrome Research Review Committee

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the Basic Sciences I Subcommittee of the Acquired Immunodeficiency Syndrome Research Review Committee, National Institute of Allergy and Infectious Diseases, on November 19-21, 1991, at the Chevy Chase Holiday Inn, 5520 Wisconsin Avenue, Bethesda, Maryland 20815.

The meeting will be open to the public from 10 a.m. to 10:30 a.m. on November 19 and from 8 a.m. to 8:30 a.m. on November 20 and 21 to discuss administrative details relating to committee business and for program review. Attendance by the public will be limited to space available. In accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), title 5, U.S.C. and section 10(d) of Public Law 92-463, the meeting will be closed to the public for the review, discussion, and evaluation of individual grant applications and contract proposals from 10:30 a.m. until recess on November 19, from 8:30 a.m. until recess on November 20, and from 8:30 a.m. until adjournment on November 21. These applications, proposals, and the discussions could reveal confidential trade secrets or commercial property such as patentable material and personal information concerning individuals associated with the applications and proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Ms. Patricia Randall, Office of Research Reporting and Public Response, National Institute of Allergy and Infectious Diseases, Building 31, room 7A32, National Institute of Health, Bethesda, Maryland 20892, telephone (301-496-5717), will provide a summary of the meeting and a roster of the committee members upon request.

Dr. Rita Anand, Scientific Review Administrator, Basic Sciences I Subcommittee of the Acquired Immunodeficiency Syndrome Research Review Committee, NIAID, NIH, Control Data Building, room 4C22, Bethesda, Maryland 20892, telephone (301-496-8206), will provide substantive program information.

(Catalog of Federal Domestic Assistance Program Nos. 932.855, Immunology, Allergic and Immunologic Diseases Research; 93.856, Microbiology and Infectious Diseases Research, National Institutes of Health.)

Dated: October 17, 1991

**Raymond Bahor,**

*Acting Committee Management Officer, NIH.*

[FR Doc. 91-26023 Filed 10-28-91; 8:45 am]

BILLING CODE 4140-01-M

### National Institute of Allergy and Infectious Diseases; Notice of Meeting of Clinical Applications, Prevention and Treatment Subcommittee of the Acquired Immunodeficiency Syndrome Research Review Committee

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the

Clinical Applications, Prevention and Treatment Subcommittee of the Acquired Immunodeficiency Syndrome Research Review Committee, National Institute of Allergy and Infectious Diseases, on November 14-15, 1991, at the Bethesda Ramada Inn, 8400 Wisconsin Avenue, Bethesda, Maryland 20814.

The meeting will be open to the public from 8:30 a.m. to 9:15 a.m. on November 14 to discuss administrative details relating to committee business and for program review. Attendance by the public will be limited to space available. In accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), title 5, U.S.C. and section 10(d) of Public Law 92-463, the meeting will be closed to the public for the review, discussion, and evaluation of individual grant applications and contract proposals from 9:15 a.m. until recess on November 14 and from 8:30 a.m. until adjournment on November 15. These applications, proposals, and discussions could reveal confidential trade secrets or commercial property such as patentable material and personal information concerning individuals associated with the applications and proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Ms. Patricia Randall, Office of Research Reporting and Public Response, National Institute of Allergy and Infectious Diseases, Building 31, room 7A32, National Institutes of Health, Bethesda, Maryland 20892, telephone (301-496-5717), will provide a summary of the meeting and a roster of the committee members upon request.

Dr. Sherry Dupere, Scientific Review Administrator, Clinical Applications, Prevention and Treatment Subcommittee of the Acquired Immunodeficiency Syndrome Research Review Committee, NIAID, NIH, Control Data Building, room 4C23, Bethesda, Maryland 20892, telephone (301-496-7042), will provide substantive program information.

(Catalog of Federal Domestic Assistance Program Nos. 93.855, Immunology, Allergic and Immunologic Diseases Research; 93.856, Microbiology and Infectious Diseases Research, National Institutes of Health.)

Dated: October 17, 1991.

**Raymond Bahor,**

*Acting Committee Management Officer, NIH.*  
[FR Doc. 91-26022 Filed 10-28-91; 8:45 am]

BILLING CODE 4140-01-M

#### **National Institute of Allergy and Infectious Diseases; Notice of Meeting of AIDS Research Advisory Committee, NIAID**

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the AIDS Research Advisory Committee, National Institute of Allergy and Infectious Diseases, on December 9-10, 1991, at the Omni International Hotel, 1601 Biscayne Boulevard, Miami, Florida 33132.

The entire meeting will be open to the public from 9 a.m.-5 p.m. on December 9 and from 8:30 a.m. to adjournment on December 10. The Committee will focus on recruiting underrepresented populations into clinical trials and on integrating primary care and research. The Committee will also explore approaches for providing information to patients on treatment and research options and will examine methodologic issues of HIV/AIDS clinical trials which affect patient recruitment and retention. Attendance by the public will be limited to space available.

Ms. Patricia Randall, Office of Communications, National Institute of Allergy and Infectious Diseases, Building 31, room 7A32, National Institutes of Health, Bethesda, Maryland 20892, telephone (301-496-5717), will provide a summary of the meeting and a roster of the committee members upon request.

Jean S. Noe, Executive Secretary, AIDS Research Advisory Committee, Division of Acquired Immunodeficiency Syndrome, NIAID, NIH, Control Data Building, room 2A22, telephone (301-496-0545), will provide substantive program information.

(Catalog of Federal Domestic Assistance Program Nos. 93.855, Immunology, Allergic and Immunologic Diseases Research; 93.856, Microbiology and Infectious Diseases Research, National Institutes of Health.)

Dated: October 22, 1991.

**Raymond Bahor,**

*Acting Committee Management Officer, NIH.*  
[FR Doc. 91-26026 Filed 10-28-91; 8:45 am]

BILLING CODE 4140-01-M

#### **National Institute on Aging; Notice of Meeting of the National Commission on Sleep Disorders Research**

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the National Commission on Sleep Disorders Research, National Institute on Aging.

On November 17, 18, and 19, 1991, there will be a working group meeting of the National Commission on Sleep Disorders Research in Bethesda,

Maryland. The meeting will be held from 9 a.m. to 5 p.m. at the Residence Inn, 7335 Wisconsin Avenue, Bethesda, Maryland 20814. The Commission will meet to review various sleep commission sub-committee reports and to prepare a report to Congress. Attendance by the public will be limited to space available.

For additional information, please call William C. Dement, M.D., Ph.D., Chairman, National Commission on Sleep Disorders Research, at the Stanford University Sleep Disorders Center, 701 Welch Road, suite 2226, Palo Alto, California, 94304, at (415) 725-6484.

Interested persons should contact Andrew A. Monjan, Ph.D., M.P.H., Executive Secretary, National Commission Sleep Disorders Research, The Gateway Building, 7201 Wisconsin Avenue, suite 3C307, Bethesda, Maryland 20892, at (301) 496-9350 for further details, confirmation of location, and substantive information on the meetings.

Dated: October 22, 1991.

**Raymond Bahor,**

*Acting Committee Management Officer, NIH.*  
[FR Doc. 91-26027 Filed 10-28-91; 8:45 am]

BILLING CODE 4140-01-M

#### **National Institute of Environmental Health Sciences; Notice of Meeting of Environmental Health Sciences Review Committee**

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the Environmental Health Sciences Review Committee on November 18-19, 1991 at the National Institute of Environmental Health Sciences, Building 101 Conference Room, South Campus, Research Triangle Park, North Carolina. The meeting will be open to the public on November 18 from 9 a.m. to approximately 10:30 a.m. for general discussion. Attendance by the public is limited to space available.

In accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), title 5, U.S.C. and section 10(d) of Public Law 92-463, the meeting will be closed to the public November 18, from approximately 10:30 a.m. to adjournment on November 19, for the review, discussion and evaluation of individual grant applications. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Drs. John Braun, Carol Shreffler or Donald McRee, Executive Secretaries, Environmental Health Sciences Review Committee, National Institute of Environmental Health Sciences, National Institutes of Health, P.O. Box 12233, Research Triangle Park, North Carolina 27709, (telephone 919-541-7826), will provide summaries of meeting and rosters of committee members.

(Catalog of Federal Domestic Assistance Program Nos. 93.113, Biological Response to Environmental Health Hazards; 93.114, Applied Toxicological Research and Testing; 93.115, Biometry and Risk Estimation; 93.894, Resource and Manpower Development, National Institutes of Health)

Dated: October 17, 1991.

Raymond E. Bahar,

*Acting Committee Management Officer, NIH.*

[FR Doc. 91-26024 Filed 10-28-91; 8:45 am]

BILLING CODE 4140-01-M

### **National Institute of General Medical Sciences; Notice of Meeting of the National Advisory General Medical Sciences Council**

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the National Advisory General Medical Sciences Council, National Institute of General Medical Sciences, National Institutes of Health, on January 23 and 24, 1992, Conference Room 10, Building 31, Bethesda, Maryland.

This meeting will be open to the public on January 23, Building 31, Conference Room 10, from 8:30 a.m. to 11 p.m. for opening remarks; report of the Director, NIGMS, and other business of the Council. Attendance by the public will be limited to space available.

In accordance with provisions set forth in sections 552b(c)94 and 552b(c)6, title 5, U.S.C. and section 10(d) of Public Law 92-463, the meeting will be closed to the public on January 23, from 11 a.m. to 6 p.m., and on January 24 from 8:30 a.m. until adjournment, for the review, discussion, and evaluation of individual grant applications. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning

individuals associated with the applications, disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mrs. Ann Dieffenbach, Public Information Officer, National Institute of General Medical Sciences, National Institutes of Health, Building 31, room 4A52, Bethesda, Maryland 20892, telephone: 301-496-7301 will provide a summary of the meeting, roster of council members. Dr. W. Sue Shafer, Executive Secretary, NAGMS Council, National Institutes of Health, Westwood Building, room 938, Bethesda, Maryland 20892, telephone: 301-496-7061 will provide substantive program information upon request.

(Catalog of Federal Domestic Assistance Program Nos. 13-821, Biophysics and Physiological Sciences; 13-859, Pharmacological Sciences; 13-862, Genetics Research; 13-863, Cellular and Molecular Basis of Disease Research; 13-880, Minority Access Research Careers [MARC]; and 13-376, Minority Biomedical Research Support [MBRS].)

Dated: October 17, 1991.

Raymond Bahor,

*Acting Committee Management Officer, NIH.*

[FR Doc. 91-26021 Filed 10-28-91; 8:45 am]

BILLING CODE 4140-01-M

### **Public Health Service**

#### **National Toxicology Program (NTP) Board of Scientific Counselors' Meeting; Review of Draft NTP Technical Reports**

Pursuant to Public Law 92-463, notice is hereby given of the next meeting of the NTP Board of Scientific Counselors' Technical Reports Review Subcommittee on November 21, 1991, in the Conference Center, Building 101, South Campus, National Institute of Environmental Health Sciences (NIEHS), 111 Alexander Drive, Research Triangle Park, North Carolina. The meeting will begin at 8:30 a.m. and is open to the public. The primary agenda topic is the peer review of draft Technical Reports of long-term toxicology and carcinogenesis studies and short-term toxicity studies from the National Toxicology Program.

Tentatively scheduled to be peer reviewed on November 21 are draft Technical Reports of long-term studies on five chemicals, listed alphabetically, along with supporting information in Table 1. All studies were done using Fischer 344 rats and B6C3F1 mice. The order of review is given in the far right column of the table.

Also scheduled to be peer reviewed are draft Technical Reports of toxicity studies on four chemicals, listed alphabetically, along with supporting information in Table 2. Order of presentation is given in the far right column of the table.

Persons wanting to make a formal presentation regarding a particular Technical Report must notify the Executive Secretary by telephone or by mail no later than November 15, 1991, and provide a written copy in advance of the meeting so copies can be made and distributed to all Panel members and staff and made available at the meeting for attendees. Oral presentations should supplement and not just repeat the written statement. *Presentations should be limited to no more than seven minutes.*

The program would welcome receiving toxicology and carcinogenesis information from completed, ongoing or planned studies by others, as well as current production data, human exposure information, and use patterns on any of the studies listed in this announcement. Please contact the staff scientist as early as possible by telephone or by mail to: NIEHS, P. O. Box 12233, Research Triangle Park (RTP), North Carolina 27709.

The Executive Secretary, Dr. Larry G. Hart, P. O. Box 12233, RTP, North Carolina 27709 (telephone 919/541-3971, FTS 629-3971) will furnish final agenda, a roster of Subcommittee members, and other program information prior to the meeting. Summary minutes subsequent to the meeting will be available upon request.

Attachments

Dated: October 23, 1991.

**Kenneth Olden,**

*Director, National Toxicology Program.*

TABLE 1.—SUMMARY DATA FOR LONG TERM NTP TOXICOLOGY AND CARCINOGENESIS TECHNICAL REPORTS SCHEDULED FOR PEER REVIEW AT THE BOARD OF SCIENTIFIC COUNSELORS' MEETING OF THE TECHNICAL REPORTS REVIEW SUBCOMMITTEE ON NOVEMBER 21, 1991

Chemical CAS No.	Staff scientist/technical report No.	Primary uses	Route/exposure levels	Study laboratory	Review order
1,3-Butadiene, 106-99-0	Dr. R. Melnick, 919-541-4142. TR-434, 11/21/91E	Chemical intermediate. Manufacture of synthetic rubber. Produced from petroleum gases (Merck 1989).	Inhalation (NA): 0, 6.25, 20, 62.5, 200, 625 PPM/50 PER GROUP (Mice only).	Battelle Northwest Laboratory.	5
P-Nitroaniline, 100-01-6	Dr. R. Irwin, 919-541-3340. TR-418, 11/21/91E	Intermediate for antioxidants, dyes, pigments, gasoline gum inhibitors, vet. medicine for poultry, pharmaceuticals (HSDB 1990).	Oral, Gavage (CORN OIL): 0,3,30,100 MG/KG/50 PER GROUP (Mice only).	Southern Research Institute.	2
O-Nitroanisole, 91-23-6	Dr. R. Irwin, 919-541-3340. TR-416, 11/21/91E	Organic Synthesis, chem. intermediate for Pharmaceuticals & dyes (HSDB 1990).	Oral in Feed (FEED): R: 0,222,666,2000, M: 0,666,2000,6000 PPM/50 PER GROUP.	Southern Research Institute.	1
Pentachloroanisole, 1825-21-4.	Dr. M. McDonald, 919-541-4132. TR-414, 11/21/91E	Degradation product of other chemicals such as pentachlorophenol and pentachloronitrobenzene.	Oral, Gavage (CORN OIL): Mr: 0,10,20,40, FR&M: 0,20,40 MG/KG.	Southern Research Institute.	3
Triamterene, 396-01-0	Dr. J. Dunnick, 919-541-4811. TR-420, 11/21/91E	Diuretic and Natriuretic agent.	Oral in Feed (NIH07) R: 0,150,300,600, M: 0,100,200,400 PPM RESTART MICE: 0,400 PPM/50 PER GROUP.	Battelle Columbus Laboratory.	4

TABLE 2.—SUMMARY DATA FOR SHORT TERM NTP TOXICITY STUDY TECHNICAL REPORTS SCHEDULED FOR PEER REVIEW AT THE BOARD OF SCIENTIFIC COUNSELORS' MEETING OF THE TECHNICAL REPORTS REVIEW SUBCOMMITTEE ON NOVEMBER 21, 1991

Chemical CAS number	Staff scientist/technical report number	Primary uses	Route/exposure levels	Study laboratory	Review order
Diethanolamine, 111-42-2.	Dr. R. Melnick, 919-541-4142. TOX, 11/21/91E	In production of textile Lubricants. Rubber chemicals intermediate. Emulsifier in agricultural chemicals, cosmetics, and pharmaceuticals. Gas conditioning agent (TDB).	Skin Paint (ETHANOL): R&M:0,37.5,75,300,600 MG/ML	Battelle Columbus Laboratory	6
Diethanolamine, 111-42-2.	Dr. R. Melnick, 919-541-4142. TOX-20, 11/21/91E	In production of textile lubricants. rubber chemicals intermediate. Emulsifier in agricultural chemicals, cosmetics, and pharmaceuticals. Gas conditioning agent (TDB).	Oral with Water (DEIONIZED WATER): Mr:0,32,63,125,25,5,0MG/ML FR:0,16,32,63,125,25MG/ML MICE:0,63,125,25,5,0,10,0MG/ML.	Battelle Columbus Laboratory	6
Dimethylformamide, 68-12-2.	Mr. D. Lynch, 513-684-8213. TOX-22, 11/21/91E	Solvent in the manufacture of wide variety of products—pharmaceuticals, agricultural chemicals, dyes, polymers; detected in groundwater, drinking water, and wastewater. widely used as inert substance in pesticides.	Inhalation (NA): R&M:0,050,100,200,400, 800 PPM.	Battelle Columbus Laboratory	7
2-Hydroxy-4-Methoxybenzophenone, 131-57-7.	Dr. J. French, 919-541-2569. TOX-21, 11/21/91E	Sunscreen agent. Photostabilizer for synthetic resins. (TDB).	Oral in Feed (FEED): R&M: 0, 3125, 6250, 12500, 25000, 50000 PM.	T.S.I. Mason Research Institute	9
2-Hydroxy-4-Methoxybenzophenone 131-57-7.	Dr. J. French, 919-541-2569. TOX-21 11/21/91E	Sunscreen agent. Photostabilizer for synthetic resins. (TDB).	Skin Paint (ACETONE): R:0,12.5,25,50,100,200; M:0,22.75,45.5,91, 182,364 MG/KG.	T.S.I. Mason Research Institute	9
M-Nitrotoluene, 99-08-1	Dr. J. Dunnick, 919-541-4811. TOX-23 11/21/91E	Manufacture of Dyes. Synthesis of explosives. chemical intermediate. (TDB).	Oral in Feed (NIH-07): R&M: 0, 625, 1250, 2500, 500, 10000 PPM/10 PER GROUP.	Hazleton Labs, Rockville, Gov't Services, Inc.	8
O-Nitrotoluene, 88-72-2	Dr. J. Dunnick, 919-541-4811. TOX-23, 11/21/91E	Intermediate for toluidines, organic synthesis of pesticides, pharmaceuticals, MFR of dyes, rubber chemicals.	Oral in Feed (NIH-07): R&M: 0, 625, 1250, 2500, 5000, 10000 PPM/10 PER GROUP.	Hazleton Labs, Rockville Gov't Services, Inc.	8
P-Nitrotoluene, 99-99-0	Dr. J. Dunnick, 919-541-4811. TOX-23, 11/21/91E	Synthesis of intermediates and explosives, stilbene and fuchsin dyes.	Oral in Feed (NIH-07): R&M: 0, 625, 1250, 2500, 5000, 10000 PPM/10 PER GROUP.	Hazleton labs, Rockville, Gov't Services, Inc.	8

[FR Doc. 91-26028 Filed 10-28-91; 8:45 am]

BILLING CODE 4140-01-M

**National Toxicology Program;  
Availability of Technical Report on  
Toxicology and Carcinogenesis  
Studies of dl-Amphetamine Sulfate**

The HHS' National Toxicology Program announces the availability of the NTP Technical Report on toxicology and carcinogenesis studies of dl-amphetamine sulfate, used for the treatment of narcolepsy in adults and behavioral syndromes in children.

Toxicology and carcinogenesis studies were conducted by feeding diets containing 0, 20, or 100 ppm dl-amphetamine sulfate to groups of 50 rats and 50 mice of each sex for 103 weeks.

Under the conditions of these 2-year feed studies, there was no evidence of carcinogenic activity<sup>1</sup> of dl-amphetamine sulfate for male or female F344/N rats or male or female B6C3F1 mice fed 20 or 100 ppm. The administration of dl-amphetamine sulfate was associated with decreased body weight. There were decreased incidences of total neoplasms in dosed rats and mice, of adrenal pheochromocytomas in male rats, of mammary gland fibroadenomas and uterine polyps in female rats, of pituitary gland adenomas in male and female rats and female mice, and of harderian gland adenomas, liver neoplasms, and lung neoplasms in male and female mice.

The study scientist for these studies is Dr. J. Dunnick. Questions or comments about this Technical Report should be directed to Dr. Dunnick at P.O. Box 12233, Research Triangle Park, NC 27709; telephone (919) 541-4811.

Copies of Toxicology and Carcinogenesis Studies of dl-Amphetamine Sulfate in F344/N Rats and B6C3F1 Mice (Feed Studies) (TR 387) are available without charge from the Chemical Carcinogenesis Branch, MD A0-01, P.O. Box 12233, Research Triangle Park, NC 27709; telephone (919) 541-3419.

Dated: October 24, 1991.

**Kenneth Olden,**

*Director, National Toxicology Program.*

[FR Doc. 91-26029 Filed 10-28-91; 8:45 am]

BILLING CODE 4140-01-M

<sup>1</sup> The NTP uses five categories of levels of carcinogenic activity to summarize the strength of the evidence observed in each experiment: two categories for positive results ("clear evidence" and "some evidence"); one category for uncertain findings ("equivocal evidence"); one category for no observable effects ("no evidence"); one category for experiments that because of major flaws cannot be evaluated ("inadequate study").

**National Toxicology Program;  
Availability of Technical Report on  
Toxicology and Carcinogenesis  
Studies on 3,3'-Dimethylbenzidine  
Dihydrochloride**

The HHS' National Toxicology Program announces the availability of the NTP Technical Report on toxicology and carcinogenesis studies of 3,3'-dimethylbenzidine dihydrochloride, a yellow crystalline powder used principally as an intermediate in the production of commercial bisazobiphenyl dyes for coloring textiles, paper, plastic, rubber and leather. It is also used as a laboratory reagent for the detection of blood and for the colorimetric determination of chlorine in air and water.

Toxicology and carcinogenesis studies were conducted by administering 3,3'-dimethylbenzidine dihydrochloride at concentrations of 0, 30, 70, or 150 ppm in drinking water to groups of F344/N rats of each sex for 14 months. Seventy rats of each sex were used in the control group, 45 in the low-dose group, 75 in the mid-dose group, and 70 in the high-dose group. The studies were originally designed as 24-month exposures but were terminated early because of rapidly declining animal survival.

Under the conditions of these 14-month drinking water studies, there was clear evidence of carcinogenic activity<sup>1</sup> of 3,3'-dimethylbenzidine dihydrochloride for male F344/N rats, as indicated by benign and malignant neoplasms of the skin, Zymbal's gland, preputial gland, liver, oral cavity, small and large intestine, mesothelium, and lung. Increased incidences of neoplasms of the brain may have been related to chemical administration. There was clear evidence of carcinogenic activity for female F344/N rats, as indicated by benign and malignant neoplasms of the skin, Zymbal's gland, clitoral gland, liver, oral cavity, small and large intestine, mammary gland, and lung. Increased incidences of neoplasms of the brain and mononuclear cell leukemia may have been related to chemical administration.

The study scientist for these studies is Dr. Daniel L. Morgan. Questions or comments about this Technical Report should be directed to Dr. Morgan at P.O.

<sup>1</sup> The NTP uses five categories of levels of carcinogenic activity to summarize the strength of the evidence observed in each experiment: two categories for positive results ("clear evidence" and "some evidence"); one category for uncertain findings ("equivocal evidence"); one category for no observable effects ("no evidence"); one category for experiments that because of major flaws cannot be evaluated ("inadequate study").

Box 12233, Research Triangle Park, NC 27709; telephone (919) 541-2264.

Copies of Toxicology and Carcinogenesis Studies of 3,3'-Dimethylbenzidine Dihydrochloride (CAS No. 612-82-8) in F344/N Rats (Drinking Water Studies) (TR 390) are available without charge from the Chemical Carcinogenesis Branch, MD A0-01, P.O. Box 12233, Research Triangle Park, NC 27709; telephone (919) 541-3419.

Dated: October 24, 1991.

**Kenneth Olden,**

*Director, National Toxicology Program.*

[FR Doc. 91-26030 Filed 10-28-91; 8:45 am]

BILLING CODE 4140-01-M

**National Toxicology Program;  
Availability of Technical Report on  
Toxicology and Carcinogenesis  
Studies of Tris(2-Chloroethyl)  
Phosphate**

The HHS' National Toxicology Program announces the availability of the NTP Technical Report on toxicology and carcinogenesis studies of tris(2-chloroethyl) phosphate (TRCP), a flame-retardant plasticizer used in plastics, polymeric foams, and wood-resin composites.

Toxicology and carcinogenesis studies were conducted by administering 0, 44, or 88 mg/kg TRCP to groups of 60 rats of each sex, 5 days per week for up to 104 weeks. The 2-year studies in mice were conducted by administering 0, 175, or 350 mg/kg TRCP to groups of 60 males and females, 5 days per week for up to 104 weeks.

Under the conditions of these 2-year gavage studies, there was clear evidence of carcinogenic activity<sup>1</sup> for male and female F344/N rats category for uncertain findings ("equivocal evidence"); one category for no observable effects ("no evidence"); one category for experiments that because of major flaws cannot be evaluated ("inadequate study"), receiving tris(2-chloroethyl) phosphate as shown by increased incidences of renal tubule adenomas. Thyroid follicular cell neoplasms and mononuclear cell leukemia in male and female rats may have been related to administration. There was equivocal evidence of carcinogenic activity for male B6C3F1 mice as shown by a marginally

<sup>1</sup> The NTP uses five categories of levels of carcinogenic activity to summarize the strength of the evidence observed in each experiment: two categories for positive results ("clear evidence" and "some evidence"); one

increased incidence of renal tubule cell neoplasms. There was equivocal evidence of carcinogenic activity for female B6C3F1 mice as shown by a marginally increased incidence of harderian gland adenomas.

Renal tubule cell hyperplasia in male and female rats and gliosis, hemorrhage, pigmentation (hemosiderin accumulation) and mineralization in the brains of female rats were associated with the administration of tris(2-chloroethyl) phosphate. Karyomegaly of renal tubule epithelial cells of male and female mice was also chemical related.

The study scientist for these studies is Dr. H.B. Matthews. Questions or comments about this Technical Report should be directed to Dr. Matthews at P.O. Box 12233, Research Triangle Park, NC 27709; telephone (919) 541-3252.

Copies of Toxicology and Carcinogenesis Studies of Tris(2-Chloroethyl) Phosphate in F344/N Rats and B6C3F1 Mice (Gavage Studies) (TR 391) are available without charge from the Chemical Carcinogenesis Branch, MD-A0-01, P.O. Box 12233, Research Triangle Park, NC 27709; telephone (919) 541-3419.

Dated: October 24, 1991.

Kenneth Olden,

Director, National Toxicology Program.

[FR Doc. 91-26031 Filed 10-28-91; 8:45 am]

BILLING CODE 4140-01-M

## DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

### Office of the Assistant Secretary for Public and Indian Housing

[Docket No. N-91-3336]

#### Submission of Proposed Information Collection to OMB; Formula Characteristics Report for the Comprehensive Grant Program; Correction

**AGENCY:** Office of the Assistant Secretary for Public and Indian Housing, HUD.

**ACTION:** Notice; Correction.

**SUMMARY:** On October 23, 1991 (56 FR 54879), the Department published a notice soliciting public comment on an information collection package with respect to the Formula Characteristics Report required by the Comprehensive Grant Program (CGP). The purpose of this notice is to correct the comment due date to allow for more than a two-day comment period.

**DATES:** Comment due date is November 4, 1991.

**ADDRESSES:** Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by title and docket number and should be sent to both of the following:

Jennie Main, OMB Desk Officer, Office of Management and Budget, New Executive Office Building, Washington, DC 20503.

Joan Campion, Rules Docket Clerk, Department of HUD, 451 Seventh Street, SW., room 10276, Washington, DC 20401.

**FOR FURTHER INFORMATION CONTACT:** David S. Cristy, Reports Management Officer, Department of Housing and Urban Development, 451 Seventh Street, SW., room 4142, Washington, DC 20410, telephone (202) 708-0050. This is not a toll-free number. Copies of the documents submitted to OMB may be obtained from Mr. Cristy.

Accordingly, in FR Doc. 91-25514 published in the *Federal Register* on Wednesday, October 23, 1991 (56 FR 54879), in the first column, the "DATES" section is corrected to read as follows:

**DATES:** Comment due date is November 4, 1991.

**Authority:** Section 3507 of the Paperwork Reduction Act, 44 U.S.C. 3507; section 7(d) of the Department of Housing and Urban Development Act, 42 U.S.C. 3535(d).

Dated: October 25, 1991.

Grady J. Norris,

Assistant General Counsel for Regulations.

[FR Doc. 91-26183 Filed 10-28-91; 8:45 am]

BILLING CODE 4210-33-M

## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

#### Availability of a Draft Environmental Assessment and Receipt of an Application for an Incidental Take Permit for Development in Aptos, Santa Cruz County, CA

**AGENCY:** Fish and Wildlife Service, Interior.

**ACTION:** Notice.

**SUMMARY:** Seascape Uplands Joint Venture has applied to the U.S. Fish and Wildlife Service for an incidental take permit pursuant to section 10(a)(1)(B) of the Endangered Species (Act). The proposed permit would authorize the incidental take of the federally listed endangered Santa Cruz long-toed salamander (*Ambystoma macrodactylum croceum*) and/or its habitat during construction of a housing development at the Seascape Uplands near Aptos in Santa Cruz County,

California. As much as 53 acres of the 193-acre property would be disturbed by project construction. Approximately 8 acres of the 53-acre disturbance area would be reclaimed as Santa Cruz long-toed salamander habitat. Project grading would not impact essential Santa Cruz long-toed salamander habitat. However, project grading would affect up to 12 percent of adjacent primary habitat, 29 percent of adjacent secondary habitat, and 25 percent of adjacent marginal habitat. Of the 86 acres of sensitive Santa Cruz long-toed habitat found on the site (essential, adjacent primary and adjacent secondary habitats), approximately 18.5 acres (21.5 percent) would be disturbed by the proposed project grading.

A draft environmental assessment (EA) and habitat conservation plan (HCP) have been prepared. This notice is provided pursuant to section 10(c) of the Act and National Environmental Policy Act regulations (40 CFR 1506.6).

**DATES:** Written comments on the permit application and draft EA should be received within 30 days of the date of this publication.

**ADDRESSES:** Persons wishing to review the application may obtain a copy by writing the Office of Management Authority. Persons wishing to review the draft EA may obtain a copy by writing the Ventura Field Station. Documents will be available by written request for public inspection, by appointment, during normal business hours at the Office of Management Authority (7:45 to 4:15) or the Ventura Field Station (8 to 4:30). Written data or comments concerning the application and draft EA should be submitted to the Ventura field Station. Please reference permit number PRT-749374 in your comments.

Office of Management Authority, U.S. Fish and Wildlife Service, room 430, 4401 N. Fairfax Dr., Arlington, VA 22203 (703/358-2104 or FTS 921-2104).  
Field Supervisor, Ventura Field Station, U.S. Fish and Wildlife Service, 2140 Eastman Ave., suite 100, Ventura, CA 93003 (805/644-1766 or FTS 983-6039).

**FOR FURTHER INFORMATION CONTACT:** Mr. Steven M. Chambers at the above Ventura Field Station.

Dated: October 24, 1991.

Margaret Tieger,

Acting Chief, Branch of Permits, U.S. Office of Management.

[FR Doc. 91-26033 Filed 10-28-91; 8:45 am]

BILLING CODE 4310-55-M

**Availability of a Draft Environmental Assessment and Receipt of an Application for an Incidental Take Permit for the Proposed LakeLine Mall, Austin, Williamson County, TX**

**AGENCY:** Fish and Wildlife Service, Interior.

**ACTION:** Notice.

**SUMMARY:** H. Co. Simon LakeLine Mall Partnership (applicant) has applied to the U.S. Fish and Wildlife Service (Service) for an incidental take permit pursuant to section 10(a)(1)(B) of the Endangered Species (Act). The requested permit, which is for a period not to exceed 30 years, would authorize the incidental take of two endangered species: Bee Creek Cave harvestman (*Texella reddelli*) and Tooth Cave ground beetle (*Rhadine persephone*). The proposed take would occur as a result of the construction of and operation of a two-level mall with approximately 1.1 million square feet of leasable space on a 116-acre tract in Austin, Williamson County, Texas.

The Service has prepared a draft environmental assessment (EA) for the incidental take permit application. This notice is provided pursuant to section 10(c) of the Act and National Environmental Policy Act regulations (40 CFR 1506.6).

**DATES:** Written comments on the application and draft EA should be received within 30 days of the date of this publication.

**ADDRESSES:** Persons wishing to review the application may obtain a copy by writing the Office of Management Authority. Persons wishing to review the draft EA may obtain a copy by contacting Mr. Joseph E. Johnston, Austin Field Office. Documents will be available by written request for public inspection, by appointment, during normal business hours at the Office of Management Authority (7:45 to 4:15) or the Austin Field Office (8 to 5). Written data or comments concerning the application and draft EA should be submitted to Mr. Sam Hamilton, Field Supervisor, Austin Field Office. Please reference permit number PRT-762988 in your comments.

Office of Management Authority, U.S. Fish and Wildlife Service, room 430, 4401 N. Fairfax Dr., Arlington, VA 22203 (703/358-2104 or FTS 921-2104).  
Austin Field Office, U.S. Fish and Wildlife Service, 611 East Sixth Street, Grant Building, suite 449, Austin, TX 78701 (512/482-5436 or FTS 770-5436).

**FOR FURTHER INFORMATION CONTACT:** Mr. Joseph E. Johnston at the above Austin Field Office.

**SUPPLEMENTARY INFORMATION:** Section 9 of the Act prohibits the "taking" of endangered species, like the Bee Creek Cave harvestman and Tooth Cave ground beetle. However, the Service, under limited circumstances, may issue permits to take endangered wildlife species if such taking is incidental to, and not the purpose of otherwise lawful activities.

The applicant plans to construct a regional shopping mall on a 116-acre parcel located on the northwest side of Austin at the intersection of U.S. Highway 183 and Ranch Road 620 in Williamson County, Texas. The initial mall construction and parking lot will occupy approximately 78 acres with the remaining 38 acres in development reserves around the perimeter of the mall. The mall will be a two-level facility with 1.1 million square feet of leasable space. These activities will permanently eliminate 62 acres of occupied and/or potential endangered species habitat. The applicant proposes to mitigate the incidental take via on-site and off-site measures. Such measures include the off-site acquisition of 106 acres of habitat for the Bee Creek Cave harvestman and 106 acres of habitat for the Tooth Cave ground beetle. These areas will be fenced, a fireant control program implemented, and a five-year research program implemented on two of the caves. On-site mitigation measures include the preservation of a 2.3 acre tract around LakeLine Care for 5 years, reduction of the preserve size to 0.5 acres after 5 years, and funding a 10-year monitoring/research and fireant control program. A fund and an agreement to provide for the operation and maintenance of all the preserves would be established with the Texas Parks and Wildlife Department.

The applicant considered four alternative sites but rejected them because they also impacted endangered species and/or were outside the viable trade area. The applicant maintains that failure to construct this mall in a timely manner would likely result in the Road Utility District going into bankruptcy, the tax base for local governments and schools being reduced and the elimination of the Austin area from consideration for a regional mall.

Dated: October 24, 1991.

Margaret Tieger,  
Acting Chief, Branch of Permits, U.S. Office of Management Authority.

[FR Doc. 91-26032 Filed 10-28-91; 8:45 am]

**BILLING CODE** 4310-55-M

**National Park Service**

**Roosevelt Recreation Enterprises; Concession Contract Negotiations**

**AGENCY:** National Park Service, Interior.

**ACTION:** Public notice.

**SUMMARY:** Public notice is hereby given that the National Park Service proposes to negotiate a concession contract with Roosevelt Recreation Enterprises authorizing it to continue to provide boat moorage, fuel services, fishing/camping supplies, boat/houseboat rental, food services, general merchandise, etc., for the public at Coulee Dam National Recreation Area, in the State of Washington, for a period of approximately fifteen (15) years from the date of execution through December 31, 2005.

**EFFECTIVE DATE:** December 31, 1991.

**ADDRESSES:** Interested parties should contact the Regional Director, Pacific Northwest Region, 83 South King Street, suite 212, Seattle, Washington, 98104, for information as to the requirements of the proposed contract.

**SUPPLEMENTARY INFORMATION:** This proposed contract requires/authorizes a construction and improvement program. The construction and improvement program required/authorized was previously addressed in the Environmental Assessment approved August, 1979, and incorporated in the General Management Plan approved on July 10, 1980, and the Environmental Assessment for rental boats approved June 6, 1988, for the Seven Bays site, Coulee Dam National Recreation Area. No additional construction beyond that addressed in the Environmental Assessment will be authorized by the renewal of this contract. Therefore it has been determined that the proposed action will have no impact on the quality of the human environment and comes within those actions which have been determined to be categorically excluded from the requirements of Sec. 102(2) of National Environmental Policy (C) Act of 1969 (NEPA) (83 Stat. 852), 42 U.S.C. 4331 (1982 ed.), as set forth in the Departmental Manual (appendix 7.4A(6) of 516 DM 6).

The foregoing concessioner has performed its obligations to the satisfaction of the Secretary under an existing permit which expires by limitation of time on December 31, 1990, and therefore pursuant to the provisions of section 5 of the Act of October 9, 1965 (79 Stat. 969; 16 U.S.C. 20), is entitled to be given preference in the renewal of the permit and in the negotiation of a new contract as defined in 36 CFR 51.5.

The Secretary will consider and evaluate all proposals received as a result of this notice. Any proposal, including that of the existing concessioner, must be postmarked or hand delivered on or before the sixtieth (60th) day following publication of this notice to be considered and evaluated.

Dated: October 10, 1991.

**Richard L. Winters,**

*Acting Regional Director, Pacific Northwest Region.*

[FR Doc. 91-25996 Filed 10-28-91; 8:45 am]

**BILLING CODE 4310-70-M**

### Availability of Final Environmental Impact Statement

**AGENCY:** Big Cypress National Preserve, National Park Service; Interior.

**ACTION:** Notice of availability of a Final Environmental Impact Statement (FEIS) for the proposed Big Cypress National Preserve General Management Plan.

#### FOR FURTHER INFORMATION CONTACT:

Regional Director, Southeast Regional Office, National Park Service, 75 Spring Street, SW., Atlanta, Georgia 30303, (404) 331-5465.

Superintendent, Big Cypress National Preserve, SR Box 110, Ochopee, Florida 33943, (813) 695-2000.

**SUPPLEMENTARY INFORMATION:** A limited number of individual copies of the FEIS may be obtained from the Superintendent, Big cypress National Preserve.

Copies are also available for inspection at the following locations:  
Broward County Public Library, 1301 West Company Road, Fort Lauderdale, Florida  
Homestead Public Library, 700 N. Homestead, Homestead, Florida 33943  
Miami-Dade Public Library, West Flagler Street, Miami, Florida 33943  
Collier County Public Library, 650 Central Avenue, Naples, Florida 33943  
Everglades National Park, Homestead, Florida 33943

Big Cypress National Preserve, Headquarters and Oasis Ranger Station, Ochopee, Florida 33943  
Southeast Regional Office, National Park Service, 75 Spring Street, SW., Atlanta, Georgia 30303

A Record of Decision will be prepared 30 days following the Environmental Protection Agency's Notice of Availability in the **Federal Register**.

Dated: October 24, 1991.

**C.W. Ogle,**

*Acting Regional Director, Southeast Region.*

[FR Doc. 91-25995 Filed 10-28-91; 8:45 am]

**BILLING CODE 4310-70-M**

### Saugus Iron Works National Historic Site, Saugus, MA; General Management Plan; Intent to Prepare an Environmental Impact Statement and Notice of Public Scoping Meeting

In accordance with section 102(c) of the National Environmental Policy Act of 1969, the National Park Service is preparing an environmental impact statement (EIS) for the general management plan (GMP) for Saugus Iron Works National Historic Site, Essex County, Saugus, Massachusetts. The GMP/EIS will provide general management direction for the historic site's natural and cultural resources as well as alternatives addressing visitor use and services, restoration of the cultural landscape, maintenance of the historic structure, interpretation and any appropriate boundary adjustments. A no-action alternative will also be presented in the GMP/EIS.

The National Park Service will hold a public meeting on November 7, 1991 at the Saugus Town Hall, Saugus Center, beginning at 7:30 p.m. The purpose of this meeting is to solicit from the public both written and verbal comments concerning possible environmental impact topics for consideration in preparation of the EIS. NPS has tentatively identified several potential topics including wetlands, the park's relationship to adjacent lands and cultural resources.

Written comments and suggestions concerning impact topics for the EIS must be submitted to the National Park Service by November 29, 1991. A scoping document will be prepared shortly after the close of the scoping period. A draft EIS is expected to be available for public review in the fall of 1992, with the final EIS scheduled for August 1993.

The responsible official for the EIS is Gerald D. Patten, Regional Director, North Atlantic Region, National Park Service. Written comments and requests for information should be directed to Paul B. Cole III, Superintendent, Saugus Iron Works National Historic Site, 244 Central Street, Saugus, Massachusetts, 01906; (617) 233-0050.

Dated: October 17, 1991.

**Chrysandra L. Walter,**

*Acting Regional Director.*

[FR Doc. 91-25597 Filed 10-28-91; 8:45 am]

**BILLING CODE 4310-70-M**

### 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 October 19, 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 November 13, 1991.

**Patrick Andrus,**

*Acting Chief of Registration, National Register.*

#### COLORADO

##### Montrose County

*US Bureau of Reclamation Project Office Building, 601 N. Park Ave., Montrose, 91001685*

#### CONNECTICUT

##### Fairfield County

*Beth Israel Synagogue, 31 Concord St., Norwalk, 91001684*

#### GUAM

##### Guam County

*Tinta Massacre Site, Espinosa Ave., Merizo vicinity, 91001720*

#### IDAHO

##### Ada County

*Dry Creek Rockshelter, Address Restricted, Boise vicinity, 91001719*

##### Bonner County

*Hotel Charbonneau, 207 Wisconsin St., Priest River vicinity, 91001718*

##### Bonneville County

*Backman, Oscar and Christina, Farmstead (New Sweden and Riverview Farmsteads and Institutional Buildings MPS), SW corner of jct. of New Sweden—Shelley Rd. and US 20, Idaho Falls vicinity, 91001713*  
*New Sweden School (New Sweden and Riverview Farmsteads and Institutional Buildings MPS), SW corner of jct. of New Sweden School Rd. and Mill Rd., Idaho Falls vicinity, 91001714*

##### Franklin County

*Franklin City Hall, 128 E. Main St., Franklin, 91001716*  
*Franklin Co-operative Mercantile Institution, 113 E. Main St., Franklin, 91001717*

#### ILLINOIS

##### Coles County

*McFarland House, 895 Seventh St., Charleston, 91001690*

**Cook County**

*Marshall Field Garden Apartments*, 1336—1452 Sedgwick St., 1337—1453 Hudson Ave., 400—424 Evergreen St. and 401—425 Blackhawk St., Chicago, 91001691

**Hancock County**

*LaHarpe City Hall*, 207 E. Main St., LaHarpe, 91001689

**Tazewell County**

*Delavan Commercial Historic District*, 307, 309—324, 400, 401, 404—410, 412 and 414 Locust St., Delavan, 91001687

**Will County**

*Flanders House*, 405 W. Main St., Plainfield, 91001688

**KENTUCKY****Boyle County**

*Mason, Peter, House*, Off US 127, 3 mi. N of Danville, Danville vicinity, 91001711

**Knott County**

*Young's Department Store and Hotel*, Main St., Hindman, 91001712

**PENNSYLVANIA****Allegheny County**

*Coraopolis Armory (Pennsylvania National Guard Armories MPS)*, 835 Fifth Ave., Coraopolis, 91001695

*Hunt Armory (Pennsylvania National Guard Armories MPS)*, 324 Emerson St., Pittsburgh, 91001697

**Cambria County**

*Cambria City Historic District*, Roughly bounded by Broad St., Tenth Ave. and the Conemaugh R., Johnstown, 91001706

**Chester County**

*South Brook Farm*, Jct. of Street Rd. and Bird Rd., East Marlborough Township, London Grove, 91001710

**Columbia County**

*Berwick Armory (Pennsylvania National Guard Armories MPS)*, 201 Pine St., Berwick, 91001692

**Dauphin County**

*Harrisburg 19th Street Armory (Pennsylvania National Guard Armories MPS)*, 1313 S. 19th St., Harrisburg, 91001696

**Erie County**

*Hamot, Pierre S. V., House*, 302 French St., Erie, 91001707

**Fayette County**

*Connellsville Armory (Pennsylvania National Guard Armories MPS)*, 108 W. Washington St., Connellsville, 91001694

**Indiana County**

*Indiana Armory (Pennsylvania National Guard Armories MPS)*, 621 Wayne Ave., Indiana, 91001698

**Lancaster County**

*Lancaster Armory (Pennsylvania National Guard Armories MPS)*, 438 N. Queen St., Lancaster, 91001699

**Lehigh County**

*Bethlehem Armory (Pennsylvania National Guard Armories MPS)*, 301 Prospect St., Bethlehem, 91001693

**Lycoming County**

*Williamsport Armory (Pennsylvania National Guard Armories MPS)*, 1300 Penn St., Williamsport, 91001704

**Montgomery County**

*Old Pottstown Historic District (Boundary Increase)*, High St. between Hanover and Franklin Sts., Pottstown, 91001715

**Philadelphia County**

*32nd St. and Lancaster Ave. Philadelphia Armory (Pennsylvania National Guard Armories MPS)*, Jct. of 32nd St. and Lancaster Ave., Philadelphia, 91001703

*Ogontz Hall*, 7175-7165 Ogontz Ave., Philadelphia, 91001708

*Special Troops Armory (Pennsylvania National Guard Armories MPS)*, 5350 Ogontz Ave., Philadelphia, 91001702

*YMCA of Germantown*, 5722 Greene St., Philadelphia, 91001709

**Schuylkill County**

*Pottsville Armory (Pennsylvania National Guard Armories MPS)*, 502 N. Centre St., Pottsville, 91001701

**Somerset County**

*Windber Historic District*, Roughly bounded by the borough line, Cambria Ave., 28th St. and the Big Paint Cr., Windber, 91001705

**Union County**

*Lewisburg Armory (Pennsylvania National Guard Armories MPS)*, US 15 S of jct. with PA 45, East Buffalo Township, Lewisburg vicinity, 91001700

**TEXAS****Live Oak County**

*Fort Merrill*, Address Restricted, Dinero vicinity, 91001686

[FR Doc. 91-25994 Filed 10-28-91; 8:45 am]

BILLING CODE 4310-70-M

**INTERSTATE COMMERCE COMMISSION**

[Ex Parte No. 504]

**Railroad Revenue Adequacy—1990 Determination**

**AGENCY:** Interstate Commerce Commission.

**ACTION:** Denial of Motion for Reconsideration in 1990 Revenue Adequacy Determination.

**SUMMARY:** On August 9, 1991, the Commission served a decision in this proceeding (8 I.C.C.2d 1 (1991)). On August 28, 1991, the Association of American Railroads filed a Motion for Reconsideration requesting that the Commission use predecessor cost in lieu of acquisition cost in measuring the net

investment base of the railroads. AAR also requests that the Commission confirm that, should AAR prevail in a court challenge it will modify the 1990 decision by using predecessor costs. We deny the motion to use predecessor cost in the instant decision, but do acknowledge that should AAR prevail in its court challenge, the 1990 decision would be modified accordingly.

**EFFECTIVE DATE:** This decision shall be effective on October 29, 1991.

**FOR FURTHER INFORMATION CONTACT:** Ward L. Ginn, Jr. (202) 275-7489. (TDD for the hearing impaired: (202) 275-1721.

**SUPPLEMENTARY INFORMATION:** By decision served August 9, 1991, published at 8 I.C.C.2d 1 (1991), the Commission issued its revenue adequacy findings for the nation's Class I railroads for the year 1990. In that decision, for the third time, we used acquisition cost in lieu of predecessor cost for determining the railroads' net investment bases. On August 28, 1991, the Association of American Railroads ("AAR") filed a motion for reconsideration arguing that the use of predecessor costs is improper. AAR requests that, at the very least, the Commission confirm that if the court requires the use of predecessor costs, we will modify the 1990 revenue adequacy decision accordingly. Upon consideration of the AAR's petition, we conclude that our decision to use acquisition cost is correct. However, we acknowledge that AAR has preserved its acquisition cost argument by specifically raising it in the instant proceeding, and we agree that should the AAR prevail in its pending court appeal, it will be appropriate to recompute 1990 revenue adequacy for those railroads that would be affected by this issue.

Additional information is contained in a concurrent decision. To purchase a copy of the full decision, write to, call, or pick up in person from: Dynamic Concepts, Inc., room 2229, Interstate Commerce Commission Building, Washington, DC 20423. Telephone: (202) 289-4357/4359. [Assistance for the hearing impaired is available through TDD services (202) 275-1721.]

This action will not significantly affect either the quality of the human environment or energy conservation.

Decided: October 22, 1991.

By the Commission, Chairman Philbin, Vice Chairman Emmett, Commissioners Simmons, Phillips, and McDonald.

**Sidney L. Strickland, Jr.,**

*Secretary.*

[FR Doc. 91-25906 Filed 10-28-91; 8:45 am]

BILLING CODE 7035-01-M

[Ex Parte No. 388 (Sub-No. 27)]

**Intrastate Rail Rate Authority—Oregon**

**AGENCY:** Interstate Commerce Commission.

**ACTION:** Extension of certification.

**SUMMARY:** By decisions served October 30, 1990 and April 26, 1991, the Commission granted 180-day extensions of certification for Oregon, through its Public Utility Commissioner, to regulate intrastate matters, pending filing of its application for recertification pursuant to State Intrastate Rail Rate Authority, 5 I.C.C.2d 680 (1989). The application is due October 23, 1991. Pursuant to a request from the State, the Commission grants another extension so that Oregon can complete modifications of its procedures and prepare an application for recertification.

**DATES:** Oregon's certification is extended for 90 days from October 29, 1991.

**FOR FURTHER INFORMATION CONTACT:** Joseph H. Dettmar (202) 275-7245 [TDD for hearing impaired: (202) 275-1721].

Decided: October 22, 1991.

By the Commission, David M. Konschnik, Director, Office of Proceedings.

Sidney L. Strickland, Jr.,

Secretary.

[FR Doc. 91-25918 Filed 10-28-91; 8:45 am]

BILLING CODE 7035-01-M

[Docket No. AB-55 (Sub-No. 385X)]

**CSX Transportation, Inc.—  
Abandonment Exemption—In  
Somerset County, PA**

**AGENCY:** Interstate Commerce Commission.

**ACTION:** Notice of exemption.

**SUMMARY:** The Commission exempts from the prior approval requirements of 49 U.S.C. 10903-10904 the abandonment by CSX Transportation, Inc., of 8.62 miles of rail line in Somerset County, PA, 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 November 28, 1991. Formal expressions of intent to file an offer<sup>1</sup> of financial assistance under 49 CFR 1152.27(c)(2) must be filed by November 8, 1991, petitions to stay must be filed by November 13, 1991, and petitions for reconsideration must be filed by

<sup>1</sup> See Exempt. of Rail Abandonment—Offers of Finan. Assist., 4 I.C.C. 2d 164 (1987).

November 25, 1991. Requests for a public use condition must be filed by November 8, 1991.

**ADDRESSES:** Send pleadings referring to Docket No. AB-55 (Sub-No. 385X) to:

- (1) Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423
- (2) Petitioner's representative: Charles M. Roseberger—J150, Senior Counsel, 500 Water Street, Jacksonville, FL 32202

**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 service (202) 275-1721].

Decided: October 18, 1991.

By the Commission, Chairman Philbin, Vice Chairman Emmett, Commissioners Simmons, Phillips, and McDonald. Commissioners Simmons and McDonald dissented with separate expressions.

Sidney L. Strickland, Jr.,

Secretary.

[FR Doc. 91-25908 Filed 10-28-91; 8:45 am]

BILLING CODE 7035-01-M

[Finance Docket No. 31932]

**Consolidated Rail Corp.—Purchase  
Exemption—Property of Chicago and  
Western Indiana Railroad Co. in  
Chicago, IL**

**AGENCY:** Interstate Commerce Commission.

**ACTION:** Notice of exemption.

**SUMMARY:** The Commission, under 49 U.S.C. 10505, exempts from the requirements of 49 U.S.C. 11343, *et seq.*, the purchase by Consolidated Rail Corporation of the 51st Street yard owned by Chicago and Western Indiana Railroad Company in Chicago, IL. The exemption is granted subject to appropriate labor protection.

**DATES:** The exemption is effective on November 28, 1991. Petitions for stay must be filed by November 8, 1991. Petitions for reconsideration must be filed by November 18, 1991.

**ADDRESSES:** Send pleadings referring to Finance Docket No. 31932 to:

- (1) Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423

- (2) John J. Paylor, 1138 Six Penn Center, Philadelphia, PA 19103
- Marvin F. Metge, Gorham, Metge, Bowman & Hourigan, 300 W. Washington Street, Suite 1500, Chicago, IL 60606

**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, 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: October 21, 1991.

By the Commission, Chairman Philbin, Vice Chairman Emmett, Commissioners Simmons, Phillips, and McDonald.

Sidney L. Strickland, Jr.,

Secretary.

[FR Doc. 91-25907 Filed 10-28-91; 8:45 am]

BILLING CODE 7035-01-M

**DEPARTMENT OF JUSTICE**

**Aristech Chemical Corp.; Lodging of  
Consent Decree**

Notice is hereby given that a proposed Consent Decree in *United States v. Aristech Chemical Corporation*, Civil Action No. C-1-89-475 was lodged on October 16, 1991 with the United States District Court for the Southern District of Ohio. The Consent Decree resolves certain claims of the United States against defendant Aristech Chemical Corporation under the Clean Water Act, 33 U.S.C. 1301 *et seq.*, in connection with specified alleged violations at a facility located at Haverhill-Ohio Furnace Road in Green Township, Scioto County, Ohio. Under the settlement reflected in the Consent Decree, the defendant will pay a civil penalty of \$72,000 to the United States.

The Department of Justice will receive comments relating to the proposed Consent Decree for 30 days following the publication of this Notice. 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. Aristech Chemical Corporation*, D.J. Ref. No. 90-5-1-1-3318. The proposed Consent Decree may be examined at the Office of the United States Attorney for the Southern District of Ohio, U.S. Post

Office and Courthouse, 5th and Walnut Streets, Cincinnati, Ohio 45202, the Region V Office of the United States Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois 60604, and 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 \$1.75 (25 cents per page for reproduction costs), payable to the Consent Decree Library.

**John C. Cruden,**

*Chief, Environmental Enforcement Section,  
Environment and Natural Resources Division.*  
[FR Doc. 91-25919 Filed 10-28-91; 8:45 am]

BILLING CODE 4410-01-M

#### **Gloucester, MA; Lodging of Consent Decree**

In accordance with Departmental policy, 28 CFR 50.7, notice is hereby given that on October 8, 1991, a proposed Consent Decree as to Defendant City of Gloucester ("Consent Decree") in *United States v. City of Gloucester*, Civil Action No. 89-2206-Y, was lodged with the United States District Court for the District of Massachusetts. The proposed Consent Decree concerns the City of Gloucester's failure to comply with its National Pollutant Discharge Elimination System permit in violation of the Clean Water Act.

Under the terms of the Consent Decree, the City of Gloucester will undertake various projects to improve its waste water treatment operations and come into compliance with its National Pollutant Discharge Elimination System permit, including (a) the completion of construction of an extended outfall from its waste water treatment plant; (b) implementation of an operation, maintenance and staffing plan for the plant; (c) enhanced enforcement of the City's pretreatment program; (d) elimination of unauthorized outfalls; (e) development and implementation of a plan to abate combined sewer overflows; (f) implementation of a plan to reduce excess infiltration and inflow to the sewer system; and (g) construction of sewer collection facilities for the North Gloucester area.

The Department of Justice will receive for a period of thirty (30) days from the date of this publication comments

relating to the proposed Consent Decree. Comments should be addressed to the Assistant Attorney General for the Environment and Natural Resources Division, Department of Justice, Washington, DC 20530, and should refer to *United States v. City of Gloucester*, D.J. Ref. 90-5-1-1-3388.

The proposed Consent Decree may be examined at the office of the United States Attorney, District of Massachusetts, 1107 J.W. McCormack P.O. & Courthouse, Boston, MA 02109 and at the Region I Office of the Environmental Protection Agency, One Congress Street, Boston, MA 02203. The proposed Consent Decree may also be examined at the Environmental Enforcement Section Document Center, 601 Penn., Ave., NW., Box 1097 Washington, DC 20044, (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 refer to the referenced case and enclose a check in the amount of \$10.75 (25 cents per page reproduction cost), made payable to Consent Decree Library.

**Roger Clegg,**

*Acting Assistant Attorney General,  
Environment and Natural Resources Division.*  
[FR Doc. 91-25920 Filed 10-28-91; 8:45 am]

BILLING CODE 4410-01-M

#### **Houston, TX; Consent Decree in Clean Water Act Action**

In accordance with Departmental Policy, 28 CFR 50.7, notice is hereby given that a consent decree in *United States v. City of Houston, Texas and the State of Texas*, Civil Action No. H-91-3072, was lodged with the United States District Court for the Southern District of Texas on October 17, 1991.

This Consent Decree concerns a Complaint filed by the United States against the City of Houston pursuant to Section 309 of the Clean Water Act, 33 U.S.C. 1319, for civil penalties for violations by the City of Houston of the terms of its National Pollutant Discharge Elimination System permit issued pursuant to Section 402 of the Clean Water Act, 33 U.S.C. 1342, and for discharges without a permit.

The consent decree requires the City of Houston to fund, up to \$800,000, a remedial project to study toxicity in the Houston Ship Channel. The decree provides for stipulated penalties for failure to comply with the schedule for the remedial project. The decree also provides for a payment of \$50,900 for past violations.

The Department of Justice will accept written comments relating to this

proposed Consent Decree for thirty (30) days from the date of publication of this notice. Please address comments to the Assistant Attorney General, Environment and Natural Resources Division, Department of Justice, P.O. Box 7811, Ben Franklin Station, Washington, DC 20044 and refer to *United States v. City of Houston, Texas*, DOJ. Ref. No. 90-5-1-1-3280.

Copies of the proposed Consent Decree may be examined at the Office of the United States Attorney, Southern District of Texas Civil Division, Lyric Center Building, 440 Louisiana, suite 800, Houston, Texas 77002; at the Region 6 Office of the Environmental Protection Agency, 1445 Ross Avenue, Dallas, Texas 75202; and the Environmental Enforcement Section Document Center, 601 Pennsylvania Avenue Building, NW., Box 1097, Washington, DC 20004, (202) 347-2072. A copy of the proposed Consent Decree may be obtained in person or may be obtained by mail from the Document Center. When requesting a copy of the Consent Decree, please enclose a check in the amount of \$3.25 (25 cents per page reproduction costs) payable to the "Consent Decree Library."

**John C. Cruden,**

*Chief, Environmental Enforcement Section,  
Environment and Natural Resources Division.*  
[FR Doc. 91-25921 Filed 10-28-91; 8:45 am]

BILLING CODE 4410-01-M

#### **RREEF USA Funds-III, et al.; Lodging of Consent Decree**

In accordance with Departmental policy, 28 CFR 50.7, notice is hereby given that on October 15, 1991 a proposed Consent Decree in *United States v. RREEF USA Funds-III, et al.*, Civil Action No. 90-M-815, was lodged with the United States District Court for the District of Colorado. The Consent Decree concerns violations of the Asbestos National Emission Standards for Hazardous Air Pollutants ("NESHAP"), 40 CFR 61.140, *et seq.*, and the Clean Air Act, 42 U.S.C. 7401, *et seq.* ("the Act"). The proposed Consent Decree requires defendants RREEF USA Funds-III, Al Cohen Construction Company, Inc., and MaceRich Management Company, (collectively "Defendants"): (1) To pay a civil penalty of \$150,000.00; (2) to comply with the asbestos NESHAP and the Act in the future; (3) to inspect for asbestos containing material prior to engaging in any renovation or demolition operation in the future, and to document such inspections; (4) to notify EPA of all renovation or demolition operations

owned or operated by defendants in the future; and (5) to insure that persons who supervise and who perform renovation or demolition work involving asbestos containing material attend asbestos removal classes prior to performing any such work.

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. RREEF USA Funds-III, et al.* (DOJ No. 90-5-2-1-1166).

The proposed Consent Decree may be examined at the office of the United States Attorney, District of Colorado, 633 17th Street, Suite 1600, Denver, Colorado 80202, and at the Environmental Protection Agency, 999 18th Street, Suite 500, Denver, Colorado 80202-2405. 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 \$4.75 (25 cents per page reproduction cost) payable to Consent Decree Library.

**John C. Cruden,**

Chief, Environmental Enforcement Section,  
Environment and Natural Resources Division.  
[FR Doc. 91-25922 Filed 10-28-91; 8:45 am]

BILLING CODE 4410-01-M

## DEPARTMENT OF LABOR

### Employment and Training Administration

#### Determinations Regarding Eligibility to Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents summaries of determinations regarding eligibility to apply for adjustment assistance issued during the period of October 1991.

In order for an affirmative determination to be made and a certification of eligibility to apply for adjustment assistance to be issued, each of the group eligibility requirements of section 222 of the Act must be met.

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate

subdivision thereof, have become totally or partially separated.

(2) That sales or production, or both, of the firm or subdivision have decreased absolutely, and

(3) That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

#### Negative Determinations

In each of the following cases the investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA-W-26,236; *Telechron, Inc., Ashland, MA*

TA-W-26,098; *Donora Sportswear Co., Inc., Donora, PA*

TA-W-26,158; *Hillwood Manufacturing Co., Euclid, OH*

TA-W-26,071; *Nice Specialty Bearings, Kulpville, PA*

TA-W-26,111; *The Merrow Machine Co., Newington, CT*

TA-W-26,046; *Ringier America, Inc., Olathier, KS*

TA-W-26,097; *Dometic Corp., Evansville, IN*

TA-W-26,222; *Metallurgical Exoproducts Corp., McKees Rock, PA*

TA-W-26,183; *Furniture Associates, Allentown, PA*

TA-W-26,209; *Chop-Rite Manufacturing Co., Pottstown, PA*

TA-W-26,261; *Wes Pac Cedar Products, Inc., Humptulips, WA*

TA-W-26,152; *Gelfo Manufacturing Co., Inc., Jericho, NY*

TA-W-26,054; *Walter Cutting, Inc., Newark, NJ*

TA-W-26,122; *Church & Co., Bloomfield, NJ*

TA-W-26,031; *FED Sportswear, Inc., Federalsburg, MD*

TA-W-26,177; *Comtek Manufacturing of Oregon, Inc., Beaverton, OR*

TA-W-26,221; *Liberty Circle F, Plainville, CT*

TA-W-25,995; *Fischer & Porter Co., Warminster, PA*

TA-W-25,996; *Fischer & Porter Co., Southampton, PA*

In the following cases, the investigation revealed that the criteria for eligibility has not been met for the reasons specified.

TA-W-26,093; *Bellaire Tool Co., Bellaire, MI*

Increased imports did not contribute importantly to worker separations at the firm.

TA-W-26,198; *Susquehanna Motor Co., Milesburg, PA*

The workers' firm does not produce an article as required for certification under section 222 of the Trade Act of 1974.

TA-W-26,278; *Otting International, Inc., Lafayette, GA*

The workers' firm does not produce an article as required for certification under section 222 of the Trade Act of 1974.

TA-W-26,273; *International Drilling Fluids, Williston, ND*

The workers' firm does not produce an article as required for certification under section 222 of the Trade Act of 1974.

TA-W-26,148; *Consolidation Coal Co., Blacksville #1 Mine, Blacksville, VA*

U.S. imports of coal were negligible in 1989 & 1990 & first quarter of 1991.

TA-W-26,213; *GEO Drilling Fluids, Kalkaska, MI*

The workers' firm does not produce an article as required for certification under section 222 of the Trade Act of 1974.

TA-W-26,128; *Frontier Transports, Inc., Wilson, OK*

The workers' firm does not produce an article as required for certification under section 222 of the Trade Act of 1974.

TA-W-26,237; *Wainoco Oil and Gas Co., Centerville, PA*

Increased imports did not contribute importantly to worker separations at the firm.

TA-W-26,241; *Cliffs Drilling Co., Broussard, LA*

The investigation revealed that criterion (2) has not been met. Sales or production did not decline during the relevant period as required for certification.

TA-W-26,243; *Duncan Drilling Co., Big Spring, TX*

The investigation revealed that criterion (2) has not been met. Sales or production did not decline during the relevant period as required for certification.

TA-W-26,205; *Anderson Fabric, Inc., Crookston, MN*

U.S. imports of Textile home furnishings decreased absolutely in 1989 compared to 1990.

TA-W-26,173; *American Cyanamid Co., Acrylic Elastomers Unit Bound Brook, NJ*

The investigation revealed that criterion (2) has not been met. Sales or

production did not decline during the relevant period as required for certification.

*TA-W-26,193; National Wire Product Industries, Inc., Baltimore, MD*

U.S. imports of miscellaneous fabricated wire products declined absolutely in 1990 compared to 1989 and in the first six months of 1991 compared to the same period in 1990.

*TA-W-26,139; Red Tiger Drilling Co., Inc., Wichita, KS*

Increased imports did not contribute importantly to worker separations at the firm.

*TA-W-26,123; Diamond M. Onshore, Inc., Alice, TX*

Increased imports did not contribute importantly to worker separations at the firm.

*TA-W-25,997; Jerrold Communication, Tucson, AZ*

Increased imports did not contribute importantly to worker separations at the firm.

*TA-W-26,210; Delbar Products, Inc., Perkasio, PA*

Increased imports did not contribute importantly to worker separations at the firm.

*TA-W-26,341; Spencer Industries, Inc., Dunmore, PA*

The workers' firm does not produce an article as required for certification under section 222 of the trade Act of 1974.

*TA-W-26,188; Mantor Electronics, Inc., El Paso, TX*

Increased imports did not contribute importantly to worker separations at the firm.

*TA-W-26,226; Par Government Systems Corp., New Hartford, NY*

The workers' firm does not produce an article as required for certification under section 222 of the Trade Act of 1974.

*TA-W-26,211; Estacada Lumber, Estacada, OR*

U.S. imports of softwood lumber declined in 1990 compared with 1989 and declined in January to March 1991 compared with the same period of 1990.

#### Affirmative Determinations

*TA-W-26,260; Syntrex, Inc., New York, NY*

A certification was issued covering all workers separated on or after August 8, 1990.

*TA-W-26,131; Mercury Knitting Mills, Brooklyn, NY*

A certification was issued covering all workers separated on or after July 12, 1990.

*TA-W-26,245; Fountain Manufacturing Div. of Sanmark Stardust, Inc., Evansville, IN*

A certification was issued covering all workers separated on or after August 16, 1991.

*TA-W-26,167; Roth/Lebaron, Los Angeles, CA*

A certification was issued covering all workers separated on or after July 23, 1990.

*TA-W-26,227; Platt Saco Lowell Corp., Greenville, SC*

A certification was issued covering all workers separated on or after August 5, 1990.

*TA-W-26,206; Ashland Leather Co., Ashland KY*

A certification was issued covering all workers separated on or after August 5, 1990.

*TA-W-26,201; Zwicker Knitting Mills, Appleton, WI*

A certification was issued covering all workers separated on or after September 4, 1990.

*TA-W-26,256; Schwinn Bicycle Co., Greenville, MS*

A certification was issued covering all workers separated on or after September 1, 1991.

*TA-W-26,377; Zwicker Knitting Mills, Appleton, WI*

A certification was issued covering all workers separated on or after September 4, 1990.

*TA-W-26,412; Laura Fashions II, Mill City, PA*

A certification was issued covering all workers separated on or after September 26, 1990.

*TA-W-26,172; Acme Boot Co., Inc., Waverly Plant, Waverly, TN*

A certification was issued covering all workers separated on or after July 31, 1990.

*TA-W-26,181; Forks Shake, Port Angeles, WA*

A certification was issued covering all workers separated on or after July 27, 1990 and before April 30, 1991.

*TA-W-26,060; America OTR, Bloomington, IL*

A certification was issued covering all workers separated on or after July 27, 1990.

*TA-W-26,191; Monsanto Chemical Co., Nitro, WV*

A certification was issued covering all workers separated on or after June 23, 1991.

*TA-W-26,248; Kelsey-Hayes Co., Jackson, MI*

A certification was issued covering all workers separated on or after August 15, 1990.

*TA-W-26,196; Rumford National Graphics of Belfast, Inc., A/K/A Humboldt National Graphics, Journal Press Div., Belfast, ME*

A certification was issued covering all workers separated on or after January 1, 1991 and before October 1, 1991.

I hereby certify that the aforementioned determinations were issued during the month of October, 1991. Copies of these determinations are available for inspection in room C-4318, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210 during normal business hours or will be mailed to persons to write to the above address.

Dated: October 22, 1991.

**Marvin M. Fooks,**  
Director, Office of Trade Adjustment Assistance.

[FR Doc. 91-25950 Filed 10-28-91; 8:45 am]  
BILLING CODE 4510-30-M

#### [TA-W-25,608]

#### Rockwell International Corp.; T/A Division New Castle, PA; Negative Determination on Reconsideration

On July 16, 1991, the Department issued an Affirmative Determination Regarding Application for Reconsideration for workers and former workers of the Rockwell International Corporation, T/A Division, New Castle, Pennsylvania. This notice was published in the *Federal Register* on June 28, 1991 (56 FR 29717).

The union indicated that the transfer of production and company imports of arms, knuckles, I-beams and axle shafts were not addressed in the Department's negative determination.

The workers at Rockwell's New Castle plant produced front and rear truck axles.

The Department's denial was based on the fact that the contributed importantly test of the Group Eligibility Requirements of the Trade Act was not met. This test is generally demonstrated through a survey of the workers' firm's customers. The Department's survey revealed that none of the respondents increased their purchases of imported truck axles in 1990 compared to 1989 or in the first quarter of 1991 compared with the same period in 1990 while decreasing their purchases from Rockwell. Other findings show that

production and sales of both front and rear axles increased in the first quarter of 1991 compared to the same period in 1990.

New findings on reconsideration show that all the arms were forged, machined and assembled in New Castle with the exception of the low volume GMT530 arms which were outsourced to Hungary. However, the GMT 530 arms returned to New Castle for assembling. Company official estimate that no worker separations occurred because of the GMT 530 forgings and perhaps up to two persons were lost because of machining. The GMT 530 business, forgings and machining, accounted for a negligible percent of New Castle's entire cost base.

With respect to I-beams, they were all forged, machined and assembled at New Castle except for the GMT 530. The GMT 530s were never forged in New Castle. They were forged in Scotland up to 1989 and then transferred to Hungary where they are also machined. Worker separation because of the loss of machining on the I-beams was negligible.

All knuckles were forged, machined and assembled at New Castle except for the MN12 front spindle for the Thunderbird which was outsourced to Germany. This forging was never produced at New Castle.

Axle shafts were only forged and machined at New Castle. Axle shaft forging production was consolidated in January 1991 with a domestic supplier.

A loss of future business especially in regards to the MN12 Thunderbird part and unrealized future business for I-beams in India would not provide a basis for a worker group certification. The Department would entertain a new petition when future foreign sourcing begins.

#### Conclusion

After reconsideration, I affirm the original notice of negative determination of eligibility to apply for adjustment assistance to workers and former workers of Rockwell International Corporation, T/A Division, New Castle, Pennsylvania.

Signed at Washington, DC, this 21st day of October 1991.

**Stephen A. Wandner,**  
Deputy Director, Office of Legislation &  
Actuarial Services Unemployment Insurance  
Service.

[FR Doc. 91-25949 Filed 10-28-91; 8:45 am]

BILLING CODE 4510-30-M

### Federal-State Unemployment Compensation Program Extended Benefits; Ending of Extended Benefit Period in the State of Rhode Island

This notice announces the ending of the Extended Benefit Period in the State of Rhode Island, effective on October 19, 1991.

#### Background

The Federal-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note) established the Extended Benefit Program as a part of the Federal-State Unemployment Compensation Program. Under the Extended Benefit Program, individuals who have exhausted their rights to regular unemployment benefits (UI) under permanent State (and Federal) unemployment compensation laws may be eligible, during an extended benefit period, to receive up to 13 weeks of extended unemployment benefits, at the same weekly rate of benefits as previously received under the State law. The Federal-State Extended Unemployment Compensation Act is implemented by State unemployment compensation laws and by part 615 of title 20 of the code of Federal Regulations (20 CFR part 615).

Extended Benefits are payable in a State during an extended Benefit Period which is triggered "on" when the rate of insured unemployment in the State reached the State trigger rate set in the Act and the State law. During an Extended Benefit Period, individuals are eligible for a maximum of up to 13 weeks of benefits, but the total of Extended Benefits and regular benefits together may not exceed 39 weeks.

The Act and the State unemployment compensation laws also provide that an Extended Benefit Period in a State will trigger "off" when the rate of insured unemployment in the State is no longer at the trigger rate set in the law. A benefit period actually terminates at the end of the third week after the week for which there is an off indicator, but not less than 13 weeks after the benefit period began.

An Extended Benefit Period commenced in the State of Rhode Island on February 10, 1991, and has now triggered off.

#### Determination of An "Off" Indicator

The head of the employment security agency of the State named above has determined that the rate of insured unemployment in the State for the period consisting of the week ending on September 28, 1991, and the immediately preceding twelve weeks, fell below the

State trigger rate, so that for that week there was an "off" indicator in the State.

Therefore, the Extended Benefit Period in the State terminated with the week ending October 19, 1991.

#### Information for Claimants

The State employment security agency will furnish a written notice to each individual who is filing claims for Extended Benefits of the ending of the Extended Benefit Period and its effect on the individual's right to Extended Benefits, 20 CFR 615.13(c)(4).

Persons who wish information about their rights to Extended Benefits in the State named above would contact the nearest State employment service office in their locality.

Signed at Washington, DC on October 22, 1991.

**Roberts T. Jones,**  
Assistant Secretary of Labor.  
[FR Doc. 91-25951 Filed 10-28-91; 8:45 am]  
BILLING CODE 4510-30-M

### MERIT SYSTEMS PROTECTION BOARD

#### Call for Riders for the U.S. Merit Systems Protection Board Publication, "Questions and Answers About Appeals"

**AGENCY:** U.S. Merit Systems Protection Board.

**ACTION:** Notice of call for riders for the Board's publication, "Questions & Answers About Appeals."

**SUMMARY:** The purpose of this notice is to inform Federal departments and agencies that the U.S. Merit Systems Protection Board's information publication, "Questions & Answers About Appeals," will be available on a rider basis from the Government Printing Office. Departments and agencies may order this publication by riding the Board's requisition number 2-00072.

**DATES:** Agency requisitions must be received by the Government Printing Office on or before November 29, 1991.

**ADDRESSES:** Interested departments and agencies should send requisitions from their Washington, DC, headquarters office authorized to procure printing to the Government Printing Office, Requisition Section, room C-836, Washington, DC 20401. The estimated cost is approximately 50 cents per copy.

**FOR FURTHER INFORMATION CONTACT:** Duward Sumner, Office of Management Analysis, U.S. Merit Systems Protection

Board, 1120 Vermont Avenue NW., Washington, DC 20419, 202-653-8892.

**SUPPLEMENTARY INFORMATION:** This publication contains general information on the rights of Federal employees to appeal certain personnel actions to the Board, information on how to file an appeal with the Board, and other procedural information regarding the appeals process. The publication is written in a question and answer format to enhance understanding.

In making this publication available, the Board intends to provide general information about appeal rights and procedures in a convenient, readable format for Federal employees and others with an interest in the Board's activities. The publication is not all-inclusive, nor is it regulatory in nature. The availability of this publication does not relieve an agency of its obligation, under the Board's regulations at 5 CFR 1201.21, to provide an employee against whom an action appealable to the Board is taken with notice of the employee's appeal rights and the other information specified in the Board's regulations.

This requisition is for the latest—October 1991—edition of the publication. This edition reflects several changes in telephone and facsimile numbers of MSPB regional offices and one change in geographic jurisdiction, but is otherwise the same as the October 1990 edition.

The Board is unable to fill large volume orders from agencies for this publication; therefore, agencies are urged to take advantage of this opportunity to order copies directly from the Government Printing Office. Because of budgetary constraints, this may be the only printing of this publication during the current fiscal year.

Dated: October 23, 1991.

Robert E. Taylor,  
Clerk of the Board.

[FR Doc. 91-25928 Filed 10-28-91; 8:45 am]  
BILLING CODE 7400-01-M

#### Call for Riders for the U.S. Merit Systems Protection Board Publication, "Questions and Answers About Whistleblower Appeals"

**AGENCY:** U.S. Merit Systems Protection Board.

**ACTION:** Notice of call for riders for the Board's publication, "Questions & Answers About Whistleblower Appeals."

**SUMMARY:** The purpose of this notice is to inform Federal departments and agencies that the U.S. Merit Systems Protection Board's information

publication, "Questions & Answers About Whistleblower Appeals," will be available on a rider basis from the Government Printing Office.

Departments and agencies may order this publication by riding the Board's requisition number 2-00073.

**DATES:** Agency requisitions must be received by the Government Printing Office on or before November 29, 1991.

**ADDRESSES:** Interested departments and agencies should send requisitions from their Washington, DC, headquarters office authorized to procure printing to the Government Printing Office, Requisition Section, room C-836, Washington, DC 20401. The estimated cost is approximately 50 cents per copy.

**FOR FURTHER INFORMATION CALL:** Duward Sumner, Office of Management Analysis, U.S. Merit Systems Protection Board, 1120 Vermont Avenue NW., Washington, DC 20419, 202-653-8892.

**SUPPLEMENTARY INFORMATION:** This publication contains information on the rights of Federal employees to appeal personnel actions allegedly based on whistleblowing to the Board and to request stays of such actions. It includes information on how to file whistleblower appeals and stay requests with the Board and other procedural information regarding the appeals process for whistleblower appeals. The publication is written in a question and answer format to enhance understanding.

In making this publication available, the Board intends to provide general information about whistleblower appeal rights and procedures in a convenient, readable format for Federal employees and others with an interest in the Board's activities. The publication is not all-inclusive, nor is it regulatory in nature. The availability of this publication does not relieve an agency of its obligation, under the Board's regulations at 5 CFR 1201.21, to provide an employee against whom an action appealable to the Board is taken with notice of the employee's appeal rights and the other information specified in the Board's regulations.

This requisition is for the latest—October 1991—edition of the publication. This edition reflects several changes in telephone and facsimile numbers of MSPB regional offices and one change in geographic jurisdiction, but is otherwise the same as the October 1990 edition.

The Board is unable to fill large volume orders from agencies for this publication; therefore, agencies are urged to take advantage of this opportunity to order copies directly from the Government Printing Office. Because

of budgetary constraints, this may be the only printing of this publication during the current fiscal year.

Dated: October 23, 1991.

Robert E. Taylor,  
Clerk of the Board.

[FR Doc. 91-25929 Filed 10-28-91; 8:45 am]  
BILLING CODE 7400-01-M

#### NATIONAL SCIENCE FOUNDATION

##### Ethics and Values Advisory Panel; Meeting

The National Science Foundation announces the following:

*Name:* Advisory Panel for Ethics & Values Studies.

*Date/Time:* November 7, 1991, 8:30 a.m. to 5:30 p.m.; November 8, 1991, 8:30 a.m. to 5 p.m.

*Place:* One Washington Circle Hotel, One Washington Circle, NW., Presidential Board Room.

*Type of Meeting:* Part Open November 7, 1991—3 p.m. to 5:30 p.m. Closed Remainder.

*Contact:* Rachele Hollander, Program Director, Ethics and Values Studies, National Science Foundation, Washington, DC 20550, Telephone (202) 357-9894, room 312.

*Summary Minutes:* May be obtained from the contact person at the above address.

*Purpose of Panel Meeting:* To provide advice and recommendations concerning support for research in Ethics and Values Studies in Science, Technology, and Society.

*Agenda:* Open-panel discussion of ethics education issues for science and engineering faculty and students.

Closed-To review and evaluate research proposals and projects as part of the selection process for awards.

*Reason for closing:* The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries, and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b (c), Government in the Sunshine Act.

Dated: October 24, 1991.

M. Rebecca Winkler,  
Committee Management Officer.

[FR Doc. 91-25977 Filed 10-28-91; 8:45 am]  
BILLING CODE 7555-01-M

##### History and Philosophy of Science Panel; Meeting

The National Science Foundation announces the following:

*Name:* Advisory Panel for History and Philosophy of Science.

*Date/Time:* November 8, 1991, 8:30 a.m. to 5 p.m.; November 9, 1991, 8:30 a.m. to 5 p.m.

*Place:* One Washington Circle Hotel, One Washington Circle, NW., The Board Room.

*Type of Meeting:* Closed.

*Contact:* Ronald J. Overmann, Program Director, Studies in Science, Technology & Society, National Science Foundation, Washington, DC 20550, Telephone (202) 357-9894, room 312.

*Purpose of Advisory:* To provide advice and recommendations concerning research in the History and Philosophy of Science Program.

*Agenda:* To review and evaluate research proposals and projects as part of the selection process for awards.

*Reason for Closing:* The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries, and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b (c), Government in the Sunshine Act.

Dated: October 24, 1991.

M. Rebecca Winkler,

*Committee Management Officer.*

[FR Doc. 91-25978 Filed 10-28-91; 8:45 am]

BILLING CODE 7555-01-M

### Division of Networking and Communications Research and Infrastructure Special Emphasis Panel, Meeting

**SUMMARY:** In accordance with the Federal Advisory Committee Act (Pub. L. 92-463, as amended), the National Science Foundation announces the following meeting.

**SUPPLEMENTARY INFORMATION:** The purpose of the meeting is to review and evaluate proposals and provide advice and recommendations as part of the selection process for awards. Because the proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with proposals, the meetings are closed to the public. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.

*Name:* Special Emphasis Panel in Networking & Communication Research & Infrastructure.

*Dates:* November 14, 1991.

*Time:* 8:30 a.m.-5 p.m.

*Place:* Room 417, National Science Foundation, 1800 G St., NW., Washington, DC 20550.

*Type of Meeting:* Closed.

*Agenda:* Review and evaluate NSFNET Connections proposals.

*Contact:* Mr. Daniel Vanbelleghem, NSFNET Program, National Science Foundation, room 416, Washington, DC 20550 (202 357-9717).

Dated: October 24, 1991.

M. Rebecca Winkler,

*Committee Management Officer.*

[FR Doc. 91-25979 Filed 10-28-91; 8:45 am]

BILLING CODE 7555-01-M

### NUCLEAR REGULATORY COMMISSION

#### Abnormal Occurrence Report; Section 208 Report Submitted to the Congress

Notice is hereby given that pursuant to the requirements of section 208 of the Energy Reorganization Act of 1974, as amended, the Nuclear Regulatory Commission (NRC) has published and issued another periodic report to Congress on abnormal occurrences (NUREG-0090, Vol. 14, No. 2).

Under the Energy Reorganization Act of 1974, which created the NRC, an abnormal occurrence is defined as "an unscheduled incident or event that the Commission (NRC) determines is significant from the standpoint of public health or safety." The NRC has made a determination, based on criteria published in the *Federal Register* (42 FR 10950) on February 24, 1977, that events involving an actual loss or significant reduction in the degree of protection against radioactive properties of source, special nuclear, and by-product material are abnormal occurrences.

The report to Congress is for the second calendar quarter of 1991. The report identifies the occurrences or events that the Commission determined to be significant and reportable; the remedial actions that were undertaken are also described.

The report discusses five abnormal occurrences, none of which involved a nuclear power plant. Two of the events occurred at NRC-licensed facilities: one involved a potential criticality accident at a nuclear fuel cycle facility, and one involved multiple medical teletherapy misadministrations. The Agreement States reported three abnormal occurrences, all involving radiation overexposures. The report also contains information that updates some previously reported abnormal occurrences.

A copy of the report is available for inspection or copying for a fee in the NRC Public Document Room, 2120 L Street (Lower Level) NW., Washington, DC, or at any of the nuclear power plant Local Public Document Rooms throughout the country.

Copies of NUREG-0090, Vol. 14, No. 2 (or any of the previous reports in this series), may be purchased from the Superintendent of Documents, U.S. Government Printing Office, Post Office

Box 37082, Washington, DC 20013-7082. A year's subscription to the NUREG-0090 series publication, which consists of four issues, is also available.

Copies of the report may also be purchased from the National Technical Information Service, U.S. Department of Commerce, 5285 Port Royal Road, Springfield, VA 22161.

Dated at Rockville, MD this 23d day of October 1991.

For the Nuclear Regulatory Commission,

Samuel J. Chilk,

*Secretary of the Commission.*

[FR Doc. 91-28007 Filed 10-28-91; 8:45 am]

BILLING CODE 7590-01-M

### Advisory Committee on Reactor Safeguards, Subcommittee on Planning and Procedures; Meeting

The ACRS Subcommittee on Planning and Procedures will hold a meeting on November 6, 1991, room P-422, 7920 Norfolk Avenue, Bethesda, MD.

The entire meeting will be open to public attendance.

The agenda for the subject meeting shall be as follows: *Wednesday, November 6, 1991—6:15 p.m. until the conclusion of business*

The Subcommittee will discuss agenda items for ACRS Ad Hoc subcommittee meeting to resolve key technical issues in need of early resolution, proposed mechanism to reply to EDO response regarding implementation of ACRS recommendations that are made to the Commission, revised procedures for ACRS review of SECY papers, and administrative matters as appropriate.

Oral statements may be presented by members of the public with the concurrence of the Subcommittee Chairman; written statements will be accepted and made available to the Committee. Recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and staff. Persons desiring to make oral statements should notify the ACRS staff member named below as far in advance as is practicable so that appropriate arrangements can be made.

Further information regarding topics to be discussed, the scheduling of sessions open to the public, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the Designated Federal Official, Mr. Raymond F. Fraley

(telephone 301/492-4516) between 7:30 a.m. and 4:15 p.m., EST. Persons planning to attend this meeting are urged to contact the above named individual one or two days before the scheduled meeting to be advised of any changes in schedule, etc., that may have occurred.

Dated: October 23, 1991.

Samuel J. Chilk,

Acting Advisory Committee Management Officer.

[FR Doc. 91-26006 Filed 10-28-91; 8:45 am]

BILLING CODE 7590-01-M

### First Meeting of the SCDAP/RELAP5 Peer Review Committee

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Notice of meeting.

**SUMMARY:** The SCDAP/RELAP5 Peer Review Committee will hold its first meeting to review the technical adequacy of the SCDAP/RELAP5 code.

**DATES:** November 18-21, 1991.

**TIME:** 8:30 am each day.

**ADDRESSES:** University Place, Idaho Falls, Idaho.

**FOR FURTHER INFORMATION CONTACT:**

Dr. Y.S. Chen, Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Washington, DC 20555, (301) 492-3566.

**SUPPLEMENTARY INFORMATION:** The SCDAP/RELAP5 code has been developed for best-estimate transient simulation of light water reactor coolant systems during severe accidents as well as large and small break loss-of-coolant accidents, and operational transients such as anticipated transient without SCRAM, loss of offsite power, loss of feedwater, and loss of flow. The code is based on three separate codes: RELAP5, SCDAP, and TRAP-MELT, which are combined to model the coupled interactions that occur between the Reactor Coolant System (RCS), the core, and the fission products during a severe accident. The newest version of the code is SCDAP/RELAP5/MOD3. A number of organizations inside and outside the NRC are using or planning to use the current version. Although the quality control and validation efforts are seen to be proceeding, there is a need to have a broad technical review by recognized experts to determine the technical adequacy of the SCDAP and TRAP-MELT portions of SCDAP/RELAP5 for the serious and complex analyses it is expected to perform.

A peer review committee has been organized using recognized experts from the national laboratories, universities,

SCDAP/RELAP5 user community and independent contractors. During the meeting held on Monday, November 18, the SCDAP/RELAP5 Peer Review Committee will start the review effort by discussing member responsibilities, Committee objectives and Committee deliverables. The NRC perspective will be presented, and previous work performed by the MELCOR Peer Review will be described. In addition, the detailed phenomenological models in the code will be presented by the Idaho National Engineering Laboratory (INEL).

Tuesday through Wednesday, November 19-20, detailed code model presentations by INEL staff will continue. On Thursday a general question and answer session will be available to cover specific areas of interest developed by the Committee during the previous three days.

Dated at Rockville, Maryland, this 22 day of October 1991.

For the U.S. Nuclear Regulatory Commission.

Farouk Eltawila,

Chief, Accident Evaluation Branch, Division of Systems Research, Office of Nuclear Regulatory Research.

[FR Doc. 91-26002 Filed 10-28-91; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-213, 50-245, 50-336, 50-423]

### Connecticut Yankee Atomic Power Co. and Northeast Nuclear Energy Co. (Haddam Neck Plant and Millstone Nuclear Power Station, Unit Nos. 1, 2 and 3); Exemption

#### I

The Connecticut Yankee Atomic Power Company (CYAPCO or the licensee) is the holder of Facility Operating License No. DPR-61 which authorizes operation of the Haddam Neck Plant, and Northeast Nuclear Energy Company (NNECO or the licensee) is the holder of Facility Operating License Nos. DPR-21, DPR-65 and NPF-49 which authorize operation of the Millstone Nuclear Power Station, Unit Nos. 1, 2 and 3 (Millstone) respectively. The licenses provide, among other things, that the Haddam Neck Plant and the Millstone plants are subject to all rules, regulations and Orders of the Commission now or hereafter in effect.

The Haddam Neck Plant is a single-unit pressurized water reactor at the licensee's site located in Middlesex County, Connecticut. The Millstone plants consist of a boiling water reactor and two pressurized water reactors

located at the licensee's site in New London County, Connecticut.

#### II

Section 70.24(a) of 10 CFR part 70 requires a licensee authorized to operate a nuclear power reactor (1) to maintain in each area in which such licensed special nuclear material is handled, used, or stored, a monitoring system meeting the requirements of either paragraph (a)(1) or (a)(2), as appropriate, and using gamma- or neutron-sensitive radiation detectors which will energize clearly audible alarm signals if accidental criticality occurs; (2) to maintain emergency procedures for each area in which this licensed special nuclear material is handled, used, or stored to ensure that all personnel withdraw to an area of safety upon the sounding of the alarm; and (3) to retain a copy of current procedures for each area as a record for as long as licensed special nuclear material is handled, used, or stored in the area and to retain any superseded portion of the procedures for 3 years after the portion is superseded.

The Nuclear Regulatory Commission may grant exemptions from the requirements of the regulations which, pursuant to 10 CFR 70.14(a), are authorized by law and will not endanger life or property or the common defense and security and are otherwise in the public interest.

#### III

By letter dated March 12, 1991, supplemented by letter of August 6, 1991, the licensee requested an exemption from the requirements of § 70.24(a) of 10 CFR part 70 for the Haddam Neck Plant and the Millstone Nuclear Power Station, Unit Nos. 1, 2 and 3 respectively. This exemption request incorporates the previously granted exemptions to § 70.24 contained in the special nuclear material (SNM) licenses for these facilities. [SNM License No. SNM-981, Docket No. 70-1024, Condition 11 (issued to Haddam Neck on September 28, 1966); SNM-1098, Docket No. 70-1155, Item 9 (issued to Millstone Unit No. 1 on May 9, 1968); SNM-1335, Docket No. 70-1360, Item 10 (issued to Millstone Unit No. 2 on January 22, 1973); and SNM-1950, Docket No. 70-3014, Item 20 (issued to Millstone Unit No. 3 on April 16, 1985)]. These exemptions to § 70.24(a) were inadvertently omitted from the operating licenses at the time they were issued. Therefore, the requested exemption is necessary to obtain formal relief from the requirements of § 70.24(a).

The focus of the exemption request is directed only toward the requirements of 10 CFR 70.24(a) with respect to irradiated and unirradiated nuclear fuel.

Inadvertent or accidental criticality in the reactor vessel is precluded through compliance with the facility technical specifications, including reactivity requirements, instrumentation requirements and controls on refueling operations. In addition, the operators' continuous attention directed toward instruments monitoring behavior of the nuclear fuel in the reactor assures that the facility is operated in such a manner as to preclude inadvertent criticality. Since access to the fuel in the reactor vessel is not physically possible while in use and is procedurally controlled during refueling, there are no concerns associated with loss or diversion of the fuel.

Therefore, the requirements of § 70.24(a) are not necessary for the SNM in the form of nuclear fuel while used in the reactor vessel and, thus, granting this exemption will not endanger life or property or the common defense and security.

Only unirradiated SNM as nuclear fuel is stored in a dry condition in the new fuel vault. The new fuel vault is designed to store fuel in a geometric array that precludes criticality. The presence of optimum moderation (such as fire foam, mist, etc.) does not pose a criticality hazard at these units. For the Millstone Unit No. 1, a boiling water reactor, the licensee has concluded that the maximum attainable moderator density in the new fuel vault, by any credible means, is less than that required to achieve criticality. Also, the licensee's operating practice has been to protect the fuel from possible events that would cause exposure to any sources of water or other moderators (e.g., fire foam, water mist, steam, etc.). For Millstone Units 2 and 3 and the Haddam Neck Plant the new fuel storage racks have been analyzed for the optimum interspersed moderator conditions over the entire range of moderator densities and all results meet the 0.98  $K_{eff}$  criteria. Each of the four units receives fresh fuel that is shipped with a plastic dust wrapper, sleeve, or cover. The fuel is either stored with the plastic wrapper removed or with the plastic cover modified such that the cover would not hold water. Thus, there is no concern that plastic covers used as part of fresh fuel storage will hold water from flooding from overhead sources. In addition, existing technical specifications limits on  $K_{eff}$  are maintained to preclude criticality in the event of a fuel handling accident or even

if the vault should become flooded under conditions of optimum moderation. Therefore, the requirements of § 70.24(a) are not necessary for the SNM as nuclear fuel stored in the new fuel vault, and thus, granting this exemption will not endanger life or property or the common defense and security.

Both irradiated and unirradiated fuel is moved between the new fuel vault, the reactor vessel, and the spent fuel pool to accommodate refueling operations. In addition, movements of fuel into the facility and within the reactor vessel or within the spent fuel pool occur. In all cases, fuel movements are procedurally controlled and designed to preclude conditions involving criticality concerns. Also, accident analyses have demonstrated that fuel handling accidents will not create conditions which exceed design specifications. In addition, the technical specifications specifically address the refueling operations and limit the handling of fuel to ensure against an accidental criticality and to preclude certain movements over the spent fuel pool. Therefore, the requirements of § 70.24(a) are not necessary for the handling of SNM as nuclear fuel, and thus, granting this exemption will not endanger life or property or the common defense and security.

The application of the regulation in the particular circumstances would not serve the underlying purpose of the rule and is not necessary to achieve the underlying purpose of the rule and compliance would result in undue hardship or other costs that are significantly in excess of those contemplated when the regulation was adopted.

#### IV

Based on a consideration of the facts presented in section III above and as requested by the licensee, the Commission has determined, pursuant to 10 CFR 70.14, that this exemption is authorized by law and will not endanger life or property or the common defense and security and is otherwise in the public interest. Therefore, the Commission hereby grants the exemption request from the requirements of § 70.24(a) of 10 CFR part 70 for the Haddam Neck Plant and the Millstone Nuclear Power Station, Unit Nos. 1, 2, and 3.

Pursuant to 10 CFR 51.32, the Commission has determined that the issuance of this exemption will have no significant impact on the quality of the human environment (56 FR 52077).

This Exemption is effective upon issuance.

Dated at Rockville, Maryland this 18th day of October, 1991.

For the Nuclear Regulatory Commission.  
Steven A. Varga,  
Director, Division of Reactor Projects—I/II,  
Office of Nuclear Reactor Regulation.  
[FR Doc. 91-26001 Filed 10-28-91; 8:45 am]  
BILLING CODE 7590-01-M

#### [Docket No. 50-395]

#### South Carolina Electric & Gas Co. and South Carolina Public Service Authority (Virgil C. Summer Nuclear Station, Unit No. 1); Exemption

#### I

South Carolina Electric & Gas Company and South Carolina Public Service Authority (the licensees) are the holders of Facility Operating License No. NPF-12, which authorizes operation of the Virgil C. Summer Nuclear Station, Unit No. 1. The license provides, among other things, that the licenses are subject to all rules, regulations, and orders of the Commission now or hereafter in effect.

The facility consists of a pressurized water reactor at the licensees' site located in Fairfield County, South Carolina.

#### II

By letter dated November 16, 1990, the licensees requested an amendment to the Technical Specifications that would allow the use of fuel clad with Zirlo, a zirconium alloy similar to Zircaloy. Currently, the Technical Specifications allow only the use of Zircaloy clad fuel.

#### III

Pursuant to 10 CFR 50.12, the Commission may, upon application by any interested person or upon its own initiative, grant exemptions from the requirements of 10 CFR part 50 when (1) the exemptions are authorized by law, will not present an undue risk to public health and safety, and are consistent with the common defense and security; and (2) when special circumstances are present. According to 10 CFR 50.12(a)(2)(ii), special circumstances are present when "Application of the regulation in the particular circumstances would not serve the underlying purpose of the rule or is not necessary to achieve the underlying purpose of the rule \* \* \*."

10 CFR 50.46 states "Each boiling and pressurized light-water nuclear power reactor fueled with uranium oxide pellets within cylindrical Zircaloy cladding must be provided with an emergency core cooling system (ECCS)

that must be designed such that its calculated cooling performance following postulated loss-of-coolant accidents conforms to the criteria set forth in paragraph (b) of this section. ECCS cooling performance must be calculated in accordance with an acceptable evaluation model and must be calculated for a number of postulated loss-of-coolant accidents of different sizes, locations, and other properties sufficient to provide assurance that the most severe postulated loss-of-coolant accidents are calculated." 10 CFR 50.46 then goes on to give specifications for peak cladding temperature, maximum cladding oxidation, maximum hydrogen generation, coolable geometry, and long term cooling. Since 10 CFR 50.46 specifically refers to fuels with Zircaloy cladding, the use of fuel with Zirlo cladding would, in effect, place the licensee outside the applicability of this section of the Code.

The underlying purpose of the rule is to ensure that facilities have adequate acceptance criteria for ECCS. The effectiveness of the ECCS with not be affected by a change from Zircaloy to Zirlo cladding. The licensee and its contractor have performed calculations that demonstrate the adequacy of this ECCS for a Zirlo core; therefore, due to the similarities in the material properties of Zircaloy and Zirlo, the acceptability criteria for ECCS applied to reactors fueled with Zircaloy clad fuel are also applicable to the ECCS for the Summer Station reactor fueled with Zirlo clad fuel. An evaluation of the acceptability of Zirlo clad fuel may be found in the staff's Safety Evaluation (SE) dated October 22, 1991. Strict interpretation of the regulation would render the criteria of 10 CFR 50.46 inapplicable to Zirlo, even though analysis shows that applying the Zircaloy criteria to Zirlo fuel yields acceptable results. Application of the regulation in this instance would not meet the underlying purpose of the rule; therefore, special circumstances exist. The Commission, therefore, on its own initiative, has taken under consideration an exemption from 10 CFR 50.46(a)(1)(i) that would allow the licensee to apply the acceptance criteria of 10 CFR 50.46 to a reactor powered by Zirlo clad fuel.

10 CFR 50.44 provides requirements for control of hydrogen gas generated in part by Zircaloy clad fuel after a postulated loss-of-coolant-accident (LOCA). The intent of this rule is clearly to ensure that there is an adequate means of controlling generated hydrogen. The hydrogen produced in a post-LOCA scenario comes from a metal-water reaction. Metal-water

reaction rate, as determined by applying the Baker-Just equation has been shown to be conservative for Zirlo clad fuel; therefore, the amount of hydrogen generated by metal-water reaction in a Zirlo core will be within the design basis. An evaluation of the acceptability of Zirlo clad fuel is contained in the staff's SE dated October 22, 1991. A strict interpretation of the rule in this instance would result in the criteria of 10 CFR 50.44 being inapplicable to Zirlo. Since application of the regulation is not necessary to meet the underlying purpose of the rule, special circumstances exist. The Commission, therefore, on its own initiative, has taken under consideration an exemption to 10 CFR 50.44(a) that would allow the licensee to apply the requirements of 10 CFR 50.44 to a reactor powered by Zirlo clad fuel.

Paragraph I.A.5 of appendix K to 10 CFR part 50 states that the rates of energy release, hydrogen generation, and cladding oxidation from the metal-water reaction shall be calculated using the Baker-Just equation. The Baker-Just equation presumes the use of Zircaloy clad fuel. The intent of this part of the Appendix, however, is to apply an equation that conservatively bounds all post-LOCA scenarios. Due to the similarities in the composition of Zirlo and Zircaloy, the application of the Baker-Just equation in the analysis of Zirlo clad fuel will conservatively bound all post-LOCA scenarios. A complete evaluation of the acceptability of Zirlo clad fuel is contained in the staff's SE dated October 22, 1991. Since the use of the Baker-Just equation presupposes Zircaloy cladding, and since failure to apply Baker-Just would defeat the purpose of paragraph I.A.5 of appendix K given that post-LOCA scenarios will be conservatively bounded, special circumstances exist. The Commission, therefore, on its own initiative, is considering an exemption from paragraph I.A.5 of appendix K to 10 CFR part 50 that would allow the licensee to apply the Baker-Just equation to a Zirlo clad fuel.

#### IV

Accordingly, the Commission has determined, pursuant to 10 CFR 50.12, that exemptions as described in section III are authorized by law, will not endanger life or property, and are otherwise in the public interest; it has also determined that special circumstances exist pursuant to 10 CFR 50.12(a)(2)(ii). Therefore, the Commission hereby grants the following exemptions:

(1) South Carolina Electric & Gas Company and South Carolina Public

Service Authority are exempt from the requirements of 10 CFR 50.46(a)(1)(i) in that the acceptance criteria for emergency core cooling systems given in 10 CFR 50.46 for reactors using Zircaloy clad fuel may also be applied to the Summer Station Reactor using Zirlo clad fuel.

(2) South Carolina Electric & Gas Company and South Carolina Public Service Authority are exempt from the requirements of 10 CFR 50.44(a) in that the requirements for hydrogen gas control given in 10 CFR 50.44 for reactors using Zircaloy clad fuel may also be applied to the Summer Station Reactor using Zirlo clad fuel.

(3) South Carolina Electric & Gas Company and South Carolina Public Service Authority are exempt from the requirements of paragraph I.A.5 of appendix K to 10 CFR part 50 in that the Baker-Just equation, which presumes the use of Zircaloy clad fuel, is also applicable when using Zirlo clad fuel in the Summer Station Reactor.

Pursuant to 10 CFR 51.32, the Commission has determined that the granting of these exemptions will have no significant impact on the quality of the human environment (56 FR 52562).

This exemption is effective upon issuance.

Dated at Rockville, Maryland this 22nd day of October 1991.

Steven A. Varga,

Director, Division of Reactor Projects—I/II,  
Office of Nuclear Reactor Regulation.

[FR Doc. 91-26000 Filed 10-28-91; 8:45 am]

BILLING CODE 7590-01-M

### Union Electric Co. (Callaway Plant, Unit No. 1); Exemption

[Docket No. STN 50-483]

#### I

The Union Electric Company (the licensee), is the holder of Facility Operating License No. NPF-30 which authorizes operation of the Callaway Plant, Unit No. 1. The license provides, among other things, that it is subject to all rules, regulations and Orders of the Nuclear Regulatory Commission (the Commission) now and hereafter in effect.

The facility consists of a pressurized water reactor located at the licensee's site in Callaway County, Missouri.

#### II

In its letter dated March 15, 1991, the Union Electric Company (the licensee) requested three exemptions from the requirements of Appendix J to 10 CFR Part 50. Since each exemption request

addresses different sections of Appendix J and two of these were submitted with corresponding revisions to related portions of the Callaway Technical Specifications, each is being considered separately. The subject item (Item 2 of the letter of March 15, 1991) is a request for a partial exemption from the requirements of section III.A.1.(a). This section requires that a Type A test, defined as a test to measure the primary reactor containment overall integrated leakage rate (CILRT) be terminated if, during this test, potentially excessive leakage paths are identified which would either interfere with satisfactory completion of the test or which would result in the Type A test not meeting the applicable acceptance criteria. For the periodic Type A tests under consideration, the tests will be conducted at the calculated peak containment internal pressure of 48.1 psig ( $P_a$ ); the applicable acceptance criterion is contained in section III.A.5.(b)(2). This criterion states that the measured leakage rate ( $L_{am}$ ) at  $P_a$  shall be less than 75 percent of the maximum allowable leakage rate ( $L_a$ ). These various terms are defined in section II of appendix J.

Section III.A.1.(a) further requires that, after terminating a Type A test due to potentially excessive leakage, the leakage through the potentially excessive leakage paths be measured using local leakage testing methods and repairs and/or adjustments to the affected equipment be made. The Type A test shall then be conducted.

The licensee proposes in the subject exemption request (Item 2) that, when excessive leakage is found during a Type A test, the test not be terminated. Instead, the licensee proposes that significant leaks will be identified and isolated and the Type A test continued. The licensee further proposes that, after completion of the modified Type A test (i.e., a Type A test with the significant leakage paths isolated), local leakage rates of those paths isolated during the modified Type A test be measured before and after repairs and/or adjustments to those paths.

The licensee proposes that the adjusted "as-found" leakage rate for the Type A test be determined by adding the local leakage rates measured before any repairs and/or adjustments to those previously isolated leakage paths, to the containment integrated leakage rate determined in the modified Type A test. This adjusted "as-found" leakage rate is to be used in determining the scheduling of the periodic Type A tests in accordance with section III.A.6 of appendix J.

Finally, the licensee proposes that the acceptability of the modified Type A test be determined by calculating the adjusted "as-left" containment overall integrated leakage rate and comparing this to the acceptance criterion of section III.A.5.(b)(2) which requires  $L_{am}$  to be less than 0.75  $L_a$ . The adjusted "as-left" Type A leakage rate is determined by adding the local leakage rates measured after any repairs and/or adjustments to those previously isolated leakage paths, to the leakage rate determined in the modified Type A test.

The only differences between the licensee's proposal and the requirements in section III.A.1.(a) of appendix J are that: (1) The potentially excessive leakage paths will be repaired and/or adjusted after completion of the Type A test rather than before the test; and (2) the Type A test leakage rate is partially determined by calculation rather than by direct measurement. With respect to this latter issue, the limiting value of the containment overall integrated leakage rate in section 3.6.1.2.a of the Callaway Technical Specifications (TSs) is 0.20 percent by weight of the containment air over a 24-hour period measured at an internal containment pressure of 48.1 psig. The measured "as-left" local leakage rates through the paths isolated in the modified Type A test will be a small fraction of this TS value so that the values of these "as-left" local leakage rates will represent a relatively small correction to the containment overall integrated leakage rate measured in the modified Type A test. Accordingly, there will be very little significant difference between the calculated "as-left" reactor primary containment leakage rate (i.e., a modified Type A test) and one which would be directly measured in compliance with the requirements of section III.A.1.(a).

With respect to the issue of making repairs and/or adjustments to potentially excessive leakage paths during a Type A test rather than after aborting a Type A test, the staff does not identify any significant difference in the end result; (i.e., the "as-left" local leakage rates will be maintained within an acceptable range).

The staff agrees that the subject exemption request does not pose any undue risk to public health and safety in that the licensee will continue to demonstrate the containment overall integrated leak rate will be less than its specified value in the Callaway Technical Specifications prior to restart after a refueling outage using the same acceptance criterion. Further, any

potentially excessive leakage paths will continue to be repaired and/or adjusted prior to restart, thereby continuing to ensure the integrity of the containment. Based on these considerations, the staff concludes that the licensee has proposed a method of conducting modified periodic Type A tests which will ensure the integrity of the reactor primary containment with respect to its compliance with the maximum permissible containment leakage rate as required by the Callaway TSs. Accordingly, the licensee has demonstrated that its proposed modified Type A test procedure achieves the underlying purpose of the rule, thereby demonstrating that one of the special circumstances of 10 CFR 50.12(a)(2)(ii) is present.

### III

In summary, the NRC staff finds that the licensee has demonstrated for the subject exemption request that there are special circumstances present as required by 10 CFR 50.12(a)(2). Further, the staff also finds that the protection provided by the licensee against potentially excessive containment leakage will not present an undue risk to the public health and safety.

Accordingly, the Commission has determined that, pursuant to 10 CFR 50.12, the exemption as described in Section II is authorized by law and will not endanger life or property or the common defense and security and is otherwise in the public interest and hereby grants the exemption with respect to the requirements of 10 CFR part 50, appendix J, section III.A.1.(a).

Pursuant to 10 CFR 51.32, the Commission has determined that the granting of the subject exemption will not have a significant effect on the quality of the human environment (56 FR 42366).

This Exemption is effective upon issuance.

Dated at Rockville, Maryland this 22nd day of October 1991.

For the Nuclear Regulatory Commission.

**Bruce A. Boger,**

*Director, Division of Reactor Projects III/IV/V, Office of Nuclear Reactor Regulation.*

[FR Doc. 91-25998 Filed 10-28-91; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. STN 50-483]

**Union Electric Co. (Callaway Plant, Unit No. 1); Exemption**

### I

The Union Electric Company (the

licensee), is the holder of Facility Operating License No. NPF-30 which authorizes operation of the Callaway Plant, Unit No. 1. The license provides, among other things, that it is subject to all rules, regulations and orders of the Nuclear Regulatory Commission (the Commission) now and hereafter in effect.

The facility consists of a pressurized water reactor located at the licensee's site in Callaway County, Missouri.

## II

In its letter dated March 15, 1991, the Union Electric Company (the licensee) applied for an amendment to Operating License NPF-30 to change certain provisions of the Callaway Technical Specifications (TSs). The licensee in this letter also requested a number of partial exemptions from the Commission's regulations. The subject exemption (Item 4 of the letter cited above) is from a requirement in appendix J to 10 CFR part 50 which requires that certain surveillance tests be conducted during the same refueling outage.

The specific requirement involved in the subject exemption request is contained in section III.D.1.(a) of appendix J to 10 CFR part 50, which states in part that " \* \* \* a set of three Type A tests shall be performed, at approximately equal intervals during each 10-year service period. The third test of each set shall be conducted when the plant is shut down for the 10-year plant inservice inspection." Type A tests are defined in section II.F of appendix J as those " \* \* \* tests intended to measure the primary reactor containment overall integrated leakage rate \* \* \* at periodic intervals \* \* \*". The 10-year inservice inspection (ISI) is that series of inspections performed every 10 years in accordance with Section XI of the ASME Boiler and Pressure Vessel Code and Addenda as required by 10 CFR 50.55a. The time required to perform the containment integrated leakage rate tests (CILRTs) necessitates that they be performed during refueling outages. The time interval between CILRTs should be about 40 months based on performing three such tests at approximately equal intervals during each 10-year service period. Since refueling outages do not necessarily occur coincident with a 40-month interval, a permissible variation of 10 months (i.e., a 25 percent variation) is typically authorized in the technical specifications issued with an operating license to permit flexibility in scheduling the CILRTs.

The proposed revision to the Callaway TSs associated with the

licensee's request for an exemption in Item 4 of the letter dated March 15, 1991, would remove the requirement in TS 4.6.1.2.a that the Type A tests be conducted at  $40 \pm 10$  month intervals during each 10-year service period. However, this request does not require an exemption from the regulations in that the proposed text in Insert B of the licensee's letter cited above effectively incorporates the content of section III.D.1.(a) of appendix J regarding the frequency of the CILRTs. Accordingly, this portion of the licensee's request need not be considered in this exemption. The prepared revision to TS 4.6.1.2.a will be considered as a separate licensing action.

This TS also requires that the third test of each set of three Type A tests be conducted during the shutdown for the 10-year plant inservice inspection. This particular TS incorporates the requirements of section III.D.1.(a) of appendix J as cited above regarding the coupling of the 10-year CILRT with the 10-year IST. This portion of the proposed revision to TS 4.6.1.2.a will be considered as a separate licensing action after completion of the pending exemption request.

With respect to the subject exemption request, the NRC staff notes that the first and second CILRTs of the set of three tests for the first 10-year cycle for Callaway were conducted in May 1987 and October 1990, respectively. This represents testing intervals of 40 and 41 months from the initial preoperational CILRT in January 1984. The third of the first set of three CILRTs is scheduled for September 1993 which will be 35 months after the preceding test. This testing schedule for the first 10-year service period will thereby satisfy the scheduling requirements of Section III.D.1.(a) of Appendix J as well as the requirements of Callaway TS 4.6.1.2.a.

The licensee is presently operating on an 18-month fuel cycle which presents a potential concern for the scheduling requirements of Section III.D.1.(a) of Appendix J for future CILRTs. The problem may arise because the 10-year cycle is not divisible into equal intervals of 40 months, with a permissible variation of 10 months, as presently required by Callaway TS 4.6.1.2.a. The CILRT presently scheduled for September 1993 will occur within 4 months of the first 10-year cycle ending in January 1994. Accordingly, the NRC staff concludes that this deviation from the 10-year cycle ending in January 1994 is not significant in terms of complying with the scheduling requirements of section III.D.1.(a).

With respect to the requirement in

section III.D.1.(a) that the third Type A test of each set of three be conducted when the plant is shutdown for the 10-year plant inservice inspections, the licensee states in its letter dated March 15, 1991, that it is performing the inservice volumetric, surface and visual examinations of components and system pressure tests in accordance with 10 CFR 50.55a(g)(4) throughout the 10-year inspection intervals. The major portion of this effort is presently being performed every 18 months during the refueling outages.

There is no benefit to be gained by the coupling requirement cited above in that elements of the Callaway ISI program are conducted throughout the 10-year cycles at the 18-month refueling outages rather than at the end of the 10-year cycles. Consequently, the subject coupling requirement offers the Callaway facility no benefit either to safety or to economical operation of the facility.

Moreover, each of these two surveillance tests (i.e., the Type A tests and the 10-year ISI program) is independent of the other and provides assurances of different plant characteristics. The Type A tests assure the required leak-tightness to demonstrate compliance with the guidelines of 10 CFR part 100. The 10-year ISI program provides assurance of the structural integrity of the structures, systems, and components as well as verifying operational readiness of pumps and valves in compliance with 10 CFR 50.55a. There is no safety-related concern necessitating their coupling in the same refueling outage. Accordingly, the staff finds that the subject exemption request meets the underlying purpose of the rule [10 CFR 50.12(a)(2)(ii)].

On this basis, the NRC staff finds that the licensee has demonstrated that there are special circumstances present as required by 10 CFR 50.12(a)(2). Further, the staff also finds that the uncoupling of the Type A tests from the 10-year ISI program will not present an undue risk to the public health and safety.

## III.

Accordingly, the Commission has determined that, pursuant to 10 CFR 50.12, an exemption is authorized by law and will not endanger life or property or the common defense and security and is otherwise in the public interest and hereby grants the following partial exemption with respect to a requirement of 10 CFR part 50, appendix J, section III.D.1(a):

The Callaway Plant, Unit 1 Technical Specifications may be revised to eliminate the requirement that the third Type A test of each set of 3 Type A tests be conducted in conjunction with the 10-year inservice inspection.

Pursuant to 10 CFR 51.32, an environmental assessment and finding of no significant impact has been prepared and published in the **Federal Register** (56 FR 43945). Accordingly, based upon the environmental assessment, the Commission has determined that the granting of the subject exemption will not have a significant effect on the quality of the human environment.

This Exemption is effective upon issuance.

Dated at Rockville, Maryland this 22nd day of October 1991.

For the Nuclear Regulatory Commission.  
**Bruce A. Boger,**

*Director, Division of Reactor Projects III/IV/V, Office of Nuclear Reactor Regulation.*

[FR Doc. 91-25999 Filed 10-28-91; 8:45 am]

BILLING CODE 7590-01-M

**POSTAL SERVICE**

[Resolution No. 91-4]

**Resolution of the Governors of the United States Postal Service; Adjustment of Preferred Rates**

Resolved

The Postal Service Appropriations Act for Fiscal Year 1992, as passed by the House and Senate and forwarded to the President, contains an appropriation of \$470,000,000 to the Postal Service to support preferred rates for eligible mail in Fiscal Year 1992 (a reduction of approximately \$180,000,000 from the amount requested by the Postal Service for that purpose), together with certain revisions to the laws concerning the calculation of the subsidy for preferred rates of postage, and instructions regarding the recovery of the reduction in the amount of that subsidy. Accordingly, pursuant to section 3627 of title 39, United States Code, the Governors have determined that, effective at 12:01 a.m. on the first Sunday not less than twenty days following the date of enactment of the Postal Service Appropriations Act for Fiscal Year 1992, the preferred rates will be adjusted to the levels shown in the attached schedule.

The foregoing resolution was adopted

by the Governors on October 8, 1991.  
**David F. Harris,**  
*Secretary.*

**RATE SCHEDULE 302 (CONTINUED) THIRD-CLASS MAIL NONPROFIT BULK <sup>1</sup>**

	Piece rate (cents)	Pound rate (cents)
<b>Non-letters size:</b>		
Piece rate <sup>3</sup> .....	14.6	
Discounts (per piece)		
Destination entry:		
BMC .....	1.2	
SCF .....	1.7	
Delivery office <sup>2</sup> .....	2.2	
Presort level:		
3- and 5-digit .....	1.4	
Carrier route .....	4.5	
Saturation .....	5.2	
Pound rate: <sup>3</sup>		
Pound rates plus per piece rate .....	6.3	39.8
Discounts:		
Destination entry (per pound)		
BMC .....		5.8
SCF .....		8.1
Delivery office <sup>2</sup> .....		10.4
Presort level (per piece)		
3- and 5-digit .....	1.4	
Carrier route .....	4.5	
Saturation .....	5.2	
<b>Non-letters size</b>		
Piece rate <sup>3</sup> .....	14.6	
Discounts (per piece)		
Destination entry:		
BMC .....	1.2	
SCF .....	1.7	
Delivery office <sup>2</sup> .....	2.2	
Presort level:		
3- and 5-digit .....	1.4	
Carrier route .....	4.5	
Saturation .....	5.2	
Pound rate: <sup>3</sup>		
Pound rates plus per piece rate .....	6.3	39.8
Discounts:		
Destination entry (per pound)		
BMC .....		5.8
SCF .....		8.1
Delivery office <sup>2</sup> .....		10.4
Presort level (per piece)		
3- and 5-digit .....	1.4	
Carrier route .....	4.5	
Saturation .....	5.2	

**RATE SCHEDULE 302 (CONTINUED) THIRD-CLASS MAIL NONPROFIT BULK <sup>1</sup>—Continued**

	Piece rate (cents)	Pound rate (cents)
<b>Non-letters size</b>		
Piece rate <sup>3</sup> .....	14.6	
Discounts (per piece)		
Destination entry:		
BMC .....	1.2	
SCF .....	1.7	
Delivery office <sup>2</sup> .....	2.2	
Presort level:		
3- and 5-digit .....	1.4	
Carrier route .....	4.5	
Saturation .....	5.2	
Pound rate: <sup>3</sup>		
Pound rates plus per piece rate .....	6.3	39.8
Discounts:		
Destination entry (per pound)		
BMC .....		5.8
SCF .....		8.1
Delivery office <sup>2</sup> .....		10.4
Presort level (per piece)		
3- and 5-digit .....	1.4	
Carrier route .....	4.5	
Saturation .....	5.2	

Notes:  
<sup>1</sup> A fee of \$75.00 must be paid once each 12-month period for each bulk mailing permit.  
<sup>2</sup> Applies only to carrier route presort and saturation mail.  
<sup>3</sup> Mailer pays either the piece or the pound rate, whichever is higher.

[FR Doc. 91-25912 Filed 10-28-91; 8:45 am]

BILLING CODE 7710-12-M

**SECURITIES AND EXCHANGE COMMISSION**

[Release No. 34-29840; File No. SR-Amex-91-22]

**Self-Regulatory Organizations; Proposed Rule Change by American Stock Exchange, Inc. Relating to Options on the Pharmaceutical Index**

October 18, 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 September 18, 1991, the American Stock Exchange, Inc. ("Amex") filed with the Securities and Exchange 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 American Stock Exchange, Inc. proposes to trade options on the

Pharmaceutical Index ("the Index"), a new stock index established in 1991 by the Amex based on pharmaceutical industry stocks (or ADRs thereon)<sup>1</sup> traded on the New York Stock Exchange ("NYSE"), or through the National Association of Securities Dealers Automated Quotations ("NASDAQ") system.

The text of the proposed rule change is available at the Office of the Secretary, Amex and at the Commission.

## 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 IV 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

#### (1) Purpose

The Amex has developed a new industry specific index called the Pharmaceutical Index, based entirely on shares of widely held pharmaceutical industry stocks and ADRs thereon traded on the NYSE, ADRs, or through the NASDAQ system. A list of the current fifteen component securities is attached as Exhibit A. It is intended that the Amex will trade option contracts on the newly developed Index.

The Index contains securities of the most highly-capitalized companies in the pharmaceutical industry whose primary business is the manufacture of prescription and non-prescription drugs, and other related health products.

The Index is capitalization-weighted, using the U.S. primary market prices for component securities, and current shares outstanding. For ADRs, and ADR price and total worldwide shares outstanding on an ADR-equivalent basis will be used. The Amex will calculate and maintain the Index, and pursuant to Exchange Rule 901C(b) may at any time or from time to time substitute stocks, or adjust the number of stocks included in

the Index, based on changing conditions in the pharmaceutical industry. In selecting securities to be included in the Index, the Exchange will be guided by a number of factors, such as market value of outstanding shares and trading activity. A benchmark value of 200.00 has been established for the Index as of July 31, 1991.

The value of the Index will be calculated continuously and displayed in a manner similar to other stock index values published by the Exchange. The information will be disseminated to vendors through the OPRA system.<sup>2</sup>

The proposed options on the Index are European style (i.e., exercises are permitted at expiration only), and cash settled. The proposed options will settle based upon the value of the Index calculated at the close of business on the day of exercise or if the day of exercise is not a trading day, on the last trading day before exercise. Standard option trading hours (9:30 a.m. to 4:10 p.m. New York time) will apply.

As with other index options traded on the Amex, the options on the Pharmaceutical Index will expire on the Saturday following the third Friday of the expiration month ("Expiration Friday"). The last trading day in an option series will normally be the last business day preceding the Saturday following the third Friday of the expiration month (normally a Friday). Trading in expiring options will cease at the close of trading on the day.

Exchange Rule 901C specifies criteria for inclusion of stocks in an index on which options will be traded on the Exchange. The index must have a minimum of five stocks, and any index with less than 25 component stocks may not include stocks traded on the American Stock Exchange (accordingly, the Pharmaceutical Index as currently contemplated will not include Amex traded stocks). In addition, in the case of an index of less than 25 stocks, Rule 901C dictates that at least 50% of the index group's numerical index value must be accounted for by stocks which meet the criteria of Exchange Rule 915, which sets standards for stocks underlying equity options traded on the Exchange. In choosing among pharmaceutical stocks that meet the minimum criteria set forth in rule 901C, the Exchange will focus on stocks that (1) have a minimum market value (in U.S. dollars) of at least \$500 million,<sup>3</sup> (2)

have an average monthly trading volume in the U.S. markets over the previous six month period of not less than 1,000,000 shares (or ADRs), and (3) are traded on either the NYSE, (subject to the limitations of rule 901C) or NASDAQ. Although the stocks currently selected for inclusion in the Pharmaceutical Index meet or surpass the above additional criteria, the Exchange intends these additional criteria to be guidelines only and reserves the right to include stocks in the Index that may not meet these guidelines.

Amex Rules 900C through 980C will apply to option contracts based on the Index. These rules cover issues such as surveillance, exercise prices, and position limits. The Index is deemed to be a Stock Index Option under Rule 901C(a) and a Stock Index Industry Group under rule 900C(b)(1). Under Rule 903C, the Exchange intends to list up to three near calendar months and two additional calendar months in three month intervals in the January cycle. The Exchange expects that the review required by Rule 904C(c) will result in a position limit of 6,000 contracts with respect to options on this Index.

#### (2) Basis

The proposed rule change is consistent with section 6(b) of the Act in general and furthers the objectives of section 6(b)(5) in particular in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of change, to foster cooperation and coordination with persons engaged in facilitating transactions in securities, and to remove impediments to and perfect mechanism of a free and open market and a national market system.

### B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any 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. 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

<sup>1</sup> "ADRs" (American Depositary Receipts) are negotiable certificates traded in the U.S. which represent Securities of a Foreign issuer.

<sup>2</sup> "OPRA" (the Options Price Reporting Authority) is authorized by the Commission to report options last sale reports and quotation information.

<sup>3</sup> In the case of ADRs, this represents market value as measured by total world-wide shares outstanding.

90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the Amex 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 principal office of the Amex. All submissions should refer to the file number in the caption above and should be submitted by November 19, 1991.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Margaret H. McFarland,  
Deputy Secretary.

#### EXHIBIT A.—PHARMACEUTICAL INDEX

Sym	Name	Price exchange, last sale 8/16/91	Shares outstanding (000s)	Market capitalization (\$000,000)	Index weight (percent)	6-mo average monthly trading volume (2/91-7/91) (000s)
MRK	Merck and Company, Inc .....	124.875	386,991	48,326	15.39	13,738
BMJ	Bristol Myers Squibb Company.....	85.500	523,819	44,787	14.27	19,928
GLX	Glaxo Holdings PLC Ads.....	44.875	747,125	33,527	10.68	21,871
JNJ	Johnson and Johnson.....	89.250	333,087	29,728	9.47	17,319
LLY	Eli Lilly and Company.....	78.875	293,400	23,142	7.37	16,216
ABT	Abbott Laboratories.....	53.750	429,141	23,066	7.35	13,725
PFE	Pfizer Inc.....	64.500	330,244	21,301	6.79	17,486
AHP	American Home Products Corporation.....	63.125	314,028	19,823	6.31	9,351
SBE	Smithkline Beecham Plc ADR Equity Unit.....	56.500	265,255	14,987	4.77	7,296
SGP	Schering Plough Corporation.....	54.750	217,961	11,993	3.80	16,506
SYN	Syntex Corporation.....	45.000	224,758	10,114	3.22	15,161
MKC	Marion Merrell Dow Inc.....	34.250	282,000	9,659	3.08	5,167
WLA	Warner Lambert Company.....	68.625	134,341	9,219	2.94	11,178
UPJ	Upjohn Company.....	44.875	176,408	7,916	2.52	20,633
RPR	Rhone Poulenc Rorer Inc.....	46.500	137,700	6,403	2.04	3,182
					100.00	

[FR Doc. 91-26017 Filed 10-28-91; 8:45 am]  
BILLING CODE 8010-01-M

[Release No. 34-29843; File No. SR-CSE-91-4]

#### Self-Regulatory Organizations; Notice of Filing of Proposed Rule Change by the Cincinnati Stock Exchange, Inc. Relating to Public Agency Order Guarantees and Market Maker Spreads

October 21, 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 August 28, 1991, the Cincinnati Stock Exchange, Inc. ("CSE" or "Exchange") filed with the Securities and Exchange Commission ("Commission") the proposed rule change and Amendment No. 1 as described in Items I, II and III below, which Items have been prepared by the self-regulatory organization. The CSE submitted Amendment No. 1 to the proposed rule change to October 10, 1991. The Commission is publishing this

notice to solicit comments on the proposed rule change from interested parties.<sup>1</sup>

#### I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The CSE proposes to amend its guarantee for public agency orders in rule 11.9 by providing that (1) the size of the guarantee will be the lesser of 2,099 shares or the size of the national best bid or offer; and (2) no order will be guaranteed unless, in its entirety, it is 2,099 shares or less. Presently, rule 11.9 requires that public agency orders be guaranteed up to 2,099 shares, regardless of the size of the national best bid or offer.

The Exchange also proposes to modify its existing guidelines for market making

<sup>1</sup> Amendment No. 1 does not change the substance of the proposed change to the CSE's public agency order size guarantee rule, but instead more clearly explains the Exchange's rationale for the proposed rule change. See letter from Kevin S. Fogarty, Vice President, Market Regulation, CSE, to Mary Revell, Branch Chief, Division of Market Regulation, SEC, dated October 14, 1991.

spreads. Under the proposal, spreads of 5/8 would be acceptable on stocks priced up to \$50. The former policy called for spreads of no more than a half on such issues.

#### 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 purpose of the proposed change to the Exchange's public agency order size guarantee rule is to balance the interest in attracting order flow with the need to ensure that only those orders which are "retail" in the traditional sense of the word receive a guaranteed execution. CSE rule 11.9 currently requires Designated Dealers to guarantee the execution of "public agency" market and marketable limit orders up to 2,099 shares at the national best bid or offer, regardless of the size of the bid or offer in the primary market and regardless of the identity of the customer, as long as the customer is not a broker-dealer.

The Exchange has become concerned about the application of the guarantee. This concern exists because (1) the guarantee can, in some cases, be better than the national best bid or offer size, which is an undue burden for a regional specialist; and (2) there is a potential for abuse of the intent of the guarantee by institutional or other substantial traders who, though not broker-dealers, are not "retail" in the conventional sense, as evidenced by the size and timing of their orders. To eliminate the possibility for abuse and to bring its specialist obligations more in line with the other regional exchanges, the CSE is proposing that its guarantee be modified in two ways: (1) The size of the guarantee would become the lesser of 2,099 shares or the national best bid or offer; and (2) no order would be guaranteed unless, in its entirety, it was less than or equal to 2,099 shares (*i.e.*, it could not be part of a larger order).

The Exchange believes that its proposal properly balances the need to attract order flow with the need to prevent abuse of the intent of the guarantee. In addition, such a proposal avoids the administrative burden which would be created if the Exchange were to attempt to further elaborate on the definition of public and professional agency business.

The purpose of the proposed modification to the Exchange's guidelines for market making spreads is to soften an unduly rigid restriction without compromising the affirmative obligations of market makers.

The proposed rule change is consistent with section 6(b)(5) of the Act in that it is designed to promote just and equitable principles of trade and remove impediments to and perfect the mechanism of a free and open market and a national market system.

*B. Self-Regulatory Organization's Statement on Burden on Competition*

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

*C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants or Others*

Notice of this filing was circulated to participating markets of the Intermarket Trading System ("ITS") on August 5, 1991. As of August 27, 1991, no comments were received.

**III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action**

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding, or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve the proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

**IV. Solicitation of Comments**

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street, NW., Washington, DC 20549. Copies of such filing will also be available for inspection and copying at the principal office of the CSE. All submissions should refer to File No. SR-CSE-91-4 and should be submitted by November 19, 1991.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Margaret H. McFarland,

*Deputy Secretary.*

[FR Doc. 91-26015 Filed 10-28-91; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-29844; File No. SR-MSTC-91-4]

**Self-Regulatory Organizations; Midwest Securities Trust Company; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change Concerning Charges for Hard Copy Reports**

October 21, 1991.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act")<sup>1</sup>, notice is hereby given on September 18, 1991, the Midwest Securities Trust Company ("MSTC") 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**

MSTC is filing the proposed rule change to implement a correction to MSTC's Schedule of Charges for Hard Copy Reports.

**II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change**

In its filing with the Commission, MSTC included statements concerning the purpose of, and basis for, the propose 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. MSTC has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.

*(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change*

The purpose of the proposed rule change is to correct MSTC's Schedule of Charges. MSTC's Schedule of Charges

<sup>1</sup> 15 U.S.C. 78s(b)(1).

dated January 1991 reflects charges for Hard Copy Reports. There is a notation under these charges that states that certain fees are not applicable to Specialists, Market Makers, and Trading Accounts. This notation is incorrect. These fees apply to all MSTC Participants, including Specialists, Market Makers, and Trading Accounts.

The proposed rule change is consistent with section 17A of the Act in that it provides for the equitable allocation of reasonable dues, fees, and other charges among MSTC's Participants.

*(B) Self-Regulatory Organization's Statement on Burden on Competition*

MSTC does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act.

*(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants, or Others*

Comments have not been solicited or received on the proposed rule change.

**III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action**

The foregoing rule change has become effective pursuant to section 19(b)(3)(A) of the Act and subparagraph (e) of Rule 19b-4 thereunder, because the proposed rule change establishes or changes a due, fee, or other charge imposed by the self-regulatory organization.<sup>2</sup> At any time within 60 days of the filing of such rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

**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 Room and the address above. Copies of such filing will also be available for inspection and copying at the principal office of MSTC. All submissions should refer to File Number SR-MSTC-91-4 and should be submitted by November 19, 1991.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 91-28016 Filed 10-28-91; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-29850; File No. ODD-91-3]

**Self-Regulatory Organizations; The Options Clearing Corporation; Order Approving Supplement to Options Disclosure Document Regarding Capped-Style Stock Index Options**

October 23, 1991.

On October 8, 1991, the Options Clearing Corporation ("OCC"), in conjunction with the American Stock Exchange, Inc. ("Amex") and the Chicago Board Options Exchange, Inc. ("CBOE") (collectively the "Exchanges"), submitted to the Securities and Exchange Commission ("SEC" or "Commission"), pursuant to rule 9b-1 under the Securities Exchange Act of 1934 ("Act"),<sup>1</sup> preliminary copies of a Supplement to the Options Disclosure Document ("ODD") which describes the characteristics and risks of trading in the Exchanges' new capped-style stock index options ("capped options").<sup>2</sup> Five definitive copies of the Supplement were delivered on October 23, 1991.<sup>3</sup>

The proposed Supplement to the ODD provides for disclosure to accommodate the Exchanges' capped options proposals which have been submitted to the Commission separately.<sup>4</sup> This Supplement, which is to be read in conjunction with the more general ODD entitled "Characteristics and Risks of Standardized Options," describes, among other things, the special characteristics, features and risks of

capped options. Pursuant to rule 9b-1, the Supplement will have to be provided to investors in capped options before their accounts are approved for transactions in capped options or their orders for capped options are accepted.

The Commission has reviewed the ODD Supplement and finds that it complies with rule 9b-1. The Supplement is intended to be read in conjunction with the ODD, which discusses the characteristics and risks of stock index options generally. The Supplement provides additional information regarding capped options contracts sufficient to describe the special characteristics and risks of these products.

Rule 9b-1 provides that an options market must file five copies of amendments to a disclosure document with the Commission at least 30 days prior to the date definitive copies are furnished to customers, unless the Commission determines otherwise having due regard to the adequacy of the information disclosed and the protection of investors.<sup>5</sup> The Commission believes it is consistent with the public interest and the protection of investors to allow distribution of the Supplement as of October 23, 1991, a date which is within 30 days of the date definitive copies of the Supplement were submitted to the Commission. Specifically, the Commission believes that, because the Supplement provides adequate disclosure of the special characteristics, features, and risks of trading in capped options, thereby helping to ensure that customers engaging in capped options transactions are capable of understanding the risks of such trading activity, it is consistent with the public interest for it to be distributed to investors before the planned commencement of capped options trading on the CBOE on November 1, 1991.

*It is therefore Ordered,* Pursuant to rule 9b-1 under the Act,<sup>6</sup> that the proposed Supplement to the ODD to accommodate the Exchanges' proposed trading of capped options is approved.

For the Commission, By the Division of Market Regulation, pursuant to delegated authority.<sup>7</sup>

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 91-25941 Filed 10-28-91; 8:45 am]

BILLING CODE 8010-01-M

<sup>5</sup> This provision is intended to permit the Commission either to accelerate or extend the time period in which definitive copies of a disclosure document may be distributed to the public.

<sup>6</sup> 17 CFR 240.9b-1 (1990).

<sup>7</sup> 17 CFR 200.30-3(a)(39) (1990).

<sup>1</sup> 17 CFR 240.9b-1 (1990).

<sup>2</sup> See letter from Robert B. Wilcox, Schiff Hardin & Waite, to Thomas R. Gira, Branch Chief, Division of Market Regulation, SEC, dated October 7, 1991.

<sup>3</sup> See letter from Robert B. Wilcox, Schiff Hardin & Waite, to Thomas R. Gira, Branch Chief, Division of Market Regulation, SEC, dated October 22, 1991.

<sup>4</sup> See Securities Exchange Act Release Nos. 29489 (July 25, 1991), 56 FR 36852 (CBOE's proposal) and 29821 (October 15, 1991) (Amex's proposal).

<sup>2</sup> 15 U.S.C. 78e(b)(3)(A).

**DEPARTMENT OF STATE**

[Public Notice 1511]

**Bureau of Diplomatic Security; Public Information Collection Requirements Submitted to OMB for Review****AGENCY:** Department of State.**ACTION:** The Department of State has submitted the following public information collection requirement to OMB for review and clearance under the Paperwork Reduction Act of 1980, 44 U.S.C. chapter 35.**SUMMARY:** Section 134 of Public Law 101-649 of November 29, 1990, allows for the issuance of 1,000 immigrant visas to qualified displaced Tibetans in India and Nepal. The implementing regulation (22 CFR part 47) requires the information collection on Optional Form 222 to establish qualification and eligibility of the Tibetan applicants. The following summarizes the information collection proposal submitted to OMB:*Type of request*—Reinstatement.*Originating office*—Bureau of Consular Affairs.*Title of information collection*—Preliminary Questionnaire to Determine Immigrant Status.*Frequency*—On occasion.*Form No.*—OF-222.*Respondents*—Displaced Tibetans in India and Nepal.*Estimated number of respondents*—2,000.*Average hours per response*—30 minutes.*Total estimated burden hours*—1,000.

Section 3504(h) of Public Law 96-511 does not apply.

**ADDITIONAL INFORMATION OR****COMMENTS:** Copies of the proposed forms and supporting documents may be obtained from Gail J. Cook (202) 647-3538. Comments and questions should be directed to (OMB) Lin Liu (202) 395-7340.

Dated: October 16, 1991.

Sheldon J. Krysz,

*Assistant Secretary for Diplomatic Security.*

[FR Doc. 91-25923 Filed 10-28-91; 8:45 am]

BILLING CODE 4710-43-M

[Public Notice 1512]

**Bureau of Diplomatic Security; Public Information Collection Requirements Submitted to OMB for Review****AGENCY:** Department of State.**ACTION:** The Department of State has submitted the following public information collection requirement to OMB for review and clearance under

the Paperwork Reduction Act of 1980, 44 U.S.C. chapter 35.

**SUMMARY:** Sections 222 (a) and (c) of the Immigration and Nationality Act (8 U.S.C. 1202 (a) and (c)), require immigrant and nonimmigrant visa applicants to furnish "such additional information as may be necessary to the identification of the applicant and the enforcement of the immigration and nationality laws as may be by regulations prescribed." Consular officers may request additional information from visa applicants in cases that may involve counterterrorism, counterintelligence, counterespionage, and certain foreign policy concerns. The following summarizes the information collection proposal submitted to OMB:*Type of request*—Existing collection without an OMB control number.*Originating office*—Bureau of Consular Affairs.*Title of information collection*—Security Advisory Opinion Information Collection Form.*Frequency*—On occasion.*Form No.*—DS-1885.*Respondents*—Certain immigrant and nonimmigrant visa applicants.*Estimated number of respondents*—10,000.*Average hours per response*—30 minutes.*Total estimated burden hours*—5,000.

Section 3504(h) of Public Law 96-511 does not apply.

**ADDITIONAL INFORMATION OR****COMMENTS:** Copies of the proposed forms and supporting documents may be obtained from Gail J. Cook (202) 647-3538. Comments and questions should be directed to (OMB) Lin Liu (202) 395-7340.

Dated: October 16, 1991.

Sheldon J. Krysz,

*Assistant Secretary for Diplomatic Security.*

[FR Doc. 91-25924 Filed 10-28-91; 8:45 am]

BILLING CODE 4710-43-M

[Public Notice 1514]

**Shipping Coordinating Committee; International Maritime Organization (IMO) Legal Committee; Meeting**

The U.S. Shipping Coordinating Committee (SHC) will conduct an open public meeting at 10 a.m. on Wednesday, November 20, 1991, room 2415 of U.S. Coast Guard Headquarters, 2100 Second Street, SW., Washington, DC. The purpose of this meeting is to report on the results of the 65th Session of the International Maritime Organization (IMO) Legal Committee conducted September 30th through

October 4, 1991, as well as to solicit public comment for the upcoming 66th Session scheduled to be held from March 16 through March 20, 1992.

The principal focus of the SHC public meeting will be to discuss the ongoing Legal Committee deliberations concerning the question of liability and compensation related to the maritime carriage of hazardous and noxious substances (HNS).

The views of the public, and particularly those of affected maritime commercial and environmental interest, are requested.

Members of the public are invited to attend the SHC meeting, up to the seating capacity to the room.

For further information or to submit views concerning any of the topics to be addressed at the SHC meeting, contact either Captain Jonathan Collom or Lieutenant Commander Mark J. Yost, U.S. Coast Guard (G-LMI), 2100 Second Street, SW., Washington, DC 20593, telephone (202) 267-1527, telefax (202) 267-4163.

Dated: October 18, 1991.

Geoffrey Ogden,

*Chairman, Shipping Coordinating Committee.*

[FR Doc. 91-25969 Filed 10-28-91; 8:45 am]

BILLING CODE 4710-07-M

**DEPARTMENT OF TRANSPORTATION****Federal Aviation Administration****Advisory Circular 25.1529-1, Instructions for Continued Airworthiness of Structural Repairs on Transport Airplanes****AGENCY:** Federal Aviation Administration (FAA), DOT.**ACTION:** Notice of issuance of advisory circular.**SUMMARY:** This notice announces the issuance of Advisory Circular (AC) 25.1529-1, Instructions for Continued Airworthiness of Structural Repairs on Transport Airplanes. This AC addresses the approval procedures to follow when making structural repairs to structure certificated under the damage tolerance requirements of § 25.571 of the Federal Aviation Regulations (FAR), Amendment 25-45, and to type designs with Supplemental Inspection Documents (SIDs) which are based on these criteria.**DATES:** Advisory Circular 25.1529-1 was issued by the Acting Manager, Transport Airplane Directorate, Aircraft Certification Service, on August 1, 1991.**HOW TO OBTAIN COPIES:** A copy may be obtained by writing to the U.S.

Department of Transportation, M-443.2, Subsequent Distribution Unit, Washington, DC 20590.

Issued in Renton, Washington, on October 18, 1991.

Darrell M. Pederson,

Assistant Manager, Transport Airplane Directorate, Aircraft Certification Service, ANM-100.

[FR Doc. 91-25958 Filed 10-28-91; 8:45 am]

BILLING CODE 4910-13-M

[Summary Notice No. PE-91-38]

**Petitions for Exemption; Summary of Petitions Received; Dispositions of Petitions Issued**

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Notice of petitions for exemption received and of dispositions of prior petitions.

**SUMMARY:** Pursuant to FAA's rulemaking provisions governing the application, processing, and disposition of petitions for exemption (14 CFR part 11), this notice contains a summary of certain petitions seeking relief from specified requirements of the Federal Aviation Regulations (14 CFR chapter I), dispositions of certain petitions previously received, and corrections. The purpose of this notice is to improve the public's awareness of, and participation in, this aspect of FAA's regulatory activities. Neither 1/2 publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of any petition or its final disposition.

**DATES:** Comments on petitions received must identify the petition docket number involved and must be received on or before November 19, 1991.

**ADDRESSES:** Send comments on any petition in triplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rules Docket (AGC-10), Petition Docket No. \_\_\_\_\_, 800 Independence Avenue SW., Washington, DC 20591.

The petition, any comments received, and a copy of any final disposition are filed in the assigned regulatory docket and are available for examination in the Rules Docket (AGC-10), room 915G, FAA Headquarters Building (FOB 10A), 800 Independence Avenue SW., Washington, DC 20591; telephone (202) 267-3132.

**FOR FURTHER INFORMATION CONTACT:** Mr. C. Nick Spithas, Office of Rulemaking (ARM-1), Federal Aviation Administration, 800 Independence

Avenue SW., Washington, DC 20591; telephone (202) 267-9680.

This notice is published pursuant to paragraphs (c), (e), and (g) of § 11.27 of part 11 of the Federal Aviation Regulations (14 CFR part 11).

Issued in Washington, DC, on October 23, 1991.

Deborah E. Swank,

Acting Manager, Program Management Staff, Office of the Chief Counsel.

**Petitions for Exemption**

*Docket No.:* 26512.

*Petitioner:* Reeve Aleutian Airways, Inc.

*Sections of the FAR Affected:* 14 CFR 121.356.

*Description of Relief Sought:* To exempt Reeve Aleutian Airways, Inc. from meeting Federal Aviation Administration deadlines for installation of TCAS-II equipment by December 30, 1993.

*Docket No.:* 26635.

*Petitioner:* Levitz Furniture Corporation

*Sections of the FAR Affected:* 14 CFR 91.609(d) [formerly § 91.35(d)].

*Description of Relief Sought:* To allow Levitz Furniture Corporation to operate their leased Cessna Citation, Serial Number 650-0034, after October 11, 1991, without a cockpit voice recorder installed.

*Docket No.:* 26646.

*Petitioner:* North American Airline Training Group.

*Sections of the FAR Affected:* 14 CFR part 63, appendix C, paragraph (a)(3)(iv)(a).

*Description of Relief Sought:* To allow those nonpilot Flight Engineer applicants enrolled in North American Airline Training Group's training course to reduce the required five hours of flight training in an airplane to not less than two hours of intensive flight training subject to certain provisions.

**Dispositions of Petitions**

*Docket No.:* 18114.

*Petitioner:* Federal Express Corporation.

*Sections of the FAR Affected:* 14 CFR 121.547 and 121.583.

*Description of Relief Sought/Disposition:* To extend Exemption No. 2600, as amended, which would otherwise terminate on November 30, 1991. Exemption No. 2600, as amended, permits Federal Express Corporation (FEDEX) to carry reporters, photographers or journalists aboard its aircraft without complying with all the passenger carrying requirements in §§ 121.547 and 121.583 of the Federal Aviation Regulations.

*Grant, September 18, 1991, Exemption No. 2600H.*

*Docket No.:* 25103.

*Petitioner:* Air Wisconsin, Inc.

*Sections of the FAR Affected:* 14 CFR 145.21.

*Description of Relief Sought/Disposition:* To extend Exemption No. 4803, as amended, which allows Air Wisconsin, Inc. (AWA) to use certain foreign original equipment manufacturers (OEM) and the OEM's designated repair and overhaul facilities that do not hold appropriate U.S. foreign repair station certificates to perform maintenance, preventive maintenance, and alterations outside the U.S. on the components and parts used on AWA's foreign manufactured aircraft.

*Grant, September 23, 1991, Exemption No. 4803B.*

*Docket No.:* 26496.

*Petitioner:* Beech Aircraft Corporation.

*Sections of the FAR Affected:* 14 CFR 25.562(b)(2).

*Description of Relief Sought/Disposition:* To exempt Beech Aircraft Corporation from the 10 degrees of floor warpage, using the dynamic test requirements of Amendment 25-64 to § 25.562(b)(2) of the Federal Aviation Regulations, when testing pilots' seats on the Beech Model 400T airplane.

*Exemption Not Necessary, September 09, 1991.*

*Docket No.:* 26592.

*Petitioner:* Keystone Foods Corporation; d.b.a. Philadelphia Jet Service.

*Sections of the FAR Affected:* 14 CFR 135.165 (b)(6) and (b)(7).

*Description of Relief Sought/Disposition:* To exempt Keystone Foods Corporation d.b.a. Philadelphia Jet Service (PJS) from § 135.165(b) of the Federal Aviation Administration to the extent necessary to permit PJS to operate its HS125-700A equipped with one high-frequency (HF) communication system in extended overwater operations.

*Grant, September 18, 1991, Exemption No. 5341.*

[FR Doc. 91-25959 Filed 10-28-91; 8:45 am]

BILLING CODE 4910-13-M

**McCarran International Airport, NV; Notice of Intent To Rule**

**AGENCY:** Federal Aviation Administration, DOT.

**ACTION:** Notice of Intent to Rule on application to impose a Passenger Facility Charge (PFC) at McCarran

International Airport, Las Vegas, Nevada.

**SUMMARY:** The Federal Aviation Administration (FAA) proposes to rule and invites public comment on the following applications:

- a. Impose a PFC at McCarran International Airport for later use at McCarran International Airport;
- b. Impose a PFC at McCarran International Airport and use the revenue from the PFC at North Las Vegas Air Terminal;
- c. Impose a PFC at McCarran International Airport and use the revenue from the PFC at Henderson Sky Harbor Airport;
- d. Impose a PFC at McCarran International Airport for later use at Henderson Sky Harbor Airport.

An additional application to impose and use the revenue from a PFC at McCarran International Airport will be the subject of a future Notice of Intent to Rule. The PFC and its use is proposed under the provisions of the Aviation Safety and Capacity Expansion Act of 1990 (title IX of the Omnibus Budget Reconciliation Act of 1990) (Pub. L. 101-508) and 14 CFR part 158.

On October 22, 1991, the FAA determined that the four applications listed above submitted by Clark County, Nevada, were substantially complete within the requirements of § 158.25 of part 158. The FAA will approve or disapprove the applications, in whole or in part, no later than January 23, 1992.

**DATES:** Comments must be received on or before November 29, 1991.

**ADDRESSES:** Comments on these applications may be mailed or delivered in triplicate to the FAA at the following address: Federal Aviation Administration, Airports District Office, 831 Mitten Road, room 210, Burlingame, California 94010-1303.

In addition, one copy of any comments submitted to the FAA must be mailed or delivered to Mr. Robert N. Broadbent, Director of Aviation of the Clark County Department of Aviation at the following address: Clark County Department of Aviation, P.O. Box 11005, Las Vegas, Nevada 89111.

Comments from air carriers and foreign air carriers may be in the same form as provided to Clark County under § 158.23 of part 158.

**FOR FURTHER INFORMATION CONTACT:** Mr. Joseph R. Rodriguez, Supervisor, Planning/Programming, Airports District Office, 831 Mitten Road, room 210, Burlingame, California 94010-1303, (415) 876-2805. The applications may be reviewed in person at this same location

**SUPPLEMENTARY INFORMATION:** The following is a brief overview of the applications.

Level of proposed PFC: \$3.00.  
Proposed charge effective date: March 1, 1992.

Proposed charge expiration date: March 1, 2022.

Total estimated PFC revenue: \$1,416,290,000.

Brief description of proposed projects:

- a. Future use at McCarran International Airport (Impose Only):
  930. Aircraft Rescue and Firefighting (ARFF) Training Facility
  931. Flood Control Projects
  925. Runway 7R-25L Extension
  926. Runway 1L-19R Air Carrier Upgrade
  929. Railroad Track Relocation
  936. Charter/International Terminal Apron Expansion
  1003. Land Acquisition: Topaz Subdivision
  1005. Land Acquisition: Ldn 70, Enterprise
  1007. Land Acquisition: Portions of Park 2000
  1008. Land Acquisition: Runway 19R Protection Zone
  1009. Land Acquisition: Ldn 70, Pecos/Sunset Area
  1011. Land Acquisition: Swenson Street, Airport-Related Ground Transportation
- b. Use at North Las Vegas Air Terminal (Impose and Use):

947. Reconstruction of aircraft parking apron, installation of security lighting, construction of a 6,000 square foot administration building, and relocation of power lines located south of Carey Avenue.

c. Use at Henderson Sky Harbor Airport (Impose and Use):

950. Master Plan and FAR Part 150 Program

951. Environmental Assessment on the Acquisition of Sky Harbor Airport

d. Future use at Henderson Sky Harbor Airport (Impose Only):

943. Purchase and upgrade of private airport

#### Availability of Application

Any person may inspect the application in person at the FAA office listed above. In addition, any person may, upon request, inspect the application, notice, and other documents germane to the application at the Clark County Department of Aviation.

Issued in Hawthorne, California, on October 22, 1991.

Herman C. Bliss,  
Manager, Airports Division, Western-Pacific Region.

[FR Doc. 91-25960 Filed 10-28-91; 8:45 am]

BILLING CODE 4910-13-M

#### Air Traffic Control Tower, Manassas, VA

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Notice of commissioning.

**SUMMARY:** Notice is hereby given that on or about January 9, 1992, the air traffic control tower at the Manassas Municipal/Harry P. Davis Airport, Manassas, VA, will be commissioned. Hours of operation for the tower will be published in the Airport/Facility Directory. The designated facility identification for the air traffic control tower will be: Manassas Tower.

Communications with the tower should be directed to: FAA, Manassas ATCT, Manassas Municipal/Harry P. Davis Airport, 10603 Observation Road, Manassas, VA 22110.

Authority: 49 U.S.C. App. 1348, 1354(a); 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983)

Issued in Jamaica, NY on October 10, 1991.

Gary W. Tucker,  
Manager, Air Traffic Division, Eastern Region.

[FR Doc. 91-25961 Filed 10-28-91; 8:45 am]

BILLING CODE 4910-13-M

#### Federal Highway Administration

##### Environmental Impact Statement: Allegheny County, PA

**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 project in Allegheny County, Pennsylvania.

**FOR FURTHER INFORMATION CONTACT:** Mr. John A. Gerner, District Engineer, Federal Highway Administration, 228 Walnut Street, P. O. Box 1086, Harrisburg, PA 17108-1086, Telephone: (717) 782-3411 or Mr. Virgil Barton, Project Engineer, Pennsylvania Department of Transportation, Four Parkway Center, 875 Greentree Road, Pittsburgh, Pennsylvania 15220, Telephone: (412) 937-4652 or Mr. Roger E. Carrier, Findlay Township Project Manager, c/o TriLine Associates, Inc.,

145 Kent Drive, Pittsburgh, Pennsylvania 15241, Telephone: (412) 833-7110.

**SUPPLEMENTARY INFORMATION:** The FHWA, in cooperation with the Pennsylvania Department of Transportation (PennDOT) and the Township of Findlay, will prepare an Environmental Impact Statement (EIS) for the proposed construction of the Findlay Connector in Allegheny County, Pennsylvania.

The proposed action begins at the State Route 980 interchange on U.S. Route 22 and extends approximately 5.4 miles northerly to a terminus at the Moon-Clinton Road interchange with the Southern Expressway (State Route 6060). The proposed project will ultimately provide a four-lane divided, limited-access highway with grade separated interchanges, connecting U.S. Route 22 west of Imperial with State Route 6060 near the Greater Pittsburgh International Airport. A staged construction plan including an initial two-lane, limited-access highway with at grade intersections will also be evaluated.

Transportation demand for the proposed Findlay Connector arises from lack of direct access between the new Greater Pittsburgh International Airport's Midfield Terminal and points south and west. Planned development and increasing need for a limited access beltway around the south of Pittsburgh are expected to create a greater need for the Findlay Connector.

Project alternatives to be evaluated will include no-build, transportation system management (TSM), and various possible alignments.

A two-phase approach will be used to develop the Environmental Impact Statement. The initial phase of project development will be identifying the Project Need. A Preliminary Alternatives Analysis will be prepared to evaluate whether all suggested alternatives satisfy the Project Need and to identify engineering and environmental constraints in the project study area. Public and agency coordination meetings will be held during the first phase to collect data and present the results of the Preliminary Alternatives Analysis. A Plan of Study for the Environmental Impact Statement will be prepared and circulated to Federal, State, and local agencies for those alternatives recommended as feasible by the Preliminary Alternatives Analysis.

The second phase of the study process will consist of analyzing the alternatives selected for detailed study. These alternatives will be the basis for the detailed environmental studies and the

Environmental Impact Statement. From this analysis, a preferred alternative will be developed which best meets all project needs and traffic demands, and which satisfies public and agency comments.

An active public and agency participation program will be pursued during both phases of this project. Public meetings and agency coordination meetings will be held throughout the study process to gather data, distribute information, and receive comment on the results of all studies. A Public Hearing will be held at the conclusion of the study to solicit comments from the public on the alternatives presented. The Draft Environmental Impact Statement will be available for public and agency review and comment prior to the Public Hearing.

To ensure the full range of issues related to this proposed action are addressed and all significant issues are identified, comments or questions concerning this action and the environmental impact statement should be directed to the FHWA or PennDOT or Findlay Township at the addresses provided above.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program.)

Issued on: October 21, 1991.

**George L. Hannon,**  
Assistant Division Administrator, Harrisburg, PA.

[FR Doc. 91-25925 Filed 10-28-91; 8:45 am]

**BILLING CODE 4910-22-M**

## DEPARTMENT OF THE TREASURY

### Public Information Collection Requirements Submitted to OMB for Review

Dated: October 22, 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 be 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.

**ACTION:** Notice of Correction to Internal Revenue Service (IRS)

**INFORMATION COLLECTION REQUEST:** This notice corrects the public notification of an IRS request for OMB review of IRS Form 8453-NR (FR Doc. 91-21432 Filed 9-6-91; 8:45 a.m.), which incorrectly listed the times in hours instead of minutes for the *Estimated Burden Hours Per Respondent*. The correction is as follows.

### Internal Revenue Service

*OMB Number:* New

*Form Number:* IRS Form 8453-NR

*Type of Review:* New collection

*Title:* U.S. Nonresident Alien Income Tax Declaration for Magnetic Media Filing

*Description:* This form will be used to secure taxpayer signatures and declarations in conjunction with the Magnetic Media Filing program. This form, together with the electronic transmission, will comprise the taxpayer's income tax return.

*Respondents:* Individuals or households

*Estimated Number of Respondents:* 5,000

*Estimated Burden Hours Per Respondent:*

Recordkeeping: 0

Learning about the law or the form: 8 minutes.

Preparing the form: 28 minutes.

Copying, assembling and sending the form to IRS: 20 minutes.

*Frequency of Response:* Annually

*Estimated Total Reporting Burden:* 4,750 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. 91-25930 Filed 10-28-91; 8:45 am]

**BILLING CODE 4830-01-M**

### Public Information Collection Requirements Submitted to OMB for Review

October 23, 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:* New.

*Form Number:* None.

*Type of Review:* New collection.

*Title:* Form 1040EZ-1 1991 Pilot Test Contractor Survey.

*Description:* A 1991 filing season test of the Form 1040EZ-1 was conducted among 3,928 Texas taxpayers. This survey of a sample of approximately 2,100 of them will ascertain their reactions to the new form and estimate the amount of burden to be saved through use of the new form.

*Respondents:* Individuals or households.

*Estimated Number of Respondents:* 2,093.

*Estimated Burden Hours Per Respondent:* 10 minutes.

*Frequency of Response:* Other (One-time survey).

*Estimated Total Reporting Burden:* 350 hours.

*OMB Number:* 1545-1093.

*Form Number:* None.

*Type of Review:* Extension.

*Title:* Minimum Tax, Tax Benefit Rule.

*Description:* Section 58(h) of the 1954 Internal Revenue Code provides that the secretary shall provide for adjusting tax preference items where such items provide no tax benefit for any taxable year. This regulation provides guidance for situations where tax preference items provided no tax benefit because of available credits and describes how to claim a credit or refund of minimum tax paid on such preferences.

*Respondents:* Businesses or other for-profit.

*Estimated Number of Respondents:* 200.

*Estimated Burden Hours Per Respondent:* 12 minutes.

*Frequency of Response:* Other (One-time claim for credit or refund).

*Estimated Total Reporting Burden:* 40 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. 91-25970 Filed 10-28-91; 8:45 am]

BILLING CODE 4830-01-M

#### Public Information Collection Requirements Submitted to OMB for Review

October 23, 1991.

The Department of Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1980, Public Law 96-511. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, room 3171 Treasury Annex, 1500 Pennsylvania Avenue, NW., Washington, DC 20220.

#### Bureau of Alcohol, Tobacco and Firearms

*OMB Number:* 1512-00182.

*Form Number:* ATF F 5400.13 and ATF F 5400.16.

*Type of Review:* Extension.

*Title:* Application for License or Permit.

*Description:* This form allows application for an Explosives license or permit which, if approved, permits the holder to engage in certain Explosives activities under title XI of the Organized Crime Control Act of 1970. Emphasis is on qualified persons and proper storage. \$10,000.00 Fine/10 Years in prison are possible penalties for violation.

*Respondents:* Businesses or other for-profit, Small businesses or organizations.

*Estimated Number of Responses:* 2,100.

*Estimated Burden Hours Per Respondent:* 3 hours.

*Frequency of Response:* Annually.

*Estimated Total Reporting Burden:* 6,200 hours.

*Clearance Officer:* Robert N. Hogarth (202) 927-8930, Bureau of Alcohol, Tobacco and Firearms, room 3200, 650 Massachusetts Avenue, NW., Washington, DC 20226.

*OMB Reviewer:* Milo Sunderhauf (202) 395-6880, Office of Management

and Budget, room 3001, New Executive Office Building, Washington, DC 20503.

*Lois K. Holland,*

*Departmental Reports Management Officer.*

[FR Doc. 91-25971 Filed 10-28-91; 8:45 am]

BILLING CODE 4810-31-M

#### Public Information Collection Requirements Submitted to OMB for Review

October 23, 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:* 1550-0032.

*Form Number:* OTS Form 1173.

*Type of Review:* Revision.

*Title:* Change of Control Notices.

*Description:* Section 1817(j) of the Federal Deposit Insurance Act requires a notice to be filed with the OTS when a change in control occurs in an insured institution. In order to comply with the statutory requirements, the completion of the Change of Control form by applicants is necessary. The affected public are those individual who wish to acquire control of an insured institution.

*Respondents:* Businesses or other for-profit.

*Estimated Number of Respondents:* 60.

*Estimated Burden Hours Per Response:* 80 hours.

*Frequency of Response:* On occasion and Other (when notice if filed).

*Estimated Total Reporting Burden:* 4,800 hours.

*Clearance Officer:* John Turner (202) 906-6840, Office of Thrift Supervision, 3rd Floor, 1700 G. Street, NW., Washington, DC 20552.

*OMB Reviewer:* Gary Waxman (202) 395-7340, Office of Management and Budget, room 3208, New Executive Office Building, Washington, DC 20503.

*Lois K. Holland,*

*Departmental Reports Management Officer.*

[FR Doc. 91-25972 Filed 10-28-91; 8:45 am]

BILLING CODE 4810-25-M

### Public Information Collection Requirements Submitted to OMB for Review

October 23, 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:* 1545-1063.

*Form Number:* IRS Form 6789.

*Type of Review:* Extension.

*Title:* Performance Appraisal (For Non-IRS Candidates Only).

*Description:* A performance appraisal is required to consider status applicants and/or reinstatement eligibles employed by other Treasury offices outside of IRS, other agencies, or by private industry (if candidates have reinstatement eligibility). Both FPM 335 (Federal Promotion Regulations) and IRM 0335 (IRS Promotion Regulations) require systematic ranking procedures with an appraisal as a required method of consideration.

*Respondents:* Individuals or households, State or local governments, Businesses or other for-profit, Federal agencies or employees.

*Estimated Number of Respondents:* 80,000.

*Estimated Burden Hours Per Respondent:* 1 hour.

*Frequency of Response:* On occasion.

*Estimated Total Reporting Burden:* 80,000 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. 91-25973 Filed 10-28-91; 8:45 am]

**BILLING CODE 4830-01-M**

### UNITED STATES INFORMATION AGENCY

#### Medical Science Advisory Committee Meeting

**AGENCY:** United States Information Agency.

**ACTION:** Notice of meeting.

**SUMMARY:** The United States Information Agency announces an open meeting of the Medical Science Advisory Committee Meeting on Wednesday, November 6, 1991, 1:30 p.m.—3 p.m. in room 800(A), USIA Headquarters, 301 Fourth Street, SW., Washington, DC.

The Agenda will include a discussion of world-wide health issues and ways information can be shared through USIS posts.

**DATES:** November 6, 1991.

**ADDRESSES:** 301 4th St. SW., Washington, DC 20547.

**FOR FURTHER INFORMATION CONTACT:** Louise G. Wheeler or Patti Gribben at 619-6089.

**SUPPLEMENTARY INFORMATION:** Copies of minutes can be obtained by calling 619-6089.

Dated: October 23, 1991.

Douglas Wertman,

*Committee Management Officer.*

[FR Doc. 91-26018 Filed 10-28-91; 8:45 am]

**BILLING CODE 8230-01-M**

### Book and Library Advisory Committee Meeting

**AGENCY:** United States Information Agency.

**ACTION:** Notice of meeting.

**SUMMARY:** The United States Information Agency announces an open meeting of the Book and Library Advisory Committee Meeting on Friday November 22, 1991, 1:30 p.m.—4 p.m. in room 800(A), USIA Headquarters, 301 Fourth Street, SW., Washington, DC.

**AGENDA:** The agenda will include a discussion of USIA's Strategic Goals, Subcommittee reports, and a report on the Frankfurt Book Fair.

**DATES:** November 22, 1991.

**ADDRESSES:** 301 4th St. SW., Washington, DC 20547.

**FOR FURTHER INFORMATION CONTACT:** Louise G. Wheeler or Patti Gribben at 619-6089.

**SUPPLEMENTARY INFORMATION:** Copies of minutes can be obtained by calling 619-6089.

Dated: October 23, 1991.

Douglas Wertman,

*Committee Management Officer.*

[FR Doc. 91-26019 Filed 10-28-91; 8:45 am]

**BILLING CODE 8230-01-M**

# Sunshine Act Meetings

Federal Register

Vol. 56, No. 209

Tuesday, October 29, 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).

## CONSUMER PRODUCT SAFETY COMMISSION

**TIME AND DATE:** 10:00 a.m., Thursday, October 31, 1991.

**LOCATION:** Room 556, Westwood Towers, 5401 Westbard Avenue, Bethesda, Maryland.

**STATUS:** Closed to the Public.

**MATTERS TO BE CONSIDERED:** Compliance Status Report.

The staff will brief the Commission on various compliance matters.

For a Recorded Message Containing the Latest Agenda Information, Call (301) 492-5709.

**CONTACT PERSON FOR ADDITIONAL INFORMATION:** Sheldon D. Butts, Office of the Secretary, 5401 Westbard Ave., Bethesda, Md. 20207 (301) 492-6800.

Dated: October 24, 1991.

Sheldon D. Butts,  
Deputy Secretary.

[FR Doc. 91-26162 Filed 10-25-91; 2:16 pm]

BILLING CODE 6355-01-M

## DEPARTMENT OF ENERGY FEDERAL ENERGY REGULATORY COMMISSION

Notice

October 23, 1991.

The following notice of meeting is published pursuant to Section 3(a) of the Government in the Sunshine Act (Pub. L. No. 94-409), 5 U.S.C. 552b:

**DATE AND TIME:** October 30, 1991, 10:00 a.m.

**PLACE:** 825 North Capitol Street, NE., Room 9306, Washington, DC 20426.

**STATUS:** Open.

**MATTERS TO BE CONSIDERED:** Agenda.

**Note.**—Items listed on the agenda may be deleted without further notice.

**CONTACT PERSON FOR MORE**

**INFORMATION:** Lois D. Cashell, Secretary, Telephone (202) 208-0400.

This is a list of matters to be considered by the Commission. It does not include a listing of all papers relevant to the items on the agenda; however, all public documents may be examined in the Reference and Information Center.

## Consent Agenda—Hydro, 946th Meeting— October 30, 1991, Regular Meeting (10:00 a.m.)

CAH-1.

Project Nos. 10822-001 and 10823-001, Summit Hydropower

CAH-2.

Project No. 1417-033, Central Nebraska Public Power and Irrigation District

CAH-3.

Project No. 9085-002, Richard Balagur

CAH-4.

Omitted

CAH-5.

Project Nos. 2756-026 and 035, Burlington Electric Department Winooski One Partnership

CAH-6.

Project No. 3188-005, Joseph M. Keating

CAH-7.

Project No. 3194-010, Joseph M. Keating

CAH-8.

Project No. 7860-014, Ammonoosuc River Hydroelectric Corporation

CAH-9.

Project No. 7270-007, Northern Wasco County Peoples Utility

CAH-10.

Project No. 8654-001, Noah Corporation

CAH-11.

Omitted

## Consent Agenda—Electric

CAE-1.

Docket Nos. ER91-478-000 and EL91-42-000, Philadelphia Electric Company

CAE-2.

Docket No. ER91-499-001, Pacific Gas and Electric Company

CAE-3.

Docket No. EL89-48-001, Wisconsin Power & Light Company

CAE-4.

Docket Nos. ER91-360-000 and 001, Pennsylvania Power & Light Company

CAE-5.

Docket No. ER90-245-002 (Phase I), Canal Electric Company

CAE-6.

Docket Nos. ER91-337-000 and EL91-31-000, Pacific Gas and Electric Company

CAE-7.

Docket No. EL91-43-000, Southern Minnesota Municipal Power Agency v. Northern States Power Company (Minnesota)

Docket No. EL91-13-000, Northern States Power Company (Minnesota) v. Southern Minnesota Municipal Power Agency

CAE-8.

Docket No. RM82-25-003, Fees Applicable to Producer Matters Under the Natural Gas Act

Docket No. RM82-30-004, Fees Applicable to the Natural Gas Policy Act

Docket No. RM82-31-008, Fees Applicable to Natural Gas Pipelines

Docket No. RM82-35-002, Fees Applicable to General Activities

Docket No. RM82-38-010, Fees Applicable to Electric Utilities, Cogenerators and Small Power Producers

Docket No. RM83-2-004, Fees Applicable to Natural Gas Pipeline Rate Matters

Docket No. RM86-14-002, Revisions to the Purchased Gas Adjustments Regulations

Docket No. RM87-26-002, Revisions of Rate Schedule Filings Under Section 205 and 206 of the Federal Power Act

Docket No. RM88-28-001, Revision of Filing Fees for Natural Gas Rate and Tariff Filings

## Consent Agenda—Oil and Gas

CAG-1.

Docket No. RP91-218-000, Great Lakes Gas Transmission Limited Partnership

CAG-2.

Docket Nos. RP91-143-004, and RP91-231-000, Great Lakes Transmission Limited Partnership

CAG-3.

Docket Nos. PR92-8-000, RP91-104-000, RP91-106-000, RP91-109-000, RP91-215-000 and RP91-217-000, Transwestern Pipeline Company

CAG-4.

Docket Nos. PR91-140-000, 001, 002, 003, 004, 005, 006, 007 and CP91-1252-001, Questar Pipeline Company

CAG-5.

Docket No. RP91-229-000, Panhandle Eastern Pipe Line Company

CAG-6.

Docket No. RP92-3-000, Columbia Gas Transmission Corporation  
Docket Nos. RP92-2-000 and RP91-161-000, Columbia Gulf Transmission Company

CAG-7.

Docket No. RP92-001-000, Northern Natural Gas Company

CAG-8.

Docket Nos. RP91-208-000 and 001, Ozark Gas Transmission Company

CAG-9.

Omitted

CAG-10.

Docket No. RP91-188-002, El Paso Natural Gas Company

CAG-11.

Docket No. CP89-1281-000, Natural Gas Pipeline Company of America

CAG-12.

Docket No. RP91-227-000, ANR Pipeline Company

CAG-13.

Docket No. RP92-4-000, ANR Pipeline Company

CAG-14.

Docket No. RP92-5-000, EL Paso Natural Gas Company

CAG-15.

Docket No. RP92-7-000, CNG Transmission Corporation

CAG-16.

Docket No. RP91-230-000, South Georgia Natural Gas Company

CAG-17.

- Docket No. RP91-146-000, Algonquin Gas Transmission Company
- CAG-18. Docket Nos. TA92-2-82-000 and TM92-2-82-000, Viking Gas Transmission Company
- CAG-19. Docket No. TQ92-2-59-000, Northern Natural Gas Company
- CAG-20. Docket No. TQ92-2-4-000, Granite State Gas Transmission, Inc.
- CAG-21. Docket No. TQ92-1-23-000, Eastern Shore Natural Gas Company
- CAG-22. Docket Nos. TQ92-1-20-000 and TM92-3-20-000, Algonquin Gas Transmission Company
- CAG-23. Docket No. TQ92-1-18-000, Texas Gas Transmission Corporation
- CAG-24. Omitted
- CAG-25. Docket No. TM92-3-21-000, Columbia Gas Transmission Corporation
- CAG-26. Docket No. GT91-42-000, Valero Interstate Transmission Company
- CAG-27. Docket No. IS91-2-000, Conoco Pipe Line Company
- CAG-28. Docket Nos. IS90-34-000, IS90-36-000, IS91-26-000 and IS91-27-000, ARCO Pipe Line Company
- CAG-29. Docket Nos. TM91-12-21-001 and RP91-41-008, Columbia Gas Transmission Corporation
- CAG-30. Docket No. RP91-204-001, East Tennessee Natural Gas Company
- CAG-31. Docket No. RP91-203-003, Tennessee Gas Pipeline Company
- CAG-32. Docket No. RP84-42-013, United Gas Pipe Line Company
- CAG-33. Omitted
- CAG-34. Omitted
- CAG-35. Docket No. TM91-8-29-002, Transcontinental Gas Pipe Line Corporation
- CAG-36. Docket No. TA91-1-28-003, Panhandle Eastern Pipe Line Company
- CAG-37. Omitted
- CAG-38. Omitted
- CAG-39. Omitted
- CAG-40. Docket No. CP82-487-035, Williston Basin Interstate Pipeline Company
- CAG-41. Docket No. PR91-22-000, Cranberry Pipeline Corporation
- CAG-42. Docket No. PR91-21-000, Mississippi Valley Gas Company
- CAG-43. Docket No. PR91-25-000, Transco-Louisiana Intrastate Pipeline Company
- CAG-44. Docket No. RP91-179-000, The Algonquin Customer Group v. Texas Eastern Transmission Corporation
- Docket No. RP88-67-000, *et al.*, Texas Eastern Transmission Corporation
- CAG-45. Docket Nos. RP89-225-000, TA90-1-8-000, RP88-267-000, RP91-63-000 and RM91-2-004, South Georgia Natural Gas Company
- CAG-46. Omitted
- CAG-47. Docket No. PR91-14-000, Acacia Natural Gas Corporation
- CAG-48. Docket No. GP91-2-001, Natural Gas Pipeline Company of America
- CAG-49. Docket No. GP88-27-002, Quintana Petroleum Corp., NGPA § 103 Determination, State of Louisiana Department of Natural Resources
- CAG-50. Docket No. CP90-6-000, DeNovo Oil & Gas Company
- CAG-51. Docket Nos. TC81-9-003, 004, 005 and 006, Texas Gas Transmission Corporation
- CAG-52. Docket No. CP87-75-006, Tennessee Gas Pipeline Company
- CAG-53. Docket No. CP85-625-002, Northwest Pipeline Corporation
- CAG-54. Docket No. CP88-166-001, MIGC, Inc.
- CAG-55. Docket No. CP91-926-000, Tejas Power Corporation v. Columbia Gulf Transmission Company
- Docket Nos. CP91-665-001, CP91-669-000 and 001, Columbia Gulf Transmission Company
- CAG-56. Docket No. CP92-2-000, Arkla Energy Resources, a division of Arkla, Inc.
- CAG-57. Docket No. CP91-3150-000, Colorado Interstate Gas Company
- CAG-58. Docket No. CP91-3178-000, Tennessee Gas Pipeline Company
- CAG-59. Docket Nos. CP91-2126-000, CP91-2127-000, CP91-2128-000, CP91-2129-000, CP91-2615-000, CP91-2621-000, CP91-3026-000, and CP91-3027-000, Western Gas Interstate Company
- CAG-60. Omitted
- CAG-61. Docket Nos. CP82-487-014 and 034, Williston Basin Interstate Pipeline Company
- CAG-62. Docket No. CP91-1734-000, Northern Natural Gas Company
- CAG-63. Docket No. CP90-1600-000, El Paso Natural Gas Company
- Docket No. CP90-1973-000, Western Gas Processors, Ltd.
- CAG-64. Docket Nos. RP88-44-000 and 019, El Paso Natural Gas Company
- CAG-65. Docket No. CI87-547-007, Enron Gas Marketing, Inc.
- Docket No. CI89-7-004, Pacific Atlantic Gas Marketing, Inc.
- Docket No. CI87-476-004, TXG Gas Marketing Company
- CAG-66. Docket No. CP87-458-003, Arkla Energy Resources, a division of Arkla, Inc.
- CAG-67. Docket Nos. RP85-203-000 and RP88-203-000, Panhandle Eastern Pipe Line Company
- CAG-68. Docket Nos. RP91-187-004 and CP91-2448-002, Florida Gas Transmission Company
- CAG-69. Docket Nos. CP88-433-002 and 003, El Paso Natural Gas Company
- Docket Nos. RP89-48-011, 013, CP89-1126-001, RP89-222-005, RP89-254-004, and CP88-133-002, Transwestern Pipeline Company
- Docket Nos. TA91-1-86-000 and CP91-2466-000, Pacific Gas Transmission Corporation
- ### Hydro Agenda
- H-1. Docket No. RM89-7-001, Regulations Governing the Submittal of Proposed Hydropower License Conditions and Other Matters. Order or rehearing.
- ### Electric Agenda
- E-1. Reserved
- ### Oil and Gas Agenda
- #### I. Pipeline Rate Matters
- PR-1. Docket Nos. RP91-143-000, 001 and 003, Great Lakes Gas Transmission Limited Partnership. Order concerning issues of rolled-in vs. incremental rates for new facilities.
- PR-2. Docket Nos. RP89-188-000, RP90-20-000 and RP91-143-000, Great Lakes Gas Transmission Limited Partnership. Order on initial decision.
- #### II. Producer Matters
- PF-1. Reserved
- #### III. Pipeline Certificate Matters
- PC-1. Reserved
- Lois D. Cashell,**  
*Secretary.*  
[FR Doc. 91-26204 Filed 10-25-91; 3:57 pm]
- BILLING CODE 6717-01-M**
- 
- INTERSTATE COMMERCE COMMISSION**  
Commission Conference  
**TIME AND DATE:** 10:00 a.m., Tuesday, November 5, 1991.

**PLACE:** Hearing Room A, Interstate Commerce Commission, 12th and Constitution Avenue, N.W., Washington, D.C. 20423.

**STATUS:** The Commission will meet to discuss among themselves the following agenda items. Although the conference is open for the public observation, no public participation is permitted.

**MATTERS TO BE DISCUSSED:**

Ex Parte No. 334 (Sub-No. 8), *Joint Petition for Rulemaking of Railroad Car Hire Compensation* and Ex Parte No. 334 (Sub-No. 8A), *Joint Petition for Exemption of Arbitration Rule From Application of 49 U.S.C. 10706 and Motion to Dismiss.*

**CONTACT PERSON FOR MORE**

**INFORMATION:** A. Dennis Watson, Office of External Affairs, Telephone: (202) 275-7252, TDD: (202) 275-1721.

Sidney L. Strickland, Jr.,  
Secretary.

[FR Doc. 91-25903 Filed 10-23-91; 3:02 pm]

**BILLING CODE 7035-01-M**

**LEGAL SERVICES CORPORATION BOARD OF DIRECTORS**

Audit and Appropriations Committee Hearing Advance Notice

**TIME AND DATE:** A public hearing of the Board of Directors Audit and Appropriations Committee will be held on November 17, 1991. The hearing will commence at 1 p.m.

**PLACE:** The Madison Hotel, 15th and M Streets, N.W., Drawing Rooms I & II, Washington, D.C. 20005, (202) 862-1600.

**STATUS OF MEETING:** Open.

**MATTERS TO BE CONSIDERED:** Other matters to be considered, if any, will be announced.

1. Public Comments on the Fiscal Year 1993 Budget Mark of the Legal Services Corporation.

**CONTACT PERSON FOR INFORMATION:**

Members of the public wishing to comment on the above-noted matter are

requested to contact Kenneth Boehm at (202) 863-1839 by November 8, 1991.

Date Issued: October 25, 1991.

Patricia D. Batie,

Corporate Secretary.

[FR Doc. 91-26163 Filed 10-25-91; 8:45 am]

**BILLING CODE 7050-01-M**

**NUCLEAR REGULATORY COMMISSION**

**DATE:** Weeks of October 28, November 4, 11, and 18, 1991.

**PLACE:** Commissioners' Conference Room, 11555 Rockville Pike, Rockville, Maryland.

**STATUS:** Open and Closed.

**MATTERS TO BE CONSIDERED:**

**Week of October 28**

Tuesday, October 29

1:30 p.m.

Briefing on Status of Advanced Reactor Programs (Public Meeting)

Wednesday, October 30

10:00 a.m.

Briefing on Site Decommissioning Management Plan (Public Meeting)

11:30 a.m.

Affirmation/Discussion and Vote (Public Meeting) (if needed)

3:30 p.m.

Briefing on Status of Emergency Planning Issues for Pilgrim (Public Meeting)

**Week of November 4—Tentative**

Tuesday, November 5

3:30 p.m.

Affirmation/Discussion and Vote (Public Meeting) (if needed)

**Week of November 11—Tentative**

Friday, November 15

11:30 a.m.

Affirmation/Discussion and Vote (Public Meeting) (if needed)

**Week of November 18—Tentative**

Monday, November 18

9:30 a.m.

Briefing on Status of Design Basis Reconstitution (Public Meeting)

Wednesday, November 20

3:30 p.m.

Affirmation/Discussion and Vote (Public Meeting) (if needed)

**Note:** Affirmation sessions are initially scheduled and announced to the public on a time-reserved basis. Supplementary notice is provided in accordance with the Sunshine Act as specific items are identified and added to the meeting agenda. If there is no specific subject listed for affirmation, this means that no item has as yet been identified as requiring any Commission vote on this date.

To Verify the Status of Meetings Call (Recording)—(301) 492-0292.

**CONTACT PERSON FOR MORE**

**INFORMATION:** William Hill (301) 492-1661.

Dated: October 24, 1991.

William M. Hill, Jr.,

Office of the Secretary.

[FR Doc. 91-26177 Filed 10-25-91; 2:21 pm]

**BILLING CODE 7590-01-M**

**OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION:**

**TIME AND DATE:** 10:00 a.m., Wednesday, November 13, 1991.

**PLACE:** Room 410, 1825 K Street, N.W., Washington, D.C. 20006.

**STATUS:** Open Meeting.

**MATTERS TO BE CONSIDERED:** Oral Argument before the Commission in—

*Trinity Industries, Inc.*

OSHRC Docket Nos. 88-1545 & 88-1547 and

*Hackney, Inc.*

OSHRC Docket No. 88-0391

**CONTACT PERSON FOR MORE**

**INFORMATION:** Mrs. Mary Ann Miller, (202) 634-4015.

Dated: October 24, 1991.

Earl R. Ohman, Jr.,

General Counsel.

[FR Doc. 91-26184 Filed 10-25-91; 3:18 pm]

**BILLING CODE 7600-01-M**



# Federal Register

Tuesday  
October 29, 1991

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## Part II

Department of Health and  
Human Services

Department of Agriculture

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Ten-Year Comprehensive Plan for the  
National Nutrition Monitoring and Related  
Research Program; Notice

**DEPARTMENT OF HEALTH AND HUMAN SERVICES**

**DEPARTMENT OF AGRICULTURE**

**Ten-Year Comprehensive Plan for the National Nutrition Monitoring and Related Research Program**

**AGENCIES:** Department of Health and Human Services (DHHS) and Department of Agriculture (USDA).

**ACTION:** Notice of Ten-Year Comprehensive Plan for the National Nutrition Monitoring and Related Research Program and request for comments.

**SUMMARY:** Section 103 of the National Nutrition Monitoring and Related Research Act of 1990 (Pub. L. 101-445) requires the publication of a proposed comprehensive plan for nutrition monitoring for public review. The 10-year plan set forth below was developed jointly by DHHS and USDA in consultation with the Interagency Board for Nutrition Monitoring and Related Research. Comments are requested regarding this 10-year Comprehensive Plan for the National Nutrition Monitoring and Related Research Program.

**EFFECTIVE DATE:** October 22, 1991. Written comments on all aspects of the plan are welcome. We are especially interested in comments about the specific activities in the plan, including their comprehensiveness, scope, and content. Please identify activity V-C-5.2. Comments should be made in writing by January 22, 1992, to either of the addresses specified below.

**ADDRESSES:** Written comments should be addressed to Ms. Alanna Moshfegh, Human Nutrition Information Service, U.S. Department of Agriculture, 6505 Belcrest Road, rm. 366, Hyattsville, MD 20782, or Dr. Ronette Briefel, Centers for Disease Control/National Center for Health Statistics, 6525 Belcrest Road, rm. 900, Hyattsville, MD 20782.

**FOR FURTHER INFORMATION CONTACT:** Ms. Alanna Moshfegh (see address above), telephone (301) 436-8457, or Dr. Ronette Briefel (see address above), telephone (301) 436-3473.

The following is the proposed Ten-Year Comprehensive Plan for the National Nutrition Monitoring and Related Research Program issued jointly by the USDA and DHHS for public comment.

Dated: October 22, 1991.

**Catherine Bertini,**  
Assistant Secretary for Food and Consumer Services, Department of Agriculture.  
**James O. Mason,**  
Assistant Secretary for Health, Department of Health and Human Services.

Acronyms and abbreviations

I. Introduction

II. The National Nutrition Monitoring System (NNMS)

- A. Purposes and uses of NNMS data
- B. Milestones of the NNMS
- C. Structure of Federal coordination of the NNMRRP
- D. The National Nutrition Monitoring Advisory Council

III. Format of the proposed activities

IV. Activities of the IBNMRR

V. National objectives and activities

- Objective V-A:* Provide for a comprehensive NNMS through continuous and coordinated data collection
1. Nutrition and related health measurements
  2. Food and nutrient consumption
  3. Knowledge, attitudes, and behavior assessments
  4. Food composition and nutrient data bases
  5. Food supply determinations

*Objective V-B:* Improve the comparability and quality of data across the NNMS

1. Nutrition and related health measurements
2. Food and nutrient consumption
3. Knowledge, attitudes, and behavior assessments
4. Food composition and nutrient data bases
5. Food supply determinations

VI. State and local objectives and activities

*Objective VI-A:* Develop and strengthen State and local capacity for continuous, and coordinated data collection

*Objective VI-B:* Improve methodologies to enhance comparability of NNMS data across Federal, State, and local levels

*Objective VI-C:* Improve the quality of State and local nutrition monitoring data

VII. Calendar for proposed national, State and local objectives and activities

VIII. References

IX. Appendixes

- Appendix 1 Joint DHHS-USDA Working Group
- Appendix 2 Nutrition monitoring activities from 1896 to 1991
- Appendix 3 Current and proposed nutrition monitoring activities from 1992-2002
- Appendix 4 Overview of current NNMS surveys and surveillance activities
- Appendix 5 Detailed conceptual model of food to health

Appendix 6 Illustration of the relationships among nutrition policymaking, research, and monitoring with respect to a coronary risk factor, biomedical education program

X. Glossary

**Acronyms and Abbreviations**

The following list of acronyms and abbreviations is provided as a quick index of Federal departments, agencies, survey activities, and non-Federal organizations that are mentioned more than once in this report. Parenthetical acronyms and abbreviations identify the parent department and agencies to which the listed agencies or committees belong.

AMS	Agricultural Marketing Service (USDA).
ARS	Agricultural Research Service (USDA).
ASTPHLD	Association of State and Territorial Public Health Laboratory Directors.
ASTPHND	Association of State and Territorial Public Health Nutrition Directors.
BHE	Bureau of Home Economics (USDA).
BHNHE	Bureau of Human Nutrition and Home Economics (USDA).
BLS	Bureau of Labor Statistics (DOL).
BRFSS	Behavioral Risk Factor Surveillance System (DHHS/PHS/CDC/NCCDPHP).
CES	Cooperative Extension Service (USDA).
CDC	Centers for Disease Control (DHHS).
CFERD	Consumer and Food Economics Research Division (ARS/USDA).
CSFII	Continuing Survey of Food Intakes By Individuals (USDA/HNIS).
CSRS	Cooperative State Research Service (USDA).
CSSS	Coordinated State Surveillance System (DHHS/PHS/CDC/NCCDPHP).
DHEW	Department of Health, Education, and Welfare.
DHHS	Department of Health and Human Services.
DOC	Department of Commerce.
DOD	Department of Defense.
DOL	Department of Labor.
EPA	Environmental Protection Agency.
ERS	Economic Research Service (USDA).
ES	Extension Service (USDA).
FASEB	Federation of American Societies for Experimental Biology.
FDA	Food and Drug Administration (DHHS/PHS).
FLAPS	Food Labeling and Package Survey (DHHS/PHS/FDA).
FNS	Food and Nutrition Service (USDA).
FSIS	Food Safety and Inspection Service (USDA).
HERB	Home Economics Research Branch (ARS/USDA).
HHANES	Hispanic Health and Nutrition Examination Survey (DHHS/PHS/CDC/NCHS).
HNIS	Human Nutrition Information Service (USDA).

HRSA	Health Resources and Services Administration (DHHS).
IBNMRR	Interagency Board on Nutrition Monitoring and Related Research.
ICNM	Interagency Committee on Nutrition Monitoring.
IHS	Indian Health Service (DHHS/PHS).
INFOODS	International Food Composition Data System.
ICHNR	Interagency Committee on Human Nutrition Research.
JNMEC	Joint Nutrition Monitoring Evaluation Committee (DHHS/USDA).
LSRO	Life Sciences Research Office (FASEB).
NASA	National Aeronautics and Space Administration.
NCCDPHP	National Center for Chronic Disease Prevention and Health Promotion (DHHS/PHS/CDC).
NCEHIC	National Center for Environmental Health and Injury Control (DHHS/PHS/CDC).
NCHS	National Center for Health Statistics (DHHS/PHS/CDC).
NCI	National Cancer Institute (DHHS/PHS/NIH).
NCL	Nutrient Composition Laboratory (USDA/ARS).
NFCS	Nationwide Food Consumption Survey (USDA/HNIS).
NHLBI	National Heart, Lung, and Blood Institute (DHHS/PHS/NIH).
NIA	National Institute on Aging (DHHS/PHS/NIH).
NIH	National Institutes of Health (DHHS/PHS).
NHANES	National Health and Nutrition Examination Survey (DHHS/PHS/CDC/NCHS).
NHIS	National Health Interview Survey (DHHS/PHS/CDC/NCHS).
NMFS	National Marine Fisheries Service (NOAA/DOC).
NNDB	National Nutrient Data Bank (USDA/HNIS).
NNMAC	National Nutrition Monitoring Advisory Council.
NNMS	National Nutrition Monitoring System.
NOAA	National Oceanic and Atmospheric Administration (DOC).
OASFCS	Office of the Assistant Secretary for Food and Consumer Services (USDA).
OASH	Office of the Assistant Secretary for Health (DHHS/PHS).
ODPHP	Office of Disease Prevention and Health Promotion (DHHS/OASH/PHS).
PedNNS	Pediatric Nutrition Surveillance System (DHHS/PHS/CDC/NCCDPHP).
PHS	Public Health Service (DHHS).
PNSS	Pregnancy Nutrition Surveillance System (DHHS/PHS/CDC/NCCDPHP).
TDS	Total Diet Study (DHHS/PHS/FDA).
USARIEM	United States Army Research Institute of Environmental Medicine (DOD).
USDA	United States Department of Agriculture.
YRBS	Youth Risk Behavior Survey (DHHS/PHS/CDC/NCCDPHP).

## I. Introduction

The National Nutrition Monitoring and Related Research Act of 1990 (Pub. L. 101-445) defines the term nutrition monitoring and related research as "the set of activities necessary to provide timely information about the role and status of factors that bear on the contribution that nutrition makes to the health of the people of the United States" (1). The establishment and implementation of a coordinated program is mandated in title I of the Act: "The National Nutrition Monitoring and Related Research Program". The Act requires the preparation of a 10-year comprehensive plan for nutrition monitoring and related research.

The primary goal of the 10-year comprehensive plan is to establish a comprehensive nutrition monitoring and related research program by collecting quality data that are continuous, coordinated, timely, and reliable; using comparable methods for data collection and reporting of results; conducting relevant research; and efficiently and effectively disseminating and exchanging information with data users.

This document provides a brief history and review of past accomplishments of the National Nutrition Monitoring System (NNMS) in the U.S. It also presents the 10-year plan, 1992-2002, describing current nutrition monitoring activities (in appendices) and proposed activities required to improve and expand the nutrition monitoring program (sections IV through VII).

This 10-year comprehensive plan was developed by the Joint Department of Health and Human Services (DHHS) and the United States Department of Agriculture (USDA) Working Group (appendix 1) with broad input from other Federal agencies, the public health community, and other users of nutrition monitoring data, including scientific advisors to Federal agencies, food and nutrition researchers, economists, food industry, and academia. In addition, recommendations for the NNMS made by scientific experts over the past decade, including the Joint Nutrition Monitoring Evaluation Committee (2), the Expert Panel on Nutrition Monitoring (3), the Coordinating Committee on Evaluation of Food Consumption Surveys of the National Research Council (4), and the Research Triangle Institute (RTI) (5) were considered in the development of this plan. The activities in this plan reflect four areas: (a) Requirements of the law; (b) priorities identified by Federal agencies responsible for conducting nutrition monitoring surveys and related

activities; (c) recommendations from scientific experts and organizations; and (d) recommendations from users of NNMS data.

## II. The National Nutrition Monitoring System

The NNMS is a complex assortment of interconnected activities which provide information about the contribution that diet and nutritional status make to the health of the American people and about the factors affecting dietary and nutritional status (6). A chronological listing of past (1896-1991) nutrition monitoring surveys and activities classified by the five NNMS components is found in appendix 2. The NNMS activities are grouped into five measurement components:

- Nutrition and related health measurements,
- Food and nutrient consumption,
- Knowledge, attitudes, and behavior assessments,
- Food composition and nutrient data bases, and
- Food supply determinations.

Data and information derived from these components are used to assess the dietary, nutritional and related health status of the population.

Currently, more than 40 surveys and surveillance systems have evolved in response to the information needs of Federal agencies and other data users. Appendix 3 lists current and proposed surveys and systems from 1992-2002 organized by the five component areas. A brief description of the surveys and surveillance activities that constitute the NNMS is found in appendix 4.

A general conceptual model representing the relationship between food and health among the five components is presented in Figure II-1. A detailed model is found in appendix 5.

### A. Purposes and Uses of NNMS Data

Nutrition monitoring is vital to policymaking and research (figure II-2). Monitoring provides information and a data base for public policy decisions related to nutrition education; public health nutrition programs; food assistance programs; Federally supported food service programs; the regulation of fortification, safety, and labeling of the food supply; and food production and marketing. The NNMS also provides a data base to establish research priorities. Table II-1 provides examples of the general uses of NNMS data. Appendix 6 provides one specific example of how NNMS data relate to a health education program.

More specifically, data from the NNMS have been used to develop the

Dietary Guidelines for Americans (7) and the Thrifty Food Plan (8), to evaluate progress towards achievement of the 1990 Health Objectives for the Nation (9) and to develop the nutrition and related health objectives included in Healthy People 2000: National Health Promotion and Disease Prevention Objectives (10). These data will also be used to track trends and progress toward achieving the Health Objectives and meeting the Dietary Guidelines. Another important use of NNMS data is in the development of the Recommended

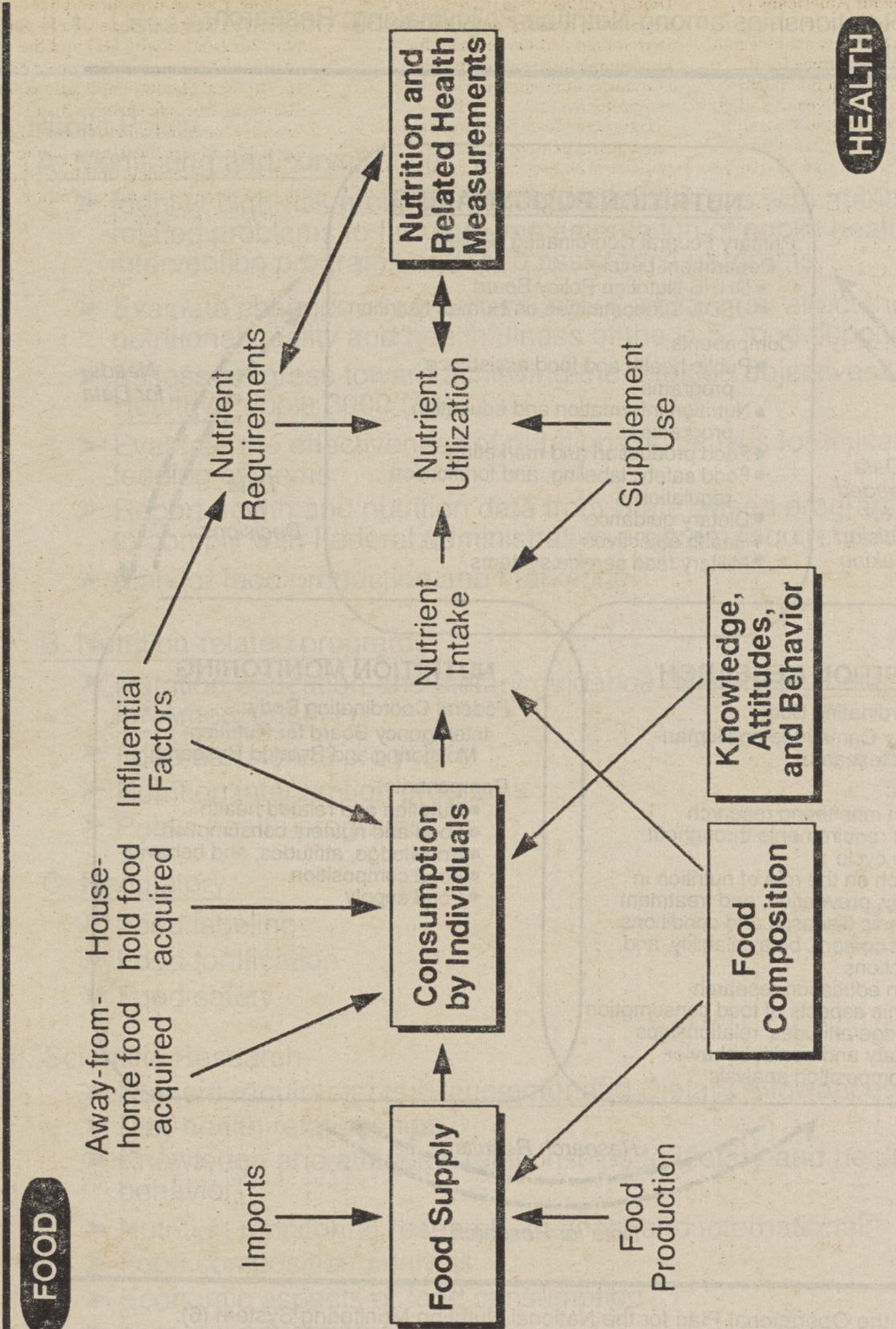
Dietary Allowances (RDAs) and in identifying areas of nutrition research that are needed to increase the knowledge base and revise the standards of human nutrient requirements (11).

Data have been used by regulatory agencies to examine U.S. fortification policies (12), to provide dietary exposure estimates for nutrient and non-nutrient food components (13), and as a basis for components of food labeling (14). Data have also been used to provide information about the relationship

between diet, nutrition, and health such as in The Surgeon General's Report on Nutrition and Health (15) and the National Academy of Science's report on Diet and Health: Implications for Reducing Chronic Disease Risk (16), to identify food and nutrition research priorities of significance to public health and food sufficiency, and to evaluate the impact of nutrition initiatives for military feeding systems (17).

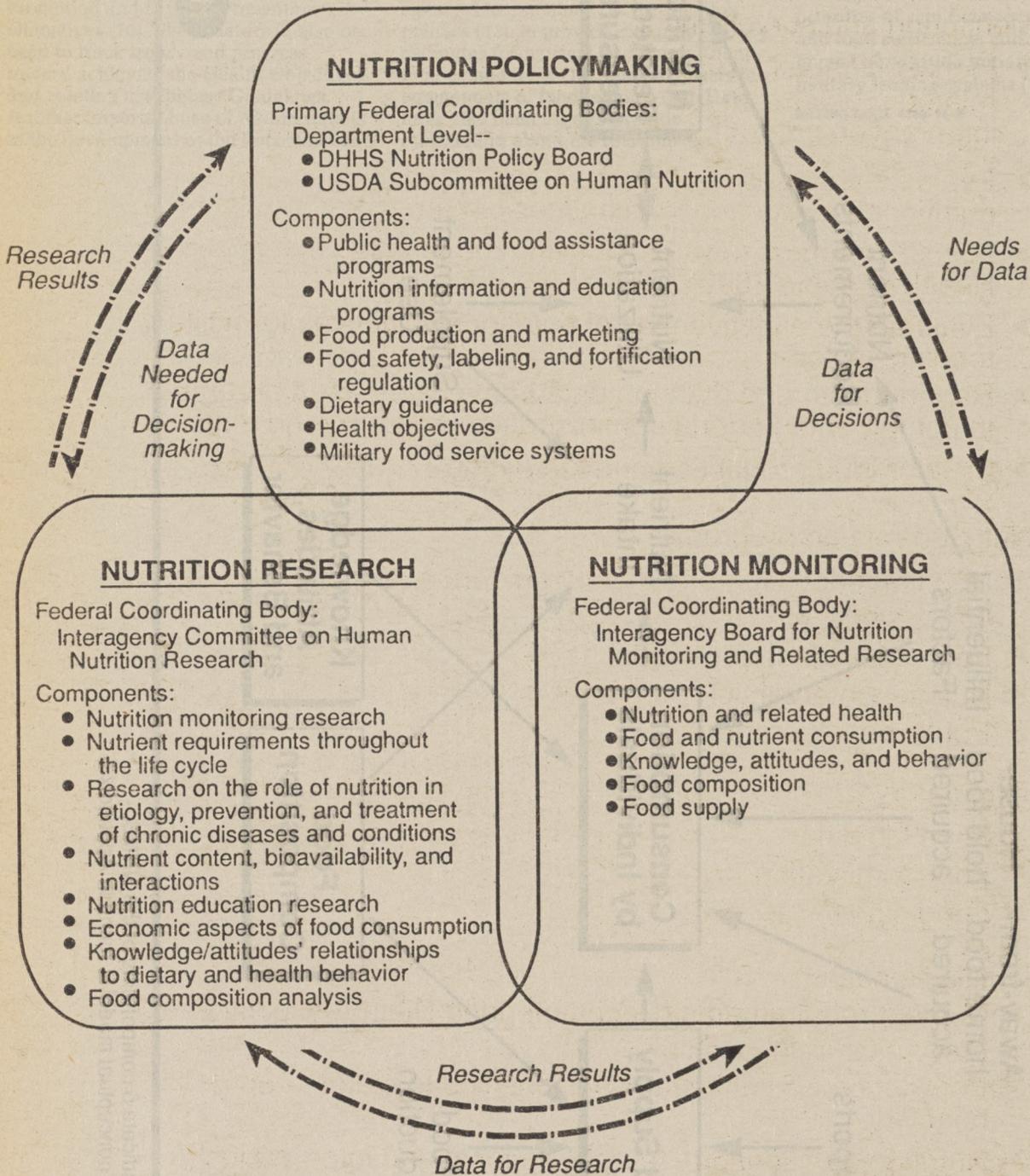
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Figure II-1. Relationship of Food to Health.\*



\*Boxes indicate 5 components of the NNMS. Detailed conceptual model is found in Appendix 5

Figure II-2. Relationships among Nutrition Policymaking, Research, and Monitoring\*



\*Adapted from the Operational Plan for the National Nutrition Monitoring System (6).

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**Table II-1. Uses of Nutrition Monitoring Data**

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**I. Public Policy****A. Monitoring and surveillance:**

- Identify high-risk groups and geographical areas with nutrition-related problems to facilitate implementation of public health intervention programs and food assistance programs
- Evaluate changes in agricultural policy which may affect the nutritional quality and healthfulness of the U.S. food supply
- Assess progress toward achieving the nutrition objectives in Healthy People 2000 (10)
- Evaluate the effectiveness of nutritional initiatives for military feeding systems
- Report health and nutrition data from State-based programs to comply with Federal administrative program requirements
- Monitor food production and marketing

**B. Nutrition-related programs:**

- Nutrition education and dietary guidance (Dietary Guidelines for Americans) (7)
- Food assistance programs
- Nutrition intervention programs
- Public health programs

**C. Regulatory:**

- Food labeling
- Food fortification
- Food safety

**II. Scientific Research**

- Nutrient requirements (Recommended Dietary Allowances) (11)
  - Diet-health relationships
  - Knowledge and attitudes' relationships to dietary and health behavior
  - Nutrition monitoring research--national and international
  - Food composition analysis
  - Economic aspects of food consumption
  - Nutrition education research
-

### B. Milestones of the NNMS

Table II-2 provides a listing of the milestones of the NNMS beginning with the Food and Agriculture Act of 1977. The NNMS was formally established as a result of the passage of this Act, which required the Secretaries of USDA and the U.S. Department of Health, Education and Welfare (currently DHHS) to submit a proposal for a comprehensive nutritional status monitoring system to Congress (18-19). The proposal included an analysis of deficiencies in the existing surveys and surveillance systems and provided recommendations for improving and expanding the scope of Federal nutrition monitoring activities. Upon recommendation of the General Accounting Office, DHHS and USDA prepared the Joint Implementation Plan for a Comprehensive National Nutrition Monitoring System and submitted it to Congress in September, 1981. This plan described the major goals and objectives of the NNMS and how the Departments intended to achieve them (20). The two specific objectives of the Implementation Plan were:

- Achievement of the best possible coordination between the two largest components of the NNMS—the National Health and Nutrition Examination Survey (NHANES) and the Nationwide Food Consumption Survey (NFCS);
- Development of a reporting system to translate the findings from these two national surveys and other monitoring activities into periodic reports to Congress on the nutritional status of the American population.

According to this plan, a Joint Nutrition Monitoring Evaluation Committee (JNMEC) was to develop reports to Congress at 3-year intervals. In 1983, the JNMEC was established as a Federal advisory committee and

prepared the report entitled, Nutrition Monitoring in the United States: A Progress Report from the Joint Nutrition Monitoring Evaluation Committee. This report provided an overview of the dietary and nutritional status of the population and was transmitted to Congress in July, 1986. (2) During this time period (1984), there was also a report prepared by the National Academy of Sciences which was funded by USDA and DHHS. This publication described uses of food consumption data and recommendations on survey design that would facilitate wider application of survey data (4).

In 1987, DHHS and USDA published an Operational Plan for the National Nutrition Monitoring System (6), a revision of the 1981 Joint Implementation Plan (20). The goals of the Operational Plan for the National Nutrition Monitoring System were:

- Achieve a comprehensive system through coordination among NNMS components;
- Improve information dissemination and exchange; and
- Improve the research base for nutrition monitoring.

In 1988, the Interagency Committee on Nutrition Monitoring (ICNM) was established to provide a formal mechanism for facilitating achievement of the system's expanded goals (21). The ICNM was co-chaired by the Assistant Secretary for Health, DHHS, and the Assistant Secretary for Food and Consumer Services, USDA, with representation from Federal agencies with responsibility for nutrition monitoring. The ICNM was responsible for enhancing the effectiveness and productivity of Federal nutrition monitoring efforts by improving the planning, coordination and communication among agencies. As a

first step, the ICNM compiled The Directory of Federal Nutrition Monitoring Activities (22). This directory was published in September, 1989, as a companion document to the triennial reports to Congress on nutrition monitoring. This publication has been well received and is extensively used by the public health community, academia, the private sector, and government.

The second progress report to Congress entitled, Nutrition Monitoring in the United States: An Update Report on Nutrition Monitoring, published in September 1989, was prepared by an Expert Panel of the Life Sciences Research Office (LSRO), Federation of American Societies of Experimental Biology (FASEB), for USDA and DHHS (3). This report updated the dietary and nutritional status information presented in the 1986 report and provided an in-depth analysis of the contributions of the NNMS to the evaluation of the relationship of dietary and nutritional factors to cardiovascular disease and to the assessment of iron nutriture.

The National Nutrition Monitoring and Related Research Act (Pub. L. 101-445) was signed into law on October 22, 1990 (1). It is intended "to strengthen national nutrition monitoring by requiring the Secretary of Agriculture and the Secretary of Health and Human Services to prepare and implement a ten-year plan to assess the dietary and nutritional status of the United States population, to support research on, and development of, nutrition monitoring, \* \* \*" (1). The Act establishes several mechanisms to ensure the collaboration and coordination of Federal agencies as well as State and local governments involved in nutrition monitoring activities.

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Table II-2. Milestones of the National Nutrition Monitoring System

YEAR	MILESTONE
1977	➤ Food and Agriculture Act (Pub. L. 95-113) passed
1978	➤ Proposal for a comprehensive nutritional status monitoring system submitted to Congress
1981	➤ Joint Implementation Plan for a Comprehensive National Nutrition Monitoring System published
1983	➤ Joint Nutrition Monitoring Evaluation Committee formed
1984	➤ <u>National Survey Data on Food Consumption: Uses and Recommendations</u> published
1986	➤ <u>First Report to Congress: Nutrition Monitoring in the United States: A Progress Report from the Joint Nutrition Monitoring Evaluation Committee</u> published
1987	➤ Operational Plan for the National Nutrition Monitoring System published
1988	➤ Interagency Committee on Nutrition Monitoring (ICNM) formed
1989	➤ <u>The Directory of Federal Nutrition Monitoring Activities</u> published
	➤ <u>Second Report to Congress: Nutrition Monitoring in the United States: An Update Report on Nutrition Monitoring</u> published
1990	➤ National Nutrition Monitoring and Related Research Act (Pub. L. 101-445) passed
1991	➤ Interagency Board for Nutrition Monitoring and Related Research established through incorporation and expansion of the ICNM

*C. Structure of Federal Coordination of the NNMRRP*

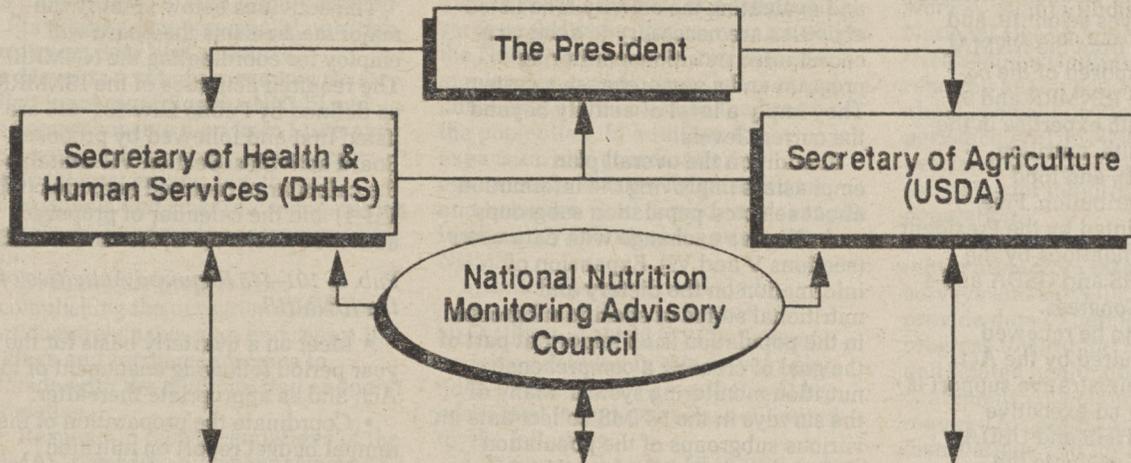
As specified in the Act, the Secretaries of the DHHS and the USDA have joint responsibility for implementation of the coordinated program and the transmission of required reports to Congress via the

President. The Assistant Secretary for Health, DHHS, and the Assistant Secretary for Food and Consumer Services, USDA, have been delegated the responsibility of implementing the program and also serve as joint chairpersons for the Interagency Board for Nutrition Monitoring and Related Research (IBNMRR). The IBNMRR was

established in 1991 through the expansion of the function and membership of the ICNM to include other agencies that contribute or use NNMS data. Figure II-3 provides an overview of the Federal structure of coordination of the NNMS.

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Figure II-3. Structure of Federal Coordination of the National Nutrition Monitoring and Related Research Program



**Interagency Board for Nutrition Monitoring and Related Research**

**CO-CHAIRS:**

Assistant Secretary  
for Health \*

Assistant Secretary  
for Food and Consumer Services \*

**MEMBERS:**

Agency for International Development  
 Agricultural Research Service USDA  
 Alcohol Drug Abuse and Mental Health Administration DHHS  
 Bureau of the Census DOC  
 Bureau of Labor Statistics DOL  
 Cooperative State Research Service USDA  
 Department of Defense  
 \*\* Department of Education  
 Department of Veterans Affairs  
 Economic Research Service USDA  
 Environmental Protection Agency  
 Extension Service USDA  
 Food and Drug Administration DHHS  
 Food and Nutrition Service USDA  
 Food Safety and Inspection Service USDA  
 Health Resources and Services Administration DHHS  
 Human Nutrition Information Service USDA  
 Indian Health Service DHHS  
 \*\* National Aeronautics and Space Administration  
 National Center for Chronic Disease Prevention & Health Promotion CDC DHHS  
 National Center for Health Statistics CDC DHHS  
 National Institutes of Health DHHS  
 National Marine Fisheries Service NOAA DOC

\* Ex-officio, National Nutrition Monitoring Advisory Council

\*\* Invited

### *D. The National Nutrition Monitoring Advisory Council*

The Act also stipulated the establishment of the National Nutrition Monitoring Advisory Council (NNMAC). The IBNMRR receives scientific and technical guidance from the NNMAC. The Council is composed of the co-chairpersons of the IBNMRR and 9 voting members with expertise in the areas of public health, nutrition monitoring research, and food production and distribution. Five members are appointed by the President based on recommendations by the Secretaries of DHHS and USDA and 4 are appointed by Congress. Appointments are to be renewed periodically as required by the Act. Technical and administrative support is provided jointly by co-executive secretaries from DHHS and USDA.

The Council will evaluate the scientific and technical quality of the comprehensive plan and the effectiveness of the coordinated program, and recommend areas for improvement of the program in annual reports to the Secretaries of DHHS and USDA.

### **III. Format of the Proposed Activities**

The requirements of the plan encompass a broad range of activities needed to achieve the primary goal and objectives of a coordinated national nutrition monitoring program. Current activities planned between 1992 and 2002 are listed in appendix 3. Activities that complement and expand current NNMS activities are addressed in sections IV, V, and VI. Section IV describes the responsibilities and proposed activities of the IBNMRR. Section V consists of three cross-cutting objectives and describes the proposed activities within the five components of the NNMS. Some activities are cross-cutting and consequently will appear in more than one component to assure comprehensiveness and coordination. Section VI contains three objectives and discusses mechanisms to enhance State and local nutrition monitoring efforts and to facilitate coordination of these efforts with Federal activities. Section VII contains the calendars for the activities listed in sections IV, V, and VI.

For each proposed activity in sections V and VI, the Federal organizations responsible for the activity are alphabetically listed as "lead" or "collaborating". Determination of "lead" responsibility was made if the activity is part of the basic mission and/or the responsibility of an organization. "Lead organizations" are responsible for

initiating collaboration and for defining appropriate mechanisms for continuation of collaboration. This collaboration refers to substantial participation in planning, conducting, and evaluating the activity. The listed activities are necessary to achieve a coordinated nutrition monitoring program and a comprehensive system. They imply a level of activity beyond the current levels.

In addition the overall plan emphasizes improving the information about selected population subgroups and effective exchange with data users (sections V and VI). Expansion of information on the dietary and nutritional status of specific subgroups in the population is an important part of the goal of creating a comprehensive nutrition monitoring system. Many of the surveys in the NNMS collect data on various subgroups of the population such as low-income groups. However, data are limited or inadequate for some groups, including institutionalized persons, American Indians living on reservations, migrant workers, the homeless, elderly persons, pregnant and lactating women, infants, and preschool and school-aged children. Because issues related to these groups cut across NNMS components, population subgroup issues are included in each relevant section.

Although the monitoring system is limited for coverage of some population subgroups, the current surveys and surveillance systems of the NNMRR program are an underutilized national resource. Many academics, health professionals, and local government officials are not aware of the type and magnitude of health and nutrition surveillance data available to them through the NNMRR program. More aggressive methods are needed to promote and disseminate survey data. In addition to preparing, promoting, and distributing survey reports and data tapes, efforts should be directed to instructing users on how to access and process data appropriately via the provision of documentation materials, training manuals, clearinghouses and data user conferences. Input from NNMS data users is also important in order to keep the system flexible for meeting a variety of needs.

### **IV. Activities of the Interagency Board for Nutrition Monitoring and Related Research (IBNMRR)**

The IBNMRR serves as the central coordination point for the National Nutrition Monitoring and Related Research Program (NNMRRP) for the Federal government. Members of the Board are responsible for representing

their agencies in all areas of nutrition monitoring. Board products and activities are completed by appointed working groups and designated staff support from member agencies.

The activities below identify the major mechanisms the Board will employ for coordinating the NNMRRP. The required activities of the IBNMRR as defined by Public Law 101-445 are listed first and followed by proposed Board activities. Section VII contains the calendar of required activities (table VII-1) and the calendar of proposed activities (table VII-2) for the IBNMRR.

#### *Pub. L. 101-445 Required Activities of the IBNMRR*

- Meet on a quarterly basis for the 2-year period following enactment of the Act, and as appropriate thereafter.
- Coordinate the preparation of the annual budget report on nutrition monitoring to the President for transmittal to Congress.
- Coordinate the preparation of the biennial reports on progress of the coordinated program and policy implications of scientific findings to the President for transmittal to Congress. This report includes the annual report of the NNMAC.
- Coordinate the preparation of the periodic scientific reports that describe the nutritional and related health status of the population to Congress.

#### *Proposed Activities of the IBNMRR*

- Review biennially the IBNMRR membership and representation to be responsive to the Act and the 10-year plan.
- Establish working groups to address topics of special interest and/or high priority. Currently, there are 3 IBNMRR working groups (Survey Comparability, Food Composition Data, and Federal-State Relations and Information Dissemination and Exchange) which hold regular meetings that provide the framework for increased communication and collaboration among the member agencies.
- Coordinate the update and publication of Nutrition Monitoring in the United States: The Directory of Federal Nutrition Monitoring Activities every 3 years, expanding to include sources of non-Federal data.
- Coordinate and publish a chartbook that updates and provides data and information from the NNMS intermediate to publication of the scientific reports.
- Establish a central clearinghouse for nutrition monitoring and related research funded by all Federal agencies participating in the IBNMRR. The

clearinghouse would house copies of survey and surveillance questionnaires, data collection instruments, published information and related research articles. In addition, this clearinghouse has the potential to contain information on State and nongovernmental nutrition monitoring data and activities.

- Develop a set of procedures to solicit input regarding the NNMS and the comprehensive plan from State and local governments, the private sector, public interest groups, health care professionals and scientific communities to revise and update the comprehensive plan.

- Evaluate the progress in accomplishing the activities of the 10-year comprehensive plan and report the findings and recommendations to coincide with the midpoint and endpoint of the plan.

- Respond to recommendations of the NNMAC regarding the enhancement of the comprehensive plan and coordinated program.

- Identify a mechanism for independent review and evaluation of the purposes, uses, and capabilities of surveys in the NNMS to meet intended objectives.

#### V. National Objectives and Activities

Numerous activities are proposed in this 10-year plan in order to achieve the overall goal of a comprehensive National Nutrition Monitoring and Related Research Program. Three overall national objectives have been identified that are critical to the success of the overall goal:

- Provide for a comprehensive NNMS through continuous and coordinated data collection;
- Improve the comparability and quality of data across the NNMS; and
- Broaden the research base for nutrition monitoring.

These objectives are consistent with and expand upon the goals delineated in the 1981 Joint Implementation Plan (20) and the 1987 Operational Plan (6), and are applicable to each of the five component areas of the NNMS. In this section, the proposed activities are described by component area within each of these overall objectives.

##### *Objective V-A. Provide for a Comprehensive NNMS Through Continuous and Coordinated Data Collection*

The establishment of a focused, comprehensive national program for nutrition monitoring and related research involves more than just coordinating current activities in the 5 NNMS components. It includes improvement of methodologies for the

collection and interpretation of data, timely processing and release of data, expanding coverage of population subgroups, and addressing current nutrition issues. Continuous collection of data in cross-sectional and longitudinal surveys and surveillance systems within the NNMS is needed to evaluate and monitor the contribution that diet and nutritional status make to the health of the population. In addition, the expansion and coordination of assessments of knowledge, attitudes and behavior, food composition, and the food supply is critical for an effective NNMS.

Specifically, there needs to be increased coordination between NHANES and NFCS/CSFII. Several activities detailed in this 10-year plan address this need. Areas that will be addressed include, but are not limited to, the following:

- Timing of the next NHANES and NFCS/CSFII for the general population and for selected subgroups of the population to assure adequate coverage of monitoring the dietary status of the population (activities V-A-1.3, V-A-2.1, and V-A-2.3).

- Sampling plans for the next surveys to identify the general population and population subgroups (activity V-A-2.1) and defining key population descriptors to be measured across surveys in a comparable manner (activities V-A-2.1, V-B-2.1, and V-B-2.2).

- Methods used for dietary intake assessment (activities V-B-2.2, V-B-2.3, and V-B-4.2).

- Uniform reporting guidelines in the publication of survey findings, survey operations, and response rates (activities V-A-2.1 and V-B-2.4).

- Exploration of the development of a joint sampling design between NHANES and NFCS/CSFII (activities V-A-2.1, V-C-1.1, and V-C-2.3).

- Establishment of a mechanism to combine data from NHANES and NFCS/CSFII into a single estimation model (activity V-A-2.1).

#### 1. Nutrition and Related Health Measurements

Nutrition and related health data have a wide variety of policy, research, health and nutrition education, medical care practices, and reference standards applications. These data have been used to establish baseline data for the 1990 and 2000 health and nutrition objectives for the nation (9-10) and to estimate the prevalence of nutrition and related health conditions in the population.

The NHANES, conducted by DHHS/CDC/NCHS, measures nutritional status, including dietary intake, and health, and thus is the cornerstone of

this NNMS component. A number of other surveys and surveillance systems, primarily conducted by DHHS/CDC, also contribute nutrition-related health information, particularly for pregnant women, infants, and children. The National Health Interview Survey (NHIS) collects information about self-reported health conditions annually and about special nutrition and health topics periodically. The NHIS has recently been redesigned to produce improved estimates for minority groups in the population.

Nutrition and related health information from these and other surveys and surveillance systems provide data to define midcourse progress toward the Year 2000 nutrition and related health objectives. The continuous collection of these data are required for generating reference distributions and for monitoring trends over time.

#### *Proposed Activities*

##### V-A-1.1

Coordinate the planning for coverage, tracking, and reporting of findings from surveys and surveillance systems that collect nutrition and related health data in the NNMS to monitor the Year 2000 nutrition and nutrition-related health objectives; coordinate the development of standardized nutrition and related health indicators with those established for the Year 2000 objectives, as appropriate.

*Lead organization:* CDC/NCHS.

*Collaborating organizations:* CDC/NCCDPHP, FDA, HNIS, HRSA, IHS, NIH, ODPHP.

##### V-A-1.2

Determine and prioritize which subgroups of the U.S. population are at increased nutritional risk and determine if they need improved coverage through the NNMS; and define the periodicity and scope of data collection efforts required for adequate coverage.

*Lead organizations:* CDC/NCHS, HNIS.

*Collaborating organizations:* CDC/NCCDPHP, FDA, FNS, HRSA, IHS, NIH.

##### V-A-1.3

For those groups needing improved coverage, develop and implement a plan for increased coverage of subgroups of the population at nutritional risk into existing national nutrition monitoring surveys, or alternatively, for conducting special studies of selected subgroups.

*Lead organizations:* CDC/NCHS, HNIS.

*Collaborating organizations:* CDC/NCCDPHP, FDA, FNS, HRSA, IHS, NIH.

## V-A-1.4

Establish a mechanism to incorporate current and planned assessments of nutrition and related health status collected from a wider variety of survey and surveillance activities into the NNMS' scientific report, every 5 years and intermediate reports such as a chartbook.

*Lead organizations:* CDC/NCHS, HNIS.

*Collaborating organizations:* IBNMRR.

## V-A-1.5

Produce a revised directory every 3 years to describe current national nutrition monitoring surveys and activities, expanding to include new IBNMRR members' and States' activities.

*Lead organization:* CDC/NCHS.

*Collaborating organizations:* IBNMRR Federal-State Relations and Information Dissemination and Exchange Working Group, IBNMRR.

## 2. Food and Nutrient Consumption

Data from assessment of the food consumption and dietary status of the population provides information needed for making public policy and research decisions related to food fortification, food safety, food labeling, food production and marketing, military feeding systems, food assistance, public health, and nutrition education. The USDA's NFCS and its component—Continuing Surveys of Food Intakes by Individuals (CSFII), and DHHS' NHANES, the two cornerstone NNMS surveys, provide national estimates of food and nutrient intakes in the general U.S. population and subgroups. The NFCS and CSFII emphasize the food and nutrient intake of the general population and subgroups of the population as related to various socioeconomic factors. The household portion of the NFCS provides the only source of collective information on household food use, nutrient availability, and food expenditures. In NHANES, dietary intake is related to health status in the same individuals.

In addition to the cornerstone surveys, there are other surveys within the NNMS that provide valuable food and nutrient intake data. FDA's Vitamin/Mineral Supplement Intake Survey, incorporated into the 1986 National Health Interview Survey, provided estimates of the prevalence of supplement use and characteristics of users. FDA's Total Diet Study provides estimates of the intakes of nutritional elements and metals based on laboratory analyses of foods. DOD's periodic assessments of nutrient and

food consumption of military populations are used to monitor and improve the effectiveness of nutritional initiatives for military food service and health promotion programs.

*Proposed Activities*

## V-A-2.1

Coordinate the planning, conducting, and reporting of findings from NFCS/CSFII and NHANES to set the precedent for other surveys of dietary intake and food consumption for the general population and for selected subgroups of the population defined at increased nutritional risk. Joint planning includes timing, sample design, use of standardized key population descriptors and comparable methods, as appropriate.

*Lead organizations:* CDC/NCHS, HNIS.

*Collaborating organizations:* Federal users of data for each survey as defined by CDC/NCHS and HNIS.

## V-A-2.2

Determine and prioritize which subgroups of the U.S. population are at increased risk for under- or over-consumption of nutrients and food components and determine if they need improved coverage through the NNMS; and define the periodicity and scope of data collection efforts required for adequate coverage.

*Lead organizations:* CDC/NCHS, HNIS.

*Collaborating organization:* CDC/NCCDPHP.

## V-A-2.3

For those groups needing improved coverage, develop and implement a plan for increased coverage of subgroups of the population at increased risk for under- and over-consumption of nutrients and food components into existing national nutrition monitoring surveys, or alternatively, for conducting special studies of selected subgroups.

*Lead organizations:* CDC/NCHS, HNIS.

*Collaborating organizations:* CDC/NCCDPHP, DOD, EPA, FDA, FNS, IHS, NIH.

## V-A-2.4

Establish a mechanism to incorporate current and planned assessments of food and nutrient consumption data collected from a wider variety of surveys and surveillance activities (such as those from the military populations) into the NNMS' scientific report, every 5 years and intermediate reports such as a chartbook.

*Lead organizations:* CDC/NCHS, HNIS.

*Collaborating organizations:* IBNMRR.

## 3. Knowledge, Attitudes, and Behavior Assessments

National surveys that measure knowledge, attitudes, and behavior about diet and nutrition and how these relate to health were added to the NNMS only in the past decade. Consequently, less is known about the knowledge, attitudes, and behavior of the general population than is known about their food consumption and nutritional status. Collection of national data on a continuous basis on awareness of diet and health relationships, knowledge and attitudes toward dietary guidance, and food safety, along with dietary behavior, food choices, and health status is needed.

In general, the Health and Diet Surveys conducted by FDA focus on people's awareness of relationships between diet and risk for chronic disease and on health-related knowledge and attitudes. The Diet and Health Knowledge Survey initiated by USDA in 1989 focuses on the relationship of people's attitudes and knowledge about dietary guidance and food safety to their food choices and nutrient intakes. The Behavioral Risk Factor Surveillance System initiated by DHHS/CDC in 1981 focuses on personal behavior and its relationship to nutritional and health status. Other surveys in this area are conducted by State and local agencies and by private industry.

Coordinated collection of dietary and health knowledge and attitudes would help avoid duplication of efforts, to identify and prioritize monitoring needs, and to strengthen linkages between national surveys and programs that use these data for program planning and evaluation purposes. The results of these surveys are used to plan national strategies for encouraging and assisting people to adopt healthy eating patterns.

*Proposed Activities*

## V-A-3.1

Establish and institute a mechanism for improved coordination among Federal agencies that collect and use survey information about knowledge, attitudes, and behavior to assess gaps and duplications in existing surveys.

*Lead organizations:* FDA, HNIS, NIH.

*Collaborating organizations:* CDC/NCCDPHP, CDC/NCHS, DOD, FSIS, HRSA.

## V-A-3.2

Prepare reports on knowledge, attitudes, and behavior using available NNMS data for the Dietary Guidelines

Advisory Committee to use for the 1995 and 2000 revision of the Dietary Guidelines for Americans.

*Lead organizations:* FDA, HNIS, NIH.  
*Collaborating organizations:* CDC/NCCDPHP, CDC/NCHS, ODPHP.

#### V-A-3.3

Expand surveys of knowledge, attitudes, and behavior to provide better coverage of subgroups of the population at increased nutritional risk and relevant topics.

*Lead organizations:* CDC/NCCDPHP, FDA, HNIS, NIH.

*Collaborating organization:* CDC/NCHS.

#### 4. Food Composition and Nutrient Data Bases

The USDA operates the National Nutrient Data Bank (NNDB) for the purpose of deriving representative nutrient values for foods consumed in the U.S. Values from the NNDB are released in Agriculture Handbook No. 8, "Composition of Foods \* \* \* Raw, Processed, Prepared," and as part of the USDA Nutrient Data Base for Standard Reference. These values are used, in turn, as the core of most nutrient data bases developed in the U.S. for special purposes, such as those used in the commercially available dietary analysis programs.

The USDA produces the Survey Nutrient Data Base from the NNDB for analysis of nationwide dietary intake surveys. The Survey Nutrient Data Base contains data for 28 food components and energy for each included food item. A system is in place at USDA to periodically update this Nutrient Data Base with the most current information available from the NNDB. A continuous goal for the Survey Nutrient Data Base is its expansion and improvement to achieve adequate representation of foods and nutrients for nutrition monitoring purposes. Currently, only a limited number of the foods within the NNDB and the Survey Nutrient Data Base have separate entries by brands. A review of the need for more descriptive specificity, including brand name information, needs to be based on the uses of the data.

FDA's Total Diet Study provides information on the levels of various nutritional elements and organic and elemental contaminants in the U.S. food supply. Foods are core foods in the U.S. food supply based on consumption data from NFCS and NHANES. Foods are collected from retail markets, prepared for consumption, and analyzed individually for nutrients and other food components at the Total Diet Laboratory.

Food composition data bases must evolve and change continually to respond to the changing food supply and changing public health issues.

Additional data may need to be incorporated to strengthen the existing data base, or values may become obsolete as measurement systems are improved or as foods change over time. Food composition values need to be continually evaluated and periodically updated.

#### *Proposed Activities*

##### V-A-4.1

Evaluate the specificity of food items on the current Survey Nutrient Data Base, in terms of known long-range needs for nutrition monitoring purposes for not only the general population but also ethnic subgroups, and update food types where current level of specificity is inadequate.

*Lead organizations:* ARS, CDC/NCHS, HNIS.

*Collaborating organizations:* FDA, FNS, NMFS.

##### V-A-4.2

Develop and implement a plan for prioritizing and adding components to the Survey Nutrient Data Base including nutrient components and non-nutrient food components.

*Lead organizations:* ARS, CDC/NCHS, HNIS.

*Collaborating organizations:* CSRS, EPA, FDA, FNS, NIH.

##### V-A-4.3

Establish a government-industry task force or other mechanism to increase voluntary contribution of food composition information by food industry and to encourage the use of standardized food composition measurements by food industry to facilitate the use of their data for nutrition monitoring purposes.

*Lead organization:* HNIS.

*Collaborating organizations:* ARS, FDA, FSIS, NMFS.

##### V-A-4.4

Evaluate the effectiveness of criteria used for verifying and updating food composition values over time and revise as appropriate. Verification of values should include evaluation of food recipes or formulas that may be used to generate the values.

*Lead organization:* HNIS.

*Collaborating organizations:* CDC/NCHS, FDA.

##### V-A-4.5

Develop, implement, and maintain procedures for tracking changes to the food composition and nutrient data

bases that will permit trend analysis of dietary intake data.

*Lead organizations:* CDC/NCHS, HNIS.

*Collaborating organizations:* IBNMRR Working Group on Food Composition Data.

##### V-A-4.6

Determine the extent of documentation needed by users to improve interpretation of food component intake data derived from the survey nutrient and food coding data bases, and establish procedures to provide the information to users.

*Lead organization:* HNIS.

*Collaborating organizations:* CDC/NCHS, FDA, FNS.

##### V-A-4.7

Develop and implement a plan for establishing and maintaining a nutritional supplements data base.

*Lead organizations:* CDC/NCHS, FDA, HNIS.

#### 5. Food Supply Determinations

Since the beginning of this century, U.S. food supply estimates have indicated levels of foods and nutrients available for consumption. Thus, changes in the American diet can be evaluated from an historical perspective. These data can also be used to assess the potential of the U.S. food supply to meet the nutritional needs of the population and may also be useful in epidemiological studies. Yet, the dissemination of food supply estimates has not been as widespread as data from other components of the monitoring system. Awareness of the data, their potential uses and limitations need to be increased. Emphasis must be placed on documentation, interpretation, and usefulness of the data for meeting the needs of researchers, policymakers, program managers, health professionals, and the media.

Primary information used in calculating food supplies comes from a variety of governmental and private sources. Since 1981, data losses regarding commercial production of fresh and processed fruits and vegetables pose a serious problem for estimating per capita disappearance of produce. Other significant data losses include estimates of stocks and commodity disposition, for example, seeds. Information on cereals and bakery products has always been sparse, the principal source being the rather spotty coverage in the quinquennial Census of Manufacturers. Thus, identification of alternative data sources and improved collection of data

from current sources is needed to develop food disappearance estimates.

*Proposed Activities*

V-A-5.1

Develop and implement a strategy to increase awareness, understanding, and use of food supply data with emphasis on interpretation and documentation for policy applications.

*Lead organization:* HNIS.

*Collaborating organization:* ERS.

V-A-5.2

Reevaluate methods for obtaining commodity disappearance data periodically for appropriateness, and if indicated, devise new or modified procedures to improve accuracy or fill data voids, using alternative data sources.

*Lead organization:* ERS.

*Collaborating organizations:* HNIS, NMFS.

V-A-5.3

Seek industry cooperation to improve the accuracy of food supply determinations, including reinstatement of pack data for many processed fruit and vegetable products.

*Lead organization:* ERS.

*Collaborating organizations:* AMS, HNIS, NMFS.

*Objective V-B. Improve the Comparability and Quality of Data Across the NNMS*

An integral part of the coordination of nutrition monitoring activities is the use of standardized or comparable methodologies for the collection, quality control, analysis, and reporting of data. Certain basic criteria for sampling designs would allow the ability to compare, link, and combine data between surveys. Comparability would also be enhanced by the identification and use of standardized questions or measurement methods for selected key population descriptors and indicators of nutritional and health status. For example, any NNMS survey that collects information on the use of vitamin/mineral supplements should include a recommended minimum set of supplement usage questions. This minimum set could be augmented by other questions dependent upon the survey's data needs and objectives.

The IBNMRR Working Group on Survey Comparability has begun the process of documenting similarities and differences for selected key population descriptors and nutrition-related health variables across NNMS surveys. This activity is the first step in providing recommendations about the common usage, definitions, and reporting of key

survey variables, including race, ethnicity, education, income, and self-reported height and weight.

In addition, a recent report entitled *Sampling Designs and Population Descriptors of Nationwide Food Consumption Surveys and National Health and Nutrition Examination Surveys (5)*, completed under contract with the Research Triangle Institute, examined the comparability of sampling designs and selected population descriptors in the two cornerstone NNMS surveys. The report recommended options for increasing comparability between the two surveys.

**1. Nutrition and Related Health Measurements**

Although many of the surveys in the NNMS include nutrition and related health indicators, there is no standardized set of questions, assessments, and procedures that have been agreed upon or used across surveys to measure nutrition and related health status. Without common definitions, the comparison of nutritional and related health findings among different surveys is limited.

Recently, an expert panel convened by LSRO/FASEB identified "Core indicators of nutritional state for difficult-to-sample populations" (23). This report developed a conceptual model but did not describe specific methods, questions or indicators for nutritional status assessment. Further work is needed to review the applicability of this model to the general population and to identify the specific assessments that constitute a minimum set of indicators to measure nutritional status.

*Proposed Activities*

V-B-1.1

Establish a consensus and publish a set of key standardized indicators "by nutritional issue" to be included as a part of several types of NNMS surveys that collect nutrition and related health data, and implement recommendations in appropriate surveys.

*Lead organizations:* ARS, CDC/NCHS, NIH.

*Collaborating organizations:* CDC/NCCDPHP, CDC/NCEHC, HNIS, HRSA, IHS.

V-B-1.2

Identify the most appropriate laboratory methodologies for key nutritional biochemistry indicators and publish the results as a reference document to provide comparability and quality with national data.

*Lead organizations:* ARS, CDC/NCEHC, NIH.

*Collaborating organizations:* CDC/NCCDPHP, CDC/NCHS, CSRS, HRSA.

**2. Food and Nutrient Consumption**

Given the scope of food consumption issues that need to be addressed by the NNMS, no one survey can provide all the necessary information to comprehensively address the system needs while at the same time meeting agency-specific needs. An effective system for monitoring food consumption and dietary status should include information from several surveys. For example, household food use and individual food intake data are needed by groups such as the agricultural, educational, and public health communities. Agricultural groups use these data to assess the impact of changing food intake on food production and marketing. Educational groups use these data in developing effective nutrition education programs, and public health communities use these data to target groups for nutrition and health intervention programs.

Various methodologies for the collection of food and nutrient consumption are used in several NNMS surveys. Selection of the type of dietary method is dependent upon several factors, including the survey's objectives and needs, intended uses of the data, the study population, and operational procedures. An advantage of having several surveys that collect dietary intake or food consumption data is the ability to link or compare data for various groups within the population by characteristics such as age, sex, income, race, ethnicity, and other sociodemographic variables. Data users can then have access to dietary intake data for various subgroups of the population and compare or link findings across surveys. This linkage will be improved as the data collection methodologies for measuring dietary intake, coding, and analysis become more comparable. Calibration between dietary methods is also needed to improve the usefulness and interpretation of the data derived from various dietary methods.

*Proposed Activities*

V-B-2.1

Establish a consensus and publish a set of key food consumption and food assistance program participation questions to be included as a part of several types of NNMS surveys that collect data on the food and nutrient intake of individuals or household food consumption, and implement

recommendations in appropriate surveys.

*Lead organizations:* CDC/NCHS, HNIS.

*Collaborating organizations:* Census Bureau, CDC/NCCDPHP, DOD, EPA, ES, FDA, FNS, HRSA, NIH, NMFS.

#### V-B-2.2

Review the recommendations in the report by the Research Triangle Institute (5) for improving the comparability of sample design and population descriptors in the next NHANES and NFCS/CSFII and implement appropriate recommendations in the next surveys. This includes exploration of a joint sampling design to facilitate linked analysis of data.

*Lead organizations:* CDC/NCHS, HNIS.

#### V-B-2.3

Identify ways to increase comparability within a dietary method such as the 24-hour recall, food record or food frequency, to improve the quality and usefulness of data; and implement recommended changes including food coding, probing techniques, proxy-reporting, and portion size estimation in order to standardize data collection by method.

*Lead organizations:* CDC/NCHS, HNIS.

*Collaborating organization:* CDC/NCCDPHP.

#### V-B-2.4

Develop a consensus for the standardized reporting of dietary intake measures and survey response rates to set the precedent for other surveys.

*Lead organizations:* CDC/NCHS, HNIS.

*Collaborating organizations:* ARS, CDC/NCCDPHP, CSRS, DOD, NIH, IHS.

### 3. Knowledge, Attitudes, and Behavior Assessments

An effective NNMS system will be able to link surveys collecting data on knowledge, attitudes, and behavior and surveys gathering information on dietary intake and food consumption. Where appropriate, there is a definite need to standardize the questions and methods used to assess the population's dietary and related knowledge, attitudes, and behavior. Questionnaires and indicators need to be evaluated to ensure they are valid and reliable estimators of knowledge, attitudes, and behavior held by the general population and selected subgroups.

### Proposed Activities

#### V-B-3.1

Identify and incorporate a set of key knowledge, attitudes, and behavior questions and measurements among the NNMS surveys.

*Lead organizations:* CDC/NCCDPHP, FDA, HNIS, NIH.

*Collaborating organizations:* CDC/NCHS, CSRS, DOD, EPA, FSIS, HRSA.

#### V-B-3.2

Compile information on methods used to design and evaluate questionnaires used in Federal surveys of knowledge, attitudes, and behavior and prepare a report with recommendations for improving quality of test instruments.

*Lead organizations:* FDA, HNIS.

*Collaborating organizations:* CDC/NCCDPHP, CDC/NCHS, DOD, HRSA, NIH.

### 4. Food Composition and Nutrient Data Bases

The USDA Survey Nutrient Data Base is used by national surveys as well as other research studies and projects requiring nutrient analysis. Since 1982, HANES and NFCS have used the same nutrient data base for analysis and reporting of dietary intakes. However, differences related to how it is used may influence the comparability of the results. There is a need to identify differences in use among users of the Survey Nutrient Data Base and determine the impact on the estimates of dietary intake.

### Proposed Activities

#### V-B-4.1

Document uses of food codes and the Survey Nutrient Data Base and evaluate their uses by CDC/NCHS and HNIS on the interpretation of national survey results.

*Lead organizations:* CDC/NCHS, HNIS.

#### V-B-4.2

Develop and publish coding guidelines regarding such issues as default amounts, missing and imputed foods, and brand name food items, for users of the Survey Nutrient Data Base to improve comparability of dietary intake data.

*Lead organizations:* CDC/NCHS, HNIS.

### Objective V-C. Broaden the Research Base for Nutrition Monitoring

Research in various areas is needed before the proposed activities listed under Objectives V-A and V-B can be implemented. The conduct of research in the areas of survey design,

questionnaire design, collection methods, laboratory methods, data processing, and data analysis is essential to support the NNMS. Research efforts should focus on the identification and/or development of methods and the utilization of computer technology which will enhance the monitoring of the nutritional status of the U.S. population and support the timely interpretation and release of information to users.

### 1. Nutrition and Related Health Measurements

To effectively study the relationships among food, nutrition, and health, our present knowledge concerning the most reliable and valid, as well as cost effective, measures of nutritional status need to be improved. Research needed can be categorized into 3 areas:

(a) Appropriate methods (such as questionnaires, interviewing procedures, and physical measures) for subgroups at increased nutritional risk;

(b) Practical and efficient measures of biochemical and clinical parameters; and

(c) Applied statistical methodologies for the collection and interpretation of NNMS data.

### Proposed Activities

#### V-C-1.1

Conduct research on methods for survey sampling, design and data collection and measurement procedures that permit reliable estimation of nutrition and related health indicators for highrisk subgroups or geographic areas.

*Lead organization:* CDC/NCHS.

*Collaborating organizations:* ARS, CDC/NCCDPHP, CSRS, FDA, FNS, HNIS, HRSA, IHS.

#### V-C-1.2

Develop criteria for interpreting selected nutrition and related health indicators for subgroups of the population such as infants and children, pregnant women, and the elderly.

*Lead organizations:* ARS, CDC/NCCDPHP, CDC/NCHS, NIH.

*Collaborating organizations:* CDC/NCEHC, FDA, FNS, IHS.

#### V-C-1.3

Conduct research to develop, improve, and validate laboratory measures of nutritional status and conduct studies to establish relationships between biochemical measures of nutritional status and recent and long-term dietary intake.

*Lead organizations:* ARS, CDC/NCCDPHP, CDC/NCEHIC, CDC/NCHS, NIH.

*Collaborating organizations:* CSRS, DOD, HRSA.

## 2. Food and Nutrient Consumption

There is a widely recognized need for strengthening the scientific base for the collection and interpretation of food consumption and dietary status measurements. Survey methodologies need to be developed to increase the information about the relationship between dietary patterns and chronic disease or health. Research falls into 2 broad categories:

(a) Methodological research specific to the conduct of surveys and the measurement of dietary status; and

(b) Research that will improve the interpretation and usefulness of data to policymakers, health professionals, food industry, media, and others in the nutrition community.

### *Proposed Activities*

#### V-C-2.1

Implement the recommendations of the National Academy of Sciences 1986 report (24) for assessing nutrient adequacy by determining the distribution of nutrient requirements among major age-sex groups and conducting research to estimate usual nutrient intake so that the proportion of the population at risk for dietary inadequacy may be estimated.

*Lead organization:* ARS.

*Collaborating organizations:* CDC/NCHS, CSRS, HNIS, NIH.

#### V-C-2.2

Develop and implement a procedure for trend analysis of nutrient intakes that takes into account and adjusts for improvements that are made over time to food composition data.

*Lead organizations:* CDC/NCHS, HNIS.

#### V-C-2.3

Conduct research on methods for survey sampling, design and data collection and measurement procedures that permit reliable estimation of dietary status indicators for high-risk subgroups or geographic areas.

*Lead organizations:* CDC/NCHS, HNIS.

*Collaborating organizations:* CDC/NCCDPHP, NMFS.

#### V-C-2.4

Recommend a standardized mechanism and instrument for defining and obtaining data on the prevalence of "food insufficiency" in the U.S. and a

methodology that can be used across the NNMS and at State and local levels.

*Lead organizations:* CDC/NCHS, FNS, HNIS.

*Collaborating organizations:* CDC/NCCDPHP, CSRS, HRSA, ERS, ES.

#### V-C-2.5

Investigate the impact of food assistance and Federally supported food service programs on the food consumption patterns and dietary status of population groups and subgroups.

*Lead organizations:* FNS, DOD.

*Collaborating organizations:* CDC/NCCDPHP, IHS.

#### V-C-2.6

Review methodologies for assessing data on household food consumption and the money value of food for the general population and revise methodologies as appropriate.

*Lead organization:* HNIS.

*Collaborating organizations:* BLS, Census Bureau, ERS, EPA, FNS, NMFS.

#### V-C-2.7

Investigate methods for accounting for the levels of nutritional supplement use by the population in dietary intake surveys.

*Lead organizations:* CDC/NCHS, HNIS.

*Collaborating organization:* FDA.

## 3. Knowledge, Attitudes, and Behavior Assessments

Knowledge, attitudes, and behavior have the capability of influencing willingness and ability to put dietary recommendations into practice. They are susceptible to change through appropriately targeted nutrition interventions. It is essential to understand the role that knowledge, attitudes, and behavior about dietary recommendations and diet-health relationships play in determining food choices, and ultimately nutrient intake and health status. This will aid in the development of public health strategies at Federal, State, and local levels to improve dietary status, promote health, and prevent nutrition-related disease.

### *Proposed Activities*

#### V-C-3.1

Conduct research to identify the relationship of dietary knowledge and attitudes to food-related behavior, food and/or nutrient intake, health status, and cultural and self-care health practices to recommend changes in survey questionnaires and to examine theories of behavior change.

*Lead organizations:* FDA, HNIS, NIH.

*Collaborating organizations:* CDC/NCHS, CSRS, DOD, HRSA.

#### V-C-3.2

Conduct research to determine consumer use and understanding of the nutrition information on food labels by the general population and selected subgroups of the population.

*Lead organization:* FDA.

*Collaborating organizations:* CSRS, FSIS, HNIS.

#### V-C-3.3

Conduct research to identify the relationship of knowledge and attitude parameters to dietary behavior and nutrient intake, which will contribute to a set of key knowledge, attitudes, and behavior questions.

*Lead organization:* HNIS.

*Collaborating organizations:* CDC/NCCDPHP, CSRS, DOD, NIH.

#### V-C-3.4

Determine information needed on consumer knowledge, attitudes, and behavior about issues regarding food safety and labeling; then, modify existing surveys of knowledge, attitudes, and behavior, or develop a new survey if appropriate.

*Lead organization:* FDA.

*Collaborating organizations:* CDC/NCCDPHP, CDC/NCHS, DOD, EPA, FSIS, HNIS, HRSA, NIH.

## 4. Food Composition and Nutrient Data Bases

Sources of analytical data for the NNDB include government laboratories, the food industry, the scientific literature, and private laboratories under contract with USDA. Even though the NNDB contains thousands of individual food composition values, gaps and deficiencies still exist for some foods, food components and specific nutrients. This will continue for the foreseeable future because of cost and the lack of reliable measurement systems for certain food components. Therefore, methods for developing food composition values other than analyses of large numbers of samples must be frequently used, such as using data for a limited number of samples, calculating values from other forms of a food, or using a recipe to calculate the nutrient profile of a food composed of several ingredients. These methods need to be evaluated to ensure their appropriate use, and a plan is needed to prioritize needs for development of measurement systems and generation of food composition data.

*Proposed Activities*

## V-C-4.1

Evaluate the different approaches (e.g., chemical analyses, imputation, number of samples, and methods) used to produce nutrient values, and establish criteria for their use.

*Lead organizations:* ARS, FDA, HNIS.  
*Collaborating organizations:* CDC/NCHS, CSRS.

## V-C-4.2

Using criteria established in activity V-C-4.1, evaluate the current status of food composition data and develop and implement a plan for the generation of data where deficiencies exist.

*Lead organizations:* ARS, HNIS.

## V-C-4.3

Develop field measurement systems and appropriate quality control materials for generation of reliable, accurate, and precise food composition data. Coordinate methods development and related activities among Federal government laboratories performing food composition analyses. Initiate process for new methods to receive "official methods" status by such organizations as Association of Official Analytical Chemists, American Association of Cereal Chemists, or American Oil Chemists Society.

*Lead organizations:* ARS, FDA.  
*Collaborating organization:* FSIS.

## 5. Food Supply Determinations

Estimates of the nutrient content of the U.S. food supply include nutrients naturally present in about 350 primary, mostly unprocessed food commodities, as well as nutrients entering the food supply as additives through enrichment and fortification. Quantities of "added" nutrients have been based on six surveys of nutrient producers and importers conducted between 1946 and 1970. Many changes have occurred in the food supply since the last survey in 1970 including an increase in the number and levels of nutrients added in fortification as well as the number of foods which are enriched or fortified. New data are needed to maintain the accuracy of the food supply nutrient series. A review of potential data sources and the development of alternate methods of data collection are needed for determining nutrients added to the food supply for fortification as well as functional purposes.

*Proposed Activities*

## V-C-5.1

Evaluate potential sources of information on nutrients added to the food supply for enrichment, fortification,

and functional purposes and determine the most appropriate method to collect these data.

*Lead organization:* HNIS.  
*Collaborating organizations:* ERS, FDA.

## V-C-5.2

Plan and conduct research on nutrients added for enrichment, fortification, and functional purposes based on the most appropriate method as determined by activity V-C-5.1.

*Lead organization:* HNIS.  
*Collaborating organizations:* ERS, FDA.

**VI. State and Local Objectives and Activities**

In order to create an effective and comprehensive NNMS, it is necessary to enhance State and local capacity to monitor nutritional status and dietary practices in a way that coordinates with and complements national nutrition surveys. In 1990, 40 States participated in the Pediatric Nutrition Surveillance System (PedNSS), 18 States participated in the Pregnancy Nutrition Surveillance System (PNSS) and 43 in the Behavioral Risk Factor Surveillance System (BRFSS). Also in 1990, nutrition components were added to the Youth Risk Behavior Survey (YRBS) and BRFSS to enable States to begin to look at nutrition-related issues in the school-aged and adult populations, respectively. These surveys and surveillances are coordinated by the National Center for Chronic Disease Prevention and Health Promotion (CDC/DHHS).

A major program emphasis within USDA's Cooperative Extension Service is nutrition, diet and health programs. These educational programs are conducted in 3150 counties in all States and territories reaching approximately 10-12 million people of all age groups and income levels. The Food and Nutrition Service, USDA, also initiates a variety of State and local programs that promote the importance of good nutrition and its relationship to health.

Continued support and expansion of State-based surveillance systems are needed to track State-based nutrition objectives (25) and to enhance program management. In addition, activities at State and local levels are needed to motivate changes in dietary practice to achieve the proposed nutrition objectives.

The Survey of State Nutrition Surveillance Efforts carried out in 1988 by the Association of State and Territorial Public Health Nutrition Directors (ASTPHND) indicated that 80% of States rated participation in

nutrition monitoring as very important or crucial. Major limitations to full participation in nutrition monitoring included insufficient professional staff, limited funding, and non-automated data collection systems (26).

*Objective VI-A: Develop and Strengthen State and Local Capacity for Continuous and Coordinated Nutrition Monitoring Data Collection*

State and local data are needed to detect emerging nutrition issues, to monitor trends in nutrition-related health problems, to plan and evaluate nutrition interventions, to measure the quality of nutrition services, and to assess the effectiveness of food assistance and other programs. As States and localities strive to implement strategies and objectives comparable to the nutrition objectives in Healthy People 2000 (10) and Healthy Communities 2000: Model Standards (25), both baseline and continuing data will be necessary to monitor local progress.

The development of a State structure to carry out nutrition monitoring is needed. Staff should be trained in the collection, analysis, and application of nutrition data. State laboratories must be able to support State and local monitoring efforts which should be feasible and also compatible with national efforts. State and local monitoring systems should also take advantage of new technology for electronic data transfer.

*Proposed Activities*

## VI-A-1

Provide assistance for the development and maintenance of State structure, staff and programs for nutrition monitoring.

*Lead organization:* CDC/NCCDPHP.  
*Collaborating organizations:* CDC/NCEHIC, CDC/NCHS, CSRS, ES, FNS, HRSA.

## VI-A-2

Expand the coverage of current State and local nutrition monitoring activities in selected population groups through technical assistance and grant awards.

*Lead organization:* CDC/NCCDPHP.  
*Collaborating organizations:* CDC/NCEHIC, CDC/NCHS, CSRS, ES, FNS, HRSA.

## VI-A-3

Develop and implement an adult nutrition surveillance system for use in States and localities to monitor State-based nutrition objectives as well as target subgroups of the population at increased nutritional risk.

*Lead organization:* CDC/NCCDPHP.

*Collaborating organizations:* CDC/NCEHIC, CDC/NCHS, CSRS, ES, FNS, HRSA.

#### VI-A-4

Develop and test the feasibility of a model school-based nutrition data collection system including height, weight and indicators of knowledge, attitudes and dietary practices in school-aged children.

*Lead organizations:* CDC/NCCDPHP, CDC/NCHS.

*Collaborating organizations:* DOE, FNS, HRSA, IHS.

#### VI-A-5

Develop and expand State and local laboratory capacity to support nutrition monitoring activities through technical assistance and grant awards.

*Lead organizations:* CDC/NCCDPHP, CDC/NCEHIC.

*Collaborating organizations:* CDC/NCHS, ARS.

*Objective VI-B: Improve Methodologies To Enhance Comparability of NNMS Data Across Federal, State, and Local Levels*

In order for States and localities to compare their nutrition and related health data, including food consumption, with that of other States and with national nutrition data, core indicators, standard methodologies, and interpretive criteria must be developed which are consistent across States and comparable to national nutrition surveys.

#### *Proposed Activities*

##### VI-B-1

As appropriate laboratory methodologies are identified for nutritional biochemistry indicators (activity V-B-1.2), periodically develop, publish, update, and disseminate manuals on model State laboratory programs.

*Lead organizations:* ARS, CDC/NCEHIC.

*Collaborating organizations:* ASTPHLD, CDC/NCCDPHP, CDC/NCHS, HRSA.

##### VI-B-2

Develop statistical methodologies to create State and local estimates based on data from national nutrition surveys

and disseminate these methodologies via computer software.

*Lead organizations:* CDC/NCHS, HNIS.

*Collaborating organizations:* CDC/NCCDPHP, ES, FNS.

##### VI-B-3

Develop methodologies and publish guidance materials to link and utilize existing State and local data sets such as vital records data, Medicaid program data, and nutrition program data for nutrition program management and evaluation.

*Lead organizations:* CDC/NCCDPHP, CDC/NCHS.

*Collaborating organizations:* ES, FNS, HRSA.

##### VI-B-4

Establish and implement practical mechanisms to utilize and link existing industry-based food purchasing data with consumption data for monitoring dietary changes at State and local levels.

*Lead organization:* CDC/NCCDPHP.

*Collaborating organizations:* CDC/NCHS, FDA, HNIS, NIH, ODPHP.

*Objective VI-C: Improve the Quality of State and Local Nutrition Monitoring Data*

For continuance of data quality at the State and local levels, periodic training in the collection, analysis, and use of nutrition monitoring data will be important. Success in utilizing and disseminating State and local nutrition monitoring data will be key factors in assessing the usefulness of nutrition monitoring efforts. Periodic evaluation of State and local monitoring systems should be performed in order to assure that State and local needs are met.

#### *Proposed Activities*

##### VI-C-1

Provide technical assistance and training to State and local agencies on the collection, analysis and use of nutrition monitoring data.

*Lead organization:* CDC/NCCDPHP.

*Collaborating organizations:* CDC/NCHS, CSRS, ES, HNIS, HRSA, IHS.

##### VI-C-2

Develop, publish, and disseminate a practitioner's guide and training programs targeted to advocates, local governments, Cooperative Extension

Service (CES), and public health personnel on how to access and use available nutrition monitoring and surveillance data.

*Lead organization:* CDC/NCCDPHP.

*Collaborating organizations:* CDC/NCHS, ES, HNIS, HRSA.

##### VI-C-3

Develop and carry out a training program to implement the model State laboratory program for nutrition monitoring.

*Lead organizations:* ARS, CDC/NCEHIC.

*Collaborating organizations:* CDC/NCCDPHP, CSRS.

##### VI-C-4

Develop a directory of the content and extent of nutrition monitoring activities at the State level and incorporate this directory into the updates of *Nutrition Monitoring in the United States: The Directory of Federal Nutrition Monitoring Activities*.

*Lead organization:* CDC/NCCDPHP.

*Collaborating organizations:* CDC/NCHS, ES, FNS, IBNMRR Federal-State Relations and Information Dissemination and Exchange Working Group.

#### **VII. Calendar for Proposed IBNMRR, National, and State and Local Objectives and Activities**

This section contains a calendar for the required and proposed activities of the IBNMRR (tables VII-1 and VII-2) and for proposed activities for each of the five component measurement areas (table VII-3 through VII-7), and for proposed activities for States and localities (table VII-8). The calendars are designed to provide an overview of when activities will be conducted and to address accountability and timeliness. A coding system was devised to indicate the stage of development for each activity. A "P" indicates that the planning steps essential prior to the initiation of an activity are being conducted; an "\*" means the activity has been initiated, such as the awarding of a contract or the starting of a research project; an "X" represents a product, such as a publication, workshop or plan for work; and a continuous line or arrow (→) indicates that an activity is ongoing.

Table VII-1. Calendar of required administrative and reporting activities as defined by Pub. L. 101-445.

Activity 1992 1993 1994 1995 1996 1997 1998 1999 2000 2001 2002

Activity	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002
<b>IBNMRR</b>											
Quarterly meetings	X										
Periodic meetings		X	X	X	X	X	X	X	X	X	X
Annual budget report	X	X	X	X	X	X	X	X	X	X	X
Policy report to President	X		X		X		X		X		X
<b>NNMAC</b>											
Periodic meetings	X	X	X	X	X	X	X	X	X	X	X
Annual report to Secretaries	X	X	X	X	X	X	X	X	X	X	X
New or renewed appointments			X(2)	X(2)	X(1)	X(4)	X(2)	X(2)	X(2)	X(1)	X(4)
<b>Scientific report</b>											
Contract	P	X	X	X		P	X	X	X		
Report to Congress		*	X	X			*	X	X		

( ): number of new or renewed appointments from the 9-member NNMAC

Table VII-2. Calendar of proposed activities for the IBNMRR.

Activity	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002
Review IBNMRR membership		X		X		X		X		X	
Working groups	=> as needed ==>										
Directory	X		*	X		*	X		*	X	
Chartbook	*	X			*	X					
Clearinghouse	P	P	P	*	=>						
Procedures to solicit input to update plan		*	X		*						
5 and 10-year review of comprehensive plan					*	X				*	X
Respond to the NNMAC's recommendations	=>										
Independent review and evaluation of NNMS surveys			P	P	*		=> X				

Table VII-3. Calendar of proposed activities for the "nutrition and related health measurements" component.

Activity 1992 1993 1994 1995 1996 1997 1998 1999 2000 2001 2002

Continuous and coordinated data collection											
V-A-1.1											
V-A-1.2	*	X				*	X				
V-A-1.3		*	X								
V-A-1.4		X	X	X	X	X	X	X	X	X	X
V-A-1.5	X		*	X		*	X		*	X	
Comparability and quality of data											
V-B-1.1	*										
V-B-1.2		P	*	X			P	*	X		
Research											
V-C-1.1				*			X				

Table VII-3 continued.

Activity	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002
V-C-1.2	↔			↔							↔
V-C-1.3	↔			↔							↔







Table VII-6. Calendar of proposed activities for the "food composition and nutrient data bases" component.

Activity	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002
<b>Continuous and coordinated data collection</b>											
V-A-4.1		X			X			X			X
V-A-4.2		X			X			X			X
V-A-4.3			X								
V-A-4.4											
V-A-4.5		*			X						
V-A-4.6											
V-A-4.7			P		*			X			
<b>Comparability and quality of data</b>											
V-B-4.1		*									
V-B-4.2			*		X						



Table VII-7. Calendar of proposed activities for the "food supply determinations" component.

Activity 1992 1993 1994 1995 1996 1997 1998 1999 2000 2001 2002

Continuous and coordinated data collection											
V-A-5.1	*	X									
V-A-5.2											
V-A-5.3											
Research											
V-C-5.1	*										
V-C-5.2											





Table VII-8 continued.

Activity 1992 1993 1994 1995 1996 1997 1998 1999 2000 2001 2002

Improved quality of data												
VI-C-1	*											
VI-C-2		*										
VI-C-3				P	*							
VI-C-4	X			X					X			X

BILLING CODE 4160-18-C

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**Appendix 1—Joint DHHS-USDA Working Group for the Development of the Comprehensive Plan for the National Nutrition Monitoring and Related Research Program**

*DHHS Member Organizations*

Administration on Aging  
Centers for Disease Control:  
National Center for Chronic Disease Prevention and Health Promotion  
National Center for Environmental Health and Injury Control  
National Center for Health Statistics \*  
Food and Drug Administration  
Health Resources and Services Administration  
Indian Health Service  
National Institutes of Health  
Office of Disease Prevention and Health Promotion

*USDA Member Organizations*

Agricultural Research Service  
Cooperative State Research Service  
Economic Research Service  
Extension Service  
Food and Nutrition Service  
Human Nutrition Information Service \*  
\* Co-lead organizations

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## Appendix 2. Nutrition monitoring activities from 1896 to 1991

Date		Agency	Survey	Target U.S. population
Nutrition and related health measurements				
1957-annual	NCHS	National Health Interview Survey - Core (NHIS)	Civilian, noninstitutionalized individuals	
1965-1989	CDC/NCHS*	National Hospital Discharge Survey	Discharges from non-Federal, office-based physicians	
1968-70	DHEW	Ten State Nutrition Survey	Low-income families in 10 states	
1971-74	NCHS	First National Health and Nutrition Examination Survey (NHANES I)	Civilian, noninstitutionalized individuals, 1-74 y	
1973	NCHS	National Survey of Family Growth	Women 15-44 y	
1973-1985	CDC/NCHS*	National Nursing Home Survey	Nursing home residents, current or past year	
1973-continuous	CDC/NCCDPHP	Pediatric Nutrition Surveillance System	Low-income, high-risk children, 0-17 y	
1974-75	NCHS	NHANES I Augmentation Sample	Civilian, noninstitutionalized individuals, 25-74 y	
1976	NCHS	National Survey of Family Growth	Women 15-44 y	
1976-80	NCHS	Second National Health and Nutrition Examination Survey	Civilian, noninstitutionalized individuals, 6 mo - 74 y	
1979-continuous	CDC/NCCDPHP	Pregnancy Nutrition Surveillance System	Low-income, high-risk pregnant women	
1982	NCHS	National Survey of Family Growth	Women 15-44 y	
1982-84	NCHS	NHANES I Epidemiologic Followup Study	Individuals examined in NHANES I, 25-74 y at baseline	
1982-84	NCHS	Hispanic Health and Nutrition Examination Survey	Civilian, noninstitutionalized individuals, 6 mo-74 y Mexican-American (AZ, CA, CO, NM, TX) Cuban (FL) Puerto Rican (CT, NJ, NY)	

1984	NCHS	NHIS: Supplement on Aging	Individuals, 55+ y
1986	NCHS	NHANES I Epidemiologic Followup Study	Individuals examined in NHANES I, 55-74 y at baseline
1986	NCHS	National Mortality Followback Survey	Informants and hospitals named on death certificates to provide more information about decedents
1987	CDC/NCHS*	NHANES I Epidemiologic Followup Survey	Individuals examined in NHANES I, 25-74 y at baseline
1987	CDC/NCHS*, NIH/NCI	NHIS: Supplement on Cancer Epidemiology and Control	Civilian, noninstitutionalized individuals, 18+ y
1987-90	CDC/ NCCDPHP	Surveillance of Severe Pediatric Undernutrition	Low-income, high-risk children, 0-5 y
1988	CDC/NCHS*	National Survey of Family Growth	Women, 15-44 y
1988	CDC/NCHS*	National Maternal and Infant Health Survey	Women of reproductive age
1988-94	CDC/NCHS*	Third National Health and Nutrition Examination Survey (NHANES III)	Civilian, noninstitutionalized individuals, 2 mo+ Oversampling of blacks, Mexican-Americans, children, 0-5 y, and individuals, 60+ y
1990	IHS	NHANES III Supplemental Nutrition Survey of Older Persons	Individuals examined in NHANES III in households w/telephones, 50+ y
1991	CDC/NCHS*	Survey of Heights and Weights of American Indian School Children	American Indian children, 5-18 y
1991-92	IHS	Longitudinal Followup to the National Maternal and Infant Health Survey	Women from the National and Maternal Infant Health Survey two years later
		Navajo Health and Nutrition Survey	Navajo reservation, 12+ y
<b>Food and nutrient consumption</b>			
1917 - continuous	DOD	Nutritional Evaluation of Military Feeding Systems and Military Populations	Military individuals

1936-37	BHE, <sup>+</sup> BLS	Household Food Consumption Survey - Household Food Use	Housekeeping households, with husband and wife, native born, nonrelief
1942	BHNHE, <sup>+</sup> BLS	Household Food Consumption Survey - Household Food Use	Housekeeping households
1948	HERB <sup>+</sup>	Household Food Consumption Survey - Household Food Use	Urban housekeeping households
1955	HERB, <sup>+</sup> AMS	Household Food Consumption Survey - Household Food Use	Civilian, housekeeping households
1961- annual	FDA	Total Diet Study	Representative diets of specific age- sex groups
1965-66	CFERD <sup>+</sup>	Household Food Consumption Survey - Household Food Use	Civilian, housekeeping households
1965	CFERD <sup>+</sup>	Nationwide Food Consumption Survey - Individual Intakes	Eligible individuals residing in eligible households (all except half of persons 20-64 y)
1969-70	NMFS	Consumer Panel Survey - Seafood Consumption	Civilian households
1971-74	NCHS	First National Health and Nutrition Examination Survey (NHANES I)	See listing above
1974-75	NCHS	NHANES I Augmentation Sample	See listing above
1976-80	NCHS	Second National Health and Nutrition Examination Survey	See listing above
1977-78	HNIS	Nationwide Food Consumption Survey - Household Food	Civilian households
1977-78	HNIS	Nationwide Food Consumption Survey - Individual Intakes	Eligible individuals residing in eligible households (All except half of persons over 18 y in summer, fall, and winter)
1977-78	HNIS	Supplemental Nationwide Food Consumption Survey - Household Food Use	Civilian households in Puerto Rico, Alaska, Hawaii, elderly adults in 48 states
1977-78	HNIS	Supplemental Nationwide Food Consumption Survey - Individual Intakes	Individuals residing in eligible households

1977-78	HNIS	Low-Income Nationwide Food Consumption Survey - Household Food Use	Low-income civilian households in 48 states
1977-78	HNIS	Low-Income Nationwide Food Consumption Survey - Individual Intakes	Individuals residing in eligible households
1979-80	HNIS	Low-Income Nationwide Food Consumption Survey - Household Food Use	Low-income civilian households
1979-80	HNIS	Low-Income Nationwide Food Consumption Survey - Individual Intakes	Individuals residing in eligible households
1980	FDA	Vitamin/Mineral Supplement Intake Survey	Civilian, noninstitutionalized individuals, 16+ y
1980	FNS	National Evaluation of the School Nutrition Programs	School-age children
1981	NOAA/NMFS	National Seafood Consumption Survey	Individuals residing in eligible households
1982	FNS	Food Stamp SSI/Elderly Cash-Out Demonstration	Age 65+, FSP eligible SSI recipients
1983	FNS	National WIC Evaluation	Pregnant women, children 0-5 y
1984	HNIS	Puerto Rico Nutrition Study	Civilian, housekeeping households
1984	FNS	Evaluation of the Nutrition Assistance Program (NAP) in Puerto Rico	Puerto Rico households participating in NAP
1985	HNIS	Continuing Survey of Food Intakes by Individuals (CSFII) (All income)	Women and men, 19-50 y, children, 1-5 y
1985	HNIS	Continuing Survey of Food Intakes by Individuals - Low-Income Households	Low-income women and men, 19-50 y, children, 1-5 y
1986	HNIS	Continuing Survey of Food Intakes by Individuals (CSFII) (All income)	Women, 19-50 y, Children, 1-5 y
1986	HNIS	Continuing Survey of Food Intakes by Individuals - Low-Income Households	Women, 19-50 y, Children, 1-5 y
1986	NCHS, FDA	NHIS: Vitamin/Mineral Supplements	Children, 2-6 y; individuals, 18+ y
1987-88	HNIS	Nationwide Food Consumption Survey - Household Food Use	Civilian households in 48 states

1987-88	HNIS	Nationwide Food Consumption Survey - Individual Intakes	Individuals residing in eligible households in 48 states
1987-88	HNIS	Low-Income Nationwide Food Consumption Survey - Household Food Use	Low-income civilian households
1987-88	HNIS	Low-Income Nationwide Food Consumption Survey - Individual Intakes	Individuals residing in eligible households
1988-94	CDC/NCHS*	Third National Health and Nutrition Examination Survey (NHANES III)	See listing above
	CDC/NCHS, NIH/NIA	NHANES III Supplemental Nutrition Survey of Older Persons	See listing above
1988	FNS	Feeding the Homeless: Does the Prepared Meals Provision Help?	Homeless soup kitchen users; homeless non-users of soup kitchens
1989-90	FNS	Child Nutrition Program Operations Study, Year 2	School-age children; meals at school
1989	HNIS	Continuing Survey of Food Intakes by Individuals (All income)	Individuals of all ages residing in households in 48 states
1989	HNIS	Continuing Survey of Food Intakes by Individuals - Low-Income Households	Individuals of all ages residing in eligible households in 48 states
1990	HNIS	Continuing Survey of Food Intakes by Individuals (All income)	Individuals of all ages residing in households in 48 states
1990	HNIS	Continuing Survey of Food Intakes by Individuals - Low-Income Households	Individuals of all ages residing in eligible households in 48 states
1990	FNS	Evaluation of the Food Distribution Program on Indian Reservations (FDPIR)	Native American households participating in FSP or FDPIR
1991	FNS	WIC Child Impact Field Test	Infants, < 10 mo.
1991	FNS	FSP Cash-out Evaluation in San Diego, Alabama and Washington	Food stamp participating (FSP) households
1991	HNIS	Continuing Survey of Food Intakes by Individuals (CSFII) (All income)	Individuals of all ages residing in households in 48 states
1991	HNIS	Continuing Survey of Food Intakes by Individuals (CSFII) - Low-Income Households	Individuals of all ages residing in eligible households in 48 states

Knowledge, attitudes and behavior assessments			
1981-continuous	CDC/ NCCDPHP	Behavioral Risk Factor Surveillance System	Individuals, 18+ y, residing in participating states in households with telephones
1982	FDA	Health and Diet Survey	Civilian, noninstitutionalized individuals, 18+ y
1982-84	FDA	Point of Purchase Labeling Studies	Grocery store shoppers
1983	NIH/NCI	Cancer Prevention Awareness Survey	Civilian, noninstitutionalized individuals, 18+ y
1983-84	NIH/NHLBI	Cholesterol Awareness Survey -- Physicians' Survey	Physicians practicing in conterminous U.S. w/specialties in general & family practice, internal medicine & cardiology
1983-84	FDA, NIH/NHLBI	Health and Diet Survey/Cholesterol Awareness Survey -- Public Survey	Civilian, noninstitutionalized individuals, 18+ y
1984-continuous	CDC/ NCCDPHP	Behavioral Risk Factor Surveillance System	Individuals, 18+ y, residing in participating states in households with telephones
1985	NCHS	NHIS: Supplement on Health Promotion/Disease Prevention	Civilian, noninstitutionalized individuals, 18+ y
1985	NIH/NCI	Cancer Prevention Awareness Survey	Civilian, noninstitutionalized individuals, 18+ y
1985-90	FDA	Point of Purchase Labeling Studies	Grocery store shoppers
1986	FDA, NIH/NHLBI	Health and Diet Survey/Cholesterol Awareness Survey -- Public Survey	Civilian, noninstitutionalized individuals, 18+ y
1986	NIH/NHLBI	Cholesterol Awareness Survey -- Physicians' Survey	Physicians practicing in conterminous U.S. w/specialties in general & family practice, internal medicine & cardiology
1987	ODPHP, CDC/ NCCDPHP, ADAMHA/ NIDA	National Adolescent Student Health Survey	Adolescent students, 12-17 y

1988	FDA	Health and Diet Survey	Civilian, noninstitutionalized individuals, 18+ y
1988-91	NIH/NCI	Basic Office of Cancer Communications National Knowledge, Attitude, and Behavior Survey	Civilian, noninstitutionalized individuals, 18+ y
1989	HNIS	Diet and Health Knowledge Survey	Main-meal planner/preparer in households participating in the 1989 CSFII
1990-91	FDA	Nutrition Label Format Study 1 & 2	Primary food shoppers, 18+ y
1990	HNIS	Diet and Health Knowledge Survey	Main-meal planner/preparer in households participating in the 1990 CSFII
1990	NIH/NHLBI	Nationwide Survey of Nurses' and Dieticians' Knowledge, Attitudes, and Behavior Regarding Cardiovascular Risk Factors	Registered nurses and registered dieticians currently active in their profession
1990	FDA, NIH/NHLBI	Health and Diet Survey/Cholesterol Awareness Survey -- Public Survey	Civilian, noninstitutionalized individuals, 18+ y
1990	NIH/NHLBI	Cholesterol Awareness Survey -- Physicians' Survey	Physicians practicing in interminous U.S. w/specialties in general & family practice, internal medicine & cardiology
1990-91 biennial	CDC/ NCCDPHP	Youth Risk Behavior Survey	Civilian, noninstitutionalized adolescents, 12-18 y
1991	HNIS	Diet and Health Knowledge Survey	Main-meal planner/preparer in households participating in the 1991 CSFII
1991	FDA	Survey of Weight Loss Practices	Individuals currently trying to lose weight, in households w/telephones, 18+ y
Food composition and nutrient data bases			
1896 - continuous	HNIS	National Nutrient Data Bank	NA
1961-annual	FDA	Total Diet Study	See listing above

1977 - biennial	FDA	Food Label and Package Survey	NA
Food supply determinations			
1909 - annual	HNIS, ERS	U.S. Food Supply Series	NA
1909 - annual	NOAA/NMFS	Fisheries of the United States	NA

\* NCHS became part of CDC in 1987

+ Currently HNIS

Abbreviations: FDPFR - Food Distribution Program on Indian Reservations; FSP - Food Stamp Participation;

NA - Not applicable; SSI - Supplemental Security Income;

WIC - Special Supplemental Food Program for Women, Infants, and Children

## Appendix 3. Current and proposed nutrition monitoring activities from 1992-2002

Date	Dept.	Agency	Survey	Target U.S. population
1988-94	DHHS	CDC/NCHS	Third National Health and Nutrition Examination Survey (NHANES III)	U.S. noninstitutionalized, civilian population, 2+ mo; Oversampling of blacks and Mexican-Americans, children, 0-5 y, and individuals, 60+ y
1991-92	DHHS	CDC/NCHS, NIH/NIA	NHANES III supplemental Nutrition Survey of Older Persons	Individuals examined in NHANES III, in households w/ telephones, 50+ y
1992	DHHS	IHS	Navajo Health and Nutrition Survey	Navajo Indians in AZ, CO, and NM, 12+ y
1992	DHHS	CDC/NCHS	National Home and Hospice Care Survey	A sample of home health agencies and hospices along with a subsample of patients
1992 - continuous	DHHS	CDC/NCHS	National Health Interview Survey (NHIS) - Core	Individuals, 18+ y
1992 - continuous	DHHS	CDC/NCHS	National Hospital Discharge Survey	Discharges from non-Federal short-stay and general hospitals
1992 - continuous	DHHS	CDC/NCHS	Vital Statistics Program	Total U.S. population
1992 - continuous	DHHS	CDC/NCCDPHP	Pregnancy Nutrition Surveillance System	Low-income, high-risk pregnant women
1992 - continuous	DHHS	CDC/NCCDPHP	Pediatric Nutrition Surveillance System	Low-income, high-risk children, 0-17 y
1992 - continuous	DHHS	CDC/NCHS	NHANES II Mortality Followup Survey	Individuals examined in NHANES II, 30-75 y at baseline
1992 - continuous	DHHS	CDC/NCHS	Hispanic HANES (HHANES) Mortality Followup Survey	Individuals interviewed in HHANES, 20-74 y at baseline
(1992 - continuous)	DHHS	CDC/NCHS	NHANES III Followup Survey	Individuals interviewed and examined in NHANES III, 20+ y at baseline
1992	DHHS	CDC/NCHS	NHANES I Epidemiologic Followup Survey	Individuals examined in NHANES I, 25-74 y at baseline
1992	DHHS	CDC/NCHS, NIH/NCI	NHIS: Supplement on Cancer Epidemiology and Cancer Control	Individuals, 18+ y
1993	DHHS	CDC/NCHS	National Survey of Family Growth	Women, 15-44 y
1993	DHHS	CDC/NCHS	National Mortality Followback Survey	Informants and hospitals named on death certificates to provide more information about decedents

1994 - continuous	DHHS	CDC/NCHS	National Hospital Ambulatory Medical Care Survey	Office visits to non-Federal, office-based physicians
1994 - continuous	DHHS	CDC/NCCDPHP	Adult Nutrition Surveillance System	Adults, 18+ y participating in local public health programs
1994-95	DHHS	CDC/NCHS	NHIS: Supplement on Healthy People 2000 Objectives	Individuals 18+ y
1995	DHHS	CDC/NCHS	NHANES I Epidemiologic Followup Survey	Individuals examined in NHANES I, 55-74 y at baseline
(1996 - )	DHHS	CDC/NCHS	Fourth National Health and Nutrition Examination Survey (NHANES IV)	U.S. noninstitutionalized population
1992 - continuous	DHHS	CDC/NCHS	Research on statistical methods: Model-based estimates of NHIS items for States	NA
Continuous	USDA	ARS	Determination of Nutrient Requirements	U.S. population
Continuous	USDA	ARS	Methods of Assessing Nutritional Status	NA
Continuous	DHHS	CDC/NCEHC	Methods of Assessing Nutritional Status	NA or varies
Continuous	USDA	CSRS	Nutrition Research in Support of Nutrition Monitoring	NA or varies
Continuous	DHHS	NIH	Nutrition Research in Support of Nutrition Monitoring	NA or varies
Periodic	DHHS, USDA	TBA	User conferences	NA
<b>Food and nutrient consumption</b>				
1988-94	DHHS	CDC/NCHS, NIH/NIA	NHANES III and NHANES III Supplemental Nutrition Survey of Older Persons	See above listings
1991-92	DOC	NMFS/NOAA	Development of a National Seafood Consumption Survey Model	Individuals residing in eligible households and recreational/subsistence fishermen
1991-92	USDA	FNS	Child Nutrition Dietary Assessment Study	School-age children
1992	USDA	FNS	Child Nutrition Program Operations Study	School-age children, meals at schools
1992	USDA	FNS	Adult Day Care Program Study	Adults attending CACFP centers
1992 - annual	DHHS	FDA	Total Diet Study	Representative diets of specific age-sex groups
1992 - continuous	DOD	USARIEM	Nutritional Evaluation of Military Feeding Systems and Military Populations	Military personnel in garrison and combat training
1993-96 - annual	USDA	NHIS	Continuing Survey of Food Intakes by Individuals	Individuals of all ages residing in eligible households nationwide

(1996 - )	DHHS	CDC/NCHS	NHANES IV	See above listing
1997-98	USDA	HNIS	Nationwide Food Consumption Survey - Household Food Use	Civilian households
1997-98	USDA	HNIS	Nationwide Food Consumption Survey - Individual Intakes	Eligible individuals residing in eligible households
1997-98	USDA	HNIS	Low-Income Nationwide Food Consumption Survey - Household Food Use	Low-income civilian households
1997-98	USDA	HNIS	Low-Income Nationwide Food Consumption Survey - Individual Intakes	Individuals residing in eligible households
1992 - continuous	USDA	ERS	Demand Studies	NA
Periodic	DHHS, USDA	TBA	User conferences	NA
<b>Knowledge, attitudes and behavior assessments</b>				
1991 - biennial	DHHS	CDC/NCCDPHP	Youth Risk Behavior Survey	Civilian, noninstitutionalized adolescents, 12-18 y
1991-92	DHHS	FDA, NIH/NHLBI	Survey of Weight Loss Practices	Individuals currently trying to lose weight, in households w/telephones, 18+ y
1991-92	DHHS	FDA	Infant Feeding Practices Survey	Full-term infants, < 12 mo.
1992	DHHS	FDA	Consumer Food Handling Practices and Awareness of Microbiological Hazards Screener	Individuals in households w/telephones, 18+ y
1992	DHHS	CDC/NCHS, CDC/NCCDPHP	NHIS: Supplement on Youth Risk Behavior	Civilian, noninstitutionalized adolescents, 12-21 y
1992 - continuous	DHHS	CDC/NCCDPHP	Behavioral Risk Factor Surveillance System	Individuals, 18+ y, residing in participating States in households with telephones
1992 - biennial	DHHS	FDA	Health and Diet Study	Civilian, noninstitutionalized individuals in households w/telephones, 18+ y
1993-96 - annual	USDA	HNIS	Diet and Health Knowledge Survey	Main meal-planner/preparer of households of CSFII
Periodic	DHHS, USDA	TBA	User conferences	NA
<b>Food composition and nutrient data bases</b>				
1992 - annual	DHHS	FDA	Total Diet Study	See above listing
1992 - biennial	DHHS	FDA	Food Label and Package Survey	NA

Continuous	USDA	HNIS	National Nutrient Data Bank	NA
Continuous	USDA	HNIS	Survey Nutrient Data Base	NA
Continuous	USDA	ARS	Nutrient Composition of Food	NA
Continuous	DHHS	NIH	Measurement of Nutrients in Foods	NA
Periodic	USDA	TBA	User conferences	NA
<b>Food supply determinations</b>				
Annual	DOC	NOAA/NMFS	Fisheries of the United States	NA
Annual	USDA USDA	ERS HNIS	U.S. Food Supply Series Estimate of Food Available Estimate of Nutrients	NA
Periodic	USDA	TBA	User conferences	NA

Abbreviations: (Date) - tentative date; CACFP - Child and Adult Care Food Program; NA - not applicable; TBA - to be announced; WIC - Special Supplemental Food Program for Women, Infants, and Children

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#### Appendix 4—Overview of Current NNMS Surveys and Surveillance Activities

Nutrition monitoring surveys, surveillance activities, and related nutrition research and program activities in Appendix 3 are described below, in relation to the five NNMS components:

- A. Nutrition and related health measurements
- B. Food and nutrient consumption
- C. Knowledge, attitudes, and behavior assessments
- D. Food composition and nutrient data bases
- E. Food supply determinations

##### A. Nutrition and Related Health Measurements

1. The Adult Nutrition Surveillance System will be designed by CDC/NCCDPHP to monitor the prevalence of nutrition-related problems and behavioral risk factors related to the development of chronic diseases among the adult population, aged 18 years and older. This system will address State and local needs to have data to measure the Year 2000 nutrition objectives as well as provide information for various federal program requirements such as those required by the Prevention Block Grant. Personal computer software will be developed to enable States to independently collect, analyze and report data from the system. This system will consist of two coordinated components. The first component will collect information to describe the prevalence of State and local population-based nutrition and behavioral risk factors in adults. This could be administered as a component of the existing Behavioral Risk Factor Surveillance System or as a stand alone survey or surveillance. A second component, using the same indicators, will be based on data collected from health, nutrition, and food assistance programs for adults such as worksite wellness programs, chronic disease screening, treatment, and education programs and health maintenance organizations. The Adult Nutrition Surveillance System will include nutrition-related problems such as underweight, overweight, high blood pressure, anemia, and hypercholesterolemia, dietary behaviors, and other risk behaviors, such as smoking.

2. The Hispanic HANES Mortality Followup Survey is an ongoing mortality followup of the Hispanic HANES adult cohort aged 20–74 y at baseline interview (1982–84). All adults interviewed in HHANES will be followed for vital status and linked to the National Death Index (NDI). The NDI results will be matched to multiple cause of death data. It is anticipated that several years of followup will be necessary before enough events have accrued for each of the three Hispanic subgroups studied in HHANES.

3. The National Ambulatory Medical Care Survey (NAMCS) conducted by CDC/NCHS provides data on the utilization of medical care in physicians' offices such as reasons for visits, diagnoses, and counseling services. Information is collected on physician-reported hypertension, hypercholesterolemia, and obesity, and counseling services recommended or provided for diet, exercise, cholesterol reduction, and weight reduction.

4. National Health and Nutrition Examination Survey (HANES): The NHANES, conducted periodically by CDC/NCHS, is the

cornerstone of Federal efforts to monitor the overall nutritional status of the American people. NHANES consists of a series of surveys of probability samples of the United States population comprising over 20,000 persons each. Two national surveys have been completed—NHANES I (1971–1974, ages 1–74 years) and NHANES II (1976–1980, ages 6 months–74 years). A survey of Hispanic Americans, HHANES, was conducted from 1982 through 1984. The HHANES had three separate components: Mexican-Americans in the five Southwestern states; Cuban-Americans in the Miami (Dade County), Florida area; and Puerto Ricans in the New York City metropolitan area.

The surveys include physical examination, anthropometry, blood cell assessments, biochemical analyses of blood and urine, x-rays, functional assessment, health histories, and dietary intake interviews. They provide national estimates of diseases and health and nutritional characteristics including dietary intake of the U.S. population and selected subgroups and the relationship of diet to nutritional status and health. For example, through NHANES, physical and biochemical measurements are made which provide information about a number of nutrition-related conditions, including growth retardation; anemia; obesity; heart disease; hypertension; cerebral vascular disease; diabetes mellitus; osteoporosis; vitamin, mineral, and trace element deficiency or toxicity; and heavy metal and pesticide exposures.

The third NHANES, NHANES III (1988–1994), will include 40,000 interviewed and 30,000 examined persons ages 2 months and older. This survey is oversampling infants, children, older persons, and minority groups such as blacks and Mexican-Americans to permit reliable estimates of the health and nutritional status of these groups. The fourth NHANES, NHANES IV, is tentatively planned to begin in 1996.

The NHANES III Supplemental Nutrition Survey (SNS) of Older Americans is a special dietary study funded by the National Institute on Aging (NIA/NIH). In addition to the 1-day baseline dietary recall obtained during the NHANES III examination, SNS participants are contacted by telephone interviewers to provide two additional 1-day dietary recalls approximately 8 and 16 months after the initial recall. The expanded dietary recall data for older persons will be used to estimate the variability and reliability of nutrient intakes, and usual intake of older persons, to explore methodologic issues with respect to dietary data collection, and to determine behaviors and other factors that should be considered in the analysis and interpretation of dietary data for older persons.

5. The NHANES I Epidemiologic Followup Study (NHEFS) is a nationwide followup interview survey conducted in 1982–1984 of approximately 14,000 persons who participated in NHANES I. Respondents were asked about their food intake and health and hospitalization history. Measurements of weight and blood pressure were taken and household data were augmented by data from hospital records and death certificates. Continued followup of the study's elderly

cohort was conducted by telephone in 1986. In 1987, contact was made with the full sample by telephone.

6. The NHANES II Mortality Followup Survey began in 1987. This study is an ongoing, passive followup of the vital status and cause of death of NHANES II (1976–80) examinees aged 30–75 years at baseline. In 1989, collateral information about the vital status of persons examined during the period 1976–78 or prior to the introduction of the NDI was obtained. In 1991 an NDI search was conducted for the years 1979–88. Followup through the NDI, receipt of death certificates, and preparation of cause of death data files are ongoing.

7. Plans for the NHANES III Longitudinal Followup Study are currently under development by CDC/NCHS. Starting in 1991, records for all sample persons interviewed in NHANES III will be matched with the NDI files to assess vital status. In addition, for those 65 years of age and older, files will be matched against the Health Care Financing Administration's (HCFA) Medicare Statistical Files. Plans are also being developed for an in-home interview and examination or for a telephone interview. However, the form of followup contact that takes place with the sample persons will depend upon the interest and support for such a study by DHHS agencies and organizations.

8. The National Health Interview Survey (NHIS) collects data on the incidence of illness and injuries, prevalence of chronic diseases and impairments, disability, physician and dental visits, hospitalizations, and other health topics, as well as on the relationships between demographic and socioeconomic characteristics and health status. The data are obtained from household interviews with a sample of the Nation's civilian, noninstitutionalized population; the survey is conducted annually. In addition, each year special health topics (supplements) are included. Recent and planned supplements particularly relevant to nutrition monitoring include disease prevention and health promotion (1985 and 1990), vitamin and mineral supplement use (1986), cancer control (1987 and 1992), and the Healthy People 2000 Objectives (1994–95).

9. A new survey planned by CDC/NCHS, the National Home and Hospice Care Survey (NHHCS), will begin in 1992. Information on reasons for visits and diagnoses will be collected from institutions that provide home and hospice care.

10. The National Hospital Ambulatory Medical Care Survey (NHAMCS) is planned to begin in 1992. CDC/NCHS designed this new survey to include medical care provided in hospital emergency and outpatient departments. Information is collected on patients' reasons for visits and diagnoses.

11. The National Hospital Discharge Survey (NHDS) conducted by CDC/NCHS provides data on the nature and treatment of illnesses of patients discharged from non-Federal, short-stay hospitals.

12. The National Maternal and Infant Health Survey, conducted by CDC/NCHS, has three components covering natality and fetal and infant mortality. Live birth, fetal death, and infant death records are sampled

and questionnaires sent to mothers and physicians, hospitals, and other medical care providers used by the mother. The major areas of investigation are causes of low birth weight infants and infant deaths; prenatal care; the effects of maternal smoking, drinking, and drug use; the effects of sexually transmitted diseases on pregnancy outcome; and the use of public maternal health programs by mothers and infants. The 1988 survey was a combination of three earlier surveys—the National Natality Survey (1980), the National Fetal Mortality Survey (1980), and the National Infant Mortality Survey (1984–86).

13. The National Mortality Followback Survey is designed to provide data on socioeconomic characteristics of deceased persons, use and payment for hospitals and institutional care during the patient's last year of life, and factors associated with health status, such as smoking habits. The data are collected with the use of questionnaires sent to the decedents' next of kin and to the institutions which provided health care, including hospitals, nursing homes, hospices, and other facilities. The survey was conducted annually from 1961 through 1968 and in 1986, and is planned for 1993.

14. The National Survey of Family Growth (NSFG) is conducted by CDC/NCHS and provides national estimates of data on childbearing and factors that affect childbearing, including infertility and contraception, and related aspects of maternal and child health, including prenatal care, birthweight, and duration of breastfeeding. Interviews were conducted in 1973 and 1976 with national samples of ever-married women 15–44 years of age. For the 1982 and 1988 surveys, coverage was expanded to include women of all marital status aged 15–44 years. The sample size is about 8,000 women for each survey. The next NSFG is planned for 1993.

15. The Navajo Health and Nutrition Survey was planned by the Indian Health Service to establish prevalence data on nutrition-related chronic diseases for the Navajo population and to generate a valid description of nutritional status and dietary behaviors of Navajo people in general as well as for selected subgroups within that population. The sample size goal is 1,700 and data collection will take place over a five month period. Information will be collected on dietary intake, food frequency, anthropometric measurements, lipid profiles, blood pressure, and full blood chemistry, including glucose tolerance tests.

16. Nutrition Research Programs Related to Health and Nutritional Status Assessment

—USDA's Agricultural Research Service (ARS) is a major Federal contributor to research on nutritional status and epidemiological nutrition research. ARS contributes principally to research on nutritional requirements and nutritional status through its five Human Nutrition Research Centers. In particular, the Western Human Nutrition Research Center at Letterman Army Institute of Research, San Francisco, California, conducts research on human nutrition requirements and on nutritional status, surveillance,

intervention, and monitoring. The Center focuses on (1) identification of factors, forces, and trends resulting in malnutrition; (2) development of reliable, efficient, and inexpensive methods for defining nutritional status; (3) studies on nutritional requirements; and (4) development of nutritional criteria and methodologies to assist in design and evaluation of action programs.

Two of the centers focus on specific age groups of the population. The Children's Nutrition Research Center in Houston, Texas, is dedicated to the study of nutritional needs of pregnant and lactating women and of infants and children, with particular attention to the quantification of nutritional allowances and the attainment of optimal nutritional status. The Human Nutrition Research Center on Aging at Tufts University in Boston focuses on the nutritional requirements of the elderly, the role of nutrition in the aging process, and the prevention of the diet-related disorders.

The remaining two centers have established research programs in nutritional requirements and status. The Beltsville Human Nutrition Research Center is seeking a more complete definition of human requirements for essential nutrients. The Grand Forks Human Nutrition Center develops recommendations for nutrient intakes and is attempting to identify useful nutrient forms, particularly of minerals.

—The Centers for Disease Control: The Nutritional Biochemistry Branch, at NCEHC provides central nutrition laboratory support to the NCHS-sponsored National Health and Nutrition Examination Surveys, currently NHANES III. Methods are developed, validated and applied for the measurement of vitamins, essential and toxic elements, and metabolic indicators of nutritional status, under conditions of rigorous quality control. The laboratory's emphasis on quality control is especially important in monitoring trends in the population's nutritional status. The laboratory collaborates with other PHS agencies and academic research centers for studies of the relationships of nutrition to infant and maternal health, birth defects, osteoporosis, age-related eye diseases, cardiovascular disease, diabetes, cancer, and health problems of certain high-risk groups such as minorities and women. Laboratory efforts are also focused on problems related to environmental health and the role that nutrition plays in human exposure to certain environmental toxicants (e.g., lead poisoning in children.) This laboratory expertise will provide the technological base for developing and validating laboratory procedures to be transferred to State and local nutrition monitoring programs.

—The human nutrition research program of the Cooperative State Research Service is carried out by academic departments of nutrition under formula, special and competitive funding. Departments of nutrition within Land Grant Universities encompass both the state agriculture experiment station and extension systems. Thus, the dissemination of research-based nutrition information is fostered. The

research topics are defined by the Federal priority setting process, but the projects are investigator-initiated and approved by a peer review process. Matching funds, often in excess of the amount of Federal funds, are provided by the States. Research activities usually comprise the following major categories: Nutrient Requirements and Health Maintenance; Nutritional Status and Food Intake; Nutrient Composition and Bioavailability; and Food Choices.

—Model-based estimates of NHIS items for States: The statistical methodology to produce State estimates and their error has been developed and applied to the National Health Interview Survey (NHIS) by CDC/NCHS. Research will continue to evaluate model-based State estimates with synthetic estimates for four large states. Other cross-validation techniques will also be applied in the evaluation of the State estimates.

—NIH Research: The NIH supports the country's largest program in human nutrition research, including research on assessment of nutritional status, nutritional epidemiology, and clinical nutrition. Investigator-initiated projects comprise the majority of the NIH Program of Biomedical and Behavioral Nutrition Research.

The NIH-supported Clinical Nutrition Research Units (CNRU) and centers have contributed especially to understanding the effects of disease states on nutritional status. Nutritional status has been examined in healthy and clinical populations, as well as in high-risk groups. Studies have included methodologic development, validation, measurement, and interpretation of biochemical, anthropometric, maturational, and functional indices of nutritional status. The Strong Heart Study is an example of an NIH-supported research project which is conducted under cooperative agreements supported by the NHLBI. The Strong Heart Study was initiated to estimate the morbidity and mortality rates from cardiovascular disease in three geographically diverse groups of American Indians and to estimate the levels of cardiovascular disease risk factors through an examination of 1,500 adult men and women aged 45–74 years in each of the three centers.

Long-term prospective studies of specific high-risk populations are also underway. With their unique long-term perspective, such studies provide insights about potential vulnerable groups (such as minorities and women), indicators, and standards that are useful for the NNMRR Program's endeavors. For example, insights about nutrition and the aging process have been and continue to be gained from the NIH National Institute on Aging's Gerontology Research Center in Baltimore.

17. The Pediatric Nutrition Surveillance System (PedNSS) is designed to continuously monitor the prevalence of major nutritional problems among high-risk, low income infants and children 1–17 years of age. The system is based on information routinely collected of health, nutrition, and food assistance programs such as the Special Supplemental Food Program for Women,

Infants and Children (WIC), Early and Periodic Screening, Diagnosis, and Treatment (EPSDT), Head Start, and child health clinics operating under the Maternal and Child Health Block Grant.

Initiated in 1972, PedNSS is designed to improve the management of State child health programs and to allow states to develop and monitor State-based nutrition objectives. Program managers use this information to target high-risk subgroups of the population for interventions and to evaluate the effectiveness of interventions designed to reduce nutrition problems in infants and children.

18. The Pregnancy Nutrition Surveillance System (PNSS) is designed to monitor the prevalence of nutrition-related problems and behavioral risk factors among high-risk prenatal populations which are related to infant mortality and low birthweight. The PNSS is based on data collected from health, nutrition, and food assistance programs for pregnant women such as WIC and prenatal clinics funded by the Maternal and Child Block grant and State monies.

Nutrition-related problems currently monitored include gravid underweight and overweight and anemia (low hemoglobin/hematocrit). With the enhancement of PNSS in 1989, additional nutritional and behavioral risk factors are being reported to the system. The emphasis is to quantify preventable risk behaviors among low income pregnant women such as smoking and alcohol consumption as well as to look more closely at the relationship of nutritional status to weight gain during pregnancy and birth outcome.

Trends in the prevalence of these nutrition-related and behavioral risk factors are monitored. Pilot projects have been funded to link PNSS data to birth certificates to assess program coverage and targeting and evaluate program impact. Future growth for this program includes the expansion of linkage efforts in all States who wish to develop this capacity.

19. The Vital Statistics Program is responsible for the nation's official vital statistics. Based on records filed in State vital statistics offices, the national program coordinates reporting, coding, and transmission of data on births, deaths, fetal deaths, induced terminations of pregnancy, marriages, and divorces. The vital statistics program produces annual data for the U.S. and for States, counties, and other local areas, and monthly provisional data for the U.S. and each State.

The U.S. Standard Certificate of Live Birth underwent a major revision for the data year 1989. The revised certificate will be in use for 10 years. Questions on weight gain during pregnancy, alcohol and tobacco use, anemia and diabetes as medical risk factors for pregnancy, anemia as an abnormal condition of the newborn, and clinical estimate of gestation were added.

#### B. Food and Nutrient Consumption

20. The *Adult Day Care Program Study* to be conducted in 1992 will collect in-person survey and interview observation of the food and beverages eaten during a 24 hour period for a nationally representative sample of 752

adults attending day care centers participating in the Child and Adult Care Food Program (CACFP). The study will also describe the characteristics of adults and adult day care centers participating and not participating in CACFP and determine the contribution of USDA meals on total dietary intake.

21. In 1991-92 the Child Nutrition Dietary Assessment Study (SNDA) will obtain national estimates of the nutrient composition of USDA meals, the impact of USDA meals on dietary intakes, and the types of food selected by students. The study will also determine which meal preparation factors are significantly affecting the nutrient content of USDA meals and plate waste under offer-vs.-serve (OVS) and non-OVS food systems. The study will collect 24-hour recalls from a nationally representative sample of 4,000 school-age children.

22. The Child Nutrition Program Operations Study, Year 2, On-site Component will provide data on the nutritional value of meals served and consumed in the NSLP and SBP. Information was collected in 1991 at 60 public schools at all three levels in 20 school food authorities. Menus and recipe data was collected on the foods offered in NSLP and SBP and the amount of plate waste was recorded. Interviews with kitchen managers and observation forms were used to capture the information.

23. Continuing Survey of Food Intakes by Individuals (CSFII): USDA initiated this survey in 1985. It is designed to monitor the dietary status of relatively small national samples in the general and low-income populations in years between the larger decennial NFCS. The CSFII includes the collection of data for individual food intake. The survey was conducted in 1985 and 1986, but discontinued during 1987 and 1988 while the NFCS was in process. In 1989, the CSFII began again.

In the 1985 and 1986 CSFII, individuals were asked to provide a 1-day recall on 6 different days over a 1-year period; information on the first day's intakes was obtained by an in-person interview in the home, subsequent contacts were by telephone, if possible. Both years included the collection of information from all-income and low-income women age 19 to 50 years and their children 1 to 5 years. The 1985 collection included men age 19 to 50 years as well. In 1985, about 1,500 women, 550 children, and 750 men provided information in the all-income sample. In 1986, about 1,500 women and 550 children provided information in the all-income sample.

Methodology for the CSFII, is the same as that for the NFCS—that is, a 1-day recall followed by a 2-day record on 3 consecutive days. For each year, the total sample is 2,250 households including both all-income and low-income households. Data for several years can be combined to provide data for a much larger group.

24. In 1991-92 a study for the Development of a National Seafood Consumption Survey Model will be conducted by NMFS/NOAA/DOC. The purpose of this study is to (1) conduct a comprehensive review and scientific analysis of seafood consumption survey models to ascertain their strengths

and weaknesses in providing scientifically valid data for use in contaminant risk assessment, and (2) after developing and testing model instruments, propose seafood consumption model(s) that will allow both national and/or localized consumption surveys to be conducted so as to accrue a data base that can be used for state-of-the-art science risk assessment. A working panel of risk assessment and food consumption experts and industry representatives will provide guidance on the development and testing of the seafood consumption survey instruments.

25. *Nationwide Food Consumption Survey (NFCS)*: USDA's periodic NFCS, conducted by the Human Nutrition Information Service (HNIS), is the cornerstone of Federal efforts to monitor overall dietary status of the American people. The NFCS 1987-88 is the most recent of many nationwide surveys of food consumption. The surveys are used now, as in the past, to describe food consumption behavior and to assess the nutritional content of diets for their implications for policies relating to food production and marketing, food safety, food assistance, and nutrition education.

The NFCS 1987-88 included the collection of two types of information: (1) Household use of food—the quantities of foods households used during a 7-day period and the cost of those foods; and (2) Individual food intake—the kinds and amounts of foods actually eaten at home and away from home by individual household members. The NFCS marks the seventh time that nationwide information on household use of food has been collected by USDA. Previous surveys were conducted in 1935-36, 1942, 1948, 1955, 1965-66, and 1977-78. In a supplement to the 1965-66 survey, certain members of households sampled in the spring quarter were asked to recall their dietary intakes for the day prior to the interview. In the 1977-78 and 1987-88 NFCS dietary intakes were collected for 3 consecutive days using a 1-day recall followed by a 2-day record.

The NFCS 1987-88 consisted of two area probability samples of the 48 conterminous states—one for the general population (basic survey) and one for the low-income population. The basic survey provided information from about 4,500 individuals and 10,000 households; the low-income survey was somewhat smaller. Eligibility for the low-income survey was based on household income. Households having income before taxes for the previous month at or below 130 percent of the poverty thresholds were eligible for participation. This income level was selected because nonelderly households that have income at this level meet one of the income criteria for participating in the Food Stamp Program.

26. *Nutritional Evaluation of Military Feeding Systems and Military Populations*: Beginning in 1917, the military has conducted periodic nutritional surveys and assessments to monitor the nutritional adequacy of the diet consumed by military personnel in peace-time garrison situations, during sustained physically demanding military training exercises at all climatic extremes and, on occasion, during combat operations.

The dietary status data are used to monitor and evaluate the effectiveness of nutritional initiatives for military feeding systems and health promotion programs. Since 1985, the U.S. Army Research Institute of Environmental Medicine at Natick, MA has been designated as the responsible agency to conduct these studies for the Department of Defense.

27. *Research Program on Food Demand:* A variety of Economic Research Service (ERS) activities contribute information about the nature of the national food supply and patterns of consumption. Of particular importance are economic and marketing information studies which permit evaluation of aggregate shifts in food consumption and price-consumption relationships. Efforts of this kind are important in assessing changing foods consumption patterns and may presage nutritional problems. HNIS and ERS use the NFCS data to predict the demands for foods by households of given characteristics (income, race, sex-age composition, food assistance program participation, etc.).

28. The *Total Diet Study* is a yearly monitoring program which provides national estimates of average dietary intakes for 11 nutritional elements, four toxic metals, and various pesticide residues, industrial chemicals, and radionuclides for selected age-sex groups. The program provides a data base for the levels of the various nutrients and food components in individual foods, and it assesses trends in the levels of these substances in the food supply and in daily diets over time. The foods are purchased four or more times per year in grocery stores of selected cities in four geographic areas of the U.S. The foods are shipped to the Total Diet Laboratory in Kansas City, MO where they are prepared for consumption and analyzed individually for nutrients and other food components. The Total Diet Study foods are core foods of the U.S. food supply, based on consumption data from national food consumption surveys. The foods include fruit, vegetables, grain products, dairy products, meats, mixed dishes, desserts, beverages, fats, and sweeteners. The composition data for the Total Diet Study foods are merged with national food consumption data to assess daily intakes of the substances for selected age-sex groups. The Total Diet Study began in 1961 using consumption data from the 1955 USDA HFCS. The study was subsequently revised to reflect food consumption data from the 1965 HFCS. The Total Diet Studies conducted from 1982 until 1991 were based on food consumption data of the 1977-78 NFCS and the NHANES II. These studies included 234 foods for 8 age-sex groups. Beginning in 1991, the Total Diet Studies will reflect updated food consumption data for 265 foods for 14 age-sex groups.

#### C. Knowledge, Attitudes, and Behavior Assessments

29. The *Behavioral Risk Factor Surveillance System (BRFSS)* is designed to permit States to collect information regarding the prevalence of self-reported health behaviors using relatively low-cost telephone survey methodology. The behaviors surveyed relate to the ten leading causes of death, and

include height, weight, smoking, alcohol use, weight control practices, diabetes, mammography, pregnancy, and cholesterol screening practices, awareness and treatment.

Participating States conduct monthly interviews for a year or longer using a core questionnaire developed by the Centers for Disease Control. States typically add questions at the end of the questionnaire to provide more detailed information on issues of special interest. The interviews are short, taking about 10 minutes, and administered to adults 18 years of age or older.

30. *Consumer Food Handling Practices and Awareness of Microbiological Hazards Screener:* This telephone survey conducted by FDA of 1,500 adults includes information about eating habits (whether respondent eats breakfast, lunch, dinner; number of meals eaten away from home), food handling practices (items measure adequate cooking, handling of leftovers including adequate reheating, cross contamination, room temperature holding of perishable foods), eating dangerous raw foods, sources of food handling information, knowledge of ways to prevent food poisoning, reasons for not following food safety recommendations, label reading, knowledge of specific microorganisms, perceived sources of food contamination, and foodborne illness experience. The sample will be split in half, with one group asked food handling questions related to meat and poultry and the other group asked the same questions related to fish and shellfish.

31. *Diet and Health Knowledge Survey (DHKS):* In 1989, HNIS initiated the DHKS, which is conducted annually during CSFII years. The DHKS is the first survey designed to provide nationally representative data with which to determine directly how attitudes and knowledge about healthy eating affect dietary status. This capability comes from a survey design that links the CSFII with the DHKS. In each of the approximately 2,250 CSFII households, one member is identified as the main meal-planner/preparer. This individual is the respondent for the DHKS. About six weeks after the CSFII, this person is recontacted in a telephone follow-up, and the DHKS interview is conducted. Individuals without telephones are interviewed at home.

The DHKS provides data on knowledge and attitudes about dietary guidance, food preparation practices, use of nutrition information on food labels, and food safety concerns. Knowledge and attitude parameters covered include the accuracy of perceptions about how one's own diet rates relative to current dietary guidance, attitudes towards the importance of dietary guidance, and potential barriers to following the types of dietary guidance supported by Federal nutrition policy. The CSFII provides information on food and nutrient intakes in the conterminous U.S.; health-related behaviors (e.g., salt use, dieting behavior, physical activity, weight status); and demographic and socioeconomic information. Together these data sets can be used to show relationships between knowledge and attitude parameters and dietary status of main meal-planner/preparers in U.S. households.

32. *Health and Diet Study (HDS):* The FDA Health and Diet Study consists of biennial telephone surveys of nationally representative samples of American households. Surveys were conducted in 1982, 1984, 1986, 1988, and 1990. Some comparable data are also available from studies done in the 1970s. The HDS contains a core set of topics and items on health and nutrition that are repeated from survey to survey and additional topics and items that provide timely information on current health and diet issues or special topics. Key topics covered by the surveys include perceptions of specific dietary components such as cholesterol, sodium, and fats; knowledge of fats and cholesterol; self reported health-related behaviors such as dieting, sodium avoidance, and efforts to lower cholesterol; perceptions and use of food labels; and beliefs about diet-health relationships including the relationships between diet and cancer, high blood pressure, and heart disease. The HDS data have been used to evaluate progress and identify needed improvements in the public education initiatives of various federal agencies within the Public Health Service, such as, the National Heart, Lung and Blood Institute/NIH.

33. *Infant Feeding Practices Survey:* This study will provide detailed time-specific information about feeding practices during the first 12 months of life. Pregnant women will be identified from a large commercial consumer mail panel and approximately 1,200 participants will receive a series of mail questionnaires (1 prenatal, 9 postnatal). The prenatal questionnaire will cover prenatal health care, WIC participation, employment, and prenatal plans for feeding the new baby. A neonatal questionnaire will cover birth experience, hospital practices, feeding practices, living arrangements, and WIC participation. The postnatal series will cover feeding practices, including foods fed to the infant; mothers' reasons for stopping breast feeding; variables related to allergy development; breast feeding characteristics; formula feeding characteristics; reasons for choosing and switching formula brands; sources of feeding information; handling information for formula, baby foods, and expressed milk; and employment and day care arrangements. As a panel study, it will provide detailed feeding and health data not feasible in a retrospective survey and will permit analysis of relationships between feeding patterns over time and other variables such as demographics, mothers' characteristics, market factors, infant health, and child-care arrangements.

34. The *NHIS Youth Risk Behavior Supplement* is part of a surveillance system that monitors the behaviors of adolescents. It focuses on activities which result in the greatest morbidity and mortality for that age group. National and State samples of schools are administering the same questions that will be used in the NHIS component of the survey. The school-based surveys are administered to students in grades 9-12 in both public and private systems. The NHIS supplement is for ages 12-21 years and includes an oversample of out-of-school youth. The school-based surveys began in

1990. The NHIS YRBS will begin in 1992. The six broad areas of study are: tobacco use, alcohol and drug use, physical activity, nutrition, unintentional injuries, and sexual behavior. The NHIS version includes questions on runaway experience and homelessness. The surveillance system is supported by CDC/NCCDPHP. The questions on homelessness are for the Administration on Children, Youth, and Families.

35. *Survey of Weight Loss Practices:* Reducing the prevalence of obesity, one of the major preventable risk factors for serious chronic diseases, is one of the major goals of the DHHS Year 2000 Health Objectives. This survey will provide valuable information on Americans' current weight-loss practices. A nationally representative sample of adults, 18 years and older, will be interviewed by telephone. The study is co-sponsored by NIH/NHLBI. About 1600 current weight-loss dieters will be identified from a sample of nearly 10,000 respondents. Detailed descriptions of specific weight-loss practices such as current weight loss plans, prior dieting experiences, exercise, use of avoidance of specific foods, use of special diet products, use of diet pills, and program participation will be obtained. Dieters' source of information and use of health professionals as well as general health and health habits will also be covered. The survey will provide information on the effectiveness of specific weight loss practices and combinations of practices.

36. *The Youth Risk Behavior Survey (YRBS)* is designed to permit State and local departments of education to collect information regarding the prevalence of self-reported health behaviors such as fruit and vegetable consumption, fat intake, exercise, self-image perception, smoking and alcohol use. These behaviors relate to the overall assessment of healthy adolescent lifestyles and enable departments of education to target programs at those problems most prevalent in their school.

A systematic random sample of schools with probability proportional to enrollment size for State and local YRBS are drawn using a computer program. This program generates individualized sampling instructions for the random selection of classes or students from each sampled school. The final sample of students is self-weighting.

The Division of Adolescent and School Health, NCCDPHP/CDC conducted the first YRBS in the spring of 1990 with a second survey completed in the spring of 1991. It is anticipated that this survey will continue to be conducted in the spring of odd numbered years.

#### *D. Food Composition and Nutrient Data Bases*

37. *Food Label and Package Survey (FLAPS):* This biennial survey, initiated in 1977, monitors the labeling practices of U.S.

food manufacturers. FLAPS provides label and package information recorded from the packages of scientifically derived sample of food products representative of the U.S. processed packaged food industry. The sample is based on sales data provided by the A.C. Nielsen Company, initially through its syndicated national data base of grocery store warehouse withdrawals (NEIS), and, since 1985, through a more comprehensive UPC scanner-based system (SCANTRACK). FLAPS has been used to quantify the prevalence of sodium and nutrition labeling, determine the extent of quantitative labeling for cholesterol and fatty acid content, examine the use of and contents of product ingredient lists, and detail the extent and types of nutrition claims on food products. The online data base (1977-1988) has been useful both for planned tracking and special requests. It will provide a mechanism for tracking market response to food label changes promulgated under the NLEA (e.g., mandatory nutrition labeling; definitions for cholesterol/fatty acid levels; revised nutrition label formats; quantitative labeling of fresh fruits, vegetables and seafood).

38. *National Nutrient Data Bank (NNDB):* The USDA National Nutrient Data Bank is the major mechanism for collection, evaluating, storing, and collating nutrient composition data for individual foods. The task is substantial, because of the large number of food items in the U.S. food supply, the rapidly changing nature of the food supply, and the many nutrients and other food components (over 100 different components when available) for which data are collected for the data bank. Data are being collected and entered into the NNDB on a continual basis, but the availability of data is limited for some nutrients because suitable or affordable methods are lacking. Sources of data include Federal government laboratories, including USDA's Nutrient Composition Laboratory (NCL) and DHHS' FDA; university research and commercial laboratories under government sponsorship; and analyses of nutrients in foods conducted by industry, primarily in support of the nutrition labeling program. The ongoing maintenance of the NNDB is keyed to the process of continually updating Agriculture Handbook No. 8, *Composition of Foods . . . Raw, Processed, Prepared*, which is the standard reference table of nutrient composition, and its companion computer data set, the USDA Nutrient Data Base for Standard Reference. The handbook consists of 21 sections, each covering 1 to 3 food groups. Annual supplements are issued to replace those data that need updating and to add data for new food items.

A nutrient data base especially designed for use with nationwide dietary intake surveys is maintained in conjunction with the NNDB operations. Updated versions of the Survey Nutrient Data Base are generated as needed to accommodate surveys at HNIS and

NCHS. It includes data for foods in the forms in which they are generally consumed, and foods are organized to facilitate summarization of dietary intake data by food groups. Revisions in this data base reflect changes that occur in food usage as well as changes resulting from improved food composition data. It contains information for food energy and 28 other nutrients or food components. Additional components can be added as needs are identified and data become available.

39. *NIH research supporting food composition data:* The NIH has supported food composition data acquisition and research on improved methodology through interagency agreements with the HNIS Nutrient Data Research Group, which maintains the NNDB, and the ARS NCL. This support has increased the availability of data on nutrients associated with chronic diseases, including heart disease and cancer. In addition, the NIH has supported extramural research to develop methods of analysis for various food components, as well as to conduct the analysis.

#### *E. Food Supply Determinations*

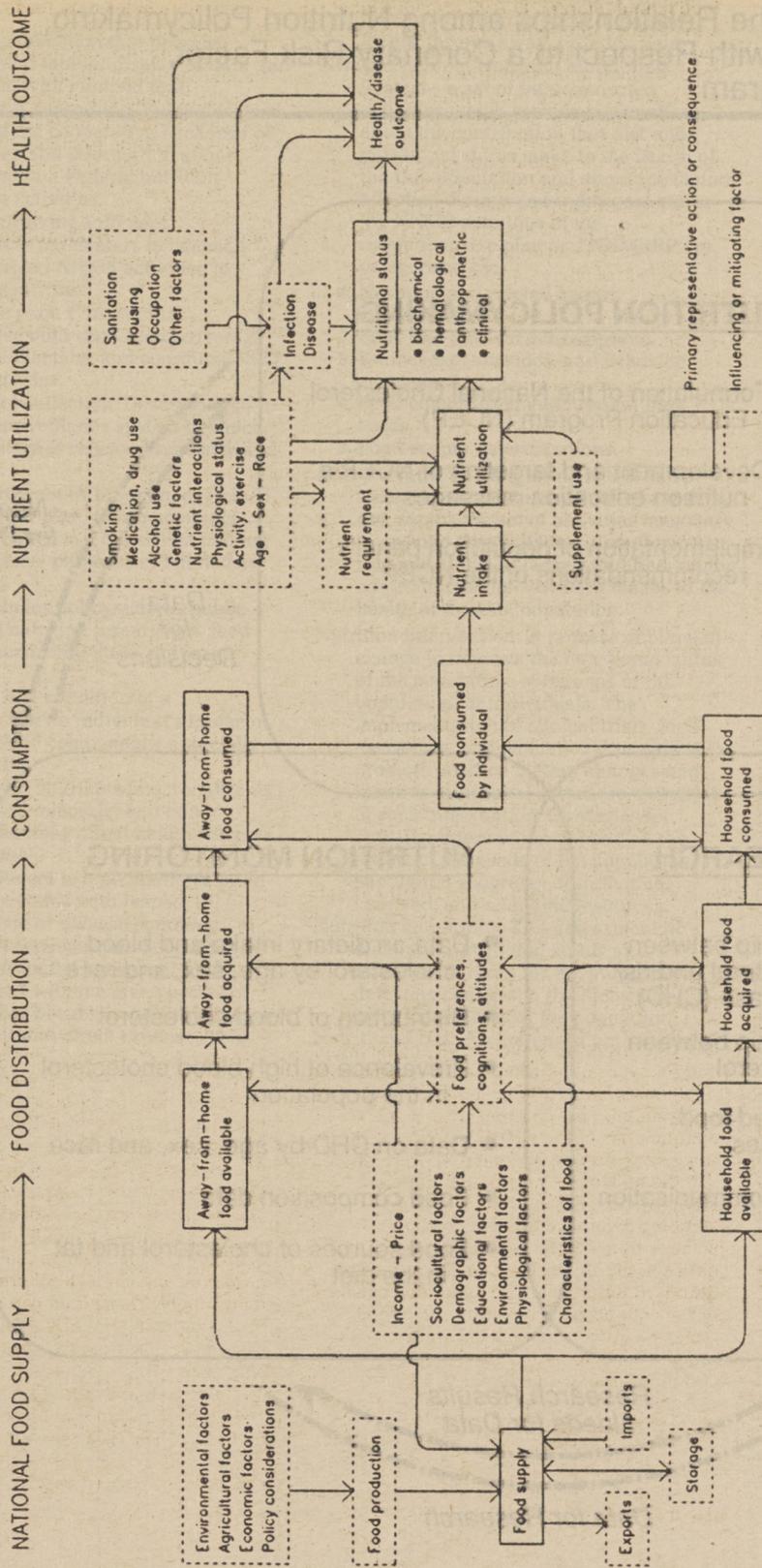
40. *Fisheries of the United States:* The DOC's NMFS estimates annually the quantities of various finfish and shellfish foods that "disappear" into domestic consumption. These estimates are derived from fisheries statistics on domestic landings of seafood, adjusted for imports and cold storage holdings. The U.S. edible supply time series extends back to 1909, and is used to express consumption in pounds per capita for fresh, frozen, canned, and cured commodities, with limited detail at the species level.

41. *Supply Data:* The USDA's ERS estimates annually the quantities of various foods that are available for domestic consumption. These estimates are derived from public statistics on the production or marketing of farm products, foreign trade, stock changes, and the flow of foods through warehouse and/or retail markets. In recent years information from private sources has been used to augment public data where public data gaps exist. They are expressed as national averages per capita and show levels of food supplies each year since 1909 in food quantities and price-weighted indices.

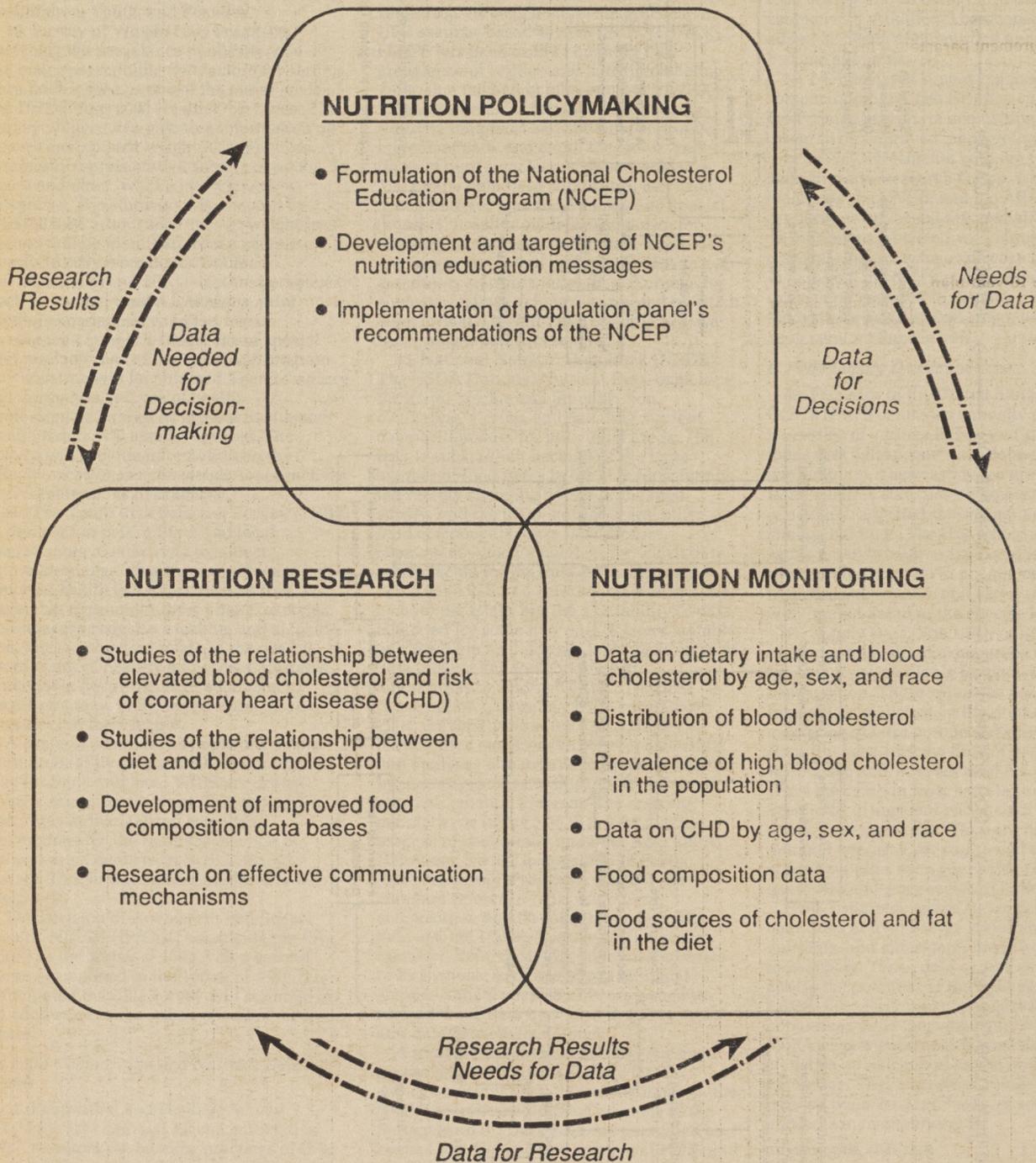
HNIS estimates annually the per capita quantities of food energy (calories), 23 nutrients, and cholesterol provided by the food supply. These data can be used to assess the potential of the food supply to satisfy the nutritional needs of the population. Also they are useful for showing food and nutrient trends since 1909 relative to statistics on nutritional health and incidence of disease. They also show trends in the relative importance of foods as sources of nutrients in the food supply.

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# Appendix 5 Detailed conceptual model of food to health



Appendix 6. Illustration of the Relationships among Nutrition Policymaking, Research, and Monitoring with Respect to a Coronary Risk Factor, Biomedical Education Program



**X. Glossary**

- Chartbook:** A publication that provides graphical and tabular display of data and information with minimal text.
- Clearinghouse:** A central institution designed to promote the cooperative exchange of publications and information about Federal and non-Federal nutrition monitoring activities.
- Comparability:** Having sufficient measurement parameters in common among selected NNMS activities to afford comparison.
- Comprehensive plan:** Concept that incorporates both continuous coverage (i.e., data collection) and coordination of NNMS activities.
- Continuous data collection:** Description of a survey or surveillance system in which data collection is repeated regularly and frequently.
- Coordinated program:** A program, described by the 10-year plan, which combines NNMS activities in a consistent manner to carry out the purposes of Public Law 101-445 (1).
- Data users:** Includes policymakers, public health and nutrition researchers, food industry, academia, State and local groups.
- Dietary status:** The condition of a population's or an individual's intake of foods and food components, especially nutrients (3).
- Food components:** Nutrients (macronutrients, vitamins, and minerals) and non-nutrients that may affect health (such as dietary fiber).
- Health status:** Refers to a population's or an individual's status with respect to physical state or disease condition.
- Household food consumption:** Food and beverages from the household food supplies used within a given period of time, whether bought, home provided, or received without direct expense. This includes food and beverages eaten at home, carried from home in packed meals, thrown away, or fed to pets.
- NNMS: National Nutrition Monitoring System**—a set of interconnected activities which provide information about the contribution that diet and nutritional status make to the health of the U.S. population and about the factors affecting dietary and nutritional status (6). NNMS activities in the comprehensive plan and NNMRRP are categorized by:
1. Nutrition and related health measurements.
  2. Food and nutrient consumption.
  3. Knowledge, attitudes, and behavior assessments.
  4. Food composition and nutrient data bases.
  5. Food supply determinations.
- NMRR: Nutrition Monitoring and Related Research** as defined by Public Law 101-445, means the set of activities necessary to provide timely information about the role and status of factors that bear on the contributions that nutrition makes to the health of the U.S. population.
- Nutrition intervention:** A process of planned change to improve the nutritional status of the population, subgroups of the population, or individuals. The implementation of clinical trials, food assistance, and educational programs to promote positive dietary changes and improve nutritional status are examples of such intervention. Strategies for nutrition intervention depend on the problem, the needs of the population, population subgroup, or individual involved, and available resources.
- Nutrition monitoring:** The assessment of dietary or nutritional status at intermittent times for the purpose of detecting changes in the dietary or nutritional status of the population.
- Nutritional risk:** An increased probability of an existing nutritional imbalance arising from insufficient or excessive intake of one or more nutrients or food components that could lead to adverse health consequences; or arising from an existing health condition.
- Nutritional status:** The condition of a population's or an individual's health as influenced by the intake and utilization of nutrients and non-nutrients. It reflects, directly or inferentially, the processes of food ingestion and digestion; absorption, transport, and metabolism of food components; and excretion of food components and their metabolic products. As noted in the JNMEC report (2), indicators of nutritional status include: (1) Levels of specific food components in diets; (2) clinical, anthropometric, hematological, and biochemical measurements related to specific food components; and (3) health conditions or diseases that may be associated.
- Nutrition surveillance:** Continuous assessment of nutritional status for the purpose of detecting changes in trend or distribution in order to initiate corrective measures.
- Related research:** Investigation of issues and topics pertinent to monitoring the nutritional and health status of the population and selected subgroups, such as: sample design for difficult-to-sample population subgroups; statistical modeling for State-based estimates; development of applied methodologies to monitor nutritional and health status including methodological studies of dietary intake and nutritional status assessment; methods for measuring nutrients in food and biological fluids; and the development of computer technology for compiling nutrition monitoring data.

[FR Doc. 91-25967 Filed 10-28-91; 8:45 am]

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# Register Federal Register

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Tuesday  
October 29, 1991

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## Part III

# Department of the Interior

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Fish and Wildlife Service

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50 CFR Part 17

Endangered and Threatened Wildlife and  
Plants; Determination of Endangered  
Status for 26 Plants from the Waianae  
Mountains, Island of Oahu, Hawaii; Final  
Rule

## DEPARTMENT OF THE INTERIOR

## Fish and Wildlife Service

## 50 CFR Part 17

RIN 1018-AB52

## Endangered and Threatened Wildlife and Plants; Determination of Endangered Status for 26 Plants From the Waianae Mountains, Island of Oahu, Hawaii

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule.

**SUMMARY:** The U.S. Fish and Wildlife Service (Service) determines the following 26 plants to be endangered pursuant to the Endangered Species Act of 1973, as amended (Act): *Abutilon sandwicense* (no common name (NCN)), *Alsinidendron obovatum* (NCN), *Alsinidendron trinerve* (NCN), *Centaurium sebaeoides* ('awiwi), *Chamaesyce celastroides* var. *kaenana* ('akoko), *Chamaesyce kuwaleana* ('akoko), *Cyanea pinnatifida* (haha), *Diellia falcata* (NCN), *Dubautia herbstobatae* (na'ena'e), *Gouania meyenii* (NCN), *Hedyotis degeneri* (NCN), *Hedyotis parvula* (NCN), *Hesperomannia arbuscula* (NCN), *Lipochaeta lobata* var. *leptophylla* (nehe), *Lipochaeta tenuifolia* (nehe), *Lobelia niihauensis* (NCN), *Neraudia angulata* (NCN), *Nototrichium humile* (kulu'i), *Phyllostegia mollis* (NCN), *Sanicula mariversa* (NCN), *Schiedea kaalae* (NCN), *Silene perlmanii* (NCN), *Tetramolopium filiforme* (NCN), *Tetramolopium lepidotum* ssp. *lepidotum* (NCN), *Urera kaalae* (opuhe), and *Viola chamissoniana* ssp. *chamissoniana* (pamakani). These taxa are known primarily from the Waianae Mountain Range, located on the island of Oahu, Hawaii. Eleven of these taxa have been collected from one or more sites on the islands of Kauai, Molokai, Maui, Niihau, Lanai, Moku Manu, or the Koolau Mountains of Oahu. The 26 plant taxa and their habitats have been adversely threatened in various degrees by one or more of the following: trampling and predation by feral animals (pigs, cattle, goats); habitat degradation and competition for space, light, water, and nutrients by naturalized, alien vegetation; and habitat loss from fires. A few of these taxa may have been subjected to overcollection, primarily for scientific purposes, and are subject to trampling by human beings along trails. Because of the depauperate number of extant individuals and severely restricted distributions, populations of these taxa

are subject to an increased likelihood of extinction from stochastic events. This rule implements the protection and recovery provisions provided by the Act for these plants.

**EFFECTIVE DATE:** November 29, 1991.

**ADDRESSES:** The complete file for this rule is available for public inspection, by appointment, during normal business hours at the U.S. Fish and Wildlife Service, Pacific Islands Office, 300 Ala Moana Boulevard, room 6307, Honolulu, Hawaii 96813.

**FOR FURTHER INFORMATION CONTACT:** Derral R. Herbst, at the above address (808/541-2749 or FTS 551-2749).

**SUPPLEMENTARY INFORMATION:****Background**

*Abutilon sandwicense*, *Alsinidendron obovatum*, *Alsinidendron trinerve*, *Chamaesyce celastroides* var. *kaenana*, *Chamaesyce kuwaleana*, *Cyanea pinnatifida*, *Diellia falcata*, *Dubautia herbstobatae*, *Gouania meyenii*, *Hedyotis degeneri*, *Hedyotis parvula*, *Lipochaeta lobata* var. *leptophylla*, *Lipochaeta tenuifolia*, *Neraudia angulata*, *Phyllostegia mollis*, *Sanicula mariversa*, *Silene perlmanii*, *Tetramolopium filiforme*, *Tetramolopium lepidotum*, ssp. *lepidotum*, *Urera kaalae*, and *Viola chamissoniana* ssp. *chamissoniana* are either endemic to, or have their largest or best known populations in, the Waianae Mountain Range on the western side of the island of Oahu, Hawaii. The following taxa also have current populations outside the Waianae Range: *Centaurium sebaeoides* on the islands of Kauai, Molokai, and West Maui, and in the Koolau Mountain range on Oahu; *Hesperomannia arbuscula* on West Maui; *Lobelia niihauensis* on Kauai; *Nototrichium humile* and *Phyllostegia mollis* on East Maui; and *Schiedea kaalae* in the Koolau Mountain range on Oahu.

The island of Oahu is formed from the remnants of two large shield volcanoes, the older Waianae Volcano on the west and the younger Koolau Volcano on the east. Their original shield volcano shape has been lost as a result of extensive erosion, and today these volcanoes are called "mountains" or "ranges," and consist of long, narrow ridges. The Waianae Mountains were built by eruptions that took place primarily along three rift zones. The two principal rift zones run in a northwestward and south-southeastward direction from the summit, and a lesser one runs to the northeast. The range is approximately 40 miles (mi) (64 kilometers (km)) long. The caldera lies between the north side of Makaha Valley and the head of

Nanakuli Valley (MacDonald *et al.* 1983). The Waianae Mountains are in the rain shadow of the parallel Koolau Mountains and except for Mt. Kaala, the highest point on Oahu (4,020 feet (ft) (1,225 meters (m))), receive much less rainfall (Wagner *et al.* 1990). The median annual rainfall for the Waianae Mountains varies from 20 to 75 inches (in) (51 to 191 centimeters (cm)), with only the small summit area of Mt. Kaala receiving the highest amount.

Two of the taxa, *Chamaesyce celastroides* var. *kaenana* and *Centaurium sebaeoides*, are members of the 'Ilima Shrubland Community of the Coastal Dry Shrublands Vegetation type. This vegetation type occurs on sand dunes and poorly consolidated volcanic soils near shore environments and is exposed to salt-laden winds. Coastal Dry Shrublands occur on all of the islands of the Northwestern Hawaiian Islands and along the coastlines of all of the main islands, extending up to about 1,000 ft (300 m) in elevation. Because of the effects of rain shadows, these communities are most extensively developed on the leeward sides of the higher islands. Annual rainfall is less than 45 in (120 cm) and occurs primarily during the winter months of October to April; much of the vegetation dies back during a prolonged drought that lasts most of the rest of the year (Gagne and Cuddihy 1990).

The Lowland Dry Vegetation type comprises several plant communities which occur at an elevation of 15 to 2,000 ft (5 to 610 m) on the leeward sides of all the main Hawaiian islands. The climate of this vegetation type is distinctly seasonal with hot, dry summers and winter rainfall, usually less than 40 in (100 cm), but ranging up to 80 in (200 cm) annually. The soils range from weathered silty loams to stony clay; rocky ledges with very shallow soil and recent, little-weathered lava are present (Cuddihy and Stone 1990, Gagne and Cuddihy 1990). *Dubautia herbstobatae*, *Lipochaeta lobata* var. *leptophylla*, *Sanicula mariversa*, *Tetramolopium filiforme*, *Chamaesyce kuwaleana*, *Hedyotis parvula*, and *Lobelia niihauensis* are members of several communities of this vegetation type.

The remaining 17 taxa included in this rule are members of the Diverse Mesic Forest Community, one of the Lowland Mesic Forest Vegetation community types. These communities occur on most of the main islands between 100 and 5,300 ft (30 to 1,600 m) in elevation. The annual rainfall is 45 to 150 in (120 to 380 cm), falling mostly during the winter months. This community occurs on

diverse, well-weathered, and well-drained substrates ranging from rocky, shallow, organic muck soils to steep, rocky talus slopes, shallow soil over weathered rock in steep gulches, or deep soil over soft weathered rock and gravelly alluvium. In the Waianae Mountains, this vegetation community is found in sheltered areas and comprises a rich diversity of native plants with no clearly dominant species (Cuddihy and Stone 1990, Gagne and Cuddihy 1990). Four of the 17 taxa that are components of the Diverse Mesic Forest Community grow primarily in the wetter parts of this vegetation type or may cross into a wet forest community: these are *Alsinidendron trinerve*, *Hesperomannia arbuscula*, *Phyllostegia mollis*, and *Schiedea kaalae*.

The land that supports these 26 plant taxa is owned by the State of Hawaii (including land classified as Department of Hawaiian Home Lands, Natural Area Reserve System, and Forest Reserve lands), the City and County of Honolulu, the Federal government, and private parties. Plants on Federal land are located on portions of Schofield Barracks and Makua Military Reservation, both under the jurisdiction of the U.S. Army.

#### Discussion of the 26 Taxa Included in This Final Rule

In 1932, Otto Degener (1932a, 1932b) discovered and described what is now called *Abutilon sandwicense*, naming it *Abortopetalum sandwicense* for the Sandwich Islands, an earlier name for the Hawaiian Islands. Degener's new genus, *Abortopetalum*, was based primarily on its spatula-shaped, "abortive" petals. Erling Christophersen (1934) transferred the species to the genus *Abutilon* because none of the characters of the genus *Abortopetalum* made it distinctive from the generally accepted definition of *Abutilon*. In the same publication, Christophersen described variety *welchii* from Lualualei Valley, but the most recent treatment of the genus (Bates 1990) considers the differences cited by Christophersen to be within the normal range of variation of the species.

*Abutilon sandwicense*, a member of the mallow family (Malvaceae), is a shrub that grows to 10 ft (3 m) tall and is covered with short glandular hairs. Leaves are light green, heart-shaped, and 3 to 9 in (8 to 22 cm) long. A single pendulous flower grows from the leaf axil (the point between the leaf and the stem). The flowers have pale, greenish-yellow, hairy, glandular sepals and bright green, often reddish-brown tipped petals up to 2 in (5 cm) long. A greenish-yellow staminal column with about 350

stamens near its tip protrudes from the flower. The fruit is a capsule up to 1 in (2.5 cm) long, which breaks into 8 to 10 parts, each enclosing 3 or more seeds. Seeds are brown, up to 0.1 in (3 millimeters (mm)) long, and slightly hairy. This species is distinguished from others in the genus by the green or reddish-brown tipped petals which extend beyond the sepals (Bates 1990, Degener 1932b, St. John 1981b).

Historically, *Abutilon sandwicense* is known from nearly the entire length of the Waianae Mountains, from Makaleha Valley to Nanakuli Valley (Bates 1990). This species is now known from Kaawa Gulch, Kaimuhole Gulch, Makaha Valley, Makaha-Waianae Kai Ridge, Makaleha Valley, Manuwai Gulch, and Nanakuli Valley on State-owned land (Hawaii Heritage Program (HHP) 1990a1 to 1990a7). The 7 known populations, which are found in an area of about 5 by 2.5 mi (8 by 4 km), contain an estimated 300 to 400 individuals (HHP 1990a1 to 1990a7). *Abutilon sandwicense* typically grows on steep slopes or gulches in dry to mesic lowland forest at an elevation of 1,000 to 2,000 ft (300 to 600 m) (Bates 1990, HHP 1990a8). Associated species include *Aleurites moluccana* (kukui), *Caesalpinia kavaensis* (uhiuhi), *Diospyros* (lama), *Sapindus oahuensis* (aulu), and *Schinus terebinthifolius* (Christmasberry) (HHP 1990a1, 1990a3). The major threats to *Abutilon sandwicense* are competition from alien plant species (Christmasberry, *Clidemia hirta* (Koster's curse), *Melinis minutiflora* (molasses grass), and *Passiflora suberosa* (huehue haole)), fire, and trampling by feral cattle.

Earl Edward Sherff (1951b) first described *Alsinidendron obovatum* based on specimens collected by Charles Noyes Forbes in 1911, choosing a specific epithet describing the shape of the leaves. In the same publication (Sherff 1951b), Degener and Sherff described var. *parvifolium* based on its small leaves. The most recent treatment of the genus (Wagner *et al.* 1990) does not recognize any varieties in this taxon.

*Alsinidendron obovatum*, a member of the pink family (Caryophyllaceae), is a branching subshrub growing to 3 ft (1 m) tall. The leaves are thick, somewhat fleshy, elliptic shaped, 1.6 to 4.3 in (4 to 11 cm) long, and up to 2.4 in (6 cm) wide, with three or five large veins. The inflorescence comprises 7 to 12 flowers arranged in a congested cluster. The flowers lack petals, but usually have five sepals which are white inside and green or green-veined on the outside (Wagner *et al.* 1990). In fruit, the sepals become fleshy and purple and enclose the capsule, forming a structure similar

to a berry in appearance perhaps attractive to birds, which would aid in dispersal (Carlquist 1980). Seeds are black and about 0.04 in (1 mm) long. This species and *Alsinidendron trinerve* can be distinguished from other members of the genus by their shrubby habit and fleshy purple sepals surrounding the capsule (Wagner *et al.* 1990).

Historically, *Alsinidendron obovatum* is known from the northern and southern end of the Waianae range (Wagner *et al.* 1990). This species remains in Kapuna and Pahole gulches on State-owned land (HHP 1990b1, 1990b2). The 2 known populations, which are about 0.5 mi (0.8 km) apart, contain about 100 individuals (HHP 1990b1, 1990b2). *Alsinidendron obovatum* typically grows on ridges and slopes in lowland diverse mesic forest dominated by *Acacia koa* (koa) and *Metrosideros polymorpha* ('ohi'a) at an elevation of 1,850 to 2,500 ft (560 to 760 m) (HHP 1990b3, Hawaii Plant Conservation Center (HPCC) 1990a, Wagner *et al.* 1990). Associated species include *Bidens* (ko'oko'olau) and *Syzygium cumini* (Java plum) (HHP 1990b1, 1990b2). The major threats to *Alsinidendron obovatum* are competition from an aggressive alien plant species (molasses grass), habitat degradation by feral pigs, collection or trampling by humans, and the small number of populations.

*Alsinidendron trinerve* was first collected by Louis Charles Adelbert von Chamisso in 1816 or 1823 (Kimura and Nagata 1980). Horace Mann, Jr. (1866) described the genus *Alsinidendron* based on a specimen he collected with William Tufts Brigham. As it is a shrub related to and resembling chickweed, he named it after the Creek for chickweed (*alsine*) and tree (*dendron*). The specific epithet refers to the three-veined leaves. Wilhelm Hillebrand (1888) amended the description of the genus to include information about the floral structures he called "staminodia," although they currently are believed to more likely represent nectaries or vestigial petals (Wagner *et al.* 1990). Ferdinand Pax and K. Hoffman (1934) transferred the species to *Schiedea*, a course not followed by other botanists who have studied the taxon.

*Alsinidendron trinerve*, a member of the pink family, is very similar in appearance to *A. obovatum* but differs in that it has a more open inflorescence with peduncles more than 0.8 in (2 cm) long, sepals with an acute tip, and usually is found in wet forests above 3,000 ft (900 m) in elevation. *Alsinidendron obovatum* has a

congested inflorescence with peduncles less than 0.8 in (2 cm) long, sepals with a rounded tip, and usually grows in mesic forests 1,800 to 2,600 ft (550 to 800 m) in elevation (Degener 1937a, Wagner *et al.* 1990).

Historically, *Alsinidendron trinerve* is known from the north-central and southern Waianae Mountains. This species is known to be extant on Mt. Kaala and Mt. Kalena on federally-owned land (HHP 1990c1, 1990c2). The two known populations, which are about 1 mi (2 km) apart, contain about eight individuals (HHP 1990c1). *Alsinidendron trinerve* typically grows on slopes in wet forest or the wetter portions of diverse mesic forest dominated by 'ohi'a and *Ilex anomala* (kawa'u) at an elevation of 3,000 to 4,000 ft (900 to 1,200 m) (HHP 1990c2, Wagner *et al.* 1990). Associated species include *Coprosma ochracea* (pilo), *Gunnera* ('ape'ape), *Melicope sandwicensis* (alani), and *Pipturus albidus* (mamaki) (HHP 1990c1). The major threats to *Alsinidendron trinerve* are competition from an aggressive alien plant species (*Rubus argutus* (blackberry)), habitat degradation by feral pigs, trampling or collection by humans along trails, and the small number of extant individuals.

On the basis of a collection of specimens by Berthold Carl Seeman of what is now called *Centaurium sebaeoides*, August Grisebach (1853) named a new genus of plants, *Schenkia*, and gave it the specific epithet of *sebaeoides*, indicating its resemblance to a species of *Sebaea*, another genus in the gentian family. The taxon was transferred to the genus *Erythraea* in 1862 by Asa Gray (1862), and later by G. Claridge Druce (1917) to the genus *Centaurium*.

*Centaurium sebaeoides* is the only species of the gentian family (Gentianaceae) native to the Hawaiian Islands. It is an annual herb about 2.4 to 8 in (6 to 20 cm) tall. Leaves are rather fleshy, inversely ovate or elliptic, and 0.3 to 1.3 in (0.7 to 3.2 cm) long by less than 1 in (2 cm) wide. Flowers are stalkless and are arranged along the stems near their ends. The fused sepals are 0.3 in (8 mm) long and are divided into uneven lobes. The white or pale pink petals are fused into a tube up to 0.4 in (10 mm) long, with lobes up to 0.2 in (4.5 mm) long. The cylindrical capsules are up to 0.4 in (9.5 mm) long and contain numerous tiny brown seeds. This species is distinguished from *C. erythraea*, which is naturalized in Hawaii, by its fleshy leaves and the unbranched arrangement of the flower cluster (Degener 1934, Degener and Degener 1960, Wagner *et al.* 1990).

Historically, *Centaurium sebaeoides* is known from scattered localities on State and private land on the islands of Kauai, Oahu, Molokai, and Maui (Wagner *et al.* 1990). This species remains in Awaawapuhi Valley on Kauai, at Kaena Point and on the slopes above Halona Point on Oahu, near Hoolehua on Molokai, and on West Maui (HHP 1990d1 to 1990d4, Derral herbst, U.S. Fish and Wildlife Service, Honolulu, pers. comm., 1991). Two known populations, about 4 mi (6 km) apart, remain on Kauai; the two West Maui populations are about 2 mi (3 km) apart; the two Oahu populations are about 43 mi (68 km) apart; and Molokai has just one population. These 7 populations are estimated to contain fewer than 1,000 individuals (HHP 1990d1 to 1990d4; HPCC 1990b; Robert Hobdy, Hawaii Division of Forestry and Wildlife, pers. comm., 1990). *Centaurium sebaeoides* typically grows in volcanic or clay soils or on cliffs in arid coastal areas below 400 ft (120 m) elevation (HHP 1990d2, Wagner *et al.* 1990). Associated species include ko'oko'olau and *Lipochaeta* (nehe) (HHP 1990d2, 1990d4). The major threats to *Centaurium sebaeoides* are habitat degradation by feral goats and cattle; competition from an alien plant species (*Leucaena leucocephala* (koa haole)), trampling by humans on or near trails, and fire. The threats are believed to be similar on Kauai, Oahu, Molokai, and West Maui.

Sherff (1936) described *Euphorbia celastroides* var. *kaenana* based upon a 1911 collection by Forbes and named it after the geographical area in which Forbes had collected the specimen. He previously had described *E. celastroides* var. *niuensis* based upon a Hillebrand specimen collected in the Niu area of Oahu in the late 1800s (Sherff 1936). The Degeners (Degener and Degener 1959a) and Leon Croizat accepted the elevation of the section *Chamaesyce* to the generic level and published the necessary combinations for the Hawaiian taxa (Croizat 1943; Degener and Croizat 1936a, 1936b, 1937). Further research (Herbst 1971, Percy and Troughton 1975, Perry 1943, Robichaux and Percy 1980) has supported retaining this separation. Daryl L. Koutnik (1987, Koutnik and Huft 1990), the most recent monographer of the genus in Hawaii, placed variety *niuensis*, which has not been collected since Hillebrand's time, in synonymy under variety *kaenana*.

*Chamaesyce celastroides* var. *kaenana*, a member of the spurge family (Euphorbiaceae), is a low-growing or upright shrub up to 5 ft (1.5 m) tall with milky sap. The leaves, which fall off

during the dry season, are mostly hairless and are arranged in two opposite rows along the stem; they are 0.8 to 2.6 in (20 to 65 mm) long and 0.3 to 0.8 in (8 to 20 mm) wide, being widest at the tip. Flower clusters (cyathia) are crowded on small side branches, and each produces a small, erect capsule. Seeds are small, spherical, and gray or white. This species is distinguished from other members of the genus in the area in which it grows in that it is a woody shrub; the other members of the genus in the area are herbs or small subshrubs (Degener and Degener 1959a, 1959b; Kimura and Nagata 1980; Koutnik 1987; Koutnik and Huft 1990; Sherff 1938).

Historically, *Chamaesyce celastroides* var. *kaenana* was known from the northwestern end of the Waianae Mountains as well as from one collection from the southeastern end of the Koolau Mountains (HHP 1990e4, HPCC 1990c, Koutnik 1987, Koutnik and Huft 1990). This taxon remains only in the vicinity of Kaena Point on State and Federal land (HHP 1990e1 to 1990e3, 1990e5, 1990e6). The 5 known populations, which are all located within an area of about 3 by 1 mi (5 by 1.6 km), contain fewer than 300 individuals (HHP 1990e1 to 1990e3, 1990e5, 1990e6; Joel Lau, HHP, pers. comm., 1990). *Chamaesyce celastroides* var. *kaenana* typically grows in coastal dry shrubland on windward talus slopes at an elevation of 30 to 700 ft (9 to 640 m) (HHP 1990e1, 1990e6, 1990e7; Koutnik and Huft 1990). Associated taxa include *Gossypium tomentosum* (ma'o), *Jacquemontia ovalifolia* ssp. *sandwicensis* (pa'uohi'iaka), *Santalum freycinetianum* (sandalwood), and *Sida fallax* ('ilima) (HHP 1990e1 to 1990e3, 1990e5). The major threats to *Chamaesyce celastroides* var. *kaenana* are competition from an alien plant species (koa haole), fire, and effects of recreational activities.

Based on a collection by Degener from Mauna Kuwale, Sherff and Degener (Sherff 1949) described *Euphorbia kuwaleana* as a new species. Otto and Isa Degener (1959a) subsequently transferred the species to the genus *Chamaesyce*.

*Chamaesyce kuwaleana*, a member of the spurge family, is an erect shrub 8 to 36 in (20 to 90 cm) tall. The leaves, arranged in two rows along the stem, are 0.4 to 1 in (11 to 25 mm) long and 0.3 to 0.6 in (8 to 15 mm) wide; they are oval to occasionally circular in outline and have a whitish waxy coating on the upper surface. Flower clusters (cyathia) are situated singly in the leaf axils or sometimes at the branch tips. Only immature capsules have been found.

This species is distinguished from other species of the genus in its habitat by its stalked, oval to rounded leaves with untoothed margins, and the bent stalk supporting the small capsule (Koutnik 1987, Koutnik and Huft 1990, Sherff 1949).

Historically, *Chamaesyce kuwaleana* is known from the central Waianae Mountains and Moku Manu Island off the eastern coast of Oahu (HHP 1990f1 to 1990f3, Koutnik and Huft 1990). This species is currently known only from Kauaopuu Peak and Mauna Kuwale in the Waianae Mountains, on Federal and State land (HHP 1990f3; HPCC 1990d; J. Lau, pers. comm., 1990). The two populations are 0.5 mi (0.8 km) apart and contain several hundred individuals (HHP 1990f3, 1990f4; HPCC 1990d; J. Lau, pers. comm., 1990). *Chamaesyce kuwaleana* typically grows on arid, exposed volcanic cliffs at an elevation of 600 to 1,050 ft (180 to 320 m) (HHP 1990f3, 1990f4; HPCC 1990d; Koutnik and Huft 1990; J. Lau, pers. comm., 1990). Associated species include *ilima* and *Dodonaea viscosa (balfii)* (HPCC 1990d). The major threats to *Chamaesyce kuwaleana* are competition from an alien plant species (koa haole), fire, and the small number of populations.

*Cyanea pinnatifida* was first collected in 1817 by Chamisso who later named it *Lobelia pinnatifida* (Chamisso 1833), the specific epithet referring to the lobed leaves. George Don (1834) transferred the species to the genus *Rollandia*, and 2 years later Karel Borowag Presl (1836) transferred it to the genus *Delissea*. In 1943, Franz Elfried Wimmer transferred this species to the genus *Cyanea*. The taxon Degener (1932c) described as *C. selachicauda* is considered conspecific with this species.

*Cyanea pinnatifida*, a member of the bellflower family (Campanulaceae), is a shrub, usually unbranched, growing from 2.6 to 10 ft (0.8 to 3 m) tall. Leaves are 10 to 24 in (25 to 60 cm) long by 6 to 20 in (16 to 50 cm) wide and are deeply cut into two to six lobes per side. Clusters of 8 to 15 stalked flowers arise from the leaf axils. Sepals are fused to form a tube 0.4 to 0.5 in (10 to 12 mm) long with small triangular lobes at the tips. The petals are greenish-white with purple stripes and are about 2 in (5 cm) long and 0.2 in (4 to 5 mm) wide. Fruits have not been seen. This species differs from other members of the genus on Oahu by its leaves, which are deeply cut into two to six lobes per side. The only other member of the genus on Oahu with lobed leaves has 9 to 12 lobes per side (Degener and Greenwell 1952a, Lammers 1990).

Historically, *Cyanea pinnatifida* is known from the central Waianae

Mountains (HHP 1990g1, 1990g2; Lammers 1990). Only one individual of this species remains, in Kaluaa Gulch on privately-owned land (HHP 1990g1; Steven Perlman, HPCC, Lawai, Kauai, pers. comm., 1990). *Cyanea pinnatifida* typically grows on steep, wet, rocky slopes in diverse mesic forest at an elevation of 1,600 to 1,700 ft (490 to 520 m) (HHP 1990g3, Lammers 1990). Associated plants include mamaki and ferns (HHP 1990g3). The major threats to *Cyanea pinnatifida* are the existence of only one known individual, competition from an alien plant species (Koster's curse), habitat degradation by feral pigs, and collection or trampling by humans on or near trails.

William Dunlop Brackenridge discovered three new species of *Diellia*, including *Diellia falcata*, in 1840 during the Wilkes Expedition. When describing the species in 1845, he noted that the genus *Diellia* was similar to the genus *Schizoloma*, differing only in its interrupted sori (groups of spore-producing bodies) (Degener and Greenwell 1950a). In 1857 Thomas Moore included *Diellia* in the genus *Schizoloma* (Wagner 1952) and in 1861 transferred *D. falcata* to *Schizoloma* (Moore 1861). William Jackson Hooker and John Gilbert Baker (1883) transferred the species to *Lindsaea*, giving rise to the name *Lindsaya* [sic] (*Diellia*) *falcata*. Degener and Amy B. H. Greenwell (1950a) treated the simple pinnate members of the species as varieties of *Diellia erecta*, resulting in the name *Diellia erecta* var. *falcata*. The most recent interpretations (Lamoureux 1988; Wagner 1952, 1987) again accept the taxon at the specific level.

*Diellia falcata*, a member of the fern family (Polypodiaceae), grows from a rhizome (underground stem), 0.4 to 2 in (1 to 5 cm) long and 0.2 to 0.8 in (0.5 to 2 cm) in diameter, which is covered with small black or maroon scales. Stalks of the fronds are dark brown to pale tan, usually have a dull surface, and are 0.4 to 2.8 in (1 to 7 cm) long. The fronds are long and oval or straight in outline and 8 to 40 in (20 to 100 cm) tall by 1.0 to 3.5 in (2.5 to 9 cm) wide, with 12 to 45 divisions (pinnae) per side. The lower pinnae are small and rounded while pinnae farther up the frond are longer, undivided, and shaped like a sickle or a long triangle with veins forming a netted textured surface pattern. The sori are shaped like short lines 0.04 to 0.1 in (1 to 3 mm) long and are on low projections of the pinna margin. This species is distinguished from others in the genus by the color and texture of its leaf stalk, the venation pattern of its fronds, the color of its scales, its rounded and reduced lower pinnae, and its separate

sori arranged on marginal projections (Degener and Greenwell 1950a; Wagner 1952, 1987).

Historically, *Diellia falcata* was known from almost the entire length of the Waianae Mountains from Manini Gulch to Palehua Iki, as well as from the Koolau Mountains of Oahu from Kaipapau Valley to Aiea Gulch (HHP, 1990h2, 1990h7, 1990h9, 1990h10). This species remains in the Waianae Mountains from Ekahanui Gulch to Manini Gulch on State and private land (HHP 1990h1, 1990h3, 1990h4, 1990h6 to 1990h8). The 7 known populations, which are found within an area of about 11 by 2 mi (18 by 3 km), contain an estimated 3,000 individuals (HHP 1990h1, 1990h3 to 1990h8). *Diellia falcata* is a terrestrial fern which typically grows in deep shade or open understory in dryland forest at an elevation of 1,280 to 2,700 ft (390 to 820 m) (HHP 1990h3, 1990h4, 1990h11). Associated species include *aulu*, *Diospyros sandwicensis* (lama), and *Pouteria sandwicensis* ('ala'a) (HHP 1990h1, 1990h3, 1990h5). The major threats to *Diellia falcata* are habitat degradation by feral goats, pigs, and cattle; competition from alien plant species (Christmasberry, huehue haole, molasses grass, and *Psidium cattleianum* (strawberry guava)); and fire.

Derral R. Herbst and John K. Obata in 1971 made the first collection of *Dubautia herbstobatae*, which was later described and named to honor its discoverers (Carr 1979). In 1830, Charles Gaudichaud-Beaupre described two closely Hawaiian genera in the aster family; *Railliardia* has united bracts under the flower head and *Dubautia* has bracts which are distinct. Today, most botanists consider *Railliardia* and *Dubautia* as sections of the genus *Dubautia* (Carr 1990). However, Harold St. John, believing that the separation should be maintained, transferred *D. herbstobatae* to the genus *Railliardia* St. John (1981a), a course few botanists follow. The current taxonomic treatment (Carr 1990) recognizes only the genus *Dubautia*.

*Dubautia herbstobatae*, a member of the aster family (Asteraceae), is a small, spreading shrub to 20 in (50 cm) tall. The shiny, leathery leaves are oppositely arranged, narrowly elliptic in outline, and 0.8 to 2.2 in (2 to 5.5 cm) long by 0.1 to 0.4 in (3 to 11 mm) wide. They usually have one main vein and smooth or nearly smooth margins. There are 5 to 15 heads in an inflorescence, each composed of 4 to 20 yellowish-orange, tubular florets, 0.1 to 0.2 in (3 to 5 mm) long. The fruit is comprised of a seed

with a dry, unopening fruit wall (an achene) covered with silky gray hair. Only 2 species of the genus on Oahu have the outer bracts of the flower heads fused, forming a cup surrounding the florets; of those 2 species, *D. herbstobatae* has 1 large vein showing in each leaf, while the other species has 5 to 11 veins (Carr 1985, 1990).

*Dubautia herbstobatae* is known to be extant in the northern Waianae Mountains on Ohikilolo and Kamaileunu ridges on State and private land (HHP 1990i1 to 1990i6). No other locations are known for this recently discovered species (Carr 1979, 1982). The 8 known populations, which are scattered over an area of about 3 by 0.5 mi (5 by 0.8 km), contain less than 100 individuals (HHP 1990i7). *Dubautia herbstobatae* typically grows on rock outcrops on north-facing ridges in dry shrubland at an elevation of 1,900 to 3,000 ft (580 to 910 m) (Carr 1982, 1990; HHP 1990i1, 1990i6, 1990i7). Associated species include 'ohi'a and *Eragrostis variabilis* (kawelu). The major threats to *Dubautia herbstobatae* are habitat degradation by feral goats and pigs, competition from alien plant species (Christmasberry, koa haole, and molasses grass), fire, visitation and possible trampling by humans, and the small number of individuals.

*Gouania meyenii* was collected by Franz Julius Ferdinand Meyen in 1831 and named *Gouania integrifolia* by him (Meyen 1834), a name previously used by Jean Baptiste Lamarck in 1789 for another plant (St. John 1969). Ernesto Theoph Steudel (1840) renamed the plant *Gouania meyenii*, the species epithet honoring Meyen. Gerhard Walpers (1843), realizing that Meyen had erred in the use of the specific epithet *integrifolia*, but unaware of Steudel's publication, named the taxon *Gossania orbicularis*, the spelling of the genus name being a printer's error. St. John later described two additional species, *Gouania oliveri* (St. John 1969) and *Gouania gagnei* (St. John 1973), which are currently considered synonyms of *Gouania meyenii* (Wagner *et al.* 1990).

*Gouania meyenii*, a member of the bulkthorn family (Rhamnaceae), is a shrub up to 7 ft (2.2 m) tall. Leaves are papery in texture, smooth on the upper surface, and with no teeth on the margins. The leaves are oval or broader in outline and 1.2 to 2.8 in (3 to 7 cm) long by 0.6 to 1.8 in (1.6 to 4.5 cm) wide. Flowers are possibly functionally unisexual, with male flowers and female flowers on the same plant. They are arranged in clusters originating in the leaf axils. Sepals are 0.06 to 0.1 in (1.5 to 3 mm) long and white; petals are 0.05 to

0.07 in (1.2 to 1.8 mm) long and also white. The two- or three-winged fruits are 0.4 to 0.6 in (9 to 16 mm) long. Seeds are brown and 0.2 to 0.3 in (5 to 7 mm) long. This species is distinguished from the two other Hawaiian species of *Gouania* by its lack of tendrils on the flowering branches, the absence of teeth on the leaves, and the lack or small amount of hair on the fruit (Wagner *et al.* 1990).

Historically, *Gouania meyenii* is known from central and southern areas of the Waianae Mountains from Kamaileuna Ridge to Honouliuli (HHP 1990j1, 1990j3; Wagner *et al.* 1990). This species is now found on Kamaileunu Ridge and Makaha-Waianae Kai Ridge on State land (HHP 1990j1, 1990j2, 1990j4, 1990j5). The 4 known populations, which are in an area of about 1 square mi (2.6 square km), contain an estimated 75 individuals (HHP 1990j1, 1990j2, 1990j4, 1990j5). *Gouania meyenii* typically grows on rocky ledges, cliff faces, and ridge tops in dry shrubland or 'ohi'a lowland mesic forest at an elevation of 1,900 to 2,700 ft (580 to 820 m) (HHP 1990j1, 1990j6; HPCC 1990e; Wagner *et al.* 1990). Associated species include 'a'ali'i, lama, *Lysimachia hillebrandii* (kolokolo kuahiwi), and *Senna guadichaudii* (kolomona) (HHP 1990j1, 1990j2, 1990j5; HPCC 1990e). The major threats to *Gouania meyenii* are competition from alien plant species (Christmasberry, molasses grass, and strawberry guava), fire, habitat degradation by feral pigs, and the small number of extant populations.

Francis Raymond Fosberg (1943) published *Hedyotis degeneri* based on a specimen collected by OTTO Degener and named it in his honor. Two varieties were recognized, the typical var. *degeneri* and one with narrower leaves (resembling leaves of *Coprosma*), var. *coprosmifolia* (Fosberg 1943). Hillebrand (1888) had included var. *coprosmifolia* as a questionable variety of *Kadua foliosa* when he published that name, noting that it might be a distinct species. Today both varieties are recognized (Wagner *et al.* 1990).

*Hedyotis degeneri*, a member of the coffee family (Rubiaceae), is a prostrate shrub with 4-sided stems and peeling, corky bark. Leaves are quite variable, ranging from long and thin to heart-shaped, and are 0.4 to 1.2 in (1 to 3 cm) in length and 0.1 to 0.8 in (0.3 to 2 cm) in width. Flowers are arranged in groups of 1 to 10 in clusters at the ends of the stems. Sepals are fused into a tube and flare into four of five leaflike lobes up to 0.3 in (8 mm) long. Petals are fused into a trumpet-shaped tube 0.2 to 0.3 in (6 to

7 mm) long with four or five lobes up to 0.2 in (4 mm) long. Capsules are nearly globe-shaped and about 0.2 in (4 to 5 mm) in diameter. Seeds are angled and almost black. This species can be distinguished from others in the genus on Oahu by its low-growing habit, the peeling corky layers on older stems, and the short, crowded, leafy shoots growing in the leaf axils (Wagner *et al.* 1990).

Historically, *Hedyotis degeneri* is known from Mt. Kaala in the northern Waianae Mountains (Wagner *et al.* 1990). This species remains only on Kamaileunu Ridge on State-owned land (HHP 1990kl). The only known population contains about six individuals (D. Herbst, pers. comm., 1990). *Hedyotis degeneri* typically grows in diverse mesic forest at an elevation of 2,700 ft (820 m) (HHP 1990kl). Associated species include 'ohi'a and *Hedyotis terminalis* (manono) (D. Herbst, pers. comm., 1990). The major threats to *Hedyotis degeneri* are habitat destruction by feral pigs, competition from alien plant species (Christmasberry, molasses grass, and strawberry guava), and the small number of extant individuals.

The first specimen of *Hedyotis parvula* was collected by Heinrich Wawra; Gray (1859) later named the plant *Kadua parvula*, the specific epithet referring to its small size. In 1943, Fosberg transferred the species to the genus *Hedyotis*. He also named a form, f. *sessilis*, which is no longer recognized (Wagner *et al.* 1990).

*Hedyotis parvula*, a member of the coffee family, is a small, many-branched shrub, either upright or sprawling, with stems usually no more than 1 ft (30 cm) in length. Leaves are leathery in texture, overlapping, 0.4 to 1.6 in (1 to 4 cm) long by 0.3 to 0.9 in (7 to 23 mm) wide, and are uniform in size along the stem. Flowers are grouped in small clusters and, when combined with clusters on adjacent stems, give the appearance of a large inflorescence. Sepals are fused into a tube and flare into four or five lobes 0.04 to 0.16 in (1 to 4 mm) long by 0.04 to 0.08 (1 to 2 mm) wide, often with different sizes on the same plant. The lobes enlarge up to 0.2 in (5.5 mm) long as the fruit matures. The white petals are fused into a funnel-shaped tube 0.3 to 0.4 in (8 to 11 mm) long with four or five purplish pink-tipped lobes, each about 0.2 in (5 to 6 mm) long. The capsule is almost globe-shaped and about 0.2 in (4 mm) in diameter. Seeds are angled and brown. Closely spaced, overlapping leaves which are uniform in size along the stem separate this species from other members of the genus on

Oahu (Degener 1938a, Wagner *et al.* 1990).

Historically, *Hedyotis parvula* was known from the central and southern Waianae Mountains from Makaleha Valley to Nanakuli Valley (Wagner *et al.* 1990). This species grew on Makaleha Ridge in 1986 and on Makua-Keaau ridge in 1976, both on State-owned land (HHP 1990L1, 1990L2). *Hedyotis parvula* has not been seen for several years (John Obata, HPCC, pers. comm., 1990). However, because this species inhabits inaccessible cliffs, the chances that it is still extant are very good (D. Herbst, pers. comm., 1990). *Hedyotis parvula* is included here to extend to it the protection of the Act if and when it is rediscovered. *Hedyotis parvula* typically grows on and at the base of cliff faces, rock outcrops, and ledges in dry habitat at an elevation of 2,350 to 2,730 ft (720 to 830 m) (HHP 1990L1, 1990L2; Wagner *et al.* 1990). Associated species include 'a'ali'i, *Canthium odoratum* (alahe'e), and *Plectranthus parviflorus* ('ala'ala wai nui) (HHP 1990L1). The major threats to *Hedyotis parvula* are habitat degradation by feral goats, competition from alien plant species (Christmasberry and molasses grass), and the small population size.

Hillebrand (1888) described *Hesperomannia arbuscula* based on a specimen collected by E. Bishop on Maui, the specific epithet referring to the smaller stature of the plant as compared to the previously described species of the genus, *H. arborescens*. At the same time, Hillebrand also described *H. arborescens* var. *oahuensis*, a taller tree from Oahu, which was later raised to specific status (*H. oahuensis*) by Degener (1938b). Sherwin Carlquist (1957) examined fresh material of both the Maui and Oahu plants and decided a new combination, *H. arbuscula* ssp. *oahuensis*, was in order for the Oahu plants, as compared to those on Maui, which he called ssp. *arbuscula*. However, examination of additional specimens showed that there were no valid differences between the taxa (Wagner *et al.* 1990). St. John later published *H. arbuscula* var. *pearsallii* (1978) and *H. mauiensis* (1983), neither of which is now recognized as a valid taxon (Wagner *et al.* 1990).

*Hesperomannia arbuscula*, a member of the aster family, is a small shrubby tree, 7 to 11 ft (2 to 3.3 m) tall. Leaves are elliptic, generally 4 to 7 in (10 to 18 cm) long and 2.2 to 4.5 in (5.5 to 11.5 cm) wide, although leaves on juvenile plants can sometimes be larger. Flower heads are erect and arranged in clusters of four or five heads. Each head comprises

many yellow to yellowish-brown florets, with a tube of fused petals 0.9 to 1.2 in (2.5 to 3 cm) long and a threadlike style extending beyond them. The fruit is a 0.3 to 0.4 in (0.8 to 1 cm) long achene, crowned by a ring of bristles nearly the same length as the petals. This species can be distinguished from other members of the genus by the erect flower heads and the leaves, usually hairy beneath, which are one to two times as long as wide (Degener 1932d, Wagner *et al.* 1990).

Historically, *Hesperomannia arbuscula* is known from the central and southern Waianae Mountains from Makaleha to Puu Kanehoa, and from West Maui (HHP 1990m1, 1990m2, 1990m4, 1990m6, 1990m7). This species is currently known to be extant on the Makaha-Waianae Kai Ridge on Oahu and in Iao Valley on West Maui, both on State land (HHP 1990m3, 1990m5, 1990m7). The two known populations on Oahu are about 0.6 mi (1 km) apart. Including the third population from West Maui, this species numbers about 50 individuals (HHP 1990m3, 1990m5, 1990m7; HPCC 1990f; J. Lau, pers. comm., 1990). *Hesperomannia arbuscula* typically grows on slopes and ridges in mesic to wet forest dominated by koa and 'ohi'a at an elevation of 1,200 to 3,000 ft (350 to 900 m) (Wagner *et al.* 1990). Associated species include ko'oko'olau, *Alyxia oliviformis* (maile), and *Psychotria* (kopiko) (HHP 1990m2, 1990m5). The major threats to *Hesperomannia arbuscula* are habitat degradation by feral pigs, competition from alien plant species (blackberry, Christmasberry, Koster's curse, and strawberry guava), trampling or collection by humans, and the small number of populations.

The earliest collection of *Lipochaeta lobata* var. *leptophylla* was made by Forbes in 1915, from which Degener and Sherff (Sherff 1933) described the taxon, giving it a varietal name that refers to its slender leaves.

*Lipochaeta lobata* var. *leptophylla*, a member of the aster family, is a low and somewhat woody perennial herb with arched or nearly prostrate stems which may be up to 59 in (150 cm) long. Leaves of this variety are lance-shaped and closely spaced along the stem. Flower heads grow singly or in clusters of 2 or 3, each consisting of bracts (the involucre) usually 0.2 to 0.3 in (5 to 8 mm) long beneath 8 to 15 yellow ray florets which surround 20 to 65 yellow disk florets. Fruits are achenes which measure 0.1 in (2.5 to 2.7 mm) long by 0.04 to 0.06 in (1.0 to 1.5 mm) wide. They have small wings about 0.2 in (0.4 to 0.5 mm) long. This species is the only one of its genus on

Oahu with four-parted disk florets except for a very rare coastal plant. This variety has narrower leaves spaced more closely along the stem than those of *L. lobata* var. *lobata*, the only other variety of this species (Degener and Degener 1957, Gardner 1979, Wagner *et al.* 1990).

Historically, *Lipochaeta lobata* var. *leptophylla* was known from the southern Waianae Mountains from Kolekole Pass to Lualualei (Wagner *et al.* 1990). This taxon remains on Lualualei-Nanakuli Ridge and at Kolekole Pass on Federal and State land (HHP 1990n1, 1990n3). The 2 known populations, which are about 4.2 mi (6.7 km) apart, contain about 25 to 50 individuals (HHP 1990n1, 1990n3, 1990n5). *Lipochaeta lobata* var. *leptophylla* typically grows in dry shrubland at an elevation of 1,500 to 2,500 ft (460 to 760 m) (HHP 1990n1, 1990n2, 1990n4). Associated species include 'a'ali'i, 'ala'ala wai nui, koa haole, and ko'oko'olau (HHP 1990n1). The major threats to *Lipochaeta lobata* var. *leptophylla* are competition from alien plant species (Christmasberry, koa haole, and molasses grass), fire, and the small number of extant individuals.

Gray (1861) described *Lipochaeta tenuifolia* from specimens collected during the U.S. Exploring Expedition in 1840. The species epithet refers to the narrow leaflets of the three-parted, palmately compound leaves.

*Lipochaeta tenuifolia*, a member of the aster family, is a low growing, somewhat woody perennial herb with short, more or less erect branches. The stems are 10 ft (3 m) long or longer and root along the lower surface. The oppositely arranged leaves are divided into three lobes so deeply that they appear to be six leaves; each lobe is divided to the midrib into fine segments. Flower heads are single or in clusters of two. The involucre bracts are 0.2 to 0.3 in (5 to 7.5 mm) long. Ray florets, on the outer portion of the flower head, are yellow, number 8 to 10 per head, and measure 0.3 to 0.5 in (8 to 11.5 mm) long. Disk florets, in the center of the flower head, are also yellow, number 20 to 30 per head, are 5-parted, and measure about 0.1 in (2.7 to 3 mm) long. The fruits are bumpy achenes with tiny wings and measure 0.07 to 0.09 in (1.8 to 2.4 mm) long by 0.04 to 0.06 in (1.1 to 1.5 mm) wide. Its five-parted disk florets and its deeply cut, stalkless leaves separate this species from other members of the genus (Degener and Greenwell 1950b, Gardner 1979, Wagner *et al.* 1990).

*Lipochaeta tenuifolia* occurs in the northern half of the Waianae Mountains from Kaluakauila Gulch to Kamaileunu

Ridge and east to Mt. Kaala on State-owned land (HHP 1990o1 to 1990o7). It has not been found anywhere else (HHP 1990p8). The 7 known populations, which are located within an area of about 6 by 5 mi (10 by 8 km), contain an estimated 400 to 600 individuals (HHP 1990o1 to 1990o8; HPCC 1990g).

*Lipochaeta tenuifolia* typically grows on ridgetops and bluffs in open areas and protected pockets of diverse mesic forest dominated by Christmasberry and 'ohi'a at an elevation of 1,200 to 3,000 ft (370 to 900 m) (HHP 1990o1, 1990o3 to 1990o7; Wagner *et al.* 1990). Associated species include ko'ko'olau, molasses grass, and *Ageratina riparia* (Hamakua pamakani), (HHP 1990o1, 1990o2, 1990o4 to 1990o6; HPCC 1990g). The major threats to *Lipochaeta tenuifolia* are habitat degradation by feral goats and pigs, competition for light and space from alien plant species (Christmasberry, koa haole, molasses grass, and strawberry guava), and fire.

*Lobelia niihauensis* was described by St. John in 1931 based on a specimen he had collected on the island of Niihau (St. John 1931). Thomas G. Lammers (1990), in his revision of the genus, believed *L. niihauensis* to be conspecific with a Kauai plant previously published by Amos Arthur Heller and named *L. tortuosa* (Heller 1987). When Lammers combined the taxa, he was required to use the name *niihauensis*. Although *tortuosa* is an older name, it had been given to another member of the genus by Carl Ernst Kuntze 6 years prior to Heller's publication. Other published names which refer to this taxon are: *L. niihauensis* var. *forbesii* (St. John 1939), *L. niihauensis* var. *meridiana* (St. John 1939), *L. tortuosa* f. *glabrata* (Skottsberg 1926), *L. tortuosa* var. *haupuensis* (St. John 1987b), and *L. tortuosa* var. *intermedia* (St. John 1939). In 1965, Otto and Isa Degener proposed a new genus to honor F.E. Wimmer, a distinguished student of the lobelia family. They later transferred 19 taxa to the new genus (Degener and Degener 1965). This genus has not been accepted by any other botanical authority. The synonyms resulting from this transfer which can be applied to *L. niihauensis* are *Neowimmeria niihauensis* and *N. tortuosa* (Degener and Degener 1965), as well as *N. intermedia*, *N. meridiana*, *N. niihauensis* var. *forbesii*, and *N. tortuosa* var. *glabrata* (Degener and Degener 1974).

*Lobelia niihauensis*, a member of the bellflower family, is a low, branched shrub. Each branch ends in a rosette of leaves, which are 2.8 to 5.9 in (7 to 15 cm) long and 0.3 to 0.7 in (0.7 to 1.8 cm) wide. Magenta flowers are clustered at

the ends of branches and produce an egg-shaped capsule 0.2 to 0.3 in (6 to 8 mm) long with many small brownish seeds. This species is distinguished from others in the genus by its leaves lacking or nearly lacking leaf stalks, the magenta-colored flowers, the width of the leaf, and length of the flower (Lammers 1990, Rock 1919).

Historically, *Lobelia niihauensis* was known from the Waianae Mountains of Oahu from Uluhulu Gulch to Nanakuli Valley; from western Kauai from Limahuli Valley to near the Hanapepe River as well as in the east at Nounou Mountain and the Haupu Range; and from the island of Niihau (HHP 1990pl, 1990p7, 1990p10, 1990p12, 1990p13, 1990p19; HPCC 1990h). It is now known to be extant only on Kauai and Oahu. On Oahu, this species remains on Kamaileunu Ridge, Makaha-Waianae Kai Ridge, Makua-Keaau Ridge, and in Nanakuli Valley on State and private land (HHP 1990p2 to 1990p8). On Kauai, this species is found in Waimea Canyon, on Polihale Ridge, along the Na Pali Coast, and in the Haupu Range on State and private land (HHP 1990p9, 1990p11, 1990p14 to 1990p22; HPCC 1990h). The 20 known populations, which are located within an area of about 10 by 5 mi (16 by 8 km) on Oahu and 10 by 8 mi (16 by 13 km) on western Kauai, with the eastern Kauai population about 23 mi (37 km) away, contain an estimated 400 to 1,400 individuals (HHP 1990p2 to 1990p9, 1990p11, 1990p14 to 1990p22; HPCC 1990h; Tim Flynn, National Tropical Botanical Garden, Lawai, Kauai, pers. comm., 1990; J. Lau, pers. comm., 1990; S. Perlman, pers. comm., 1990). *Lobelia niihauensis* typically grows on exposed mesic to dry cliffs at an elevation of 330 to 2,720 ft (100 to 830 m) (HHP 1990p14, HPCC 1990h, Lammers 1990). Associated species include daisy fleabane, kawelu, nehe, and *Artemisia* ('ahinahina) (HPP 1990p3, 1990p16, 1990p22). On Oahu, the major threats to *Lobelia niihauensis* are trampling by feral pigs, habitat degradation and predation by feral goats, fire, competition from alien plant species (Christmasberry, koa haole, and molasses grass), and trampling by humans on or along trails. On Kauai, the major threats are habitat degradation and predation by goats and competition from alien plant species.

On the basis of a 1912 collection by Forbes, Richard S. Cowan (1949) described *Neraudia angulata*, choosing the specific epithet in reference to the angled character of the mature calyx of the female flower. He and Degener (Cowan 1949) described var. *dentata*, which is closely sympatric with the nominative variety but is currently

recognized as a distinct taxon (Wagner *et al.* 1990).

*Neraudia angulata*, a member of the nettle family (Urticaceae), is an erect shrub up to 10 ft (3 m) tall. Leaves are thin and elliptic to oval in outline. They are 2.8 to 5.9 in (7 to 15 cm) long and 1.2 to 2.2 in (3 to 5.5 cm) wide. The upper leaf surface has a few silky hairs, and the lower surface is moderately hairy. Flowers are male or female and grow on different plants. The female flowers produce a dry-walled fruit which is surrounded by fleshy, fused sepals. This species is distinguished from other species in its genus by the conspicuously angled, ridged, fleshy calyx in the female flower (Degener and Greenwell 1950c, 1950d; Wagner *et al.* 1990).

Historically, *Neraudia angulata* was known from almost the entire length of the Waianae Mountains from Kaluakauila Gulch nearly to Puu Manawahua (HHP 1990ql, 1990q3, 1990q5, 1990q11; Wagner *et al.* 1990). This species remains on Kahanahaiki-Makua Ridge, Kaluakauila Gulch, Kamananui Valley, Makaha-Waianae Kai Ridge, Puu Kanehoa, and Puu Kumakalii on Federal, State, and private land (HHP 1990q1, 1990q2, 1990q6 to 1990q8). The 5 known populations, which are located within an area of about 11 by 1 mi (18 by 1.6 km), are estimated to comprise fewer than 15 individuals (HHP 1990q1, 1990q2, 1990q4, 1990q6 to 1990q8, 1990q10, 1990q11). *Neraudia angulata* typically grows on slopes, ledges, or gulches in diverse mesic forest dominated by lama at an elevation of 1,200 to 2,700 ft (370 to 820 m) (HHP 1990q1, 1990q6 to 1990q10; Wagner *et al.* 1990). Associated species include aulu, Christmasberry, and *Nestegis sandwicensis* (olopua) (HHP 1990q3, 1990q6 to 1990q9). The major threats to *Neraudia angulata* are habitat degradation by feral goats and pigs, competition from alien plant species (Christmasberry, molasses grass, and strawberry guava), fire, and the small number of extant individuals.

Hillebrand (1888) discovered *Nototrichium humile* and named the genus for its "remarkable (Latin, *nota*) hairs (Greek, *tricho*)," that is, its extreme hairiness. The species epithet refers to the plant's low-growing habit. The species for a time was transferred to the genus *Psilotrichum* (Drake del Castillo 1892). Sherff (1950) recognized three varieties of this species based on leaf shape and size: var. *humile*, var. *parvifolium*, and var. *subrhomboidum*. These varieties were not accepted in the most recent treatment of the genus (Wagner *et al.* 1990).

*Nototrichium humile*, a member of the amaranth family (Amaranthaceae), is an upright to trailing shrub with branched stems up to 5 ft (1.5 m) long. Stems and young leaves are covered with short hairs. Leaves are oppositely arranged, oval to oblong in outline, 1.2 to 3.5 in (3 to 9 cm) long, and 0.8 to 2.0 in (2 to 5 cm) wide. Stalkless flowers are arranged in a spike 1.2 to 5.5 in (3 to 14 cm) long and are at the ends of the stem. Membranous bracts grow below each flower. Two of the bracts and the sepals fall off with the mature fruit, which is 0.08 in (2 mm) long. This species is distinguished from the only other species in the genus by its inflorescence, a slender spike 0.2 in (4 mm) in diameter or less, which is covered with short hairs (Degener and Greenwell 1952a, 1956a; Sherff 1951a; Wagner *et al.* 1990).

Historically, *Nototrichium humile* was known from the entire length of the Waianae Mountains, from near Kaena Point to Nanakuli Valley, and from Lualailua Hills on East Maui (HHP 1990r3, 1990r6, 1990r9; Wagner *et al.* 1990). This species is still extant on Oahu in Kahanahaiki Valley, Kealia, Makaha-Waianae Kai Ridge, Makua Valley, Nanakuli Valley, Pahole Gulch, and Waianae Kai on State and private land (HHP 1990r1, 1990r2, 1990r4, 1990r5, 1990r7 to 1990r12). It is also extant in Maui's Lualailua Hills on State land (HHP 1990r3). Ten of the 11 known populations grow within an area of about 13 by 2 mi (22 by 3 km) in the Waianae Mountains and, together with the Maui population, total an estimated 1,500 to 3,000 individuals (HHP 1990r1 to 1990r5, 1990r7 to 1990r12; J. Lau, pers. comm., 1990). *Nototrichium humile* typically grows at an elevation of 200 to 2,300 ft (60 to 700 m) on cliff faces, gulches, or steep slopes in remnants of open dry forests often dominated by aulu or lama (HHP 1990r2, 1990r5, 1990r7 to 1990r9, 1990r11, 1990r12; Wagner *et al.* 1990). Associated species include Christmasberry, kukui, and olopuia (HHP 1990r1, 1990r2, 1990r7 to 1990r9, 1990r11, 1990r13). On both Oahu and East Maui, the major threats to *Nototrichium humile* are habitat degradation by feral goats, pigs, and cattle; competition from alien plant species (Christmasberry, koa haole, molasses grass, and strawberry guava); and fire.

Soon after erecting the genus *Phyllostegia*, George Bentham (1831) described *Phyllostegia mollis*, the specific epithet referring to its soft pubescence. Other published names that refer to this taxon are *P. haliakalae* (Wawra 1872), *P. honolulensis* (Wawra 1872), *P. parviflora* var. *honolulensis* (Sherff 1934c), and *P. parviflora* var.

*mollis* (Gray 1861). Many of the varieties of *P. mollis* described by Sherff are now included in other species of *Phyllostegia*. Fosberg (1942) described *P. mollis* var. *resinosa* based on a specimen of *P. electra*. Most recently, St. John (1987a) published many species, varieties, and combinations in *Phyllostegia*; however, most botanists do not accept this treatment (Wagner *et al.* 1990).

*Phyllostegia mollis*, a member of the mint family (Lamiaceae), grows as a nearly erect, densely hairy, nonaromatic, perennial herb. Leaves are oval in outline with rounded teeth and usually are 3.9 to 9.4 in (10 to 24 cm) long and 1.3 to 2.8 in (3.3 to 7 cm) wide. Flowers, usually in groups of six, are spaced along a stem 3.1 to 6.7 in (8 to 17 cm) long; there are two shorter flowering stems directly below the main stem. The flowers have fused sepals which are 0.1 to 0.2 in (3 to 4 mm) long and white petals 0.3 to 0.5 in (8.5 to 12 mm) long fused into a tube and flaring into a smaller upper and a larger lower lip. Fruits are fleshy, dark green to black nutlets about 0.1 in (2 to 3 mm) long. A suite of technical characters concerning the kind and amount of hair, the number of flowers in a cluster, and details of the various plant parts separate this species from other members of the genus (Degener 1935, Sherff 1935b, Wagner *et al.* 1990).

Historically, *Phyllostegia mollis* was known from the central and southern Waianae Mountains from Mt. Kaala to Honouliuli, and from Makiki in the Koolau Mountains of Oahu (HHP 1990s3 to 1990s5, Wagner *et al.* 1990). It also was known from Molokai and East Maui (HHP 1990s6, 1990s7; Wagner *et al.* 1990). This species remains only in Kaluaa Gulch and on Puu Kaua in the Waianae Mountains and in Waiopai Gulch on East Maui on Federal, State, and private land (HHP 1990s1; R. Hobdy and J. Lau, pers. comms., 1990). The 2 Oahu populations are 1.3 mi (2 km) apart; together with the East Maui population, they are estimated to contain less than 50 individuals (HHP 1990s1; R. Hobdy and J. Lau, pers. comms., 1990). *Phyllostegia mollis* typically grows on steep slopes and in gulches in diverse mesic to wet forests at an elevation of 1,500 to 6,000 ft (450 to 1830 m) (Wagner *et al.* 1990; R. Hobdy, pers. comm., 1990). Associated plants include ferns, kopiko, *Pisonia* (papala kepau), and *Rubus* (raspberry) (HHP 1990s1, 1990s2, 1990s5). The major threats to *Phyllostegia mollis* are competition from an alien plant species (Christmasberry) and the small number of extant populations.

*Sanicula mariversa* was discovered by Kenneth M. Nagata in 1981, who later described the species in a publication with Samuel M. Gon, III (Nagata and Gon 1987). The specific epithet refers to the plant's habitat which is on a ridge overlooking the sea.

*Sanicula mariversa*, a member of the parsley family (Apiaceae), is an upright herb, 16 to 28 in (40 to 70 cm) tall which produces a single branched stem from a sturdy base (caudex) growing just beneath the surface of the soil. There are many heart- to kidney-shaped, leathery, three- to five-lobed leaves, 5 to 9 in (13 to 23 cm) wide, growing from the base of the plant. Leaves on the stem become smaller and more deeply lobed the closer they are to the tip of the stem. Flowers are arranged in 1 to 4 more or less flat-topped clusters; each cluster comprises 10 to 20 flowers and is located at the end of the stem or in the leaf axils. Each flower cluster has 8 to 12 bracts beneath it and comprises both male and bisexual flowers. There are five nearly circular, fused, toothed, yellow petals, each 0.04 in (1 mm) wide. The egg-shaped fruit is about 0.2 in (4 to 6 mm) long by about 0.1 in (3 to 4 mm) wide, covered with hooked prickles, and separates into two single-seeded parts. The larger size of the plant and basal leaves, the color of the flower petals, and the hooked prickles on the fruit separate this species from others of the genus in Hawaii (Constance and Affolter 1990, Nagata and Gon 1987).

Historically, *Sanicula mariversa* was known from the central Waianae Mountains from Makua-Keaau Ridge to Kaluaa-Lualualei Summit Ridge (HHP 1990t1 to 1990t3). This species is now extant only at Makua-Keaau Ridge on State-owned land (HHP 1990t1, 1990t3). The 2 known populations, which are about 0.4 mi (0.6 km) apart, contain fewer than 100 individuals (HHP 1990t1, 1990t3; J. Lau, pers. comm., 1990). *Sanicula mariversa* typically grows on well-drained, dry slopes at an elevation of 2,500 to 2,800 ft (750 to 850 m) (HHP 1990t4, Wagner *et al.* 1990). Associated species include Hamakua pamakani, kawelu and 'ohi'a (HHP 1990t1, 1990t4; HPCC 1990i). The major threats to *Sanicula mariversa* are habitat degradation by feral goats, fire, competition from alien plant species (Christmasberry and molasses grass), trampling by humans on or near trails, and the small number of populations.

In 1873 Wawra described *Schiedea kaalae* based upon a specimen he had collected 3 years earlier. The specific epithet refers to the geographical range of the plant, which is on the slopes of Mt. Kaala on Oahu. Sherff (1943) later

recognized an additional variety, var. *acutifolia*, based upon a minor difference in the leaf. This variety is no longer accepted (Wagner *et al.* 1990).

*Schiedea kaalae*, a member of the pink family, has a short woody caudex less than 8 in (20 cm) long. The thick, single-veined leaves are bunched at the top of the stem; they are long and elliptic or broader toward the tip and can reach a length of 9.4 in (24 cm) and a width of 2.4 in (6 cm). Flowers are in an open, much branched inflorescence (panicle) usually 8 to 16 in (20 to 40 cm) long. The flowers lack petals, but have purple bracts and sepals, which are 0.1 to 0.2 in (3 to 4 mm) long. Stamens and nectaries each number five and are about 0.2 in (4 to 5 mm) long. Capsules are about 0.2 in (4 mm) long, and seeds are dark grayish brown and about 0.04 in (1 mm) long. This species can be distinguished from other members of its genus by its very short stems and its thick leaves with one conspicuous vein (Degener 1938c, Degener and Degener 1956, Sherff 1945, Wagner *et al.* 1990).

Historically, *Schiedea kaalae* is known from the north-central and south-central Waianae Mountains and the northern Koolau Mountains of Oahu (HHP 1990u2, 1990u4, 1990u5, 1990u7). This species remains at Huliwai, Makaleha, Mokuleia, Pahole Gulch, Kaluaa Gulch, and Puu Hapapa in the Waianae Mountains and at Maakua Gulch and Makaua Stream in the Koolau Mountains (HHP 1990u1 to 1990u7; S. Perlman, pers. comm., 1990; Wagner *et al.* 1990). The 5 known populations in the Waianae Mountains, which are distributed over an area of about 10 by 1 mi (16 by 1.6 km), and the 2 known populations in the Koolau Mountains, which are about 4 mi (7 km) apart, contain fewer than 100 individuals (HHP 1990u1 to 1990u7; J. Lau, pers. comm., 1990). *Schiedea kaalae* typically grows on steep slopes and shaded sites in diverse mesic forests at an elevation of 700 to 2,600 ft (210 to 790 m) (HHP 1990u6, 1990u7). Associated species include kukui, *Athyrium sandwicensis*, *Delissea subcordata*, and *Pisonia umbellifera* (papala kepau) (HHP 1990u2 to 1990u5, 1990u7; HPCC 1990j). The major threats to *Schiedea kaalae* are habitat degradation by feral pigs and goats, competition from alien plant species (Christmasberry, huehue haole, Koster's curse, molasses grass, and *Myrica faya* (firetree)), fire, and the small number of extant individuals.

Steven Perlman and John Obata discovered *Silene perlmanii* in 1987. It was described by Warren L. Wagner, D. R. Herbst, and S. H. Sohmer (1989)

and named in honor of one of its discoverers.

*Silene perlmanii*, a member of the pink family, is a perennial plant with stems that are woody at the base. It usually is much branched from the base and often forms clumps. Stems are 12 to 20 in (30 to 50 cm) long, and leaves are in the shape of narrow ellipses 2 to 4 in (5 to 10.5 cm) long and 0.3 to 0.6 in (7 to 16 mm) wide. A few flowers are arranged in clusters at the ends of the stems. Each flower has fused sepals 0.9 to 1.2 in (22 to 30 mm) long with five lobes and white, deeply notched petals 0.3 to 0.4 in (8 to 10 mm) long. Mature capsules have not been seen. It is the only species of the genus on Oahu and can be distinguished from other *Silene* species by its white petals and a calyx which is more than 0.7 in (19 mm) long and densely covered with short hairs (Wagner *et al.* 1990).

*Silene perlmanii* is known from the southern Waianae Mountains, between Palikea and Pohakea Pass on privately-owned land (HHP 1990v1, Wagner *et al.* 1990). No other localities are known for this recently discovered species (HHP 1990v2). The 1 known population contains 10 to 20 individuals (J. Lau, pers. comm., 1990). *Silene perlmanii* typically grows on cliff faces in diverse mesic forest at an elevation of 2,600 ft (790 m) (Wagner *et al.* 1990). Associated species include *Plantago princeps* (laukahi kuahiwi) (HHP 1990v1). The major threats to *Silene perlmanii* are competition from alien plant species (Christmasberry, firetree, and molasses grass) and the small number of extant individuals.

*Tetramolopium filiforme* was collected by Hillebrand in 1869 and described by Sherff (1934b) in his monograph of the genus. Sherff named the species *filiforme* because of its very narrow leaves. In the same monograph, Sherff described *Tetramolopium polyphyllum* based upon a plant collected by Wawra in 1870 during the Austrian East Asian Exploring Expedition. In a recent revision of the genus, Timothy K. Lowrey (1986, 1990) recognized *T. polyphyllum* as a variety of *T. filiforme*.

*Tetramolopium filiforme*, a member of the aster family, is a dwarf shrub from 2 to 6 in (5 to 15 cm) tall with complexly branched stems. Leaves are much longer than wide, from 0.4 to 0.8 in (1 to 2 cm) long and 0.02 to 0.05 in (0.4 to 1.2 mm) wide. Flower heads are single or grouped in clusters of two to four, each having a bell-shaped involucre 0.2 in (4 to 5 mm) high and 0.3 to 0.4 in (7 to 10 mm) in diameter. There are 35 to 52 white or pale lavender ray florets in a

single circle at the edge of the head, each 0.1 to 0.2 in (3 to 4 mm) long. There are 18 to 30 maroon (rarely yellow) disk florets in the center of each head. The ray florets are female, while the disk florets function as male flowers. Fruits are achenes, less than 0.1 in (3 mm) long and up to 0.04 in (1 mm) wide. This species is distinguished from the other extant species on Oahu by its separate male and female flowers both on the same plant and its inflorescence of one to four heads (Lowrey 1986, Sherff 1935a).

Historically, *Tetramolopium filiforme* was known from the northern Waianae Mountains from Ohikilolo Ridge, Keaau Valley, and Makaha Valley (HHP 1990w5 to 1990w7, Lowrey 1990). This species remains in Keaau Valley and on Ohikilolo Ridge on State land (HHP 1990w1 to 1990w4, 1990w7; Lowrey 1990). The 5 known populations, which are distributed over an area of about 1.4 by 0.5 mi (2.3 by 0.8 km), are estimated to contain fewer than 500 individuals (HHP 1990w1 to 1990w4, 1990w8). *Tetramolopium filiforme* typically grows on dry cliff faces and ridges at an elevation of 1,100 to 3,000 ft (340 to 900 m) (HHP 1990w2, 1990w7). Associated species include 'a'ali'i, *Artemisia australis* ('ahinahina), and *Schiedea mannii* (HHP 1990w2, 1990w4, 1990w7). The major threats to *Tetramolopium filiforme* are habitat degradation by feral goats, competition from alien plant species (Christmasberry, koa haole, molasses grass, and *Erigeron karvinskianus* (daisy fleabane)), fire, and trampling or collection by humans on or near trails.

*Tetramolopium lepidotum* ssp. *lepidotum* was described by Sherff (1934b) in his monograph of the genus. Other names which have been applied to this taxon are *Erigeron lepidotus* (Lessing 1831), *E. pauciflorus* (Hooker and Arnott 1830-1841), *E. tenerimus* var. *lepidotus* (Drake del Castillo 1888), *T. chamissonis* var. *lucurians* (Hillebrand 1888), *T. lepidotum* var. *lucurians* (Sherff 1934b), and *Vittadinia chamissonis* (Gray 1861).

*Tetramolopium lepidotum* ssp. *lepidotum*, a member of the aster family, is an erect shrub 4.7 to 14 in (12 to 36 cm) tall, branching near the ends of the stems. Leaves of this taxon are lance-shaped, wider at the leaf tip, and measure 1.0 to 1.8 in (25 to 45 mm) long and 0.04 to 0.3 in (1 to 7 mm) wide. Flower heads are arranged in groups of 6 to 12. The involucre is bell-shaped and less than 0.2 in (4 mm) high. Florets are either female or bisexual, with both occurring on the same plant. There are 21 to 40 white to pinkish lavender ray

florets 0.04 to 0.08 in (1 to 2 mm) long on the periphery of each head. In the center of each head, there are 4 to 11 maroon to pale salmon disk florets. The fruits are achenes, 0.06 to 0.1 in (1.6 to 2.5 mm) long and 0.02 to 0.03 in (0.5 to 0.8 mm) wide. This taxon can be distinguished from the other extant species on Oahu by its hermaphroditic disk flowers and its inflorescence of 6 to 12 heads (Degener 1937b; Lowrey 1986, 1990; Sherff 1935a).

Historically, *Tetramolopium lepidotum* ssp. *lepidotum* was known from nearly the entire length of the Waianae Mountains from Makua Valley to Kaaikukui Ridge, as well as from the island of Lanai (HHP 1990x1, 1990x3, 1990x5; Lowrey 1990). This taxon remains in the Waianae Mountains on Mauna Kapu and Puu Kaua on Federal and private land (HHP 1990x1 to 1990x3). The 3 known populations, which are found within an area of about 2.5 mi (4 km), are estimated to contain fewer than 100 individuals (HHP 1990x1 to 1990x3, 1990x6). *Tetramolopium lepidotum* ssp. *lepidotum* typically grows on grassy ridgetops, slopes, or west-facing cliffs in mesic forest at an elevation of 1,200 to 3,100 ft (370 to 940 m) (HHP 1990x2, 1990x4; Lowrey 1990). Associated species include daisy fleabane, firetree, ko'oko'olau, and 'ohi'a (HHP 1990x1, 1990x2; HPCC 1990k). The major threats to *Tetramolopium lepidotum* ssp. *lepidotum* are competition from alien plant species (Christmasberry, daisy fleabane, firetree, and molasses grass), trampling or collection by humans on or along trails, and the small number of populations.

*Urera kaalae* was first collected by Chamisso in the early 1800s, and later rediscovered and described by Wawra (1874). The specific epithet refers to the geographical range of the species.

*Urera kaalae*, a member of the nettle family, is a small tree or shrub 10 to 23 ft (3 to 7 m) tall. The sap of the plant becomes greenish black when exposed to air. Leaves are pale green, thin and membranous, heart-shaped, and 4 to 11 in (10 to 27 cm) long by 2 to 5 in (5 to 13 cm) wide, with three main veins and toothed margins. Flowers are either male or female and may grow on the same or different plants. They are arranged in three-branched inflorescences. Sepals of male flowers are fused into rather globe-shaped structures about 0.06 in (1.5 mm) long. Sepals of female flowers are less than 0.04 in (1 mm) long, and the inner pair becomes slightly fleshy to enclose the achene along about half of its 0.04 in (1 mm) length (Degener 1936, Wagner *et al.*

1990). This species can be distinguished from the other Hawaiian species of the genus by its heart-shaped leaves.

Historically, *Urera kaalae* was known from the central to southern windward Waianae Mountains from Waianae Uka to Kupehau Gulch (HHP 1990y3, 1990y4; Wagner *et al.* 1990). This species now occurs only in Ekahanui, Pualii, Napepeiaulele, and Kaluaa gulches, and in Waianae Kai on privately-owned land (HHP 1990y1, 1990y2, 1990y6; J. Lau, pers. comm., 1991). The 6 known populations, which are sparsely distributed over an area of about 2 by 0.1 mi (3 by 0.2 km), contain no more than 33 individuals (HHP 1990y6; HPCC 1990L; S. Perlman, pers. comm., 1990; J. Lau, pers. comm., 1991). *Urera kaalae* typically grows on slopes and in gulches in diverse mesic forest dominated by papaia kepaui at an elevation of 960 to 2,700 ft (300 to 820 m) (HHP 1990y5, Wagner *et al.* 1990). Associated species include huehue haole, mamaki, and *Psidium guajava* (guava) (HHP 1990y6, HPCC 1990L). The major threats to *Urera kaalae* are habitat degradation by feral pigs, competition from alien plant species (Christmasberry, daisy fleabane, firetree, huehue haole, molasses grass, and strawberry guava), fire, and the small number of extant individuals.

First collected in 1817 by Johann Friedrich Eschscholz, a surgeon on a Russian world exploring expedition, *Viola chamissoniana* was named by Gingins (1826) in honor of Chamisso, the botanist on the expedition. The name *V. chamissoniana* as used by Hillebrand (1888) included the taxon presently known as *V. chamissoniana* ssp. *trachelifolia*; his *V. helioscopia* is now referred to as ssp. *chamissoniana* (Wagner *et al.* 1990).

*Viola chamissoniana* ssp. *chamissoniana*, a member of the violet family (Violaceae), is a branched shrub up to 3 ft (90 cm) tall. The toothed leaves, usually clustered at branch tips, are triangular-oval to heart-shaped in outline and measure about 0.8 to 1.6 in (2 to 4 cm) long. Each flowering stalk produces one or two flowers with five sepals which are 0.2 to 0.4 in (5 to 9 mm) long and five white, purple-tinged petals which are 0.4 to 0.9 in (10 to 23 mm) long. Capsules are usually 0.5 to 0.7 in (12 to 17 mm) long and contain dark brown to almost black seeds which are about 0.1 in (1.8 to 2.3 mm) long. This subspecies can be distinguished from the other members of the genus in the Waianae Mountains by the small size of its leaves (Degener and Greenwell 1952c, 1956b; St. John 1989; Wagner *et al.* 1990).

Historically, *Viola chamissoniana* ssp. *chamissoniana* was known from the central and southern Waianae Mountains from Makaleha Valley to Kaaikukui (HHP 1990z1, 1990z5). This taxon now occurs on Kamaileumu Ridge, Puu Hapapa, and Puu Kumakalii on Federal and State land (HHP 1990z2 to 1990z4). The 3 known populations, which are scattered over an area of about 4.4 by 0.2 mi (7.0 by 0.3 km), contain 14 individuals (HHP 1990z2 to 1990z4). *Viola chamissoniana* ssp. *chamissoniana* typically grows on dry cliffs in mesic shrubland at an elevation of 2,300 to 3,040 ft (700 to 1,000 m) (HHP 1990z1, 1990z2). Associated species include 'ahinahina, ko'oko'olau, and 'ohi'a (HHP 1990z1 to 1990z4). The major threats to *Viola chamissoniana* ssp. *chamissoniana* are habitat degradation by feral goats, competition from alien plant species (Christmasberry and molasses grass), and the small number of extant individuals.

#### Previous Federal Action

Federal action on 21 of these plants began as a result of section 12 of the Act, which directed the Secretary of the Smithsonian Institution to prepare a report on plants considered to be endangered, threatened, or extinct in the United States. This report, designated as House Document No. 94-51, was presented to Congress on January 9, 1975. In that document, *Abutilon sandwicense* (as *Abutilon sandwicense* var. *sandwicense*), *Alsinidendron obovatum*, *Alsinidendron trinerve*, *Chamaesyce celastroides* var. *kaenana* as *Euphorbia celastroides* var. *kaenana*, *Cyanea pinnatifida* (as *Rollandia pinnatifida*), *Diellia falcata*, *Hedyotis degeneri*, *Hedyotis parvula*, *Hesperomannia arbuscula*, *Lipochaeta lobata* var. *leptophylla*, *Lobelia niihauensis*, *Neraudia angulata*, *Nototrichium humile*, *Phyllostegia mollis*, *Schiedea kaalae*, *Tetramolopium lepidotum* ssp. *lepidotum* (as *Tetramolopium lepidotum* var. *lepidotum*), *Urera kaalae*, and *Viola chamissoniana* ssp. *chamissoniana* (as *Viola chamissoniana*) were considered endangered; *Lipochaeta tenuifolia* was considered to be threatened; and *Gouania mevenii* and *Tetramolopium filiforme* were considered to be extinct. On July 1, 1975, the Service published a notice in the Federal Register (40 FR 27823) of its acceptance of the Smithsonian report as a petition within the context of section 4(c)(2) (now section 4(b)(3)) of the Act and gave notice of its intention to review the status of the plant taxa named therein. As a result of that review, on June 16,

1976, the Service published a proposed rule in the **Federal Register** (41 FR 25423) to determine endangered status pursuant to section 4 of the Act for approximately 1,700 vascular plant species, including all of the above 18 taxa considered to be endangered, plus *Gouania meyenii* and *Tetramolopium filiforme* (both thought to be extinct). *Lipochaeta tenuifolia* was not included in the proposed rule. The list of 1,700 plant taxa was assembled on the basis of comments and data received by the Smithsonian Institution and the Service in response to House Document No. 94-51 and the July 1, 1975, **Federal Register** publication.

General comments received in response to the 1976 proposal are summarized in an April 26, 1978, **Federal Register** publication (43 FR 17909). In 1978, amendments to the Act required that all proposals over 2 years old be withdrawn. A 1-year grace period was given to proposals already over 2 years old. On December 10, 1979, the Service published a notice in the **Federal Register** (44 FR 70796) withdrawing the portion of the June 16, 1976, proposal that had not been made final, along with four other proposals that had expired. The Service published updated notices of review for plants on December 15, 1980 (45 FR 82479), September 27, 1985 (50 FR 39525), and February 20, (1990 55 FR 6183). In these notices, 19 of the taxa that had been in the proposed rule were treated as Category 1 candidates for Federal listing. Category 1 taxa are those for which the Service has on file substantial information on biological vulnerability and threats to support preparation of listing proposals. In the 1980 and 1985 notices, *Gouania meyenii*

was included in Category 3A, meaning that the Service believed that the species was extinct. *Gouania meyenii* was included in Category 1 in the 1990 notice after a taxonomic revision combined *G. meyenii* with two other Category 1 species (*G. gagei* and *G. oliveri*). *Lipochaeta tenuifolia* and *Dubautia herbstobatae* appeared on the 1980 and subsequent notices as Category 1 species. The 1990 list also included *Centaurium seabaeoides*, *Chamaesyce kuwaleana*, *Sanicula mariversa*, and *Silene perlmanii* as Category 1 candidate species.

Section 4(b)(3)(B) of the Act requires the Secretary to make findings on certain pending petitions within 12 months of their receipt. Section 2(b)(1) of the 1982 amendments further requires all petitions pending on October 13, 1982, be treated as having been newly submitted on that date. On October 13, 1983, the Service found that the petitioned listing of these species was warranted, but precluded by other pending listing actions, in accordance with section 4(b)(3)(B)(iii) of the Act: notification of this finding was published on January 20, 1984 (49 FR 2485). Such a finding requires the petition to be recycled, pursuant to section 4(b)(3)(C)(i) of the Act. The finding was reviewed in October of 1984, 1985, 1986, 1987, 1988, and 1989.

On September 28, 1990, the Service published in the **Federal Register** (55 FR 38664) a proposal to list 26 plant taxa from the Waianae Mountains as endangered. This proposal was based primarily on information supplied by the Hawaii Heritage Program, the Hawaii Plant Conservation Center, and observations of botanists, notably Joel

Q.C. Lau. The Service now determines those 26 taxa from the Waianae Mountains to be endangered with the publication of this rule.

**Summary of Comments and Recommendations**

In the September 28, 1990, proposed rule and associated notifications, all interested parties were requested to submit factual reports or information that might contribute to the development of a final rule. The public comment period ended on November 27, 1990. Appropriate State agencies, county and city governments, Federal agencies, scientific organizations, and other interested parties were contacted and requested to comment. Newspaper notices inviting general public comment were published in the Honolulu Advertiser, the Maui News, and The Garden Island on October 3, 1990. No letters of comment were received.

**Summary of Factors Affecting the Species**

After a thorough review and consideration of all information available, the Service has determined that the 26 plant taxa from the Waianae Mountains should be classified as endangered species. Procedures found at section 4 of the Endangered Species Act (16 U.S.C. 1533) and regulations (50 CFR Part 424) promulgated to implement the listing provisions of the Act were followed. A species may be determined to be an endangered to threatened species due to one or more of the five factors described in section 4(a)(1). The threats facing these 26 taxa are summarized in Table 1.

TABLE 1 SUMMARY OF THREATS

Species	Feral animal activity			Alien plants	Fire	Human impacts	Limited numbers <sup>1</sup>
	Pigs	Cattle	Goats				
<i>Abutilon sandwicense</i> .....		X		X	X		
<i>Alsinidendron obovatum</i> .....	X			X		X	X
<i>Alsinidendron trinerve</i> .....	X			X		X	X
<i>Centaurium seabaeoides</i> .....		X	X	X	X	X	
<i>Chamaesyce celastroides</i> var. <i>kaenana</i> .....				X	X	X	
<i>Chamaesyce kuwaleana</i> .....				X	X		X
<i>Cyanea pinnatifida</i> .....	X			X		X	X
<i>Diellia falcata</i> .....	X	X	X	X	X		
<i>Dubautia herbstobatae</i> .....	X		X	X	X	X	X
<i>Gouania meyenii</i> .....	X			X	X		X
<i>Hedyotis degeneri</i> .....	X			X			X
<i>Hedyotis parvula</i> .....			X	X			X
<i>Hesperomannia arbuscula</i> .....	X			X		X	X
<i>Lipochaeta lobata</i> var. <i>leptophylla</i> .....				X	X		X
<i>Lipochaeta tenuifolia</i> .....	X		X	X	X		
<i>Lobelia niihauensis</i> .....	X		X	X	X	X	
<i>Neraudia angulata</i> .....	X		X	X	X		X
<i>Nototrichium humile</i> .....	X	X	X	X	X		
<i>Phyllostegia mollis</i> .....				X			X
<i>Sanicula mariversa</i> .....			X	X	X	X	X
<i>Schiedea kaalae</i> .....	X		X	X	X		X
<i>Silene perlmanii</i> .....				X			X

TABLE 1 SUMMARY OF THREATS—Continued

Species	Feral animal activity			Alien plants	Fire	Human impacts	Limited numbers <sup>1</sup>
	Pigs	Cattle	Goats				
<i>Tetramolopium filiforme</i> .....			X	X	X	X	
<i>Tetramolopium lepidotum</i> ssp. <i>lepidotum</i> .....				X		X	X
<i>Urera kaalae</i> .....	X			X	X		X
<i>Viola chamissoniana</i> ssp. <i>chamissoniana</i> .....			X	X			X

<sup>1</sup> No more than 100 individuals and/or fewer than 5 populations.

The five factors and their application to *Abutilon sandwicense* (Degener) Christoph. (NCN), *Alsinidendron obovatum* Sherff (NCN), *Alsinidendron trinerve* H. Mann (NCN), *Centaurium sebaeoides* (Griseb.) Druce ('awiwi), *Chamaesyce celastroides* (Boiss.) Croizat var. *kaenana* (Sherff) Degener and I. Degener ('akoko), *Chamaesyce kuwaleana* (Degener and Sherff) Degener and I. Degener (NCN), *Cyanea pinnatifida* (Cham.) F. Wimmer (haha), *Diellia falcata* Brack. (NCN), *Dubautia herbstobatae* G. Carr (na'ena'ea), *Gouania meyenii* Steud. (NCN), *Hedyotis degeneri* Fosb. (NCN), *Hedyotis parvula* (A. Gray) Fosb. (NCN), *Hesperomannia arbuscula* Hillebr. (NCN), *Lipochaeta lobata* (Gaud.) DC var. *leptophylla* Degener and Sherff (nehe), *Lipochaeta tenuifolia* A. Gray (nehe), *Lobelia niihauensis* St. John (NCN), *Neraudia angulata* R. Cowan (NCN), *Nototrichium humile* Hillebr. (kulu'i), *Phyllostegia mollis* Benth. (NCN), *Sanicula mariversa* Nagata and Gon (NCN), *Schiedea kaalae* Wawra (NCN), *Silene perlmanii* W.L. Wagner, Herbst, and Sohmer (NCN), *Tetramolopium filiforme* Sherff (NCN), *Tetramolopium lepidotum* (Less.) Sherff ssp. *lepidotum* (A. Gray) Lowrey (NCN), *Urera kaalae* Wawra (opuhe), and *Viola chamissoniana* Ging. ssp. *chamissoniana* (pamakani) are as follows:

#### A. The Present or Threatened Destruction, Modification, or Curtailment of its Habitat or Range

The native vegetation of the Waianae Mountains and adjacent areas has undergone extreme alterations because of past and present land management practices, including deliberate alien plant and animal introductions, agricultural development, and military use (Frierson 1973, Wagner *et al.* 1985). Degradation of habitat by feral animals and competition with alien plants are considered the greatest present threats to the 26 taxa in this final rule.

Feral pigs (*Sus scrofa*) have been in the Waianae Mountains for about 150 years and are known to be one of the major current modifiers of forest

habitats (Stone 1985). Pigs damage the native vegetation by rooting and trampling the forest floor and encourage the expansion of alien plants that are better able to exploit the newly tilled soils than are native species (Stone 1985). Pigs also disseminate alien species through their feces and on their bodies, accelerating the spread of alien plant species within the native forest. Present throughout the Waianae Mountains in low numbers, feral pigs pose a significant threat to the native flora (HHP 1987a, 1987b; J. Lau, pers. comm., 1990). For example, digging was noted in the wet summit forests within Honouliuli in the southern Waianae Mountains where two of the plant species (*Cyanea pinnatifida* and *Urera kaalae*) are restricted (HHP 1987a; S. Perlman, pers. comm., 1990). In Pahole Gulch in the northwestern Waianae Mountains, a population of pigs, which are thriving as the result of insufficient hunting pressure, threatens at least two of the plant species in this rule, *Alsinidendron trinerve* and *Schiedea kaalae* (Nagata 1980). Of the 26 plant taxa, 13 are threatened or already have sustained loss of individual plants or habitat as the result of feral pig activity (HHP 1990b3, 1990i7, 1990p23, 1990u2; HPCC 1990f, 1990j, 1990l; Nagata 1980; J. Lau and S. Perlman, pers. comms., 1990) (see Table 1).

Although feral cattle (*Bos taurus*) were eliminated from Oahu by the mid-1990s (Stone 1985), the effects of cattle ranching have left an indelible scar on the native low to mid-elevation forests of the Waianae Mountains. Much of the forest between 700 and 1,800 ft (210 and 550 m) in elevation has been destroyed by cattle and feral goats (*Capra hircus*) (Cuddihy and Stone 1990), effectively restricting the native vegetation to higher elevations (Nagata 1980). Cattle ranching still continues in the Mokuleia area on the west side of the Waianae Mountains. Taking advantage of the natural barrier of its slopes, ranchers have not installed adequate fences to contain the cattle. Some cattle escape into the upland forest (J. Lau, pers. comm., 1990) where they consume native vegetation, trample roots and seedlings,

accelerate erosion, and promote the invasion of alien plants (Scott *et al.* 1986). Species such as *Abutilon sandwicense*, *Diellia falcata*, and *Nototrichium humile* have been detrimentally affected by the activities of cattle (J. Lau, pers. comm., 1990). Cattle grazing also is considered a threat to the population of *Centaurium sebaeoides* on Maui (HHP 1990d4).

Goats have been on Oahu for the past 170 years. Because of their commercial value in the 1820s, goats were allowed to proliferate throughout the Waianae Mountains without the confines of fences (Culliney 1988). As the result of their agility, goats were able to reach more remote areas than pigs or cattle. Goats (and cattle) are responsible for the destruction of most of the lower elevation dryland forests of Oahu (Stone 1985). The impact of feral goats on the native vegetation is similar to that described above for cattle (Scott *et al.* 1986). Successful control efforts decreased the goat population significantly by 1905 (Gill *et al.* 1989). Although their estimated current numbers are low, there continues to be a problem of trampling and grazing by goats in areas where 12 of the 26 plant taxa now occur (Culliney 1988). Erosion is a serious direct effect of grazing and trampling by feral goats. Through their activities, goats remove the ground cover, exposing the soil to erosional actions, thereby further degrading the habitat (J. Lau, pers. comm., 1990). Encroaching urbanization and hunting pressure tend to restrict goats to the drier upper slopes of the Waianae Mountains (Tomich 1988). The dry to mesic habitat of *Diellia falcata*, *Dubautia herbstobatae*, *Hedyotis parvula*, *Lipochaeta tenuifolia*, *Lobelia niihauensis*, *Neraudia angulata*, *Nototrichium humile*, *Sanicula mariversa*, *Schiedea kaalae*, *Tetramolopium filiforme*, and *Viola chamissoniana* ssp. *chamissoniana* in the Waianae Mountains is being heavily degraded by these animals (HHP 1990i1, 1990o1, 1990p4, 1990q4, 1990r2, 1990u2, 1990w1, 1990z6; J. Lau, pers. comm., 1990).

Habitat degradation by goats, cattle, or pigs is a likely threat to the populations of the six plant taxa whose distributions extend beyond the Waianae Mountains to elsewhere on Oahu, Kauai, Molokai, or Maui (*Centaurium sebaeoides*, *Hesperomannia arbuscula*, *Lobelia niihauensis*, *Nototrichium humile*, *Phyllostegia mollis*, and *Schiedea kaalae*). The adverse impacts of these animals on these six plant taxa are similar to the effects observed in the Waianae Mountains.

All 26 taxa in this rule are threatened by competition from one or more alien plant species. *Schinus terebinthifolius* (Christmasberry), introduced to Hawaii before 1911 as an ornamental tree, has had particularly detrimental impacts (Cuddihy and Stone 1990). This fast-growing alien plant is able to form dense thickets, displacing other plants; it also may release a chemical that inhibits the growth of other species (Smith 1985). As early as the 1940s, Christmasberry had invaded the dry slopes of Oahu; it is now replacing the native vegetation of much of the southern Waianae Mountains (Cuddihy and Stone 1990). Christmasberry is gradually invading other areas of the Waianae Mountains as well, and now is found on nearly all the other Hawaiian Islands; it now threatens to occupy the habitat of 20 of the 26 plants comprising this final rule (HHP 1990a1, 1990o5, 1990q2, 1990r14, 1990t4, 1990z6; HPCC 1990e, HPCC 1990i; J. Lau, pers. comm., 1990).

The native vegetation of the leeward ridges of the Waianae Mountains, especially Ohikilolo, Kamaileunu, and Kumaipo ridges, is being replaced by *Melinis minutiflora* (molasses grass), another aggressive alien plant species. This species and Christmasberry are considered the two most serious alien plant problems in these areas (J. Lau, pers. comm., 1990). Molasses grass ranges from the dry lowlands to the lower wet forests, especially in open areas with sparse vegetation, and is distributed on the other islands as well. This fire-adapted grass produces a dense mat capable of smothering plants, provides fuel for fires, and carries fires into areas with native woody plants (Cuddihy and Stone 1990). Because most native forest species are not fire-adapted, molasses grass is able to exploit freshly burned areas (J. Lau, pers. comm., 1990). Populations of 19 of the 26 endangered taxa located on leeward slopes and ridges are most vulnerable to molasses grass (J. Lau, pers. comm., 1990).

*Myrica faya* (firetree), a species that was introduced before 1900 as an

ornamental or for firewood, inhabits dry to mesic habitats on most of the Hawaiian Islands (Cuddihy and Stone 1990). The Territory of Hawaii planted firetree in the Waianae Mountains in the 1920s for reforestation. It now forms a dense stand near Palikea in the Honouliuli Forest Reserve and has spread approximately 2 mi (3 km) to the north (Whiteaker and Gardner 1985) where it poses a threat to the habitat of *Schiedea kaalae*, *Silene perlmanii*, *Tetramolopium lepidotum* ssp. *lepidotum*, and *Ureia kaalae*. The impact of this noxious tree is serious because, given suitable habitat, firetree can form a dense, closed canopy to the exclusion or detriment of other plants. This plant also produces nitrogen, making it adaptable to habitats with low nitrogen soils and an excellent competitor with native plants that have evolved in low nitrogen conditions (Cuddihy and Stone 1990).

*Psidium cattleianum* (strawberry guava), a pervasive alien tree in the southern Waianae Mountains, is distributed mainly by feral pigs and fruit-eating birds (Smith 1985). It also is found on the other Hawaiian Islands. Like Christmasberry and firetree, strawberry guava is capable of forming dense stands to the exclusion of other plant species (Cuddihy and Stone 1990). Populations of *Diellia falcata*, *Gouania meyenii*, *Hedyotis degeneri*, *Hesperomannia arbuscula*, *Lipochaeta tenuifolia*, *Neraudia angulata*, *Nototrichium humile*, and *Ureia kaalae* are immediately threatened by competition with this alien plant (HPCC 1990f; Obata 1986; J. Lau, pers. comm., 1990).

*Leucaena leucocephala* (koa haole) is an alien tree usually seen in disturbed lowland areas on the Hawaiian Islands. Originally introduced as fodder (Smith 1989), it is now widely distributed in dry and mesic forests that are the habitat for *Centaurium sebaeoides*, *Chamaesyce celastroides* var. *kaenana*, *Chamaesyce kuwaleana*, *Dubautia herbstobatae*, *Lipochaeta lobata* var. *leptophylla*, *Lipochaeta tenuifolia*, *Lobelia niihauensis*, *Nototrichium humile*, and *Tetramolopium filiforme* (J. Lau, pers. comm., 1990). Like firetree, koa haole is an aggressive competitor that produces its own nitrogen.

*Clidemia hirta* (Koster's curse), a noxious shrub first cultivated in Wahiawa on Oahu, spread to the Koolau Mountains in the early 1960s, where it is now rapidly displacing native vegetation. Koster's curse spread to the Waianae Mountains around 1970 and is now widespread throughout Honouliuli (Cuddihy and Stone 1990,

Culliney 1988). It recently has been found on other Hawaiian Islands (Cuddihy and Stone 1990). This species forms a dense understory, shading other plants and hindering plant regeneration (HHP 1987a). At present, Koster's curse threatens to replace four of the plant species included in this final rule: *Abutilon sandwicense*, *Cyanea pinnatifida*, and *Hesperomannia arbuscula* in the Waianae Mountains and *Schiedea kaalae* in the Koolau Mountains (HHP 1990a1; J. Lau and S. Perlman, pers. comms., 1990).

*Rubus argutus* (blackberry), recognized as a noxious weed by the Hawaii State Department of Agriculture (Cuddihy and Stone 1990), poses a serious threat to *Alsiniidendron trinerve* and *Hesperomannia arbuscula* (HHP 1990c1; HPCC 1990f; Paul Higashino, The Nature Conservancy of Hawaii, Makawao, Maui, pers. comm., 1990). Blackberry occurs in the Waianae Mountains between 3,300 and 7,500 ft (1,000 and 2,300 m) in elevation, where it forms impenetrable thickets in disturbed areas (Smith 1985). Its distribution includes most of the Hawaiian Islands.

*Passiflora suberosa* (huehue haole), a vine that smothers small plants in the subcanopy of dryland habitats (Smith 1985) on Oahu, Maui, and Hawaii, poses an immediate threat to several of the plant species in this final rule. There are major infestations in the Waianae Mountains and it is a probable threat to all extant populations of *Ureia kaalae* and to some populations of *Abutilon sandwicense* and *Diellia falcata* (HPCC 1990i; J. Lau, pers. comm., 1990).

*Erigeron karvinskianus* (daisy fleabane) is another low-growing alien species that smothers native plants, particularly on cliffs, and is found on most of the Hawaiian Islands. This species threatens *Cyanea pinnatifida*, *Lobelia niihauensis*, *Tetramolopium filiforme*, and *Tetramolopium lepidotum* ssp. *lepidotum* (S. Perlman, pers. comm., 1990).

Fire threatens 16 of the 26 taxa comprising this final rule, particularly those located upslope from Makua Military Reservation and Schofield Barracks, where current firing exercises could unintentionally ignite fires. Within a 14-month period in 1989 and 1990, for example, a total of 10 fires resulted from firing activities in the Makua Military Reservation. Of these, eight occurred outside of the firebreak installed by the Army (Col. William Chastain, U.S. Army, Fort Schafter, Hawaii, *in litt.*, 1989a, 1989b, 1990a, 1990b). A 300 acre (120 hectare) fire in July 1989 may have destroyed a population of *Neraudia angulata* and came within 0.25 mi (0.4

km) of a population of *Nototrichium humile*. Although most fires have been contained within 0.02 acres (0.01 hectares), the July 1989 fire is evidence of the potential for escape into the fire-prone habitat of 16 of the taxa in this rule (*Abutilon sandwicense*, *Centaurium sebaeoides*, *Chamaesyce celastroides* var. *kaenana*, *Chamaesyce kuwaleana*, *Diellia falcata*, *Dubautia herbstobatae*, *Gouania meyenii*, *Lipochaeta lobata* var. *leptophylla*, *Lipochaeta tenuifolia*, *Lobelia niihauensis*, *Neraudia angulata*, *Nototrichium humile*, *Sanicula mariversa*, *Schiedea kaalae*, *Tetramolopium filiforme*, and *Urera kaalae*) (Carr 1982; HHP 1990d5, 1990f4, 1990o6, 1990p23, 1990q4, 1990r14, 1990u2, 1990w6, 1990w8; HPC 1990d; St. John 1981b; Sam Gon, HHP, and J. Lau, pers. comms., 1990). Fire is a potential threat on the Naval Magazine lands at Luualalei (Comdr. P.W. Hiller, in litt., 1990). If the Navy could not control a fire, it might burn all the way up to the ridge, possibly affecting six of the taxa in this rule (*Chamaesyce kuwaleana*, *Lipochaeta lobata* var. *leptophylla*, *Phyllostegia mollis*, *Schiedea kaalae*, *Silene perlmanii*, and *Tetramolopium lepidotum* ssp. *lepidotum*).

#### B. Overutilization for Commercial, Recreational, Scientific, or Educational Purposes

Illegal collecting for scientific or horticultural purposes or excessive visits by individuals interested in seeing rare plants could result from increased publicity and would seriously impact several of these taxa. *Alsinidendron obovatum*, *Alsinidendron trinerve*, *Centaurium sebaeoides*, *Chamaesyce celastroides* var. *kaenana*, *Cyanea pinnatifida*, *Dubautia herbstobatae*, *Hesperomannia arbuscula*, *Lobelia niihauensis*, *Sanicula mariversa*, *Tetramolopium filiforme*, and *Tetramolopium lepidotum* ssp. *lepidotum* are located on or near trails or roads and have the potential of being collected or trampled (HHP 1990b3, 1990x6; Nagata 1980; D. Herbst, J. Lau, and S. Perlman, pers. comms., 1990). For these 11 taxa, disturbance from trampling during recreational use (hiking, for example) could promote erosion and greater ingress by competing alien species.

#### C. Disease or Predation

*Xylosandrus compactus* (black twig borer) has been cited as a possible threat to the extant populations of *Urera kaalae* (St. John 1981b). The black twig borer burrows into the branches and introduces a pathogenic fungus, pruning the host severely, often killing branches or whole plants (Hara and Beardsley

1979, Howarth 1985). No other evidence of disease is known for any of the taxa in this rule.

Predation of *Lobelia niihauensis* by goats has been observed in the Makua area of the Waianae Mountains (HHP 1990p4). Browsing by alien goats threatens one Waianae population of *Tetramolopium filiforme* (S. Perlman, pers. comm., 1990); domesticated goats threaten *Centaurium sebaeoides* on West Maui (R. Hobdy, pers. comm., 1990). While there is no evidence of predation on the other 23 taxa, none of them are known to be unpalatable to goats or cattle. Predation is therefore a probable threat at sites where those animals have been reported, potentially affecting nine of the plant taxa (*Diellia falcata*, *Dubautia herbstobatae*, *Hedyotis parvula*, *Lipochaeta tenuifolia*, *Neraudia angulata*, *Nototrichium humile*, *Sanicula mariversa*, *Schiedea kaalae*, and *Viola chamissoniana* ssp. *chamissoniana*) (HHP 1990q2, 1990r1, 1990r2, 1990u2; St. John 1981b; J. Lau, pers. comm., 1990). The restriction of most of the populations of *Lobelia niihauensis* on both Oahu and Kauai to virtually inaccessible cliffs suggests that goat predation may have eliminated that species from more accessible locations, as is the case for other rare plants of Kauai's Na Pali Coast (Corn *et al.* 1979). Similar restriction of populations of other taxa to inaccessible cliffs in the Waianae Mountains suggests that goats have played a parallel role in limiting the distribution of those taxa (J. Lau, pers. comm., 1990). The same situation applies to the inaccessible East Maui population of *Phyllostegia mollis* (R. Hobdy, pers. comm., 1990).

Although predation of fruits and seeds by rodents has been cited as a probable threat to *Abutilon sandwicense* and *Schiedea kaalae* (Center for Plant Conservation 1990, Wagner *et al.* 1985), those reports have not been confirmed.

#### D. The Inadequacy of Existing Regulatory Mechanisms

Of the 26 taxa in this rule, a total of 13 have populations located on private land, 18 on State (including City and County) land, and 6 on Federal land. While 14 of the taxa occur in more than 1 of those 3 ownership categories, the other 12 taxa are restricted to a single category: 5 taxa are found only on private land, 6 taxa only on State land, and 1 taxa only on Federal land. There are no State laws or existing regulatory mechanisms at the present time to protect or prevent further decline of these taxa. However, Federal listing automatically invokes listing under Hawaii State law, which prohibits taking and encourages conservation by

State government agencies. State regulations prohibit the removal, destruction, or damage of plants found on State lands. However, the regulations are difficult to enforce because of limited personnel. Hawaii's Endangered Species Act (HRS, Sect. 195D-4(a)) states, "Any species of aquatic life, wildlife, or land plant that has been determined to be an endangered species pursuant to the Endangered Species Act [of 1973] shall be deemed to be an endangered species under the provisions of this chapter \* \* \*". Further, the State may enter into agreements with Federal agencies to administer and manage any area required for the conservation, management, enhancement, or protection of endangered species (HRS, Sect. 195D-5(c)). Funds for these activities could be made available under section 6 of the Federal Act (State Cooperative Agreements). Listing of these 26 plant taxa therefore reinforces and supplements the protection available to the taxa under State law. The Federal Act also will offer additional protection to these 26 taxa, because it is a violation of the Act for any person to remove, cut, dig up, damage, or destroy an endangered plant in an area not under Federal jurisdiction in knowing violation of any State law or regulation or in the course of any violation of a State criminal trespass law.

#### E. Other Natural or Manmade Factors Affecting its Continued Existence

The small number of populations and of individual plants of all of these taxa increases the potential for extinction from stochastic events. The limited gene pool may depress reproductive vigor, or a single man-caused or natural environmental disturbance could destroy a significant percentage of the individuals (or the only known extant population) of these taxa. For example, 3 of the taxa are known from a single population: *Cyanea pinnatifida* (1 known plant), *Hedyotis degeneri* (6 plants), and *Silene perlmanii* (10 to 20 plants) (HHP 1990k1, 1990v2; S. Perlman, pers. comm., 1990). Fifteen of the 26 taxa are known from fewer than 5 populations. Seventeen of the taxa are estimated to number no more than 100 known individuals.

The Service has carefully assessed the best scientific and commercial information available regarding the past, present, and future threats faced by these 26 taxa in determining to make this rule final. Based on this evaluation, the preferred action is to list these 26 plant taxa as endangered. Eighteen of these taxa either number no more than

about 100 individuals or are known from fewer than 5 populations. The 26 taxa are threatened by one or more of the following: Habitat degradation by feral pigs, cattle, and goats; competition from alien plants; fire; overcollection, mainly for scientific purposes; and trampling by humans along trails. Small population size makes these taxa particularly vulnerable to extinction from stochastic events. Because these 26 taxa are in danger of extinction throughout all or a significant portion of their ranges, they fit the definition of endangered as defined in the Act. Critical habitat is not being designated for these taxa for reasons discussed in the "Critical Habitat" section of this rule.

#### Critical Habitat

Section 4(a)(3) of the Act, as amended, requires that to the maximum extent prudent and determinable, the Secretary designate critical habitat at the time a species is determined to be endangered or threatened. The Service finds that designation of critical habitat is not presently prudent for these 26 taxa. Such a determination would result in no known benefit to the taxa. The publication of descriptions and maps required when critical habitat is designated would increase the degree of threat to these plants from possible take or vandalism and therefore could contribute their decline and increase enforcement problems. The listing of these species as either endangered or threatened publicizes the rarity of the plants and thus can make them attractive to researchers, curiosity seekers, or collectors of rare plants. All involved parties and the major landowners have been notified of the general location and importance of protecting the habitat of these taxa. Protection of their habitat will be addressed through the recovery process and through the section 7 consultation process.

The only known Federal activity within the currently known habitat of these plants involves the use of portions of the Makua Military Reservation and Schofield Barracks as military buffer zones adjacent to impact areas used as ordnance training sites by the U.S. Army. Firebreaks have been constructed between the impact area and the buffer zone on the Makua Military Reservation to minimize potential impacts from any fires that may be generated during the ordnance training exercises (Herve Messier, U.S. Army, Ft. Shafter, Hawaii, pers. comm., 1990). As there is no direct use of the area by the military and the zoning prevents human entry onto military land, it is unlikely that such continued classification of the area

would threaten the existence of these plants. Therefore, the Service finds that designation of critical habitat for these 26 taxa is not prudent at this time, because such designation would increase the degree of threat from vandalism, collecting, or other human activities and because it is unlikely to aid in the conservation of these taxa.

#### Available Conservation Measures

Conservation measures provided to species listed as endangered or threatened under the Endangered Species Act include recognition, recovery actions, requirements for Federal protection, and prohibitions against certain activities. Recognition through listing encourages and results in conservation actions by Federal, State, and private agencies, groups, and individuals. The Endangered Species Act provides for possible land acquisition and cooperation with the State and requires that recovery actions be carried out for all listed species. The protection required of Federal agencies and the prohibitions against certain activities involving listed plants are discussed, in part, below.

Section 7(a) of the Act, as amended, requires Federal agencies to evaluate their actions with respect to any species that is proposed or listed as endangered or threatened and with respect to its critical habitat, if any is being designated. Regulations implementing this interagency cooperation provision of the Act are codified at 50 CFR part 402. Section 7(a)(2) of the Act requires Federal agencies to ensure that activities they authorize, fund, or carry out are not likely to jeopardize the continued existence of such a species or to destroy or adversely modify its critical habitat. If a Federal action may affect a listed species or its critical habitat, the responsible Federal agency must enter into formal consultation with the Service. Some of these plant taxa are located on the Makua Military Reservation and Schofield Barracks, both under the jurisdiction of the U.S. Army. The military uses portions of both these areas for ordnance training of its troops and provides a buffer zone adjacent to the impact areas. Entry into the buffer area is forbidden to prevent injury from stray or unexploded shells or other devices (H. Messier, pers. comm., 1990). Virtually all of the listed plants that occur on Army land are present only in the buffer zones and, therefore, are not directly affected by military activities. The Army has constructed firebreaks on the Makua Military Reservation to minimize damage from unintentional fires that occasionally result from stray bullets (H.

Messier, pers. comm., 1990). There are no other known Federal activities that occur within the present known habitat of these 26 plant taxa.

The Act and its implementing regulations found at 50 CFR 17.61, 17.62, and 17.63 set forth a series of general prohibitions and exceptions that apply to all endangered plants. With respect to the 26 plant taxa from the Waianae Mountains, all trade prohibitions of section 9(a)(2) of the Act, implemented by 50 CFR 17.61, apply. These prohibitions, in part, make it illegal with respect to any endangered plant, for any person subject to the jurisdiction of the United States to import or export; transport in interstate or foreign commerce in the course of a commercial activity; sell or offer for sale these species in interstate or foreign commerce; remove and reduce to possession any such species from areas under Federal jurisdiction; maliciously damage or destroy any such species on any area under Federal jurisdiction; or remove, cut, dig up, damage, or destroy listed plants on any other area in knowing violation of any State law or regulation or in the course of any violation of a State criminal trespass law. Certain exceptions apply to agents of the Service and State conservation agencies. The Act and 50 CFR 17.62 and 17.63 also provide for the issuance of permits to carry out otherwise prohibited activities involving endangered plant species under certain circumstances. It is anticipated that few trade permits would ever be sought or issued because these taxa are not common in cultivation or in the wild. Requests for copies of the regulations on plants and inquiries regarding them may be addressed to the Office of Management Authority, U.S. Fish and Wildlife Service, 4401 North Fairfax Drive, room 432-ARLSQ, Arlington, Virginia 22203-3507 (703/358-2104 or FTS 921-2104; FAX 703/358-2281).

#### National Environmental Policy Act

The Fish and Wildlife Service has determined that an Environmental Assessment or Environmental Impact Statement, as defined under the authority of the National Environmental Policy Act of 1969, need not be prepared in connection with regulations adopted pursuant to section 4(a) of the Endangered Species Act of 1973, as amended. A notice outlining the Service's reasons for this determination was published in the *Federal Register* on October 25, 1983 (48 FR 49244).

**References Cited**

A complete list of all references cited herein is available upon request from the Pacific Islands Office (see ADDRESSES section).

**Author**

The authors of this final rule are Z.E. Ellshoff, Joan M. Yoshioka, Joan E. Canfield, and Derral R. Herbst, Fish and Wildlife Enhancement, Pacific Islands Office, U.S. Fish and Wildlife Service, 300 Ala Moana Boulevard, Room 6307, P.O. Box 50167, Honolulu, Hawaii 96850 (808/541-2749 or FTS 551-2749).

**List of Subjects in 50 CFR Part 17**

Endangered and threatened species, Exports, Imports, Reporting and recordkeeping requirements, and Transportation.

**Regulations Promulgation**

Accordingly, part 17, subchapter B of chapter I, title 50 of the Code of Federal Regulations, is amended as set forth below:

**PART 17—[AMENDED]**

1. The authority citation for part 17 continues to read as follows:

Authority: 16 U.S.C. 1361-1407; 16 U.S.C. 1531-1544; 16 U.S.C. 4201-4245; Pub. L. 99-625, 100 Stat. 3500; unless otherwise noted.

2. Amend § 17.12(h) by adding the following, in alphabetical order under the families indicated, to the List of Endangered and Threatened Plants:

**§ 17.12 Endangered and threatened plants.**

\* \* \* \* \*  
(h) \* \* \*

Species		Historic range	Status	When listed	Critical habitat	Special rules
Scientific name	Common name					
Amaranthaceae—Amaranth family:						
<i>Nototrichium humile</i>	1Kulu'i	U.S.A. (HI)	E	448	NA	NA
Apiaceae—Parsley family:						
<i>Sanicula maritima</i>	1None	U.S.A. (HI)	E	448	NA	NA
Aspleniaceae—Spleenwort family:						
<i>Diellia falcata</i>	1None	U.S.A. (HI)	E	448	NA	NA
Asteraceae—Aster family:						
<i>Dubautia herbstobatae</i>	1Na'ena'e	U.S.A. (HI)	E	448	NA	NA
<i>Hesperomannia arbuscula</i>	1None	U.S.A. (HI)	E	448	NA	NA
<i>Lipochaeta lobata</i> var. <i>leptophylla</i>	Nehe	U.S.A. (HI)	E	448	NA	NA
<i>Lipochaeta tenuifolia</i>	Nehe	U.S.A. (HI)	E	448	NA	NA
<i>Tetramolopium filiforme</i>	None	U.S.A. (HI)	E	448	NA	NA
<i>Tetramolopium leptodum</i> var. <i>leptodum</i>	None	U.S.A. (HI)	E	448	NA	NA
Campanulaceae—Bellflower family:						
<i>Cyanea pinnatifida</i>	Haha	U.S.A. (HI)	E	448	NA	NA
<i>Lobelia niihauensis</i>	None	U.S.A. (HI)	E	448	NA	NA
Caryophyllaceae—Pink family:						
<i>Alsinidendron obovatum</i>	None	U.S.A. (HI)	E	448	NA	NA
<i>Alsinidendron trinerve</i>	None	U.S.A. (HI)	E	448	NA	NA
<i>Schiedea kaalae</i>	None	U.S.A. (HI)	E	448	NA	NA
<i>Silene perlmanii</i>	None	U.S.A. (HI)	E	448	NA	NA
Euphorbiaceae—Spurge family:						
<i>Chamaesyce celastroides</i> var. <i>kaenana</i>	'Akoko	U.S.A. (HI)	E	448	NA	NA
<i>Chamaesyce kuwaleana</i>	'Akoko	U.S.A. (HI)	E	448	NA	NA
Gentianaceae—Gentian family:						
<i>Centaurium sebaeoides</i>	'Awivi	U.S.A. (HI)	E	448	NA	NA
Lamiaceae—Mint family:						
<i>Phyllostegia mollis</i>	None	U.S.A. (HI)	E	448	NA	NA

Species		Historic range	Status	When listed	Critical habitat	Special rules
Scientific name	Common name					
Malvaceae—Mallow family:						
<i>Abutilon sandwicense</i>	None	U.S.A. (HI)	E	448	NA	NA
Rhamnaceae—Buckthorn family:						
<i>Gouania meyenii</i>	None	U.S.A. (HI)	E	448	NA	NA
Rubiaceae—Coffee family:						
<i>Hedyotis degeneri</i>	None	U.S.A. (HI)	E	448	NA	NA
<i>Hedyotis parvula</i>	None	U.S.A. (HI)	E	448	NA	NA
Urticaceae—Nettle family:						
<i>Neraudia angulata</i>	None	U.S.A. (HI)	E	448	NA	NA
<i>Urera kaalae</i>	Opuhe	U.S.A. (HI)	E	448	NA	NA
Violaceae—Violet family:						
<i>Viola chamissoniana</i>	ssp. Pamakani	U.S.A. (HI)	E	448	NA	NA
<i>chamissoniana</i>						

Dated: September 30, 1991.

Richard N. Smith,

Acting Director, Fish and Wildlife Service.

[FR Doc. 91-25901 Filed 10-28-91; 8:45 am]

BILLING CODE 4310-55-M

Tuesday  
October 29, 1991

# Enforcement Records Expunction Policy

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## Part IV

# Department of Transportation

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Federal Aviation Administration

14 CFR Part 13

FAA Enforcement Records; Expunction  
Policy; Final Rule

**DEPARTMENT OF TRANSPORTATION****Federal Aviation Administration****14 CFR Part 13****FAA Enforcement Records; Expunction Policy****AGENCY:** Federal Aviation Administration, DOT.**ACTION:** Policy statement.

**SUMMARY:** The Federal Aviation Administration (FAA) has adopted a policy which, when implemented, will result in the expunction of FAA records of certain closed legal enforcement actions. This policy pertains only to records of legal enforcement actions against individuals.

**EFFECTIVE DATE:** This policy is effective October 29, 1991, with implementation as discussed herein.

**FOR FURTHER INFORMATION CONTACT:** Joseph R. Standell, Assistant Chief Counsel, Aeronautical Center (AAC-7), Federal Aviation Administration, 6500 S. MacArthur, Oklahoma City, Oklahoma 73169; Telephone (405) 680-3296.

**SUPPLEMENTARY INFORMATION:****Background**

Under sections 609 and 901 of the Federal Aviation Act of 1958, as amended (FA Act), 49 U.S.C. app. 1429 & 1471, the FAA may take legal enforcement action against individuals if safety in air commerce or air transportation and the public interest require. Sections 13.15, 13.16, and 13.19 of the Federal Aviation Regulations (FAR), 14 CFR 13.15, 13.16, & 13.19, set forth the penalties the FAA may impose against individuals who violate any rule, regulation, or order issued under the FA Act or the Hazardous Materials Transportation Act. These actions include certificate action (suspension or revocation of an FAA certificate) and civil penalties (monetary fines), as well as certain other actions used less frequently.

Currently, records of all legal enforcement actions are maintained indefinitely by the FAA. Such records are primarily maintained at the FAA's Mike Monroney Aeronautical Center, Oklahoma City, Oklahoma. Portions of these records may be located at the FAA's Headquarters in Washington, DC, and the FAA's field and regional offices, domestically and internationally. See, System of Records DOT/FAA 847, 53 FR 29104, 29106 (August 2, 1988). One of the reasons the FAA maintains these records is to keep track of violation histories to determine whether a history indicates a pattern of noncompliance.

Basic airmen certification and certain enforcement information is made available to the public upon request.

In 1989, the FAA conducted a System Safety and Efficiency Review (SSER) of its General Aviation Compliance and Enforcement Program. The SSER review team comprised both FAA personnel and representatives of various industry organizations, including the Aircraft Owners and Pilots Association, the Experimental Aircraft Association, and the National Business Aircraft Association. In the SSER discussions, aviation interest group representatives objected to the FAA's indefinite maintenance of enforcement records, and argued that a violation history decreases an airman's chances of obtaining employment with air carriers and sometimes prevents airmen from purchasing reasonably priced insurance. It was the opinion of the SSER team that the interest of safety may not require that all violation histories be maintained by the FAA for an indefinite period of time, and that certain types of enforcement information regarding individuals may have limited usefulness to the FAA over time. On this basis, the SSER team recommended that the FAA develop and implement a policy of expunging certain enforcement information from agency records.

Consequently, in 1990, the FAA reevaluated its policy of indefinitely retaining enforcement records on individuals, and subsequently adopted a policy of expunging certain records of legal enforcement actions. This policy is explained in detail herein. This policy applies only to individuals who have committed violations in their individual capacities, and to records of legal enforcement actions. This policy applies to individuals who hold airman certificates, as well as to those who do not, such as passengers. This policy does not apply to the following:

- Air carriers, repair stations, or other entities, whether or not the air carrier, repair station, or other entity is owned or operated by an individual;
- information contained in airman applications;
- denials of airman medical certificates;
- airman medical records;
- records generated or maintained by entities other than the FAA, such as orders and decisions issued by the National Transportation Safety Board and any Federal courts; or
- records maintained by the FAA Hearing Docket, which is the repository for public records pertaining to the administrative adjudication of cases brought under the FAA's civil penalty assessment authority.

This policy also does not apply to records of administrative actions inasmuch as it is the FAA's current policy to expunge such records

pertaining to individuals after a period of two years, a policy which is not being changed.

This policy statement is published because the subject is a matter of general interest in the aviation community.

**FAA Recordkeeping**

The FAA maintains records of enforcement actions in several ways, including computer-based records in the Enforcement Information Subsystem (EIS), microfilm records, and paper records. All records contain identifying information such as name, date of birth, address, social security number, and certificate number, and also contain information about each violation such as regulations violated and sanctions imposed.

EIS is an automated data base system that contains summaries of all FAA legal enforcement actions against individuals and organizations dating back to 1962. Copies of paper documents associated with a case are not included in EIS records. EIS is a primary source of information for the FAA and the public concerning any FAA enforcement history against individuals.

Legal enforcement files containing paper documents are maintained by the Office of the Assistant Chief Counsel that handled the case. The files contain the enforcement investigative report for the case, and any notices, orders, and other litigation documents associated with the case. These files are normally retained by the Office of the Assistant Chief Counsel for the region or headquarters for a period of two years after the case is closed, after which time the records are transferred to a Federal Records Center for storage. A Federal Records Center is a repository for paper records. Records transferred to a Federal Records Center generally are destroyed 10 years after the case has been completed.

When legal documents such as notices and orders are issued by the FAA, copies are simultaneously sent to the Airman Certification Branch in Oklahoma City where they are microfilmed, and maintained in microfilm form as a part of an individual's certification record. These records are not available to the public without written authorization from the individual, proof of the individual's death, or an order from a competent jurisdiction.

This expunction policy applies to all FAA legal enforcement records in the form of paper documents, microfilm documents, and computer-based information, wherever located within

the FAA, except the records of the FAA Hearing Docket in Washington, DC.

### Expunction Policy

In general, records of legal enforcement actions involving suspension of an airman certificate or a civil penalty against an individual will now be maintained for five years; records of enforcement actions resulting in revocation of the airman certificate will be maintained indefinitely; and cases closed with no enforcement action will be expunged within 90 days. A record will not be considered eligible for expunction unless the record has been closed by the appropriate FAA office and no further action is required in that matter. Further, no legal enforcement action record will be expunged if, at the time it is otherwise due to be expunged, one or more other legal enforcement actions is pending against the same individual.

When a record is expunged from EIS, any information which identifies the individual will be removed from the EIS record, including the individual's name, address, date of birth, and FAA certificate number; and aircraft identification number and owner's name and address. The case report number will not be removed, nor will the rest of the information, such as the FARs violated and the final action. This information will be maintained so that the FAA is able to conduct statistical research of the data, for which the identity of the individuals involved is not needed.

Paper records that are to be fully expunged will be removed from FAA files.

In "no action" cases, if an investigation results in the termination of the case without enforcement action, the record will be expunged within 90 days after the termination. If legal enforcement action has been initiated and is subsequently withdrawn, the record will be expunged within 90 days after the withdrawal.

In certificate action cases, where an order suspending an airman's certificate has been issued, the record will be expunged five years after the following date, as applicable:

The date the airman surrenders his/her airman certificate;  
the date the airman submits an affidavit of certificate loss; or  
the date of the Order of Suspension With Waiver of Sanction.

When the FAA has issued an order indefinitely suspending an airman's certificate pending successful completion of a reexamination or proof of qualification, the record will be expunged one month after the airman

successfully accomplishes the reexamination. Oftentimes, in a reexamination, the airman will complete an Airman Application for Airman Certificates and/or Rating, FAA Form 8710-1. Since this policy generally does not apply to information contained in airman applications, this document may not be expunged.

Records will not be expunged in certificate revocation cases.

In certificate action cases where legal enforcement action has been initiated and the airman cannot be located, the record will not be expunged, unless or until the airman is located. At that time, the case may be reevaluated and appropriate action taken. Thereafter, records of the enforcement action will be expunged in accordance with this policy.

In civil penalty cases, where an order assessing a civil penalty or a civil penalty letter has been issued, the record will be expunged five years after the following date, as applicable:

The date the civil penalty has been paid, the date of the Order Assessing Civil Penalty With Waiver of Sanction,  
the date of the civil penalty letter which provides for a waiver of sanction, or  
the date a promissory note for payment of the civil penalty has been provided to the FAA.

Where a civil penalty is determined to be "uncollectable," the record will not be expunged until the civil penalty is satisfied.

In civil penalty cases where the individual cannot be located, the record will be maintained indefinitely unless or until the individual is located. At that time, the case may be reevaluated and appropriate action taken. Thereafter, records of the enforcement action will be expunged in accordance with this policy.

In all cases, if at the time a record of an enforcement action is due to be expunged, a subsequent enforcement report has been opened, the first action will not be expunged unless and until the subsequent action is completed. If the subsequent enforcement action is resolved by administrative action or "no action," then, at that time, the first record will be expunged in accordance with this policy. If the subsequent enforcement action is resolved through civil penalty or certificate action, the record regarding the first action will be expunged when and if the subsequent enforcement action is expunged.

In any case where different types of enforcement action have been combined in one enforcement record, the record will be expunged in accordance with this policy that retains the record for the longest period.

### Implementation of Expunction Policy

Initial implementation of the expunction policy has already begun. The FAA currently has several decades of records which will be expunged under this policy. It is expected that the initial expunction of eligible enforcement records will be completed in stages. In the future, enforcement records will be expunged on a monthly basis as they become eligible.

Changes will be made to the EIS program so that EIS may identify those cases that are eligible to be expunged and then to automatically expunge records from the EIS computer base. Resources permitting, the FAA expects that the necessary hardware and software changes to the EIS data base system will be completed in early 1992. However, it must be noted that EIS contains enforcement cases going back to 1962. Enforcement cases predating 1962 will not be expunged through EIS because of the technical impossibility of identifying whether such cases may still exist in hard copy.

Those FAA offices that maintain microfilm and paper records will be notified of the case eligible for expunction. Those offices can then expunge records on hand and can arrange for the expunction of records which may have been transferred to Federal Record Centers.

With respect to microfilm enforcement records contained in airman certification files maintained by the Airmen Certification Branch in Oklahoma City, expunction is expected to begin in June 1992, when the FAA plans to begin the conversion of airman certification data from microfilm to the new media. The conversion process requires review and reproduction of approximately 70,000,000 document images, and is not expected to be completed before 1995.

Once this expunction system is fully functioning, the FAA intends to expunge identifying information from eligible enforcement records on a monthly basis. Therefore, an individual may expect his or her enforcement records to be expunged during the month following the eligibility for expunction under this policy. The FAA has literally millions of records maintained in a complex system. Therefore, it is impossible for the agency to assure the expunction of any particular record in strict accordance with this policy. If an individual becomes aware of any enforcement data pertaining to that individual that may be eligible for expunction but has not been expunged, that individual may request amendment of the record under the Privacy Act, 5

U.S.C. 552a(d). Any requests to amend an individual's enforcement record must be made in writing to the appropriate systems manager in accordance with the procedures prescribed in 49 CFR part 10.

Issued in Washington, DC on October 22, 1991.

**James B. Busey,**  
*Administrator.*

[FR Doc. 91-25990 Filed 10-28-91; 8:45 am]

BILLING CODE 4910-13-M



Tuesday  
October 28, 1961

Part V

# The President

Production 6506 - National Film Board  
Week for a Brighter America, 1961

President Eisenhower

# Presidential Documents

Title 3—

Proclamation 6365 of October 25, 1991

The President

National Red Ribbon Week for a Drug-Free America, 1991

By the President of the United States of America

## A Proclamation

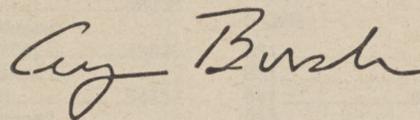
Since we introduced our first National Drug Control Strategy in 1989, our Nation has made significant progress in the fight against illicit drug use. Through education and prevention programs in both the public and private sectors, we have taken important strides in reducing the demand for drugs. Indeed, recent figures from the National Institute on Drug Abuse show that, over an 18-month reporting period, overall drug use in the United States fell by slightly more than 10 percent. Cocaine use fell even more dramatically, by about 29 percent. Through more vigorous law enforcement and interdiction efforts, we have also lessened the deadly trade of drug traffickers. They are no match for a united, determined America.

However, while these and other trends are encouraging, we know that we are only just beginning to win the war against drugs. That is why I urge all Americans to join in observing this National Red Ribbon Week for a Drug-Free America. Through the widespread display of the red ribbon, let us demonstrate our refusal to tolerate illicit drug use and our resolve to build a safer, healthier future for the United States. Indeed, with this simple gesture, each of us can set a positive example for others while sending a clear and unequivocal message to the merchants of death who deal drugs—a message that says “This scourge will stop!”

The Congress, by House Joint Resolution 340, has designated the period beginning October 19, 1991, and ending October 27, 1991, as “National Red Ribbon Week for a Drug-Free America” and has authorized and requested the President to issue a proclamation in observance of this week.

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, do hereby proclaim the period of October 19 through October 27, 1991, as National Red Ribbon Week for a Drug-Free America. I urge all Americans to observe this week by supporting community substance abuse prevention efforts. I also encourage every American to wear a red ribbon during this week as an expression of his or her commitment to a healthy, drug-free lifestyle.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-fifth day of October, 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 sixteenth.



October 22, 1971

National Red Ribbon Week for a Drug-Free America, 1971

By the President of the United States of America

A Proclamation

Since we introduced our first National Drug Control Strategy in 1969, our Nation has made significant progress in the fight against illicit drugs. Through education and prevention programs in both the public and private sectors, we have taken important steps in reducing the demand for drugs. Indeed, recent figures from the National Institute on Drug Abuse show that over an 18-month reporting period, overall drug use in the United States fell by slightly more than 10 percent. Cocaine use fell even more dramatically, by about 25 percent. Through more vigorous law enforcement and international efforts, we have also lessened the deadly trade of drug traffickers. They are a match for a united, determined America.

However, while these and other trends are encouraging, we know that we are only just beginning to win the war against drugs. That is why I urge all Americans to join in observing this National Red Ribbon Week for a Drug-Free America. Through the widespread display of the red ribbon, let us demonstrate our refusal to tolerate illicit drug use and our resolve to battle these deadly forces for the United States. Indeed, with this simple gesture, each of us can set a positive example for others while sending a clear and unambiguous message to the millions of drug-addicted Americans—a message that says, "This scourge will stop."

The Congress, by House Joint Resolution 565, has designated the period beginning October 19, 1971, and ending October 27, 1971, as "National Red Ribbon Week for a Drug-Free America," and has authorized and requested the President to issue a proclamation in observance of this week.

NOW, THEREFORE, I, GEORGE HERBERT WALKER BUSH, President of the United States of America, do hereby proclaim the period of October 19 through October 27, 1971, as National Red Ribbon Week for a Drug-Free America. I urge all Americans to observe this week by wearing conspicuously and prominently displaying a red ribbon. I also encourage every American to wear a red ribbon during this week as an expression of his or her commitment to a healthy, drug-free America.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-third day of October, in the year of our Lord nineteen hundred and seventy-one, and of the Independence of the United States of America, the two hundred and twenty-

*George Bush*

1971-1972  
October 22, 1971

# Reader Aids

Federal Register

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