11-05-91
Vol. 56 No. 214
Pages 56461-56566

federal register

Tuesday
November 5, 1991

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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Reader Aids
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CFR PARTS AFFECTED IN THIS ISSUE

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

Rules and Regulations

Federal Register
Vol. 56, No. 214
Tuesday, November 5, 1991

DEPARTMENT OF AGRICULTURE

Rural Telephone Bank

7 CFR Part 1610

Determination of the 1991 Fiscal Year Interest Rate on Rural Telephone Bank Loans

AGENCY: Rural Telephone Bank, USDA.

ACTION: Notice of 1991 fiscal year interest rate determination.

SUMMARY: In accordance with 7 CFR 1610.10, the Rural Telephone Bank's Fiscal Year 1991 cost of money rate has been established at 5.43%. Except for loans approved from October 1, 1987 through December 21, 1987 where borrowers elected to remain at interest rates set at loan approval, all loan advances made from October 1, 1990 through September 30, 1991 under Bank loans approved on or after October 1, 1987 shall bear interest at the rate of 5.43%.

The calculation of the Bank's cost of money rate for Fiscal year 1991 is provided in Table 1. Since the calculated rate (5.43%) is greater than the minimum rate (5.00%) allowed under 7 U.S.C. 948(b)(3)(A), the cost of money rate is set at the rate of 5.43%. The methodology required to calculate the cost of money rate is established in 7 CFR 1610.10(c).

EFFECTIVE DATE: October 1, 1991.

FOR FURTHER INFORMATION CONTACT: Matthew P. Link, Acting Director, Rural Telephone Bank Management Staff, Rural Electrification Administration, room 2832, South Building, U.S. Department of Agriculture, Washington, DC 20250, telephone number (202) 720–0530.

SUPPLEMENTARY INFORMATION: The cost of money rate methodology develops a weighted average rate for the Bank's cost of money by considering total fiscal year loan advances; the excess of fiscal year loan advances over amounts received in the fiscal year from issuances of Class A, B, and C stocks, debentures and other obligations; and the costs to the Bank of obtaining funds from these sources. During Fiscal Year 1991, the Bank paid the following dividends: The dividend on Class A stock was 2.00% as established in amended section 406(c) of the Rural Electrification Act; no dividends were payable on Class B stock as specified in 7 CFR 1610.10(c); and the dividend on Class C stock was established by the Bank at 8.5 percent.

The total amount received by the Bank in Fiscal Year 1991 from the issuance of Class A stock was $28,709,627. Total advances for the purchase of Class B stock and cash purchases for Class B stock were $3,730,353. Rescissions of loan funds advanced for Class B stock amounted to $1,327,176. Thus, the amount received by the Bank from the issuance of Class B stock, per 7 CFR 1610.10(c), was $2,403,177 ($3,730,353–1,327,176). The total amount received by the Bank in Fiscal Year 1991 from the issuance of Class C stock was $3,569.

The Bank did not issue debentures or any other obligations during Fiscal Year 1991. Consequently, no cost was incurred related to the issuance of debentures subject to 7 U.S.C. 948(b)(3)(D).

The excess of Fiscal Year 1991 loan advances over amounts received from issuances of Class A, B, and C stocks and debentures and other obligations amounted to $132,026,702. The cost associated with this excess is the historical cost of money rate as defined in 7 U.S.C. 948(b)(3)(D)(v). The calculation of the Bank's historical cost of money rate is provided in Table 2. The methodology required to perform this calculation is described in 7 CFR 1610.10(c). The cost of money rates for fiscal years 1974 through 1987 are defined in section 408(b) of the RE Act, as amended by Public Law 100–203, and are listed in 7 CFR 1610.10(c) and Table 2 herein.

Dated: October 30, 1991.

Gary C. Byrne,

Governor, Rural Telephone Bank.

TABLE 1—RURAL TELEPHONE BANK FY 1991 COST OF MONEY RATE

Source of bank funds	Amount	Cost rate (percent)	Amount X cost rate	(Amount X rate)/ advances (percent)
FY 1991 Issuance of Class A Stock	$28,709,627	2.00	$574,193	0.3520
FY 1991 Issuance of Class B Stock	2,403,177	0.00	0	0.0000
FY 1991 Issuance of Class C Stock	3,569	8.50	303	0.0002
FY 1991 Issuance of Debentures and Other Obligations	0		0	0.0000
Excess of Total Advances Over 1991 Issuances	132,026,702	6.28	8,291,277	5.0822
Total FY 1991 Advances	163,143,075			
Calculated cost of money rate				5.43
Minimum cost rate allowable				5.00

TABLE 2—RURAL TELEPHONE BANK, HISTORICAL COST OF MONEY

Fiscal Year	Bank Cost of Money (percent)	Bank Loan Advances	Advances X Cost Rate	(Advances X Cost Rate)/ Total Advances (percent)
1974	5.01	$111,022,574	$5,562,231	0.299
1975	5.85	130,663,197	7,643,797	0.411
1976	5.33	99,915,066	5,325,473	0.286
1977	5.00	80,907,425	4,045,371	0.217
1978	5.87	142,297,190	8,352,845	0.449
1979	5.93	130,540,067	7,741,026	0.416
1980	8.10	199,944,235	16,195,483	0.870
1981	9.46	148,599,372	14,057,501	0.756
1982	8.39	112,232,127	9,416,275	0.506
1983	6.99	93,402,836	6,528,858	0.351
1984	6.55	90,450,549	5,924,511	0.318
1985	5.00	72,583,394	3,629,170	0.195
1986	5.00	71,852,383	3,592,619	0.193
1987	5.00	51,974,938	2,598,747	0.140
1988	5.00	119,488,367	5,974,418	0.321
1989	5.00	97,046,947	4,852,347	0.261
1990	5.00	107,694,991	5,384,750	0.289
Total advances		1,860,615,658		
Cost of money rate				6.28

[FR Doc. 91-26637 Filed 11-4-91; 8:45 am]
BILLING CODE 3410-15-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 91-CE-34-AD; Amendment 39-8085; AD 91-23-16]

Airworthiness Directives; Aerostar Aircraft, Inc. Model PA60-700P (Formerly Piper) Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD) that is applicable to Aerostar Aircraft, Inc. Model PA60-700P airplanes. This action requires revising the manifold pressure limitations that are in the pilot's operating handbook and printed on the airplane instrument panel. Service experience has shown that the current manifold pressure limitations are incorrect. The actions specified by this AD are intended to prevent engine damage that could result from incorrect manifold pressure operations.

DATES: Effective December 20, 1991.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of December 20, 1991.

ADDRESSES: Piper Special Advisory No. 60-7, dated January 11, 1991, and the Pilot Operating Handbook Report VB-1220, Revision 4, dated December 14, 1990, that are discussed in this AD may be obtained from Aerostar Aircraft, Inc., 3608 S. Davison Boulevard, Spokane, Washington 99204. This information may also be examined at the FAA, Central Region, Office of the Assistant Chief Counsel, room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

FOR FURTHER INFORMATION CONTACT: Mr. William A. Swope, Aerospace Engineer, Seattle Aircraft Certification Office, 1601 Lind Avenue, SW., Renton, Washington, 98055-4056; Telephone (206) 227-2589.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations to include an AD that is applicable to certain Piper Model PA60-700P airplanes was published in the Federal Register on May 14, 1991 (56 FR 22127). The action proposed the installation of a placard (part number (P/N) 87369-77) to the airplane instrument panel in accordance with Piper Special Advisory No. 60-7, dated January 11, 1991. The action also proposed the insertion of Report VB-1220, Revision 4, dated December 14, 1990, into the limitations section of the PA-60-700P Pilot's Operating Handbook and operation of the airplane accordingly.

Interested persons have been afforded an opportunity to participate in the making of this amendment. No comments were received on the proposed rule or the FAA's determination of the cost to the public. Since publication of the NPRM, the manufacturing rights of the Model PA-60-700P airplanes have transferred from the Piper Aircraft Corporation to Aerostar Aircraft, Inc. All manufacturer reference in this AD has been changed accordingly. Piper Service Advisory No. 60-7, dated January 11, 1991, will still be applicable to this AD.

After careful consideration, the FAA has determined that air safety and the public interest require the adoption of the rule as proposed except for the change in manufacturer and minor editorial corrections. These minor corrections will not change the meaning of the AD nor add any additional burden upon the public than was already proposed.

It is estimated that 25 airplanes in the U.S. registry will be affected by this AD, that it will take approximately 1 hour per airplane to accomplish the required action, and that the average labor rate is approximately $55 an hour. Parts are available from the manufacturer at no cost. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be $1,375.

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 copy of the final evaluation prepared for this action is contained in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption **"ADDRESSES".**

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, 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 Regulation as follows:

PART 39—[AMENDED]

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

Authority: 49 U.S.C. 1354(a), 1421 and 1423; 49 U.S.C. 106(g); and 14 CFR 11.89.

§ 39.13—[Amended]

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

91-23-16 Aerostar Aircraft, Inc.: Amendment 39-8085; Docket No. 91-CE-34-AD.

Applicability: Model PA60-700P (formerly Piper) airplanes (serial numbers 60-8423001 through 60-8423025), certificated in any category.

Compliance: Required within the next 50 hours time-in-service after the effective date of this AD, unless already accomplished.

Note 1: The compliance time in this AD takes precedence over that cited in the referenced service information.

To prevent engine damage that could result from incorrect manifold pressure operations, accomplish the following:

(a) Install placard, part number 87369-77, in accordance with the instructions in Piper Special Advisory No. 60-7, dated January 11, 1991, and operate the airplane accordingly.

Note 2: This placard (part number 87369-77) is enclosed in Piper Special Advisory No. 60-7, dated January 11, 1991, which may be obtained from the manufacturer at the address in paragraph (e) of this AD.

(b) Insert Report VB-1220, Revision 4, dated December 14, 1990, into the limitations section of the PA-60-700P Pilot's Operating Handbook and operate the airplane in accordance with these limitations.

Note 3: Copies of Report VB-1220, Revision 4, dated December 14, 1990, may be obtained from the manufacturer at the address in paragraph (e) of this AD.

(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 time that provides an equivalent level of safety may be approved by the Manager, Seattle Aircraft Certification Office, 1601 Lind Avenue, SW., Renton, Washington 98055-4056. The request should be forwarded through an appropriate FAA Maintenance Inspector, who may add comments and then send it to the Manager, Seattle Aircraft Certification Office.

(e) The installation required by this AD shall be done in accordance with Piper Special Advisory No. 60-7, dated January 11, 1991. 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 Aerostar Aircraft, Inc., 3608 S. Davison Boulevard, Spokane, Washington 99204. Copies may be inspected at the FAA, Central Region, Office of the Assistant Chief Counsel, room 1558, 601 E. 12th Street, Kansas City, Missouri, or at the Office of the Federal Register, 1100 L Street, NW; room 8401, Washington, DC. This amendment becomes effective on December 20, 1991.

Issued in Kansas City, Missouri, on October 24, 1991.

Barry D. Clements,

Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 91-26599 Filed 11-4-91; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 89-AEA-04]

Establishment of Transition Area; Brockport, NY

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This notice establishes a 700 foot Transition Area at Brockport, NY, to support the installation of a Nondirectional Radio Beacon (NDB) and accommodate a new Standard Instrument Approach Procedure (SIAP) to Runway 10 at the Ledgedale Airpark, Brockport, NY. The intended effect of this action is to ensure segregation of the aircraft using the SIAP under instrument flight rules (IFR) from other aircraft operating in controlled airspace. Additionally, the airport and NDB geographic coordinates are being updated to reflect their actual location and the airport status will be changed from VFR operations only include IFR operations.

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) 553-0857.

SUPPLEMENTARY INFORMATION:

History

On August 1, 1991, the FAA proposed to amend part 71 of the Federal Aviation Regulations (14 CFR part 71) to establish a 700 foot Transition Area at Brockport, NY, due to the establishment of a new NDB at Ledgedale Airpark, Brockport, NY, and the development of a new SIAP based upon the NDB (56 FR 41097). The proposed action was a supplementary issuance of the original proposal which was issued in response to objections based upon the original proposal.

Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments on the supplementary 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 establishes a 700 foot Transition Area at Brockport, NY, due to the installation of an NDB at the Ledgedale Airpark, Brockport, NY, and the development of a SIAP to the airpark based upon the NDB.

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 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:

Brockport, NY [New]

Ledgedale Airpark, Brockport, NY (lat. 43°10'52"N., long. 77°54'50"W.)
Ledgedale NDB (lat. 43°10'57"N., long. 77°54'29"W.)

That airspace extending upward from 700 feet above the surface within a 7.3-mile radius of the Ledgedale Airpark, Brockport, NY and within a 2.9 miles either side of a 270° (T) 281° (M) bearing from the Ledgedale NDB extending from the 7.3-mile radius to 8.1 miles west of the NDB; excluding that airspace overlying the Rochester, NY, Transition Area.

Issued in Jamaica, New York, on October 10, 1991.

Gary W. Tucker,

Manager, Air Traffic Division.

[FR Doc. 91-26602 Filed 11-4-91; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 90-AEA-17]

Alteration of VOR Federal Airway V-43; Pennsylvania

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; delay of effective date.

SUMMARY: This action amends the effective date for Airspace Docket No. 90-AEA-17 from November 14, 1991, to January 9, 1992. This amendment is necessary to allow for administrative coordination and charting to be completed in the Canadian airspace. This action amends the effective date to coincide with the charting of this change.

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

FOR FURTHER INFORMATION CONTACT: Patricia P. Crawford, Airspace and Obstruction Evaluation Branch (ATP-240), Airspace-Rules and Aeronautical Information Division, Air Traffic Rules and Procedures Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone: (202) 267-9255.

SUPPLEMENTARY INFORMATION:

History

Federal Register Document 91-22146, published on September 16, 1991, realigned a segment of V-43 in the vicinity of Erie, PA. This action will delay the effective date to allow for charting to be completed. The effective date for charting must be delayed from November 14, 1991, to January 9, 1992, to coincide with this change.

Amendment to the Final Rule

Accordingly, pursuant to the authority delegated to me, Federal Register Document 91-22146, as published in the Federal Register on September 16, 1991 (56 FR 46727), is amended by changing the effective date from November 14, 1991, to January 9, 1992.

Issued in Washington, DC, on October 28, 1991.

Harold W. Becker,

Manager, Airspace-Rules and Aeronautical Information Division.

[FR Doc. 91-26603 Filed 11-4-91; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 97

[Docket No. 26677; Amdt. No. 1464]

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 procedures 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

Aviation safety, Approaches, Standard Instrument, Incorporation by reference.

Issued in Washington, DC, on October 25, 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 COPTER SIAPs, identified as follows:

** * * Effective January 9, 1992*

Rogers, AR—Rogers Municipal-Carter Field, ILS RWY 19, Orig.
Harrisburg, IL—Harrisburg-Raleigh, NDB RWY 24, Amdt. 9
Reidsville, NC—Rockingham County NC Shilon, VOR/DME-A, Amdt. 8
Reidsville, NC—Rockingham County NC Shiloh, SDF RWY 31, Amdt. 3
Reidsville, NC—Rockingham County NC Shiloh, NDB RWY 31, Amdt. 4
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Coshocton, OH—Richard Downing, VOR-A, Amdt. 9
Coshocton, OH—Richard Downing, VOR/DME RNAV RWY 22, Amdt. 3
Walterboro, SC—Walterboro Muni, NDB RWY 23, Amdt. 10
Camden, TN—Benton County, VOR/DME RWY 3, Amdt. 3
Corsicana, TX—C David Campbell Field-Corsicana Muni, NDB RWY 14, Amdt. 2
Monroe, WI—Monroe Muni, VOR/DME RWY 30, Amdt. 7
Monroe, WI—Monroe Muni, VOR/DME RNAV RWY 12, Amdt. 4

** * * Effective December 12, 1991*

Bettles, AK—Bettles, VOR/DME-B, Orig., Cancelled
Nome, AK—Nome, LOC/DME(BC) RWY 9, Amdt. 1, Cancelled
Nome, AK—Nome, ILS RWY 27, Orig., Cancelled
Unalakleet, AK—Unalakleet, VOR/DME-D, Amdt. 3
Thomasville, GA—Thomasville Muni, VOR/DME RWY 22, Amdt. 5, Cancelled
Washington, IA—Washington Muni, NDB RWY 31, Amdt. 4, Cancelled
Ashland, KY—Ashland-Boyd County, VOR RWY 10, Amdt. 9
Ashland, KY—Ashland-Boyd County, SDF RWY 10, Amdt. 5
Lexington, KY—Blue Grass, NDB RWY 4, Amdt. 17
Lexington, KY—Blue Grass, ILS RWY 4, Amdt. 12
Lexington, KY—Blue Grass, ILS RWY 22, Amdt. 13
College Park, MD—College Park, VOR/DME RNAV RWY 15, Amdt. 1
Joplin, MO—Joplin Regional, RNAV RWY 31, Amdt. 5, Cancelled
Bismarck, ND—Bismarck Muni, RADAR-1, Amdt 2
Mandan, ND—Mandan Muni, RADAR-1, Amdt. 3
Lebanon, OH—Lebanon-Warren County, NDB-A, Amdt. 4
Columbia, SC—Columbia Metropolitan, RADAR-1, Amdt. 8
Newberry, SC—Newberry Muni, NDB RWY 22, Amdt. 4
Greeneville, TN—Greeneville Muni, NDB RWY 5, Amdt. 4
Lebanon, TN—Lebanon Muni, NDB RWY 18, Amdt. 2

** * * Effective November 14, 1991*

Chadron, NE—Chadron Muni, NDB RWY 2, Amdt. 2, Cancelled
Chadron, NE—Chadron Muni, NDB RWY 2, Orig.
Chadron, NE—Chadron Muni, ILS RWY 2, Orig.
Gallipolis, OH—Gallia-Meigs Regional, VOR-B, Orig.
Eugene, OR—Mahlon Sweet Field, VOR/DME or TACAN RWY 16, Amdt. 3
Eugene, OR—Mahlon Sweet Field, NDB RWY 16, Amdt. 28
Eugene, OR—Mahlon Sweet Field, ILS RWY 16, Amdt. 32
Kenmore, WA—Kenmore Air Harbor Seaplane Base, VOR-A, Amdt. 1, Cancelled
Arlington, WA—Arlington Muni, LOC RWY 34, Amdt. 3
Arlington, WA—Arlington Muni, NDB RWY 34, Amdt. 3
Burlington/Mount Vernon, WA—Skagit Regional/Bay View, NDB RWY 10, Amdt. 1
Everett, WA—Snohomish County (Paine FLD), VOR RWY 34L, Amdt. 4, Cancelled
Everett, WA—Snohomish County (Paine FLD), VOR-A, Orig.
Everett, WA—Snohomish County (Paine FLD), VOR-B, Orig.
Everett, WA—Snohomish County (Paine FLD), NDB RWY 16R, Amdt. 12
Everett, WA—Snohomish County (Paine FLD), ILS RWY 16R, Amdt. 18
Kenmore, WA—Kenmore Air Harbor Inc SPB, VOR/DME-A, Orig.
Seattle, WA—Seattle-Tacoma Intl, VOR RWY 16 L/R, Amdt. 11

Seattle, WA—Seattle-Tacoma Intl, NDB RWY 16 L/R, Amdt. 5, Cancelled
Seattle, WA—Seattle-Tacoma Intl, NDB RWY 16R, Orig.
Seattle, WA—Seattle-Tacoma Intl, ILS RWY 16R, Amdt. 10

[FR Doc. 91-26600 Filed 11-4-91; 8:45 am]
BILLING CODE 4910-13-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR part 271

[Docket No. RM80-53]

Maximum Lawful Price and Inflation Adjustments Under the Natural Gas Policy Act

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Final rule; order of the Director, OPPR.

SUMMARY: Pursuant to the authority delegated by 18 CFR 375.307(c)(1), the Director of the Office of Pipeline and Producer Regulation revises and publishes the maximum lawful prices prescribed under title I of the Natural Gas Policy Act (NGPA) for the months of November, December, 1991 and January 1992. Section 101(b)(6) of the NGPA requires that the Commission compute and publish the maximum lawful prices before the beginning of each month for which the figures apply.

EFFECTIVE DATE: November 1, 1991.

FOR FURTHER INFORMATION CONTACT: Garry L. Penix, (202) 208-0622.

SUPPLEMENTARY INFORMATION:

Order of the Director, OPPR

Issued October 30, 1991.

Section 101(b)(6) of the Natural Gas Policy Act of 1978 (NGPA) requires that the Commission compute and make available maximum lawful prices and inflation adjustments prescribed in title I of the NGPA before the beginning of any month for which such figures apply.

Pursuant to this requirement and § 375.307(c)(1) of the Commission's regulations, which delegates the publication of such prices and inflation adjustments to the Director of the Office of Pipeline and Producer Regulation, the maximum lawful prices for the months of November, December, 1991 and January 1992, are issued by the publication of the price tables for the applicable quarter. Pricing tables are found in § 271.101(a) of the Commission's regulations. Table I of § 271.101(a) specifies the maximum lawful prices for gas subject to NGPA sections 102, 103(b)(1), 105(b)(3), 106(b)(1)(B), 107(c)(5), 108 and 109. Table II of § 271.101(a) specifies the maximum lawful prices for sections 104 and 106(a) of the NGPA. Table III of § 271.102(c) contains the inflation adjustment factors. The maximum lawful prices and the inflation adjustment factors for the periods prior to November, 1991, are found in the tables in §§ 271.101 and 271.102.

List of Subjects in 18 CFR Part 271

Natural gas.

Kevin P. Madden,

Director, Office of Pipeline and Producer Regulation.

PART 271—[AMENDED]

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

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

§ 271.10 [Amended]

2. Section 271.101(a) is amended by adding the maximum lawful prices for November, December, 1991 and January 1992, in Tables I and II.

TABLE I.—NATURAL GAS CEILING PRICES

[Other than NGPA sections 104 and 106(a)]

Subpart of part 271	NGPA section	Category of gas	Maximum lawful price per MMBtu for deliveries in—		
			November 1991	December 1991	January 1992
B	102	New natural gas, certain OCS gas [1]	$6.421	$6.452	$6.483
C	103(b)(1)	New onshore production wells [2]	3.796	3.802	3.808
E	105(b)(3)	Intrastate existing contracts	6.027	6.052	6.077
F	106(b)1(B)	Alternative maximum lawful price for certain intrastate rollover gas [3].	2.171	2.175	2.179
G	107(c)(5)	Gas produced from tight formations [4]	7.592	7.604	7.616
H	108	Stripper gas	6.878	6.911	6.945
I	109	Not otherwise covered	3.139	3.144	3.149

[1] Commencing January 1, 1985, the price of natural gas finally determined to be new natural gas under section 102(c) was deregulated. (See part 272 of the Commission's regulations.)

[2] Commencing January 1, 1985, and July 1, 1987, the price of some natural gas finally determined to be natural gas produced from a new, onshore production well under section 103 was deregulated. (See part 272 of the Commission's regulations.) Thus, for all months succeeding June 1987 publication of a maximum lawful price per MMBtu under NGPA section 103(b)(2) is discontinued.

[3] Section 271.602(a) provides that for certain gas sold under an intrastate rollover contract the maximum lawful price is the higher of the price paid under the expired contract, adjusted for inflation or an alternative Maximum Lawful Price specified in this Table. This alternative Maximum Lawful Price for each month appears in this row of Table I. Commencing January 1, 1985, the price of some intrastate rollover gas was deregulated. (See part 272 of the Commission's regulations.)

[4] The maximum lawful price for tight formation gas is the lesser of the negotiated contract price or 200% of the price specified in subpart C of part 271. The incentive ceiling price does not apply to certain gas after May 12, 1990, as a result of Commission Order No. 519-A. (See § 271.703 of the Commission's regulations.)

TABLE II.—NATURAL GAS CEILING PRICES: NGPA SECTIONS 104 AND 106(a) (SUBPART D, PART 271)

Category of natural gas and type of sale or contract	Maximum lawful price per MMBtu for Deliveries in—		
	November 1991	December 1991	January-1992
Post-1974 gas: [1] All producers	$3.139	$3.144	$3.149
1973-1974 Biennium gas:			
Small producer	2.648	2.652	2.656
Large producer	2.032	2.035	2.038

TABLE II.—NATURAL GAS CEILING PRICES: NGPA SECTIONS 104 AND 106(a) (SUBPART D, PART 271)—Continued

Category of natural gas and type of sale or contract	Maximum lawful price per MMBtu for Deliveries in—		
	November 1991	December 1991	January-1992
Interstate rollover gas: All producers	1.164	1.166	1.168
Replacement contract gas or recompletion gas:			
Small producer	1.493	1.495	1.497
Large producer	1.140	1.142	1.144
Flowing gas:			
Small producer	0.751	0.752	0.753
Large producer	0.635	0.636	0.637
Certain Permian Basin gas:			
Small producer	0.888	0.889	0.890
Large producer	0.788	0.789	0.790
Certain Rocky Mountain gas:			
Small producer	0.888	0.889	0.890
Large producer	0.751	0.752	0.753
Certain Appalachian Basin gas:			
North subarea contracts dated after 10-7-69	0.716	0.717	0.718
Other contracts	0.664	0.665	0.666
Minimum rate gas: [1] All producers	0.389	0.390	0.391

[1] Prices for minimum rate gas are expressed in terms of dollars per Mcf, rather than MMBtu.
[2] This price may also be applicable to other categories of gas (see §§ 271.402 and 271.602).

§ 271.102 [Amended]

3. Section 271.102(c) is amended by adding the inflation adjustment for the months of November, December, 1991 and January 1992, in Table III.

TABLE III.—INFLATION ADJUSTMENT

Month of delivery	Factor by which price in preceding month is multiplied
November, 1991	1.00165
December, 1991	1.00165
January, 1992	1.00165

[FR Doc. 91-26570 Filed 11-4-91; 8:45 am]
BILLING CODE 6717-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[WI8-1-5268, FRL-4025-8]

Approval and Promulgation of Implementation Plans; Wisconsin

AGENCY: Environmental Protection Agency (USEPA).

ACTION: Notice of final rulemaking.

SUMMARY: On April 3, 1990, (55 FR 12387), USEPA proposed to approve revisions to Wisconsin's Green Bay and DePere Sulfur Dioxide (SO_2) State Implementation Plan (SIP). The revisions amend Wisconsin's SO_2 SIP by adding Natural Resources (NR) 418.05(1), Emission Limits; NR 418.05(2), Annual Facility Limits; NR 418.05(3), Compliance Dates; and NR 418.05(4), Compliance Plans. This proposal was based upon several submittals from the State which were developed to assure the attainment and maintenance of the SO_2 National Ambient Air Quality Standards (NAAQS) in Green Bay and DePere. Today, USEPA is approving these revisions.

EFFECTIVE DATE: This final rulemaking becomes effective on December 5, 1991.

ADDRESSES: Copies of these revisions to the Wisconsin SIP are available for inspection at: U.S. Environmental Protection Agency, Public Information Reference Unit, 401 M. Street, SW., Washington, DC 20460.

Copies of the SIP revisions, the public comment on the notice of the proposed rulemaking, and other materials relating to this rulemaking are available for inspection at the following addresses: (It is recommended that you telephone Uylaine E. McMahan at (312) 886-6031 before visiting the Region V Office) Environmental Protection Agency, Air Toxics and Radiation Branch (AT-26), U.S. Environmental Protection Agency, Region V, 230 South Dearborn Street, Chicago, Illinois 60604.

FOR FURTHER INFORMATION CONTACT: Pamela Blakely, (312) 886-6054.

SUPPLEMENTARY INFORMATION: In the April 3, 1990, **Federal Register** (55 FR 12387), USEPA proposed to approve Wisconsin's Green Bay and DePere (Brown County) SO_2 plan, including Wisconsin Rules: NR 418.05(1), Emission Limits; NR 418.05(2), Annual Facility Limits; NR 418.05(3), Compliance Dates; and NR 418.05(4), Compliance Plans.[1] These are described in greater detail below.

Background

Below is a summary of the submitted rules. Readers should refer to the April 3, 1990, **Federal Register** for a detailed discussion of the background information and technical support data.

NR 418.05(1)—Emission Limits

1. Wisconsin Public Services (WPS) Pulliam

(a) Replace three 56 meter (m) and three 72m boiler stacks with one 115m boiler stack.

(b) Boiler emission limits = 5.58 pounds of SO_2 per Million British Thermal Units (lbs/MMBTU)

2. Procter & Gamble (P&G) Fox River

(a) Boiler emission limit = 5.95 lbs/MMBTU (or 10.74 lbs/MMBTU, if the bark combustor is operating above 106 MMBTU/hour)

(b) Pulp digester emission limit = 6.03 pounds of SO_2 per hour (lbs/hour)

(c) Brown stack washer emission limit = 23.18 lbs/hour

(d) Paper dryer emission limit = 94.13 lbs/hour

(e) All other sources (vents) emission limit = 15.71 lbs/hour

3. Procter & Gamble East River

(a) Boiler emission limit = 1.50 lbs/MMBTU

(b) Paper dryer emission limit = 27.25 lbs/hour

[1] Renumbered from NR 154.12(7), Green Bay and DePere RACT sulfur limitations, as published in the (Wisconsin) Register, September, 1988, No. 369, effective October 1, 1988.

4. Fort Howard

(a) Replace one 58m boiler stack and one 75m boiler stack with one 108m boiler stack.
(b) Boiler emission limit = 4.55 lbs/MMBTU

5. Nicolet Paper

(a) Retain one 46m boiler stack and replace two 37m boiler stacks with one 64m stack.
(b) Boiler emission limit = 2.54 lbs/MMBTU (for 46m stack)
(c) Boiler emission limit = 3.20 lbs/MMBTU (for 64m stack)

6. James River Corporation

(a) Boiler emission limit = 2.10 lbs/MMBTU (when operating at greater than 360 MMBTU/hour); boiler emission limit = 2.31 lbs/MMBTU (when operating at less than 360 MMBTU/hour)
(b) Jensen acid towers emission limit = 9.21 lbs/hour
(c) Brown Stack Washers emission limit = 37.86 lbs/hour
(d) Spent sulfite liquor spray dryer emission limit = 25.71 lbs/hour

7. Green Bay Packaging

(a) Replace two 12m boiler stacks, one 23m boiler stack, and one 46m boiler stack with one 65m boiler stack.
(b) Boiler emission limit = 2.87 lbs/MMBTU (when operating at greater than 309 MMBTU/hour); boiler emission limit = 3.15 lbs/MMBTU (when operating at greater than 158 MMBTU/hour but less than 309 MMBTU/hour); boiler emission limit = 3.88 lbs/MMBTU (when operating at less than 158 MMBTU/hour).

NR 418.05(2)—Annual Facility Limits

The State rule contains source-specific annual emission limitations for each of the seven sources, expressed in terms of "tons of SO_2 per calendar year", which were in effect during the period from January 1, 1984, to December 31, 1988. Although USEPA has general concerns about the enforceability of annual emission limits, USEPA is approving these annual emission limits for this 5-year period since the limits did not interfere, and possibly assisted, with attainment of the NAAQS during this period. These annual "caps" for each source restricted allowable annual emissions below the level that would otherwise be permitted by the lbs/MMBTU limits at full load/capacity. In addition, any enforceability concerns are moot here in view of the December 31, 1988, expiration date of the annual limits.

NR 418.05(3)—Compliance Dates

The State rule requires final compliance by November 9, 1985. Because this date is already past (i.e., all sources are required to be in compliance), considerations of consistency with the "expeditiousness" requirement of section 110 the Clean Air Act are also moot.

NR 418.05(4)—Compliance Plans

The State requires the development of site-specific compliance plans and identifies some requirements for these plans for sources subject to NR 417.07 (which includes sources identified in NR 418).[2] Although these compliance plans may contain multiple compliance techniques, WDNR notified USEPA on May 28, 1987 that the stack test methodology set forth in NR 439 of the Wisconsin SIP remains an independent means of demonstrating compliance or noncompliance. Although WDNR has also developed site-specific compliance plans for each of the seven sources in Brown County, Wisconsin has clearly stated in the May 28, 1987, letter, that "regardless of a source's compliance status as determined by the source's site-specific compliance methodology," a stack test can still be used to determine a violation and cannot be refuted by evidence of compliance by any other method.

USEPA is approving the Green Bay plan based on the existing SIP requirements of NR 439.025 serving as the compliance test methods, because for all the Green Bay sources, a stack test is an acceptable test method. As stated in a letter dated August 21, 1986, from the State, the site-specific compliance plans required by NR 418.05(4) (a), (b), (c), and (d) are not included in the SIP.

P&G Fox River, Green Bay Packaging, and James River have emission limits that are a function of source operating levels. USEPA noted in its proposal that it is necessary to know the operating level at all times in order to assess compliance. It suggested that the recordkeeping requirements of NR 439.025 and NR 417.025 be applied to require these three companies to record and report boiler operating load data and concurrent lbs/MMBTU data. NR 439.025 requires the reporting of information on the "* * * level, duration, frequency and other characteristics of emissions." NR 418.05(4)(f) requires each facility to maintain complete records of emissions data and calculations used to verify emissions data at their premises and to make such records available upon request.

In response to this notice, WDNR submitted additional information regarding how Procter & Gamble-Fox River, James River Corporation and Green Bay Packaging will demonstrate compliance with the varying emission limit. USEPA finds the WDNR's technical support on this issue acceptable.

USEPA also solicited comment in the proposal as to whether source owners should be required to provide advance notification to WDNR and USEPA prior to switching between emission limit scenarios. Wisconsin responded that this issue only affects James River Corporation [3] and Green Bay Packaging [4] (Procter & Gamble-Fox River [5] has shut down its bark combustor which has the varying emission limit). It also showed that the compliance information submitted by these two sources indicates that there is little variability in the SO_2 emission limits, and, therefore, prior notification is not a necessity. USEPA agrees and is, therefore, approving NR 418.05.

During the 30-day public comment period USEPA also received a request for information concerning some of the terms within the notice. The terms are "MM" in relation to "MMBTU", and "calms and bark combustor." As used in the applicable rules, "MM" is an abbreviation for million, and "MMBTU" is an abbreviation for million British

[2] This Wisconsin SIP currently contains Section NR 439.025 (as submitted on November 27, 1979) of the Wisconsin Administrative Code. (In September 1986, Wisconsin renumbered this Section as NR 439.) Section NR 439.025 requires of sources:

A. Reporting of "information to locate and classify air contaminant sources according to the type, level, duration, frequency and other characteristics of emissions and such other information as may be necessary. The information shall be sufficient to evaluate the effect on air quality and compliance with these rules."

B. Stack or performance testing following the methods required or approved by USEPA.

C. Recordkeeping and reporting of all testing and monitoring, and any other information relating to the emission of air contaminants.

[3] A June 12, 1990, letter from James River Corporation to WDNR adequately addressed monitoring of compliance with the most stringent emission limit (2.0 lb/mmbtu). USEPA is including this letter as part of the approved compliance plan for James River Corporation.

[4] A July 9, 1990, letter from Green Bay Packaging to WDNR indicates that the most stringent SO_2 limit (2.87 lb/mmbtu) does not apply because the boiler capability is less than 309 mmbtu/hr trigger limit, and that compliance will be determined based on the middle of the three alternative limits (3.15 lb/mmbtu). USEPA is approving this letter as part of the compliance plan for Green Bay Packaging.

[5] A July 13, 1990, letter from Proctor & Gamble to WDNR, states that the bark combustor was shut down May 2, 1987, and completely demolished in early 1990. Therefore, the emission limits for the bark combustor are moot.

Thermal Units. A bark combustor is a boiler capable of burning bark. Bark is a major waste product of pulping.

Stack Height Issues

Readers should refer to the April 3, 1990, **Federal Register** for a detailed discussion of the history of the Stack Height Issues pertaining to this notice.

Summary

USEPA is approving Wisconsin's SO_2 plan for Green Bay and DePere (which includes NR 418.05(1), Emission Limits; NR 418.05(2), Annual Facility Limits; NR 418.05(3), Compliance Dates; and NR 418.05(4), Compliance Plans) because it assures the attainment and maintenances of the SO_2 NAAQS. Approval of these revisions gives Wisconsin an approved Part D SO_2 SIP and lifts the Section 110(a)(2)(I) growth sanctions in the currently designated Green Bay primary nonattainment area. USEPA must also reiterate that the emission limits for two sources, namely, WPS-Pulliam and Fort Howard, are subject to review and possible revision as a result of the NRDC remand. If USEPA's response to the NRDC remand requires a modification to the applicable July 8, 1985, provision, USEPA will notify the State of Wisconsin whether the emission limit for WPS-Pulliam and Fort Howard must be reexamined for consistency with the modified provision.

Nothing in this action should be construed as permitting or allowing or establishing a precedent for any future SIP revision request. Each request for a revision shall be considered separately in light of specific technical, economic, and environmental factors and in relation to relevant statutory and regulatory requirements.

Today's action makes final the action proposed at April 3, 1990, (55 FR 12387). As noted elsewhere in this notice, USEPA received no adverse public comment on the proposed action. As a direct result, the Regional Administrator has reclassified this action from a Table One to Table Two action under the processing procedures established at 54 FR 2214. On January 6, 1989, the Office of Management and Budget waived Table Two SIP revisions (54 FR 2222) from the requirements of Section 3 of Executive Order 12291 for a period of 2 years.

The Agency has reviewed this request for revision of the federally-approved SIP for conformance with the provisions of the 1990 Amendments enacted on November 15, 1990. The Agency has determined that this action conforms with those requirements irrespective of the fact that the submittal preceded the date of enactment.

Titles I, IV, and V of the 1990 Amendments will effect changes of the implementation of the SO_2 NAAQS program. In order for all three titles to be carried out as efficiently as possible, USEPA is requiring States nationwide to correct existing enforceability deficiencies in the SIPs. USEPA released the "Yellow Book," in June 1991, which discussed various types of enforcement deficiencies. There are "Yellow Book" deficiencies in the Green Bay Rules, however, these deficiencies will be corrected as part of the upcoming national process to rectify these types of enforceability deficiencies. WDNR was notified by USEPA on July 9, 1991, of the enforceability deficiencies in WDNR's SO_2 Rules and was asked to submit a schedule for correcting them and submitting the corrections as a revision to the SIP.

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by January 6, 1992. Filing a petition for reconsideration by the Administrator of this final rule does not effect the finality of this rule for the purpose of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See 307(b)(2).)

Under 5 U.S.C. 605(b), the Administrator has certified that SIP approvals do not have a significant economic impact on a substantial number of small entities. (See 46 FR 8709).

List of Subjects in 40 CFR Part 52

Air pollution control, Environmental protection, Incorporation by reference, Intergovernmental relations, Sulfur oxides.

Dated: August 26, 1991.

Valdas V. Adamkus,
Regional Administrator.

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Part 52 of chapter I, title 40 of the Code of Federal Regulations is amended as follows:

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

Authority: 42 U.S.C. 7401–7642

Subpart YY—Wisconsin

2. Section 52.2570 is amended by adding paragraph (c)(60) to read as follows:

§ 52.2570 Identification of plan.

* * * * *

(c) * * *

(60) On January 23, 1984, and May 21, 1987, the WDNR submitted a proposed revision and additional information to the SO_2 SIP for sources located in the cities of Green Bay and DePere, Wisconsin (Brown County).

(i) *Incorporation by reference.* (A) Natural Resources 418.05, Green Bay and DePere RACT sulfur limitations, as published in the (Wisconsin) Register, September, 1990, No. 417 at page 96, effective October 1, 1986.

(ii) *Additional information.* (A) A July 16, 1990, letter from Don Theiler, Director Bureau of Air Management, WDNR additional information responding to USEPA's comments on the variable emission limits for Proctor & Gamble-Fox River, James River Corporation, and Green Bay Packaging

(B) An August 27, 1986, letter from Vicki Rudell, Air Management Engineer, WDNR to Mr. Bill Zabor, Proctor & Gamble, Fox River Mill, regarding averaging time to be used when determining SO_2 emission limit exceedances and the concept of bubbling SO_2 emission limit from the digester blow stack scrubber and brown stock washer stack.

(C) A July 13, 1990, letter from W.F. Zabor, Environmental Control Manager, Proctor & Gamble to WDNR regarding the shut down of the bark combustor.

(D) A June 12, 1990, letter from Scott E. Valitchka, Environmental Control Engineer, James River Corporation, regarding how it intends to determine compliance with its boiler SO_2 emissions.

(E) A July 9, 1990, letter from Brian F. Duffy, Corporate Environmental Director Mills Operations to WDNR regarding SO_2 emission limits and compliance demonstration.

(F) A January 21, 1987, memorandum from Sudhir V. Desai, Environmental Engineer Central District Office, USEPA to Rashidan Khan, Engineering Section, USEPA, entitled "Overview Inspection Green Bay Packaging Inc., Mill Division Green Bay, Wisconsin 54307, State FID #405032100 (A21055)".

[FR Doc. 91–26377 Filed 11–4–91; 8:45 am]

BILLING CODE 4560-50-M

40 CFR Part 721

[OPTS-50586A; FRL-3887-4]

RIN 2070-AB27

Erionite Fiber; Significant New Use of a Chemical Substance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is promulgating a significant new use rule (SNUR) under section 5(a)(2) of the Toxic Substances Control Act (TSCA) for erionite fiber as identified by CAS Nos. 12510-42-8 or 66733-21-9. EPA believes that this chemical substance may be hazardous to human health and that any use may result in significant human exposure. As a result of this rule, certain persons who intend to manufacture, import, or process erionite fiber, or import or process erionite fiber within an article, for any significant new use, are required to notify EPA at least 90 days before commencing that activity. The required notice will provide EPA with the opportunity to evaluate the intended use and, if necessary, prohibit or limit that activity before it can occur.

EFFECTIVE DATE: This rule shall become effective on January 6, 1992. In accordance with 40 CFR 23.5 (50 FR 7271) this rule shall be promulgated for purposes of judicial review at 1 p.m. eastern daylight time on November 19, 1991.

FOR FURTHER INFORMATION CONTACT: David Kling, Acting Director, Environmental Assistance Division (TS-799), Office of Toxic Substances, Environmental Protection Agency, 401 M St., SW., Rm. E-543, Washington, DC 20460, Telephone: (202) 554-1404, TDD: (202) 554-0551.

SUPPLEMENTARY INFORMATION: This final SNUR will require persons to notify EPA at least 90 days before commencing the manufacture, import, or processing of erionite fiber, or importing or processing any article containing erionite fiber, for any use. The required notice will provide EPA with the information needed to evaluate an intended use and associated activities, and an opportunity to protect against potentially adverse exposure to the chemical substance before it can occur. All documents claimed CBI must be accompanied by a company sanitized copy. If additions or revisions to an existing document are submitted, the existing document must be referenced in the cover letter. This rule was proposed in the **Federal Register** of January 25, 1991 (56 FR 2889). Public comments were requested by the proposed rule, however, none were received.

I. Authority

This rule is promulgated under the authority of section 5(a)(2) of the Toxic Substances Control Act (TSCA, 15 U.S.C. 2604(a)(2)). Section 5(a)(2) authorizes EPA to determine that a use of a chemical substance is a "significant new use." The Agency must make this determination by rule after considering all relevant factors, including those listed in section 5(a)(2). Once EPA determines that a use of a chemical substance is a significant new use, section 5(a)(1)(B) of TSCA requires persons to submit a notice to EPA at least 90 days before they manufacture, import, or process the chemical substance for that use.

Persons subject to this SNUR must comply with the same notice requirements and EPA regulatory procedures as submitters of premanufacture notices (PMNs) under section 5(a)(1)(A) of TSCA. In particular, these requirements include the information submission requirements of section 5(b) and (d)(1), the exemptions authorized by section 5(h)(1), (2), (3), and (5), and the regulations at 40 CFR part 720. Once EPA receives a SNUR notice, EPA may take regulatory action under section 5(e), 5(f), 6, or 7 to control the activities for which it has received a SNUR notice. If EPA does not take action, section 5(g) of TSCA requires EPA to explain in the **Federal Register** its reasons for not taking action.

Persons who intend to export a chemical substance identified in a proposed or final SNUR are subject to the export notification provisions of TSCA section 12(b). The regulations that interpret section 12(b) appear at 40 CFR part 707.

II. Applicability of General Provisions

In the **Federal Register** of September 5, 1984 (49 FR 35011), EPA promulgated general regulatory provisions applicable to SNURs (40 CFR part 721, subpart A). On July 27, 1988 (53 FR 28354) and July 27, 1989 (54 FR 31298), EPA promulgated amendments to the general provisions which apply to this SNUR except as provided in § 721.1054(b)(1). Interested persons should refer to those two documents for further information. In the **Federal Register** of August 17, 1988 (53 FR 31252), EPA promulgated a "User Fee Rule" (40 CFR part 700) under the authority of TSCA section 26(b). Provisions which require the submission of certain fees to EPA are discussed in detail in that **Federal Register** notice.

III. Summary of This Rule

The chemical substance which is the subject of this final SNUR is erionite fiber, identified by CAS No. 66733-21-9 (when an exact molecular formula is known) or 12510-42-8 (when an exact molecular formula is not known). EPA is designating any use of erionite fiber as a significant new use. This SNUR will require persons who intend to manufacture, import, or process erionite fiber, or import or process any article containing erionite fiber to submit a significant new use notice to EPA at least 90 days before any manufacturing, importing, or processing.

Because EPA is concerned with the possibility of human exposure associated with the import and processing of erionite fiber in articles, EPA has determined to make § 721.45(f) inapplicable to this chemical substance. Persons who import or process erionite fiber as part of an article are subject to the notification requirements of § 721.25.

IV. Background Information on Erionite Fiber

A. Production and Use Data

Erionite fiber is a naturally occurring mineral of the fibrous zeolite class with a typical formula of (Ca, Mg, Na_2,K_2)$_{4.5}$[$(AlO_2)_9(SiO_2)_{27}$] · $27H_2O$. Erionite fiber occurs as white prismatic crystals in radiating groups, as either single needles or in clusters which are typically shorter than asbestos fibers. Erionite is a hydrated silicate (i.e., a silicon compound containing one or more waters of hydration) of calcium, potassium, sodium, and aluminum. Natural erionite occurs in abundance in sedimentary rock in the Southwest and Pacific Northwest regions of the United States. Of approximately 40 distinct species of naturally occurring zeolite, only 2 of the species, erionite and mordenite, always occur in fibrous form. Naturally occurring erionite has no exact synthetic counterpart. Fiber dimensions of natural erionite vary with the particular deposit. The fibers can attain a maximum length of 50 μm (micrometers, one-millionth of a meter) and widths generally range from 0.25 to 1.5 μm, although fibers exhibiting widths of 0.01 to 5.0 μm have been recorded. Based on available experimental data, erionite fiber appears to be at least as hazardous as asbestos. Erionite fiber has been used as a noble-metal-impregnated catalyst in a hydrocarbon cracking process in a U.S. plant; in house building materials; to increase soil fertility; and to control odors in livestock production. However, currently there is no known

manufacture, import, or processing of erionite fiber, including as part of articles containing erionite fiber, nor has it been manufactured, imported, or processed in the United States for the past few years.

B. Health Effects

Erionite is a respirable, nonasbestos, durable fiber, which (like asbestos) may cause cancer and lung fibrosis in humans when inhaled. The airborne erionite fibers, both natural and synthetic, penetrate the lung and pleura, eliciting early lung tissue responses similar to those induced by asbestos.

In inhalation or injection studies in the rat and mouse, erionite fibers are more potent than crocidolite or chrysotile asbestos in inducing malignant mesothelioma. Epidemiological data show that populations exposed to fibrous erionite have a high risk of mesothelioma and an excess of nonmalignant pleural disease. For these reasons, the Agency classifies erionite fibers as a Category B1 (probable human) carcinogen. Erionite fiber has also been found to be genotoxic in test animals and to cause cytogenetic changes including chromosomal aberrations, sister chromatid exchanges, and cell transformation.

V. Objectives and Rationale for the Rule

To determine what would constitute a significant new use of erionite fiber, EPA considered relevant information on the toxicity of erionite fiber, likely exposures associated with possible uses, and the four factors listed in section 5(a)(2) of TSCA. Based on these considerations, EPA wishes to achieve the following objectives with regard to the significant new use that is designated in this rule:

1. EPA would receive notice of any company's intent to manufacture, process or import erionite fiber or import or process articles (§ 720.3(c)) containing erionite fiber for any use before that activity begins.

2. EPA would have an opportunity to review and evaluate data submitted in a significant new use notice before the notice submitter begins manufacturing, importing, or processing erionite fiber or importing or processing articles containing erionite fiber for any use.

3. EPA would be able to regulate prospective manufacturers, importers, or processors of erionite fiber or those importing or processing articles containing erionite fiber before any use occurs, provided that the degree of potential health and environmental risk is sufficient to warrant such regulation.

Data indicate that erionite fiber may be carcinogenic, genotoxic, and fibrogenic. EPA is aware of no ongoing manufacture, import or processing of the substance and no use in the United States. EPA believes that any use of erionite fiber and its related manufacture, import, or processing has a high potential to increase the magnitude and duration of exposure from that which currently exists. Currently, erionite fiber is subject to no Federal regulation which would notify the Federal Government of activities that might result in adverse exposure or provide a mechanism that could prevent potentially adverse exposure before it occurs. Considering the toxicity and potential toxicity of erionite fiber, the reasonably anticipated situations that could result in exposure and the lack of sufficient regulatory controls, EPA believes that individuals could be exposed to erionite fiber at levels which may cause adverse effects. For the foregoing reasons, EPA is designating any use of erionite fiber as a significant new use.

Because EPA is concerned that erionite fiber may be released into the environment when used in articles, EPA is making the exemption at § 721.45(f) inapplicable to this rule. Persons who import or process erionite fiber as part of an article will be subject to the notification requirements of § 721.25.

VI. Alternatives

In the proposed SNUR, EPA considered regulatory actions for erionite fiber including the use of a TSCA section 8(a) reporting rule for erionite fiber or a section 6 control action. No comments were received that addressed the regulatory approach chosen. For the reasons discussed in the preamble to the proposed rule, EPA has decided to proceed with the promulgation of a SNUR for erionite fiber.

VII. Applicability of Final Rule to Uses Occurring Before Effective Date of the Final Rule

EPA believes that the intent of section 5(a)(1)(B) is best served by designating a use as a significant new use as of the proposal date of the SNUR rather than as of the effective date of the final rule. If uses begun during the proposal period of a SNUR were considered ongoing (and therefore not "new") as of the effective date, it would be difficult for EPA to establish SNUR notice requirements, because any person could defeat the purpose of the SNUR by initiating the proposed significant new use before the rule became final; this interpretation of section 5 would make it extremely difficult for EPA to establish SNUR notice requirements.

Persons who begin commercial manufacture, importation, or processing of erionite fiber for any use between proposal and the effective dates of the final SNUR may comply with the proposed SNUR before it is promulgated. If a person were to meet the conditions of advance compliance as codified at § 721.45(h) (53 FR 28354, July 17, 1988), the person will be considered to have met the requirements of the final SNUR for those activities. If persons who begin commercial manufacture, import, or processing of erionite fiber between proposal and the effective date of the SNUR do not meet the conditions of advance compliance, they must cease that activity before the effective date of the rule. To resume their activities, these persons would have to comply with all applicable SNUR notice requirements (§ 721.25) and wait until the notice review period, including all extensions, expires.

VIII. Economic Analysis

EPA has evaluated the potential costs of establishing SNUR reporting requirements for erionite fiber. EPA's complete economic analysis is available in the public record for this rule (OPTS–50586).

IX. Rulemaking Record

EPA has established a record for this rulemaking (docket control number OPTS–50586A). The record includes basic information considered by EPA in developing this final rule. A public version of this record without any confidential business information is available in the TSCA Public Docket Office 8 a.m. to 12 noon and 1 p.m. to 4 p.m., Monday through Friday, except legal holidays. The TSCA Public Docket Office is located at Rm. NE–G004, 401 M St., SW., Washington, DC. This record includes the following categories of information:

1. This final rule.
2. The proposed rule.
3. Economic analysis of proposed erionite fiber significant new use rule.
4. Durable fiber industry profile and market outlook.
5. International Agency for Research on Cancer (IARC) monographs on the evaluation of the carcinogenic risk of chemicals to humans: Silica and some silicates.

X. Regulatory Assessment Requirements

A. Executive Order 12291

Under Executive Order 12291, EPA must judge whether a rule is "major" and therefore requires a Regulatory

Impact Analysis. EPA has determined that this final rule would not be a "major" rule because it would not have an effect on the economy of $100 million or more, and it would not have a significant effect on competition, costs, or prices. While there is no precise way to calculate the total annual cost of compliance with this rule, EPA estimates that the reporting cost for submitting a significant new use notice would be approximately $4,500 to $11,800, including a $2,500 user fee payable to EPA to offset costs in processing the notice. EPA believes that, because of the nature of the rule and the chemical substance (erionite fiber) involved, there would be few significant new use notices submitted. Furthermore, while the expense of a notice and the uncertainty of possible EPA regulation may discourage certain innovation, that impact would be limited because such factors are unlikely to discourage an innovation that has high potential value.

This final rule was submitted to the Office of Management and Budget (OMB) for review as required by Executive Order 12291.

B. Regulatory Flexibility Act

Under the Regulatory Flexibility Act (5 U.S.C. 605(b)), EPA has determined that this final rule would not have a significant impact on a substantial number of small businesses. EPA has not determined whether parties affected by this final rule would likely be small businesses. However, EPA expects to receive few SNUR notices for the chemical substance. Therefore, EPA believes that the number of small businesses affected by the rule will not be substantial, even if all of the SNUR notice submitters were small firms.

C. Paperwork Reduction Act

OMB has approved the information collection requirements contained in this final rule under the provisions of the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.* and has assigned OMB control number 2070–0038. Public reporting burden for this collection of information is estimated to vary from 30 to 170 hours per response, with an average of 100 hours 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.

Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to Chief, Information Policy Branch, PM–223, U.S. Environmental Protection Agency, 401 M St., SW., Washington, DC 20460; and to Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503, marked "Attention: Desk Officer for EPA."

List of Subjects in 40 CFR Part 721

Chemicals, Environmental protection, Hazardous materials, Recordkeeping and reporting requirements, Significant new uses.

Dated: October 21, 1991.

Victor J. Kimm,

Acting Assistant Administrator for Pesticides and Toxic Substances.

Therefore, 40 CFR part 721 is amended as follows:

PART 721—[AMENDED]

1. The authority citation for part 721 continues to read as follows:

Authority: 15 U.S.C. 2604 and 2607.

2. By adding new § 721.1054 to subpart E to read as follows:

§ 721.1054 Erionite fiber.

(a) *Chemical substance and significant new use subject to reporting.* (1) The chemical substance, erionite fiber (CAS No. 66733–21–9 (when an exact molecular formula is known) and 12510–42–8 (when an exact molecular formula is not known)), is subject to reporting under this section for the significant new use described in paragraph (a)(2) of this section.

(2) The significant new use is: Any use.

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by the following paragraphs:

(1) *Persons who must report.* Section 721.5 applies to this section except for § 721.5(a)(2). A person who intends to manufacture, import, or process for commercial purposes the substance identified in paragraph (a)(1) of this section and intends to distribute the substance in commerce must submit a significant new use notice.

(2) *Exemptions.* Section 721.45 applies to this section except for § 721.45(f). A person who intends to import or process the substance identified in paragraph (a)(1) of this section as part of an article is subject to the notification provisions of § 721.25.

(Approved by the Office of Management and Budget under OMB control number 2070–003β).

[FR Doc. 91–26652 Filed 11–4–91; 8:45 am]

BILLING CODE 6560–50–F

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 89–521; RM–6963 and RM–7254]

Radio Broadcasting Services; Lancaster, WI, Clinton and Manchester, IA, and Morrison, IL

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document substitutes Channel 234C3 for Channel 234A at Manchester, Iowa, and modifies the construction permit for Station KMCH to specify operation on the new channel, in response to a counterproposal filed by Susan I. Coloff (RM–7254). The coordinates for Channel 234C3 are 42–20–42 and 91–23–06. The petition for rule making filed by K to Z, Ltd., requesting the substitution of Channel 249C3 for Channel 249A at Lancaster, Wisconsin, is denied (RM–6963). The upgrade at Lancaster required the substitution of Channel 236A for Channel 271A, Morrison, Illinois and substitution of Channel 234A for Channel 249A at Clinton, Iowa. See 54 FR 48774, November 27, 1989. With this action, this proceeding is terminated.

EFFECTIVE DATE: December 16, 1991.

FOR FURTHER INFORMATION CONTACT: Kathleen Scheuerle, Mass Media Bureau, (202) 634–6530.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Report and Order, MM Docket No. 89–521, adopted October 18, 1991, and released October 31, 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.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

47 CFR 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 Iowa, is amended by

removing Channel 234A and adding Channel 234C3 at Manchester.

Federal Communications Commission.

Michael C. Ruger,

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

[FR Doc. 91-26669 Filed 11-4-91; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 91-217; RM-7751]

Radio Broadcasting Services; Brainerd, MN

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document allots Channel 278A to Brainerd, Minnesota, as that community's third FM broadcast service in response to a petition filed by Greater Minnesota Broadcasting Corporation.

See 56 FR 33740, July 23, 1991. Canadian concurrence has been obtained for this allotment at coordinates 46-21-36 and 94-12-06. With this action, this proceeding is terminated.

EFFECTIVE DATE: December 16, 1991. The window period for filing applications for Channel 278A at Brainerd will open on December 17, 1991, and close on January 16, 1992.

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

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Report and Order, MM Docket No. 91-217, adopted October 21, 1991, and released October 31, 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.

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 Minnesota, is amended by adding Channel 278A at Brainerd.

Federal Communications Commission.

Michael C. Ruger,

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

[FR Doc. 91-26670 Filed 11-4-91; 8:45 am]

BILLING CODE 6712-01-M

Proposed Rules

Federal Register
Vol. 56, No. 214
Tuesday, November 5, 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 1955

Establishment of Wetland Conservation Easements on FmHA Inventory Property

AGENCY: Farmers Home Administration, USDA.

ACTION: Proposed rule.

SUMMARY: The Farmers Home Administration (FmHA) proposes to amend its regulations to implement certain provisions of the Food, Agriculture, Conservation, and Trade Act of 1990 (Pub. L. 101–624), herein referred to as the FACT ACT, and to provide clarification on the establishment of perpetual wetland conservation easements to protect and restore wetlands or converted wetlands on its inventory properties. The objective of this action is to facilitate the placement of conservation easements on wetlands located on FmHA inventory property. Inventory properties containing wetlands which have not been cropped to an agricultural commodity, have been cropped less than frequently, have been converted subsequent to December 23, 1985, or which do not have a history of haying or grazing, will be encumbered with full conservation easement coverage. Wetland conservation easements will also be placed on wetlands which have been converted prior to December 23, 1985, frequently cropped, or have a history of haying and grazing. However, not more than 10 percent of the cropland on the inventoried property that is prior converted wetland and not more than 20 percent of the cropland on the inventoried property that is frequently cropped wetlands and prior converted wetlands will be so encumbered unless the purchaser waives these limitations. Not more than 50 percent of the existing forage lands on the inventoried property will be so encumbered unless the purchaser waives this limitation. FmHA has chosen to refer to its acquired property (a unit or farm as acquired, which may consist of several tracts acquired from the same borrower) as a farm or inventory property rather than a parcel in order to simplify its regulations. Therefore, the term "parcel" is not used in this Proposed Rule. In the case of a beginning farmer or rancher, or in the case of a person having leaseback/buyback rights in accordance with subpart S of part 1951 of this chapter, the wetland conservation easements may be further limited, if necessary, in order to maintain inventory properties' marketability or comparability. The intended effect is to protect a substantial number of wetlands on inventoried properties while maintaining the properties' marketability as agricultural production units for leaseback/buyback or beginning farmer applicants.

DATES: Comments must be submitted on or before December 5, 1991.

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

FOR FURTHER INFORMATION CONTACT: Arthur V. Hall, Director, Farmer Programs Loan Servicing and Property Management Division, Farmers Home Administration, USDA, Room 5449, South Agricultural Building, 14th and Independence Avenue, SW., Washington, DC 20250, Telephone (202) 447–5672.

SUPPLEMENTARY INFORMATION:

Classification

This action has been reviewed under USDA procedures established in Department Regulation 1512–1, which implements Executive Order 12291, and has been determined to be nonmajor because it will not result in an annual effect on the economy of $100 million or more.

Program Affected

These changes affect the following FmHA program as listed in the catalog of Federal Domestic Assistance: 10.407—Farm Ownership Loans

Intergovernmental Consultation

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

Environmental Impact Statement

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

Discussion of Proposed Rule

The purpose of this proposed rule is to initiate the process of implementing the provisions of section 1813(h) of the FACT ACT. In the past, FmHA protected wetlands in accordance with Executive Order 11990. The FACT ACT supersedes the Executive Order. Subject to certain limitations, the FACT ACT provides for the establishment of perpetual wetland conservation easements to protect and restore wetlands, or converted wetlands, on FmHA inventory properties containing wetlands. In establishing wetland conservation easements on land that is considered to be cropland as of November 28, 1990, FmHA will, to the extent practicable, not adversely impact the productivity of the croplands as set forth in § 1955.137 (b), (c) and (d). Wetlands being cropped that were converted prior to December 23, 1985, and which have not been abandoned, will be encumbered with limited wetland conservation easements. These easements will not exceed 10 percent of the existing cropland on the particular inventory property. Wetlands which have been frequently cropped plus prior converted croplands will be encumbered with a wetland conservation easement

not exceeding 20 percent of the existing cropland on the particular inventory property. Wetlands that have been abandoned (as determined by Soil Conservation Service (SCS)), whether prior converted or frequently cropped, will have full easement coverage. Wetlands which have a history of haying and grazing will be encumbered with a wetland conservation easement not exceeding 50 percent of the existing forage lands on the particular inventory property. Technical considerations of the potential functions and values of the wetlands on the property, as reflected in the U.S. Fish and Wildlife Service's (FWS) recommendations, will determine the size of the easements, up to these established limits. All other wetlands located on FmHA inventory property that are the subject of a technical recommendation by the FWS will be encumbered with full wetland conservation easement coverage. Purchasers of inventory property may waive the 10 percent and/or 20 percent limits and set higher limits on prior converted and frequently cropped wetlands, including 100 percent easements. Lessees, however, may not waive the limits to establish a higher percentage easement coverage. In the case of a beginning farmer or rancher, or in the case of a person having leaseback/buyback rights in accordance with subpart S of part 1951 of this chapter, the wetland conservation easement may be reduced on the prior converted wetland, and modified on the frequently cropped wetlands, when recommended by the Easement Review Team, in order to maintain an inventory property marketability and/or comparability in accordance with the provisions of the Act. The FmHA State Director will make the final decision as to whether or not a property subject to the provisions of this subpart is marketable and/or comparable. The definition of a Beginning Farmer is added in order to establish the criteria for eligibility. The intent of this regulation change is to protect a substantial number of wetlands on inventoried properties while maintaining the properties' marketability and/or comparability as agricultural production units for leaseback/buyback and beginning farmer applicant/borrowers.

When determining whether an inventory property, with a recommended wetland easement in place, will continue to meet the marketability and comparability test, the Easement Review Team may consider a variety of factors. In general, this analysis will focus on whether the inventory farm with the recommended easements can be an economically viable farm, in comparison to a successful farm in the area that is comparable in size and productivity, and that produces the same or similar commodities. The Team will determine which factors/criteria are appropriate for a particular property on a case-by-case basis, and may include such items as: The overall size of the agricultural production unit being affected; the soils productivity and potential crop yield of the property; the special location of the proposed easement in relationship to remaining cropland on the property; and a comparison of the productivity of the inventory farm, with the easements in place, with successful farms of the same basic enterprises in the community. These factors/criteria and others as determined by the team to be appropriate for a particular property will be described and recorded on a field data form and will serve as the basis for the final decision by the FmHA State Director relative to the potential for a wetland easement to adversely impact marketability of the agricultural production unit for comparable agricultural enterprises.

If the FmHA State Director determines that the initially recommended wetland easement would fail the marketability and/or comparability test, the FWS will be provided the opportunity to modify the easement recommendation to bring the proposal into compliance with the marketability and/or comparability requirements. Initially, the focus will be to consider the need to remove part or all of the easement previously recommended for areas that are classified as prior converted cropland. If additional modification of the easement proposal is warranted, easements being recommended for areas classified as frequently farmed wetlands will be considered for modification to allow cropping to the extent that such can occur under the present wetland conditions. Additional drainage of such wetlands would continue to be prohibited under the easement.

When determining which portions of a prior converted wetland to exempt from easement protection or which portions of a frequently farmed wetland to allow to be cropped, the FWS will consider a variety of technical and management factors/criteria. These factors will generally include such items as the present wetland productivity of the areas in question, potential for cost effective and timely restoration results to be achieved, special position of potential prior converted corpland and frequently farmed wetland easement areas to other wetlands on the property, and overall configuration of the potential easement in relationship to boundary delineation and management considerations. Additional site specific considerations may also become appropriate for consideration (e.g., proximity to roads and habitable dwellings). To reemphasize, however, the State Director will make the final decision on reducing the easements based on the FWS recommendation.

In Summary, the following steps will take place in determining the protection of wetlands on FmHA farm inventory property:

Step 1. *Determination of Wetlands.* A determination will be made as to the extent of wetlands on inventoried property by type, that is, converted, prior converted, frequently cropped or have historically been used for haying and grazing, and wetlands that are not cropped to an agricultural commodity or are cropped less than frequently. This determination will be made by SCS in accordance with Title XII of the Food Security Act of 1985 (16 U.S.C. 3801 *et seq.*).

Step 2. *Wetlands General.* In the event an inventoried property contains wetlands converted after December 23, 1985, or wetlands that are not cropped to an agricultural commodity or are cropped less than frequently, all such wetlands will be deed restricted in their use, as reflected in the FWS's recommendations.

Step 3. *Frequently Cropped and Prior Converted.* In the event an inventoried property contains frequently cropped wetlands (as defined by SCS), and no prior converted wetlands, no more than 20 percent of those frequently cropped wetlands will be deed restricted. Similarly, if the property contains prior converted wetlands, no more than 10 percent of the prior converted wetlands will be deed restricted. However, if the property contains both frequently cropped wetlands and prior converted wetlands, no more than 20 percent of the total cropland in these categories will be deed restricted.

Step 4. *Haying and Grazing.* In the event an inventoried property contains wetlands historically used for haying and grazing, no more than 50 percent of the existing forage land on an inventoried property will be deed restricted. Easements placed on wetlands that have a history of haying and grazing practices shall permit those practices which are in accordance with forage management standards that provide for the protection and restoration of wetlands functional values. The FWS and the SCS in consultation with Land Grant

Professionals (Cooperative Extension Service) having experience in range and forage management shall jointly develop, agree and recommend to FmHA, the practices designed to protect these values, before the property is sold out of inventory.

Step 5. *Leaseback/Buyback-Beginning Farmers.* For cases involving leaseback/buyback applicants or sale to a beginning farmer or rancher, easements on cropland may be reduced below the established limits in order to maintain the farm as a marketable agricultural production unit of comparable type. The FmHA State Director shall make this determination and shall consult with the Easement Review Team in the reduction of easement coverage where such flexibility clearly must be exercised.

Step 6. *Waiver by Purchaser.* Subject to the waiver of the established size limits by the purchaser and the technical recommendations of the FWS, easement above the established limits will be placed. Only a purchaser, not a lessee, can waive the established limits.

In the development of the proposed rule and evaluation of the impact of the FACT ACT on inventory property, the Agency relied, in part, on the conclusions and results of a study completed by the Agency in January 1991. This study was mandated by section 1813(h) of the FACT ACT and required by the Agency to (1.) evaluate the "appropriateness of the maximum percentages" of cropland and pasture that would be encumbered by wetlands conservation easements as set forth in the FACT ACT; (2.) estimate the amount of farm land in inventory that would be affected by the specified changes in wetland easements brought about by the FACT ACT; and (3.) estimate the costs and benefits of the changed easement requirements. This study was based on the farms and acres in FmHA's inventory as of September 30, 1990; and is available for public inspection by contacting the Office of the Chief, RACB, at the above referenced address.

Conclusions and Results of the Study

Following are some of the conclusions and results of the study:

1. Of the 2,936 suitable farms containing 1,017,728 acres, 914 (31 percent) contained a total of 112,422 wetland acres. Thus, 11 percent of the acres in FmHA's inventory were wetlands. About 80 percent of those acres would be used for crop and forage production, if easements were not imposed.

2. Approximately 4 percent of initially program suitable farms were reclassified as surplus (30 percent of the surplus properties) due to the wetland easement requirements on all wetlands brought about by Executive Order 11990.

The results of this study indicate that most of the suitable farms in FmHA's inventory have no wetlands, or the number of acres of production wetlands are within the easement limitations established by the FACT ACT. The new law will not affect these farms. It is estimated that imposing easement on all wetlands on the suitable farms in inventory (as of September 30, 1990), rather than a maximum of 20 percent of the cropland and 50 percent of the forage acres, would result in conservation easements being placed on an additional 30,000 acres, including farms that were surplus because of wetland easements.

The FACT ACT further required the Administrator, Farmers Home Administration to prepare and submit to the Congress a recommendation as to the appropriate maximum percentages established in section 1813 (h) of the FACT ACT.

In summary, the FACT ACT provides in part, that the Secretary:

1. "(A) Not establish the wetland conservation easements with respect to wetlands that were converted prior to December 23, 1985, and that have been in cropland use, as determined by the Secretary, in excess of 10 percent of the existing cropland available for production of agricultural commodities on the particular parcel of inventoried property"; and

2. "(B) Not establish the wetland conservation easements with respect to wetlands that have been frequently planted to agricultural commodities and wetlands described in subparagraph (A), in excess of 20 percent of the existing cropland available for production of agricultural commodities on the particular parcel of inventoried property"; and

3. "(4) The wetland conservation easements shall be placed on lands that have a history of haying and grazing, as determined by the Secretary, except that in no case shall the quantity of the wetland subject to the easement exceed 50 percent of the existing forage lands on the parcel of inventoried property. All haying and grazing practices on the wetlands (including the timing and intensity of haying and grazing) shall conform to forage management standards designed to protect wetlands."

FmHA sent the following recommendation forward to the Congress as a result of the study:

"The results of the study indicate that, on a national basis, a substantial majority of the wetlands located on FmHA inventory farm properties will continue to be protected by the provisions of the 1990 Farm Bill. As before, wetlands which have not been farmed or grazed in the past will be deed restricted. There is only a limited number of farms containing wetlands on which those acres will not be fully encumbered. However, the negative impacts on the marketability, sale value, and productivity of this limited number of farms can be dramatic if encumbered with total wetland easements.

Therefore, it is recommended that the wetland conservation easement levels established in the 1990 Farm Bill, a maximum of 20 percent of crop and 50 percent of forage acres, be retained. It is further recommended, that for properties sold through the buyback authorities or to new farmers, the maximum acres encumbered will be adjusted downward if needed to preserve the viability of the farm enterprise.

These limits on wetland easements on FmHA inventory property should result in a reconciliation of several objectives in the agricultural sector: conservation of wetlands, preservation of farmland, and support of the family farm."

Based upon the study, the Agency has projected that approximately 31 percent of the farms it will acquire during the next 3 Fiscal Years will contain wetlands. Further, it is believed that when an inventory farms contains wetlands, the wetland acreage will consist of approximately 35 percent of the total farm acreage.

Farmers Home Administration is anticipating acquiring the following number of inventory farm properties (broken down by acreage composition) during the next 3 Fiscal Years:

TABLE I

	FY 1992	FY 1993	FY 1994
(A) Farms to be Acquired	* 4,635	2,450	2,450
(B) Acres to be Acquired	*1,388,183	733,775	733,775
(C) Farms Containing Wetlands (A×.31)	1,437	760	760
(D) Acres of Wetlands (B×.31×.35)	150,618	79,615	79,615

* Includes the number of farms (and acres) in inventory on September 30, 1991, (3410 farms containing 1,021,453 acres) plus the number of farm properties which the Agency anticipates acquiring during FY 1992 (estimated at 1,225).

The size of the average farm in inventory on September 30, 1991, was 299.5 acres. The Agency anticipates that the number of farms and total acreage which will come into its inventory during Fiscal Years 1994 and 1995, will

be approximately the same as that projected for Fiscal Year 1993.

The Population sample indicated that the wetland acreage composite will be: crop wetlands—41 percent, forage producing wetlands—39 percent, and non-crop/non-forage producing wetlands—20 percent. Based upon this sample, the Agency believes that the distribution of wetland acreage taken into inventory in the next 3 fiscal years will be as follows:

TABLE II

	FY 1992	FY 1993	FY 1994
(D-1) Wetland Crop Acres (B×.31×.35×.41)	61,753	32,642	32,642
(D-2) Forage Producing Wetlands B×.31×.35×.39)	58,741	31,050	31,050
(D-3) Non-crop/Non-forage Wetlands (B×.31×.35×.20)	30,124	15,923	15,923

An evaluation of the population sample indicated that the establishment of a conservation easement on a maximum of 20 percent of the wetland crop acres on each inventory farm will result in an easement on 47 percent of the wetland crop acres taken into the Agency's inventory. Whereas, a maximum 50 percent conservation easement on the forage producing wetlands on each inventory farm will result in an easement on 79 percent of the wetland forage producing acres taken into the Agency's inventory.

In Summary, based upon the study, the Agency believes the FACT ACT will result in the establishment of wetland conservation easements on the following number of wetland acres, broken down as follows:

TABLE III

	FY 1992	FY 1993	FY 1994
(1) Wetland Crop Acres (B×.31×.35×.41×.47)	29,024	15,342	15,342
(2) Forage Producing Wetlands B×.31×.35×.39×.79)	46,405	24,530	24,530
(3) Non-crop/Non-forage Wetlands (Same as line D-3) **	30,124	15,923	15,923
Totals	105,553	55,795	55,795

** The FACT ACT provides continued protection of *all* Non-crop/Non-forage wetlands (as set forth on line D-3 above).

List of Subjects in 7 CFR Part 1955

Government property, Government property—management, Loan programs—housing and community development, Government property—Sale of Surplus Government property.

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

PART 1955—PROPERTY MANAGEMENT

1. The authority citation for part 1955 continues to read as follows:

Authority: 7 U.S.C. 1989; 42 U.S.C. 1480; 5 U.S.C. 301; 7 CFR 2.23 and 2.70.

Subpart B—Management of Property

2. Section 1955.66 is amended by revising paragraph (a)(2)(iii)(F) to read as follows:

§ 1955.66 Lease of real property.

* * * * *

(a) * * *

(2) * * *

(iii) * * *

(F) The property may not be used for any purpose that will contribute to excessive erosion of highly erodible land or to conversion of wetlands to produce an agricultural commodity, as further explained in Exhibit M of subpart G of part 1940 of this chapter. All prospective lessees of inventory property will be notified in writing of the presence of highly erodible land, converted wetlands and wetland. This notification will include a copy of the completed and signed Form SCS–CPA–26, "Highly Erodible Land and Wetland Conservation Determination," which identifies whether the property contains wetland or converted wetlands or highly erodible land. The notification will also state that the lease will contain a restriction on the use of such property and that FmHA's compliance requirements for wetland, converted wetlands, and highly erodible land are contained in Exhibit M of subpart G of part 1940 of this chapter. If converted wetlands are present, the notification will also state that FmHA will not lease converted wetlands for the purpose of producing an agricultural commodity, except as provided in § 1955.137 of subpart C of this part. Additionally, a copy of the completed and signed Form SCS–CPA–26 will be attached to the lease and the lease will contain a special stipulation as provided on the FMI to Form FmHA 1955–20, "Lease of Real Property," prohibiting the use of the property as specified above.

* * * * *

Subpart C—Disposal of Inventory Property

3. Section 1955.103 is amended by placing the definition of Auction sale after the definition of *Approval official* and by adding, in alphabetical order, the definitions of *Agricultural production unit, Beginning farmer or rancher, Cropland, Forage production area,* and *Marketable agricultural production unit comparable to that acquired* to read as follows:

§ 1955.103 Definitions.

* * * * *

Agricultural production unit. An agricultural production unit is the sum total of all acreage obtained by FmHA from an owner.

* * * * *

Beginning farmer or rancher. A beginning farmer or rancher is an applicant who:

(1) Has operated a farm or ranch for not more than 10 years.

(2) Will materially and substantially participate in the operation of the farm or ranch.

(3) Provides a majority of the day-to-day labor and management of the farm or ranch individually or along with the immediate family.

(4) Agrees to participate in the loan assessment and borrower training programs developed by FmHA.

(5) Does not own real farm or ranch property or who, directly or through interests in family farm entities, owns real farm or ranch property which does not exceed 15 percent of the median farm or ranch acreage in the county where the applicant will purchase land (median county farm or ranch acreage will be determined from the most recent Census of Agriculture developed by the U.S. Department of Commerce, Bureau of the Census).

(6) Demonstrates that the available resources of the family of the individual are not sufficient to enable the individual to enter or continue farming or ranching on a viable scale.

(7) If an entity, demonstrate that all members of the entity meet the above requirements.

(8) If a farmer or rancher who previously farmed or ranched their own property, has previously operated a farm or ranch for not more than 10 years and also meets all the other criteria listed above.

* * * * *

Cropland. Those lands as determined or identified by SCS.

* * * * *

Forage production area. Those lands determined or identified by SCS as

having a history of being harvested for hay or grazed by domestic livestock within 3 out of 5 years prior to coming into FmHA's inventory.

* * * * *

Marketable agricultural production unit comparable to that acquired. It is an economically viable production unit (taking into consideration the commodities which were being grown when the farm was acquired by FmHA) that is reasonably comparable to other agricultural production units of the same basic enterprise in the community which are successful. Maintaining a property's marketability is intended to mean maintaining sufficient productive cropland and/or forage areas on the property so that it is marketable for agricultural production purposes. Marketing the property comparable as acquired means marketing a property that can continue to function as the same basic enterprise as when it was acquired (*i.e.*, the production unit is marketable, taking into consideration the commodities which were grown when the property was acquired by FmHA, and is reasonably comparable to other agricultural production units of the same basic enterprise in the community which are successful).

* * * * *

4. Section 1955.137 is amended by revising the heading of paragraph (a), redesignating existing paragraphs (b), (c), (d) and (e) as (e), (f), (g) and (h), respectively, and by adding new paragraphs (b), (c) and (d) to read as follows:

§ 1955.137 Real property located in special areas or having special characteristics.

(a) *Real property located in flood, mudslide hazard, wetland (except for Farmer Program inventory farm property), or Coastal Barrier Resources System (CBRS).* * * *

(b) *Wetlands located on farm inventory property—Farmer Programs only.* Perpetual wetland conservation easements (restrictions in leases and encumbrances in deeds) to protect and/or restore wetlands or converted wetlands that exist on inventory property will be established prior to sale or lease of such property. This requirement applies to either cash or credit sales and all leases. Technical considerations of the potential functions and values of the wetlands on the property, as set forth in the FWS's recommendations, will determine the size of the easements, not to exceed the following limits:

(1) All wetlands located on FmHA inventory property which have not been cropped to an agricultural commodity, are cropped less than frequently, were converted after December 23, 1985, or do not have a history of haying or grazing will receive full easement coverage to protect and/or restore the wetlands. Prior converted cropland, frequently cropped wetlands, and wetlands having a history of haying and grazing will be handled as follows:

(i) Wetlands which are converted prior to December 23, 1985 (prior converted cropland), as identified by SCS, and which were not abandoned as of the time acquired by FmHA will be encumbered with a conservation easement not exceeding 10 percent of the existing cropland on the FmHA inventory property. Whether the prior converted cropland is abandoned, at the time the inventoried property is accepted into inventory or subsequent to that time, will be determined by SCS in accordance with its criteria for abandonment. In no case may the wetland conservation easement placed on the prior converted cropland represent more than 10 percent of the cropland on the FmHA inventory property, unless increased by waiver in writing by the purchaser.

(ii) Wetlands which have been frequently cropped to agricultural commodities (as identified by SCS) but are not prior converted, will be encumbered with a wetland conservation easement not exceeding 20 percent of the existing cropland on the FmHA inventory property. Frequently cropped means that over a period of several years the wetland is cropped more often than not. The overall 20 percent limitation includes the 10 percent prior converted cropland easement limitation referenced in the above paragraph. In no case may the wetland conservation easement placed on the frequently cropped wetlands and the prior converted wetlands represent more than 20 percent of the cropland on the FmHA inventory property, unless waived in writing by the purchaser. Whether the frequently cropped wetland is abandoned, at the time the farm is accepted into inventory or subsequent to that time, will be determined by SCS in accordance with its criteria for abandonment.

(iii) Wetlands which have a history of haying or grazing will be encumbered with a wetland conservation easement not exceeding 50 percent of the existing forage-producing lands on the FmHA inventory property. In no case may the wetland conservation easement placed on wetlands having a history of haying or grazing, exceed 50 percent of the forage-producing lands on any FmHA inventory property, unless waived in writing by the purchaser. Easements placed on wetlands that have a history of haying and grazing practices shall permit those practices which are in accordance with forage management standards that provide for the protection and restoration of wetland functional values. The FWS and the SCS in consultation with Land Grant Professionals (Cooperative Extension Service) having experience in range and forage management shall jointly develop, agree and recommend to FmHA the practices designed to protect these values, before the property is sold out of inventory.

(2) FmHA will request the SCS to identify the wetlands and wetland boundaries of each wetland, which are set forth as follows:

(i) Wetlands that have not been cropped to an agricultural commodity or are cropped less than frequently, and wetlands converted after December 23, 1985.

(ii) Prior converted wetland (converted to cropland before December 23, 1985).

(iii) Wetlands and farmed wetlands that are frequently cropped.

(iv) Forage-producing wetlands (those wetlands having a history of haying and/or grazing).

(v) The wetlands in these categories shall reflect the wetlands definitions in use by SCS for Swampbuster purposes.

(3) The croplands used as buffer areas, which are established to protect the wetlands, are to be included in the calculation of the total amount of cropland that is placed under easement, and are therefore, subject to the 10 percent and 20 percent overall cropland acreage limitations irrespective of whether these contain prior converted cropland or frequently cropped wetlands. Areas classified other than cropland when used as buffer areas, will be in addition to the 10 and 20 percent limitation. Buffer areas adjacent to the wetland generally will not be more than 100 feet in average width.

(4) The wetland conservation easement will provide for access to other portions of the property as necessary for farming and other uses.

(5) The appraisal of the property must be updated to reflect the effect of the conservation easement on the property.

(6) The purchaser has the right to waive the wetland easement percentage limitations. To activate this process the purchaser shall request, in writing, that FmHA include additional wetland acres in the easement. The request must be accompanied by a technical recommendation from the FWS supporting placing additional acres under easement. Acres eligible for

additional easements include prior converted cropland, frequently cropped wetland, and haying/grazing wetlands. Other types of land may be eligible as additional easement acres where included in wetland buffer areas.

(7) Applicable restrictions will be incorporated into leases and encumbrances in quitclaim deeds with the advice and approval of OGC. A listing of these restrictions will be included in the notices required in paragraph (a)(2) of this section. Wetland conservation easements will be established by FmHA in accordance with the procedure in items VII (C)—(E), and (H) (except that Forms FmHA 1951–39 and 1951–39A will not be used) of Exhibit H, subpart S, part 1951 of this chapter.

(8) The FWS shall be responsible for easement management and administration responsibilities for such areas unless; (i) the wetland easement area is an inholding in Federal or State property and that entity agrees to assume such responsibility, or (ii) a State Fish and Wildlife Agency having counterpart responsibilities to the FWS is willing to assume easement management and administration responsibilities. The costs associated with such easement management responsibilities shall be the responsibility of the Agency that assumes easement management and administration.

(c) *The County Supervisor will establish an Easement Review Team consisting of the appropriate field offices of the Agricultural Stabilization and Conservation Service (ASCS), Soil Conservation Services (SCS), and the U.S. Fish and Wildlife Service (FWS).* The Easement Review Team will be composed of an FmHA, ASCS, SCS, and FWS representative. The purpose of the Easement Review Team is to provide the FmHA State Director with a recommendation as to whether the inventoried property is a marketable agricultural production unit comparable to the property as acquired, taking into consideration any wetland easements. The FmHA representative selected by the FmHA State Director will coordinate the responsibilities of the Easement Review Team, schedule any site visits, maintain a running record of Team activity and summarize and present the recommendations of the Team to the State Director. Members of the Easement Review Team may consult on an informal or formal basis in the development of their recommendations. When developing the Team recommendations, each Agency representative on the Team will have the final say for their respective component area of responsibility. For example, in the event a disagreement occurs, SCS's recommendation to the Team as to the identification of the wetland types will be final, whereas the FWS recommendation to the Team as to the boundary, terms, and conditions of the easement shall be final. The individual duties and responsibilities of the respective Team members are as follows:

(1) U.S. Fish and Wildlife Service (FWS):

(i) Based on technical considerations, delineates and provides to the Easement Review Team, the location, boundaries, terms, and conditions of any proposed wetland conservation easements which includes the delineation of both optimum and discretionary easements.

(ii) Consults with the FmHA State Director when it is necessary to reduce easements below the 10–20 percent level in order to maintain a comparable and marketable agricultural production unit.

(2) Soil Conservation Service (SCS) identifies, and provides to the Easement Review Team, all wetlands by type and boundaries.

(3) Agricultural Stabilization and Conservation Service (ASCS) provides to the Easement Review Team cropping information, as to what acreages have been frequently cropped and other data which may be available and useful to the Team in making its comparability and marketability recommendations (*i.e.*, information on yields, average comparable farm size in the area, etc.)

(4) Farmers Home Administration (FmHA) coordinate Team activities.

(5) FWS and SCS (jointly), in consultation with Land Grant Professionals (Cooperative Extension Service), develops and agrees to the management plan for the wetland conservation easements on haying and grazing land (*i.e.*, the haying and grazing practices are in accordance with forage management standards that provide for the protection and restoration of wetland functional values).

(6) FWS, FmHA and SCS (jointly) documents its analysis and conclusions as to whether an inventory property is a marketable agricultural production unit in Exhibit F of this subpart (available in any FmHA office). (This exhibit will be completed and filed in the inventory property case file, and will be the basis for establishing conservation easements below the 10–20 percent level on FmHA inventory properties which contain prior converted and/or frequently cropped wetlands.)

(7) The FmHA State Director, after considering the Easement Review Team's recommendations, will make the final decision on all aspects of establishing the wetland conservation easements. It is the State Director who bears the ultimate responsibility for establishing perpetual wetland conservation easements on FmHA's inventory property in accordance with the provisions of this subpart. The survey to establish the location of the easement boundaries will be completed after the State Director makes the final determinations on the establishment of the easements.

(d) *Special provisions for persons having leaseback/buyback rights and for beginning farmers and ranchers on properties containing prior converted and/or frequently cropped wetlands.* FmHA must assure that leaseback/buyback property along with property for beginning farmers are marketable agricultural production units comparable to those acquired. There are certain circumstances where the amount or location of wetland easements, in relation to other croplands on the property, would prevent the leaseback/buyback or beginning farmer property, from being marketable as an agricultural production unit, comparable to the property as acquired. Under these circumstances the easements recommended for these properties may be reduced by the State Director, in consultation with the Easement Review Team, to the extent necessary to obtain marketability and comparability. This flexibility can be utilized only in situations where it can be shown that to do otherwise would result in the property not being comparable or marketable. This flexibility shall not be utilized to exercise administrative preference relative to providing full easement coverage up to the established percentage limits set forth in § 1955.137(b)(1). A recommendation will be made by the Easement Review Team to the FmHA State Director as to whether the inventory property is a comparable-marketable agricultural production unit. The FmHA State Director will make the final comparability-marketability decision. An agricultural production unit will be comparable and marketable if it is determined to be an economically viable production unit (taking into consideration the commodities which were being grown when the property was acquired by FmHA) that is reasonably comparable to other agricultural production units of the same basic enterprise in the community which are successful farming operations. For example, if the inventory property was utilized for the production of dairy

products upon acquisition, a typical dairy farmer could be expected to successfully operate the property for dairy farming purposes with easements at the 10–20 percent level. In such cases, the FmHA State Director would conclude that the property is a comparable-marketable agricultural production unit, and the easements would be established at the 10–20 percent levels. The subject of this analysis is the agricultural value of the property in question and not the resources or liabilities of the prospective purchasers or of their farming operations. If however, the property is deemed by either the State Director or the Easement Review Team not to be a comparable-marketable agricultural production unit with easements at the 10–20 percent level, the Easement Review Team will further evaluate the property's viability as a comparable-marketable agricultural production unit on the basis of reducing the easements below the 10 percent level on the prior converted acres; and if necessary to establish marketability-comparability, the easements on the frequently cropped acres will be modified (to allow crop production), until the property is deemed to be a comparable-marketable agricultural production unit. If the Easement Review Team recommends and the FmHA State Director determines that the establishment of easements at a level below 10–20 percent is necessary to maintain a particular property as a comparable-marketable agricultural production unit, the easements may be established below the 10–20 percent level when the property is being sold or leased through leaseback/buyback to the previous owner, the immediate family of the prior owner, the previous operator of the farm, or through a sale to a beginning farmer or rancher. If the analysis concludes that, even if the easement levels were reduced to 0 percent, the inventory property would not be a comparable-marketable agricultural production unit, the easements will be established at the 10–20 percent levels. The purchaser (not a lessee) will be able to waive the marketability and comparability determination and allow easements at or about the 10–20 percent level. In all cases, the easements established on the wetlands which have a history of haying and grazing will be at the 50-percent level unless the limitation is waived by the purchaser.

* * * * *

5. Exhibit A to Subpart C is added to read as follows:

Exhibit A—Notice of Flood, Mudslide Hazard or Wetland Area

TO:

DATE:

This is to notify you that the real property located at

_____

_____

is in a floodplain, wetland or area identified by the Federal Insurance Administration of the Federal Emergency Management Agency as having special flood or mudslide hazards. This identification means that the area has at least one percent chance of being flooded or affected by mudslide in any given year. For floodplains and wetlands on the property, restrictions are being imposed. Specific designation(s) of this property is (are) (special flood) (mudslide hazard) (wetland)*. The following restriction(s) on the use of the property will be included in the conveyance and shall apply to the purchasers, purchaser's heirs, assigns and successors and shall be construed as both a covenant running with the property and as equitable servitude subject to release by FmHA when/if no longer applicable:

(Insert Restrictions)

FmHA will increase the number of acres placed under easement, if requested in writing, provided that the request is supported by a technical recommendation of the FWS. Where additional acreage is accepted by FmHA for conservation easement, the purchase price of the inventory farm will be adjusted accordingly.

(County Supervisor, District Director or Real Estate Broker)

Date: _____

Acknowledgement

I hereby acknowledge receipt of the notice that the above stated real property is in a (special flood) (mudslide hazard) (wetland)* area and is subject to use restrictions as above cited. [also, if I purchase the property through a credit sale, I agree to insure the property against loss from (floods) (mudslide) * in accordance with requirements of the Farmers Home Administration.]

(Prospective Purchaser)

Dated: July 29, 1991.

La Verne Ausman,

Administrator, Farmers Home Administration.

[FR Doc. 91–26759 Filed 11–4–91; 8:45 am]

BILLING CODE 3410–07–M

* Delete the hazard that does not apply.

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 91–ANM–20]

Proposed Establishment of Additional Control Area, Boise, Idaho

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to establish additional controlled airspace at Boise, Idaho. Operations specifications for users governed by part 135 of the Federal Aviation Regulations preclude instrument flight rules operations in uncontrolled airspace even when in visual meteorological conditions. When seasonal thunderstorms dictate a route outside the lateral limits of a specific Federal Airway, the pilot must remain above the existing floor of controlled airspace or risk violation of the rule by descending to airspace below the base of the storms. This proposed action would lower controlled airspace to 10,000 feet MSL, allowing pilots to operate at lower altitudes as necessary.

DATES: Comments must be received on or before December 15, 1991.

ADDRESSES: Send comments on the proposal to: Federal Aviation Administration, Docket No. 91–ANM–20, 1601 Lind Avenue SW., Renton, WA 98055–4056.

The official docket may be examined at the same address.

An informal docket may also be examined during normal business hours at the address listed above.

FOR FURTHER INFORMATION CONTACT: Robert L. Brown, ANM–535, Federal Aviation Administration, Docket No. 91–ANM–20, 1601 Lind Avenue SW., Renton, WA 98055–4056, Telephone: (206) 227–2535.

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 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-ANM-20." 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 at the Federal Aviation Administration, 1601 Lind Avenue SW., Renton, Washington 98055-4056 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 Federal Aviation Administration, 1601 Lind Avenue SW., Renton, Washington 98055-4056. 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. 11-2 which describes the application procedure.

The Proposal

The FAA proposes an amendment to § 71.163 of part 71 of the Federal Aviation Regulations (14 CFR part 71) to establish additional controlled airspace at Boise, Idaho. Operations specifications for users governed by 14 CFR Part 135 preclude operations in uncontrolled airspace even when flying in visual meteorological conditions. The area between Boise and Lewiston, Idaho, is seasonally affected by thunderstorms, some of significant intensity. Often, when circumnavigation of such storms or expediency dictates a route west of and outside lateral limits of V253, a pilot must necessarily choose between "threading through" such storm areas while remaining above the existing floor of controlled airspace (14,500 feet MSL), or violating the rules by descending below 14,500 feet MSL to airspace lower than the base of the storms yet well above the terrain. For a pilot to be given such unattractive choices is not in the interests of safety nor in the public interest, and this amendment would permit descent below a storm's base to 10,000 feet MSL. Section 71.163 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, 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.

List of Subjects in 14 CFR Part 71

Aviation safety, Control area.

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.

§ 71.163 [Amended]

2. Section 71.163 is amended as follows:

Boise, Idaho [New]

That airspace extending upward from 10,000 feet MSL bounded on the north by latitude 46°00'00" N, on the east by the west edge of V-253, on the south by latitude 44°00'00" W, and on the west by longitude 117°00'00" W, excluding Federal Airways, Boise, and McCall, Idaho, Transition areas.

Issued in Seattle, Washington, on October 7, 1991.

Temple H. Johnson, Jr.,

Manager, Air Traffic Division.

[FR Doc. 91-26605 Filed 11-4-91; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 91-ASW-27]

Proposed Revision of Transition Areas: Lafayette, LA, Bunkie, LA, Eunice, LA, Opelusas, LA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to revise the transition areas located at Lafayette, Bunkie, Eunice, and Opelusas, LA. The Lafayette VORTAC will be relocated to a site on the Lafayette Regional Airport. Consequently, all the standard instrument approach procedures (SIAP) that utilize information from this navigational aid will be revised, which necessitates this proposal. SIAP's at the Lafayette Regional Airport, Bunkie Municipal Airport, Eunice Airport, and the Opelusas/St. Landry Parish—Ahart Field Airport will be revised concurrent with Lafayette VORTAC relocation. If adopted, this proposal would revise the coordinates used to describe the Eunice Airport. The intended effect of this proposal is to provide adequate controlled airspace for aircraft utilizing instrument procedures at the Lafayette Regional, Bunkie Municipal, Eunice, and Opelusas/St. Landry Parish—Ahart Field Airports.

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-27, 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, Forth 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-27." 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 Manager 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 revised the transition areas located at Lafayette, Bunkie, Eunice, and Opelusas, LA. The Lafayette VORTAC will be relocated to a site on the Lafayette Regional Airport resulting in the revision of all SIAPs designed using information from this navigational facility. This proposal is necessary in order to provide adequate controlled airspace for aircraft utilizing instrument procedures at the Lafayette Regional, Bunkie Municipal, Eunice, and Opelusas/St. Landry Parish—Ahart Field Airports. 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:

Lafayette, LA [Revised]

That airspace extending from 700 feet above the surface within a 9-mile radius of the Lafayette Regional Airport (latitude 30°12'18"N., longitude 091°59'15"W.); within a 7.5-mile radius of the Abbeville Municipal Airport (latitude 29°58'32"N., longitude 092°05'03"W.); and within an 8-mile radius of the Acadiana Regional Airport (latitude 30°02'15"N., longitude 091°53'02"W.).

Bunkie, LA [Revised]

That airspace extending from 700 feet above the surface within a 7.5-mile radius of the Bunkie Municipal Airport (latitude 30°57'24"N., 092°14'02"W.) excluding that portion which overlies the Marksville, LA, Transition Area.

Eunice, LA [Revised]

That airspace extending from 700 feet above the surface within a 7.5-mile radius of the Eunice Airport (latitude 30°27'58"N., longitude 092°25'25"W.).

Opelusas, LA [Revised]

That airspace extending from 700 feet above the surface within a 7.5-mile radius of the St. Landry Parish—Ahart Field (latitude 30°33'30"N., longitude 092°06'00"W.)

Issued in Fort Worth, TX on October 18, 1991.

Larry L. Craig,

Manager, Air Traffic Division, Southwest Region.

[FR Doc. 91-26608 Filed 11-4-91; 8:45 am]

BILLING CODE 4910-13-M

COMMODITY FUTURES TRADING COMMISSION

17 CFR Part 180

Proposed Amendments to Commission Regulations on Arbitration at Self-Regulatory Organizations Under Petition of the National Futures Association

AGENCY: Commodity Futures Trading Commission.

ACTION: Notice of petition for Commission rulemaking and notice of proposed rulemaking.

SUMMARY: The National Futures Association ("NFA") has requested the Commodity Futures Trading Commission ("Commission") to amend the Commission's regulations with respect to arbitration at self-regulatory organizations ("SROs") to raise the monetary ceilings on disputes that may be subject to procedures for resolution based solely on written submissions with no right to oral hearings. As requested, the Commission is proposing to amend (1) Regulation 180.2(d)(1) to raise the dollar limitation for such summary arbitration of disputes involving customers from $2,500 to $5,000; and (2) Regulation 180.5 to raise the dollar limitation for such summary arbitration of disputes between or among members of an SRO and their employees form $2,500 to $10,000.

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

ADDRESSES: Comments should be sent to Jean A. Webb, Secretary of the Commission, Commodity Futures Trading Commission, 2033 K Street, NW, Washington, DC 20581.

FOR FURTHER INFORMATION CONTACT: Linda Kurjan, Special Counsel, or Lois Gregory, Attorney-Advisor, Division of Trading and Markets, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, DC 20581; (202) 254-8955. Copies of NFA's petition are available from the Office of the

Secretariat, 2033 K Street, NW., Washington, DC 20581; (202) 254–6314.

SUPPLEMENTARY INFORMATION:

I. Petition to Amend Commission Regulation 180.2(d)(1)

By letter dated June 19, 1990, and April 17, 1991, NFA requested the Commission to amend its regulations regarding SRO arbitration that is based solely on written submissions of disputes between and among customers, SRO members, and their employees. Commission Regulation 180.2(d)(1) authorizes an SRO, in providing for arbitration of customers' disputes with the SRO's members, to have a procedure for resolution of a dispute without an oral hearing through submission of written documents (i.e., "summary arbitration" or "summary proceedings") if the claims and counterclaims in the proceeding are less than $2,500 in the aggregate.[1] This regulation otherwise entitles every party in an SRO arbitration to appear personally at a hearing. Under Commission Regulation 180.5, an SRO's procedures for member-to-member arbitration also are subject to the provisions of Regulation 180.2(d)(1).[2] The $2,500 ceiling for summary arbitration has been in effect since 1976.[3] Although Regulations 180.2 and 180.5 specifically refer to contract market arbitration procedures, Commission Regulation 170.8 effectively makes the part 180 provisions also applicable to registered futures associations, i.e., NFA.[4] NFA has requested the Commission to raise the summary arbitration ceiling at least to $5,000 for customer disputes and as high as possible (e.g., $10,000 or $20,000) for member disputes.

A. Background

Under sections 5a(11) and 17(b)(10) of the Act, each futures SRO must provide a fair and equitable voluntary procedure for the settlement of customers' claims and grievances against any SRO member or employee.[5] These programs must be consistent with the provisions in part 180 of the Commission's regulations, which establish the rules and standards for SRO arbitration programs. Separately, the SROs are permitted under Commission Regulation 180.5 to establish procedures for compulsory settlement of disputes not involving customers. If established, such an SRO program for member-to-member arbitration is required (with limited exceptions concerning composition of panels and the right to appeal within the SRO) to conform to the minimum procedural safeguards applicable to customer arbitration set forth in regulation 180.2.

As noted above, Commission Regulation 180.2(d)(1) authorizes an SRO to have a procedure for resolution of a dispute without an oral hearing through submission of written documents if the claims and counterclaims in the proceeding are less than $2,500 in the aggregate. Regulation 180.2(d)(1) was promulgated by the Commission in part to provide a means by which an arbitration forum could control costs in dispute resolution proceedings where the total amount in controversy did not warrant the expense of an oral hearing.[6] The Commission was particularly concerned about instances where the costs associated with a hearing could approach or exceed the amount of the claim or grievance. The Commission also sought to reduce delays in arbitration proceedings involving small claims.

NFA is the most frequently used forum for the arbitration of disputes involving commodity futures and options contracts in the United States. Since its inception in 1983, NFA's arbitration program has grown considerably.[7] Moreover, the average size of claims submitted to NFA has increased during the past few years, for example, rising from $37,247 in fiscal year 1989 to $128,287 in fiscal year 1991. At the same time, the number of submissions with claims under $2,500 has remained relatively low, falling from 68 in fiscal year 1989, for example, to 35 in fiscal year 1991. Consequently, NFA believes that the cost and time savings normally attributable to summary proceedings effectively are being limited to a diminishing number of cases and thus are not being realized in many cases for which NFA believes summary arbitration would be appropriate.[8]

To ameliorate this situation, NFA has adopted, subject to Commission approval, amendments to its code of arbitration to increase the maximum claim amounts for customer disputes qualifying for its summary procedure.[9] As proposed, no oral hearing would be conducted for any claim (1) not exceeding $5,000, unless directed by NFA's Secretary or the arbitrator in the case,[10] and (2) more than $5,000 but not exceeding $10,000, unless requested by a party or authorized by the Secretary or arbitrator. NFA also is considering to propose additional rule changes to raise the limits further for summary proceedings of disputes between members, possibly to $10,000 without any right to an oral hearing and $20,000 with the right of a party to request an oral hearing.[11] Because these various NFA rule amendments—both proposed and under consideration—are inconsistent with Regulations 180.2(d)(1) and 180.5, NFA has requested that the Commission amend its arbitration regulations to raise the ceilings for summary proceedings as high as possible to ensure maximum flexibility by SRO arbitration forums.[12]

B. The Proposed Amendments

The Commission is proposing to increase the limit to $5,000 for customer summary arbitration under Regulation 180.2(d)(1) as initially suggested by NFA [13] and to $10,000 for member summary arbitration under Regulation 180.5. As NFA asserted, such amendments to the Commission's arbitration regulations should allow the SROs to continue to provide a large majority of cases with oral hearings while administering additional claims more expeditiously as summary proceedings. For example, had the proposed, higher ceiling been in effect at NFA for arbitrations initiated during

[1] 17 CFR 180.2(d)(1).

[2] 17 CFR 180.5.

[3] 41 FR 27520 (July 2, 1976), effective September 30, 1976.

[4] 17 CFR 170.8.

[5] 7 U.S.C 7a(11) and 21(b)(10) (1988).

[6] See 40 FR 54432 (November 24, 1975) and 41 FR 27521 (July 2, 1976).

[7] In the eight years since the program began, NFA has received over 2100 demands for arbitration, approximately half of which were submitted during the past three yeas. Moreover, the Commission has intended to encourage greater use of NFA as an arbitration forum, as demonstrated by the amendment to Regulation 180.3(b)(4)(i) to require that NFA be offered to commodities customers as a qualified forum for arbitration pursuant to pre-dispute arbitration agreements. 53 FR 24955 (July 1, 1988).

[8] Letter from Daniel J. Roth ("Roth"), NFA Secretary and General Counsel, to Andrea M. Corcoran ("Corcoran"), Director of the Commission's Division of Trading and Markets, dated June 19, 1990.

[9] Proposed amendments to NFA Code of Arbitration § 9(h), submitted for Commission approval by letters dated June 19, 1990, and April 17, 1991, to Jean A. Webb, Secretary of the Commission.

[10] In its Arbitrator's Manual, NFA notes that summary proceedings generally are not appropriate in cases where credibility is involved. Accordingly, arbitrators are advised that an oral hearing can be scheduled in a small-claims case when credibility is a central issue and cannot be determined from the written submissions.

[11] Letter from Roth to Corcoran dated April 17, 1991.

[12] Letters from Roth to Corcoran dated June 19, 1990, and April 17, 1991. Under section 17(j) of the Act, the Commission must disapprove any NFA rule proposal determined to be in violation of or otherwise inconsistent with any provisions of the Act or the Commission's regulations. 7 U.S.C. 21(j) (1988).

[13] Letter from Roth to Corcoran dated June 19, 1990.

fiscal year 1991, 55 customer claims could have proceeded on the papers instead of only the 32 cases with claims under $2,500. Similarly, nine member-to-member proceedings could have been summary, given a $10,000 ceiling, instead of only three cases.

As a result, NFA and any contract markets that would provide summary arbitration to the enlarged scope of small claims could realize significant administrative benefits, and parties likewise could save time and money. Moreover, establishing higher limits for summary arbitration of member disputes would help to prevent member arbitration from diverting an SRO's resources away from, or otherwise interfering with, customer arbitration, contrary to Commission Regulation 180.5.[14] The Commission also notes that other alternative dispute resolution forums which accept commodities-related claims routinely allow for resolution of larger claims without oral hearings.[15]

II. Request for Comments

The Commission requests that all interested persons submit their views on the proposed rule amendments before December 20, 1991. The Commission is seeking comments generally regarding whether a party should be permitted to demand an oral hearing in lieu of proceeding solely on written submissions where the sum of the amounts of the claim and any counterclaim exceeds a minimum level, below which such a demand could not be made. Specifically, commenters are requested to address, among other things: (1) Whether any increase in the $2,500 limit for summary proceedings would be appropriate at this time; (2) whether other specific levels, higher or lower, would be more appropriate; and (3) whether the threshold should be the same for disputes involving customers and for those not involving customers. In connection with those issues, the Commission also requests commenters to address the balance between promoting expeditious resolution of cases solely through written submissions and ensuring adequate opportunity for parties to present their cases fully and for arbitrators to ask questions and to assess credibility by observing the demeanor of parties and witnesses.

Copies of NFA's petition for rulemaking may be obtained through the Office of the Secretariat, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, DC 20581 or by telephoning (202) 254–6314. Any person interested in submitting written data, views or arguments on the proposed amendments to Regulations 180.2(d)(1) and 180.5 should send such comments to Jean A. Webb, Secretary, at the above address by the date specified.

III. Other Matters

A. Regulatory Flexibility Act

The Regulatory Flexibility Act ("RFA") requires agencies to consider the impact of proposed rules on small businesses and organizations.[16] The Commission previously determined that contract markets and registered futures associations, to which the proposed amendments directly would apply, should not be considered small entities for purposes of the RFA.[17] With respect to SRO members and other businesses or organizations that may become subject to any SRO arbitration rule changes authorized by the proposed amendments if adopted by the Commission, the Commission determined previously that futures commission merchants also should not be considered small entities for purposes of the RFA.[18] The Commission separately indicated that it would determine on a case-by-case basis whether introducing brokers, commodity pool operators, commodity trading advisors and floor brokers should be considered small entities for purposes of particular rule proposals.[19]

In the prevent context, however, the Commission believes that, regardless of whether such SRO members or any nonmember businesses or organizations that might be affected by SRO rules conforming to the proposed amendments would be considered small entities, the proposed amendments to the Commission's arbitration regulations would not authorize the SROs to impose additional regulatory burdens on such entities. On the contrary, the Commission believes that, among other things, such entities generally could spend less time and money to arbitrate under SRO summary procedures their disputes involving amounts not exceeding the proposed limits than to prepare for and participate in oral hearings. Accordingly, the Chairman, on behalf of the Commission, certifies pursuant to the RFA that amending the Commission's arbitration regulations as proposed herein would not have a significant economic impact on a substantial number of small entities.[20]

B. Paperwork Reduction Act

The Paperwork Reduction Act of 1980 ("PRA") [21] imposes certain requirements on Federal agencies (including the Commission) in connection with their conducting or sponsoring any collection of information as defined by the PRA. In compliance with the PRA, the Commission has submitted the proposed rule amendments to the Office of Management and Budget. Although the Commission believes that the proposed amendments do not impose any information collection requirements as defined by the PRA, Regulation 180.2 is part of a group of rules that has been determined to have the following burden:

Average Burden Hours per Response: 79.83.

Number of Respondents: 58,283.

Frequency of Response: On occasion.

Persons wishing to comment on the estimated paperwork burden (or lack thereof) associated with the proposed amendments to the Commission's regulations should contact Gary Waxman, Office of Management and Budget, Room 3228, New Executive Office Building, Washington, DC 20503, (202) 395–7340. Copies of the information collection submission to OMB are

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[14] Regulation 180.5 requires that member-to-member arbitration be independent of and not interfere or delay the resolution of customers' claims or grievances.

[15] For example, the ceilings for simplified procedures (i.e., arbitration based solely on the parties' written submissions) at the New York Stock Exchange ("NYSE") and the National Association of Securities Dealers ("NASD") are $10,000 for claims and $10,000 for related counterclaims, exclusive of attendant costs and interest, although these forums allow the customer to demand, or the parties to consent in writing to, an oral hearing regardless of the size of the claim. NYSE rule 601; NASD code of arbitration § 13. Similarly, under the American Arbitration Association's rules governing arbitration of securities disputes ("AAA securities rules"), including proceedings that also involve futures issues, a dispute where each party's claim does not exceed $5,000 (exclusive of interest and costs) would be resolved by submission of documents unless any party requests an oral hearing. AAA securities rule 37. Furthermore, the Commission's reparations procedures provide a summary decisional process for claims not exceeding $10,000, which cases proceed without oral testimony, except in the discretion of the presiding judgment officer upon a party's motion if oral testimony is shown to be necessary or appropriate to resolve factual issues that are central to the proceeding. 17 CFR 12.18(a)(7), 12.208(b). In setting that limit at $10,000, the Commission noted that it could not ignore the diminutive effect of continuous high rates of inflation on the value of the dollar and the relative sizes of claims. 49 FR 6613 (February 22, 1984).

[16] 5 U.S.C. 601–612 (1988).

[17] 47 FR 18618, 18619 (April 30, 1982) (contract markets); 55 FR 5023, 5024 (February 13, 1990) (registered futures associations).

[18] 47 FR 18618, 18619 (April 30, 1982).

[19] 47 FR 18618, 18620 (April 30, 1982).

[20] 5 U.S.C. 605(b)(1988).

[21] 44 U.S.C. 3501–3520 (1988).

available from Joe F. Mink, CFTC Clearance Officer, 2033 K Street, NW., Washington, DC 20581, (202) 254–9735.

List of Subjects in 17 CFR Part 180

Arbitration, Claims.

In consideration of the foregoing, and pursuant to the authority contained in the Commodity Exchange Act and, in particular, sections 4c, 4d, 4f, 4k, 5a, 8a, and 17 thereof, 7 U.S.C. 6c, 6d, 6f, 6k, 7a, 12a, and 21, the Commission hereby proposes to amend Part 180 of Chapter I of Title 17 of the Code of Federal Regulations as follows:

PART 180—ARBITRATION OR OTHER DISPUTE SETTLEMENT PROCEDURES

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

Authority: 7 U.S.C. 6c, 6d, 6f, 6k, 7a, 12a, and 21, unless otherwise noted.

2. Section 180.2 is proposed to be amended by revising paragraph (d)(1) to read as follows:

§ 180.2 Fair and equitable procedure.

* * * * *

(d) * * *

(1) Each of the parties shall be entitled personally to appear at such hearing, unless the contract market shall have adopted a procedure for the written submission of claims or grievances (and any counterclaims applicable thereto) which in the aggregate do not exceed $5,000. If the claim or grievance (and any counterclaim applicable thereto) in the aggregate does not exceed $5,000, provision may be made for the claim or grievance of a customer to be resolved without a hearing through a submission on the basis of written documents.

* * * * *

3. Section 180.5 is proposed to be revised to read as follows:

§ 180.5 Member-to-member settlement procedures.

A contract market may establish a procedure for compulsory settlement of claims and grievances or disputes which do not involve customers. If adopted, the procedure shall be independent of, and shall not interfere with or delay the resolution of, customers' claims or grievances submitted for resolution under the procedure established pursuant to the Act. Such a procedure shall provide procedural safeguards which must include, at a minimum, fair and equitable procedures conforming to those set in § 180.2 of this part, except that:

(a) The election of the mixed panel and the prohibition of appeal to any entity within the contract market contained in § 180.2 (a) and (f) of this part need not to be required; and

(b) The dollar limitation contained in § 180.2(d)(1) of this part on a claim or grievance (and counterclaim applicable thereto) that may be subject to resolution without a hearing through submission of written documents may not exceed $10,000 in the aggregate.

Issued in Washington, DC, on October 29, 1991, by the Commission.

Jean A. Webb,

Secretary.

[FR Doc. 91–26559 Filed 11–4–91; 8:45 am]

BILLING CODE 6351–01–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[CA13–4–5259; FRL–4027–9

Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision; Sacramento Metropolitan Air Quality Management District

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of proposed rulemaking.

SUMMARY: EPA is proposing a limited approval of revisions to the California State Implementation Plan (SIP) adopted by the Sacramento Metropolitan Air Quality Management District (the District) and submitted to EPA by the California Air Resources Board on May 13, 1991. The revisions are to District Rule 442, Architectural Coatings, adopted by the District on October 2, 1990, and Rule 446, Storage of Petroleum Products, adopted December 4, 1990. Both of these rules concern control of volatile organic compounds (VOCs). Limited approval means that the rules will be approved into the SIP because they strengthen it, but that the rules still have certain deficiencies. The intended effect of this action is to propose limited approval of both rules and provide a 30-day period for the public to comment on this proposed action.

DATES: Comments must be received on or before December 5, 1991.

ADDRESSES: Comments may be mailed to: Colleen McKaughan, State Implementation Plan Section (A–2–3), Air and Toxics Division, Environmental Protection Agency, Region 9, 75 Hawthorne Street, San Francisco, CA 94105.

Copies of the rule revision and EPA's detailed Technical Support Document for each rule are available for public inspection at EPA's Region 9 office (address above) during normal business hours. Copies of the submitted rule revision are also available for inspection at the following locations:

California Air Resources Board, Stationary Source Division, Rule Evaluation Section, 1219 "K" Street, Sacramento, CA 95814

Sacramento Metropolitan Air Quality Management District, 8475 Jackson Road, suite 215, Sacramento, CA 95826.

FOR FURTHER INFORMATION CONTACT: William E. Davis, Jr., Statement Implementation Plan Section (A–2–3), Air and Toxics Division, Environmental Protection Agency, 75 Hawthorne Street, San Francisco, CA 94105, Telephone: (415) 744–1183; (FTS) 484–1183.

SUPPLEMENTARY INFORMATION:

Background

On March 3, 1978, EPA promulgated a list of ozone nonattainment areas under the provisions of the Clean Air Act (CAA) that included the District (43 FR 8962). Because it was not possible for the District to reach attainment by the statutory attainment date of December 31, 1982, California requested, and EPA approved, extensions of the attainment date for ozone in the District to December 31, 1987. On May 26, 1988, EPA notified the Governor of California that the District's portion of the California SIP was inadequate to attain and maintain the ozone standard and requested that deficiencies in the existing SIP be corrected (EPA's SIP call). The SIP-approved versions of Rule 442 and Rule 446 are two of many rules specified by EPA as being deficient and requiring revision to meet the requirements of the 1988 SIP call and the CAAA. Section 182(a)(2)(A) of the Clean Air Act Amendments of 1990 (CAAA), set a deadline of May 15, 1991 for submitting corrections to the deficiencies found in the District's rules.[1]

The State of California submitted three rule revisions pursuant to section 182(a)(2)(A) for incorporation into its SIP on May 13, 1991. The submissions of Rules 442, Architectural Coatings, and 446, Storage of Petroleum Products, were determined to be complete, and California was so notified on July 10, 1991. These two rules are being proposed for limited approval in this notice. (The remaining rule is the subject of another notice.) Both of these rules provide for the regulation of VOCs—the architectural coatings rule by limiting

[1] The CAAA were enacted at Pub. L. No. 101–549, now codified at 42 U.S.C. 7401–7671q.

the VOC content of paints and other coatings and the petroleum storage rule by setting specifications for storage tank roofs and for openings in tank roof seals. VOCs contribute to the formation of ozone and smog in ground level air. The rules were adopted by the District in an effort to achieve the national ambient air quality standard for ozone which the District has so far exceeded. EPA's evaluation of these rules follows.

EPA Evaluation

The rules were evaluated against (1) section 110 and part D of the CAAA, (2) 40 CFR part 51, (3) the applicable CTGs and (4) the EPA document "Issues Relating to VOC Regulation Cutpoints, Deficiencies, and Deviations", Clarification to appendix D of November 24, 1987 **Federal Register** dated May 25, 1988 (herein called appendix D). Part D of the CAAA requires that a VOC rule provide, at a minimum, for the implementation of reasonably available control technology (RACT) for major stationary sources. EPA has published a series of Control Technique Guidelines (CTGs) for a variety of stationary sources which provide guidance on what constitutes RACT for the subject sources. The CTG that applies to Rule 446, Storage of Petroleum Products, is EPA–450/2–78–047, Control of Volatile Organic Emissions from Petroleum Liquid Storage in External Floating Roof Tanks. There is no CTG for architectural coatings. In general, the requirements set forth in all of these regulations and documents are intended to ensure that the rules are technically adequate, fully enforceable, and strengthen or maintain the SIP.

The rules meet the requirements specified in the above regulations and documents except where noted. The proposed limited approval of the rules is based on a strengthening of the SIP. Details of the evaluation and deficiencies identified can be found in the Technical Support Document for each rule.

Rule 442, Architectural Coatings

This rule regulates VOCs emitted from coatings applied to stationary structures, mobile homes, pavements and curbs. It limits VOC emissions by limiting the amount of VOC in the coatings. The rule represents a strengthening of the existing SIP by (1) deleting exemptions for several specialty coatings, (2) deleting an exemption for small business, and (3) identifying the test methods to be used for establishing compliance. The existing SIP rule had no specified test methods, making the rule difficult to enforce. However, there are a few remaining provisions that prevent EPA from fully approving the rule. These deficiencies involve the specification of several test methods not approved by EPA and allowance for the use of equivalent test methods. These deficiencies are not consistent with the guidelines set forth in Appendix D and may lead to rule enforceability problems. Despite these deficiencies, EPA believes that the overall revised rule will strengthen the SIP by regulating more coatings and sources. It is also more enforceable and should result in a further reduction of VOC emissions.

Rule 446, Storage of Petroleum Products

This rule regulates VOCs emitted during the storage of petroleum products in tanks with a capacity of 40,000 gallons or more. The rule sets specifications for various types of vapor controlling roofs including the seals. The District revised the rule to conform with the EPA CTG on petroleum storage tanks and has deleted two appendix D problems associated with unspecified alternate control systems. In addition, the test methods to be used for compliance determinations are specified. No test methods are given in the existing SIP. These changes will strengthen the rule but there is still a deficiency that prevents full approval of the rule by EPA.[2] That deficiency involves the use of alternate test methods for compliance determinations. The alternate test methods provision is not consistent with the guidance set forth in appendix D and may lead to rule enforceability problems. Despite this deficiency, EPA believes that the overall rule will strengthen the SIP because it contains tighter provisions and deletes Air Pollution Control Officer (APCO) discretion regarding alternative controls.

EPA Proposed Action

EPA has evaluated these rules for consistency with the CAAA, 40 CFR part 51, and EPA policies. The rules were found to be consistent with the requirements in the regulations and documents specified above except for the specific deficiencies identified above. Because of these deficiencies, EPA cannot give the revised rules full approval pursuant to section 110(k)(3) of the CAAA. Also, because the revised rules are not composed of separable parts meeting the requirements of the CAAA, EPA cannot grant partial approval of the rules under section 110(k)(3).

However, EPA may grant a limited approval under section 110(k)(3), in light of EPA's authority pursuant to section 301(a), to adopt regulations necessary to further air quality by strengthening the SIP. Thus, EPA is proposing a limited approval of Rules 442 and 446 under sections 110(k)(3) and 301(a) of the CAAA in order to strengthen the SIP. The approval is limited in the sense that the rules are not being fully approved under section 110(k)(3) and part D of the CAAA since they do not meet the section 182(a)(2)(A) requirements found under part D of the CAAA. In a future notice, within the time frame specified under section 110(k) of the CAAA, EPA will propose a limited disapproval for Rules 442 and 446 for not meeting part D requirements unless the State submits revisions which correct the part D deficiencies.

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.

Regulatory Process

Under 5 U.S.C. 605(b), I certify that this SIP revision 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 2 action by the Regional Administrator under the procedures published in the **Federal Register** on January 19, 1989 (54 FR 2214–2225). On January 6, 1989, the Office of Management and Budget waived Table 2 and 3 SIP revisions (54 FR 2222) from the requirements of Section 3 of Executive Order 12291 for a period of two years. On January 6, 1991, the Office extended this waiver for Table 2 and 3 SIP revisions.

List of Subjects in 40 CFR Part 52

Air pollution control, Ozone, Hydrocarbons, Reporting and recordkeeping requirements.

Authority: 42 U.S.C. 7401–7642.

Dated: October 17, 1991.

Nancy J. Marvel,

Acting Regional Administrator.

[FR Doc. 91–26645 Filed 11–4–91; 8:45 am]

BILLING CODE 6560–50–M

[2] The District rule does not have the provisions for riveted tanks which are specified by the CTG. However, since the District has no riveted tanks and expects none to be built because they are an obsolete design, the lack of provisions for riveted tanks is not considered a deficiency in this rule.

FEDERAL MARITIME COMMISSION

46 CFR Part 586

[Docket No. 91-24]

Actions to Adjust or Meet Conditions Unfavorable to Shipping in the United States/Korea Trade

AGENCY: Federal Maritime Commission.

ACTION: Notice of Proposed Rulemaking; Request for Additional Comment.

SUMMARY: On the basis of recent commitments made and agreements reached in the course of negotiations between the United States and Korea, and on the recommendations of the affected U.S.-flag carriers, the Federal Maritime Commission is holding further action in this proceeding in abeyance. The proposed rule would have imposed fees on Korea-flag vessels calling at U.S. ports, in response to apparent unfavorable conditions on trucking activity and rail access in the foreign oceanborne trade between the United States and Korea. The Commission will be soliciting further information relevant to these issues during 1992 in order to ensure the implementation of commitments already made and to monitor progress resulting from further discussions planned for 1992.

DATES: Further comments due February 3, 1992, and May 29, 1992; subsequent comment periods to be announced.

ADDRESSES: Send comments to: Joseph C. Polking, Secretary, Federal Maritime Commission, 1100 L Street, NW., suite 11101, Washington, DC 20573, (202) 523-5725.

FOR FURTHER INFORMATION CONTACT: Robert D. Bourgoin, General Counsel, Federal Maritime Commission, 1100 L Street, NW., suite 12225, Washington, DC 20573, (202) 523-5740.

SUPPLEMENTARY INFORMATION:

Background

The Federal Maritime Commission ("Commission") commenced this proceeding pursuant to section 19(1)(b) of the Merchant Marine Act, 1920, 46 U.S.C. app. 876(1)(b) ("Section 19"), by a June 7, 1991, Notice of Proposed Rulemaking, 56 FR 26361 ("Proposed Rule"), that would impose fees on Korean-flag vessels calling at U.S. ports. The action was proposed in response to apparent unfavorable conditions in the United States/Korea oceanborne trade ("Trade"). The Proposed Rule focused on two issues raised by U.S.-flag carriers operating in the Trade: rights to operate trucking in conjunction with intermodal movements, and ability to contract directly with the Korean National Railroads Administration ("KNRA") to gain access to rail transportation. The intended effect of the Proposed Rule was to adjust or meet unfavorable laws and regulations of the Republic of Korea ("ROK" or "Korea"), by imposing countervailing measures on Korean-flag carriers, specifically, a $100,000 per voyage fee against Hanjin Shipping Co., Ltd. ("Hanjin") and Hyundai Merchant Marine Co., Ltd. ("Hyundai") (collectively, the "Korean Carriers").

On July 8 and 9, 1991, maritime discussions were held in Seoul between U.S. and ROK governmental representatives. The Commission received from the U.S. Maritime Administration ("MARAD") a brief summary of the discussions as well as the Agreed Minutes of those meetings.[1] Although comments on the Proposed Rule were originally due August 2, 1991, the Commission granted a 45-day extension of time to comment, in response to a request by U.S.-carrier American President Lines, Ltd. ("APL"), which sought additional time in which to assess and obtain an interpretation of the Agreed Minutes.

The Agreed Minutes reflected that on the trucking issue, the ROK announced its "firm policy to open fully long-haul trucking to U.S. carriers," and the following measures as the "beginning steps":

- From August 1, 1991, licenses to issue to U.S. carriers to operate trucking in the city and port of Pusan;
- By December 31, 1992, licenses to operate in the province of Kyong-Sang Nam Do;
- By June 30, 1993, licenses to operate in the province of Kyong-Sang Buk Do.

These actions would reportedly open U.S.-carrier trucking operation authority to 40% of Korea's geographical area and 48% of Korea's container traffic. The Agreed Minutes state that bilateral consultations would be held "before June 30, 1992, to discuss the further steps that Korea would take with regard to liberalization of the long-haul trucking business for U.S. carriers."

The Agreed Minutes also provide that as of August 1, 1991, U.S. carriers may be licensed to contract directly with KNRA for cargo space on trains from Pusan to Seoul; by year's end, licenses will be issued to cover the Seoul-to-Pusan direction as well. The Agreed Minutes indicate that this route accounts for 99.7% of container cargo transported by rail. The ROK further made assurances of nondiscrimination in allocation of cargo space.[2]

Comments

Thirteen comments were submitted in response to the Proposed Rule. The U.S.-Flag Far East Discussion Agreement, FMC No. 203-010050 commented on behalf of APL and Sea-Land Service, Inc. ("U.S. Carriers"). Hanjin and Hyundai each also filed responses, as did the National Association of Stevedores ("NAS"), N.S. America Service, Inc., Service Merchandise, Chilewich Partners, International Paper, North Carolina State Ports Authority, Stevens Shipping & Terminal Company, Rocky Mountain Traders, Inc., Fashion Accessories Shippers Association, Inc., and Marine Terminals Corporation.

U.S. Carriers

The U.S. Carriers state that significant progress has been achieved and positive measures taken by the ROK which warrant the suspension of this proceeding, although they submit that further progress is necessary.

On the trucking issue, the U.S. Carriers contend that the ROK's commitments as of the July 1991 meetings do not go far enough. They argue that what is needed is a specific and complete timetable for the implementation of the ROK's expressed policy of liberalization, and that this timetable be agreed upon by both sides before June 30, 1992, the date set in the Agreed Minutes by which bilateral consultations would be held on further steps regarding trucking liberalization. The U.S. Carriers indicate that they hope to participate in the near future in joint ventures with Korean trucking companies in Korea-wide trucking, particularly between Seoul and Pusan. They applaud the concessions made to date as significant, but submit that they must be considered in the context of other obstacles which must be removed. The U.S. Carriers also advise that they will pursue as an "interim step" the right to handle U.S. military traffic between Pusan and Seoul, along with commercial bank-haul cargo.

The U.S. Carriers recommend that during the suspension of the proceeding, the Commission monitor ROK actions toward liberalization to ensure that no developments preclude or impede progress toward a timetable for full trucking authority. Should such adverse

[1] MARAD did not otherwise offer any opinion or comment on the Proposed Rule.

[2] The Agreed Minutes also addressed issues of container terminal and equipment ownership and operation, discriminatory port charges and automobile carriage. The Commission is interested in and will continue to monitor these issues, but they are not the subject of the instant proceeding.

developments occur, the U.S. Carriers urge that the proceeding be reactivated and sanctions reconsidered.

Citing the Agreed Minutes' indications of commitments to allow rail access, the U.S. Carriers express some disappointment that this liberalization is to be implemented by staggered steps between August and December 1991, rather than immediately. They state, however, that sanctions would not be effective, because a definite commitment has been made and the time period involved is short.

The U.S. Carriers alert the Commission to a possible complicating factor, the need to obtain a Bonded Transportation Permit ("BTP"), which they state is a potential bar to achieving meaningful concessions on rail access. Their concern is that as non-Koreans, they may not qualify to apply for a BTP. They state that they have advised MARAD of this possible obstacle, although any actual problems would not be consistent with assurances made at the July consultations that commitments of liberalization will not be frustrated, directly or indirectly, by other requirements or conditions.

The U.S. Carriers conclude that sanctions are not necessary and should be held in abeyance, inasmuch as they anticipate that significant progress will continue, and the "underlying purpose" of the Commission's Proposed Rule—*i.e.*, to stimulate a solution—is "well satisfied."

Hanjin

Hanjin's comment essentially points out the concessions made by the ROK at the July discussions, and maintains that the complaints of the U.S. Carriers have now been largely remedied. In the wake of such significant progress, Hanjin asserts, sanctions would be unwarranted and counterproductive.

Hanjin also argues that the Commission has in prior instances discontinued Section 19 and Foreign Shipping Practices Act of 1988 ("FSPA") proceedings on the basis of government commitments and actual substantial progress toward a resolution. Cited are recent Commission proceedings involving Japan and Taiwan as instances in which the Commission has allegedly established a standard for discontinuing a proceeding on the basis of substantial government concessions. To hold the ROK to a different standard would be discriminatory and arbitrary, Hanjin contends. Hanjin therefore urges that the Proposed Rule be withdrawn and the sanctions not imposed.

Hyundai

Hyundai too argues for discontinuance of the proceeding. It states that the unfavorable conditions cited in the Proposed Rule no longer exist as a result of the ROK liberalization decisions. This is the case as to the issues of container terminal and equipment ownership, as well as trucking and rail access, Hyundai asserts. Hyundai submits that the Commission's objectives have been met, and that the proceeding should not be merely suspended. A suspended Section 19 proceeding could allegedly be commercially harmful to the Korean Carriers. Hyundai believes that continued progress can be monitored through separate reporting requirements.

Other Comments

Only one commenter, N.S. America Service, Inc., a non-vessel-operating common carrier and customs broker, urges that the Commission proceed with sanctions, the writer noting his obligation as an American to request fair treatment for U.S. carriers.

The National Association of Stevedores explains that its stevedore and terminal operator members do business with Hanjin and Hyundai and would be harmed by penalties imposed on those carriers which would preclude them from operating as carriers. Instead, the NAS urges the Commission to craft reciprocal restrictions on the Korean Carriers, such as restrictions on trucking rights, rail access, and Korean carrier ownership and operation of marine terminals.

The other commenters all state that they rely on the services of (or perform services for) Hanjin and would be adversely affected were Hankin forced out of business. While none addresses the U.S. Carriers' operations in Korea, all request that the interests of U.S. entities in the United States be considered before imposing sanctions on Hanjin which would harm those interests.

Discussion

The Commission welcomes the movement and understandings resulting from the U.S.-ROK consultations, and is encouraged that further discussions are planned and progress expected. Hanjin and Hyundai contend that whatever problems may have existed in the Trade have now been corrected. However, we note that full rail access may not be operational until the end of December 1991, and nationwide trucking authority for U.S. Carriers remains several stages from completion. Thus, much of the "liberalization" which is said to have been achieved remains prospective in nature, and is contingent on the carrying out of commitments made in July 1991.

The Commission is particularly concerned that full and meaningful (*i.e.* Pusan to Seoul) trucking authority for the U.S. Carriers not be phased in over an unreasonably extended period of time. We are hopeful that the critical latter stages of a timetable for trucking liberalization will be satisfactorily addressed at consultations scheduled for June 1992 or before.

This is not to minimize the apparent substantial and commendable progress attributable to the ROK's endeavors toward removing these troublesome restrictions. Indeed, we concur with the advice of the U.S. Carriers that proceeding to a final rule appears not to be necessary at this time, in light of recent events. To impose sanctions, on what we hope is the eve of a more amicably achieved resolution, could be needlessly disruptive to the Trade and perhaps counterproductive given the efforts already underway.

Accordingly, we have determined to suspend further action in this proceeding, and to receive additional comment. Termination of the proceeding now would be premature. We do not accept the argument that failure to discontinue the proceeding will somehow disadvantage the Korean Carriers in their operations. On the other hand, holding the proceeding in abeyance would facilitate its prompt resumption should lack of progress or unmet commitments so require.

Nor does the Commission consider that withdrawal of the Proposed Rule, as urged by Hanjin, is mandated by the Commission's actions in proceedings involving other trades. Proceedings conducted under the FSPA are inapposite here because the time constraints dictated by that statute do not permit holding FSPA investigations in abeyance. Moreover, the concessions made in the proceedings cited by Hanjin were, when made, to be realized in shorter time periods and were more definite in nature than the ROK's commitment to meet by June 1992 to "discuss the further steps that Korea would take" with respect to long-haul trucking.

While the proceeding is held in abeyance, the Commission is determined to remain informed of ongoing and future developments, and to ensure that agreements reached via commercial or intergovernmental negotiations translate into actual easing of restrictions. To this end, further comment is solicited at various times during 1992. Interested parties,

particularly the U.S. and Korean Carriers, are requested to comment by February 3 1992, on the status of the U.S. Carriers' ability to contract directly with KNRA for cargo space on trains both from Pusan to Seoul and Seoul to Pusan, and also on the ability of the U.S. Carriers to engage in trucking operations in the city and port of Pusan. Further comment is solicited by May 29, 1992, apprising the Commission of any updates or additional information pertinent to this proceeding, including plans and prognoses for the U.S.-ROK consultations which both governments agree will be held before June 30, 1992. The May 29, 1992, date may be advanced by Commission notice should the Commission learn that those consultations will be held substantially earlier than now tentatively planned. Another comment period will be announced for approximately one month after the 1992 consultations.

The above-prescribe schedule is without prejudice to any interested party, independently of the schedule, to advise the Commission of any developments or events that might require more immediate Commission attention.

By the Commission.

Joseph C. Polking,

Secretary.

[FR Doc. 91-26569 Filed 11-4-91; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 91-311, RM-7828]

Radio Broadcasting Services; Felton, CA

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a petition for rule making filed on behalf of W. Robert Morgan, seeking the allotment of FM Channel 229A to Felton, California, as its first local aural broadcast service. Petitioner is requested to provide additional information to establish Felton's status as a community for allotment purposes. Coordinates for this proposal are 37-06-17 and 122-11-10.

DATES: Comments must be filed on or before December 23, 1991, and reply comments on or before January 7, 1992.

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: B. Jay Baraff and Lee J. Peltzman, Esqs., Baraff, Koerner, Olender & Hochberg, P.C., 5335 Wisconsin Avenue, NW., suite 300, Washington, DC 20015.

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. 91-311 adopted October 21, 1991, and released October 31, 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. 91-26672 Filed 11-4-91; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 91-310, RM-7829]

Radio Broadcasting Services; Fort Bragg, CA

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The document requests comments on a petition for rule making filed by Axell Broadcasting, licensee of Station KSAY(FM), Fort Bragg, California, seeking the substitution of FM Channel 253B1 for Channel 253A and modification of its license accordingly. Coordinates for this proposal are 39-28-03 and 123-45-34. 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 253B1 at Fort Bragg, or require the petitioner to demonstrate the availability of an additional equivalent class channel.

DATES: Comments must be filed on or before December 23, 1991, and reply comments on or before January 7, 1992.

ADDRESSES: Secretary, Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, as follows: Axell Broadcasting, Attn: Wade Axell, P.O. Box 2269, Fort Bragg, CA 95437.

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. 91-310, adopted October 21, 1991, and released October 31, 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. 91-26673 Filed 11-4-91; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 89-585, RM-7035, RM-7320]

Radio Broadcasting Services; Eatonton and Sandy Springs, GA, and Anniston and Lineville, AL

AGENCY: Federal Communications Commission.

ACTION: Proposed rule; denial of.

SUMMARY: This document dismisses the request of Steven D. King to allot Channel 262A to Eatonton, Georgia for lack of a valid expression of interest in the allotment (RM-7035). This document also denies a counterproposal filed by Emerald Broadcasting of the South, Inc., licensee of Station WHMA-FM, Channel 263C, Anniston, Alabama, to change the community of license of Channel 263C from Anniston to Sandy Springs, Georgia, downgrade the station to Channel 263C1, modify the license of Station WHMA-FM to specify the new community and channel, and allot Channel 264A to Lineville, Alabama, and Channel 261C3 to Anniston (RM-7320). See 55 FR 322 (January 4, 1990) and Supplementary Information, *infra*.

EFFECTIVE DATE: November 5, 1991.

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

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 89-585, adopted October 25, 1991, and released October 25, 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.

Although the proposed reallotment of Anniston Channel 263C to Sandy Springs as Channel 263C1 would result in a reduction of the current short spacing between the Anniston channel and Station WUSY, Channel 264C, Cleveland, Tennessee, a short spacing would remain between the Sandy Springs and Cleveland stations. Therefore, grant of this proposal would require a waiver of Commission Rule 73.207. A staff engineering analysis indicates that both the area and population within the contour overlap between the stations' 60 dBu and 54 dBu contours would increase were WHMA to move to Sandy Springs. The population potentially subject to interference could increase by as much as 27,399 persons. The potential for increased interference that would be created by grant of this proposal, therefore, presents a significant public interest detriment.

The staff also examined the record to determine whether Sandy Springs, which is located in the Atlanta Urbanized Area, is entitled to a first local transmission service preference, in light of the fact that Atlanta has more than one local transmission service. While Sandy Springs, which is approximately one-sixth the size of Atlanta, is clearly a community for allotment purposes, it is not sufficiently independent from Atlanta to warrant the grant of a first local service preference. Specifically, Sandy Springs is unincorporated and has no local government; Sandy Springs has been described as "Atlanta's second downtown"; the Sandy Springs Chamber of Commerce lists many of the public buildings and civic organizations in its community directory at Atlanta addresses; and Sandy Springs receives all municipal services from outside the community.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

Roy J. Stewart,

Chief, Mass Media Bureau.

[FR Doc. 91-26674 Filed 11-4-91; 8:45 am]

BILLING CODE 6712-01-M

INTERSTATE COMMERCE COMMISSION

49 CFR Part 1063

[Ex Parte No. MC-200]

National Bus Traffic Association, Inc.; Petition for Rulemaking, Special Transportation Arrangements for Passengers With Disabilities

AGENCY: Interstate Commerce Commission.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Commission proposes to delete regulations, governing transportation of passengers with disabilities, that have been rendered obsolete by enactment of the Americans with Disabilities Act of 1990 (Pub. L. No. 101-336) (ADA) and to revise other regulations to comport with the spirit of that legislation.

DATES: Comments are due December 5, 1991.

ADDRESSES: Send an original and 10 copies of comments, referring to Ex Parte No. MC-200, to: Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423.

FOR FURTHER INFORMATION CONTACT: Richard B. Felder, (202) 275-7691 or James L. Brown, (202) 275-7898 [TDD for hearing impaired: (202) 275-1721].

SUPPLEMENTARY INFORMATION: The Commission's decision contains additional information. To obtain a copy of the decision, write to, call, or pick up in person from: Office of the Secretary, room 2215, Interstate Commerce Commission, Washington, DC 20423. Telephone: (202) 275-7428. [Assistance for the hearing impaired is available through TDD services (202) 275-1721.]

Environmental and Energy Considerations

The proposed action will not significantly affect either the quality of the human environment or the conservation of energy resources.

Regulatory Flexibility Analysis

We preliminarily conclude that this proposal will have no significant negative impact on small businesses and other small organizations. All significant burdens that are relevant to the proposed action are imposed by statute in the ADA. The proposed amendment will eliminate conflicting, obsolete, and redundant regulations, dealing with matters now within the jurisdiction of the U.S. Department of Justice and the U.S. Department of Transportation. The requirements that are retained are proposed to be revised to comport with the spirit and letter of the ADA.

List of Subjects in 49 CFR Part 1063

Aged, Blind, Buses, Handicapped, Motor Carriers. Decided: October 21, 1991.

By the Commission, Chairman Philbin, vice Chairman Emmett, Commissioners Simmons, Phillips, and McDonald.

Sidney L. Strickland, Jr.,

Secretary.

For the reason set forth in the Preamble, title 49, Chapter X, part 1063, of the Code of Federal Regulations, is proposed to be amended as follows:

PART 1063—ADEQUACY OF INTERCITY MOTOR COMMON CARRIER PASSENGER SERVICE

1. The authority citation for part 1063 is proposed to be revised to read as follows:

Authority: 5 U.S.C. 553 and 559 and 49 U.S.C. 10102, 10321, 10701, 10702-10705, 10708, 10721, 10722, 10723, 10724, 10730, 10741, 10761, 10762, 10764, 10922, 11101, 11141-11145,

11701, 11702, 11707, 11708, 11901, 11904, 11906, 11909, 11910, and 11914.

2. Section 1063.8 is proposed to be revised to read as follows:

§ 1063.8 Transportation of passengers with disabilities.

(a) Service provided by a carrier to passengers with disabilities is governed by the provisions of 42 U.S.C. 12101 *et seq.*, and regulations promulgated thereunder by the Secretary of Transportation (42 CFR parts 27, 37, and 38) and the Attorney General (28 CFR part 36), incorporating the guidelines established by the Architectural and Transportation Barriers Compliance Board (36 CFR part 1191).

(b) Free transportation shall be provided for an attendant and/or a service animal accompanying a disabled passenger paying the full fare.

[FR Doc. 91-26554 Filed 11-4-91; 8:45 am]
BILLING CODE 7035-01-M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

RIN 1018-AB66

Endangered and Threatened Wildlife and Plants; Proposed Endangered Status for Scimitar-horned Oryx, Addax, and Dama Gazelle

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule.

SUMMARY: The Service proposes to determine endangered status for three species of antelopes: scimitar-horned oryx, addax, and dama gazelle. All occur in desert or semidesert habitat of the Sahara and Sahel regions of North Africa. All have declined drastically in recent decades through habitat deterioration and excessive hunting by people. This proposal, if made final, would implement the protection of the Endangered Species Act of 1973, as amended, for these species. Captive and free-roaming groups, outside of the natural ranges of the species, may be covered separately from natural populations in any final rule. Among the alternatives for such groups would be listing as endangered, as threatened with special regulations, or as threatened by reason of similarity of appearance. The Service seeks relevant data and comments from the public.

DATES: Comments must be received by March 4, 1992.

Public hearing requests must be received by December 20, 1991.

ADDRESSES: Comments and materials concerning this proposal should be sent to the Chief, Office of Scientific Authority; Mail Stop: Arlington Square, room 725; U.S. Fish and Wildlife Service; Washington, DC 20240. Comments and materials received will be available for public inspection, by appointment, from 8 a.m. to 4 p.m., Monday through Friday, in room 750, 4401 North Fairfax Drive, Arlington, Virginia 22203.

FOR FURTHER INFORMATION CONTACT: Dr. Charles W. Dane, Chief, Office of Scientific Authority, at the above address (phone 703-358-1708 or FTS 921-1708).

SUPPLEMENTARY INFORMATION:

Background

The scimitar-horned oryx (*Oryx dammah*), addax (*Addax nasomaculatus*), and dama gazelle a (*Gazella dama*) occur in the same general part of the world, and are confronted by similar problems, but are strikingly different in physical appearance (Dorst and Dandelot 1969; Harper 1945; Murray 1984; O'Regan 1984). *O. dammah* is a large, rather heavy antelope, standing about 47 inches (119 centimeters) at the shoulder and weighing around 450 pounds (204 kilograms). It is generally pale in color, but the neck and chest are dark reddish brown. The horns curve back in an arc and are up to 50 inches (127 centimeters) long. *A. nasomaculatus* is smaller and more chunky, standing about 42 inches (106 centimeters) at the shoulder and weighing around 220 pounds (100 kilograms). It has an overall grayish white color and its horns twist in a spiral up to 43 inches (109 centimeters) long. *G. dama* is usually smaller and is much more slender, having a shoulder height of about 39 inches (99 centimeters) and a weight around 160 pounds (72 kilograms). The upper parts of its body are mostly reddish brown, while the head, rump, and underparts are white. Its horns curve back and up, but reach a length of only about 17 inches (43 centimeters). The females of all three species resemble the males, but have somewhat less prominently developed horns.

The scimitar-horned oryx originally occurred in two bands of semidesert habitat to the north and south of the central Sahara. The northern range extended from Morocco and Western Sahara to Egypt, the southern from Senegal to Sudan (Ansel 1977). The addax was found continuously through both true desert and semidesert zones from Western Sahara and Mauritania to Egypt and Sudan (Ansell 1977). There are inconclusive reports suggesting that it also occurred in the Arabian Peninsula and some adjacent parts of southwestern Asia until the 19th century (Harper 1945). The dama gazelle ranged across desert and semidesert country from southern Morocco and Senegal to central Sudan (Gentry 1977).

Even in the early 20th century there was general recognition that these antelopes were declining in numbers and had been eliminated in much of their range. The main reason was hunting by native peoples for meat and hides. This problem was aggravated by the southward movement of refugees fleeing the Italian occupation of Libya in the 1920s and 1930s.

However, at that time each of the three species still was considered common in certain areas (Harper 1945). The situation deteriorated after World War II because of various factors, such as human population increase, usurpation and degradation of habitat by domestic livestock, natural drought and desertification, uncontrolled sport hunting, and the intensified use of motor vehicles and modern weapons in hunting (Newby 1988; Thornback 1978).

During the 1970s and 1980s the International Union for Conservation of Nature and Natural Resources (IUCN) classified the scimitar-horned oryx and addax, first as vulnerable and then as endangered. It also designated two subspecies of the dama gazelle, *G. dama lozanoi* of Western Sahara and *G. dama mhorr* of Morocco, as endangered, and subsequently classified the entire species *G. dama* as vulnerable. In 1975 the scimitar-horned oryx and addax were placed on Appendix II of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES). In 1983 those two species, together with *G. dama*, were put on Appendix I. The subspecies *G. dama lozanoi* and *G. dama mhorr* have been classified as endangered by the U.S. Fish and Wildlife Service (Service) since 1970. In conjunction with an effort to establish closer alignment between the ESA List and the CITES Appendices, as well as to extend proper recognition and protection to foreign species of concern, the Service now proposes to determine endangered status for the entire species *Gazella dama*, *Addax nasomaculatus*, and *Oryx dammah*.

The proposal applies to all individuals of each species, but reflects primarily an assessment of wild populations remaining in their natural ranges. There are also known to be large breeding groups of each species in captivity or in a free-roaming condition outside of the natural ranges, especially of the addax and scimitar-horned oryx in the United

States. The Service encourages submission of data on the current and potential status of these groups. Depending in part on such information (or the lack thereof), the Service, at the time of any final rule, may decide to treat these groups in a manner differently from the natural populations, or may postpone any decision thereon. Among the alternatives for such groups would be listing as endangered, as threatened with special regulations, or as threatened by reason of similarity of appearance.

Summary of Factors Affecting the Species

Section 4(a)(1) of the Endangered Species Act (16 U.S.C. 1531 *et seq.*) and regulations (50 CFR part 424) promulgated to implement the listing provisions of the Act set forth the procedures for adding species to the Federal lists. A species may be determined to be endangered or threatened due to one or more of the five factors described in Section 4(a)(1). These factors and their application to the scimitar-horned oryx (*Oryx dammah*), addax (*Addax nasomaculatus*), and dama gazelle (*Gazella dama*) are as follows:

A. The present or threatened destruction, modification, or curtailment of its habitat or range

These three antelopes originally occupied much the same general region of North Africa, and their problems and consequent declines have corresponded closely. The situation was discussed in detail by Newby (1988), with emphasis on the scimitar-horned oryx. Historically, that species occurred in a narrow strip of dry country between the Sahara Desert and the Mediterranean Sea, and also to the west between the Sahara Desert and the Atlantic Ocean, but the largest populations were in the Sahel, a broad zone of semiarid grassland and savannah to the south of the Sahara. In this harsh habitat, the oryx survived by moving about in response to the scattered rainfall that yielded the water and forage needed by the species. A natural process of desertification has been underway for several thousand years, and in response, the range of the oryx generally has been contracting. This trend was punctuated recently by a number of particularly severe droughts—in the 1940s, 1968–1973, 1976–1980, and 1983–1984—that resulted in the disappearance of large areas of Sahelian and Saharan pasture. New studies by Tucker, Dregne, and Newcomb (1991) indicate that the southern boundary of the Sahara Desert was approximately 80 miles (130 kilometers) farther south in 1990 than it had been in 1980, but also that the desert has retreated somewhat since reaching a maximum expansion in 1984.

Human exploitation of the oryx, and usurpation of its habitat, was underway even in Roman times, especially in the northern sector of the range of the species, and continued unabated through successive periods. *O. dammah* was extirpated from the fringes of its range, in Egypt and Senegal, during the 1850s. By the 1950s it also had disappeared from Burkina Faso, Libya, Morocco, and Tunisia, and was no longer present in the entire northern sector of its original range.

Nonetheless, in the 1960s the scimitar-horned oryx still occurred in a more or less continuous stretch of the Sahel through Western Sahara, Mauritania, Mali, southern Algeria, Niger, Chad, and Sudan. Subsequently, however, its status deteriorated drastically as its remnant habitat was occupied and fragmented by people. There was a decline in traditional nomadism and the growth of permanent farming in the region, often with consequent exclusion of native wildlife and elimination of natural vegetation through poor land-use practices. The consequent establishment of vast herds of domestic livestock led to usurpation of foreage, overgrazing, erosion, and accelerated desertification. Thus, there was a tendency for the oryx to be restricted to marginal habitat. Meanwhile, there was increasing military activity, construction, and mining in the region, together with the proliferation of all-terrain vehicles and firearms. Civil wars in Chad and Sudan contributed to the uncontrolled hunting and harassment of the last large oryx populations. In the late 1970s, *O. dammah* was estimated to number about 6,000 individuals, at least 5,000 of which were in Chad and the rest of which were split into separate groups in other countries. By the mid-1980s there were only a few hundred left in the wild, with the only known viable groups being in Chad. Estes (1989) estimated numbers in Chad at up to 200, and indicated that a very few animals might survive in Sudan and Mauritania.

The decline of the addax has closely paralleled that of the oryx. However, the addax is able to utilize waterless areas in the very heart of the Sahara Desert; it thus is less susceptible than is the oryx to human habitat disturbance and competition with domestic livestock. According to Harper (1945), the range of the addax extended throughout the Sahara region in the 19th century, and even in the 1920s the species was reported to occur in "immense herds" north of Lake Chad. By that period, however, the addax was becoming rare in some other areas through excessive hunting. Thornback (1978) indicated that the last permanent populations of addax disappeared from Tunisia in 1885, Egypt about 1900, northern Algeria in 1920–1922, Western Sahara in 1942, and Libya in 1949. In the 1970s there were an estimated 2,500 individuals in Chad, and also substantial numbers in Mauritania, Mali, southern Algeria, Niger, and Sudan. Newby and Magin (1989) reported that the addax had disappeared almost throughout its original range and that a group of 50–200 individuals in northeastern Niger might represent the last viable wild population, but that a series of years with good rainfall in the late 1980s might have improved the situation. Estes (1989) noted that there also were an estimated 200 animals still in Chad, fewer than 50 in Mali, and possibly a few in remote parts of Algeria, Sudan, and Egypt.

Being able to utilize both semidesert and desert habitats, and being smaller than the addax and oryx, the dama gazelle has proved somewhat less susceptible to human pressure than are the other two species. Nonetheless, it seems to be following the others towards extinction, and for the same basic reasons. Gentry (1977) noted that even several decades ago it was declining through industrial, military, and other human activity. Thornback (1978) indicated that the subspecies *Gazella dama lozanoi* of Western Sahara had declined to only about 50 individuals, because of extensive hunting and habitat degradation, and that *G.d. mhorr* of Morocco also was dangerously near extinction, its habitat having been occupied by people and domestic livestock. Spinage (1986) stated that the entire species *G. dama* had been greatly reduced in numbers in most parts of its range. Newby (1987) recommended that the species be classified as endangered, observing that it "now virtually only inhabits the somewhat typical fringes of its former Sahelo-Saharan range." Estes (1989) published the following status summary: "Numbers in the wild are unknown, but are unlikely to be less than a few hundred or more than a few thousand. * * * Eliminated from much of its range on the southern fringe of the Sahara by uncontrolled hunting, competition with domestic livestock for forage, and the effects of persistent drought. Small numbers survive in most of the eight countries of sub-Saharan Africa within its historical range."

B. Overutilization for commercial, recreational, scientific or educational purposes

As already indicated, hunting by people has been one of the major factors in the decline of all three species of antelopes. Both the scimitar-horned oryx and addax are large, heavy species, and the addax in particular is relatively slow for an antelope. The dama gazelle, while smaller than the other two, is still the largest of the true gazelles and is a valued game animal (Spinage 1986).

Harper (1945) related that during the Middle Ages the oryx was so common in the western Sahara that a local king is said to have sent a gift of 1,000 shields made from its hide. The addax also was prized for its hide, meat, and horns. Writing of the period prior to World War II, Harper emphasized that while sometimes machine-gunned by European military personnel, both oryx and addax were jeopardized primarily by local hunting by native tribes. He added that the dama gazelle had been extirpated whenever people had become established.

Thornback (1978) suggested that hunting still was a critical problem for the three species. "Ruthless hunting by local inhabitants, expatriates and military personnel" was said to remain the major factor contributing to the decline of the addax. Newby and Magin (1989) noted that poaching of the addax by military personnel was widespread, though this problem was being reduced.

According to Newby (1988), until very recently the oryx was not only an important source of meat for local consumption, but also supplied an important trade in leather products. Nomads still regard oryx hide as having a superior quality, suitable for ropes, harnesses, storage sacks, and all manner of goods. Oryx hunting was the major activity of a number of Sahelo-Saharan tribes. Traditional hunting methods—involving spears, bows, nets, and dogs—had little overall effect. Permanent settlements and more persistent, modern hunting procedures had far greater impact. The spread of mining and industrial activity in the Sahara, the conducting of military operations, and the proliferation of firearms and all-terrain vehicles made the antelopes much more accessible to hunting. Tourists as well, avid for adventure and snapshots, pursued oryx and addax in vehicles, finally leaving the animals to die of heat exhaustion.

An important new problem has been the arrival of non-resident sport hunters. Traveling in large motorized caravans and equipped with automatic rifles, these parties have ignored local laws and devastated the wildlife of Sudan, Algeria, and Morocco, and currently are concentrating their attention in Mali and Niger. Summarizing the situation, Newby (1990) stated: "Once the home of * * * gazelle, addax, scimitar-horned oryx * * * the sub-desert rangelands of the Sahel are now virtually empty. Little has escaped the ravages of the past decades—drought, desertification, over-hunting, competition for pasture. Now the Sahelian nations are seeing the remains of their once abundant fauna squandered to satisfy the whims of a privileged and irresponsible minority."

C. Disease or predation.

Not now known to be general problems.

D. The inadequacy of existing regulatory mechanisms.

The scimitar-horned oryx, addax, and dama gazelle are on appendix I of CITES and receive legal protection in most of the countries where they occur. These measures are difficult to enforce in the remote regions involved and seem to have had a negligible effect in preventing the intensive hunting and habitat disruption that are the main problems confronting the species. Newby (1990) suggested that the Sahelian nations have found it difficult to withstand the pressure from the powerful outside interests that now are carrying out excessive hunts in the region.

E. Other natural or manmade factors affecting its continued existence.

It should be reemphasized that wildlife living in a harsh environment, and subject to severe natural pressures, is especially vulnerable when human factors compound the situation. Newby (1988) observed: "The effect of drought and desertification on aridland wildlife in general, and on the Oryx and Addax in particular, has been catastrophic: fewer and smaller winter pastures, rarefaction of dry-season grazing, loss of shade and depletion of vital sources of organic water. By the hot season, Oryx and Addax are severely weakened, some die of hunger, others of thirst or disease. Reproduction is disrupted or curtailed entirely, calves are aborted or abandoned at birth. In the search for grazing, the wildlife is driven south prematurely and onto land occupied by herders or farmers on the northern edge of the agricultural zone."

The decision to propose endangered status for the scimitar-horned oryx, addax, and dama gazelle was based on an assessment of the best available scientific information, and of past, present, and probable future threats to the species. All three of these antelopes have experienced substantial declines in population numbers and/or suitable habitat in recent years, and are vulnerable to human exploitation and disturbance. If suitable conservation measures are not impelemented, further declines are likely to occur, increasing the danger of extinction for these mammals. Critical habitat is not being determined, as such designation is not applicable to foreign species.

Available Conservation Measures

Conservation measures provided to species listed as endangered or threatened pursuant to the Act include recognition, recovery actions, requirements for Federal protection, and prohibitions against certain practices. Recognition through listing encourages conservation measures by Federal, international, and private agencies, groups, and individuals. Section 7(a) of the Act, as amended, and as implemented by regulations at 50 CFR Part 402, requires Federal agencies to evaluate their actions that are to be conducted within the United States or on the high seas, with respect to any species that is proposed or listed as endangered or threatened and with respect to its proposed or designated critical habitat (if any). Section 7(a)(2) requires Federal agencies to ensure that activities they authorize, fund, or carry out are not likely to jeopardize the continued existence of a listed species or to destroy or adversely modify its critical habitat. If a proposed Federal action may affect a listed species, the responsible Federal agency must enter into formal consultation with the Service. No such actions are currently known with respect to the species covered by this proposal.

Section 8(a) of the Act authorizes the provision of limited financial assistance for the development and management of programs that the Secretary of the Interior determines to be necessary or useful for the conservation of endangered species in foreign countries. Sections 8(b) and 8(c) of the Act authorize the Secretary to encourage conservation programs for foreign endangered species, and to provide assistance for such programs, in the form of personnel and the training of personnel.

Section 9 of the Act, and implementing regulations found at 50 CFR 17.21, set forth a series of general prohibitions and exceptions that apply to all endangered wildlife. These prohibitions, in part, make it illegal for any person subject to the jurisdiction of the United States to take, import or

export, ship in interstate commerce in the course of commercial activity, or sell or offer for sale in interstate or foreign commerce any endangered wildlife. It also is illegal to possess, sell, deliver, transport, or ship any such wildlife that has been taken in violation of the Act. Certain exceptions apply to agents of the Service and State conservation agencies.

Permits may be issued to carry out otherwise prohibited activities involving endangered wildlife under certain circumstances. Regulations governing permits are codified at 50 CFR 17.22 and 17.23. Such permits are available for scientific purposes, to enhance propagation or survival, or for incidental take in connection with other such lawful activities. In some instances, permits may be issued during a specified period of time to relieve undue economic hardship that would be suffered if such relief were not available.

Public Comments Solicited

The Service intends that any final rule adopted will be accurate and as effective as possible in the conversation of endangered or threatened species. Therefore, comments and suggestions concerning any aspect of this proposed rule are hereby solicited from the public, concerned governmental agencies, the scientific community, industry, private interests, and other parties. Comments particularly are sought concerning the following:

(1) Biological, commercial, or other relevant data concerning any threat (or lack thereof) to the subject species;

(2) The location of any additional populations of the subject species;

(3) Additional information concerning the distribution of these species;

(4) Current or planned activities in the involved areas, and their possible effect on the subject species; and

(5) Status, location, and potential viability of captive and free-roaming groups of the subjects species outside of their natural ranges.

Final promulgation of the regulations on the subject species will take into consideration the comments and any additional information received by the Service, and such communications may lead to adoption of final regulations that differ from this proposal. In particular, the Service may decide to treat certain captive and free-roaming groups of the subject species in a manner differently from remaining natural populations, or may postpone any decision thereon. Among the alternatives for such groups would be listing as endangered, as threatened with special regulations, or as threatened by reason of similarity of appearance.

The Endangered Species Act provides for a public hearing on this proposal, if requested. Requests must be filed within 45 days of the date of the proposal, should be in writing, and should be directed to the party named in the above "ADDRESSES" section.

National Environmental Policy Act

The Service has determined that an Environmental Assessment, 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, as amended. A notice outlining the Service's reasons for this determination was published in the **Federal Register** of October 25, 1983 (48 FR 49244).

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Tucker, C.J. H.E. Dregne, and W.W. Newcomb. 1991. Expansion and contraction of the Sahara Desert from 1980 to 1990. Science 253:299–301.

Author

The primary author of this proposed rule is Ronald M. Nowak, Office of Scientific Authority, U.S. Fish and Wildlife Service, Washington, DC 20240 (703–358–1708 or FTS 921–1708).

List of Subjects in 50 CFR Part 17

Endangered and threatened species, Exports, Imports, Reporting and recordkeeping requirements, Transportation, and Wildlife.

Proposed Regulations Promulgation

PART 17—[AMENDED]

Accordingly, it is hereby proposed to amend part 17, subchapter B of chapter I, title 50 of the Code of Federal Regulations, as set forth below:

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. It is proposed to amend § 17.11(h) by removing the entries under MAMMALS for the "Gazelle, Mhorr/*Gazella dama mhorr*" and the "Gazelle, Rio de Oro Dama/*Gazella dama lozanoi*" and by adding the following, in alphabetical order under MAMMALS, to the List of Endangered and Threatened Wildlife:

§ 17.11 Endangered and threatened wildlife.

* * * * *

(h) * * *

Species		Historic range	Vertebrate population where endangered or threatened	Status	When listed	Critical habitat	Special rules
Common name	Scientific name						
Mammals:							
Addax	*Addax nasomaculatus*	North Africa		E		NA	NA entire
Gazelle, dama	*Gazella dama*	North Africa		E	3,	NA	NA entire
Oryx, scimitar-horned	*Oryx dammah*	North Africa		E		NA	NA entire

Dated: September 30, 1991.

Richard N. Smith,

Acting Director.

[FR Doc. 91-26911 Filed 11-4-91; 8:45 am]

BILLING CODE 4310-55-M

Notices

Federal Register
Vol. 56, No. 214
Tuesday, November 5, 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 COMMERCE

Bureau of Export Administration

Semiconductor Technical Advisory Committee; Partially Closed Meeting

A meeting of the Semiconductor Technical Advisory Committee will be held November 21, 1991, 9 a.m., Herbert C. Hoover Building, Room 1617–F, 14th Street and Constitution Avenue, NW., Washington, DC. The Committee advised the Office of Technology and Policy Analysis with respect to technical questions which affect the level of export controls applicable to semiconductors and related equipment or technology.

Agenda: General Session

1. Opening Remarks by the Commerce Representative.
2. Introduction of Members and Visitors
3. Election of TAC Chairman.
4. Structure of TAC and Working Groups.

Executive Session

5. Discussion of matters properly classified under Executive Order 12356, dealing with the U.S. and COCOM control programs and strategic criteria related thereto.

The General Session of the meeting will be open to the public and a limited number of seats will be available. To the extent time permits, members of the public may present oral statements to the Committee. Written statements may be submitted at any time before or after the meeting. However, in order to facilitate distribution of public presentation materials to the Committee members, the Committee suggests that you forward your public presentation materials or comments at least one week before the meeting to the address listed below: Ms. Ruth D. Fitts, Technical Advisory Committee Unit, OTPA/EA/BXA, Room 1621, U.S. Department of Commerce, 14th & Constitution Avenue, NW, Washington, DC 20230.

The Assistant Secretary for Administration, with the concurrence of the delegate of the General Counsel, formally determined on January 5, 1990, pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, that the series of meetings or portions of meetings of the Committee and of any Subcommittees thereof, dealing with the classified materials listed in 5 U.S.C. 552(c)(1) shall be exempt from the provisions relating to public meetings found in section 10(a)(1) and (a)(3), of the Federal Advisory Committee Act. The remaining series of meetings or portions thereof will be open to the public.

A copy of the Notice of Determination to close meetings or portions of meetings of the Committee is available for public inspection and copying in the Central Reference and Records inspection Facility, room 6628, U.S. Department of Commerce, Washington, DC. For further information or copies of the minutes call Ruth D. Fitts, 202–377–4959.

Dated: October 28, 1991.

Betty A. Ferrell,

Director, Technical Advisory Committee Unit, Office of Technology and Policy Analysis.

[FR Doc. 91–26665 Filed 11–4–91; 8:45 am]

BILLING CODE 3510–DT–M

International Trade Administration

[A–570–813]

Preliminary Determination of Sales at Less Than Fair Value: Refined Antimony Trioxide From the People's Republic of China

Editorial Note: The document set forth below was originally published at 56 FR 50849, October 9, 1991, and is reprinted because of typesetting errors.

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

EFFECTIVE DATE: October 9, 1991.

FOR FURTHER INFORMATION CONTACT: Julie Anne Osgood or Carole Showers, Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 377–0167 and 377–3217, respectively.

Preliminary Determination:

The Department preliminarily determines that refined antimony trioxide from the People's Republic of China ("PRC") is being, or is likely to be, sold in the United States at less than fair value, as provided in section 733 of the Tariff Act of 1930, as amended ("the Act") (19 U.S.C. 1673b). The estimated margin is shown in the "Suspension of Liquidation" section of this notice.

Case History

Since the publication of the notice of initiation on May 22, 1991 (55 FR 23549), the following events have occurred. On May 22, 1991, we sent a letter to the Embassy of the PRC and petitioners requesting that they address the issues of: (1) Whether we should continue to treat the PRC as a nonmarket economy country, or (2) whether available information would permit the Department to determine foreign market value under section 773(a) of the Act. On May 31, 1991, petitioners submitted comments concerning the treatment of the PRC as a nonmarket economy country for purposes of this investigation.

On June 10, 1991, the International Trade Commission ("ITC") made a preliminary determination that there is a reasonable indication that an industry in the United States is threatened with material injury by reason of imports of such merchandise that are allegedly sold in the United States at less than fair value.

On June 17, 1991, counsel for China National Nonferrous Metals Import and Export Corporation ("CNIEC") requested that we limit our investigation to exports made by CNIEC because CNIEC's exports represent a large percentage of the exports to the United States. We denied this request because of the presumption of central control with respect to CNIEC and China National Metals Import and Export Corporation ("China Minmetals"), another PRC exporter of refined antimony trioxide. The Department viewed CNIEC and China Minmetals as presumptively constituting a "single exporter." Consistent with Department policy, we required that both CNIEC and China Minmetals report all their sales to the United States. On August 13, 1991, counsel for respondents requested that the Department not require the Stibium Products Refinery in Yiyang, Hunan ("Yiyang") to provide factors of production information. We determined that Yiyang was a significant supplier of merchandise for export to the United

States. Therefore, we sent a factors questionnaire to Yiyang.

In letters to the Department, petitioners have argued that (1) There are additional manufacturers in the PRC of refined antimony trioxide which is exported to the United States, (2) the Department should issue questionnaires to the additional PRC producers and to the exporters of those products, and (3) the Department must consider whether the two exporters identified in this investigation account for 60 percent of U.S. sales, pursuant to 19 CFR 353.42(b).

Respondents have indicated in letters to the Department that there are four joint ventures located in Southern China that exported refined antimony trioxide to Hong Kong and the Netherlands under license from the Guangdong Provincial Trade Administration during the period of investigation ("POI"). Respondents maintain that two of the companies do not know the final destination of the refined antimony trioxide after it is shipped to Hong Kong and that a third company ships to Hong Kong on the basis of a compensation trade project. The two companies which claim no knowledge of destination have submitted certified statements to that effect. Therefore, respondents argue that these companies' exports should be considered exports to third countries. Furthermore, respondents have argued that CNIEC and China Minmetals represent over 60 percent of the sales during the POI, and that the four joint ventures need not be included in the investigation to obtain adequate coverage.

We received comments from petitioners and respondents with respect to these issues on July 31, August 26 and 29, 1991, and August 23, 27 and 30, 1991, respectively.

As noted, two PRC joint venture companies submitted certifications indicating their lack of knowledge of the ultimate destination of their merchandise at the time of sale to Hong Kong trading companies. For this reason, the Department considers the sales by these two companies to be third country, as opposed to U.S. sales and, hence, not requiring a questionnaire response. The Department has no reason to believe that the third joint venture company's sales to the Netherlands are ultimately destined for the United States; thus we did not require the company that made those sales to respond to our questionnaire.

On September 11, 1991, the Department determined that, based on U.S. import statistics and respondents' export statistics for the POI, CNIEC and Minmetals account for most, if not all, imports from the PRC during the POI. Thus, we determined that it is reasonable to assume that any sales made by the fourth PRC joint venture company would have very little effect, if any, on our dumping calculations. Therefore, we have not issued a questionnaire to this PRC producer. Nor have we issued questionnaires to the Hong Kong exporters which purchased from any of the joint venture companies. (See Memorandum from Francis J. Sailer to Eric I. Garfinkel, dated September 11, 1991, on file in Room B-099 of the Main Commerce Building.)

On September 13, 1991, and September 18, 1991, Xikuangshan and Yiyang, respectively, submitted their domestic costs for raw material factor inputs, labor, and electricity. Respondents claim that prices for these inputs are not subject to state control. (See Foreign Market Value section below.)

Separate Rates

In their August 20, 1991, submission and in subsequent filings with the Department, respondents have argued that separate, company-specific rates should be calculated in this investigation. As stated in the Final Determination of Sales at Less than Fair Value: Sparklers from the People's Republic of China ("Sparklers"), 56 FR 20588 (May 6, 1991), we will issue separate rates if a respondent can demonstrate both a *de jure* and *de facto* absence of central control. Evidence supporting, though not requiring, a finding of *de jure* absence of central control would include: (1) An absence of restrictive stipulations associated with an individual exporter's business and export licenses; and (2) any legislative enactments devolving central control of export trading companies. Evidence supporting a finding of *de facto* absence of central control with respect to exports would include: (1) Whether each exporter sets its own export prices independently of the government and other exporters; and (2) whether each exporter can keep the proceeds from its sales.

The Department questions whether it is appropriate to consider the issue of separate, company-specific rates for trading companies which are under the authority of the Ministry of Foreign Economic Relations and Trade ("MOFERT") and China's State Council. Further, because it is a strategic raw material, refined antimony trioxide is a category one product. Moreover, even if we were persuaded that under these circumstances CNIEC and China Minmetals could justify a claim for separate rates the evidence in the record does not support a finding that CNIEC and China Minmetals are entitled to separate rates under the test articulated above. (For our analysis of the information in the record, *see* the staff memorandum dated October 3, 1991, on file in Room B-099 of the Main Commerce Building.)

Unlike earlier cases, where we found central control was devolving to local trading companies, with respect to production and exportation of refined antimony trioxide, it appears that central control is being reinstated or at least maintained. Cf. Preliminary Determination of Sales at Less than Fair Value Oscillating Fans and Ceiling Fans from the People's Republic of China, 56 FR 25664 (June 5, 1991) and Sparklers. Also, in contrast to earlier cases, refined antimony trioxide has floor prices that are being set either by MOFERT or the Chinese Refined Antimony Trioxide Industry. Therefore, for purposes of the preliminary determination, we have calculated a country-wide rate. However, we are seeking additional information from respondents with respect to this issue.

Scope of the Investigation

The product covered by this investigation is refined antimony trioxide (also known as antimony oxide) from the PRC. Refined antimony trioxide is a crystalline powder of the chemical formula Sb203, currently classifiable under subheading 2825.80.00 of the Harmonized Tariff Schedule (HTS). Refined antimony trioxide includes blends with organic or inorganic additives comprising 20 percent or less of the blend by volume or weight. Crude antimony trioxide (antimony trioxide having less than 98 percent Sb203) is excluded. Although the HTS subheading is provided for convenience and customs purposes, our written description of the scope of this proceeding is dispositive.

Period of Investigation

The period of investigation is November 1, 1990, through April 30, 1991.

Fair Value Comparisons

To determine whether sales of refined antimony trioxide from the PRC to the United States were made at less than fair value, we compared the United States price ("USP") to the foreign market value ("FMV"), as specified in the "United States Price" and "Foreign Market Value" sections of this notice.

United States Price

For China Minmetals, we based United States price on purchase price

where sales were made directly to unrelated parties prior to the date of importation into the United States, in accordance with section 772(b) of the Act. We used purchase price as defined in section 772 of the Act, both because refined antimony trioxide was sold to unrelated purchasers in the United States prior to importation into the United States, and because exporter's sales price ("ESP") methodology was not indicated by other circumstances.

For CNIEC and China Minmetals, where sales to the first unrelated purchasers took place after importation into the United States, we based United States price on ESP, in accordance with section 772(c) of the Act.

We made no adjustments to United States price or FMV for selling expenses. To have made such an adjustment to FMV would have required an arbitrary division of the surrogate country producer's selling expenses into amounts for direct, indirect, and other general and administrative expenses. (See Foreign Market Value section below.) Alternatively, to reduce ESP for selling expenses without making corresponding adjustments to FMV would have resulted in an unfair and unreasonable inflation of any differences between ESP and FMV.

A. China Minmetals

For China Minmetals, we calculated both purchase price and ESP based on packed, FOB, CIF or EX-Dock prices to unrelated customers in the United States. We made deductions, where appropriate, for foreign inland freight, ocean freight, marine insurance, U.S. brokerage and handling, U.S. duty, and U.S. terminal charges. We did not make an adjustment for foreign inland insurance, as reported by respondent, because we were unable to obtain a value for this factor from either surrogate country.

B. CNIEC

For CNIEC, we calculated ESP based on packed, ex-warehouse, FOB, or delivered prices to unrelated customers in the United States. We made deductions, where appropriate, for foreign inland freight, ocean freight, marine insurance, U.S. duty, U.S. inland freight, U.S. drayage, and U.S. port charges. We did not make an adjustment for foreign inland insurance, again because we were unable to obtain a value for this factor from either surrogate country.

Foreign Market Value

Section 773(c)(1) of the Act provides that the Department shall determine FMV using a factor of production methodology if (1) the merchandise is exported from a nonmarket economy country, and (2) the information does not permit the calculation of FMV using home market prices, third country prices, or constructed value under section 773(a) of the Act.

In past cases (e.g., Final Determination of Sales at Less than Fair Value: Chrome-Plated Lug Nuts from the People's Republic of China ("Lug Nuts"), 56 FR 46153 (September 10, 1991) and Sparklers) and indeed in every case conducted by the Department, the PRC has been treated as a nonmarket economy country.

In *Lug Nuts*, we recognized that for certain inputs into the production process, market forces may be at work despite the fact that the exporting country may otherwise be considered a nonmarket economy. Specifically, in *Lug Nuts*, we determined whether particular inputs were market-driven by analyzing the extent to which each factor input is state-controlled.

As a result of the final decision in *Lug Nuts* with respect to input prices, respondents in this investigation, Xikuangshan Antimony Trioxide Refinery ("Xikuangshan") and Yiyang, have claimed that the prices of raw material, labor, and energy inputs are not subject to state control. In this regard, respondents have submitted all input costs for the record.

Petitioners argue that while the Department used an actual producer's cost for steel and chemicals in *Lug Nuts*, this methodology would be inappropriate for the producers of refined antimony trioxide. Petitioners argue that there is no evidence in the record to suggest that a single factor of production in the manufacture of refined antimony trioxide in the PRC is obtained at a cost which reflects free market prices.

We agree with petitioners that for purposes of this preliminary determination, we do not have sufficient information to determine whether there is a lack of state control with respect to Xikuangshan and Yiyang's input costs. However, because *Lug Nuts* was only recently decided, we are issuing an additional questionnaire to allow respondents the opportunity to submit information with respect to their input prices.

Accordingly, the Department has preliminarily determined FMV on the basis of factors of production utilized in producing the subject merchandise, valued in market economy countries, as discussed below.

Surrogate Country

Section 773(c) of the Act requires the Department to value the factors of production, to the extent possible, in one or more market economy countries that are at a level of economic development comparable to that of the nonmarket economy country, and that are significant producers of comparable merchandise. The Department has determined that Bolivia and Thailand are the only two countries that fulfill both requirements outlined in the statute. We have determined that in terms of economic development, Bolivia and Thailand are, overall, equally comparable to the PRC. Also, both countries are significant producers of crude antimony trioxide, a comparable product to the merchandise produced in China.

We were not able to obtain all factor prices required from either Bolivia or Thailand. Therefore, we have used the values for the factors of production from both countries.

Data on the values of the factors of production were obtained from the U.S. Embassy in Bolivia and the published, publicly available source, "Foreign Trade Statistics of Thailand." Where appropriate, the factor values were inflated to POI levels using wholesale price indices published by the International Monetary Fund.

To value antimony concentrate, the main input into refined antimony trioxide, we have used a POI average of prices for the Chinese concentrate traded internationally as reported in the London Metals Bulletin ("LMB"). The LMB lists three different prices for antimony concentrates. We have used the LMB price for Chinese antimony concentrates, as best information, because this most accurately reflects the impurity levels of the antimony concentrate used by respondents. Information was not available that would have allowed us to adjust the LMB prices for non-Chinese material to account for the different levels of impurities. Should such information of a reliable nature become available, we will consider using it for purposes of the final determination.

To calculate FMV, the reported factors of production were multiplied by the appropriate Bolivian or Thai values for the various components. The factors used to produce refined antimony trioxide include materials, labor, and energy.

We used the labor rates provided by the U.S. Embassy in Bolivia because these rates are specific to the antimony trioxide industry. We used a percentage

for factory overhead based on Bolivian producer experience. We then added an amount for selling, general and administrative expenses, profit, and packing based on Bolivian producer experience to arrive at a constructed FMV of one metric ton of refined antimony trioxide.

There are two by-products created from the production of refined antimony trioxide. We have adjusted the per metric ton cost of manufacture for only one of these by-products. We have not adjusted for the other by-product because respondents did not provide the detailed information required to value such a by-product.

We made currency conversions in accordance with 19 CFR 353.60(a).

Verification

As provided in section 776(b) of the Act, we will verify all information used in reaching our final determination.

Suspension of Liquidation

In accordance with section 733(d)(1) of the Act, we are directing the U.S. Customs Service to suspend liquidation of all entries of refined antimony trioxide from the PRC, as defined in the "Scope of Investigation" section of this notice, that are entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice in the **Federal Register.** The U.S. Customs Service shall require a cash deposit or posting of a bond equal to the estimated weighted-average amount by which the foreign market value of the subject merchandise exceeds the United States price as shown below. The suspension of liquidation will remain in effect until further notice.

Manufacturer/producer/exporter	Weighted-average margin percent
China Minmetals, CNIEC, and all other manufacturers, producers, and exporters	3.18

ITC Notification

In accordance with section 733(f) of the Act, we have notified the ITC of our determination. If our final determination is affirmative, the ITC will determine whether these imports are materially injuring, or threatening material injury to, the U.S. industry before the later of 120 days after the date of this preliminary determination or 45 days after our final determination.

Public Comment

In accordance with 19 CFR 353.38, case briefs or other written comments in at least ten copies must be submitted to the Assistant Secretary for Import Administration no later than November 27, 1991, and rebuttal briefs no later than December 5, 1991. In addition, a public version and five copies should be submitted by the appropriate date, if the submission is business proprietary. In accordance with 19 CFR 353.38(b), we will hold a public hearing, if requested, to afford interested parties an opportunity to comment on arguments raised in case of rebuttal briefs. The hearing will be held at 10 a.m. on December 9, 1991, at the U.S. Department of Commerce, room 3708, 14th Street and Constitution Avenue NW., Washington DC 20230.

Interested parties who wish to request a hearing must submit a written request to the Assistant Secretary for Import Administration, U.S. Department of Commerce, room B–099 within ten days of the date of publication of this notice. Requests should contain: (1) The party's name, address and telephone number; (2) the number of participants; (3) the reasons for attending; and (4) a list of issues to be discussed. In accordance with section 19 CFR 353.38(b), oral presentation will be limited to arguments raised in briefs. Parties should confirm by telephone, the time, date, and place of the hearing 48 hours before the scheduled time with the officials listed under the **"FOR FURTHER INFORMATION CONTACT"** section of this notice.

This determination is published pursuant to section 773(f) of the Act (19 U.S.C. 1673b(f)) and 19 CFR 353.15.

Dated: October 2, 1991.

Marjorie A. Chorlins,

Acting Assistant Secretary for Import Administration.

[FR Doc. 91–24331 Filed 10–8–91; 8:45 am]

BILLING CODE 1505–01–D

Export Trade Certificate to Review

AGENCY: Office of Export Trading Company Affairs, International Trade Administration, Commerce

ACTION: Notice of application.

SUMMARY: The Office of Export Trading Company Affairs (OETCA), International Trade Administration, Department of Commerce, has received an application for an Export Trade Certificate of Review. This notice summarizes the conduct for which certification is sought and request comments relevant to whether the certificate should be issued.

FOR FURTHER INFORMATION CONTACT: George Muller, Director, Office of Export Trading Company Affairs, International Trade Administration, 202/377–5131. This is not a toll-free number.

SUPPLEMENTARY INFORMATION: Title III of the Export Trading Company Act of 1982 (Pub. L. 97–290) authorized the Secretary of Commerce to issue Export Trade Certificates of Review. A certificate of review protects its holder and the members identified in it from private treble damage actions and from civil and criminal liability under Federal and state antitrust laws for the export conduct specified in the certificate and carried out during its effective period in compliance with its terms and conditions. Section 302(b)(1) of the Act and 15 CFR 325.6(a) require the Secretary to publish a notice in the **Federal Register** identifying the applicant and summarizing its proposed export conduct.

Request for Public Comments

Interested parties may submit written comments relevant to the determination whether a certificate should be issued. An original and five (5) copies should be submitted not later than 20 days after the date of this notice to: Office of Export Trading Company Affairs, International Trade Administration, Department of Commerce, room 1800, Washington, DC 20230. Information submitted by any person is exempt from disclosure under the Freedom of Information Act (5 U.S.C. 552). Comments should refer to this application as "Export Trade Certificate of Review, application number 91–00007." A summary of the application follows.

Applicant: National Association of Energy Service Companies (NAESCO), 1350 New York Avenue, NW., suite 615, Washington, DC 20005.

Contact: A. John Armstrong, Counsel, Dorsey & Whitney, 1330 Connecticut Avenue, NW., suite 200, Washington, DC 20036. Telephone: (202) 452–6972 or (202) 857–0700.

Application #: 91–00007.

Date Deemed Submitted: October 22, 1991.

Members (in addition to applicant): CES/Way International, Inc. of Houston, TX; Energy Investment, Inc. of Boston, MA; Kenetech Energy Management of Burlington, MA; Northeast Energy Services, Inc. of Framingham, MA; SYCOM Enterprises of Washington, DC.

Summary of the Application

Export Trade

Products

Equipment, instrumentation and supplies for: (1) Auditing and Measuring

energy use in residential, commercial, industrial, and government facilities, including (a) meters for measuring foot candle and kWh and (b) auditing machines (for example bar code); (2) installing, maintaining, and monitoring energy management systems (EMS) in order to conserve energy through more efficient control of lighting, refrigeration, heating, ventilation, air conditioning, electric motors, and thermal energy storage systems, including master control stations, signal insertion units, remote control unit, remote terminal units, current transducers, computer hardware for EMS (for example user interfaces, modems), computer software for EMS; (3) using energy management systems to measure the savings that are achieved as a result of the installation of energy conservation measures, including metering equipment, submetering equipment; (4) lighting systems and the equipment used to install, maintain and monitor them, including high efficiency bulbs (incandescent, fluorescent, high pressure sodium and metal halide), high efficiency lamps (incandescent, fluorescent, high pressure sodium, and metal halide), screw-in fluorescent or compact fluorescent bulbs and lamps, high efficiency electronic ballasts, lighting reflectors (for example, aluminum, silver), high efficiency fluorescent exit signs, natural light prisms, wiring, wiring connections for lighting, lighting dusters; (5) energy efficiency modifications for refrigeration systems (commercial and industrial), including liquid line condensers, liquid pressure amplifiers, compressors; (6) equipment used to modify heating, ventilation and air conditioning (HVAC) systems including energy management systems (EMS) (for example, to control chillers, heat pumps, furnaces, boilers, fans and thermostats), ductwork, air handling units, variable frequency drivers, fans, diffusers; (7) installing, maintaining, and monitoring efficient electric motors for commercial and industrial uses, such as air handling system's components, compressors/chillers, machine tools, blowers and fans, including variable speed drives (mechanical and electronic), high efficiency electric motors; (8) installing weatherization and insulation measures in residential, commercial, industrial and government facilities, including wall, ceiling, and attic insulation (for example, cellulose and fiberglass), water heater blankets and boiler insulation, rubber, sponge rubber, metal, and wood weather stripping, showerhead flow restrictors; (9) manufacturing, installing, maintaining, monitoring and measuring the energy consumption of Thermal Energy Storage (TES) systems, including cooling plants, cooling tower storage tanks, ice harvesters, heat exchangers, condenser pumps, chilled water pumps, ductwork, air handling units, VAV boxes, fans, diffusers, variable frequency drives, U heater; (10) general and technical energy service information and publications; and (11) all other products related to energy service development and production.

Related Services

Engineering, design, and other services related to: (1) identification, conceptual prefeasibility, and feasibility assessment of residential, commercial, and industrial conservation programs for home owners, businesses, companies, utilities, or foreign governmental entities; (2) engineering studies, final design, and installation of energy conservation measures and programs; (3) project and construction management of energy conservation measure installations; (4) arranging or offering financing for investments in energy conservation measures, including lease, municipal lease, loan, shared savings arrangements, chauffage, guaranteed lease, third party financing; (5) providing bonded performance guarantees that guarantee certain level of energy savings as a result of the installation of energy service and conservation measures; (6) marketing energy conservation services to residential, commercial, industrial and foreign government customers; (7) providing ongoing monitoring and maintenance of energy service and conservation equipment installation; (8) measuring the savings that are achieved as a result of the installation of energy conservation measures; (9) servicing, training and other services related to the sale, use, installations, maintenance monitoring, rehabilitation or upgrading of Products or to projects that substantially incorporate products; and (10) all other services related to energy service development.

Export Trade Facilitation Services (as they relate to the export of Products and Services)

Consulting, such as product manufacture, engineering and construction; international market research, marketing and trade promotion; trade participation; trade missions and reverse trade missions; financing for projects or support services; insurance; legal assistance; accounting assistance; services related to compliance with customs requirements; transportation; trade documentation and freight forwarding; communications and processing of sales leads and export orders; warehousing; foreign exchange; financing; government policy formulation; taking title to goods and liaison with foreign and domestic government and multinational agencies, trade associations and banking institutions.

Technology Rights

Patents, trademarks, service marks, trade names, copyrights, licensing, trade secrets, technical expertise, utility modes, hydrologic and hydraulic physical and computer modeling, industrial designs and computer software protection associated with Products, Services or Export Facilitation Services.

Export Markets

The export markets include all parts of the world except the United States, i.e., the fifty states of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, Guam, the Commonwealth of the Northern Mariana Islands, and the Trust Territory of the Pacific Islands.

Export Trade Activities and Methods of Operation

To engage in Export Trade in the Export Markets, the National Association of Export Service Companies ("NAESCO") and/or one or more of its members may:

1. Engage in joint selling arrangements in export market countries for the sale of Products and/or Services in Export Markets, such as joint marketing negotiation, offering, bidding and financing; and allocate sales resulting from such arrangements.

2. Establish export prices for sales of Products and/or Services by the members in Export Markets.

3. Discuss and agree on interface specifications, engineering and other technical Product and/or Service of specific export customers or Export Markets.

4. Refuse to quote prices for, or to market or sell, Products and/or Services in Export Markets.

5. Solicit non-member Suppliers from the United States and abroad (a) to sell their Products and/or Services, or (b) to offer their Export Trade Facilitation Services through the certified activities of NAESCO and/or its Members.

6. Coordinate with respect to the development of projects in Export Markets, such as project identification, scientific and technical assessment, engineering, design, maintenance, monitoring, construction and delivery,

installation and construction, project ownership, project operation and transfer of project ownership; establish joint warranty service centers establishing operation and maintenance services for energy service facilities, parts warehousing, training centers and support services related to the foregoing.

7. Engage in joint promotional activities aimed at developing existing or new Export Markets, such as advertising, demonstrating, field trips, trade missions, reverse trade missions and conferences; and bring together, from time to time, groups of Members to plan and discuss how to fulfill the technical Product and Service requirements of specific export customers or particular Export Markets.

8. Establish and operate joint ventures and/or jointly owned entities, such as for-profit and not-for-profit corporations and partnerships and/or other joint venture entities owned exclusively by Members, for the purpose of engaging in the Export Trade Activities and Methods of Operations herein described. NAESCO and/or one or more of its Members may establish and operate joint ventures for operations and projects in Foreign Markets with non-Members, including (a) public sector foreign corporations and other foreign governmental entities, and/or (b) private-sector foreign entities such as corporations.

9. Provide Export Trade Facilitation Services as an exclusive or non-exclusive Export Intermediary for the Members, whereby NAESCO and/or one or more of its Members may:

a. Arrange to have NAESCO and/or one or more of its Members and/or non-members to act as an exclusive or non-exclusive Export Intermediary for the Members.

b. Establish an entity owned jointly and exclusively by Members to act as an exclusive or non-exclusive Export Intermediary for the Members.

c. Enter into arrangements with an exclusive Export Intermediary such that a non-exclusive Export Intermediary may not represent any non-Member Supplier of Products and/or Services in specified Export Markets; and Members may agree that they will not export independently into specified Export Markets either directly or through any other Export Intermediary or other party; and

d. Act as an Export Intermediary negotiating and concluding Technology Right licenses and sublicenses which are consistent with paragraph 16, below.

10. Agree that any information obtained pursuant to this Certificate shall not be provided to any non-Member.

11. Act as a shipper's association to negotiate favorable transportation rates and other terms with individual ocean common carriers and individual shipping conferences.

12. Jointly establish and/or negotiate with purchasers regarding specifications for Products and/or Services, on a country-by-country basis for the Export Market.

13. Exchange and discuss the following types of information about Export Trade, Export Markets, Export Trade Activities and Methods of Operation, and the agreements related thereto;

a. Information (other than information about Technology Rights, costs, output, capacity, inventories, domestic prices, domestic sales, domestic orders, terms of domestic marketing or sale, of United States business plans, strategies or methods) that is already generally available to the trade or public;

b. Information about sales, marketing and opportunities for sales of Products and/or Services in Export markets; selling strategies for Export Markets; prices and pricing, projected demands (quality and quantity), customary terms of sale, the types of Products and/or Services available from competitors for sales, market strengths and economic and business conditions in Export Markets;

c. Information about the export prices, quality, quantity, sources, available capacity to produce, and delivery dates of Products available from Members for export;

d. Information about terms and conditions of contracts for sales in Export Markets to be considered and/or bid on by Members;

e. Information about joint bidding, selling or servicing arrangements for Export Markets and allocation of sales resulting from such arrangements among the Members;

f. Information about expenses specific to exporting Products and Services to Export Markets, such as expenses relating to transportation, intermodal shipments, insurance, inland freight to port, port storage, commissions, export sales, documentation, financing, customs, duties, and taxes;

g. Information about domestic and foreign legislation, regulations, policies and executive actions affecting the sales of Products and/or Services in Export Markets, such as U.S. Federal and State programs affecting the sales of Products and/or Services in Export Markets or foreign policies which could affect the export of Products and/or Services;

h. Information about Members' export operations, such as sales and distribution networks established by the Members in Export Markets, and prior export sales by Members, such as export price information;

i. Information necessary to the conduct of Export Trade, Export Trade Activities and Methods of Operation in the Export Markets; and

j. Information on the organization, governance, financial condition and membership of NAESCO.

14. Forward inquiries to the appropriate individual Members concerning requests for information received from a foreign government or its agent, such as that Member's domestic or export activities (such as prices and/or costs). If such Member elects to respond, that Member may respond directly to the requesting foreign government or its agent with respect to such information.

15. Forward inquiries such as inquiries about foreign policy related to privatization or rural electrification, to a foreign government or its agent; and responses to such inquiries from a foreign government or its agent to the appropriate Member(s).

16. Individually license and sub-license Technology Rights in Export Markets to non-Members. Such licenses and sub-licenses may:

a. Convey exclusive or non-exclusive rights in Export Markets;

b. Impose requirements as to the prices at which Products and/or Services incorporating, or manufactured, or produced, using Technology Rights may be sold or leased in Export Markets;

c. Impose requirements as to pricing and other terms and conditions of sub-licenses of Technology Rights in Export Markets;

d. Restrict licensees and sub-licensees as to field of use, or maximum sales or operations, in Export Markets;

e. Impose territorial restrictions relating to any Export Market on foreign licensees and sub-licensees;

f. Require the assignment back or exclusive or non-exclusive grant back to the licensor Member of rights in Export Markets to all improvements in Technology Rights, whether or not such improvement fall within the field of use authorized in such licenses;

g. Require package licensing of Technology Rights; and

h. Require products and/or services (including, but not limited to, Products and Services) to be used, sold, or leased as a condition of the license of Technology Rights.

17. Refuse to provide Export Trade Facilitation Services or participation in Export Trade, Export Trade Activities

and Methods of Operation of non-Members.

18. Individually purchase Products and/or Services for export to the Export Markets.

19. Enter into agreements whereby one or more Members, or an entity owned jointly and exclusively by Members, will provide for transportation services to Members, such as the chartering and space chartering of vessels, the negotiation and utilization of through intermodal rates with common and contract carriers for inland freight transportation for export shipments to the United States export terminal, port or gateway.

20. Meet to engage in the Export Trade, Export Trade Activities and Methods of Operation certified herein.

For Purposes of the Certificate: 1. "Export Intermediary" means a person who acts as a distributor, sales representative, sales or marketing agent, consultant, provider of professional services, or broker, or who performs similar functions, including providing or arranging for the provision of Export Trade Facilitation Services.

2. "Supplier" means a person who produces, provides, or sells a Product, Service, Technology Rights and/or Export Trade Facilitation Services, whether a Member or a non-Member.

3. "Member" means a person who has a membership in the NAESCO and who has been certified as a "Member" within the meaning of § 325.2(1) of the Regulations.

4. "Non-Member" means a person other than Members and their respective U.S. and foreign subsidiaries and affiliates.

5. "Export Trade"" means Products, Services, Export Trade Facilitation Services and Technology Rights as set forth in this Certificate.

6. "Export Markets" means all parts of the world except the United States (i.e., the fifty states of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, Guam, the Commonwealth of the Northern Mariana Islands, and the Republic of Palau (as long as it remains part of the Trust Territory of the Pacific Islands.).

7. "Products", "Servcies", "Export Trade Facilitation Services", "Technology Rights" have the meaning(s) as set forth in this Certificate.

Dated: October 30, 1991.

George Muller,

Director, Office of Export Trade, Company Affairs.

[FR Doc. 91-26653 Filed 11-4-91; 8:45 am]

BILLING CODE 3510-DR-M

Auto Parts Advisory Committee; Closed Meeting

ACTION: Notice of Closed Meeting of Auto Parts Advisory Committee.

SUMMARY: The U.S. Automotive Parts Advisory Committee (the "Committee") advises U.S. Government officials on matters relating to the implementation of the Fair Trade in Auto Parts Act of 1988. The Committee: (1) Reports annually to the Secretary of Commerce on barriers to sales of U.S.-made auto parts and accessories in Japanese markets; (2) assists the Secretary in reporting to the Congress on the progress of sales of U.S.-made auto parts in Japanese markets, including the formation of long-term supplier relationships; (3) reviews and considers data collected on sales of U.S.-made auto parts to Japanese markets; (4) advises the Secretary during consultations with the Government of Japan on these issues; and (5) assists in establishing priorities for the Department's initiatives to increase U.S.-made auto parts sales to Japanese markets, and otherwise provide assistance and direction to the Secretary in carrying out these initiatives. At the meeting, committee members will receive briefings on the status of ongoing consultations with the Government of Japan and will discuss specific trade and sales expansion information related to U.S.-Japan automotive parts policy.

DATES AND LOCATIONS: The meeting will be held on Tuesday, December 3, 1991 from 10 a.m. to 5 p.m. in room 3407, Department of Commerce, Washington, DC 20230.

FOR FURTHER INFORMATION CONTACT: Mr. Stuart Keitz, Office of Automotive Industry Affairs, Automotive Affairs and Consumer Goods Sector, Trade Development, Main Commerce, room 4036, Washington, DC 20230, telephone: (202) 377-0669.

SUPPLEMENTARY INFORMATION: The Assistant Secretary for Administration, with the concurrence of the General Counsel formally determined on June 24, 1991, pursuant to section 10(d) of the Federal Advisory Act, as amended, that the series of meetings or portions of meetings of the Committee and of any subcommittee thereof, dealing with privileged or confidential commercial information may be exempt from the provisions of the act relating to open meeting and public participation therein because these items will be concerned with matters that are within the purview of 5 U.S.C. 552b(c) (4) and (9)(B). A copy of the Notice of Determination to close meetings or portions of meetings of the Committee is available for public inspection and copying in the International Trade Administration Records Inspection Facility, room 4104, Main Commerce.

Dated: October 29, 1991.

Henry Misisco,

Director, Office of Automotive Industry Affairs.

[FR Doc. 91-26666 Filed 11-4-91; 8:45 am]

BILLING CODE 3510-DR-M

National Oceanic and Atmospheric Administration

Depleted and Endangered and Threatened Species: Petitions to Designate Eastern Spinner Dolphins as Depleted Under the Marine Mammal Protection Act and as Threatened Under the Endangered Species Act

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

ACTION: Notice of receipt of petitions.

DATES: Comments and information must be received by January 6, 1992.

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

FOR FURTHER INFORMATION CONTACT: Dr. Aleta A. Hohn, Office of Protected Resources, NMFS, 301-427-2289.

SUPPLEMENTARY INFORMATION:

Background

The Marine Mammal Protection Act (MMPA) (16 U.S.C. 1361-1407) contains provisions for interested parties to petition for a species or stock to be listed as "depleted" (16 U.S.C. 1383(b) and 5 U.S.C. 553(e)). Section 4 of the Endangered Species Act (ESA) (16 U.S.C. 1531-1543) contains provisions allowing interested parties to petition for a species or stock to be listed as threatened or endangered. Under the MMPA and ESA, a determination must be made concerning whether the petition presents substantial information. If a petition presents substantial information, a review is conducted to determine if a species should be designated as depleted (MMPA) or listed as endangered or threatened (ESA). Determinations are made based on the best available scientific data.

Petitions Received

On August 2, 1991, the Committee for Humane Legislation petitioned NMFS to list the eastern spinner dolphin (*Stenella*

longirostris orientalis) as a "depleted" species or stock under the MMPA. On August 30, 1991, the Center for Marine Conservation and the Committee for Humane Legislation petitioned NMFS to list the eastern spinner dolphin as a "threatened" species under the Endangered Species Act.

Presentation of Substantial Information

NMFS has determined that each of these petitions presents substantial information indicating that the petitioned action may be warranted. A copy of the information submitted with the petitions is available upon request (see **ADDRESSES**).

Review

Before receiving the petition asking NMFS to list eastern spinner dolphins as depleted, NMFS was in the process of conducting a status review of this stock. Listing eastern spinner dolphins as threatened, as petitioned, under the ESA will require additional considerations. Section 4 of the ESA requires that within 12 months of receipt of a substantial petition, the Secretary of Commerce make one of the following findings: (1) The petitioned action is not warranted; (2) the petitioned action is warranted; or (3) the petitioned action is warranted, but pending listing proposals preclude immediate proposal of a regulation to implement the action. A notice of finding must be published in the Federal Register and, in the case of (2) above, a proposed regulation to implement the action must be included.

Information Solicited

On the basis of the status review completed in October 1991 (Wade, P.R. 1991. Estimation of historical population size of eastern spinner dolphins. NMFS Admin. Report LJ–91–12. 24pp.), NMFS believes there is sufficient information for serious consideration of listing of the eastern spinner dolphin as depleted under the MMPA. NMFS will evaluate the merits of listing eastern spinner dolphins as threatened or endangered under the ESA. NMFS is soliciting information and comments concerning the petitions to ensure that the review is complete and is based on the best available information, including information concerning economic impacts. NMFS requests that the information comments be accompanied by (1) supporting documentation, such as biological references or reprints of pertinent publications, and (2) the person's name, address and association, institution, or business that the person represents.

Dated: October 30, 1991.

William W. Fox, Jr.,

Assistant Administrator for Fisheries, National Marine Fisheries Service.

[FR Doc. 91–26584 Filed 11–4–91; 8:45 am]

BILLING CODE 3510–22–M

Killer Whales; Public Meeting; Correction

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

ACTION: Notice of Public Meeting—additional information regarding advance notification.

SUMMARY: In a notice of public meeting published on October 18, 1991, (56 FR 52255) to hear comments on issues raised about the capture, care and maintenance of killer whales for purposes of public display, a request for speakers to notify NMFS in advance of the meeting was inadvertently omitted. Therefore, NMFS is issuing this correction to provide the additional information. Persons wishing to offer comments at this meeting must notify Pat Bradley, (301/427–2289) or FAX (301/427–2313), by Tuesday, November 19, 1991. Those wishing to speak should provide a written copy of their comments to NMFS at the meeting.

DATES: The meeting will be held on Friday, November 22, 1991, beginning at 9 a.m. Written comments received by December 1, 1991 will be made part of the record of the meeting.

ADDRESSES: Written comments should be addressed to the **INFORMATION CONTACT** listed below. The meeting will be held in the Lobby Conference Room, Silver Spring Metro Center #1, 1335 East-West Highway, Silver Spring, Maryland 20910.

FOR FURTHER INFORMATION CONTACT: Ann D. Terbush, Chief, Permits Division, Office of Protected Resources, National Marine Fisheries Service, 1335 East-West Highway (SSMC#1), Silver Spring, Maryland 20910 (301) 427–2289.

Dated: October 28, 1991.

Nancy Foster,

Director, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 91–26560 Filed 11–4–91; 8:45 am]

BILLING CODE 3510–22–M

Mid-Atlantic Fishery Management Council; Public Meetings

AGENCY: National Marine Fisheries Service NOAA, Commerce.

The Mid-Atlantic Fishery Management Council (Council) and its Committees will meet on November 19–21, 1991, at the Radisson Hotel, 700 King Street, Wilmington, DE 19801; telephone: 302–655–0400.

Council—The Council will begin its regular meeting on November 20 at 9 a.m. and recess at approximately 3:30 p.m. The meeting will be reconvened on November 21, at 8 a.m. and adjourn at approximately 12:30 p.m. In addition to hearing committee reports, the Council is scheduled to hear a report on marine mammals by the National Marine Fisheries Service.

During this session the Council may adopt a policy dealing with internal waters processing projects, comment on a proposed internal waters processing project in New Jersey waters, and discuss other fishery management matters as deemed necessary. The Council may also go into closed session (not open to the public) to discuss personnel and/or national security matters.

Committees—On November 19, the Council's committees will begin meetings at 10 a.m. and continue throughout the day. The following committees are scheduled to meet: *Information and Education, Scallops and Lobster, Law Enforcement,* and *Squid-Mackerel-Butterfish.*

For more information contact John C. Bryson, Executive Director, Mid-Atlantic Fishery Management Council, room 2115, Federal Building, 300 South New Street, Dover, DE 19901; telephone: 302–674–2331.

Dated: October 30, 1991.

David S. Crestin,

Deputy Director, Office of Fisheries Conservation and Management, National Marine Fisheries Service.

[FR Doc. 91–26561 Filed 11–4–91; 8:45 am]

BILLING CODE 3510–22–M

Marine Mammals

AGENCY: National Marine Fisheries Service, NOAA, Commerce.

ACTION: Application for scientific research permit.

Notice is hereby given that the Southwest Research Associates, Inc., 2006 Palomar Airport Road, Carlsbad, CA 92007, has applied in due form for a Permit to take marine mammals as authorized by the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361–1407), the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR Part 216), the Endangered Species Act of 1973 (16

U.S.C. 1531–1544), and the regulations governing endangered fish and wildlife permits (50 CFR Parts 217–222).

Species and Type of Take: The applicant requests a Permit to take up to 100 gray whales *(Eschrichtius robustus)* as they migrate south and then north past San Diego County. Each animal can potentially be taken more than once. The objective of the research is to refine knowledge about the timing, routes, density and behaviors of gray whales as they migrate along the coast and through the location of the America's Cup Regatta. Distribution of various routes, data about age class and cow-calf pair distribution and reactive behaviors will be collected. Methods will be devised and implemented for the animals to avoid exposure and contact with race participants, observers and associated air and water craft.

Concurrent with the publication of this notice in the **Federal Register**, the Secretary of Commerce is forwarding copies of this application to the Marine Mammal Commission and the Committee of Scientific Advisors.

Written data or views, or requests for a public hearing on this application should be submitted to the Assistant Administrator for Fisheries, National Marine Fisheries Service, U.S. Department of Commerce, 1335 East-West Hwy., Room 7324, Silver Spring, Maryland 20910, within 30 days of the publication of this notice. Those individuals requesting a hearing should set forth the specific reasons why a hearing on this particular application would be appropriate. The holding of such hearing is at the discretion of the Assistant Administrator for Fisheries.

All statements and opinions contained in this application are summaries of those of the Applicant and do not necessarily reflect the views of the National Marine Fisheries Service.

Documents submitted in connection with the above application are available for review by interested persons in the following offices:

By appointment: Office of Protected Resources, National Marine Fisheries Service, 1335 East-West Hwy., Suite 7324, Silver Spring, Maryland 20910 (301/427–2289).

Director, Southwest Region, National Marine Fisheries Service, 300 South Ferry Street, Terminal Island, California 90731–7415 (213/514–6196).

Dated: October 29, 1991.

Nancy Foster,

Director, Office of Protected Resources.

[FR Doc. 91–26562 Filed 11–4–91; 8:45 am]

BILLING CODE 3510–22–M

Marine Mammals; Application for Permit: Graham A.J. Worthy (P36B)

Notice is hereby given that an Applicant has applied in due form for a Permit to take marine mammals as authorized by the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361–1407), the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR part 216), the Endangered Species Act of 1973 (16 U.S.C. 1531–1544), and the regulations governing endangered fish and wildlife permit (50 CFR parts 217–222).

1. *Applicant:* Dr. Graham A.J. Worthy, Assistant Professor of Marine Mammalogy, Department of Marine Biology, Texas A&M University at Galveston, 4700 Avenue U, Bldg. 303, Galveston, TX 77551–5923.

2. *Type of Permit:* Scientific research under the Marine Mammal Protection Act and scientific purposes under the Endangered Species Act.

3. *Name and Number of Marine Mammals and Type of Take:* Blubber samples will be collected and imported from 20 individuals each of the following species: Commerson's dolphin *(Cephalorhynchus commersonii)*, common dolphin *(Delphinus delphis)*, dusky dolphin *(Lagenorhynchus obscurus)*, spectacled porpoise *(Phocoena dioptrica)*, harbor porpoise *(Phocoena Phocoena)*, Burmeister's porpoise *(Phocoena spinipinnis)*, Vaquita *(Phocoena sinus)*, Indo-Pacific humpbacked dolphin *(Sousa chinensis)* and bottlenose dolphin *(Tursiops truncatus)*. Samples will be obtained from animals which were either found stranded dead or were caught in either a directed fishery or as an incidental catch in a commercial fishery.

The purpose of the study is to examine blubber samples which are collected from dorsal, lateral and ventral locations around each of five girth rings located along the length of the animal. The 15 different sites will allow the applicant to map the insulative characteristics of different regions of the body to examine the effects of seasonal changes in water temperature and food supply.

4. *Location and Duration of Activity:* Samples will be collected opportunistically throughout the 5-year duration of the Permit. They will be imported from Argentina, Canada, South Africa, Peru, Western Australia, New Zealand and Mexico.

Concurrent with the publication of this notice in the **Federal Register**, the Secretary of Commerce is forwarding copies of this application to the Marine Mammal Commission and the Committee of Scientific Advisors.

Written data or views, or requests for a public hearing on this application should be submitted to the Assistant Administrator for Fisheries, National Marine Fisheries Service, U.S. Departmentof Commerce, 1335 East-West Hwy., Room 7324, Silver Spring, Maryland 20910 within 30 days of the publication of this notice. Those individuals requesting a hearing should set forth the specific reasons why a hearing on this particular application would be appropriate. The holding of such hearing is at the discretion of the Assistant Administrator for Fisheries.

All statements and opinions contained in this application are summaries of the Applicant and do not necessarily reflect the views of the National Marine Fisheries Service.

Documents submitted in connection with the above application are available for review by interested persons in the following offices:

By appointment: Permit Division, Office of Protected Resources, National Marine Fisheries Service, 1335 East-West Hwy., Suite 7324, Silver Spring, Maryland 20910 (301/427–2289); and

Director, Southwest Region, National Marine Fisheries Service, 300 South Ferry Street, Terminal Island, California 90731–7415 (213/514–6196).

Dated: October 28, 1991.

Nancy Foster,

Director, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 91–26563 Filed 11–4–91; 8:45 am]

BILLING CODE 3510–22–M

Marine Mammals

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

ACTION: Application for Permit; Cape Cod Aquarium (P490).

SUMMARY: Notice is hereby given that an applicant has applied in due form for a Public Display Permit to obtain the indefinite care and custody of marine mammals as authorized by the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361–1407) and the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR part 216).

1. *Applicant:* Underwater Education Program Corporation doing business as Cape Cod Aquarium, Atlantic Education Center, 281 Main Street, Brewster, MA 02631.

2. *Type of Permit Requested:* Public Display.

3. *Number and Name of Marine Mammals:* Nine California sea lions (*Zalophus californianus*) and four harbor seals (*Phoca vitulina*).

4. The applicant requests permission to maintain nine California sea lions and four harbor seals. The animals are currently held by the applicant under the terms of a NMFS temporary agreement for public display. The themes of the education program associated with the seal exhibits include behavior, natural history, conservation and ecological issues.

Concurrent with the publication of this notice in the **Federal Register**, the Secretary of Commerce is forwarding copies of this application to the Marine Mammal Commission and the Committee of Scientific Advisors.

Written data or views, or requests for a public hearing on this application should be submitted to the Assistant Administrator for Fisheries, National Marine Fisheries Service, U.S. Department of Commerce, 1335 East-West Highway, SSMC1, Room 7324, Silver Spring, Maryland 20910, within 30 days of the publication of this notice. Those individuals requesting a hearing should set forth the specific reasons why a hearing on this particular application would be appropriate. The holding of such hearing is at the discretion of the Assistant Administrator for Fisheries. All statements and opinions contained in this application are summaries of those of the Applicant and do not necessarily reflect the views of the National Marine Fisheries Service.

Documents submitted in connection with the above application are available for review, by appointment, by interested persons in the following offices:

Office of Protected Resources, National Marine Fisheries Service, 1335 East-West Highway, SSMC1, Room 7330, Silver Spring, Maryland 20910, (301) 427–2289; and

Director, Northeast Region, National Marine Fisheries Service, One Blackburn Drive, Gloucester, Massachusetts 01930, (508) 281–9300.

Dated: October 30, 1991.

Nancy Foster,

Director, Office of Protected Resources.

[FR Doc. 91–26564 Filed 11–4–91; 8:45 am]

BILLING CODE 3510-22-M

Marine Mammals

AGENCY: National Marine Fisheries Service NOAA, Commerce.

ACTION: Modification No. 3 to public display permit No. 621, Miami Seaquarium (P35F).

Notice is hereby given that pursuant to the provisions of § 216.33 (d) and (e) of the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR part 216), Public Display Permit No. 621 issued to Miami Seaquarium, 4400 Rickenbacker Causeway, Miami, Florida 33149 on December 18, 1987 (52 FR 48746), modified on March 25, 1988 (53 FR 10553) and January 2, 1990 (55 FR 52), is further modified as follows:

Section B.3 is replaced by:

3. The authority to import these marine mammals shall extend from the date of issuance until December 31, 1992. The terms and conditions of this Permit shall remain in effect as long as one of the marine mammals taken hereunder is maintained in captivity under the authority and responsibility of the Permit Holder.

This modification is effective upon publication in the **Federal Register.**

Documents submitted in connection with the above modification are available for review, by appointment, in the Permits Division, Office of Protected Resources, National Marine Fisheries Service, 1335 East-West Highway, SSMC1, room 7324, Silver Spring, Maryland 20910 (301/427–2289).

Dated: October 30, 1991.

Nancy Foster,

Director, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 91–26566 Filed 11–4–91; 8:45 am]

BILLING CODE 3510-22-M

Marine Mammals

AGENCY: National Marine Fisheries Service, NOAA, Commerce.

ACTION: Modification No. 3 to Permit No. 579 (P278C).

Notice is hereby given that pursuant to the provisions of § 216.33 (d) and (e) of the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR part 216), and § 220.24 of the Regulations Governing Endangered Species (50 CFR parts 217–222), Scientific Research Permit No. 579, issued to Mr. Brent S. Stewart, Hubbs Marine Research Center, 1700 South Shores Road, San Diego, California 92109, on January 16, 1987 (52 FR 3037), modified on February 24, 1988 (53 FR 6683) and modified again on December 12, 1988 (53 FR 52459) is further modified as follows:

Revise Special Condition B.11.:

The authorization under this permit to capture or to take by tagging or other activities shall extend from the date of issuance through December 31, 1992.

All other conditions currently contained in the permit and in previous modifications remain in effect.

This modification is effective upon publication in the **Federal Register.**

Documents submitted in connection with the above modification are available for review by appointment in the following offices:

Office of Protected Resources, National Marine Fisheries Service, 1335 East-West Highway, Room 7330, Silver Spring, Maryland 20910, (301) 427–2289;

Director, Southwest Region, National Marine Fisheries Service, NOAA, 300 South Ferry Street, Terminal Island, California 90731–7415, (213) 514–6196.

Dated: October 30, 1991.

Nancy Foster,

Director, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 91–26567 Filed 11–4–91; 8:45 am]

BILLING CODE 3510-22-M

National Technical Information Service

Advisory Board; Open Meeting

AGENCY: National Technical Information Service Commerce.

SUMMARY: NTIS intends to conduct a partially closed meeting and awaits Departmental approval thereof. The Board's Chairman has requested that this meeting be partially closed in order to prevent the disclosure of confidential agency financial and planning information to be examined and discussed. This partial closure is proper pursuant to subsections (c)(4) and (c)(9)(B) of the Government in the Sunshine Act (5 U.S.C. 552b).

Time, Place, and Agenda

Fourth Meeting, November 18–19, 1991 Held at the Department of Commerce, Herbert C. Hoover Building, 14th St. & Constitution Ave., NW, Room 5029A, Washington, DC 20230.

Time	Item
	Monday, November 18
9:00	1. Opening 1.1. Welcome by Dr. Joseph Caponio, Director of NTIS 1.2. Adoption of the Agenda 1.3. Adoption of the Report of the Third Meeting
10:00	2. Review of NTIS Technology Transfer Programs 2.1. Patent Licensing 2.2. Clearinghouse for State and Local Initiatives on Productivity, Technology, and Innovation 2.3. Directories, Databases, Announcements, and Bulletin Boards
11:30	Public participation
1:30	3. Closed Session

Time	Item
	Tuesday, November 19
9:00	Comparative Experience of Other Countries in Organizing Technical Information Services to Support Industrial Competitiveness
10:45	5. Review of the NTIS Joint Ventures Program
11:30	Public Participation
1:30	6. Closed Session
4:00	7. Closing 7.1. Chairman's Summary 7.2. Planning for Future Meetings 7.3. Adjournment

PUBLIC PARTICIPATION: The meeting will be open to public participation, except as noted in the agenda above. Approximately thirty minutes each day will be set aside for oral comments or questions as indicated in the agenda. Approximately ten seats will be available on a first-come, first-served basis. Any member of the public may submit written comments concerning the committee's affairs at any time before and after the meeting. Copies of the minutes of the open portion of the meeting will be available within thirty days from the address given below.

FOR FURTHER INFORMATION CONTACT: Suzanne Hoffman, National Technical Information Service, 5285 Port Royal Road-209F, Springfield, Virginia 22161. Telephone: (703) 487–4734; Fax: (703) 321–8533.

Dated: October 30, 1991.

Joseph F. Caponio,

Director, National Technical Information Service.

[FR Doc. 91–26628 Filed 10–4–91; 8:45 am]

BILLING CODE 3510–04–M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Announcement of Import Restraint Limits for Certain Cotton, Wool, Man-Made Fiber, Silk Blend and Other Vegetable Fiber Textiles and Textile Products Produced or Manufactured in Macau

October 29, 1991.

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Issuing a directive to the Commissioner of Customs establishing limits for the new agreement year.

EFFECTIVE DATE: January 1, 1992.

FOR FURTHER INFORMATION CONTACT: Janet Heinzen, 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) 343–6495. 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).

In a Memorandum of Understanding (MOU) dated June 21, 1991, the Governments of the United States and Macau agreed to extend their current bilateral agreement for two consecutive one-year periods, beginning January 1, 1992 and extending through December 31, 1993.

In the letter published below, the Chairman of CITA directs the Commissioner of Customs to establish limits for the period January 1, 1992 through December 31, 1992.

A copy of the current bilateral agreement is available from the Textiles Division, Bureau of Economic and Business Affairs, U.S. Department of State, (202) 647–3889.

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). Information regarding the 1992 CORRELATION will be published in the **Federal Register** at a later date.

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 MOU, but are designed to assist only in the implementation of certain of its provisions.

Ronald I. Levin,

Acting Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

October 29, 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 the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, as further extended on July 31, 1991; pursuant to the Bilateral Cotton, Wool, Man-Made Fiber, Silk Blend and Other Vegetable Fiber Textile Agreement, effected by exchange of notes dated December 28, 1983 and January 9, 1984, as amended and extended, and the Memorandum of Understanding dated June 21, 1991 between the Governments of the United States and Macau; and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended, you are directed to prohibit, effective on January 1, 1992, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton, wool, man-made fiber, silk blend and other vegetable fiber textiles and textile products in the following categories, produced or manufactured in Macau and exported during the twelve-month period beginning on January 1, 1992 and extending through December 31, 1992, in excess of the following levels of restraint:

Category	Twelve-month restraint limit
200–239, 300–369, 400–469, 600–670 and 800–899, as a group.	86,227,925 square meters equivalent.
Group I	
200–239, 300–369, 600–670 and 800–899, as a group.	82,824,864 square meters equivalent.
Sublevels within Group I	
237	61,000 dozen.
239	93,387 kilograms.
331/831	300,000 dozen pairs.
333/334/335/833/834/835.	186,863 dozen of which not more than 98,432 dozen shall be in Categories 333/335/833/835.
336/836	23,000 dozen.
338	240,556 dozen.
339	1,007,606 dozen.
340	227,687 dozen.
341	146,853 dozen.
342	39,326 dozen.
345	40,623 dozen.
347/348/847	569,391 dozen.
349	145,833 dozen.
350/850	18,000 dozen.
351/851	27,000 dozen.
352	66,636 dozen.
359/859	137,892 kilograms.
631	231,386 dozen pairs.
633/634/635	395,698 dozen.
636	15,453 dozen.
638/639/838	1,232,214 dozen.
640	87,611 dozen.
641/840	150,581 dozen.
642/842	87,730 dozen.
645/646	205,369 dozen.
647/648	414,293 dozen.
649	145,833 dozen.
651	13,462 dozen.
652/852	160,000 dozen.
659	89,762 kilograms.
670	340,194 kilograms.
845/846	30,452 dozen.
Group II	
400–469, as a group	1,419,490 square meters equivalent.
Sublevels within Group II	
434	1,852 dozen.
438	6,667 dozen.
442	5,556 dozen.

Category	Twelve-month restraint limit
445/446	76,527 dozen.

Imports charged to these category limits for the period January 1, 1991 through December 31, 1991 shall be charged against those levels of restraint to the extent of any unfilled balances. In the event the limits established for that period have been exhausted by previous entries, such goods shall be subject to the levels set forth in this directive.

The limits set forth above are subject to adjustment in the future pursuant to the provisions of the current bilateral agreement between the Governments of the United States and Macau.

The conversion factors for the following merged categories are listed below:

Category	Conversion factor (Square meters equivalent/category unit)
333/334/335/833/834/835.	34.2
359/859	8.5
633/634/635	34.5
638/639/838	12.9
641/840	12.1
652/852	13.4

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 these actions fall within the foreign affairs exception of the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,

Ronald I. Levin,

Acting Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 91-26662 Filed 11-4-91; 8:45 am]

BILLING CODE 3510-DR-F

Announcement of Import Restraint Limits for Certain Cotton and Man-Made Fiber Textile Products Produced or Manufactured in Nepal

October 31, 1991.

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Issuing a directive to the Commissioner of Customs establishing limits for the new agreement year.

EFFECTIVE DATE: January 1, 1992.

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 these limits, 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).

The Bilateral Textile Agreement, effected by exchange of notes dated May 30 and June 1, 1986, as amended and extended, between the Governments of the United States and Nepal establishes limits for the period beginning on January 1, 1992 and extending through December 31, 1992.

A copy of the current bilateral agreement is available from the Textiles Division, Bureau of Economic and Business Affairs, U.S. Department of State, (202) 647-3889.

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). Information regarding the 1992 CORRELATION will be published in the **Federal Register** at a later date.

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.

Ronald I. Levin,

Acting Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

October 31, 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); pursuant to the Bilateral Textile Agreement, effected by exchange of notes dated May 30 and June 1, 1986, as amended and extended, between the Governments of the United States and Nepal; and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended, you are directed to prohibit, effective on January 1, 1992, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton and man-made fiber textile products in the following categories, produced or manufactured in Nepal and exported during the twelve-month period beginning on January 1, 1992 and extending through December 31, 1992, in excess of the following levels of restraint:

Category	Twelve-month restraint limit
340	229,801 dozen.
341	766,002 dozen.
342	141,852 dozen.
347/348	537,149 dozen.
640	115,658 dozen.
641	260,779 dozen.

Imports charged to these category limits for the period January 1, 1991 through December 31, 1991 shall be charged against those levels of restraint to the extent of any unfilled balances. In the event the limits established for that period have been exhausted by previous entries, such goods shall be subject to the levels set forth in this directive.

The limits set forth above are subject to adjustment in the future pursuant to the provisions of the current bilateral agreement between the Governments of the United States and Nepal.

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 these actions fall within the foreign affairs exception of the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,

Ronald I. Levin,

Acting Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 91-26664 Filed 11-4-91; 8:45 am]

BILLING CODE 3510-DR-F

Adjustment of Import Limits for Certain Cotton, Wool and Man-Made Fiber Textiles and Textile Products and Silk Blend and Other Vegetable Fiber Apparel Produced or Manufactured in the Philippines

October 31, 1991.

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Issuing a directive to the Commissioner of Customs adjusting limits.

EFFECTIVE DATE: November 7, 1991.

FOR FURTHER INFORMATION CONTACT: Kim-Bang Nguyen, 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) 535-6735. For information on embargoes and quota re-openings, call (202) 377-3715.

SUPPLEMENTARY INFORMATION:

Authority: Executive Order 11651 of March 3, 1972, as amended; section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854).

The current limits for certain categories are being adjusted, variously, for swing and 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 51946, published on December 18, 1990.

The letter to the Commissioner of Customs and the actions taken pursuant to it are not designed to implement all of the provisions of the bilateral agreement, but are designed to assist only in the implementation of certain of its provisions.

Ronald I. Levin,

Acting Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

October 31, 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 12, 1990, by the Chairman, Committee for the Implementation of Textile Agreements. That directive concerns imports of certain cotton, wool and man-made fiber textiles and textile products and silk blend and other vegetable fiber apparel, produced or manufactured in the Philippines and exported during the period which began on January 1, 1991 and extends through December 31, 1991.

Effective on November 7, 1991, you are directed to amend further the directive dated December 12, 1990 to adjust the limits for the following categories, as provided under the terms of the current bilateral agreement between the Governments of the United States and the Philippines:

Category	Adjusted twelve-month limit [1]
Sublevels in Group I	
237	770,111 dozen.
239	8,698,329 kilograms.
333/334	195,233 dozen of which not more than 25,250 dozen shall be in Category 333.
335	127,077 dozen.
336	434,916 dozen.
340/640	849,162 dozen of which not more than 402,774 dozen shall be in Categories 340-Y/640-Y [2]
342/642	409,756 dozen.
345	126,627 dozen.
352/652	1,635,177 dozen.
431	174,994 dozen pairs.
433	3,662 dozen.
443	44,293 numbers.
445/446	28,458 dozen.
447	7,913 dozen.
631	3,433,307 dozen pairs.
634	325,611 dozen.
635	308,517 dozen.
643	504,694 numbers.
645/646	528,651 dozen.
650	70,110 dozen.
847	700,200 dozen.

[1] The limits have not been adjusted to account for any imports exported after December 31, 1990.

[2] Category 340-Y: only HTS numbers 6205.20.2015, 6205.20.2020, 6205.20.2046, 6205.20.2050 and 6205.20.2060; Category 640-Y: only HTS numbers 6205.30.2010, 6205.30.2020, 6205.30.2050 and 6205.30.2060.

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,

Ronald I. Levin,

Acting Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 91-26663 Filed 11-4-91; 8:45 am]

BILLING CODE 3510-DR-F

DEPARTMENT OF DEFENSE

Department of the Navy

CNO Executive Panel, Closed Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (5 U.S.C. App. 2), notice is hereby given that the Chief of Naval Operations (CNO) Executive Panel Long Range Planning Task Force will meet November 8, 1991, from 9 am to 5 pm, at 4401 Ford Avenue, Alexandria, Virginia. All sessions will be closed to the public.

The purpose of this meeting is to review maritime issues as they impact national security policy and requirements. The entire agenda of the meeting will consist of discussions for drafting an interim report of Navy long range issues and further deliberations on the future of the Navy. These matters constitute classified information that is specifically authorized by Executive order to be kept secret in the interest of national defense and are, in fact, properly classified pursuant to such Executive order. 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.

This Notice is being published late because of administrative delays which constitute an exceptional circumstance, not allowing Notice to be published in the Federal Register at least 15 days before the date of the meeting.

For further information concerning this meeting, contact: Judith A. Holden, Executive Secretary to the CNO Executive Panel, 4401 Ford Avenue, Room 601, Alexandria, Virginia 22302-0268. Phone (703) 756-1205.

Dated: October 31, 1991.

Wayne T. Baucino

Lieutenant, JAGC, U.S. Naval Reserve, Alternate Federal Register Liaison Officer.

[FR Doc. 91-26654 Filed 11-4-91; 8:45 am]

BILLING CODE 3810-AE-F

CNO Executive Panel 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 Chief of Naval Operations (CNO) Executive Panel Technology Surprise Task Force will meet November 14, 1991, from 9 am to 5 pm, at 4401 Ford Avenue, Alexandria, Virginia. This session will be closed to the public.

The purpose of this meeting is to discuss the possibility of unexpected technological breakthroughs that vastly change warfighting capabilities. These matters constitute classified information that is specifically authorized by Executive order to be kept secret in the interest of national defense and are, in fact, properly classified pursuant to such Executive order. 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.

This Notice is being published late because of administrative delays which constitute an exceptional circumstance, not allowing Notice to be published in the **Federal Register** at lease 15 days before the date of the meeting.

For further information concerning this meeting, contact: Judith A. Holden, Executive Secretary to the Executive Panel, 4401 Ford Avenue, room 601, Alexandria, Virginia 22302-0268, Phone (703) 756-1205.

Dated: October 31, 1991.

Wayne T. Baucino

Lieutenant, JAGC, U.S. Naval Reserve, Alternate Federal Register Liaison Officer.

[FR Doc. 91-26655 Filed 11-4-91; 8:45 am]

BILLING CODE 3810-AE-F

DEPARTMENT OF EDUCATION

Proposed Information Collection Requests

AGENCY: Department of Education.

ACTION: Notice of proposed information collection requests.

SUMMARY: The Director, Office of Information Resources Management, invites comments on the proposed information collection requests as required by the Paperwork Reduction Act of 1980.

DATES: Interested persons are invited to submit comments on or before December 5, 1991.

ADDRESSES: Written comments should be addressed to the Office of Information and Regulatory Affairs, Attention: Dan Chenok: Desk Officer, Department of Education, Office of Management and Budget, 726 Jackson Place, NW., room 3208, New Executive Office Building, Washington, DC 20503. Requests for copies of the proposed information collection requests should be addressed to Mary P. Liggett, Department of Education, 400 Maryland Avenue, SW., room 5624, Regional Office Building 3, Washington, DC 20202.

FOR FURTHER INFORMATION CONTACT: Mary P. Liggett (202) 708–5174.

SUPPLEMENTARY INFORMATION: Section 3517 of the Paperwork Reduction Act of 1980 (44 U.S.C. chapter 35) requires that the Office of Management and Budget (OMB) provide interested Federal agencies and the public an early opportunity to comment on information collection requests. OMB may amend or waive the requirement for public consultation to the extent that public participation in the approval process would defeat the purpose of the information collection, violate State or Federal law, or substantially interfere with any agency's ability to perform its statutory obligations.

The Acting Director, Office of Information Resources Management, publishes this notice containing proposed information collection requests prior to submission of these requests to OMB. Each proposed information collection, grouped by office, contains the following:

(1) Type of review requested, e.g., new, revision, extension, existing or reinstatement; (2) Title; (3) Frequency of collection; (4) The affected public; (5) Reporting burden; and/or (6) Recordkeeping burden; and (7) Abstract. OMB invites public comment at the address specified above. Copies of the requests are available from Mary P. Liggett at the address specified above.

Dated: October 30, 1991.

Mary P. Liggett,

Acting Director, Office of Information Resources Management.

Office of Educational Research and Improvement

Type of Review: Extension.
Title: Application for Grants under the College Library Technology and Cooperation Grants Program.
Frequency: Annually.
Affected Public: Non-profit institutions.
Reporting Burden:
Responses: 400
Burden Hours: 14,400
Recordkeeping Burden:
Recordkeepers: 0
Burden Hours: 0
Abstract: This form will be used by State Educational Agencies to apply for funding under the College Library Technology and Cooperation Grants Program. The Department uses the information to make grant awards.

Office of Educational Research and Improvement

Type of Review: Revision.
Title: Field Test of the Schools and Staffing Survey.
Frequency: On occasion.
Affected Public: Individuals or households; State or local governments; businesses or other for-profit; non-profit institutions; small businesses or organizations.
Reporting Burden:
Responses: 3,990
Burden Hours: 4,185
Recordkeeping Burden:
Recordkeepers: 0
Burden Hours: 0
Abstract: This field test will collect data about each of the four Schools and Staffing Survey instruments. The data collected through this field test will be used by the Department to make decisions impacting the final data collection methodology and survey instruments.

Office of Planning, Budget and Evaluation

Type of Review: Reinstatement.
Title: Evaluation of Dropout Prevention and Reentry Demonstration Projects in Vocational Education.
Frequency: Annually.
Affected Public: Individuals or households; State or local governments.
Reporting Burden:
Responses: 1,702
Burden Hours: 403
Recordkeeping Burden:
Recordkeepers: 0
Burden Hours: 0
Abstract: This study will determine vocational education dropout rates. Demonstration projects are required to disseminate information about effective dropout prevention practices in vocational education. The Department will use the information to assess the accomplishment of program goals and objectives and to aid in effective program management.

[FR Doc. 91–26557 Filed 11–4–91; 8:45 am]

BILLING CODE 4000–01–M

Proposed Information Collection Requests

AGENCY: Department of Education.

ACTION: Notice of proposed information collection requests.

SUMMARY: The Director, Office of Information Resources Management, invites comments on proposed information collection requests as required by the Paperwork Reduction Act of 1980.

DATES: An expedited review has been requested in accordance with the Act, since allowing for the normal review period would adversely affect the public interest. Approval by the Office of Management and Budget (OMB) has been requested by November 29, 1991.

ADDRESSES: Written comments should be addressed to the Office of Information and Regulatory Affairs, Attention: Dan Chenok, Desk Officer, Department of Education, Office of Management and Budget, 726 Jackson Place, NW., room 3208, New Executive Office Building, Washington, DC 20503. Requests for copies of the proposed information collection request should be addressed to Mary P. Liggett, Department of Education, 400 Maryland Avenue, SW., room 5624, Regional Office Building 3, Washington, DC 20202.

FOR FURTHER INFORMATION CONTACT: Mary P. Liggett (202) 708–5174.

SUPPLEMENTARY INFORMATION: Section 3517 of the Paperwork Reduction Act of 1980 (44 U.S.C. chapter 3517) requires that the Director of OMB provide interested Federal agencies and persons an early opportunity to comment on information collection requests. OMB may amend or waive the requirement for public consultation to the extent that public participation in the approval process would defeat the purpose of the information collection, violate State or Federal law, or substantially interfere with any agency's ability to perform its statutory obligations.

The Director, Office of Information Resources Management, publishes this notice with the attached proposed information collection request prior to submission of this request to OMB. This notice contains the following information: (1) Type of review requested, e.g., expedited; (2) Title; (3) Abstract; (4) Additional Information; (5) Frequency of collection; (6) Affected public; and (7) Reporting and/or Recordkeeping burden. Because an expedited review is requested, a description of the information to be collected is also included as an attachment to this notice.

Dated: October 30, 1991.

Mary P. Liggett,

Acting Director, Office of Information, Resources Management.

Office of Special Education and Rehabilitative Services

Type of Review: Expedited.
Title: Application for Grants Under the Individuals with Disabilities Education Act (IDEA).
Abstract: This form will be used by State Educational agencies and non-profit institutions to apply for funding under the Application for Grants Under the Individuals with Disabilities Education Act (IDEA) Program.
Additional Information: An expedited review is requested in order to keep the grant awards under the Application for Grants Under the Individuals with Disabilities Education Act (IDEA) Program on schedule for FY 1992. This application contains Part I—Standard Form 424 (Application for Federal Assistance), Part II—Standard Form 424A (Budget Information—Non-Construction Programs), Part III—Application Narrative, and Part IV—Standard Form 424B (Assurances), Lobbying Certifications, Debarment Certifications, Drug-Free Certifications, and Lobbying Activities Disclosures.
Frequency: Annually.
Affected Public: State or local governments; Non-profit institutions.
Reporting Burden:
Responses: 2,710
Burden Hours: 97,820
Recordkeeping Burden:
Recordkeepers: 0
Burden Hours: 0

Instructions for Part III—Application Narrative

Before preparing the Application Narrative an applicant should read carefully the description of the program, the information regarding priorities, and the selection criteria the Secretary uses to evaluate applications.

The narrative should encompass each function or activity for which funds are being requested and should—

1. Begin with an Abstract; that is, a summary of the proposed project;
2. Describe the proposed project in light of each of the selection criteria in the order in which the criteria are listed in this application package; and
3. Include any other pertinent information that might assist the Secretary in reviewing the application.

Please limit the Application Narrative to no more than 30 double-spaced, typed pages (on one side only).

[FR Doc. 91-26558 Filed 11-4-91; 8:45 am]
BILLING CODE 4000-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. QF84-52-002, et al.]

Delano Energy Company, Inc., et al.; Electric Rate, Small Power Production, and Interlocking Directorate Filings

October 25, 1991

Take notice that the following filings have been made with the Commission.

1. Delano Energy Company, Inc.

[Docket No. QF84-52-002]

On October 18, 1991, Delano Energy Company, Inc. tendered for filing an amendment to its filing in this docket.

The amendment clarifies the ownership structure of the facility.

Comment date: November 13, 1991 in accordance with Standard Paragraph E at the end of this notice.

2. Saranac Energy Company, Inc.

[Docket No. QF90-114-002]

On October 18, 1991, Saranac Energy Company, Inc. (Applicant) of Post Oak Park, suite 1400, Houston, Texas 77027 submitted for filing an application for recertification of a facility as a qualifying cogeneration facility pursuant to § 292.207 of the Commission's Regulations. No determination has been made that the submittal constitutes a complete filing.

The topping-cycle cogeneration facility is presently certified for approximately 80 MW (51 FERC ¶ 62,208 (1990)). The instant recertification is primarily requested to reflect an increase in the power output to approximately 240 MW.

Comment date. December 5, 1991, in accordance with Standard Paragragh E at the end of this notice

3. Hunterdon Cogeneration Limited Partnership

[Docket No. QF92-14-000]

On October 21, 1991, Hunterdon Cogeneration Limited Partnership, (Applicant) of 255 Main Street, Hartford, Connecticut 06106, submitted for filing an application for certification of a facility as a qualifying cogeneration facility pursuant to § 292.207 of the Commission's Regulations. No determination has been made that the submittal constitutes a complete filing.

The topping-cycle cogeneration facility is located at the Hunterdon Development Center and Edna Mahan Correctional Facility for Women in Union, New Jersey, and will include a combustion turbine generator, and a supplementary fired heat recovery boiler. Steam recovered from the facility will be used for building heating, domestic hot water and kitchen uses at the Hunterdon Development Center and Edna Mahan Correctional Facility for Women. The net electric power production capacity of the facility will be 3,745 kw. The primary source of energy will be natural gas.

Central Hudson Cogeneration, Inc., a subsidiary of Central Hudson Gas and Electric Company, an electric utility, may have an ownership interest in the facility.

Comment date: December 5, 1991, in accordance with Standard Paragraph E at the end of this notice.

4. Eastman Chemical Company, a division of Eastman Kodak Company

[Docket No. QF92-13-000]

On October 18, 1991, Eastman Chemical Company, a division of Eastman Kodak Company (Applicant) on behalf of Tennessee Eastman Company (TEC), both located at Eastman Road, P O. Box 511, Kingsport, Tennessee 37662 submitted for filing an application for certification of a facility as a qualifying cogeneration facility pursuant to § 292.207 of the Commission's Regulations. No determination has been made that the submittal constitutes a complete filing.

The facility which is located on the property of Tennessee Eastman Company in Kingsport, Tennessee has an existing capacity of 110 MW. TEC plans to increase the existing capacity and steam output in two phases. In Phase 1 which is expected to be in full operation by March 1, 1992, TEC will replace an existing boiler with three now gas-fired boilers. In Phase 2 which is expected to be in operation by December 31, 1992, TEC will add one coal fired boiler and two steam turbine

generators. The electric power output after completion of Phase 2 will be 170.5 MW. The facility will use coal and natural gas as fuel input. Steam recovered from the facility will be used in production of plastics, fibers, industrial chemicals and fiber grade cellulose acetate.

Comment date: December 5, 1991, in accordance with Standard Paragraph E at the end of this notice.

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, N.E., 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 within 30 days after the date of publication of this notice in the Federal Register 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. 91-26571 Filed 11-4-91; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. ER89-25-001, et al.]

Kentucky Utilities Co., et al.; Electric Rate, Small Power Production, and Interlocking Directorate Filings

October 29, 1991

Take notice that the following filings have been made with the Commission:

1. Kentucky Utilities Co.

[Docket No. ER89-25-001]

Take notice that on August 12, 1991, Kentucky Utilities Company (KU) tendered for filing its compliance filing pursuant to the Commission's order issued on July 25, 1991.

Comment date. November 8, 1991 in accordance with Standard Paragraph E at the end of this notice.

2. Green Mountain Power Corp.

[Docket No. ER92-109-000]

Take notice that on October 21, 1991, Green Mountain Power Corporation tendered for filing supplemental information regarding the justification for charges for 50 MW of capacity and associated energy sold to the New York Power Authority during May 1990 pursuant to a Letter of Agreement dated August 8, 1990.

Comment date: November 12, 1991, in accordance with Standard Paragraph E at the end of this notice.

3. Minnesota Power & Light Co.

[Docket No. ER91-532-000]

Take notice that on October 16, 1991, Minnesota Power & Light Company ("Minnesota Power") tendered for filing supplemental cost support information concerning a Transmission Services Agreement, dated July 1, 1991, with Cyprus Silver Bay Power Corporation.

Minnesota Power again requests waiver of the Commission's notice requirements and an effective date of July 1, 1991.

Copies of this filing have been served on Cyprus, the Minnesota Public Utilities Commission, and the Minnesota Department of Public Service.

Comment date: November 12, 1991, in accordance with Standard Paragraph E at the end of this notice.

4. Iowa Public Service Co.

[Docket No. ES92-6-000]

Take notice that on October 24, 1991, Iowa Public Service Company (Applicant) filed an application with the Federal Energy Regulatory Commission pursuant to section 204 of the Federal Power Act seeking authorization to assume the liability of its affiliate company, Middlewood, Inc. in the amount of $14,027,000. The assumption is in connection with the transfer of the Applicant's corporate office building from Middlewood, Inc. to the Applicant. The Applicant is currently leasing the executive office building from Middlewood, Inc.

Comment date: November 25, 1991, in accordance with Standard Paragraph E at the end of this notice.

5. Union Electric Co.

[Docket No. ER92-125-000]

Take notice that Union Electric Company (Union), on October 17, 1991, tendered for filing a Substitute Power Agreement dated June 14, 1991, with the City of Linneus, Missouri, providing for the sale of substitute electric service.

Union requests an effective date of June 14, 1991, and therefore requests waiver of the Commission's notice requirements.

Comment date: November 12, 1991, in accordance with Standard Paragraph E at the end of this notice.

6. The Detroit Edison Co.

[Docket No. ES92-7-000]

Take notice that on October 24, 1991, The Detroit Edison Company filed an application with the Federal Energy Regulatory Commission pursuant to section 204 of the Federal Power Act seeking authorization to issue short-term debt and to assume obligations in the aggregate amount of $400 million pursuant to a Loan Agreement and a Nuclear Fuel Heat Purchase Contract.

Comment date: November 25, 1991, in accordance with Standard Paragraph E at the end of this notice.

7. Pacific Gas and Electric Co.

[Docket No. ER92-124-000]

Take notice that on October 17, 1991, Pacific Gas and Electric Company (PG&E) tendered for filing changes to Rate Schedule FERC No. 85. The changes are: (1) The incorporation of an agreement entitled, "Combustion Turbine Agreement between Pacific Gas and Electric Company and the City of Santa Clara" (Agreement), (2) revisions to appendix A, schedule G, and (3) revisions to exhibit A-4.

The Agreement provides for Firm Transmission Services under Rate Schedule FERC No. 85 for City of Santa Clara's (Santa Clara) 25% entitlement share of Combustion Turbines located in or near the Cities of Alameda, Roseville, and Lodi. These Combustion Turbines are co-owned by the Northern California Power Agency (NCPA) and Santa Clara. Appendix A, schedule G, is revised to reflect lower transmission rates which are the result of negotiations with Santa Clara. Exhibit A-4 to the Santa Clara Agreement (Rate Schedule FERC No. 85) is revised to include the Combustion Turbines and a change in entitlement share to the North Fork Stanislaus River Hydroeclectric Project as a result of purchasing the Cities of Biggs and Gridley's entitlements to this project.

Copies of this filing have been served upon Santa Clara and the California Public Utilities Commission.

Comment date: November 12, 1991, in accordance with Standard Paragraph E at the end of this notice.

8. Iowa Public Service Co.

[Docket No. ER89-506-000]

Take notice that Iowa Public Service Company (IPS), on October 23, 1991, tendered for filing an amended filing for Supplement No. 6 to the Twin cities-Iowa-Omaha-Kansas City 345 kV Interconnection Coordinating Agreement, effective May 1, 1989. Supplement No. 6 revises the rates for power and energy in the Service Schedules under the Original Agreement and adds two new classes of power and energy called "General Purpose Energy" and "Term Energy." The amended filing contains a revised "General Purpose

Energy" proposed rate and additional cost support

Copies of the filing were served on the following regulatory commissions. Iowa Utilities Board; State Corporation Commission (Kansas); Minnesota Public Utilities Commission, The Public Service Commission (Nebraska); South Dakota Public Utilities Commission, The Public Service Commission (North Dakota); Wisconsin Public Service Commission, as well as all owners of the West 345 kV aforementioned transmission line

This filing has previously been held in abeyance at the request of IPS pending resolution of similar issues in Docket No ER89-391-000. With the conclusion that docket IPS is now amending its filing for further review. IPS news its request for waiver of notice requirements to permit an effective date of May 1, 1990.

Comment date. November 12, 1991, in accordance with Standard Paragraph E at the end of this notice.

9. Green Mountain Power Corp.

[Docket No ER92-103-000]

Take notice that on October 22, 1991, Green Mountain Power Corporation ("GMP") transmitted a check in payment of a supplemental filing fee associated with a Sales Agreement between GMP and Niagara Mohawk Power Corporation ("NMPC") which had previously been tendered for filing on October 7, 1991 GMP states that while the Sales Agreement is intended to provide a basis for energy sales by GMP to NMPC, as additional filing fee was being submitted because GMP may request that NMPC provide exchange power (and associated energy) if necessary to enable GMP to maintain its minimum monthly system capability under the NEPOOL Agreement while making energy sales to NMPC.

Comment date. November 12, 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. 91-26643 Filed 11-4-91, 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. CP92-91-000, et al.]

Natural Gas Pipe Line Co., et al.; Natural Gas Certificate Filings

October 25, 1991

Take notice that the following filings have been made with the Commission.

1. Natural Gas Pipe Line Co.

[Docket No CP92-91-000]

Take notice that on October 15, 1991, Natural Gas Pipe Line Company of America (Natural), 701 East 22nd Street, Lombard, Illinois 60148, filed in Docket No. CP92-91-000 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the installation and operation of compression at its Loudon storage field, and an increase in the certificated peak day withdrawal from its Loudon storage field, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Natural proposes to construct and operate appropriately 2,400 horsepower of compression at its Loudon storage field in Fayette and Effingham Counties, Illinois to increase the compression from the existing 6,000 horsepower to approximately 8,400 horsepower. Natural also proposes to increase the certificated peak day withdrawal at its Loudon storage field from 450 MMcf of natural gas per day to 550 MMcf of natural gas per day. Natural states that adding the proposed compression will balance the injection and withdrawal capabilities of the Loudon storage field to provide an additional 7.2. billion cubic feet of seasonal firm storage service. The estimated cost of the new compression is approximately $5.5 million. Natural states that the cost of the facilities will be financed from funds on hand.

Natural indicates that it will provide firm storage service pursuant to the terms and conditions of its Rate Schedule FSS. Natural further states that it intends to hold an open season. According to Natural the open season would allow anyone interested in new FSS storage service for a term of at least ten years, and who is willing to pay a proportionate contribution-in-aid toward the cost of the new facilities, to sign-up for the proposed new FSS capacity.

Comment date: November 15, 1991, in accordance with Standard Paragraph F at the end of this notice.

2. Northern Natural Gas Co.

[Docket Nos. CP92-120-00, CP92-121-000]

October 25, 1991

Take notice that Northern Natural Gas Company, 1400 Smith Street, P.O. Box 1188, Houston, Texas 77251-1188, (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 shippers under its blanket certificate issued in Docket No. CP86-435-000, pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the requests that are on file with the Commission and open to public inspection.[1]

Information applicable to each transaction, including the identity of the shipper, the type of transportation service, the appropriate transportation rate schedule, the peak day, average day and annual volumes, and the initiation service dates and related ST docket numbers of the 120-day transactions under § 284.223 of the Commission's Regulations, has been provided by Applicant and is summarized in the attached appendix.

Comment date. December 9, 1991, in accordance with Standard Paragraph G at the end of this notice.

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[1] These prior notice requests are not consolidated

Docket No. (date filed)	Shipper name (type)	Peak day, average day, annual MMBtu	Receipt points	Delivery points	Contract date, rate schedule, service type	Related docket, start-up date
CP92-120-000 (10-23-91)	Centran Corporation (Marketer).	15,000 11,250 5,475,000	Various	Various	9-7-91, IT-1, Interruptible.	ST91-10603, 9-7-91.
CP92-121-000 (10-23-91)	Teco Gas Marketing Company (Marketer).	150,000 112,500 54,750,000	Various	Various	9-10-91, IT-1, Interruptible.	ST91-10602, 9-10-91.

3. Columbia Gas Transmission Corporation

[Docket No. CP92-118-000]

October 25, 1991.

Take notice that on October 22, 1991, Columbia Gas Transmission Corporation (Columbia), 1700 MacCorkle Avenue, SE., Charleston, West Virginia 25314, filed in Docket No. CP92-118-000 a request pursuant to §§157.205 and 157.212 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205, 157.212) for authorization to construct and operate additional points of delivery to serve Columbia Gas of Ohio, Inc. (COH), and Waterville Gas and Oil Company (WGO) under Columbia's blanket certificate issued in Docket No. CP83-76-000 pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request that is on file with the Commission and open to public inspection.

Columbia proposes to construct and operate facilities necessary to provide eight additional points of delivery, as follows and as shown in more detail in the attached appendix.

Wholesale customer	Commerical	Residential	Industrial	Annual quantities (Dth)
Columbia Gas of Ohio, Inc.	1	5	1	20,000
Waterville Gas and Oil Company		1		31,000

It is stated that Columbia has been advised that no major non-jurisdictional facilities would be required as a result of the proposed service. Columbia further states that it has indicated the amount of any such non-jurisdictional construction associated with the proposed points of delivery in the individual project description with the exception of residential hookups.

Columbia states that it would comply with the environmental requirements of § 157.206(d) prior to the construction of its facilities.

Columbia states that the quantities to be provided through the new delivery points are within Columbia's currently authorized level of service and would be within existing peak day and annual proposed annual entitlement nominations of such customers. Columbia advises that the sales to be made through the proposed points of delivery would be under Columbia's currently effective Service Agreements with such customers under Rate Schedules CDS and SGS.

Comment date: December 9, 1991, in accordance with Standard Paragraph G at the end of this notice.

COLUMBIA GAS TRANSMISSION CORPORATION

[Proposed additional points of delivery]

Delivery point	Location	Peak day, annual quantity, Dth	End-user	Type
1. COH-92-PN43-0001	Lawrence County, Ohio	250 19,000	Ace Materials	Industrial
2. COH-92-PN43-0002	Lucas County, Ohio	1.5 150	John D. Nichols	Residential
3. COH-92-PN43-0003	Wynandot County, Ohio	2.5 250	Morton Building-Real Estate Div.	Commerical
4. COH-92-PN43-0004	Crawford County, Ohio	1.5 150	Steven D. Gallant	Residential
5. COH-92-PN43-0005	Hocking County, Ohio	1.5 150	Kevin R. and Penny A. Berry	Residential
6. COH-92-PN43-0006	Fairfield County, Ohio	1.5 150	Ayeline Engle	Residential
7. COH-92-PN43-0007	Marion County, Ohio	1.5 150	Guy Blazer	Residential
8. WGO-92-PN43-0001	Wood County, Ohio	375 31,000	Riverford Subdivision	Residential

4. Columbia Gulf Transmission Co.

[Docket Nos. CP92-126-000, CP92-127-000]

October 29, 1991.

Take notice that on October 25, 1991, Columbia Gulf Transmission Company (Columbia Gulf), P.O. Box 683, Houston, Texas 77001, 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 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.[1]

Information applicable to each transaction, including the identity of the shipper, the type of transportation service, the appropriate transportation rate schedule, the peak day, average day and annual volumes, and the initiation service dates and related ST docket numbers of the 120-day transactions under § 284.223 of the Commission's Regulations, has been provided by Columbia Gulf and is summaried in the attached appendix.

Comment date: December 13, 1991, in accordance with Standard Paragraph G at the end of this notice.

[1] These prior notice requests are not consolidated.

Docket No. (date filed)	Shipper name (type)	Peak day, average day, annual MMBtu	Receipt points	Delivery points	Contract date, rate schedule, service type	Related docket, start up date
CP92-126-000 (10-25-91)	Amerada Hess Corporation (Producer).	100,000 80,000 29,200,000	LA	LA	ITS-2, Interruptible	ST91-10517, 9-14-91.
CP92-127-000 (10-25-91)	Atlas Gas Marketing, Inc. (Marketer).	10,000 8,000 2,920,000	Offshore LA	LA	ITS-2, Interruptible	ST91-10516, 9-15-91.

5. Columbia Gas Transmission Corporation

[Docket No. CP92-116-000]

October 29, 1991.

Take notice that on October 21, 1991, Columbia Gas Transmission Corporation (Applicant), 1700 MacCorkle Avenue, SE., Charleston, West Virginia 25314, filed in Docket No. CP92-116-000 a request pursuant to § 157.205 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205) for authorization to construct and operate a delivery point to an existing wholesale customer, New York State Electric and Gas (NYSEG), under Applicant's blanket certificate issued in Docket No. CP83-76-000 pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant proposes to construct a new delivery point, including 100 feet of 6-inch pipeline, on its Line A-5-12" in Broome County, New York, to deliver both sales and transportation gas to NYSEG.

Applicant states that the sales volumes to NYSEG would be made under its Rate Schedule CDS with maximum day and annual quantities of 20 Dth and 7,300 Dth, respectively. Applicant further states that the total sales volumes to be delivered to NYSEG are within the presently certificated sales level to NYSEG and that there would be no impact on Applicant's other customers.

Applicant further states that the delivery point would also be used to deliver gas transported by Applicant pursuant to Subpart G of part 284 of the Commission's Regulations to NYSEG for further transportation to Cogeneration Partners of America/Anitec Image in Binghamton, New York.

The total maximum day and annual transportation volumes to be delivered through the proposed delivery point would be 52,000 Dth and 18,980,000 Dth, respectively, it is stated.

Applicant further states that service through the proposed delivery point would begin on April 1, 1992.

Comment date: December 13, 1991, in accordance with Standard Paragraph G at the end of this notice.

Standard Paragraphs

F. Any person desiring to be heard or make any protest with reference to said filing should on or before the comment date file with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this filing if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for the applicant to appear or be represented at the hearing.

G. Any person or the Commission's staff may, within 45 days after the issuance of the instant notice by the Commission, file pursuant to rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefore, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn

within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to section 7 of the Natural Gas Act.

Lois D. Cashell,

Secretary.

[FR Doc. 91-26572 Filed 11-4-91; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. JD92-00842T New Mexico-29]

The United States Department of the Interior, Bureau of Land Management; Receipt of Determination Designating Tight Formation

October 29, 1991.

Take notice that on October 24, 1991, the United States Department of the Interior, Bureau of Land Management (BLM), submitted the above-referenced notice of determination to the Commission, pursuant to § 271.703(c)(3) of the Commission's regulations, that the Pictured Cliffs Formation in a portion of Rio Arriba County, New Mexico, qualifies as a tight formation under section 107(b) of the Natural Gas Policy Act of 1978 (NGPA). The notice covers approximately 76,800 acres. Of this total, roughly 30,720 acres fall within the Carson National Forest. The remaining acreage, approximately 46,080 acres, falls within the Jicarilla Apache Indian Reservation. The recommended area consists of all of Sections 4–9, 16–21, and 28–33 in T29N, R3W (NMPM), all of Sections 1–36 in T29N, R4W (NMPM), all of Sections 1–36 in T30N, R3W (NMPM), all of Sections 1, 2, 11–14, 23–26, 35 and 36 in T30N, R4W (NMPM), and all of Sections 4–9, 16–21, and 28–33 in T31N, R3W (NMPM). The notice of determination also contains the BLM's findings that the referenced portion of the Pictured Cliffs Formation meets the requirements of the Commission's regulations set forth in 18 CFR part 271.

The application for determination is available for inspection, except for material which is confidential under 18 CFR 275.206, at the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426. Persons objecting to the determination may file a protest, in accordance with 18 CFR 275.203 and 275.204, within 20 days after the date this notice is issued by the Commission.

Lois D. Cashell,

Secretary.

[FR Doc. 91-26573 Filed 11-4-91, 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TM92-4-20-000]

Algonquin Gas Transmission Co.; Proposed Changes in FERC Gas Tariff

October 29, 1991.

Take notice that Algonquin Gas Transmission Company ("Algonquin") on October 25, 1991, filed proposed changes in its FERC Gas Tariff, Third Revised Volume No. 1, as set forth in the revised tariff sheets, to be effective November 25, 1991.

Appendix A Tariff Sheets

Fourth Revised Sheet No. 92
Third Revised Sheet No. 93
Fourth Revised Sheet No. 674D
Third Revised Sheet No. 674G
Third Revised Sheet No. 674K
Third Revised Sheet No. 674L
Third Revised Sheet No. 674M
Third Revised Sheet No. 674N
Third Revised Sheet No. 674O

Appendix D Tariff Sheet

Substitute Fourth Revised Sheet No. 92

Algonquin states that the purpose of this filing is to update the amount of take-or-pay charges to be billed to Algonquin by CNG Transmission Corporation and National Fuel Gas Supply to be recovered by Algonquin by operation of § 33.7 of the General Terms and Conditions to Algonquin's FERC Gas Tariff, Third Revised Volume No. 1. Algonquin also states that the revised take-or-pay surcharges are the result of revised allocation methods imposed by its pipeline suppliers in response to the Commission's Order No. 528 and 528–A.

Algonquin notes that copies of this filing were served upon each affected party and interested state commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with §§ 385.214 and 385.211 of the Commission's Rules and Regulations. All such motions or protests should be filed on or before November 5, 1991. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 91-26574 Filed 11-4-91; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TM92-2-4-000]

Granite State Gas Transmission, Inc.; Proposed Changes in Rates

October 30, 1991.

Take notice that on October 28, 1991, Granite State Gas Transmission, Inc. (Granite State) 300 Friberg Parkway, Westborough, Massachusetts 01581 tendered for filing Seventh Revised Sheet No. 25 in its FERC Gas Tariff, Second Revised Volume No. 1, for effectiveness on October 3, 1991.

According to Granite State, it provides storage services for Bay State Gas Company and Northern Utilities, Inc., under its Rate Schedule S–1 with storage capacity provided in a facility operated by Penn-York Energy Corporation (Penn-York) pursuant to Penn-York's Rate Schedule SS–1.

Granite State further states that, on June 28, 1991, Penn-York filed a motion under section 4(e) of the Natural Gas Act to make effective on July 1, 1991, the suspended rates for its Rate Schedule SS–1 storage service, pending in Docket No. RP91–68–000. It is further stated that, in an order issued August 2, 1991, the Commission accepted Penn-York's motion rates, subject to refund. Granite State further states that on August 22, 1991, it filed revised rates in its Rate Schedule S–1 tracking the Penn-York Rate Schedule SS–1 rates that the Commission had accepted in its August 2, 1991 order. (Docket No. TM91–11–4–000). Granite State's filing was accepted in a Letter Order dated September 19, 1991 "subject to Granite State promptly tracking any further rate changes" by Penn-York.

Granite State states that, on October 3, 1991, the Commission issued a further Order Granting and Denying Rehearing Requests in Docket Nos. RP91–68–000, *et al.*, directing Penn-York to revise the rates for Rate Schedule SS–1 service, effective with the date of the order. It further states that Penn-York filed revised rates on October 15, 1991, in compliance with the Commission's October 3, 1991 order.

According to Granite State, its filing tracks in its Rate Schedule S–1 the change filed by Penn-York in compliance with the Commission's October 3, 1991 order.

Granite State states that copies of its filing were served on its storage service customers, Bay State Gas Company and Northern Utilities, Inc. and also on the regulatory commissions of the states of Maine, Massachusetts and New Hampshire.

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 sections 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 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.

Lois D. Cashell,

Secretary.

[FR Doc. 91-26575 Filed 11-4-91, 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. RP89-186-051 and TQ90-10-51-001]

Great Lakes Gas Transmission Limited Partnership; Proposed Changes in FERC Gas Tariff

October 30, 1991

Take notice that Great Lakes Gas Transmission Limited Partnership ("Grean Lakes") on October 23, 1991, tendered for filing tariff sheets to reflect revised PGA rates derived from the implementation of a change in PGA methodology pursuant to its Stipulation and Agreement of May 18, 1990 in Docket Nos. RP89-186-004, RP90-20-002 and RP86-35-013.

Great Lakes states that its Settlement Agreement provided, *inter alia*, for a change in PGA tariff provisions to become effective retroactive to May 1, 1990. Pending final approval of its Settlement Agreement, Great Lakes has filed its Quarterly and Out-of-Cycle PGA filings, as well as its Annual PGA filing, utilizing the PGA methodology in effect prior to its Settlement Agreement. In each of its filings, Great Lakes states that it included, for informational purposes, Proforma Tariff Sheets Nos. 57(i), 57(ii) and 57(v) with supporting calculations setting forth Settlement Agreement base tariff rates and PGA adjustment rates reflecting the revised PGA methodology. These calculations were provided so that Great Lakes' customers would be aware of the PGA rates that would ultimately be used to determine their future surcharge rates.

Great Lakes states that its Stipulation and Agreement in Settlement of Rate Proceedings in Docket No. RP89-186-004, *et al* was approved by the Commission on September 13, 1990, however, such approval was made subject to the outcome of rehearing requests made subsequent to the issuance of the Commission's Order at the captioned docket.

Great Lakes states further that on October 22, 1991, the Commission issued its "Order Denying and Granting Rehearing and Clarification in Part" in the proceedings in Docket No. RP89-186-004, *et al.* With that Order, Great Lakes states the Commission's September 13, 1990 Order became a "final" Order in the capitioned docket so that Great Lakes may implement the remainder of its Stipulation and Agreement in Settlement of Rate Proceedings.

Great Lakes states that a copy of the filing was served on all of Great Lakes' customers and Public Service Commissions of Minnesota, Michigan and Wisconsin.

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 Pactice and Procedure 18 CFR 385.211. All such 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. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary

[FR Doc. 91-26642 Filed 11-4-91; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP92-125-000]

Great Lakes Gas Transmission Limited Partnership; Request Under Blanket Authorization

October 29, 1991.

Take notice that on October 25, 1991, Great Lakes Gas Transmission Limited Partnership (Great Lakes), Suite 1600, One Woodward Avenue, Detroit, Michigan 48226, filed in Docket No. CP92-125-000 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 Triumph Gas Marketing, a marketer, under the blanket certificate issued in Docket No. CP89-2198-000 pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request that is on file with the Commission and open to public inspection.

Great Lakes states that, pursuant to an agreement dated October 30, 1990, under its Rate Schedule IT, it proposes to transport up to 200,000 Mcf per day of natural gas. Great Lakes indicates that the gas would be transported from Michigan and Minnesota, and would be redelivered in Michigan and Minnesota Great Lakes further indicates that it would transport 200,000 Mcf on an average day and 73,000,000 Mcf annually.

Great Lakes advises that service under § 284.223(a) commenced September 1, 1991, as reported in Docket No. ST92-13-000.

Any person or the Commission's staff may, within 45 days after issuance of the instant notice by the Commission, file pursuant to rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to Section 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefor, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to section 7 of the Natural Gas Act.

Lois D. Cashell,

Secretary.

[FR Doc. 91-26576 Filed 11-4-91, 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER90-499-002]

Niagara Mohawk Power Corp.; Filing

October 30, 1991

Take notice that on July 5, 1991, Niagara Mohawk Power Corporation tendered for filing its compliance filing in this docket pursuant to the Commission's letter order issued on June 27, 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 Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 18 CFR 385.214). All such motions or protests should be filed on or before November 8, 1991. Protests will be considered by the Commission in determining the appropriate action to be

taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 91-26641 Filed 11-4-91; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP91-2322-002]

Paiute Pipeline Co.; Amendment

October 29, 1991.

Take notice that on October 21, 1991, Paiute Pipeline Company (Applicant), P.O. Box 94197, Las Vegas, Nevada 89193-4197 filed in Docket No. CP91-2322-002, pursuant to section 7(c) of the Natural Gas Act, an amendment to its June 21, 1991 application in Docket No. CP91-2322-000, requesting authorization to construct and operate certain pipeline, compression, pressure regulating, and measurement facilities, which are in addition to those facilities for which construction authorization was requested by Applicant in its original application, all as more fully set forth in the amendment which is on file with the Commission and open for public inspection.

Applicant states that on June 21, 1991, Applicant filed its application in Docket No. CP91-2322-000, in which Applicant requested various certificate and abandonment authorizations pursuant to sections 7(b) and 7(c) of the Natural Gas Act. Applicant indicates that the purpose of the authorizations requested in Docket No. CP91-2322-000 is to permit Applicant to expand its system capacity to accommodate requests by shippers for new or additional firm transportation service and to complement the system capacity expansion of Northwest Pipeline Corporation proposed in Docket No. CP91-780-000, as well as to improve and simplify the efficient operation of Applicant's system. Applicant states that its capacity expansion construction project proposed in this proceeding will enable Applicant to accommodate 59,540 Dth equivalent per day of new firm transportation contract entitlements, including 31,285 Dth equivalent per day of new mainline, flowing gas transmission capacity.

Applicant further states that as part of original application, Applicant requested authorization to abandon by sale and conveyance to Sierra Pacific Power Company and Southwest Gas Corporation-Northern Nevada (Southwest-Northern Nevada) six of Applicant's pipeline lateral segments and adjoining facilities, and to construct and operate truck loading and unloading facilities at Applicant's liquefied natural gas (LNG) storage facility to permit the delivery to and the withdrawal from the LNG storage facility of LNG by truck. However, Applicant indicates that it filed a notice of partial withdrawal on August 26, 1991 in which Applicant notified the Commission that it was withdrawing its request to abandon the six pipeline lateral segments and to construct and operate the LNG truck loading and unloading facilities.

Applicant submits that, as a result of its notice of withdrawal, Applicant will retain the laterals, and must construct certain facilities, primarily on its Reno and Elko Laterals, in order to complete its capacity expansion project and to enable it to deliver all of the new and increased contract entitlements that it has proposed to accommodate in its original application. Applicant further submits that its amendment to Docket No. CP91-2322-000 is being submitted in order to obtain the necessary authorizations to construct the additional facilities on its lateral segments needed to complete its expansion project.

Applicant requests authorization, in addition to those authorizations requested in Docket No. CP91-2322-000 as modified by its notice of withdrawal, to construct and operate the following facilities:

(1) 12.4 miles of 12-inch loop pipeline on Applicant's Reno Lateral from the Tracy Lateral Tap to the Reno City Gate No. 2 delivery point.

(2) 26.3 miles of 12-inch loop pipeline on Applicant's Elko Lateral from milepost 110.90 to the Elko City Gate delivery point.

(3) A small, 300 horsepower, reciprocal compressor unit at the location of the Elko City Gate delivery point to Southwest-Northern Nevada, which is at the end of the proposed Elko Lateral loop pipeline; and

(4) A new city gate delivery point to Southwest-Northern Nevada, to be referred to as the Fallon City Gate No. 3, on Applicant's Gabb Lateral.

Applicant states that the total, overall cost of its proposed capacity expansion project, taking into account its original application, notice of withdrawal, and the additional facilities requested herein, is estimated to be $18,747,673. Applicant states that it intends to finance its project costs through ongoing regular financing programs and internally generated funds.

Any person desiring to be heard or to make any protest with reference to said amendment should on or before November 19, 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. All persons who have heretofore filed need not file again.

Lois D. Cashell,

Secretary.

[FR Doc. 91-26640 Filed 11-4-91; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. RP88-67-000, RP88-81-000, RP88-221-000, and RP90-119-001 (Phase II/PCBs)]

Texas Eastern Transmission; Informal Settlement Conference

October 29, 1991.

Take notice that an informal settlement conference will be convened in this proceeding on November 5, 1991, at 10 a.m., at the offices of the Panhandle Eastern Corporation, 1620 L Street, NW., Washington, DC., for the purpose of exploring the possible settlement of the above-referenced dockets.

Any party, as defined by 18 CFR 385.102(c), or any participant as defined in 18 CFR 385.102(b), is invited to attend. Persons wishing to become a party must move to intervene and receive intervenor status pursuant to the Commission's regulations, 18 CFR 385.214 (1991).

For additional information, contact Dennis H. Melvin at (202) 208-0042 or Arnold H. Meltz at (202) 208-0737.

Lois D. Cashell,

Secretary.

[FR Doc. 91-26577 Filed 11-4-91; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TM92-2-42-000]

Transwestern Pipeline Co., Proposed Changes in FERC Gas Tariff

October 29, 1991.

Take notice that Transwestern Pipeline Company ("Transwestern") on

October 28, 1991 tendered for filing as part of its FERC Gas Tariff, Second Revised Volume No. 1, the following tariff sheets:

Effective December 1, 1991

91st Revised Sheet No. 5
3rd Revised Sheet No. 5E(i)
54th Revised Sheet No. 6
17th Revised Sheet No. 37

Transwestern states that the above-referenced tariff sheets are being filed in compliance with and pursuant to § 25.6, Interest Rate Adjustment Filings, of the General Terms and Conditions of Transwestern's FERC Gas Tariff. Pursuant thereto, Transwestern must file on or before November 1, 1989, and annually thereafter, to adjust the TCR Surcharge to account for actual versus estimated interest amounts and to estimate interest expense for the upcoming annual period. Transwestern, therefore, submitted the revised tariff sheets which represent the third and final annual filing. Under the tariff sheets filed, Transwestern proposes to adjust TCR Surcharges A and B to: (1) True-up for the actual quarterly interest rates published by the Commission for the period December 1, 1990 through November 30, 1991; (2) estimate the interest expense for the upcoming four month period of December 1, 1991 through March 31, 1992; and (3) correct a computational error applicable to TCR Surcharge A.

Transwestern proposes an effective date at least thirty days from the filing date of such tariff sheets: December 1, 1991.

Transwestern requests that the Commission grant any and all waivers of its rules, regulations, and orders as may be necessary specifically § 154.63 of the Commission's Regulations, so as to permit such tariff sheets to become effective December 1, 1991.

Transwestern states that copies of the filing were served on its gas utility customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC, 20426, in accordance with rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such motions or protests should be filed on or before November 5, 1991. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 91-26578 Filed 11-4-91; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER92-111-000]

Vermont Electric Power Company, Inc.; Filing

October 29, 1991.

Take notice that on Vermont Electric Power Company, Inc. (VELCO) on October 8, 1991, tendered for filing proposed changes in its FERC Tariff No. 10, entitled, Agreement Re: Charges For Tap Changing Equipment for the City of Burlington.

The nature of the change is as follows: Under the existing rate schedule, a carrying charge is assessed with respect to certain transmission facilities constructed, operated and maintained by VELCO for the benefit of the City of Burlington. The carrying charge is determined by applying a multiplier, calculated by formula on annual basis, to the amount of investment in those facilities. The only change to be effected by the rate schedule change is to eliminate the requirement of an annual recalculation of the multiplier and, instead, set it at a fixed rate of twenty percent.

VELCO states that the reasons for the change are as follows: Under the existing rate schedule, the carrying charge multiplier must be recalculated on the annual basis. This requires annual filings with this Commission, and for any year in which the multiplier is higher than that for the previous year, a substantial filing fee must be paid. The multiplier in recent years varied within a very narrow range, from a high of 20.43 percent to a low of 19.60 percent, with an average of 19.95 percent. The effort required in making annual filings, and the substantial filing fees required in years when the multiplier rises, are not justified in view of the insignificant changes in revenues that occur as a result of changes in the multiplier. The purpose of the rate schedule change, therefore, is to set the multiplier at a fixed rate of 20 percent and thereby eliminate the routine, but time consuming and expensive filings with the Commission.

Copies of the filing were served upon the following: the City of Burlington Electric Department, Vermont Department of Public Service and the Vermont Public Service Board.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 18 CFR 385.214). All such motions or protests should be filed on or before November 12, 1991. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 91-26579 Filed 11-4-91; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP92-15-000]

Wyoming Interstate Company, Ltd.; Tariff Filing

October 29, 1991.

Take notice that Wyoming Interstate Company, Ltd. (WIC) on October 25, 1991, tendered filing its First Revised Volume No. 2 Gas Tariff to replace its Original Volume No. 2. WIC requests an effective date of October 25, 1991, which is immediately after the end of the open season for interruptible transportation under Rate Schedule IT.

WIC states that the filing is being made to shorten the Interruptible Service Agreement under Rate Schedule IT by shifting various sections to the IT Rate Schedule itself.

WIC states that the filing also made changes to provisions regarding criteria WIC will use in determining if it will build incremental facilities and to the balancing provisions of WIC's tariff, as required by July 19, 1991, and October 9, 1991, orders in Docket No. RP91-177.

WIC states that it has served a copy of the filing upon all holders of WIC Volume No. 1 and No. 2 Tariffs and appropriate state commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with 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 5, 1991. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the

Commission and are available for public inspection in the public reference room.

Lois D. Cashell,

Secretary.

[FR Doc. 91-26580 Filed 11-4-91; 8:45 am]

BILLING CODE 6717-01-M

Office of Fossil Energy

[Docket No. FE C&E 91-19; Certification Notice—87]

Filing Certification of Compliance: Coal Capability of New Electric Powerplant Pursuant to Provisions of the Powerplant and Industrial Fuel Use Act, as Amended

AGENCY: Office of Fossil Energy, Department of Energy.

ACTION: Notice of filing.

SUMMARY: Title II of the Powerplant and Industrial Fuel Use Act of 1978 (FUA), as amended (42 U.S.C. 8301 *et seq.*), provides that no new electric powerplant may be constructed or operated as a base load powerplant without the capability to use coal or another alternate fuel as a primary energy source (FUA section 201(a), 42 U.S.C. 8311(a), Supp. V, 1987). In order to meet the requirement to coal capability, the owner or operator of any new electric powerplant to be operated as a base load powerplant proposing to use natural gas or petroleum as its primary energy source may certify, pursuant to FUA section 201(d), to the Secretary of Energy prior to construction, or prior to operation as a base load powerplant, that such powerplant has the capability to use coal or another alternate fuel. Such certification establishes compliance with section 201(a) as of the date it is filed with the Secretary. The Secretary is required to publish in the Federal Register a notice reciting that the certification has been filed. One owner and operator of proposed new electric base load powerplant has a filed self-certification in accordance with section 201(d).

Further information is provided in the **SUPPLEMENTARY INFORMATION** section below.

SUPPLEMENTARY INFORMATION:

The following company has filed a self-certification:

Name	Date received	Type of facility	Megawatt capacity	Location
East Syracuse Generating Company L.P. Bethesda, MD.	10-18-91	Combine Cycle	96.4	East Syracuse, NY.

Amendments to the FUA on May 21, 1987 (Public Law 100-42), altered the general prohibitions to include only new electric base load powerplants and to provide for the self-certification procedure.

Copies of this self-certification may be reviewed in the Office of Fuels Programs, Fossil Energy, room 3F-056, FE-52, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 20585, or for further information call Myra Couch at (202) 586-6769.

Issued in Washington, DC on October 25, 1991.

Anthony J. Como,

Director, Office of Coal & Electricity, Office of Fules Programs, Fossil Energy.

[FR Doc. 91-26667 Filed 11-4-91; 8:45 am]

BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

[OPTS-140153; FRL-3937-7]

Access to Confidential Business Information by Computer Sciences Corporation

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has authorized its contractor, Computer Sciences Corporation (CSC), of Falls Church, Virginia, for access to information which has been submitted to EPA under all sections of the Toxic Substances Control Act (TSCA). Some of the information may be claimed or determined to be confidential business information (CBI).

DATES: Access to the confidential data submitted to EPA will occur no sooner than November 20, 1991.

FOR FURTHER INFORMATION CONTACT: David Kling, Acting Director, TSCA Environmental Assistance Division (TS-799), Office of Toxic Substances, Environmental Protection Agency, rm. E-545, 401 M St., SW., Washington, DC 20460, (202) 554-1404, TDD: (202) 554-0551.

SUPPLEMENTARY INFORMATION: Under contract number 68-W0-0043, delivery order number 95, contractor CSC, of 6565 Arlington Boulevard, Falls Church, VA, will assist the Office of Toxic Substances (OTS) in providing computer systems support in automating TSCA CBI access for EPA regional offices.

In accordance with 40 CFR 2.306(j), EPA has determined that under EPA contract number 68-W0-0043, delivery order number 95, CSC will require access to CBI submitted to EPA under all sections of TSCA to perform successfully the duties specified under the contract delivery order. CSC personnel will be given access to information submitted to EPA under all sections of TSCA. Some of the information may be claimed or determined to be CBI.

In a previous notice published in the Federal Register of January 11, 1991 (56 FR 1187), CSC was authorized for access to CBI submitted to EPA under all sections of TSCA.

EPA is issuing this notice to extend CSC's access to TSCA CBI under contract number 68-W0-0043 to include the new delivery order number 95. EPA is issuing this notice to inform all submitters of information under all sections of TSCA that EPA may provide CSC access to these CBI materials on a need-to-know basis only. All access to TSCA CBI under delivery order 95 of EPA contract number 68-W0-0043 will take place at EPA Headquarters only.

Clearance for access to TSCA CBI under this delivery order of EPA contract number 68-W0-0043 may continue until September 30, 1996.

CSC personnel will be required to sign nondisclosure agreements and will be briefed on appropriate security procedures before they are permitted access to TSCA CBI.

Dated: October 25, 1991.

Linda A. Traver,

Director, Information Management Division, Office of Toxic Substances.

[FR Doc. 91-26651 Filed 11-4-91; 8:45 am]

BILLING CODE 6560-50-F

[OPTS-140152; FRL-3937-6]

Access to Confidential Business Information by International Business Machine Corporation

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has authorized its contractor, International Business Machine Corporation (IBM), of Bethesda, Maryland, for access to information which has been submitted to EPA under all sections of the Toxic Substances Control Act (TSCA). Some of the information may be claimed or determined to be confidential business information (CBI).

DATES: Access to the confidential data submitted to EPA will occur no sooner than November 20, 1991.

FOR FURTHER INFORMATION CONTACT: David Kling, Acting Director, TSCA Environmental Assistance Division (TS-799), Office of Toxic Substances, Environmental Protection Agency, rm. E-545, 401 M St., SW., Washington, DC 20460, (202) 554-1404, TDD: (202) 554-0551.

SUPPLEMENTARY INFORMATION: Under contract number 68-W0-0005, contractor IBM, of 6705 Rockledge Drive, Bethesda, MD, will assist the Office of Toxic Substances (OTS) in the maintenance and servicing of EPA computer equipment. In accordance with 40 CFR 2.306(j), EPA has determined that under EPA contract number 68-W0-0005, IBM will require access to CBI submitted to EPA under all sections of TSCA to perform successfully the duties specified under the contract. IBM personnel will be given access to information submitted to EPA under all sections of TSCA. Some of the information may be claimed or determined to be CBI.

EPA is issuing this notice to inform all submitters of information under all sections of TSCA that EPA may provide IBM access to these CBI materials on a need-to-know basis only. All access to TSCA CBI under this contract will take place at EPA Headquarters only.

Clearance for access to TSCA CBI under this contract may continue until September 30, 1996.

IBM personnel will be required to sign nondisclosure agreements and will be briefed on appropriate security procedures before they are permitted access to TSCA CBI.

Dated: October 22, 1991.

Linda A. Travers,

Director, Information Management Division, Office of Toxic Substances.

[FR Doc. 91-26650 Filed 11-4-91; 8:45 am]

BILLING CODE 6560-50-F

FEDERAL COMMUNICATIONS COMMISSION

Applications for Consolidated Proceeding

1. The Commission has before it the following mutually exclusive applications for a new FM station:

Applicant, City and State	File No.	MM docket No.
I		
A. Frank K. Spain; Temecula, CA	BPH-900119MN	91-309
B. Temecula Valley Broadcasting; Temecula, CA	BPH-900122ML	
C. Kimler Broadcasting, Inc.; Temecula, CA	BPH-900122MN	
D. Artistic Airwave Broadcasters; Temecula, CA	BPH-900122MP	
E. The AnnGie Corporation; Temecula, CA	BPH-900122MU	
F. Laura Wilkinson Herron; Temecula, CA	BPH-900122MY	
G. Avid Communications, Inc.; Temecula, CA	BPH-900122NF	
H. Natalie Lederer Rogers; Temecula, CA	BPH-900122NN	
I. Temecula Communications, a California Limited Partnership; Temecula, CA	BPH-900122NS	
J. New Town Communications, Inc.; Temecula, CA	BPH-900122NR (Dismissed Herein).	
K. MCI Broadcasting, Limited Partnership; Temecula, CA	BPH-900122MO (Dismissed Herein).	
L. Alexsii Corporation; Temecula, CA	BPH-900122NQ (Dismissed Herein).	
M. Los Amigos Media, A Limited Partnership; Temecula, CA	BPH-900122MM (Dismissed Herein).	
N. Temecula Broadcasters, Inc.; Temecula, CA	BPH-900122NM (Dismissed Herein).	
O. Valley View Broadcasting Corporation; Temecula, CA	BPH-900122NW (Dismissed Herein).	
P. B & M Broadcasting, Inc.; Temecula, CA	BPH-900122NY (Dismissed Herein).	
Q. FM Data Broadcasting, Inc.; Temecula, CA	BPH-900122MS (Dismissed Herein).	
R. Temecula Broadcasting Company; Temecula, CA	BPH-900119MM (Dismissed Herein).	

Issue heading and Applicant(s)

1. Environmental, A, B, C, E, F, G, H, I
2. Air Hazard, E
3. Comparative; A-I
4. Ultimate, A-I

II		
A. Linda U. Kulisky; Tavernier, FL	BPH-901024MD	91-308
B. Lynda F. Haskins; Tavernier, FL	BPH-901025ME	
C. Gilford Broadcasting Company; Tavernier, FL	BPH-901025MF	
D. David A. Gardner; Tavernier, FL	BPH-901023MH (Dismissed Herein).	
E. Tavernier Radio, Incorporated; Tavernier, FL	BPH-901026MF (Dismissed Herein).	

Issue heading and Applicants

1. Environmental, A, C
2. Comparative, A, B, C
3. Ultimate, A, B, C

III		
A. Tri-State Broadcasting; Asbury, IA	BPH-901214MB	91-307
B. Eagle of Iowa, Inc.; Asbury, IA	BPH-901217ME	

Issue heading and Applicants

1. Financial, B
2. Environmental, A, B
3. Comparative, A, B
4. Ultimate, A, B

2. Pursuant to section 309(e) of the Communications Act of 1934, as amended, the above applications have been designated for hearing in a consolidated proceeding upon the issues whose headings are set forth below. The text of each of these issues has been standardized and is set forth in its entirety under the corresponding headings at 51 FR 19347, May 29, 1986. The letter shown before each applicant's name, above, is used below to signify whether the issue in question applies to that particular applicant.

3. If there are any non-standardized issues in this proceeding, the full text of the issue and the applicants to which it applies are set forth in an Appendix to this Notice. A copy of the complete HDO in this proceeding is available for inspection and copying during normal business hours in the FCC Dockets Branch (room 230), 1919 M Street, NW.,

Washington, DC. The complete text may also be purchased from the Commission's duplicating contractor, Downtown Copy Center, 1114 21st Street, NW., Washington, DC 20036 (telephone 202–452–1422).

W. Jan Gay,

Assistant Chief, Audio Services Division, Mass Media Bureau.

[FR Doc. 91–26675 Filed 11–4–91; 8:45 am]

BILLING CODE 6712–01–M

FEDERAL RESERVE SYSTEM

[Docket No. R–0705]

Federal Reserve Bank Services; Interdistrict Transportation System Price Structure

AGENCY: Board of Governors; Federal Reserve System.

ACTION: Final action.

SUMMARY: The Board has decided not to implement the proposed modification to the price structure for the Interdistrict Transportation System (ITS) component of the Federal Reserve Banks' check collection service. The proposed price structure, which includes an overall cap on charges assessed to the shipper, does not accurately reflect the marginal cost of shipping checks via ITS. The Board has not adopted an alternate price structure at this time due to a broad review of ITS that has been undertaken by the Federal Reserve Banks.

FOR FURTHER INFORMATION CONTACT: Louise L. Roseman, Assistant Director (202/452–3874), Julius Oreska, Manager (202/452–3878), or Kathleen M. Connor, Senior Financial Services Analyst (202/452–3917), Division of Reserve Bank Operations and Payment Systems; Stephanie Martin, Senior Attorney (202/452–3198), Legal Division; for the hearing impaired only: Telecommunications Device for the Deaf, Dorothea Thompson (202/452–3544).

SUPPLEMENTARY INFORMATION:

Background

The Federal Reserve Banks strive to provide an efficient nationwide check collection service. Accordingly, to facilitate interdistrict check collection, the Federal Reserve Banks have established their own delivery system, known as the Interdistrict Transportation System (ITS), for transporting between Federal Reserve Bank offices checks collected by the Federal Reserve Banks as well as other Federal Reserve materials.

ITS is an air transportation network that uses mostly air but also ground couriers that are privately operated on a contract basis. The network links the 48 Federal Reserve offices in five "hub and spoke" configurations. Checks and other Federal Reserve materials are transported between the "hub" cities and also between the hubs and their respective "spoke" cities. ITS is configured to provide the Reserve Bank offices a means to collect checks nationwide on an overnight basis on Monday through Thursday nights, and over the weekend.

A bank may collect nonlocal checks through the Federal Reserve Banks in several ways. First, a bank may collect checks drawn on banks in other Federal Reserve check processing regions by depositing the checks in a mixed or Other Fed cash letter at its local Federal Reserve office. The local Federal Reserve office sorts these checks by receiving Federal Reserve office and ships them via ITS to the Federal Reserve offices serving the paying banks. Second, a bank may deposit at its local Federal Reserve office separately sorted cash letters containing checks drawn on banks located in another check processing region. The local Federal Reserve office does not have to process these checks on its automated equipment due to the sorting performed by the depositing bank. These checks are sent via ITS in "consolidated shipments" to other Federal Reserve offices. Third, a bank may "direct send" a cash letter for deposit to the Federal Reserve office serving the paying bank, using transportation other than ITS.

A per-item fee is currently assessed for ITS transportation. The fee is imbedded in the mixed and Other Fed check collection fees or, in the case of consolidated shipments, is assessed separately. A higher ITS fee is typically assessed for transportation during the week than for transportation during the weekend, when time pressures are less stringent.

In August 1990, the Board proposed a modification to the ITS pricing structure (55 FR 34075, August 21, 1990). Specifically, the Board proposed that the cumulative fees assessed to a bank for each shipment to a specific Federal Reserve office destination be limited or capped at a predetermined level. Thus, under the proposal, an ITS user would pay the per-item fee for checks in an ITS shipment up to the volume threshold that is determined by the cap amount, but would pay nothing for checks that exceed the threshold. Accordingly, large-volume depositors that ship checks in excess of the threshold volume in a single shipment would benefit from the proposed structure. The Board anticipated that the weekday cap initially would be set in the range of $25 to $35 and the weekend cap would be set in the range of $20 to $30 per Reserve Bank office destination. The Board has decided not to implement the proposed price structure or an alternative new price structure at this time. Following is a summary of the comments received on the proposal together with staff's analysis of the comments.

Summary of Comments and Analysis

The Board received 71 comments on the proposed price structure change.[1] The following table reflects comments by category of respondent:

	Comments received
Commercial banks/Bank holding companies	43
Air couriers	10
Clearinghouses	6
Trade associations	5
Savings institutions	2
Credit unions	1
Government agencies	1
Federal Reserve Banks	3
Total	71

Sixty-three commenters opposed the proposed price structure. Eight commenters, including three Federal Reserve Banks, supported the proposed change. The major issues raised by the commenters opposed to the proposal related to the proposed price structure's deviation from prevailing market pricing practice, its anticipated effects on correspondent banks and private air couriers, the proposal's fixed cost assumption, and the competitive impact analysis.

Pricing Issues

Four bank commenters indicated in their letters, and in subsequent discussions with Board staff, that it is fairly common for private-sector air couriers to employ price structures that assess lower average per-item fees to large-volume customers than to small-volume customers. According to these commenters, couriers frequently charge a fixed fee to ship a standard weight of checks and usually assess additional but lower per-pound fees for additional standard-weight increments in the shipment. Eleven commenters generally agreed with the intent of the Federal

[1] Seven commenters initially submitted requests for extension of the comment deadline and later submitted comment letters on the proposal. Letters requesting an extension of the comment deadline are not included in the count of comments received. The Board extended the public comment period until January 18, 1991 (55 FR 41387, October 11, 1990).

Reserve Banks to move closer to prevailing market pricing practices (i.e., volume-sensitive pricing), but did not believe that the proposed price structure, which included an overall cap on charges assessed to the shipper, was consistent with market practice.

Nine commenters were concerned that the proposed price structure would not reflect the cost per shipment. For example, the Federal Trade Commission (FTC) indicated that the proposal assumes that costs per shipper do not increase at all with any volume larger than that eligible for the ceiling or maximum charge.

The Board agrees that, although the concept of volume-sensitive pricing is consistent with market pricing practices, the proposed cap structure does not accurately reflect cost. The marginal cost of shipping incremental volume on ITS is minimal but does not fall to zero when a threshold volume is exceeded, as is implied in the proposed price structure. For this reason, the Board believes that the proposed price structure should not be implemented.

Fixed Cost Assumption

Twenty-five commenters did not believe that 90 percent of ITS costs are fixed and do not vary with volume. Both bank and air courier commenters believed that a much lower percentage of ITS costs is fixed.

Only a small portion of ITS cost varies directly with volume. Two ITS cost components that vary based on volume are fuel costs and air freight forwarding charges. Fuel expenses comprise 20 percent of total ITS cost; however, less than 20 percent of fuel cost varies directly with volume. Air freight forwarding charges vary directly with the number of pounds of freight shipped. Air freight charges, however, constitute only three percent of ITS costs.

Generally, other ITS costs are fixed over broad volume ranges. Fixed price contracts for air charters and ground services are set for three or four years and constitute 75 percent of ITS costs. These contracts are based primarily on business requirements and on the overall design of the network, rather than on the volume of checks shipped via ITS between Federal Reserve offices.

Twelves commenters predicted that a rapid volume increase on ITS, resulting from a price change, would consume the network's excess capacity. They stated that the Federal Reserve Banks would have to add equipment and personnel to handle the additional volume, which would increase cost and prices. ITS can accommodate a twenty percent volume increase on all routes and a doubling of existing volume on almost half of the network's routes without increasing the capacity of the network.

ITS Performance

Thirty commenters discussed the current level of ITS service and generally stated that private air couriers provided more flexible and more reliable service at significantly later deadlines. Twenty of these commenters believed that private couriers had better on-time performance than ITS. Seventeen commenters indicated that they prefer the later deposit deadlines that private couriers offer, which can be up to two hours later than ITS deadlines.

It is difficult to draw comparisons between ITS and private couriers, because the ITS network delivers checks only to Federal Reserve Banks, while private couriers typically deliver checks to depository institutions as well as to Federal Reserve Banks. Also, the ITS network is designed to support the Federal Reserve Banks' nationwide check collection service, while private couriers may tailor their services to specific collection routes in order to maximize profit. The Federal Reserve Banks are currently conducting a comprehensive review of ITS, including the network's design, dispatch times, and performance. The review will address those issues related to the performance of ITS that were raised by the commenters, and adjustments may be made to the network based on the results of the review. Due to the current review of ITS, the Board believes that the Federal Reserve Banks should not implement an alternative ITS price structure at this time.

Seven commenters indicated that the Federal Reserve Banks should expand ITS to provide check transportation to private-sector banks as well as to Federal Reserve Banks. An analysis of whether the Federal Reserve Banks should allow conjunctive business on the ITS network and whether a new transportation service should be offered is provided in the Board's request for comment on proposed services that Federal Reserve Banks may offer in a same-day settlement environment (56 FR 10429, March 12, 1991). The Board concluded that conjunctive business on ITS could disrupt ITS delivery schedules (resulting in higher levels of debit float) and would reduce the Federal Reserve Banks' control over ITS, which would have a detrimental effect on the Federal Reserve Banks' check collection service. For these reasons, the Board concluded that the Federal Reserve Banks should not allow conjunctive business on the ITS network.

Other Issues

Commenters raised several other issues concerning the ITS price structure proposal. Twenty-two commenters indicated a need for detailed data concerning ITS operations in order to thoroughly assess the implications of the proposal. The Board, however, generally does not provide data on Federal Reserve Bank operations at the level of detail requested by some commenters.

One commenter was concerned that the private sector might not be given an opportunity to comment on ITS price or cap changes in the future, if the proposed ITS price structure were adopted. The Board requests public comment on significant price structure changes and would request comment on any proposed significant modifications to the ITS price structure. Comment generally is not requested when adjusting the levels of fees within an existing price structure.

Competitive Impact Analysis

The Board received 66 comments on the analysis of the competitive impact of the proposed ITS price structure. Both bank and air courier commenters believed that the proposed price structure would adversely affect the ability of other service providers to compete with the Federal Reserve Banks.

Twelve commenters disagreed with the assumption that private couriers do not compete directly with the Federal Reserve Banks. The FTC, for example, stated that "A vertically integrated supplier [such as the Federal Reserve System] does compete with firms that supply one stage of the vertical process whenever single stage suppliers can be linked with suppliers at other stages to provide a close substitute for the integrated service."

The Board believes that the Federal Reserve Banks compete directly with other depository institutions that offer check clearing services, but do not compete directly with private-sector air couriers. This view is consistent with the decision reached by the United States Sixth Circuit Court of Appeals in the 1983 Jet Courier court case (See *Jet Courier Services* v. *Federal Reserve Bank of Atlanta*, 713 F.2d 1221 at 1227 (6th Cir. 1983)). One commenter raised questions about the Court's decision in that case, based on subsequent court decisions in other business areas. The Jet Courier decision, however, remains the only court decision that specifically addresses the implications of the

Monetary Control Act in the context of air couriers.

One commenter noted that the proposal failed to comply with the Monetary Control Act and the Board's pricing principles, because the proposed price structure could result in a mismatch of ITS cost and revenue. Section 11A of the Federal Reserve Act (12 U.S.C. 248a) requires that the Federal Reserve set its fee schedule for priced services to recover all direct and indirect costs actually incurred in providing Federal Reserve priced services over the long run. Neither the Monetary Control Act nor the Board's pricing guidelines require that the Federal Reserve Banks match costs and revenues for individual components of a priced service, such as ITS. Nevertheless, the Federal Reserve Banks historically have matched cost and revenue for the ITS component of the check collection service.

Thirty-four commenters were concerned that the proposed price structure would shift checks from private check collection and transportation alternatives to the Federal Reserve Banks, thereby resulting in a diminution of, and corresponding increase in the cost of, private-sector alternatives. Six commenters noted that a reduction of private-sector alternatives primarily would harm small depository institutions.

Nine commenters asked that the Federal Reserve establish a competitive fairness advisory committee to review proposed payments system changes before proposals are issued for public comment. The Board does not believe that such an advisory committee is necessary, because the public comment process gives the industry an opportunity to share its views on payments system issues. In addition, the Federal Reserve staff routinely briefs trade association representatives on proposed changes affecting the payments system, which provides an additional opportunity for dialogue on these issues.

By order of the Board of Governors of the Federal Reserve System, October 30, 1991.

William W. Wiles,

Secretary of the Board.

[FR Doc. 91-26591 Filed 11-4-91; 8:45 am]

BILLING CODE 6210-01-M

Myrtle S. Blackley, et al.; Change in Bank Control Notices; Acquisitions of Shares of Banks or Bank Holding Companies

The notificants listed below have applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire a bank or bank holding company. The factors that are considered in acting on the notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notices are available for immediate inspection at the Federal Reserve Bank indicated. Once the notices have been accepted for processing, they will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that notice or to the offices of the Board of Governors. Comments must be received not later than November 21, 1991.

A. Federal Reserve Bank of Cleveland (John J. Wixted, Jr., Vice President) 1455 East Sixth Street, Cleveland, Ohio 44101:

1. Myrtle S. Blackley, Somerset, Kentucky; to acquire up to 99.75 percent of the voting shares of First & Farmers Bancshares, Inc., Somerset, Kentucky, and thereby indirectly acquire First & Farmers Bank of Somerset, Somerset, Kentucky.

B. Federal Reserve Bank of Atlanta (Robert E. Heck, Vice President) 104 Marietta Street, NW., Atlanta, Georgia 30303:

1. Mary Palmifano Gritzman, and Max Gritzman, Gretna, Louisiana; to acquire 10.64 percent of the voting shares of Gulf South Bancshares, Inc., Gretna, Louisiana, and thereby indirectly acquire Gulf South Bank and Trust Company, Gretna, Louisiana.

C. Federal Reserve Bank of Dallas (W. Arthur Tribble, Vice President) 400 South Akard Street, Dallas, Texas 75222:

1. James W. Gorman, Jr., San Antonio, Texas, to acquire 34.92 percent; and Rowena Gorman, San Antonio, Texas, to acquire 0.01 percent of the voting shares of Southwest Bankers, Inc., San Antonio, Texas, and thereby indirectly acquire Bank of San Antonio/Medical Center, San Antonio, Texas, and Bank of San Antonio, San Antonio, Texas.

Board of Governors of the Federal Reserve System, October 30, 1991.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 91-26592 Filed 11-4-91; 8:45 am]

BILLING CODE 6210-01-F

Georgia Bank Financial Corporation; Formation of, Acquisition by, or Merger of Bank Holding Companies

The company listed in this notice has applied for the Board's approval under section 3 of the Bank Holding Company Act (12 U.S.C. 1842) and § 225.14 of the Board's Regulation Y (12 CFR 225.14) to become a bank holding company or to acquire a bank or bank holding company. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that application or to the offices of the Board of Governors. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Comments regarding this application must be received not later than November 26, 1991.

A. Federal Reserve Bank of Atlanta (Robert E. Heck, Vice President) 104 Marietta Street, NW., Atlanta, Georgia 30303:

1. Georgia Bank Financial Corporation, Augusta, Georgia; to become a bank holding company by acquiring 100 percent of the voting shares of Georgia Bank and Trust Company of Augusta, Augusta, Georgia, a *de novo* bank.

Board of Governors of the Federal Reserve System, October 30, 1991.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 91-26593 Filed 11-4-91; 8:45 am]

BILLING CODE 6210-01-F

Union Bancorporation; Acquisition of Company Engaged in Permissible Nonbanking Activities

The organization listed in this notice has applied under § 225.23(a)(2) or (f) of the Board's Regulation Y (12 CFR 225.23(a)(2) or (f)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) to acquire or control voting securities or assets of a company engaged in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies. Unless otherwise noted, such activities will be conducted throughout the United States.

The application is available for immediate inspection at the Federal

Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Comments regarding the application must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than November 26, 1991.

A. Federal Reserve Bank of Chicago (David S. Epstein, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. Union Bancorporation, Defiance, Iowa; to acquire Defiance Insurance Agency, Defiance, Iowa, and thereby engage in general insurance activities in Defiance, Iowa, a town with a population of less than 5,000, pursuant to § 225.25(b)(8)(iii) of the Board's Regulation Y.

Board of Governors of the Federal Reserve System, October 30, 1991.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 91-26594 Filed 11-4-91; 8:45 am]

BILLING CODE 6210-01-F

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Public and Indian Housing

[Docket No. D-91-972; FR-3162-D-01]

Redelegation of Authority to Regional Administrators for Approval of Homeownership Plans Under Section 5(h) Homeownership Program

AGENCY: Department of Housing and Urban Development, Office of the Assistant Secretary for Public and Indian Housing.

ACTION: Notice of redelegation of authority.

SUMMARY: This notice redelegates from the Assistant Secretary for Public and Indian Housing to Regional Administrators the authority to approve sales of public and Indian housing by public housing agencies (PHAs) and Indian Housing Authorities (IHAs) to public and Indian housing residents under the section 5(h) Homeownership Program.

EFFECTIVE DATE: October 25, 1991.

FOR FURTHER INFORMATION CONTACT: Gary Van Buskirk, Director, Homeownership Division, Office of Resident Initiatives, Office of Public and Indian Housing, Department of Housing and Urban Development, 451 7th Street, SW., room 4112, Washington, DC 20410, (202) 708-4233. [This is not a toll-free number.]

SUPPLEMENTARY INFORMATION: Sections 5(h) and 6(c)(4)(D) of the United States Housing Act of 1937 permit the sale of public and Indian housing to residents. Regulations implementing sections 5(h) and 6(c)(4)(D)—24 CFR part 905, subpart O (Sections 905.1001-1021), covering Indian housing, and 24 CFR part 906, covering public housing—require approval by the Secretary as a condition for PHA or IHA sale of public or Indian housing to residents under the section 5(h) Homeownership Program.

The regulations provide that such homeownership sales may be effected only as specified in a written homeownership plan submitted by the PHA or IHA (or jointly by the PHA or IHA and a resident organization) and approved by the Secretary on the basis of the pertinent regulatory requirements. The regulations also permit conditional approval by the Secretary. (See 24 CFR 905.1018-1019 for Indian housing; 24 CFR 906.18-19 for public housing).

Under a delegation of authority published in the **Federal Register** on September 13, 1983 at 48 FR 41097, the authority of the Secretary with respect to all public and Indian housing programs administered under the United States Housing Act of 1937, which was formerly delegated to the Assistant Secretary for Housing-Federal Housing Commissioner, was transferred to the Assistant Secretary for Public and Indian Housing. That delegation encompasses the authority to approve sales of public or Indian housing under the section 5(h) Homeownership Program regulations cited above.

[The regulations require, as a condition for sale of public housing property under the section 5(h) Homeownership Program, that the PHA or IHA obtain a funding commitment for replacement housing, under the specified types of eligible Federal, State, Tribal or local programs (see § 905.1016 or § 906.16). Consequently, where the homeownership plan is approved before the PHA or IHA has obtained a funding commitment for replacement housing, sale may not proceed under the plan until such a funding commitment is obtained. In a case where the funds for replacement housing are requested out of any HUD Headquarters set-aside of public or Indian housing development funds or Section 8 assistance that may be established for that purpose, the authority for decisions on funding from those sources is reserved to the Assistant Secretary for Public and Indian Housing.]

By this notice, the Assistant Secretary for Public and Indian Housing is redelegating to the Regional Administrators authority to approve the sale of public housing under the section 5(h) Homeownership Program, in accordance with the program regulations. This redelegation does not authorize Regional Administrators to redelegate such authority.

Accordingly, the Assistant Secretary for Public and Indian Housing redelegates as follows:

Section A. Authority Redelegated

Authority to approve or to approve conditionally homeownership plans submitted by PHAs and IHAs under the section 5(h) Homeownership Program—pursuant to 24 CFR part 905, subpart O (Sections 905.1001-1021), or 24 CFR part 906—is hereby redelegated to Regional Administrators. This redelegation includes the authority to execute implementing agreements under 24 CFR 905.1019 or 24 CFR 906.19.

Section B. Prohibition of Further Redelegation

Regional Administrators may not redelegate the authority granted under this redelegation for the approval or conditional approval of homeownership plans.

Authority: Sections 5(h) and 6(c)(4)(D) of the United States Housing Act of 1937 (42 U.S.C. 1437(c) and 1437(d)) and section 7(d) Department of Housing and Urban Development Act (42 U.S.C. 3535(d)).

Dated: October 25, 1991.

Joseph G. Schiff,

Assistant Secretary for Public and Indian Housing.

[FR Doc. 91-26627 Filed 11-4-91; 8:45 am]

BILLING CODE 4210-33-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[UT-050-02-4410-08]

Notice of Plan Amendment

AGENCY: Bureau of Land Management, Interior.

ACTION: Plan Amendment for the Henry Mountain Management Framework Plan, Henry Mountain Resource Area, Richfield District.

SUMMARY: This notice is to advise the public that an environmental assessment and proposed planning amendment for the Henry Mountain Management Framework Plan have been completed. The proposed decision provides for the sale of the 40-acre tract described below to Garfield County for use as a sanitary landfill:

Salt Lake Meridian

T 37 S., R. 11, E.,
Sec. 6, NW¼SE¼.

The plan amendment is necessary since the existing plan does not identify this land for disposal. However, the environmental assessment identifies no significant impacts. Resource values, public values and objectives involved, and the public interest would be served by providing these lands to Garfield County. A 30-day protest period for this plan amendment and decision will commence with the date of publication of this notice.

SUPPLEMENTARY INFORMATION: This action is announced pursuant to section 203 of the Federal Land Policy and Management Act of 1976 and 43 CFR, part 1610. The proposed planning amendment is subject to protest from any adversely affected party who participated in the planning process. Protests must be made in accordance with the provisions of 43 CFR 1610.5–2. Protests must be received by the Director of the Bureau of Land Management, 18th and C Street, NW., Washington, DC 20240, within 30 days after the date of publication of this notice of plan amendment.

FOR FURTHER INFORMATION CONTACT: Alan Partridge, Richfield District Office, 150 East 900 North, Richfield, Utah 84701, telephone (801) 896–8221.

Dated: October 29, 1991.

James M. Parker,

State Director.

[FR Doc. 91–26597 Filed 11–4–91; 8:45 am]

BILLING CODE 4310-DO-M

DEPARTMENT OF INTERIOR

National Park Service

Address for Farmington River Study Committee Meeting To Be held at Tolland Town Hall, Tolland, MA: Correction

AGENCY: National Park Service.

ACTION: Notice of correction of meeting site.

SUMMARY: This notice corrects the address previously published in the **Federal Register** on October 18, 1991, (56 FR 52292) for a meeting of the Farmington River Study Committee. The correct address for the meeting is the Tolland Town Hall in Tolland, Massachusetts. The date and time remain unchanged: November 7, 1991, 7:30 p.m.

Dated: October 28, 1991.

Gerald D. Patten,

Regional Director.

[FR Doc. 91–26588 Filed 11–4–91; 8:45 am]

BILLING CODE 4310-70-M

National Register of Historic Places Pending Nominations

Nominations for the following properties being considered for listing in the National Register were received by the National Park Service before October 26, 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 20, 1991.

Patrick Andrus,

Acting Chief of Registration, National Register.

COLORADO

Montezuma County

Mancos High School, 350 Grand Ave., Mancos, 91001740

CONNECTICUT

Litchfield County

Lewis, Isaac, House, 50 Paradise Green Pl., Stratford, 91001719

LOUISIANA

St. James Parish

Bay Tree, 3785 LA 18, Vacherie vicinity, 91001738

St. Tammany Parish

Salmen, Fritz, House, 127 Cleveland Ave., Slidell, 91001722

NEW YORK

Columbia County

Lebanon Springs Union Free School, NY 22 E of jct. with Cemetery Rd., New Lebanon, 91001727

Dutchess County

Akin Free Library, 97 Quaker Hill Rd., Pawling, 91001726

Smith Metropolitan AME Church, Jct. of Smith and Cottage Sts., Poughkeepsie, 91001724

New York County

Church of St. Paul the Apostle, 415 W. 59th St., New York, 91001723

Westchester County

St. Mark's Episcopal Church, Jct. of N. Bedford Rd. and E. Main St., Mt. Kisco, 91001725

WASHINGTON

Lewis County

Pennsylvania Avenue—West Side Historic District [Chehalis MPS], 600 block NW. St. Helens and 440–723 Pennsylvania Aves., Chehalis, 91001721

Spokane County

West Valley High School, N. 2805 Argonne Rd., Millwood, 91001736

Walla Walla County

Washington School, 501 N. Cayuse, Walla Walla, 91001737

WEST VIRGINIA

Gilmer County

Arbuckle, John E., House, 213 Court St., Glenville, 91001729

Greenbrier County

Alderson Bridge, Monroe St. across the Greenbrier R., Alderson, 91001730

Jefferson County

Grubb, William, Farm, Co. Rd. 340/2, W of jct. with US 340, Charles Town vicinity, 91001735

Marion County

High Level Bridge, Jefferson St. across the Monongahela R., Fairmont, 91001734

Monongalia County

Vance Farmhouse, 1535 Mileground, West Virginia University, Morgantown vicinity, 91001731

Monroe County

Caperton, William Gaston, Jr., House, WV 3 E of Union, Union vicinity, 91001733

Ohio County

Edemar, 1330 National Rd., Wheeling, 91001728

Elm Hill, WV 88 NE of Wheeling Country Club, Wheeling, 91001732

[FR Doc 91–26589 Filed 11–4–91; 8:45 am]

BILLING CODE 4310-70-M

INTERSTATE COMMERCE COMMISSION

[Finance Docket No. 31922]

Wisconsin Central Ltd., Purchase Exemption; Soo Line Railroad Company Line Between Superior and Ladysmith, WI

AGENCY: Interstate Commerce Commission.

ACTION: Purchase exemption.

SUMMARY: The Commission exempts from the requirements of 49 U.S.C. 11343, *et seq.*, the purchase by Wisconsin Central Ltd. from the Soo Line Railroad Company of approximately 102 miles of track and certain rail-related real property between Ladysmith and Superior, WI, subject to standard labor protective conditions and a condition under the National Historic Preservation Act.

DATES: This exemption will be effective on November 15, 1991. Petitions to stay must be filed by November 12, 1991. Petitions for reconsideration must be filed by November 25, 1991.

ADDRESSES: Send pleadings referring to Finance Docket No. 31922 to:

(1) Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423.

(2) Petitioner's representatives: Janet H. Gilbert, Assistant General Counsel, Wisconsin Central Ltd., P.O. Box 5062, Rosemont, IL 60017–5062,

or

William C. Sippel, Oppenheimer, Wolff & Donnelly, Suite 2400, 233 North Michigan Avenue, Chicago, IL 60601.

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 or 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 24, 1991.

By the Commission, Chairman Philbin, Vice Chairman Emmett, Commissioners Simmons, Phillips, and McDonald.

Sidney L. Strickland, Jr.,

Secretary.

[FR Doc. 91–26553 Filed 11–4–91; 8:45 am]

BILLING CODE 7035–01–M

[Docket No. AB–32 (Sub-No. 45X)]

Boston and Maine Corp. and Northern Railroad, Abandonment and Discontinuance Exemption in Merrimack and Grafton Counties, NH

Boston and Maine Corporation (B&M) and its wholly owned subsidiary, Northern Railroad (NR), have filed a notice of exemption under 49 CFR 1152 Subpart F—*Exempt Abandonments and Discontinuances* for NR to abandon and B&M to discontinue service over a 59.32-mile line of railroad between milepost 80.68, at Boscawen, and milepost 140.00, at Lebanon, in Merrimack and Grafton Counties, NH.

B&M and NR have certified that: (1) No local traffic has moved over the line for at least 2 years; (2) any overhead traffic on the line can be rerouted over other lines; and (3) no formal complaint filed by a user of rail service on the line (or a State or local government entity acting on behalf of such user) regarding cessation of service over the line either is pending with the Commission or with any U.S. District Court or has been decided in favor of the complainant within the 2-year period. The appropriate State agency has been notified in writing at least 10 days prior to the filing of this notice.

As a condition to use of this exemption, any employee affected by the abandonment and discontinuance shall be protected under *Oregon Short Line R. Co.—Abandonment—Goshen*, 360 I.C.C. 91 (1979). To address whether this condition adequately protects affected employees, a petition for partial revocation under 49 U.S.C. 10505(d) must be filed.

Provided no formal expression of intent to file an offer of financial assistance has been received, this exemption will be effective on December 5, 1991 (unless stayed pending reconsideration). Petitions to stay that do not involve environmental issues,[1] formal expressions of intent to file an offer of financial assistance under 49 CFR 1152.27(c)(2),[2] and trail use/rail banking statements under 49 CFR 1152.29 must be filed by November 15, 1991.[3] Petitions for reconsideration or requests for public use conditions under 49 CFR 1152.28 must be filed by November 25, 1991, with: Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423.

A copy of any petition filed with the Commission should be sent to applicant's representative: John R. Nadolny, Boston and Maine Corporation, Iron Horse Park, No. Billerica, MA 01862.

If the notice of exemption contains false or misleading information, use of the exemption is void *ab initio*.

Applicant has filed an environmental report which addresses environmental or energy impacts, if any, from this abandonment and discontinuance.

The Section of Energy and Environment (SEE) will prepare an environmental assessment (EA). SEE will issue the EA by November 8, 1991. Interested persons may obtain a copy of the EA from SEE by writing to it (Room 3219, Interstate Commerce Commission, Washington, DC 20423) or by calling Elaine Kaiser, Chief, SEE at (202) 275–7684. Comments on environmental and energy concerns must be filed within 15 days after the EA becomes available to the public.

Environmental, public use, or trail use/rail banking conditions will be imposed, where appropriate, in a subsequent decision.

Decided: October 29, 1991.

By the Commission, David M. Konschnik, Director, Office of Proceedings.

Sidney L. Strickland, Jr.,

Secretary.

[FR Doc. 91–26531 Filed 11–4–91; 8:45 am]

BILLING CODE 7035–01–M

[Docket No. AB–303 (Sub-No. 8X)]

Wisconsin Central Ltd.; Abandonment Exemption in Barron County, WI

AGENCY: Interstate Commerce Commission.

ACTION: Abandonment exemption.

SUMMARY: The Commission exempts from the prior approval requirements of 49 U.S.C. 10903–10904 the abandonment

[1] A stay will be routinely issued by the Commission in those proceedings where an informed decision on environmental issues (whether raised by a party or by the Section of Energy and Environment in its independent investigation) cannot be made prior to the effective date of the notice of exemption. See *Exemption of Out-of-Service Rail Lines*, 5 I.C.C.2d 377 (1989). Any entity seeking a stay involving environmental concerns is encouraged to file its request as soon as possible in order to permit this Commission to review and act on the request before the effective date of this exemption.

[2] See *Exempt. of Rail Abandonment—Offers of Finan. Assist.*, 4 I.C.C.2d 164 (1987).

[3] The Commission will accept a late-filed trail use statement so long as it retains jurisdiction to do so.

by Wisconsin Central Ltd. of 6.84 miles of railroad between milepost 96.03 and milepost 102.87 in Barron County, WI, subject to: (1) Standard labor protective conditions; (2) a condition pursuant to section 106 of the National Historic Preservation Act; and (3) approval of the carrier's purchase of a parallel line between Cameron and South Itasca, WI in Finance Docket No. 31880.

DATES: This exemption will be effective on December 5, 1991. Petitions to stay must be filed by November 20, 1991. Petitions for reconsideration must be filed by November 25, 1991. Requests for a public use condition under 49 CFR 1152.28 are due by November 15, 1991. Formal expressions of intent to file an offer of financial assistance under 49 CFR 1152.27(c)(2) must be filed by November 15, 1991.

ADDRESSES: Send pleadings referring to No. AB-303 (Sub-No. 8X) to:

(1) Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423.
(2) Petitioner's representatives: Robert H. Wheeler or William C. Sippel, Oppenheimer, Wolff & Donnelly, Two Illinois Center, 233 North Michigan Avenue, Chicago, IL 60601.

FOR FURTHER INFORMATION CONTACT: Joseph H. Dettmar (202) 275-7245, [TDD for hearing impaired: (202) 275-1721].

SUPPLEMENTARY INFORMATION: Additional information is contained in the Commission's decision. To purchase a copy of the full decision, write to call, or pick up in person from: Dynamic Concepts, Inc., Room 2229, Interstate Commerce Commission Building, Washington DC 20423. Telephone (202) 289-4357/4359. [Assistance for the hearing impaired is available through TDD services (202) 275-1721].

Decided: October 24, 1991.

By the Commission, Chairman Philbin, Vice Chairman Emmett, Commissioners Simmons, Phillips, and McDonald.

Sidney L. Strickland, Jr.,

Secretary.

[FR Doc. 91-26555 Filed 11-4-91; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF JUSTICE

Consent Judgment In Action To Enjoin Violation of the Clean Air Act (CAA)

In accordance with Departmental Policy, 28 CFR 50.7, 38 FR 19029, notice is hereby given that a Consent Decree in *United States* v. *American Cyanamid, Inc.*, (S.D. N.Y.) Civil Action No. 91 Civ. 7091 (KTD) was lodged with the Untied States District Court for the Southern District Court of New York on October 22, 1991. The Consent Decree provides for penalties for violations of the Clean Air Act, 42 U.S.C. 7401 *et seq.*, and regulations promulgated thereunder, concerning permit requirements for major sources and New Source Performance Standards, and enjoins American Cyanamid from further violations of the Act.

The Department of Justice will receive for thirty (30) days from the date of publication of this notice, written comments relating to the Consent Decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, Department of Justice, Washington, DC 20530 and should refer to *United States* v. *American Cyanamid, Inc*, D.O.J. Ref. No. 90-5-2-1-1440.

The Consent Decree may be examined at the Office of the United States Attorney, Southern District of New York, 100 Church Street, New York, New York 10007; at the Region II Office of the Environmental Protection Agency, 26 Federal Plaza, New York, New York 10278; and the Environmental Enforcement Section Document Center, 601 Pennsylvania Avenue Building, NW., Washington, DC 20004 (202-347-2072). A copy of the 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 payable to Consent Decree Library.

Roger Clegg,

Acting Assistant Attorney General, Environment and Natural Resources Division.

[FR Doc. 91-26619 Filed 11-4-91; 8:45 am]

BILLING CODE 4410-01-M

Lodging of Consent Decree Pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act

In accordance with Department policy, 28 CFR 50.7, and section 122(d)(2) of the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. 9622(d)(2), notice is hereby given that on October 24, 1991 a proposed consent Decree in *United States* v. *Estate of Lovie M. Hebelka, et al.*, Civil Action No. 91-4868 was lodged with the United States District Court for the Eastern District of Pennsylvania. Pursuant to the Consent Decree, defendants, the Estate of Lovie M. Hebelka, the Northeastern Bank of Pennsylvania, in its representative capacity as executor of the estate, seven heirs of Lovie M. Hebelka, and Hebelka Enterprises, Inc., agree to reimburse the United States $50,000.00 toward an estimated total response cost for the Site of $6.8 million, exclusive of pre-judgment interest. In addition, the defendants agree to pay the United States sixty percent of the fair market value of the Site property if it is sold, or within 30 years, whichever comes first. The defendants will also provide the United States access to the Site to conduct the response action, which will include excavation and removal of lead-contaminated soil.

The Department of Justice will receive for a period of thirty (30) days from the date of publication of this notice comments relating to the proposed Consent Decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, U.S. Department of Justice, Washington, DC 20530, and should refer to *United States* v. *Estate of Lovie M. Hebelka, et al.*, DOJ Ref. No. 90-11-2-436.

The proposed Consent Decree may be examined at the Office of the United States Attorney, 3310 United States Courthouse, 601 Market Street, Philadelphia, PA 19106 and at the Region III office of the United States Environmental Protection Agency, 841 Chestnut Building, Philadelphia, PA 19107. The proposed Consent Decree may also be examined at the Environmental Enforcement Section Document Center, 1333 F Street, NW., suite 600, Washington, DC 20004, (202) 347-7829. A copy of the proposed consent decree may be obtained in person or by mail from the Document Center. In requesting a copy, please enclose a check in the amount of $8.50 (25 cents per page reproduction costs) payable to Consent Decree Library.

Barry M. Hartman,

Acting Assistant Attorney General, Environment and Natural Resources Division.

[FR Doc. 91-26620 Filed 11-4-91; 8:45 am]

BILLING CODE 4410-01-M

Antitrust Division

National Cooperative Research Notification; Biotechnology Research and Development Corp.

Notice is hereby given that, on October 9, 1991, pursuant to section 6(a) of the National Cooperative Research Act of 1948, 15 U.S.C. 4301 *et seq.* ("the Act"), the Biotechnology Research and Development Corporation ("BRDC") has filed written notification simultaneously with the Attorney General and the Federal Trade Commission disclosing (1) the identity of the parties to the

agreement, and (2) the nature and objectives of this agreement. The notification was filed for the purpose of invoking the Act's provisions limiting the potential recovery of antitrust plaintiffs to actual damages under specified circumstances. Pursuant to section 6(b) of the Act, the identities of the parties to BRDC and its general area of planned activities are given below.

The parties to BRDC are now the Agricultural Research and Development Corporation, American Cyanamid Company, Amoco Technology Company, The Dow Chemical Company, ECOGEN Inc., Hewlett-Packard Company and IMCERA Group Inc. On September 30, 1991, ECOGEN Inc., a shareholder of the agreement, provided BRDC with written notice of its intent to withdraw voluntarily from the agreement, effective September 30, 1992.

The objective of the agreement is to undertake research and development in the areas of biotechnology and animal health care, in part through cooperative research and development agreements with federal laboratories under the authority granted to those laboratories by the Federal Technology Transfer Act of 1986. In addition to undertaking original research, BRDC may also acquire interest in existing inventions which require further research and development before they can be commercialized.

Joseph H. Widmar,

Director of Operations, Antitrust Division.

[FR Doc. 91-26621 Filed 11-4-91; 8:45 am]

BILLING CODE 4410-01-M

National Cooperative Research Notification; CAD Framework Initiative, Inc.

In notice document 91-22997 concerning CAD Framework Initiative, Inc., appearing in the issue of Wednesday, September 25, 1991 at 56 FR 48580, make the following correction:

In the third column; third paragraph; the 8th line should read "Dazix, an Intergraph Company; (2)"

Joseph H. Widmar,

Director of Operations, Antitrust Division.

[FR Doc. 91-26621 Filed 11-4-91; 8:45 am]

BILLING CODE 4410-01-M

National Cooperative Research Notification; Center for Emissions Control, Inc.

Notice is hereby given that, on September 23, 1991, pursuant to section 6(a) of the National Cooperative Research Act of 1984, 15 U.S.C. 4301, *et seq* ("the Act"), the Center for Emissions Control, Inc. ("CEC") filed a written notification simultaneously with the Attorney General and the Federal Trade Commission disclosing the addition of six members to the CEC. The notification was filed for the purpose of invoking the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, the CEC advised that Bethlehem Steel Corporation, Bristol-Meyers Squibb Company, Foamex Products, Inc., Eli Lilly and Company, The Upjohn Company, and Syntex Corporation have become members to the CEC.

No other changes have been made in either the membership or planned activity of the CEC. Membership in this research venture remains open, and the members intend to file additional written notification disclosing all changes in membership.

On May 13, 1991, the CEC filed its original notification pursuant to section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to section 6(b) of the Act on May 13, 1991 (56 FR 24843).

Joseph H. Widmar,

Director of Operations, Antitrust Division.

[FR Doc. 91-26623 Filed 11-4-91; 8:45 am]

BILLING CODE 4410-01-M

National Cooperative Research Notification; "Feasibility Study on Using Molecular Sieves for Diesel NO_x Control"

Notice is hereby given that, on September 19, 1991, pursuant to section 6(a) of the National Cooperative Research Act of 1984, 15 U.S.C. 4301 *et seq.* ("the Act"), Southwest Research Institute ("SwRI") filed a written notification simultaneously with the Attorney General and the Federal Trade Commission disclosing the addition of a party to its project entitled "Feasibility Study on Using Molecular Sieves for Diesel NO_x Control". The notification was filed for the purpose of invoking the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, SwRI advised that Nisson Motor Company, Ltd. has (effective August 12, 1991) become a party to the project.

No other changes have been made in either the membership or planned activity of the project.

On July 1, 1991, SwRI filed its original notification pursuant to section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to section 6(b) of the Act on July 29, 1991, 56 FR 35877.

Joseph H. Widmar,

Director of Operations, Antitrust Division.

[FR Doc. 91-26624 Filed 11-4-91; 8:45 am]

BILLING CODE 4410-01-M

National Cooperative Research Notification; Switched Multi-Megabit Data Service Interest Group

Notice is hereby given that, pursuant to section 6(a) of the National Cooperative Research Act of 1984, 15 U.S.C. 4301 *et seq.* ("the Act"), the Switched Multi-Megabit Data Service Group ("the Group") on September 19, 1991, has filed an additional written notification simultaneously with the Attorney General and the Federal Trade Commission disclosing changes to its membership. The additional notification was filed for the purpose of invoking the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances.

On April 19, 1991, the Group filed its original notification pursuant to section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to section 6(b) of the Act on May 23, 1991 (56 FR 23723).

The identities of the additional parties to the Group are:

3Com, 5400 Bayfront Plaza, Post Office Box 58145, Santa Clara, California 95052-8145.

Ameritech, The Meadows Corporate Center, 2820 West Golf Road, Rolling Meadows, Illinois 60008.

Base2 Systems, 5353 Manhattan Circle #201, Boulder, Colorado 80803.

Digital Transmission Systems, 4830 River Green Parkway, Duluth, Georgia 30136.

Ericsson Network Systems, 730 International Parkway, M/S F-25, Richardson, Texas 75081.

Hewlett-Packard, 19420 Homestead Road, M/S43U, Cupertino, California 95014.

IBM, Post Office Box 12195, E98/B673, Research Triangle Park, NC 27709.

NetExpress Systems, 989 East Hillsdale Blvd., Suite 290, Foster City, California 94404-2113.

Northern Telecom, Post Office Box 13010, N/S 022, Minneapolis, Minnesota 55428.

Pacific Access, 2945 Kilgore Road, Rancho Cordova, California 95670.

QPSX Communications, 33 Richardson Street, West Perth, Australia 6005.

Sun Microsystems, 2550 Garcia Avenue, Mountain View, California 94043.

SynOptics Communications, 4401 Great America Parkway, Santa Clara, California 95052.
Timplex, 470 Chestnut Ridge Road, Woodcliff Lake, New Jersey 07675.
U.S. Sprint, 12490 Sunrise Valley Drive, M/S Varesa 0115, Reston, Virginia 22096.
U.S. West, 150 South 5th Street, Suite 3200, Minneapolis, Minnesota 55402.

Joseph H. Widmar,

Director of Operations, Antitrust Division.

[FR Doc. 91-26625 Filed 11-4-91; 8:45 am]

BILLING CODE 4410-01-M

DEPARTMENT OF LABOR

Employment and Training Administration

[TA-W-25,670]

Frame One Corp. of America, Roanoke, VA; Dismissal of Application for Reconsideration

Pursuant to 29 CFR 90.18 an application for administrative reconsideration was filed with the Director of the Office of Trade Adjustment Assistance for workers at Frame One Corporation of America, Roanoke, Virginia. The review indicated that the application contained no new substantial information which would bear importantly on the Department's determination. Therefore, dismissal of the application was issued.

TA-W-25,670; Frame One Corporation of America Roanoke, Virginia (October 24, 1991)

Signed at Washington, DC this 28th day of October, 1991.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 91-26657 Filed 11-4-91; 8:45 am]

BILLING CODE 4510-30-M

[TA-W-26,225]

Pennant Service Company, Sidney, MT; Dismissal of Application for Reconsideration

Pursuant to 29 CFR 90.18 an application for administrative reconsideration was filed with the Director of the Office of Trade Adjustment Assistance for workers at Pennant Service Company, Sidney, Montana. The review indicated that the application contained no new substantial information which would bear importantly on the department's determination. Therefore, dismissal of the application was issued.

TA-W-26,225 Pennant Service Company Sidney, Montana (October 24, 1991)

Signed at Washington, DC, this 28th day of October 1991.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 91-26658 Filed 11-4-91; 8:45 am]

BILLING CODE 4510-30-M

Employment and Training Administration

[TA-W-26,005]

San Juan County Mining Venture, Silverton, CO; Dismissal of Application for Reconsideration

Pursuant to 29 CFR 90.18 an application for administrative reconsideration was filed with the Director of the Office of Trade Adjustment Assistance for workers at San Juan County Mining Venture, Silverton, Colorado. The review indicated that the application contained no new substantial information which would bear importantly on the Department's determination. Therefore, dismissal of the application was issued.

TA-W-26,005; San Juan County Mining Venture Silverton, Colorado (October 24, 1991)

Signed at Washington, DC, this 28th day of October 1991.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 91-26659 Filed 11-4-91; 8:45 am]

BILLING CODE 4510-30-M

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-26,168; Simsco, Inc., Attalla, AL
TA-W-26,252; Mid-Western Machinery Co., Inc., Joplin, MO
TA-W-26,208; The Carbon/Graphite Group, Inc., St. Marys, PA
TA-W-26,255; S-P Manufacturing, Inc., Solon, OH

In the following cases, the investigation revealed that the criteria for eligibility has not been met for the reasons specified.

TA-W-26,246; International Resistive Co., Inc., Brownsville, TX

Increased imports did not contribute importantly to worker separations at the firm.

TA-W-26,259; Smith Energy Service, Odessa, TX

Increased imports did not contribute importantly to worker separations at the firm.

TA-W-26,185; M & R Marking Systems, Inc., Cranford, NJ

Increased imports did not contribute importantly to worker separations at the firm.

TA-W-26,224; Owens-Brockway, Inc., Freehold, NJ

Increased imports did not contribute importantly to worker separations at the firm.

Affirmative Determinations

TA-W-26,195; Penn Footwear Co., Nanticoke, PA

A certification was issued covering all workers separated on or after July 30, 1990.

TA-W-26,120; Ann Will Garment Co., Kingston, PA

A certification was issued covering all workers separated on or after January 1, 1991.

TA-W-26,242; CPC, Inc., Randolph, MA

A certification was issued covering all

workers separated on or after August 6, 1990.

TA-W-26,254; Ray's Bridal Creations, Inc., Corona, NY

A certification was issued covering all workers separated on or after August 12, 1990.

TA-W-26,217; Fasco Industries, Inc., Hawker Siddeley Group, Ozark, MO

A certification was issued covering all workers separated on or after June 1, 1991.

TA-W-26,250 & TA-W-26,251; Levolor Corp, Fairfield, NJ, and Rockaway, NJ

A certification was issued covering all workers separated on or after August 31, 1991.

TA-W-26,244; Force Outboards, Hartford, WI

A certification was issued covering all workers separated on or after July 15, 1990.

TA-W-26,186 and TA-W-26,187; Maidenform, Inc., Princeton, WV and Huntington, WV

A certification was issued covering all workers separated on or after August 2, 1990.

TA-W-26,231 and TA-W-26,232; Spring Industries, Inc., Aileen Plant, Biscoe, NC and Eureka Plant, Chester, SC

A certification was issued covering all workers separated on or after July 8, 1990.

TA-W-26,233 and TA-W-26,234; Spring Industries, Inc., Lancaster Plant, Lancaster, SC and Limestone Plant, Gaffney, SC

A certification was issued covering all workers separated on or after July 8, 1990.

TA-W-26,235; Spring Industries, Inc., Wamsutta Plant, Anderson, SC

A certification was issued covering all workers separated on or after July 8, 1990.

TA-W-26,130; Tonka Corp., St. Louis Park, MN

A certification was issued covering all workers separated on or after July 16, 1990.

TA-W-26,133 and TA-W-26,134; Tonka Corp., Tonka Products Div., St. Louis Park, MN and El Paso, TX

A certification was issued covering all workers separated on or after July 16, 1990.

TA-W-26,143 and TA-W-26,144; Tonka Corp., Parker Brothers Div., Beverly, MA and Salem, MA

A certification was issued covering all workers separated on or after July 16, 1990.

TA-W-26,145; Tonka Corp., Kenner Product, Div., Cincinnati, OH

A certification was issued covering all workers separated on or after July 16, 1990.

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 28, 1991.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 91-26660 Filed 11-4-91; 8:45 am]

BILLING CODE 4510-30-M

[TA-W-25,690]

Tektronix, Inc.; Hybrid Components Division, Beaverton, OR; Affirmative Determination Regarding Application for Reconsideration

On July 16, 1991 one of the petitioners requested administrative reconsideration of the Department of Labor's Notice of Negative Determination Regarding Eligibility to Apply for Worker Adjustment Assistance for workers at the subject firm. The Department's Negative Determination was issued on June 13, 1991 and published in the Federal Register on June 21, 1991 (56 FR 26576).

It claimed that worker separations at Hybrid Components resulted from a reduced demand from a corporately affiliated plant in Vancouver, Washington, whose workers are certified for trade adjustment assistance, TA-W-24,925.

Conclusion

After careful review of the application, I conclude that the claim is of sufficient weight to justify reconsideration of the Department of Labor's prior decision. The application is, therefore, granted.

Signed at Washington, DC, this 25th day of October 1991.

Stephan A. Wandner,

Deputy Director, Office of Legislation and Actuarial Services, Unemployment Insurance Service.

[FR Doc. 91-26661 Filed 11-4-91; 8:45 am]

BILLING CODE 4510-30-M

LIBRARY OF CONGRESS

Copyright Office

[Docket No. RM 91-5A]

Registrability of Costume Designs

AGENCY: Copyright Office, Library of Congress.

ACTION: Policy Decision.

SUMMARY: The Copyright Office of the Library of Congress issues this Policy Decision clarifying its practices regarding the registrability of masks and costume designs. Under the adopted practices, masks will be registrable on the basis of pictorial and/or sculptural authorship. Costumes will be treated as useful articles, and will be registrable only upon a finding of separable artistic authorship.

FOR FURTHER INFORMATION CONTACT: Dorothy Schrader, General Counsel, U.S. Copyright Office, Library of Congress, Washington, DC 20559; (202) 707-8380.

SUPPLEMENTARY INFORMATION:

1. Background

Works subject to copyright protection may secure copyright registration in the Copyright Office. Copyright Act of 1976, title 17, U.S.C. sections 508-412. Determining the registrability of masks and costumes requires the application of the definitions of "pictorial, graphic, and sculptural works" and "useful article," as set out in section 101 of title 17. These definitions are as follows:

"Pictorial, graphic, and sculptural works" includes two-dimensional and three-dimensional works of fine, graphic and applied art, photographs, prints and art reproductions, maps, globes, charts, diagrams, models, and technical drawings, including architectural plans. Such works shall include works of artistic craftsmanship insofar as their form but not their mechanical or utilitarian aspects are concerned; the design of a useful article, as defined in this section, shall be considered a pictorial, graphic, or sculptural work only if, and only to the extent that, such design incorporates pictorial, graphic, or sculptural features that can be identified separately from, and are capable of existing independently of, the utilitarian aspects of the article.

A "useful article" is an article having an intrinsic utilitarian function that is not merely to portray the appearance of the article or to convey information. An article that is normally a part of a useful article is considered a "useful article."

The House Judiciary Committee Report accompanying the 1976 Copyright Act explained that through the above definitions Congress sought to "draw as clear a line as possible between copyrightable works of applied

art and uncopyrightable works of industrial design." H.R. Rep. No. 1476, 94th Cong. 2d Sess. 55 [1976]. The report provided further guidance as follows:

> A two-dimensional painting drawing, or graphic work is still capable of being identified as such when it is printed on or applied to utilitarian articles such as textile fabrics, wallpaper, containers, and the like. The same is true when a statue or carving is used to embellish an industrial product or, as in the *Mazer* case, is incorporated into a product without losing its ability to exist independently as a work of art. On the other hand, although the shape of an industrial product may be aesthetically satisfying and valuable, the Committee's intention is not to offer it copyright protection under the bill. Unless the shape of an automobile, airplane, *ladies' dress*, food processor, television set, or any other industrial product contains some element that, *physically or conceptually*, can be identified as separable from the utilitarian aspects of that article, the design would not be copyrighted under the bill. The test of separability and independence from "the utilitarian aspects of the article" does not depend upon the nature of the design—that is, even if the appearance of an article is determined by esthetic (as opposed to functional) considerations, only elements, if any, which can be identified separately from the useful article as such are copyrightable." *Id.* [Emphasis added].

The Copyright Office has generally refused to register claims to copyright in three-dimensional aspects of clothing or costume design on the ground that articles of clothing and costumes are useful articles that ordinarily contain no artistic authorship separable from their overall utilitarian shape. A two-dimensional design applied to the surface of the clothing may be registered, but this claim to copyright is generally made by the fabric producer rather than the garment or costume designer. Moreover, this claim to copyright is ordinarily made when the two-dimensional design is applied to the textile fabric and before the garment is cut from the fabric.

The 1976 House Report confirms that "ladies' dress" and other clothing cannot be protected by copyright merely on the ground that the appearance of the useful article is determined by aesthetic considerations. Over the last few years, however, the Office registered a few narrowly drawn claims [1] in certain three-dimensional fanciful or animal-shaped items that can be worn. Some of these claims have been the subject of litigation.

2. Litigation

In general, cases have not treated masks as useful articles, and, as a result, copyrightability can be supported by a mere finding of pictorial or sculptural authorship. Costumes, on the other hand, have been treated as useful articles, necessitating a finding of separable pictorial or sculptural authorship in order to support copyright protection.

In one of the leading cases on masks, *Masquerade Novelty* v. *Unique Industries*, 912 F.2d 663 (3rd Cir. 1990), the court held animal masks were not useful articles because "nose masks have no utility that does not derive from their appearance." The masks were configured to resemble the nose of a pig, elephant, and parrot, and were found to be copyrightable. In *Pasillas* v. *McDonald's Corp.*, 927 F.2d 400 (9th Cir. 1991), copyright in a Halloween mask depicting a man in the moon was conceded to be valid, but summary judgment was granted in favor of the defendant due to lack of substantial similarity.

While the cases consistently treat costumes as useful articles, the applicable standards for determining separability are unclear. In *Animal Fair Inc.* v. *Amfesco Industries, Inc.*, 620 F.Supp. 175 (D.C. Minn. 1985), *aff'd mem.*, 794 F.2d 678 (8th Cir. 1986), the district court upheld copyright in a slipper depicting a bear's foot. While treating the slipper as a useful article, the court concluded the whole shape and design were recognizable as a fanciful artistic rendition of a bear's paw. The Eighth Circuit affirmed without written opinion.

The test of conceptual separability was raised in *Act Young Imports, Inc.* v. *B & E Sales Co., Inc.*, 673 F. Supp. 672 (S.D.N.Y. 1987), in a case involving children's backpacks. In that case the court upheld copyright in animal shaped backpacks because the animal image was separate from the useful function of the packs.

In *National Theme Productions Inc.* v. *Jerry B. Beck Inc.*, 696 F. Supp 1348 (S.D. Cal. 1988), a district court held that while masquerade costumes were useful articles, the costumes involved in the case successfully met the conceptual separability test. The works in issue were elaborate costumes depicting independently recognizable images and were registered by the Copyright Office.

In the complex case of *Whimsicality, Inc.* v. *Rubie's Costumes Co. Inc.*, 891 F.2d 452 (2nd Cir. 1989), the Second Circuit denied a copyright action alleging infringement of six costumes on the grounds that the claims had been misrepresented to the Copyright Office. The costumes had been registered as "soft sculptures" and the applications did not disclose that the works were costumes. Under the unique facts of the case, the plaintiff was denied relief.

3. Notice of Inquiry

Due to the uncertainty regarding the registrability of masks and costume designs, the Copyright Office published a notice of inquiry on May 2, 1991. 56 FR 20241 (1991) concerning registration of costume designs. The notice summarized the applicable copyright principles in the area, including the case law. The notice further raised eight specific questions on which comment was sought.

The notice generated twelve comments. Some of the comments came from the garment industry, and those comments generally sought an expansion of the protection available to wearing apparel. Other comments came from the costume industry, and those comments were generally mixed as to whether or not the availability of copyright should be expanded. The remainder came from the bar and academic communities.

Of the comments which were received, most took the position that so-called fanciful costumes should be registered, while ordinary wearing apparel should be rejected. However, none of the comments taking such a position set out workable guidelines for separating fanciful costumes from wearing apparel. A differing view was expressed by one law firm, which took the position that all costumes were useful articles without any separate artistic authorship.

4. Summary of Policies Adopted

The examining practices with respect to masks will not treat masks as useful articles, but will instead determine registrability on the existence of minimum pictorial and/or sculptural authorship. Garment designs (excluding separately identifiable pictorial representations of designs imposed upon the garment) will not be registered even if they contain ornamental features, or are intended to be used as historical or period dress. Fanciful costumes will be treated as useful articles, and will be registered only upon a finding of separately identifiable pictorial and/or sculptural authorship.

5. Examining Practices With Respect to Masks

Current examining practices base registration of masks on the existence of minimum pictorial and/or sculptural authorship. Since masks generally portray their own appearance, this subject matter appears to fall outside of the definition of "useful article" in

[1] No claim, for instance, can be made on the functional design of clothing.

section 101 of title 17. Both the case law and comment letters appear to agree with this position.

Although a mask alone is not considered a useful article, a legitimate question arises regarding registration practices in instances where a copyrightable mask is combined and sold as a unit with an otherwise uncopyrightable costume. In such circumstances, the Copyright Office will register the "work" on the basis of the copyrightable authorship in the mask. This approach appears to be consistent with *Mazer* v. *Stein*, 347 U.S. 201 (1954), holding that a copyrightable work of art does not lose its copyrightability upon incorporation into a useful article. Again, only the separable artistic features, in this case the mask, would be subject to copyright protection.

6. Examining Practices With Respect to Garment Designs

A few of the comment letters were from the garment industry urging a broader availability of copyright protection for garment designs. On this point the copyright law is reasonably clear. Garments are useful articles, and the designs of such garments are generally outside of the copyright law. Parties who wish to modify this position must address their concerns to the Congress, since establishment of such protection must have Congressional authorization.

The general policy of nonregistrability of garment designs will be applied not only to ordinary wearing apparel, but also to period and historical dress, and uniforms. Wearing apparel incorporated into theatrical productions will likewise be treated under the standards applying to garment designs in general.

7. Examining Practices With Respect to Fanciful Costumes

For purposes of copyright registration, fanciful costumes will be treated as useful articles. Costumes serve a dual purpose of clothing the body and portraying their appearance. Since clothing the body serves as a useful function, costumes fall within the literal definition of useful article. In addition, the case law consistently treats costumes as useful articles, and a Copyright Office decision to differ substantially from these court decisions would appear difficult to justify.

In accordance with the copyright principles applying to useful articles, fanciful costumes will be registered if they contain separable pictorial or sculptural authorship. The separable authorship may be physically separable, meaning that the work of art can be physically removed from the costume, or conceptually separable, meaning that the pictorial or sculptural work is independently recognizable and capable of existence apart from the overall utilitarian shape of the useful article. The standards for determining separability are set forth in section 505 of Compendium II of Copyright Office Practices.

8. Registration is Mandated Where Any Portion of a Work Contains Copyrightable Authorship

In examining claims to copyright, the Copyright Office is required to make a registration if any portion of a work can reasonably be construed as containing copyrightable authorship. Such a registration, should not be treated as extending protection to uncopyrightable elements. For example, if an uncopyrightable costume is sold in packaging material which contains a pictorial illustration, the "work" would be registrable on the basis of the pictorial illustration.

In examining applications for registration, the Copyright Office will generally limit the claim if the application specifically asserts protection in an uncopyrightable element. In most cases, however, there is no correspondence detailing the basis of the registration.

It is hoped that this policy decision will clarify the policies of the Copyright Office with respect to masks and costumes and will discourage the drawing of misleading conclusions regarding registrations which are made for parts of costumes. Costumes, by their very nature, exist at the boundary between works of imagination and works of utility. Portions of some costumes will be registrable under the separability test, and others will be unregistrable in all respects.

Dated: October 29, 1991.

Ralph Oman,

Register of Copyrights.

Approved:

James H. Billington,

The Librarian of Congress.

[FR Doc. 91-26629 Filed 11-4-91; 8:45 am]

BILLING CODE 1410-07-M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 91-99]

Fiscal Year 1991 Report of Closed Meeting Activities of Advisory Committees

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of availability of reports.

SUMMARY: Pursuant to the Federal Advisory Committee Act, Public Law 92-463, the NASA advisory committees that held closed or partially closed meetings in Fiscal Year 1991, consistent with the policy of U.S.C. 552b(c), have prepared reports on activities of these meetings. Copies of the reports have been filed and are available for public inspection at the Library of Congress, Federal Advisory Committee Desk, Washington, DC 20540; and the National Aeronautics and Space Administration, Headquarters Information Center, Washington, DC 20546. The names of the committees are NASA Advisory Council (NAC) Aerospace Medicine Advisory Committee, NAC Commercial Programs Advisory Committee, NAC Space Science and Applications Advisory Committee, and the NASA Wage Committee.

FOR FURTHER INFORMATION CONTACT: Kathryn Newman, Code JM-1, National Aeronautics and Space Administration, Washington, DC 20546 (202/453-2880).

Dated: October 30, 1991.

John W. Gaff,

Advisory Committee Management Officer, National Aeronautics and Space Administration.

[FR Doc. 91-26586 Filed 11-4-91; 8:45 am]

BILLING CODE 7510-01-M

[Notice (91-98)]

NASA Advisory Council (NAC), Space Station Advisory Committee (SSAC); Meeting

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, Public Law 92-463, as amended, the National Aeronautics and Space Administration announces a forthcoming meeting of the NASA Advisory Council, Space Station Advisory Committee.

DATES: November 6, 1991, 8:30 a.m. to 5:30 p.m. and November 7, 1991, 8:30 a.m. to 2 p.m.

ADDRESSES: Capital Gallery, 600 Maryland Avenue, SW., suite 300E, Washington, DC 20024.

FOR FURTHER INFORMATION CONTACT: Dr. W.P. Raney, Code M-8, National Aeronautics and Space Administration, Washington, DC 20546, 202/453-4165.

SUPPLEMENTARY INFORMATION: The Space Station Advisory Committee (SSAC) is a standing committee of the NASA Advisory Council, which advises

senior management on all Agency activities. The SSAC is an interdisciplinary group charged to advise Agency management on the development, operation, and utilization of the Space Station. The committee is chaired by Mr. Laurence J. Adams and is composed of 12 members including individuals who also serve on other NASA advisory committees. This meeting will be open to the public up to the seating capacity of the room (which is approximately 30 persons including committee members and other participants). It is imperative that the meeting be held on these dates to accommodate the scheduling priorities of the participants.

TYPE OF MEETING: Open.

Agenda

November 6, 1991

8:30 a.m.—Introduction.
9:30 a.m.—Space Station Advisory Committee Status.
10 a.m.—Program Status. Man Tended Capability Review. Budget Outlook.
11 a.m.—Discussion.
1 p.m.—Verification Planning.
2 p.m.—NASA Advisory Council Committees. Space Station Science and Applications Advisory Subcommittee (SSSAAS). Aerospace Medicine Advisory Committee (AMAC).
3 p.m.—Evolution.
4 p.m.—Discussion.
5:30 p.m.—Adjourn.

November 7, 1991

8:30 a.m.—Space Station Working Groups Reports and Plans.
11 a.m.—Discussion.
Noon—Committee Membership.
2 p.m.—Adjourn.

Dated: October 25, 1991.

John W. Gaff,

Advisory Committee Management Officer.

[FR Doc. 91-26587 Filed 11-4-91; 8:45 am]

BILLING CODE 7510-01-M

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

Records Schedules; Availability and Request for Comments

AGENCY: National Archives and Records Administration, Office of Records Administration.

ACTION: Notice of availability of proposed records schedules; request for comments.

SUMMARY: The National Archives and Records Administration (NARA) publishes notice at least once monthly of certain Federal agency requests for records disposition authority (records schedules). Records schedules identify records of sufficient value to warrant preservation in the National Archives of the United States. Schedules also authorize agencies after a specified period to dispose of records lacking administrative, legal, research, or other value. Notice is published for records schedules that (1) propose the destruction of records not previously authorized for disposal, or (2) reduce the retention period for records already authorized for disposal. NARA invites public comments on such schedules, as required by 44 U.S.C. 3303a(a).

DATES: Request for copies must be received in writing on or before December 20, 1991. Once the appraisal of the records is completed, NARA will send a copy of the schedule. The requester will be given 30 days to submit comments.

ADDRESSES: Address requests for single copies of schedules identified in this notice to the Records Appraisal and Disposition Division (NIR), National Archives and Records Administration, Washington, DC 20408. Requesters must cite the control number assigned to each schedule when requesting a copy. The control number appears in parentheses immediately after the name of the requesting agency.

SUPPLEMENTARY INFORMATION: Each year U.S. Government agencies create billions of records on paper, film, magnetic tape, and other media. In order to control this accumulation, agency records managers prepare records schedules specifying when the agency no longer needs the records and what happens to the records after this period. Some schedules are comprehensive and cover all the records of an agency or one of its major subdivisions. These comprehensive schedules provide for the eventual transfer to the National Archives of historically valuable records and authorize the disposal of all other records. Most schedules, however, cover records of only one office or program or a few series of records, and many are updates of previously approved schedules. Such schedules also may include records that are designated for permanent retention.

Destruction of records requires the approval of the Archivist of the United States. This approval is granted after a thorough study of the records that takes into account their administrative use by the agency of origin, the rights and interests of the Government and of private persons directly affected by the Government's activities, and historical or other value.

This public notice identifies the Federal agencies and their subdivisions requesting disposition authority, includes the control number assigned to each schedule, and briefly describes the records proposed for disposal. The records schedule contains additional information about the records and their disposition. Further information about the disposition process will be furnished to each requester.

Schedules Pending

1. Defense Logistics Agency (N1-361-91-18). Routine and facilitative records relating to logistics services.

2. Defense Logistics Agency (N1-361-91-19). Routine and facilitative records relating to industrial plant equipment.

3. General Services Administration (N1-234-90-1). Subsidy payment case files, reports, and other records of the defunct Reconstruction Finance Corporation, 1942-50.

4. General Services Administration, Office of Emergency Planning (N1-269-91-1). Comprehensive update of schedule.

5. Department of Health and Human Services, Social Security Administration (N1-47-92-1). Posters which are duplicative or have insufficient value to warrant permanent retention.

6. Department of Health and Human Services, Family Support Administration (N1-292-92-1). Posters which are duplicative or have insufficient value to warrant permanent retention.

7. Department of Health and Human Services, Health Care Financing Administration (N1-440-92-1). Posters which are duplicative or have insufficient value to warrant permanent retention.

8. Department of Justice, Federal Bureau of Investigation (N1-65-91-8). Records whose expungement has been mandated by Court Order.

9. National Aeronautics and Space Administration, Marshall Space Flight Center (N1-255-91-12). Documentation in research and development project case files for the Combined Release and Radiation Effects Satellite that is duplicative or otherwise lacking in historical value.

10. Tennessee Valley Authority, Communications (N1-142-91-2). Records created during the construction of TVA's Energy Center exhibit area.

11. Department of the Treasury, Bureau of Public Debt, Savings Bond Operations Office (N1-53-91-2). Savings bond transactions central name files.

Dated: October 25, 1991.

Claudine J. Weiher,

Acting Archivist of the United States.

[FR Doc. 91-26581 Filed 11-4-91; 8:45 am]

BILLING CODE 7515-01-M

NATIONAL COMMISSION ON SEVERELY DISTRESSED PUBLIC HOUSING

Meetings/Public Hearings Announcement

AGENCY: National Commission on Severely Distressed Public Housing.

ACTION: Notice of meeting.

SUMMARY: In according with the Federal Advisory Committee Act, Public Law 92-463, as amended, the National Commission on Severely Distressed Public Housing announces a forthcoming meeting of the Commission.

DATES: November 22, 1991, 10 a.m.—1 p.m., full commission meeting.

ADDRESSES: Hyatt Regency, 400 New Jersey Avenue, Washington, DC, (202) 737-1234.

FOR FURTHER INFORMATION CONTACT: Carmelita Pratt, Administrative Officer, The National Commission on Severely Distressed Public Housing, 1100 L Street, NW., #7121, Washington, DC 20005-4013 (202) 275-6933.

TYPE OF MEETING: Open.

Carmelita R. Pratt,

Administrative Officer.

[FR Doc. 91-26644 Filed 11-4-91; 8:45 am]

BILLING CODE 6820-07-M

NUCLEAR REGULATORY COMMISSION

Nuclear Safety Research Review Committee; Meeting

The Nuclear Safety Research Review Committee (NSRRC) will hold its next meeting on November 25-26, 1991, at the Holiday Inn Crowne Plaza, 1750 Rockville Pike, Rockville, Maryland. The meeting will be held in accordance with the requirements of the Federal Advisory Committee Act (FACA) and will be open to public attendance. The NSRRC provides advice to the Director of the Office of Nuclear Regulatory Research (RES) on matters of overall management importance in the direction of the NRC's program of nuclear safety research. The purpose of this meeting is to review the NRC's research programs on nuclear power plant aging and on assessing the safety of a high-level waste repository.

Monday, November 25, 1991

8:30 a.m.-9:15 a.m.: Introductory remarks will be made by the NSRRC Chairman and by the RES Director. Discussions on items of mutual interest will be held with the NRC Chairman, Dr. Ivan Selin.

9:15 a.m.-4:15 p.m.: NRC staff will discuss the aging research program. Presentations will include key regulatory and technical issues, reactor pressure vessel research including application to Yankee Rowe, and international coordination of the research program.

4:15 p.m.-6 p.m.: Committee discussions.

Tuesday, November 26, 1991

8 a.m.-9 a.m.: Introduction of the high-level waste safety research program by NRC staff. Update on recent progress at the Center for Nuclear Waste Regulatory Analysis by the CNWRA president, Mr. John Latz.

9 a.m.-2 p.m.: NRC staff will discuss items highlighted in the last NSRRC review of the high-level waste research program. These will include new research programs in volcanism and tectonics, and progress in the investigation of natural analogs and in the development of methods for integrated performance assessment.

2 p.m.-3 p.m.: Committee discussions.

3 p.m.: Adjourn.

Members of the public may file written statements regarding any matter to be discussed at the meeting. Members of the public may also make requests to speak at the meeting, but permission to speak will be determined by the committee chairperson in accordance with procedures established by the committee. A verbatim transcription will be made of the NSRRC meeting and a copy of the transcript will be placed in the NRC's Public Document Room in Washington, DC.

Inquiries regarding this notice, any subsequent changes in the status of the meeting, the filing of written statements, requests to speak at the meeting, or for the transcript, may be made to the Designated Federal Officer, Dr. Ralph O. Meyer (telephone: 301/492-3904), between 8:15 a.m. and 5 p.m.

Dated: October 30, 1991.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 91-26639 Filed 11-4-91; 8:45 am]

BILLING CODE 7590-01-M

Advisory Committee on Reactor Safeguards; Revised Meeting Agenda

In accordance with the purposes of Sections 29 and 182b. of the Atomic Energy Act (42 U.S.C. 2039, 2232b), the Advisory Committee on Reactor Safeguards will hold a meeting on November 7-9, 1991, in Room P-110, 7920 Norfolk Avenue, Bethesda, Maryland. Notice of this meeting was published in the **Federal Register** on September 20, 1991.

Thursday, November 7, 1991

8:30 a.m.-8:45 a.m.: Opening Remarks by ACRS Chairman (Open)—The ACRS Chairman will make opening remarks and comment briefly regarding items of current interest.

8:45 a.m.-9:45 a.m.: General Electric Advanced Boiling Water Reactor (Open/Closed)—The Committee will hear a subcommittee report and discuss selected features of the GE ABWR plant, including auxiliary and power conversion systems, conduct of operations, radioactive waste management, and the Reactor Water Cleanup System. Representatives of the NRC staff and the General Electric Company will participate, as appropriate. Portions of this session will be closed as necessary to discuss Proprietary Information applicable to this matter.

10 a.m.-12 Noon: Level of Design Detail (Open)—The Committee will hear comments by designated subcommittee chairmen and will discuss the level of design detail needed to conduct a licensing review per 10 CFR Part 52. Representatives of the NRC staff and the nuclear industry will participate, as appropriate.

1 p.m.-3:45 p.m.: Vendor Test Programs to Support the Design Certification of Passive Light Water Reactors (SECY-91-273) (Open)—The Committee will review and report on vendor test programs to support design certification of passive light water reactors (Westinghouse AP-600 and SBWR). Representatives of the NRC staff and the NSSS vendors will participate, as appropriate.

3:45 p.m.-4:45 p.m.: Generic Issue 121, "Hydrogen Control for PWR Dry Containments" (Open)—The Committee will hear a briefing and discuss the NRC staff's proposed resolution of this generic issue. Representatives of the NRC staff and the nuclear industry will participate, as appropriate.

4:45 p.m.—5:30 p.m.: Future ACRS Activities (Open)—The Committee will discuss anticipated subcommittee activities, items proposed for consideration by the Committee, and related matters.

5:30 p.m.-6:30 p.m.: Key Technical Issues for Future Nuclear Power Plants (Open)—The members will discuss key

technical issues applicable to future nuclear power plants that are in need of early resolution.

Friday, November 8, 1991

8:30 a.m.–10:00 a.m.: Reactor Operating Experience (Open)—The Committee will hear a briefing and discuss recent operating events and experience at nuclear power plants, including the August 13, 1991 loss of uninterruptable power supplies which occurred at the Nine Mile Point Nuclear Station. Representatives of the NRC staff and nuclear industry will participate, as appropriate.

10:15 a.m.–11:15 a.m.: Severe Accident Research Program (Open)—The Committee will hear a briefing and discuss a report of its subcommittee on the status of the NRC severe accident research program.

11:15 a.m.–12:30 p.m.: ACRS Subcommittee Activities (Open)—The Committee will hear and discuss the status of assigned subcommittee activities, including the November 6, 1991 subcommittee meeting on steam generator tube degradation and the subcommittee meeting (November 6, 1991) on procedures for planning and conduct of ACRS activities.

1:30 p.m.–4:30 p.m.: Preparation of ACRS Reports (Open)—The Committee will discuss proposed ACRS reports regarding items considered during this meeting.

4:30 p.m.–6:00 p.m. Key Technical Issues (Open)—The members will discuss key technical issues applicable to future nuclear plants that are in need of early resolution and an appropriate mechanism to resolve them.

Saturday, November 9, 1991

8:30 a.m.–12:30 p.m.: Miscellaneous (Open)—The Committee will complete discussion of issues considered during this meeting and issues that were not completed at previous meetings as time and availability of information permit. Administrative items related to the conduct of Committee business will also be discussed, as appropriate.

Procedures for the conduct of and participation in ACRS meetings were published in the Federal Register on October 1, 1991 (56 FR 49800). In accordance with these procedures, oral or written statements may be presented by members of the public, recordings will be permitted only during those open portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Committee, its consultants, and staff. Persons desiring to make oral statements should notify the ACRS Executive Director as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements. Use of still, motion picture television cameras during this meeting may be limited to selected portions of the meeting as determined by the Chairman. Information regarding the time to be set aside for this purpose may be obtained by a prepaid telephone call to the ACRS Executive Director, Mr. Raymond F. Fraley, prior to the meeting. In view of the possibility that the schedule for ACRS meetings may be adjusted by the Chairman as necessary to facilitate the conduct of the meeting, persons planning to attend should check with the ACRS Executive Director if such rescheduling would result in major inconvenience.

I have determined in accordance with subsection 10(d) Public Law 92–463 that it is necessary to close portions of this meeting noted above to discuss Proprietary Information applicable to the matters being considered consistent with 5 U.S.C. 552b(c)(4).

Further information regarding topics to be discussed, whether the meeting has been canceled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted can be obtained by a prepaid telephone call to the ACRS Executive Director, Mr. Raymond F. Fraley (telephone 301/492–8049), between 8:00 a.m. and 4:30 p.m.

Dated October 31, 1991.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 91–26635 Filed 11–4–91; 8:45 am]

BILLING CODE 7590-01-M

Advisory Committee on Reactor Safeguards Subcommittees on Advanced Pressurized Water Reactors and Advanced Boiling Water Reactors; Meeting

The Subcommittees on Advanced Pressurized Water Reactors and Advanced Boiling Water Reactors will hold a joint meeting on November 6, 1990, room P–110, 7920 Norfolk Avenue, Bethesda, MD.

The entire meeting will be open to public attendance.

The agenda for the subject meeting shall be as follows: *Wednesday, November 6, 1991—1 p.m. until the conclusion of business.*

The Subcommittees will discuss the plan for the NRC staff's review of vendors' test programs to support the design certification of passive light water reactors.

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 sessions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and staff. Persons desiring to make oral statements should notify the ACRS staff member named below as far in advance as is practicable so that appropriate arrangements can be made.

During the initial portion of the meeting, the Subcommittees, along with any of its consultants who may be present, may exchange preliminary views regarding matters to be considered during the balance of the meeting. The Subcommittees will then hear presentations by and hold discussions with representatives of the NRC staff.

Further information regarding topics to be discussed, the scheduling of sessions open to the public, whether the meeting has been canceled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefore can be obtained by a prepaid telephone call to the cognizant ACRS staff member, Mr. Thomas S. Rotella, (telephone 301/492–8972) between 730 a.m. and 4:14 p.m. Persons planning to attend this meeting are urged to contact the above named individual one or two days before the scheduled meeting to be advised of any changes in schedule, etc., which may have occurred.

Gary R. Quittschreiber,

Chief Nuclear Reactors Branch.

[FR Doc. 91–26638 Filed 11–4–91; 8:45 am]

BILLING CODE 7590-01-M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–29868; File Nos. SR–Amex–91–23; SR–BSE–91–8; SR–MSE–91–14; SR–NYSE–91–30; SR–PHLX–91–38]

Self-Regulatory Organizations; American Stock Exchange, Inc.; Boston Stock Exchange, Inc.; Midwest Stock Exchange, Inc.; New York Stock Exchange, Inc.; and Philadelphia Stock Exchange, Inc.; Order Granting Accelerated Approval Proposed Rule Changes and Filing and Order Granting Accelerated Approval of Proposed Rule Changes Relating to Market-Wide Circuit Breaker Proposals

October 28, 1991.

I. Introduction

Pursuant to section 19(b)(1) of the

Securities Exchange Act of 1934 ("Act") [1] and Rule 19b-4 thereunder,[2] the American Stock Exchange, Inc. ("Amex"), Boston Stock Exchange, Inc. ("BSE"), Midwest Stock Exchange, Inc. ("MSE"), New York Stock Exchange, Inc. ("NYSE"), and Philadelphia Stock Exchange, Inc. ("PHLX") (collectively, the "Exchanges") have filed with the Securities and Exchange Commission ("Commission") proposed rule changes to extend the effectiveness of their respective rules that implement certain procedures that will be activated during volatile market conditions.

The MSE and NYSE proposals were published for comment in Securities Exchange Act Release No. 29768(September 30, 1991), 56 FR 50960. The Commission received no comments on the proposals. The Commission today also solicits comments on the Amex, BSE, and PHLX proposals from interested persons.

II. The Proposals

In 1988, the Commission approved circuit breaker proposals by the Exchanges.[3] In general, the circuit breaker rules provide that trading in all of these markets would halt for one hour if the Dow Jones Industrial Average ("DJIA") declines 250 points or more from its previous day's closing level and, thereafter, trading would halt for an additional two hours if the DJIA declines 400 points from the previous day's close.[4] These circuit breaker mechanisms are an important part of the measures adopted by the Exchanges to address market volatility concerns in the wake of the October 1987 Market Break.

The Commission approved the Amex, BSE, MSE, NYSE, PHLX and National Association of Securities Dealers' ("NASD") circuit breaker proposals on a pilot program basis. In 1989, the Exchanges and the NASD filed, and the Commission approved, proposals to extend their respective pilot programs.[5] Subsequently, in 1990, the Amex, MSE, NYSE, PHLX and NASD filed, and the Commission approved, proposals to extend their respective pilot programs.[6] Those proposals are nearing their expiration dates and the Amex, MSE, NYSE, and PHLX have filed with the Commission proposals to extend further their respective pilot programs until October 31, 1992, while the BSE has filed with the Commission a proposal to extend its pilot program until October 31, 1993.[7] The circuit breaker proposals of the Chicago Board Options Exchange, Inc. ("CBOE"), the Pacific Stock Exchange, Inc. ("PSE") [8] and the Cincinnati Stock Exchange, Inc. ("CSE") [9] were proposed by these exchanges, and approved by the Commission, on a permanent basis rather than as a pilot program.

The circuit breaker mechanisms were enacted in the wake of the October 1987 Market Break. Both the Report of the Presidential Task Force on Market Mechanisms ("Brady Report") and the Working Group's Interim Report [10] recommended that coordinated trading halts and reopening procedures be developed that would be implemented in all U.S. markets for equity and equity related products during large, rapid market declines.[11] In response, the SROs submitted proposals to implement circuit breaker procedures that are designed to substitute planned trading halts for unplanned and destabilizing market closings. In addition, the stock index futures exchanges have implemented parallel circuit breakers that were approved by the CFTC on a permanent basis.

III. Commission Findings

Since the Commission approved these proposals in October 1988, the DJIA has not experienced a one day 250-point decline that would trigger a market halt. Nevertheless, the Commission continues to believe that circuit breaker procedures are desirable to deal with potential strains that may develop during periods of extreme market volatility, and, accordingly, the Commission believes that the pilot programs should be extended. The Commission also believes that circuit breakers represent a reasonable means to retard a rapid, one day market decline that can have a destabilizing effect on the nation's financial markets and participants.

Accordingly, the Commission finds that the proposed rule changes filed by the Exchanges are consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange, and, in particular, the requirements of section 6 and the rules and regulations thereunder.

The Commission finds good cause for approving the proposed rule changes prior to the thirtieth day after the date of publication of notice thereof in the **Federal Register** because there are no changes being made to the current provisions, which originally were subject to the full notice and comment procedures, and accelerated approval would enable the pilots to continue on an uninterrupted basis. Due to the importance of these circuit breakers for market confidence, soundness, and integrity, it is necessary and appropriate

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[1] 15 U.S.C. 78s(b)(1) (1982).

[2] 17 CFR 240.19b-4 (1989).

[3] See *e.g.*, Securities Exchange Act Release Nos. 26386 (December 22, 1988) 53 FR 52904 (PHLX); 26357 (December 14, 1988), 53 FR 51182 (BSE); 26218 (October 26, 1988) 53 FR 44137 (MSE); 26198 (October 19, 1988) 53 FR 41637 (Amex and NYSE).

[4] If the 250-point trigger is reached within one hour of the scheduled close of trading for a day, or if the 400-point trigger is reached within two hours of the scheduled close of the trading day, trading will halt for the remainder of the day. If, however, the 250-point trigger is reached between one hour and one-half hours before the scheduled closing, or if the 400-point trigger is reached between two hours and one hour before the scheduled closing, the Exchanges would retain the power to use abbreviated reopening procedures either to permit trading to reopen before the scheduled closing or to establish closing prices.

[5] See Securities Exchange Act Release No. 27370 October 23, 1989) 54 FR 43881 (order approving extension of Amex, BSE, MSE, NASD, NYSE and PHLX circuit breaker rules).

[6] See Securities Exchange Act Release Nos. 28694 (December 12, 1990), 55 FR 52119 (Order approving extension of NASD circuit breaker rules); 28580 (October 25, 1990), 55 FR 45895 (Order approving extensions of Amex, MSE, NYSE and PHLX circuit breaker rules). Unlike the others, the BSE's pilot program had a two-year period, therefore, it was not extended in 1990.

[7] The NASD's circuit breaker provision expires December 31, 1991. The Commission expects that the NASD will file for an extension of its circuit breaker provision in the near future.

[8] See Securities Exchange Act Release No. 26368 (December 16, 1988) 53 FR 51942.

[9] See Securities Exchange Act Release No. 26440 (January 10, 1989) 54 FR 1830.

[10] The Working Group on Financial Markets was established by the President in March 1988 to provide a coordinating framework for consideration, resolution, recommendation, and action on the complex issues raised by the market break in October 1987. The Working Group consists of the Chairmen of the Commission, Board of Governors of the Federal Reserve System and the Commodity Futures Trading Commission ("CFTC"), and the Under Secretary for Finance of the Department of the Treasury.

[11] In particular, the Working Group recommended a one-hour trading halt if the DJIA declined 250 points from its previous day's closing level, and a subsequent two-hour trading halt if the DJIA declined 400 points below its previous day's closing level. The Working Group also recommended that the NYSE use reopening procedures, similar to those used on Expiration Fridays, that are designed to enhance the information made public about market conditions.

that these procedures continue on an uninterrupted basis. In addition, the MSE and NYSE proposals, which are identical to the Amex, BSE and PHLX proposals, already have been published for comment and the Commission has not received any comments on them.[12] The Commission believes, therefore, that granting accelerated approval of the proposed rule changes is appropriate and consistent with Section 6 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 changes that are filed with the Commission, and all written communications relating to the proposed rule changes between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room. Copies of such filings also will be available for inspection and copying at the respective principal office of each above-mentioned exchange. All submissions should refer to file number SR-AMEX-91-28, SR-BSE-91-9 or SR-PHLX-91-38, and should be submitted by November 26, 1991.

It is therefore ordered, Pursuant to section 19(b)(2) of the Act,[13] that the Amex, MSE, NYSE and PHLX proposed rule changes (SR-91-28, SR-MSE-91-14, SR-NYSE-91-30 and SR-PHLX-91-38) are approved until October 31, 1992, and the BSE proposed rule change (SR-BSE-91-9) is approved until October 31, 1993.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[14]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 91-26633 Filed 11-4-91; 8:45 am]

BILLING CODE 8010-01-M

[12] The notice of filing of the MSE and NYSE proposals appeared in the **Federal Register** on October 9, 1991.

[13] 15 U.S.C. 78s(b)(2) (1982).

[14] 17 CFR 200.30-3(a)(12) (1986).

[Release No. 34-29869; File No. SR-PHLX-91-04]

Self-Regulatory Organizations; Philadelphia Stock Exchange Inc.; Order Approving Proposed Rule Change Relating to Series Opening Request Ticket Procedures

October 28, 1991.

On February 22, 1991, the Philadelphia Stock Exchange, Inc. ("PHLX" or "Exchange") submitted to the Securities and Exchange Commission ("Commission"), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act")[1] and Rule 19b-4 thereunder,[2] proposed rule change to provide for a Series Opening Request Ticket ("SORT") procedure for equity and index options as an alternative to the Exchange's opening rotation procedures presently enumerated in PHLX Rule 1047.

The proposed rule change was published in Securities Exchange Act Release No. 29121 (April 19, 1991), 56 FR 19886. No comments were received on the proposed rule change.[3]

The Exchange proposes to amend PHLX Rules 1047 and 1047A relating to equity options and index options trading rotations, respectively, and to add a new corresponding Options Floor Procedure Advice A-12 to provide for a SORT procedure to be used as an alternative to the opening rotation procedures presently found in the Exchange's rules. As described below, the SORT procedure would permit a specialist to open a class of options without rotating each series.

During a trading rotation, bids, offers, and transactions may occur only in one or a few specified options series at a time, and trading may not occur in any series until it has been reached in the rotation. The PHLX as well as the other options exchanges attempt to complete opening rotations as quickly as possible in order that free-trading can commence shortly after the opening. Free-trading is critical to the effectuation by investors and market makers of certain options strategies, such as hedging or spreading strategies that require positions to be taken in different series in the same class. Furthermore, customer orders received by an exchange after the opening of the series involved cannot be executed until free-trading commences. As a result, an order in a series that opened near the beginning of a lengthy rotation may not be executed until the opening rotation has concluded and free trading has begun. Depending upon the length of a particular rotation, it is possible that this may not occur until long after the order was entered.

The PHLX's existing procedures for an opening rotation are set forth in Part (a) of Commentary .01 to PHLX Rule 1047. In the typical case, the specialist opens each class of options by series, beginning with the nearest expiring series, and either alternating put and call classes by series or opening a whole class in rank order by series based on strike price and expiration month before proceeding to the next series. Most importantly, each series does not begin to trade freely until all other series have been rotated. In addition, part (b) of Commentary .01 to PHLX Rule 1047 provides for a modified opening rotation procedure, but only during usual market conditions. This modified opening rotation procedure calls for opening rotations in a series-by-series manner except that each series may trade freely once all options with the same expiration month have gone through a rotation.

The PHLX proposal provides for a new part (c) to Commentary .01 of PHLX Rule 1047 to allow for a new type of opening called SORT.[4] Under the SORT procedure, individual options series would go through a rotation if the specialist received a SORT ticket for that particular series. The SORT ticket is a form that signals to the specialist that there is interest in a particular series and prevents him from opening the class without rotating that series.[5] In this regard, if any member holds an order he does not wish to book with the specialist but wishes to be executed on the opening, he must place a SORT request with the specialist at least 5 minutes prior to the opening of trading. A specialist receiving a SORT within five minutes prior to the opening, however, is required to make reasonable efforts to apply a series opening to that

[1] 15 U.S.C. 78s(b)(1) (1982).

[2] 17 CFR 240.19b-4 (1989).

[3] The PHLX on October 21, 1991 filed with the Commission an amendment to the SORT proposal. This amendment states that "SORT procedures allow, but do not require, a specialist in any series for which no opening interest to buy or sell has been received to open such series with a quote without prior auction pricing." See letter from Gerald O'Connell, Vice President, Market Surveillance, PHLX, to Thomas Gira, Branch Chief, Division of Market Regulation, SEC, dated October 21, 1991 ("Amendment NO. 1").

[4] By virtue of PHLX Rule 1047A(c), index options can also be subject to the SORT procedure.

[5] The SORT ticket does not indicate whether an order is a pre-opening order except for the fact that each ticket is time-stamped. Conversation between Jeffrey P. Burns, Branch of Options Regulation, Division of Market Regulation, SEC, and Jerry O'Connell, Vice President, Market Surveillance, PHLX, on September 4, 1991.

series.[6] In addition, regardless of whether a SORT ticket is received by the specialist, pre-existing orders on the book may in fact be rotated by the specialist. If the specialist has pre-existing orders on the book, and, expects these orders to be able to receive an execution at the opening, then the series will be rotated.[7]

In the event the specialist chooses to conduct a SORT opening, the submission of a SORT ticket for a particular series ensures that the series will go through a rotation. The receipt of a SORT ticket for one series, however, would not require that all series within a particular options class go through a rotation, just that all those for which a SORT ticket was received must go through a rotation before a non-SORT series could commence free-trading. In addition, the absence of a SORT ticket does not necessarily mean that a opening rotation cannot occur in a particular series, since the specialist does have the discretion to initiate a rotation.[8]

Before the opening, the specialist must announce to the crowd whether a SORT procedure will be utilized, and in which series, if any, he has received a SORT. Thereafter, the specialist must conduct a rotation for the series for which a SORT was submitted, post the market, and then simultaneously open the remaining series in the class for which no SORT tickets were received. For those series openings without SORT tickets, free trading is immediately achieved.[9] Accordingly, a specialist is always required to open the series in which SORTs were received first, and then proceed to open non-SORT series for trading.[10]

The Exchange states that the purpose of the proposed rule change is to provide an improved and more efficient method of opening options classes having little or no expressed investor interest. The PHLX represents that past experience has indicated that time delays in rotations create opportunities for market changes to occur before the trading crowd can respond. Accordingly, as the time delay can be significantly reduced through implementation of the SORT procedure, such occurrences should happen less frequently.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange, and, in particular, the requirements of Section 6[11] and the rules and regulations thereunder. The Commission believes that the SORT procedure proposed by the PHLX will remove impediments to and perfect the mechanism of a free and open options market by decreasing the time required to obtain opening market quotations and allowing free-trading to commence as quickly as possible after the opening.[12] Expedited free trading, in turn, will allow market makers and customers to engage in various options strategies as soon as possible after the opening, and also will result in the prompt execution of customer orders.

In addition, the Commission finds that the PHLX's SORT procedures strike a reasonable balance between the need to conduct opening rotations for actively-traded options series and the desire to expedite the opening of those options series where there would be a very limited regulatory or economic purpose served by conducting an opening rotation. Specifically, SORT procedures will focus market participant attention on those options series where there is expressed interest and permit that interest to be exposed to normal auction rotation procedures, without impeding the timely opening of all remaining thinly-traded options series.

Finally, the Commission notes that the SORT procedures provide for a variation of the "shotgun" approach to opening options trading (*i.e.*, free trading occurs immediately without opening rotations), which approach is currently not employed on any U.S. options exchange. One potential problem with "shotgun" openings is the possibility that customers could receive executions at different prices at the same time within the same trading crowd.[13] The SORT procedures are designed to minimize this concern. Specifically, under the SORT procedures, options series with expressed trading interest at the opening will be subject to the normal opening rotation procedures, while options series with no trading interest will commence free trading immediately.[14]

It is therefore ordered, Pursuant to section 19(b)(2) of the Act,[15] that the proposed rule change (SR–PHLX–91–04) is approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[16]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 91–28634 Filed 11–4–91; 8:45 am]

BILLING CODE 8010–01–M

[6] See letter from Edith Helman, Law Clerk, PHLX, to Thomas Gira, Branch Chief, SEC, dated February 26, 1991.

[7] Conversation between Jeffrey Burns, Staff Attorney, Branch of Options Regulation, Division of Market Regulation, SEC, and Gerald D. O'Connell, Vice President, Market Surveillance, PHLX, on October 24, 1991.

[8] See Amendment No. 1, *supra* note 3.

[9] Quotes for both non-SORT and SORT options series are automatically posted floor-wide through the AUTO–QUOTE System at the PHLX. *See supra* note 7.

[10] See letter from William W. Uchimoto, General Counsel, PHLX, to Jeffrey Burns, Division of Market Regulation, SEC, dated September 9, 1991.

[11] 15 U.S.C. 78f (1982).

[12] The PHLX's proposal also is consistent with the Commission's Division of Market Regulation's Report on the October 1987 Market Break, which recommended that the options exchanges develop procedures to achieve free options trading as quickly as possible after the opening of trading or after the re-commencement of trading after a trading halt or suspension. See The Division of Market Regulation, The October 1987 Market Break, Chap. 8 at 22 (Feb. 1988).

[13] The Commission however, notes that, despite the problems of pricing differences associated with a shotgun approach, during extreme market conditions, the benefits to customers from having the ability to engage in free options trading may outweigh the costs imposed on investors by the possibility for price divergence within the same trading crowd for a limited period of time. See Division of Market Regulation, Market Analysis of October 13 and 16, 1989 at 76 (Dec. 1990).

[14] Under the SORT procedures, it is possible that a SORT ticket could be submitted within five minutes of the opening and the options series will not go through an opening rotation. The Commission believes that this limited possibility for a "shotgun" opening is not inconsistent with the Act for two reasons. First, the PHLX represents that it will make a reasonable effort to apply an opening rotation to those series for which a SORT ticket is received five minutes before the opening. Second, the Commission believes that it is unlikely that options series with delayed SORT ticket submissions will have significant trading interest. The Commission notes that it is also conceivable that there could be an opening rotation, despite the absence of SORT tickets, if the specialist believes there is trading interest in a particular series of options and a SORT ticket was not submitted. In this instance, it is within the specialist's discretion to call for an opening rotation. See Amendment No. 1, *supra* note 3.

[15] 15 U.S.C. 78s(b)(2) (1982).

[16] 17 CFR 200.30–3(a)(12) (1990).

DEPARTMENT OF STATE

[Public Notice 1516]

Shipping Coordinating Committee; Meeting

The United States Coast Guard Ship Design Branch will conduct an open meeting on November 25, 1991 at 9:00 a.m. in Room 6303 at U.S. Coast Guard Headquarters, 2100 Second Street, SW., Washington, DC 20593. The purpose of the meeting will be to discuss the development of the draft International Maritime Organization (IMO) resolution for Low-Level Lighting (LLL) to be incorporated into the Safety of life at Sea Regulations. LLL usually consists of electroluminescent or photoluminescent lighting strips to be placed at near to

floor level on the passageway bulkheads. These strips direct passengers along the means of egress if emergency lighting fails or if the lighting is obscured by smoke. The meeting willl focus on revision of the draft resolution to incorporate industry comments.

Members of the public may attend up to the seating capacity of the room. For further information regarding the meeting on the Development of the LLL Resolution (November 25, 1991) please contact Mr. Jim Amy at (202) 267–2997.

Dated: October 25, 1991.

Geoffrey Ogden,

Chairman, Shipping Coordinating Committee.

[FR Doc. 91–26552 Filed 11–4–91; 8:45 am]

BILLING CODE 4710–07–M

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGD 91–026]

Central Pacific Loran-C Chain Closure

AGENCY: Coast Guard, DOT.

ACTION: Notice of intent.

SUMMARY: On June 3, 1991, the Coast Guard published a notice of intent and request for comments (56 FR 25151) to propose early closure of the Central Pacific Loran-C chain, Rate 4990. The Coast Guard intends to terminate the Loran-C service provided by the Central Pacific Loran-C chain, in the Hawaiian Islands, on 31 December 1992, in lieu of continuing operations until 31 December 1994. Continued operation of the Central Pacific Loran-C chain is not economically justified. Early closure of this Loran-C chain will save the Coast Guard the cost of operating it for two more years amounting to an estimated savings of 5 to 6 million dollars.

The coverage provided by the satellite-based Global Positioning System (GPS) is increasing while the cost of GPS receivers is decreasing. GPS presently provides coverage where Loran-C cannot and this coverage includes the Hawaiian Islands.

FOR FURTHER INFORMATION CONTACT: Commander Richard Armstrong, Chief, Radio Aids Management Branch (G–NRN–1), U.S. Coast Guard Headquarters, 2100 Second St., SW., Washington, DC 20593–0001, phone (202) 267–0990.

SUPPLEMENTARY INFORMATION:

Background and Purpose

The Central Pacific Loran-C chain was installed in the Hawaiian Islands in the mid-1960's in response to a Department of Defense requirement. The 1990 edition of the Federal Radionavigation Plan provides for termination of overseas and Hawaiian Loran-C service when the Department of Defense requirement for Loran-C ends on December 31, 1994. The new satellite based Global Positioning System will allow the Department of Defense to end its requirement for Loran-C in the Hawaiian area at the end of calendar year 1992. Because of the poor coverage and limited number of users in the Hawaiian Islands, the United States Coast Guard's position is that continued operation of the Central Pacific Loran-C chain past 1992 is not economically justified. The Loran-C system serving the U.S. (continental, coastal, and Alaskan coverage) will remain part of the radionavigation mix.

Discussion of Comments

The Coast Guard received eleven responses; five had no objection to, or agreed with, early closure and six objected to early closure of the Central Pacific Loran-C chain:

(a) Comments with no objection or in favor of early closure.

(1) There were two user organizations responding with no objection to early closure of the Central Pacific Loran-C chain. They cited poor coverage when using the chain and that the cost savings were well worth termination of the chain.

(2) Three users fully agreed with early closure of the Central Pacific Loran-C chain. One cited poor coverage when using the chain. The other two use Loran-C for timing purposes and will change to GPS receivers for timing purposes.

(b) Comments objecting to early closure.

(1) Three of the six objections to early closure were from user organizations who want Loran-C coverage through 1994. A vast majority of the coverage provided by the Central Pacific Loran-C chain does not include the Hawaiian Islands. The cost to maintain the Loran-C coverage to the Hawaiian Islands would be prohibitive for the benefit of the small number of Loran-C users.

(2) The three user organizations also want improved Loran-C coverage in the Hawaiian Islands. The U.S. Coast Guard cannot justify the cost to upgrade or reconfigure this chain to improve coverage for a small number of Loran-C users.

(3) Two other objections to early closure were from receiver owners who purchased receivers with plans on using Loran-C through 1994 in this area. The U.S. Coast Guard regrets the inconvenience and expense to all individuals who purchased Loran-C receivers expecting to use them until December 31, 1994 on the Central Pacific Loran-C chain. While the Coast Guard cannot reimburse these owners, the receivers will continue to be useful on all other Loran-C chains.

(4) Another objection was from a receiver owner located in California who was concerned about losing Loran-C coverage in Southern California. Loran-C coverage on the west coast of the U.S. will not be affected by closing the Hawaiian Island chain.

Determination

After reviewing these comments, the Coast Guard finds there is no additional justification in continuing to provide Loran-C service in the Hawaiian Islands after 1992. Therefore, on December 31, 1992, the Coast Guard will terminate the Loran-C service in the Central Pacific.

Dated: October 29, 1991.

W.J. Ecker,

Rear Admiral, U.S. Coast Guard, Chief, Office of Navigation Safety and Waterway Services.

[FR Doc. 91–26631 Filed 11–4–91; 8:45 am]

BILLING CODE 4910–14–M

Federal Aviation Administration

Emergency Evacuation Subcommittee of the Aviation Rulemaking Advisory Committee; Meeting

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of meeting.

SUMMARY: The FAA is issuing this notice to advise the public of a meeting of the Federal Aviation Administration Emergency Evacuation Subcommittee of the Aviation Rulemaking Advisory Committee.

DATES: The meeting will be held on November 21, 1991, at 9 a.m. Arrange for oral presentations by November 7, 1991.

ADDRESSES: The meeting will be held at the Federal Aviation Administration Civil Aeromedical Institute, Mike Monroney Aeronautical Center, 6500 South MacArthur, Oklahoma City, OK 73125.

FOR FURTHER INFORMATION CONTACT: Ms. Marge Ross, Aircraft Certification Service (AIR–1), 800 Independence Avenue, SW., Washington, DC 20591, telephone (202) 267–8235.

SUPPLEMENTARY INFORMATION: Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463; 5 U.S.C. app. II), notice is hereby given of a meeting of the Emergency Evacuation Subcommittee to be held on November 21 at the Federal Aviation

Administration Civil Aeromedical Institute, Mike Monroney Aeronautical Center, 6500 South MacArthur, Oklahoma City, OK 73125. The agenda for this meeting will include:

- A status report by the Performance Standards Working Group.
- A discussion of hazard analysis.
- An emergency evacuation video.
- Future activities.

Attendance is open to the interested public, but will be limited to the space available. The public must make arrangements by November 7, 1991, to present oral statements at the meeting. The public may present written statements to the committee at any time by providing 25 copies to the Executive Director, or by bringing the copies to him at the meeting. Arrangements may be made by contacting the person listed under the heading "FOR FURTHER INFORMATION CONTACT."

Issued in Washington, DC, on October 29, 1991.

William J. Sullivan,

Executive Director, Emergency Evacuation Subcommittee, Aviation Rulemaking Advisory Committee.

[FR Doc. 91-26610 Filed 11-4-91; 8:45 am]

BILLING CODE 4910-13-M

Transport Airplane and Engine Subcommittee of the Aviation Rulemaking Advisory Committee; Meeting

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of meeting.

SUMMARY: The FAA is issuing this notice to advise the public of a meeting of the Federal Aviation Administration Transport Airplane and Engine Subcommittee of the Aviation Rulemaking Advisory Committee.

DATES: The meeting will be held on December 3, 1991, at 9 a.m. Arrange for oral presentations by November 15, 1991.

ADDRESSES: The meeting will be held in the McDonnell Room, McDonnell Douglas Corp., suite 1200, 1735 Jefferson-Davis Highway, Arlington, VA 22202.

FOR FURTHER INFORMATION CONTACT: Ms. Marge Ross, Aircraft Certification Service (AIR-1), 800 Independence Avenue, SW., Washington, DC 20591, telephone (202) 267-8235.

SUPPLEMENTARY INFORMATION: Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. App. II), notice is hereby given of a meeting of the Transport Airplane and Engine Subcommittee to be held on December 3, 1991, in the McDonnell Room, McDonnell-Douglas Corp., suite 1200, 1735 Jefferson-Davis Highway, Arlington, VA 22202. The agenda for this meeting will include:

- The Airworthiness Assurance Working Group organizational recommendations and a status report.
- Discussion of recommended subcommittee processes.
- Discussion of international harmonization.
- Status reports from other working groups.

Attendance is open to the interested public, but will be limited to the space available. The public must make arrangements by November 15, 1991, to present oral statements at the meeting. The public may present written statements to the committee at any time by providing 25 copies to the Executive Director, or by bringing the copies to him at the meeting. Arrangements may be made by contacting the person listed under the heading **"FOR FURTHER INFORMATION CONTACT."**

Issued in Washington, DC, on October 29, 1991.

William J. Sullivan,

Executive Director, Transport Airplane and Engine Subcommittee, Aviation Rulemaking Advisory Committee.

[FR Doc. 91-26611 Filed 11-4-91; 8:45 am]

BILLING CODE 4910-13-M

Federal Highway Administration

Environmental Impact Statement: Williamson & Saline Counties, IL

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 proposed improvements to Illinois Route 13 in Williamson and Saline Counties, Illinois. The proposed project corridor extends eastward from just west of the Saline County line in Williamson County to U.S. 45 in Harrisburg, Saline County. The project is designated Federal Aid Route 331 (formerly FA-111).

FOR FURTHER INFORMATION CONTACT:

Mr. Jay W. Miller, Division Administrator, Federal Highway Administration, 3250 Executive Park Drive, Springfield, Illinois 62703, Phone (217) 492-4600.

Mr. T.L. Jennings, District Engineer, Illinois Department of Transportation, State Transportation Building, SBI 13, P.O. Box 100, Carbondale, IL 62901, Phone (618) 549-2171.

SUPPLEMENTARY INFORMATION: The proposed project involves upgrading and improving 10.2 miles of Illinois Route 13. The area being studied begins west of the Illinois Central Railroad near the Williamson and Saline County line and ends at U.S. 45 on the northeast side of Harrisburg. Although the Environmental Impact Statement will assess the impacts of a four-lane improvement, the project may be stage constructed. Initially, the proposed facility will replace a deteriorated, substandard two-lane highway with a two-lane highway that meets current design standards and is capable of accommodating future anticipated traffic volumes. The proposed project will include adequate right-of-way for future expansion to a four-lane expressway. Alternatives under consideration include no action, a new facility on the existing Route 13 alignment, or an entirely new alignment to the north or south of existing Route 13.

The proposed project is intended to increase safety by improving vertical sight distance, providing a wider roadway and wider shoulders, correcting pavement and geometric deficiencies, and improving associated intersections. The proposed action will continue the improvements made to Route 13 west of the project, will provide increased incentives for economic development in Harrisburg, and will provide improved access to Interstate 57 from Harrisburg.

The scoping process undertaken as part of this project will include: Distribution of a scoping information packet, coordination with federal, state, and local agencies, and review sessions as needed. A formal scoping meeting is not planned. Further details of the project and a scoping information packet may be obtained from the contact persons listed above.

To ensure that the full range of issues related to the proposed project are addressed and all significant issues identified, comments and suggestions are invited from all interested parties. Comments or questions concerning this proposed action and the EIS should be directed to FHWA or IDOT contact persons.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Research, Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program.)

Issued on: October 25, 1991.

James C. Partlow,

Project Development and Implementation Engineer.

[FR Doc. 91-26626 Filed 11-4-91; 8:45 am]

BILLING CODE 4910-22-M

UNITED STATES INFORMATION AGENCY

U.S. Advisory Commission on Public Diplomacy Meeting

AGENCY: United States Information Agency.

ACTION: Notice.

SUMMARY: A meeting of the U.S. Advisory Commission on Public Diplomacy will be held on November 13 in room 600, 301 4th Street, SW., Washington DC from 10:30 a.m. to 12:30 p.m.

At 10:30 a.m. the Commission will meet with Mr. Robert Lagamma, Acting Director, Office of African Affairs, for an overview of public diplomacy programs in Africa; at 11 a.m. it will meet with Ms. Oksana Dragen, Chief, European Division, Voice of America Programs, and Mr. Gerd von Doemming, Chief, USSR Division, Voice of America for a discussion of new directions in broadcasting to the Soviet Union, the republics and Eastern Europe; and at 11:45 a.m. Ms. Paula Dobriansky, Associate Director, Bureau of Programs and Mr. Edward Penney, Director, Press and Publications Service, will accompany Commissioners on a walk through of USIA's Wireless File and Magazine divisions.

FOR FURTHER INFORMATION CONTACT: Please call Gloria Kalamets, (202) 619-4468, if you are interested in attending the meeting since space is limited and entrance to the building is controlled.

Dated: October 30, 1991.

Rose Royal,

Management Analyst, Federal Register Liaison.

[FR Doc. 91-26568 Filed 11-4-91; 8:45 am]

BILLING CODE 8230-01-M

Sunshine Act Meetings

Federal Register
Vol. 56, No. 214
Tuesday, November 5, 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, November 7, 1991.

LOCATION: Room 556, Westwood Towers Building, 5401 Westbard Avenue, Bethesda, Maryland.

STATUS: Open to the Public.

MATTERS TO BE CONSIDERED:

1. Pride in Public Service Award

The Commission will present the Pride in Public Service Award to November's recipient.

2. FY 92 Operating Plan

The staff will brief the Commission on the Operating Plan for fiscal year 1992.

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 31, 1991.

Sheldon D. Butts,

Deputy Secretary.

[FR Doc. 91-26767 Filed 11-1-91; 2:03 pm]

BILLING CODE 6355-01-M

INTERNATIONAL TRADE COMMISSION

[USITC SE-91-33]

TIME AND DATE: November 13, 1991 at 10:30 a.m.

PLACE: Room 101, 500 E Street S.W., Washington, DC 20436.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

1. Agenda of future meeting.
2. Minutes.
3. Ratification List.
4. Petitions and complaints:
5. Inv. No. 731-TA-538 (Preliminary) (Sulfanilic acid from the People's Republic of China)—briefing and vote.
6. Any items left over from previous agenda.

CONTACT PERSON FOR MORE INFORMATION: Kenneth R. Mason, Secretary, (202) 205-2000.

Dated: October 28, 1991.

Kenneth R. Mason,

Secretary.

[FR Doc. 91-26762 Filed 11-1-91; 2:02 pm]

BILLING CODE 7020-02-M

NATIONAL CREDIT UNION ADMINISTRATION

Notice of Previously Held Emergency Meeting

TIME AND DATE: 10:20 a.m., Friday, November 1, 1991.

PLACE: Chairman's Office, 6th Floor, 1776 G Street, NW., Washington, DC 20456.

STATUS: Closed.

MATTER CONSIDERED:

1. Administrative Action under Section 206 of the Federal Credit Union Act. Closed pursuant to exemptions (8), (9)(A)(ii), and (9)(B).

The Board voted unanimously that Agency business required that a meeting be held with less than the usual seven days advance notice.

The Board voted unanimously to close the meeting under the exemptions listed above. General Counsel Robert Fenner certified that the meeting could be closed under those exemptions.

FOR MORE INFORMATION CONTACT: Becky Baker, Secretary of the Board, Telephone (202) 682-9600.

Becky Baker,

Secretary of the Board.

[FR Doc. 91-26821 Filed 11-1-91; 3:31 pm]

BILLING CODE 7535-01-M

NATIONAL TRANSPORTATION SAFETY BOARD

TIME AND DATE: 9:30 a.m., Wednesday, November 13, 1991.

PLACE: Conference Room 3B (3rd Floor), 490 L'Enfant Plaza East, S.W., Washington, D.C. 20594.

STATUS: Open.

MATTERS TO BE CONSIDERED:

5499A—Aviation Accident Report: Crash on Takeoff of Ryan International Airlines, Flight 590, Cleveland Hopkins Airport, Ohio, February 17, 1991.

NEWS MEDIA CONTACT: Alan Pollock telephone (202) 382-0660.

FOR MORE INFORMATION CONTACT: Bea Hardesty, (202) 382-6525.

Dated: November 1, 1991.

Bea Hardesty,

Federal Register Liaison Officer.

[FR Doc. 91-26731 Filed 11-1-91; 11:21 am]

BILLING CODE 7533-01-M

NUCLEAR REGULATORY COMMISSION

DATE: Weeks of November 4, 11, 18, and 25, 1991.

PLACE: Commissioners' Conference Room, 11555 Rockville Pike, Rockville, Maryland.

STATUS: Open and Closed.

MATTERS TO BE CONSIDERED:

Week of November 4

Tuesday, November 5

3:30 p.m.
Affirmation/Discussion and Vote (Public Meeting) (if needed)
4:00 p.m.
Briefing on Enforcement Strategy Related to Contaminated Sites (Closed—Ex. 9 and 10)

Week of November 11—Tentative

Friday, November 15

11:30 a.m.
Affirmation/Discussion and Vote (Public Meeting)
a. Final Rule on Nuclear Power Plant License Renewal (Tentative)

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 a.m.
Affirmation/Discussion and Vote (Public Meeting) (if needed)

Week of November 25—Tentative

Tuesday, November 26

11:30 a.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 Meeting Call (Recording)—(301) 492-0292

CONTACT PERSON FOR MORE INFORMATION: William Hill (301) 492–1661.

Dated: November 1, 1991.

William M. Hill, Jr.,

Office of the Secretary.

[FR Doc. 91–26804 Filed 11–1–91; 2:26 pm]

BILLING CODE 7590–01–M

PENNSYLVANIA AVENUE DEVELOPMENT CORPORATION

SPECIAL BOARD OF DIRECTORS MEETING

ACTION: The Pennsylvania Avenue Development Corporation announces a forthcoming special meeting of the Board of Directors.

DATE: The meeting will be held Thursday, November 7, 1991 at 2:00 p.m.

ADDRESS: The meeting will be held at the Pennsylvania Avenue Development Corporation, 1331 Pennsylvania Avenue, NW., Suite 1220N, Washington, DC 20004–1703.

SUPPLEMENTARY INFORMATION: This meeting is held in accordance with 36 Code of Federal Regulations Part 901, and is open to the public.

Dated: November 1, 1991.

M.J. Brodie,

Executive Director.

[FR Doc. 91–26769 Filed 11–1–91; 2:22 pm]

BILLING CODE 7630–01–M

Corrections

Federal Register
Vol. 56, No. 214
Tuesday, November 5, 1991

This section of the FEDERAL REGISTER contains editorial corrections of previously published Presidential, Rule, Proposed Rule, and Notice documents. These corrections are prepared by the Office of the Federal Register. Agency prepared corrections are issued as signed documents and appear in the appropriate document categories elsewhere in the issue.

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

15 CFR Part 400

[Order No. 530; Docket No. 21222-1208]

RIN 0625-AA04

Foreign-Trade Zones in the United States

Correction

In rule document 91-24130 beginning on page 50790, in the issue of Tuesday, October 8, 1991, make the following corrections:

1. On page 50790, in the second column, in the second line, "March 9, 1992." should read "April 6, 1992."

2. On the same page, under **SUPPLEMENTARY INFORMATION**, in the heading, "**Flexibility**" was misspelled.

3. On page 50794, in the first column, in the ninth line, "(§ 400.28(a)(2)(2)," should read "(§ 400.28(a)(2),".

4. On page 50796, in the second column, in the first full paragraph, in the sixth line, "casual" should read "causal".

5. On page 50798, in the first column, under *Section 400.43*, in the second paragraph, in the fourth line, "(19 U.S.C. 81o(d))" should read "(19 U.S.C. 81o(c))

§ 400.1 [Corrected]

6. On the same page, in the third column, in § 400.1(c), in the third line from the bottom, "for" should read "from".

§ 400.31 [Corrected]

7. On page 50805, in the first column, in § 400.31(a), in the second line, "(19 U.S.C. 810(c))," should read "(19 U.S.C. 81o(c)),".

8. On the same page, in the second column, in § 400.31(b)(2), in the last line, "of" should read "or".

BILLING CODE 1505-01-D

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 285

[Docket No. 910102-1217]

RIN 0648-AD01

Atlantic Bluefin Tuna Fishery

Correction

In rule document 91-23769 beginning on page 50061 in the issue of Thursday, October 3, 1991, make the following correction:

§ 285.21 [Corrected]

On page 50063, in the first column, in § 285.21, the paragraph desinated as (3) should be designated as (e) which agrees with amendatory instruction 4.

BILLING CODE 1505-01-D

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Parts 2, 154, 157, 284, 375, and 380

[Docket No. RM90-1-000; Order No. 555]

Revisions to Regulations Governing Authorizations for Construction of Natural Gas Pipeline Facilities

Correction

In rule document 91-24948 beginning on page 52330, in the issue of Friday, October, 18, 1991, make the following correction:

On page 52368, in the third column, under the heading, **XIII. Effective Date**, in the second line, "December 17, 1991." should read "60 days after the date of issuance.".

BILLING CODE 1505-01-D

FEDERAL MARITIME COMMISSION

Agreement(s) Filed

Correction

In notice document 91-1859 appearing on page 3098 in the issue of Monday, January 28, 1991, in the second column, in the file line at the end of the document, "FR Doc. 91-1851" should read "FR Doc. 91-1859".

BILLING CODE 1505-01-D

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

[BPO-101-GNC]

Medicare Program; Criteria and Standards for Evaluating Intermediary and Carrier Performance

Correction

In notice document 91-22716 beginning on page 47758 in the issue of Friday, September 20, 1991, make the following corrections:

1. On page 47763, in the first column, in the table, "32" should read "2".

2. On the same page, in the third column, in the file line at the end of the document, "FR Doc. 91-22644" should read "FR Doc. 91-22716".

BILLING CODE 1505-01-D

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Fair Housing and Equal Opportunity

24 CFR Ch. I

[Docket No. N-91-2011; FR-2665-N-07]

Fair Housing Accessibility Guidelines; Technical Corrections

Correction

In rule document 91-14924, beginning on page 28703, in the issue of Monday, June 24, 1991, make the following correction:

Appendix II to Chapter I Subchapter A- [Corrected]

On page 28704, in the third column, in item "*2. Guideline for Requirement 7.*", in paragraph (vii), in the last line, "beach" should read "bench".

BILLING CODE 1505-01-D

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[FI 069-89]

Reasonable Mortality Charges for Life Insurance Contracts

Correction

In the issue of Tuesday, October 8, 1991, on page 50754, in the third column, in the correction of proposed rule document 91-15634, in paragraph 2., in the second line, "§ 1.7702-1(c)(2)" should read "§ 1.7702-1(d)(2)".

BILLING CODE 1505-01-D

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Parts 1 and 301

[FI-88-86]

Real Estate Mortgage Investment Conduits

Correction

In proposed rule document 91-22853 beginning on page 49526 in the issue of Monday, September 30, 1991, make the following corrections:

1. On page 49530, in the first column, in the first full paragraph, in the ninth line, "§ 2.1275–5(a)" should read "§ 1.1275–5(a)".

2. On the same page, in the second column, in the first full paragraph, in the third line, "§ 2.860G–1(b)(2)" should read "§ 1.860G–1(b)(2)".

3. On the same page, in the third column, in the fourth full paragraph, in the first line, "§ 2.860F–2(a)(1)" should read "§ 1.860F–2(a)(1)".

4. On page 49532, in the third column, in the third full paragraph, in the last line, "7702(a)(29)(C)(xi)" should read "7701(a)(19)(C)(xi)".

5. On page 49533, in the second column, in the Authority citation for part 1, in the sixth line, "2.860F–2" should read "1.860F–2".

6. On the same page, in the same column, in **Par. 2.**, in the first line, "1.59–11" should read "1.593–11":

§ 1856–3 [Corrected]

7. On the same page, in § 1.856–3(b)(2)(i), in the fourth line from the bottom of the paragraph, "§ 1.60497(f)(3)" should read "§ 1.6049–7(f)(3)".

8. On page 49534, in the first column, in § 1.856–3(b)(2)(ii)(B), in the second line, "§ 2.860G–2(g)(1)]" should read "§ 1.860G–2(g)(1))"

§ 1.860G–1 [Corrected]

9. On page 49541, in the second column, in § 1.860G–1(b)(6), in the last line, "2272(a)(6)." should read "1272(a)(6).".

10. On the same page, in the 3d column, in § 1.860G–1(d):

a. In the 2d line,"§ 2.2273–2(a)(2)" should read "§ 1.2273–2(a)(2)".

b. In the 10th line, "§ 2.860F–2(a)." should read "§ 1.860F–2(a)."

c. In the 14th line, "§ 2.860F–2(b)(3)(iii)" should read "§ 1.860F–2(b)(3)(iii)"

§ 1.860G–2 [Corrected]

1. On page 49542, in the 1st column, in § 1.860G–2(a)(5), in the 12th line, "§ 302.7702–" should read "§ 301.7701–" . On the same page, in the second column, in § 1.860G–2(a)(8), in the fourth line, "2286(e) (2)" should read "1286(e)(2)".

BILLING CODE 1505-01-D

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 301

[GL-175-89]

Authority to Release Levy and Return Property

Correction

In proposed rule document 91-24661 beginning on page 51857 in the issue of Wednesday, October 16, 1991, make the following corrections:

§ 301.6343-2 [Corrected]

1. On page 51858, in the third column, in § 301.6343-2(b)(1)(i), in the last line "§ 302.6502-1" should read "§ 301.6502-1".

2. On page 51859, in the first column, in § 301.6343-2(b)(2)(ii)(D), in the last line "§ 30I.6502-1" should read "301.6502-1".

BILLING CODE 1505-01-D

federal register

Tuesday
November 5. 1991

Part II

Environmental Protection Agency

40 CFR Part 122

National Pollutant Discharge Elimination System Permit Application Regulations for Storm Water Discharges; Application Deadlines; Final Rule and Proposed Rule

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 122

[FRL-3994-8]

RIN 2040-AB89

National Pollutant Discharge Elimination System Permit Application Regulations for Storm Water Discharges; Application Deadlines

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is extending the deadline for submission of National Pollutant Discharge Elimination System (NPDES) individual permit applications for storm water discharges associated with industrial activity from November 18, 1991, to October 1, 1992. EPA is also establishing a fixed deadline of no later than October 1, 1992, for submission of individual permit applications from dischargers rejected from group applications. These changes will reduce confusion in the regulated community over application requirements and deadlines. The changes made by this final rule will also serve to treat all regulated facilities as equitably as possible, and help to avoid serious delays in the issuance of storm water permits and the implementation of necessary controls leading to the desired water quality benefits.

EFFECTIVE DATE: November 18, 1991.

FOR FURTHER INFORMATION CONTACT: For information on this rule contact the NPDES Storm Water Hotline at (703) 821-4823, or Thomas J. Seaton, Office of Wastewater Enforcement and Compliance (EN-336), United States Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460, (202) 260-9518.

SUPPLEMENTARY INFORMATION:

I. Background

The 1972 amendments to the Federal Water Pollution Control Act (FWPCA, also referred to as the Clean Water Act or CWA), prohibited the discharge of any pollutant to navigable waters from a point source unless the discharge is authorized by a NPDES permit. The appropriate means of regulating storm water discharges under the NPDES program has been a matter of serious concern and controversy since that time. EPA promulgated NPDES storm water regulations in 1973, 1976, 1979, 1980, and 1984. These regulations have resulted in much litigation and none were successfully implemented despite EPA's efforts.

A. Environmental Impacts

Several National assessments have been conducted to evaluate impacts on receiving water quality. For the purpose of these assessments, urban runoff was considered to be a diffuse source or nonpoint source pollution, although legally, most urban runoff is discharged through conveyances such as separate storm sewers or other conveyances which are point sources under the CWA and subject to the NPDES program.

The "National Water Quality Inventory, 1988 Report to Congress" provides a general assessment of water quality based on biennial reports submitted by the States under section 305(b) of the CWA. In preparing section 305(b) Reports, the States were asked to indicate the fraction of the States' waters that were assessed, as well as the fraction of the States' waters that were fully supporting, partly supporting, or not supporting designated uses. The Report indicates that of the rivers, lakes, and estuaries that were assessed by States (approximately one-fifth of stream miles, one-third of lake acres and one-half of esturine waters), roughly 70 percent to 75 percent are supporting the uses for which they are designated. For waters with use impairments, States were asked to determine impacts due to diffuse sources (agricultural and urban runoff and other categories of diffuse sources), municipal sewage, industrial (process) wastewaters, combined sewer overflows, and natural sources, then combine impacts to arrive at estimates of the relative percentage of State waters affected by each source. In this manner, the relative importance of the various sources of pollution causing use impairments was assessed and weighted national averages were calculated

Based on 37 States that provided information on sources of pollution, the Assessment also concluded that pollution from diffuse sources such as runoff from agricultural, urban areas, construction sites, land disposal activities, and resource extraction activities is cited by the States as the leading cause of water quality impairment.[1] Diffuse sources appear to be increasingly important contributors of use impairment as discharges of industrial process wastewaters and municipal sewage plants come under control and intensified data collection efforts provide additional information. Some examples where use impairments are cited as being caused by diffuse sources include: Rivers and streams, where 9 percent are caused by separate storm sewers, 4 percent are caused by construction and 11 percent are caused by resource extraction; lakes where 8 percent are caused by separate storm sewers and 7 percent are caused by land disposal; the Great Lakes shoreline, where 35 percent are caused by separate storm sewers, 46 percent are caused by resource extraction, and 19 percent are caused by land disposal; for estuaries where, 41 percent are caused by separate storm sewers; and for coastal areas, where 20 percent are caused by separate storm sewers and 29 percent are caused by land disposal.

The States conducted a more comprehensive study of diffuse pollution sources under the sponsorship of the Association of State and Interstate Water Pollution Control Administrators (ASIWPCA) and EPA. The study resulted in the report "America's Clean Water-The States' Nonpoint Source Assessment, 1985" which indicated that 38 States reported urban runoff as a major cause of beneficial use impairment. In addition, 21 States reported construction site runoff as a major cause of use impairment.

Studies conducted by the National Oceanic and Atmospheric Administration (NOAA)[2] indicate that urban runoff is a major pollutant source which adversely affects shellfish growing waters. The NOAA studies identified urban runoff as affecting over 578,000 acres of shellfish growing waters on the East Coast (39 percent of harvest-limited area); 2,000,000 acres of shellfish growing waters in the Gulf of Mexico (59% of the harvest-limited area); and 130,000 acres of shellfish growing waters on the West Coast (52% of harvest-limited areas).

B. Water Quality Amendments of 1987

In an attempt to resolve the controversy over the proper regulation of storm water discharges, Congress enacted the Water Quality Act of 1987 which, among other things, added Section 402(p) to the CWA. Section 402(p) of the CWA was enacted in recognition of the Agency's inability to implement comprehensive requirements for storm water discharges under the NPDES program. Section 402(p) provides a framework for EPA to implement NPDES program requirements for storm water discharges. Section 402(p)(1)

[1] Major classes of diffuse sources that include, in part, storm water point source discharges are: Urban runoff conveyances, construction sites, agriculture (feedlots), resource extraction sites, and land disposal facilities.

[2] See "The Quality of Shellfish Growing Waters on the East Coast of the United States", NOAA, 1989; "The Quality of Shellfish Growing Waters in the Gulf of Mexico", NOAA, 1988; and "The Quality of Shellfish Growing Waters on the West Coast of the United States", NOAA, 1990.

provides that EPA or authorized NPDES States cannot require a permit for certain storm water discharges until after October 1, 1992, except for storm water discharges listed under section 402(p)(2). Section 402(p)(2) lists five types of storm water discharges which are required to obtain a permit before October 1, 1992:

(A) A discharge with respect to which a permit has been issued prior to February 4, 1987;

(B) A discharge associated with industrial activity;

(C) A discharge from a municipal separate storm sewer system serving a population of 250,000 or more;

(D) A discharge from a municipal separate storm sewer system serving a population of 100,000 or more, but less than 250,000; or

(E) A discharge for which the Administrator or the State, as the case may be, determines that the storm water discharge contributes to a violation of a water quality standard or is a significant contributor of pollutants to the waters of the United States.

With respect to storm water discharges associated with industrial activity, section 402(p)(4)(A) of the CWA requires EPA to promulgate regulations governing permit applications requirements by "no later than two years" after the date of enactment (i.e. no later than February 4, 1989). Section 402(p)(4)(A) also provides that permit applications for storm water discharges associated with industrial activity "shall be filed no later than three years" after the date of enactment (i.e. no later than February 4, 1990). Permits for these discharges are to be issued by no later than four years after the date of enactment (i.e. no later than February 4, 1991). Permits must provide for compliance as expeditiously as practicable, but in no event later than three years after the date of permit issuance.

C. November 16, 1990 Permit Application Requirements

EPA promulgated permit application regulations for the storm water discharges identified under section 402(p)(2)(B), (C), and (D) of the CWA, including storm water discharges associated with industrial activity, on November 16, 1990 (55 FR 47990). The November 16, 1990 regulations address requirements, including deadlines, for two sets of application procedures for storm water discharges associated with industrial activity: Individual permit applications and group applications. In addition, the notice recognizes a third set of application procedures for storm water discharges associated with industrial activity: Those associated with general permits. With these requirements, EPA is attempting to implement a flexible, cost-effective approach for storm water permit applications.

The requirements for individual applications for storm water discharges associated with industrial activity are set forth at 40 CFR 122.26(c)(1). Generally, the applicant must provide comprehensive facility specific narrative information including: (1) A site map; (2) an estimate of impervious areas; (3) the identification of significant materials treated or stored on site together with associated materials management and disposal practices; (4) the location and description of existing structural and non-structural controls to reduce pollutants in storm water runoff; (5) a certification that all storm water outfalls have been evaluated for any unpermitted non-storm water discharges; and (6) any existing information regarding significant leaks or spills of toxic or hazardous pollutants within three years prior to application submittal. In addition, an individual application must include quantitative analytical data based on samples collected on site during storm events. Under § 122.26(e)(1) of the November 16, 1990 rule, individual applications must be submitted by November 18, 1991.

The group application process allows for facilities with similar storm water discharges to file a single two part permit application. Part 1 of a group application includes a list of the facilities applying, a narrative description summarizing the industrial activities of participants of the group, a list of significant materials exposed to precipitation that are stored by participants and material management practices employed to diminish contact of these materials by precipitation (see 40 CFR 122.26(c)(2)(i)). Under the November 16, 1990 regulations, part 1 of the group application was to be submitted to EPA no later than March 18, 1991. The regulation provides that EPA has a 60 day period after receipt to review the part 1 applications and notify the groups as to whether they have been approved or denied as a properly constituted "group" for purposes of this alternative application process. Part 2 of the group application contains detailed information, including sampling data, on roughly 10 percent of the facilities in the group (see 40 CFR 122.26(c)(2)(ii) for a complete description of the requirements of part 2 group applications). Under the November 16, 1990 regulations, part 2 applications were to be submitted no later than 12 months after the date of approval of the part 1 application. Also under the November 16, 1990 regulation, facilities that are rejected as members of a group were to have 12 months from the date they receive notification of their rejection to file an individual permit application (or obtain coverage under an appropriate general permit).

The group application process has been designed by EPA as a one-time administrative procedure to ease the burden on the regulated community and permitting authorities in the initial stage of the storm water program.

The third application procedure entails seeking coverage under a general permit for storm water discharges associated with industrial activity. Dischargers covered by a general permit are excluded under 40 CFR 122.21(a) from requirements to submit individual or group permit applications. Conditions for filing an application to be covered by a general permit (typically called a Notice of Intent (NOI)) are established on a case-by-case basis. In almost all cases, general permits require the submittal of NOIs containing basic information such as the name and address of the facility and a brief description of the discharge and receiving water.

The November 16, 1990 regulations also establish a two part application process for discharges from municipal separate storm sewer systems serving a population of 100,000 or more. The regulations lists 220 cities and counties that are defined as having municipal separate storm sewer systems serving a population of 100,000 or more and allows for case-by-case designations of other municipal separate storm sewers to be part of these systems (55 FR 48073, 48074). The regulations provide that part 1 applications for discharges from large municipal separate storm sewer systems (systems serving a population of 250,000 or more) are due November 18, 1991. Part 2 applications for discharges from large systems are due on November 16, 1992. Part 1 applications for discharges from medium municipal separate storm sewer systems (systems serving a population of 100,000 or more, but less than 250,000) are due May 18, 1992. Part 2 applications for discharges from medium systems are due on May 18, 1993.

D. March 21, 1991 Final Rule

Despite extensive public outreach efforts, EPA received a significant number of requests to extend the March 18, 1991, deadline for filing part 1 of the group application. Numerous parties expressed concern that although they were currently forming groups, they

would not be able to file the part 1 application by the March 18, 1991 deadline In particular, concerns were raised by municipal governments.[3] EPA learned that a number of small municipalities were largely unaware of the impact of the new storm water regulations. Many of these municipalities apparently mistakenly believed that since their municipal separate storm sewer systems were not covered by the November 16, 1990 rule, they were also not required to submit applications for storm water discharges associated with industrial activity that they owned or operated.

EPA also became aware that many industrial facilities were having difficulty determining whether the new regulations apply to them. EPA defined the scope of coverage in the November 16, 1990 rule on the basis of SIC codes. However, many facilities engage in operations that can be classified under more than one SIC code; some of these operations are covered, while others are not. The Agency estimates that over half of the twenty-three thousand phone inquiries received by the storm water hotline asked questions about the scope of the final rule as it applies to industrial activity. Since many facilities could not quickly determine whether they were covered by the regulation, many got a late start in developing applications to meet the requirements and deadlines of the November 16, 1990 storm water rule.

To address these concerns, EPA extended the part 1 group application deadline from March 18, 1991 to September 30, 1991, (56 FR 12098 (March 21, 1991)). EPA indicated that it believed that a six month extension to the part 1 group application deadline was an appropriate amount of time for members of the regulated community to determine their status under the November 16, 1990 rule, to organize groups, and to submit part 1 applications. In making this determination, the Agency noted that the part 1 application requires a list of facilities applying, a narrative description summarizing the industrial activities of participants of the group, a list of significant materials exposed to precipitation that are stored by participants and material management practices employed to diminish contact of these materials by precipitation.[4]

As part of the March 21, 1991 final rule, EPA also established May 18, 1992 as the fixed deadline for submission of part 2 of the group applications. The November 16, 1990 regulation had not established a fixed deadline for submitting part 2 of the group application, but rather provided that part 2 applications were not due until one year after the part 1 was approved by EPA. Under the March 21, 1991 final rule, part 2 applications were to be submitted by no later than May 18, 1992 even if EPA's approval of the part 1 occurred after May 18, 1991 In other words, groups that take advantage of the part 1 group application deadline extension would have less than the full year to complete their part 2.

E. March 21, 1991, Proposal

EPA also published a proposed rule on March 21, 1991, addressing two other deadlines for submitting permit applications for storm water discharges associated with industrial activity. The proposal requested comment on extending the deadline for submitting individual applications from November 18, 1991 to May 18, 1992. In addition, the notice proposed to provide that members of group applications that are rejected from the group application must file an individual application or obtain coverage under an appropriate general permit by no later than May 18, 1992. (56 FR 12101, (March 21, 1991)).

The objective of this proposal was to address and solicit comment on the relationship between extending part 1 group application deadlines and revising other application deadlines for storm water discharges associated with industrial activity.

EPA noted several goals associated with the proposed changes: to reduce confusion in the regulated community over what application requirements affect which facilities on which dates, to treat all regulated facilities as equitably as possible, and to avoid serious delays in the issuance of permits for storm water discharges and the implementation of necessary controls leading to the desired water quality benefits.

F. Progress to Date

As discussed above, EPA has wrestled with storm water issues for 20 years. Since the adoption of the 1987 amendments to the CWA, EPA has been committed to prompt and effective implementation of section 402(p). The November 16, 1990 regulations reflect EPA's goal of addressing high risk sources of storm water quickly and without excessive burdens to the regulated community. To that end, the November 16 regulations established a flexible regulatory framework by providing dischargers with the option of participating in a group application and by encouraging the issuance of general permits through the development of a risk-based four tiered strategy for permitting storm water discharges associated with industrial activity.

EPA believes Congress, in adopting section 402(p), wished to strike a balance between the risks associated with industrial storm water discharges and the burdens of controlling the large number of industrial sources in a short time frame, and that the November 16, 1990 regulations represent a good faith effort to achieve Congress' intent. Nonetheless, EPA is aware that the regulated community has already encountered significant difficulties in attempting to comply with the regulations, as further discussed below. Despite what EPA believes to be a general acceptance in the regulated community of the need to address risks associated with storm water, the implementation problems discussed below have caused confusion and frustration.

EPA has taken a number of steps to improve the implementation of the storm water program since the adoption of the November 16, 1990 regulations. Processing permit applications for the large number of storm water discharges associated with industrial activity is expected to place significant burdens on EPA and authorized NPDES States. In response to concerns about these burdens, the Agency has developed a preliminary four-tiered permit issuance strategy for storm water discharges associated with industrial activity (see 55 FR 48002, (November 16, 1990)). General permits are expected to play an important role in the strategy.

On August 16, 1991 (56 FR 40948), EPA published draft general permits for the majority of storm water discharges associated with industrial activity in those States where the Agency is the permitting authority. A major emphasis of the draft general permits is to establish requirements for storm water pollution prevention measures and best management practices. The comment period for these permits closed on October 15, 1991. The Agency intends to issue final general permits for storm water discharges associated with industrial activity as soon as possible after the comment period closes. EPA is also developing a form for NOIs for the draft general permits that can be read

[3] The November 16, 1990 rule establishes permit applications for storm water discharges associated with industrial activity including such discharges owned or operated by Federal, State, or municipal entities (see 40 CFR 122.26(b) (14)).

[4] Several commenters on the March 21, 1991 notices expressed confusion over the requirements of Part 1 of the group application. The Agency wants to clarify that the NPDES Form 1 application is not required from each facility that is participating in a group application.

by automatic data processing equipment. This will assist the Regional Offices and authorized NPDES States which use the NOI form in handling and filing the NOIs.

EPA cannot issue a general permit in an authorized NPDES State. In addition, general permits can only be issued for discharges in States with authorized NPDES programs where the State is authorized to issue general permits. EPA has worked closely with authorized NPDES States to assist them in obtaining the necessary authority to issue general permits. During 1991, 11 authorized NPDES States obtained general permit authority. Currently an additional 11 authorized NPDES States do not have authority to issue general permits. EPA is working closely with the 11 authorized NPDES States without general permit authority to assist them in obtaining the necessary authority to issue general permits. Appendix A of this notice provides a list of authorized NPDES States, and the status of general permit approval. Those 28 States that presently have authority to issue general permits for storm water discharges may do so without waiting for EPA to issue EPA's general permits. Initial information from authorized NPDES States indicates that at least 23 of the authorized NPDES States are in the process of developing or have already issued general permits for storm water discharges.

EPA also received over 1,200 group applications by the September 30, 1991 deadline for part 1 of the application. The Agency estimates that these group applications represent over 45,000 industrial facilities. Currently, the Agency has completed an initial review of over 900 part 1 applications. The Agency anticipates that the part 1 review process for all applications will be completed by December, 1991.

As part of the process of implementing the national storm water initiative called for by section 402(p) of the Clean Water Act, the Agency has undertaken substantial efforts to provide the public with notice of the new storm water program requirements and explain the different application alternatives. As part of this outreach effort, EPA's Office of Wastewater Enforcement and Compliance (OWEC) established a hotline which has fielded over twenty-three thousand telephone inquiries on the scope of the program, application requirements, and related issues. Over ten thousand copies of the November 16, 1990 rule were printed and distributed to States, EPA regions, interest groups and members of the public. In addition, OWEC has held full day workshops in ten cities across the country during the first six weeks of 1991 and has addressed storm water requirements at over 30 other conferences and speaking engagements. State and EPA regional representatives have also contributed to this effort by participating in numerous local workshops and conferences on storm water discharge permit application requirements.

G. Future Directions

EPA will increase its outreach efforts to work with and listen to the States, regulated community, environmental groups and other customers to more fully identify issues and problems with storm water regulatory requirements.

EPA has already outlined above a number of activities to be taken in the next year to assist program implementation. These activities include issuances of general permits, development of automatic data processing equipment for handling NOIs, assisting authorized NPDES States to obtain general permit authority and to issue general permits, and review of group applications. In addition, the Agency will continue its outreach efforts by developing guidance and conducting and attending additional workshops. The Agency is actively working on improving the efficiency and scope of the storm water hotline. In addition, the Agency is developing a question and answer document and information brochures for public dissemination. The Agency is also developing two permit writer's guidance documents for preparing industrial and municipal storm water permits.

These and other broader efforts will assist the Agency in identifying major issues of concern with implementation of the storm water permitting program, such as, whether the program is appropriately targeting high risk discharges, the potential for pollution prevention alternatives, the potential for cross-media impacts, and whether further adjustments to the program are needed. EPA will use the feedback from its outreach efforts to enhance the ability of all the key players to succeed in accomplishing the important goal of reducing risk from contaminated storm water.

II. Today's Final Rule and Response to Comment

EPA received over 120 comments on the March 21, 1991 proposal. After careful consideration of these comments, the Agency is extending the deadline for submitting individual applications for storm water discharges associated with industrial activity from November 18, 1991 to October 1, 1992. Today's rule also establishes a fixed date of no later than October 1, 1992 by which facilities rejected from group applications must either file an individual application or be covered by an appropriate general permit for their storm water discharges associated with industrial activity.

EPA is granting these extensions to allow rejected members of groups additional time to obtain sampling data, and to ensure that all individual applications for storm water discharges that are currently not authorized by a permit are due at the same time to avoid further confusion in the regulated community. The extension for individual applications will also provide facilities that are currently unaware of their responsibilities under the storm water program additional opportunities to comply with appropriate regulatory requirements. Also, operators of storm water discharges in many areas of the country will have additional opportunities to collect data during summer months. EPA also notes that establishing a deadline of October 1, 1992 for these applications will provide additional time for permit issuing agencies to issue general permits for storm water discharges associated with industrial activity.

This notice also provides a technical amendment to 40 CFR 122.26(e)(6). This technical amendment is necessary to avoid ambiguity. The technical amendment provides that facilities with existing NPDES permits for storm water discharges associated with industrial activity which expire on or after May 18, 1992 shall submit a new application in accordance with the requirements of 40 CFR 122.21 and 40 CFR 122.26(c) (Form 1, Form 2F, and other applicable Forms) 180 days before the expiration of such permits. This technical amendment does not represent a substantive change from the November 16, 1990 rulemaking. Under the November 16, 1990 rulemaking, facilities with existing NPDES permits for storm water discharges that have to reapply for permit renewal during the first year following promulgation of the rule have the option of either applying in accordance with existing Form 1 and Form 2C requirements or applying in accordance with Form 1 and the new Form 2F requirements. However, the existing regulatory language addressing this requirement (at 40 CFR 122.26(e)(6)) refers both to May 18, 1992 [5] and 40 CFR

[5] Note that 40 CFR 122.21(d) requires facilities with existing NPDES permits to submit a new

Continued

122.26(e)(1) (the deadline for submitting individual applications changed by today's rule).

The deadline for facilities with an existing permit was primarily intended to provide facilities with existing NPDES permits for storm water discharges with a period of one year during which they could submit either Form 2C or Form 2F (see 55 FR 48059). Thus it is necessary to provide a technical amendment at 40 CFR 122.26(e)(6) to maintain the original intent of the provision (i.e., to require all facilities with existing permits to start using Form 2F one year after the November 16, 1990 rule). EPA does not believe that it is necessary to extend the deadline for these facilities to use the Form 2F requirements because facilities with existing NPDES permits for storm water discharges are generally familiar with the NPDES program. In addition, even if EPA extended this deadline, these facilities would still be required to submit Form 2C for their storm water discharge.

Elsewhere in today's **Federal Register**, EPA is publishing a notice of proposed rulemaking requesting comment on extending the regulatory deadline for submitting part 2 of a group application from May 18, 1992 to October 1, 1992.

EPA wishes to emphasize that today's final rule does not affect the application deadlines for discharges from municipal separate storm sewer systems that are specified in the November 16, 1990 rule. Part 1 applications for discharges from large municipal separate storm sewer systems are still due by November 18, 1991. Part 1 applications for discharges from medium municipal separate storm sewer systems are due by May 18, 1992. EPA has no information to suggest that operators of these systems, which are specifically enumerated in the final regulation (see 55 FR 48073–74 (Appendices F–I to part 122)) or were specifically designated on a case-by-case basis, are unaware of the November 16, 1990 regulations.

A. Deadline for Individual Applications

The vast majority of comments received on the March 21, 1991 proposal supported extending the deadline for submitting individual permit applications. A variety of reasons were given to support the proposed extension. A significant number of commenters identified the complexity of the permit application requirements published on November 16, 1990, as the reason for their support of the proposed deadline extension. Other commenters focused on the need for additional time to obtain representative storm water samples to complete the individual application.

Some commenters urged EPA to extend the deadline for submitting individual permit applications for storm water discharges associated with industrial activity beyond May 18, 1992, to a suitable date after general permits are issued for storm water discharges. These commenters indicated that such an approach had the advantage of ensuring that dischargers would have three options for submitting applications (e.g., individual applications, group applications, or obtaining coverage under an appropriate general permit). This would allow dischargers to select the most cost-effective approach allowable under the NPDES regulatory framework.

Based on a consideration of these comments, the Agency is extending the regulatory deadline for submitting individual permit applications for storm water discharges associated with industrial activity from November 18, 1991 to October 1, 1992. As discussed in more detail below and in the proposed rule appearing elsewhere in today's **Federal Register**, the Agency also believes that it is appropriate to extend certain deadlines associated with the group application process to October 1, 1992 to provide a full year for affected facilities to conduct the necessary discharge sampling. Establishing the same deadline for individual applications and applications associated with the group application process will provide equitable treatment of dischargers while minimizing confusion over the deadlines. Based on comments received on the March 21, 1991 proposal, as well as those received on EPA's storm water proposals in 1985 and 1988, one year is generally an appropriate minimum amount of time to assure that the required sampling can be completed, in light of arid conditions in some areas in the summer, and cold conditions in other areas in the winter.

The extension of the deadline for individual applications will provide facilities that are currently unaware of their responsibilities under the storm water program additional opportunities to comply with appropriate regulatory requirements. This extension will also provide operators of storm water discharges in areas of the country with extended winter conditions a better opportunity to collect representative sampling data of their storm water discharge. A number of commenters have expressed concerns that difficulties may arise in collecting storm water discharge sampling data during the winter months due to the potential for limited numbers of discharge events and adverse weather conditions coupled with lack of sampling experience of many facilities that are submitting applications for the first time.

EPA notes that this extension will also provide authorized NPDES States with additional time to issue general permits for storm water discharges associated with industrial activity consistent with EPA's long-term permitting strategy for storm water discharges associated with industrial activity.[6] On August 16, 1991, (56 FR 40948), EPA published a proposal requesting public comment on draft general permits for storm water discharges associated with industrial activity in States and territories without authorized NPDES programs.[7] The Agency intends to make every effort to issue these general permits in the spring of 1992.

However, EPA has decided against basing the deadline for submitting individual permit applications on the date that general permits are issued because of the potential confusion and uncertainty that would arise. The Agency is also concerned that unacceptable delays may result under this approach in States where the issuance of a general permit is delayed.

Although the Agency is proposing draft general permits for storm water discharges in States without authorized State NPDES programs in one notice, it may not finalize all of these permits on the same date. The Agency expects that various region-specific, State-specific, or industrial category-specific issues may take different amounts of time to address. It should also be noted that the August 16, 1991 proposal does not address general permits in authorized NPDES States. Each authorized NPDES State that will issue general permits for storm water discharges associated with industrial activity will have to go through the procedures for issuing

application at least 180 days before the expiration date of the existing permit. November 18, 1991 is 180 days prior to May 18, 1992

[6] EPA has requested public comment on a four tiered long-term permitting strategy for storm water discharges associated with industrial activity (see August 16, 1991, (56 FR 40948) and November 16, 1990 (55 FR 47990)). Tier I of the strategy relies on baseline general permits for the majority of storm water discharges associated with industrial activity.

[7] The notice addresses draft general permits in 12 States (MA, ME, NH, FL, LA, TX, OK, NM, SD, AZ, AK, ID), and six Territories (District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and the Trust Territory of the Pacific Islands) without authorized NPDES State programs, on Indian lands in AL, CA, GA, KY, MI, MN, MS, MT, NC, ND, NY, NV, SC, TN, UT, WI, and WY; located within federal facilities and Indian lands in CO and WA; and located within federal facilities in Delaware.

general permits of that State. Different permit issuance procedures, along with other factors, will result in these permits being issued at different times. All of these factors indicate that a tremendous amount of uncertainty and confusion would result if EPA attempted to tie regulatory deadlines for submitting permit applications to the dates when general permits are issued.

In addition, the Agency anticipates that there will be situations where the permitting authority determines that general permits are inappropriate for a given class of storm water discharges. Additional confusion would arise in these situations if application deadlines were tied to the dates of general permit issuance.

One comment stated that EPA's extension of permit application deadlines for storm water discharges associated with industrial activity was illegal in light of the deadline in section 402(p)(4)(A) of the CWA. In response, EPA first notes that section 402(p)(4)(A) of the CWA requires EPA to promulgate regulations governing permit application requirements for storm water discharges associated with industrial activity by no later than February 4, 1989. Section 402(p)(4)(A) also provides that permit applications for storm water discharges associated with industrial activity shall be filed within one year (i.e., no later than February 4, 1990).

EPA is fully aware of the deadlines in section 402(p) of the CWA that address when EPA is to establish permit application requirements for storm water discharges, when applications are to be submitted and when permits are to be issued. The Agency notes that, despite its best efforts, it was not able to promulgate application requirements for storm water discharges associated with industrial activity by the February 4, 1989 deadline provided by the CWA. EPA recognizes that the deadlines finalized in the November 16, 1990 notice, the March 21, 1991 final rule and today's rule do not synchronize with the deadlines provided in the CWA. The Agency believes that it is reasonable and necessary to establish regulatory deadlines for submitting applications, which occur after the statutory deadlines, to give applicants sufficient time to comply with the regulatory requirements for permit applications. The Agency is convinced that this approach is necessary for the development of enforceable and sound permits for storm water discharges. The public's interest in a sound storm water permitting program is best served by establishing application deadlines that will allow sufficient time to gather, analyze, and prepare meaningful applications. EPA believes this extension of the application deadline is necessary to accomplish this goal because a significant number of facilities have not had adequate time to prepare applications because they were unaware of the regulatory requirements or because of uncertainty regarding the scope and applicability of the regulatory definition of storm water discharge associated with industrial activity, or, for some facilities, that they would be rejected from a group application.

By establishing later regulatory application deadlines, EPA is not attempting to waive or revoke the statutory deadlines established in section 402(p) of the CWA, and the Agency does not assert the authority to do so. Dischargers concerned with complying with the statutory deadline should submit a permit application as expeditiously as possible.

B. Deadline for Facilities Rejected from Group Applications

Some commenters supported an extension of one year from the date that facilities are rejected from a group application. These commenters argued that such an extension was appropriate to ensure that all facilities rejected from a group application had a sufficient opportunity to collect sampling data.

A number of commenters expressed their belief that the deadline for facilities that are rejected from a group application to submit individual applications should be extended beyond the date proposed by EPA, May 18, 1992. Several suggestions for a later deadline were made, including providing one year after the date EPA rejects the facility from the group application, and basing the deadline on when general permits for storm water discharges associated with industrial activity are issued.

EPA believes that establishing a fixed deadline of October 1, 1992 for facilities that are rejected from a group application is warranted for the same reasons that the Agency articulated above and in the proposal. This approach provides an equitable deadline for these facilities, reduces confusion and uncertainty in the regulated community, and provides sufficient time to complete the sampling necessary to obtain quantitative data. The extension will also have the side benefit of giving permit issuance authorities additional time to issue baseline general permits for storm water discharges associated with industrial activity.

Commenters supporting the position that the application deadline for facilities that are rejected from a group application be based on the date of issuance of a general permit indicated that such an approach would ensure that dischargers would have three options for applying for a permit. EPA declines to adopt this approach out of the same concerns about potential confusion and uncertainty indicated above in the context of the individual application deadline. To reiterate, EPA believes that such an approach is unmanageable because general permits will be issued on different dates and because the approach would not clearly establish deadlines for discharges that the permit authority did not intend to cover with a general permit.

Again, one commenter contended that this extension was illegal because the deadline exceeded the statutory date of February 4, 1990 for submitting applications. EPA's response on this issue is noted above.

III. Regulatory Requirements

Today's rule makes no change in the substantive requirements of the storm water program, places no additional information collection or record-keeping burden on respondents. The rule meets none of the criteria for a major rule under Section 1(b) of Executive Order 12291. The information collection requirements in this rule have already been approved by the Office of Management and Budget and been assigned OMB control number 2040–0086. An additional information collection request has not been prepared and submitted to the Office of Management and Budget (OMB) under the Paperwork Reduction Act. Since this rule does not change any existing substantive requirements, I certify that it will not have a significant impact on a substantial number of small entities under the Regulatory Flexibility Act.

Today's rule is effective on November 18, 1991. EPA believes there is good cause under the Administrative Procedure Act to make this rule effective in less than 30 days. Given the pre-existing November 18, 1991 deadline, it is necessary for this rule to be effective on or before that date to avoid confusion in the regulated community. (5 U.S.C. 553(d)).

List of Subjects in 40 CFR Part 122

Administrative practice and procedure, Reporting and recordkeeping requirements, Water pollution control.

Dated: October 24, 1991.

William K. Reilly,

Administrator.

For the reasons set out above, part 122, chapter I of title 40 of the Code of

Federal Regulations is amended as follows:

PART 122—EPA ADMINISTERED PERMIT PROGRAMS: THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM

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

Authority: The Clean Water Act, 33 U.S.C. 1251 *et. seq.*

Subart B—Permit Application and Special NPDES Program Requirements

§ 122.26 [Amended]

2. In § 122.26(e)(1), "November 18, 1991" is revised to read "October 1, 1992".

3. In § 122.26, paragraphs (e)(2)(iv) and (e)(6) are revised to read as follows:

§ 122.26 Storm water discharges (applicable to State NPDES programs, see § 123.25).

* * * * *

(e) * * *

(2) * * *

(iv) Facilities that are rejected as members of the group shall submit an individual application no later than 12 months after the date of receipt of the notice of rejection or October 1, 1992, whichever comes first.

* * * * *

(6) Facilities with existing NPDES permits for storm water discharges associated with industrial activity shall maintain existing permits. Facilities with permits for storm water discharges associated with industrial activity which expire on or after May 18, 1992 shall submit a new application in accordance with the requirements of 40 CFR 122.21 and 40 CFR 122.26(c) (Form 1, Form 2F, and other applicable Forms) 180 days before the expiration of such permits.

* * * * *

Note: The following appendices will not appear in the Code of Federal Regulations.

APPENDIX A—STATE NPDES PROGRAM STATUS AS OF SEPTEMBER 20, 1991

	Approved State NPDES permit program	Approved general permits program
Alabama	10/19/79	06/26/91
Arkansas	11/01/86	11/01/86
California	05/14/73	09/22/89
Colorado	03/27/75	03/04/83
Connecticut	09/26/73	
Delaware	04/01/74	
Georgia	06/28/74	01/28/91
Hawaii	11/28/74	09/30/91
Illinois	10/23/77	01/04/84
Indiana	01/01/75	04/02/91
Iowa	08/10/78	
Kansas	06/28/74	
Kentucky	09/30/83	09/30/83
Maryland	09/05/74	09/30/91
Michigan	10/17/73	
Minnesota	06/30/74	12/15/87
Mississippi	05/01/74	09/27/91
Missouri	10/30/74	12/12/85
Montana	06/10/74	04/29/83
Nebraska	06/12/74	07/20/89
Nevada	09/19/75	
New Jersey	04/13/82	04/13/82
New York	10/28/75	
North Carolina	10/19/75	09/06/91
North Dakota	06/13/75	01/22/90
Ohio	03/11/74	
Oregon	09/26/73	02/23/82
Pennsylvania	06/30/78	08/02/91
Rhode Island	09/17/84	09/17/84
South Carolina	06/10/75	
Tennessee	12/28/77	04/18/91
Utah	07/07/87	07/07/87
Vermont	03/11/74	
Virgin Islands	06/30/76	
Virginia	03/31/75	05/20/91
Washington	11/14/73	09/26/89
West Virginia	05/10/82	05/10/82
Wisconsin	02/04/74	12/19/86
Wyoming	01/30/75	09/24/91
Totals	39	28

APPENDIX B

	Deadline Established in November 16, 1990 Rulemaking	Revised Deadline
Regulatory Application Deadlines for Storm Water Discharges Associated with Industrial Activity [1]:		
Individual Application	November 18, 1991 [2]	October 1, 1992.
Individual Application from facility rejected from group application.	12 months from the date of notification of rejection [3]	October 1, 1992.
Group Application: Part 1	March 18, 1991 [4]	September 30, 1991.
Group Application: Part 2	12 months after the date of approval of Part 1 application [6]	May 18, 1992. [5]
Individual Application from facility with existing NPDES permit	180 days prior to date that permit expires	Same.
Individual Application for construction activities disturbing 5 or more acres.	90 days prior to commencement of construction	Same.
Individual Application for new storm water discharges (other than construction activities).	180 days before the discharge is to commence	Same.
Regulatory Application Deadlines for discharges from Municipal Separate Storm Sewer Systems [7]:		
Municipal Separate Storm Sewer Systems Serving a Population of 250,000 or more.	Part 1	November 18, 1991.
Do	Part 2	November 16, 1992
Municipal Separate Storm Sewer Systems Serving a Population of 100,000 or more, but less than 250,000.	Part 1	May 18, 1992.
Do	Part 2	May 17, 1993.

Note: Persons covered by general permits are excluded from requirements to submit individual permit applications (see 40 CFR 122.21(a)). Instead, application requirements and deadlines for a general permit, referred to as a notice of intent (NOI), are established in the general permit. Operators of storm water discharges associated with industrial activity which are currently not authorized by an NPDES permit must submit an individual application, comply with Part 2 group application requirements, or obtain coverage under an appropriate general permit by May 18, 1992.

[1] Permit application requirements for storm water discharges associated with industrial activity including requirements for appropriate discharges owned or operated by Federal, State, or municipal entities (see 40 CFR 122.26(b)(14)).

[2] Modified by today's rule.

[3] Modified by today's rule.

[4] Modified on March 21, 1991 (56 FR 12098).

[5] Elsewhere in today's FEDERAL REGISTER, EPA is proposing to extend the deadline for submitting Part 2 of the group application from May 18, 1992 to October 1, 1992.

[6] Modified on March 21, 1991 (56 FR 12098).

[7] Unchanged from November 16, 1990 rule (55 FR 47990).

[FR Doc. 91-26322 Filed 11-4-91; 8:45 am]

BILLING CODE 6560-50-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 122

[FRL-4027-2]

National Pollutant Discharge Elimination System Permit Application Regulations for Storm Water Discharges; Application Deadlines

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of proposed rulemaking.

SUMMARY: As a result of issues and concerns raised in comments on the March 21, 1991 (56 FR 12098) proposal, EPA requests public comments on extending the regulatory deadline for submitting Part 2 of group applications for storm water discharges associated with industrial activity from May 18, 1992 to October 1, 1992. The Agency believes that this extension will provide an appropriate opportunity to conduct sampling to support the Part 2 application and will allow for permit issuing agencies to issue general permits.

DATES: Comments on this notice must be received on or before December 5, 1991.

ADDRESSES: The public should send an original and two copies of their comments to Thomas J. Seaton, Office of Wastewater Enforcement and Compliance (EN-336), United States Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460. The public record is located at EPA Headquarters, EPA Public Information Reference Unit, room 2402, 401 M Street SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: For information on this rule contact the NPDES Storm Water Hotline at (703) 821-4823, or Thomas J. Seaton, Office of Wastewater Enforcement and Compliance (EN-336), United States Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460, (202) 260-9518.

SUPPLEMENTARY INFORMATION:

I. Background

On November 16, 1990 (55 FR 47940), EPA published regulatory requirements, including deadlines, for group applications for storm water discharges associated with industrial activity. The group application process allows for facilities with similar storm water discharges to file a single two part permit application.

Part 1 of a group application includes a list of the facilities applying, a narrative description summarizing the industrial activities of participants of the group, a list of significant materials exposed to precipitation that are stored by participants and material management practices employed to diminish contact of these materials by precipitation (see 40 CFR 122.26(c)(2)(i)). Under the November 16, 1990 regulations, part 1 of the group application was to be submitted to EPA no later than March 18, 1991. The regulation provided that EPA has a 60 day period after receipt to review the Part 1 applications and notify the groups as to whether they have been approved or denied as a properly constituted "group" for purposes of this alternative application process.

Part 2 of the group application contains detailed information, including sampling data, on roughly ten percent of the facilities in the group (see 40 CFR 122.26(c)(2)(ii) for a complete description of the requirements of part 2 group applications). Under the November 16, 1990 regulations, part 2 of the group application was to be submitted no later than 12 months after the date of approval of the part 1 application.

On March 21, 1991 (56 FR 12098), EPA published a final rulemaking extending the part 1 group application deadline from March 18, 1991 to September 30, 1991. EPA indicated that it believed that a six month extension to the part 1 group application deadline was an appropriate amount of time for members of the regulated community to determine their status under the November 16, 1990 rule, to organize groups, and to submit part 1 applications. As part of the March 21, 1991 final rule, EPA also established May 18, 1992 as the fixed deadline for submission of Part 2 of the group applications.

EPA also published a proposed rule on March 21, 1991, addressing two other deadlines for submitting permit applications for storm water discharges associated with industrial activity. The proposal requested comment on extending the deadline for submitting individual applications from November 18, 1991 to May 18, 1992. In addition, the notice proposed to provide that members of a group application that are rejected from the group application must file an individual application or obtain coverage under an appropriate general permit by no later than May 18, 1992. (56 FR 12101, (March 21, 1991)).

II. Today's Notice

As a result of issues and concerns raised in comments on the March 21, 1991 proposed deadline extensions, EPA is requesting comments on extending the deadline for submitting part 2 of the group application from May 18, 1992 to October 1, 1992. The Agency believes that this extension will provide an appropriate opportunity to conduct sampling to support the part 2 application. It will also allow for permit issuing agencies to issue general permits.

Part 1 of the group applications were required to be submitted by September 30, 1991. The existing regulatory deadline for submitting part 2 of the group application is May 18, 1992. Under the existing regulatory deadline for part 2 of the group application, groups that submitted part 1 applications on or shortly before the September 30, 1991 deadline would only have a limited amount of time, approximately seven and one-half months, to collect and organize sampling data. To complicate matters, parts of the country will experience winter conditions for significant parts of the time period between September 30 and May 18, making sample collection difficult. Today's proposal would ensure that one year would be available to complete the required sampling. This is consistent with comments received on the March 21, 1991 proposal suggesting that one year for completing permit applications is appropriate to assure completion of storm water sampling in various parts of the country with lengthy arid or winter seasons.

It should also be noted that on October 1, 1992 deadline for part 2 of group applications would be consistent with the October 1, 1992 deadline for individual permit applications for storm water discharges associated with industrial activity (see the final rulemaking published elsewhere in today's notice addressing the deadline for individual permit applications). Identical deadlines for part 2 of the group application and individual applications will result in equal treatment of facilities with storm water discharges. This will also reduce confusion in the regulatory community over the proper application deadlines.

The Agency believes that extending the deadline for submitting part 2 group applications beyond October 1, 1992 is inappropriate. An additional extension would create unnecessary and unacceptable delays in implementing the NPDES storm water program. The November 16, 1990 regulations provide considerable latitude for selecting rain events for sampling data (see 40 CFR 122.21(g)(7)). If data cannot be collected prior to the application deadline because of anomalous weather (e.g., drought conditions), then permitting authorities may grant additional time for submitting that data on a case-by-case basis (also see 40 CFR 122.21(g)(7)). The

Agency believes that with the combination of extending deadlines for individual permit applications and part 2 of group applications for storm water discharges associated with industrial activity, there is no basis for further consideration of extending application deadlines for storm water discharges associated with industrial activity.

III. Regulatory Requirements

Today's proposed rule makes no change in the substantive requirements of the storm water program, only the date by which certain applications are due. Thus, the rule meets none of the criteria for a major rule under section 1(b) of Executive Order 12291. The information collection requirements in this rule have already been approved by the Office of Management and Budget and been assigned OMB control number 2040–0086. Since this proposed rule does not change any existing substantive requirements, I certify that it will not have a significant impact on a substantial number of small entities under the Regulatory Flexibility Act.

List of Subjects in 40 CFR Part 122

Administrative practice and procedure, Reporting and recordkeeping requirements, Water pollution control.

Dated: October 24, 1991.

William K. Reilly,

Administrtor.

For the reasons set out above, part 122, chapter I of title 40 of the Code of Federal Regulations is proposed to be amended as follows:

PART 122—EPA ADMINISTERED PERMIT PROGRAMS: THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM

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

Authority: The Clean Water Act, 33 U.S.C. 1251 *et. seq.*

Subpart B—Permit Application and Special NPDES Program Requirements

§ 122.26 [Amended]

2. In § 122.26(e)(2)(iii), "May 18, 1992" is revised to read "October 1, 1992".

[FR Doc. 91–26323 Filed 11–4–91; 8:45 am]

BILLING CODE 6560–50–M

federal register

Tuesday
November 5, 1991

Part III

Department of Justice

Office of Juvenile Justice and Delinquency Prevention

Missing Children's Assistance Act; Fiscal Year 1991 Competitive Discretionary Grant Program: Additional Analysis and Dissemination of NISMART—The National Incidence Studies of Missing, Abducted, Runaway and Thrownaway Children; Notice

DEPARTMENT OF JUSTICE

Office of Juvenile Justice and Delinquency Prevention

Missing Children's Assistance Act; Fiscal Year 1991 Competitive Discretionary Grant Program: Additional Analysis and Dissemination of NISMART—The National Incidence Studies of Missing, Abducted, Runaway and Thrownaway Children (AAD–NISMART)

AGENCY: Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention.

ACTION: Notice of issuance of solicitation for applications for Additional Analysis and Dissemination of NISMART—The National Incidence Studies of Missing, Abducted, Runaway and Thrownaway Children (AAD–NISMART).

SUMMARY: The Office of Juvenile Justice and Delinquency Prevention (OJJDP) is publishing this Notice of a Competitive Discretionary Grant Program and announcing the availability of the OJJDP application kit under section 404(b)(2)(D) of the Juvenile Justice and Delinquency Prevention Act of 1974, as amended (the Act), 42 U.S.C. 5773(b)(2)(D). The program announcement that follows contains specific instructions on competitive program requirements, including eligibility requirements and selection criteria. Following the program announcement is a section that summarizes general application and administrative requirements.

DATES: All applications must be received by 5 p.m. e.s.t., December 17, 1991. Applications received after the deadline date will not be considered.

ADDRESS: Applications must be mailed or sent to: Research and Program Development Division, Office of Juvenile Justice and Delinquency Prevention, 633 Indiana Avenue NW., Washington, DC 20531.

FOR FURTHER INFORMATION CONTACT: Barbara Allen-Hagen, Research and Program Development Division, (202) 307–5929, OJJDP, room 782, 633 Indiana Ave. NW., Washington, DC 20531.

Purpose

This project will support additional data analysis and dissemination of the data and new findings from the first National Incidence Studies of Missing, Abducted, Runaway and Thrownaway Children (NISMART). In May 1990, the Office of Juvenile Justice and Delinquency Prevention (OJJDP) released the report, "Missing, Abducted, Runaway and Thrownaway Children in America: First Report on Numbers and Characteristics." As the title suggests, this initial report answered some of the basic questions regarding the numbers and kinds of missing children. It is anticipated that the richness of the data collected will provide answers to more questions that will inform policy and program development, training curricula, and prevention strategies related to the problems of missing, abducted, runaway and thrownaway children, as well as possibly family strengthening and delinquency prevention.

A total of $170,000 has been allocated for this program. Three grants will be awarded. The program and budget period will be 12 months.

Background

(1) The National Incidence Studies of Missing, Abducted, Runaway and Thrownaway Children (NISMART)

"Missing, Abducted, Runaway and Thrownaway Children in America, First Report: Numbers and Characteristics", was developed in response to the statutory mandate, Section 404(b)(3) of the Juvenile Justice and Delinquency Prevention Act of 1974, as amended (42 U.S.C. 5773(b)(3)), which requires the OJJDP to conduct periodic national studies of the incidence of missing and abducted children. The studies had two primary objectives: (1) To develop valid and reliable national estimates of the numbers of children reported and/or known to be missing in the course of a given year as well as the number of these children who are recovered; and (2) to establish profiles of missing children and characteristics of the episodes.

The research team, David Finkelhor, Ph.D., University of New Hampshire; Gerald Hotaling, Ph.D., University of Lowell; and Andrea Sedlak, Ph.D., Westat, Inc. developed a comprehensive strategy to respond to the specific requirements of the legislation and to the unique problems of defining and counting these children. The research team defined five distinct populations of concern to the study encompassing those situations in which a child was missing or displaced in some way that put them at risk of harm. The five populations were:

—Family Abductions (children abducted by parents or other family members).

—Non-Family Abductions (children abducted by strangers and other non-family members).

—Runaways.

—Thrownaways.

—Lost or Otherwise Missing.

The study period for the studies described below consisted mainly of incidents occurring in 1988. The NISMART studies included the following:

• Household Survey: A telephone survey of 34,822 randomly selected households was conducted which yielded 10,367 households with children. These households became the primary sample for that main survey which was supplemented by a number of substudies:

—Juvenile Facilities Survey: A survey of 127 residential facilities, such as boarding schools and group homes, was conducted to find out how many children had run away from these facilities. These juvenile facilities were identified by 400 parents/guardians in the household survey who reported to have one or more children residing in such a facility for 2 or more weeks.

—Returned Runaway Study: 85 returned runaways and a sample of 142 nonrunaways were surveyed. The study was to find out if children's accounts of episodes and nonepisodes matched those of their parents.

—Network Study: An alternative survey method was tested for estimating the number of family and nonfamily abductions by asking a sample of respondents about incidents occurring in the households of their relatives.

• Police Records Study: A survey was conducted of police records in 83 law enforcement agencies in a national random sample of 21 counties across the U.S. to find out how many Non-Family Abductions were reported.

• FBI Data Reanalysis: A study of 12 years of homicide data (1976–1987) was conducted to determine how many children were murdered in conjunction with possible abductions by strangers.

• Community Professionals Study: A reanalysis was conducted of a survey of 735 agencies having contact with children in a national random sample of 29 counties to determine how many children known to these agencies were abandoned or thrown away.

Based on study definitions for "Broad Scope" and "Policy Focal" cases, the studies provided two separate estimates of the numbers in each of the five categories of children with which NISMART was concerned. The Broad Scope categories generally define the incidents in the way the affected families might define it, including both serious and also more minor episodes that may nonetheless be alarming to the participants. Using additional criteria, researchers defined a subgroup of the Broad Scope cases as Policy Focal incidents. These criteria generally define

the five problems from the point of view of police or other social agencies. This category is generally restricted to episodes of a more serious nature where, without intervention, the child may be further endangered or at risk of harm, or which would involve greater resources to find and recover the child.

The First Report: Numbers and Characteristics, presented information on the background of the problem, definitions, the research designs and methodologies, and the national incidence estimates for each of the five types of problems studied using the study definitions. Profiles of the five different types were drawn primarily from the Broad Scope cases and the analyses focused on basic demographic characteristics of the children and descriptive information of the episodes. While additional reports have been developed (See References Section), it is anticipated that further examination of the data, particularly the Policy Focal incidents, will provide more insights into the dynamics of these cases for prevention and program development purposes. This further analysis of each of the five types of missing or displaced children would result in an expansion and elaboration of the First Report. In addition, special topical analyses would be developed, resulting in brief research reports for dissemination to different audiences. Also, given the high cost of collecting these data, it is important to make them readily available to researchers interested in studying these and other problems affecting children and their families.

(2) Description of the NISMART Data Files.

Public use data tapes and accompanying documentation for the NISMART data set have been prepared and are available on IBM standard label tapes, in EBCDIC format. Data tapes and relevant documentation will be available for analysis through the University of Michigan Criminal Justice Data Archive of the Inter-University Consortium for Political and Social Research. The References Section of this solicitation lists reports and products from NISMART and the location from which to obtain copies of relevant materials necessary for preparing an application.

The NISMART data files are organized into a hierarchical data base structure. The data base itself is comprised of segments which store specific types of information, with each segment having a direct relationship to that above and below it in the hierarchy. Data from the Household Survey are contained in 28 separate files. Other parts of the project, including the police records studies, the returned runaway interviews and the institutional studies are contained in six individual rectangular data files. The data tapes contain both raw data files and Statistical Package for Social Sciences (SPSS) export files ready to be used with any mainframe SPSS program. To assist in the analysis of this complex data file, the research team prepared a "NISMART Data Manual: Notes for Dealing with the Household Survey Data."

Goals

The goals of this program are to develop new knowledge and improve our understanding of these problems through additional analysis of NISMART, to disseminate this new information to the broadest range of concerned parties, to make the data base more accessible and useful to others, and to improve future studies.

The yield from the public investment of nearly $1.7 million in NISMART can only be realized if the data are made known and accessible to researchers and policymakers. In transferring the NISMART data base to the University of Michigan National Criminal Justice Data Archive, Interuniversity Consortium for Political and Social Research, OJJDP anticipated that further support for the analysis and dissemination of the data were needed. The Additional Analysis and Dissemination of NISMART (AAD-NISMART) program will ensure that the data collected under the NISMART project are fully utilized to meet these goals.

Objectives

To get both a broad range of perspectives and depth of substantive knowledge and experience to carry out this program, OJJDP invites applications for three primary subject areas. Applicants for each subject area must respond to all requirements of the solicitation by demonstrating their experience, knowledge and understanding of each substantive area for which they are applying. While the awards will be made for each of the following primary areas, applicants are encouraged to pursue additional substantive or methodological issues related to any aspect of NISMART.

- Family Abductions: The applicant should be prepared to address all aspects of the program related to family abductions.
- Non-family Abductions and Lost and Otherwise Missing: This area includes all incidents of completed and attempted abductions by non-family members. In addition it also includes the category of Lost and Otherwise Missing Children.
- Runaways and Thrownaways: This area will include all issues dealing with runaways and thrownaways as well as any overlap between these groups.

To ensure effective communication and coordination among the projects, provisions must be made for two joint meetings of the three projects with a joint advisory board. This advisory board will be comprised of researchers, practioners and policymakers who are knowledgeable about these missing children populations and who can advise the program on the needs of the field for information from NISMART. Support for the advisors will be provided using other resources.

Because the work of this program involves national data collected on an important aspect of child victimization, the projects will be expected to cooperate with another OJJDP project, the National Juvenile Justice Statistics Program, in providing materials that may be useful for preparing a comprehensive national report on juvenile delinquency and victimization.

The four major objectives of this program apply to each primary area. They are:

(1) Analyzing NISMART.
(2) Disseminating new findings.
(3) Sharing data analysis strategies.
(4) Planning future studies.

Objective 1. Analyzing NISMART

The success of this phase of the research is dependent upon the ability of the data already collected to answer questions that go beyond the basic national estimates of the numbers of "missing children". The primary tasks for the grantees under this program are to answer further questions that are raised by this first report and explore other issues that are important to the field and which can be addressed by NISMART.

Grantees will collaborate on the development of a final report incorporating the results from the analyses supported under this program and *The First Report.* This final product from NISMART I should be a comprehensive report on the numbers, characteristics, risk factors and profiles of missing and displaced children.

Applicants interested in undertaking the compilation and editing of the final report are requested to describe their approach in a distinct section of this application and include a separate, supplemental budget and budget narrative for consideration.

Applications for AAD–NISMART should outline additional topics, which,

based on the initial report of findings would make a substantial contribution to further understanding the results of the study as well as other important issues related to children and families. Some potential areas of inquiry that relate to all subpopulations and which are of particular interest to OJJDP are outlined below:

- Scrutinizing the NISMART definitions for their applicability to policy development, standardization of data collection and case reporting, and refinement for future studies of NISMART.
- Understanding the potential risk or protective factors associated with the different types of episodes.
- Identifying potential implications from the analysis for promising prevention, intervention, mediation or education responses by police, social services, judges, prosecutors, parents, teachers, etc.
- Differentiating the most serious episodes—long-term episodes—and those episodes where children are abused or exploited, and identifying self-protection strategies for children.
- Understanding police involvement in reported cases, including the determinants of reporting a case to police and the degree of parental satisfaction with the police response.

It is important that the research questions pursued by these projects are relevant to the field and that the needs of the field are taken into consideration in planning the work. Applicants must propose a number of research questions that they intend to pursue along with a preliminary plan which identifies the relevant data files and types of analyses that will be performed. They should also identify the intended audience(s) for the reports or products resulting from their analyses and discuss their potential utility.

OJJDP supports numerous projects which deal with some aspect of the problems of missing and exploited children. The applicant is expected to provide special analyses of data as needed by OJJDP and its grantees working on missing children's issues. It is anticipated that these analyses will consist of preparing a limited number of special tabulations of data or providing technical assistance to other OJJDP researchers who may use the NISMART data base. Such data analysis requests will be screened by the program monitor and negotiated with the grantee in order to ensure that project resources are available to respond to such requests.

Objective 2. Disseminating New Findings

New findings from this work need to be disseminated to a wide variety of groups who are concerned with these issues. OJJDP strongly encourages collaboration and exchange of ideas and products among the AAD–NISMART projects and other Missing Children's Program grantees. Grantees are encouraged to share working drafts of reports with their research colleagues and others working in the field. Such early exposure may result in new insights for further analysis or consideration prior to finalizing their reports.

While specific dissemination plans must await the results of the analyses, applicants must present a general approach for dissemination of proposed reports and products, identifying the potential audiences and forums for presentation. Applicants must plan to attend one OJJDP-sponsored conference or workshop to share findings and recommendations. While the location of the conference is unknown at this time, applicants should budget for a trip to Washington, DC. Applicants are also expected to present findings at one or more professional meetings or conferences relevant to their field of study, to be jointly agreed upon by the applicant and OJJDP.

Objective 3. Sharing Data and Analysis Strategies

OJJDP has submitted the data base to the University of Michigan National Criminal Justice Data Archive for access by researchers through the Inter-University Consortium for Political and Social Research. The data set has also been made available to the University of Cornell Archive of Child Abuse and Neglect. However, in order to encourage the widest use of this rich, complex data set, it will be necessary to develop strategies for training or otherwise assisting interested researchers in efficiently using the data. This will include developing a guide for using the data base for populations and events studied under this project. Other strategies may include making analytical programs available or providing technical assistance to others using the data through workshops or seminars. OJJDP encourages applicants to identify innovative ways for promoting the use of the data base to answer many research and policy questions.

Applicants must outline how the project will promote and facilitate access by others who may be interested in further utilizing this data. During the course of their work, grantees should recommend what may be necessary for OJJDP to disseminate the data effectively to the research community.

Objective 4. Assistance in Planning Future Studies

In Fiscal Year 1992, OJJDP will fund, under a separate grant, a project to assist in the planning for the next NISMART study, NISMART II. AAD–NISMART grantees will be expected to contribute to the planning process through sharing preliminary reports, technical advice and suggestions for revision of the definitions, methodology and content, as appropriate. OJJDP anticipates that these programs will share some advisory board members.

Program Strategy

The organizations selected to conduct these research projects will be responsible for all aspects of the projects, whether carried out directly or contracted to other organizations or individuals.

Major activities and products to be undertaken under this project:

Project Activities

- Start-up. Complete the hiring and orientation of a project staff. Familiarize the project staff with relevant NISMART data files.
- Plan Development and Review. Prepare a detailed plan for the selection of topics for analysis, and anticipated products along with a proposed plan for disseminating the results to appropriate audiences. During month two, there will be a two-day meeting of grantees and advisors, including other researchers, policy makers and practitioners, to discuss, defend and modify these plans. It will also offer an opportunity to establish ground rules for developing reports that require collaboration on organization, content, style, etc.
- Data Analysis. Conduct analyses and develop relevant reports and presentations. The draft chapters for each of the five populations must be delivered to OJJDP by month nine in order to enable adequate time to prepare a final report.
- Presentation of Findings. Present findings and data from the AAD–NISMART program at a variety of forums, including professional conferences, workshops and training seminars. Indicate a tentative schedule which will be reviewed and approved by OJJDP. It is anticipated that the OJJDP conference will be held during the last quarter of the grant period.
- Sharing Data Analysis Strategies with Other Researchers. Carry out

proposed strategy for assisting other scholars in the use of NISMART data.

• Collaboration. Share data and preliminary findings with OJJDP research and program grantees in areas of mutual interest. Of particular importance will be cooperation with the NISMART II planning project, the National Incident-Based Reporting System (NIBRS) Program Pilot Study, and the Juvenile Justice Statistics and Systems Development Program.

In addition to responding to inquiries and preparing special presentations of the findings, the research projects will prepare a number of products. The following is a listing of anticipated products:

Products

• A final report chapter for each subpopulation which refines and expands the analysis of the *First Report on Numbers and Characteristics.* It should contain a detailed analysis of all Policy Focal and Stereotypical episodes (including attempts) encountered in the course of the research. These should be of comparable content to enable the joint publication of reports for each subpopulation.

• Two or more special reports, suitable for publication. These may be OJJDP Bulletins or monographs, articles to be submitted for professional journals, magazines, audio or video scripts, etc.

• Recommendations for refining the NISMART research strategies to respond to the legislative mandate to conduct periodic studies.

• A data analysis guide, curriculum or other technical assistance materials for using selected NISMART data files, or other means of facilitating secondary data analysis.

Eligibility Requirements

Applications are invited from public agencies and private not-for-profit organizations. Pursuant to the provisions of title IV (The Missing Children's Assistance Act) of the 1974 Juvenile Justice and Delinquency Prevention Act, as amended (42 U.S.C. 5775), applications will not be accepted from for-profit agencies. Applicants must demonstrate sufficient experience in conducting research and data analysis to complete this project. In particular, applicants must show experience in manipulating and analyzing hierarchical data files, and they must clearly indicate their technical ability to utilize such files. The organization should have the necessary computer equipment and technical resources and support to conduct this project. Further, applicants must demonstrate substantive knowledge in the relevant areas of missing children for which they are applying (i.e., family abductions; non-family abductions, lost and otherwise missing; and runaways and thrownaways), and delinquency.

Applicants must also demonstrate that they have the management capability, fiscal integrity and financial responsibility to carry out this project. This includes but is not limited to having an acceptable accounting system with sufficient internal controls, compliance with grant fiscal requirements, and the capability to implement a project of this nature effectively. Applicants who fail to demonstrate their capability to manage this program will be ineligible for funding consideration.

Application Requirements

Three separate awards are planned: One for parental and family abductions; one for nonfamily abductions and lost and otherwise missing children; and, one for runaway and thrownaway children. While applicants may wish to compete for more than one designated area, separate applications must be submitted for each and they will be evaluated independently.

All applicants must submit a completed Standard Form 424, Application for Federal Assistance (SF 424); a Standard Form 424A, Budget Information; OJP Form 4000/3, Assurances; and OJP Form 4061/6, Certifications. In addition to these forms, all applications must include a project summary, a budget narrative, and a program narrative.

All forms must be typed. The SF 424 must appear as a cover sheet for the entire application. The project summary should follow the SF 424. All other forms must then follow. Applicants should be certain to sign OJP Forms 4000/3 and 4061/6.

The project summary must not exceed 250 words. It must be clearly marked and typed single spaced on a single page. Applicants should take care to write a description that accurately and concisely reflects the proposal.

The program narrative must be typed double spaced on one side of a page only. The program narrative may not exceed 60 pages. The program narrative must include all items indicated in the *Selection Criteria* section of this solicitation. This page limit does not apply to supporting materials normally found in appendices (such as preliminary surveys, résumés, and supporting charts or graphs).

Applications that include non-competitive contracts for the provision of specific services must include a sole source justification for any procurement in excess of $25,000. The contractor may not be involved in the development of the statement of work. The applicant must provide sufficient justification for not offering for competition the portion of work proposed to be contracted.

The following information must be included in the application Program Narrative (Part IV of SF 424):

(1) Organizational Capability: The applicant must demonstrate that they are eligible to compete for this grant on the basis of eligibility criteria established in this solicitation.

—Organizational Experience: The applicant must concisely describe their organizational experience with respect to the eligibility criteria specified in the Eligibility Requirements Section, above. Applicants must demonstrate that their organizational experience, current capabilities, including data processing equipment and technical support services will enable them to achieve the goals and objectives of this initiative. Applicants should highlight significant organizational accomplishments which demonstrate their responsiveness to the needs of the field, reliability in terms of producing quality products in a timely fashion.

—Project Staffing: The applicant must provide a list of key personnel responsible for managing and implementing the program. Applicants must present detailed position descriptions, qualifications and selection criteria for each position, whether they are salaried or staff or hired by contractor(s) of the grantee. In addition, if key functions or services are to be provided by consultants on a contractual basis, the applicant must indicate the individuals to be hired for specific tasks and evidence of their commitment to serve, or the specific skills that would be needed to perform these tasks and the means of acquiring them. Résumés must be provided and submitted as appendices to the application. Applicants must demonstrate that the proposed staff complement has the requisite background and experience to accomplish the major responsibilities outlined in the Program Strategy, above. Applicants should highlight significant accomplishments of the proposed staff which relate to their respective roles in the project. In addition, the percentage of each staff person's time or number of hours committed to the project must be clearly indicated in the budget narrative. Successful applicants will be required to attend two program advisory board meetings. The first will be held in the third month and the second no later than the ninth month. The advisors will

provide advice on the direction of the projects' activities, discuss the appropriateness of specific methods for achieving program goals and objectives; discuss problems and provide options for further activity. The board will consist of at least three advisors, including researchers, practitioners and policymakers, selected and supported by OJJDP.

—Financial Capability: In addition to the assurances provided in Part V, Assurances, of the SF 424 the applicant must also demonstrate that their organization has or can establish fiscal controls and accounting procedures which assure that Federal funds available under this agreement are disbursed and accounted for properly. Applicants who have not previously received Federal funds will be asked to submit a copy of the Office of Justice Assistance, Research and Statistics (OJARS) Accounting System and Financial Capability Questionnaire (OJARS From 7120/1). Other applicants may be requested to submit this form. The CPA certification is required only of those applicants who have never received Federal funding or have not been funded by OJP in the last 5 years.

(2) Program Strategy and Goals: The applicant must demonstrate its understanding of the goals and objectives of the overall program. The applicant must articulate specific approaches to implementing the program strategy outlined in this solicitation. The applicant must provide a specific implementation plan that covers all activities and includes expected data for delivery of products to OJJDP.

(3) Program Implementation Plan: The applicant must develop a detailed time-task plan for the grant period, clearly identifying major milestones related to each phase. This must include designation of organizational and staff responsibility, and a schedule for the completion of the tasks and products identified in the Program Strategy.

(4) Program Budget: The applicant must provide a 12-month budget with a detailed justification for all costs by object class category as specified in the SF 424. Costs must be reasonable and the bases for these costs must be well documented in the budget narrative. The applicant must also budget for the costs of participating in two project advisory board meetings and one conference to be held in Washington, DC, during the project period.

Selection Criteria

All applications received will be reviewed in terms of their responsiveness to this solicitation and the specific program application requirements set forth in this solicitation. Applications will be evaluated by a peer review panel. The results of the peer review will be a relative aggregate ranking of applications in the form of "Summary of Ratings." These will be based on numerical values assigned by individual peer reviewers. Peer review recommendations, in conjunction with the results of internal review and any necessary supplementary reviews, will assist the Administrator in considering competing applications and selecting the application for funding. The award will be made by the OJJDP Administrator.

Applications will be rated according to the specific selection criteria below.

(1) The problem to be addressed by the project is clearly stated. (15 points)

Applicants must describe the problem addressed in this program in a clear problem statement. They must demonstrate an understanding of the substantive and technical issues related to the primary area (family abductions; non-family abductions, lost and otherwise missing; and runaways and thrownaways) and other areas of interest. They must also demonstrate an understanding of what issues are important to be examined through additional analysis of NISMART as well as an awareness of the needs of the consumers of this new information and potential users of the data.

Applicants must also formulate specific, clear research questions for data analysis and establish general principles to guide the dissemination of the project results. These questions and principles must directly address the goals of this program.

(2) The objectives of the proposed project are clearly defined. (10 points)

Applicants should provide a clear and definitive statement of the applicant's understanding of the goals and specific objectives of the project.

(3) The project design is sound and contains program elements directly linked to the achievement of project objectives. (30 points)

The overall program design will be assessed based on its appropriateness, conceptual clarity, and technical adequacy. The design must conform to the program strategy described above. The applicant must provide a preliminary plan for the data analysis and dissemination which clearly addresses the program goals and objectives of this solicitation. The proposed analysis plans must clearly relate to the research questions and the applicant must demonstrate the appropriateness of the data bases and analysis techniques for answering those questions. Preliminary dissemination plans must be sound and promise to provide useful information and products relevant to the needs of the field.

(4) The project management structure is adequate to the successful conduct of the project. (15 points)

The management of the project must be consistent with the project goals, and the tasks described in the application. The program implementation plan will be evaluated to determine:

—Adequacy and appropriateness of the project management structure and activities specified in the project implementation plan.

—The extent to which the applicant has demonstrated in the time-task plan and program design that the major milestones of the project will be completed on time.

—Evidence of commitment to collaboration and cooperation with other AAD–NISMART grantees.

(5) Organizational capability is demonstrated at a level sufficient to support the project successfully. (25 points)

Both the personnel of the organization as well as the technical capabilities of the organization must be sufficient to accomplish the tasks of the project.

• Personnel. (15 Points)

Qualifications of the staff and consultants identified to manage and implement the program must demonstrate sufficient substantive and technical experience (see Eligibility Requirements) to ensure the successful completion of the project. Position descriptions, required qualifications, and staff selection criteria relative to the specific functions set out in the project implementation plan must be clear and appropriate for the function(s) to be performed.

• Organizational Experience. (10 Points)

Applicants must demonstrate, based on their past experience and current capabilities, that they have adequate management and technical resources (equipment and expertise) to ensure the successful completion of the project.

Applicants must include all information required under Application Requirements of this solicitation to demonstrate the financial capabilities of the organization.

(6) Budgeted costs are reasonable, allowable, and cost effective for the activities proposed to be undertaken. (5 points)

The proposed costs must be complete, appropriate, and reasonable to the activities of the project. All costs should be fully justified in a budget narrative. No additional consideration will be

given for cost savings attributed to an organization submitting more than one proposal.

Award Period

The program and budget period will be 12 months.

Award Amount

A total of $170,000 has been allocated for this program. Three grants will be awarded competitively. This announcement falls under number 16.543 of the Catalog of Federal Domestic Assistance, "Missing Children's Assistance." (This number and title are provided for completing Block 10 of the SF 424 Application for Federal Assistance.)

Due Date

Applicants must submit the original, signed application (Standard Form 424) and two unbound copies to OJJDP. Application forms and supplementary information will be provided upon request for the Application Kit. Potential applicants should review the OJJDP Peer Review Guideline and the OJJDP Competition and Peer Review Procedures. These documents will be provided in the Application Kit.

Applications must be received by mail or delivered to the Office of Juvenile Justice and Delinquency Prevention by 5 p.m. e.s.t., December 17, 1991.

Those applications sent by mail should be addressed to AAD–NISMART, Research and Program Development Division, room 782, 633 Indiana Avenue, NW., Washington, DC 20531. Delivered applications must be taken to the address listed above between the hours of 8 a.m. and 5 p.m., except Saturdays, Sundays, or Federal holidays.

NISMART References—Materials and Products

The following is a listing of reference materials and products produced from NISMART. Copies of reports, articles and relevant documentation can be obtained by contacting Barbara Allen-Hagen at 202/307–5929. Questions regarding the reports or this solicitation should also be directed to her. Copies of the data tapes and electronic documentation can be obtained from the National Criminal Justice Data Archive by contacting Victoria Schneider, Ph.D., Assistant Archival Director at 313/763–5010.

Reports

Missing, Abducted, Runaway and Thrownaway Children in America First Report: Numbers and Characteristics, National Incidence Studies. David Finkelhor, Ph.D., Gerald Hotaling, Ph.D., Andrea Sedlak. May 1990. Executive Summary

National Incidence Studies of Missing, Abducted, Runaway and Thrownaway Children (NISMART) Definitions. David Finkelhor, Ph.D., Gerald Hotaling, Ph.D., Andrea Sedlak, Ph.D. November 1989.

Household Survey Methodology. Andrea J. Sedlak, Ph.D., Leyla Mohadjer, Ph.D. and Valerie Hudock. March 1990.

Police Records Study Methodology. Andrea J. Sedlak, Ph.D., Leyla Mohadjer, Ph.D., JoAnne McFarland, M.S.W., and Valerie Hudock. August 1990.

Guide to Sample Weights Using NISMART Data. Gerald Hotaling, Ph.D. June 1991.

Returned Runaway Study Methodology. Gerald Hotaling, Ph.D.

Juvenile Facilities Study Methodology. Gerald Hotaling, Ph.D.

Community Professionals Study Methodology. Andrea Sedlak, Ph.D.

NISMART Data tapes, Documentation and Codebook, and SPSS Export files. 34 separate data files; hard copy 1,700 pages.

Articles and Papers

"Stranger Abduction Homicides of Children: Preliminary Estimates". OJJDP Bulletin January 1989.

" 'Missing Children': Found Facts" Robert W. Sweet, Jr. November/December 1990. NIJ Reports No. 222.

"Children Abducted by Family Members: A National Household Survey of the Incidence and Episode Characteristics". David Finkelhor, Ph.D., Gerald Hotaling, Ph.D., Andrea Sedlak. November 1990. Draft. Forthcoming Journal of Marriage and the Family, Summer 1991.

"The Abduction of Children by Strangers and Non-Family Members: Estimating the Incidence Using Multiple Methods." David Finkelhor, Ph.D., Gerald Hotaling, Ph.D., Andrea Sedlak. December, 1990.

"How Many Runaways? Evidence from a National Household Survey." David Finkelhor, Ph.D., Gerald Hotaling, Ph.D., Andrea Sedlak. June 1991.

Video

"Missing Children: Missing Facts", Office of Juvenile Justice and Delinquency Prevention (OJJDP).

General Application and Administrative Requirements

Eligible Applicants

Applications are invited from eligible agencies, institutions or individuals, public or private. Private-for-profit organizations are not eligible.

Applicants must also demonstrate that they have the management and financial capability to implement effectively a project of this size and scope. Applicants must demonstrate that they have management capability in order to be eligible for funding consideration.

Application Requirements

All applicants must submit a completed Application for Federal Assistance (Standard Form 424), including a program narrative, a detailed budget and budget narrative. All applications must include the information required by the specific solicitation as well as the Standard Form 424.

Applications that include proposed non-competitive contracts to provide specific goods and services must include a sole source justification for any procurement in excess of $25,000.

Private, nonprofit applicants who have not previously received Federal funds are required to submit a copy of the Office of Justice Programs, Accounting System Financial Capability Questionnaire (OJP Form 7120/1) before a final award can be made.

Applicants who are receiving other funds in support of any of the proposed activities should list the names of the other organizations that are providing or will provide financial assistance to the program and indicate the amount of funds to be contributed during the program period. The applicant must provide the title of the project, the name of the public or private grantor, the amount to be contributed during this program period, and a brief description of the program.

OJJDP will notify applicants in writing of the receipt of their application. Subsequently, applicants will be notified by letter of the decision made regarding funding.

To comply with Executive Order 12373, applicants from State and local units of government or other organizations providing services within a State must submit a copy of their application to the State Single Point of Contact, if one exists, and if the program has been selected for review by the State.

Application Review Process

Applications will be initially screened to determine if the basic eligibility requirements have been met (e.g., an application must include a completed and signed Form 424, including a budget with narrative).

Applications will be reviewed by a panel of experts who will make recommendations to the Administrator. The panel will assign numerical values in rating competing applications based on the point distribution in the Selection Criteria for each specific program. Peer reviewers' recommendations are advisory only and the final award decision will be made by the Administrator. Those applications receiving a score of 55 or higher will be eligible for funding consideration, provided that necessary programmatic

and budgetary revisions are successfully negotiated.

Evaluation

OJJDP requires that funded programs contain plans for continuous self-assessment to keep program management informed of progress and results. Many funded projects will be considered for participation in independent evaluations initiated by OJJDP. Project management will be expected to cooperate fully with designated evaluators.

Financial Requirements

Discretionary grants are governed by the provisions of the Office of Management and Budget (OMB) Circulars applicable to financial assistance. The circulars, along with additional information and guidance, are contained in the "Financial and Administrative Guide for Grants," Office of Justice Programs, Guideline Manual, M7100, available from the Office of Justice Programs. This guideline manual includes information on allowable costs, methods of payment, audit requirements, accounting systems and financial records.

Civil Rights Requirements

Section 809 (c)(1) of the Omnibus Crime Control and Safe Streets Act (OCCSSA) of 1968, as amended, applicable to OJJDP funded programs and projects under section 292(b) of the JJDP Act, provides that no person in any State shall on the grounds of race, color, religion, national origin or sex be excluded from participation in, be denied the benefits of, be subjected to discrimination under or denied employment in connection with any program or activity funded in whole or in part with funds made available under this title. Recipients of funds under the Act are also subject to the provisions of title VI of the Civil Rights Act of 1964; Sec. 504 of the Rehabilitation Act of 1973, as amended; Title IX of the Education Amendments of 1972; the Age Discrimination Act of 1975; and the Department of Justice Non-Discrimination Regulations 28 CFR part 42, subparts C, D, E and G. Upon request, applicants shall maintain such records and submit to OJJDP or OJP timely, complete and accurate information regarding their compliance with the foregoing statutory and regulatory requirements.

In the event a Federal or State court or a Federal or State administrative agency makes a finding of discrimination after a due process hearing on the grounds of race, color, religion, national origin or sex against a recipient of funds, the recipient will forward a copy of the finding to the Office for Civil Rights (OCR) of the Office of Justice Programs.

Drug-Free Workplace

Title V, Sec. 5153 of the Anti-Drug Abuse Act of 1988 provides that all grantees of Federal funds, other than an individual, shall certify to the granting agency that it will provide a drug-free workplace by:

- Publishing a statement notifying employees that the unlawful manufacturing, distribution, dispensation, possession or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violations of such prohibition.
- Establishing a drug-free awareness program to inform employees about:

—The danger of drug abuse in the workplace;
—The grantee's policy of maintaining a drug-free workplace;
—Any available drug counseling, rehabilitation and employee assistance programs; and,
—The penalties that may be imposed upon employees for drug abuse violations.

- Making it a requirement that each employee to be engaged in the performance of such grant be given a copy of the statement of notification prohibiting controlled substances in the workplace.
- Notifying the employee that as a condition of employment in such grant, the employee will:

—Abide by the terms of the statement; and,
—Notify the employer of any criminal drug statute conviction for a violation occurring in the workplace no later than five days after such conviction.

- Notifying the granting agency within 10 days after receiving notice of a conviction from an employee or otherwise receiving actual notice of such conviction.
- Imposing a sanction on or requiring the satisfactory participation in a drug abuse assistance or rehabilitation program by any employee who is so convicted.
- Making a good faith effort to continue to maintain a drug-free workplace.

The U.S. Office of Management and Budget, in collaboration with other Federal executive agencies, including the Department of Justice, has developed regulations to implement the Drug-Free Workplace Act of 1988, 28 CFR part 67, subpart F.

Audit Requirement

In October 1984, Congress passed the Single Audit Act of 1984. On April 12, 1985, the Office of Management and Budget issued Circular A-128, "Audits of State and Local Governments," which establishes regulations to implement the Act. OMB Circular A-128, "Audits of State and Local Governments," outlines the requirements for organizational audits which apply to OJJDP grantees.

OMB Circular A-133 outlines the requirements for audits of institutions of higher education, hospitals and other nonprofit organizations.

Governmentwide Debarment and Suspension (Nonprocurement)

This subpart of 28 CFR part 67, provides that executive departments and agencies shall participate in a system for debarment and suspension from programs and activities involving Federal financial and non-financial assistance and benefits. Debarment or suspension of a participant in a program by one Agency has governmentwide effect. It is the policy of the Federal Government to conduct business only with responsible persons, and these guidelines will assist agencies in carrying out this policy.

Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion—Lower Tier Covered Transaction (OJP Form 4061/1). All direct recipient grantees must complete an OJP Form 4061/1 prior to entering into a financial agreement with subrecipients. This requirement includes persons, corporations, etc. who have critical influence on or substantive control over the award. The direct recipient will be responsible for monitoring the submission and maintaining the official subrecipient certifications.

Certification Regarding Debarment, Suspension, Ineligibility and Other Responsibility Matters—Primary Covered Transactions (OJP Form 4061/2). Certifications must be completed and submitted by grantees of categorical awards to the grantor agency program officer during the application stage.

Disclosure of Lobbying Activities

Section 319 of public Law 101-121 prohibits recipients of Federal contracts, grants and loans from using appropriated funds for lobbying the Executive or Legislative Branches of the Federal Government in connection with a specific contract, grant or loan. Section 319 also requires each person who requests or receives a Federal contract, grant, cooperative agreement, loan or a Federal commitment to insure

or guarantee a loan, to disclose lobbying. The term "recipient," as used in this context, does not apply to any Indian tribe or to a tribal or Indian organization.

A person who requests a Federal grant, cooperative agreement or contract exceeding $100,000 is required to file a written declaration with OJP. The declaration shall contain:

- A certification which addresses payment made or to be made with both Federal or non-Federal funds for influencing or attempting to influence persons in the making of Federal awards.
- A "Disclosure of Lobbying Activities" which must be submitted if payments were made with non-Federal funds and which must contain the following information with respect to each payment and each agreement:

—Name and address of each person paid, to be paid or reasonably expected to be paid;
—Name and address of each individual performing the services for which payment is made, to be made or reasonably expected to be made; and
—The amount paid, how the person was paid and the activity for which the person was paid, is to be paid or is reasonably expected to be paid.

- Copies of certification and disclosure of lobbying activities, as outlined above, received from subgrantees contractors or subcontractors under a grant, cooperative agreement or contract for Federal subgrants exceeding $100,000.

A subgrantee, contractor or subcontractor under a grant, cooperative agreement or contract, who requests or receives Federal funds exceeding $100,000 is required to file a written declaration, as described above, with the person making the award.

A declaration must be filed at the end of each calendar quarter in which there occurs any event which materially affects ($25,000 or more) the accuracy of the information contained in any declaration previously filed for a grant, cooperative agreement, contract, subgrant or subcontract. These declarations must be filed as follows:

- Grant, cooperative agreement and contract recipients must send their amended declarations and copies of amended declarations for Federal subgrants to the Office of the Comptroller not later than 30 days after the end of each calendar quarter.
- Subgrantees, contractors or subcontractors under a grant, cooperative agreement or contract must send their amended declarations each quarter to the person who made their subgrant.

Declarations are also required for extensions, continuations, renewals, amendments and modifications exceeding $100,000 or resulting in the award exceeding $100,000.

Disclosure of Federal Participation

Section 8136 of the Department of Defense Appropriations Act (Stevens Amendment), enacted in October 1988, requires that, "when issuing statements, press releases for proposals, bid solicitations, and other documents describing projects or programs funded in whole or in part with Federal money, all grantees receiving Federal funds, including but not limited to State and local governments, shall clearly state (1) the percentage of the total cost of the program or project which will be financed with Federal money, and (2) the dollar amount of Federal funds for the project or program."

Suspension or Termination of Funding

OJJDP may suspend, in whole or in part, or terminate funding for a grantee for failure to conform to the requirements or statutory objectives of the Act. Prior to suspension of a grant, OJJDP will provide reasonable notice to the grantee of its intent to suspend the grant and will attempt informally to resolve the problem resulting in the intended suspension. Hearing and appeal procedures for termination actions are set forth in the Department of Justice regulation at 28 CFR part 18.

Robert W. Sweet, Jr.,

Administrator, Office of Juvenile Justice and Delinquency Prevention.

[FR Doc. 91-26630 Filed 11-4-91, 8:45 am]

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Federal Register

Vol. 56, No. 214

Tuesday, November 5, 1991

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FEDERAL REGISTER PAGES AND DATES, NOVEMBER

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LIST OF PUBLIC LAWS

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's **List of Public Laws.**

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Public Laws

102d Congress, 1st Session, 1991

Pamphlet prints of public laws, often referred to as slip laws, are the initial publication of Federal laws upon enactment and are printed as soon as possible after approval by the President. Legislative history references appear on each law. Subscription service includes all public laws, issued irregularly upon enactment, for the 102d Congress, 1st Session, 1991.

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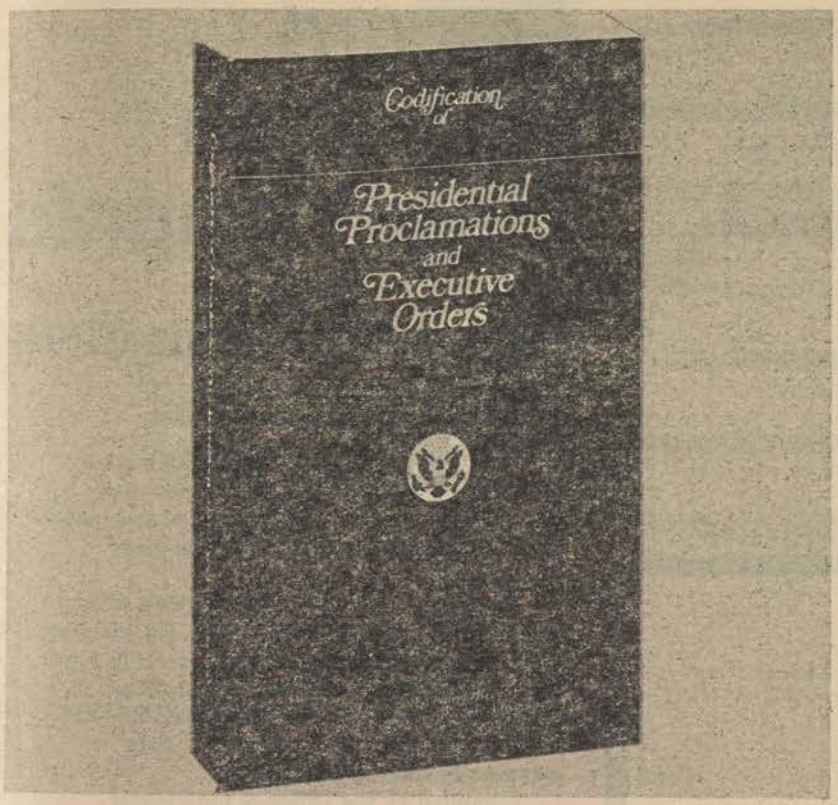

For those of you who must keep informed about **Presidential Proclamations and Executive Orders,** there is a convenient reference source that will make researching these documents much easier.

Arranged by subject matter, this edition of the *Codification* contains proclamations and Executive orders that were issued or amended during the period April 13, 1945, through January 20, 1989, and which have a continuing effect on the public. For those documents that have been affected by other proclamations or Executive orders, the codified text presents the amended version. Therefore, a reader can use the *Codification* to determine the latest text of a document without having to "reconstruct" it through extensive research.

Special features include a comprehensive index and a table listing each proclamation and Executive order issued during the 1945–1989 period—along with any amendments—an indication of its current status, and, where applicable, its location in this volume.

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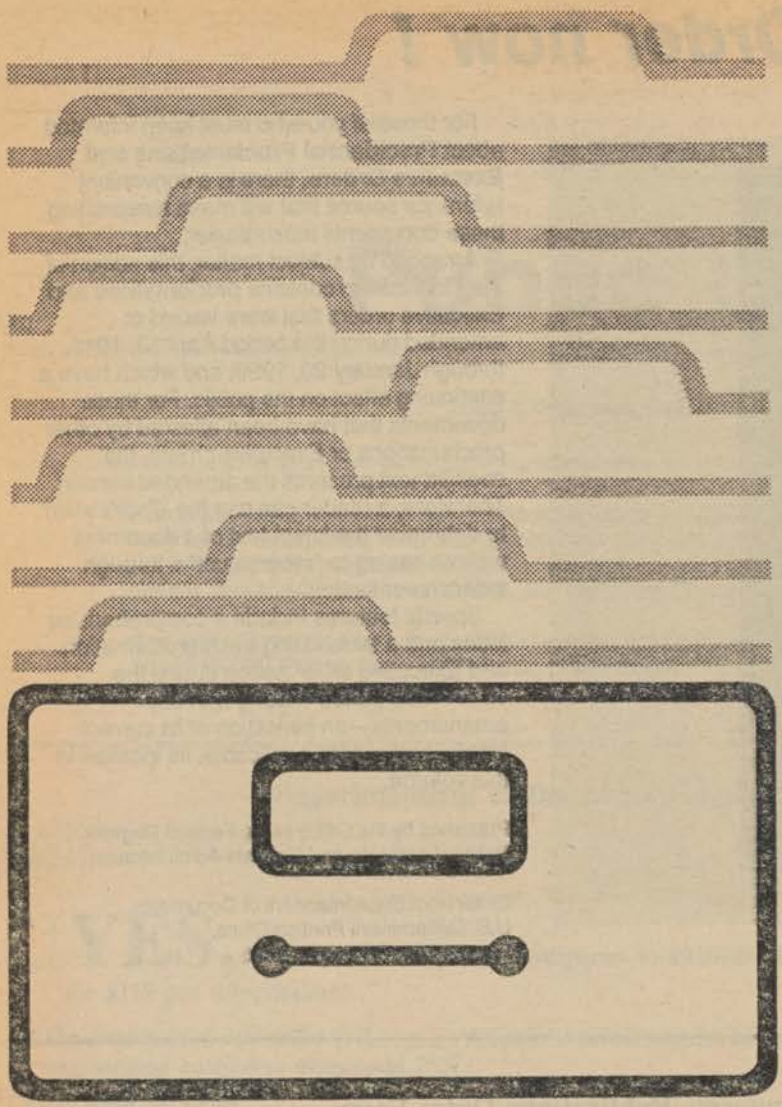

Guide to Record Retention Requirements

in the Code of Federal Regulations (CFR)

GUIDE: Revised January 1, 1989
SUPPLEMENT: Revised January 1, 1991

The GUIDE and the SUPPLEMENT should be used together. This useful reference tool, compiled from agency regulations, is designed to assist anyone with Federal recordkeeping obligations.

The various abstracts in the GUIDE tell the user (1) what records must be kept, (2) who must keep them, and (3) how long they must be kept.

The GUIDE is formatted and numbered to parallel the CODE OF FEDERAL REGULATIONS (CFR) for uniformity of citation and easy reference to the source document.

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